

## Legal Politics of Qanun Aceh Number 11 of 2018 concerning Sharia Financial Institutions in the Field of Sharia Banking

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### Abstract.

*This research is motivated by the tension between the ideal of the comprehensive implementation of the sharia-based financial system in Aceh and the reality of implementation which still faces various challenges, both in terms of regulation, institutional, and harmonization with the national legal system in the financial services sector. Qanun Aceh Number 11 of 2018 concerning Sharia Financial Institutions (LKS) is the main instrument in this transformation, so it is important to analyze it from the perspective of legal politics and legal pluralism, especially related to the authority relationship between the Government of Aceh and the national financial authority. This research uses normative legal methods with statute and conceptual approaches. Legal materials consist of primary, secondary, and tertiary legal materials that are analyzed descriptively analytically through the interpretation of legal norms. The results of the study show that Qanun LKS represents a transformational legal political construction within the framework of Aceh's special autonomy, with policy directions that encourage the conversion of the banking system to a comprehensive sharia system. However, the implementation of this qanun also raises the potential for regulatory disharmony with the national legal regime in the banking sector and the supervision of the financial services sector, especially related to the authority of the Financial Services Authority (OJK), which has implications for the emergence of norm conflicts and fair competition issues in the banking industry. This study concludes that the Qanun LKS is not only an instrument for the implementation of Islamic law, but also reflects the product of political law that is in the space of tension between national law and sharia-based regional law. The contribution of this research lies in the analytical construction of the position of Qanun LKS as a form of regulatory transformation which at the same time raises the challenge of harmonization in the national legal system.*

**Keyword:** *legal politics, Qanun Aceh, Islamic financial institutions, Islamic banking, regional autonomy*

## **INTRODUCTION**

The implementation of Qanun Aceh Number 11 of 2018 concerning Sharia Financial Institutions (hereinafter referred to as Qanun LKS) is a form of legal politics specific to Aceh in realizing a sharia economy that is different from other regions in Indonesia because all financial institutions in this province are required to operate based on sharia principles (Aiman & Syuib, 2025). Qanun LKS has been fully enforced since January 4, 2022, so conventional financial institutions must transform into Islamic financial institutions or stop their operations in Aceh, which reflects the specificity of local laws that are combined with sharia values (Jihad, 2021). The implementation of Qanun LKS in banking has shown structural changes in banking services and contracts in accordance with sharia principles, while demanding an increase in people's sharia literacy and the capacity of banking human resources (Aiman & Syuib, 2025).

The consequences of sharia policies in the economic sector in Aceh can be seen from changes in the practices of financial institutions that directly impact the financing ability of the real sector such as micro and small enterprises, where the profit-sharing financing target has not been fully achieved (Vilza et al., 2025). This exclusive policy also has the potential to create a tendency to monopolize the Islamic banking market in Aceh because non-Islamic institutions are no longer competitive in the local legal space (Fahmi, 2023). In addition, the readiness of legal apparatus such as the Sharia Court (Mahkamah Syariah) is also crucial in resolving sharia economic disputes that have increased after the implementation of the Qanun LKS, so that institutional aspects also play a role in enforcing sharia provisions in the economic realm (Kamal, 2023).

The implementation of Qanun LKS is a manifestation of Acehnese legal politics to implement Islamic sharia in the local economic order, so that all financial institutions, including banks, are obliged to implement sharia principles after a three-year adjustment period since it was promulgated on January 4, 2019 (Sanola, 2022). Qanun LKS not only brought a change in the form of financial institutions, but also affected the structure of banking services, so that conventional banks were required to convert or exit the Aceh market (Aiman & Syuib, 2025). Within the framework of economic law, this regulation urges the need for harmonious governance between Qanun LKS and national law to ensure legal certainty for business actors and the public, especially for the use of sharia-based financial products (Annisa, 2025).

An important problem is banking as a strategic sector that must be able to provide public services, expand development financing, and increase public financial inclusion in the midst of system

changes triggered by Qanun LKS (Vilza et al., 2025). Although Qanun LKS aims to increase profit-sharing-based financing, the realization of profit-sharing financing for micro, small, and medium enterprises is still low, resulting in challenges in achieving the expected financial inclusion goals (Vilza et al., 2025). On the other hand, public perception of Islamic bank services tends to vary and shows the need for equitable improvement in service quality so that the function of banking as a public service provider is fulfilled (Anzira et al., 2022). The exclusive application of Islamic financial institutions that have the potential to create structural barriers for certain community groups or people who were previously accustomed to using conventional banking services or do not have an adequate understanding of Islamic banking schemes can face a difficult adaptation process. Therefore, critical questions arise about whether mandatory conversion policies actually expand financial inclusion or limit financial access options through regulatory exclusivity.

Furthermore, Qanun LKS functions as a regional public policy that expressly directs all banking financial institution operations in Aceh to comply with sharia principles, both in terms of institutions, products, and financial transactions (Jihad, 2021). The arrangement requires conventional banks to convert or cease their operations within a certain period of time, so that the qanun is not only declarative but also operationally binding and has a direct impact on the banking system (Lnu, 2021).

