SETTLEMENT OF MEUGOE BLANG DISPUTES THROUGH CUSTOMARY LAW OF ACEH

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ABSTRACT

Implications: Settlement of meugoe blang (paddy field) disputes through customary law by the keujruen blang and keuchik digampong customary institutions is an attempt to resolve disputes through deliberation/consensus based on the principle of kinship with the principle of peace.

Methods: The approach used in this research is normative and empirical juridical research methods.

Purpose: The purpose of this study is to explain the process of resolving disputes/disputes in meugoe blang (paddy field), and forms of customary sanctions.

Theoretical reference: The stages of settlement of meugoe blang (paddy field) disputes/disputes were carried out in several stages, namely the stage of receiving reports by the keujruen, holding the submission of cases by the keujruen to the keuchik, the stage of notification of cases to tuha peut by the keuchik, the stage of determining the day of trial, the stage of examination and trial, and the stage of making a decision and imposing sanctions. The forms of punishment or customary sanctions applied by keuchik gampong and keujruen blang against perpetrators of customary violations of meugoe blang (paddy fields) are reprimands, warnings accompanied by threats, apologies and peumat jaroe (shaking hands), paying compensation, confiscating livestock that have damaged crops. paddy, and charged the perpetrators with repairing the customary fence.

Results and Conclusion: This research also found obstacles in upholding customary law in Aceh, namely that the community has begun to lack understanding of customary law, Keujruen Blang has begun to lack understanding of the duties/functions of traditional leaders.

Keywords: dispute settlements, meugoe blang, customary law.

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RESOLUTION OF LITIGIOS OF MEUGOE BLANG ATRAVÉS DO DIREITO CONSUETUDINÁRIO DE ACEH

RESUMO

Implicações: A resolução de disputas de meugoe blang (campo de paddy) através do direito consuetudinário pelas instituições consuetudinárias keujruen blang e keuchik digampong é uma tentativa de resolver disputas através de deliberação/consenso com base no princípio do parentesco com o princípio da paz.

Métodos: A abordagem utilizada nesta pesquisa é normativa e empírica métodos de pesquisa jurídica.

Propósito: O objetivo deste estudo é explicar o processo de resolução de disputas/disputas em meugoe blang (arrozal), e formas de sanções habituais.

Referência teórica: As fases de resolução de disputas/disputas de meugoe blang (campo de paddy) foram realizadas em várias fases, nomeadamente a fase de recepção de relatórios pelo keujruen, mantendo a apresentação de casos pelo keujruen ao keuchik, a fase de notificação de casos a tuha peut pelo keuchik, a fase de determinação do dia do julgamento, a fase de exame e julgamento, e a fase de tomada de decisão e imposição de sanções. As formas de punição ou sanções habituais aplicadas por keuchik gampong e keujruen blang contra os autores de violações habituais de meugoe blang (campos de arroz) são reprimendas, avisos acompanhados de ameaças, desculpas e peumat jaroe (apertando as mãos), pagando indenizações, confiscando os animais que danificaram as colheitas. paddy, e acusou os autores de reparar a cerca habitual.

Resultados e Conclusão: Esta pesquisa também encontrou obstáculos na defesa do direito consuetudinário em Aceh, nomeadamente que a comunidade começou a não entender o direito consuetudinário, Keujruen Blang começou a não entender os deveres/funções dos líderes tradicionais.

Palavras-chave: resolução de conflitos, meugoe blang, direito consuetudinário.

1 INTRODUCTION

Settlement of disputes/disputes can be interpreted as an effort to resolve problems caused by events that disrupt the balance in society. When connected with the settlement of customary disputes/disputes, it means resolving disputes/disputes caused by events that have disturbed the balance in society through customary services by deliberation/consensus with the principle of peace.

From a formal juridical point of view, the recognition of customary law communities and their traditional rights has been recognized by the 1945 Constitution of the Republic of Indonesia as stated in Article 18B paragraph (2) of the 1945 Constitution as follows: "The state recognizes and respects customary law community units along with their traditional rights as long as they are still alive and in accordance with the
development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated in law.

Customary law is unwritten law, it lives, grows and develops in every community group as a rule of community life which is maintained and obeyed by every community group. Customary law differs from one community group to another and always maintains its purity which is a hereditary inheritance. For example, in the Acehnese customary law community, where the position of adat has always been put forward even today, Acehnese customary law has always lived and developed in accordance with the development of the Acehnese indigenous people.

