



## **Multicultural Dispute Resolution System in Aceh Before and After the Issuance of the Customary Institution Qanun**

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**Abstract:** The existence of customary institutions in Aceh has contributed significantly to the resolution of disputes in society. The existence of customary institutions has experienced ups and downs in accordance with the legal rules and regulations set by the government. This study is a normative legal study through a study based on the theory of legal pluralism, utilizing historical, conceptual, and comparative legal research techniques. This study uses an empirical legal approach method using the theory of legal pluralism, through historical, conceptual and comparative legal research. This study focuses on the multicultural settlement system in customary institutions before and after the enactment of Qanun Number 10 of 2008 in resolving household cases. The results of the study obtained by customary justice institutions in Aceh before and after the enactment of Qanun Customary institutions are the same, they still use local wisdom in resolving household disputes by prioritizing the customs of the community that have been established since the Indatu era, the difference with the issuance of qanun makes the function of the figure institution in its role in the customary institution clearer. The customary apparatus of *Tuha peut Gampông* is the party that plays a responsible role so that the resolution of the dispute/case does not cause losses to the parties, but makes maximum efforts to achieve peace. The leaders of customary institutions have the main responsibility of implementing the settlement process, deciding fairly, protecting the rights of the parties, recording the process and decisions and documenting documents. From the perspective of legal pluralism, dispute resolution through customary institutions is part of the recognition of the diversity of legal systems and the existence of customs in Aceh.

**Keywords:** Multiculturalism, settlement, customs, legal pluralism

**Abstrak:** Keberadaan lembaga adat di Aceh telah memberikan kontribusi yang signifikan terhadap penyelesaian sengketa dalam masyarakat. Keberadaan lembaga adat telah mengalami pasang surut sesuai dengan aturan hukum dan peraturan yang ditetapkan oleh pemerintah. Kajian ini adalah studi hukum normatif melalui studi yang didasarkan pada teori pluralisme hukum, memanfaatkan teknik penelitian hukum historis, konseptual, dan komparatif. Penelitian ini menggunakan metode pendekatan hukum empiris dengan menggunakan teori pluralisme hukum, melalui penelitian sejarah, konseptual dan perbandingan hukum. Penelitian ini berfokus pada multikultural sistem penyelesaian di lembaga adat sebelum dan sesudah lahirnya Qanun Nomor 10 Tahun 2008 dalam penyelesaian perkara rumah tangga. Hasil Penelitian yang didapatkan Lembaga peradilan adat di Aceh pra dan pasca berlakunya Qanun Lembaga adat persamaannya tetap menggunakan kearifan lokal dalam penyelesaian sengketa rumah tangga dengan mengedepankan Adat masyarakat yang sudah terbina pada masa indatu, perbedaannya dengan keluarnya qanun membuat lebih jelas fungsi lembaga tokoh dalam perannya dilembaga Adat. Perangkat adat Tuha peut Gampông adalah pihak yang berperan bertanggung jawab agar penyelesaian sengketa/perkara tersebut tidak menimbulkan kerugian bagi para pihak, tetapi berupaya secara maksimal agar tercapainya perdamaian. Para pemimpin lembaga adat memiliki tanggungjawab utama yaitu melaksanakan proses penyelesaiannya, memutuskan dengan adil, melindungi hak para pihak, mencatat proses dan keputusan serta mendokumentasikan dokumen. Dari sudut pluralisme hukum penyelesaian sengketa melalui lembaga adat merupakan bagian dari pengakuan terhadap keragaman sistem hukum dan eksistensi adat di Aceh.

**Katakunci:** Multikulturalisme, penyelesaian sengketa, adat, pluralism hukum

## Introduction

The fundamental unit of a traditional community group is referred to as *gampông*, which is analogous to a village. Every *gampông* is overseen by a *Keuchik* (village head), and within a *gampông*, there exists a *meunasah* directed by an *Imuem Meunasah*. A *Gampông* that comprises multiple units is referred to as a *Mukim*, with each *Mukim* being overseen by an *Imuem Mukim*. In ancient times, *mukim* was governed by an *Ulee Balang*, who hailed from the *Panglima* of the Sultanate.<sup>1</sup>

At the *gampông* and *mukim* levels, customary institutions significantly influence socio-cultural, economic, and political life, and each regional unit has

