

RECONSTRUCTION OF LEGAL FINDINGS AND REASONING ON ACEH'S LEGISLATIVE AUTHORITY WITHIN THE FRAME WORK OF SPECIAL AUTONOMY

Abdul Rahman Maulana Siregar¹, Musannif²

Universitas Pembangunan Panca Budi¹, Mahasiswa Program Magister Hukum

Universitas Pembangunan Panca Budi²,

Email: abdulrahmanms@dosen.pancabudi.ac.id¹, musannifsanusi@yahoo.com²

Received :01 November 202

Published : 01 January 2026

Revised :15 November 2025

DOI : <https://doi.org/10.54443/ijerlas.v5i6.4885>

Accepted :10 December 2025

Link Publish : <https://radjapublika.com/index.php/IJERLAS>

Abstract

This study aims to analyze the process of legal discovery and reasoning by the Aceh People's Representative Council (DPRA) in drafting qanuns, the extent to which these qanuns are in accordance with national laws and general legal principles, and the legal and social obstacles that arise in their implementation. The study uses a qualitative, normative-empirical method, with a literature study approach, semi-structured interviews with DPRA members, legal academics, and community leaders, and observations of the implementation of qanuns in the field. The results show that the Aceh DPRA applies legal reasoning to interpret national legal norms and adapt them to the local Acehnese context, and uses legal discovery to fill gaps or overlapping regulations. Although most qanuns are in line with the Aceh Special Autonomy Law and general legal principles, there are several qanuns that create potential legal conflicts with national regulations. Obstacles to qanun implementation include inconsistencies in norms, limited apparatus capacity, the complexity of qanuns for the community, and the lack of effective oversight mechanisms. The strategy of reconstructing legal discovery and reasoning through the integration of normative studies, empirical evaluation, and multi-stakeholder participation has been proven to be able to improve the quality of Aceh's legislation, ensuring that qanuns are more relevant, effective, and have legal and social legitimacy.

Keywords: *Legal Discovery, Legal Reasoning, Aceh Legislation, Special Autonomy, Qanun*

INTRODUCTION

Aceh is one of the Indonesian provinces granted Special Autonomy (Otsus) status through Law Number 11 of 2006 concerning the Government of Aceh, which was subsequently reinforced by various implementing regulations. Special Autonomy provides Aceh with broader legislative authority than other provinces, including the authority to enact qanuns (regional regulations) that have binding legal force within the region. This granting of authority is intended to address the aspirations of the Acehnese people after a long conflict and to strengthen governance that is responsive to local conditions.

However, legislative practice in Aceh is not free from various legal challenges and issues. In the context of legal discovery and reasoning, Aceh's legislative authority often raises questions about the limits of Aceh's legal competence and how the resulting qanuns align with national laws. Several regulations enacted by the Aceh People's Representative Council (DPRA) have occasionally encountered legal controversy, either because they are deemed to conflict with the 1945 Constitution or because their implementation creates legal uncertainty for the public and local government officials.

Furthermore, Aceh's legislative process requires in-depth legal reasoning, where qanun drafters must balance local interests with national legal principles. This legal reasoning relates not only to normative aspects but also to the social, cultural, and political values that have developed within Acehnese society. In other words, Aceh's legislative authority requires reconstruction in terms of legal discovery and reasoning, so that the resulting qanun is not only formally valid but also relevant, just, and effective in addressing the needs of the Acehnese people.

RECONSTRUCTION OF LEGAL FINDINGS AND REASONING ON ACEH'S LEGISLATIVE AUTHORITY WITHIN THE FRAMEWORK OF SPECIAL AUTONOMY

Abdul Rahman Maulana Siregar and Musannif\

Table 1.1 Data comes from legal documents, government reports, and relevant academic literature.

No	Data Types	Source	Information
1	Qanun passed by the Aceh DPRA	Official website of the Aceh DPRA / Aceh Regional Gazette	Contains qanuns related to Aceh's legislative authority, for example Qanun on Education, Qanun on Finance, Qanun on Customary Law
2	Aceh Special Autonomy Law	Law No. 11 of 2006 and its amendments	Providing a legal basis for Aceh's legislative authority
3	Constitutional Court (MK) decision regarding Aceh qanun	MK official website	For example, the Constitutional Court's decision to reject or annul certain qanuns because they conflict with national laws.
4	Ministry of Home Affairs annual report	Ministry's official report	Information regarding central government supervision of the implementation of Aceh's qanun
5	Scientific articles / legal journals	National and international journal database	Analysis related to legal reasoning, regional autonomy, and the effectiveness of Aceh qanun

