



The Principles and Implementation of Case Settlement through Aceh Customary Courts Process

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Abstract

Aceh customary courts have principles for resolving cases in reducing customary civil and criminal cases that occur in society, especially disputes that are not included in the formal justice system. This research aims to examine the principles underlying the resolution of cases through customary courts in Aceh, as well as how these principles are applied in the practice of resolving customary cases. By using a normative legal method, the resolution of customary cases in Aceh has its own principles that reflect the characteristics of customary law lives in Acehnese community (*ureung Aceh*). The principles of resolving cases through Aceh customary justice are principle of peace, justice, *musyawarah* and *mufakat* (mediation and negotiation), sincerity and willingness, fast, easy and cheap, openness, kinship, equality before the law, and guidance. The application of the principles of case resolution in the Acehnese customary justice process is a necessity. Acehnese community want cases to be resolved peacefully because this method has been a tradition passed down from generation to generation. The term for peaceful resolution of cases called *suloh*. Customary law does not distinguish between acts that are violations of civil law and violations of criminal law so that civil cases and criminal cases are decided simultaneously in a trial that is not separate. The use of the principle of *musyawarah* and *mufakat* in the implementation of customary justice has a very important role and determine whether or not the trial can be held.

Keyword: Principles; Case Settlement; Acehnese Customary Courts

INTRODUCTION

Aceh, a province in the westernmost part of Indonesia, has a unique legal system that combines national law with customary law and Islamic law within a dynamic legal pluralism framework (Djawas et al., 2024). History records that the 17th century was the period when the Aceh Kingdom reached the peak of its glory. Progress in all aspects of social and state life has been realized. The peak of the glory of the Aceh Kingdom in that century was achieved during the reign of Iskandar Muda (1607-1636) which included economic, social, cultural, political, and even religious fields (Rahman, 2021).

As a large kingdom, as mentioned in several historical literature, the progress achieved during the time of Sultan Iskandar Muda cannot be separated from the pattern of government that applies written or unwritten legal rules called Adat Meukuta Alam. Through these regulations, the wheels of government in the kingdom system during the time of Sultan Iskandar Muda became the main reference that must be obeyed by all people and also the kingdom where if anyone violates it, they will be subject to sanctions or fines (Iskandar, 2019). Islamic law and customs live side by side and are sometimes almost indistinguishable.

The concept of power based on religious and customary values is realized through institutions of power and social from the central level of the sultanate to the village level. As stated in historical records, villages have been known since the time of the Aceh Darussalam Kingdom founded by Sultan Ali Mughayat Syah in 1514 AD (Rahman, 2021). At that time, villages were the lowest legal area units that were originally born from the community. Meanwhile, mukim was a collection of several new villages that were born during the sultanate in the 16th and 12th centuries. The concept of Acehnese power is built on two pillars, namely religion and customs, which reflect the Acehnese people's understanding of the balance of life in this world and the hereafter.

Acehnese customary courts play an important role in resolving cases in society, especially in conflicts that are not covered by the formal justice system (Nurdin et al., 2023). As an object of study, Aceh's customary courts have their own appeal for researchers from within and outside the country to study them in various aspects. Aceh is often referred to as a model for various government policies, for example, peace over ongoing conflicts, the implementation of Islamic law, the creation of regional regulations (Qanun) and even the election of regional heads. In the field of customary justice, Aceh is also recorded as a model for other provinces on how customary justice mechanisms can complement the function of formal justice in providing access to justice, especially for the poor, vulnerable and marginalized (Ismail, 2015).

Several articles that can be traced, such as *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning* (Bowen, 2003), *Understanding Legal Pluralism: Past to Present, Local to Global* (Tamanaha & John', 2008), *Legal Pluralism* (Engle Merry, 1988),

An Analytical Framework for Empirical Research on Access to Justice (Bedner et al., 2010), *Politics as Usual: Violence and Electoral Democracy in Indonesia* (Davidson et al., 2010), *Study of Sociological Law on Conflict Resolution Through Adat in Aceh Community According to Islamic Law* (M. Kasim & Nurdin, 2020), *The Influence of Customary Law in Customary Dispute Resolution in Customary Law Court* (Stella, 2023), *Mediation in Sharia Law, Customary Law and National Law* (Abbas, 2009), and *Customary Law; Past, Present and Future* (Pide, 2015) have revealed the reality of the important position of customary justice that is present in customary communities and its existence is considered as an alternative to providing justice in addition to formal judicial institutions. The existence of customary justice is also considered relevant to the judicial system in Indonesia, both in the civil and criminal realms. The existence of formal justice for village communities is considered still difficult to reach, not only because access to justice is far from the village community, but also because of the high costs that must be incurred and the complexity of judicial administration that must be met by the community.

