

Restorative Justice in the Settlement of Cases Through Formal Traditional Institutions in the Gayo Community of Aceh Province

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ABSTRACT

One form of Aceh's privileges is that it reinforces customary law and is formalized through regulation so that to occupy a position in a certain customary institution, they must have formal requirements and with these formal conditions, they do not necessarily understand customary law. This paper is intended to explain the efforts made by formal customary institutions, which have limited customary law capacity, in resolving cases so that the situation will recover (restorative justice). Data for this article were obtained through direct observation in the field of resolving cases handled by traditional institutions within the Gayo community known as Sarak Opat. The results of the study show that in dispute resolution, formal customary institutions always involve non-formal institutions that do not sit in formal adat institutions, because non-formal institutions have a better understanding of customary law than formal customary institutions. It is recommended that the regulations that have been drafted should consider the flexibility of customary law for the formal requirements of people sitting in the sarak opat institution as formal adat institutions.

Keywords: *restorative justice, case settlement, formal customary institutions.*

1. INTRODUCTION

Customary law is the basic law of the Indonesian people which existed long before the Indonesian state became independent in 1945. Then, since the Indonesian state became independent, customary law still exists and develops in people's lives and is recognized by the Constitution.

Customary law which is known as unwritten law has diversity between one region with other regions. This law is also elastic and flexible so that it is easy to be applied in any case. However, along with the development of state administration in Indonesia, through reforms, the issue of customary law is now re-emerging in the sense that customary law is revived by bringing up regulations on customary law.

The existence of customary law in Indonesia is growing and its existence is recognized in Indonesia, as seen by the issuance of several laws regarding

customary law, such as in Aceh, several laws that were born after the reformation. This condition may create more opportunities for greater autonomy in Aceh province as regulated in the Law No. 44 of 1999 concerning the Implementation of the Privileges of the Special Province of Aceh and Law No. 18 of 2001 concerning Special Autonomy which was replaced by Law No. 11 of 2006 concerning the Government of Aceh (UUPA). These rules are also inseparable from the amendments to the 1945 Constitution

The UUPA further strengthens the existence of this customary law. The UUPA has regulated the customary institutions as stipulated in CHAPTER XIII Article 98 concerning the Customary Institutions UUPA. Based on Article 98 paragraph (1) UUPA "Customary institutions function and act as a vehicle for community participation in the administration of Aceh and district governments in the field of security,

peace, harmony and order". Article 98 paragraph (2) UUPA "The settlement of social problems in the custom is pursued through customary institutions.

The UUPA gives/provides the opportunity for the Aceh region to form other regulations in the form of regional regulations called Qanuns so that the existence of customary law becomes stronger. In several qanuns, the duties and authorities of customary institutions are later elaborated

There are several Qanuns have been enacted after the issuance of the UUPA, both at the provincial and district levels. At the provincial level, among others, Aceh Aceh Qanun No.9 of 2008 concerning the Development of Customary and Customary Life, Aceh Aceh Qanun No.10 of 2008 concerning Customary Institutions, Aceh Aceh Qanun No.3 of 2009 concerning Procedures for Election and Dismissing Mukim and Aceh Aceh Qanun No 4 of 2009 concerning Procedures for Election and Dismissal of Keuchik.

These provincial-level qanuns were followed by qanuns in regencies/cities, because of the ethnic diversity that exists in Aceh. One of the ethnic groups in Aceh is the Gayo tribe who inhabits several districts/cities in Aceh. Several qanuns have been made that revive customary institutions in resolving any disputes in society, one of which is the Aceh Tengan area where the majority of the people are Gayo, there is the Central Aceh District Qanun No. 09 of 2002 concerning Gayo Customary Law. The Gayo adat institution is carried out by Sarak Opat, as explained in Article 8 of the Central Aceh Qanun No. 09 of 2002 concerning Gayo Customary Law, it states that the functions of Sarak Opat as a customary institution are:

- a. Sarak Opat plays an active role in preventing unconditional acts
- b. Sarak Opat can take action against sumang actions
- c. Sarak Opat carries out customary laws, customs and customary sanctions
- d. Sarak Opat resolves the Kemalun Edet Four cases, Madu Opat
- e. Sarak Opat resolved four deeds that violated the custom

The Sarak Opat Institution which is contained in the Qanun of Central Aceh Regency is a traditional

institution in the Gayo Community which not only inhabits Central Aceh Regency but also in other districts such as Bener Meriah.

