

The Effectiveness of Law Enforcement Volunteers in Prosecuting Sharia Violations: A Study of the Role of *Muhtasib* and *Pageu Gampong* in Banda Aceh

Mizaj Iskandar Usman,¹ Abdul Jalil Salam,² Muliadi,³ Nurdin MH,⁴
Amrizal J. Prang⁵

^{1,2,3} Universitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia

⁴ Universitas Syiah Kuala Banda Aceh, Indonesia

⁵ Universitas Malikussaleh Lhokseumawe, Indonesia

Corresponding Author: Mizaj Iskandar Usman Email: mizaj@ar-raniry.ac.id

Abstract

This study aims to explain the roles of the *muhtasib* and *pageu gampong* in enforcing sharia law in Banda Aceh, as well as their respective effectiveness. The study is important because the extensive area covered by sharia law enforcement creates gaps in supervision and enforcement that formal authorities have not yet fully addressed. The research questions focus on the similarities and differences in the authority of these two institutions, and the factors that influence their effectiveness. The study employs a qualitative legal-sociological approach by analyzing institutional practices at the *gampong* level. The results suggest that *muhtasib* and *pageu gampong* have similar roles involving monitoring, admonishing, and reporting violations of sharia law. However, *muhtasib* is limited to these three functions, whereas the *pageu gampong* also has the authority to resolve customary disputes, particularly minor criminal and civil cases. *Pageu gampong* is more effective in terms of performance because it stems from the community's collective consciousness, is self-reliant and voluntary, and has a broader membership. Nevertheless, it is not yet widespread, with only twelve villages in Banda Aceh currently having an active *pageu gampong*.

Keywords: Law Enforcement, Sharia Law, *Muhtasib*, *Pageu Gampong*, Customary

I. Introduction

Aceh is one of Indonesia's special provinces; therefore, Aceh has the authority to exercise its privileges through three distinct laws: the Aceh Privileges Law Number 44/1999, the Special Autonomy Law Number 18/2001, and the Aceh Government Law Number 11/2006.¹ These three laws collectively guarantee Aceh the right to exercise its privileges in three specific domains: education, customs, and religion.

In exercising its prerogatives, the Aceh region is empowered to enact regional-level regulations, known as qanuns.² The implementation of qanuns at the provincial level is further delineated by regulations, directives, and circular memoranda issued by the governor. Conversely, the

¹ Mizaj Iskandar et al., "Law Enforcement of Jinayat Cases in Syar'iyah Court in Aceh Province Indonesia During Covid-19 Pandemic," *UUM Journal of Legal Studies* 14, no. 2 (2023): 457–82, <https://doi.org/10.32890/uumjls2023.14.2.2>.

² Mizaj Iskandar, Azhari Yahya, and Abdul Jalil Salam, "From the Public Space to the Prison Space: Regulation Polemic and the Implementation of Caning Law in Aceh," *Jurnal Hukum Dan Pranata Sosial* 17, no. 1 (2022): 216–41, <https://doi.org/10.19105/al-Ihkam.v17i1.5646>.

implementation of qanuns at the district/municipal level is further defined through regulations, directives, and circular memoranda issued by the regent/mayor.³

The Province of Aceh is distinguished by its adherence to Islamic law, or sharia, in both the government and public domains. The comprehensive application of sharia principles is often referred to as “kāffah,” and its implementation is delineated in qanuns (legal codes) at the provincial and district/city levels, as well as in their associated regulations. However, to ensure the effective implementation of these sharia rules, it is necessary to establish an institution with the specific responsibility of controlling, supervising, and taking action against violations. In order to fulfill this role, the Aceh government has established the *Wilayah Hisbah* (sharia police).

The *Wilayah Hisbah* is an institution responsible for overseeing the implementation of sharia law in Aceh. The establishment of this institution is set out in numerous qanuns, most notably the Regional Regulation on the Implementation of Islamic Sharia Number 5/2000. The primary objective of *Wilayah Hisbah* is to facilitate socialization, supervision, and guidance, thereby ensuring that individuals are adequately informed, duly reminded, and able to receive guidance when necessary.⁴ In the course of fulfilling its obligations, the *Wilayah Hisbah* frequently patrols the environs of Banda Aceh, either to disseminate information about sharia law or to take action against violations of it.

The success of *Wilayah Hisbah* depends on the involvement of numerous individuals. Law enforcement officers, including police, prosecutors, and municipal police (*Satpol-PP*), are cross-sector units that have become official partners of *Wilayah Hisbah* in carrying out their duties. The extensive scope of work and its direct relevance to people’s daily lives necessitate that *Wilayah Hisbah* explore alternative approaches to ensure the effective implementation of sharia rules within the community. One such approach is the establishment of a *muh̄tasib gampong* (sharia security at the village level) who serves as a direct point of contact with the community. Despite the formal establishment of the *muh̄tasib gampong*, the village community had already constituted an informal village security team, which, in Acehnese customary terms, is more accurately described as a *pageu gampong* (village fence).⁵

Scholars on sharia law enforcement have produced a substantial corpus of research on the role of the Wilayah Hisbah authority and on community participation in Aceh. The study examined the application of strategic management within the *Wilayah Hisbah* in Banda Aceh. The study found that the institution's governance operates in accordance with strategic management principles through long-term, medium-term, and short-term planning, oriented toward the values of justice and equality.⁶ Concurrently, the study examined the optimization of the *pageu gampong* in preventing sexual crimes against children in Bireuen. The present study demonstrated that the *pageu gampong* functions through preventive measures, such as the formulation of *qanun gampong* (village

³ Mizaj Iskandar, “The Enforcement of Gompong in The Qanun of Aceh and Its Relative Position in The Indonesian Constitution,” *Jurnal Hukum Dan Peradilan* 8, no. 2 (July 31, 2019): 255, <https://doi.org/10.25216/jhp.8.2.2019.255-274>.

⁴ R. Michael Feener, *Shari'a and Social Engineering: The Implementation of Islamic Law in Contemporary Aceh, Indonesia* (Oxford, United Kingdom: Oxford University Press, 2013).

⁵ Yusuf Fauzi et al., “Implementation of Qanun Number 4 Of 2009 About Gampong Government (Studies on Task Force Pageu Gampong. Mns. Alue Drien District Lhoksukon North Aceh),” *Malikussaleh Governance and Policy Reviews* 1, no. 1 (2023): 61–67.

