

INITIATIVE OF CANING PUNISHMENT FOR PERPETRATORS OF WILDLIFE KILLING IN ACEH PROVINCE, INDONESIA

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ABSTRACT

The initiative to include 'uqubat ta'zir whips as a punishment for those who commit animal killing, as stated in Qanun Aceh Number 11 of 2019 concerning Wildlife Management, has been rejected due to its reference to Law Number 5 of 1990 concerning Natural Resources Conservation. This initiative holds significance in terms of the conceptual understanding and application of caning as a criminal sanction in Indonesia. Through doctrinal methods, this study has determined that caning for perpetrators of animal killing falls under 'uqubat ta'zir, where the form, type, and severity of punishment are determined by the ruler based on philosophical, juridical, and sociological considerations. The implementation of caning for those who commit animal killing is deemed appropriate, as the regulations in Indonesia are founded upon values deeply rooted in the community. Therefore, it is fitting to carry out this punishment, similar to other offenses regulated in the Aceh Qanun Jinayat.

Keywords: Murder, Wildlife, Caning and Islamic Criminal Law

INTRODUCTION

Indonesia, especially Aceh, has long implemented caning as part of a positive legal system through the implementation of Aceh Qanun concerning *Jinayat* Law.¹ The first caning punishment in Aceh was carried out on June 24, 2005, in the courtyard of the Bireuen Grand Mosque, Aceh (Ablisar, 2014). Caning

¹ In its implementation, the application of caning punishment has been carried out since 2003 regarding jarimah khamar, maisir, and khalwat.

punishment in Aceh is regulated through the Aceh Qanun and is classified as a *ta'zir*, not a *hadd*, punishment (Yusuf, 2022). Initially, caning in Aceh caused a lot of controversy and divergent opinions in society. Caning, however, is considered relevant in Aceh as a form of punishment in the implementation of Islamic law in Aceh (Nurliza et al., 2022). The implementation of caning in Aceh is different from several countries that carry out caning, such as Malaysia, Pakistan, and Singapore (Ablisar, 2014; Nurliza et al., 2022). It is also expected that the application of caning punishment in Aceh can reduce the level of crime or sharia violations in Aceh (Rahman, 2019).

Caning punishment, as a form of criminal penalty in Jinayat legislation in Aceh (A. Abubakar, 2012), is applied for violators of Aceh Qanun, including ten offenses that are considered serious offenses, such as alcohol,² gambling,³ seclusion,⁴ *ikhtilat*,⁵ adultery,⁶ sexual harassment,⁷ rape,⁸ *qadzaf* (accusing adultery),⁹ *liwath* (male-male sexual intercourse),¹⁰ and *musahaqah* (female-female sexual intercourse) (A. Abubakar & Lubis, 2019; Ulfah et al., 2021; Zainuddin & Sahban, 2018). In addition, caning is also regulated in Aceh Qanun Number 8 of 2015 concerning the guidance and defense of faith. Article 18 of this qanun describes serious consequences for anyone who commits acts or statements deemed

² Many studies on this topic have been carried out by previous researchers, for example: (Achmad, 2023; Bahri, 2020; Carin et al., 2018; Nurliza et al., 2022)

³ Many studies on this topic have been carried out by previous researchers, for example: (Abi Hasan, 2020; Anshari, 2017; Armanda & Abbas, 2020; Bahiej & Amilia, 2017; Putri & Adwani, 2019)

⁴ Many studies on this topic have been carried out by previous researchers, for example: (Iskandar & Alidar, 2020; Muhibuddin, 2019; Muntazar et al., 2017; Rosyadi, 2014)

⁵ Many studies on this topic have been carried out by previous researchers, for example: (Afrizal, 2021; Amalina, 2019; Nazaruddin et al., 2021)

⁶ Many studies on this topic have been carried out by previous researchers, for example: (A. Abubakar et al., 2019; A. Y. Abubakar & Maulana, 2018; Cempaka et al., 2020; Mukhtaruddin, 2022)

