

**EFFECTIVENESS OF THE AUTHORITY TO ENFORCE CUSTOMARY
LAW THROUGH REUSAM GAMPONG PEURADA NO 1 OF 2019
CONCERNING THE RULES OF HOUSE RENTAL**

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Abstract

This study examines the effectiveness of customary law enforcement through Reusam Gampong Peurada Number 01 of 2019 on rental housing regulations. The main problem lies in the suboptimal implementation of customary law at the village level. This study is qualitative, specifically an empirical juridical study. Primary data were obtained through interviews with community members and officials of Peurada village. Primary legal materials were obtained from laws, Qanun Jinayat, and Qanun Reusam Gampong Peurada. There were two findings from this study. First, the enforcement of customary law in cases of Reusam Gampong Peurada violations shows synergy between preventive and curative approaches. Reusam is used for social guidance through warnings and night patrols. At the same time, serious violations, such as khalwat, are referred to Wilāyah Al-Ḥisbah (WH) for processing under the Qanun Jinayat Aceh. This reflects the simultaneous use of two legal channels. Second, Reusam Gampong Peurada has clear rules and adequate supporting facilities, but the effectiveness of its enforcement is not yet optimal. Weaknesses are evident in the lack of a monitoring system, low community participation, and a weak legal culture. Therefore, it is necessary to strengthen social and institutional aspects to support the successful implementation of Reusam.

Keywords: Customary Law, Effectiveness, Islamic Law, Law Enforcement, and Reusam Gampong

Abstrak

Penelitian ini mengkaji efektivitas penegakan hukum adat melalui Peraturan Desa Peurada Nomor 01 Tahun 2019 tentang peraturan sewa rumah. Masalah utama terletak pada implementasi hukum adat yang kurang optimal di tingkat desa. Penelitian ini bersifat kualitatif, khususnya studi yuridis empiris. Data primer diperoleh melalui wawancara dengan anggota masyarakat dan pejabat Desa Peurada. Bahan hukum primer diperoleh dari undang-undang, Qanun Jinayat, dan Qanun Reusam Gampong Peurada. Ada dua temuan dari penelitian ini. Pertama, penegakan hukum adat terhadap pelanggaran Reusam Gampong Peurada menunjukkan sinergi antara pendekatan preventif dan kuratif. Reusam digunakan untuk bimbingan sosial melalui peringatan dan patroli malam. Pada saat yang sama, pelanggaran serius, seperti khalwat, dirujuk ke Wilāyah Al-Ḥisbah (WH) untuk diproses berdasarkan Qanun Jinayat Aceh. Hal ini mencerminkan penggunaan dua saluran hukum secara bersamaan. Kedua, Reusam Gampong Peurada memiliki aturan yang jelas dan fasilitas pendukung yang memadai, namun efektivitas penegakannya belum optimal. Kelemahan terlihat pada ketidakhadiran sistem pemantauan, partisipasi masyarakat yang rendah, dan budaya hukum yang lemah. Oleh karena itu, perlu memperkuat aspek sosial dan kelembagaan untuk mendukung implementasi Reusam yang sukses.

Kata kunci: Hukum Adat, Efektivitas, Hukum Islam, Penegakan Hukum, dan Reusam Gampong

INTRODUCTION

Legal studies require society to always maintain instruments to regulate social behavior through legal rules. The legal regulations that exist in society serve both as binding forces and as restrictions on the community's actions. Primitive societies also have values and norms that must be obeyed, whereby the behavior and actions of the community are always bound by and limited to the applicable norms. In fact, humans can be said to be social creatures because they are subject to social norms.¹ According to legal studies, the system holds that legal material produced by authorized institutions must be binding, and its basic function is to serve as *a form of social control*. On that basis, the adage emerged: *law as a tool of social engineering*,² also known as *law*

¹ Elly M. Setiadi, Kama A. Hakam, and Ridwan Effendi, *Basic Social and Cultural Sciences*, Third Edition, 13th Printing, (Jakarta: Kencana Prenada Media Group, 2017), p. 74.

² Achmad Ali, *Uncovering Legal Theory and Judicial Prudence, Including Interpretation of Law (Legisprudence)*, (Jakarta: Kencana Prenada Media Group, 2017), p. 84.

as a tool of social control,³ meaning that law is a means of social control, and, more broadly, that the function of law is to prevent social disintegration.⁴

According to *legal system theory*, there is such a thing as *legal substance*.⁵ Legal substance can be found in various sources of law. In Indonesia itself, there are various sources of law, also known as types of law, such as customary law, Western law, Islamic law, positive law, and judicial law.⁶ Specifically, in the context of customary law, there are various types of customary law enforced by communities, which differ across regions and areas. Customary law is used to resolve various community issues.