⁶ Daris Iqbal Chysara, Carni Trisnawati, and PS Aida Karimah, “The Implementation of Strategic Management in The Wilayahul Hisbah Institution in Enforcing Islamic Sharia,” *Islam and Transformatif: Journal of Islamic Studies* 8, no. 1 (2024).

regulations), and repressive measures, such as prompt reporting to the police.⁷ Furthermore, other study emphasize the efficacy of local wisdom employed by *pageu gampong* in Aceh Besar in preventing drug abuse through the implementation of culture-based programs that enable early risk detection.⁸

A close examination of these three studies reveals notable parallels with the present study, as they collectively explore the functions of local institutions and the efficacy of social actors in maintaining public order in Aceh. Nevertheless, this study differs from the aforementioned studies in several fundamental respects. Firstly, this study specifically compares two institutions – the *muḥtasib* and *pageu gampong*, which have not been analyzed comparatively in previous studies. Secondly, the present study focuses on the effectiveness of both institutions in enforcing sharia law in general, as opposed to being limited to aspects of institutional management, child sexual abuse, or drug prevention. Thirdly, the study is set in Banda Aceh, thereby providing a more specific picture of the relationship between formal institutions and community-based social structures in the implementation of sharia law at the *gampong* level.

As previously stated and as evidenced by a comprehensive review of the existing literature, there has been a notable absence of rigorous inquiry into the efficacy of the *muḥtasib* and *pageu gampong* in enforcing sharia law in Banda Aceh. Indeed, as the capital city of Aceh province, Banda Aceh has consistently served as a key indicator of the implementation of sharia law in Aceh. Consequently, this research aims to address two key questions: firstly, how do the roles of the *muḥtasib* and *pageu gampong* contribute to the implementation of sharia law in Banda Aceh? Secondly, how effective are the roles of the *muḥtasib* and *pageu gampong* in enforcing sharia law in Banda Aceh?

The present study employs a qualitative research method, using a sociological approach to law, grounded in the theories of functionalism developed by Talcott Parsons and Émile Durkheim. This approach is employed to comprehend law not solely as codified regulations, but as an integral component of a social system that functions to preserve order, integration, and balance within society. From a functionalist perspective, every social institution, including the law, plays a specific role in maintaining social stability and preventing disorganization in communal life.

In Durkheim's theoretical framework, law is considered a reflection of the prevailing social solidarity within a given society. In societies characterized by mechanical solidarity, repressive law operates; in more complex modern societies, restitutive law prevails.⁹ Conversely, Parsons conceptualizes law as a subsystem that integrates various social interests, resolves conflicts, and upholds shared values.¹⁰ The presence of sharia law, *pageu gampong*, and oversight institutions such as the *muḥtasib* can be interpreted as components of the social mechanisms that facilitate social order in Banda Aceh.

The data were collected through a variety of methods, including field observations and in-depth interviews with *pageu gampong*, *muḥtasib* officials, traditional leaders, and community members. In addition, a review of local regulations, policies, and data on violations of sharia law was conducted.

⁷ Zuriah and Iskandar Syah, "Optimization of Desa Pageu in Preventing Sexual Crime in Children in Kabupaten Bireuen," *An-Nisa': Journal of Gender Studies* 15, no. 2 (2022): 225–36.

⁸ T. Alamsyah et al., "Community-Based Anti-Drug Efforts: Leveraging Local Wisdom for Prevention," *Pharmacognosy Journal* 16, no. 1 (2024): 141–44, <https://doi.org/10.5530/pj.2024.16.19>.

⁹ Émile Durkheim, *The Rules of Sociological Method*, ed. Steven Lukes, *Bloomsbury Academic / Free Press*, V (New York: Bloomsbury Academic / Free Press, 2013).

¹⁰ Talcott Parsons, *The Social System*, ed. Neil J. Smelser, *The Free Press* (Illinois: The Free Press, 2012).

The subsequent data analysis focused on how these institutions perform their functions in maintaining social order, promoting compliance, and addressing deviant behavior within the community. This approach enables the study to accomplish two objectives. Firstly, it assesses whether legal provisions exist. Secondly, it examines the extent to which the law maintains social harmony, reinforces religious values, and preserves the balance among state, religious, and customary norms in Banda Aceh society.

The research roadmap commences with identifying the issue of inadequate sharia enforcement in Banda Aceh, attributable to constraints on formal institutions such as the *muhtasib gampong*. The initial phase of the research endeavor involves delineating the social structure, legal culture, and the relationship among state law, sharia, and customary law within village communities. The second phase of analysis involves a comparative study of the functions, authorities, and effectiveness of the village *muhtasib* and *pageu gampong*. This is approached through the lenses of sociology of law, living law, the theory of *receptie* and social exchange theory. The third phase of the study assesses social legitimacy, community participation, and patterns of community-based social control. The final stage of this process is the formulation of a collaborative model for the sustainable enforcement of sharia that integrates formal institutions, customary law, and community participation.

II. The *Wilayah Hisbah* in Aceh Government

The role of the *Wilayah Hisbah* as a supervisory body in implementing sharia law is outlined in the Qanun on the Implementation of Islamic Sharia Number 11/2002. In Chapter VI, Article 14, paragraph 1, it is stated that “for the implementation of Islamic Shari’ah in the field of *Akidah, Worship and Islamic teachings, the Provincial Government, Regency/ City establishes Wilayah al-Hisbah, which is authorized to supervise the implementation of this Qanun.*” This rule serves as the legal foundation for establishing the *Wilayah Hisbah* area at both the provincial and district/city levels.¹¹ Additionally, the article delineates the duties, functions, and responsibilities of the hisbah area in carrying out comprehensive supervision of Islamic sharia in all domains, including matters of faith, worship, and all other Islamic teachings. The institution of *Wilayah Hisbah* in Aceh is a modern administrative body established by the state's positive law. This is in contrast to the concept of *Hisbah* in Islamic political jurisprudence (*fiqh siyāsah*), which is normative-theological in nature and oriented toward the comprehensive preservation of public morality. In the domain of Islamic political jurisprudence, *Hisbah* is conceptualized as a means of promoting *al-amr bi al-ma’rūf wa al-nahy ‘an al-munkar* (encouraging virtuous actions and discouraging sinful behaviors),¹² which is intrinsic to Islamic political authority to maintain social order, morality, and the public interest (*al-maṣlahah al-‘āmmah*).¹³ In the classical tradition, the hisbah possesses broad and flexible authority, overseeing not only moral violations but also economic activities, market stability, consumer protection, and the abuse of power. This authority is derived directly from a religious mandate and

¹¹ Muhibbuthabry, “Kelembagaan Wilayah Al-Hisbah Dalam Konteks Penerapan Syariat Islam Di Provinsi Aceh,” *IJurnal Lmiab Peuradeum* II, no. 2 (2014): 113.

