



MUKIM: AN ALTERNATIVE DISPUTE RESOLUTION AT VILLAGE LEVEL IN INDONESIA JUDICIAL SYSTEM

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Abstrak

Mukim as a formal institutional government of the indigenous Acehnese people, has the authority to adjudicate 17 types of disputes. However, the implementation of Mukim justice as an Alternative Dispute Resolution (ADR) does not yet have standard norms on Gampong-Mukim legal relations. This indicates that the Mukim's lack of power with respect to the ADR principle's standards is an evidence of overlapping control over the Gampong. The purpose of this study is to map out areas where Mukim and Gampong overlap and to harmonise the provisions for Mukim authority in national laws and regulations. This research is a socio-legal case study in Banda Aceh City, Aceh Besar Regency, Bener Meriah Regency, and Central Aceh Regency using Document-Review and FGD techniques for Mukim authority holders as well as Content-Analysis and legal-synchronicity analysis techniques. The study's findings demonstrate that, although the norms are not codified, the Mukim legal system benefits both Gampong justice and the national judicial system as ADR. The legal principles governing settlement are derived from a blend of Acehnese customary law and Islamic legal rules, representing local wisdom that is harmonious with the Indonesian legal system and restorative justice, especially Chapter IX Article 24 of the 1945 Constitution; Law 26/2000 Human Rights; Law 8/2004 General Courts, Law 3/2006 jo, Law 50/2009 Religious Courts; Law 48/2009 Judicial Power; Law 2/1986 General Courts against Article-13 Aceh Qanun 9/2008. Therefore, the existence of the Mukim legal system does not overlap with the Gampong and is in harmony with statutory regulations and fulfills the principles of ADR justice.

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I. PENDAHULUAN

In Aceh, gampong and mukim are the two main types of government (Zulkifli, Akmal, Abubakar, & Mulyadi, 2021). This particular separation of government regions is based on Law 11/2006 on the Government of Aceh, specifically Article 114 (Jafar & Sulaiman, 2018). A mukim made up of many gampongs forms inside the district or city region (Melisa, Imuem, Di, & Seunagan, n.d.). In this instance, the tuha peuet mukim assists Imeum Mukim, who serves as the organiser of the mukim's responsibilities (Taqwaddin, 2010). Thus, Mukim represents an official institutional administration of native peoples situated above the Gampong or village but nearly at the bottom of the hierarchy after the sub-district (Taqwaddin, 2010). This is in line with Aceh Qanun 9/2008 and Qanun

4/2003. Mukim's existence was terminated by Law 5/1979 (Zakiyya, 2019). However, the existence of Mukim is still recognized and carried out by the people of Aceh even though village regulations change (Syahbandir, 2014). This is in line with Law 22/1999, Law 32/2044, Law 6/2014.

Creating legislation in circumstances involving customs and customary law is one of the duties that the mukim is required to perform (Mulyadi Nurdin, 2018). According to Article 13 Aceh Qanun 9/2008, Mukim has the power to oversee Gampong governance and development as well as settle 17 different kinds of disputes (Husin, 2015). This is a result of traditional institutions serving as platforms for involvement in the community. Before being brought before official justice, the indigenous Acehnese people must first have a variety of customary conflicts settled via customary institutions (Amalia, Mukhlis, & Yusrizal, 2018). The gampong level of the customary court is the first level of adjudication; if the gampong level customary court is unable to resolve the matter, it will proceed to the mukim level, which is the last level for resolution. The customary justice mechanism does not acknowledge the existence of a police agency that conducts investigations (Nurdin, 2018). Instead, the customary institution in question has the direct responsibility to examine and decide the matter for Acehnese indigenous people (Rosita, 2019). Mukim's dispute resolution process lessens the strain on state court institutions having to litigate disputes to a conclusion. As stated in point seven of the Letter of Joint Agreement between the Governor, the Chair of the Aceh Traditional Council, and the Regional Police Chief, decisions rendered by the mukim court are final and cannot even be brought before the general court again. Conventional methods of dispute settlement are a type of Alternative Dispute settlement (ADR), or non-litigation. Penal mediation, or the more often used phrase restorative justice, are alternate names for the out-of-court resolution of criminal matters. A restorative justice strategy is one that places more emphasis on the circumstances that lead to justice and balance for both the victims and the criminals. In order to reach a conclusion on the handling of criminal cases that is more equitable and well-rounded for both the offender and the victim, criminal procedural and judicial systems that emphasise punishment are changed into a conversation and mediation process. The principles of restorative justice have been used in the Aceh region's community, notably through the use of the phrases suloh, peumat jaroe, diyat, and sayam (Ikhsan, 2021).

