

Theory And Practice Of Mediation In The Indigenous Peoples Of Aceh

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Abstract

This paper discusses the theory and practice of mediation in the indigenous peoples of Aceh, which is known to have a dispute resolution system based on deliberation and kinship. This study uses a qualitative approach to the method of literature study and observation of mediation practices in several villages in Aceh. It was found that customary mediation practices in Aceh not only promote conflict resolution, but also restore social relations. This local wisdom has historically grown out of the social structure of Acehnese society and has a meeting point with the national legal system, especially in the settlement of civil and minor criminal cases. This article also examines the challenges of harmonization between customary law and national law.

Keywords: Mediation, customary law, Indigenous peoples of Aceh, dispute resolution, national law

1. INTRODUCTION

Aceh as a special region and has a specificity in the Indonesian national legal system is known for its rich cultural heritage, including the customary law system that is closely integrated with Islamic values. The Acehnese customary law system not only serves as a cultural heritage, but also as a living system (living law) that is actually carried out by the community in everyday life. In the context of dispute resolution, the indigenous people of Aceh have known and implemented mediation mechanisms for generations as the main way to maintain social harmony (Anwar, 2023).

In the midst of the current modernization and penetration of national laws that are increasingly strong, mediation as part of Alternative Dispute Resolution (ADR) finds its relevance again. The state even encourages out-of-court dispute resolution as a measure of efficiency and social justice. However, mediation in the Acehnese customary law community has distinctive features that distinguish it from conventional mediation. It is framed by local wisdom, traditional social structures and religious values that are firmly embedded in the fabric of people's lives (M. Fadly, 2024).

This paper aims to explore in depth the theory and practice of mediation in the indigenous peoples of Aceh, how the history and social

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structure gave birth to a distinctive mediation system, as well as the extent to which this practice interacts and intersects with the national legal system. With a multidisciplinary approach, this study is expected to strengthen the understanding of legal pluralism in Indonesia and the importance of maintaining local values in dispute resolution.

2. RESEARCH METHOD

This study uses a qualitative approach with descriptive analytical methods. The main objective of this approach is to understand the meaning, structure, and process of mediation in the indigenous peoples of Aceh through the perspective of the perpetrators (Ariman Sitompul, 2022). Data collection was conducted through literature and documentation studies: secondary data sources came from laws and regulations such as the Aceh Qanun, law No. 11 of 2006, documents on the results of adat mediation, as well as the latest academic literature (2023-2025) on adat law and mediation. Data analysis is done through data reduction, thematic categorization, and source triangulation to ensure the validity of the data (Maswandi, Ariman Sitomopul, 2024) The results are presented in the form of an analytical narrative that illustrates the complexity of mediation in the indigenous peoples of Aceh.

3. RESULT AND ANALYSIS

A. History Of The Indigenous People Of Aceh

The history of the Indigenous people of Aceh is an integral part of the history of the Sultanate of Aceh Darussalam which ruled since the 16th century. This Sultanate made Islam the basis of government and social system. In this context, adat and Shari'a go hand in hand in a principle known as "Adat bak Po Teumeureuhom, Syara' bak Syedara". This principle indicates that the King governs the affairs of the world by custom, while the clergy become a reference in religious matters (Sari, 2023).

The structure of Acehnese society has long known the division of the region into mukims and villages. The Gampong is the smallest and most fundamental unit in the structure of Acehnese society, where customary law is enforced. Each village is led by a keuchik and assisted by other traditional institutions such as imum mukim (religious leader), tuha peut (traditional advisor), and traditional leaders (teungku or local ulama). This structure forms a cohesive social system and allows solving problems internally through deliberation and consensus. With strong Islamic values and a solid social structure, Acehnese have developed their own dispute resolution mechanisms based on communal Justice. This became the basis for the emergence of an indigenous mediation system that lives and develops to this day.

B. The Formation Of The Acehese Customary Law Society

Acehnese customary law society is formed from a dynamic interaction between local values, Islam, and social practices that take place from generation to generation. The existence of these Indigenous Peoples received formal recognition from the state through legislation, especially after the reform and implementation of special autonomy for Aceh. UU No. 11 of 2006 on the Government of Aceh provides a very wide scope for the implementation of customs, including the settlement of customs matters by the customs board. At the local level, Qanun Aceh No. 9 of 2008 became the legal basis for the implementation of the adat system and established a formal adat institutional structure at the village level to the district/city.

