

Dispute Resolution Model for Granting *Hareuta Peunulang* through the Customary Court in Pidie Regency, Aceh Province

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Abstract

Hareuta peunulang is a grant of immovable property from parents to their daughters before marriage in Pidie Regency, Aceh Province. Disputes are resolved through customary court, but the settlement that should have been settled at the *mukim* level was brought to the *Mahkamah Shar'iyah*. Therefore, this study aimed to identify the causes of the *hareuta peunulang* practice disputes and find an effective and efficient model for resolving them through customary courts. Empirical juridical methods were used with data collected data through observation and interviews and analyzed using a qualitative descriptive approach. The results showed that disputes are caused by the lack of deliberation in the *hareuta peunulang* process. The social plurality of laws makes the dispute resolution model through customary courts ineffective and inefficient. Therefore, the role of the village head (*keuchik*) and head of *mukim* (*imuem mukim*) is needed to educate the community regarding customary justice procedures that should to conducted at the village (*gampong*) and *mukim* levels.

Keywords: *hareuta peunulang*; dispute resolution; customary court



Hareuta peunulang merupakan hibah berupa harta tidak bergerak yang diberikan oleh orang tua kepada anak perempuan sebelum dilangsungkan pernikahan di Kabupaten Pidie, Provinsi Aceh. Sengketa biasanya diselesaikan melalui mekanisme peradilan adat. Namun, penyelesaian sengketa adat yang seharusnya selesai pada tingkat mukim dalam kenyataannya justru dibawa ke *Mahkamah Shar'iyah*. Kajian ini bertujuan untuk mengidentifikasi penyebab munculnya sengketa pemberian *hareuta peunulang* dan menemukan model penyelesaian sengketa *hareuta peunulang* melalui peradilan adat yang lebih efektif dan efisien. Kajian ini menggunakan metode penelitian yuridis empiris. Data yang diperoleh melalui observasi dan wawancara dan dianalisis menggunakan pendekatan deskriptif kualitatif. Hasil penelitian menunjukkan bahwa kurangnya musyawarah dalam proses pemberian, menyebabkan sengketa. Kemajemukan hukum dalam masyarakat menyebabkan model penyelesaian sengketa melalui peradilan adat menjadi tidak efektif dan efisien. Perlunya peran *keuchik* (kepala desa) dan *imuem mukim* (kepala *mukim*) untuk memberikan edukasi kepada masyarakat mengenai prosedur peradilan adat yang seharusnya dilakukan secara bertahap, yaitu tingkat *gampong* (desa) dan tingkat *mukim*.

Kata Kunci: *hareuta peunulang*; model penyelesaian sengketa; peradilan adat

Introduction

Hareuta peunulang is the provision of grants to daughters by parents in the form of immovable property to show protection for women. It is a concept of customary law practiced in the community in Pidie Regency, Aceh Province. Although provisions for granting *hareuta peunulang* may not exceed 1/3 of the property, this limit is often exceeded in Pidie Regency, resulting in disputes between heirs. Disputes are usually resolved through customary courts at the village (*gampong*) and *mukim* levels in stages. When the dispute resolution at *gampong* is rejected by the parties, it is submitted to the customary court at the *mukim* level according to Article 17 of the Regulation of the Governor of Aceh Province Number 60 of 2013 concerning the Implementation of Dispute Resolution / Customary and Customary Disputes. In the case of the *hareuta peunulang* dispute settlement, parties that rejected the *gampong* customary court decision submitted their case to the *Mahkamah Shar'iyah* (*Shar'iyah* Court), not to the *mukim* customary court. However, a legal institution such as the *Mahkamah Shar'iyah* should be the last choice of the disputing parties when the settlement at the *gampong* and *mukim* customary courts is rejected by the parties.

This study focused on answering questions regarding why the *hareuta peunulang* dispute arises in the community and how they are resolved through the customary court. It aimed to identify the causes of *hareuta peunulang* disputes in the community in Pidie Regency, Aceh Province, and find a more effective and efficient model for resolving them through customary courts.

This study is important because dispute resolution through customary courts is regulated in Article 13, paragraph 2 of Aceh Qanun of Aceh Provincial Regulation Number 9 of 2008 and Article 17 of Aceh Province Governor's Regulation Number 60 of 2013. The regulation explains that dispute resolution through customary courts is conducted in *gampong* and submitted to *mukim* when the parties reject the decision of the *gampong adat* court. Furthermore, dispute resolution through customary courts is local wisdom practiced for generations, meaning it should be maintained and preserved.