The Acehnese people are famous for their philosophy: “*Adat bak poteumeruehom, hukum bak Syiah Kuala, Qanun bak Putro Phang, Reusam bak Beentara. Hukom ngon adat hanjeut cree, lagee zat ngon sifeut*”. This means that customary matters are in the hands of the Sultan, legal matters are in the hands of the Syiah Kuala (ulama), Qanun or legislation is in the hands of the Putri Pahang, and reusam (customs and traditions) is in the hands of the expert (bentara). The meaning of this philosophy is that law and custom cannot be separated. The identity of Aceh as a cultural and political unity cannot be separated from the ideological structure formed by the ulama in particular. Therefore, the ulama play an important role in the social structure of Acehnese society, including in the village (*gampong*).

Gampong in Acehnese society is a customary territorial unit consisting of several hamlets (*jurong*). *Jurong* or hamlet is the term for parts of a *gampong* that are separated from each other by a hamlet. In physical terms, a *gampong* is an area used for residential areas, agricultural activities, open land and forests (Tripa, 2019). While in legal terms, a *gampong* is a territorial customary legal unit. This means that the legal form of a *gampong* contains customary values that bind a region communally. The regional government has made some breakthroughs and one of the breakthroughs was *gampong* revitalization through a program called “back to *gampong*” (Mahmuddin et al., 2016).

The historical dynamics of *gampong* began during the reign of Sultan Iskandar Muda until after the New Order is a long history that shows the relationship between the state and local institutions, where customary and religious values that have been integrated and deeply rooted in the social system, are marginalized by the policy of standardizing local government by the state/central government.

There is a difference in understanding of the village as conceptualized by the State, with the *gampong* as interpreted by the Acehnese people. A study by (Tripa, 2019) concluded that *gampong* is not the same as a village. There is a substantial difference between *gampong* government and village government along with its customary apparatus and institutions. *Gampong* must be seen as a legal and customary community unit in the lowest power structure and has its own territory and its own wealth and sources of income. *Gampong* is led by a *keuchik* and *teungku meunasah*. *Keuchik* is responsible for the administration of government and the implementation of law (custom), while *teungku meunasah* is responsible for the implementation of the religious life of the community, the implementation of law (sharia), the implementation of education (religious and moral), and other areas related to the social and community life of the community. In a sociological context, with a *gampong* government system, a bottom-up democracy system can truly be implemented, where the voice of the community will be accommodated. This is different from the centralized village government system.

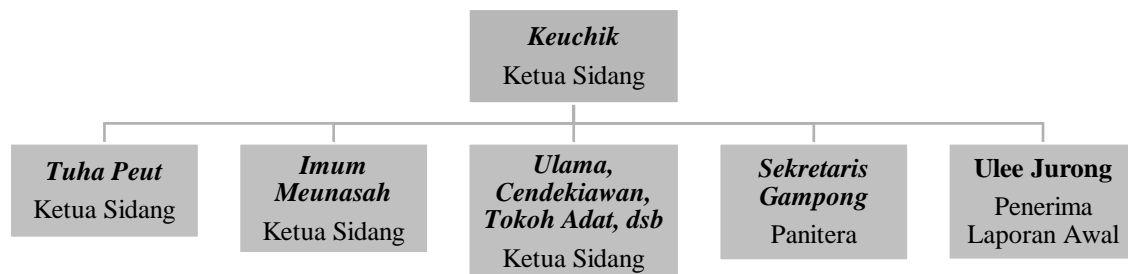
The enactment of Law Number 44 of 1999 concerning the Implementation of the Special Status of the Special Region of Aceh Province is a manifestation of the special status in the fields of education, customs, and religion in the Special Region of Aceh Province (Undang-Undang RI, 1999) and Law Number 11 of 2006 concerning the Government of Aceh states that one of the authorities of the Aceh Government is the implementation of the special status of Aceh which includes: the implementation of religious life in the form of implementing Islamic law for its adherents in Aceh while maintaining harmony between religious communities and the implementation of customary life based on Islam (Undang-Undang RI, 2006), so in the field of customs, Regional Regulation Number 7 of 2000 concerning the Implementation of Customary Life was born which has now been replaced by Aceh Qanun Number 9 of 2008 concerning the Development of Customary Life and Customs. Article 13 paragraph (1) states that law enforcement officers provide an opportunity for disputes/conflicts to be resolved first according to customary law in *gampong* (Qanun Aceh, 2008).

