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Legal Compliance of Acehnese Muslim Society in Technological Disruption Era: Study of Online Gambling and Prostitution

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Abstract:

Technological developments have significantly impacted the legal culture of Acehnese Muslim society, particularly through the rise of online gambling and prostitution. As a region with special autonomy to implement Islamic law, Aceh enforces the *Qānūn Jināyah* based on Sharia principles. However, the increasing accessibility of digital platforms has facilitated immoral practices, challenging both legal enforcement and cultural norms. This study aims to analyze: (1) Aceh law enforcement in facing the rise of new criminal cases, namely online gambling and prostitution, and (2) Challenges and opportunities to maintain legal compliance amidst technological development. Using a socio-legal approach with qualitative methods, the research collected primary data through interviews with law enforcement officials, community members, and individuals

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involved in technology-based crimes. The findings reveal that despite the existence of Sharia-based laws, enforcement remains ineffective due to social, economic, and institutional limitations. Applying Lawrence Friedman's legal system theory – substance, structure, and culture – the study concludes that while the legal framework is in place, societal support and institutional consistency are lacking. This research contributes to the discourse on Islamic law enforcement in the digital era and highlights the urgency of policy reform to address technology-based crimes more effectively within Sharia frameworks.

Keywords:

Legal Compliance; *Qānūn Aceh*; Technology-Based Crime;
Jarīmah Ta'zīr; Legal Culture

Introduction

Technological developments have brought significant changes to human behavior, particularly in the realm of legal compliance. The increasing use of information technology and the internet has created new regulatory and enforcement challenges. Open access to information and the digital world contributes to rising internet addiction, cybercrime, pornography, and reduced physical activity in society.¹ Cybercriminals often demonstrate higher intellectual capacity than traditional offenders, which reflects how technological change introduces new criminal *modus operandi*.² Technological advances also affect the economic and tourism sectors in almost all regions in the world, including Aceh.

Actually, the socio-cultural conditions of Acehese society show a high level of Islamic dominance.³ The Acehese Muslim community of Aceh has a strong level of religiosity. However, society's

¹ Muharman Lubis and Dini Oktarina D. Handayani, "The Relationship of Personal Data Protection towards Internet Addiction: Cyber Crimes, Pornography and Reduced Physical Activity," *Procedia Computer Science* 197, no. 2021 (2021): 151–61, <https://doi.org/10.1016/j.procs.2021.12.129>.

² Jim A.M. Schiks, Steve G.A. van de Weijer, and E. Rutger Leukfeldt, "High Tech Crime, High Intellectual Crime? Comparing the Intellectual Capabilities of Cybercriminals, Traditional Criminals and Non-Criminals," *Computers in Human Behavior* 126 (2022): 1–8, <https://doi.org/10.1016/j.chb.2021.106985>.

³ Syamsul Bahri, "Pelaksanaan Syari'at Islam di Aceh Sebagai Bagian Wilayah Negara Kesatuan Republik Indonesia (NKRI)," *Jurnal Dinamika Hukum* 12, no. 2 (2012): 358–67, <https://doi.org/10.20884/1.jdh.2012.12.2.62>.

civilization is increasingly modern, and the presence of technology opens the window to the world. The presence of technology has the potential to increase economic growth and facilitate all aspects of people's lives. With technology, all levels of society can be connected to the internet, which can be a source of information for various parts of the world. Technology allows the formation of a new space called cyberspace, a world, without boundaries that allows everyone to enter and exit to form the boundaries they want and the world they hope for without feeling limited by ethics or law.⁴

Legal policy in North Aceh, for instance, faces effectiveness issues due to weak law enforcement and limited community participation. This condition illustrates that despite existing regulations, legal compliance remains low, largely influenced by shifting social values in the digital age.⁵ Although Aceh has implemented *Qānūn*—a set of Sharia-based regional laws—these regulations have yet to effectively improve public welfare, mainly due to weak social control and limited public understanding of legal norms.⁶

The implementation of Islamic law in Aceh has been regulated in Article 3 of Law Number 44 of 1999 concerning the Implementation of the Special Status of the Special Region of Aceh Province. In the provisions, it is written concretely that the implementation of special status for the Acehnese people is by organizing religious life. This is a form of government commitment to maintain the norms of life of the Acehnese Muslim community from generation to generation based on morals, spirituality, and humanity. Implementing Islamic law in Aceh is not limited to pure worship but also has a broader scope, such as in

⁴ Antoni, "Kejahatan Dunia Maya (Cyber Crime) dalam Simak Online," *Nurani: Jurnal Kajian Syari'ah dan Masyarakat* 17, no. 2 (2018): 261–74, <https://doi.org/10.19109/nurani.v17i2.1192>.

⁵ Erlan Wijatmoko, Armaidly Armawi, and Teuku Faisal Fathani, "Legal Effectiveness in Promoting Development Policies: A Case Study of North Aceh Indonesia," *Heliyon* 9, no. 11 (2023): 1–22, <https://doi.org/10.1016/j.heliyon.2023.e21280>.

⁶ Ayon Diniyanto and Dani Muhtada, "The Dynamics and Future of Qanun in the Welfare of the People of Aceh," *Bestuurskunde: Journal of Governmental Studies* 2, no. 1 (2022): 31–42, <https://doi.org/10.53013/bestuurskunde.2.1.31-42>.

social life, including *Jināyah* (Islamic criminal law).⁷ In the context of Islamic criminal law, the implementation of *Qānūn Jināyah* in Aceh has not been effective in reducing crime rates, primarily due to community preferences that still prioritize resolving cases through customary law, which often provides light sanctions without deterrent effects.⁸

Technological developments, although offering various potential benefits, simultaneously pose serious risks by facilitating cyber-based crimes. Cybercrime is not the only challenge emerging in today's digital era; the misuse of internet technology has also led to new problems, such as online gambling and online prostitution. These illegal activities have begun to disrupt the social life of the Acehese Muslim community. The principles of Islamic law, which are intended to protect society from immorality, have gradually eroded in the face of these digital transformations. This situation has significant implications for many criminal acts, such as online gambling, where the police recently arrested 15 individuals⁹ and online prostitution¹⁰ carried out through chat applications,¹¹ harmful digital content, and even celebrity endorsements of gambling sites.¹² The presence of the *Qānūn* in Aceh gives local Muslims greater assurance in performing their religious duties as required by Al Quran and Hadith. For example, the implementation of *Qānūn Jināyah* in Aceh emphasizes prohibition

⁷ Arskal Salim, "Adat and Islamic Law in Contemporary Aceh, Indonesia: Unequal Coexistence and Asymmetric Contestation," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 5, no. 2 (2021): 529–51, <https://doi.org/10.22373/sjhk.v5i2.11082>.