Several studies have been conducted in the last ten years, such as "*Analisis Penyelesaian Hareuta Peunulang Menurut Hukum Adat dan Hukum Islam di Kota Banda Aceh*." The study examined the granting of *hareuta peunulang* to girls according to Islamic law and the dispute resolution at the *Mahkamah*

Shar'iyah of Banda Aceh City. However, Ilyas only briefly explained the dispute settlement according to customary law without discussing the resolution model through customary courts.¹ Another study was entitled “*Pelaksanaan Hareuta Peunulang Menurut Tinjauan Kompilasi Hukum Islam di Kabupaten Pidie, Aceh, Indonesia.*” It examined the implementation and legal consequences of granting *hareuta peunulang* that exceed 1/3 of the property. The study also examined customary inheritance but did not discuss the dispute resolution model through customary justice, which varies with region.² Furthermore, the study entitled “*Hareuta Peunulang: Protection of Women in Aceh According to Customs and Islamic Law*” examined the protection of women based on customary and Islamic law. It did not focus on the *hareuta peunulang* dispute resolution model.³ Another study was the “*Tinjauan Hukum Islam terhadap Praktik Hibah Hareuta Peunulang di Aceh,*” which discussed the origins of giving and *hareuta peunulang* grants in Aceh from an Islamic perspective, but did not look at the dispute resolution model.⁴ Moreover, the study entitled “*Pemberian Hareuta Peunulang di Aceh: Analisis Terhadap Pengurusan Hareuta Peunulang*” examined the factors causing disputes in granting *hareuta Peunulang* and explained the resolution mechanism with Islamic law. Although it discussed the causes of disputes, it did not describe their resolution through customary courts in Aceh.⁵ Another study was entitled “*Reinterpretation to Balance in Inheritance Distribution on Bilateral Kinship in Aceh.*” It discussed customary law and the inheritance system

¹ Ilyas Ilyas, “Analisis Penyelesaian Hareuta Peunulang Menurut Hukum Adat dan Hukum Islam di Kota Banda Aceh,” *Kanun Jurnal Ilmu Hukum* 18, no. 1 (2016): 93–107, <http://jurnal.unsyiah.ac.id/kanun/article/view/5920/4874>.

² Lulu Munirah dan Teuku Muttaqin Mansur, “Pelaksanaan Hareuta Peunulang Menurut Tinjauan Kompilasi Hukum Islam di Kabupaten Pidie, Aceh, Indonesia,” *Jurnal Ilmiah Mahasiswa: Bidang Hukum Keperdataan* 1, no. 1 (2017): 118–25, <http://www.jim.unsyiah.ac.id/perdata/article/view/8600/3610>.

³ Mohd. Kalam Daud and Rahmatul Akbar, “Hareuta Peunulang: Protection of Women in Aceh According to Customary and Islamic Law,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 4, no. 1 (June 30, 2020): 259, <https://doi.org/10.22373/sjhk.v4i1.5921>.

⁴ Munadi Usman, “Tinjauan Hukum Islam Terhadap Praktik Hibah Hareuta Peunulang di Aceh,” *Al-Hukama* 10, no. 1 (July 2020): 1–19, <https://doi.org/10.15642/alhukama.2020.10.1.1-19>.

⁵ Zaitun Muzana, Zahri Hamat, and Faisal Husen Ismail, “Pemberian Hareuta Peunulang di Aceh: Analisis Terhadap Pengurusan Hareuta Peunulang,” *Advances in Humanities and Contemporary Studies* 1, no. 1 (2020): 47–54, <https://publisher.uthm.edu.my/periodicals/index.php/ahcs/article/view/436/167>.

