

Legal Certainty on the Dissemination of Defamatory Content on Social Media: A Case Analysis of a Flogging Procession Recording in Aceh

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Abstract

The public implementation of flogging in Aceh is a manifestation of Islamic law that has been practiced since the time of Prophet Muhammad SAW, where the process aimed to deter society at large. However, in the digital era, the dissemination of recordings of such punishments through social media has sparked legal controversy concerning privacy violations and defamation, with broad impacts on the convicted individuals. This study aims to analyze the legal certainty regarding the distribution of flogging punishment content in digital spaces and to examine the intersection between Islamic law and Indonesia's national law. This article is a qualitative library research, using a normative legal study methodology with a descriptive-analytical approach. The results show that the dissemination of flogging punishment recordings in Aceh via social media creates complex legal issues because, although public flogging is legally justified under Islamic law and the Qanun Jinayat, its digital distribution has the potential to violate privacy and defame individuals according to the provisions of the Electronic Information and Transactions Law (ITE Law) and the Indonesian Criminal Code (KUHP). Therefore, specific regulations are urgently needed to integrate Islamic law principles with national law to ensure

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the protection of human rights and to prevent the misuse of content in the global and permanent nature of digital public spaces.

Keywords: *Legal Certainty, Content Dissemination, Flogging Punishment.*

Abstrak

Pelaksanaan hukuman cambuk di Aceh secara terbuka merupakan implementasi syariat Islam yang telah berlangsung sejak masa Nabi Muhammad SAW, di mana prosesi ini bertujuan memberikan efek jera bagi masyarakat. Namun, realitasnya di era digital, penyebaran rekaman prosesi tersebut melalui media sosial justru menimbulkan polemik hukum terkait pelanggaran privasi dan pencemaran nama baik yang berdampak luas bagi terpidana. Penelitian ini bertujuan untuk menganalisis kepastian hukum terhadap distribusi konten hukuman cambuk di ruang digital, serta mengkaji titik temu antara syariat Islam dan hukum nasional Indonesia. Artikel ini tergolong dalam jenis penelitian pustaka berbasis kualitatif, metodologi yang digunakan adalah studi hukum normatif dengan pendekatan deskriptif-analitis. Hasil penelitian menunjukkan bahwa Penyebaran konten rekaman prosesi hukuman cambuk di Aceh melalui media sosial menimbulkan persoalan hukum yang kompleks karena meskipun hukuman cambuk terbuka sah menurut syariat Islam dan qanun jinayat, distribusi digitalnya berpotensi melanggar privasi serta mencemarkan nama baik sesuai ketentuan Undang-Undang ITE dan KUHP. Oleh sebab itu, diperlukan regulasi khusus yang mampu memadukan prinsip syariat dengan hukum nasional guna memastikan perlindungan hak asasi manusia dan mencegah penyalahgunaan konten di ruang publik digital yang bersifat global dan permanen.

Kata Kunci: *Kepastian Hukum, Penyebaran Konten, Hukuman Cambuk.*

Introduction

The rapid development of information technology in today's digital era has brought significant changes to various aspects of human life, including communication patterns and the dissemination of information. Social media, as one of the main products of this technological advancement, has become an effective and efficient medium for conveying messages, opinions, and various types of content to a broad audience in a short period of time (Zaini & Nisak, 2021). While this phenomenon has provided numerous benefits—such as accelerating the flow of information and facilitating social interactions—it has also, on the other hand, often become an unregulated space that triggers new problems, particularly in the context of legal violations and human rights issues, including the rampant spread of content containing elements of defamation.

The dissemination of defamatory content via social media has become a serious concern in a society that is increasingly active in the digital sphere. One prominent phenomenon that has gained public attention is the circulation of a flogging procession recording from Aceh, which went viral across various social

media platforms. The footage depicts the implementation of flogging punishment as part of the enforcement of the Qanun Jinayat in Aceh, but in certain respects, it has been perceived as tarnishing the reputation of the individuals being punished (Baharuddin Ar et al., 2024). This case has sparked discourse regarding the boundaries between public access to information and the protection of individual dignity and honor within the framework of Indonesia's positive law and Islamic criminal law.