¹² Al-Mawardi, *Al-Abkam Al-Sulthaniyyah*, ed. Ahmad Jad, *Dar Al-Hadits*, 8th ed., vol. 8 (Kairo: Dar Al-Hadits, 2016), <https://doi.org/10.1016/j.ijdr.2016.03.001>.

¹³ Abu Ya’la Al-Hanbali, *Al-Abkam Al-Sulthaniyyah*, ed. Muhammad Hamid Al-Fata, *Dar Al-Fikr*, 6th ed., vol. 5 (Damaskus: Dar al-Fikr, 1998).

the political legitimacy of Muslim rulers; consequently, classical *Hisbah* tends to be independent, moralistic, and grounded in socio-religious ethics.¹⁴

Conversely, the *Wilayah Hisbah* Authority in Aceh operates within the framework of a modern nation-state and is subject to Indonesia's national legal system.¹⁵ Consequently, the *Wilayah Hisbah* Authority cannot be regarded as a literal reproduction of the classical *Hisbah* institution, but rather as an institutional reinterpretation that has undergone bureaucratization, legal codification, and limitations on administrative authority. The authority of the *Wilayah Hisbah* is subject to limitations imposed by qanun, legal procedures, and coordination with other state agencies, including *Satpol-PP*, the police, and the prosecutor's office. In this context, the function of the *Wilayah Hisbah* is more dominant as an apparatus of social oversight and the enforcement of sharia law than as an independent moral institution, as depicted in classical political jurisprudence.

This transformation signifies a paradigm shift from hisbah as a collective obligation of the Muslim community (*farḍ kifāyah*) towards a model of law enforcement based on state institutions.¹⁶ Consequently, the effectiveness of the *Wilayah Hisbah* is no longer determined solely by moral authority and religious legitimacy, but also by bureaucratic capacity, the quality of human resources, political support from local governments, and harmonization with the national legal system. From this perspective, the *Wilayah Hisbah* in Aceh can be regarded as a process of localizing modern Islamic law, combining the normative elements of *fiqh al-siyāsah* with the logic of contemporary state administration.

Regarding its responsibilities and scope of authority, the *Wilayah Hisbah* area is comparable to the Islamic Sharia Office. As the two principal institutions for implementing sharia law, the Islamic Sharia Office primarily serves as a regulatory body. In contrast, the *Wilayah Hisbah* Region is primarily a monitoring institution, ensuring that the regulations established by the Islamic Sharia Office are effectively disseminated and observed across society.¹⁷ This convergence of responsibilities and functions resulted in the *Wilayah Hisbah* Region being structurally subordinated to the Islamic Sharia Service during its nascent stages. The establishment of the *Wilayah Hisbah* under the auspices of the Islamic Sharia Office is also delineated in the Aceh Provincial Regulation on Organizational Structure and Work Procedure of the Islamic Sharia Office Number 33/2001.

Currently, *Wilayah Hisbah* (*WH*) has been merged into *Satpol-PP*, and both are often abbreviated as *Satpol-PP and WH*. The merger of these two institutions is based on Aceh Government Law Number 11/2006. Article 244 paragraphs 1 and 2 states that “*The governor, regent/mayor in enforcing qanun in the organization of public order and tranquillity may establish a Satpol-PP Unit; Governors, regents/mayors in enforcing qanun sharia in the implementation of Islamic sharia may form a Wilayah Hisbah Unit as part of the Satpol-PP Unit*”. With the norm “both carry out the function of maintaining public order and public tranquillity” mentioned in the above regulation, it becomes a legal reasoning to widen *Satpol-PP and WH*. In the field, the two are differentiated only by the focus of their respective

¹⁴ Felicitas Opwis, “New Trends in Islamic Legal Theory : Maqāṣid Al-Sharīʿa as a New Source of Law ?,” *Koninklijke Brill Nv* 57 (2017): 7–32.

¹⁵ Mizaj Iskandar Usman et al., “Adultery Offenses in Indonesia’s New Penal Code: Examining the Influence of Islamic and Customary Law,” *Juris (Jurnal Ilmiah Syariah)* 24, no. 1 (2025): 73–84, <https://doi.org/10.31958/juris.v24i1.13208>.

¹⁶ Azhar Alias et al., “Syariah Criminal Law Enforcement in Hisbah Framework: Practice in Malaysia,” in *Intellectual Discourse*, vol. 28, 2020, 149, <https://doi.org/10.33383/2020-01>.

¹⁷ R Michael Feener, Mark E Cammack, and Harvard Law, *Islamic Law In Contemporary Indonesia : Ideas And Institutions*, vol. 18 (Oxford, United Kingdom: Oxford University Press, 2015).

tasks. *Satpol-PP* focuses on maintaining public order and public tranquillity, while *WH* supervises the implementation of sharia law.

At the time of writing, *the Satpol-PP and WH* in Banda Aceh have a combined total of 250 personnel.¹⁸ From the perspective of Banda Aceh's area and population, this number is undoubtedly inadequate. According to data from the Central Bureau of Statistics (BPS), Banda Aceh has an area of 61.36 km², comprising nine sub-districts and 90 gampong, and a population of 261,969.¹⁹ Ardiansyah, the Head of the Banda Aceh *Satpol-PP and WH*, explained that the primary challenge in enforcing sharia law lies not solely in regulatory aspects but also in limited institutional capacity and an imbalance between the workload and the number of available personnel. In an interview conducted by the author, he emphasized the following: *"In accordance with the prevailing norms, our authority is robust due to its protection under qanun and the Aceh Government Law. However, in practice, personnel capacity is not yet commensurate with the vast area under supervision and the complexity of violations occurring in urban communities such as Banda Aceh. The present number of active personnel is inadequate for the effective supervision of all subdistricts and gampong"*.²⁰

This statement indicates a discrepancy between the legal framework of sharia sharia legal framework and the enforcement agencies' institutional capacity. This limitation is not only related to the quantity of personnel but also concerns the quality of human resources. As Ardiansyah asserts, the preponderance of *Satpol-PP and WH* members are contract workers, with a wide spectrum of educational backgrounds. However, there is a dearth of adequate technical competencies in the domains of investigation, social mediation, and criminal procedural law. Furthermore, he expounded on the necessity of an approach to the implementation of sharia in Banda Aceh that is not merely repressive, but also persuasive and educational, stating: *"The public often views the WH solely as a law enforcement agency. In reality, the functions of the police are more extensive, encompassing education, prevention, guidance, and social oversight. The utilization of enforcement measures is considered a final recourse when persuasive approaches have been unsuccessful."*²¹ This statement suggests that the paradigm of sharia enforcement in Banda Aceh is characterized by a social control approach that prioritizes this over punitive enforcement alone. In this context, the *Satpol-PP and WH* seek to position themselves not only as a law enforcement agency but also as an instrument of moral governance within the Banda Aceh Muslim community.