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<sup>1</sup> Arskal Salim, "Dynamic Legal Pluralism in Indonesia: Contested Legal Orders in contemporary Aceh," *The Journal of Legal Pluralism and Unofficial Law* 42, no. 61 (2010). Teuku Muttaqin Mansur, et.al., "The Effectiveness of the Implementation of Customary Fines in Settlement of Seclusion Cases in Banda Aceh," *Sriwijaya Law Review* 4, No. 1 (2020), p. 52.

its own autonomous customary laws.<sup>2</sup> Following the establishment of the government structure, mukim have started to be marginalized; however, their function within villages across Aceh continues to persist.<sup>3</sup> The presence of Imum Mukim in the village is evident, as they contribute to addressing various issues across different *gampông*.

The government ultimately recognized the issue of *mukim* by incorporating it into the Aceh Government Law Number 11 of 2006, thereby establishing *mukim* as part of the Aceh government structure. The *Imum Mukim*, serving as the leader of the *mukim*-level government, functions as a vital link between governmental authority and the customs observed within the local community. In the realm of spatial planning, *mukim* should be recognized as the fundamental unit in spatial or regional planning. The categorization of *mukim* and *gampông* areas is conducted according to specific functions, including socio-spiritual, economic, and ecological aspects. However, in accordance with the evolution of contemporary society, these various functions appear to be underperforming. Therefore, a collaborative agreement is essential to rejuvenate and reinstate customary functions at the *mukim/gampông* level, ensuring they transcend mere formalities outlined in legal documents.

The relationship between Custom and the Islamic religion in Acehnese society is profound, as reflected in the hadih maja "Adat ngen agama lakee zat ngen sifat." This phrase signifies that the Islamic faith embraced by the Acehnese people and Custom are inseparable, as every aspect of customary practices is imbued with religious values.

The customary institutions that have evolved in the lives of the Acehnese people over time serve significant functions and roles in nurturing various cultural values, norms, and rules that contribute to security, harmony, order, tranquility, and welfare for the Acehnese community. One of the established roles recognized in society is referred to as Tuha Peut. This institution operates as a traditional mediator for issues that arise in domestic relationships, particularly those between spouses. The resolution of this issue typically begins at the village level, where efforts are made to reconcile the two parties involved and offer guidance to prevent future conflicts. The couple is interviewed individually to discuss the issue that led to the disagreement, followed by the presentation of a resolution.<sup>4</sup>

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<sup>2</sup> Fajri M Kasim, Abidin Nurdin, and Salman Abdul Muthalib, "The Protection of Women and Children Post-Divorce in Sharia Courts in Aceh: A Sociological Perspective," *Ahkam: Jurnal Ilmu Syariah* 22, no. 2 (2022), p. 378.

<sup>3</sup> "Undang-Undang Nomor 5 Tahun 1979 Tentang Pemerintahan Desa." (n.d.).

<sup>4</sup> Ridwan Nurdin, Muhammad Yusuf, and Syarifah Sarah Natasya, "The Gayonese Culture of Marriage System: The Islamic Law Perspective," *Samarah* 5, no. 1 (2021). Ridwan Nurdin et al., "The Role of Customary Leaders as Hakam in Resolving Divorce: A Case Study in Kuta Alam Subdistrict, Banda Aceh City," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (2023), p. 430.

In the event of a recurrence of this incident, community leaders typically facilitate a return to the couple, allowing them to determine the most suitable course of action for their situation.

The customary settlement system varies across different regions in Aceh, with distinct names for their customary institutions. For instance, in the Aceh Tamiang region, the institution is referred to as *Duduk Setikar Sekampung*, while in Central Aceh, it is known as *Sora Opat*. In contrast, for the broader Aceh area, excluding Aceh Tamiang and Central Aceh, the institution is simply recognized as *Tuha Peut*.<sup>5</sup> The local wisdom found in every village in Aceh has undoubtedly been passed down through generations, becoming a source of pride. This strength serves as an alternative solution to the community's challenges in the region. *Tuha Peut* exemplifies the ongoing community commitment to engaging with the framework of social institutions.