According to the legal system in Aceh, several norms or values are still applied and maintained to regulate community life, such as *reusam gampong*.⁷ which *literally* means village regulations, or laws that regulate community issues.⁸ The Acehnese community also recognizes *the reusam gampong as a means of regulating behavior in accordance with Sharia law*. *Reusam gampong* are rules formulated by the community in order to maintain peace, order, and harmony in the *village community*. *Reusam gampong* are expected to be *pageu gampong* that are obeyed and followed by all *villagers*, because the rules formulated are a mutual agreement.⁹ Even though they are mutually agreed upon, they do not conflict with Islamic law.

Reusam gampong is maintained and enforced by the *village community*. In general, the *village community* understands the legal content of the *reusam gampong* regulations. If there are individuals or groups who violate *reusam*, whether from within or outside the *village community*, the *village community*

³ Salle, *Legal System and Law Enforcement* (Makassar: Social Politic Genius-SIGn, 2020), p. 13.

⁴ Peter Mahmud Marzuki, *Introduction to Legal Science*, Revised Edition 13 (Jakarta: Kencana Prenada Media Group, 2021), p. 76.

⁵ Friedman mentions that there are three elements/components of a legal system, namely *legal substance*, *legal culture*, and *legal structure*. See, Lawrence M. Friedman, *The Legal System: A Social Science Perspective*, (Translated by M. Khozim), (Bandung: Nusa Media, 2019), p. 33.

⁶ Achmad Ali, *Menguak Tabir Hukum* (Jakarta: Kencana Prenada Media Group, 2015), p. 84.

⁷ *Gampong* is also known as a village, which is the smallest administrative area under the sub-district. See Al Yasa' Abubakar, *The Implementation of Islamic Law in Aceh as Asymmetrical Special Autonomy: History and Struggle* (Banda Aceh: Aceh Islamic Law Agency, 2020), pp. 176-177.

⁸ M. Dien Madjid, *Catatan Pinggir Sejarah Aceh: Perdagangan, Diplomasi, dan Perjuangan Rakyat* (Jakarta: Yayasan Pustaka Obor Indonesia, 2014), p. 150.

⁹ Syahrizal Abbas, *Anthology of Sharia Legal Thought in Aceh* (Banda Aceh: Naskah Aceh, 2018), p. 81.

will jointly enforce it.¹⁰ The position of *village regulations* in Aceh is quite important. According to Al Yasa Abubakar, village regulations, or *reusam gampong*, are part of the hierarchy of laws and regulations in Aceh Province.¹¹

One of the issues regulated in *the village regulations* is the use of an instrument for enforcing customary law, which includes customary sanctions. *Peurada Village* is one of the *villages* in Banda Aceh City, Aceh Province, which already has a *village regulation*, namely the *Peurada Village Regulation* of Syiah Kuala District, Kayee Adang Subdistrict, Banda Aceh City Number: 01 of 2019 concerning the Rules and Regulations for Rental Houses, Boarding Houses, Dormitories, and Other Rental Properties. The village regulation in the form of *the Peurada Village Regulation* contains rules on the order of rental houses, various forms of rights, obligations, prohibitions, and customary sanctions for violators of *the village regulation*.

The problem is the dualism of norms and legal regulations between *Reusam Gampong Peurada* and *Qanun Jinayat*, which both impose sanctions on perpetrators who violate Sharia law.¹² On the one hand, Aceh already has a general legal regulation in the form of *Qanun Aceh* Number 6 of 2014 concerning *Jinayat Law*. In this *Qanun*, several acts regulated in the *Aceh Jinayat Qanun* are also regulated in *the Peurada Village Reusam* (), one of which is, for example, indecency or *khalwat*.