In addition to the dearth of personnel, *the Satpol-PP and WH* also face constraints in human resources and infrastructure. Over half of the personnel in *Satpol-PP and WH* are temporary workers, resulting in a lack of expertise in key areas such as intelligence, inquiry, investigation, and legal matters. The majority of these personnel have degrees in religion and social sciences, with only a small number having undergone training in legal matters or Islamic law. Many observers have highlighted officials' lack of capacity. Conversely, the former Head of the Aceh Islamic Sharia Agency, Syahrizal Abbas, emphasized more fundamental institutional concerns, particularly the quality of recruitment and officials' capacity-building. During the course of an interview with the author, the following statement was made: *"The primary issue concerning the implementation of sharia law in Aceh at present is the inadequacy of institutional capacity-building measures. The recruitment of officials is*

¹⁸ Chysara, Trisnawati, and Karimah, "The Implementation of Strategic Management in The Wilayatul Hisbah Institution in Enforcing Islamic Sharia."

¹⁹ Azka Amalia Jihad et al., "The Role of the Supervisory Board in the Development of Sharia Cooperatives in Aceh After the Enactment of the Sharia Financial Institutions Law," *Samarab* 8, no. 2 (2024): 1054–76, <https://doi.org/10.22373/sjhk.v8i2.19610>.

²⁰ Interview Sessions with Ardiansyah, 12 March 2025.

²¹ Interview Sessions with Ardiansyah, 12 March 2025.

frequently not based on quantifiable professional competencies. Consequently, sharia enforcement officials encounter challenges when confronted with intricate social issues, particularly within urban contexts.”²²

Furthermore, he emphasized that the efficacy of sharia enforcement depends on the provision of systematic training and support. “The implementation of sharia law necessitates officials who possess a comprehensive understanding of Islamic law, positive law, social communication, and social psychology, in addition to proficiency in investigative techniques. If officials are equipped only with an administrative approach, then the enforcement of qanun will struggle to achieve its substantive objectives.”²³ This standpoint reveals that the difficulties encountered in enforcing sharia law in Aceh cannot be attributed solely to the realm of normative law. Instead, it is imperative to recognize the intricate interconnection with institutional governance, bureaucratic professionalism, and the efficacy of governance within the local administration system.

The infrastructure of *Satpol-PP and WH* is also inadequate. Unlike the police, *Satpol-PP and WH* do not have branch offices. In carrying out their duties, they are also not equipped with firearms unarmed. This situation renders them particularly challenging to engage in dealing with perpetrators of sharia law violations, especially if the suspect has a firearm, such as suspects who are members of the army or police. The current mayor of Banda Aceh, Illiza Sa'aduddin Djamal, has highlighted the significant challenges posed by the qanun's implementation when violations involve armed officials. In an interview with the author, she stated: “In certain instances, officials from the *Satpol-PP and WH* encounter exceedingly challenging scenarios when violations encompass members of the armed forces. From a regulatory standpoint, the authority to oversee sharia enforcement is in place. However, practical challenges often emerge in the form of coordination issues and power dynamics.”²⁴ This statement underscores the discord between the implementation of local sharia law and the nation's security apparatus within Indonesia's constitutional framework. In other words, the implementation of sharia in Banda Aceh does not occur in a neutral socio-political space; rather, it interacts with various power interests, state authorities, and the dynamics of the national bureaucracy. During her mayoral term from 2014 to 2017, Illiza reportedly clashed several times with members of the armed forces while overseeing the *Satpol-PP and WH's* enforcement of sharia law.²⁵ Furthermore, the patrol cars used are not the standard used generally by law enforcement.

Conversely, the responsibilities of *Satpol-PP and WH* are extensive and encompass the maintenance of public order and public tranquillity, as well as socialization, education, supervision, control, and the prosecution of individuals who have violated sharia law. It was thus that the Islamic Sharia Office saw fit to establish urban *da'i* (preachers) and *muḥtasib gampong*. Article 14, Paragraph 2 of the Qanun on the Implementation of Islamic sharia stipulates that “*Wilayah al-Hisbah can be established at the gampong, kemukiman, kecamatan, or other region/neighborhood level.*” In accordance with this regulation, the Banda Aceh Islamic Sharia Office established the position of *gampong muḥtasib* in 90 *gampong* within Banda Aceh's jurisdiction. With regard to the responsibility of *da'wah* (Islamic preaching) and socialization, the Banda Aceh Islamic Sharia Office appointed an urban *da'i*.

While the Qanun on the Implementation of Islamic Sharia permits the creation of *muḥtasib* units at the sub-district, *mukim*, and village levels, the Banda Aceh Islamic Sharia Office has thus

²² Interview Sessions with Syahrizal Abbas, 17 March 2025.

²³ Usman.

²⁴ Interview Sessions with Illiza Sa'aduddin Djamal 25 March 2025.

²⁵ Sita Hidayah, “Women’s Experiences of Sharia Law in Banda Aceh Indonesia” (Albert-Ludwigs-Universitat Freiburg, 2019).

far established muhtasib units only at the village level. At present, each *gampong* has one individual appointed as the *gampong muhtasib* by the mayor's decree. The *muhtasib gampong* is granted rights and obligations. These include the right to a monthly salary and the obligation to supervise sharia law in their respective *gampong*.

