



# Formalization and Documentation: Transforming the Aceh Customary Legal System in Dispute Resolution Through Mediation

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## Abstract

**Introduction:** Dispute resolution through customary courts in Aceh has long been conducted by community leader (*keuchik*, *tuha peut*, and *imeum meunasah*) through mediation based on deliberation, consensus, and the restoration of social harmony. In the modern legal context, this living and predominantly oral mechanism faces challenges when interacting with the formal legal system, which requires written procedures, documentary evidence, and stronger institutional accountability.

**Purposes of the Research:** This study aims to analyze how formalization and documentation transform Aceh's customary dispute resolution system, and to explain the challenges, opportunities, and institutional model required to integrate customary mediation with the national legal framework without weakening local wisdom.

**Methods of the Research:** The research employs an empirical juridical method with a socio-legal approach. Data were collected through literature review, observations of mediation stages and interactions in selected *gampong*, and in-depth interviews with experienced customary leaders, representatives of the Aceh Customary Assembly (*Majelis Adat Aceh*), law enforcement officials, and community members involved in customary mediation.

**Results of the Research:** The findings reveal that Aceh has established a regulatory framework supporting customary justice through Qanun Number 9/2008, Qanun Number 10/2008, and Qanun Number 8/2019, accompanied by growing documentation practices such as written minutes and peace agreements. Formalization strengthens procedural certainty, accountability, and coordination with formal justice, but it also faces tensions arising from differences in legal culture, local customary variations, limited administrative capacity, overlapping authority, and the absence of executory legal force for customary settlements. The novelty of this study lies in formulating a flexible model of customary mediation that standardizes core procedural and documentary elements while preserving deliberation, consensus, kinship, and locally rooted sanctions as the substance of Acehnese customary justice.

**Keywords:** Formalization, Documentation, Customary Legal, Dispute Resolution, Mediation

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## INTRODUCTION

Aceh possesses distinctive characteristics in its customary legal practices, which have long been institutionalized in the life of its people. acehnese customary law regulates various social aspects, including family relations, property rights, and mechanisms for resolving disputes within the community.<sup>1</sup> One of its hallmarks is the peaceful settlement of disputes through customary mediation, led by respected community leaders such as *keuchik* (village head), *tuha peut* (village elders), and *imeum meunasah* (village religious

<sup>1</sup> Teuku Muttaqin Mansur, "Kajian Yuridis Peradilan Adat Di Aceh," *Journal of Indonesian Adat Law (JIAL)* 2, no. 3 (2018): 23-47, doi:10.46816/jial.v2i3.6.

leaders). This process emphasizes reconciliation and the restoration of social harmony without involving formal courts, in line with the acehnese maxim “*Yang ceuko tapeu jeureneh, yang tabeue tapeu mameh, yang rayeuk tapeu ubeut, yang ubeut tapeu gadoeh, dari pada tameupake get tameugoet, tanyoe lagee soet dengon syedara*”, which means a large dispute is reduced, a small dispute is eliminated; let us reconcile as brothers.<sup>2</sup>

Mediation as a method of dispute resolution is therefore an essential element of acehnese customary law, prioritizing deliberation and consensus through respected mediators. It emphasizes peaceful resolution and the restoration of relationships between disputing parties.<sup>3</sup> As time has progressed, Indonesia’s national legal system, which is more formal, has coexisted with these customary practices. Aceh itself gained a special legal basis through Law Number 11 of 2006 on the Governance of Aceh, which strengthens the position of customary institutions such as The Aceh Customary Assembly (*Majelis Adat Aceh*, MAA) as custodians of acehnese tradition. The Aceh government has issued several qanun (regional regulations) to accommodate customary law, such as qanun number 9 of 2008 on the development of customary life and traditions, recognizing 18 categories of minor disputes that can be resolved at the village (*gampong*) level, qanun number 10 of 2008 on customary institutions, which affirms the legality and authority of customary institutions as part of the official governance structure<sup>4</sup>, and Qanun Number 8 of 2019 on The Aceh Customary Assembly, revitalizing the role of the MAA at the provincial level as a regulation coordinating body for customary practices. At a technical level, Governor of Aceh Regulation Number 60 of 2013 Regulates the Procedures for Resolving Customary Disputes, including step-by-step mediation from the village level, the drafting of written minutes, and the involvement of subdistrict officials in cases mediated at the mukim level. With this legal framework, Aceh is considered advanced in institutionalizing customary justice compared to other regions in Indonesia.