The arrangement requires conventional banks to convert or cease their operations within a certain period of time, so that the qanun is not only declarative but also operationally binding and has a direct impact on the banking system (Achsani & Kassim, 2021). The mandatory conversion policy implemented through Qanun LKS substantively shifts the configuration at the regional level by eliminating the choice of conventional banking operations in Aceh. This condition shows that there is a regulatory tension between the implementation of regional legal autonomy and the national banking policy structure built on the principle of diversity of financial institutional models. Furthermore, Qanun LKS integrates sharia principles into banking governance through the obligation to use sharia contracts, supervision of the Sharia Supervisory Board, and reference to DSN-MUI fatwa as the basis for operational compliance (Aiman & Syuib, 2025).

The development of the sharia economic system in Indonesia shows an increasingly strong trend, especially in the context of regions that have specificities such as Aceh with the authority to implement Islamic law. One of the manifestations of this authority is the Qanun LKS, which requires all financial institutions to operate based on sharia principles. This policy reflects the integration between law, religion, and politics within the framework of regional autonomy, as well as raises various

problems related to the readiness of regulations, institutions, and society in transforming from the conventional system to the sharia system. Therefore, the main problem in this study focuses on the political and legal analysis behind the formation and implementation of Qanun LKS, especially in the Islamic banking sector.

Previous research conducted by Ma'sum Umar (2023) focused more on community response, changes in legal culture, and the influence of Qanun LKS implementation on the performance of Islamic financial institutions in Aceh. Meanwhile, Ryan Yusuf Pradana (2024) focused more on the impact of the implementation of Qanun LKS on the development of Bank Syariah Indonesia, changes in business strategies, and its implementation in the perspective of special autonomy in Aceh. The research of Natasya Masthura et al. (2025) focused on the juridical analysis of the challenges of converting conventional banks into Islamic banks, especially related to regulatory disharmonization, contract changes, customer protection, and legal certainty in the implementation of Qanun LKS. However, these studies still tend to discuss implementive, institutional, economic, and normative juridical aspects, so that they have not studied in depth the Qanun LKS as a product of legal politics born from the configuration of special regional power and the dynamics of legal pluralism between national law, Islamic law, and Aceh regional regulations.

Based on these conditions, the novelty of this research lies in the approach of legal political analysis and legal pluralism which is used integratively in reading the formation and implementation of Qanun LKS. This study not only analyzes the impact of regulations or challenges of banking conversion, but also reveals how Qanun LKS has become an arena for power relations, the Islamization of the economic system, and the contestation between the principle of national dual banking and the sharia single banking policy in Aceh. Using the perspectives of the Legal Politics of Mahfud MD and Zainal Arifin Mochtar and the Legal Pluralism of John Griffiths and Brian Z. Tamanaha, this study offers a more critical reading of Qanun LKS as a manifestation of regional legal politics as well as the practice of legal pluralism in sharia economic governance in Aceh.

The purpose of this research is to analyze the legal politics of Qanun LKS, examine its implementation in the Islamic banking sector, and evaluate its impact on the regional financial system. This research is expected to make a theoretical contribution to the development of legal political studies, as well as a practical contribution as a consideration for policymakers in formulating regulations that are more effective, adaptive, and responsive to the needs of the society.

## **METHOD**

This research uses a type of normative legal research. Normative legal research was chosen because the focus of the study lies in the analysis of legal norms contained in Qanun Aceh Number 11 of 2018 concerning Islamic Financial Institutions, especially in the perspective of legal politics. The approaches used include the statute approach and the conceptual approach. The statute approach is carried out by examining various relevant regulations, both at the national and regional levels, while the conceptual approach is used to examine the concepts of legal politics, regional autonomy, and the principles of Islamic banking which are the basis of the analysis in this study.

The source of legal materials in this study consists of primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations directly related to the object of research, especially Qanun Aceh Number 11 of 2018. Secondary legal materials are in the form of scientific literature such as books, journals, and the results of previous research that are relevant to the topic of Islamic law and banking politics. The tertiary legal materials include legal dictionaries, encyclopedias, and other supporting sources. The technique of collecting legal materials is carried out through library research, while the analysis technique uses a qualitative analysis method by interpreting, constructing, and evaluating existing legal norms to obtain comprehensive conclusions. The analytical approach was carried out in a descriptive-analytical manner to reveal the direction of legal politics and policy implications for the implementation of Islamic banking in Aceh.

In this study, the analytical framework used integrates the perspective of legal politics and legal pluralism as the main instruments in assessing the direction and character of the Qanun LKS arrangement. A political and legal perspective is used to identify the rationality of policy formation, including the normative goals to be achieved, the configuration of actors involved in the legislation process, and the authority relationship between the Government of Aceh, financial institutions, and national financial authorities. Meanwhile, the perspective of legal pluralism is used to read the dynamics of interaction between state law, Islamic law as the normative basis of qanun, and the socio-economic practices of the community in the implementation of Islamic financial institutions in Aceh. Through the combination of these two approaches, the research does not only stop at the analysis of norms, but also assesses how they work in broader social and institutional contexts (Aiman & Syuib, 2025).