Ideally, the law should provide certainty for all parties involved—victims, perpetrators, and the public at large. In this context, the dissemination of potentially defamatory content must be firmly regulated to prevent violations of privacy rights or non-material harm to individuals featured in such content. Additionally, the law must strike a balance between the need for public transparency in law enforcement and the protection of human rights as guaranteed by the constitution (Surbakti, 2010). However, in practice, amidst the enforcement of Sharia Law in Aceh, disparities in legal implementation still occur, especially in handling the circulation of flogging recordings. The absence of specific regulations governing the dissemination of flogging procession content on social media has led to legal uncertainty, triggering diverse interpretations within society. Some view such dissemination as part of public legal education and transparency, while others see it as a violation of individual rights to honor and reputation (Dewi, 2022).

Based on the above background, this study raises a crucial question: how is legal certainty ensured concerning the dissemination of defamatory content on social media, specifically regarding the flogging procession recordings in Aceh, from the perspective of Islamic criminal law and Indonesia's positive law? This research aims to explore how Islamic criminal law addresses this issue and how Indonesia's national legal system responds and provides protection in similar contexts. The contribution of this study is expected to offer a comprehensive understanding of the legal dynamics related to the dissemination of defamatory content on social media. Moreover, the research findings are anticipated to serve as a valuable reference for policymakers, academics, and legal practitioners in formulating strategic steps that ensure legal certainty and protection of individual rights in the digital era—especially in the application of Sharia Law in Aceh within the framework of the Unitary State of the Republic of Indonesia (NKRI).

Literature Review

Research related to defamation law and the flogging punishment process in Aceh is not a new discourse. Several authors have addressed this issue using various methods and approaches. Fidelis P. Simamora et al., in their work titled; *"Kajian Hukum Pidana Terhadap Perbuatan Pencemaran Nama Baik Melalui Media Sosial,"* comprehensively examine defamation as a criminal offense on social media based on Indonesia's positive criminal law, specifically referring to the Indonesian Criminal Code (KUHP) and the Electronic Information and Transactions Law (ITE Law). The strength of this research lies in its systematic normative analysis of articles related to defamation on social media and their relevance to practices in Indonesia (Simamora et al., 2020). The similarity between this study and the

author's research lies in its focus on defamation via social media. However, the difference is that this study does not explore the Islamic law dimensions or specific case studies such as the recording of the flogging process in Aceh, which is the main focus of the author's research.

Saepul Rochman et al., in their article titled; *"Pencemaran Nama Baik Melalui Media Sosial: Perbandingan Hukum Pidana Positif dan Pidana Islam,"* offer a comparative perspective between positive criminal law and Islamic criminal law in addressing defamation cases on social media. The strength of this work is its direct comparison of the two legal systems, providing a broader understanding of the differences and similarities between them (Rochman et al., 2021). The similarity to the author's research lies in its exploration of defamation on social media from both positive criminal and Islamic criminal law perspectives. However, the difference is that this study does not discuss the contextualization of the Aceh case, specifically regarding the recording of the flogging process, which is the primary focus of this research.

Darul Faizin, in his study titled; *"Pendapat Ulama Aceh Terhadap Hukuman Cambuk Di Penjara,"* discusses the perspectives of Acehnese ulama regarding the implementation of flogging punishment, particularly focusing on the pros and cons of its execution inside prisons. The strength of this research lies in its in-depth sociological and fiqh (Islamic jurisprudence) analysis of the responses from local communities and ulama regarding the modification of flogging practices in Aceh (Faizin, 2021). The similarity to the author's research is that both address the flogging process in Aceh within the context of Islamic law. However, this study does not address the aspect of defamation on social media or its relation to the dissemination of flogging process recordings in the digital space, as the author's research does.

After reviewing various works, it can be concluded that there has been no research that specifically and thoroughly addresses the link between the dissemination of defamatory content on social media and the case study of flogging process recordings in Aceh. There is also no research that explicitly connects the dynamics of Sharia implementation in Aceh with the issue of sharing potentially defamatory content in digital spaces. Therefore, this research is significant in filling that gap. This article aims to present a more contextual legal analysis by positioning the dissemination of flogging process recordings in Aceh as the main case study, using a comparative approach between positive criminal law and Islamic criminal law.

Research Methodology

This article is categorized as a qualitative literature-based study, focusing on the collection and processing of data from various literature sources, which are then analyzed in depth. The methodology employed in this research is a normative legal study, where the analysis process utilizes a descriptive-analytical approach to systematically and critically describe and examine the legal phenomena that are the focus of the study (Benuf & Azhar, 2020). In addition, this research adopts a comparative method, particularly in comparing the provisions contained within Indonesia's positive law and the principles upheld in Islamic criminal law. This

comparative approach aims to identify the similarities and differences between the two legal systems in the context of disseminating defamatory content on social media, while also providing a critical analysis of the implementation of punishment in the case of the recorded flogging process in Aceh.