among the people of Pidie, North and South Aceh Regency, dispute settlement, and balance in inheritance distribution. The study explained that dispute resolution through customary courts is conducted at the *gampong* and *mukim* levels. However, it did not explain that the case is taken to *Mahkamah Shar'iyah* without going through *mukim* when the parties reject the decision of the *gampong* customary court.⁶ The study called "*Model Penyelesaian Sengketa dan Peradilan Adat di Aceh*" focused on the community's view of customary courts in Aceh and the considerations of *gampong* regarding dispute resolution models in criminal cases. It explained the dispute resolution model through the *gampong* and the *mukim* customary court. However, the study did not explain the mechanism for resolving the *hareuta peunulang* dispute when the parties rejected the decision of the *gampong* customary court. Instead, they take the case to *Mahkamah Shar'iyah* without going through the *mukim* customary court first.⁷ "*Adat Courts in Aceh, Indonesia: Review of Law*" examined the legal position, authority, and structure of the customary courts in Aceh. Although the study discussed customary justice, it did not discuss dispute resolution when the parties reject the decision of the *gampong* customary court instead of taking the case to court.⁸

Munadi Usman stated that implementing *hareuta peunulang* grants for girls has been a hereditary tradition since the Kingdom of Aceh Darussalam.⁹ Women benefit economically, socially, and psychologically from this practice of giving. This gift creates harmony, prevents divorce, and strengthens brotherhood between families based on Islamic law.¹⁰ Customary law in Aceh adheres to Islamic law because Islam influences the daily lives of the Acehnese.

⁶ M. Roem Syibly, Sidik Tono, and Amir Mu'allim, "Reinterpretation to Balance in Inheritance Distribution on Bilateral Kinship in Aceh," *Insla E-Proceedings* 3, no. 1 (2020): 706–716, <https://insla.usim.edu.my/index.php/eproceeding/article/view/64>.

⁷ Nanda Amalia, Mukhlis, and Yusrizal, "Model Penyelesaian Sengketa dan Peradilan Adat di Aceh," *Jurnal Hukum Ius Quia Iustum* 25, no. 1 (2018): 159–79, <https://doi.org/10.20885/iustum.vol25.iss1.art8>.

⁸ Teuku Muttaqin Mansur, Sulaiman, and Hasbi Ali, "Adat Court in Aceh, Indonesia: A Review of Law," *Jurnal Ilmiah Peuradeun* 8, no. 2 (2020): 423–42, <https://doi.org/10.26811/peuradeun.v8i2.443>.

⁹ Munadi Usman, "Tinjauan Hukum Islam Terhadap Praktik Hibah Hareuta Peunulang di Aceh.", 18.

¹⁰ Daud and Akbar, "Hareuta Peunulang: Protection of Women in Aceh According to Customary and Islamic Law.", 278.

Hareuta peunulang is a concept of customary law whose provisions are based on Islamic law.¹¹ However, granting of *hareuta peunulang* in Pidie Regency still contradicts Islamic law. This is because the grant should be divided equally between boys and girls and often exceeds the provision of 1/3 of the parents' assets.¹² Besides full ownership, there is no substantial difference between *hareuta peunulang* and Islam grants.¹³ Ilyas stated that boys' response to giving *hareuta peunulang* to girls was generally positive. However, it was found that boys did not accept this giving practice, which was often debated after their parents died. Boys think that their parents never gave their daughters a birthday *hareuta*.¹⁴ Therefore, these disputes could be resolved through two settlement models. The first model in *gampong* dispute resolution involves the *keuchik*, while the second model involves *tuha peut* elements of the village government.¹⁵ Based on the laws and regulations in Aceh, justice comprises the customary courts of *gampong*, *mukim*, and *laot* (sea), which consist of the *lhok* (regional) and the regency or municipal customary courts. However, the nomenclature of the judiciary as regulated in the law is still debatable because it is considered weak.¹⁶

The granting of *hareuta peunulang* often exceeds the provisions of 1/3 of the grant, and the giving process is unknown to boys, causing disputes generally resolved through customary justice mechanisms.¹⁷ However, dispute resolution between one region and the territory of other customary law communities is different. Settlement of customary disputes to be resolved at

¹¹ M. Roem Syibly, Sidik Tono, and Amir Mu'allim, "Reinterpretation to Balance in Inheritance Distribution on Bilateral Kinship in Aceh.", 714.

¹² Lulu Munirah dan Teuku Muttaqin Mansur, "Pelaksanaan Hareuta Peunulang Menurut Tinjauan Kompilasi Hukum Islam di Kabupaten Pidie, Aceh, Indonesia.", 124.

¹³ Zaitun Muzana, Zahri Hamat, and Faisal Husen Ismail, "Pemberian Hareuta Peunulang di Aceh: Analisis terhadap Pengurusan Hareuta Peunulang.", 53.