Furthermore, this study also uses a critical analysis approach to evaluate the normative and empirical implications of the Qanun on the principles of economic law. This analysis focuses on three main issues, namely whether the provisions in the qanun have the potential to hinder the principle of

financial inclusion, whether there is an impact on fair competition in the banking industry in Aceh, and whether the implementation of the policy contains the character of coercive regulation in the process of transforming the banking system to sharia-based. Thus, this research is not only descriptive-normative, but also evaluative-critical in assessing the impact and consequences of regulations on the governance of the financial system in Aceh (Vilza et al., 2025).

## FINDINGS

### **Background and Reasons for the Issuance of Qanun Number 11 of 2018**

The issuance of Qanun Aceh Number 11 of 2018 concerning Sharia Financial Institutions cannot be separated from the political context of Aceh's special autonomy law which provides broad authority for regions to develop sharia-based financial systems. Normatively, this qanun was formed as an effort to strengthen the implementation of sharia principles in the financial services sector, as well as as a response to the socio-religious aspirations of the Acehnese people who want an economic system that is in accordance with Islamic values. However, from a legal political perspective, the formation of this qanun also reflects the existence of a legal policy choice that is not only normative, religious, but also institutional, namely directing the transformation of the banking system from the conventional system to the Islamic financial system as a whole (Hidayatulloh, 2024).

If analyzed further in the framework of legal pluralism, the issuance of this qanun shows the interaction as well as potential tension between national laws in the banking and financial sectors under the regime of the Banking Law and the authority of the Financial Services Authority (OJK), and sharia-based regional laws codified in qanun. This condition gives indications of regulatory disharmony, especially related to the regulation of the obligation to convert conventional financial institutions into Islamic financial institutions in Aceh. At a certain point, this policy can also be understood as a form of political affirmation of regional law that has the potential to cause a shift in the structure of regulatory authority from national regulators to the regional level (Yusuf et al., 2025).

The implementation of Qanun LKS also raises issues regarding the distribution of authority between the Aceh Government and the Financial Services Authority (OJK). Normatively, the supervision of the banking sector is under national regulators, but Qanun LKS in practice also determines the operational direction of financial institutions in the regions. This situation not only shows the difference in the space of authority, but also shows the potential for regulatory disharmony between sharia-based regional policies and the governance of the national financial sector. As a result, financial institutions can be in a position to meet two regulatory regimes at once, namely national

regulations in the financial services sector and sharia-based regional regulations, which have the potential to cause uncertainty in the implementation of norms. This condition has the potential to cause overlapping authority and unclear boundaries of authority if a clear coordination mechanism is not followed.

Furthermore, the reason for the issuance of this qanun can also be seen as a response to the need to strengthen sharia-based financial inclusion in Aceh. However, the policy also raises critical questions regarding its implications for the principle of fair competition in the national banking industry, as well as the possibility of regulatory coercion on financial institutions that previously operated conventionally. Thus, the background of the issuance of this qanun is not only normative-religious, but also contains a complex legal political dimension, which needs to be seen in the framework of norm conflicts, regulatory harmonization, and their impact on the national legal system (Tudini et al., 2025).

On January 4, 2019, the Aceh Government officially ratified the Qanun LKS. All financial institutions operating in Aceh are required to adjust their business activities to the provisions in the qanun no later than three years from the date of promulgation. In its implementation, both banking and non-banking financial institutions must carry out operations based on sharia principles. Through the implementation of Qanun LKS, the government hopes that the implementation of Islamic sharia can be applied comprehensively (kaffah), as well as encourage community economic growth through increasing and equitable income, so that the gap between the rich and underprivileged groups can be minimized.

Aceh is one of the provinces in Indonesia that has implemented the conversion of conventional banks to Islamic banks. On September 23, 2019, in a discussion entitled “Banking Readiness for the Implementation of Qanun of Sharia Financial Institutions in Aceh” organized by Bank Indonesia in collaboration with *Tempo*, Amrizal J. Prang as the Head of the Legal Bureau of the Aceh Regional Secretariat representing the Acting Governor of Aceh said that there are four main bases behind the establishment of Qanun LKS in Aceh, i.e.: (Lestari et al., 2021).

1. Philosophically, the basis of thought is considered in the formation of a regulation, which reflects a view of life, legal awareness, and certain legal ideals. Qanun LKS was born on a philosophical basis in the form of a strict prohibition on the practice of usury. In Islamic teachings, *riba* is absolutely prohibited. *Riba* is defined as the additional taking of principal or capital in an incorrect manner or contrary to sharia principles. The practice of usury can occur

both in buying and selling transactions and in debt-receivables activities. The act of usury is included in the seven great sins that Allah *Subhanahu wa Ta'ala* is very angry with.