⁸ Muzakkir, "The Effectiveness of Aceh's Jinayat Qanun on Crime Rates in the Community in a Review of Legal Socialization," *Al-Manahij: Jurnal Kajian Hukum Islam* 16, no. 2 (2022): 255–68, <https://doi.org/10.24090/mnh.v16i2.6643>.

⁹ Fajri Fatmawati, "Terlibat Prostitusi Online, 2 PSK dan 1 Muncikari di Banda Aceh Ditangkap," *Metro TV News*, August 16, 2023, www.metrotvnews.com/read/k8oCLMRp-terlibat-prostitusi-online-2-psk-dan-1-muncikari-di-banda-aceh-ditangkap.

¹⁰ Medcom, "Polisi Tangkap 15 Pelaku Judi Online di Banda Aceh," *Metro TV News*, September 14, 2023, <https://www.metrotvnews.com/read/ba4C0Gx0-polisi-tangkap-15-pelaku-judi-online-di-banda-aceh>.

¹¹ M. Fathra Nazrul Islam, "Prostitusi Online Bertarif Rp 2 Juta di Banda Aceh Terbongkar, Modusnya, Duh," *JPNN Com*, August 17, 2023, <https://m.jpnn.com/news/prostitusi-online-bertarif-rp-2-juta-di-banda-aceh-terbongkar-modusnya-duh?page=3>.

¹² Agus Setyadi, "5 Fakta Selebgram Aceh Ditangkap Karena Promosi Situs Judi Online," *Detik News*, August 23, 2023, news.detik.com/berita/d-6903474/5-fakta-selebgram-aceh-ditangkap-karena-promosi-situs-judi-online.

and sanctions for people who violate the provisions of Islamic law, including gambling or prostitution.

Since Aceh became the province that comprehensively implemented Sharia law through the *Qānūn Jināyah*, it has attracted extensive academic attention from various disciplines—law, politics, and sociology. Previous studies have approached this issue from different perspectives. Based on existing research, researchers can classify them into two groups. The first relates to technology and cybercrime, such as those conducted by Lubis and Handayani¹³ and Schick et al.¹⁴ Lubis & Handayani highlighted the relationship between personal data protection and internet addiction and its implications for cybercrime, and Schick et al.'s study compared the intellectual abilities of cybercrime perpetrators with those of traditional criminals. The second study relates to the effectiveness of the law and the implementation of the *Qānūn* in Aceh, such as those conducted by Wijatmoko et al.,¹⁵ Ali Abubakar et al.,¹⁶ Diniyanto et al.,¹⁷ and Muzakkir.¹⁸ Within this cluster, several studies share the common finding that the implementation of the *Qānūn* and legal policies in Aceh faces serious challenges, ranging from aspects of law enforcement and socialization to their still-limited impact on welfare and reducing crime rates. Meanwhile, research related to compliance with Sharia economic law in halal tourism regulations serves as a complement, showing how Sharia-based law is implemented in sectors other than crime.¹⁹

¹³ Lubis and Handayani, "The Relationship of Personal Data Protection towards Internet Addiction: Cyber Crimes, Pornography and Reduced Physical Activity."

¹⁴ Schiks, van de Weijer, and Leukfeldt, "High Tech Crime, High Intellectual Crime? Comparing the Intellectual Capabilities of Cybercriminals, Traditional Criminals and Non-Criminals."

¹⁵ Wijatmoko, Armawi, and Fathani, "Legal Effectiveness in Promoting Development Policies: A Case Study of North Aceh Indonesia."

¹⁶ M. Arif Fadillah A. Tanjung, Firmansyah Firmansyah, and Fauziah Lubis, "Problematika Penegakan Qanun Jinayat di Aceh," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 6, no. 1 (2023): 81–104, <https://doi.org/10.47467/as.v6i1.3328>.

¹⁷ Diniyanto and Muhtada, "The Dynamics and Future of Qanun in the Welfare of the People of Aceh."

¹⁸ Muzakkir, "The Effectiveness of Aceh's Jinayat Qanun on Crime Rates in the Community in a Review of Legal Socialization."

¹⁹ Ending Solehudin and Hisam Ahyani, "Legal Compliance on Sharia Economics in Halal Tourism Regulations," *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* 9, no. 1 (2024): 58–79, <https://doi.org/10.22373/petita.v9i1.224>.

Although these studies provide valuable insights, none have specifically examined the legal compliance of Acehese Muslims in facing technology-based immoral practices such as online gambling and prostitution within the framework of the *Qānūn Jināyah*. This study therefore, seeks to fill that gap by focusing on how technological modernization affects both the resilience of Aceh's legal culture and the compliance of its Muslim community with Sharia criminal law. This study therefore, addresses two main research questions: (1) How does Aceh law enforcement through *jarimah ta'zīr* face the rise of new criminal cases? (2) What are the challenges and opportunities to improve legal compliance with Aceh's *Qānūn Jināyah*?

Methods

This study employs a socio-legal approach²⁰ using qualitative methods to analyze the interaction between legal norms and social behavior in Acehese Muslim society in the digital era. The qualitative approach was chosen to enable an in-depth understanding of legal compliance and its disruption due to technological changes, particularly concerning *jarimah ta'zīr* such as online gambling and online prostitution. Primary data were obtained through semi-structured interviews, conducted both in-person and online. Informants were selected purposively to ensure diverse and relevant perspectives. The interview questions were designed to explore perceptions, experiences, and institutional challenges in enforcing Islamic criminal law in Aceh. A summary of the informants is presented in Table 1 below:

Table 1. The informants of the research

No	Code Name/ Initials	Category of Informant	Description
1	H	Student (Offender)	Involved in online gambling
2	N	Civilian (Personal Driver)	Gave information on online gambling in Aceh

²⁰ Fachrizal Afandi, "Penelitian Hukum Interdisipliner Reza Banakar: Urgensi dan Desain Penelitian Sosio-Legal," *Undang: Jurnal Hukum* 5, no. 1 (2022): 231-55, <https://doi.org/10.22437/ujh.5.1.231-255>.