III. Assessing the Role of Muhtasib and Pageu Gampong in Enforcing Sharia Law

In Aceh Province's Indonesian government system, *gampong* is the lowest level of government. It is also frequently defined as a legal community unit under a mukim, led by a *keuchik* (village chief) and possesses the right to organize its own household affairs. The Law on the Governing of Aceh designates the *gampong* as an autonomous unit of government. This is evidenced by the ambiguous delineation of government affairs that are the authority of the *gampong*.²⁶

The authority of the *gampong* is delineated in Village Law Number 6/2014 concerning Villages. Article 18 of this legislation specifies that the authority of the village authority encompasses the organization of the village government, the implementation of village development, the fostering of village communities, and the empowerment of village communities. In Banda Aceh, a more detailed set of regulations governs the authority of the *gampong*. These are the Banda Aceh Municipal Qanun on Gampong Government Number 1/2019. The existence of this authority and the availability of regulations on the role of the *gampong* as an autonomous and interrelated government unit with several authorities in organizing government at the village level allows the village to play a significant role, particularly in efforts to maintain community peace and order based on community initiatives, origin rights, and village customs.

The existence of this authority and the accessibility of regulations pertaining to the role of the village as an autonomous governmental entity, interrelated with numerous authorities in the organization of government at the village level, enable the village to assume a significant role, particularly in efforts to maintain community peace and order.²⁷ As part of a group of people who live in accordance with existing traditions and are in constant interaction with the cultural and social influences of the external world, it is imperative that the *gampong* maintains a protective stance to preserve its own socio-cultural order, which serves as an invaluable asset in organizing its community. The integration of indigenous populations (*asoe lhok*) with migrants frequently results in adverse consequences for community life. These include the proliferation of illicit substances, criminal activities, the rise of cults, social discord, and the emergence of cases involving the theft of metal. These factors collectively contribute to the deterioration of social order.²⁸

In the Aceh region, there exists a social institution known as the *pageu gampong*. The term "*pageu gampong*" is derived from the Acehnese language and can be translated literally as "village fence." In Acehnese custom, the *pageu gampong* is a village-level security unit responsible for maintaining public order and community peace, in accordance with Islamic values and the community's culture.²⁹ In practice, the concept of the *pageu gampong* is implemented in two forms. The first is a preventive system, which seeks to avert potential issues before they arise. The second is a problem-

²⁶ Sita Hidayah, "Women's Experiences of Sharia Law in Banda Aceh Indonesia" (Albert-Ludwigs-Universitat Freiburg, 2019).

²⁷ Iskandar, "The Enforcement of Gompong in The Qanun of Aceh and Its Relative Position in The Indonesian Constitution."

²⁸ Simon Butt, "Indonesia's New Criminal Code: Indigenising and Democratising Indonesian Criminal Law?," *Griffith Law Review* 32, no. 2 (2023).

²⁹ Feener, *Shari'a and Social Engineering: The Implementation of Islamic Law in Contemporary Aceh, Indonesia*.

resolution system, which addresses existing disputes. This effort is undertaken to restore balance and harmony to communities where these values are threatened.³⁰

In accordance with the Banda Aceh Municipal Qanun on Gampong Government, the term “*pageu gampong*” is defined as a youth group responsible for maintaining peace and security within the village, including the facilitation of activities that contribute to this objective. This encompasses activities that promote peace and security. In the context of the village, meanwhile, from the gampong’s own perspective, the *pageu gampong* represents a collective awareness within the community to maintain security, stability, and the good name of the *gampong*.³¹ In contrast to the *muh̄tasib gampong*, which is formally established by the Banda Aceh Islamic Sharia Office and stipulated by the Mayor’s Decree, the *pageu gampong* often takes the form of a group of young people who have consciously and voluntarily chosen to work towards the realization of public order and tranquillity in their respective *gampong*. Indeed, in certain *gampongs*, such as Beurawe, Lhong Raya, and Gampong Baroe, personnel designated as *muh̄tasib*, village supervisory non-commissioned officers (*Babinsa*), community police officers (*Bhabinkamtibmas*), mosque youth, and *gampong* youth have voluntarily assumed the role of *pageu gampong*. During a discussion with the youth leaders of the three *gampong*, they agreed that participating as *pageu gampong* volunteers was “another way” to fight for Allah (*jibād fi sabilillah*) and uphold sharia law in their *gampong*.

This fact explains that, in enforcing sharia law, *pageu gampong* plays a more effective collegial role because it was born of public awareness of the importance of maintaining order and tranquillity in their *gampong*. The arrest of *khalwat* (proximity) perpetrators in Beurawe, the prosecution of gambling and drinking in Lhong Raya, and the curbing of teenage acquaintances in Gampong Baroe were carried out collectively by the *pageu gampong*. These facts demonstrate that social control, exercised through the community’s enforcement of sharia law, effectively closes loopholes in official enforcement.

From the perspective of functionalist sociology of law, particularly the theories developed by Émile Durkheim, the effectiveness of the *pageu gampong* can be understood as a manifestation of collective conscience operating within Acehnese society. Durkheim's argument posits that the function of law extends beyond mere instruments of coercion, proposing instead that it serves as a moral expression of the collective values and social solidarity inherent within a given community.³² In this particular context, the legitimacy of the *pageu gampong* is not primarily derived from formal legal authority, but rather from the collective moral awareness of the villagers, who perceive the enforcement of sharia norms as part of their communal obligation. Consequently, compliance with social and religious norms emerges organically through communal attachment, social pressure, and collective identity rather than through bureaucratic coercion alone.

Regrettably, the implementation of *pageu gampong* has not been uniform across all *gampongs* in Banda Aceh. A review of the available data revealed that only twelve *gampongs* have *pageu gampong* institutions. The twelve *gampongs* that have established *pageu gampong* institutions are Beurawe, Lambhuk, Ie Masen Kayee Adang, Kuta Alam, Ateuk Pahlawan, Neusu Aceh, Gampong Baroe, Ulee Lheu, Geuce Kayee Jatho, Geuce Komplek, Lueng Bata, and Lhong Raya. Meanwhile, the *muh̄tasib gampong* has been established in ninety *gampongs* throughout Banda Aceh; the lack of

³⁰ Zuriah and Syah, “Optimization of Desa Pageu in Preventing Sexual Crime in Children in Kabupaten Bireuen.”

³¹ Alamsyah et al., “Community-Based Anti-Drug Efforts: Leveraging Local Wisdom for Prevention.”

