



Resolving Inheritance Conflicts and Their Legal Repercussions in Aceh: A Sociological and Anthropological Look at Peace Initiatives Using Customary Courts

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Abstract

The division of inheritance is a legal matter that intersects significantly with local customs and cultural practices. Within the field of legal studies, dispute resolution is generally categorized into two pathways: litigation (formal legal processes) and non-litigation (customary deliberation). Non-litigation methods include Alternative Dispute Resolution (ADR) and customary courts, the latter being a distinctive feature of Aceh's legal landscape, recognized as a special domain of customary law by the Indonesian government. Each approach to resolving inheritance disputes, whether through formal or customary channels, presents its own advantages and drawbacks. This article examines the resolution of inheritance disputes and the legal consequences arising from the application of customary justice mechanisms in Aceh. The research adopts an empirical legal methodology, incorporating sociological and anthropological perspectives. Fieldwork was conducted in Aceh Besar, Central Aceh, and Aceh Tamiang districts, utilizing interviews and literature reviews for data collection. The findings reveal that inheritance division in local tradition follows the concept of *trok uroe*, with distribution being the responsibility of the heirs. Inheritance disputes in Aceh are predominantly resolved through non-litigation avenues, specifically through customary institutions operating within the *gampong* and *mukim* customary courts. The resulting legal implications are primarily non-litigation impacts, including both primary and secondary social effects, though these are not overwhelmingly dominant. Litigation-based legal consequences, while present, are minimal in influence. From a sociological and anthropological standpoint, the preference for non-litigation approaches contributes positively to social cohesion and cultural preservation within the Acehnese society.

Keywords: Dispute resolution, inheritance, legal impact, customary justice, sociology and legal anthropology

Abstrak

Pembagian warisan merupakan persoalan hukum yang sangat berkaitan dengan adat istiadat dan praktik budaya setempat. Dalam kajian hukum, penyelesaian sengketa umumnya diklasifikasikan ke dalam dua jalur, yaitu litigasi (proses hukum formal) dan non-litigasi (musyawarah adat). Metode non-litigasi mencakup Alternatif Penyelesaian Sengketa (APS) dan peradilan adat, di mana peradilan adat merupakan ciri khas dalam lanskap hukum di Aceh, yang diakui secara resmi sebagai wilayah khusus hukum adat oleh pemerintah Indonesia. Setiap pendekatan dalam penyelesaian sengketa warisan, baik melalui jalur formal maupun adat, memiliki kelebihan dan kekurangan masing-masing. Artikel ini mengkaji penyelesaian sengketa warisan dan konsekuensi hukum yang timbul dari penerapan mekanisme keadilan adat di Aceh. Penelitian ini menggunakan metodologi hukum empiris dengan pendekatan sosiologis dan antropologis. Penelitian lapangan dilakukan di Kabupaten Aceh Besar, Aceh Tengah, dan Aceh Tamiang, dengan teknik pengumpulan data berupa wawancara dan studi pustaka. Temuan menunjukkan bahwa pembagian warisan dalam tradisi lokal mengikuti konsep trok uroe, di mana pembagiannya menjadi tanggung jawab para ahli waris. Sengketa warisan di Aceh umumnya diselesaikan melalui jalur non-litigasi, khususnya melalui lembaga adat yang beroperasi dalam struktur peradilan adat gampong dan mukim. Implikasi hukum yang ditimbulkan sebagian besar berupa dampak non-litigasi, termasuk dampak sosial primer dan sekunder, meskipun tidak terlalu dominan. Sementara itu, konsekuensi hukum yang berbasis litigasi tetap ada, namun pengaruhnya relatif kecil. Dari sudut pandang sosiologis dan antropologis, preferensi terhadap pendekatan non-litigasi memberikan kontribusi positif terhadap kohesi sosial dan pelestarian budaya dalam masyarakat Aceh.

Kata Kunci: *Penyelesaian sengketa, warisan, dampak hukum, keadilan adat, sosiologi dan antropologi hukum.*

Introduction

The distribution of inheritance represents a legal matter that is deeply intertwined with cultural norms and societal customs. As such, social conditions, traditions, and cultural backgrounds significantly shape inheritance practices, as exemplified by the diverse approaches found within the Indonesian society.¹ Due to this cultural variation, inheritance disputes are addressed not only through formal legal mechanisms (litigation) but also via non-litigation methods, such as deliberation. Non-litigation resolution can be categorized into Alternative Dispute

¹Nur Alfy Syahriana and Zaenul Mahmudi, "The Principle of Segendong Sepikul in the Inheritance Distribution System of the Muslim Community from the Perspective of Multidisciplinary Studies," *De Jure* 14, no. 2 (2022). Andi Sukmawati Assaad, et.al., "Gender Equity in Inheritance System: The Collaboration of Islamic and Bugis Luwu Customary Law," *al-Ihkam* 17, No. 2 (2022). Khairuddin Hasballah, et.al., "Patah Titi and Substitute Heirs: A Study of Legal Pluralism on the Inheritance System in Aceh Community," *Ahkam* 21, No. 2 (2021).

Resolution (ADR) and customary courts.² The latter, customary justice, is a distinctive feature of Aceh and reflects the region's unique customary identity, which is formally recognized by the Indonesian government.

The resolution of legal disputes inevitably produces legal consequences, which may arise directly, significantly, or explicitly from the application of law. In legal theory, such consequences are generally classified into two categories: positive and negative impacts. Positive legal impacts are characterized by certainty, fairness, and benefit to the parties involved. In contrast, negative legal impacts are associated with uncertainty, potential deceit, and harm to one or more of the disputing parties.³ A positive legal outcome typically occurs when a judge renders a decision in favor of one party based on the presentation of compelling evidence and a persuasive argument that substantiates their legal claim while effectively countering the opposing party's position.

The negative legal impact arises when a party loses the case due to an inability to present sufficient evidence or persuade the judge during the trial process. As a result, the court's decision may revoke that party's rights and authority over the disputed matter, leading to a loss of legal entitlement.⁴ In such instances, the prevailing party gains full control over the subject of the dispute, while the losing party forfeits all associated rights and claims. Furthermore, litigation also produces a substantive legal impact, in that courts primarily focus on normative legal arguments. The judicial process seeks to resolve disputes by emphasizing legal norms with the aim of achieving justice, providing benefit, and minimizing harm to the involved parties.⁵

Non-litigation dispute resolution may result in a range of impacts, including economic and financial institutional effects, consequences for debtors, and broader community or social implications. Of particular relevance to this study is the socio-legal impact, which emerges as a consequence of social change and subsequently gives rise to broader societal effects.⁶ Social impacts are typically categorized into two types: primary and secondary. Primary social impacts are those that are directly

²Tijani Abdul Lateef Aremu, et.al., "An Assessment of Independent Shari'a Panel (ISP) and Its Roles in Resolving Marital Conflicts in Osun State of Nigeria," *Al-Ahkam* 32, no. 2 (2022). Ratno Lukito, "Religious ADR: Mediation in Islamic Family Law Tradition," *al-Jami'ah* 44, No. 2 (2006). Sasmiar Sasmiar, et.al., "Legal Certainty of Alternative Dispute Resolution Mediation," *Bengkoelen Justice Jurnal Ilmu Hukum* 14, No. 1 (2024), p. 25-44.