Reusam Gampong Peurada No. 1 of 2019 contains several legal materials found in the *Qanun Jinayat*. For example, in Article 12 paragraph (2) of *the Peurada Village Regulation* states that every resident or tenant is prohibited from committing acts that violate religious norms or morals, such as receiving guests of the opposite sex who are not mahram in rented houses, boarding houses, dormitories, and other rented places, being alone with someone who is not a mahram in a dark or light place, gambling, prostitution, and immoral acts. *Reusam Gampong Peurada* also prohibits alcohol, both for those who

¹⁰ *Ibid.*

¹¹ Al Yasa' Abubakar, *Study of the Aceh Government Law and Essays on Women, Marriage and Child Guardianship*, Edition 1, 2nd printing (Banda Aceh: Aceh Islamic Sharia Agency, 2018), pp. 20-21.

¹² In the *Qanun Jinayat*, several *criminal* acts are regulated in the *qanun*, such as being alone together with someone who is not a mahram in a dark or light place, which is called *ikhtilat* or *khalwat*, and gambling. The type of punishment stipulated in the *Qanun* is flogging. Meanwhile, in the *Reusam Gampong Peurada* material, the types of punishment range from advice, verbal reprimands, written warnings, apologies, *sayam*, *diyat*, fines, compensation, exclusion from the *village* community, and expulsion from the *village* area. These types of punishment are contained in Article 12 of the *Reusam Gampong Peurada*.

provide it and those who drink it. Furthermore, Article 13, in conjunction with Article 14 of Reusam Gampong Peurada, implements customary law, which states that anyone who violates Article 12 will be subject to customary sanctions. The customary sanctions referred to are:

1. Admonishment
2. Verbal reprimand
3. Written warning
4. Apology
5. Sayam
6. Diyat
7. Fine
8. Compensation
9. Exclusion from the *village* community
10. Expulsion from the *village* territory;

Initial statement by one of the Peurada *village* officials that *the* Peurada Village Reusam was issued with the intention of supporting the law, and at the same time, as an instrument for enforcing customary law. Although the qanun already contains provisions regarding several violations that are also regulated in the Reusam Gampong Peurada, the customary law has not been included; the Reusam Gampong Peurada, therefore, supplements the existing legal provisions.¹³

In general, the cases of legal violations that occurred in Banda Aceh City throughout 2024 were quite diverse. Violations in the form of *khalwat* (being alone with someone of the opposite sex) numbered 48 people, *ikhtilat* (mixing between the sexes) numbered 33 people, and *khamar* (alcohol) cases numbered 6 people. All of these violations were resolved through a guidance process, without criminal proceedings as stipulated in the Qanun Jinayat (Criminal Law) or based on adat (customary law) and *reusam gampong* (village regulations). As for the data on cases in the village of Peurada, there were 3 cases in 2024: 2 involving receiving guests of the opposite sex and 1 involving being alone together (*khalwat*).¹⁴

¹³ Results of an interview with Reza Kurniawan, Peurada Village Official, Syiah Kuala Kemukiman Kayee Adang Subdistrict, 2025.

¹⁴ Chairul Fahmi, *Hukum dan Fenomena Sosial* (Banda Aceh: Aceh Justice Resource Centre, 2015), //ruangbaca-fsh.ar-raniry.ac.id%2Findex.php%3Fp%3Dshow_detail%26id%3D3123%26keywords%3D.

Regarding legal violations in *Peurada Village*, according to Mayshur, a resident, in 2024, there was a case of indecency or *khalwat* in a rented house. However, the case was not resolved through *the village reusam*, but the perpetrators were brought to the WH for further legal proceedings.¹⁵ This shows that the provisions in *the Peurada village reusam* were not used to resolve cases related to rental house regulations, making the village reusam less effective. Although the *village* regulations govern this, the case was still resolved according to the Qanun Aceh.¹⁶

Based on these issues, it is interesting to analyze in more depth the enforcement of customary law for violations of *village regulations*, especially from the perspective of law enforcement effectiveness, as the framework for analysis. Therefore, this issue is examined with a primary focus on the effectiveness of customary law enforcement, as reflected in the *Peurada Village Regulations* on rental housing.

DATA AND METHODS

This research is qualitative research with an empirical legal approach (*empirical legal research*).¹⁷ The data in this research was obtained from observation and interviews, as well as a study of legislation, including Law Number 11 of 2011 concerning the Government of Aceh, Qanun Number 6 of 2014 concerning Jinayat Law, Qanun Number 7 of 2013 concerning Criminal Procedure Law, and *Reusam Gampong Peurada*, Syiah Kuala Mukim Kayee Adang District, Banda Aceh City Number 1 of 2019 concerning Rules of Conduct for Rental Houses, Boarding Houses, Dormitories & Other Rental Places. The research data analysis consists of two stages, namely the descriptive stage (objective description of the problem),¹⁸ and the prescriptive

¹⁵ Interview with Masyhur, resident of *Gampong Peurada*, July 20, 2025, in Syiah Kuala District, Banda Aceh City.