Bushar Muhammad with reference to Soekanto's opinion, argued that this customary complex which is mostly not written down, not codified (ongecodificeeerd) and coercive (dwang) has sanctions, so it has legal consequences (rechtsgevolg), this complex is called customary law (adatrecht). So Soekanto's point is that customary law is all customs (which are not written) and live in society in the form of decency, habits and conventions that have legal consequences.

Friedrich Carl von Savigny, in his theory of "the law of the people's soul", constructed his theory of law. According to Savigny, there is an organic relationship between law and the character of a nation. The law is only a reflection of the volkgeist. Therefore, "customary law" which grows and develops in the womb of the volkgeist, must be seen as the true law of life. The true law is not made, it must be found. Legislation is only important as long as it is declarative in nature to that true law.

With regard to Aceh, the position of customary law in the Acehnese indigenous people is very clear to this day, where customary law has always maintained its existence, this can be seen by the birth of Law Number 11 of 2006 concerning the Government of Aceh, the position of Aceh's customary law in the legal system national. The enactment of Law no. 11 of 2006 concerning the Government of Aceh, is a mandate from the 1945 Constitution, thereby reaffirming the existence of Aceh qanuns namely Aceh Qanun Number 4 of 2003 concerning Mukim Government, Aceh Qanun Number 5 of 2003 concerning Gampong Government, Aceh Qanun Number 3 of 2004 regarding the Establishment of Organizational Structure and Working Procedures of the Aceh Traditional Council, Aceh Qanun Number 9 of 2008 concerning Fostering Traditional and Customary Life, and Aceh Qanun Number 10 of 2008 concerning Customary Institutions.
Furthermore, to support the implementation of customary law in Aceh, the Aceh government then issued a Joint Decree of the Governor of Aceh, the Head of the Aceh Regional Police, and the Aceh Traditional Council Number: 189/677/2011-1054/MAA/XII/2011-B/121 /I/2012 concerning the Implementation of Gampong and Mukim Customary Courts or Other Names in Aceh. Then the Aceh government again issued Aceh Governor Regulation Number 60 of 2013 concerning the Implementation of Customary and Customary Disputes/Disputes Resolutions.

The implementation of customary justice to resolve social conflicts that occur within the Acehnese indigenous people through deliberation/consensus is a form of fulfilling justice for the community to resolve criminal acts or violations that have been committed by someone to restore the balance that occurred as before. The application of customary law in the Acehnese indigenous people is not a new thing to resolve social cases, but has been in effect since ancient times and is still being maintained today. The upholding of customary law in Aceh is an embodiment of values originating in Islamic law which is believed to be true as a living law in society. Customary law and Islamic law in the view of the people of Aceh have a very close relationship and cannot be separated from one another, this is clearly seen in the hadih maja: "Adat Bak Poe Teumeureuhoem Hukum Bak Shia Kuala Kanun Bak Putroe Phang Reusam Bak Lakseumana". This means that the position of Islamic law and customary law in Aceh is likened to a white eye and a black eye, that is: (1) maintain the existence of customary values and customs that do not conflict with Islamic law, (2) apply customary provisions, (3) solving social problems, (4) reconcile disputes that arise in society, and (5) enforce customary law.

Based on the background described above, this study aims to explain the resolution of meugoe blang (farming in paddy fields) disputes/disputes through Acehnese customary law, and the application of customary punishments or customary sanctions against violations of adat meugoe blang (farming in paddy fields) by customary courts in Aceh.

2 METHOD

A good research will bring good results if it can provide an overview and answers to the issues raised, regarding this matter Soerjono Soekanto argues that: "A legal research is basically a scientific activity based on certain methods, systematics and thoughts that
aim to study one or several certain legal symptoms by analyzing them, except for that, an in-depth examination of said legal facts is also carried out to determine later what arises from the symptoms in question.\(^5\)

This study uses normative and empirical juridical research methods, namely by using two approaches, namely library research (library research) by reviewing or examining theories, and field research (field research) by conducting interviews with respondents and informants who have been selected by researchers to answer legal issues that occurs\(^6\).