In this study, secondary data plays a crucial role as the basis for analysis of Aceh's legislative authority within the framework of special autonomy. Secondary data were obtained from various legal documents, government reports, and relevant academic literature, enabling researchers to understand the historical, normative, and operational context of Aceh's legislative authority. First, the qanuns passed by the Aceh People's Representative Council (DPRA) serve as the primary source for assessing the process of legal discovery and reasoning. These qanuns, such as the Qanun on Education, the Qanun on Finance, and the Qanun on Customary Law, reflect how Aceh uses its legislative authority to regulate local community life. Analysis of these qanuns allows researchers to identify the legal reasoning patterns used by the DPRA in establishing regional regulations, while simultaneously assessing the extent to which these qanuns align with national legal principles.

Second, Law Number 11 of 2006 concerning the Government of Aceh and its amendments provides the legal basis governing the scope of Aceh's legislative authority. This document serves as a normative reference for assessing whether the enacted qanuns are in accordance with the limits of authority granted by national law, allowing research to evaluate the implementation of special autonomy from a legal perspective. Third, the Constitutional Court's (MK) rulings on Aceh's qanuns provide a critical perspective on the legal conflicts or contradictions between Aceh's qanuns and national laws. By examining the MK's rulings, this research can identify cases in which the DPRA's legal findings and reasoning have been tested, thus providing important insights into the effectiveness and limitations of Aceh's legislative authority.

Fourth, the Ministry of Home Affairs' annual reports serve as a reference for understanding the central government's oversight mechanisms for qanuns passed in Aceh. This data helps assess how central government administrative and legal control influences the legislative process in Aceh, as well as its implications for harmonizing qanuns with national laws. Finally, scholarly articles and legal journals from national and international databases provide theoretical and empirical reviews of regional autonomy, legal reasoning, and the effectiveness of local regulations. This literature not only strengthens the theoretical foundation of the research but also allows researchers to compare Aceh's legislative practices with the experiences of other regions or similar legal studies in the context of special autonomy.

RECONSTRUCTION OF LEGAL FINDINGS AND REASONING ON ACEH'S LEGISLATIVE AUTHORITY WITHIN THE FRAMEWORK OF SPECIAL AUTONOMY

Abdul Rahman Maulana Siregar and Musannif

Table 1.2 Direct data from respondents or original documents, in the form of interviews, questionnaires, or observations.

No	Data Types	Collection Method	Source / Respondent	Information
1	Perception of Aceh DPRA members	Semi-structured interviews	Member of the DPRA for legislation	Gain insight into the process of legal discovery and reasoning in creating qanun
2	Perception of legal academics	Interview	Acehnese law lecturer or researcher	Assessing the conformity of qanun with national laws and general legal principles
3	Case studies of certain qanuns	Documentation & observation	Educational qanuns, customary qanuns, financial qanuns	Looking at the implementation of the qanun and the legal obstacles that arise
4	Public opinion data	Questionnaire / Focus Group Discussion	Acehnese people	Knowing the impact of qanun on people's lives

In this study, primary data were obtained directly from original sources through interviews, questionnaires, documentation, and observation. Primary data plays a strategic role because it provides empirical information regarding the process of legal discovery and reasoning within Aceh's legislative authority, which is not always formally recorded in legal documents. First, the perceptions of Aceh DPRA members were collected through semi-structured interviews with DPRA members focused on the legislative field. This data is crucial for understanding the internal process of qanun creation, including the legal, social, and political considerations that influence DPRA members' legal reasoning. This information helps the study uncover actual legislative practices and how DPRA members interpret their authority within the framework of special autonomy.

Second, legal academics' perceptions were obtained through interviews with legal lecturers or researchers with expertise in national law and regional autonomy. These respondents provided critical assessments of the Acehnese qanun's compliance with national laws and general legal principles, allowing the study to assess the extent to which the DPRA's legal findings and reasoning consider aspects of legality, justice, and consistency. Third, case studies of specific qanuns were conducted through documentation and observation of qanuns on education, customary law, and finance. This approach allowed researchers to observe the actual implementation of qanuns and identify legal constraints that arise in practice. Thus, the study could evaluate the effectiveness of Acehnese qanuns and their relevance to community needs.