2. Juridically, the legal considerations that underlie the formation of a regulation are to answer legal problems or fill the gaps in norms, while still paying attention to existing regulations, which will be amended, or those that will be repealed. The goal is to ensure legal certainty and bring a sense of justice in the community. The juridical basis is related to the aspect of the substance or material that is regulated, so it is necessary to establish new regulations. The Qanun LKS is also prepared based on a number of legal bases, including: Law Number 44 of 1999 concerning the Implementation of Provincial Privileges of the Special Region of Aceh; Law Number 11 of 2006 concerning the Government of Aceh; Decree of the Aceh MPU Number 11 of 2003 concerning the Results of the Ulema Workshop on Local Wisdom in the Field of Sharia Economics; and Qanun Aceh Number 8 of 2014 concerning the Principles of Islamic Sharia.
3. Historically, foundation is the basis for considerations that originate from the history of an area that is the background for the birth of a policy. The formation of Qanun LKS is also supported by historical aspects, such as the history of the Sultanate of Aceh which upholds the “Adat Meukuta Alam”, where all the provisions of royal law in the past were sourced from the Qur’an, Hadith, Ijma’, and Qiyas (Jihad, 2021).
4. Sociologically, in order to realize a fair and prosperous economy of the Acehnese people under the auspices of Islamic law, one of them requires the services of Islamic financial institutions (Lestari et al., 2021).

Although the Qanun LKS is normatively intended to strengthen the application of Islamic sharia in a *kaffah* manner in the financial services sector, its enactment also marks a fundamental change in the regulatory design of the banking sector in Aceh. The obligation to convert all financial institutions, both banking and non-banking, within a certain period of time shows the existence of a transformational and coercive policy character within the political framework of regional law. Qanun LKS can be categorized as a form of coercive regulation because the compliance of financial institutions is not formed through a voluntary market adaptation mechanism, but through legal obligations accompanied by operational restrictions. Financial institutions that do not convert have the potential to lose the right to operate in the Aceh region (Marpaung & Susetyo, 2021). Therefore, the transformation towards an Islamic financial system in Qanun LKS is more regulatory-driven than market-driven. In this perspective, qanun not only functions as an instrument of administrative

regulation, but also as a tool for financial system engineering that shifts the institutional structure from the conventional system to the sharia financial system as a whole.

Within the framework of national law, the policy raises the potential for regulatory disharmony between the authority of the Aceh Government based on the special autonomy regime and the authority of national financial sector regulators such as the Banking Law and the Financial Services Authority (OJK). The provisions of the obligation to convert financial institutions can be understood as a form of regulatory intervention that has the potential to cause a conflict of norms, especially related to the principle of freedom of business and the structure of competition in the national banking industry. On the other hand, the application of this qanun also opens up a space for analysis regarding the possibility of regulatory overlap, where the regulatory authority of the financial sector is not fully centralized or coordinated effectively between the national and regional levels (Zada, 2023).

The philosophical, juridical, historical, and sociological reasons underlying the formation of Qanun LKS not only show normative legitimacy, but also reflect a political and legal construction that is full of institutional interests and regional Islamic identity. In this context, Qanun LKS can be understood as a legal product that is in a space of tension between the ideal goals of Islamic law, the needs of regional economic development, and the demand for harmonization with the national legal system and financial regulations. Therefore, this analysis of the qanun needs to be placed not only in a normative framework, but also in a critical framework that looks at its regulative, institutional, and economic implications more comprehensively (Lestari et al., 2021).

## **DISCUSSION**

### **Policy Direction and Design of Qanun Norms of Islamic Financial Institutions in the Banking Sector**

Qanun LKS is stipulated as a regional regulation that becomes a local policy instrument in regulating financial services based on sharia principles in Aceh Province (Zada, 2023). This Qanun expressly requires all financial institutions operating in Aceh to implement the Islamic financial system, so that conventional institutions are no longer allowed to operate unless they have been transformed to be sharia-based (Zada, 2023). This policy reflects the local government's choice to focus on developing a financial system that is in line with social, cultural, and Islamic economic values which are believed to support the welfare of the people of Aceh (Hidayatulloh, 2024).

The treatment of Qanun LKS as a regional policy instrument can also be seen from its role in the transformation process of financial institutions in Aceh, where the conversion of conventional

institutions to sharia is part of the policy objective to enable the full integration of sharia principles in the local financial system (Fauzi, 2020). This process not only impacts banking institutions but also non-bank financial institutions and financial technology, as Qanun LKS requires the use of sharia principles in all types of transactions and financial services in the region (Utomo et al., 2023). The implementation of Qanun LKS has raised challenges in terms of institutional readiness and local economic systems, including in terms of financial inclusion and public access to sharia-based financial service products (Yusuf et al., 2025).

The sharia principles in Qanun LKS require that all activities of financial institutions in Aceh must be carried out based on sharia principles that prohibit the practice of usury and encourage justice and economic welfare of the community according to Islamic teachings, so that Qanun LKS serves as the main norm for the operation of financial institutions in the region (Utamy & Hasan, 2020). Qanun LKS expressly states that all subjects/institutions that provide financial services including Islamic banks, microfinance institutions, and sharia-based fintechs must apply sharia principles in each of their products and services, which shows the very broad scope of subjects in the regulation. This arrangement reflects that Qanun LKS not only regulates the form of business entities, but also regulates transaction mechanisms, the use of sharia contracts, and the obligation of institutions to adjust their operational activities to the sharia principles that apply in Aceh (Utomo et al., 2023).