¹⁴ Ilyas, "Analisis Penyelesaian Hareuta Peunulang Menurut Hukum Adat dan Hukum Islam di Kota Banda Aceh.", 105.

¹⁵ Nanda Amalia, Mukhlis, and Yusrizal, "Model Penyelesaian Sengketa dan Peradilan Adat di Aceh.", 176.

¹⁶ Teuku Muttaqin Mansur, Sulaiman, and Hasbi Ali, "Adat Court in Aceh, Indonesia: A Review of Law.", 439.

¹⁷ Muhammad Iqbal, Azhari Yahya, and Husni Kamal, "Pola Penyelesaian Sengketa dalam Rumah Tangga Melalui Peradilan Adat Gampong di Aceh," *Jurnal Geuthèë: Penelitian Multidisiplin* 3, no. 1 (March 30, 2020): 383-92, <https://doi.org/10.52626/JG.V3I1.72>.

the *mukim* level first was brought to the *Mahkamah Shar'iyah*. This needs further investigation because customary courts in Aceh are divided into several levels based on Article 23, paragraph 2 of Aceh Qanun Number 9 of 2008 and Article 17 of the Regulation of the Governor of Aceh Province Number 60 of 2013. The first level is the *gampong* customary court. When the parties disagree with the deliberations at the *gampong* judicial level, the dispute is resolved at the *mukim* customary court.

This study used the empirical juridical method legally related to applying the law in society.¹⁸ Primary data were obtained directly from the community through observations and in-depth interviews guided by unstructured questions. The data were analyzed using a qualitative descriptive approach. The study was conducted in Pidie Regency, Aceh Province, because the *hareuta peunulang* dispute settlement through the customary court in Pidie Regency was still inefficient and ineffective.

The Concept of Giving *Hareuta Peunulang* in Pidie Regency

The practice of grants in Pidie Regency, Aceh Province, called *hareuta peunulang*, provides capital for girls to start their households. The assets given do not exceed 1/3 of the immovable property, such as yards and houses. During the handover, the parents invite the village head (*keuchik*), *imuem meunasah* (small mosque *imam*), community leaders, as well as their heirs and relatives to witness the process of giving the *hareuta peunulang*.¹⁹ Therefore, the handing over attended by traditional community leaders, heirs, and relatives is intended to avoid disputes in the future after the parents pass away.

In ancient times, the custom of giving *hareuta peunulang* did not have valid correspondence and was only given orally before witnesses. It is because the people of Aceh keep their promises, meaning they are trustworthy in giving *hareuta peunulang*. Children receiving the *peunulang* take care of their parents' gifts.²⁰ However, the giving cannot be done verbally in modern times, but it

¹⁸ Abdul Kadir Muhammad, *Hukum dan Penelitian Hukum* (Bandung: Citra Aditya Bakti, 2004). 134.

¹⁹ Munadi Usman, "Tinjauan Hukum Islam terhadap Praktik Hibah Hareuta Peunulang di Aceh.", 2-3.

²⁰ Tarmizi Ismail, "*Tuha Peut* in Riweuk Village and Mukim Kandang in Sakti District". Interview, June 14, 2021.

should be written as a correspondence signed by the person giving, receiving, and approving the repeater. The absence of correspondence may lead certain parties to take advantage of disputes between family members, especially boys.

In Pidie Regency, after a daughter marries a son, the husband or son should stay at the daughter's house or his wife.²¹ When a girl is taken away or separated from her parents' house, it is considered taboo or embarrassing for the parents. In-laws bear the husband's life to a maximum of three children, and when the first child is born and able to recite the Quran, a *peumeukleh* is carried out.²² At this event, parents tell their children what would be separated and given at that time, though the gift does not need to be given during *peumeukleh*.²³ Today, this event is no longer held because *hareuta peunulang* is only given in a family manner attended by heirs and relatives. Furthermore, the family asks the *keuchik* and *gampong* customary leaders to sign the *peunulang* grant deed.

Daughters receive houses because they take care of their parents in the future, something sons in the community understand. This custom has been practiced for generations and focuses more on giving *peunulang* to daughters, though it was also given to sons. Moreover, giving impacts inheritance in which daughters receive more than sons, though it is understood because the daughters take care of their parents.²⁴ As a result, the title *po rumoh* or house owner is given to daughters as wives in the Pidie Regency community. This title proves that women protect and nurture their offspring and the household.