³Marwan Mas, *Pengantar Ilmu Hukum* (Bogor: Ghalia Indonesia, 2011), p. 39.

⁴Muhammad Ridhwan, "Pola Penyelesaian Sengketa Perbankan Syariah Pada Pengadilan Agama Di Indonesia" Disertasi: Pascasarajana UIN Ar-Raniry Banda Aceh, (2021), p. 111-12.

⁵Muhammad Ridhwan, "Pola Penyelesaian Sengketa Perbankan Syariah Pada Pengadilan Agama Di Indonesia, p. 112. Hardini Indarwati, "Urgensi Pembentukan Komite Etik Dan Hukum Rumah Sakit Dalam Penyelesaian Sengketa Medik Secara Non Litigasi," *Soepra: Jurnal Hukum Kesehatan* 3, No. 1 (2018), p. 74.

⁶P. Rahmat Dwi, "Dampak Sosial Ekonomi Dan Lingkungan Penambangan Batubara Ilegal Di Desa Tanjung Lalang Kecamatan Tanjung Agung Kabupaten Muara Enim," *Malang* (Universitas Sriwijaya, 2015), p. 12.

experienced as an immediate and clear result of a specific action or event. In contrast, secondary social impacts develop in response to these primary effects and tend to be more diffuse and complex, potentially influencing a larger number of individuals or societal dimensions.⁷

Inheritance disputes often stem from conflicts over undivided assets that are controlled by a particular heir who holds a position of influence within the family.⁸ In anthropological terms, this dynamic is referred to as a power relationship. In Aceh, the resolution of inheritance disputes falls under the jurisdiction of customary institutions, which address such matters through customary courts aiming for win-win outcomes.⁹ These courts, led by traditional leaders, strive to achieve resolutions that are formally recorded in the minutes of the decision, culminating in a peaceful agreement. The disputing parties are guided toward reconciliation, with an emphasis on restoring harmony, reinforcing *ukhuwah* (brotherhood), and preserving familial bonds. This approach reflects the core principle of *al-sulhu*—a peaceful settlement rooted in mutual understanding and social cohesion.¹⁰

However, dispute resolutions are not always accepted by all parties, and some individuals still opt for litigation rather than resolving the matter through customary courts. This is particularly evident in cases where inheritance has not yet been distributed according to *faraidh* (geupeurura'e in Acehnese). In such situations, the disputing parties often share close kinship ties, typically within the nuclear family, necessitating conflict resolution strategies that aim to restore harmony and strengthen familial bonds through peaceful settlements. Given the critical importance of preserving harmonious family relationships, resolving inheritance disputes should not merely be viewed as determining a legal victory or defeat, but rather as a means of achieving reconciliation and long-term cohesion within the family.

Fundamentally, research on inheritance disputes, customary justice, and peacebuilding efforts can be traced through various scholarly works.¹¹ For instance, Arskal Salim explores the evolution of contemporary Islamic law and customary practices in Aceh, emphasizing the regional government's policy initiatives aimed at revitalizing and strengthening customary institutions within the legal domain. Similarly, Ilyas et al. examine inheritance distribution through the lens of legal

⁷Ifitah Utami, "The Role Of Women In The Family Against The Distribution Of Inheritance In The City Of Palembang," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 20, No. 1 (2020), p. 40.

⁸Arbanur Rasyid, Rayendriani Fahmei Lubis, and Idris Saleh, "Contestation of Customary Law and Islamic Law in Inheritance Distribution: A Sociology of Islamic Law Perspective," *Al-Ahkam* 34, No. 2 (2024), p. 421.

⁹Mohammad Takdir et al., "The Takharrūj Method as an Islamic Legal Solution for Customary Inheritance Practices among Muslim Communities in Pakamban Laok, Sumenep, Indonesia," *JIL: Journal of Islamic Law* 4, No. 1 (2023), p. 106.

¹⁰Tijani Abdul Lateef Aremu, et.al., "An Assessment of Independent Shari'a Panel, p. 236.

¹¹Arief Budiman, Muhammad Saifullah, and Bahrul Ulum, "Wājibah Will for Non-Muslim Heirs in Indonesia: A Legal Political Perspective Based on Justice and Welfare," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 24, No. 2 (2024), p. 224.

pluralism, analyzing the intersection of Islamic law and customary practices. Their study applies receptive theory to understand how these legal traditions are integrated in inheritance matters.¹²

In the same vein, Ismail et al. demonstrate that the Village Customary Court continues to reference both Islamic law and local customs in adjudicating inheritance disputes. The application of the principle of *ijbari* which mandates compliance with Islamic and customary norms underscores the necessity for village customary authorities to possess a comprehensive understanding of both legal systems to effectively resolve such disputes.¹³ Furthermore, the *suloh* model, along with deliberation and dialogue, is employed to resolve inheritance disputes and promote family harmony.¹⁴ Muzana et al. explain that in Aceh, the distribution of inheritance through village customary courts is governed by customary law. The inheritance can only be distributed to heirs once religious and customary obligations have been fulfilled.¹⁵ These obligations include expenses such as *tajhîz al-mayit* (funeral preparations), which cover funeral clothing and burial costs, repayment of debts, execution of wills, ritual offerings for the deceased's spirit, portions of property designated for specific purposes (*hareuta seuhareukat*), and inheritance obligations towards parents (*hareuta peunulang*).¹⁶

This study builds upon prior research concerning the distribution of inheritance in Aceh,¹⁷ which primarily emphasized the conceptual framework, customary context, and judicial processes. Unlike previous studies, this research not only examines the customary principles and judicial mechanisms but places greater emphasis on the decisions rendered by customary courts and their legal impacts on the parties involved, particularly within the nuclear family context. In addition, this study distinguishes itself by focusing on three distinct regions Aceh Besar, Aceh Tengah, and Tamiang thereby highlighting regional variations that have not been thoroughly explored in earlier research.

This study employs an empirical legal research methodology, utilizing sociological and legal anthropological approaches to analyze the resolution of

¹²Ilyas Ilyas, et.al., "The Accommodation of Customary Law to Islamic Law: Distribution of Inheritance in Aceh from a Pluralism Perspectives," *Samarah* 7, No. 2 (2023).

¹³Siti Faridah Maimanah Maimanah, M. Fahmi al-Amruzy, Arni Arni, "Delay in the Division of Inheritance: A Theoretical Review within Legal System Framework in Indonesia," *Syariah: Jurnal Hukum Dan Pemikiran* 24, No. 1 (2024).

¹⁴Faisal Husen Ismail, et.al., "Customary and Islamic Practices in Inheritance Distribution: Insights from The Gampong Customary Court in Pidie," *al-Risalah* 24, No. 2 (2024).

¹⁵Iim Fahimah et al., "Interfaith Inheritance in Muslim Families in Indonesia: Practices, Philosophy, and the Direction of National Inheritance Law Development," *AHKAM: Jurnal Ilmu Syariah* 24, No. 2 (2024), p. 380.

¹⁶Zaitun Muzana, et.al., "Customary Practices of Sharing Inheritance: An Analysis of Society Practices in Pidie Aceh Darussalam," *al-Ihkam* 11, No. 2 (2016).