The scope of subjects regulated by Qanun LKS covers sharia-based financial institutions as a whole, including Islamic banks and non-bank institutions that provide financial services in the Aceh region, which must undergo operational transformation or adjustments to comply with the provisions of sharia principles. This can be seen from the change in the operational form of conventional financial institutions operating in Aceh to full sharia institutions as a direct consequence of the implementation of Qanun LKS, which shows that Qanun LKS regulates anyone who is included in the scope of institutions that are obliged to comply (Tudini et al., 2025). In addition, Qanun LKS also expands the scope of institutions that must be supervised, including online lending platforms and Islamic fintechs that must adjust their products to no longer use conventional principles (Utomo et al., 2023).

Qanun LKS stipulates that financial institutions operating in Aceh are obliged to adjust according to the provisions of Qanun LKS within a certain period of time after promulgation, the provisions of this adjustment period are listed in Article 65 of Qanun LKS as a three-year deadline from the enactment of Qanun LKS to carry out operational transformation. This adjustment period provides administrative and strategic time for banks and other financial institutions to gradually change their structures and systems from conventional to sharia without immediately halting operations

(Fauzi, 2020). Such provisions are understood as a form of transitional policy that considers the internal readiness of the institution, including the development of sharia products and the adjustment of legal contracts to be in accordance with sharia principles (Sya'bani, 2024).

The implications of the adjustment period provisions on financial institutions are very significant because failure to meet the adjustment deadline has the potential to cause the institution to no longer be allowed to operate in Aceh, which directly impacts the sustainability of its business (Fauzi, 2020). The adjustment period forces institutions to strengthen sharia compliance in terms of product structure, contract mechanisms, and internal oversight systems, including the establishment of an effective Sharia Supervisory Board (Sya'bani, 2024). In practice, the impact of the adjustment process has been proven to create operational challenges at the beginning of implementation, for example, changes in transaction mechanisms and a decrease in business volume for a number of Islamic insurance institutions that are adapting (Simanjuntak et al., 2023).

### **Political Will and Political Configuration in the Formation of Qanun according to Legal Politics**

According to Mahfud MD (2023), legal politics can be understood as legal policy or official policy regarding laws that are enacted or repealed to achieve state goals as stated in the Preamble to the 1945 Constitution. Legal politics can be permanent, such as judicial testing, populist economy, the replacement of colonial law, the control of natural resources, and the independence of judicial power; or periodically according to certain situations. Because the law is a political product, it reflects the interests of the rulers, so it must be bound by the principles of legality, division of power, basic rights, and government supervision. Legal politics functions to provide limits so that the law is effective, efficient, and becomes a means of renewal and development, with a foothold on the ideals of a just and prosperous nation, the goals of the state, the values of Pancasila, and the protection of all elements of the nation for the sake of integrity, social justice, democracy, and tolerance. Thus, legal politics as a direction of development is closely related to legal products, which can be understood through philosophical, sociological, and formal perspectives, such as Pancasila, the constitution, and GBHN.

Zainal Arifin Mochtar (2025) added that history shows that each regime has a different political and legal configuration. This difference is reflected in the legal products produced, for example between the New Order period and the Reform era. Entering the Reformation era, many laws were amended or repealed, confirming that certain political dynamics played a role in giving birth to and eliminating legal products.

In the context of Qanun LKS, the inclusion of the Qanun LKS Draft related to Islamic banking in Aceh was initiated by executive and legislative initiatives as part of the implementation of Aceh's specificity in the application of Islamic sharia in the economic sector. The Aceh government acted as the main initiator by drafting the academic manuscript and initial draft of the Qanun LKS, while the DPRA carried out the legislative function by following up on the proposal into a formal mechanism for the establishment of the Qanun LKS. The draft Qanun LKS was then included in the Aceh Legislation Program (Proleg-Qanun) as a priority agenda because it was considered strategic for strengthening the Islamic financial system in Aceh (Tomimi et al., 2024).

After being included in the legislation agenda, the Draft Qanun LKS was discussed through stages of multi-level discussion in the DPRA, starting from the initial discussion to the joint discussion with the Aceh Government (Tomimi et al., 2024). At the substance discussion stage, the Qanun LKS material was studied in depth, including the arrangement for the conversion of conventional banks into Islamic banks and the determination of operational transition periods (Jihad, 2021). The transformation policy has implications for the principle of healthy business competition in the banking sector. When conventional banking institutions are no longer allowed to operate freely in Aceh, the structure of the banking market becomes more exclusive to Islamic financial institutions. This condition has the potential to reduce consumer choice and weaken the dynamics of competition which is basically the main character in the dual banking system in Indonesia. The discussion stage reflects the political dynamics of the law and law between the executive and the legislature in formulating the direction of Islamic banking policy in Aceh (Tomimi et al., 2024).