This article uses a normative research method by exploring legal regulations such as laws, qanun, articles, books related to the discussion.<sup>6</sup> So that the study can be categorized as a study of legislation using a legal pluralism approach.<sup>7</sup> Legal pluralism is a new approach in legal studies that emphasizes the diversity of legal systems in society, such as national law, Islamic law and customary law. These three legal systems are raw materials in the development of national law in Indonesia.

### Dispute Resolution Before the Implementation of the Customary Institutions Qanun in Aceh

Aceh, recognized as a special and autonomous region, has initiated the implementation of the Customary Law Council, empowering villages to administer customary justice for the resolution of disputes in accordance with local customs. Prior to the implementation of Qanun Number 10 of 2008, the customary justice system was governed by the Customary Justice Law, and the establishment of the village as a Customary Law Council aligned with Article 18B Paragraph (2) of the 1945 Constitution,<sup>8</sup> The rights and authorities are clearly defined within the Law and were further operationalized through the Joint Decree issued by the Governor, the Aceh Police Chief, and the Aceh Customary Council

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<sup>5</sup> Misran Ramli et al., "State, Custom, and Islamic Law in Aceh: Minor Dispute Resolution in the Perspective of Legal Pluralism," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2024), p. 875.

<sup>6</sup> Salim and Erlies Septiana Nurbayani, *Penerapan Teori Hukum Pada Penelitian Tesis dan Disertasi*, Jakarta: Rajawali Pres, 2017.

<sup>7</sup> Arskal Salim, "Dynamic Legal Pluralism in Indonesia: Contested Legal Orders in contemporary Aceh." *The Journal of Legal Pluralism and Unofficial Law* 42, no. 61 (2010), p. 1-29. Mursyid Djawas, et.al., "Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism," *Hasanuddin Law Review* 10, No. 1 (2024).

<sup>8</sup> "Undang-Undang Pemerintah Aceh (UPA), Qanun Aceh No. 9 Tahun 2008, Qanun Aceh No. 10 Tahun 2008 Dan Peraturan Gubernur No. 60 Tahun 2013." (n.d.).

in 2012.

Therefore, in formal legal terminology, the village, functioning as a customary law council, has established a robust and legitimate foundation for authority. The village comprises a collection of Acehese customary law communities, each possessing specific criteria and characteristics that enable the conduct of a particular form of trial. As noted by Prof. Teuku Djuned, the criteria encompass the establishment of an independent governance framework, the authority to oversee and manage regional natural resources, the responsibility for regulating and managing the local population and environment, in addition to representing the association as a legal entity. Furthermore, these criteria include the entitlement to engage in all environmental transactions, the right to establish customs, and the right to organize a specific type of trial. Moreover, the explanation of the Forestry Law clarifies that the criteria for customary law communities encompass associations, possess customary institutions and apparatus, including legal territories, and maintain customary legal institutions and courts, while still engaging in the collection of forest products.

The provisions outlined, including those proposed by specialists and those established in forestry regulations, reflect common practices observed in daily life across various villages in Aceh. It is often viewed as inappropriate to escalate an unresolved issue from the Tuha Peut level to the formal institutional court level, where it is addressed by law enforcement officers. This aligns with the *narit maja* “*Pantang peudeueng meulinteueng saroeng, pantang reuncoeng meulinteueng mata, pantang ureueng di teu-oe h kawoem, pantang hukoem di ba bak meja*.”

Furthermore, numerous customary institutions exist within Acehese society, characterized by distinct tutorial jurisdiction. This indicates that the territory possesses clear boundaries, albeit not documented in a specific script, as seen in natural boundaries that reference ancestral narratives (*endatu*). Examples include rivers (*kreung*), grooves (*alue*), alleys (*jurong*), cliffs (*teruebing*), embankments (*ateung*), and ditches (*lueng*). Customary courts have persisted since the era of the Aceh Kingdom to the present day, with the exception of the New Order Era. It is evident that villages maintain a customary dispute resolution deliberation system.

In these village communities, the resolution of disputes is ideally achieved amicably, a principle consistently upheld by the citizens. The primary tenet of deliberation in addressing cases within their community is always pursued in alignment with the applicable legal framework. In the context of the village customary community, the primary principle guiding settlement within the Aceh customary court deliberation is evident.<sup>9</sup> When legal events arise within society, efforts are consistently made to resolve them amicably, emphasizing sincerity

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<sup>9</sup> Sitti Mawar, “Perkembangan Sistem Hukum Peradilan Adat Aceh,” *Legitimasi: Jurnal Hukum Pidana Dan Politik Hukum* 10, no. 1 (2021), p. 158.

among all parties involved.