³² John Stewart, “The Crisis of Modern Society: Richard Titmuss and Emile Durkheim,” *History of the Human Sciences* 37, no. 1 (2024): 47–71, <https://doi.org/10.1177/09526951231169399>.

personnel has made it challenging for them to effectively carry out supervisory tasks, let alone law enforcement. The coordinator of the *muḥtasib gampong*, Tgk Zulbaidi, when met, admitted: “*that the dearth of personnel budget, facilities, and infrastructure has resulted in a suboptimal level of effectiveness in their supervisory performance*”.³³ It is evident that the structural limitations previously identified by Tgk. Zulbaidi, the interview data also reveal a profound institutional crisis concerning the operational legitimacy of the *muḥtasib* within the social structure of Banda Aceh society. The problem faced by the *muḥtasib* is not merely technical or administrative, but sociological in nature. Although the *muḥtasib* institution has been formally established by state authority, it has not yet fully transformed into a socially embedded institution that organically integrates with everyday communal life. Tgk. Zulbaidi's acknowledgment regarding the inadequacy of personnel, facilities, and operational support indirectly reflects the broader problem of institutional dependency on bureaucratic formalism without corresponding social consolidation at the grassroots level.

Furthermore, the purview of the village *muḥtasib* is confined to supervising, admonishing, and reporting any contravention of sharia law within their jurisdiction to *Satpol-PP* and *WH*. Consequently, the *muḥtasib gampong* is similarly constrained in its capacity to take action, as is the *pageu gampong*. Tgk. Adnan, the *muḥtasib* of *gampong* Beurawe, expressed his disappointment in the limited authority of *gampong muhtasibs*. Often, violators of sharia law are released due to officials' lack of follow-up. According to Rifkan, the *muḥtasib* of *Gampong* Lueng Bata, incidents like this often provoke the community to take the law into their own hands when dealing with violators of sharia law.³⁴

The statements of Tgk. Adnan and Rifkan also indicate the emergence of a legitimacy gap between formal sharia institutions and local communities. In practice, villagers often perceive formal institutions' inability to follow up on violations as a sign of institutional weakness, thereby encouraging residents to intervene informally. This condition exemplifies a significant paradox within the context of formal sharia governance in Banda Aceh. Despite the *muḥtasib* institution possessing legal authority, its constrained operational capacity erodes public confidence in its efficacy. Conversely, *pageu gampong*, despite lacking formal coercive power, acquires greater social authority through its responsiveness, visibility, and direct engagement with community concerns.

In terms of law enforcement, the *pageu gampong* is vested with greater authority than the *muḥtasib gampong*. In accordance with the Aceh Qanun on Gampong Government Number 5/2003 and the Banda Aceh City Qanun on Gampong Government, the *pageu gampong* is vested with the authority to prosecute minor crimes. The authority of the *pageu gampong* to enforce regulations is further delineated in the Qanun on the Development of Customary Life and Customs Number 9/2008. In accordance with the Qanun, a total of 17 cases must first be resolved at the gampong level before referral to law enforcement. The seventeen cases are as follows: Household disputes; disputes between families relating to inheritance; disputes between residents; *kehalwat*; disputes over property rights; theft within the family (petty theft); disputes over *seuhareukat* (joint property of husband and wife); petty theft; theft of livestock; violation of customs regarding livestock, agriculture, and forests. Furthermore, the ordinance enumerates the following offenses: disputes in the market; minor mistreatment; the burning of forests (on a small scale to the detriment of the indigenous community); harassment, slander, incitement, and defamation; environmental pollution

³³ Interview Session With Tgk. Zulbaidi, 2 May 2025.

³⁴ Interview Session with Tgk. Adnan and Rifkan, 15 May 2025.

(on a minor scale); and threats (depending on the type of crime).³⁵ Despite the authority to take action in minor criminal cases, the *pageu gampong*'s authority remains within the realm of customary law rather than positive law.³⁶

Thus, to optimize the implementation of sharia law, it would be more prudent for the Banda Aceh Municipal Government to strengthen the *pageu gampong* institution rather than establish a *muhtasib* institution in each *gampong*. It is more effective to cultivate a culture of self-help and community awareness in maintaining order and peace within a village than to establish a formal institution with minimal personnel and infrastructure. Tgk. Damanhuri, the chairman of the Banda Aceh Ulama Consultative Assembly (*Majelis Permusyawaratan Ulama/MPU*), agrees with the study's findings. According to him, "*pageu gampong emerged from community awareness. Its members will certainly take action against violations of sharia law in their villages*". He also believes that "*muhtasibs have lost their responsiveness in enforcing sharia law because the recruitment process is not meritocratic*".³⁷

The statement delivered by Tgk. Damanhuri, constitutes a crucial empirical finding because it shifts the discussion from institutional structure toward the issue of institutional legitimacy and recruitment quality. The author's critique of the absence of a meritocratic recruitment system suggests that the decline in responsiveness among *muhtasib* personnel is caused not only by inadequate facilities or authority but also by a lack of social credibility. In Acehnese society, the concept of moral authority is closely intertwined with personal integrity, religious reputation, communal trust, and social recognition. Consequently, enforcement actors perceived as lacking moral authority will have difficulty securing compliance from the community, regardless of their formal legal status.

Furthermore, the *muhtasib gampong* is not under the coordination of *Satpol-PP and WH*, which have similar duties and functions to those of the *muhtasib gampong*. The placement of the *muhtasib gampong* under the Banda Aceh's Islamic Sharia Office, whose principal objective is to regulate the implementation of sharia law, rather than to act as a supervisory institution, serves to further overload the duties and functions of the *muhtasib gampong*.

The *muhtasib gampong* is vested with the authority to supervise, reprimand, and report violators of sharia law to *Satpol-PP and WH*. However, the hierarchical structure of *Satpol-PP and WH* precludes them from issuing directives to their subordinates on supervising and reporting violators of sharia law. This authority is vested exclusively in the Banda Aceh's Islamic Sharia Office. The overlapping bureaucratic structure represents a further impediment to the effective functioning of the *muhtasib gampong*.

³⁵ Syamsul Rizal and Moh. Nasir, "Challenges in Supporting Women's Recovery from Sexual Violence in a Village Setting: Addressing Social Structures in Gampong Meurandeh Dayah, Aceh," *Palastren: Jurnal Studi Gender* 17, no. 1 (2024): 23–44.

³⁶ Syamsul Rizal and Moh. Nasir, "Challenges in Supporting Women's Recovery from Sexual Violence in a Village Setting: Addressing Social Structures in Gampong Meurandeh Dayah, Aceh," *Palastren: Jurnal Studi Gender* 17, no. 1 (2024): 23–44.