It is crucial that there be a mukim, an entity created by statute with the power to arbitrate conflicts amongst residents of its community (Zainuddin, 2017). The plurality of the Indonesian legal system is a fact mukim institutions must deal with while settling conflicts. In actuality, Islamic law and customary law continue to be applicable in addition to national law. The Indonesian society still employs and recognises each of these legal frameworks. The Acehnese people have a special place for customary law. In actuality, Acehnese customary law and Islamic law are combined under the often used hadith maja, "hukom ngon adat lagee zat ngon sifeut" (Fauziah Nurdin & Khairil Fazal, 2022).

This indicates that there is a bond between the two of them that is hard to break. In Aceh, the mukim institution ought to be rather well-established, both in terms of its system of governance and its role in settling conflicts within Acehnese community.

But in actuality, being one of the historic institutions that is ingrained in Acehnese society rather deeply, the mukim institution is still facing a number of challenges and internal conflicts that prevent it from fulfilling its job and function. There are a wide range of issues that come up. The absence of conventional standards guiding the legal relationship between Gampong institutions and Mukim is the first issue. The lack of a work infrastructure and the overlap of jurisdiction between the Mukim and the Gampong administration signal another issue with the Mukim's implementation. Aside from that, it is unknown if the 17 different Mukim-affiliated categories of authority meet the standards of the ADR principles.

This study attempts to identify the overlapping circumstances in the implementation of Imeun Mukim customary legal connections with Gampong government entities in light of these issues and how to balance the way rules and regulations pertaining to conflict resolution are conceptualised (vertical-horizontal) with the roles that Mukim performs.

II. RESEARCH METHODS

This research is typologically supported by a sociological legal research approach *as* a complement and a case study approach (Rizkiana & Gerry, 2022). In addition to mapping out indicators of overlap in Mukim's implementation with Gampong institutions, this research seeks to shed light on the reality surrounding the harmonisation of conceptions (vertical-horizontal) of laws and regulations relating to conflict resolution and the functions carried out by Mukim. This study was carried out in four different districts: Central Aceh District, Bener Meriah District, Aceh Besar District, and Banda Aceh City. The method used is a case study with data collection techniques *Document - Review* of legal materials regarding the existence of Mukim and *Focus Group Discussions* involving Mukim institutional authority holders. Meanwhile, analytical techniques have been used : *Content-Analysis* of statutory regulations and *legal-synchronicity analysis* based on several legal theories, namely Legislative Theory, Customary Law Theory, Regional Government Legal System Theory (Soekanto & Mahmudji, 2003). All of this are used to map whether or not there is overlapping legal authority between Villages and Villages. Gampong and Mukim include *Alternative Dispute Resolution* (ADR) implementation.