No	Code Name / Initials	Category of Informant	Description
3	R	Female (Ex-SPG, Offender)	Engaged in online prostitution
4	CA	Female (Offender)	Online prostitution participant
5	M	Female (Offender)	Former perfume SPG turned to engaging in online prostitution
6	HL	Sharia High Court Official	Secretary of Aceh Sharia High Court, providing insights on the implementation of the <i>Qānūn Jināyah</i> and policy enforcement
7	[A]	Academic/Legal Expert	Provided expert analysis on Sharia law enforcement
8	[C]	Community Leader / Religious Figure	Provided a societal perspective on moral degradation

It can be seen in Table 1 that there are 8 key informants in this research. Besides that, excluding from Table 1, we also interviewed Hilman Lubis, Secretary of the Aceh Sharia High Court, to strengthen the perspective on the implementation of the Aceh *Qānūn* itself. Meanwhile, secondary data is collected from various sources, such as scientific journals, books, and research reports, as well as policy documents, laws, and regulations related to the research topic.

Data analysis was carried out using thematic analysis techniques, where the data obtained were categorized into main themes in accordance with the research focus. Each finding is then compared with legal theory and previous studies to see the relevance and impact of the policies being implemented. Data validity, meanwhile, is maintained by source triangulation, namely comparing the results of interviews, observations, and literature reviews to ensure the consistency and accuracy of research findings.²¹

This research process follows systematic stages, starting from problem formulation, data collection, and analysis to preparing policy recommendations based on empirical findings. Thus, the results of this

²¹ David N. Schiff, "Socio-Legal Theory: Social Structure and Law," *The Modern Law Review* 39 (1976): 287–310, <https://doi.org/10.1017/9781139108621.005>.

research not only provide a theoretical understanding but also offer practical solutions for policymakers in improving applicable regulations.

Result and Discussion

Aceh Law Enforcement and the Rise of New Criminal Cases

The implementation of Islamic law (*Syari'ah*) in Aceh is formally recognized through Law Numb. 44 of 1999, Law No. 18 of 2001, and Law No. 11 of 2006, which grant the province authority to apply Islamic law as positive law within the Indonesian legal system. On this basis, the *Qānūn* has been developed to regulate multiple domains, including worship (*ibādah*), civil transactions (*mu'amalah*), punishments (*uqūbah*), criminal law (*Jināyah*), and procedural law (*murāfa'ah*).²²

According to Al Yasa' Abubakar,²³ the formulation of Aceh's *Qānūn* is guided by three key principles: reliance on the Qur'an, Hadith, and classical *fiqh*; responsiveness to local socio-cultural needs; and sensitivity to modern issues such as human rights and gender equality. These principles reflect that Aceh's legal framework is designed not only to preserve Islamic tradition but also to adapt to social change.

The presence of technology, especially the internet, has given rise to a new paradigm in human life by creating cyberspace and other virtual-based lives. The acceleration of technological development has given rise to new problems, namely cybercrime.²⁴ Cybercrime is a crime that uses technology to enter or use someone's computer facilities without permission and is against the law.²⁵ Some actions categorized as cybercrime are Unauthorized Access, Illegal Context, Data Forgery, Carding, Hacking and Cracker, Cybersquatting and Typosquatting,

²² Syamsul Bahri, "Konsep Implementasi Syari'at Islam di Aceh," *Kanun: Jurnal Ilmu Hukum* 17, no. 60 (2013): 313–37, <https://jurnal.hukumonline.com/download/5cb4936801fb730011dd2d34>.

²³ Marzuki Abubakar, "Syariat Islam di Aceh: Sebuah Model Kerukunan dan Kebebasan Beragama," *Media Syari'ah: Jurnal Hukum Islam dan Pranata Sosial* 13, no. 1 (2011): 1–14, <https://doi.org/10.22373/jms.v13i1.1745>.

²⁴ Muhammad Nasir & Ahlul Badri, "Ijtihad dan Perkembangan Hukum Islam di Aceh," *Politica: Jurnal Hukum Tata Negara dan Politik Islam* 9, no. 1 (2022): 41–51, <https://doi.org/10.32505/politica.v9i1.3924>.

²⁵ Nani Widya Sari, "Kejahatan Cyber dalam Perkembangan Teknologi Informasi Berbasis Komputer," *Jurnal Surya Kencana Dua: Dinamika Masalah Hukum dan Keadilan* 5, no. 2 (2019): 577–93, <https://doi.org/10.32493/SKD.v5i2.y2018.2339>.

Hijacking, and intentionally spreading viruses to other people's devices.²⁶ The high potential for cybercrime has become a new social phenomenon that can threaten people's lives.

Compared to other conventional crimes, cybercrime has unique characteristics, including:²⁷ *First*, the illegal act is carried out in cyberspace, making it difficult to determine which country's legal jurisdiction applies to prosecute the crime. *Second*, the activity is carried out using any equipment connected to the internet. *Third*, the material and non-material losses caused by cybercrime are usually much greater than those of other traditional crimes. *Fourth*, the perpetrator is usually an expert in computers, the internet, and its applications. Finally, this crime is often committed transnationally.

Two of the cyber crimes that are also experienced by the Muslim community of Aceh are the phenomenon of online gambling and online prostitution. Online prostitution is an activity to trade and promote Commercial Sex Workers (CSW) online to make it easier, more practical, and safer from raids than conventional prostitution.²⁸ As stipulated in Article 298 of the Criminal Code, the state has prohibited its people from seeking a livelihood from indecent activities, including online prostitution.

In addition to online prostitution, another illegal activity carried out by misusing technology is online gambling. According to the provisions of Article 303 of the Criminal Code, gambling is a game that relies on luck and the hope of winning. Meanwhile, online gambling, as defined by Adli (2015), is gambling that utilizes internet facilities to place bets and make agreements about the provisions of the game and what can be bet on.²⁹ One example of an online gambling game is Live

²⁶ Dodo Zaenal Abidin, "Kejahatan dalam Teknologi Informasi dan Komunikasi," *Jurnal Ilmiah Media Processor* 10, no. 2 (2015): 1–8, <https://ejournal.unama.ac.id/index.php/processor/article/view/277>.