The research sample was determined by purposive sampling, where from the entire population several respondents and informants were selected who knew about the problem under study and could represent the entire existing population. The research sample consisted of respondents and informants, namely: keujruen blang, keucik, imuem meunasah, imuem mukim, perpetrators and victims.

### 3 MAIN HEADING ANALYSIS

#### 3.1 DEFINITION OF CUSTOMARY LAW

Customary law is a set of customary/customary norms and rules that apply in an area\(^7\). Customary law is a legal system known in the social environment in Indonesia and other Asian countries such as Japan, India and China. The source is unwritten legal regulations that grow and develop and are maintained with the legal awareness of the community. Because these regulations are unwritten and grow and develop, customary law has the ability to adapt and be elastic\(^8\).

According to Prof. Mr. C. Van Vollenhoven, in his words, that Indonesian law and other people's decency, customary law and other customs are not "separated by a black line". The two types, custom and customary law, go hand in hand (two go hand in hand) and cannot be separated, but it is only possible to distinguish them as existing customs which have sanctions and do not have consequences.\(^9\).

In this context, author agrees Prof. Mr. C. Van Vollenhoven above, when examined further it will be seen that between customary law and customs do have a very

\(^6\) Isnen Fitria, Yahaya Ahmad, Faizah Ahmad, Conservation of Tangible Cultural Heritage in Indonesia: A Review Current National Criteria for Assessing Heritage Value. 2015, p. 73.
\(^8\) Ibid, p. 9.
close relationship because these customs will basically form customary law which has sanctions, and from a perspective it will function as custom unsanctioned habits.

3.2 Terms of Customary Law

The term customary law was first introduced scientifically by C. Snouck Hurgronje, in his book "De Atjehers". Customary law is a translation of the Dutch term "Adatrech", which was first used by Snouck Hourgronje. To express customary law, the terms used are various. For example, the term in the legislation is: (1) In A.B. (Algemene Bepalingen van Wetgeving = "General Provisions of Legislation") Article 11 uses the term: "Godsdienstige Wetten, Volksinstellingen en Grebuken". (Religious regulations, People's Institutions and Customs), (2) In R.R. 1854 Article 75 paragraph 3: Godsdientige Wetten, in stellengen en Gebuiken”. (Religious Rules, Institutions and Customs), (3) In I.S. (Indische Staatsregeling = Dutch state legal regulations such as the Basic Law for the Dutch East Indies) Article 128 paragraph 4: "Instellingen des Volks" (Institutions of the People), (4) In I.S. Article 131 paragraph 2, sub. B: “Met Hunne Godsdienschen en Gewoonten Samenhangende Rechts Regelen”. (Legal Rules Relating to Religions and Their Customs), and (5) In R.R. 1854 Article 78 paragraph 2: "Godssdienstige Wetten en Oude Herskomsten" (Religious Rules and Instincts).

4 HEADING OF THE SECOND ANALYSIS: THE EXISTENCE AND LEGAL BASIS FOR APPLICATION OF CUSTOMARY LAW

4.1 THE EXISTENCE OF CUSTOMARY LAW

In fact, enforcement of customary law has been in effect since ancient times in Indonesia, and as in Aceh the basis for the application of customary law is contained in various laws and regulations and qanuns which state the application of customary law in Aceh. The existence of customary law in Indonesia is still maintained and obeyed by the community. This is because Indonesian people generally live in a pluralistic society, and have their own local wisdom. Customary law in Indonesia, especially in Aceh, is the basic law for the people of Aceh, and the existence of customary law in the midst of society can truly feel a sense of justice for the community, this is because customary law is principally peaceful, peaceful, harmonious and kinship.

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In principle, the essence of legal awareness is actually the essence of the cultural system of a society, so that some argue that the cultural system is a normative system. Legal awareness is what gives rise to various systems of norms, because the essence of legal awareness is a strong desire to always live in an orderly manner\textsuperscript{12}. Likewise in Aceh, where in social life since the time of the kingdom, which has been well maintained until now there is a philosophy that reads\textsuperscript{13}: "Adat bak poe Teumeureuhom, Hukom bak Syiah Kuala, Kanun bak Putroe Phang, Reusam bak Lakseuman\textsuperscript{14}".