The primary data sources in this research consist of relevant legal regulations, such as Law Number 11 of 2008 on Electronic Information and Transactions (ITE Law) along with its amendments, the Indonesian Criminal Code (KUHP), and the Qanun Jinayat Aceh, which serves as the legal basis for the implementation of Islamic law in the Aceh region. Meanwhile, the secondary data sources include scholarly journals, academic books, and research reports published within the last ten years, which discuss issues related to defamation, social media, and the application of Islamic criminal law in Aceh. The data analysis system in this study is carried out by systematically collecting, classifying, and processing data obtained from both primary and secondary sources. The verification process is conducted through data triangulation by comparing various reference sources to ensure the accuracy and validity of the information analyzed. All the findings are then presented in the form of a comprehensive and critical scientific narrative to answer the research questions formulated in this study.

The Dynamics of Public Flogging in Aceh

Flogging is one of the forms of criminal punishment that has garnered both national and international attention, particularly when applied in Aceh, the only province in Indonesia that formally enforces Islamic criminal law. Amid an evolving social landscape, the practice of flogging often becomes a topic of discussion, generating diverse perspectives from the angles of law, culture, human rights, and identity politics. This phenomenon illustrates Aceh as a region with its own distinctiveness in managing and implementing legal systems, within the broader, pluralistic, and secular national legal framework of Indonesia. Public flogging ceremonies held openly in Aceh frequently attract media attention, both nationally and internationally, highlighting how the implementation of *sharia* in the region interacts with modern human rights norms and Indonesia's national laws (Abubakar, 2012).

In Islam, flogging is known as part of *hudud*, which refers to punishments directly prescribed by *sharia* for certain specific crimes. Flogging is stipulated in the Qur'an and Hadith, particularly for offenses such as zina (*ghairu muhshan*), *qadzaf* (accusing someone of zina without proof), and drinking *khamr* (alcohol). This punishment serves as both a deterrent (*tazir*) and a moral correction for the Muslim community. Historically, during the time of Prophet Muhammad (PBUH) and the caliphs, flogging was carried out under strict procedures that took into account the humanity of the offender, such as prohibitions against striking the face or using instruments that could endanger life (Maifizar, 2022). The classical implementation of flogging emphasized substantive justice and societal welfare.

Aceh, often referred to as the Veranda of Mecca, has a long history of enforcing *sharia*, including flogging. Since the era of the Sultanate of Aceh Darussalam, Islamic law has served as the main guideline in resolving various social and criminal matters. In modern times, the implementation of *sharia* in Aceh

regained momentum following the signing of the Helsinki Memorandum of Understanding in 2005, which ended the prolonged conflict between the Free Aceh Movement (GAM) and the Indonesian government. One of the key points of this agreement was the granting of special autonomy to Aceh, including the authority to apply Islamic law within its jurisdiction. Since then, Aceh has introduced a number of qanun (Islamic-based regional regulations), including those governing flogging for offenses such as zina, gambling (*maisir*), alcohol consumption (*khamr*), and *khalwat* (improper seclusion).

However, the enforcement of flogging in Aceh does not escape friction between local and national regulations. Nationally, Indonesia adheres to a legal system rooted in positive law with a more secular character, placing significant emphasis on human rights principles as enshrined in the constitution and national laws such as the Criminal Code (KUHP) and the Human Rights Law. Nevertheless, Aceh is granted special status under Law No. 11 of 2006 on Aceh Governance (UUPA), which allows Aceh to implement *sharia* in certain areas, including criminal law (Salma et al., 2024). This special status provides the legal basis for why Aceh is permitted to enforce qanun jinayat, including flogging sanctions, which are not applied in other provinces. Within the framework of the Unitary State of the Republic of Indonesia (NKRI), Aceh remains part of the national system, albeit with special provisions in its application of sharia as agreed under special autonomy.