Nevertheless, despite the presence of formal regulations, field practice shows that most acehnese communities still resolve disputes using traditional procedures with minimal documentation.<sup>5</sup> Peace agreements are often made orally, based on mutual trust and social sanctions.<sup>6</sup> This creates sustainability problems: without official records, it is difficult to trace the history of customary cases for research purposes or in the event of subsequent disputes. The memories of customary leaders serve as the only archives, making past cases vulnerable to being lost when leadership changes. The lack of documentation also weakens the enforceability of customary mediation outcomes in formal legal settings; for example, if one party reneges, there is no strong written evidence to uphold the agreement. For these reasons, there is a pressing need to transform Aceh customary dispute resolution system through formalization and documentation. Formalization entails standardizing customary mediation procedures so that they align with positive legal principles without eroding their flexibility. With formalization, customary decisions or agreements may gain legitimacy and

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<sup>2</sup> Muslim Zainuddin, “Peran Dan Fungsi Kelembagaan Mukim Dalam Penyelesaian Perselisihan: Analisis Praktek Hukum Adat di Aceh,” *Media Syari’ah: Wahana Kajian Hukum Islam Dan Pranata Sosial* 19, no. 2 (2017): 319–56.

<sup>3</sup> Muhammad Rudi Syahputra, Muksalmina, and Sari Yulis, “The Principles and Implementation of Case Settlement Through Aceh Customary Courts Process,” *Justitia Jurnal Hukum* 8, no. 2 (2024), doi:10.30651/justitia.v8i2.23750.

<sup>4</sup> Mizaj Iskandar, “The Enforcement of Gampong in the Qanun of Aceh and Its Relative Position in the Indonesian Constitution,” *Jurnal Hukum Dan Peradilan* 8, no. 2 (2019): 255, doi:10.25216/jhp.8.2.2019.255-274.

<sup>5</sup> Arskal Salim, “Adat and Islamic Law in Contemporary Aceh, Indonesia: Unequal Coexistence and Asymmetric Contestation,” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 2 (2021): 529, doi:10.22373/sjhk.v5i2.11082.

<sup>6</sup> Trisno Raharjo, “Mediasi Pidana Dalam Ketentuan Hukum Pidana Adat,” *Jurnal Hukum Ius Quia Iustum* 17, no. 3 (2010): 492–519, doi:10.20885/iustum.vol17.iss3.art8.

acceptance within the national legal system. Meanwhile, documentation of mediation outcomes – such as written minutes of settlement - is vital for ensuring accountability and legal certainty for the parties involved. Official documentation allows customary settlements to serve as references for future disputes and as supporting evidence if a case proceeds to formal courts.

Accordingly, this study is guided by two interrelated research questions. first, how are the formalization of procedures and the documentation of customary mediation outcomes implemented in Aceh, and how do they transform the operation of the customary legal system? second, what legal, cultural, and institutional challenges arise in integrating Aceh's customary mediation with formal law, and what model can strengthen legal recognition while preserving the living values of customary?

Academically, this study is significant because it focuses on the procedural formalization and documentation of Aceh's customary justice system, offering new insights. previous studies have typically examined customary courts from an anthropological or purely normative perspective without emphasizing procedural formalization. For instance, Amalia et al. (2018) Examined models of dispute resolution and customary courts in Aceh<sup>7</sup>, Mansur et al. (2024) Identified various challenges in documenting and formalizing Aceh's customary justice<sup>8</sup>, Anshari & Aminah (2022) Explained that the existence of customary courts in Aceh is affirmed through Qanun Number 10/2008 and Other Customary Qanun as the implementation of law Number 11/2006, which grants authority to customary leaders to resolve 18 types of disputes before escalation to general courts<sup>9</sup>, While Siregar et al. (2022) found that mediation in customary communities functions to retain control over conflicts, utilize customary law and practices, and find culturally consistent solutions to achieve peace and harmony.<sup>10</sup> However, these studies have not examined in depth the integration between flexible customary norms and the simultaneous requirements of legal formality.

The research gap becomes urgent because the current development of customary mediation in Aceh is no longer limited to the question of whether customary justice exists, but to how its outcomes can be made traceable, accountable, and legally meaningful without turning customary forums into replicas of state courts. Earlier studies have mapped customary institutions, legal pluralism, and the general challenges of documentation, yet they have not sufficiently explained the operational bridge between oral consensus, written minutes, formal legal recognition, and the preservation of local wisdom. This study fills that gap by examining formalization and documentation as a socio-legal transformation process rather than merely as administrative requirements. Practically, the results of this research are expected to provide constructive recommendations for the Aceh regional government and customary institutions in formulating policies so that customary dispute resolution gains legal recognition without losing its local wisdom, in this way, the transformation of Aceh customary legal system in the modern era can be achieved effectively and sustainably.

