

## The Role of the *Sarak Opat* in Resolving Minor Crimes

Suhartini<sup>1</sup>, Achmad Surya<sup>2</sup>

<sup>1</sup>*Sekolah Tinggi Ilmu Hukum Muhammadiyah Takengon, Aceh, Indonesia*

<sup>2</sup>*Faculty of Social and Political Sciences, Universitas Gajah Putih, Aceh, Indonesia*

\*Corresponding Author: [suhartini.gayo@gmail.com](mailto:suhartini.gayo@gmail.com)

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### ABSTRACT

*The Sarak Opat as one of the customary institutions in Aceh have been authorized to settle disputes of minor cases at the village level in Central Aceh, Aceh, Indonesia. This is guaranteed by the applicable laws and regulations. However, the practice of resolving minor cases is currently delegated to the judiciary. Therefore, this study was a legal empirical or sociological research to analyze primary and secondary data in Central Aceh Regency. Data collection method employed were direct interviews with selected informants, and the collected data were processed in qualitative analysis method. The results showed that the role of the Sarak Opat customary institution in resolving minor cases in the Gayo community in Central Aceh has a strong legal basis as mandated by various national and regional legal policies. Subsequently, the customary institution has two considerations in delegating minor criminal cases to the judiciary. First, the litigants are dissatisfied with the sanctions decided by Sarak Opat. Second, the officials of Sarak Opat lack understanding of their authority as a customary justice institution.*

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## 1. Introduction

According to Article 18B Paragraph 2 of the 1945 Constitution, the state respects customary law community units, provided they are in line with the development and the principles of the law. This indicates that the state respects and protects the rights and lifestyle norms of the indigenous people (Judiasih & Fakhriah, 2018). The state provides recognition and respect for customary law community units under the requirements as stated in the aforementioned provisions, namely it should fulfill the criterias that it is: (a) alive, (b) in line with the development of society, (c) in line with the principles of the Republic of Indonesia, and (d) in line with the regulation in the applicable laws and regulations (Hammar, 2018).

Christine G. Schenk reported a similar finding, where Islamic and customary law has been integrated with the state in Indonesian society. In Aceh, Islamic and customary law are closely intertwined (Schenk, 2018). Therefore, customary law and its position in the national legal system cannot be denied even though it is not written down. The customary law possessed by each region is different from one another, although the basis and nature are one.

The legal system of the Indonesia acknowledges the existence of legal pluralism. (Sumardi et al., 2021) A valid law is promulgated by the authority in a given society, from which derived various laws such as customary law and Islamic law (Siregar, 2008). Also provided in the explanation above, Christine G. Schenk stated that, Islamic and customary law has been integrated with the state in Indonesian society and especially in Aceh's case where Islamic and customary law are closely intertwined (Schenk, 2018).

The relationship between adat and Islamic law in Aceh is known as "*hukom ngeun adat lagee zat ngeun sifet*". This is almost similar to what is known in Minangkabau as "*adat basandi syara', syara' basandi kitabullah*". Generally, it means that Islam and adat are inseparable, and indeed acceptance of adat is considered as part of local religious tradition (Adhani, 2019). Therefore, customary law and its position in the national legal system cannot be denied even though it is not written down. The customary law possessed by each region is different from one another, although the basis and nature are one.

Each region has its characteristic customary law, which differs from one another. Some are very close to Islamic law, and others still adhere to animism with varying degree of influence. (Arliman, 2018). Some adhere to patrilineal and matrilineal systems, but others apply the parental system. (Judiasih & Fakhriah, 2018). Customary law has formed into an inseparable institution of a given community, where, in the face of adversity, members of customary communities turn to their families for discussion and resolution.

Each region's customary law includes distinctive characteristics, such as a procedure for resolving disputes and crimes. In some regions, said process is still recognized and used to facilitate access to justice. (Rochaeti & Sutanti, 2018). In customary communities throughout Indonesia, disputes have long been resolved by deliberation and consensus through institutions such as village or customary courts. These institutions' judges are in many cases customary and religious figures (Triana, 2019). In addition to the power to maintain peace, the authority also includes the ability to arbitrate conflicts in all areas of which encompasses criminal, civil, public, and other categories (Surya & Suhartini, 2019).