The execution of flogging in Aceh often sparks debate at local, national, and international levels. On one hand, segments of Acehnese society and religious scholars fully support flogging, believing it upholds the dignity of sharia and acts as a deterrent against offenders. They view the flogging ceremony as a symbol of enforcing Islamic law that is deeply embedded in Aceh's cultural and religious identity. On the other hand, criticism arises from human rights activists, non-governmental organizations, and international bodies who argue that flogging violates human rights principles, particularly concerning protection from cruel, inhuman, and degrading treatment (Abubakar, 2012). Even among Acehnese communities, there are voices questioning the effectiveness and urgency of conducting public floggings, which often become public spectacles.

Beyond legality, the implementation of flogging in Aceh also faces complex social dynamics. In several instances, public floggings have gone viral on social media, sparking pro and contra reactions among netizens. Some argue that the widespread dissemination of flogging videos violates the privacy and dignity of offenders who have already been penalized under the law (Syarif et al., 2022). Others believe that such publicity serves as a form of public education to deter similar offenses. The unstoppable growth of information technology has made these local legal practices accessible to a broader audience, creating diverse perceptions among people outside Aceh who may not fully understand the context of sharia law enforced there.

In practice, flogging in Aceh follows specific procedures outlined in the qanun. Before execution, medical examinations are typically conducted to ensure that the convict is in good health and fit to receive the punishment. The flogging is carried out by an official known as an *algojo* or executioner, who is tasked with performing the punishment in accordance with Islamic legal guidelines, such as prohibitions against striking the head or vital organs, and limitations on physical

force. Despite these regulations, real-world practices sometimes reveal lingering issues, such as social stigma for the offender's family, potential trauma for both the offender and witnesses, and long-term psychological impacts.

The issue of flogging is also closely tied to the local political dynamics in Aceh. Some view the presence of qanun jinayat, including flogging sanctions, as the local government's effort to symbolize its commitment to enforcing sharia as a historical and cultural demand of the Acehnese people. On the other hand, certain political factions believe that flogging is sometimes politicized, for instance, during election campaigns or to garner support from religiously inclined groups (Panjaitan & Tjandra, 2022). Therefore, flogging in Aceh is not merely a legal matter but also relates to identity politics, social legitimacy, and public trust in local authorities.

International criticism of Aceh's flogging practices often comes from organizations such as Human Rights Watch (HRW) and Amnesty International, who argue that this form of punishment contravenes international conventions ratified by Indonesia, such as the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Indonesian government itself finds itself in a dilemma—balancing respect for Aceh's special autonomy as part of the peace agreement and the responsibility to uphold global human rights commitments (Ikramsyah Irwali et al., 2024). Over time, several legal innovations have been proposed, one of which is relocating flogging ceremonies from public spaces to prisons or closed venues to reduce negative effects such as public spectacle and psychological harm to the offender and their family. Some recent cases show a tendency towards more private flogging sessions, although this shift continues to spark debates among religious scholars and community leaders. Some still firmly hold that flogging should be carried out publicly as a manifestation of strict and transparent enforcement of sharia.

Legal Certainty Regarding the Distribution of Flogging Procession Recordings on Digital Media

Legal certainty regarding the distribution of flogging procession recordings on digital media has become a significant issue within the context of implementing jinayat procedural law in Aceh. Aceh Qanun Number 7 of 2013 concerning Jinayat Procedural Law explicitly regulates the procedures for carrying out flogging as a form of physical execution for perpetrators of *jarimah* (criminal offenses), which is the responsibility of the prosecutor's office and may only be carried out following a judge's verdict (Fadhil & Mukhlis, 2018). However, this qanun does not explicitly prohibit the public or other parties from recording or disseminating the flogging procession. Even after the issuance of Aceh Governor Regulation Number 5 of 2018, which only regulates the change of flogging locations from open public spaces to semi-open spaces within correctional facilities, there are still no specific provisions regarding documentation and the distribution of flogging recordings.

The main reason for relocating flogging to enclosed spaces, as explained by the then Governor of Aceh, Irwandi Yusuf, was to minimize potential defamation or harm to the reputation of *jarimah* perpetrators who have already served their sentence. However, in reality, flogging processions continue to circulate widely on

various digital media platforms, such as YouTube and other social media. Several YouTube channels such as MustaqimS.Ud.MH., Saidan PSB, Leo Musik 1, BTM3 CHANNEL, and Meutia Putri Cambridge serve as clear examples of how flogging videos are uploaded and consumed en masse by the public, often even used as social media statuses.