³⁷ Interview Session With Tgk. Damanhuri, 13 May 2025.

Table 1. Comparison of *Muhtasib* and *Pageu Gampong* in Banda Aceh

No	Typical	<i>Muhtasib</i>	<i>Pageu Gampong</i>
1	Institutional Basis	Sharia law	Customary law
	Legal Basis	<ol style="list-style-type: none"> 1. Village Law Number 6/2014 2. The Aceh Qanun on Gampong Government Number 5/2003 3. Aceh Provincial Regulation on Organizational Structure and Work Procedures of the Sharia Service Number 33/2001 	<ol style="list-style-type: none"> 1. Banda Aceh Municipal Qanun on Gampong Government Number. 1/2019 2. Customary law
2	Basis of Formation	Decree of the Mayor of Banda Aceh	Collective consciousness of society
3	Person in Charge	Banda Aceh Sharia Islam Agency	<i>Keuchik</i>
4	Duties and Functions	Enforcement of sharia law	Enforcer of public order and public safety, including enforcement of sharia law
5	Work Area	Ninety <i>gampong</i>	Twelve <i>gampong</i>
6	Number of Personnel in each village	1 Personnel in each gampong	All Society's elements

The effectiveness of *pageu gampong* in implementing sharia norms in Banda Aceh, when compared to the formal functions of the village *muhtasib*, may be interpreted as a socio-legal phenomenon relevant to explaining the operation of the theory of *receptie* (reception) in the contemporary context of Aceh.³⁸ According to a legal-sociological perspective, the validity of a norm is not solely determined by its formal legality but also by the level of social acceptance, cultural legitimacy, and the norm's integration into the structure of community life. In other words, the efficacy of law is not merely dependent on its enactment by the state, but rather on its embodiment, comprehension, and praxis within the social space wherein communities interact.³⁹ At this juncture, the *pageu gampong* demonstrates greater efficacy than formal institutions such as the *muhtasib*, which often rely on bureaucratic structures, administrative authority, and official oversight mechanisms.

This analysis can be reinforced by George C. Homans's theory of social exchange, which posits that social action results from weighing rewards and costs in interpersonal relationships. Society tends to comply with norms that provide direct benefits, such as environmental safety, social order, collective moral protection, and strengthened community solidarity.⁴⁰ In this context, *pageu gampong* operates through reciprocal relationships based on social proximity, trust, and informal control.

³⁸ Feener, *Shari'a and Social Engineering: The Implementation of Islamic Law in Contemporary Aceh, Indonesia*.

³⁹ Feener, *Shari'a and Social Engineering: The Implementation of Islamic Law in Contemporary Aceh, Indonesia*.

⁴⁰ Shokhibul Mighfar, "Social Exchange Theory: Telaah Konsep George C. Homans Tentang Teori Pertukaran Sosial," *Jurnal Lisan Al-Hal* 9, no. 2 (2015): 261–87.

These relationships yield social rewards in the form of respect, acceptance, and a good reputation, as well as social sanctions such as shame, reprimands, or ostracism. It is often the case that such mechanisms are more effective than formal *muh̄tasib*, who rely on bureaucratic structures, administrative authority, and official oversight. It is evident that compliance with sharia norms at the local level is predominantly shaped by dynamic social interactions within the community rather than solely by state-imposed legal instruments.

The concept of the *pageu gampong* is predicated on a community-based social control system rooted in collective values, horizontal oversight, and community solidarity. The mechanisms by which it operates are informal and include social reprimands, a sense of shame, respect for community leaders, and attachment to the village's communal identity. In Acehese society, the *gampong* is not merely an administrative unit but a social space that produces norms, maintains cohesion, and shapes the behavior of its members. Consequently, when the community perceives an action as conflicting with religious and customary values, the response emerging through the *pageu gampong* is often faster, more accepted, and more effective than formal state intervention. Social sanctions originating from the community have been shown to exert strong psychological pressure on the individual, due to their direct impact on the individual's reputation within their social environment. In the domain of legal sociology, this phenomenon exemplifies the functionality of “living law” – defined as law that is genuinely embedded within the social practices of the community. This phenomenon is indicative of Durkheim's theoretical distinction between repressive and restitutive social control.⁴¹ In relatively homogeneous societies characterized by strong mechanical solidarity, such as traditional Acehese *gampong* communities, social order is maintained through collective moral sentiments and informal sanctions.⁴² The *pageu gampong* operates precisely within this framework by mobilizing shame, moral persuasion, communal surveillance, and social solidarity as mechanisms of legal obedience. It is often the case that such mechanisms engender greater normative compliance than formal legal sanctions, given that individuals are more fearful of social exclusion and moral disapproval than of administrative punishment. It can thus be concluded that the effectiveness of the *pageu gampong* demonstrates that legal order in Aceh continues to rely heavily on communal cohesion and culturally embedded moral regulation.

Conversely, the role of *muh̄tasib* is normatively designed as an instrument of sharia oversight at the local level. This approach signifies the state's formal legal strategy for implementing sharia policies at the community level. However, in practice, the effectiveness of this institution is often constrained by various limitations, including unclear jurisdictional boundaries, a lack of institutional support, limited human resources, and weak social legitimacy in the eyes of residents. In accordance with Talcott Parsons's structural-functionalist perspective, the function of legal institutions is to act as subsystems within the overarching social system. The primary role of these legal institutions is to maintain social equilibrium and normative integration. Parsons emphasized that social stability is contingent upon the successful integration of societal values into institutional structures.⁴³ In the context of Banda Aceh, the relative ineffectiveness of the *muh̄tasib* institution may be explained by its limited capacity to integrate formal sharia enforcement into the everyday

⁴¹ Durkheim, *The Rules of Sociological Method*.

⁴² Mizaj Iskandar et al., “Extrajudicial Trend in Sharia Law Enforcement: Customary Justice or Vigilantism?,” *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 9, no. 2 (2024): 624–40.

⁴³ Talcott Parsons, *The Social System*.

normative structure of *gampong* society. Despite the institution's formal legality, it exhibits deficiencies in social embeddedness, participatory legitimacy, and emotional attachment to the community. Consequently, the *muh̄tasib* is inclined to operate as a bureaucratic apparatus rather than as an organic component of the local moral order.