According to Fitriati, informal institutions as described above are more open and give a sense of immediacy in its practice. This approach is deemed "safer" than bribes and kickbacks by the community. This is due to the assessment and decision-making process including the entire community, its figures, and traditional authorities. (Fitriati, 2017).

For instance, in the *Karo Batak* community of Tapanuli, *runggun adat* is a village consultative body that helps manage and settle issues. *Di'iet*, *sayam*, *suloh*, and *peumat jaroe* are a few of the local philosophies prevalent in Aceh for resolving disagreements within the community. Additionally, Bali has a peacekeeping institution called *muditha kertas sabha* or *kertha dese*. The *saniri negeri* and *saniri raja putih* are customary institutions in Maluku that are noted for resolving conflicts. (Haq et al., 2019).

In Aceh, the customary institution is conducted through the embodiment of *pageu gampong* (literal translation: village fence or village protector) adage (Azwir et al., 2017). Solving cases through customary justice in Aceh has always been the main basis for the principles of justice and harmony. This is manifested in the *hadih maja*: "yang

*rayek ta peu ubeuet dan yang ubeuet ta peugadoeh*" (the big ones are reduced and the small ones are eliminated), implying that every incident in society must be capable of being washed without leaving stains. (Yusrizal, et al., 2019). *Tuha Peut*, as it is called serves as a medium for customary justice in Aceh. However, they have different names in several areas, including Aceh Tamiang with *Duduk Setikar Sekampung*, and Central Aceh Regency with *Sarak Opat* (Mawar, 2021).

The authority of traditional institutions in the settlement of minor criminal offenses or disputes in Aceh is emboldened with the support of Indonesia's Law No. 11/2006 concerning the Government of Aceh, through Qanun of Aceh No. 9/2008 concerning the development of Customary Life and Customs; Qanun of Aceh No.10/2008 concerning Customary Institutions; and the Regulation of Aceh Governor No. 60/2013 concerning the Implementation of Customary Dispute Resolution. This is further strengthened by the issuance of a Joint Decree of the Governor of Aceh, the Head of the Aceh Regional Police, and the Chair of the Aceh Customary Council No. 189/677/2011, No. 1054/MAA/XII/2011, and No. B/121/I/2012 concerning the Implementation of Customary Courts in the Level of *Gampong, Mukim*, or the Equivalent (Mansur, et al., 2020).

Disputes or cases that customary institutions can resolve are disputes within the household, citizens, *khalwat* (immoral cases), theft in the family, minor theft, farm animal theft, minor abuse, forest fires, harassment, slander, incitement, defamation, and the act of threatening. However, in practice, researchers found several cases such as domestic disputes, livestock theft, and minor maltreatment were resolved by law enforcement officials or resolved through formal justice. This is contrary to the mandate of Article 13 paragraph (3) of Qanun Aceh Number 9 of 2008 concerning Fostering Custom, which states that law enforcement officials provide an opportunity for disputes to be resolved in a customary manner in *Kampung* or other equivalent administrative level.

The study encountered several cases, such as domestic disputes, petty thefts, minor battery, and assaults. Minor disputes between residents were resolved by law enforcement officers or resolved through formal courts. Therefore, *Sarak Opat* in resolving minor crimes has not been effective. Some people are more likely to settle disputes through formal institutions, such as the police and district courts.

Based on the condition illustrated above, the formulated research questions for this study are: (1) How is the role of the *Sarak Opat* in resolving minor crimes? (2) What are the considerations of the *Sarak Opat* in delegating minor criminal cases to the judiciary?

## 2. Method

This study was conducted in Central Aceh, Aceh, Indonesia. It analyzed primary data by interviewing directly in the field with related parties, namely the *Sarak Opat* element in Central Aceh Regency, *Gayo* Traditional Council, Central Aceh Regency, and the Central Aceh Resort Police. In contrast, secondary data was obtained from legal materials consisting of legal materials of a binding nature, in the form of Law Number 11 of 2006 concerning the Government of Aceh, Aceh Qanun Number 9 of 2008 concerning Guidance of Customary Life and Customs, Aceh Qanun Number 10 of 2008 concerning Customary Institutions, Central Aceh District Qanun Number 10 of 2002 concerning *Gayo* Customary Law, Aceh Governor Regulation Number 60 of 2013