¹⁷Harnides Harnides, Syahrizal Abbas, and Khairuddin Hasballah, "Gender Justice in Inheritance Distribution Practices in South Aceh, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, No. 2 (2023), p. 1299.

inheritance disputes through customary courts.¹⁸ Data were collected through interviews with customary officials, including *Keuchik*, *Teungku Imum*, *Tuhe Peut*, and *Mukim* representatives from Aceh Besar, Central Aceh, and Tamiang. These three regions were selected due to their distinct cultural and ethnic compositions: Aceh Besar is predominantly Acehnese, Central Aceh is mainly inhabited by the Gayo ethnic group, and Tamiang exhibits a stronger Malay cultural influence. Complementing the fieldwork, the literature review draws on journal articles, legal regulations and legislation particularly *Qanun* relevant to Aceh and scholarly books pertinent to the study's focus.

Settlement of Inheritance Disputes through Customary Courts in Aceh

Customary institutions are community-based organizations that serve as forums to nurture, empower, preserve, and develop customs as normative practices rooted in social beliefs that evolve within society. This role is articulated in Qanun Number 10 of 2008¹⁹ concerning Customary Institutions. These institutions perform customary functions and constitute an integral part of the traditional structure of the *gampong* (village), arising from and sustained by the initiatives of the local community.

Among their key functions is the resolution of disputes that arise within the community, governed by the applicable customary law of the respective jurisdiction. This is supported by various legal frameworks, including: (1) the Law of the Republic of Indonesia Number 44 of 1999 on the Implementation of the Special Status of the Special Region of Aceh Province, specifically Articles 3 and 6; (2) Law Number 32 of 2004 concerning Regional Government, Article 2, point (9); (3) Law Number 11 of 2006 regarding the Government of Aceh, particularly Chapter XIII on Customary Institutions; (4) Law Number 6 of 2014 concerning Villages, Part Two, Article 103, point (d); (5) Aceh Qanun Number 9 of 2008 on the Development of Customary Life and Customs, Chapter IV, Article 13, paragraph (3); (6) Aceh Qanun Number 10 of 2008 on Customary Institutions, Article 4, point (g), and Article 8; (7) Qanun Nanggroe Aceh Darussalam Number 4 of 2003 on Mukim Government, Chapter II, Article 4, point (e); (8) Qanun Nanggroe Aceh Darussalam Number 5 of 2003 on Gampong Government, Article 12, point 1, sub-point (f); (9) Regional Regulation Number 7 of 2000 concerning the Implementation of Customary Life; and (10) Regulation of the Governor of Aceh Number 60 of 2013 on the Implementation of Customary and Customary Dispute Resolution.

Regarding the legal basis, there are no explicit regulations that comprehensively govern customary justice within the village and *mukim* levels. The

¹⁸Mukti Fajar and Yulianto Achmad, *Dualisme Penelitian Hukum Normatif & Empiris* (Yogyakarta: Pustaka Pelajar, 2013), p. 280. Satjipto Rahardjo, *Sosiologi Hukum Perkembangan Metode Dan Pilihan Masalah*, (Yogyakarta: Genta Publishing, 2021). Beni Ahmad Saebani and Encup Supriatna, *Antopologi Hukum*, (Bandung: Pustaka Setia, 2017).

¹⁹Ajidar Matsyah et al., "Cultural Continuity and Legal Adaptation: The Evolution of Suluh in Aceh's Conflict Resolution System," *JURIS (Jurnal Ilmiah Syariah)* 24, No. 1 (2025), p. 102.

existing legislation primarily mandates that dispute resolution at these levels be conducted through customary institutions. In fulfilling its role, Aceh Qanun Number 9 of 2008 concerning the Development of Customary Life and Customs delineates the scope of disputes subject to customary resolution. These include domestic disputes; familial conflicts related to *faraidh* (inheritance law); disputes among residents; cases of *khalwat meusum* (intimate relations outside marriage);²⁰ property rights conflicts; minor theft within families; disputes over property and livestock theft; violations of customs concerning livestock, agriculture, and forestry; maritime disputes; market-related conflicts; minor assaults; small-scale forest burning detrimental to the customary community; acts of harassment, slander, incitement, and defamation; minor environmental pollution; threats (depending on their nature); and other disputes contravening customary norms and traditions.²¹

According to the Qanun, it is evident that disputes related to inheritance (*faraidh*) and issues concerning *seherukat* property, or jointly owned property, are among the matters resolved through customary institutions: The customary dispute resolution process at the village level involves customary officials such as the *Keuchik* (village head) or equivalent, *Imeum Meunasah*, *Tuha Peut*, village secretary, religious scholars (*ulama*), intellectuals, and other customary figures as needed. At the *mukim* level, the customary resolution is conducted by figures including the *Imeum Mukim* or their equivalent, *Imeum Chik*, *Tuha Peut Mukim*, *Mukim* secretary, as well as *ulama*, intellectuals, and other relevant customary officials, depending on the requirements of the case.

These customary institutions are entrusted with the authority to resolve community disputes in accordance with the provisions set forth in the aforementioned Qanun. Customary institutions in Aceh are established pursuant to the Joint Decree (Surat Keputusan Bersama, SKB) issued by the Governor of Aceh, the Chief of Police (Kapolda) of Aceh, and the Chairman of the Aceh Customary Council concerning the Implementation of Village and *Mukim* Customary Courts, as well as the Aceh Customary Court Guidelines. This SKB serves as the primary legal framework guiding the formation of customary court institutions at the village and *mukim* levels, including the customary institutions and officials involved in their operation. In response to the SKB, the Majelis Adat Aceh (MAA), as the authorized body overseeing customary institutions, collaborated with Bappenas-UNDP through the Aceh Justice Project and the European Union program to develop technical guidelines aimed at ensuring the establishment of fair and accountable customary courts in Aceh. This initiative marks a significant development in the formalization and institutionalization of village and *mukim* customary courts in the region.

²⁰Sardjana Orba Manullang et al., "Kontribusi Dinas Syariat Islam Terhadap Penerapan Qanun Tentang Khalwat Di Aceh," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, No. 1 (2024), p. 50.

²¹Abidin Nurdin, "Revitalisasi Kerafian Lokal di Aceh: Peran Budaya dalam menyelesaikan Konflik," *Analisis: Jurnal Studi Keislaman* 13, No. 1 (2017), p. 89.

Arskal Salim highlights that the establishment of customary courts was integral to the restoration of Aceh's special status by the Indonesian government. Consequently, one of the Aceh government's key priorities has been the empowerment of customary institutions across several domains, including: (1) the institutionalization of customary bureaucracies; (2) the restoration of customary cultural sovereignty; (3) the reclamation of customary rights related to natural resources; and (4) the strengthening of customary mechanisms for dispute resolution. Despite these efforts, customary law appears to remain subordinate to Islamic law,²² occupying a secondary position.²³ Thus, in Aceh, alternative dispute resolution is available through customary justice; however, this form of justice exists outside the formal litigation system and operates within a non-litigation framework.

The Aceh customary court was established alongside technical guidelines that regulate its organizational structure, specific functions, and the procedural conduct during hearings. The composition of the customary court apparatus at the village and *mukim* levels does not encompass all members of the customary institutions; besides the customary leaders mentioned earlier, the court also includes elements of the village administrative apparatus, with the village and *mukim* secretaries serving as clerks. The structural organization of customary courts differs between the village and *mukim* levels, reflecting variations in their respective scopes of authority and jurisdiction. Consequently, the titles and roles of customary leaders differ accordingly. However, regarding inheritance disputes, a notable regulatory tension exists. Specifically, Aceh Qanun Number 8 of 2014 concerning the Principles of Islamic Law in Aceh, Article 19, paragraph (6), seeks to exclude inheritance disputes from the jurisdiction of customary courts. This provision conflicts with other legal frameworks, including both national laws and regional Qanuns. Addressing these regulatory contradictions necessitates identifying a common legal ground to harmonize the applicable rules.