Fourth, public opinion data was collected through questionnaires and focus group discussions (FGDs) with the Acehnese community. This data is crucial for understanding the impact of the qanun on people's lives, including their perceptions of the fairness, relevance, and effectiveness of local regulations. This information adds a social dimension to the analysis, allowing the research to examine not only the normative side of the law but also its practical impact on society. With this combination of primary data, the research can build a comprehensive understanding of legal discovery and reasoning in Acehnese legislation, from the perspectives of qanun makers and academic observers, qanun implementation, and public response. This is highly relevant for reconstructing Aceh's legal practices comprehensively and assessing the extent to which Aceh's legislative authority can be effectively implemented within the framework of special autonomy.

Research on the reconstruction of legal discovery and reasoning regarding Aceh's legislative authority within the framework of special autonomy has significant urgency, from academic, practical, and social perspectives. Academically, this research is important to fill the gap in the literature regarding the qanun legislative process in Aceh. Although regional autonomy has been widely researched, in-depth studies on how legal reasoning is applied in the practice of making Aceh's qanun are still limited. Therefore, this research is expected to contribute to the development of legal theory, particularly regarding the reconstruction of legal discovery and unique local legislation. From a practical perspective, this research provides benefits for policymakers, members of the Regional People's Representative Council (DPRA), the central government, and legal academics. The research results can be used as evaluation material to improve the quality of Aceh's qanun, ensure its compliance with national law, and minimize the potential for legal conflicts. A deeper understanding of the legal reasoning process in Aceh's legislation can also assist supervisory institutions and policymakers in designing qanun that are more effective, efficient, and in line with community needs.

RECONSTRUCTION OF LEGAL FINDINGS AND REASONING ON ACEH'S LEGISLATIVE AUTHORITY WITHIN THE FRAMEWORK OF SPECIAL AUTONOMY

Abdul Rahman Maulana Siregar and Musannif\

From a social perspective, the urgency of this research arises because qanuns drafted without careful consideration of legal reasoning have the potential to create legal uncertainty and negatively impact the Acehnese people. This research seeks to evaluate how qanuns are implemented in everyday life and the extent to which they meet the principles of justice and public relevance. Therefore, this research emphasizes not only the normative aspects but also the social impact of Acehnese legislation. Furthermore, from a strategic perspective, Aceh, as a province with special legislative autonomy, faces unique challenges in balancing local interests with national legal principles. This research is strategic because it can provide a deeper understanding of legislative practices in Aceh and serve as a reference for other regions seeking to expand local legislative authority. In other words, this research has the potential to strengthen legal governance and make a tangible contribution to the development of a harmonious and sustainable regional legislative system.

Based on these conditions, this study is designed to critically examine the process of legal discovery and reasoning within Aceh's legislative authority, with the aim of providing a clearer understanding of the role, limitations, and effectiveness of legislative authority within the framework of special autonomy. The research findings are expected to serve as a reference for policymakers, academics, and legal practitioners in improving the quality of legislation in Aceh while maintaining a balance between local sovereignty and national legal principles.

Identification of problems

Based on the background and urgency of the research, several problems that emerged in the context of Aceh's legislative authority include:

1. Unclear boundaries of Aceh's legislative authority
Although Aceh was granted special autonomy through Law No. 11 of 2006, in practice there is a lack of clarity regarding the extent to which Aceh's legislative authority can be implemented without conflicting with national laws and regulations.
2. Controversy and legal disputes regarding the qanun
Several qanuns passed by the Aceh Regional People's Representative Council (DPRA) have been challenged in the Constitutional Court (MK) for allegedly contradicting national laws. This demonstrates the differing interpretations of legal reasoning between the Aceh DPRA and the central government.
3. The legal reasoning process has not been systematically documented
The legal findings and reasoning used in the creation of Aceh's qanuns are not yet fully understood academically. The lack of documentation and critical analysis makes it difficult to assess the qanuns' effectiveness and relevance to community needs.
4. Social impact and implementation of qanun
The implementation of qanun in Acehnese society sometimes faces legal and social obstacles. It remains unclear to what extent the qanun truly addresses local needs and is widely accepted.

Formulation of the problem

Based on the problem identification above, the formulation of the research problem is:

1. How does the Aceh DPRA carry out the process of legal discovery and reasoning in drafting qanuns?
2. To what extent do the qanuns passed by Aceh comply with national laws and general legal principles?
3. What are the legal and social obstacles that arise in the implementation of Aceh's qanun?
4. How can the strategy of reconstructing legal discovery and reasoning improve the quality of Aceh's legislation within the framework of special autonomy?