There are 18 types of customary disputes according to Article 13 of Aceh Qanun Number 9 of 2008 that can be resolved through customary courts in Aceh, namely: 1) disputes within the household; 2) disputes between families related to *faraidh*; 3) disputes between residents; 4) *khalwat meusum*; 5) disputes about property rights; 6) theft within the family (minor theft); 7) disputes over family property; 8) minor theft; 9) theft of livestock; 10) violations of customary law regarding livestock, agriculture, and forests; 11) disputes at sea; 12) disputes in the market; 13) minor abuse; 14) forest burning (on a small scale that is detrimental to the customary community); 15) harassment, slander, incitement, and defamation; 16) environmental pollution (minor scale); 17) threats (depending on the type of threat); and 18) other disputes that violate customs and traditions occur in society (Qanun Aceh, 2008).

Customary dispute resolution in *gampong* is carried out by customary figures consisting of:

- a. *Keuchik*, as chairman of the customary council;
- b. *Imeum meunasah*, as member of the customary council;
- c. *Tuha peut*, responsible for and assisting government duties as a member member of the customary council;
- d. *Gampong* secretary, as the clerk of the customary council;
- e. *Ulee Jurong*, as the recipient of the initial report; and
- f. *Ulama*, intellectuals and other customary figures in *gampong*, as protectors and counselors as well as members of the customary council in resolving customary cases.

Table 1; Traditional Figures in Aceh Customary Courts



These traditional figures are not officially appointed, but are automatically attached to the traditional positions they hold. The process of administering traditional justice is usually carried out in *meunasah* (mushalla). The organizers of traditional justice will resolve traditional cases through deliberation based on applicable law. The decision is made in public and attended by the village community, the parties to the case, and the family and village traditional leaders based on the principle of openness. In certain case such as *khalwat*, the decision of the traditional justice is not announced to the entire village community in order to protect the disgrace of the perpetrators (Muksalmina et al., 2023; Syahputra et al., 2023).

This study aims to examine the principles underlying the resolution of cases through customary courts in Aceh, and how these principles are applied in the practice of resolving customary cases, both those related to customary civil or customary criminal law.

The articles written by (Mahmuddin et al., 2016) on The Existence of Gampong in the Middle of Changing Community and (Nurdin et al., 2023) on The Role of Traditional Justice Providers in Implementing the Customary Court Aceh have not explained what principles are used by Aceh customary court in resolving customary civil and customary criminal cases and its implementations in customary court

practices, so that customary courts can contribute to reducing cases that occur in society.

METHODS

The type of research used is normative legal research, namely legal research by reviewing legal materials in the form of laws and regulations, books, journals, and other literature relevant to the principles of case resolution through Aceh customary law (Hehanussa et al., 2023). The data collection techniques used are observation and documentation review (Salim HS & Nurbani, 2019).

The primary legal materials used in this study include Law Number 11 of 2006 concerning the Government of Aceh, Aceh Qanun Number 9 of 2008 concerning the Development of Customary Life and Customs, Aceh Qanun Number 10 of 2008 concerning Customary Institutions, Aceh Qanun Number 8 of 2019 concerning the Aceh Customary Council and Aceh Governor Regulation Number 60 of 2013 concerning the Settlement of Customary Disputes. The data obtained will be analyzed using a qualitative descriptive approach.