Structurally, the Acehese customary law community consists of: Keuchik: village leader as well as the main mediator. Lord Peut: Indigenous Advisory Board and collective decision maker. Imum Mukim: a religious figure who gives religious views in resolving matters. Tengku and Teungku Imum: local scholars who are often asked for fatwas or advice. This institution functions not only as a customary policy maker, but also as an executor of customary law in conflict resolution. They work on the basis of social legitimacy, not a mere legal formality of the state.

C. Mediation Theory In The Indigenous Peoples Of Aceh

Aceh customary mediation is based on the theory of restorative justice and legal theory of life in society (Hasbi, 2025):

- a) Restorative justice theory emphasizes the healing of relationships and the restoration of social balance after the occurrence of an offense. The main focus is not on sanctions, but on improvement and peace. In the context of Aceh, this principle is manifested in the form of *islah* (peace) and *meudame* (reconciliation).
- b) The Theory Of Law as a social system (Living Law) by Eugen Ehrlich states that living laws in society are more effective than written laws. Acehese customary law is a vivid example of living law because it is carried out by the community consistently, although it is not always written or formalized.

Aceh traditional mediation also relies on Islamic values such as: *deliberation* (Shura): all parties are given space to express views, *Sulh* (peace): efforts to reconcile the warring parties are seen as noble deeds and *Ukhuwah*: promoting *silaturrahmi* and brotherhood. Thus, the theory of mediation in Acehese customary law society is a synthesis between sociological approaches, Islamic law, and the principle of locality.

D. Mediation Practices Within The Indigenous Peoples Of Aceh

The customary mediation process in Aceh generally begins with a report from one of the parties to the keuchik. Keuchik then invites all parties involved, including witnesses or community leaders if necessary.

Mediation is usually done in meunasah or Balai gampong to be open but still maintain confidentiality.

General stages of Aceh customary mediation:

- a) Complaint: one of the parties reports to keuchik.
- b) Summoning and initial consultation: Keuchik and tuha peut had an initial discussion.
- c) Note to self: all parties are present. Given a chance to talk.
- d) Advice and consideration of traditional leaders: delivered wisely.
- e) Peace agreement: if reached, set forth in the minutes.
- f) Peusijuek: symbolic Ritual of cleansing the heart and blessing over peace.

Typical cases are resolved: family disputes, land boundaries, debts, slander, defamation and showdowns between neighbors. The result of mediation is final in a social perspective, although it does not always have formal legal force. The success of adat mediation is highly dependent on the moral capacity of the mediator, the strength of the social legitimacy of adat institutions, as well as the commitment of the parties to the dispute.

E. The Intersection Of Acehnese Customary Dispute Settlement And Indonesian National Law.

In practice, not all customary resolved disputes go unchallenged. When conflicts involve serious crimes, national laws often take over (sabela gayo, 2025). This shows the existence of jurisdictional boundaries that have not been fully synchronized between customary law and state law. However, within the framework of legal pluralism, Indonesia recognizes the existence of customary law to the extent that it does not conflict with the principles of the Constitution and human rights (Sabela Gayo, 2023). Aceh Qanun emphasizes the role of customary law, but implementation in the field is still facing:

- a) Lack of harmonization of technical rules.
- b) Ignorance of law enforcement officers to customary mechanisms.
- c) The absence of a standard procedure for recognition of the results of customary mediation in court.

Even so, there are collaborative initiatives such as restorative justice that have been developed by the Indonesian National Police and Attorney General's office that provide space for community-based solutions, including the results of adat mediation. For this reason, in the future, it is necessary to build a legal bridge between customary institutions and formal legal institutions so that customary mediation is not only socially valid but also recognized in formal law, for the sake of Justice rooted in local values.

4. CONCLUSION

Mediation in the indigenous peoples of Aceh is a conflict resolution mechanism that is full of cultural values, religious, and local wisdom. It is carried out through a strong social structure and acquires legitimacy from

society. Principles such as deliberation, restorative justice, and respect for Peace make customary mediation more than just dispute resolution is part of efforts to maintain social order and community harmony. Traditional Acehese mediation has proven effective in resolving a wide range of social issues beyond the reach of the formal legal system. However, the sustainability and strengthening of this system requires recognition and integration with the national legal system so that the results of adat mediation are not only socially strong, but also legally valid.

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