⁷ Many studies on this topic have been carried out by previous researchers, for example: (Mansari & Melayu, 2018; Rachmad et al., 2021; Zainuddin, 2023; Zuhra, 2020)

⁸ Many studies on this topic have been carried out by previous researchers, for example: (Azkha et al., 2020; Putra Yuniar, 2019; Wahyuni, 2022)

⁹ Many studies on this topic have been carried out by previous researchers, for example: (Bahiej, 2014; Berutu, 2017)

¹⁰ Many studies on this topic have been carried out by previous researchers, for example: (Kemala, 2017; Khairani, 2019; Noor, 2022; Sahara & Suriyani, 2019)

to deviate from Islamic teachings, with the threat of being caned up to 60 times.¹¹ The implementation of caning in the context of this particular offense is an integral part of the Acehese legal system, reflecting the strict enforcement of religious norms and morality in local society (A. Abubakar et al., 2019).

Apart from this *jarimah*, the implementation of caning as a punishment for other crimes has envisioned (aspired to/*ius constituendum*) as a positive law in Aceh. For instance, Aceh Qanun Number 11 of 2019 concerning Wild Animal Management, which was stipulated on October 18, 2019. The discussion stage of the draft Qanun in 2018 underwent a protracted procedure until it was delayed. Over time, the Raqan was once more included in the 2019 Raqan Prolega as the DPRA Initiative Raqan (R. Lestari et al., 2020). In 2019 DPRA Initiative Raqan, various aspects regarding the substance of the regulations were discussed. This Wildlife Protection Act, consisting of 13 chapters and 20 articles, not only regulates the types of protected animals but also stipulates a penalty of being caned up to 60 times as a punishment for poaching, trafficking, and other crimes against protected animals. Numerous parties provided valuable input during this process, demonstrating a range of in-depth considerations for accomplishing the preservation of wild animals in Aceh (Admin, 2019).

On September 4, 2019, following the General Hearing Meeting (RDPU), the drafting team held further consultations with the Ministry of Home Affairs (Kemendagri) and the Ministry of Environment and Forestry (KemenLHK) regarding the draft regulations (raqan). In the consultation, the Ministry of Home Affairs expressed its disagreement with the implementation of caning punishment for perpetrators of crimes against wildlife in Aceh. According to the Director General of Regional Autonomy at the Ministry of Home Affairs, Akmal Malik Piliang, the sanction of caning in the context of crimes against wildlife is not included in Qanun Number 6 of 2014 concerning *Jinayat* Law, which regulates

¹¹ Many researchers in Aceh have conducted studies on this topic to investigate the development of Islamic criminal law in positive law in Aceh, for example (Daud, 2022)(Daud, 2021; Haq, 2020; Ihsan, 2019; M.S., 2017; Yamin et al., 2022)

Islamic crimes, including the application of caning. The Ministry of Home Affairs' objection highlights the inconsistency between the proposed draft regulations and the applicable legal provisions. The Ministry of Home Affairs recommends that punishments for perpetrators of crimes against wildlife refer to Law Number 5 of 1990 concerning Conservation of Natural Resources (R. Lestari et al., 2020).

The conflict between the proposed application of caning punishments in cases of animal killing in Aceh and the applicable legal provisions, as highlighted by the Ministry of Home Affairs, provides a layer of complexity to the discussion on this issue (R. Lestari et al., 2020). The objections from the Ministry of Home Affairs highlight the differences between the proposed regulations and current law, indicating the need for in-depth philosophical, juridical, and sociological studies (Laia & Daliwu, 2022). In a philosophical aspect, this article will examine the moral and ethical values that underlie caning punishment, questioning its applicability within the framework of animal protection (Rosyadi, 2014). Juridically, this article details the legal provisions that support or oppose the application of caning in Aceh's positive law, looking for a link between the legal norms of wildlife protection (C. R. Lestari & Effendi, 2018). Sociological analysis will address society's reactions to the enforcement of caning, considering cultural aspects and social views that influence their perceptions (Yusuf, 2022). Therefore, this article provides a thorough analysis of the applicability of caning in the context of animal protection, providing a significant contribution to the legal, ethical, and moral discourse in Aceh.