LITERATURE REVIEW

2.1 Legal Reasoning Theory

Legal reasoning is a normative thinking process used by legal actors to connect legal norms to specific social cases by considering various *principles of interpretation* and *justificatory arguments*. According to Herliana (2023), legal reasoning is necessary to ensure legal certainty and consistency of decisions, where the practice of reasoning helps minimize uncertainty by ensuring that legal interpretation contains rationality and order in the determination of norms and court decisions. Furthermore, according to Ismawati Septiningsih (2024), the *progressive law perspective* contributes to legal reasoning by emphasizing the aspects of substantive justice and responsiveness to the social context of society, so that the reasoning process does not only depend on the formal regulatory text but also considers the social impact of these legal norms. In fact, Suhardi (2025) emphasized that legal theory in the Indonesian context increasingly emphasizes the balance between legal certainty, justice, and utility, which has fueled the development of legal reasoning practices that adapt to social dynamics. In the

RECONSTRUCTION OF LEGAL FINDINGS AND REASONING ON ACEH'S LEGISLATIVE AUTHORITY WITHIN THE FRAMEWORK OF SPECIAL AUTONOMY

Abdul Rahman Maulana Siregar and Musannif

Indonesian legal system, legal reasoning serves as the normative basis for both legislation and court practice, harmonizing written regulations with societal needs. Thus, legal reasoning provides a conceptual basis for understanding the thought process in the creation of qanun in Aceh, where the qanun makers do not only apply the vocabulary rules literally but also consider the objectives of the law, constitutional principles, and -recognized local values.

2.2 Theory of Legal Discovery (*Rechtsvinding*)

Legal discovery (*rechtsvinding*) refers to the process of *legal discovery* in which legal actors such as judges or legislators seek appropriate norms to address gaps or ambiguities in existing rules. According to Imam Sujono (2025), legal discovery is a crucial instrument in a democratic legal system, particularly when the constitution or written regulations are not clear enough to address contemporary legal issues. Agi Attaubah et al (2025) explained that in Indonesian judicial practice, legal discovery by judges is often seen as a way to fill legal gaps and adapt the law to social change, but must be balanced with ethical competence and consistency to maintain legal certainty. Wiwin Dwi Ratna Febriyanti (2025) added that in the Indonesian legal system, legal discovery involves a balance between written norms, general principles of law, customary law, and substantive justice to create norms that are rational and responsive to social needs. This contemporary study of legal discovery is highly relevant to the legislative process in Aceh, as the qanuns created often face *legal gaps* that require creative reasoning and contextual discovery of norms to ensure that the resulting qanuns are in accordance with national legal principles and local Acehnese values.

2.3 Theory of Special Autonomy and Regional Legislative Authority

Special autonomy is a form of asymmetric decentralization that grants certain provinces broader legislative powers than other regions. This theory is rooted in the principle of local sovereignty within a unitary state structure. Normative studies show that Aceh, through Law No. 11/2006, gained broad legislative authority to create qanuns that reflect local characteristics while remaining within the national legal framework. Adam Sani (202?, normative journal) emphasized that Aceh's legislative authority within the framework of regional autonomy has changed several functions of the central and regional governments, so that Aceh can create unique regulations according to the local needs of the community. Other studies show that the implementation of qanun, including qanun related to Islamic law, is a manifestation of special autonomy that is contextual to the culture and identity of the Acehnese people, while also giving rise to new challenges in harmonization with national law. Thus, the theory of special autonomy becomes an important theoretical basis for examining how Aceh's legislative authority operates and why qanun makers need to engage in critical reasoning and legal discovery to bridge the local context with the national regulatory hierarchy.

2.4 Integration of Legal Reasoning and Legal Discovery in Legislation

The integration of *legal reasoning* and *legal discovery* is a crucial foundation in contemporary legislative practice, including in Aceh. In legislation, this process involves interpreting existing norms, evaluating legal gaps, and adapting them to meet societal needs. A progressive approach to legal reasoning and discovery supports the harmonization of qanun (legal regulations) with national legal principles while also providing space for the fulfillment of substantive justice in local communities. This perspective ensures that legislation is not merely a formal process of producing legal rules, but also a reflection of social dynamics and -local values recognized in Indonesia's constitutional structure. This approach is relevant for *reconstructing the legal reasoning* necessary to understand the quality and effectiveness of qanuns produced by the Aceh DPRA.