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

<sup>8</sup> Teuku Muttaqin Mansur et al., "Challenges in Formalization and Documentation in Customary Court System in Aceh, Indonesia," *PETITA: Jurnal Kajian Ilmu Hukum Dan Syariah* 9, no. 1 (2024), doi:10.22373/petita.v9i1.230.

<sup>9</sup> Nur Anshari and Aminah Aminah, "Kewenangan Peradilan Adat Di Aceh Menurut Qanun No. 10 Tahun 2008 Tentang Lembaga Adat," *MAQASIDI: Jurnal Syariah Dan Hukum* 2, no. 2 (2022): 93-103, doi:10.47498/maqasidi.vi.1356.

<sup>10</sup> Taufik Siregar, Anwar Sadat Harap, and Ikhsan Lubis, "Mediation in Customary Law as an Alternative Method of Dispute Resolution," *Kanun Jurnal Ilmu Hukum* 24, no. 2 (2022): 196-214, doi:10.24815/kanun.v24i2.26532.

## METHODS OF THE RESEARCH

This study employs an empirical juridical method with a socio-legal approach. The empirical juridical method is applied to examine legal phenomena as they occur in society, particularly in the implementation of customary mediation practices in Aceh.<sup>11</sup> This method combines normative legal analysis with empirical observations to obtain a comprehensive understanding of how formalization and documentation are practiced within the customary justice system. The socio-legal approach is utilized to bridge the relationship between law and society. Through this approach, law is not only viewed as a set of written norms but also as a social reality that interacts with culture, customs, and community behavior. This is particularly relevant in the context of Aceh, where customary law continues to live and function dynamically alongside national law. The study makes use of three types of legal materials and data; Primary legal materials, which include statutory regulations such as Law Number 11 of 2006 on the Governance of Aceh, Qanun Number 9 of 2008, Qanun Number 10 of 2008, Qanun Number 8 of 2019, and Governor of Aceh Regulation Number 60 of 2013. These regulations form the legal foundation for the implementation of customary justice and mediation in Aceh. Secondary legal materials, which consist of books, journal articles, and research reports discussing customary law, mediation, dispute resolution, and legal pluralism in Aceh and Indonesia. Tertiary sources, which include dictionaries, encyclopedias, and reliable online sources that support the interpretation and contextualization of legal concepts. Data were collected through three techniques. First, a literature study was conducted by reviewing statutory regulations, academic works, previous research, and official publications on customary law, mediation, dispute resolution, restorative justice, and legal pluralism in Aceh. Second, field observations were conducted in selected gampong in Banda Aceh City, Aceh Barat Regency, Lhokseumawe City, and Aceh Tengah Regency. The observations focused on the stages of mediation, the opening of proceedings, the reading or explanation of local reusam, the interaction between disputing parties, the role of *keuchik*, *tuha peut*, *imeum meunasah*, witnesses, and village secretaries, as well as the drafting and archiving of minutes or peace agreements. Third, in-depth interviews were conducted with key informants consisting of experienced customary leaders, representatives of the Aceh Customary Assembly (*Majelis Adat Aceh*) at provincial and regency/city levels, law enforcement officials, and community members who had participated in or observed customary mediation. The selection of informants considered their institutional position, length of involvement, practical experience in handling customary disputes, and relevance to the issues of formalization and documentation. The data were analyzed using a qualitative descriptive method within a socio-legal framework. The analysis was carried out through data reduction, data presentation, and conclusion drawing. In the reduction stage, interview and observation findings were categorized according to the research questions, including procedural formalization, documentation practices, legal-cultural tensions, local variations, institutional capacity, and recognition of mediation outcomes. In the presentation stage, field findings were compared with statutory norms and previous studies to identify conformity, gaps, and inconsistencies between living law and formal legal requirements. In the conclusion stage, the data were interpreted to explain how customary mediation is transformed through documentation and to formulate

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<sup>11</sup> Muhammad Rudi Syahputra, "Metodologi Penelitian Hukum Dalam Menyelesaikan Problematika Hukum Kontemporer," *Jurisprudensi: Jurnal Ilmu Hukum* 1, no. 2 (2024): 89–106, doi:10.70193/jurisprudensi.v1i02.08.

a model that balances legal certainty, accountability, and the preservation of Acehese local wisdom.

