

PETITA

Jurnal Kajian Ilmu Hukum dan Syariah

Published By:

Lembaga Kajian Konstitusi Indonesia (LKKI)

Fakultas Syariah dan Hukum Universitas Islam Negeri (UIN) Ar-Raniry Banda Aceh
Jl. Syeikh Abdul Rauf, Kopelma Darussalam Banda Aceh, Telp: 0651-7557442
Website: <http://petita.ar-raniry.ac.id>

PETITA

Jurnal Kajian Ilmu Hukum dan Syariah

Volume 9 | Issue 1

April 2024

This journal is indexed by:



HARVARD
LIBRARY

*A Production of Lembaga Kajian Konstitusi Indonesia (LKKI),
Fakultas Syariah dan Hukum, Universitas Islam Negeri Ar-Raniry
Banda Aceh, Indonesia*

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, University of Oxford, Oxford, United Kingdom
Prof. Dr. Mohammad Shahabuddin, University of Birmingham, Birmingham, United Kingdom
Prof. Dr. Joanne P. Van Der Leun, Universiteit Leiden, Leiden, Netherlands
Prof. Dr. Patrick C. R. Terry, University of Public Administration, Kehl, Germany
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. Jimly Asshiddiqie, Universitas Indonesia, Depok, Indonesia.
Prof. Dr. Hikmahanto Juwana, Universitas Indonesia, Depok, Indonesia
Prof. Dr. Yuzuru Shimada, Nagoya University, Japan
Assoc. Prof. Dr. Aldo Zammit Borda, City, University of London, London, 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

Managing Editor

Assoc. Prof. Dr. iur. Chairul Fahmi, Georg-August-Universität Göttingen, Gottingen, Germany
Muhammad Syauqi Bin-Armia, Bangor University, Bangor, United Kingdom
Piotr Czosnyka, University of Cambridge, Cambridge, United Kingdom
Syed Enam Ahammad, SOAS University of London, London, United Kingdom
Ardelia Vidya Riana, Birmingham City University, Birmingham, United Kingdom
Ozy Diva Ersya, University of Nottingham, Nottingham, United Kingdom

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, Univesitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia
Illa Rahmatin, Univesitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia
Andri Kiawan, Univesitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia
Zahlul Pasha Karim, Univesitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia

Contents

INTRODUCTION / i-vi

USE OF DIGITAL TECHNOLOGIES IN JUDICIAL PROCEEDINGS IN SOME COUNTRIES OF EUROPE AND THE USA

Andrii Shabalin; Olena Shtefan, Lilia Andrushchenko, Victor Olefir | 1-17

CONSIDERING DEBT IN THE PERSPECTIVE OF MAQASID AL-SHARIAH: MASLAHAH VERSUS MAFSADAH

Zaki Fuad; Hafas Furqani, Roza Hazli Zakaria, Syamsul Idul Adha | 18-30

THE RELEVANCE OF ISLAMIC PRINCIPLES IN ENVIRONMENTAL MANAGEMENT IN ACEH

Muhammad Natsir; Fuadi, Darmawan, Zaki Ulya, Siti Sahara | 31-43

FROM NON-PUNISHMENT TO BEING PUNISHED: ISTINBATH TAQNIN ANALYSIS OF ISLAMIC FAMILY LAW IN ACEH

Jailani Jailani; Zulfikar | 43-57

LEGAL COMPLIANCE ON SHARIA ECONOMICS IN HALAL TOURISM REGULATIONS

Ending Solehudin; Hisam Ahyani | 58-79

THE ROLE OF RELIGIOUS FATWAS IN INDONESIA: AN ANALYSIS OF SELF-GOVERNMENT AND BIOPOLITICS DURING THE PANDEMIC

Fathorrahman; Hijrian Angga Prihantoro, Nyak Fadlullah | 80-97

CHALLENGES IN DOCUMENTING AND FORMALIZING CUSTOMARY COURT SYSTEM IN ACEH, INDONESIA

Teuku Muttaqin Mansur; M Adli Abdullah, Muslim Amiren, Hasbi Ali | 98-113

THE URGENCY OF SHARIA-CROWDFUNDING AS AN ALTERNATIVE FUNDING IN DEVELOPMENT OF NUSANTARA'S CAPITAL CITY

Dyah Ochtorina Susanti; Aan Efendi, Auliya Safira Putri | 114-128

THE FAMILY IMPACTS ON MINORS AS PERPETRATORS OF ACTS OF TERROR: EVIDENCE FROM INDONESIA

Rahman Syamsuddin; Andi Annisa A. Patra, Muhammad Ikram Nur Fuady, Muhammad Nur, Hasdiwanti | 129-145

THE CONCEPTION OF PEOPLE'S SOVEREIGNTY IN INDONESIA: MOHAMMAD HATTA'S THOUGHT APPROACH

Eza Aulia; Saldi Isra, Yuslim | 146-163

ANALYSIS OF THE SCOPE OF HUMAN RIGHTS BASED ON THE HADITHS
Abd Wahid; Abdul Jalil Salam, Nuraini A Mannan, Lukman Hakim | 164-183

A FRAMEWORK TO IMPROVE THE IMPLEMENTATION OF BUSINESS ETHICS IN ISLAMIC BUSINESS ORGANISATIONS
Peni Nugraheni; Syed Musa Alhabshi, Romzie Rosman | 185-211

RESPONSIBILITY FOR EXCESSIVE INFRASTRUCTURE DAMAGE IN ATTACKS: ANALYZING RUSSIA'S ATTACK IN UKRAINE
Yordan Gunawan, Mhd. Erviza Rizqy Pane | 212-231

MARINE SECURITY MODEL TO PREVENT CRIMINAL ACTS IN ACEH
M. Gaussyah; M. Iqbal, Mukhlis | 232-249

CO-PARENTING MODEL IN RESOLVING CHILD CUSTODY DISPUTES IN URBAN MUSLIM FAMILIES

Ramdani Wahyu Sururie; Eva Nur Hopipah, Doli Witro, Rahmi Diana, Muhammad Sopiyan | 250-268

DYNAMICS OF SHARIA LAW TAQNIN IN ACEH 2013-2017: ANALYSIS OF REGULATIVE POLICIES AND SOCIAL REALITY

Syahrizal Abbas; Syarifah Rahmatillah, Jamhuri, Azmir | 269-289

HAJJ HEALTH ISTITA'AH FROM THE PERSPECTIVE OF HEALTH DECENTRALIZATION

Muhammad Ishom; Muh. Abdurrouf, Ahmad Zaini, Ahmad Jamaludin Jambunanda | 290-304

FAILURE OF CRIMINAL LAW IN RECOVERING STATE LOSSES DUE TO CRIMINAL ACTS OF CORRUPTION

Amar Muammar Rahman; Muhammad Husnul | 305-323

FLAGELLATION IMPOSED AS A SANCTION BASED ON THE ASPECT OF CHILD PROTECTION

Nurini Aprilianda; Mufatikhatul Farikhah, Liza Agnesta Krisna | 324-339

NORMATIVE JUSTICE AND IMPLEMENTATION OF SHARIA ECONOMIC LAW DISPUTES: QUESTIONING LAW CERTAINTY AND JUSTICE

Miftakhul Huda; Umi Sumbulah, Nasrulloh | 340-356

EXAMINING THE BASIS OF MAQASHID SYARIAH IN RENEWAL OF ISLAMIC LAW IN INDONESIA

Nasruddin Yusuf; Nurlaila Harun, Syarifuddin, Salma Mursyid | 357-375

CHILDREN'S RIGHTS IN A QUASI-BROKEN HOME FAMILY: ISLAMIC LAW VERSUS CHILD PROTECTION LAW

Muharrani Muharrani; Zulkarnain, Miswari, Azwir Azwir, Mawardi Mawardi | 376-393