The data sources used to describe the results of this study consist of primary legal materials, secondary and tertiary legal materials. According to Soerjono Soekanto, primary legal materials are binding legal materials such as the 1945 Constitution, laws, uncodified legal materials, jurisprudence, treaties and legal materials from the colonial era such as the Criminal Code (Hartwiningsih, Karjoko,

& Soehartono, 2019). The primary legal material for this research is the 1945 Constitution, Law Number 44 of 1999 concerning Aceh Specialties, Law Number 11 of 2006 concerning the Aceh Government, Aceh Qanun Number 4 of 2003 concerning Mukim Government, Qanun Number 9 of 2008 concerning the Development of Traditional Life and Customs, Qanun Number 10 of 2008 concerning Traditional Institutions, Aceh Qanun Number 3 of 2009 concerning Procedures for the Election and Dismissal of Imum Mukim in Aceh, and other laws and regulations that have relevance to the object of this study. Apart from legislative regulations, other primary data was obtained through interviews with mukim leaders who understand and practice the duties and responsibilities of mukim in resolving community disputes. Secondary legal materials are legal materials that provide explanations of primary legal materials, such as draft laws, research results, work from legal circles and so on. The final legal material is tertiary legal material, namely legal material that provides instructions and explanations for primary and secondary legal materials. Such as dictionaries, encyclopedias, cumulative indexes and so on.

III. RESEARCH RESULTS AND DISCUSSION

3.1. Overview of Mukim and Gampong: Definition, Duties and Authorities

The Arabic word "muqim," which meaning "resident of a place or residence," is the etymological source of the phrase "Mukim" (Nazaruddin, Sulaiman, & Yulia, 2022) "Dwelling in a place" is what mukim means. The translation of this term into Acehnese is "a settled area consisting of several villages." Many Aceh Qanuns contain references to "mukim," including Aceh Qanun Number 10 of 2008 on traditional institutions, Aceh Qanun Number 4 of 2003 for the Gampong Government, and Aceh Qanun Number 3 of 2009 about the procedures for choosing and dismissing Aceh's Imeum mukim.

In the past, mukim emerged concurrently with the spread of Islam in Aceh. Its presence provides a solid foundation for government control as well as social and religious life regulation (custom and hukum). The coordination of congregations for religious worship is a prerequisite for the existence of mukim. As a mukim grows in size and the relationships among its gampongs get more intricate, it becomes necessary for an organisation or leader to be able to oversee the gampongs. This led to the emergence of the imeum's role as the people's leader, which the society recognised as legitimate.

In contrast, gampong government, which possessed autonomous privileges, was formerly the lowest tier of the Aceh government hierarchy. The monarchy recognises gampong as a legitimate territory, despite it being the lowest autonomous region. The Village Secretary (sekdes), chosen from the Civil Servant element, assists the Keuchik in carrying out the everyday operations of the gampong

government. The process of moving towards better community service and government administration than previously is known as Gampong government development.

In order to make clear each institution between Gampong and Mukim, it is required to map out the primary responsibilities and authority. The following describes how the primary responsibilities and power of each institution are mapped between Gampong and Mukim, based on Articles 94 to 95 of Law 6/2014 regulating village community institutions, or Gampong:

Table 1. Differences in main tasks and authority between Gampong and Mukim

| INDICATOR | GAMPONG | MUKIM |
|--|---|--|
| Institutional formation | In village/gampong community units, the State legally establishes institutions and assigns primary responsibilities and power through legislation (UU 6/2014 on Villages). | The formation of institutions and the assignment of main tasks and authority are formally determined by the Provincial/Regency/City Government through Provincial/Regency/City Regulations (Qanun Aceh 9/2008 on the development of Traditional Life and Customs in conjunction with Law 44/1999 on the Implementation of Regional Provincial Specialties Aceh Special in conjunction with Law 11/2006 on Aceh Government in conjunction with Qanun Aceh 10/2008 on Traditional Institutions in conjunction with Qanun (each district/city on the formation of Mukim) |
| Institutional status | State-Corporatism or Quasi-Government at the village level | indigenous community institutions |
| Public Services (Government Functions) | 1) Implementing administration and management of government administration; 2) Preparation of draft village legal products; 3) Land Development; 4) Preparation of draft village legal products; 4) Fostering | Disputes in the household. Dispute between families related to <i>faraid</i> General disputes between citizens |