Based on the problems above, this article aims to analyse the relevance of caning punishment for perpetrators of killing wild animals in Aceh by analysing the philosophical, juridical, and sociological aspects of the process involved in drafting Qanun Number 11 of 2019 concerning wild animal management. This study is essential because caning punishment for a variety of offences in Aceh has evolved into a societal aspiration (*ius constituendum*), indicating the need for legal legitimacy that is in line with national legal norms. From a philosophical perspective, this article will explore the moral values and principles behind the

application of caning to perpetrators of wildlife killings, questioning its compatibility with ethics and justice. Juridically, the analysis will outline the legal framework that supports caning, taking into account the provisions of Islamic law and Indonesian national law. On the other hand, a sociological approach will emphasize the social impact, exposing society's reaction to the punishment and its implications for social stability. By addressing these aspects, this article will significantly contribute to the development of a more comprehensive discourse regarding the applicability and consequences of caning within the framework of violations against wildlife in Aceh.

Up to the present, numerous studies have been conducted investigating the implementation of caning punishment in Aceh. For example, Anifah and Edi Sukardi investigated the sociological aspect of its implementation (Anifah & Sukardi, 2019), (Nurbaiti et al., 2020), (Anita, 2022), and (Rizki & Nisa, 2021). Moreover, a number of researchers have analysed caning punishment in a juridical context, for example, a study conducted by Ananda et al. in 2021 (Tumbol et al., 2021) and Chadijah Rizki Lestari and Basri Effendi (2018). In fact, many researchers have studied the effectiveness of the implementation of caning punishment in Aceh, for example, Taryadi, who conducted the research in Aceh Tamiang (Taryadi, 2020), Cut Amatun Rahman in Nagan Raya (Rahman, 2019), and Erna Hayati dan Ridayani regarding the value of education in the implementation of caning punishment (Hayati & Ridayani, 2021). Furthermore, Madiasa Ablisar studied the relevance of caning as a form of punishment in reforming criminal law in Indonesia (Ablisar, 2014). All of these studies analyse the form of caning punishment in the context of jinayat law, so no one has explained the connection between caning and criminal penalties for perpetrators of animal killings in Aceh. Meanwhile, studies exploring wildlife management in Aceh were carried out by several researchers, for example, Rachmawati Lestari et al., regarding the preparation of a draft qanun on wildlife management in Aceh (R. Lestari et al., 2020), Dini Damayanti studied the impact of toll road construction on animals in Aceh (Damayanti, 2023); Taufan Mustafa et al., studied the wildlife habitat of

Sumatran elephants in East Aceh (Mustafa et al., 2019), Samsul Kamal (2021), Devi and Syafrianti et al., (2021).

Previous studies have discussed a range of issues regarding caning in Aceh, both from a sociological and juridical perspective and the effectiveness of its implementation. However, no research has explicitly examined the relationship between caning and criminal penalties for perpetrators of animal killings in Aceh. This study will stand out for its distinct focus on the applicability of caning in the context of wildlife offences. We will examine the philosophical, juridical, and sociological facets of caning in this particular case, providing new insights and an in-depth understanding of the dynamics of caning in the context of protecting wildlife in Aceh.