As previously noted, the Aceh Customary Court Guidelines provide detailed instructions regarding the seating arrangement during trial proceedings. The *Keuchik*, serving as the chairperson or appointed head of the trial, occupies the position traditionally held by the *Imeum* when leading congregational prayers. To the right of the *Keuchik* sit the *Imeum Meunasah*, *Tuha Peut*, intellectuals, *ulama*, and other customary village figures, aligned with the chairperson's position. On the left side, slightly behind the chairperson, sits the village secretary, who acts as the court clerk. The parties involved in the dispute, or their representatives, are seated directly in front of the chairperson, while witnesses are positioned to the left and right of the parties. Attendees, typically comprising village residents and the families

²² Mursyid Djawas et al., "The Legal Position of Children of Incest (A Study of Madhhab Scholars and Compilation of Islamic Law)," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, No. 1 (2022). p. 140.

²³ Arskal Salim, "Adat and Islamic Law in Contemporary Aceh, Indonesia: Unequal Coexistence and Asymmetric Contestation."

of the disputants, are seated behind the parties.²⁴ Although the guidelines do not specify a seating layout for the *Mukim* customary court assembly, the layout used in the *Gampong* customary court is generally adopted as a reference. This is based on the principle that the positions of customary leaders at the village and *Mukim* levels are essentially the same, with differences in nomenclature reflecting variations in jurisdictional level and area of authority.

Legal Impact in the Perspective of Customary Justice

Legal impact can be categorized into two types: positive legal impact and negative legal impact. A positive legal impact occurs when the judge decides a case in favor of one party, based on that party's ability to present compelling evidence and arguments that substantiate their claim and refute the opposing party's assertions.²⁵ Such a decision grants the prevailing party full authority to enforce their rights and demands in accordance with the court's ruling. Conversely, the negative legal impact pertains to the losing party, who, due to insufficient evidence or persuasive arguments during the trial, fails to convince the judge. As a result, the court's decision revokes the losing party's rights and authority over the disputed matter.²⁶ In this context, a decision that affirms and protects the rights of the winning party is termed a positive impact, whereas a ruling that results in the forfeiture of rights for the opposing party is described as a negative impact.²⁷

In relation to the verdict issued by a state court judge, there is a substantive legal impact, whereby the court's decision is primarily based on normative legal arguments aimed at resolving the dispute by ensuring benefits for the parties involved and minimizing their losses.²⁸ Although this legal impact directly affects the litigants the winner and the loser it generally has limited influence on the broader community, as explained by sociological theories of social relations, which suggest that such effects on wider society tend to be minimal. Consequently, the party favored by the court's decision is entitled to execute the verdict and exercise all associated legal rights and obligations. Beyond the legal impacts resulting from litigation, there is also a legal impact stemming from non-litigation processes, which primarily manifest as social impacts closely linked to theories of social change. Social change theory describes the transformation of human civilization resulting from alterations in natural, biological, and physical conditions over time. These

²⁴Zahrina Pasya, "Peran Keuchik sebagai Pemberi Keputusan salam Penyelesaian Sengketa Waris di Kota Langsa", *Tesis*, (Medan, Fakultas Hukum Universitas Sumatera Utara, 2017).

²⁵Raja Ritonga, "The Concepts And Methods Of Dzawil Arham Heritage Calculation: Analysis and Practice," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 21, No. 2 (2021), p. 159.

²⁶Ridhwan, "Pola Penyelesaian Sengketa Perbankan Syariah Pada Pengadilan Agama Di Indonesia," p. 110–11.

²⁷RR Dewi Anggraeni, "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints," *Ahkam: Jurnal Ilmu Syariah* 23, No. 1 (2023).

²⁸Ridhwan, "Pola Penyelesaian Sengketa Perbankan Syariah Pada Pengadilan Agama Di Indonesia," p. 112.

changes do not necessarily produce immediate or tangible shifts in social relations but rather contribute to gradual modifications in the structure and function of society.

Social change refers to any alteration in the social institutions within a society that subsequently affects its social system, including the values, attitudes, and behavioral patterns observed among social groups, as well as individual and collective norms and social interactions. Social change encompasses modifications in social relationships and the overall structure of society. In addition, some scholars define social impact as the outcome or influence resulting from a particular event or process. Consequently, social impact emerges as a direct consequence of social change.²⁹ This impact has the capacity to transform both the material or physical environment and social behaviors, including individual values and attitudes, as well as the broader social structure of the community.³⁰

Social impact can be categorized into two types: primary impact and secondary impact. Primary impact refers to the immediate effects directly experienced as a result of an event or activity, manifesting quickly and clearly. Examples include an individual's feelings of happiness upon receiving recognition or praise, psychological trauma following an accident, or heightened team spirit and motivation after a competitive victory.

Secondary social impact, on the other hand, arises from the reactions to the primary impact and tends to be broader and more complex, often affecting larger segments of society or multiple social domains.³¹ Examples of secondary impacts include increased public awareness of road safety after a fatal accident, the formation of support groups and mental health services following natural disasters, and shifts in government policy in response to social movement demands. The concept of influence pertains to the broader effects experienced by society, whether triggered by specific events or internal social dynamics. Primary and secondary social impacts are deeply intertwined with complex social interactions, which can produce enduring changes in societal structures. Recognizing and understanding both types of social impacts are crucial for comprehensive social analysis and informed policy-making, as they shape how societies respond and adapt to social change and transformative events. These impacts may manifest as alterations in social systems, individual and collective values, social relationships, lifestyles, cultural expressions, and societal structures.³²

²⁹Sudarno Wiryohandoyo, *Perubahan Sosial* (Yogyakarta: Tiara Wacana Yogya, 2002), p. 1.

³⁰Nur Djazifah, *Proses Perubahan Sosial Di Masyarakat* (Yogyakarta: Lembaga Penelitian Dan Pengabdian Kepada Masyarakat Universitas Negeri Yogyakarta, 2012), p. 5.

³¹Muhamad Syazwan Faiz Mukhsin Aseri, "Influence of Socioeconomic, Religious, and Normative Factors on Islamic Inheritance Intentions: A PLS-SEM Approach," *Syariah: Jurnal Hukum Dan Pemikiran* 24, no. 2 (2025).

³²Fauzan Zenrif and Syabbul Bachri, "Critical Study of Amina Wadud's Thought in the Issue of Inheritance," *De Jure: Jurnal Hukum Dan Syar'iah* 15, No. 1 (2023), p. 39.

Thus, the legal impact of conflict resolution, particularly in family disputes such as inheritance cases, is significantly shaped by the legal pathway chosen. As previously discussed, legal impacts encompass both positive and negative outcomes, substantive effects, and influences on social relations at the individual, familial, and community levels. Consequently, legal decisions play a crucial role not only in providing legal certainty but also in ensuring justice that fosters harmony and sustains social order within families and society at large. Therefore, the selection of a legal pathway should prioritize delivering authentic justice and accommodating the interests of all parties involved, grounded in sound legal philosophy. Given the complexity of legal impacts and their manifestations depending on the dispute resolution approach, it is posited that decisions rendered by customary courts produce legal impacts comparable to those outlined in prevailing legal impact theories.