The customary spirit that is in line with the teachings of Islam is still lived by the people of Aceh, according to the expression namely: "Hukom ngoen Adat hanjeut cre, lagee dzat ngoen sifeut\textsuperscript{15}" (Law and custom are not divided, just as matter and nature are not divorced. The values that live in society continue to evolve with the times, which are always adhered to, respected by generation to generation as a legacy from their ancestors. Thus it is clear that, in order to uphold law and justice for the Indonesian people there is no reason for the government to uphold the values that live in society, because the main basis for the formation of Pancasila is the values, customs and culture of the Indonesian people, which reflect the personality that sublime.

Especially in Aceh, the existence of customary law from the past until now and even tomorrow cannot be denied, that customary law will still exist in the midst of the Acehnese people, both formally and empirically, because customary law is the soul of the original Acehnese nation, which is still maintained, from generation to generation, until tomorrow, where through the narrative of the maja hadihs that become a guideline for life to seek the norms of truth in order to realize justice in the Acehnese indigenous people.

4.2 LEGAL BASIS FOR THE APPLICATION OF CUSTOMARY LAW

In the previous discussion it has been explained that the enforcement of customary law in Indonesia, especially in Aceh, is legally normatively formalized in laws and regulations, so that in terms of the implementation of customary law by customary

\textsuperscript{12} Sunarjati Hartono, \textit{From inter-group law to inter-traditional law}, Bandung: Citra Aditya Bakti, 1991, p. 337
\textsuperscript{14} Hadih maja, which has been a way of life for the people of Aceh since ancient times and is still maintained as a basis for social life.
\textsuperscript{15} Hadih maja, whose existence has been maintained by the indigenous people of Aceh from the past until now, where in the view of the community, customary law likens the substance and nature of. In this case customary law is like a black eyeball with white eyes that cannot be separated from one another.
institutions it has explicit normative values. The use of customary law in the framework of resolving disputes in society proves its existence that the law that lives in society is able to position itself in the national legal system in realizing justice for society. As for the laws and regulations governing the applicability of customary law in the national legal system, namely:

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<td>The 1945 constitution</td>
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<td>Provisional Constitution of 1950</td>
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<td>Law Number 5 of 1960 concerning the Basic Agrarian Law</td>
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<td>Law Number 14 of 1970 concerning Main Provisions of Judicial Power</td>
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<td>Law Number 41 of 1999 concerning Forestry</td>
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<td>Law Number 19 of 2004 concerning Government Stipulations in lieu of Law Number 1 of 2004 concerning Amendments to Law Number 41 of 1999</td>
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<td>Law Number 44 of 1999 concerning Implementation of Aceh Privileges; Law Number 21 of 2001 concerning Special Autonomy for Aceh</td>
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<td>Law Number 22 of 2001 concerning Oil and Gas; Law Number 7 of 2004 concerning Water Resources</td>
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<td>Law Number 18 of 2004 concerning Plantations</td>
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<td>Law Number 31 of 2004 concerning Fisheries; which was amended by Law Number 45 of 2009 concerning Fisheries</td>
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<td>Law Number 32 of 2004 concerning Regional Government</td>
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<td>13</td>
<td>Law Number 12 of 2008 Amendment to Law Number 32 of 32 concerning Regional Government</td>
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<td>14</td>
<td>Law Number 11 of 2006 concerning the Government of Aceh</td>
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<td>Law Number 32 of 2009 concerning Environmental Protection and Management</td>
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Source: Prepared by the authors

Aceh which is a special region and that has been granted by the 1945 Constitution, regarding the application of customary law as contained in Law Number 11 of 2006 concerning the Government of Aceh, and regarding the recognition of customary law in Aceh can also be seen in the Aceh Qanuns which regulates customary law communities and their customary institutions, among others:

5 HEADING OF THE THIRD ANALYSIS

5.1 MEUGOE BLANG (PADDY FIELD) DISPUTE SETTLEMENT THROUGH ACEH CUSTOMARY LAW

Basically the settlement of disputes/disputes in meugoe blang (rice fields) through customary law implemented by keujruen blang in principle is deliberation/consensus by prioritizing the principle of kinship with the principle of peace. According to Teuku
Idris\textsuperscript{16}, Imuem Mukim Paroem, in principle the settlement of cases through customary law is based on the principles of kinship, harmony, peace, fairness and dignity. In customary settlements, there is no violence and coercion, so that what customary law wants to achieve can be realized. In the customary law system what is to be achieved is the principle of harmony, and in this principle of harmony there are three things that are to be achieved by customary law, among others, as follows:

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1 & The principle of harmony between the warring parties. This means that the customary law system always prioritizes the principle of brotherhood \\
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2 & The principle of harmony in society as a whole. That is, in resolving cases according to customary law what you want to achieve is peace between the conflicting parties, and peace in society as a whole because it is disturbed due to disputes that have occurred, and with this peace, peace in society will return to normal \\
\hline
3 & The principle of harmony between humans and nature. That is, customary settlement law aims to restore conditions that have been disrupted as a result of the dispute earlier. In this case, customary law heals every form of damage \\
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\caption{The principle of harmony between humans and nature}
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That is, customary settlement law aims to restore conditions that have been disrupted as a result of the dispute earlier. In this case, customary law heals every form of damage, meaning both birth and unseen. Regarding the location of the trial for the settlement of this case, it was carried out in accordance with the provisions referred to in the Aceh Qanun Number 9 of 2008 concerning the Guiding of Customary and Customary Life, in Article 14 paragraph 4 namely: at the Gampong level or another name and at the mosque at the Mukim level or other places designated by the keucik or another name and Imuem Mukim or another name\textsuperscript{17}.

The dispute resolution system is carried out by putting forward the principle of deliberation/consensus or the principle of kinship, in which victims who feel disadvantaged because their rice plants are damaged as a result of being eaten by


\textsuperscript{17} See Article 14 paragraph (4) Aceh Qanun Number 9 of 2008 concerning Fostering Traditional Life and Customs.
livestock, such as buffalo and oxen, then those who are harmed report to Keujruen Blang to request compensation and resolve the case.

After Keujruen Blang received a report from the complainant, namely the people who were harmed, Keujruen Blang, before bringing the case to the Keuchik Gampoeng for trial, first reconciled it with Keujruen Blang. If the reconciliation carried out by the keujruen blang does not produce results, then the case will be brought by the keujruen to the keucik gampong for trial. According to Mustafa Hamzah, in resolving meugoe blang (preaching) disputes/disputes through customary courts in gampong several stages are carried out, namely: Stage of receiving report by keujruen, Withhold the submission of cases by the keujruen to the keuchik, The stage of notifying the case to tuha peut by the keuchik, The stage of determining the day of trial, Examination and trial stage; and The decision-making stage and the application of sanctions.

Settlement of meugoe blang (rice fields) disputes in the Acehnese indigenous people, before the customary court judges give their decisions taken through deliberation/consensus, first examines the case correctly and fairly. Usually the problems that often arise in the meugoe blang (rice field) custom are regarding the customary fence, and threatening water problems in the rice fields. After the rice plants were planted in the fields, the keujruen blang made an announcement to the farming community to immediately complete the customary fence. If after the announcement is made there are people who do not make a traditional fence, and livestock enter the community's rice fields, then those who violate this will be given customary sanctions. The same thing will also be penalized if there are people who make threats in relation to taking water for their rice fields who do not participate in cleaning the ditches along their fields, so that they only take water after other people have cleaned it.

According to Mustafa Hamzah, if the customary fence is allowed by the owner of the customary fence then customary sanctions will be given to those who violate the customary fence. However, if the customary fence has been properly made in accordance with applicable regulations, and indeed the fault is indeed a very wild buffalo, then the customary sanction will be given to the owner of the buffalo or cattle and the owner of the livestock concerned must pay the customary penalty.

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18 Mustafa Hamzah, Former Head of village Head Village Board Meunasah Pante, Subdistrict Beutoeng, Regency Nagan Raya, Interview on Sunday July 12 2015.
6 HEADING OF THE FOURTH ANALYSIS: CUSTOM PENALTIES OR SANCTIONS AND OBSTACLES TO ENFORCEMENT OF CUSTOMARY LAW

6.1 TRADITIONAL FORMS OF PUNISHMENT OR SANCTIONS

The results of the study show that the application of customary sanctions in resolving disputes/disputes against perpetrators of customary violations of meugoe blang (rice fields) in Aceh's indigenous peoples is taken through deliberation/consensus by customary functionaries to resolve cases that occur in the rice fields in principle of peace. The forms of customary sanctions applied to the perpetrators are as follows:

6.2 REPRIMAND

A reprimand is a very mild form of customary sanction. This form of punishment or sanction can not only be imposed on perpetrators of customary violations of meugoe blang, but can also be applied to all cases of customary violations. Reprimand is one of the customary punishments or sanctions that is still valid in practice and in the Acehnese indigenous people because reprimand punishment is the lightest form of punishment in customary law, for example keujruen blang gampong gives a warning to its residents who have not repaired the traditional fence in the fields so that there are no livestock entering or destroying the community's rice plants.