Giving *hareuta peunulang* is a form of protection for women and anticipation of a wife left by her husband. It becomes capital for those not attached to their husband's assets to improve the economy with their

²¹ A. Rani Usman, *Sejarah Peradaban Aceh: Suatu Analisis Interaksionis, Integrasi dan Konflik* (Jakarta: Yayasan Obor Indonesia, 2003), 66.

²² *Peumeukleh* is separating the main kitchen from the kitchen of husband and wife, or it can be interpreted as an event in which, in the process, parents have allowed their daughter to build their household separately from them.

²³ Abdul Hadi Zakaria, "Chairman of the Majelis Adat Aceh (MAA) of Aceh Province, Interview, June 15, 2021.

²⁴ Abdul Hadi Zakaria, "Chairman of the Majelis Adat Aceh (MAA) of Aceh Province, Interview, June 15, 2021.

children.²⁵ Therefore, when death or divorce happens, the wife has a house to live in with her children, indicating that giving their daughters *hareuta peunulang* is a form of parental protection.

The Cause of the Dispute on the Distribution of *Hareuta Peunulang* in Pidie Regency

Disputes arise between individuals and groups, a combination of both, or between family members.²⁶ Giving *hareuta peunulang* is not always peaceful and fair because it also results in disputes between sons and daughters. The dispute referring to Article 13 of Aceh Qanun Number 9 of 2008 is between families related to *farā'id*. Three main causes of disputes were found in giving *hareuta peunulang* in Pidie Regency, Aceh Province.

The first cause of the dispute is the giving process carried out amicably between parents and children. The ignorance or presence of sons when giving *hareuta peunulang* and the absence of correspondence are rampant disputed issues in Pidie Regency.²⁷ Dishonesty or lack of deliberation when granting *hareuta peunulang*, which all heirs, including sons, should witness, causes future disputes. As a result, this practice conducted in a family manner without written evidence or a correspondence makes the sons aggrieved.

The second cause is the recipient of the *hareuta peunulang*. The giving that focuses on daughters creates gaps or jealousy for sons towards its implementation, resulting in disputes between them.²⁸ In this practice, daughters have always been prioritized in the Pidie Regency because people assume that sons receive a bigger share of the inheritance. Therefore, in terms of economic and justice aspects, the granting of *hareuta peunulang*, which prioritizes daughters, is a form of protection from parents.

²⁵ Daud and Akbar, "Hareuta Peunulang: Protection of Women in Aceh According to Customary and Islamic Law.", 275.

²⁶ Juwita Tarochi Boboy, Budi Santoso, and Irawati, "Penyelesaian Sengketa Pertanahan Melalui Mediasi Berdasarkan Teori Dean G. Pruitt dan Jeffrey Z. Rubin," *Notarius* 13, no. 2 (2020): 803–18, <https://doi.org/10.14710/nts.v13i2.31168>.

²⁷ Tarmizi Ismail, "Tuha Peut in Riweuk Village and Mukim Kandang in Sakti District". Interview, June 14, 2021.

²⁸ Tarmizi Ismail, "Tuha Peut in Riweuk Village and Mukim Kandang in Sakti District". Interview, June 14, 2021.

The third cause is the amount or type of giving *hareuta peunulang*. Most people in Pidie Regency give return *hareuta* in the form of immovable objects such as houses, yards, land, and rice fields. Giving a house is prioritized for daughters because they take care of their parents,²⁹ causing disputes. After marriage, not all sons have a house to live in with their family. Giving a house also exceeds the provisions of the 1/3 property grant.³⁰ They consider *hareuta peunulang* a gift for daughters by their parents. Therefore, the provisions are the same as grants in Islamic law, in which the gift should not exceed 1/3 of the grantor's total assets. It could also be withdrawn since it is given when the grantor is still alive.

Dispute Resolution through Customary Courts

The first dispute resolution is through litigation in court, followed by out-of-court cooperation.³¹ The dispute resolution through litigation in court is win-lose,³² though the parties undergo a mediation procedure. In contrast, non-litigation or outside the court is a win-win solution by upholding peace.³³ Dispute resolution through customary courts is an out-of-court process that prioritizes peace from both parties. Disputes over the granting of *hareuta peunulang* in the Pidie Regency community usually occur after the parents die,³⁴ or while still alive. Such cases are resolved through customary courts or amicably.