Settlement of Inheritance Disputes and Their Legal Impact: Sociological and Legal Anthropological Perspectives

1. Practice of Inheritance Distribution in Aceh

In the Acehnese society, the distribution of inheritance is deeply embedded within traditional customs and social norms that govern the entire process, including its mechanisms and the individuals responsible for its execution.³³ According to both law and tradition, the authority to distribute inheritance typically lies with the heirs themselves. However, it is common for many Acehnese to possess limited knowledge of the *faraidh* (Islamic inheritance law).³⁴ Consequently, when none of the heirs are sufficiently versed in *faraidh*, they seek assistance from close relatives or other trusted individuals outside the immediate heirs who are capable of managing the inheritance distribution. If no such knowledgeable person is available, the *teungku imum gampong* a religious leader within the village is often called upon to facilitate the division of the inheritance.³⁵ In cases where the *gampong* lacks any figure with expertise in *faraidh*, support may be sought from neighboring villages (*gampongs*) or from trusted community leaders (*dayah*) to ensure the inheritance is properly distributed in accordance with local customs and legal principles.³⁶

³³Faisal Husen Ismail et al., "Customary and Islamic Practices in Inheritance Distribution: Insights from The Gampong Customary Court in Pidie," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, No. 2 (2024), p. 2.

³⁴Ali Abubakar et al., "The Postponement of the Implementation of Inheritance Distribution in The Seunuddon Community, North Aceh In The Lens Of 'Urf Theory and Legal Pluralism," *El-Usrah: Jurnal Hukum Keluarga* 6, No. 2 (2023).

³⁵Syamsuar Syamsuar et al., "Settlement of Islamic Sharia Violations in the Perspective of Teungku Dayah and Local Wisdom Values on the West Coast of Aceh," *Jurnal Ilmiah Peuradeun* 11, No. 3 (2023). p. 986.

³⁶Interview with Tgk Jailani, head of *Gampong Lamgapang*, Kabupaten Aceh Besar, 24 Februari 2024. Interviewed with *Teungku Hasan Bukhari*, Imam Kampung Mesjid Sungai Iyu, Kabupaten Aceh Tamiang, 11 Mei 2024. Interview with Abdul Hamid, *Petue Kampung Simpang Empat*, Kabupaten Aceh Tengah, 24 Februari 2024.

The legal framework governing inheritance distribution in Aceh is primarily based on Aceh Qanun Number 8 of 2014 concerning the Principles of Islamic Sharia. Specifically, Chapter IV, Paragraph 2, Article 19 stipulates the following: (1) the distribution of inheritance must ensure that entitled parties receive their rightful shares according to Islamic law; (2) every Muslim in Aceh is mandated to distribute inheritance in compliance with Islamic Sharia or according to an agreement among the heirs; (3) the inheritance division may be conducted at the family or village level, or under alternative designations; (4) inheritance distribution should be executed promptly after the death of the heir (muwarris), except when delayed by mutual consent among the heirs; (5) prior to the division, all debts, wills, and other obligations of the deceased must be settled; (6) any inheritance disputes must be resolved according to Islamic Sharia guidelines through the Sharia Court;³⁷ and (7) further inheritance regulations are detailed within the Aceh Qanun, aligning closely with the provisions outlined in Indonesia's Compilation of Islamic Law, Book II, Article 184.³⁸

In response to the provisions of the Qanun, the author identifies three critical observations. First, while the distribution of inheritance must adhere to Islamic law, it is not precluded from being conducted based on mutual agreement among the heirs or in accordance with the perspective of Imam Syafi'i. Second, the Qanun mandates that all inheritance disputes must be resolved in accordance with Islamic law through the Sharia Court,³⁹ thereby explicitly excluding the possibility of resolving such disputes outside the Sharia judicial framework. This provision raises a conflict with Aceh Qanun Number 10 of 2008 concerning Customary Institutions and Aceh Qanun Number 9 of 2008 regarding the Development of Customary Life, both of which grant customary institutions at the village and mukim levels the authority to resolve inheritance disputes.⁴⁰ Third, regarding the statement in the seventh point about further inheritance provisions being regulated in the Aceh Qanun, the author's review finds no existing Qanun that corresponds to this reference.

In the Acehnese society, the distribution of inheritance is traditionally not conducted immediately following the completion of the funeral rites. Instead, according to customary practice, inheritance distribution takes place "after the day arrives" (ka trö' uroè). Within Gayo tradition, this phrase signifies waiting until the graveyard loses its yellow hue, indicating that all death-related rituals have been fully observed. These rituals extend beyond the obligatory fardu kifayah acts—bathing, shrouding, praying, and burial—and include additional customs carried out during the various stages of managing the deceased's body. Among the Acehnese, these

³⁷Syaikhu Syaikhu et al., "The Maqashid Sharia Construction on Inheritance in Dayak Ngaju Customs within the Tumbang Anoi Agreement," *El-Mashlahah* 13, No. 2 (2023), p. 190.

³⁸Qanun Aceh Nomor 8 tahun 2014 tentang Pokok-Pokok Syariat Islam.

³⁹Muji Mulia et al., "Conflict And Consensus in Fiqh Siyasah: The Practice of Islamic Law Across Various Cultures," *Jurnal Ilmiah Peuradeun* 12, No. 3 (2024). p. 1264.

⁴⁰Qanun Aceh Nomor 10 Tahun 2008 tentang Lembaga Adat. Qanun Aceh Nomor 9 Tahun 2008 tentang Pembinaan Kehidupan Adat dan Adat Istiadat.

customs often involve holding *tahlilan* (commemorative prayers) and small *kenduri* (feasts) at the deceased's residence, typically observed on specific odd nights following the funeral, with significant gatherings occurring on the seventh (*seunujoh/nujoh*) or tenth (*siploh*) night. Attendance at these events is generally by invitation, including village officials, community leaders, close neighbors, and immediate family members. The *kenduri nujoh* or *kenduri siploh* (the tenth day ceremony), particularly prevalent in the Aceh Besar Regency, marks the traditional official deadline for receiving guests who come to pay their condolences at the deceased's home, signaling the end of the formal mourning period. While it remains possible for guests to pay respects after this ceremony, they are typically received as ordinary visitors rather than with the customary condolences protocol. In Aceh Besar, the mourning period for a widow traditionally lasts up to 44 days, during which the wife is not permitted to leave the house and, according to custom, is also discouraged from bathing.