²⁷ Miftakhur Rokhman Habibi and Isnatul Liviani, "Kejahatan Teknologi Informasi (Cyber Crime) dan Penanggulangannya dalam Sistem Hukum Indonesia," *Al-Qanun: Jurnal Pemikiran dan Pembaharuan Hukum Islam* 23, no. 2 (2020): 400–426, <https://doi.org/10.15642/alqanun.2020.23.2.400-426>.

²⁸ Sri Restu Fajarwati, Tri Rahayuningsih, and Adri Murni, "Dinamika Psikologis Mucikari Remaja Pada Prostitusi Online," *Psychopolytan* 1, no. 1 (2017): 17–22, <http://jurnal.univrab.ac.id/index.php/psi/article/view/329>.

²⁹ Ines Tasya Jadidah et al., "Analisis Maraknya Judi Online di Masyarakat," *Jurnal Ilmu Sosial dan Budaya Indonesia* 1, no. 1 (2023): 20–27, <https://doi.org/10.61476/8xvgdb22>.

Casino. In this game, the dealer and his table live stream playing physical cards that players can choose to bet. Live Casino games can include blackjack, roulette, and baccarat.³⁰

Massive technological developments have eroded cultural and Islamic values in the lives of the Acehese Muslim community. This can be seen from the rampant cases of online gambling.³¹ In June 2024, the police managed to secure 172 online gambling perpetrators with evidence of 42 million.³² The Aceh *Qānūn* has expressly prohibited all forms of gambling practices.³³ This is stated in Article 18 of the Aceh *Qānūn* Number 6 of 2014 concerning *Jināyah* Law which states "Anyone who intentionally commits *Jarimah Maisir* (gambling act) with a bet value and profit of a maximum of 2 (two) grams of pure gold, is threatened with *Uqūbāt Ta'zīr* whip a maximum of 12 (twelve) times or a maximum fine of 120 (one hundred and twenty) grams of pure gold or a maximum imprisonment of 12 (twelve) months."

Even though it has been emphasized in the Aceh *Qānūn*, the actions of people involved in online gambling are still very common. Online gambling perpetrators come from several groups, such as students. This is as stated by a student with the initials.

H, who was involved in online gambling, delivered the following statement:

"I am a student from Aceh. The first time I got to know the online gambling site, I was invited by a friend to download an online gambling game application with a bet amount of IDR 50 thousand to get a betting profit of IDR 300

³⁰ Andri Sahata Sitanggang, Ridho Sabta, and Hasiolan Fani Yuli, "Perkembangan Judi Online dan Dampaknya Terhadap Masyarakat: Tinjauan Multidisipliner," *Triwikama: Jurnal Ilmu Sosial* 1, no. 5 (2023): 1–8, <https://doi.org/10.6578/tjis.v1i6.248>.

³¹ Agus Setyadi, "19 Pemain Judi Online di Banda Aceh Ditangkap, Terancam Hukuman Cambuk," *Detik News*, n.d., <https://news.detik.com/berita/d-7398356/19-pemain-judi-online-di-banda-aceh-ditangkap-terancam-hukuman-cambuk.%0A>.

³² Agus Setyadi, "172 Pemain Judi Online di Aceh Ditangkap, Terancam Hukuman Cambuk," *Detik News*, 2024, <https://news.detik.com/berita/d-7410681/172-pemain-judi-online-di-aceh-ditangkap-terancam-hukuman-cambuk>.

³³ Fathimah Madaniyyah, Kevin Fauzi Abdul Fiqor, and Endang Munawar, "Sanksi Pidana Perjudian Online dalam Perspektif Kitab Undang-Undang Hukum Pidana (KUHP) (Pasal 303 Ayat (1), dan Qanun Aceh Nomor 6 Tahun 2014) AFathimah," *JSIM: Jurnal Ilmu Sosial dan Pendidikan* 4, no. 6 (2024): 793–802, <https://doi.org/10.36418/syntax-imperatif.v4i6.323>.

thousand. Starting from that experiment, I became curious and ended up addicted to playing online gambling. I even had to take 2 semesters off from college because I used the tuition money to place bets. I also pawned my 2-stroke Ninja motorbike to continue playing online gambling." (Interview excerpt, May 2024-translated)

H's statement in the interview conducted in May 2024 shows that online gambling has begun to penetrate the lives of the Acehnese people. This phenomenon occurs among students as a young generation that only begins with interactions between peers but ends in dangerous addiction. The penetration of online gambling is still possible even though there is a strict prohibition in the Aceh *Qānūn* against gambling; implementing the *Qānūn* is still ineffective.³⁴

The same experience related to the rampant phenomenon of online gambling in the Aceh community was also felt by N as a private driver. Although not directly involved, N also experienced relevant experiences related to rampant online gambling in the following statement.

"I am a private driver originally from Aceh. I witnessed the rampant online gambling among people from various generations, from young people to older adults, and sometimes even minors playing online gambling. I think this happens because the Acehnese people have no entertainment options other than hanging out at coffee shops. The habit of hanging out is also accompanied by playing with cellphones, which does not rule out the possibility that, from this activity, they share information about online gambling." (Interview excerpt, May 2024-translated)

N's statement also supports H's statement regarding the rampant online gambling phenomenon that has penetrated the lives of the Acehnese people. In addition to online gambling, another

³⁴ Askari Guna Siregar, Muhammad Nur, and Husni, "Penegakan Hukum Terhadap Tindak Pidana Perjudian (Maisir) Pacuan Kuda di Aceh Tengah," *Cendekia: Jurnal Hukum, Sosial & Humaniora* 2, no. 3 (2024): 607–20, <https://doi.org/10.5281/zenodo.12699971>.

phenomenon that shows the disruption of Islamic culture in the lives of Acehese Muslim society is the rise of online prostitution³⁵ although the regional apparatus in Aceh has tried to eradicate online prostitution.³⁶ The designed *Qānūn* regulations with appropriate penalties have not completely eradicated this immoral practice.