concerning Implementation of Customary and Customary Dispute Resolution/Disputes. Furthermore, secondary legal materials are needed in the form of books, scientific works and seminar results relevant to this research. Tertiary or supporting legal materials provide instructions and explanations of primary and secondary data, such as general dictionaries, legal dictionaries, scientific magazines and journals, as well as materials outside the legal field that are relevant and can be used to complement data needed in research. Data collection techniques are carried out by 1). Observation is collecting required data by directly observing the object, 2). Interviews, namely conducting direct questionnaires to respondents with structured questions related to problems, and 3). Literature review to complete the data needed. Furthermore, the collected data will be analyzed descriptively and qualitatively. An overview or explanation of the research object was provided using sentences to explain the relationship between existing theories and the reality in the field (Bachtiar & Fitriani, 2017).

### 3. Discussion and Analysis

#### 3.1 The Role of the *Sarak Opat* in the Settlement of Minor Criminal Cases

In the Indonesian legal system, customary law is referred to as unwritten law which is different from the usual and common understanding in which laws are written – the written law. The difference lies in that written law is made in a way that it is set in stone and therefore difficult to changes. Without changes, the law made cannot reflects the society. As the culmination of human civilization, customary law arose from the desire of humans to live in an equitable and civilized manner (Samosir, 2013). It is the original law that lives and applies to the people and has characteristics of the nation's culture (Surya & Basri, 2020). According to Martitah, The legal system in Indonesia is strongly influenced by adat law as well. Adat law is said to be demonstrated, without writing, by the customs of the community. As a result, it becomes a living law, and the community maintains harmony within themselves, with others, and with nature. (Martitah et al., 2021).

The implementation of customary law in Indonesia is very diverse. Each region has its respective customary law that differs from one and another. For example, the Gayo community in Central Aceh possesses specific laws for managing their lives. The institution authorized to resolve, investigate, and impose sanctions on disputes or cases in the *Gayo* community is *Sarak Opat*. This institution consists of *sarak* meaning a place, area, or village environment preserved for its dignity.

The latter, the *opat* refers to the four integrated elements or potentials of a community obliged to maintain the dignity, these four elements or potentials of the community are the *Reje*, *Imem*, *Petue*, and *Rakyat*. These aspects should collaborate in governance to foster the community, manage and plan growth, maintain justice, preserve security and order, and fulfill the needs of the populace. (Zulkarnain & Akbar, 2018). *Sarak Opat* has existed since the *Gayo* community first settled in Indonesia, and this customary institution is still preserved, utilized, maintained, and empowered in line with prevailing national law. This is because this customary institution is a place to accommodate the aspirations of the *Gayo* community and to be a forum for deliberation on customs-related matters. (Syukri, 2006).

According to Judge Aman Pinan quoted by Valentina Shanty, the background for the emergence of *Sarak Opat* as an internal institution cannot be separated from its distinctive customs and culture. They live closely related to their ancestors, holding their customs as role models, guidelines, and laws. Therefore, to maintain, protect, exercise, and enforce these cultural customs in all aspects of life, the *Gayo* community created this institution called *Sarak Opat* (Shanty et al., 2018).

Furthermore, the elements of *Sarak Opat* are *Reje*, *Imem*, *Petue*, and *Rakyat* (also referred to as *Sudere*) has roles that is no less important than the other with a clear division of tasks. The *Reje* has the function to upholding and maintaining justice in leading the people; *Imem* implements the Syari'ah of Islam; *Petue* investigates and examines the state of the people (Syukri et al., 2019).

In Central Aceh Regency, the authority of *Sarak Opat* to settle disputes at the village administrative level is regulated on Article 9 Paragraph 2(b) of Qanun of Central Aceh Regency No. 10/2002 concerning Gayo Customary Law, which states that *Sarak Opat* has the task of resolving disputes based on customary law, customs, and habits. It is strengthened by the Joint Decree by the Regent of Central Aceh, the Head of People's Representative Council of Central Aceh, the Head of the Regional Police Headquarter of Central Aceh, and the Chief of Aceh Traditional Council of Central Aceh No. 373/2008, No. 320/DPRK/2008, No. B/810/2008, and No. 110/MAA/V/2008 concerning Agreements for Settlement of Minor Criminal Cases through the Village Customary Court.