| | | |
|--|---|--|
| | <p>peace and order; 5) Implementation of community protection; 6) Population; 7) Regional arrangement and management; 8) Data collection and management of village profiles; 9) Implementation of Village Government; 10) Appointment and Dismissal of Village Officials; 11) Development of Village Officials; 12) Transfer of duties or rotation of positions of Village Officials who have equal status; 13) Power to manage village finances and assets; 14) Delegation of the implementation of other duties and obligations to Village Apparatus; 15) Proposing the organizational structure and work procedures of the Village Government; 16) Submit a draft and establish Village Regulations; 17) Receive a fixed monthly income, allowances and other legal receipts and receive health insurance; 18) Get leave; 19) Obtain legal protection for the policies implemented .</p> | |
|--|---|--|

Based on the table above, it provides information that fundamentally there are differences in the main tasks, functions and authority that Gampong and Mukim have in running community government. Gampong and Mukim institutions are community governments. The difference is that in Gampong, the institutions are established through law, while Mukim are formed through Provincial Regional Regulations and Regency or City Regional Regulations. This condition has an impact on the performance of these two institutions. Especially the institutional performance of Gampong which is not part of the formal regional government system which applies the principle of decentralization of authority from the central government to regional government. The principle of

implementation of a decentralized system requires rigid accountability for the results of the implementation of tasks and authority that have been delegated from the center to the regions. However, in this case the principle of accountability in the decentralized system only stops at the sub-district government level, not down to the village government. Meanwhile, in the case of Mukim, the formal accountability mechanism stops at the institutional level of the District (Regency/City) and the Aceh Traditional Council (MAA).

Mukim performance is greatly influenced by the suitability of the infrastructure they own. However, referring to the results of data analysis and information collected through two series of *focus group discussions* in Aceh Besar and Loksumawe, it shows the inadequacy of the infrastructure owned by the Mukim in carrying out its main duties and functions and authority. In fact, quite a few Mukim do not have their own government buildings, so this condition needs to be prioritized for solutions by the provincial government, MAA and the respective Mukim communities themselves. Therefore, referring to this, indications emerge that there is an overlap in the main tasks, functions and authority of Mukim and Gampong. However, with the differences between the main duties and functions of Mukim and Gampong, the indication of overlap between the main duties and authority between Mukim and Gampong is getting smaller. This can be seen from Gampong, which in carrying out its main duties, functions and authority refers to Law 6/2014, PP 43/2014 jo. PP 11/2019 concerning the Second Amendment to Government Regulation 43/2014 concerning Implementing Regulations of Law 6/2014, and Permendagri No. 114/2014. The duties and authorities of the Gampong are to carry out 4 (four) main areas of work which include a) Government; b) Community Empowerment; c) Community development; d) Cooperation between institutions. Meanwhile, on the part of the Mukim, in carrying out its main duties, its functions and authority are based on the Aceh Qanun 9/2008 and the Qanun of each Regency/City that forms the Mukim. The main duties, functions and authority of the Mukim are limited to the 17 powers granted (Article 13 Qanun Aceh 9/2008), which do not exist in other areas except as a judicial institution for indigenous peoples.

3.2. Dispute Resolution by Mukim as an Alternative Dispute Resolution

The Mukim Institution is a traditional institution that carries out non-litigation judicial functions outside the national justice system through litigation. The Mukim Institution as a non-litigation court is a form of *Alternative Dispute Resolution*. Referring to this, the resolution of customary disputes related to criminal acts resolved by Mukim becomes a

concrete form of "Restorative Justice" in the existing customary justice system. It can also be said that dispute resolution carried out by Mukim is also an approach to the criminal justice system containing the values of peace, recovery, and restoring the situation (restoration) of bad relations between parties damaged as a result of criminal acts that occur.