The formation of the Qanun LKS Draft involves the DPRA as the main legislative arena that determines strategic issues and formulates Proleg-Qanun in accordance with Aceh's autonomy rights to implement Islamic sharia in local economic policies (Abbas et al., 2024). The Aceh government acts as an executive actor and proposer of this religious-economic plan, especially with the mandate to convert and regulate all financial institutions to operate according to sharia principles based on the Qanun LKS (Asyiqin & Rinaldi, 2025). In addition, Islamic scholars and mass organizations in Aceh have also become a policy arena through normative support and social legitimacy for the Qanun LKS which reflects the aspirations of the dominant Muslim community in the region (Zada, 2023).

In the discussion stage, Islamic banking industry players and other financial institutions participated in providing technical input on the readiness to convert from conventional practices to the sharia system as part of the implementation of Qanun LKS (Safitri et al., 2021). Public voices and public perceptions are part of the policy arena because the level of financial literacy and community

response to changes in the banking system affect the social legitimacy of Qanun LKS and support for Islamic bank operations (Simahatie et al., 2021). This policy debate is reflected in studies that show that exclusive policies towards Islamic financial institutions are often seen as different between the goals of sharia theory and the inclusive economic needs of Acehnese society (Zada, 2023).

Moral-religious arguments are the main basis in the proposal of the Qanun LKS because Aceh as a region with special autonomy places Islamic sharia as the normative basis for all economic activities, including banking. In this context, Islamic banking is seen as an instrument to eliminate the practice of usury, *gharar*, and economic activities that are considered incompatible with sharia, so Qanun LKS is designed to meet the moral and religious demands of the people of Aceh (Zada, 2023). Economic arguments are also an important driver because Islamic banking is positioned as a fair and sustainable economic model that is able to support local economic growth and financial inclusion (Syamsuri et al., 2021).

Governance arguments arise in the form of the need for clear regulation regarding the institutional structure, supervision, and conversion mechanism of financial institutions to comply with sharia principles (Asyiqin & Rinaldi, 2025). Qanun LKS also uses the argument of legal certainty, because strict regulations are needed to avoid multiple interpretations and provide clear operational limits for Islamic banks and other financial institutions in Aceh (Zada, 2023). In this case, the establishment of Qanun LKS is aimed at providing a strong legal foundation for industry players, the community, and regulators so that the implementation of Islamic banking runs consistently and can be accounted for (Syamsuri et al., 2021).

In the formation of Qanun LKS, the DPRA mapped out its importance in moral-religious legitimacy by strengthening sharia norms in the financial system in response to the aspirations of the Muslim community and the dominant Islamic sharia values in Aceh (Syamsuri et al., 2021). The Aceh government as an executive actor balances these moral interests with the goal of economic stability and sustainability of financial services, thereby encouraging norms that allow the transition period for financial institutions to adapt (Tudini et al., 2025). Actors in the Islamic banking industry also have technical and practical interests, including operational readiness and the structure of Islamic financial products, thereby encouraging the formulation of norms that are realistic and can be implemented in the field (Syamsuri et al., 2021).

Political compromise between moral-religious actors and economic technical actors is seen when qanun norms accommodate transitional periods so that conventional financial institutions can adjust without stopping services altogether, even though the end goal is a full sharia system (Fauzi,

2020). In the formulation of the norms, the DPRA and the Government of Aceh also included provisions that provide space for the interpretation and technical implementation of sharia to reduce barriers for industry players who need time and resources for conversion (Sya'bani, 2024). The norms formulated also focus not only on the religious aspect, but also on the governance aspects and operational certainty of the bank, reflecting the political negotiation between religious values and the local economic reality (Syamsuri et al., 2021).

In the view of legal politics as stated by Mahfud MD (2023), Qanun LKS cannot be understood solely as a technical regulation of the Islamic financial sector, but as a product of the political configuration that develops in Aceh after regional specificity. Mahfud MD (2023) emphasized that law is a political product, so that the character and substance of law are greatly influenced by the dominant configuration of power at the time the law was formed. In the context of Qanun LKS, the dominance of Islamic sharia aspirations in the political space of Aceh causes the direction of legal policy to be more oriented towards strengthening Islamic identity in regional economic governance. Thus, the formation of Qanun LKS reflects the politics of regional law that seeks to make Islamic sharia not only a normative symbol, but also an instrument of concrete economic regulation.

The political configuration that supports the strengthening of Islamic sharia can be seen from the strong coalition between the Aceh Government, the DPRA, and scholar groups and Islamic community organizations in encouraging the exclusivity of the Islamic financial system. According to Mahfud MD (2023), this condition shows how a relatively ideologically homogeneous political configuration will give birth to legal products that are responsive to the aspirations of the dominant group. The aspirations of the majority of Acehnese Muslims are translated into legal policies in the form of operational obligations of sharia-based financial institutions. Therefore, Qanun LKS is a representation of the politics of local law that aims to integrate religious values into the local positive legal system.