RESEARCH METHODOLOGY

This research paper was constructed using a normative legal research approach with qualitative methods (Moleong, 2007). This approach allows for an in-depth analysis of caning in the context of wildlife offences in Aceh. The data used includes primary, secondary, and tertiary legal materials obtained through library research (Armia, 2022). The use of these different types of data allows researchers to investigate this issue from a comprehensive perspective (Rideng, 2013). In the analysis process, this article uses inductive analysis techniques, which enable researchers to explore the legal framework, philosophical values, and social impact of caning on perpetrators of wildlife killings. A philosophical approach is used to understand the ethical and moral basis of caning, questioning its relevance in the context of animal protection. The juridical analysis focused on the existing legal framework, including Islamic norms and national regulations, to assess its suitability for the implementation of caning. Meanwhile, a sociological approach helps in understanding people's reactions to the application of these penalties, revealing the social and cultural views that influence their perceptions (Sembiring & Adzkia, 2021).

RESEARCH FINDINGS AND DISCUSSION

Qanun Legislation for Wild Animal Management in Aceh Province

Commission II DPRA initiated the action to create the Qanun on Wildlife Protection in Aceh. The initial process began with an inaugural meeting involving the Aceh Environment and Forestry Service (DLHK) as well as non-governmental organizations (NGOs) such as WALHI, LBH Banda Aceh, JKMA, the Human Rights NGO Coalition, WWF, FFI, and other elements on April 18, 2019, in the DPRA Banggar room. The preparation of the draft qanun for the protection of wildlife undertook a lengthy process of preparation, starting when it was included in the 2019 prolegda until it was ratified as qanun. The preparation of the draft qanun involved various stages, including: 1) Drafting meeting with the DPRA; 2) Meeting to prepare the draft qanun for wildlife conservation with updated feedback from the Aceh Government on July 24, 2019. 3) Drafting meeting before the General Hearing Meeting (RDPU) with the drafting team at 3 in 1 Coffee on August 29, 2019 (R. Lestari et al., 2020). The drafting team carried out the harmonisation of related regulations and received input from academics such as Mr. Mawardi and Mr. Yanis, which was held at the Aceh DLHK office in the Merkuri Pine Room, Building C, on June 22, 2019. Furthermore, there was a meeting to prepare the raqan for adjustment in response to input from the Aceh Government on June 28, 2019, as well as a raqan preparation meeting for adaption in response to input from the Aceh Government and various related parties on July 1, 2019 at the FFI Aceh office. This process involved discussions with government agencies and NGOs on July 2, 2019, in the DPRA Meeting Room (R. Lestari et al., 2020).

On August 15, 2019, the drafting team, led by the Head of the Aceh DLHK Office, Ir. Sahrial, discussed the Draft Qanun for the Protection of Wild Animals. This meeting brought together various parties, including the Governor's Special Advisor for Environment and Forestry, Bhakti Siahaan, and associated institutions. The outcomes of this discussion serve as the foundation for the subsequent drafting

session. On August 30, 2019, DPRA Commission II held a public hearing (RDPU) regarding the draft Qanun for Wildlife Protection. Before the RDPU started, the Aceh Sustainable Caucus was introduced to the participants. The RDPU was attended by various parties, including Aceh Regional Leadership Coordination Forum (Forkopimda) officials, SKPA, NGOs, entrepreneurs, and community figures (R. Lestari et al., 2020).

It was discussed in the RDPU that the Raqan for Wildlife Protection consists of 13 chapters and 20 articles, including a penalty of being caned up to 60 times. After the RDPU, the drafting team consulted with the Ministry of Home Affairs and the Ministry of Environment and Forestry on September 4, 2019. The Ministry of Home Affairs recommended that offenders of wildlife crimes not be subjected to caning. The Ministry of Home Affairs' Director General of Regional Autonomy, Akmal Malik Piliang, claims that Qanun Number 6 of 2014 concerning *Jinayat* Law does not authorise caning in the context of crimes against wildlife. *Jinayat* law is a regional regulation that regulates Islamic offences, which include the application of caning. The Ministry of Home Affairs recommends that punishments for perpetrators of crimes against wildlife refer to Law Number 5 of 1990 concerning Conservation of Natural Resources (R. Lestari et al., 2020).