The existence of Mukim institutions that implement customary law is limited to 17 dispute resolution authorities in accordance with Article 13 Aceh Qanun 9/2008. However, referring to customary law community units, they are not traditional villages as regulated in Law 6/2014, Mukim institutions are not included in it. This situation is caused by the fact that until now there has been no law regulating "Customary Law Community Unity". If we look more deeply into Law 5/1979 to Law 6/2014 which regulate villages, an important point emerges which becomes a question regarding: "Do village institutions in practice comply with Article 18 B Paragraph (2) of the 1945 Constitution, namely traditional communities with rights? -traditional customary rights, or Is the village-customary institution or in this case Mukim a local community government, autonomous customary government, non-governmental community organization based on its customary law which is recognized by the State?"

The institutional status of the Gampong government does not have a strong legal basis, unlike regional governments above it such as district-city-province. Meanwhile, traditional village institutions (in this case Mukim) in fact, even though they are attributively recognized (recognized) by the state, traditional village institutions (Mukim institutions) are not the unity of the customary law community. This form of recognition is provided in the form of various regulatory interventions for traditional villages or in this case including the Mukim itself.

The inconsistency between Law 6/2014 and Article 18 B paragraph (2) of the 1945 Constitution, as well as Qanun 4/2003 jo. Aceh Qanun 9/2008 concerning the development of traditions and customs, there is nothing that regulates the specific legal relationship between Gampong and Traditional Villages, including in this case the Mukim institution. This then creates confusion and the potential for overlapping arrangements and implementation of village institutional authority at the village government level, including with the Mukim. Law 6/2014 clearly regulates the differences between the status of Gampong/village and Traditional Village, including Mukim institutions, but the regulation of the legal relationship is not clear. Because the Gampong/village and the Traditional Village are not clearly defined,

there is no relationship between them. However, in the case of the Mukim institution. The pattern of legal relations between the Village-Bureaucracy/Gampong and the Mukim clearly has distinct boundaries. The Mukim institution is in an institutional position that has judicial authority over 17 dispute matters and supervision of village/Gampong development which is under the District but above the Village-Bureaucracy/Gampong. To support this, the following is data on dispute resolution that was resolved through non-litigation channels:

Table 2. Disputes through the Aceh Customary Court

| Types of Disputes Resolved Through Customary Courts | Other Disputes That Violate Customs and Customs | Total |
|--|--|--------------|
| Simeulue Regency | | 0 |
| Aceh Singkil District | 1 | 5 |
| South Aceh District | 2 | 21 |
| Southeast Aceh District | | 0 |
| East Aceh District | 3 | 15 |
| Central Aceh District | | 0 |
| West Aceh District | 0 | 0 |
| Aceh Besar District | 10 | 28 |
| Pidie District | | 0 |
| Bireuen Regency | | 0 |
| North Aceh District | | 0 |
| Southwest Aceh District | 1 | 14 |
| Gayo Luwes District | 1 | 15 |
| Aceh Tamiang District | | 0 |
| Nagan Raya District | 0 | 2 |
| Aceh Jaya District | 0 | 2 |
| Really Merry District | 0 | 10 |
| Pidie Jaya Regency | 1 | 22 |
| Banda Aceh City | 2 | 350 |
| Sabang City | | 0 |
| Langsa City | 0 | 15 |
| Loksumawe City | 2 | 8 |
| Sibulusalam City | 0 | 2 |
| Number of Cases | 23 | 509 |

Source: Data Collection and Documentation Report on Customary Disputes in 15 Regencies/Cities 2022 issued by the Secretariat of the Aceh Traditional Council in 2022

The Qanun gives Mukim authority to resolve 17 types of disputes and supervise government administration and Gampong development (Article 13 Aceh Qanun 9/2008). Dispute resolution through this route in the Indonesian judicial system can be said to be a form of alternative dispute resolution (ADR) outside of 'transmission litigation'. In fact, Acehnese people at the village level still prefer dispute resolution through Gampong (UU

6/2014 concerning Villages) and Imeum-Mukim. This shows that settlement through Gampong and Imeum-Mukim is able to help state judicial institutions, in the dispute process it should go through litigation. To support this, the following data is presented on resolution according to the type of dispute through non-litigation channels through customary courts.

