



Letter of Acceptance

No: No: 098/al-ihkâm/VI/2022

Dear Authors,

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Paper ID : 5646-18830-2-15-20220528

Paper Title : From the Public Space to the Prison Space: Regulation Polemic and the Implementation of Caning Law in Aceh

On behalf of Editorial Team of “Al-Ihkâm: Jurnal Hukum dan Pranata Sosial” Faculty of Sharia, State Islamic Institute of Madura (IAIN Madura), we are pleased to inform that your paper has been accepted for publication in the journal Volume 17 No 1, Juni 2022 as the recommendations given by the reviewers. However, the blind review process decides that it needs serious revision.

Regarding with that, please make the payment of \$ 350 for the journal’s publication fee within one week (June 21, 2022) after receiving this letter. The payment can be made through the following account:

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Best Regards,

Editor-in-Chief


al-Ihkâm
IAIN MADURA
Assoc. Prof. Dr. Erie Hariyanto, M.H.

REVIEW FORM AL-IHKAM 2022

Title : From the Public Space to the Prison Space: Regulation Polemic and the Implementation of Caning Law in Aceh

| REVIEW POINT | COMMENTARY | ASSESSMENT RESULTS |
|---|--|---|
| TECHNICAL WRITING 1. Articles must be in accordance with the journal's style and template | Pay attention to the journal's template. You haven't included result & discussion part. Subtitles (after method section and before conclusion section should be mentioned under the subtitles 'result and discussion') | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| 2. Article length must be between 6500-7000 words in total | It exceeds 7000 words. Please delete a little part. | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| 3. The similarity must be under 20 % by Turnitin Plagiarism Checker | 5% | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| TITLE Title reflects the essence of the article's content, including method and novelty. | Yes | 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input checked="" type="checkbox"/> 5 <input type="checkbox"/> |
| ABSTRACT Abstract contains problems of research, method, and result in 150-200 words | Plis refer to author guidelines and journal template at the abstract part. What it should be included? Please also add Indonesian version. | 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> |
| KEYWORD It consists of 3-5 important keywords | Okay | 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input checked="" type="checkbox"/> 5 <input type="checkbox"/> |
| INTRODUCTION Introduction must contain a (shortly and consecutively) general background, a literature review (state of the art) as the basis of the brand-new research question, statements of the brand-new scientific article, main research problems, hypothesis, and purpose(s) of the article. | You haven't explicitly mentioned any main research problems and hypothesis. | 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> |
| ORIGINALITY Originality of the subject matter would be of interest to the scholar of Islamic Jurisprudence, Law and social sciences concerning plurality and living values specifically in Indonesia | You have mentioned some previous relevant researches to confirm originality/novelty of your paper. If any, add other more closer and relevant previous researches about the location polemic of the execution. | 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input checked="" type="checkbox"/> 5 <input type="checkbox"/> |
| RESEARCH METHOD It should contain enough information to enable the readers to understand methods used in obtaining | Pay attention to the comments. | 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> |

| | | |
|--|--|---|
| and analyzing the data. | | |
| DISCUSSION AND RESULT It should be presented continuously starting from main result until supporting results and equipped with a discussion whether the findings are subjected to suitable analysis, conclusions, and implications. | To make the discussion easier to explain, use research problems as your main paths. | 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> |
| THE EXISTANCE OF TABLES/GRAPHS/FIGURES It must support the analysis, discussion, and another part of the article, and it must be used or elaborated well, clear, and brief. | Please elaborate more about the table, you have to used appropriate table to support your data. Or you can comply it with more relevant one, including the description/sketch of the canning location, for instance. | 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> |
| CONCLUSION Conclusion is the answer of the hypothesis and research questions. It should not contain only the repetition of the results and discussions. | Please comply with the journal's template. Make your conclusion in one paragraph. | 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> |
| REFERENCES References must be up to date (in the last 5 to 10 years) with at least 30 references (40% from primary sources/journal) and accessible by everyone. Bibliography should use Mendeley reference manager applications with writing style of <i>Chicago Manual of Style 17th edition</i> and in accordance with footnote. | Please add doi of the journal articles among your bibliography so that readers can easily find your reference. Use Mendeley reference manager and footnote, not body note. | 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> |
| LANGUAGE ASPECT The article's content must be grammatically correct in English or Arabic style | Needs major correction. Some parts are missed in grammatical rules. Some sentences are imperfect and confusing. Plis be consistent with the technical terms use | 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> |
| FUNDING & ACKNOWLEDGEMENT The article must clearly state the source of research funding and the acknowledgment | Plese add this part | 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> |
| Additional comment for the author; Is the article qualified for publication? | Major Revision Required | |

Please indicate your suggestion whether this article is qualified for AL-IHKAM:
ACCEPTED/REVISIONS REQUIRED/DECLINE

Pamekasan, 2022

Reviewer

15:10



Masyithah Mirza...

online



11 June 2022

Assalamualaikum 16:55

Naskah revisi Jenengan sedang kami telaah, Pak. 16:56

Ada beberapa hal yang ingin saya pastikan. 16:56

Pertama, canning, lashing, whipping, dan flogging ini sama atau bagaimana ya, Pak. 17:00

Kedua, ini khan dibilang bahwa **Unfortunately, such a regulation-based interpretation has not been found in the Qanun on the Jinayat Law, especially in determining the "open space" and "number of people present" in the execution of the flogging** ya, (hlm 8), nah selanjutnya ada keterangan pasal Article 20 Paragraph (2) of

15:10



Masyithah Mirza...

online



center/detention branch. Jadi Pergub tersebut bukan merupakan bagian dari Qanun ya, Pak? Atau, apa pergub tersebut tidak berpengaruh apa2 untuk menjelaskan pasal di qanun tersebut yang tampak masih general karena gada penjelasan apa yang dimaksud open space?