## RESULTS AND DISCUSSION

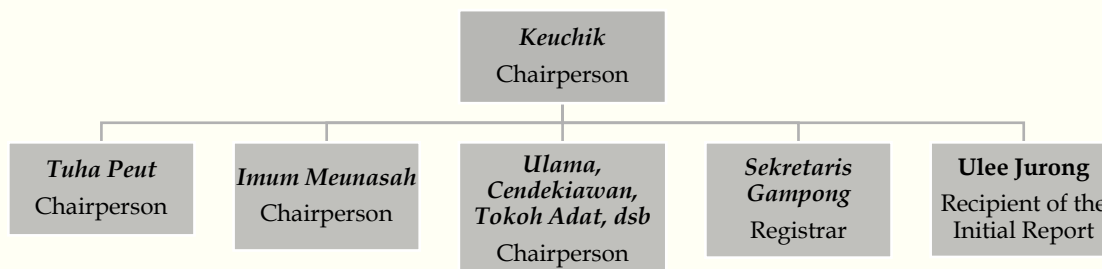
### A. Formalization and Documentation of Customary Mediation Procedures in Aceh

The findings reveal that Aceh has developed a comprehensive regulatory framework supporting the implementation of customary justice. Several qanun explicitly regulate the role of customary institutions in dispute resolution, such as Qanun Number 9 of 2008 outlines 18 types of disputes that must first be resolved at the customary level before escalation to formal courts.<sup>12</sup> Qanun Number 10 of 2008 affirms the position of customary institutions as part of Aceh’s governance system. Qanun Number 8 of 2019 strengthens the institutional role of the Aceh Customary Assembly (*Majelis Adat Aceh*) at the provincial level.<sup>13</sup>

Based on observations conducted in several *gampong* (villages) in Banda Aceh City, West Aceh Regency, Lhokseumawe City, and Central Aceh Regency, the mediation process generally begins with a meeting held in the *meunasah* (village prayer house). The session is attended by the disputing parties, village customary officials, and witnesses who may include family members or close neighbors.

*Keuchik* (village head) presides over the mediation proceedings, functioning akin to a peace judge and acting as the chair of the session. He is accompanied by *tuha peut* (village elders) and *imeum meunasah* (religious leader of the prayer house), who provide advice and moral guidance during the deliberations. The secretary of the village also plays a significant role in assisting *keuchik*, particularly in administrative matters.<sup>14</sup> This includes documenting the course of the mediation session and drafting the official minutes of the customary dispute. The written record, often referred to as *berita acara perkara adat* (minutes of the customary case), serves as evidence of the resolution reached and is sometimes archived for future reference.

**Table 1. Traditional Figures in Aceh Customary Courts**



The stages of customary mediation in Aceh are generally straightforward and not protracted. According to an interview with Saifuddin Saleh, the Head of the Aceh Customary Assembly of Lhokseumawe City, most disputes can be resolved in one or two deliberation sessions. This efficiency is possible because in customary mediation, it is not only the disputing parties and mediators who speak; the surrounding community

<sup>12</sup> Ajidar Matsyah et al., “Cultural Continuity and Legal Adaptation: The Evolution of Suluh in Aceh’s Conflict Resolution System,” *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (June 11, 2025): 101, doi:10.31958/juris.v24i1.13272.

<sup>13</sup> Misran Ramli et al., “State, Custom, and Islamic Law in Aceh: Minor Dispute Resolution in the Perspective of Legal Pluralism,” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (May 21, 2024): 872, doi:10.22373/sjhk.v8i2.15924.

<sup>14</sup> Syahputra, Muksalmina, and Sari Yulis, “The Principles and Implementation of Case Settlement Through Aceh Customary Courts Process,” *Justitia Jurnal Hukum* 8, no. 2 (Oct 7, 2024), doi: 10.30651/justitia.v8i2.23750.

neighbors, relatives, or witnesses with direct knowledge of the case, also actively participates in clarifying the issues. Functionally, this speed is important because many Acehnese communities maintain close kinship, neighborhood, and religious ties; unresolved disputes may quickly disturb social relations, daily cooperation, and communal trust. Customary mediation therefore operates not only as a dispute-settlement forum but also as a mechanism for restoring social equilibrium within the *gampong*.

Community participation plays a crucial role in accelerating dispute resolution. By providing firsthand testimony, the community helps clarify facts quickly and exerts social pressure on the guilty party to admit wrongdoing without the need for complex formal evidentiary procedures. At the end of the deliberations, the settlement is typically reached by consensus. *Keuchik* will usually confirm the decision by asking both parties: “Are you both in agreement and sincere with this outcome?” If both respond affirmatively, the peace agreement (*kesepakatan damai*) is then drafted.

The contents of the peace agreement often include an apology from the guilty party, compensation in the form of customary reparation (*diyât* or *dam*, where relevant), or light customary sanctions. Common sanctions include requiring the guilty party to host a communal meal as an expression of remorse, or to sign a written statement pledging not to repeat the offense. In certain minor criminal cases, a local pattern of restorative justice can also be observed, where reconciliation is accompanied by *ta'zîr* sanction, such as a formal written reprimand acknowledged by village authorities

One important development observed is the increasing awareness of the need for documentation. Whereas in the past peace agreements were considered valid merely through oral pronouncement, with an expectation of compliance, today more and more *gampong* produce written minutes of settlement immediately after the mediation concludes.