Historically, the practice of dispute resolution in the Aceh region dates back to the era of Sultan Iskandar Muda. This historical backdrop has led to the establishment of customs that many in the Aceh region believe to be inherently correct, often resulting in frequent disputes and conflicts. This reality prompted Sultan Iskandar Muda, as the highest authority, to unify the community under a shared belief and principle of deliberation and familial ties, while highlighting the values of Islamic religious law as a unifying symbol for the Acehnese people. The adage reflects this sentiment: “*yang cuekoh ta pereu jeuneh yang ta beu ta peu mameh Yang rayeuk ta peu ubeut*. The essence of the saying highlights the significance of preserving harmony and peace within Acehnese society. It emphasizes that all disputes should not be blown out of proportion; rather, they should be minimized and resolved effectively.

From a formal legal standpoint, customary dispute resolution in the village is supported by a robust and well-established legal framework.<sup>10</sup> The resolution of legal issues that can be addressed in the village according to the qanun encompasses disputes or disagreements. The term dispute pertains to civil cases, whereas the term dispute relates to criminal cases. This perspective is logical, as customary law does not differentiate between criminal law and civil law in the way that statutory regulations do.

Qanun Number 4 of 2003 regarding Village Government is elaborated in the Aceh Governor Regulation Number 25 of 2011, which provides guidelines for the implementation of village governance. This regulation addresses various village apparatus, including *tuha peut*, *mukim*, and *imum meunasah*, and specifically highlights the role of the *keuchik*. The *keuchik* serves as a village judge, tasked with resolving legal issues related to disputes that arise within the community.

The role of the *keuchik* in administering customary justice to address disputes is explicitly outlined in Aceh Qanun Number 10 of 2008 regarding Customary Institutions. Article 15 Paragraph (1) letter j k of this qanun outlines the responsibilities of the *kechik*, which include leading efforts to address social issues within the community and serving as a mediator in disputes among village residents. The presence of these provisions clearly indicates that the village head in Aceh (*kechik*) possesses legal and official authority, which is meticulously

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<sup>10</sup> Muhammad Habibi, “Legalitas Hukum Islam Dalam Sistem Peradilan Indonesia,” *Media Syari’ah: Wahana Kajian Hukum Islam Dan Pranata Sosial* 22, no. 2 (2021), p. 128. “Undang-Undang Nomor 11 Tahun 2006 Tentang Pemerintahan Aceh (Pasal 98)” (n.d.). “Undang-Undang Nomor 6 Tahun 2014 Tentang Desa Pasal 103” (n.d.). “Qanun NAD Nomor 4 Tahun 2003 Tentang Pemerintahan Mukim” (n.d.). “Qanun NAD Nomor 5 Tahun 2003 Tentang Pemerintahan Gampong” (n.d.).

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The operational procedures for customary dispute resolution in the village are formally outlined in a Joint Decree (SKB) involving the Governor, the Chief of Police, and the Aceh Customary Council, dated December 20, 2011. This is further elaborated in the Aceh Governor Regulation Number 60 of 2013, which pertains to the implementation of customary and customary dispute resolution. The discourse in this *qanun* encompasses various elements, including the minor disputes that arise at the village and *mukim* levels, as outlined in Article 13, Article 14, and Article 15 of Aceh *Qanun* Number 9 of 2008. These matters must be addressed initially through the Village and *Mukim* Customary Court or by other designations in Aceh.

All disputes are initially addressed through the Village and *Mukim* Customary Court, and the *mukim* also have the chance to seek assistance from the Police. It is imperative that all parties adhere to the implementation of the Village and *Mukim* Customary Court. Customary Courts issue rulings that are grounded in the principles of the customary law and the traditions of the local community. Customary Court hearings involve the presence of the parties and witnesses and are generally accessible to the public, with the exception of specific cases that, based on tradition and propriety, warrant confidentiality. These hearings are conducted at no cost.