17:39

12 June 2022

Masyithah Mirza Jurnal Al-Ihkam

Pertama, canning, lashing, whipping, dan flogging ini sama atau bagaimana ya, Pak.

Sama Bu, penggunaan synonym dimaksud untuk: (1) menghindari redundant dalam penggunaan kosakata, (2) untuk memperkaya ekspresi pembendaharaan kata.

09:53 ✓✓

15:17



Masyithah Mirza...



Masyithah Mirza Jurnal Al-Ihkam

Kedua, ini khan dibilang bahwa

Unfortunately, such a regulation-based interpretation has not been found in the...

Pergub No. 5/2018 diterbitkan oleh Pemerintah Aceh bertujuan untuk memperbaiki, melengkapi dan mengatur norma-norma yang belum diatur dalam Qanun Acara Jinayat (Qanun No. 7/2013) Dalam Qanun Acara Jinayat pelaksanaan eksekusi dilakukan ditempat terbuka. Kata "tempat terbuka" kemudian diinterpretasi oleh aparat penegak hukum menjadi pelataran Mesjid, lapangan sepakbola dln. Padahal dalam Qanun Acara Jinayat tak disebutkan jenis tempatnya, dalam qanun tersebut hanya tersebut norma "tempat terbuka". Oleh karena itu Gubernur Aceh mengeluarkan Pergub No. 5/2018

15:17



Masyithah Mirza...



Acara Jinayat (Qanun No. 7/2013), tanpa menyebut apa yang dimaksud dengan kata "tempat terbuka". Sehingga dilengkapi dengan Pergub No. 5/2018 yang menjelaskan yang dimaksud dengan kata "tempat terbuka" dalam Qanun Acara Jinayat adalah tempat terbuka yang mengambil tempat dalam Lapas dan Rutan. Sedangkan norma "tempat terbuka" tidak disebut dalam Qanun No. 6/2014 tentang Hukum Jinayat

10:22 ✓✓

Mohon maaf sebelumnya kalau low respon, krn saya tahun ini dapat amanah jd petugas haji, Selasa saya sudah berangkat, jd ini lg banyak persiapan.

10:36 ✓✓

Wah baik

10:38

Ada anggota tim yg bs sy hubungi

15:18



Masyithah Mirza...



Ada mbak, tp ngak pa2 selama saya bisa saya tangani akan saya respon, tp klo nanti di luar kemampuan saya, izin saya wakili ke penulis ke 2, bisa begitu ya mbak?

10:44 ✓✓

Bisa, Pak. 10:45

13 June 2022

Assalamualaikum, Pak Mizaj. 07:52

Di abstrak ada kalimat ini.

In addition, there is also a disparity among sharia courts due to lack of facilities available in certain sharia courts in Aceh. Hence, the Aceh government needs to improve the facilities of sharia courts to be able to execute caning sentence well.

Ingin memastikan saja. Tempat

15:18



Masyithah Mirza...

online



Dalam Pergub No. 5/2018 disebutkan bahwa pelaksanaan eksekusi cambuk dilakukan dalam Lapas, Rutan dan Cabang Rutan. Namun dalam praktiknya tidak semua Lapas dan Rutan yang punya fasilitas cukup untuk melaksanakan eksekusi cambuk. Oleh karena itu, terjadi variasi dalam praktik eksekusi cambuk. termasuk pelaksanaannya yg dilakukan di Mahkamah Syari'ah

09:43 ✓✓

You

Dalam Pergub No. 5/2018 disebutkan bahwa pelaksanaan eksekusi cambuk dilakukan dalam Lapas, Rutan dan Caba...

Baik.

09:44

You

Dalam Pergub No. 5/2018 disebutkan bahwa pelaksanaan eksekusi cambuk

15:19



Masyithah Mirza...

online



Abstraknya kami ubah jadi gini, Pak.

ABSTRACT

In determining location of the caning, Islamic law requires fulfilment of two principles namely "open space" and "visible" to the public. However, the law that guides implementation of sharia in Aceh does not regulate details where the caning should be executed. Although the Governmor has issued a Governor Regulation (Pergub; Peraturan Gubernur) Number 5 of 2018 concern-ing the Enactment of the Sharia Jinayat Law to complete what is missed from Qanun Number 7 of 2013, including the spot for execution, the location re-mains vary. Hence, the issues that need to be scrutinized in this study are about shifting norm from "open space" to "prison space" and causes beyond