The Sarak Opat Institute is very active in resolving any disputes that arise in the Gayo community, so ideally Sarak Opat must really understand the basic values of Gayo customary law in resolving any disputes that arise in the Gayo community.

In one hand, another consequence is that when a person occupies a position in the sarak opat institution he must have formal requirements including certain level of education; on the other hand, this person is not required to understand customary law. This condition may become an obstacle in resolving any problem that occurs in a society. Based on this, this paper will examine how the efforts made by formal customary institutions that have limited customary law capabilities in resolving disputes that can realize the settlement of restorative justice as the spirit of settlement in customary law.

2. RESEARCH METHODS

Based on the problems raised, namely the efforts made by formal customary institutions, which have limited customary law capabilities, in resolving cases so that the situation will recover (restorative justice), the main data in this paper is primary data obtained through direct observation in the field towards solving cases handled by customary institutions known in the Gayo community as Sarak Opat. In-depth interviews were conducted with the Chairman of the Gayo Traditional Council of Central Aceh Regency and Reje or the village head who handled disputes. Primary data will be complemented by secondary data, in the form of primary, secondary and tertiary legal materials. The analysis will be carried out using qualitative methods.

3. FINDINGS AND DISCUSSION

Customary law is an unwritten law. In many pieces of literature, customary law states that customary law is a law that lives in society, unwritten and found in petitih parcels or wise words in society. there are several characteristics of customary law, namely:

- a. relegiues-magical,
- b. communal (social),

c. democratic

d. Cash (concrete)[1].

It is said to be magical because customary law is often referred to as traditional law and according to Indonesian traditional beliefs, every society is surrounded by supernatural powers that must be maintained to keep life safe and secure. There is always a connection between the world of birth and the world of the unseen. Every action of community members cannot be separated from that power. If there is a violation, then the people will think that they will get sanctions from the supernatural world.

Customary law with a communal character (social) means that human life is always seen in the form of a group as a whole. This is the essence of the real law, where humans are *Zoon Politycon*, humans are social creatures and cannot live without other humans.

The characteristic of democratic customary law is that customary law always promotes togetherness, that everything is always resolved by deliberation, togetherness and prioritizing common interests.

Then the character of customary law is cash and concrete means that in customary law everything is done immediately, so that it will be clearly seen. An example often cited is that the transfer of rights and obligations must be carried out at the same time.

Based on the characteristics of customary law, the settlement in customary law is flexible, informal and highly dependent on the situation at that time. This is also in line with the general principle of customary settlement which is to restore balance and harmony with the spirit of kinship. During the trial, the parties in the case were closely identified with their group, namely as indigenous peoples so that their identities were not highlighted.

A deliberative settlement is the main key in customary justice because what is prioritized is understanding the values that exist in society. Herowati Poesoko stated that the deliberative settlement of disputes is the soul of the Indonesian nation because the settlement is simple, low cost and fast.[2] The way to do it is by deliberation and consensus on the basis of kinship, harmony and kinship. The trial was conducted not to make a decision but to find an agreed, mutual agreement and

mutual understanding. If the parties can receive a mutually agreed settlement, that is the decision[2].

Even though there is a formal court in resolving disputes, in reality the community still uses customary law. Some regions in Indonesia still use customary law to resolve disputes that occur between them.[3] From a sociological perspective, customary courts, as part of the traditional rights of customary community law, are still living in society[4]. The Acehese people also still use customary law in solving problems between them.