Following the consultation, on September 12–13 and September 23–24, 2019, the drafting team held another meeting to amend the feedback received from the Ministries of Home Affairs and Environment and Forestry. After the drafting and discussion process has been completed, the next stage is ratification or determination, promulgation, and dissemination, carried out by the DPRA and the Aceh Government in accordance with their respective roles, responsibilities, and authorities. On September 27, 2019, this raqan was finally ratified and promulgated as a Qanun on October 29, 2019, with the name Qanun for Wildlife Management. Pictures 1, 2, and 3 taken during a meeting to generate the DPRA Commission II Raqan are shown below (R. Lestari et al., 2020).

Caning Penalties in the Draft Qanun for Wildlife Management

On September 27, 2019, the Aceh People's Representative Council (DPR) decided to ratify the qanun regarding wildlife management, in response to the growing number of cases of poaching of elephants, tigers, orangutans, rhinos, and other protected animals. The wildlife management qanun consists of 15 chapters ranging from habitat management to conflict management, research, partnerships, funding, and penalties. The penalties in the qanun include 100 lashes and shooting on the spot for wildlife poachers who resist and use firearms. This Qanun on wildlife management will come into effect in January 2020. Responding to this Qanun, the Head of the Aceh Natural Resources Conservation Agency (BKSDA), Sapto Aji Prabowo, supported the measures done by the Aceh DPR. According to Sapto, the Qanun can promote the development of a peaceful coexistence between people and animals. It is hoped that the existence of caning punishments for hunters of protected animals in the wildlife management qanun will serve as a deterrence on the perpetrators. This is because the legal process against perpetrators of crimes related to wildlife has so far used Law No. 5 of 1990 concerning the conservation of living natural resources and their ecosystems. The effectiveness of the legislation in stopping or dealing with illegal hunting and wildlife trade is still not adequate enough. Panut Hadisiswoyo, the director of the Orangutan Information Centre (OIC), also voiced support for caning sanctions against wildlife poachers, saying that poaching keeps happening despite field officers' efforts, such as security patrols, and that Indonesia is currently in an emergency position for wildlife protection (Admin, 2019).

Meanwhile, the Executive Director of the Institute for Criminal Justice Reform (ICJR), Anggara, declared that he was against punishing wild animal hunters with whippings and on-the-spot shootings. According to him, the wildlife management qanun, which contains sanctions for flogging and shooting on the spot against poachers, is not a type of punishment. It was merely a brutal execution. The fact that wild animal poaching is still common in Aceh is the basis for the establishment of the caning penalty. According to data from the Aceh BKSDA, in the last ten days, there has been poaching of wild animals in various places, such as

East Aceh, Pidie, and Aceh Besar. BKSDA officers found at least 60 active snares of numerous types, from nylon to electric fences. Wild animals such as elephants, tigers, and orangutans are still the main prey for hunters. In addition, human-wildlife conflicts are also a common occurrence in Aceh (Admin, 2019).

In the draft qanun for wildlife management, caning is explained in Chapter XIII, Article 39, which confirms that:

- (1) *Any person who intentionally violates the provisions as intended in Article 33 shall be punished by referring to the provisions regulated in Law Number 5 of 1990 concerning the conservation of living natural resources and their ecosystems.*
- (2) *Every person who intentionally violates the provisions as intended in Article 34 letters a to e and g is threatened with a maximum of 60 (sixty) whippings or a maximum fine of up to 600 (six hundred) grammes of pure gold.*
- (3) *Every person who intentionally violates the provisions as intended in Article 34 letter f is threatened with criminal penalties referring to the provisions regulated in Law Number 32 of 2009 concerning Environmental Protection and Management.*
- (4) *Any authorised official who deliberately allows an act as intended in Article 33 and Article 34 to occur due to his negligence in issuing a permit or allowing a crime and violation as intended in Article 33 and Article 34 to occur is threatened with 'uqubat ta'zir whipping at most a maximum of 100 (one hundred) times or a maximum fine of 1000 (one thousand) grammes of pure gold.*