Customary courts are a procedure or strategy for materially defending law. Parties violating the provisions of customary law are tried by a panel of

²⁹ Zaitun Muzana, Zahri Hamat, and Faisal Husen Ismail, "Pemberian Hareuta Peunulang di Aceh: Analisis terhadap Pengurusan Hareuta Peunulang", 49.

³⁰ Tarmizi Ismail, "*Tuha Peut* in Riweuk Village and Mukim Kandang in Sakti District". Interview, June 14, 2021.

³¹ Susanti Adi Nugroho, *Manfaat Mediasi sebagai Alternatif Penyelesaian Sengketa* (Jakarta: Kencana, 2019). 1.

³² Firda Ainun Fadillah and Saskia Amalia Putri, "Alternatif Penyelesaian Sengketa dan Arbitrase (Literature Review Etika)," *JIMT: Jurnal Ilmu Manajemen Terapan 2*, no. 6 (July 21, 2021): 744–56, <https://doi.org/10.31933/JIMT.V2I6.486>.

³³ Anita Afriana, "Mediasi in Court Untuk Mewujudkan Kepastian Hukum Berdasarkan Win-Win Solution," *Jurnal Akta Yudisia 2*, no. 2 (August 13, 2017), <https://doi.org/10.35334/AY.V2I2.1548>.

³⁴ Zaitun Muzana, Zahri Hamat, and Faisal Husen Ismail, "Pemberian Hareuta Peunulang di Aceh: Analisis terhadap Pengurusan Hareuta Peunulang", 50.

customary judges.³⁵ Several cases of *hareuta peunulang* disputes were resolved through different models. Nevertheless, most resolution concepts are similar in terms of mediation and peace.

Disputes resolved amicably were conducted by the AU (late) and CU (late) families in Gampong Jojo, Mutiara Timur sub-district, Pidie Regency.³⁶ This dispute started with SF as a son demanding a *hareuta peunulang* in the form of a house similar to what the parents gave his sisters. The resolution ended peacefully in private between families without attending community or *gampong* traditional leaders. It was not brought to the customary court level because MA, as the religious and first child religious, suggested that the dispute be resolved in a closed manner attended only by the family. Also, AU (late) was respected in the village while still alive, contributing to the amicable dispute resolution.

Dispute cases that cannot be resolved amicably are brought to the *gampong* level, as carried out by the MY (late) and K (late) families in Garot Village, Indrajaya Sub-district Pidie Regency.³⁷ The dispute started with MN as a son demanding justice in giving *hareuta peunulang* to his sister, MS because he also wanted a house. MN lacked a house to live in with his family when he returned to his hometown. The resolution ended peacefully after summoning *keuchik* and *ureung tuha gampong* (respected elders). *Keuchik* and *ureung tuha gampong* understood MN that the house given to MS could be occupied when he returned home or on vacation to his hometown. This was based on MS's agreement to let her younger brother occupy one room.

Another dispute was also resolved through the *gampong* customary court by the MD (late) and A (late) families in Cempala Kuneng Village, Peukan Baro Sub-district, Pidie Regency.³⁸ The giving of *hareuta peunulang* in this family was initially peaceful, but a dispute started after MD, the father of FR and MK, died. MK, the son, disapproved of giving a house to FR, the girl. This dispute

³⁵ Teuku Muttaqin Mansur, *Hukum Adat Perkembangan dan Pembaruannya* (Banda Aceh: Syiah Kuala University Press, 2018). 206.

³⁶ HN, "Hareuta Peunulang Recipients and Disputing Parties," Interview, September 8, 2021.

³⁷ MS, "Hareuta Peunulang Recipients And Disputing Parties," Interview, September 9, 2021

³⁸ FR, "Hareuta Peunulang Recipients And Disputing Parties," Interview, September 10, 2021.

reached the *gampong* customary court level but did not end peacefully. MK, the nephew to FR, resolved the dispute amicably after the parent died.