In many cases, the community is more responsive to the counsel of traditional leaders, *meunasah* or mosque imams, *keuchik* (village heads), and village deliberation mechanisms, as opposed to formal figures perceived as extensions of the bureaucracy. This finding suggests that legal authority is not necessarily synonymous with state authority; it can also be derived from social recognition that is cultivated within the community. Parsons further advanced the argument that social systems can only function effectively when institutional actors perform complementary roles that contribute to social integration and pattern maintenance.⁴⁴ In this regard, the *pageu gampong* fulfills important integrative functions by linking religious norms, customary authority, youth participation, and communal solidarity into a unified mechanism of social control. The institution is not merely an enforcer of rules; it is also a repository of the collective values passed down from one generation to the next. This process reinforces social cohesion within the *gampong* community. Conversely, the *muh̄tasib* institution appears to be characterized by functional disconnection, a phenomenon attributable to its bureaucratic structure, which is insufficiently synchronized with local cultural networks and informal authority systems.

This phenomenon serves to reinforce the fundamental thesis of the theory of *receptie* proposed by Snouck Hurgronje. However, it is imperative that the context is interpreted critically and not a historically. This theory posits that the law that truly applies to indigenous communities is that of customary law. Islamic law, by contrast, is applicable only insofar as it has been accepted by custom.⁴⁵ In Banda Aceh, the efficacy of the *pageu gampong* demonstrates that sharia norms are more readily implemented when embedded in customary mechanisms and local social relations. This suggests that the community's stance towards sharia may not be one of outright rejection. Still, rather, its acceptance is enhanced when these norms are conveyed through cultural channels that resonate with their daily lives. The efficacy of sharia, manifesting as a social and communal experience, is often superior to its manifestation as formal regulation. Consequently, the success of the *pageu gampong* can be regarded not merely as a triumph of custom over sharia, but also as evidence that sharia attains its efficacy through its transformation into the community's social institutions.

Within the functionalist paradigm, legal pluralism in Aceh should not be interpreted as institutional conflict, but rather as a mechanism of adaptive integration within society.⁴⁶ Durkheim and Parsons both regarded social institutions as functional components that contributed to societal continuity.⁴⁷ Accordingly, the coexistence of state law, Islamic law, and customary law in Aceh is indicative of a process of normative accommodation, whereby different legal systems collectively maintain social order. The *pageu gampong* occupies a strategic intermediary position between religious morality and customary legitimacy, thereby enabling the more effective operation of

⁴⁴ Mitchell J Taylor, "Spencer and Parsons on Functional Differentiation: Some Illustrative Parallels," *History of the Human Sciences* 39, no. 1 (2026): 92–116, <https://doi.org/10.1177/09526951251345651>.

⁴⁵ Taha Enayat et al., "A Computational Approach to Homans Social Exchange Theory," *Physica A: Statistical Mechanics and Its Applications* 597, no. 1 (2022): 1–273.

⁴⁶ Marjo-riitta Diehl, Jacqueline A M Coyle-shapiro, and Russell Cropanzano, "Bridging Tradition and Transformation in Social Exchange Theory," *Sage Journal: Action Research* 24, no. 2 (2026): 2–12.

⁴⁷ Talcott Parsons, *The Social System*.

sharia norms by transmitting them through culturally familiar institutions. This finding suggests that the viability of the legal order in Aceh is contingent not only on formal state enforcement, but also on the effective integration of legal norms into the community's prevailing social structure.

However, it is important to note that these findings should not be interpreted as an indication of failure on the part of the *muhtasib*. Conversely, they emphasize the necessity of repositioning the *muhtasib*'s role from a mere enforcement officer to a social mediator capable of facilitating the harmonization of sharia law with local village culture. The effectiveness of the *muhtasib* is known to increase significantly when he works collaboratively with traditional leaders, religious figures, and community social networks. In summary, the enhancement of sharia in Banda Aceh cannot be achieved solely through the augmentation of formal institutions; rather, it must emerge as a societal process that imbues the local populace with collective norms.

From a sociological standpoint, the results of this study corroborate the functionalist premise that the efficacy of law is contingent upon its ability to fulfill integrative social functions.⁴⁸ The enforcement of sharia law in Banda Aceh illustrates that normative effectiveness is profoundly influenced by the capacity of legal institutions to cultivate social solidarity, maintain moral consensus, and preserve collective stability. The efficacy of the *pageu gampong* is attributable to its operation as both a legal mechanism and a social institution embedded within everyday communal relations. Consequently, the future development of sharia governance in Aceh necessitates not only the formalization of juridical frameworks but also the institutionalization of sociocultural practices, thereby reinforcing the intrinsic relationship among law, religion, and society.

Iv. Conclusion

This study demonstrates that the enforcement of sharia law at the *gampong* level in Banda Aceh is not solely determined by the presence of formal state institutions, but, more significantly, by social legitimacy, community participation, and the capacity of legal institutions to operate within local cultural structures. Despite the formal establishment of the *muhtasib gampong* in ninety *gampongs* as an extension of state supervision, its effectiveness remains constrained by several factors. These include limited personnel, weak institutional coordination, overlapping bureaucratic authority, inadequate infrastructure, and the absence of direct enforcement power. In contrast, *pageu gampong* has proven more effective because it is rooted in collective awareness, voluntary participation, and reciprocal social relations grounded in trust and shared moral values. It is evident that *pageu gampong* employs informal supervision, rapid communal response, and socially recognized sanctions as community-based mechanisms. These mechanisms have been demonstrated to be more effective in encouraging compliance with sharia norms than formal bureaucratic structures.

The findings of the present study serve to reinforce the continued relevance of socio-legal perspectives, with particular emphasis on legal pluralism, living law, social exchange theory, and a contextual interpretation of *receptie* theory. These theories emphasize that legal effectiveness is contingent not solely on normative codification, but rather on social acceptance. In practice, strengthening sharia governance in Aceh requires a collaborative model that integrates formal institutions, customary mechanisms, and citizen participation. In this regard, the role of the *muhtasib* should be repositioned not merely as a supervisory body, but also as a mediator and social partner within the *gampong* community. Despite being constrained to Banda Aceh and based on

⁴⁸ Russell Cropanzano et al., "Social Exchange Theory: A Critical Review With Theoretical Remedies," *Academy of Management Annals* 11, no. 1 (2017): 1–38.

qualitative case studies, this research offers significant insights into the interaction among state law, sharia, and customary law in Aceh. It is recommended that future studies adopt a comparative, mixed-methods approach to examine the broader dimensions of community-based sharia enforcement.

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