Besides, there is a voluntary practice of *tahlilan* held at the local *meunasah* (village prayer hall) for three consecutive nights immediately following the funeral. This is often followed by a *kenduri* held on the 40th or 44th day after death, and in some cases extending to the 100th day. These later *kenduri* tend to be more modest, with a smaller guest list compared to the *kenduri nujoh* or *siploh*. Upon completion of the *kenduri* on the 40th, 44th, or 100th day, the mourning period is considered officially concluded, a stage referred to as *ka trok uroe*. Traditionally, the Acehnese community recognizes this milestone as the appropriate time to begin the *peura'e* (distribution) of inheritance, and proceeding before this period is generally viewed negatively within the community. In addition, other considerations influence the timing of the inheritance distribution process. The completion of *fardhu kifayah* obligations and associated death rituals often depends on settling any outstanding debts or obligations owed by the deceased, including loans or valuable items borrowed from community members. The heirs typically wait until these creditors are willing to come forward to claim repayment.⁴¹

Once the appropriate time is deemed to have arrived, the process of *faraidh* the Islamic distribution of inheritance is carried out.⁴² Prior to this, the family carefully calculates all expenses incurred, including costs related to *tajhiz al-mayyit* (the ritual preparation of the corpse, such as bathing, shrouding, praying, and burial), as well as outstanding debts owed to both humans and to Allah. Debts to Allah may include vows or *nadhr* concerning property made by the deceased, bequests specified in a will, the cost of reciting the Qur'an at the grave for seven days and nights or until the Qur'an's completion, and payment of *kifarat* (expiations), such as those performed through the practice of *tulak breuh* for missed prayers during the

⁴¹Snouck Hurgronje, *Aceh Di Mata Kolonialis, Jilid 1* (Jakarta: Yayasan Soko Guru, 1985), 490.

⁴²Hani Sholihah, Nani Nani Widiawati², and Mohd Khairul Nazif Bin Hj. Awang Damit, "Reinterpretation of Justice in Islamic Inheritance Rights Based on Gender," *Al-Adalah* 21, No. 1 (2024), p. 101.

deceased's lifetime.⁴³ After accounting for all obligations and deducting these from the total assets left by the deceased, the remaining estate is regarded as the *joint assets* to be divided. The residual property after these settlements constitutes the inheritance, which must then be distributed among the rightful heirs according to Islamic law and local custom.

The practice of inheritance distribution in Aceh generally does not occur immediately after death; often, the distribution is delayed or even completely neglected. This delay can result in inheritance disputes, especially when the inheritance is not divided after the completion of customary death rituals. It is not uncommon for all the original heirs (children) to have passed away without the inheritance being formally distributed. Several factors contribute to this situation. One is the consideration that the heirs are still young and face significant financial responsibilities. Another factor is the control of inheritance property by certain heirs usually the sons, particularly the eldest while daughters may be reluctant to assert their claims. This reluctance is often reinforced by the prior informal distribution of parental property before their death. Moreover, some properties, such as the family house, yard, or land used for income generation (*meuhareukat*), remain undistributed. In anthropological and sociological theory, this dynamic is understood through the lens of power relations.

Power relations refer to institutional networks that dominate and intersect with other social relations, such as those of production and kinship, playing a mutually conditioning role. Power is also closely intertwined with religion, sometimes forming a complementary unity but at other times resulting in tensions and conflicts.⁴⁴ Power relations are defined as relationships between groups or individuals based on particular ideologies, where different levels of influence and authority exist. These relations shape social interactions by enabling certain individuals or groups to influence or alter the behavior of others. In this context, power manifests as the capacity of individuals to direct programs or activities according to their interests, even in the face of resistance from others. Such dynamics profoundly affect the inheritance distribution process, often maintaining the status quo and reinforcing existing social hierarchies within the Acehnese community.⁴⁵

After all the primary heirs have passed away, the subsequent generation namely the grandchildren often begin to assert their claims over the inheritance left

⁴³Lukman Hakim and Ahmad Sunawari Long, "The Tradition of Tulak Breuh as a Fidyah of Prayer in Aceh Besar Society: A Study of Law Theology," *Samarah* 5, no. 1 (2021), p. 192–93.

⁴⁴Joko Priyanto, "Wacana, Kuasa Dan Agama Dalam Kontestasi Pilgub Jakarta Tinjauan Relasi Kuasa Dan Pengetahuan Foucault," *Thaqāfiyyāt* 18, no. 2 (2017), p. 187. Muhammad Alwi and Miftahul Jannah, "Relasi Kuasa Dalam Kontestasi Pengisian Jabatan Komisiner Bawaslu Kota Mataram Tahun 2018-2023," *Politea: Jurnal Politik Islam* 6, no. 2 (2023), p. 10.

⁴⁵Aremu, et.al., "An Assessment of Independent Sharī'a Panel (ISP) and Its Roles in Resolving Marital Conflicts in Osun State of Nigeria."

by their grandparents that was not distributed during their parents' lifetime.⁴⁶ This new generation tends to demand their rightful shares, sometimes resorting to legal action, as they feel entitled to the inheritance. This dynamic can be understood through the anthropological concept of *contestation relationships*. Linguistically, contestation refers to a competition or struggle such as an election or contest to test strength and assert dominance in pursuit of maintaining or acquiring desired interests in life. According to Vancil, contestation involves differing perspectives competing against each other. While contestation often relates to political contexts, it can also manifest positively in governance and community life by stimulating dialogue and change. In the context of inheritance disputes in Aceh, contestation arises from unresolved distribution issues of past generations. The grandchildren's efforts to claim what they believe is rightfully theirs embody this contestation, generating conflicts that necessitate resolution.⁴⁷ Such disputes frequently require intervention through customary courts, which serve as the formal mechanism for settling inheritance conflicts in Acehnese society

2. The Mechanism for Settling inheritance disputes in Aceh

The settlement of disputes in the village typically begins with a report from one or both disputing parties to the head of the hamlet or alley (known as *ulee jurong* in Aceh) or other customary institutions.⁴⁸ If the dispute is minor and within the authority of the *ulee jurong*, it is resolved at the hamlet level. The *ulee jurong* is then obliged to report the resolution and its outcome to the village leader.⁴⁹

However, when a dispute exceeds the authority of the *ulee jurong* or cannot be resolved at the hamlet level, the case is escalated to the village level. Upon receiving the report, the village apparatus schedules a meeting to address the dispute. The *keuchik* (village head) along with village officials convene at the scheduled time to deliberate on the matter.⁵⁰ According to Aceh Qanun Number 9 of 2008 concerning Customary and Customary Guidance, Article 14 paragraph 4, deliberations for dispute resolution are held in communal places such as the *meunasah* (village prayer hall), the village mosque, or other locations designated by the *keuchik* or *imeum mukim* (sub-district religious leader). For disputes related to the sea, hearings are held in the fishermen's *balee* (meeting hall). The customary court at the village level comprises the *keuchik* as chairman, the *imeum gampong*,

⁴⁶Sunyoto Usman Nanik Prasetyoningsih, "Women's Inheritance Rights in Indonesia from the Perspective of the Triangular Concept of Legal Pluralism," *El-Mashlahah* 12, no. 2 (2024).

⁴⁷Priyanto, "Wacana, Kuasa Dan Agama Dalam Kontestasi Pilgub Jakarta Tinjauan Relasi Kuasa Dan Pengetahuan Foucolt."

⁴⁸Eviliani Rizky Siregar Muhammad Yamin, "Eksistensi Keucik Dalam Penyelesaian Sengketa Tanah Di Gampong Keude Mane Kabupaten Aceh Utara," *Locus Journal of Academic Literature Review* 2, no. 4 (2023), p. 319.

⁴⁹Yamin, "Eksistensi Keucik Dalam Penyelesaian Sengketa Tanah Di Gampong Keude Mane Kabupaten Aceh Utara."