Online prostitution that occurs in Aceh is carried out in a messaging application. This fact is conveyed by M as an online prostitution perpetrator as follows:

"I am a perfume SPG who has also done online prostitution for 3 years. However, even though I live in Aceh, I do prostitution outside the city, such as in Medan, Jambi, or other big cities. I do this because my family is originally from Aceh, and the regulations in Aceh regarding this are very strict. Even so, in the end, I stopped doing prostitution in 2023 because I got pregnant as a result of the prostitution. The reason I continue to do online prostitution even though there are strict regulations regarding this in Aceh is the economic factor, because it must be admitted that once I do this practice, I can get money of IDR 3-4 million. "(Interview excerpt, May 2024-translated)

Several factors are driving online prostitution in Aceh.³⁷ The first is the economy; prostitution is considered a shortcut to making a living compared to the structure and availability of jobs in the current society. To be able to follow the latest trends and fashion, one needs money, so prostitution is used as an option to get money for the desired needs without having to work. The second factor is education. A weak

³⁵ Rahmat Fajri, "Polresta Ungkap Kasus Prostitusi Online di Banda Aceh," *Antara News*, August 16, 2023, https://www.antaranews.com/berita/3684270/polresta-ungkap-kasus-prostitusi-online-di-banda-aceh#google_vignette.

³⁶ Masrizal Bin Zairi, "Dukung Polresta Bongkar Kasus Prostitusi, Ketua DPRK Banda Aceh Minta Ungkap Dalang di Balikinya," *Serambi News*, August 19, 2023, <https://aceh.tribunnews.com/2023/08/19/dukung-polresta-bongkar-kasus-prostitusi-ketua-dprk-banda-aceh-minta-ungkap-dalang-di-balikinya>.

³⁷ Mirza Fanzikri et al., "Digital: Fenomena Prostitusi Online di Daerah Penerapan Syari'at Islam," *Al-Ijtima'i: International Journal of Government and Social Science* 8, no. 2 (2023): 197-212, <https://doi.org/10.22373/jai.v8i2.2641>.

mindset and thinking power can cause someone to enter the world of prostitution impulsively. In addition to education, there is also a personal motivation factor. For some individuals who have a bad family background, committing prostitution can come from their conscience, finally, the competition factor. The availability of jobs is not directly proportional to the supply of existing workers. This makes the competition to get a position for a decent job more difficult.³⁸

In Aceh, online prostitution is not only carried out by those who were born and raised in an Islamic environment. Even immigrants who initially intended to find work in a more Islamic environment were affected by the opposing currents of the misuse of technology to carry out online prostitution practices. This was experienced by R (25), who states the following:

“I am a 25-year-old girl from Medan. I migrated to Aceh, and I have had no other side job except doing online prostitution for a year. Initially, I was offered a job by my friend, but it turned out that the job involved online prostitution in a 5-star hotel with guaranteed security. I said that because my pimp has collaborated with the hotel so that every process of this prostitution activity has been systematically organized and safe from all forms of raids by the authorities.” (Interview excerpt, May 2024-translated)

The statement above shows that various groups have carried out online prostitution in Aceh. Not only by native Acehnese but also for immigrants, there is the possibility of carrying out online prostitution with the help of individuals who have an interest in running the prostitution business.

In carrying out prostitution activities, the perpetrators carry out their actions in various ways. As we know previously, there are online prostitution perpetrators who carry out their actions in 5-star hotels by working with the hotel to cover up and carry out the activities, or prostitution perpetrators who carry out their illegal actions outside the city. In addition to those mentioned based on empirical experience above, there are also online prostitution perpetrators who unusually

³⁸ M, Aceh Online Prostitution Offenders, *Interview*, Mei, 2024.

carry out their actions in cars. The statement is as stated by CA (21) as follows:

"I am CA, 21 years old, who lives and was born in Aceh. I have only been doing online prostitution for 6 months. I do this act independently without a pimp. For economic reasons, I do online prostitution and then carry out the act in a car instead of a hotel because I am worried about being raided. If it is done in a car, the execution will be assisted by one of my friends, who will drive slowly with dark car windows, and then, from behind, I can "serve" customers. In doing one act, I usually get a fee of IDR 700 thousand."

CA's testimony above shows that online prostitution in Aceh is carried out in various ways by various groups. As a region known for its super-religious society, Aceh can experience erosion of its legal culture due to technological modernization. Technology development significantly influences the lives of Muslim people in Aceh, not only in the socio-cultural sphere but also in their legal consciousness.³⁹ For instance, in the context of financial technology (*fintech*) lending, Acehese society increasingly interacts with digital lending platforms that are not fully regulated by *Qānūn*, raising questions about compliance with Islamic law.⁴⁰

Historically, before the advancement of technology, the Muslim people of Aceh lived by upholding Islamic culture and law. The enforcement of Islamic culture and *syari'ah* has been deeply rooted since the era of Sultan Iskandar Muda. The obedience of the Acehese people to 'ulamā's fatwas reflects the strong position of Islamic authority in shaping social and legal norms.⁴¹ Even today, local institutions such as the *Meunasah* continue to function as centers of

³⁹ Khairul Khairul Azhar, "Transition of Acehese Legal Culture Towards the Implementation of Qonun on Sharia Finance with Islamic Law Analysis," *Jurnal Akta* 12, no. 1 (2025): 109, <https://doi.org/10.30659/akta.v12i1.43808>.

⁴⁰ Deka Oki Saputra, "The Utilisation of Financial Technology (Fintech) Lending Services in Aceh Society Practices: Effectiveness Analysis of The Implementation of Qanun LKS," *Al-Mudharabah: Journal of Islamic Economics and Finance* 5, no. 2 (2024): 595–621, <https://doi.org/10.22373/al-mudharabah.v5i2.6863> THE.

⁴¹ R. M. Feener, *Shari'a and Social Engineering: The Implementation of Islamic Law in Contemporary Aceh, Indonesia* (Oxford: Oxford University Press, 2023).