6.3 PUNISHMENT OR WARNING SANCTION ACCOMPANIED BY THREATS

Punishment or customary warning sanction is a punishment that is given after being reprimanded several times to the perpetrator but the perpetrator does not heed the warning. So that traditional or community leaders sometimes often give warnings accompanied by threats to someone who has been reprimanded kindly and ignores rudely, for example by saying “nyoe, nyoe hana kapateh lagee loen peugah, meunyoe teujadi sipeu-peu kaingat keudroe kah atawa bek peugah salah gob” (this, if you don't comply as I have advised or warned, then if anything happens then you yourself are responsible or don't blame others).

6.4 APOLOGY

Apologies and shaking hands, are forms of sanctions imposed on the perpetrator to apologize to the victim for the violation he has committed which has resulted in loss or suffering to another person (the victim). Meanwhile, peumat jaroe (shaking hands) is
a form of customary sanction imposed by customary functionaries to reconnect the warring parties earlier, so that a sense of brotherhood grows as before without any hostility.

6.5 PAYING COMPENSATION

Paying a fine is a form of customary sanction that imposes a burden on the perpetrators of customary violations of meugoe blang (paddy fields) to pay compensation for the loss and suffering of other people (victims) as a result of their actions which have brought loss and suffering to the victim.

6.6 OBSTACLE ON THE IMPLEMENTATION OF CUSTOMARY LAW

The implementation of customary law is a law that is coveted by the community, the community chooses customary law as one of the laws in regulating how to live in peace, harmony and peace. However, in upholding customary law now, there are still people who do not know and care less about the existence of customary law in the midst of society, which is because today's society has been influenced by cultural values which at any time enter and are swallowed up by today's generation.

It should be understood that the recognition of the position of customary law in Aceh is now quite good, with and very supportive of the police in dealing with cases that occur in society, but in upholding customary law in Aceh must receive special attention from the government, so that the implementation of the law customs really work as they should and in accordance with the applicable laws and regulations.

Obstacles in the practice of administering gampong customary justice in Aceh by traditional institutions so far are due to several things, including the following: The community has begun to lack understanding of customary law, keujruen blang has begun to lack understanding of his duties/functions as a traditional leader, there are certain groups that do not want to accept customary law decisions, and the party affected by the punishment does not want to accept the customary decision because he thinks he is right.

Even though the implementation of customary law is now being encouraged in Aceh, there are still many shortcomings here and there, but law enforcement in the

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20 Ibid.
Acehnese indigenous people, especially in the field of meugoe blang by Keujruen Blang, is constantly being made improvements and the existence of customary law has never died within the Acehnese indigenous people. Customary law has always been practiced by the people of Indonesia, especially in Aceh, in terms of providing justice for the community, because customary law is a law that lives, grows and develops in society which is adhered to, preserved, and upheld by the value of justice from generation to generation.

6.7 SUPPORTING FACTORS MAINTAINING THE EXISTENCE OF CUSTOMARY LAW

The results of research conducted from interviews with traditional stakeholders in several villages in Aceh, expressed their views on the basis of the philosophy of the people of Aceh “Adat Deungoen Huku Lagee Zat Deungoen Sifeuet”\(^\text{21}\), meaning that it cannot be separated, customary law is the soul of the Acehnese people. According to them, the acceptance of customary law or the maintenance of customary law by the community is that customary law is in accordance with the spirit of the people and national law is not a law that lives in society and is not seen as a law that has a sense of justice, customary law is better than criminal law which is a legacy dutch colonial.