Table 3. Recapitulation of Minutes of Traditional Disputes Aceh Qanun No 9/2008 concerning the Development of Customs

| No | Types of Disputes Resolved Through Customary Courts | Banda Aceh City | | | | | | Number of Cases | |
|-------|---|-----------------|------|------|------|------|------|-----------------|------|
| | | Year | | | | | | | |
| | | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | | 2022 |
| 1 | Disputes in the Household | | | | | 158 | | | 158 |
| 2 | Family Disputes Related to Faraidh | | | | | 48 | | | 48 |
| 3 | Disputes between Citizens | | | | | 54 | | | 54 |
| 4 | Seclusion Meusum | | | | | 17 | | | 17 |
| 5 | Disputes over Property Rights | | | | | 16 | | | 16 |
| 6 | Household Theft (TIPIRING) | | | | | 16 | | | 16 |
| 7 | Sahareukat Property Dispute | | | | | 4 | | | 4 |
| 8 | Petty Theft | | | | | 9 | | | 9 |
| 9 | Theft of Pet Livestock | | | | | 3 | | | 3 |
| 10 | Violation of Customs regarding Livestock, Agriculture and Forests | | | | | 3 | | | 3 |
| 11 | Disputes at Sea | | | | | # | | | # |
| 12 | Disputes in the Market | | | | | 3 | | | 3 |
| 13 | Light Persecution | | | | | 8 | | # | 8 |
| 14 | Forest Burning (Small Scale Harms Indigenous Communities) | | | | | # | | # | # |
| 15 | Harassment, Slander, Incitement and Defamation | | | | | 12 | | # | # |
| 16 | Environmental Pollution (Small Scale) | | | | | 4 | | # | # |
| 17 | Threatening Threats (Depending on the Type of Threat) | | | | | 3 | | # | 3 |
| 18 | Other Disputes Violate Customs and Customs | | | | | 2 | | # | 2 |
| TOTAL | | | | | | 350 | | | 350 |

Source: Data Collection and Documentation Report on Customary Disputes in 15 Districts/Cities 2022 issued by the Secretariat of the Aceh Traditional Council in 2022.

Based on the table above, it shows that there is quite a high rate of dispute resolution through non-litigation channels through customary courts. The dispute resolution is in accordance with Law 30/1999 concerning Arbitration and Alternative Dispute Resolution. This law regulates the resolution of disputes or differences of opinion between parties in a certain legal relationship who have entered

into an arbitration agreement which expressly states that all disputes or differences of opinion arising or which may arise from the legal relationship will be resolved by means of arbitration or through alternative dispute resolution. In the event that the parties have agreed that the dispute between them will be resolved through arbitration and dispute resolution, then this will be binding between the parties who have agreed. However, dispute resolution through Mukim institutions does not have an "Appeal" mechanism for decisions that have been determined (Article 13 Aceh Qanun 9/2008). This then raises the question of whether each mechanism and rule of sanctions for the 17 types of problems (Article 13 Qanun Aceh 9/2008) has fulfilled the principles of harmony with statutory regulations up to the constitution of the 1945 Constitution of the Republic of Indonesia. Because in fact in Qanun 4/2003 jo. Aceh Qanun 9/2008 enforced the law of public caning.

Caning punishment still has pros and cons regarding human values, especially Human Rights (HAM), for its implementation. For those who support the existence of caning, they believe that caning does not violate human rights because the implementation of caning is not intended to result in injury or physical disability for the condemned. However, for those parties who do not support caning, they consider that caning is a violation of human rights because the application of punitive sanctions is carried out against innocent people.