Islamic value transmission at the village level, strengthening the internalization of Islamic legal culture amid modernization.⁴²

Islamic law has traditionally functioned as the “living law” within Acehnese society. The formation and implementation of law cannot be separated from cultural and religious factors that are deeply embedded in people’s lives. The Aceh government has therefore introduced specific regulations – such as *Qānūn* LKS (Islamic Financial Institutions) No. 11 of 2018 – to implement *syarī’ah* principles across financial practices.⁴³

Nevertheless, the legal culture of society is shaped by more than just positive law. Internal and external factors may transform its structure. In this regard, technology brings about massive changes that risk eroding the religiously embedded legal culture of the Acehnese community. Studies highlight that the interaction between digital practices and Islamic law demonstrates how *Qānūn* must continually adapt to the realities of technological change in order to maintain Aceh’s Islamic identity.⁴⁴

As a region known for its super religious society, Aceh can be eroded by technological modernization. Technology development can significantly influence the lives of Muslim people in Aceh, not only in the socio-cultural sphere but also in their legal consciousness. Studies show that modernization, especially through digital platforms, has reshaped how Muslim communities in Aceh interact with both Islamic and state law, indicating that technology plays a dual role as both a challenge and a medium for strengthening legal values.⁴⁵ In addition to influencing social life, technology also influences the legal culture of Muslim people in Aceh. Throughout our search, before technology development, the Muslim people in Aceh lived by upholding Islamic culture and law. Even the spread and implementation of Islamic culture have been rooted in the life of the Muslim community of Aceh historically since the Sultanate of Iskandar Muda. The obedience of the Muslim community of Aceh is reflected, for example, in that its people submit to the fatwas of the ulama. Thus, Islamic customs and sharia

⁴² Abidin Nurdin et al., “The Implementation of Meunasah-Based Sharia in Aceh: A Social Capital and Islamic Law Perspective,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 5, no. 2 (2021): 760–79, <https://doi.org/10.22373/sjhk.v5i2.10710>.

⁴³ Khairul Azhar, “Transition of Acehnese Legal Culture Towards the Implementation of Qonun on Sharia Finance with Islamic Law Analysis.”

⁴⁴ Khairul Azhar.

⁴⁵ Tim Lindsey, *Islam, Law and the State in Southeast Asia* (London: I.B. Tauris, 2012).

have become one in the life of the Acehese people and are inseparable. Research confirms that this obedience is not merely formal but deeply internalized in everyday practices, making Aceh unique compared to other regions in Indonesia.⁴⁶ Law closely correlates with culture, especially its social relations with specific parts that will be regulated in a norm. Law formulates the value system of a particular culture.

The Muslim community of Aceh has traditionally maintained that Islamic law is upheld and becomes the living law in social life. The formation and implementation of a law basically cannot be separated from cultural and religious factors that are inherent and ingrained in the lives of the Muslim community of Aceh. Therefore, the government is committed to providing special provisions to implement the *Aceh Qānūn*. However, the legal culture of society is influenced by more than just the applicable positive law. Many internal and external aspects can change the structure of legal culture in society. In this case, technology brings about massive changes that result in the erosion of the legal culture of the super-religious Acehese community. Empirical evidence suggests that issues such as online gambling and digital-based morality cases illustrate how external technological influences increasingly challenge the internalization of Islamic norms in Aceh.⁴⁷

Challenges and Opportunities to Maintain Legal Compliance amid Technological Development

The existence of such a comprehensive legal framework does not automatically ensure effective enforcement. In practice, technological modernization has reshaped social life and posed new challenges to the resilience of Acehese legal consciousness. Digital platforms that facilitate communication, trade, and entertainment also provide opportunities for prohibited practices such as online gambling and prostitution. This situation illustrates the gap between the normative strength of Aceh's Islamic legal system and the actual level of compliance in society.

In reality, the strong roots of religiousness of the Acehese people do not immediately change the fact that the social construction in the lives of the Acehese Muslim community has changed. The

⁴⁶ R. Michael Feener, *Sharia and Social Engineering: The Implementation of Islamic Law in Contemporary Aceh, Indonesia* (Oxford: Oxford University Press, 2013).

⁴⁷ Dina Afrianty, *Islamic Law and Society in Indonesia: Local Practice and Global Networks* (London: Routledge, 2015).

presence of technology partly influences the situation. Technology has become a part of human life and can make it easier for humans to live their daily lives. Various aspects of life, primarily social and economic, can be significantly assisted by technology. Moreover, technology also plays an important role in the dissemination of various information throughout the world.

The Muslim community of Aceh faces serious challenges in maintaining legal compliance amidst the rapid development of technology. According to (HL), Secretary of the Aceh Sharia High Court, technological modernization has significantly affected the daily lives of the Acehnese people, both positively and negatively. While technology facilitates communication and economic growth, it has also enabled the emergence of practices such as online gambling and online prostitution. These activities contradict the *Qānūn Jināyah*, yet remain prevalent despite legal sanctions.⁴⁸

The *Qānūn Jināyah* reflects the Aceh government's strong commitment to implementing Islamic law as positive law, grounded in philosophical, sociological, and legal considerations.⁴⁹ For technology-based crimes, the *Qānūn* prescribes sanctions consistent with provisions on gambling and adultery. In practice, however, enforcement faces multiple obstacles. For instance, online prostitution is often driven by economic inequality, while online gambling has spread across age groups, becoming a normalized social activity in areas such as Lhokseumawe.⁵⁰

A further challenge is the perception of punishment. As (HL) explained, many offenders prefer caning under the *Qānūn* to imprisonment, viewing it as less burdensome since it involves temporary physical pain and social shame but does not deprive them of years of liberty. This illustrates that compliance is not only determined by legal rules but also by societal attitudes toward punishment.⁵¹

⁴⁸ Hilman Lubis, Secretary of the Aceh Sharia High Court, *Interview*, Mei, 2024.

⁴⁹ Hasnul Arifin Melayu et al., "Syariat Islam dan Budaya Hukum Masyarakat di Aceh," *Media Syari'ah: Wahana Kajian Hukum Islam dan Pranata Sosial* 23, no. 1 (2021): 54–71, <https://doi.org/10.223773/jms.v23i1.9073>.

⁵⁰ Lubis, Secretary of the Aceh Sharia High Court, *Interview*, Mei, 2024.

⁵¹ Chairul Fahmi, "Transformasi Filsafat dalam Penerapan Syariat Islam (Analisis Kritis Terhadap Penerapan Syari'at Islam di Aceh)," *Al-Manahij: Jurnal Kajian Hukum Islam* 6, no. 2 (2012): 167–76, <https://ejournal.uinsaizu.ac.id/index.php/almanahij/article/view/596>.

