PETITA
Jurnal Kajian Ilmu Hukum dan Syariah

A Bi-annual Publication of:

PETITA: Jurnal Kajian Ilmu Hukum dan Syariah (PJKIHdS) is an international and double-blind peer reviewed journal published by Lembaga Kajian Konstitusi Indonesia (LKKI), Fakultas Syariah dan Hukum, Universitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia. The journal publishes research articles, conceptual articles, reports field studies, legal theory, legal philosophy, constitutional law, legal debate, socio-legal, and other recent issues relating to case law. The articles of this journal have been published every six months (2 issues per year). PETITA journal aims to deliver a multi-disciplinary forum for the discussion of thoughts and information among professionals concerned with the boundary of law and sharia.
Editor in Chief
Prof. Dr. Muhammad Siddiq Armia, Universitas Islam Negeri Ar-Raniry, Banda Aceh, Indonesia, member of Board of Supervisors for Association of Constitutional and Administrative Law Lecturers of Indonesia

Editorial Board
Prof. Dr. Robert Home, Anglia Ruskin University, Cambridge, United Kingdom
Prof. Dr. Michael Feener, Kyoto University, Kyoto, Japan
Prof. Dr. Mark Cammack, Brigham Young University, Provo, United States
Prof. Dr. Melisa Crouch, UNSW Sydney, Sydney, Australia
Prof. Dr. Farid Esack, University of Johannesburg, Johannesburg, South Africa
Prof. Dr. Farid Sufian Bin Shuaib, International Islamic University Malaysia, Kuala Lumpur, Malaysia
Prof. Dr. Hikmahanto Juwana, Universitas Indonesia, Depok, Indonesia
Prof. Dr. Yuzuru Shimada, Nagoya University, Japan
Assoc. Prof. Dr. Aldo Zammit Borda, Anglia Ruskin University, Cambridge, United Kingdom
Assoc. Prof. Simon Butt, The University of Sydney, Sydney, Australia
Dr. Reza Idria, Harvard University, United State of America
Dr. Al Khanif, University of Jember, board member of the Indonesian Human Rights Lecturers (SEPAHAM) Indonesia and director of the Centre for Human Rights, Multiculturalism and Migration (CHRM2) Indonesia
Dr. Mohamed Nawab Mohamed Osman, Nanyang Technological University, Singapore City, Singapore
Dr. Lesley-Ann Daniels, Institut Barcelona Estudis Internacionals (IBEI) Barcelona, Spain

Language & Copy Editor
Najwa Tgk Armia, International Islamic University Malaysia, Kuala Lumpur, Malaysia
Alexandria Kohl, American University, United States

Layout Editors
Alrizki Istighfar Ekatama Hidayat, Universitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia
Illa Rahmatin, Universitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia
Andri Kiawan, Universitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia
Zahlul Pasha Karim, Universitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia
# Contents

**INTRODUCTION / i-iii**

**THE DUTCH COLONIAL ECONOMY’S POLICY ON NATIVES LAND PROPERTY OF INDONESIA**  
(CHAIRUL FAHMI | 105-120)

**THALAL CERTIFICATION PROCEDURE IN MALAYSIA AND INDONESIA: A STUDY ON CRITERIA FOR DETERMINATION OF HALAL PHARMACEUTICAL PRODUCTS**  
(JOHARI AB LATIFF | 121-132)

**NATIONALISM IN A STATE BASED ON PANCASILA**  
(ANANG DONY IRAWAN | 133-144)

**ANALYSIS OF ABSOLUTE COMPETENCE OF DISTRICT COURTS AND SYARI’AH COURTS: CASE STUDY IN ADJUDICATING JARIMAH OF CHILD SEXUAL ABUSE IN ACEH**  
(ROSMAWARDANI MUHAMMAD | 145-159)

**JUDICIAL ACTIVISM IN INDONESIA: CONSTITUTIONAL CULTURE BY THE CONSTITUTIONAL COURT**  
(RAHAYU PRASETIANINGSIH | 160-177)

**THEORETICAL REVIEW OF ISLAMIC LEGAL SOURCES ACCORDING TO THE MISREPRESENTATION THEORY OF HALLAQ**  
(RAHMAT BUDIMAN | 178-188)

**ISLAMIC SHARIA IN ACEH AND ITS IMPLICATIONS IN OTHER REGIONS IN INDONESIA: CASE STUDY DURING IMPLEMENTATION ACEH AS NANGGROE ACEH DARUSSALAM**  
(YASRUL HUDA | 189-201)

**SHARIA CONTEXTUALISATION TO ESTABLISH THE INDONESIAN FIQH**  
(NAWIR YUSLEM | 202-210)