Decisions made by Customary Courts are conclusive and obligatory, with no possibility for appeal to general or other courts. All decisions rendered by the Village Customary Court are documented in writing, bearing the signatures of the Chairperson and Council Members, as well as both disputing parties. Copies of these decisions are then forwarded to the Chief of Police Sector (KAPOLSEK), the Sub-district Head, and the Aceh District Customary Council. The establishment of Village and *Mukim* Customary Courts, or by any other designation in Aceh, is not permitted to enforce corporal punishments, including imprisonment, immersion in dirty water, shaving of hair, cutting of clothing, and any other actions that contradict Islamic values. Cases that are addressed at the *Mukim* level represent those that could not be settled at the village level.

The Aceh Government at the Regency/City Level facilitates and oversees the execution of the Village Customary Court. The Chief of the Aceh Regional Police, along with the Chairman of the Aceh Customary Council and their

respective teams, are required to offer guidance, coaching, development, and oversight regarding various aspects of customary law and the administration of customary courts, in alignment with the customary law system and principles recognized within the local community. The Aceh Government, along with the Regency and City Governments, has the potential to support the financing of the Village Customary Court's administration in alignment with the region's capabilities.

The approach to multicultural dispute resolution, rooted in Aceh's legal culture as previously mentioned, carries significant implications. It not only enhances village autonomy but also alleviates the burden on law enforcement personnel, including police, prosecutors, and state judges. Nonetheless, it is essential to enhance the capabilities of village leaders, ensuring that their knowledge, policies, and skills in addressing various issues within the village can foster a sense of justice among the community members.

### **Analysis of the Customary Justice System Following Qanun Number 10 of 2008**

The advancement and enhancement of traditional life and customs as outlined in Aceh Qanun No. 9 of 2008 is designed to establish a harmonious social order. It provides guidelines for organizing the community life, fosters a robust and dignified customary community structure, and aims to maintain, preserve, and protect the treasures of customs, culture, regional languages, and customary heritage. Furthermore, it seeks to revitalize the customs, arts, culture, and languages that thrive in Aceh, while promoting creativity that can yield economic benefits for the welfare of the community. This aligns with the notion that worldly life serves as a trial for humanity, wherein each individual is endowed with dual life potentials. The capacity to embrace the truth and the capacity to dismiss the truth. The capacity for benevolence and the capacity for malevolence.

Customary law can be applied to resolve various disputes, including household conflicts, family disagreements over *fara'idl*, community disputes, inappropriate *khalwat*, property ownership issues, minor theft within families, concerns regarding shared property, livestock theft, violations of traditional rules related to livestock, agriculture, and forestry, maritime conflicts, market-related disputes, minor cases of abuse, small-scale forest fires affecting indigenous communities, harassment, slander, incitement, defamation, minor environmental pollution, certain types of threats, and other conflicts that go against customary norms and traditions.<sup>11</sup>

In the village, cases handled by customary courts are resolved by local

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<sup>11</sup> Dedy Sumardi, Ratno Lukito, and Moch Nur Ichwan, "Legal Pluralism within The Space of Sharia: Interlegality of Criminal Law Traditions in Aceh, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (2021), p. 434.



authorities. The customary court team consists of key figures such as the Keuchik, Imeum Meunasah, Tuha Peut, Village Secretary, and ulama, along with intellectuals and other customary representatives, depending on the situation. The capacity-building efforts for village government officials following the enactment of the 2008 Aceh Qanun were further reinforced by several subsequent government regulations. Among them is Aceh Governor Regulation Number 25 of 2011, which outlines the General Guidelines for Village Government Implementation, and Aceh Governor Regulation Number 60 of 2013, which addresses the Implementation and Resolution of Customary Disputes. In addition, a Joint Decree (SKB) issued by the Governor of Aceh, the Aceh Regional Police, and the Aceh Traditional Council (No. 189/677/2011) on December 20, 2011, governs the operation of Village and *Mukim* Customary Courts.

### **The Roles of the *Tuha Peut* Institution Following the Enactment of Qanun, 10 of 2008**

Customary court hearings are fundamentally conducted in the meunasah and are not permitted to take place elsewhere, as stipulated in Article 14 paragraph (4) of Aceh Qanun Number 9 of 2008. This matter holds significance as it pertains to the legality of the outcomes from the dispute resolution deliberation. According to Article 16 Paragraph (8) of Aceh Governor Regulation Number 60 of 2013, dispute resolution deliberation hearings that involve women and children, whether as perpetrators or victims, are conducted privately at the residence of one of the traditional leaders, specifically the *tuha peut*.