In Aceh, disputes or cases that *Sarak Opat* can resolve are within the household, between citizens, *khalwat* (immorality), minor theft, petit larceny, (grand) larceny of livestock, minor battery/assault, domestic abuse, forest arson, harassment, libel, incitement, defamation, and the threat. Based on an interview with M. Joni as a Member of the Gayo Customary Council, in principle the Gayo community in Central Aceh, some actions that are prohibited is referred to as "*Kemalun ni Edet*" (Indigenous Abstinence), which are customary criminal acts. Meanwhile, "self-esteem" that should be maintained, practiced, and enforced, are (Syam, 2019):

1. Humiliation (*nahma teraku*): all actions that cause feelings of displeasure or discomfort that degrade human dignity.
2. Theft (*belang terpancang/diniye terlangis*): the crime of theft such as minor theft, theft committed by underage people, and farm animal theft.
3. Girl kidnapping (*malu tertawan*): women in the Gayo community are placed in a high position and after their birth they are declared as *anak niedet*. These children are treated as princess protected by law and should not be disturbed. Whoever abducts a girl, the parents have the right to defend her under the authority of customary law (*nahma taraku*). The parents are in this case are authorized by the customs to defend this right with extreme measure, including murdering the perpetrator when this offense is not reported to the village chief. This authorization is not limited to people inside of Gayo community, person of foreign nature to Gayo territory is liable for the measures above from the girl's family without repercussions.
4. *Bela Mutan*: domestic disputes resulting from defense from libel of parties involved.
5. Adultery (*sumang*) consists of



- a. *Roba*: adultery committed by people living in the same village.
- b. *Mengeroba*: adultery committed by people from different villages.
- c. *Angkara*: immodesty and/or adultery with someone from the same village.
- d. *Masukkara*: immodesty and/or adultery with someone from other village.

*Kemalun Edet* or *madu opat* as described above, are a set of actions that is strictly prohibited or, they are a set of serious customary crimes (*pantang ni edet*) that applies to the Gayo community, because this act can cause great disgrace and/or shame to society. Should the actions as listed above occurs, perpetrators will be subject to customary sanctions, namely by paying with livestock (e.g. goats, sheep, etc.) with typical husbandry equipment, in addition with other sanctions in accordance with the adjudication among traditional leaders when solving these occurrences.

In addition to the customary prohibitions mentioned above, there are 6 (six) other traits that are not commendable according to Gayo customs, namely:

- 1) *Terjah* is insolence towards provisions/regulations and general rude behavior.
- 2) *Empah* is harsh, unpleasant, and arrogant behaviour, typically in vocal interaction with others.
- 3) *Keliling* is a behavior involving gossip and talking about other people's weaknesses and actions.
- 4) *Juge* is the activities of someone who always notifies others or the public about his good services, such as helping people or giving alms to a mosque, or other good deeds, in the hope of reciprocity.
- 5) *Tongak*, narcissistic behavior as in a person who always desire to win because said person possess individual believe on being the best at everything, and
- 6) *Tongan (Tonga)* is someone who offers unsolicited visits other homes or places without invitation or clear need. People of these statures ignore their obligations and are more concerned with the life of others.

*Gayo* customary law plays an essential role in establishing people's lives that are secure, safe, and peaceful. One of the ways to maintain balance in communities is to impose sanctions on parties that disturb this balance. Sanctions have their characteristics and are different from the application of sanctions in other regions. They recover the balance affected by the committed offense and create peace and harmony in society (Thani & Syahrin, 2018). M. Jusin Saleh, one of the *Gayo* traditional figures, stated that the forms of punishment or customary sanctions in resolving disputes in the *Gayo* community are as follows:

- 1) *Rujuk, Ma'as, Diet, and Bela*

*Rujuk, Ma-as, Diet, and Bela*, are customary sanctions known as *bele opat*, which are explained as follows: (a) *Rujuk* comes from the Arabic "*ruju*", which denotes to resolve disputes wisely among disputing parties. Therefore, they subjugate themselves and asked the other party to arbitrate their problems. (b) *Ma-as* is a problem that occurs between two or more parties, and each party feels guilty and is carried out with mutual forgiveness. (c) *Diet* or *dene* is a fine imposed on person(s) who are found guilty. The parties are required to pay fines to the victim or the family under customary provisions. (d) *Bela* in Islamic law is called *qishash*, which

is a punishment commensurate with the consequences of actions. For example, when the victim dies, the perpetrator should be killed.