If we examine more deeply Article 4 of Governor Regulation no. 10/2005 concerning Technical Instructions and Procedures for Implementing Caning Punishments explains that caning sentences are carried out in an open place so that they can be witnessed by many people in the presence of prosecutors and doctors. However, the implementation of caning has given rise to many parties who want it to be evaluated. This then also supports indications of overlapping main functions and other authorities between Mukim and Gampong.

More specifically, the problem of indications of overlapping main tasks, functions and other authorities between Mukim and Gampong is in terms of the existence of judicial institutions at the Gampong/Village level and Supervision of Village Government and Development. Gampong/Village already has judicial instruments (run by elements of Village Government institutions, Traditional Institutions and Village Consultative Body/BPD) and government and development supervision (run by Village Consultative Body/BPD). The results of analysis through focus group discussions conducted in two series in Banda Aceh and Loksumawe show that in the implementation of the main tasks of judicial function and authority carried out by Gampong and Mukim there is no overlap in the implementation of work. The findings show that dispute cases that have been submitted through and processed and resolved by the Gampong will not be continued or forwarded to the Mukim court level, because the existence of the Mukim is not an appellate court system. Likewise, cases submitted to the Mukim court will not be given/handed over to the Gampong/Village court. Each has its own absolute limits of judicial jurisdiction. An opportunity that could occur is if there is a dispute case that goes to

the Gampong/Village court, and in the initial process of registering the case and the secretary or "clerk" of the village court is consulted whether the case should be decided in the Gampong or in the Mukim.

The issue of the Mukim's main duties, functions and authority in terms of supervision of government and development, based on the juridical analysis that has been carried out, is that supervision of government and development is not contained in the provisions of Article-13 of Qanun Aceh 9/2008. However, from the results of the focus group discussion analysis, the fact that government and development supervision is implemented is a fact of the living law implemented by the Mukim and does not cause problems in the relationship between the two Mukim and Gampong institutions. The Mukim's supervision is not part of the formal village/gampong government system, but is rather an external supervision of community institutions that has an effective impact. Even though the formal government system, Gampong has its own systems and mechanisms which are run by the BPD.

IV. CONCLUSION

Therefore, it can be concluded based on the results of this research that substantively it can be said that there is no overlap in the implementation of the relationship between the 17 Mukim customary legal authorities and Gampong government institutions in resolving cases. Then, the legal principles and rules used in resolving the 17 authority cases are rooted in a mixture of Islamic religious law values and Acehese customary law which is applied as the living law, namely local wisdom which is rooted in the values of restorative justice. In fact, there is vertical disharmony with the Indonesian legal system (substance, structure, culture) but nothing is codified. Even though the existence of Mukim institutions is needed by the people of Aceh, the condition of the institutional infrastructure is on average inadequate to carry out judicial functions and village supervision. This then triggers the vulnerability of uncertainty in the benchmarks for legal interpretation and reasoning.

DAFTAR PUSTAKA

- Amalia, N., Mukhlis, M., & Yusrizal, Y. (2018). Model Penyelesaian Sengketa Dan Peradilan Adat Di Aceh. *Jurnal Hukum Ius Quia Iustum*, 25(1), 159–179. <https://doi.org/10.20885/iustum.vol25.iss1.art8>
- Fauziah Nurdin, & Khairil Fazal. (2022). Fungsi dan Makna Tradisi Reuhab pada Masyarakat Gampong Kuta Aceh. *Jurnal Sosiologi Usk: Media Pemikiran & Aplikasi*, 16(2), 229–240.
- Hartiwiningsih, Karjoko, L., & Soehartono. (2019). *Metode Penelitian Hukum* (Kesatu; M. Apriandhini, ed.). Tangerang Selatan: Universitas Terbuka.
- Husin, T. (2015). Penyelesaian Sengketa/Perselisihan Secara Adat Gampong di Aceh. *Kanun: Jurnal Ilmu Hukum*, 17(67), 511–532. Retrieved from <http://jurnal.unsyiah.ac.id/kanun/article/view/6085>
- Ikhsan, M. (2021). Peran Dan Aksi Tuha Peut Gampong Dalam Di Kabupaten Aceh Utara Role and Action of Tuha Peut in Guiding Children With the Law in North Aceh Regency. *JICOMS*:

- Journal of Islamic Communication and Media Studies*, 1(1), 38–52.
- Jafar, M., & Sulaiman, S. (2018). Penataan Administrasi Kependudukan Berbasis Mukim dan Gampong di Provinsi Aceh. *Jurnal Penelitian Hukum De Jure*, 18(4), 465. <https://doi.org/10.30641/dejure.2018.v18.465-476>
- Melisa, R., Imuem, K., Di, M., & Seunagan, K. (n.d.). *Kepemimpinan Imuem Mukim Di Kecamatan Seunagan Kabupaten Nagan Raya. VIII*, 72–89.
- Mulyadi Nurdin. (2018). Penyelesaian Sengketa Melalui Peradilan Adat Aceh H. Mulyadi Nurdin, Lc, MH Dosen Tetap IAIN Zawiyah Cot Kala Langsa. *Jurnal Perundang Undangan Dan Hukum Pidana Islam*, III(02), 183–193.
- Nazaruddin, T., Sulaiman, S., & Yulia, Y. (2022). Kearifan Lokal Penataan Ruang Wilayah Mukim Yang Berkelanjutan Di Aceh. *Arena Hukum*, 15(2), 237–256. <https://doi.org/10.21776/ub.arenahukum.2022.01502.2>
- Nurdin, M. (2018). Penyelesaian Sengketa Melalui Peradilan Adat Aceh. In *Legalite : Jurnal Perundang Undangan dan Hukum Pidana Islam* (Vol. 3). <https://doi.org/10.32505/legalite.v3iii.1108>
- Rizkiana, R. E., & Gerry, M. (2022). Penanganan Hak Atas Perumahan Yang Layak Terkait Backlog Di Masa Pandemi Covid 19 : Studi Kasus Di Kota Samarinda (Decent Housing Rights Handling Related to Backlog during Covid-19 Pandemic : Samarinda City Case Study). *HAM*, 13(2), 287–304. <https://doi.org/http://dx.doi.org/10.30641/ham.2022.13.287-304>
- Rosita. (2019). Al-Bayyinah: Journal of Islamic Law-. *Al-Bayyinah: Journal of Islamic Law*, VI(2), 85–98.
- Soekanto, S., & Mahmudji, S. (2003). *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*. Jakarta: Raja Grafindo Persada.
- Syahbandir, M. (2014). Sejarah Pemerintahan Imuem Mukim di Aceh. *Jurnal Kanun*, 16(62), 1–17.
- Taqwaddin. (2010). Aspek Legal Penguasaan Hutan oleh Mukim. *Jurnal Kanun Hukum*, 50(50), 14–48. Retrieved from <http://www.jurnal.unsyiah.ac.id/kanun/article/view/6286/5177>
- Zainuddin, M. (2017). Media Syari ' Ah. *Media Syari'ah*, 19(2), 319–355. Retrieved from <http://jurnal.ar-raniry.ac.id/index.php/medsyar/article/view/2025/1501>
- Zakiyya, A. (2019). Dinamika Pemerintahan Mukim Di Aceh Besar Pasca Kemerdekaan Indonesia (1946-2017). *JIM: Jurnal Ilmiah Mahasiswa Pendidikan Sejarah*, 4(3). Retrieved from <http://www.jim.unsyiah.ac.id/sejarah/article/view/13293%0Ahttp://www.jim.unsyiah.ac.id/sejarah/article/download/13293/5619>
- Zulkifli, Z., Akmal, M., Abubakar, M. Bin, & Mulyadi, M. (2021). The Role of Imum Mukim in Gampong Governance in Paya Bakong District of North Aceh Regency. *Malikussaleh Social and Political Reviews*, 2(2), 69. <https://doi.org/10.29103/mspr.v2i2.6356>