Every region in Indonesia has customs and customary laws that are considered fair by its citizens regarding the methods taken to resolve disputes that occur in society called customary courts. The customary circulation system has been known by the Indonesian people since the days of Hinduism, Buddhism, the Sriwijaya Kingdom and the Mojopahit Kingdom, where the system of peaceful dispute resolution on the basis of kinship through deliberation and consensus in addition to State courts, as the legal basis used to resolve disputes is custom.[5]

The regulation has made the situation in Aceh make customary law like written law. There is a position of customary law in the form of written rules, this is course causes the meaning and values that live in society to change.[6] Several legal instruments cause customary law to lead to formality. This started with the recognition of customary law, which in Aceh was followed by making several regulations.

Based on Article 18 B paragraph (1) of the 1945 Constitution, the State recognizes and respects regional government units that are special or special in nature which is regulated by law. Article 18 B paragraph (2) of the 1945 Constitution recognizes and respects customary law communities and their traditional rights as long as they are still alive and in accordance with community development and the principles of the Unitary State of the Republic of Indonesia, which are regulated in law. Article 28 I paragraph (3) of the 1945 Constitution The cultural identity and rights of traditional communities are respected in accordance with the times and civilization.

Some of the laws that led to this formalization are as follows:

- a. Law Number 44 of 1999 concerning Implementation of the Privileges of the Aceh Special Region Province

Law No. 44 of 1999 concerning the Implementation of Privileges for the Province of the Special Region of Aceh regulates adat in CHAPTER III concerning the Implementation of Privileges. Article 3 paragraph (1) of the Law states that privilege is an acknowledgment from the Indonesian nation that is given to the regions because of the struggle and the essential values of society which have been preserved from generation to generation as a spiritual, moral and human foundation. Furthermore, paragraph (2) states that the Special Implementation includes: administering religious life, organizing customary life, administering education and the role of ulama in determining regional policies.

- b. Law Number 11 of 2006 concerning the Government of Aceh

Law No. 11 of 2006 concerning the Government of Aceh regulates Adat Institutions in CHAPTER XIII concerning Customary Institutions. Article 98 of Law No. 11 of 2006 concerning the Government of Aceh formulates the following. CHAPTER XIII Customary Institutions Article 98 paragraph (1) Customary institutions function and play a role as a vehicle for community participation in the administration of Aceh Government and district/city government in the field of security, peace, harmony and public order. Article 98 paragraph (2) The settlement of social problems by custom is carried out through customary institutions.

Based on Article 98 paragraph (3) the customary institutions as referred to in paragraph (1) and paragraph (2), include: a). Aceh Adat Council, b). *Imuem mukim* or other names, c). *imeum chik* or other names, d). *keuchik* or other names, e). *Tuha peut* or other names, f). *Tuha* eight or other names, g). *Imeum meunasah* or other names, h). *Keujreun blang* or other names, i). *Panglima laot* or other names, j). *Glee* handler or other names, k). *Peutua seuneubok* or other names, l). *Haria peukan* or other names and m). *Syahbanda* or other names.

- c. Law Number 9 of 2015 concerning Regional Government

Based on Article 1 number 12 of Law No. 23 of 2014 states that an Autonomous Region, hereinafter referred to as a Region, is a legal community unit that has territorial boundaries that are authorized to regulate and administer government affairs and the interests of the local community according to their own initiative based on the aspirations of the community in the system of the Unitary State of the Republic of Indonesia.

Article 1 number 43 Village is a village and customary village or what is referred to by other names, hereinafter referred to as *Desa*, is a legal community unit which has territorial boundaries which are authorized to regulate and administer Government Affairs, the interests of the local community based on community initiative, rights of origin, and/or traditional rights recognized and respected in the government system of the Republic of Indonesia.