⁵⁰Interview with Jamaluddin, *Reje Kampung Kemili*, Kabupaten Aceh Tengah, 20 Februari 2024.

tuha peut (a customary institution with representatives including ulama, community leaders, youth, and women),⁵¹ ulama, and other customary leaders serving as judges, alongside witnesses and visitors. However, for inheritance disputes, hearings are conducted in closed sessions, considering that these cases involve family matters and require privacy. Typically, these sessions are held in a private setting, often at the home of a respected community figure.⁵²

In Aceh Tamiang, the settlement of inheritance disputes is also conducted through customary institutions and/or customary courts, similar to the dispute resolution mechanisms in Aceh Besar. However, the titles and structures differ: the customary leader equivalent to the *keuchik* in Tamiang is referred to as *datok penghulu*, *datuk*, or *dato'*; the imam is called *tok imam*. The *Majelis Duduk Setikar* (MDSK) functions similarly to the *tuha peut* in Aceh Besar. The MDSK is a community representative body drawn from various elements of the village government. Its members are representatives of the village population, chosen democratically based on area representation, and tasked with carrying out government functions.⁵³

In Aceh Tengah Regency, dispute resolution, including inheritance disputes, is managed through the *Sarak Opat* customary institution. This institution consists of four key elements: the *reje* (who acts as the chairman of the meeting), the *imem*, the *petue*, and the people (referred to as *sudere*), collectively known as *genep mupakat* (RGM), emphasizing consensus decision-making.⁵⁴ The *Sarak Opat* institution in Gayo customs comprises four key elements, each with distinct functions rooted in local philosophy and values. The *reje* serves as the leader and decision-maker, embodying the principle of *musiket sifet*, which means to weigh matters correctly and fairly. The term *menyuket* means to measure or resolve problems justly, while *sifet ni reje* reflects qualities of fairness, love, truth, and holiness. This is based on the philosophical concept of *muyuket gere ranjung*, *munimang gere angik*, which means to measure neither less nor more ensuring that judgments are balanced and impartial without bias. The *imem*, as one of the four leadership elements, carries the responsibility of *muperlu sunet*, which obligates them to lead the implementation of Islamic law within the community. The *petue* functions as *musidik sasat*, tasked with investigating and carefully examining matters

⁵¹Yamin, "Eksistensi Keucik Dalam Penyelesaian Sengketa Tanah Di Gampong Keude Mane Kabupaten Aceh Utara."

⁵²Muslim Zainuddin, "Peran dan Fungsi Kelembagaan Mukim dalam Penyelesaian Perselisihan: Analisis Praktek Hukum Adat di Aceh," *Media Syariah* 19, No. 2 (2017). 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).

⁵³Peraturan Bupati Aceh Tamiang Nomor 36 Tahun 2019 tentang *Majelis Duduk Setikar Kampung*.

⁵⁴Arifin Abdullah and Armiyadi Armiyadi, "Peran Lembaga Sarak Opat dalam Menyelesaikan Kasus Kekerasan Dalam Rumah Tangga (KDRT)," *Legitimasi Jurnal Hukum Pidana dan Politik Hukum* 7, No. 1 (2018). Achmad Surya, "Efektivitas Penyelesaian Tindak Pidana Ringan Melalui Lembaga Adat (Sarak Opat)," *Jurnal Hukum Ius Quia Iustum* 26, No. 1 (2019), p. 91-112.

objectively to provide the *reje* with accurate information as a basis for decision-making. Meanwhile, the RGM *rakyat* (the people) hold the responsibility to deliberate and reach consensus in community life. In the context of dispute resolution, including inheritance cases, the RGM acts as an advisory body, offering guidance and support in achieving harmonious resolutions.⁵⁵

In the resolution of inheritance disputes, it is essential to conduct a thorough and intelligent investigation into the case at hand. This includes verifying the authenticity of evidence and witness testimonies related to the legitimacy of the heirs. When challenges arise in proving heirship, establishing ownership of the disputed inheritance, or in reporting to the *reje*, particularly in cases involving issues with civil registration, specific customary and religious mechanisms are employed. In instances where civil registration presents obstacles, the *sarak opat* seeks to resolve the matter in accordance with Islamic law, thereby enabling recognition of heir status through formal civil documentation. The *imem* plays a central role in adjudicating inheritance matters based on Islamic principles, including identifying rightful heirs and determining their respective shares. The RGM serves as both a witness and an advisor in this process, while the *reje*, guided by the principle of *mussuket sifet*, acts as the final decision-maker, relying on verified information and legal norms to deliver a just resolution.⁵⁶

Although the *mukim* customary court is formally designated as an appellate body for resolving cases that have reached an impasse at the village-level customary court typically when one party does not accept the decision reached during the peace process the practical functioning of this institution remains suboptimal. This is largely due to the incomplete formation of the *mukim* administrative structure and the lack of sufficient infrastructure to support its operations. In situations approaching a deadlock, the *imem mukim* may be involved in village-level proceedings, either as a witness or an advisor. Nevertheless, the implementation of customary justice more broadly has not fully adhered to the guidelines stipulated in the Joint Decree issued by the Governor, the Chief of Police, and the Chairperson of the Aceh MAA, as well as the formal guidelines for customary justice in Aceh. It is anticipated that, through the support of the Aceh government and the MAA, both village and *mukim* customary judicial processes will increasingly align with the procedural frameworks outlined in these guidelines. The guidelines themselves provide detailed instructions on the administration of customary justice, including the organizational structure and roles of village-level customary judicial officials.

3. Legal Implications and the Establishment of Peace

The outcomes of the peace process give rise to legal consequences within both litigation and non-litigation dispute resolution mechanisms. In litigation, these

⁵⁵Qanun Kabupaten Aceh Tengah Nomor 10 Tahun 2002 tentang Hukum Adat Gayo.

⁵⁶Interview with Sempurna, *Petua* Kampung Kemili, Kabupaten Aceh Tengah, 20 Februariy 2024.

outcomes produce both positive and negative effects. The positive impact benefits the party who is granted the right to wholly or partially control the disputed object. Conversely, the negative impact is experienced by the party whose rights are diminished or entirely lost, whether they had previously exercised control over the object or not. In some cases, this may result in the complete forfeiture of control over the contested property

In the non-litigation context, particularly through the involvement of customary institutions and customary courts, dispute resolution has had a significant restorative effect on social relationships. Initially, tensions and estrangement often arose among parties typically due to conflicts over inheritance left by a deceased relative resulting in a breakdown of familial harmony.⁵⁷ However, following the peace process facilitated by the village customary court, these strained relationships were generally restored.⁵⁸ Based on the author's observations, such reconciliations often led to renewed harmony among the disputing parties. For example, in cases involving inheritance disputes between a husband's heirs and in-laws, peaceful resolutions resulted in reconciliation, with previously hostile relationships—such as between a son-in-law and mother-in-law being mended.⁵⁹ Similarly, in inheritance cases in Aceh Besar that were resolved through customary mechanisms, the successful outcome fostered the re-establishment of familial cohesion and social harmony.⁶⁰

According to existing impact theory, the consequences of dispute resolution can be categorized into two main types: litigation and non-litigation impacts. The non-litigation impact, particularly through peaceful settlements, primarily manifests as social or societal effects, which can be further divided into primary and secondary social impacts. The primary social impact is experienced directly by the disputing parties, who benefit from outcomes that acknowledge their claims. The secondary impact involves the restoration of familial and community harmony, as the resolution often reflects a win-win approach that promotes reconciliation.