However, if you look at Zainal Arifin Mochtar's views, the establishment of Qanun LKS also shows that legal products were never born in a neutral space, but are the result of political interests and certain power relations. Zainal Arifin Mochtar emphasized that each regime or political configuration will produce a different character of legal products. In the context of Aceh, the post-reform political configuration and the strengthening of special autonomy opened up a wider space for the articulation of religious identity in the formation of regional regulations. This situation is different from the previous era of centralization which tended to limit the formalization of Islamic sharia in public policy.

From this point of view, Qanun LKS can be understood as a manifestation of regional law politics born from the political momentum of decentralization and Aceh's specificity. Special autonomy gives constitutional legitimacy to local political elites to establish a sharia-based economic legal system. However, this dominant political configuration also has consequences for the principle of economic plurality and business competition in the national banking system. When the operational space of conventional banking is narrowed, the law no longer functions only as an instrument of administrative regulation, but also as a tool of social engineering to change the economic orientation of society towards the sharia system in a subtle manner.

In this framework, the compromise in the form of a transition period for the conversion of financial institutions shows that there is a negotiation between the normative ideals of sharia and the technocratic reality of the economy. According to Mahfud MD, the compromise reflects the political character of the law that is not entirely idealistic, but also considers the effectiveness of legal implementation in society. Meanwhile, according to Zainal Arifin Mochtar, the compromise shows that the legal product is ultimately the result of a political consensus between actors who have different interests, so that the legal norms that are born are not a representation of a single interest, but the result of adjustments to the dynamics of social, economic, and power that develop.

Thus, Qanun LKS can be understood as a product of regional law politics that was born from the configuration of religious politics in Aceh, influenced by power relations between local political elites, scholars, and economic actors, and directed to form a sharia-based economic system through regional legal instruments. This analysis shows that the formation of the Qanun LKS is not just an administrative legislation process, but part of a political and legal project that reflects the ideological direction and power interests in Aceh's economic governance.

### **Legal Pluralism in Qanun Aceh Number 11 of 2018**

In the Indonesian context, legal pluralism is not a foreign concept. Since the colonial period, the Indonesian legal system has recognized legal pluralism through the recognition of customary law and Islamic law for certain groups (Laird, 2016). Indonesia is often referred to as a laboratory of legal pluralism. The national legal system recognizes the existence of customary law and religious law to a certain extent. Legal pluralism and social movements show that pluralism in Indonesia is closely related to the struggle of indigenous groups and minorities to gain state recognition (Flambonita, 2021). Post-reform, the recognition of regional specificity, including Aceh, further emphasizes the reality of pluralism. Aceh, with its special autonomy status, has the authority to form Qanun LKS as a product of regional law in the style of Islamic sharia (Rani et al., 2020).

Here, Qanun LKS can be seen from legal pluralism on several levels. First, at the normative level, Qanun LKS represents a form of legal pluralism. The state, through a special autonomy framework, provides formal recognition of the more comprehensive application of sharia principles in the financial system in Aceh. This shows that state law (in this case the Aceh Government Law) opens up space for the operation of Islamic law as a source of regional legislation.

Second, at the empirical level, the enactment of the qanun creates a new configuration in banking practices. Conventional banks in Aceh are required to transform into Islamic banks or stop their operations. From a legal policy perspective, the transformation is not entirely born from market adaptation mechanisms, but through mandatory regulatory instruments. Such a character shows a tendency towards coercive regulation, because institutional change is driven through legal obligations accompanied by the consequence of operational restrictions. This raises questions about the extent to which the policy reflects the community's voluntary choice or is more of a form of legal engineering to achieve the Islamic financial transformation agenda, and this situation shows the intersection between national banking law, sharia law, and community economic practices. This is where empirical legal pluralism works: business actors, customers, and financial authorities are in a normative space layered between national regulations, the Acehnese qanun, and the principles of *fiqh muamalah*.

Third, from the perspective of criticism of legal centralism, Qanun LKS can be read as a form of decentralization of legal production that challenges the assumption that banking policy is entirely in the central domain. However, legal pluralism also reminds us that the relationship between legal systems is not always equal. The question of the extent to which Qanun LKS can run in harmony with the regulations of the OJK and Bank Indonesia is not only related to the distribution of authority, but also concerns the conflict of norms in the governance of the national banking sector. The national banking system is basically built through the principle of dual banking system which recognizes the coexistence of conventional banks and Islamic banks. However, Qanun LKS substantively shifts the configuration at the regional level through restrictions on the operations of conventional financial institutions.

There is a tension between the authority of regional autonomy and the design of national banking policies that place the choice of institutional models as part of the freedom of the financial system. On the other hand, this arrangement also raises the issue of authority because the supervision of the banking sector is normatively under national authorities, especially the OJK and Bank Indonesia. However, through Qanun LKS, the Aceh Government also determines the operational direction of financial institutions through sharia-based conversion obligations. This condition has the

potential to cause regulatory overlap and legal uncertainty regarding the limits of authority and applicable operational standards.