- d. Law Number 6 of 2014 concerning Village Government

Article 96 of Law No. 6/2014 states that the Government, Provincial Government, and Regency / City Regional Government restructure indigenous peoples and are designated as Traditional Villages. Article 103 The authority of a Traditional Village based on the right of origin as referred to in Article 19 letter a includes:

- 1) Government regulation and implementation based on the original composition
- 2) Arrangement and management of *ulayat* or customary territories
- 3) Preservation of the socio-cultural values of the Traditional Village
- 4) Settlement of customary disputes based on customary law prevailing in Traditional Villages in areas that are in line with human rights principles by prioritizing deliberative settlement
- 5) Conducting a customary village court peace trial in accordance with the provisions of statutory regulations
- 6) Maintenance of peace and order for the people of the Traditional Village based on the prevailing customary law in the Traditional Village and

7) Development of customary law life in accordance with the socio-cultural conditions of the Traditional Village community.

e. Aceh Qanun Number 4 of 2005 concerning Mukim Government in the Province of Nangroe Aceh Darussalam

Qanun Number 4 of 2005 concerning the *Mukim* Government in the Province of Nangroe Aceh Darussalam authorizes the mukim to decide and or enact laws, maintain and develop customs, carry out customary peace, resolve and issue customary decisions against disputes and violations of adat, giving strength law against some things and other proof according to custom, and resolve cases related to customs.

f. Aceh Qanun Number 5 of 2005 concerning Village Government in the Province of Nangroe Aceh Darussalam

Qanun Number 5 of 2005 concerning Village Government in the Province of Nangroe Aceh Darussalam, emphasizes that the duties and obligations of the Village government are to organize customary disputes, maintain and maintain the preservation of customs and customs, maintain peace and order and prevent the emergence of immoral acts in the community along with Tuha Peut and Imeum Meunasah becomes the judge of peace.

g. Aceh Qanun Number 9 of 2008 concerning Customary Life and Customs

Article 1 point (10) stated that Adat is a rule of conduct and habit that has been applied in the society which is used as a guide in social life in Aceh. Furthermore, in number (11), Customary Law is a set of unwritten provisions that live and develop in Acehnese society, which have sanctions if they are violated. Furthermore, Article 13 paragraph (1) Disputes/disputes over customs and traditions include:

- a. Disputes in the household
- b. Disputes between families related to faraidh
- c. Disputes between residents
- d. Khalwat meusum
- e. Disputes over property rights
- f. Theft in the family (minor theft)

g. Healthy property disputes

h. ight theft

i. Pet livestock theft

j. Customary violations concerning livestock, agriculture and forests

k. Disputes at sea

l. Disputes in the market

m. Light abuse

n. Forest burning (on a small scale to the detriment of indigenous communities)

o. Harassment, slander, incitement and defamation

p. Environmental pollution (light scale)

q. Threats threaten (depending on the type of threat); and

r. Other disputes that violate customs and customs.

h. Aceh Qanun Number 10 of 2008 concerning Customary Institutions

Article 2 Qanun No. 10/2008 fully regulates the existence of customary institutions. As for the sound of Article 2 paragraph (1) and (2) Aceh Qanun Number 10 of 2008 concerning Customary Institutions, namely:

(1). Customary institutions function as a vehicle for community participation in governance, development, community development, and resolution of social problems.

(2). The customary institutions as meant in paragraph (1) are

- a. Aceh Adat Council
- b. *Imeum mukim* or any other name
- c. *Imeum chik* or any other name
- d. *Keuchik* or other names *tuha peut* or other names
- e. *Tuha Lapan* or another name
- f. *Imeum meunasah* or other names
- g. *Keujruen blang* or other names
- h. *Panglima laot* or other names

i. *Glee / uteun* handler or other names

j. Elder *Seuneubok* or other names

k. *Haria peukan* or other names; and.

l. *Syahbanda* or other names.

h. Aceh Governor Regulation (Pergub) Number 60 of 2013 concerning Implementation of the Settlement of Customary Disputes/Disputes

Article 24 The Pergub formulates the initial handling of dispute/dispute resolution that occurs in the community, which can be assisted by:

1) Head of Hamlet / Head of Environment / Head of Lorong, for disputes / disputes that occur in residential or residential areas;

2) Customary institutions specifically in the management of the Mukim management area or by other names, namely: Petua Seuneubok, Keujruen Blang, Peutua Krueng, *Haria Pekan* and *Panglima Uteun* / other names, for disputes/disputes that occur in community plantation areas, rice fields, rivers, markets and forests; and

3) Village Women Leaders or other names or Mukim or other names for the initial handling of disputes / disputes related to women and children.

i. Joint Decree (SKB) of the Governor of Aceh, Kapolda Aceh and the Chairperson of the Aceh Adat Council Number: 198/677/2011 / No: 1054 / MAA / XII / 2011 / No: B / 121 / I / 2012 regarding the Implementation of Village and Mukim Adat Courts or Other Names in Aceh.