Moreover, although the *Qānūn* was designed to prevent immoral acts such as gambling, drinking alcohol, and *khalwah*, the persistence of online gambling and prostitution shows that technological change has eroded some of the religious values traditionally embedded in Acehese society. In other words, the existence of *Qānūn Jināyah* as formal law has not automatically translated into full compliance. This gap between normative law and social reality highlights the fragility of legal compliance in Aceh when confronted with globalized digital platforms.

The *Qānūn Jināyah* was established to deter the public from committing offenses such as consuming alcohol, engaging in *khalwah*, and participating in gambling.⁵² However, despite these regulations, the rise of online gambling has exacerbated social problems within Acehese Muslim society. This growing issue is evident from various testimonies of individuals involved in online gambling and prostitution, which are increasingly prevalent across different segments of the population. Alarmingly, some online gambling perpetrators are even minors, as revealed in N's statement during the following interview:

"According to my observation, online gambling can sometimes spread to children. They usually top up at counters that provide related services. The spread of online gambling information can be very massive because it is done through chat groups and also chats in cafes. In addition, the reason why online gambling continues to spread, in my opinion, is because the caning punishment given by the government has a different social impact than prison sentences. Caning punishment causes physical pain, but is only temporary and does not cause a more negative social impact than a relatively longer prison sentence."

From this statement, apart from the rapid spread of online gambling, several supporting factors make this happen, such as the

⁵² Zaki Ulya, "Dinamika Penerapan Hukum Jinayat Sebagai Wujud Rekonstruksi Syari'at Islam di Aceh," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 5, no. 1 (2016): 135–48, <https://doi.org/10.33331/rechtsvinding.v5i1.9>.

perception that caning has no social implications compared to imprisonment. This perception stems from the temporary and less stigmatizing nature of caning. Unlike imprisonment, which often leads to prolonged social exclusion, loss of employment, and familial shame, caning is perceived as a short-lived punishment that does not severely impact the offender's social standing. As a result, potential perpetrators may not feel significant deterrence, especially when the punishment is not accompanied by systemic monitoring or rehabilitation efforts.

Even though *Qānūn Aceh*, as a positive law, was born from the high religiosity of the Muslim community of Aceh, it cannot wholly prevent the arrival of the flow of technological modernization. The integration of Islamic law into positive law and the way of living of the Muslim community of Aceh can fade along with the development of the era. The implementation of *Qānūn Aceh* is still relevant in regulating the community's social life. More fundamentally, the disruption of the legal culture as a culture that reflects how society and the legal apparatus in a region perceive and respond to the law itself⁵³ of the Muslim community of Aceh can occur because of three elements, as stated by Lawrence Friedman: the legal substance, legal structure, and legal culture.⁵⁴

First, the legal substance which refers to a series of rules, regulations, and legal principles in a country or region.⁵⁵ In the context of the legal problem of the disruption of the culture of Aceh's religious community, especially in the technological era with the rise of the phenomena of online gambling and online prostitution, in the legal substance element, the Aceh regional government has formed the Aceh *Qānūn*, which covers all aspects of community life. So, the Muslim community of Aceh can live in an environment that implements Islamic law entirely. *Second*, the legal structure, which refers to an institution responsible for enforcing the law. The legal structure desired by Lawrence Friedman must stand independently, be strong, and function

⁵³ Farid nur Mustaqim et al., "Penegakan Hukum Tindak Pidana Korupsi di Indonesia dari Perspektif Teori Lawrence," *Jurnal Ilmiah Nusantara* 2, no. 2 (2025): 153–64, <https://doi.org/10.37303/magister.v10i1.26>.

⁵⁴ Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russel Sage Foundation, 1975), 6.

⁵⁵ Mustaqim et al., "Penegakan Hukum Tindak Pidana Korupsi di Indonesia dari Perspektif Teori Lawrence."

efficiently and fairly without intervention from certain parties.⁵⁶ Furthermore, in the element of legal structure, Aceh already possesses specific institutions that function to uphold Islamic law within the community. These include the Aceh regional government as the policy maker, the *Dinas Syariat Islam*, which designs and monitors the implementation of *Qānūn*, the *Wilāyat al-Ḥisbah* (Islamic law enforcement police) that directly supervises public compliance, and the *Al-Maḥkamah asy-Syar'iyah* which adjudicates cases related to Islamic law. Alongside these, the Indonesian National Police (POLRI) and prosecutors coordinate in handling cases that overlap between national law and *Qānūn*. These concrete institutions form the existing legal structure in Aceh, differentiating it from merely ideal notions of enforcement. In this context, the Aceh regional government must strengthen its commitment to eradicating technology-based crimes such as online gambling and online prostitution, both of which are increasingly rampant. The presence of favorable laws, such as the Aceh *Qānūn* on criminal law and information technology regulations, will only be effective if implemented consistently by these legal apparatuses. Thus, the synergy among regional government, *Wilayatul al-Ḥisbah*, the *Al-Maḥkamah asy-Syar'iyah*, and the police becomes central to ensuring that legal norms truly operate in society rather than remaining as ideal formulations on paper.

Third, legal culture includes the attitudes, behavior, and beliefs of society and law enforcement officers towards the law and its institutions (legal substance and legal structure).⁵⁷ For instance, in Aceh, public caning (*'Uqūbāt Ta'zīr*) carried out in front of the community not only reflects the enforcement of Islamic criminal law but also strengthens social pressure that encourages compliance. Similarly, local communities often report cases of online gambling and *khalwah* (seclusion) to *Wilayatul Hisbah* officers, showing how societal participation and belief in Islamic norms actively support the functioning of the legal structure. In essence, law is a set of rules that govern the behavior and actions of humans as individuals in community life. The Aceh *Qānūn* is not a positive law that applies nationally. However, enforcement and sanctions are carried out according to the privileges given to Aceh Province, which have been

⁵⁶ Mustaqim et al.

⁵⁷ Mustaqim et al.

adjusted to the Islamic culture and values of the Acehese Muslim community. Thus, the implementation of the Aceh *Qānūn* is a causality of the philosophical, sociological, and legal values of the religiosity of the lives of the Acehese people. Therefore, to maintain the obedience of the Acehese Muslim community to the Aceh *Qānūn* itself, it must start by reviving the culture of the super-religious Acehese Muslim community.