According to the official records of the Aceh Customary Assembly (MAA) in 2023, a total of 250 customary dispute cases were successfully resolved through the customary justice mechanism across Aceh. The largest proportion of cases involved domestic disputes (101 cases, approximately 40% of the total). This was followed by disputes between citizens (39 cases) and other miscellaneous categories (31 cases), which encompassed various violations of customary norms.<sup>15</sup>

**Table 2. Distribution of types of customary disputes resolved in Aceh during 2023**

Types of Disputes in Customary Courts	Recap	Sabang	B. Aceh	A. Besar	Pidie	Aceh Jaya	Bireuen	Acut	Lsm	Atim	Langsa	Tamiang	B. Meriah	A. Tengah	Gayo L	Ateng	Aceh Jaya	A. Barat	Nagan	Abdiya	Asel	Subulus	Singkil	Simeulue	
Domestic disputes	101	18	0	0	0	6	0	0	0	0	5	1	3	3	1	0	0	2	1	0	0	0	0	61	
Disputes related to <i>faraidh</i>	2	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0
Disputes Between Citizens	39	6	0	0	0	3	0	0	0	0	10	4	0	2	0	0	0	1	6	0	1	0	2	4	
<i>Khalwat</i> /Squirt	10	2	0	0	0	0	0	0	0	0	3	1	0	2	1	0	0	1	0	0	0	0	0	0	
Disputes over property rights	7	2	0	0	0	0	0	0	0	2	0	0	0	0	0	0	1	1	0	0	1	0	0	0	

<sup>15</sup> Sekretariat Majelis Adat Aceh, *Rekapitulasi Berita Acara Sengketa Adat Periode Tahun 2023 Qanun Aceh Nomor 9 Tahun 2008 Tentang Pembinaan Kehidupan Adat Dan Adat Istiadat* (Banda Aceh, August 5, 2025).



compensation (*diyât* or *dam*, where applicable); and A statement of mutual commitment that both parties will abide by the agreement.

A concrete example was found in an inheritance dispute (*faraidh*) in Banda Aceh City, where the heirs reached consensus to divide property according to customary rules. The outcome was documented in a stamped written agreement, declaring the division final and binding, and that no party would bring the case to court. Another example is a *khalwat/meusum* case in Pidie Jaya Regency, where the offender signed a written statement pledging not to repeat the act. The document was witnessed *keuchik* and village officials as a condition for reconciliation with the woman's family. Such documents are subsequently archived by the district-level MAA as official records.

The importance of documentation was also emphasized by MAA leaders in Aceh Tengah, who stated that written evidence ensures accountability. If one party later breaches the settlement or if a third party questions the matter, the peace document can serve as proof that the case was resolved through customary mechanisms. Moreover, these documents may assist in formal judicial proceedings. For instance, if a case later escalates to the Mahkamah Syar'iyah, judges may consider the existence of the customary settlement to avoid issuing contradictory rulings, or to apply the principle of *ne bis in idem*.

At present, the Aceh Provincial MAA is working to standardize the format of customary mediation minutes so they can be formally recognized by the local government, thereby strengthening their legal weight. However, there is no uniform template across Aceh, resulting in variation in quality. Some villages produce comprehensive, well-drafted documents, while others merely record brief conclusions in village registers without signatures. Interviews revealed that inconsistencies are due to limited administrative capacity of village officials and low legal literacy among residents. In remote villages, local leaders often lack training in drafting formal minutes, as for them a "verbal consensus" is sufficient.

The research also found emerging efforts of procedural formalization in certain *gampong*. For example, in one village in West Aceh, before commencing mediation *keuchik* would read out the *reusam gampong* (local customary rules) to the disputing parties so they understood the rules of the deliberation. Only afterward would the dialogue session begin. Other villages have begun drafting simple hearing notes or minutes during mediation sessions. These practices indicate adaptation toward greater formality without abandoning local wisdom. Customary leaders have gradually recognized the importance of administrative order to maintain legitimacy.

Nevertheless, there are concerns among adat leaders that excessive emphasis on formality might undermine the spirit of customary reconciliation. As one mukim (head of a higher-level customary institution) expressed: "If there is too much paperwork, people will be afraid to come for peace, whereas adat is about kinship". This statement reflects a concern that if customary mediation becomes as bureaucratic as formal courts, people might avoid it altogether. The literature also cautions against over-codification, which risks reducing the flexibility of customary law. Acehnese customary law has long thrived as a living law, valued for its adaptability and informality.

From these findings, it can be concluded that the formalization and documentation of Acehnese customary mediation are progressing but require further strengthening.