Legal pluralism opens up space for the sociological dimension of public acceptance. Does the implementation of Sharia Financial Institutions as a whole in Aceh reflect the collective aspirations of the community, or is it more of an elite political agenda? Here, legal pluralism helps assess whether the law being formed has social legitimacy, or simply formal legitimacy. In other words, the effectiveness of Qanun LKS is not only determined by its normative power, but also by its conformity with the social practices and economic needs of the Acehnese society.

In addition to the aspect of social legitimacy, the exclusive implementation of Islamic financial institutions also needs to be reviewed from the perspective of financial inclusion. Although Qanun LKS aims to expand access to sharia-based financial services, mandatory conversion policies have the potential to reduce service alternatives for groups of people who previously relied on conventional banking systems. Thus, it is necessary to further examine whether the policy actually expands financial inclusion or actually results in regulatory exclusivity.

The implementation of Qanun LKS shows that sharia-based regional legal policies are not only related to the implementation of Aceh's specificity, but also concern the integration between the regional legal system and the national economic legal system. These findings show that the implementation of the Qanun LKS presents more complex political and legal dynamics than just the process of Islamization of the financial sector, because at the same time it raises issues regarding regulatory harmonization, distribution of authority, and configuration of the national banking system.

Legal pluralism not only serves as a descriptive framework regarding the diversity of the legal system, but also as a critical framework for reading the legal politics behind the formation of the Qanun LKS. Pluralism helps to unravel the relationship between state law and Islamic law, between the central and regional levels, and between formal norms and social practices.

In the perspective of John Griffiths and Brian Z. Tamanaha, Qanun LKS shows that the law in Aceh does not work in a model of legal centralism that places state law as the only legal system that is valid and applies singly. Griffiths emphasized that social reality always shows the existence of various legal orders that coexist in one social space. This view is deepened by Tamanaha who said that "legal pluralism is everywhere" because modern society is always colored by the existence of various forms of law that interact, support each other, and even contradict each other. In the context of Aceh, the banking sector is not only subject to national regulations such as OJK and Bank Indonesia, but also to sharia norms institutionalized through Qanun LKS. Thus, Qanun LKS shows that the

economic legal system in Aceh moves in a plural configuration between national state law, Islamic law, and the social practices of the Muslim society of Aceh.

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The tension of legal pluralism was seen when Qanun LKS encouraged the exclusivity of Islamic financial institutions in Aceh, while Indonesia’s national banking system was built through the principle of a dual banking system that recognizes the coexistence of Islamic banks and conventional banks. In Griffiths’ view, this situation shows that modern law is not a single, neat and hierarchical system, but rather a collection of overlapping and sometimes conflicting norms. Tamanaha even criticized the monistic view of the state of law which considers the state to have a complete monopoly on the law. According to him, the image of a uniform, centralized, and completely dominant state law is simply a “monistic state law image” that is often incompatible with social reality. Therefore, the implementation of Qanun LKS can not only be read as a technical policy of the financial sector, but also as a form of competition of authority between national state law and sharia-based regional law in determining the direction of economic governance of the Acehnese society.

In addition, Tamanaha reminded that legal pluralism is not only concerned with the existence of many legal systems, but also related to social legitimacy and the effectiveness of law in society. He emphasized that the law of life is recognized and practiced by the social community, not just because it was formed by the state. In the context of Qanun LKS, the enactment of the Islamic financial system derives legitimacy from the strong religious identity of the Acehnese people and the aspirations of the application of Islamic sharia in the economic field. However, legal pluralism also opens up space for criticism of the possibility of regulatory exclusivity, reduced choice of financial services, and the tension between the agenda of economic Islamization and the need for an inclusive financial system.

Therefore, Qanun LKS can be understood as an arena for the encounter of various legal systems and socio-political interests that negotiate with each other in the space of Acehese legal pluralism.

## CONCLUSION

Qanun Aceh Number 11 of 2018 concerning Sharia Financial Institutions is a manifestation of the politics of regional law that is oriented towards the comprehensive application of Islamic sharia in the economic sector, especially banking. The formation of this qanun is inseparable from the dynamics of power, ideology, and special authority that Aceh has within the framework of regional autonomy. In terms of implementation, this policy encourages the transformation of the banking system from conventional to sharia as a whole, although it still faces challenges in terms of institutional readiness, infrastructure, and community adaptation to the new system. The legal politics of Qanun LKS has significant implications for strengthening the identity of regional law as well as the development of the Islamic financial system. However, the effectiveness of this policy is highly dependent on consistency of implementation, adaptive regulatory support, and increased public literacy towards Islamic banking. Therefore, continuous evaluation is needed so that the goal of establishing Qanun LKS, both from the legal aspect and the welfare of the community, can be optimally achieved. This research found that Qanun LKS not only represents the implementation of Islamic legal autonomy in Aceh, but also creates a dynamic of tension between regional legal policies and the national banking system. These findings show that the implementation of Qanun LKS not only presents a process of Islamization of the financial sector, but also raises the issue of regulatory harmonization, distribution of authority, and the tendency to use coercive legal instruments in institutional transformation.

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