Article 15 of Aceh Qanun Number 9 of 2008 states that "the procedures and requirements for resolving disputes are conducted in accordance with local customary provisions". This provision, while concise and assertive, holds the potential for enhancement within Qanun Number 10 of 2008, as its implications are both profound and expansive. This is yet another feature, in addition to its communal nature, that highlights the flexibility of customary law. This indicates that in the context of material law and formal law during the case resolution process, it pertains to local customary law. This aligns with the saying "*lain lubuk lain ikannya, lain padang lain pula belalangnya*".

*Tuha Peut* is an organization rooted in the Acehnese customary institution, formed by a community that operates under the customary law. This organization has a clearly delineated area and resources, coupled with the rights and authority to oversee its internal matters and tackle issues related to the needs and order of the community. *Tuha Peut* represents a crucial value and symbol of how human relationships can be nurtured through a framework of deliberate dialogue and shared unity. Considering the strategic functions carried out by members of *Tuha Peut*, various studies have been undertaken to evaluate the role of Tuha Peut in the Gampông and their contributions to the community. The method of addressing challenges is rooted in community-based solutions, as *Tuha Peut* highlights the

importance of deliberation and mediation in tackling cases, especially those related to family conflicts, which are among the most common issues encountered by individuals in the *gampông*.

The legislative function of *Tuha Peut* can be understood as a type of social capital, succinctly characterized as a set of informal values or norms that are collectively acknowledged among group members, enhancing their capacity for effective collaboration. For group members to expect reliability and integrity from each other, mutual trust is crucial. Trust acts as a facilitator, improving the effectiveness of any collective or institution.

The inclusion of individuals for membership in *Tuha Peut* should be conducted with a high level of scrutiny regarding their competencies, especially in utilizing a variety of strategies to tackle all challenges effectively. The analysis of placement as *Tuha Peut* indicates that community leaders, primarily males, frequently view it as just a formal position. This viewpoint results in a diminished use of the position, arising from the assumption that the person in this role is unable to tackle problems efficiently. Indeed, numerous individuals frequently express their concerns to those they have confidence in. Occasionally, when individual contributions are disregarded, it becomes clear that the resolutions to related issues do not fully resonate with the particular interests of the affected parties. As a result, collaborative initiatives play a crucial role in developing robust partnerships within the *Tuha Peut*.

Findings of the research demonstrate that there are recognized protocols for resolving disputes (*peukara*) in accordance with *Qanun* Number 10 of 2008, along with decision-making mechanisms within the customary law framework in Aceh. The process encompasses the acceptance of *peukara*, notification to *Tuha Peut* and *Imuem Meunasah* by *Keuchik*, summoning and examining the involved parties, reaching a decision agreement, and enforcing sanctions. The types of these sanctions can encompass the slaughtering of goats (*sie kameeng*), the offering of white cloth (*ija puteh*), the conducting of thanksgiving (*peusijuk*), the provision of healing (*penge ngubatan*), and the issuance of apologies (*lakee meu'ah and mumat jaroe*). Article 16 delineates the different sanctions that can be applied in the resolution of customary disputes, encompassing health measures, reprimands, apologies, *sayam*, and *diyat*.

### Multicultural Customary Justice System in Dispute Resolution in Aceh

The study focuses on four districts/cities to provide an overview of the multicultural customary justice system in addressing disputes within the Acehese society. The Aceh Besar region encompasses a district that includes villages across twenty-three sub-districts. In 2014, the Aceh Besar Regent issued an instruction mandating all sub-districts to establish a *qanun* in each village. Notable examples of these *qanuns* include those related to livestock maintenance, marriage, dowry, engagement, and regulations addressing minor violations,

alongside the role of the Customary Court institution in Aceh Besar.

Aceh Besar Regency continues to firmly uphold the traditional values and customary laws that are prevalent within the community. The resolution of various community issues or the resolution of conflicts that arise among residents employs a more traditional approach or the customary law. Village customary officials favor the application of customary law for addressing community issues, as this approach minimizes the financial burden of litigation on the community.