Customary law decisions are the principles of peace, harmony and peace. In relation to the application of customary law and why customary law is maintained. Badruzzaman Ismail, explained several supporting factors why customary law was maintained in the Acehnese indigenous people, including the following: The people are dissatisfied with the national law, acceptance of customary law because implementing the law is believed to be true in accordance with the values that have existed in society, The litigation process does not take long and is carried out jointly, customary law facilitates and establishes fraternal relations, clean and peaceful customary law, customary law decisions are taken jointly, low cost and not long, do not know defeat and win, customary law does not deviate from Islamic law, the police apparatus supports efforts to make customary law decisions from gampong officials, and there is no customary prison sentence\(^\text{22}\).

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\(^{21}\) Hadih maja, *Loc. Cit.*
\(^{22}\) Depth Interview with local people in terms of village, Februari 2022.
In the view of the Acehnese indigenous people, customary law is a law that is in accordance with the view of life of the Acehnese people. There is no conflict between customary law and Islamic law and it is very closely related, what is decided in customary law is solely for the sake of harmony and justice, so that people do not feel disadvantaged. The principle of customary law is the principle of kinship and prioritizing peace in living together. According to Teuku Mansur\(^2\), customary law for the people of Aceh is likened to a lamp or light for the community. In customary law, every form of incident or crime can be resolved, even in serious cases, if the parties are willing to make peace and accept it. In the Acehnese people customary law is a way of peace, and the Acehnese indigenous people choose customary law as the law in settling cases or cases that occur in society because customary law is good and clean, and customary stakeholders as decision makers in terms of deliberation/consensus, originating from the community itself which is considered authoritative and maintained its dignity.

So far, the application of customary law and customary sanctions in society against criminals has been carried out almost as optimally as possible in Aceh, and adat leaders in the gampongees have carried out their functions and authorities as they should. According to Mustafa Hamzah, and Darwilis\(^3\), so far, tuha peuetgampong, as its duties and functions are contained in Qanun Aceh Number 5 concerning Gampong Government in Chapter V in Article 31 paragraph (1) letters a, b, c, and d, Qanun Number 10 of 2008 concerning Customary Institutions, in Part Five in Article 18 letters a, b, c, d, e, f, and letter g, has carried out his duties as customary stakeholders in the gampong, and has carried out the development of customs and traditions in the Acehnese indigenous people according to his duties and functions as customary stakeholders or tuha peut gampong in society and preserving traditional life in accordance with the provisions contained in the Aceh Qanun Number 9 of 2008 concerning Fostering Customs and Customs, in Chapter III Article 3 letters a, b, c, d, e, f, g, h, i, j, k, l, and letters m, this qanun.

On the other hand, the existence of customary law among the Acehnese indigenous people is not a strange thing anymore, because long before there was a national law or Criminal Code, customary law existed in Acehnese society, and has resolved various cases. After Indonesia's independence, the existence of customary law

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\(^2\) Teuku Mansur, Interview with Imuem Mukim, Puloe Raga Settlement, Beutoeng District, on Wednesday 8 February 2023.

\(^3\) Mustafa Hamzah, and Darwilis, Interview with Head and members of the Tuha Peuet Gampong Meunasah Pante, Lhoek Seumoet Residential Area, Beutoeng District, on Sunday February 12 2023.
was no longer recognized, however, this customary law still exists in Acehnese society, and now the existence of law has actually gained a very strong position in laws, both in the 1945 Constitution as set out in Article 18B, Law Number 11 of 2006 concerning Governance, and in the Aceh qanuns which state that customary law still exists and is maintained by the people of Aceh.

Implementation and preservation of Customs and Customary law based on Islamic law in Aceh, according to Jailani, has been very good, the police and gampong officials have both supported the implementation of customary law in the indigenous peoples of Aceh, the proof of which is the issuance of the Joint Decree of the Governor of Aceh, the Head of the Aceh Regional Police and the Head of the Aceh Traditional Majlis, No. 1054/MAA/XII/2011 concerning the Implementation of Gampong and Mukim Customary Courts or Other Names in Aceh. As mentioned in the first, second, and sixth sections which say that: (1) Part One: Disputes/disputes that occur at the Gampong and Mukim level that are light in nature as referred to in Article 13, Article 14, and Article 15 of Qanun Number 9 of 2008 concerning Fostering Traditional Life and Customs must be resolved first through the Gampoeng and Mukim Customary Courts or Other Names in Aceh, (2) Part Two: Police officials provide an opportunity for any disputes/disputes as referred to in the first dictum to be resolved first through the Adat Gampong and Mukim courts or other names in Aceh, and (3) Part Sixth: Decisions from Gampong and Mukim customary courts or other names in Aceh are final and binding and cannot be submitted again to general courts or other courts.