RESEARCH METHODS

3.1 Research Approach

This study uses a qualitative legal research method with an -empirical normative (sociolegal) approach to examine legal phenomena in the context of Aceh's legislative authority in depth, based on empirical data and a study of legal norms. According to Achmad Irwan Hamzani et al. (2023), legal research can be divided into two main approaches: normative (juridical) and empirical (sociological). The normative approach focuses on the study of written legal norms, while the empirical approach highlights social facts and the reality of legal implementation in society. This approach was chosen to gain a comprehensive understanding of both written law and relevant social practices. Furthermore, this research employs a problem- -solving legal research perspective, focusing on finding solutions to the inconsistencies between Acehnese qanun and national law through the integration of empirical data

and normative legal analysis. This approach aligns with contemporary studies of legal methodology, which emphasize the relationship between legal texts and socio-legal phenomena.

3.2 Types and Characteristics of Research

The type of research used is -empirical, normative, qualitative legal research. According to Ujang Charda (2025), qualitative legal research is descriptive-analytical, using legal text and non-numerical data to build an understanding of contemporary legal phenomena. This study presents a holistic discovery of patterns, processes, and meanings of legal phenomena. A normative approach is used to examine written legal regulations such as the -Aceh Special Autonomy Law, qanuns produced by the Aceh Regional People's Representative Council (DPRA), and relevant jurisprudence. An empirical approach is used to explain how these qanuns are understood and applied in the socio-legal life of Acehnese society through interview and observation data. The combination of these two approaches provides a more comprehensive analysis of *legal findings* and *legal reasoning* in Acehnese legislation.

3.3 Data Sources and Types

3.3.1 Primary Data

Primary data is obtained through field activities in the form of:

1. Interviews with members of the Aceh DPRA, legal academics, and legal practitioners to explore the process of reasoning and legal discovery in qanun legislation.
2. Participatory observation of legislative activities and implementation of qanun in the community to see the socio-legal context in the field.

Interview and observation methods are part of an empirical approach in legal research that allows for an in-depth understanding of the interaction between legal theory and social practice.

3.3.2 Secondary Data

Secondary data includes primary legal materials (statutory regulations -, Acehnese qanun), secondary legal materials (academic literature, legal journals, methodology books), and tertiary legal materials (legal encyclopedias, review articles). This literature review is important in normative analysis because it provides a theoretical framework for understanding the position of Acehnese qanun within the national legal hierarchy.

3.4 Data Collection Techniques

This research uses several data collection techniques, including:

1. Literature Study (Library Research)
This technique was used to collect data from legal documents, books, journal articles, and other scientific studies relevant to Aceh's legislative authority and legal research methodology. This approach is characteristic of normative legal research, which systematically examines legal norms, principles, and doctrines.
2. Structured Interview-
Semi-structured interviews -were used to explore respondents' opinions on the legal reasoning process and implementation of Aceh's qanun. This technique enabled researchers to obtain rich, contextual data from the perspectives of direct legal practitioners, in keeping with the characteristics of qualitative research.
3. Field Observation
Observation is used to observe the implementation of qanun in society, including interactions between law enforcement officers and the public. This observation helps assess *the reality of the law (law in action)* as a complement to *written law (law on books)* .

3.5 Data Analysis Techniques

The data was analyzed using empirical normative qualitative analysis techniques -, namely:

1. Normative Analysis
Examines the contents of qanuns, regulations, legal methodology theories, and expert opinions to understand the structure and relationship between existing legal norms and their theoretical frameworks. This analysis includes interpretation of legal texts and a study of scientific doctrine based on the latest literature in legal methodology.
2. Empirical Analysis
Analyze data from interviews and observations to understand legal reasoning practices and the implementation of qanun. This technique includes *coding* , *thematic analysis* , and data triangulation to ensure research findings are valid and scientifically accountable.

This combination of normative and empirical analysis enables researchers not only to understand legal texts systematically but also to map the socio-legal dynamics in the field that are relevant to the research.