Dispute resolution through the *gampong* customary court is conducted after the parties report to the *keuchik*. Based on Article 23, paragraph 2 of Aceh Qanun Number 9 of 2008 and Article 17 of the Aceh Province Governor Regulation Number 60 of 2013, customary courts are divided into several levels. When the *keuchik* cannot resolve the disputes in the *gampong*, the case is submitted to *imuem mukim*.³⁹ The meeting place for resolving disputes through customary courts changes according to conditions and the parties' agreement, though *keuchik*'s house is often used as the venue.⁴⁰ Also, some parties prefer the resolution to take place at the residence of the disputed person or the *meunasah*.

Gampong customary courts are a pattern of dispute resolution outside the court,⁴¹ and take place with a consensus system. This system is defined as an exchange of people's opinions regarding an issue or problem in the *gampong*.⁴² Dispute resolution at the *gampong* customary court is regulated in Qanun Number 9 of 2008 on the Guidance of Customary Life and Customs. The regulation explains *keuchik*'s authority to resolve disputes in the *gampong* and family problems. In *gampong* dispute resolution, the *keuchik* acts as a peace judge assisted by *imuem meunasah* and *tuha peut* as member judges, and the Secretary as a clerk and a member that records the ongoing customary justice processes.⁴³ Furthermore, recording the customary justice prevents possible misunderstandings in the future.

A dispute is transferred to the *mukim* customary court in case it cannot be resolved by *gampong*. *Imuem mukim* leads dispute resolution, assisted by *tuha*

³⁹ M. Roem Syibly, Sidik Tono, and Amir Mu'allim, "Reinterpretation to Balance in Inheritance Distribution on Bilateral Kinship in Aceh.", 712.

⁴⁰ Nanda Amalia, Mukhlis, and Yusrizal, "Model Penyelesaian Sengketa dan Peradilan Adat di Aceh.", 172.

⁴¹ Sulaiman Tripa, *Peradilan Gampong* (Banda Aceh: Bandar Publishing, 2019). 112.

⁴² Sulaiman Tripa, *Rekonstruksi Pemerintahan Gampong* (Banda Aceh: Bandar Publishing, 2019). 13.

⁴³ Airi Safrijal, *Hukum Adat dalam Perspektif Hukum Nasional* (Banda Aceh: FH UNMUHA Press, 2016). 141.

lapan and *imuem chik* as advisors with religious expertise.⁴⁴ The *mukim* customary court is also called the customary appeal court,⁴⁵ whose judicial mechanism is implemented after the parties have deliberated but disagreed at the *gampong* level. Therefore, it is permissible to proceed with the case by filing an appeal to the *mukim* customary court, the second level after *gampong*.

Article 18 paragraph (1) of the Aceh Province Governor Regulation Number 60 of 2013 states that the customary court decision is peaceful and binding. However, the decision is binding when accepted by the disputing parties and becomes revoked when rejected.⁴⁶ This binding decision applies to all levels of customary courts in Aceh. The parties proceed to the *Mahkamah Shar'iyah* when they reject the decision to resolve the dispute through the *gampong* or *mukim* customary court.

The *hareuta peunulang* dispute case that could not be resolved through the *gampong* customary court was brought to the Sigli *Shar'iyah* Court. Table 1 shows three cases of lawsuits by sons against giving *hareuta peunulang* to daughters during 2019-2021 at the Sigli *Shar'iyah* Court:

Table 1. The case of the *hareuta peunulang* dispute, in which the male party sued at the Sigli *Shar'iyah* Court

No	Case Number	Year
1	No. 446/Pdt/2019/MS.Sgi	2019
2	No. 356/Pdt.G/2020/MS.Sgi	2020
3	No. 108/Pdt.G/2021/MS.Sgi	2021

Source: Directory of Indonesian Supreme Court Decisions

The three cases conducted dispute resolution amicably or deliberately through the *ureung tuha gampong* party. However, no results were obtained, and the case had to undergo the legal procedure through the judiciary or Sigli *Shar'iyah* Court of Pidie Regency.

⁴⁴ Airi Safrijal. 141-146.

⁴⁵ Teuku Muttaqin Mansur, Sulaiman, and Hasbi Ali, "Adat Court in Aceh, Indonesia: A Review of Law.", 433.

⁴⁶ Airi Safrijal, *Hukum Adat dalam Perspektif Hukum Nasional*. 136.