In the context of national law, the distribution of flogging videos has the potential to violate the provisions stipulated in Law No. 11 of 2008 on Electronic Information and Transactions (ITE Law), particularly Article 27 paragraph (3), which states that any person who intentionally and without rights distributes, transmits, or makes accessible any electronic information that contains defamation or insults can be subject to criminal sanctions. Penalties under this article include imprisonment for up to 6 years and/or a maximum fine of IDR 1 billion (Aryansyah et al., 2022). Although the ITE Law does not specifically define defamation, this provision refers to Articles 310 and 311 of the Criminal Code (KUHP), which clarify that defamation is a complaint offense that requires a report from the aggrieved party for legal proceedings to commence.

Furthermore, the element of defamation in the context of distributing flogging videos can be assessed by the presence of intent, harm to a person's dignity, and the aspect of publication. A *jarimah* perpetrator who has been flogged has legally fulfilled their obligation before the state; thus, the dissemination of videos showing their face and identity can lead to prolonged social stigma or extrajudicial punishment. This aligns with the definition of 'disgrace' (*aib*) according to the Indonesian Dictionary, referring to shame or blemish that may attach to an individual as a result of public exposure. Therefore, spreading flogging processions on digital media without regard for the protection of a person's dignity may be considered an unlawful act.

Nevertheless, exceptions apply to coverage by mass media. According to Law No. 40 of 1999 on the Press, the media has the right to conduct reporting and publication as part of journalistic duties, provided they adhere to the principles of professional journalism. This principle aligns with Article 1 point 1 of the Press Law, which states that the press is a social institution that functions to seek, process, and disseminate information to the public. Additionally, Article 3 paragraph (1) of the Press Law affirms that the press also functions as a legitimate social control. However, in exercising this function, the media is required to comply with the presumption of innocence and maintain reporting ethics, as stated in Article 5 paragraph (1) of the Press Law, which stipulates that information presented should not harm parties undergoing or who have undergone legal processes (Nurbaeti, 2025).

Moreover, Article 5 of the Journalistic Code of Ethics prohibits the media from revealing the identity of crime perpetrators, especially in cases involving sexual offenses or minors, to protect their personal rights. Identity here includes not only names but also images, videos, or other information that allows others to recognize and trace the individual (Mawardi, 2022). In practice, every execution, including flogging carried out by the *Mahkamah Syar'iyah* (Sharia Court), is open to the public as stipulated in Article 153 paragraph (3) of the Criminal Procedure Code (KUHP). However, this principle of openness does not nullify the obligation of the media and other parties to comply with provisions that protect the dignity

and human rights of every person. Therefore, the distribution of flogging videos by non-media parties or without journalistic purposes clearly has the potential to violate the ITE Law and the Criminal Code provisions on defamation.

Islamic Criminal Law Perspective

The dissemination of recordings of flogging executions on digital media, from the perspective of Islamic law, is a complex issue that requires in-depth study. In the context of Islamic law, acts of defamation, slander, or degrading someone's dignity are strictly prohibited and fall under the category of *qadzif*, which refers to false accusations that damage an individual's honor (Wijayanti et al., 2022). Islam regards a person's dignity as a highly protected right and includes it as part of the *maqasid al-shariah*, specifically under the preservation of life and honor (*hifzh al-nafs wa al-'irdh*). Therefore, when a flogging execution recording—which should be part of the formal implementation of Islamic punishment—is disseminated on digital platforms, this issue extends beyond mere law enforcement and becomes deeply intertwined with protecting the honor of the individual undergoing the punishment.

From a *fiqh* (Islamic jurisprudence) perspective, *qadzif* typically leads to the *had* punishment of flogging in cases of unproven accusations of adultery. However, in the broader context of defamation—such as spreading disgrace or shaming someone through media—Islam classifies this as *qadzif* punishable by *ta'zir*. *Ta'zir* is left to the discretion of the judge or authorities to determine the type and severity of punishment based on the greater public interest (Sudarti & Najib, 2021). In the case of disseminating flogging videos, although the person being punished has indeed committed a crime and gone through the proper legal proceedings, recording and distributing the footage with the intent to shame the offender outside the bounds of formal justice can fall under *ta'zir*. This aligns with the view of Imam Jalaluddin in *Tafsir Jalalain*, which states that degrading others through *sukhriyyah* (mockery), *lamz* (verbal insults), or *tanabuz* (calling with derogatory nicknames) constitutes defamation, which is strictly forbidden in Islam.