This Joint Decree aims to strengthen coordination in the process of implementing mediation in Aceh with the obligation of the police to respect and provide prior opportunities for resolving disputes or disputes that occur in the community through village customary courts and mukim customary courts. The contents of the SKB are as follows.

1) Disputes or disputes that occur at the village and mukim level that are of a minor nature as regulated in articles 13, 14, 15 of Qanun No. 9 of 2008 must be resolved first

through the village and mukim customary courts.

2) The police apparatus provides the opportunity for any dispute or dispute as referred to in point 1 to be resolved first through the village and mukim customary courts.

3) All parties are obliged to respect the administration of village and mukim customary courts.

4) In its settlement, the village or mukim customary court can issue a decision based on the norms of customary law and customs in force in the local area.

5) Trials of village and mukim adat courts are attended by parties, witnesses and are open to the public, except for certain cases which according to custom and propriety may not be open to the public.

6) The decision of the village and mukim customary court is final and binding and cannot be submitted again to the general court or other courts.

7) Each village and mukim customary court is made in writing, signed by the chairman and members of the assembly as well as both parties to the dispute and a copy submitted to the police chief, sub-district head and sub-district MAA.

8) The implementation of village and mukim customary courts in making decisions but prohibited from imposing bodily sanctions such as imprisonment, bathing with dirty water, shaving hair, cutting clothes and forms that are contrary to Islamic values.

9) Cases that are resolved at the mukim level are cases that are not resolved at the village level.

10) The Aceh Government and district/city governments foster and supervise the implementation of village and mukim customary courts in Aceh.

11) The Kapolda and the Chairperson of the MAA and all their staff are obliged to provide guidance, guidance, development and supervision of customary law material

and the administration of customary courts in accordance with the customary law order and principles that apply to the local community.

- 12) The Aceh Government and district/municipality governments can assist in administrative financing for the administration of village and mukim customary courts.
- 13) Majlis and mukim customary courts and procedures for dispute resolution/disputes are guided by Aceh Qanun No. 9/2008 and Aceh Governor Regulation No. 25/2011 on General Guidelines for Village Government Administration.

Apart from some of the regulations and Provincial-level SKB that have been mentioned above, regulations also exist in several districts/cities in Aceh Province, such as Qanun Aceh Tengah District No 09/2002 concerning Gayo Customary Law. Article 8 of Aceh Tengah District Qanun No. 09/2002 stipulates that the function of Sarak Opat as a customary institution is:

- a. Sarak Opat plays an active role in preventing unconditional acts
- b. Sarak Opat can take action against sumang actions
- c. Sarak Opat carries out customary laws, customs and customary sanctions.
- d. Sarak Opat resolves Kemalun Edet Four cases, Madu Opat.

This is the formal basis for dispute resolution by sarak opat institutions in Gayo society. Some of the above regulations have led to the formalization of customary law. One of the traditional institutions that were revived is the Sarak Opat institution. the sarak opat institution as a dispute settlement institution in Gayo must be filled by personnel who have formal requirements. Keuchik or Reje as a person who serves as a judge must have formal requirements as stated in Qanun no 5 of 2003 concerning gampong governance. In chapter 17:

"A person can be determined to be a Keuchik candidate, is a citizen of the Republic of Indonesia who meets the following requirements:

- a. be obedient in carrying out Islamic Shari'at properly and sincerely;
- b. loyal to the Unitary State of the Republic of Indonesia or the legal government;
- b. has resided in the Gampong for at least five years continuously;
- c. has been aged at least 25 (twenty five) years and a maximum of 60 (sixty) years at the time of nomination;
- d. educated at least Junior High School or knowledgeable equivalent;
- e. physically and mentally healthy;
- f. clearly not in mental / memory disturbance;
- g. having good behavior, honesty and fairness as well as being firm, wise and wise;
- h. their voting rights have never been revoked based on a court decision which has permanent legal force; j has never been sentenced to imprisonment or probation for committing a crime;
- i. know the geographical conditions, socio-economic conditions and socio-cultural conditions of the Gampong and are widely known by the local community;
- j. understand well the Qanun, Reusam and customs and have never done any actions that violate these customs and habits;
- k. willing to run or be nominated by another party.

The existence of educational requirements as stated in letter c is often aimed at seeing ijazah, not on equal knowledge, so that those who have ijazah do not necessarily understand customary law and this causes the Sarak Opat customary apparatus to often face obstacles in resolving disputes. To overcome this obstacle and to maintain the philosophy of settlement according to the Gayo customary law, steps were taken by involving informal figures

The result of Rahmina's thesis research stated that the Gayo adat court dispute resolution mechanism begins with reports (from victims or the community), reports submitted to the hamlet head, if the dispute is light enough to be resolved by the hamlet head, the hamlet head reports to Reje or members of Sarak Opat, if the dispute is categorized as a serious dispute, Reje sends a delegation or mediator (in Gayo

language often referred to as Telangke) to the disputing parties, deliberations, reads the results of the deliberation decisions and carries out the execution. If there is a dispute involving inter-village, inter-district, inter-regency, the resolution mechanism is: There is a report from the community that is submitted to the hamlet head or directly to Sarak Opat, Sarak Opat then confirms to Sarak Opat other villages, villages that have a connection with the perpetrators, conduct Deliberations, read the decisions of the deliberations and executions.

M. Jusin Saleh. explained that in general, the dispute resolution mechanism through the Gayo customary court is that every dispute/problem that arises in the community is first reported to the head of the village or also called the head of the hamlet, but may also directly to the village Reje. If the problem is not too big, then the solution is sufficient to reach the level of the leader without being brought to Reje, but disputes that fall into the category of large / very large disputes, the settlement is not sufficient to the head of the hamlet, but must also involve Sarak Opat. In this case, the hamlet head first reports the dispute to Reje or other Sarak Opat members, if the dispute has been reported to the hamlet head. Furthermore, Reje will send a mediator to the disputing parties. (M Husin Saleh, MBA. Chairperson of the Gayo Traditional Council, Aceh Tengah District, Interview, June 2, 2019).

Send a mediator to mediate the disputing parties if necessary, in this case the mediator must be wise and impartial to either party. The ones who are prioritized as mediators are the Hamlet Head, Petue and other village government officials. Telangke (mediator) will examine how the chronology of events is and then telangke will meet the parties, if the parties can be brought together, they will be brought together, but if the parties cannot, then telangke is the messenger to the parties.

Reje then summoned/invited all members of the Sarak Opat, the head of the hamlet and other members of the village administration for a discussion. The purpose of deliberation is to take policies on each existing dispute. Deliberations that can be held can occur once or more than once, depending on the dispute.

In deciding each dispute, Sarak Opat consults /asks the adat leader/ulama, if this is necessary. After

completing the deliberations, the trial will be held in the mosque or menasah (mersah) of the village, which is attended by Sarak Opat and other officials and the parties to the dispute.

in the settlement of disputes, the customary court never convicted someone, the most important thing is to forgive each other.

During the trial process, Sarak Opat will provide advice, starting from Reje, Imem, Petue and RGM. Then read out the verdict that has been made.

After reading the decision, the next stage is to carry out the execution, if there is a fine such as slaughtering a goat or buffalo or a fine in the form of money then it must be submitted. However, the time for the execution is not determined, this can be done quickly or it may take a long time, depending on the ability of the parties subject to the sanction.