In contrast, litigation tends to produce a dichotomy of winners and losers. The prevailing party is entitled to exercise their legal rights, including actions such as the formal registration of land titles when the inheritance in question involves immovable property. The losing party, however, suffers the revocation of rights and

⁵⁷Elfia Elfia et al., "Institutionalizing Maqāsid Ḥifz Al-Naṣl within the Minangkabau Inheritance Framework," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 24, No. 2 (2024), p. 195.

⁵⁸Interview with Saiful Saputra, *Datuk Penghulu* Kampung Sungai Iyu, Kecamatan Bendahara, Kabupaten Aceh Tamiang, 1 Maret 2024. Interview with M. Hatta, Head of MDSK Kampung Mesjid Sungai Iyu, Kabupaten Aceh Tamiang, 1 March 2024. Interviewed with Teungku Hasan Bukari, *Tok Imam* Kampung Mesjid Sungai Iyu, Kabupaten Aceh Tamiang, 29 Februari 2024.

⁵⁹Interview with Muhammad Djuned Thahir, Head of MDSK Kampung, on 1 March 2024 in Kuala Simpang.

⁶⁰Interview with Junaidi, Resident of Ateuk Cut, Kabupaten Aceh Besar, 4 February 2024. Interviewed with Burhan, Parties disputing inherited land in Lamgampang Village, Kabupaten Aceh Besar, 3 July 2024.

authority over the disputed matter, potentially leading to prolonged resentment. Given that inheritance disputes frequently occur among family members or within kinship groups, such conflicts carry the risk of damaging familial bonds. Therefore, timely and effective dispute resolution is essential—not only for legal clarity but also for preserving family relationships and ultimately achieving lasting peace and social cohesion.⁶¹

In the author's view, achieving sustainable peace in inheritance disputes is best facilitated through the use of customary institutions or customary courts at the village or *mukim* level. These customary courts are considered a form of non-litigation dispute resolution, although they exist outside the conventional framework of Alternative Dispute Resolution (ADR). This distinction arises because ADR generally lacks formal legal norms and codification, and primarily functions as a mechanism for facilitating mutually agreeable, win-win outcomes often through mediation or facilitation. In such models, mediators and facilitators are not necessarily required to possess in-depth expertise in the substantive issues of the disputes they handle. However, in other non-litigation theories such as *tahkim* (Islamic arbitration), arbitration, and adjudication, there is a degree of authoritative decision-making, where the arbitrators or adjudicators must have specialized knowledge in the relevant subject matter and possess the authority to enforce decisions. In contrast, traditional leaders who serve within customary institutions and courts often have expertise aligned with the authority granted to them by customary and legal regulations. These figures resolve disputes by applying religious and/or customary norms. As a result, outcomes are not always structured as win-win solutions, but they typically lead to peaceful resolutions grounded in communal values and shared moral frameworks.

Furthermore, it is important to emphasize that, from a sociological perspective, legal decisions resulting in peaceful settlements and the resolution of conflicts significantly contribute to the maintenance of social harmony and order. From an anthropological standpoint, the recognition of customary justice not only serves as a means of preserving Acehnese customs and cultural heritage but also affirms the status of customary law as a legitimate source of legal authority.⁶² This recognition underscores the coexistence of multiple legal systems customary law, Islamic law, and national law as foundational to legal pluralism and the continued relevance of indigenous legal traditions within the broader legal framework.

⁶¹Mohammad Takdir, et.al., “The Takharuj Method as an Islamic Legal Solution for Customary Inheritance Practices among Muslim Communities in Pakamban Laok, Sumenep, Indonesia,” *Journal of Islamic Law* 4, No. 1 (2023).

⁶² Ahmad Wira et al., “Legal Study of Dzurri Waqf and Its Implementation towards Strengthening High Heritage Assets in Minangkabau, West Sumatra, Indonesia,” *JURIS (Jurnal Ilmiah Syariah)* 22, No. 2 (2023), p. 329.

Conclusion

In Acehnese tradition, the distribution of inheritance typically takes place after the customary mourning period known as *ka trok uroe*, and is generally carried out through non-litigation or customary mechanisms. It is common for inheritance distribution to be delayed, often due to power dynamics within families that obstruct the process. In many cases, inheritance is not distributed until the primary heir passes away, giving rise to substitute heirs who then contest the estate. This situation frequently leads to conflict and the emergence of inheritance disputes. While the primary responsibility for distributing inheritance lies with the heirs themselves, in cases where none are capable or willing to do so, close family members outside the circle of heirs may be asked to assist. If no suitable individual is found within the family, community figures such as the village head or respected elders may assume the role. When knowledge of Islamic inheritance law (*faraidh*) is lacking at the local level, assistance is often sought from religious scholars, either from nearby *dayah* (Islamic boarding schools) or external communities. In terms of dispute resolution, the Acehnese community predominantly favors non-litigation avenues, particularly through customary courts at the village and *mukim* levels, though some individuals do pursue resolution through the formal Syar'iyah Court system. The legal impact most frequently observed is the primary social benefit associated with non-litigation approaches such as restored relationships and social cohesion although secondary social impacts may also emerge. While litigation processes can result in both positive and negative legal outcomes, their overall influence appears to be less significant. From both sociological and anthropological perspectives, the Acehnese preference for non-litigation methods of inheritance distribution not only sustains social harmony and peace but also contributes to the preservation and reinforcement of local cultural traditions.

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The Role of Laws

- Peraturan Bupati Aceh Tamiang Nomor 36 Tahun 2019 tentang *Majelis Duduk Setikar Kampung* pasal.
- Qanun Aceh Nomor 10 Tahun 2008 tentang Lembaga Adat.
- Qanun Aceh Nomor 8 tahun 2014 tentang Pokok-Pokok Syariat Islam.
- Qanun Aceh Nomor 9 Tahun 2008 tentang Pembinaan Kehidupan Adat dan Adat Istiadat
- Qanun Kabupaten Aceh Tengah Nomor 10 Tahun 2002 tentang Hukum Adat Gayo.

Interviews

- Interview with Abdul Hamid, Petue of Simpang Empat Bebesan Village, Aceh Tengah Regency, February 24, 2024.
- Interview with Ahmad Wahi, Imum Mukim of Mesjid Sungai Iyu Settlement, Aceh Tamiang Regency, May 11, 2024
- Interview with Burhan, One of the Parties of Lamgapang Village, Krueng Barona Jaya, Aceh Besar Regency, July 3, 2024.
- Interview with Hasan Bukhari, Tok Imam of Mesjid Sungai Iyu Village, Aceh Tamiang Regency, May 11, 2024.
- Interview with Jailani, Keuchik of Lamgapang Village, Aceh Besar Regency, February 24, 2024
- Interview with Jamaluddin, Reje of Kemili Village, Bebesan District, Aceh Tengah Regency, February 20, 2024
- Interview with Junaidi, Resident of Ateuk Cut Village, Simpang Tiga District, Aceh Besar Regency, February 4, 2024
- Interview with M. Hatta, Head of MDSK Kampung Mesjid Sungai Iyu, Aceh Tamiang Regency, March 1, 2024
- Interview with Muhammad Djuned Thahir, Head of MDSK Kampung, Tamiang Regency, March 1, 2024
- Interview with Saiful Saputra, Head of Kampung Sungai Iyu, Bendahara District, Aceh Tamiang Regency, March 1, 2024
- Interview with Sempurna, Head of Kemili Village, Bebesan District, Central Aceh Regency, February 20, 2024.