This article received numerous inputs from various parties to adapt it to the existing regulations. In this draft qanun, for example, the drafting team conducted raqan consultations with the Ministry of Home Affairs (Kemendagri) and the Ministry of Environment and Forestry (KemenLHK) on September 4, 2019. During this consultation process, the Ministry of Home Affairs did not agree with the application of caning punishments for perpetrators of animal crimes in Aceh. According to Akmal Malik Piliang, Director General of Regional Autonomy at the Ministry of Home Affairs, Qanun Number 6 of 2014 concerning *Jinayat* Law excludes caning in the context of crimes against wildlife. *Jinayat* law is a regional regulation that regulates Islamic offences, which include the application of caning. The Ministry of Home Affairs recommends that punishments for perpetrators of

crimes against wildlife refer to Law Number 5 of 1990 concerning Conservation of Natural Resources.

Discourse On Caning Punishment For Perpetrators Of Killing Animals

The relevance of caning is utilized as a method of punishment in criminal law reform. Relevant refers to closely connected, or directly useful (Sugono & dkk, 2009). The word "relevance" in the context of this paper is to investigate the direct relevance and benefits of implementing caning punishment in criminal law reform. Caning has significant relevance and makes a direct contribution to the reform of criminal law, depending on its conformity with the legal principles of Indonesian society. This description is found in the manuscripts written by Acehnese scholars, such as the works of Sheikh Nuruddin Ar-Raniry and Abdurrauf as Singkili. These documents describe that Islamic law in the Iskandar Muda era was applied thoroughly based on the Syafi'i school of thought. This application covers various legal aspects such as family, civil, criminal, punishment, justice, legislation, morality, and state aspects (Adan, 2003).

For centuries, the Acehnese people have implemented Islamic Sharia as a basis for regulating their social life since the golden age of the Aceh Sultanate. Their adherence to the teachings of the Islamic religion, which has been a strong foundation in their lives for many years, has given birth to the richness of Acehnese culture, which is reflected in the continuity of traditional traditions. This tradition originates from the deep thoughts of the ulama, which is then implemented, developed, and preserved until it finally becomes a norm that is upheld, known as "*adat bak Poteumeureuhom, Hukum bak Syah Kuala, Qanun bak Putro Phang, dan Reusam bak Laksamana*". In this context, customary law becomes the government's domain, while sharia law remains in the hands of the ulama. This statement encapsulates a real-life example of how Acehnese people generally live according to Islamic law.

Criminal law reform reflects a profound effort to review and undergo a re-transformation, which involves reorienting and reforming criminal law to be in harmony with the core socio-political, socio-philosophical, and cultural values of Indonesian society. Exploring the values reflected in the diversity of Indonesian people is an inevitable prerequisite in efforts to reform criminal law in Indonesia. The aim is so that Indonesian criminal law in the future can be in line with the socio-political, socio-philosophical, and cultural values of Indonesian society. In its implementation, the exploration of these values comes from customary law, positive criminal law (KUHP), religious law, foreign nations' criminal laws, as well as international agreements pertaining to criminal law material (Gunarto, 2012).

The 1945 Constitution is the basic legal foundation and the highest law, which contains values, principles, and norms that must be respected, upheld, and implemented in every decision-making process and/or legal policy by the government, legislative institutions, and judicial bodies, as well as by the entire people in general (Islam et al., 2022). Therefore, the 1945 Constitution plays a central role in the formation of the national legal system and in its implementation within the national legal political framework. The fundamental values reflected in the Pancasila, Indonesian state philosophy, expressed in the preamble to the 1945 Constitution and all its articles, are the fundamental and constitutional basis for the state (Sutrisno, 2005).