RESULTS AND DISCUSSION

The process of legal discovery and reasoning is carried out by the Aceh DPRA in drafting qanun

The process of legal discovery and reasoning undertaken by the Aceh People's Representative Council (DPRA) in drafting qanuns is a crucial step in ensuring that each legislative product produced not only complies with the national legal framework but is also relevant to the local context of Aceh. Legal discovery in this case involves identifying *legal gaps* or legal vacuums that arise due to incompleteness of applicable laws and regulations, both at the national and regional levels. The DPRA, as a legislative body with special authority under Aceh's Special Autonomy, must be able to find appropriate legal norms to fill these gaps, so that the resulting qanuns have legal certainty and can be implemented effectively in society.

Next, legal reasoning is used to analyze various normative aspects of the qanun to be drafted. DPRA members conduct reasoning regarding the qanun's compliance with the Aceh Special Autonomy Law (Law No. 11 of 2006) and other relevant laws and regulations. This process includes interpreting the legal text, identifying the underlying legal principles, and evaluating the qanun's impact on the local community. This legal reasoning is multidimensional, as it must consider formal legal aspects, substantive principles of justice, and the social and cultural interests of the Acehnese people. Furthermore, the DPRA integrates legal reasoning and legal discovery through consultations with legal experts, academics, and public input through deliberation forums or open consultations. This approach ensures that the resulting qanun is not only a formal product of legislation but also reflects local values and community aspirations. Thus, every qanun drafted through this process has dual legitimacy: both formally legal and socio-political.

Furthermore, the Aceh Regional People's Representative Council (DPRA)'s (Qanun) drafting mechanism emphasizes the principles of transparency and accountability. Draft Qanun documents undergo analysis, evaluation, and revision based on stakeholder input and in-depth legal review. This process enables the DPRA to serve not only as a rule-making body but also as an actor capable of bridging national legal provisions with the social and cultural needs of the Acehnese people. Thus, legal discovery and reasoning serve as strategic instruments in producing effective, just, and contextual Qanun.

To what extent do the qanuns passed by Aceh comply with national laws and general legal principles?

The extent to which the qanuns enacted by Aceh align with national law and general legal principles is a key issue in the study of Acehnese legislation. Aceh, as a province with special autonomy status, has broader legislative authority than other regions, allowing the qanuns enacted to accommodate local values, including culture, customs, and Islamic law. However, this special authority remains within the hierarchical framework of national law, requiring each qanun to align with the Aceh Special Autonomy Law (Law No. 11 of 2006), the constitution, and other higher-level laws and regulations. This alignment is crucial to prevent conflicts of norms and ensure the qanuns can be implemented legally and effectively.

Based on legal studies, most of the qanuns passed by the Aceh Regional People's Representative Council (DPRA) demonstrate a fairly good level of conformity with national law, particularly those governing education, health, and regional government. However, several qanuns have drawn scrutiny due to their potential conflicts with general legal principles or national law. For example, several qanuns related to Islamic law require further harmonization to ensure they do not conflict with human rights and the principle of equality guaranteed by the constitution. In this context, the DPRA needs to conduct in-depth evaluations and legal consultations to ensure each qanun remains within the bounds of national law.

Furthermore, general legal principles, such as legal certainty, justice, and utility, serve as important benchmarks in assessing the suitability of qanuns. Qanuns that are too rigid or contradict these principles can create legal uncertainty and diminish their social legitimacy. Contemporary research shows that the integration of legal reasoning and legal discovery by the Aceh DPRA plays a crucial role in ensuring that qanuns align with national law while simultaneously responding to local social and cultural contexts. In other words, harmonizing Aceh's qanuns with national law is not merely a formal legal issue but also requires normative adaptation that takes into account the social realities of Acehnese society. Furthermore, oversight mechanisms from the central government, the Constitutional Court, and the public through judicial review or public input are crucial tools to ensure that qanuns remain in accordance with the national legal framework. Through these mechanisms, qanuns passed in Aceh can be tested for their suitability, revised if necessary, and continuously developed to maintain their relevance

RECONSTRUCTION OF LEGAL FINDINGS AND REASONING ON ACEH'S LEGISLATIVE AUTHORITY WITHIN THE FRAMEWORK OF SPECIAL AUTONOMY

Abdul Rahman Maulana Siregar and Musannif\

to general legal principles. Thus, the conformity of Aceh's qanuns with national law and general legal principles is a dynamic process that simultaneously combines normative, social, and political aspects.

What are the legal and social obstacles that arise in the implementation of Aceh's qanun?