2) *Bersih Lante*

This *bersih lante* sanction (village cleaning) is a fine in the form of financial sanction given to perpetrators who commit *sumang* acts. Therefore, *sumang* actors are obliged to clean or wash the *tete* or *lante* (village cleaning), so that the community and the village where *sumang* revert to a state of holiness and clean.

3) *Rayoh Berpeniri, Luke Bersalin, Kemung Berpenempu*

This sanction is given to the perpetrators or their families in fights by paying *diet* of *rayoh beganti* which denotes "when the incident causes serious injuries, the perpetrator is expected to slaughter livestock". *Luke Bersalin* implies "to change clothes stained with blood with new clothes". While *kemung bepenempu* signifies "to treat injured or swollen organs".

4) *Gere Genapi*

When someone causes general discomfort (*hana si iejeri gere pengene*), *Sarak Opat* and the village community may decide to ostracize and not include the person in any social activities or events of the village.

5) *Parak*

When someone marries a person from the same village, they will be given a sanction in the form of *parak*, namely being exiled for a maximum of 2 years by leaving the village. After 2 years, they may return to the condition that they have to slaughter a buffalo as the highest fine.

6) *Jeret Naru*

In a dispute that is contrary to religious provisions, the perpetrators will be exiled from the village for the rest of their life and are considered customarily dead. An example of such cases is the marriage between people who have the same parents.

7) *Serlut*

This sanction is given to the government actors, such as the officials of *Sarak Opat* who commit a disgraceful act, and their position is forcibly revoked.

8) *Unuh*

*Unuh* (the death penalty) can only be implemented if religion allows the perpetrator to be killed because of their mistake. In this death penalty, there should be no bloodshed at all (*sarah rayoh epe enti tarengi denuie*). There are several ways to implement this death penalty, namely (a) *cengkek* (the death penalty by strangulation), (b) *dedok* or the death penalty by submerging the head in the water, and (c) *kerusung, baden ne ibaluten urum olong nye i siut* or the death penalty of immolation in which before the immolation the body is wrapped in dry banana leaves.

Based on the explanation above, it can be concluded that the implementation of dispute settlement through customary institutions has a strong legal basis in the aforementioned *Qanun* of Central Aceh Regency No. 10/2002 concerning *Gayo*

Customary Law. Teuku Muttaqin Mansur et al., opined that traditional justice in Aceh has a formally strong position because it has been recognized in the legal system. In addition, with the existence of the previously mentioned laws and *Qanun*, it can be concluded that the presence of customary law in the material and formal sense (customary justice) can be said to have been placed in a positive (formal) legal system (Mansur et al., 2020). This shows that the customary law and institutions will eventually lead to formal legislation. Minor criminal cases that the *Sarak Opat* traditional institution successfully resolved during the years 2021-2022 can be seen in the table below:

**Table 1**

*Number of Petty Crimes Settled by Sarak Opat, 2021-2022*

Case Type	Number of Cases	
	Solved by <i>Sarak Opat</i>	Resolved by the Court
Domestic Abuse	1	4
Immodesty/Adultery	3	1
Petty Theft	1	2
Verbal Assault (Light Insult)	0	1
Total	6	10

Source: Primary Data, 2021.

From the table above, the number of minor cases *Sarak Opat* resolved at the village level in Central Aceh Regency totals to 6 cases, while 10 were delegated to formal courts. The domestic case was initially reported to the *Sarak Opat* Institute with a report that a husband had committed a domestic abuse against his wife. However, when the *Sarak Opat* Institute was to process the case, the litigants had already moved to the Syari'ah Court and ended in divorce. In the case of mild maltreatment, the parties initially agreed to settle the case through *Sarak Opat*. The victim reported to the police and sought adjudication in official avenue arising from dissatisfaction towards the decision from the institution, which only gave sanctions.