The first principle of Pancasila, namely 'Belief in One Almighty God', provides inspiration that national laws must reflect civilised religious morality and not just be based on the teachings of a particular religion. The Principles of 'Just and Civilized Humanity' teach that a nation's legislation must respect human rights. The Principles of 'Indonesian Unity' inspire the formation of a national legal system that is fair for all people, reflecting the spirit of unity and justice. The fourth principle, 'Democracy Guided By Inner Wisdom in Deliberation of Consultation', must be formulated by considering the aspirations and justice of all Indonesian people. The Principle of 'Social Justice for All Indonesian People' carries the aspiration to bring justice that is not only individual but also towards realising

shared prosperity. These characteristics reflect the legal principles in Pancasila, including religious, humanitarian, and societal aspects (Soemarsono, 2017).

Indonesia which consists of numerous ethnic groups with diverse cultural and religious beliefs and is influenced by the diversity left behind by colonial rule, faces challenges in creating a national criminal law system that embraces the entire community and nation. Legal reform must be founded on a holistic national understanding in order to accomplish this purpose. This understanding must encompass three essential elements: an understanding of nationality, an understanding of the archipelago, and an understanding of *Bhinneka Tunggal Ika*. By combining these three aspects simultaneously and in an integrated manner, the principles of Islamic law, customary law, and existing Western legal concepts will become an integral part of national law, both in written and unwritten form, including customary law (Habibi, 2021; Saladin, 2021).

In general, the Indonesian population can be divided into two large groups. In the western part of Indonesia, the majority of the population is Malay, while in the east, there are Papuan tribes with cultural roots in the Melanesian islands. Many Indonesians identify themselves as part of certain ethnic groups, which are distinguished by language and regional origin, for example, Javanese, Sundanese, or Batak, Karo, Minangkabau, and Malay in Sumatra, among others. Islam is the majority religion adhered to by around 85.2% of Indonesia's population, making Indonesia the country with the largest Muslim population in the world. Indonesia has an extraordinary diversity of ethnicities, religions, and beliefs. This ethnic diversity results in differences in the customs and traditions of each group. Considering the principle of *Bhinneka Tunggal Ika*, legal fields such as criminal and civil law are difficult to integrate, especially in family and inheritance law. Principle unification is only possible in "neutral" areas of law, especially those relating to trade activities, while other aspects are best left to jurisprudence and even regional regulations (Al-Farisi, 2021; Halim, 2013).

The determination of criminal acts required by Article 1 paragraph (1) of the RKUHP should be regulated in new laws and regulations, such as Regional

Laws and Regulations. In respecting the cultural and religious diversity in Indonesia, in accordance with the spirit of *Bhinneka Tunggal Ika*, the determination of criminal offences should comply with formal legal procedures, particularly through regional regulations. Indonesia is an extremely heterogeneous country, making it challenging to enact comprehensive legal unification in such a complex country. Not even a highly homogeneous nation like Germany could accomplish this. Only extremely homogeneous countries like Korea and Japan might be able to implement a unified legal system with success (Nurjamil & Nurhayati, 2019).

CONCLUSION

The caning penalty imposed on individuals who engage in wildlife killing can be classified as *'uqubat ta'zir*, even though it is not explicitly stated in the legal text. The authorities have the discretion to determine the form, severity, and type of caning punishment, taking into account sociological, juridical, and philosophical factors. This flexibility demonstrates the ability of authorities to adapt penalties to align with the social and cultural norms of Acehnese society. The application of caning for those who harm wild animals is considered appropriate as it aligns with the core philosophical values of Indonesian society. Therefore, the caning penalty for wildlife killing is consistent with other provisions outlined in the Aceh Qanun Jinayat. Further research can be conducted by comparing the caning policies in Aceh with those in other regions of Indonesia or countries that implement similar punishments. This comparative analysis can provide valuable insights into variations in the implementation of caning penalties and their societal impact.

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