Dispute resolution through the Gayo customary court is open to the public, in this case the entire community may attend and hear the decision, but some cases are closed, such as cases in the household, in closed sessions attended only by the village officials and the families of the parties dispute.

Based on the results of field research, it shows that the Sarak Opat institution always involves other parties in resolving disputes, such as traditional leaders who are not part of Sarak Opat. In every dispute that Sarak Opat intends to resolve, deliberation must be carried out in the settlement process. There are also several cases where the resolution was carried out by other traditional leaders who were not part of Sarak Opat[7].

An example of a dispute resolution case that was resolved by Sarak Opat by involving other figures is the settlement of disputes between youth groups between districts. A youth group from Toweren Village, Aceh Tengan Regency with a group of youth from Tingkem village, Bener Meriah Regency, this dispute is included in the category of serious conflict because there are parties who are victims. The dispute began when the youth of Toweren village beat the youth of the Tingkem village, causing the youth of the Tingkem village to suffer serious injuries, after the incident, the Tingkem youth attacked the Toweren youth and caused two people to become victims. (Jasman, *Reje* Kampung, Toweren Uken, Interview, 07 June 2019)

The dispute was resolved through the Gayo customary court which began with deliberation. Because the dispute above involves inter-regencies, the deliberation must present Sarak Opat from the two disputing parties, namely Sarak Opat, Toweren village and Tingkem village, but in the above disputes the deliberations carried out were not only carried out by Sarak Opat but involved parties. others who are not part of Sarak Opat, such as figures from the Gayo Adat Majlis, the Head of the Police Sub-District and elder communities who understand customary law.

The same dispute resolution occurred in the community of Angkup in Central Aceh District, the deliberations were held and attended by figures who were not part of Sarak Opat. The case that occurred in Angkup was a dispute between the village community and the PLN worker who came from Korea, the dispute occurred when the community was holding a birthday ceremony for the Prophet SAW; The Korean migrants who worked on the PLN construction project did not appreciate the event so that the public was angry with the PLN worker. The community was angry and almost burned the PLN construction site. PLN workers felt frightened and fled to the police station asking for protection from the tantrums of the residents. The police secured PLN workers and then contacted a member of the Gayo Adat Majlis.

In resolving the case, the Gayo Adat Majlis figure offered to make peace between the Angkup villagers and PLN workers. In this deliberation, the settlement made by Sarak Opat, Angkup village was also attended by other community leaders and the Gayo Adat Council. The end of the deliberation decided that the settlement was done peacefully, in which PLN workers apologized to the people of Kampung Angkup in a procession of cutting 5 buffaloes provided by PLN workers (M Husin Saleh, MBA. Chairperson of the Gayo Traditional Council, Aceh Tengah District, Interview, June 2, 2019).

Based on the two case examples above, the settlement of disputes in the Gayo community is carried out by way of deliberation, deliberation between Sarak Opat before deciding the case and Deliberation between Sarak Opat and the parties in dispute. In addition, the deliberations that were held were not only attended by Sarak Opat but also attended by other figures who were not from the Sarak Opat section, namely traditional leaders or elders in the village or the involvement of other institutions such as the Gayo Adat Majlis. The presence of a figure who is not part of Sarak Opat

also provides input on how the community should resolve disputes. Non-formal figures provide input on how customary law should be applied to the disputing parties. The existence of figures who are not part of Sarak Opat in resolving disputes in the Gayo community is due to Sarak Opat in the village community based on community choices with formal conditions, not emphasizing the understanding of customary law.

4. CONCLUSION

The effort made by Sarak Opat as a formal institution in dispute resolution was to include other figures who were not part of Sarak Opat. The settlement begins with a deliberation involving non-formal and non-formal figures providing input on the form of customary law that must be applied to the case at hand in accordance with local wisdom values, then Sarak Opat makes a decision. Thus the situation will recover and this recovery is the spirit of the settlement by customary law.

It is recommended that for dispute resolution based on customary law that prioritizes balance or restoration, the requirements specified in the settlement institution must prioritize societal understanding or customary law.

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