Moderate procedural formalization can provide legal certainty and facilitate the integration of customary outcomes into the national legal system—for example, ensuring that customary minutes can be recognized as evidence or as a basis for judicial consideration. Documentation enhances accountability, transparency, and protection for the parties in the future.

Most importantly, the transformation of Aceh's customary legal system must preserve the essence of deliberation, consensus, and kinship-based reconciliation. Substantive justice should not be overshadowed by administrative procedures. This research therefore proposes the development of a formalized model of customary mediation, including standardized procedural guidelines and document templates that are compatible with positive law while maintaining local values. Such a model is expected to serve as a practical reference for *gampong* throughout Aceh in implementing customary mediation going forward.

In practice, formalization is reflected in the standardization of mediation procedures. Dispute resolution at the village (*gampong*) level begins with reporting to the *keuchik*, who then convenes the *tuha peut* and *imeum meunasah*. The mediation process involves hearing the parties' statements, seeking solutions acceptable to both sides, and producing a peace agreement (*surat perdamaian*).<sup>17</sup> This shows a gradual shift from purely oral traditions toward procedures that align with the principles of legal certainty and accountability required in positive law.

Documentation has become a key innovation in strengthening Aceh's customary legal system. Field findings show that in several districts, peace agreements are now recorded in written minutes, signed by both disputing parties, witnesses, and customary leaders. These documents are stored in the village archives or submitted to the subdistrict (*camat*) office. The practice of documentation provides several benefits: a) It ensures legal certainty, as the written agreement can serve as evidence if disputes recur; 2) It enhances accountability, as the contents of the settlement are clear and binding on the parties; 3) It facilitates integration with formal law, as the written record can be recognized in formal judicial proceedings if necessary. However, the adoption of documentation practices varies widely across Aceh. In some areas, oral traditions remain dominant, and written records are still rare. This reflects disparities in resources, awareness, and institutional support for documentation.

## B. Challenges in Formalization and Documentation of Customary Decisions

The qualitative analysis highlights several major challenges in transforming Aceh's customary legal system through the formalization and documentation of mediation. First, there exists a profound cultural gap between legal traditions. Acehnese customary law is characterized by its flexibility, relying on common sense and oral consensus, whereas state law demands written procedures, hierarchical structures, and formal evidence.<sup>18</sup> Reconciling these two legal cultures is not an easy task. Some customary leaders fear that the soul of customary justice may be lost if every aspect is codified, eroding the spontaneity and uniqueness of traditional deliberations. The challenge, therefore, is to find a balance between formal legitimacy and the flexibility of adat. In practice, this tension appears when

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<sup>17</sup> Herlin et al., "The Role and Challenges of Gampong Customary Courts in Resolving Customary Criminal Cases in Lhokseumawe City," *Indonesian Journal of Humanities and Social Sciences* 5, no. 4 (2024): 1647–64.

<sup>18</sup> Mursyid Djawas et al., "Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism," *Hasanuddin Law Review* 10, no. 1 (April 1, 2024): 64–82, doi:10.20956/halrev.v10i1.4824.

a customary settlement is regarded by village leaders as complete after apology, handshake, and communal meal, while police or court officials still require written chronology, signatures, witnesses, and clear proof of consent before the outcome can be considered administratively reliable. Another example occurs when parties accept a settlement orally before the community but later deny the agreed terms because no detailed written record exists. These situations show that the problem is not merely technical paperwork, but a difference between a trust-based legal culture and an evidence-based formal legal culture.

Second, the local variations of custom across Aceh complicate standardization. Aceh is not a homogeneous community but comprises diverse subcultures such as Aceh Pesisir, Gayo, Alas, Aneuk Jamee, and others.<sup>19</sup> These variations affect how violations are interpreted and what sanctions are imposed. What is considered a serious offense in one district may be deemed minor in another. This diversity makes it difficult to impose a one-size-fits-all model of formalization. Indeed, some local MAAs resist adopting provincial guidelines, arguing that their local context is unique. Thus, the challenge lies in formulating procedural standards and documentation formats that are flexible enough to accommodate such diversity. For example, in some coastal Aceh communities, a minor assault or insult may be resolved through apology, *peusijuek*, and a communal meal, while in other areas it may also require compensation, a written pledge, or involvement of particular elders. Variations may also occur in modes of proof: some *gampong* rely heavily on direct testimony from neighbors and family members, while others require clearer written statements or the presence of village officials as witnesses. Such variations are valuable expressions of living law, but they complicate the drafting of a uniform template unless the template distinguishes mandatory core elements from locally adjustable elements.