DISCUSSION AND RESULT

Philosophically, case resolution is an effort to restore the relationship between the parties to the case to its original state. By restoring the relationship, they can establish relationships, both social relationships and legal relationships between each other. The theory that examines these things is called case resolution theory or also known as case resolution theory, used to resolve cases that occur in society (Salim HS & Nurbani, 2019).

The term dispute settlement theory comes from the English translation, namely dispute settlement of theory, in Dutch, namely *theorie van de beslechting van geschillen*, in German it is called *theorie der streitbeilegung*, while in Arabic it is termed *as-sulh*, namely an agreement to resolve a dispute or disagreement to achieve peace (Jauhari, 2017).

The scope of case resolution includes the following three things, namely:

- a. types of cases;
- b. factors that cause cases to arise; and
- c. strategies used in resolving cases.

Case categories are the classification of types of cases or disputes that occur in the community, such as land disputes, regional elections, shares, marriage, customs and so on. The factors causing the emergence of cases are as an effort to reveal things that cause something to happen or because of the occurrence of the case. The strategy in resolving cases is an effort to find and formulate ways to end disputes that arise between the parties, such as through mediation, reconciliation, negotiation, and others (Subrata, 2023).

The settlement of customary cases has its own principles that reflect the characteristics of customary law that lives in a community. The principle of law is a basic rule of abstract legal principles and generally underlies concrete regulations and the implementation of law (Yuliyani, 2023). In the Great Dictionary of the Indonesian Language, principle means basic law that is a reference for thinking or expressing opinions and is the basis for ideals (Badan Pengembangan dan Pembinaan Bahasa, n.d.). Suteki in his paper said that the principle of law is an important and basic basis for a legal regulation. The principle of law can also be termed the heart of law, because it is a foundation that has a very broad scope for legal regulations (Suteki, 2021).

PRINCIPLES OF CASE RESOLUTION THROUGH THE ACEH CUSTOMARY COURTS

Based on a review of customary literature on resolving cases through Aceh customary courts, several principles for resolving cases through customary courts can be concluded:

Principle of Peace

The main objective of resolving cases through customary courts is to realize peace in order to create a balance in the order of community life, so that a community can live in peace and harmony. Dispute resolution prioritizes welfare, tranquility, and peace. In an Acehnese proverb (*hadih maja*) stated "*uleu bee mate ranteng bek patah* (the snake must die but the tree branch must not break)". This means that Acehnese people was very wise in resolving a problem without creating new problems. In resolving cases in society, it is expected to uphold the principle of peace, so that no one in the case feels like they have won or lost, a sense of justice can be fulfilled because no party is wronged and peace is maintained in society (Ridha et al., 2017).

Principle of Justice

The settlement of cases through customary courts which different from formal courts is the fulfillment of a sense of justice for the community. Resolving each case must prioritize the principle of justice, "*bek lagee ceng brat siblah*" which means do not be like a scale that is biased. In another *hadih maja* it is also mentioned, "*luka tasipat, darah tasukat*" which means the wound is measured, the blood is measured. In its interpretation, the two *hadih maja* can be the principles of a fair settlement of cases, namely: if measuring must be the same length, if weighing must be the same weight, and must not side with a particular group or individual, determining straight and correctly must be a guideline for traditional leaders (Ridha et al., 2017).

Principle of *Musyawah* and *Mufakat* (Mediation and Negotiation)

The principle of *musyawarah* and *mufakat* (mediation and negotiation) is the basis of the case resolution process to produce a decision that can accommodate the

interests of the parties to the case. The essence of *musyawarah* and *mufakat* is to invite and encourage the parties to deliberate and reach a consensus in resolving cases or disputes that occur in the society (Ridha et al., 2017).

Settlement of cases through the mediation process basically contains the principle of compromise. There is an expression of hadih maja “*yang rayeuk tapeu ubit, yang ubit tapeugadoh*” which means that big problems are reduced and small problems are eliminated and forgotten (Syahputra et al., 2022).

Mediation is based on Islamic religion which recommend resolving a problem through *musyawarah*, stated in the Qur'an *wasyawirhum fil amr* (invite them to deliberate). This principle focuses to forgive, pray for the best and deliberate or compromise on all problems faced (QS. Ali Imran: 159).