Prior to the implementation of *Qanun* Number 10 of 2008, *Qanun* Number 9 of 2008 regarding the Development of Customary Life and Customs offered guidance for the preservation of customs. This is evident in Article 13 Paragraph (3), which articulates that "Law enforcement officers provide an opportunity for disputes to be resolved first through customary law in the village or by another name." In addition, *Qanun* Number 9 of 2008 regarding the Implementation of Customary Life specifies in Article 11 paragraph (1) that: "Resolution through customary law as mentioned in Article 13 paragraph encompasses customary settlement in the village or by another name, customary settlement in the *mukim*, and resolution of other cases at the customary court level".

The role of the *Keuchik* in the village is crucial for the resolution of disputes. The presence of the *Keuchik* and other village officials, who act as peace judges, is crucial in every village customary meeting to uphold balance and tranquility within the village or region. The aim in village customary courts and *mukim* customary courts is to promote harmony between the two opposing parties. This harmony can be achieved when both parties willingly accept the resolution offered by the village customary apparatus and *mukim* customary apparatus.

Following the enactment of Law Number 44 of 1999 regarding the Implementation of the Special Status of the Special Region of Aceh, Article 3 Paragraph (1) articulates that "special status is a recognition of the Indonesian nation granted to the region due to the struggle and fundamental values of the community that have been preserved through generations as a spiritual, moral, and humanitarian foundation." In addition, Paragraph (2) outlines that the execution of special status encompasses: the facilitation of religious lives, customary practices, educational initiatives, and the involvement of religious scholars in shaping regional policies.

Article 7 further indicates that regions possess the authority to establish customary institutions and recognize existing ones, in accordance with their specific roles within the Province, Regency/City, Sub-district, Residential Area, and Village/Sub-District or *Gampông*. The implementation of this Law offers a crucial chance for village and settlement administrations to improve their development or create their own governance frameworks, leveraging the traditional values and regulations that are common in their local environments. Moreover, Law Number 44 of 1999 enables these communities to tackle their own

challenges autonomously, avoiding the necessity for direct involvement from traditional judicial bodies. Although villages and settlements lack formal recognition as judicial entities, the implementation of judicial functions at the local level is still achievable.

Moreover, following the implementation of *Qanun* Number 10 of 2008 regarding the Aceh Government, the roles and responsibilities of customary institutions at the village and *mukim* levels, as outlined in Article 98, have become increasingly defined. These institutions serve as a means for community engagement in the execution of both the Aceh government and the Regency/City Government's initiatives in areas such as security, peace, harmony, and public order. The resolution of social issues within the community, in accordance with local customs, is facilitated through various customary institutions, including the Aceh Customary Assembly, *Imeum Mukim*, *Imuem Chik*, *Keuchik*, *Tuha Peut*, *Tuha Lapan*, *Imeum Meunasah*, *Keujruen Blang*, *Panglima Laot*, *Pawang Glee*, or *Peutua Seuneubok* among others, reflecting the diverse nomenclature based on regional distinctions.

### **The Role of *Tuha Peut* in Addressing Domestic Issues**

The Acehnese community employs a distinct approach to addressing cases or conflicts, whether they are vertical or horizontal in nature. The *Gampông* customary resolution pattern characterizes the approach to conflict resolution within the Acehnese society. This pattern originates from the Islamic law, which is derived from the Qur'an and Sunnah. This revered instruction within Islam provides frameworks and methodologies for addressing conflicts, whether they arise within families, among individuals beyond the family unit, or between different communities. Dispute resolution through customary institutions generally takes place in a clear and informal way. Cases within the customary institution process can be divided into two distinct categories: those that involve multiple parties, which include both civil and criminal matters, and those that pertain to a single party, particularly in situations where an individual has violated customs.

The resolution of household disputes takes place in private settings, such as the *Keuchik's* residence, *Imeum Gampông*, the homes of the involved parties, or other discreet locations. The *Keuchik* believes that conducting this process in a public forum would lead to feelings of shame and inferiority for both parties involved. If both parties have children, the child may experience feelings of shame due to the ongoing dispute between their parents, which can also be perceived as a source of disgrace for the family.

