

ABSTRACT

Basuni, *The Implementation of Qanun Aceh About Jinayat Law Alternative for the Perpetrators of criminal jarimah on Violation. Under supervisor Prof. Prof. Dr. H. Faisal Santiago, S.H., M.M as the promotor and Dr. H. Azis Budianto, S.H., M.S as the co-promotor.*

The appearance of applying jinayat law alternative of whip, fine and jail for the perpetrators of criminal jarimah on the violation is one point of the jail punishment/uqubat ta'dzir that is holding the principle of alternative, but the whip punishment/uqubat hudud that isn't holding the principle of alternative, because the whip, for the Perpetrators of criminal jarimah on khamar (drug), zina and qadzaf (accuse). Those all to fit the justice sight between one to one point criteria must be seen (concern) from philosophy and sociology aspect other one juridical such as one whip for the perpetrators of criminal jarimah similarity to one month in prison or be fined ten gold naturally based on concerning 73 ayat (2) Qanun Aceh number 6 year 2014. If those all be sight of jinayat it's not included into the justice reform, because between whip and prison as the parameter was done unclear. Meanwhile the content of Qanun Aceh about jinayat remarked based on the Islamic law for all over handing on handling in justice, maslahat and the law fix.

1) Why Does Qanun Aceh for jinayat law for the perpetrators of criminal jarimah on the violation based on Qanun Aceh, 2) How does apply jinayat law alternative for the perpetrators of criminal jarimah (rape) based on restorative justice based on Qanun Aceh, and 3) How does the implementation model Qanun Aceh for the criminal jarimah on the violation ideal?

This research used yuridis normative (qualitative), the data used are secondary (library research), holding into tree parts such as primary, secondary, and written research.

Based on the final result of this research is the punishment for the Perpetrators of criminal jarimah was being in very variously, was found one of this research just have provided in the whip punishment, one of the jail punishment and restitution, based on legislation 48,49, 50 and 51 Qanun Aceh for the jinayat law has been hold alternative principle, but for the responsibility who stands for, must be given the justice for the victim in provide the punishment such as the jail punishment then the alternative punishment others. From the punishment alternative for the Perpetrators of criminal jarimah on Violation based the legislations it would be done on the process of restorative justice entrance for this is the perpetrator, the victim, the family of victim, the central of religious man, the central of society man and the others to take the justice of maslahah in every conduction of discussion. During the implementation of Qanun Aceh stands for the Perpetrators of criminal jarimah on Violation it would better and should being go on the jail punishment with the restitution because the sexual crime most appear negative sight, those more for think is the victim of the young children need the time for growing to be adolescence and support to be adult.

Keywords: *Qanun Aceh, Jinayat Law, Jarimah and Violation*