Third, the issue of human and administrative capacity is significant. Not all village officials possess adequate skills in either mediation or documentation.<sup>20</sup> While many *keuchik* and *tuha peut* are highly respected for their wisdom, they often lack the ability to draft formal documents using proper legal language. Consequently, some mediation minutes are extremely brief or ambiguous, making them difficult for police or other authorities to interpret without further oral explanation. This underlines the urgent need for capacity-building, including training in mediation techniques, drafting mediation minutes, and acquiring basic legal literacy. Fourth, there remains a duality of authority between customary and formal courts. Although the qanun clearly outlines the scope of customary jurisdiction, overlapping practices still occur. For instance, cases of minor assault are within the remit of adat, yet if reported to the police, formal criminal proceedings may still follow. Governor Regulation No. 60 of 2013 attempts to bridge this by requiring the inclusion of customary mediation minutes when a case proceeds to formal institutions.<sup>21</sup> However, implementation has been inconsistent. Stronger operational coordination is needed, such as standard operating procedures within the Aceh police to always confirm with village leaders or MAA whether a case has already been mediated at the customary level.

Finally, the most critical challenge lies in the legal legitimacy of customary mediation outcomes. At present, peace agreements reached through adat carry moral and private

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<sup>19</sup> Ratna Dewi et al., "Warisan Budaya Aceh: Tradisi, Seni, Dan Identitas Lokal," *Aksi Nyata: Jurnal Pengabdian Sosial Dan Kemanusiaan* 2, no. 3 (June 20, 2025): 51–67, doi:10.62383/aksinyata.v2i3.1639.

<sup>20</sup> M. Shamsul Haque et al., "Building Administrative Capacity for Development: Limits and Prospects," *International Review of Administrative Sciences* 87, no. 2 (June 24, 2021): 211–19, doi:10.1177/00208523211002605.

<sup>21</sup> Erlan Wijatmoko, Armaidly Armawi, and Teuku Faisal Fathani, "Legal Effectiveness in Promoting Development Policies: A Case Study of North Aceh Indonesia," *Heliyon* 9, no. 11 (November 2023): e21280, doi:10.1016/j.heliyon.2023.e21280.

weight but lack binding legal force. If a party reneges, the only recourse is litigation in state courts, as no *lex specialis* exists in Aceh to grant executory power to customary settlements. This creates a legal vacuum. Several respondents suggest regulatory innovations, such as requiring customary agreements to be registered with courts or notaries to obtain legal recognition, or formalizing them through *reusam gampong* (village customary regulations) that could be recognized as local legal products. This would allow violations of customary agreements to be treated as breaches of positive law. Without such innovations, the transformation of customary law risks remaining incomplete: the procedures may advance, but the outcomes will continue to lack enforceable legal authority.

### C. Opportunities for Strengthening Customary Court in Aceh

Despite the challenges, this study also identifies several opportunities that may support the strengthening of Aceh's customary legal system. First, Aceh's Special Autonomy provides ample space for legal innovation. Through its legislative authority to enact *qanun*, Aceh holds a unique opportunity to fill existing legal gaps, while maintaining coordination with the central government. This authority constitutes both a legal and political advantage that can be strategically leveraged. Second, Acehnese society has shown adaptability, provided that changes are made in a participatory manner and with respect for local institutions. The findings reveal that customary Leaders welcome formalization initiatives as long as their voices are heard. This enthusiasm suggests that multi-stakeholder collaboration involving MAA, academics, customary leaders, law enforcement officials, and local government is the key to producing contextually appropriate and sustainable solutions.

Third, the national legal trend toward restorative justice and alternative dispute resolution (ADR) creates further momentum for Aceh. Indonesia's legal reform encourages dispute resolution outside of litigation, which resonates with Aceh's traditional patterns of reconciliation.<sup>22</sup> If properly formalized, Acehnese customary mediation can serve as a localized model of restorative justice that aligns with national policy initiatives. To address the challenges identified earlier, several strategic measures are required. These include: (1) capacity-building for customary officials, particularly in mediation and administrative documentation skills; (2) drafting standard guidelines and templates for mediation minutes, while ensuring flexibility to accommodate local variations; (3) strengthening coordination among MAA, the police, and the Syar'iyah Court through memoranda of understanding or fixed procedures to prevent overlapping jurisdictions; and (4) reformulating legal policies, such as issuing new *qanun* or amending existing ones, to grant stronger legal recognition to customary settlements. Innovative approaches could include requiring customary agreements to be registered with courts or notaries so that they gain executory force, or formalizing *reusam gampong* (village customary regulations) as official legal products. Such mechanisms would ensure that violations of customary settlements are treated as breaches of positive law.