The customary law that is currently being implemented in Aceh is a positive law for the Acehnese indigenous people because customary law can solve problems and not cause resentment. Based on research that has been carried out in the field, the mention of customary law as positive law for the Acehnese indigenous people, because customary law can make the hearts of the parties to the dispute peaceful and peaceful and foster a sense of brotherhood again. However, this is not only seen by the parties but also felt by the general public that customary law can make society as a whole feel cool and fair. In the people of Aceh there is a words, “Nyang ceukoe ta peujeureuneh-nyang masam ta peumameh” (the cloudy ones are cleaned and the sour ones are sweetened). This means,

25 Jailani Ibrahim, Interview with Imuem Meunasah, Gampong Keudee Linteung, Keudee Linteung Settlement, East Seunagan District, on Wednesday, March 8 2022.
26 Hadih maja, ancestral sayings that are conveyed as a guide to solving cases that occur in society in a good and wise manner.
for the people of Aceh, always try to make something that is bad and bad, so that it can be made good and good, in essence, this is the role of customary law in the life of the Acehnese indigenous people.

In the second part of the Joint Decree of the Governor of Aceh, the Head of the Aceh Regional Police and the Head of the Aceh Traditional Majlis, No. 1054/MAA/XII/2011, concerning the Administration of Gampong and Mukim Customary Courts or Other Names in Aceh, it is explained: Police officers provide an opportunity for any disputes/disputes as referred to in the first dictum to be resolved first through the Gampong and Mukim Traditional Courts or other names in Aceh; This means that any disputes or criminal cases that occur in society must first be resolved through customary law or customary justice in the village. With the existence of the joint decree, customary law in the midst of the Acehnese indigenous people has a stronger role, and proves that customary law is a basic need for the Acehnese people in resolving cases that occur in society, so that with these rules justice can be realized in society.

7 CONCLUSION

To conclude, it can be seen that the process of resolving meugoe blang (paddy fields) disputes through customary law carried out by the keujruen blang (customary functionaries), is carried out in several stages, namely: Stage of receiving reports by keujruen, Holding case submission by keujruen to the keuchik, the stage of notifying the case to tuha peuet by the keuchik, the stage of determining the day of the trial, the stage of examination and trial, and the stage of making a decision and imposing sanctions. Meanwhile, the forms of customary sanctions applied by the keujruen blang and keuchik gampong are reprimands, apologies and shake hands, paying compensation, and charging the perpetrators with repairing the customary fence. In the research that has been conducted, several obstacles have been found in upholding customary law in Aceh, namely: People/community's lack of understanding of customary law, The understanding of bureaucrats that have become extinct from the values of the nation's soul, Intellectuals are out of value, this means that many of our intellectuals have forgetting their own

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27 Interview with Head of the Gampong, Tuha Peuet and Keujruen Blang, on 10-25 February 2022.

28 See the second part of the Joint Decree between the Governor of Aceh, the Head of the Aceh Regional Police and the Head of the Aceh Traditional Majlis, No. 1054/MAA/XII/2011, regarding the Implementation of Gampong and Mukim Traditional Courts or Other Names in Aceh. Yang said that for every case or social dispute, the police must first provide an opportunity to be resolved through customary law or customary justice.
culture and taking other people's cultural values by forgetting our own cultural values, Customary stakeholders/tuha peut do not understand their basic duties/functions so it is difficult to enforce customary law. There is no pilot project training fund for all gampoms, Customary stakeholders are not local people people who understand customary law, there are certain groups who do not want to accept customary law decisions, and parties who are subject to punishment do not want to accept customary decisions because they think they are right. It is suggested to the government to provide training to customary stakeholders on an ongoing basis in order to understand the values contained in customary law.
REFERENCES


1945 Constitution

Law Number 44 of 1999 concerning the Implementation of Privileges for the Special Region of Aceh Province

Law Number 11 of 2006 concerning Aceh Governance

Qanun Number 9 of 2008 concerning Fostering Traditional Life and Customs

Qanun Number 10 of 2008 concerning Customary Institutions.