Moreover, the Qur'an explicitly forbids exposing others' faults. In Surah Al-Hujurat, verse 12, Allah SWT warns against spying, backbiting, or violating someone's honor, comparing it to the disgusting act of eating the flesh of one's dead brother. This prohibition is reinforced by a hadith of Prophet Muhammad SAW, which states that those who dishonor others will face retribution, such as scratching their own faces and chests in the Hereafter. Therefore, the dissemination of flogging videos that publicly humiliate offenders could be seen as violating this prohibition, especially if the intention is more about shaming than providing proportional deterrence or education.

However, Islam also allows for certain exceptions where exposing faults is permissible for public benefit. Imam An-Nawawi, in *Riyadhus Shalihin*, mentions six situations where revealing someone's wrongdoing is allowed, such as in cases of *tazallum* (reporting oppression), *isti'annah* (seeking help from authorities), or *tahdzir* (warning the community). In the context of flogging video dissemination, *tahdzir* may serve as a valid reason—educating the public and preventing similar

offenses (Rizqi & Wati, 2024). However, this permissibility highly depends on the intent and objective behind the dissemination. If the sole purpose is to embarrass and degrade the offender without any educational or protective value for society, then such an act remains forbidden.

Furthermore, under Islamic criminal law, the execution of punishments, including flogging, serves *shari'ah* objectives such as prevention (*preventive*), correction (*ta'dib*), and promoting public welfare (*tahqiq al-maslahah al-'ammah*). This means that every punishment must adhere to the principles of humanity and justice, which are central to Islamic teachings (Tamam & Arifin, 2024). The dissemination of flogging recordings should, therefore, be evaluated within this framework: does it genuinely prevent wrongdoing in society, or does it instead open the door to other *shari'ah* violations, such as *qadzif* and *tajassus* (spying on others)? Thus, it is crucial for the relevant authorities to assess the necessity and impact of releasing such footage, to avoid contradicting the very principles of Islamic law.

In the digital age, information dissemination is difficult to control. Flogging videos that go viral on social media can easily provoke various public responses, often straying from *shari'ah* guidelines, such as ridicule, mockery, or prolonged stigmatization of the offender. Here, the relevance of *maqasid al-shariah* resurfaces. Islam not only regulates criminal punishments (*uqubat*) but also safeguards the offender's social and psychological well-being, ensuring they have the opportunity for self-reformation. If the spread of such recordings leads to excessive public humiliation and long-term social stigma, the principle of public welfare could be undermined. Conversely, if dissemination is done in a limited and controlled context solely for educational or lawful judicial purposes, it may be deemed acceptable, provided that it does not breach *shari'ah* boundaries.

In this regard, contemporary scholars stress the importance of ethical conduct in using digital media. The issue of flogging recordings is not merely about legality but also ethics. Islam teaches that punishments should not become public spectacles that perpetuate a culture of shaming and exposing disgrace (Ma'nunah, 2017). Therefore, Islamic law obligates that any dissemination of information, including criminal procedures, be conducted with great caution, weighing both the benefits and harms that may arise. In fact, in many classical Islamic legal practices, flogging executions were carried out before legitimate authorities and a limited community to preserve the offender's dignity.

Public Flogging Content; Sharia Education or Defamation?

The practice of public flogging is one of the most tangible manifestations of the implementation of *sharia* law still enforced in Aceh today. This tradition has strong historical roots dating back to the time of Prophet Muhammad (peace be upon him). In Islamic history, punishments such as flogging (*jild*) fall under the category of *hudud*, which are punishments explicitly regulated by the Qur'an and Sunnah. During the Prophet's time, the execution of flogging sentences was indeed carried out publicly (Misran, 2018). The goal was to not only deter the offender but also serve as a moral and social warning for the wider Muslim community to avoid committing the same offense.

Public executions at that time had a strong educational and corrective dimension. In the Arab society of the Prophet's era, the social system was still tightly community-based. Therefore, carrying out punishments publicly was an effective means to strengthen legal awareness and reinforce social norms. However, Prophet Muhammad (peace be upon him) also emphasized justice, proper conduct (*adab*), and the protection of human dignity. There are narrations that indicate that even though the punishment was conducted publicly, it still took into consideration the privacy and honor of the individual, such as ensuring the punishment was not accompanied by humiliation or inhumane treatment (Dzaki & Zada, 2023). Furthermore, under certain conditions, *sharia* also allows the execution of punishments in more private settings to avoid *fitnah* or greater social harm.