In a case of petty theft of an estimated loss of IDR2,000,000 (Two Million Rupiah), the victim was not satisfied with the fine decision where the perpetrator was to compensate in accordance to the price of the stolen goods. Subsequently, the victim asks the perpetrator to compensate the stolen goods in the amount of IDR10,000,000 (ten million rupiahs). Therefore, the *Sarak Opat* could not resolve the case and subsequently the disputing parties sought adjudication through formal avenue.

Based on the case description above, the settlement of minor crimes through the *Sarak Opat* traditional institution has not deemed to be inadequate as surveyed. Therefore, the institution's role in resolving criminal cases received lesser attention from the community, and therefore report directly to the police, borne from the lack of information. This is one of the concrete pieces of evidence that the role and authority of the *Sarak Opat* institution have not been running optimally. Victims have more confidence in actual law enforcement officers compared to settlement patterns through the *Sarak Opat* institution.



### 3.2 Considerations of *Sarak Opat* in Delegating Minor Criminal Cases to the Judiciary

The presence of customary institutions is highly important and strategic for the life of indigenous peoples. Customary law in most cases does not distinguish between public and private law in its legal rules (Restuti, 2018). In addition, customary law system has a much different character in comparison to the (western) criminal law system. The location of the differences, among others, are: (a) customary law does not distinguish between the fields of criminal law and civil law; (b) customary law does not distinguish between *dolus* and *culpa* offenses, what matters is the consequences of the crime; and (c) The parties involved in the criminal elements (*delictus*) are not only individual perpetrators and victims, but also the families or relatives of the parties. Therefore, the settlement of criminal cases by customary institutions can be considered an effective alternative, because the settlement offered can better impact the parties involved. (Tripa, 2019)

There are several reasons why it is necessary to encourage the process of resolving disputes or conflicts through customary courts. It is argued that first, the procedure for resolving disputes has long been and is commonly used by the Indonesian people. Second, in most Indonesian communities, there is a tendency to resolve disputes peacefully. This method is considered effective in resolving disputes or conflicts. Furthermore, it may eliminate feelings of resentment and play a role in creating security, order, and peace. Third, the presence of customary courts is becoming increasingly important in the middle of a state that is not yet fully capable of providing case settlement services through formal channels in remote villages (Buana et al., 2019).

The process of resolving disputes or criminal cases by the *Sarak Opat* institution is not the same as that of formal courts, where formal courts have judges, prosecutors, and clerks. In practice, the process of resolving cases through customary institutions in Aceh recognizes the legal remedies taken by the litigants.

Based on an interview with M. Joni, a member of the *Gayo* Customary Council of Central Aceh Regency, the resolution mechanism through the *Gayo* court is that every dispute/problem is first reported to the head of the village or the *Reje*. At some point, the solution is sufficient to reach the leader's level without being brought to *Reje*. For disputes that fall into the category of significant/substantial, the settlement is not sufficient for the head of the village but should involve *Sarak Opat*. After the report has been made, a mediator is sent to the disputing parties by the *Reje*.

Jamaluddin expressed that the process of resolving cases through *Sarak Opat* is carried out thoroughly by emphasizing the aspect of deliberation and consensus to achieve a sense of peace from the disputing parties, as in the *Gayo* proverb saying "*keramat mupakat behu berdedele*" denoting consensus is one of the provisions that apply in the *Gayo* community. Therefore, *Sarak Opat* must carry out deliberation to achieve the benefit of the people. (Jamaluddin, personal communication, 2021) According to M. Din and Darmawan, the resolution mechanism is that every dispute/problem in the community is first reported to the head of the village or the *Reje*. (Din & Darmawan, personal communication, 2021).

With the development of the community, the authority and role of the *Sarak Opat* in resolving disputes begin to weaken and decline. This is due to the lack of ability and in-depth understanding of society's customs and values by the *Sarak Opat* authorities.

Some individuals even take the problem to formal avenues (e.g. the police or formal state courts) when parties are unsatisfied with the result given by the *Sarak Opat*. Based on the results of the field observation, the considerations of *Sarak Opat* in delegating cases to the judiciary are as follows:

- 1) The litigants are dissatisfied with the sanctions decided by *Sarak Opat*.