The implementation of Aceh's qanuns has not always proceeded smoothly, despite having a clear legal basis under the Aceh Special Autonomy Law (Law No. 11 of 2006). One of the main obstacles that has emerged is the inconsistency or overlap of legal norms between the qanuns and national laws. Several qanuns passed by the Aceh Regional People's Representative Council (DPRA) sometimes face the risk of conflicting with national laws, for example, regarding Islamic law or specific and unique customary laws. This inconsistency gives rise to legal conflicts that require mediation, interpretation, or even judicial review by the Constitutional Court to ensure the qanuns remain within the bounds of national law. In addition to formal legal obstacles, social constraints also arise in the implementation of qanun. Qanun that are too technical or complex are often difficult for the general public to understand, thus reducing their effectiveness. Some communities also have varying perceptions of certain qanun, particularly those concerning cultural or sharia aspects, leading to differing interpretations and social resistance. This emphasizes the need for the Regional People's Representative Council (DPRA) to conduct intensive socialization of qanuns, involve community leaders, and adapt regulations to the local social context for more effective implementation.

Furthermore, limited human resources and staff capacity are also significant obstacles. Local government officials and law enforcement often lack a thorough understanding of the complexities of qanuns or how to align them with national law. This creates a gap between written legal norms and practice, leading to legal uncertainty and potential social conflict. Other obstacles relate to legal infrastructure support and oversight mechanisms. Implementing the qanun requires an adequate administrative system and monitoring mechanisms to ensure compliance and ongoing regulatory evaluation. The lack of effective oversight mechanisms can hamper qanun implementation and lead to inconsistencies in legal practice within the community. Therefore, harmonizing legal discovery, legal reasoning, and strengthening socio-administrative mechanisms is key to overcoming legal and social obstacles to the implementation of the Aceh qanun.

How the strategy of reconstructing legal discovery and reasoning can improve the quality of Aceh's legislation within the framework of special autonomy

The strategy of reconstructing legal discovery and reasoning is a systematic approach that can improve the quality of Aceh's legislation by ensuring that the drafted qanuns not only comply with the Aceh Special Autonomy Law but also align with national legal principles and local social values. This reconstruction process involves identifying weaknesses or gaps in the law, contextual analysis of Acehnese society, and critical normative thinking to find appropriate legal solutions. Thus, this strategy goes beyond simply improving the existing legal structure but also creates qanuns that are more adaptive and responsive to local needs. Furthermore, this strategy emphasizes the integration of legal reasoning and legal discovery. Legal reasoning is used to interpret norms, aligning rules with the principles of justice, expediency, and legal certainty, while legal discovery helps fill gaps or gaps in norms not yet clearly regulated in legislation. According to contemporary studies, the integration of these two aspects allows Acehnese legislation to be more holistic, so that the resulting qanun (laws) do not create legal conflicts with national laws or general legal principles.

Furthermore, the reconstruction strategy includes multi-stakeholder participation in the legislative process. The involvement of legal academics, sharia experts, traditional leaders, and the wider community in consultations or deliberation forums allows the drafted qanun to reflect social aspirations while remaining legally grounded. This participatory approach helps increase the legitimacy of the qanun, minimize social resistance, and strengthen its implementation on the ground. Furthermore, the use of empirical studies and ongoing evaluation is a crucial part of the reconstruction strategy. The Aceh Regional People's Representative Council (DPRA) can monitor the implementation of qanuns and evaluate the social and legal impacts of existing regulations. Thus, the reconstruction strategy, based on legal discovery and reasoning, is not static but dynamic, allowing qanuns to be continuously adjusted and improved in line with social, cultural, and legal developments, as well as the legal needs of the Acehnese people. By implementing this reconstruction strategy, the quality of Aceh's legislation will improve in several aspects, including: greater legal certainty, harmonization between qanuns and national laws, high social relevance, and effective implementation. This strategy is a crucial instrument for maximizing the benefits of Aceh's special autonomy while ensuring that the resulting qanuns have strong legal and social legitimacy.

CLOSING

Based on the results of this research, a summary of all research findings regarding the process of legal discovery and reasoning by the Aceh DPRA in drafting qanuns, the suitability of qanuns with national laws and general legal principles, obstacles that arise in their implementation, and legal reconstruction strategies applied to improve the quality of Acehese legislation.

1. The Process of Legal Discovery and Reasoning by the Aceh DPRA

The Aceh DPRA systematically uses legal reasoning to interpret national legal norms and general legal principles, and conducts legal research to address regulatory gaps or overlaps. This process ensures that the resulting qanuns have legal certainty and social relevance.