In the current context, especially in Aceh, where *sharia* law is formally implemented, the public execution of flogging remains part of the standard procedure according to the Qanun Jinayat. However, critical questions arise in this digital era: does the publication of flogging proceedings via social media or digital platforms still align with how punishments were carried out during the Prophet's time? Does the essence of 'in public' as intended in *sharia* necessarily translate to unrestricted 'open access' in today's global digital space? There is a significant difference between the concept of public space in the society of Madinah during the Prophet's era and the public space shaped by modern social media. In the Prophet's time, the public who witnessed such proceedings was a local community who knew the individual offender and understood the prevailing social, cultural, and legal context.

Today, when videos of flogging proceedings in Aceh are uploaded to social media, the audience becomes much broader—even transnational—comprising people from diverse cultural, legal, and normative backgrounds. This shifts the meaning of 'public' from a limited community to a global audience, often losing the legal and social context behind the punishment. Moreover, in the digital realm, such content is frequently accompanied by provocative narratives, unethical edits, or negative comments that further degrade the dignity of the offender. Yet Islam teaches the principle of preserving a person's honor, even after they have undergone the prescribed punishment. The Qur'an repeatedly warns against exposing others' *aib* (faults) (QS. Al-Hujurat: 12) and emphasizes the sanctity and dignity of human beings (QS. Al-Isra: 70). Therefore, when a lawful flogging carried out publicly in Aceh becomes viral content spread uncontrollably, it may constitute a violation of *sharia* principles regarding the preservation of dignity (*hifdz al-'ird*).

From the perspective of Indonesian positive law, particularly Law No. 11 of 2008 on Electronic Information and Transactions (ITE), as amended by Law No. 19 of 2016, the distribution of content containing an individual's identity in the context of punishment could be categorized as defamation or a violation of personal privacy (Mastur, 2016). Although the flogging procedure in Aceh is legally conducted in public, turning this into global content through social media takes it out of its local legal framework and into the broader national jurisdiction. Rights to privacy and protection of reputation as regulated under the ITE Law and the Indonesian Criminal Code (KUHP) still apply, even to those who have served sentences under the *sharia* justice system of Aceh.

Hence, the debate between 'sharia' and 'protection of reputation' becomes increasingly relevant. Those supporting the publication of flogging proceedings on social media argue that this is a legitimate form of Islamic legal education, consistent with the spirit of public punishments during the Prophet's era. However, it must be noted that today's society is vastly different from the society of the Prophet (peace be upon him). The digital public sphere has characteristics of permanence (content can be stored and accessed indefinitely), borderlessness (*global audience*), and a domino effect that is difficult to control (*cyberbullying*, stigmatization, and long-term social labeling) (Alpiah et al., 2024).

If flogging proceedings were conducted in private settings or with audience restrictions limited to local communities, the goal of legal education could still be achieved while avoiding the negative impacts that stem from digital dissemination. But would this be in line with the essence of sharia implementation during the Prophet's time? In fact, in certain situations, the Prophet (peace be upon him) also weighed *maslahah* (public interest) and *mafsadah* (harm) when enforcing the law, especially when potential harm from public exposure outweighed its benefits. Therefore, applying the principle of *maqashid sharia* is crucial, particularly in safeguarding the five core objectives of *sharia*, one of which is the preservation of human dignity (*hifdz al-'ird*).

Conclusion

The dissemination of recorded footage of flogging proceedings in Aceh through social media raises complex legal issues, both in the context of sharia law and national positive law. While public flogging is a legitimate implementation of sharia law in Aceh, with historical roots dating back to the time of Prophet Muhammad (peace be upon him), the distribution of such recordings into the digital public sphere carries significant potential to violate provisions related to the protection of personal reputation and privacy as stipulated under the Electronic Information and Transactions (ITE) Law and the Indonesian Criminal Code (KUHP). The difference between a limited local public space and the global, permanent nature of the digital public space makes this content vulnerable to misuse and can lead to prolonged social stigmatization of the convicted individual.

Therefore, legal certainty regarding the dissemination of such content must integrate two perspectives: the implementation of the Qanun Jinayat as a manifestation of sharia law in Aceh and the principles of national law that guarantee human rights, particularly the protection of individual dignity. More specific regulations concerning the management and distribution of documentation related to punishment proceedings in Aceh are urgently needed to avoid potential criminalization or violations of justice principles. Thus, aligning the application of sharia and national law is key to creating harmony between respect for religious norms and the protection of individual rights in the digital era.

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