In addition, the revival of legal culture in Aceh must also be directed toward strengthening awareness that compliance with *Qānūn Jināyah* is not solely a matter of fear of punishment, but rather a reflection of faith and social responsibility. Empirical studies show that when people perceive punishments under *Jināyah* not only as penalties but as moral obligations, community acceptance increases. For example, a study on public perception of *khalwah* offenders in Aceh found that many in the community support the enforcement of the *Qānūn* not only because of the legal sanction, but because they believe it preserves social order and religious values.⁵⁸ Another recent article analyzing the implementation of *Qānūn Jināyah* highlights that its role in strengthening Islamic identity in Aceh is substantial, especially when enforcement is paired with religious education and community dialogue.

The internalization of Islamic values in everyday life will provide a stronger foundation than legal sanctions alone. When the Muslim community of Aceh views compliance with the *Qānūn* as a form of obedience to Allah SWT, the sustainability of this compliance will become more resilient against the influence of modernization. The same conclusion emerges from research on the dynamics of law enforcement of *Jināyah* in Aceh in democratic Indonesia, which indicates that effectiveness tends to be higher when religious norms and values are affirmed in formal legal settings and in popular belief.⁵⁹

At the same time, the digital era should not only be seen as a threat but also as an opportunity. The same technological platforms

⁵⁸ Bastiar, Asmuni, and Bukhari, "Public Perception and Effectiveness of Punishment for Khalwat Perpetrators in Aceh," *Justicia Islamica* 19, no. 1 (2022): 95–112, <https://doi.org/10.21154/justicia.v19i1.3304>.

⁵⁹ Adam Juliandika and Fazzan, "The Implementation of Islamic Sharia in the Enforcement of Qanun Jinayat in Aceh: A Legal Analysis and Social Impact," *Ahlika: Jurnal Hukum Keluarga dan Hukum Islam* 1, no. 2 (2024): 148–61, <https://doi.org/10.70742/ahlika.v1i2.94>.

that have been used to spread online gambling and prostitution can be utilized to strengthen Islamic education, promote *da'wah*, and disseminate awareness about the dangers of technology-based crimes. With collaboration among government, '*ulamā*', and civil society, digital media can be transformed into a space for positive campaigning that strengthens moral values within the community.

Furthermore, enforcement of the *Qānūn Jināyah* requires the formulation of alternative punishments that are more educational and restorative. The dichotomy between caning and imprisonment needs to be supplemented with sanctions that touch the conscience of offenders, such as community service, counselling, or participation in religious and social development programs. Studies of sanction practices in Aceh show that for *khalwah* cases, communities often regard sanctions as more legitimate when they include moral (religious) education or communal reconciliation, not only corporal or punitive measures.⁶⁰ By combining Islamic concepts of repentance and forgiveness with the principles of restorative justice, the Aceh government can create a more humanistic and effective enforcement model.

The socio-economic dimension is equally important. Many of the factors driving online gambling and prostitution are rooted in poverty, unemployment, and inequality. Without resolving these structural issues, the law will continue to face obstacles in its enforcement. Therefore, strengthening economic empowerment programs, creating jobs, and improving access to education and training must go hand in hand with the implementation of the *Qānūn Jināyah*. Only through this comprehensive approach can the root causes of disobedience be minimized.

Comparative experiences from other Muslim-majority countries such as Brunei Darussalam and Malaysia, also show that the effectiveness of Islamic law in the digital age depends on the capacity of the state to adapt and innovate. For example, Malaysia, in some states, has combined community-based sanction programs, religious counseling, and digital campaign efforts to reinforce moral norms. Although direct studies comparing *Qānūn Jināyah* with Brunei/Malaysia in the context of technology-based moral crimes are

⁶⁰ Wahyu Fahrul Rizki, "Khalwat Marriage Adat and Practices in Aceh: A Study on Adat Sanctions and Settlement Process of Khalwat Case," *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum* 54, no. 2 (2020): 341–63, <https://doi.org/10.14421/ajish.v54i2.919>.

still limited, legal scholars suggest these models as relevant benchmarks.⁶¹

Ultimately, the survival of the Aceh *Qānūn* in the midst of technological transformation depends on three elements emphasized by Lawrence Friedman: legal substance, legal structure, and legal culture. These three must move together and reinforce each other. The substance of the law must continue to be updated to respond to new challenges, the structure must be professional and independent in its enforcement, and the culture must be rooted in the religiosity of the Acehnese people.

Finally, the challenge of enforcing the *Qānūn Jināyah* in the digital era is not only a matter of law but also of morality, economy, and social transformation. The compliance of the Acehnese Muslim community with Islamic law will only be realized if the government, religious leaders, and the wider community are able to jointly strengthen legal awareness, develop alternative sanctions, improve economic welfare, and make use of digital media for positive purposes. In this way, the *Qānūn Jināyah* will not only be a formal regulation but also a living law that continues to guide the daily life of the Acehnese people amidst global modernization.

Conclusion

In conclusion, this study finds that technological developments have significantly disrupted the legal culture of Acehnese Muslim society, particularly with the increasing prevalence of online gambling and prostitution. Despite the existence of *Qānūn Jināyah*, which aims to uphold religious morality through corporal punishment, the rise of digital platforms has made these offenses more accessible and less deterrable—especially given the perception that caning is less socially damaging than imprisonment. Using Lawrence Friedman's legal system theory, it is evident that the substance, structure, and culture of Aceh's Sharia-based legal system face mounting pressure from digital transformations. This research only highlights the urgency of strengthening the legal framework, including integrating *Qānūn* with the ITE Law or formulating a specific regulation addressing

⁶¹ Dominik M Müller, "Sharia Law and the Politics of 'Faith Control' in Brunei Darussalam Dynamics of Socio-Legal Change in a Southeast Asian Sultanate," *Internationales Asienforum* 46, no. 4 (2015): 313–45, <https://doi.org/10.11588/iaf.2015>.

technology-based crimes. Future research may focus on expanding definitions within the *Qānūn* to include online variants of adultery, gambling, and prostitution, ensuring that the legal system remains relevant and responsive to evolving challenges.

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