Case No. 446/Pdt/2019/MS.Sgi was declared partially granted. The division procedure was completed by the provisions of the inheritance share in Islamic law, and sons received 2:1 of the daughters' share. Case No. 356/Pdt.G/2020/MS.Sgi was rejected by the Panel of Judges, and the assets given to each disputing party remained as property rights. Moreover, case No.108/Pdt.G/2021/MS.Sgi was settled amicably by signing the Peace Deed, with mediation carried out three times for two weeks.

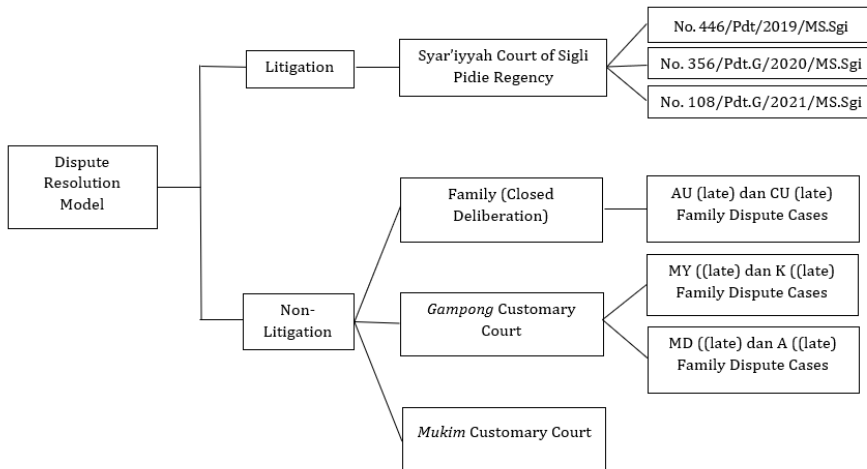


Figure 1: *Hareuta Peunulang* Dispute Resolution Model in Pidie Regency, Aceh Province

There are differences in giving *hareuta peunulang* in Pidie Regency, as described in Figure 1. The practice takes place peacefully and prioritizes justice. This was practiced by the RI Family (late) and KY in Jurong Baro Village, Glumpang Baro Sub-District, Pidie Regency,⁴⁷ the MI (late) and SA families in Jurong Baro Village.⁴⁸ Also, IB (late) and AS (late) families in Gampong Labui, Pidie Sub-District, Pidie Regency⁴⁹ gave *hareuta peunulang* fairly and peacefully, meaning that disputes could be avoided. However, several disputes in Pidie Regency were resolved with different models,

⁴⁷ KY, "Giver of Hareuta Peunulang," Interview, May 3, 2021

⁴⁸ SA, "Giver of Hareuta Peunulang," Interview, June 22, 2021

⁴⁹ AM, "Hareuta Peunulang Recipients," Interview, June 23, 2021

including amicably (closed), through customary courts at the *gampong* and *mukim* levels, and at the *Mahkamah Shar'iyah*.

The complexity of law problems related to society could be explained by their diversity.⁵⁰ In resolving *hareuta peunulang* disputes, the diversity of laws makes customary courts ineffective and inefficient, as some people doubt the legal certainty of justice. This means regulations related to customary justice in Aceh are considered weak. Therefore, the court as a legal institution is an option when a dispute cannot be resolved by customary deliberation.

Conclusion

Not all implementations of giving *hareuta peunulang* are peaceful, as seen by disputes in the Pidie Regency community. The causes of disputes include the lack of deliberation during the giving process, where boys are ignorant. Also, the giving of *hareuta peunulang* prioritizes girls, and the house given exceeds a 1/3 of the property grant.

Through customary courts, the dispute resolution models are divided into the *gampong* and *mukim* levels. Disputes that cannot be resolved at *gampong* are brought to the *mukim* level. At the *gampong* level, the resolution was led by *keuchik*, assisted by *imuem meunasah*, *tuha peut*, and the Secretary. The dispute resolution at the *mukim* level was led by *mukim*, assisted by *tuha lapan* and *imuem chik*. Customary courts are binding and peaceful. However, the decision is binding only when accepted by the disputing parties. Some cases of *hareuta peunulang* dispute resolution at the *gampong* customary court rejected by the parties were submitted to the *Mahkamah Shar'iyah* instead of *mukim*. This is because the systematic dispute resolution through customary courts was not ineffective and inefficient. Additionally, social and legal pluralism makes people reluctant to settle their cases through customary courts.

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