

## **RINGKASAN**

**Nadia Sabilla                      Analisis Putusan Terhadap Pelaku Jarimah Ikhtilath Di  
Aceh  
210510220                      (Studi Putusan Nomor 3/JN/2021/MS.Idi, 4/JN/2021/MS.Idi  
dan 12/JN/2021/MS.Aceh)**

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Jarimah Ikhtilath akhir-akhir ini menjadi permasalahan yang serius di aceh. Qanun Aceh yakni pasal 25 Qanun Aceh Nomor 6 Tahun 2014 menerangkan bahwasanya ancaman bagi pelaku Jarimah Ikhtilath amatlah berat mencakup hukuman cambuk, denda, dan penjara, tetapi pada kenyataannya terhadap masing masing putusan berbeda dalam memutuskan perkara yang diputuskan oleh hakim. Tujuan penelitian ini yakni alasan hukum jarimah ikhtilath dijadikan sebagai tindak pidana dalam hukum pidana islam dan pertimbangan hakim terhadap pelaku jarimah ikhtilath dalam mahkamah syar'iyah idi dan mahkamah syar'iyah aceh antara putusan Nomor 3/JN/2021/MS.Idi, 4/JN/2021/MS.Idi, dan 12/JN/2021/MS. Aceh.

Jenis Penelitian ini adalah penelitian hukum normatif dengan menggunakan pendekatan perundang-undangan dan pendekatan kasus beserta putusan. penelitian ini bersifat deskriptif. Pengumpulan data yang dilakukan melalui studi kepustakaan analisi data yang digunakan adalah analisis kualitatif.

Hasil penelitian menunjukkan bahwa pertimbangan hakim dalam kasus Ikhtilath Putusan Nomor 3/JN/2021/MS.Idi (Tindak Pidana Jarimah Ikhtilath) Majelis hakim memutuskan terdakwa TS bersalah melakukan jarimah ikhtilath dan menjatuhkan uqubat ta'zir berupa cambuk sebanyak 30 kali. sebagaimana diatur dalam Pasal 25 Ayat 1 Qanun Jinayat Aceh. Putusan Nomor 4/JN/2021/MS.Idi (Tindak Pidana Zina): Dalam perkara ini, terdakwa RJ mengakui telah melakukan perbuatan zina dan bersumpah di hadapan hakim. Berdasarkan pengakuan dan sumpah tersebut, majelis hakim menjatuhkan uqubat hudud berupa cambuk sebanyak 100 kali, sesuai dengan ketentuan Pasal 37 Ayat 1 Qanun Jinayat Aceh. Putusan Nomor 12/JN/2021/MS.Aceh (Tindak Pidana Jarimah Ikhtilath) menyatakan bahwa terdakwa TS, telah terbukti secara sah meyakinkan bersalah melakukan jarimah ikhtilath sebagaimana diatur dalam pasal 25 ayat (1) qanun aceh nomor 6 tahun 2014 dan menjatuhkan 'Uqubat Ta'zir berupa penjara terhadap terdakwa TS sebanyak 30 bulan.

Hakim seharusnya dalam menjatuhkan putusan sebaiknya lebih memperhatikan pertimbangan yuridis dan non yuridis yang mana pertimbangan ini seharusnya menjadi pertimbangan yang memberatkan hukuman bagi masing-masing pelaku dan seharusnya dalam memutuskan harus adil antara kedua terdakwa.

**Kata Kunci : Jarimah Ikhtilath, Putusan Hakim dan Pertimbangan Hakim**

## **SUMMARY**

**Nadia Sabilla**      **Analysis of the Decision Against the Perpetrators of**  
**210510220**          **Ikhtilath Crimes in Aceh (Study of Decision Number**  
                             **3/JN/2021/MS.Idi,4/JN/2021/MS.Idi,12/JN/2021/MS.Aceh)**

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The crime of ikhtilath has recently become a serious problem in Aceh. Aceh Qanun, namely Article 25 of Aceh Qanun Number 6 of 2014, explains that the threat to perpetrators of the crime of ikhtilath is very severe, including punishments such as caning, fines, and imprisonment, but in reality there are different decisions in deciding cases decided by judges. The purpose of this study is the legal reasons for the crime of ikhtilath being made a criminal offense in Islamic criminal law and the judge's considerations for perpetrators of the crime of ikhtilath in the Idi Sharia Court and the Aceh Sharia Court between decisions Number 3 / JN / 2021 / MS.Idi, 4 / JN / 2021 / MS.Idi, and 12 / JN / 2021 / MS.Aceh.

This type of research is normative legal research using a legislative approach and a case approach along with decisions. This research is descriptive. Data collection is carried out through literature studies, data analysis used is qualitative analysis.

The results of the study show that the judge's considerations in the Ikhtilath case Decision Number 3/JN/2021/MS.Idi (Criminal Act of Ikhtilath Crime) The panel of judges decided that the defendant TS was guilty of committing the crime of ikhtilath and imposed a ta'zir punishment in the form of lashing 30 times. as regulated in Article 25 Paragraph 1 of the Aceh Qanun Jinayat. Decision Number 4/JN/2021/MS.Idi (Criminal Act of Adultery): In this case, the defendant RJ admitted to having committed adultery and swore before the judge. Based on the confession and oath, the panel of judges imposed a hudud punishment in the form of lashing 100 times, in accordance with the provisions of Article 37 Paragraph 1 of the Aceh Qanun Jinayat. Decision Number 12/JN/2021/MS.Aceh (Criminal Act of Ikhtilath Crime) stated that the defendant TS had been proven legally and convincingly guilty of committing the crime of ikhtilath as regulated in Article 25 paragraph (1) of Aceh Qanun Number 6 of 2014 and imposed a 'Uqubat Ta'zir in the form of imprisonment for the defendant TS for 30 months.

In making a decision, the judge should pay more attention to legal and non-legal considerations, which considerations should be a consideration that weighs down the punishment for each perpetrator and should be fair in deciding between the two defendants.

**Keywords : Fingers crossed, Judge's verdict, Judge's Consideration**