The transformation of Aceh customary legal system should be carried out gradually and collaboratively, ensuring the involvement of customary leaders at every stage.<sup>23</sup> The study finds that Acehnese leaders are open to change, provided that it strengthens rather than

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<sup>22</sup> Rusli Subrata, "Mechanisms of Alternative Dispute Resolution in Conflict and Dispute Resolution in Indonesia," *LITIGASI* 24, no. 1 (April 30, 2023): 151–64, doi:10.23969/litigasi.v24i1.7198.

<sup>23</sup> Matsyah et al., "Cultural Continuity and Legal Adaptation: The Evolution of Suluh in Aceh's Conflict Resolution System."

replaces the role of adat. The ideal strategy is to design a shared model, pilot it in selected villages, conduct evaluations, and subsequently institutionalize it through formal regulations. As part of this research, the author has developed a Formalized Model of Customary Mediation as a practical output. The model is designed as a minimum procedural and documentary standard that can be applied across gampong while leaving space for local *reusam* and customary variations. It consists of four main components: procedural stages, institutional roles, documentation instruments, and mechanisms for coordination with formal legal institutions.

First, the procedural component regulates the sequence of mediation from the receipt of a report, preliminary clarification by the *keuchik* or *ulee jurong*, summoning of parties, explanation of local *reusam*, deliberation, clarification of facts, formulation of settlement options, confirmation of voluntary consent, and closing through peace rituals or customary acknowledgment where appropriate. This responds to the challenge of legal culture by ensuring that oral deliberation remains central, while the basic stages are made traceable and accountable.

Second, the institutional component clarifies the roles of *keuchik*, *tuha peut*, *imeum meunasah*, village secretary, witnesses, family representatives, and where necessary mukim or MAA officials. The model does not convert customary leaders into formal judges; rather, it provides a division of functions so that mediation, moral guidance, factual clarification, and administrative recording are carried out transparently. This component addresses the challenge of limited capacity and dual authority by making each actor's responsibility clearer.

Third, the documentation component provides a flexible template for minutes of mediation and peace agreements. The mandatory elements include the identity of the parties, chronology of the dispute, statements of the parties, witnesses, settlement points, customary sanction or compensation, voluntary consent, signatures or thumbprints, and certification by village authorities. The adjustable elements include the form of apology, *peusijuek*, communal meal, *diyât*, written pledge, and other local sanctions. Through this structure, standardization strengthens legal certainty while local wisdom continues to shape the substance of settlement.

Fourth, the coordination component recommends that completed mediation documents be archived at the *gampong* level and, for selected cases, copied to the mukim, MAA, or relevant formal institution. Where legal recognition is required, the agreement may be registered or acknowledged through an authorized mechanism so that it can be considered by police, prosecutors, the Mahkamah Syar'iyah, or general courts. This component responds to the problem of weak de jure recognition and prevents the same dispute from being repeatedly processed in different forums.

Through such a model, Aceh can achieve a minimum standard of formalization and documentation while retaining the essence of communal deliberation and kinship. Ultimately, formalization and documentation should not be seen merely as efforts to "positivize" customary law, but rather as strategies to empower it in the modern era. If implemented carefully, Aceh's customary justice system has the potential to become a model of integrated legal pluralism in Indonesia, where informal strengths (local wisdom and community trust) and formal legitimacy (legal enforceability) work hand in hand to deliver substantive justice.

## CONCLUSION

This study concludes that Aceh's customary legal system is undergoing a significant transformation from predominantly oral, trust-based dispute resolution toward a more documented and institutionally accountable form of mediation. The key finding is that formalization and documentation can strengthen legal certainty, accountability, continuity of records, and coordination with formal justice, but only when they are designed as supportive instruments rather than as mechanisms that replace deliberation, consensus, kinship, and local wisdom. Empirical findings show that written minutes and peace agreements have begun to function as a bridge between living adat and the formal legal system, although their quality, recognition, and enforceability remain uneven. The main contribution of this research is the formulation of a flexible Formalized Model of Customary Mediation that combines core procedural standards, clear institutional roles, written documentation, and coordination with formal legal institutions while preserving local forms of reconciliation. Based on these findings, this study recommends that the Aceh Government and the Aceh Customary Assembly prepare standardized but adaptable templates for mediation minutes and peace agreements; conduct regular training for *keuchik*, *tuha peut*, *imeum meunasah*, and village secretaries; establish SOPs or MoUs with police, prosecutors, and courts to prevent overlapping jurisdiction; and consider regulatory reform through qanun or implementing regulations to clarify the legal status of customary settlements. Future research should test the proposed model through pilot implementation in gampong representing different customary communities, such as Aceh Pesisir, Gayo, Alas, and Aneuk Jamee. Further studies are also needed to examine whether registration, court endorsement, or notarial acknowledgment is the most appropriate mechanism for granting stronger legal effect to customary mediation outcomes without undermining their communal and restorative character.

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