The institution's decisions result from deliberation to achieve peace between the two conflicting parties. Therefore, the decisions are in the form of sanctions ranging from very light (e.g., advising) to heavy sanctions (e.g., expulsion from the village). Both parties should agree freely and independently on the sanctions or penalties that will be given. Based on research in the field described in the previous chapter, the number of minor cases resolved by *sarak opat* at the village level in Central Aceh Regency was 6. These include 1 case of domestic violence, 3 cases of immodesty/adultery, and 1 case of petty theft. Meanwhile, 10 cases were delegated to the formal courts, including 4 cases of domestic violence, 1 case of immodesty/adultery, 2 cases of light maltreatment, 2 cases of petty theft, and 1 case of minor verbal assault. As described above, the delegation of minor cases to the formal courts was caused by the parties being dissatisfied with the decisions of the *Sarak Opat*.

Based on interviews with *Sarak Opat* officers of Kampung Kuyun Lah, Celala, Central Aceh Regency, when one of the disputing parties does not comply with the *Sarak Opat* decision, the other party may bring the case to the formal court. One of the interviewee disagreed with the settlement of his case through the *Sarak Opat*. This is because it is felt that the institution could not provide a deterrent effect for the perpetrators. The fines given were not considered to be heavy and not commensurate with the loss suffered by the victim. Considering the light punishment, it was assumed that the perpetrator would repeat the same crime in the future.

- 2) Lack of understanding on the authority of customary judicial institution by the officials of the *Sarak Opat*.

Knowledge and understanding of the officials of *Sarak Opat* regarding the position of their agency as a customary judicial institution significantly affect the resolution of cases or disputes that occur. Based on an interview with Jamaluddin, a member of the Gayo Customary Council, the understanding of the officials of *Sarak Opat* in resolving minor criminal cases is still limited. Therefore, minor crimes that have occurred at the village level must be resolved by the police. (Jamaluddin, personal communication, 2021)

Article 8 of Central Aceh District Qanun Number 10 of 2002 concerning Gayo Customary Law Article, it states that *Sarak Opat*'s authority as a customary institution are:

- a. *Sarak Opat* plays an active role in preventing incestuous/discordant acts
- b. *Sarak Opat* can act against *sumang*
- c. *Sarak Opat* carries out customary laws, customs, and customary sanctions.
- d. *Sarak Opat* finished *Kemalun Edet* four cases, *Madu Opat*.
- e. *Sarak Opat* completed those who violated four customary actions.

The officials of *Sarak Opat* in Tami Delem Village, Kebayakan, Central Aceh are not aware of the regulations governing the settlement of minor crimes which are the authority of this institution. He admitted that minor cases or disputes that occur in the community are reported to the village apparatus and directed to be resolved by the police.

According to Dominikus Rato, dispute resolution from customary courts can be delegated to state courts by fulfilling certain requirements, as follows (Poesoko et al., 2015):

1. Customary courts are unable to resolve disputes because they are too complex.
2. Customary courts do not have the authority or competence to adjudicate the dispute because the object is not a customary right of the community or is not related to a community's cultural identity.
3. The conflicting parties do not accept the decision of the customary court even though it has permanent and definite legal force.
4. The transfer of authority to adjudicate from customary to state courts is not due to pressure.

The presence of *Sarak Opat* as an institution for resolving minor cases in the Gayo community in Central Aceh has a strong and clear legal basis regarding the types of minor cases resolved through customary courts. Therefore, to empower the *Sarak Opat* as a minor case settlement institution, it is necessary to have synergy and harmonization between the officials of the *Sarak Opat*, law enforcement officers, state courts, local community, and all related parties. Settling minor cases through the *Sarak Opat* can provide a sense of justice and legal certainty to the Gayo community.

#### 4. Conclusion

*Sarak Opat* has the authority to resolve, investigate and impose customary sanctions based on the law in resolving minor cases against the Gayo community in Central Aceh Regency. The institution has two considerations in delegating minor criminal cases to the judiciary. First, the litigants are dissatisfied with the sanctions decided by *Sarak Opat*. Second, the officials lack understanding of their authority as a customary justice institution.

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