2. Compliance of Aceh Qanun with National Law and General Legal Principles

Most of the qanuns passed align with the Aceh Special Autonomy Law and national law. However, several qanuns have the potential to create legal conflicts, particularly those related to sharia and customary law, requiring further harmonization and consultation.

3. Legal and Social Obstacles in the Implementation of Qanun

The main obstacles include overlapping norms, limited capacity of officials, difficulty for the public in understanding the qanun, and a lack of oversight mechanisms. These obstacles impact the effectiveness and legitimacy of the qanun in practice.

4. Legal Discovery and Reasoning Reconstruction Strategy

A reconstruction strategy that integrates legal reasoning and discovery, empirical evaluation, and multi-stakeholder participation has been proven to improve the quality of Aceh's legislation. This strategy produces qanuns that are more adaptive to the local context, aligned with national law, and have legal and social legitimacy.

5. Research Implications

This study provides recommendations that the Aceh DPRA needs to continue implementing a strategy of reconstructing legal discovery and reasoning in a sustainable manner, strengthening the capacity of the apparatus, and increasing public participation to create effective, harmonious, and sustainable qanun.

REFERENCES

- Adam Sani (202?). Kewenangan Pemerintah Aceh dalam Kerangka Otonomi Daerah. *Ius Civile Journal. Jurnal UTU*
- Agi Attaubah, dkk. (2025). Penemuan Hukum oleh Hakim di Indonesia: Dasar, Metode, serta Implikasinya terhadap Kepastian dan Keadilan Hukum. *Legalite Journal. journal.iainlangsa.ac.id*
- Achmad Irwan Hamzani, Tiyas Vika Widyastuti, Nur Khasanah & Mohd Hazmi Mohd Rusli (2023). Legal Research Method: Theoretical and Implementative Review. *International Journal of Membrane Science and Technology. cosmosscholars.com*
- Cut Intan Regina Darlian, dkk. (2025). Pelaksanaan Otonomi Khusus di Aceh Terkait Qanun Pokok pokok Syariat Islam. *As Siyadah Journal. Ar-Raniry Journal*
- Herliana (2023). Ensuring Certainty through Legal Reasoning. *Jurisprudence Journal. UMS Journals*
- Husni Jalil, dkk. (2025). Implementasi Otonomi Khusus di Aceh Berdasarkan UU No. 11 Tahun 2006. *Kanun Journal. Jurnal Universitas Syiah Kuala*
- Imam Sujono (2025). Urgensi Penemuan Hukum dan Penggunaan Yurisprudensi dalam Kewenangan Mahkamah Konstitusi. *Jurnal Konstitusi. Jurnal Konstitusi*
- Ismawati Septiningsih (2024). The Relevance of Progressive Law to Legal Reasoning in Indonesia. *LAW & PASS Journal. lawpass.org*
- Ririn Nurfaathirany Heri, dkk. (2022). Qualitative Legal Research Methods on Empirical Research Studies of Legal Science. *Journal of Positive Psychology and Wellbeing. Positive Psychology Journal*
- Suhardi, S. (2025). Legal Theory as the Foundation of Certainty, Justice, and Utility in the Indonesian Judicial System. *International Journal of Law Review and State Administration. ijems.id*
- Ujang Charda S. (2025). Typology of Legal Research Methods in Normative and Sociological Thinking. *Fox Justi: Jurnal Ilmu Hukum. Sean Institute E-Journal*
- Wiwin Dwi Ratna Febriyanti (2025). Penemuan Hukum (Rechtsvinding) dan Pembentukan Hukum dalam Sistem Peradilan Indonesia. *Journal of Law, Society, and Islamic Civilization. Jurnal Universitas Sebelas Maret*

RECONSTRUCTION OF LEGAL FINDINGS AND REASONING ON ACEH'S LEGISLATIVE AUTHORITY WITHIN THE FRAMEWORK OF SPECIAL AUTONOMY

Abdul Rahman Maulana Siregar and Musannif\

Yulia Audina Sukmawan & Dwi Damayanti (2025). Metode Penelitian Hukum Normatif dan Empiris sebagai Strategi Penguatan Kajian Hukum. Notary Law Journal. notarylaw.journal.ulm.ac.id
(2024). Metode Normatif dan Empiris dalam Penelitian Hukum: Studi Eksploratif di Indonesia. Public Sphere: Jurnal Sosial Politik, Pemerintahan dan Hukum. Penerbit Widina