The function and role of *Tuha Peut* exert considerable influence, especially in terms of deliberation and consensus in resolving cases that emerge within the village. One aspect relates to household cases that are considered significantly disruptive to community harmony, where the traditional institution

of the village will play an essential role in their resolution. The traditional institution in this case, *Tuha Peut*, functions as the implementing body for tackling any issues or concerns that emerge within the community. Managing the rights linked to each stage of the settlement process, starting from the receipt of reports, examining issues, preparing for the final trial, and extending until a decision is made.

It is essential to ensure that every decision made during the settlement process aligns with the principles of justice for all parties involved in the case or dispute. Decisions are derived from the outcomes of the evidence and deliberation process, rather than being influenced by the interests of any individual party involved in the case. The function of *Tuha peut* is to act as a mediator and facilitator in the resolution of domestic matters. *Keuchik* and *tuha peut* serve dual roles, functioning both as communicators and as leaders of customary deliberations, in addition to acting as negotiators. *Keuchik* serves in the capacity of a judge or interpreter during the process of resolving cases.

Customary officials, including *Keuchik*, *Tuha peut Gampông*, and *Teungku Imeum*, are integral to ensuring that the resolution of disputes or cases minimizes losses for all parties involved, while diligently striving for a peaceful outcome. The heads of traditional institutions hold primary accountability for executing the settlement process, making equitable decisions, safeguarding the rights of all involved parties, as well as meticulously recording the proceedings and decisions, and ensuring proper documentation is maintained.

In the peace process, the customary institution will endeavor to exercise wisdom in addressing disputes that arise within the community. In this peace process, the principle of careful discussion and agreement is consistently upheld. This approach ensures that the bonds of unity remain intact, striving to prevent any resentment or emotional distress, as all parties have genuinely embraced each decision made. The customary institution must address domestic violence cases promptly, ensuring action is taken within three days of receiving the report.

If not addressed within three days, the involved parties may escalate the matter to the Mukim level. If the party at the Mukim level fails to respond or address the matter within three days, the individuals involved in the case may escalate the issue by reporting it to the police. The customary institution at the Gampong level and at the Mukim level will be allotted nine days to resolve the domestic violence case. In instances where domestic violence remains unresolved, the affected party has the option to report the matter to law enforcement, as stipulated by Regional Regulation Number 60 of 2013. This regulation grants the police the authority to manage cases that have been referred to them.

The establishment of laws and regulations aimed at standardizing the settlement process in the Customary Court system is a development of Qanun Number 9 of 2008 and Qanun Number 10 of 2008, to overcome the fragmentation

and inconsistency that occurs in customary institutions. The focus is on integrating the settlement of customary cases at the village level, both those arising from inheritance and through other legitimate means according to customary law, into the Indonesian legal framework. Customary dispute resolution patterns, especially customary law cases, need to be documented for the benefit of academics, practitioners, government institutions, and the private sector. This can be achieved through laboratory research, which will enhance the development of alternative legal frameworks for dispute resolution in Indonesia. From the perspective of legal pluralism, dispute resolution through customary institutions is part of the recognition of the diversity of legal systems and the existence of customs in Aceh.

## Conclusion

The customary justice system practiced at the village level in Aceh typically adheres to the principle of deliberation, with resolutions derived from local wisdom. The customary justice system established by Qanun Number 10 of 2008 reflects the principles outlined in Qanun Number 9 of 2008. Each village community in Aceh possesses a foundational philosophy that supports an organized customary institution, serving as a legal framework within the village government structure. Consequently, every case that arises is required to adhere to the established provisions for resolution and sanctions, which are definitive regulations that must be uniformly applied to all individuals involved in disputes at the village level. The customary justice system, established with the introduction of Qanun Number 10 of 2008, demonstrates effective implementation of customary institutions. It fosters a multicultural customary justice framework, characterized by diverse regional policies that reflect local wisdom. This diversity is very interesting because it shows the use of customary terms in customary institutions in Aceh, each of which represents a different local tradition. The established framework of *Tuha Peut Gampông* serves a crucial function in ensuring that the resolution of disputes or cases does not result in detriment to any involved parties, while striving diligently to attain a peaceful outcome. The heads of traditional institutions hold the primary duty of overseeing the settlement process, making equitable decisions, safeguarding the rights of all parties involved, as well as recording the proceedings and decisions, and ensuring proper documentation is maintained.

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