The principle of *musyawarah* and *mufakat* has actually been inherent in the case resolution process in Aceh. Based on principle, majority of the Acehnese people, absorb the noble values contained in the Qur'an and Hadith and then implement them in the context of customary dispute resolution which aims to realize peace in a comprehensive sense, both peace within individuals, society and the state. The realization of this peace can only be obtained through agreements built through deliberation to find the right solution to various conflicts that occur in society.

Principle of Sincerity and Willingness

Sincerity and willingness are principles that play quite an important role in the process of resolving cases between disputing parties, customary leaders, and mediators who resolve them. Because if this principle is not considered by the parties, then the case will be difficult to resolve. A case can be ended well, if the parties have the desire to resolve it well, based on sincerity and willingness.

This sincerity and willingness are indicators of the success or failure of the customary settlement of cases so that the parties to the case and the dispute will accept all customary court decisions and implement what has been decided. Without sincerity and voluntarily choosing customary courts as a solution to resolving cases that occur, it will usually cause all decisions or sanctions to be deadlocked, or cannot be implemented. Because the essence of resolving cases through customary courts is the willingness of the parties, both victims and perpetrators, including mediators or customary court judges (Ridha et al., 2017).

Principle of Fast, Easy and Cheap

Every customary justice process contains the principle of fast, easy and cheap (*accessibility to all citizens*) for the parties involved in the case resolution process. Some of these aspects relate to costs, time and procedures. Customary case resolution can be realized in a relatively faster time without being complicated like formal justice. In addition, the costs are also cheap, because it is common knowledge that if a case is brought to the formal justice realm, the costs are quite expensive. There is even a

saying, “*yang hilang ayam, biaya pengurusan yang dikeluarkan seharga lembu* (if a chicken is lost, the cost of administration is the same as a cow)”.

Principle of Transparency

The principle of transparency for the public is also a characteristic of the customary justice process, both in relation to receiving complaints, summoning witnesses, trials, and determining decisions must be carried out openly and transparently. In essence, the basic principle of trials through customary justice adheres to the principle of being open to the public.

This principle is not absolute, it is adjusted to the circumstances and type of case being resolved. For cases that are of a nature that exposes someone's shame, such as cases of *khalwat*, *ikhtilath*, adultery or sexual harassment, especially against children, usually the considerations of the mediator or panel of judges of customary justice are carried out in private and carried out in a special place such as the *keuchik*'s house or the wilayatul hisbah office, not in the *meunasah* (Muksalmina, 2023). Because if the settlement is carried out in the *meunasah*, it is usually open to the public and can be witnessed by the wider community.

Principle of Kinship

The application of the principle of kinship is an effort in resolving a case or dispute so that the ties of friendship are not broken. The principle of kinship adheres to the principles of mutual respect and love and provides consideration in deciding a case so that an atmosphere of intimacy and family relationships can still be maintained after the case is resolved.

Customary leaders in resolving each case really need to consider the principle of kinship, so that whatever decision is agreed upon can still bind the parties to the case in a family relationship, not the other way around after the trial, it will break the brotherhood and friendship between the parties to the case. In the principle of kinship, it is necessary to build an atmosphere like a family in a series of stages and processes of resolving the case, not only focusing on resolving the dispute alone, but how to create a more harmonious relationship between the parties as if they were brothers in one family.

Principle of Equality Before the Law

Customary justice must also ensure equality before the law. There should be no discrimination in the judicial process due to gender, social status, ethnicity, religion, race and between groups or because of age factors. Every community that resolves a case through customary justice must be ensured that they obtain their rights in accordance with the legal rules that are the basis for the implementation of justice and decision-making.

This principle is very important to be implemented because it will eliminate the stigma of "selective severance" in resolving cases that occur in society. So that the community feels that in any social status they will receive equal treatment before the law. This can increase community trust in customary justice, because there is a responsibility from customary leaders to ensure that everyone receives equal treatment before the law.

Principle of Guidance

The principle of guidance also plays a very important role in the implementation of customary justice. This principle encourages people who have made mistakes, violated customs and wronged others to admit their mistakes and receive effective guidance, so that the perpetrators do not repeat their actions in the future. Customary justice must be able to encourage people who have committed customary violations to improve themselves to be better than before and not repeat their actions. Because of this principle, customary justice or mediation is often referred to as restorative justice (justice that restores and improves conditions to their original condition).

IMPLEMENTATION OF THE PRINCIPLES OF CASE RESOLUTION IN THE ACEH CUSTOMARY COURTS PROCESS

The nomenclature of customary justice has not been uniformly agreed upon in Indonesia, which is sometimes confusing in defining it. However, it is certain that the intent and purpose are the same, namely to seek a path to peace. Although the Constitution does not explicitly regulate the existence of customary justice, in practice, such as the Customary Court in Aceh, it has become a legal phenomenon that must be addressed wisely. In Indonesian society, which consists of a multicultural society where law cannot be seen from the constitutional and statutory aspects alone, there needs to be a legal breakthrough, so that the absence of clear rules will not prevent society from implementing Customary Justice.

Indonesia, the customary law system is also known as the folk law system, which continues to grow and develop in the life of society. In fact, this concept is also a norm and a law. Functioning as an instrument for controlling social order to maintain order and order in society. Thus, the law does not only function as state law as stated in legislation, but also manifests itself in religious law and customary law. The tradition of dispute resolution in indigenous communities is based on the values of communal philosophy, the philosophy of sacrifice, the philosophy of spiritual values and the philosophy of justice (Abbas, 2009).

First, communal philosophy is a philosophy of life that permeates every community. Common interests are highly valued above individual interests so that in indigenous communities there is something called common interest. In indigenous communities, awareness of common interests is always fostered in their social life so

that it is not defeated by personal interests. Therefore, disputes that occur between individuals or between community groups are actions that disrupt common interests.

Second, the philosophy of sacrifice contains the understanding that the parties to the dispute, both in the private and public spheres, must be willing to sacrifice individual interests for the greater interest, namely common interests (communal) and they must accept voluntarily and with full awareness that they are part of the communal.

Third, the philosophy of supernatural values of dispute resolution in indigenous communities is identified in the form of ritual ceremonies. The manifestation of supernatural values from the holding of ceremonies facilitated by traditional figures indicates that the dispute resolution has received approval from the supernatural.

Fourth, Islamic philosophy lives and develops in the lives of the Acehnese people, known as sharia. The sharia implemented in Aceh covers the areas of *aqidah*, *syar'iyah*, and morals. These include worship, *ahwal al-syakhsiyah* (family law), *muamalah* (civil law), *jinayah* (criminal law), *qadha'* (judiciary), *tarbiyah* (education), *da'wah*, broadcasting and defending Islam. Provisions for implementing Islamic Sharia in Aceh are regulated by the Aceh Qanun.

Fifth, the philosophy of justice that is to be upheld in resolving disputes among indigenous peoples is communal. Communal justice is justice where no one feels disadvantaged by the decision taken by the customary leader in resolving the dispute. Customary law is enforced in order to uphold social justice because the enforcement of justice in every dispute decision that occurs in society will be a milestone in the dignity and honor of a communal.

Table 2.1 Values in the resolution of Aceh customary cases

Filosofi Komunal	Filosofi Pengorbanan	Filosofi Supernatural	Filosofi Keislaman	Filosofi Keadilan
Kepentingan bersama lebih diutamakan dari kepentingan individu, namun kepentingan individu tidak diabaikan	Para pihak yang bersengketa di ranah privat maupun publik harus mengorbankan kepentingan individual terhadap kepentingan yang lebih	Penyelesaian perkara-perkara adat dilakukan dalam bentuk upacara/ritual adat, seperti <i>peusijek</i> , <i>khanduri</i> , <i>tueng seumangat</i> , dll	Nilai-nilai agama Islam yang semua itu sudah diatur oleh Allah SWT, meliputi bagaimana menjalin hubungan dengan Allah, hubungan	Menyelesaikan setiap perkara harus mengedepankan asas keadilan, " <i>bek lagee ceng brat siblah</i> " artinya jangan seperti timbangan yang berat sebelah

	besar yaitu kepentingan bersama		antar sesama manusia, dan hubungan dengan alam sekitar	
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Islamic religious and customary are the foundation of the life of the Acehese people (*ureung Aceh*). The existence of customs and sharia in the midst of Acehese society fosters the dignity and identity of Acehese people. This proves that Islamic teachings and Acehese customs remain in harmony and will never clash with each other. It could be said that Islamic teachings strengthen traditional teachings in society.

The Acehese people want cases to be resolved peacefully because this method has been a tradition passed down from generation to generation. The term for settling cases peacefully is called *suloh law*. This model solution has been practiced since the reign of Sultan Iskandar Muda (1607-1636). Therefore, several terms emerged in the torching process such as *peumat jaroe* and *peumeuah*. The process of resolving cases at that time involved the *Keuchik*, *Teungku Meunasah/Teungku Imum* as reconciling figures in the *meunasah* (Hoesin, 1970).

Nowadays, the process of organizing customary justice is still carried out in the *meunasah*. The customary justice procession is carried out as follows (Ismail, 2013; Roslaili et al., 2024):

- a. Bringing a white cloth as a symbol of peace and purity;
- b. Bringing (compensation costs/medical costs) if the victim bleeding;
- c. Bringing *bu leukat* (sticky rice) with a dish as big as the mistake.
- d. Bringing a goat for a *kenduri* event (according to the level of the mistake);
- e. *Peusijuek* to the disputing parties;
- f. Giving words of advice;
- g. Forgiving- forgiveness/shaking hands of the disputing parties;
- h. Making a customary settlement/peace letter; and
- i. Du'a.

In the customary justice process, administrative completeness must also be a concern, this aims to record each event and data collection on the case must be done to prove what has been done has happened and is irrefutable. The administration in customary justice includes; (1) minutes; case number, type of case, parties, main case, statements of the parties, witness statements, evidence submitted, considerations of the council members, proposals in the form of peaceful settlement by the council and a statement of willingness to make peace (results of the deliberation) containing the registration number, parties, main case, considerations of the council and solution to

the settlement of the case. (3) the customary/peace court trial process is carried out in the *meunasah* or other designated place.

Customary law does not distinguish between acts that are in the nature of violations of civil law and violations of criminal law so that civil cases and criminal cases are decided simultaneously in a trial that is not separate (Afrizal et al., 2023). However, to facilitate the explanation of the handling procedures, there are considerations and procedures that need to be applied if a criminal case is being handled and resolved. The most common criminal cases/cases that fall under the umbrella of custom are theft and violence. In general, the procedure for resolving disputes through customary peace courts is carried out with procedures and stages. The stages referred to are:

- 1) Reporting of customary cases is carried out by the victim or both parties to the hamlet head or *peutuwa jurong* where the legal incident occurred. However, the case can also be reported directly to *keuchik*;
- 2) After *keuchik* receives the report from the hamlet head or from the victim, the village head holds immediately an internal meeting with the secretary, *peutuwa jurong*, and *imum meunasah* to determine the trial schedule;
- 3) Before the trial is held, *keuchik* and customary leader approach both parties. The approach aims to find out the real facts of the case and at the same time ask about their willingness to resolve it peacefully. During the approach, the customary justice implementers will use various alternatives for resolving the case such as mediation and negotiation, so that the case can be resolved immediately;
- 4) The approach can also be carried out by other wise people;
- 5) If the peaceful settlement agreement is approved by both parties, the village secretary will officially invite both parties to attend the trial on the day and date that has been determined;
- 6) During the trial, the parties can be represented by their guardians or other relatives as spokespersons;
- 7) The trial is formal and transparent, usually held in a *meunasah* or other place considered neutral;
- 8) The trial forum, especially the seating positions of the parties and the implementers of customary justice, are arranged in such a way that they appear formal according to custom;
- 9) The seating arrangement is as follows: *keuchik* as the chairman of the trial, sits in one row with *tuha peut*, *imum meunasah*, intellectuals, ulama and traditional figures. To the left of *keuchik*, a little further back, sits the secretary as the clerk. In the front row or in front of *keuchik* is the place for the parties or their representatives. Meanwhile, the sanctions take place on the left and right wings of the trial forum. Behind the parties, sit a number of participants or

visitors to the trial consisting of the village community and family and relatives of the parties;

- 10) The trial takes place solemnly and *keuchik* invites the parties or their representatives to convey the issues which are then recorded by the secretary;
- 11) *Keuchik* invites the sanctions to convey their testimonies and if deemed necessary, the sanctions will be sworn in before conveying their testimonies;
- 12) *Keuchik* gives the opportunity to *tuha peut* or *tuha lapan* to respond and convey alternative solutions;
- 13) *Keuchik* invites the ulama, intellectuals and traditional leaders to respond and convey a way out of the case;
- 14) *Keuchik* and all members of the trial deliberate on what peace decision will be given, if they have agreed on the type of peace decision to be made, then *keuchik* asks the parties again whether they are ready to accept the peace decision. If they accept the decision, then the clerk writes the dictum of the decision which is often called a peace agreement letter;
- 15) If one or both parties do not agree with the peace decision, then the parties can submit it to *mukim* trial forum. Disagreement of the parties to the decision of the village customary court must also be stated in the decision letter and based on the decision letter the case can be submitted to *mukim* court;
- 16) *Keuchik* reads the peace decision and asks the parties to sign the peace deed and to carry out the contents of the decision seriously;
- 17) The decision and a copy of it are given to the parties, stored as archives, both in the *keuchik's* office and *mukim* office;
- 18) After the decision is agreed upon and accepted by the parties, then at the next meeting the decision will be executed through a peace ceremony: (1) one or both parties will be subject to sanctions, the severity of which depends on the type of violation or customary crime committed, (2) the execution is carried out through a peace ceremony by imposing something on the parties or on one party depending on the decision. If all parties are satisfied with the formulation of the decision, then on the appointed day the execution will be carried out through a peace ceremony in *meunasah* or in front of the general public;
- 19) The dispute resolution decision is recorded in a master case registration book which contains the following: (1) number; (2) date of reporting and name of reporter; (3) type of case; (4) brief description of the main points of the case; (5) date of settlement; (6) brief description of the peace decision.

While customary court procedures provide an important framework for resolving disputes, there are additional skills that customary leaders need to effectively facilitate a peaceful resolution of a case. These skills include deliberation,

Careful listening, clear speaking and ensuring effective communication between all parties. In the practice of customary peace justice, it is clear that some cases cannot be resolved due to the lack of deliberation skills of customary leaders. Therefore, deliberation skills and expertise are essential to resolving various community problems.

Two concepts known as 'mediation' and 'negotiation', both of which are particularly useful. When implemented throughout the customary justice process, these skills can help customary leaders to determine the issues in the case, identify possible solutions and facilitate agreement from all parties (Syahputra et al., 2022).

Although these are concepts with unfamiliar names, they are actually very similar to deliberation as applied in customary justice. The difference is that mediation and negotiation provide a more structured approach with specific steps. However, customary leaders should consider the following explanations regarding mediation and negotiation because they are closely related to deliberation. The information below outlines these specific concepts and customary leaders should try and use these strategies when communicating with disputing parties to resolve a case. The use of deliberation techniques (mediation and negotiation) in the implementation of customary justice plays a very important role and determines whether or not the trial can be held. No matter how complicated the case is, it is possible to be resolved if the implementers of customary justice apply mediation and negotiation techniques appropriately. Deliberation (mediation) is a process where the mediator, in this case the implementers of customary justice, help the disputing parties to be able to resolve their problems with results that are satisfactory to both parties.

CONCLUSION

The resolution of customary cases in Aceh has its own principles that reflect the characteristics of customary law that lives in an Acehnese community (*ureung Aceh*). The principles of resolving cases through Aceh customary justice are principle of peace, justice, musyawarah and mufakat (mediation and negotiation), sincerity and willingness, fast, easy and cheap, openness, kinship, equality before the law, and guidance. The application of the principles of case resolution in the Aceh customary justice process is a necessity. Acehnese community want cases to be resolved peacefully because this method has been a tradition passed down from generation to generation. The term for peaceful resolution of cases called suloh. Customary law does not distinguish between acts that are violations of civil law and violations of criminal law so that civil cases and criminal cases are decided simultaneously in a trial that is not separate. The use of the principle of musyawarah and mufakat in the implementation of customary justice has a very important role and determine whether or not the trial can be held.

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