¹⁶ Chairul Fahmi, "Revitalisasi Penerapan Hukum Syariat di Aceh (Kajian terhadap UU No.11 Tahun 2006)," *TSAQAFAH* 8, no. 2 (2012), doi:10.21111/tsaqafah.v8i2.27.

¹⁷ I Made Pasek Diantha, *Normative Legal Research Methods in Legal Theory Justification*, 2nd ed. (Jakarta: Kencana Prenada Media Group, 2017), pp. 2 and 12; Peter Mahmud Marzuki, *Legal Research*, 13th ed. (Jakarta: Kencana Prenada Media Group, 2017), pp. 133-134; Jonaedi Efendi and Johnny Ibrahim, *Normative and Empirical Legal Research Methods* (Jakarta: Kencana Prenada Media Group, 2018), p. 34.

¹⁸ Suharsimi Arikunto, *Research Procedures: A Practical Approach* (Jakarta: Rineka Cipta, 2016), p. 94.

analysis stage (an effort to find the ideal law).¹⁹ The prescriptive analysis in this study is intended to carefully review the coherence between legal norms and existing legal practices in the field.²⁰

RESULTS AND DISCUSSION

A. The Concept of Law Enforcement Effectiveness

The concept of law enforcement effectiveness concerns the applicability of legal rules in society. The effectiveness of law is a concept related to how law operates in society, specifically how it is obeyed. The effectiveness of law is a situation in which the law, with its instruments and forms, is obeyed or enforced by the community as well as government officials and state administrators, as subjects of law.²¹ Legal effectiveness refers to the extent to which a legal rule is obeyed or disobeyed, including the degree of compliance, such as whether a person obeys a rule because it aligns with their values or is in their interest. In measuring the effectiveness of law, it is not only based on written norms in legislation but also on unwritten legal norms such as legal values that exist in society.²²

Hans Kelsen states that the effectiveness of law is a continuation of its validity. This means that the effectiveness of a law can be measured if the law is valid.²³ The effectiveness of law is a concept that follows on from the validity and applicability of law. The effectiveness of law relates to circumstances that show that the law works in society, in line with the objectives of its formation and existence.²⁴

In relation to law enforcement, the aspect of effective law enforcement in society is related to *law enforcement* (law enforcement that applies in society). *Law enforcement* is a theory based on the effectiveness of implementing legal material. *Law enforcement* does not merely mean the implementation of

¹⁹ Marzuki, *Legal Research...*, pp. 41-42.

²⁰ Muhammad Siddiq Armia, *PENENTUAN METODE & PENDEKATAN PENELITIAN HUKUM*, ed. oleh Chairul Fahmi (Banda Aceh: Lembaga Kajian Konstitusi Indonesia, 2022).

²¹ Faisal Santiago and M. Natsir Asnawi, *Introduction to Legal Theory: Fundamentals and Development of Legal Theory from Classical to Post-Modern Times* (Jakarta: Kencana Prenada Media Group, 2024), p. 100.

²² Ali, *Uncovering Theory...*, p. 375.

²³ Munir Fuady, *Major Theories in Law* (Jakarta: Kencana Prenada Media Group, 2014), pp. 116-117.

²⁴ M. Natsir Asnawi, *Deconstruction of Law: Traces of Interpretation and Norm Formation in Law Enforcement* (Jakarta: Kencana Prenada Media Group, 2022), p. 12.

legislation; it is closely related to the enforcement of court decisions, on the one hand, and their application in society, on the other. In the effort to enforce the rules, there are supporting factors. According to Soekanto, these factors cover five aspects, as follows:²⁵

1. The legal factor itself, which in this paper will be limited to the Qanun and *Reusam Gampong* regulations. This factor is closely related to regulations that are valid in material terms and have been enacted as positive law. Ahcmad Ali states that there are four attributes in the legal context, namely *the attribute of authority* (laws are made and formulated in the form of positive rules made by those in power), *the attribute of intention of universal application* (laws have a long reach), *the attribute of obligation* (laws contain legal obligations), and finally *the attribute of sanction* (laws have sanctions).²⁶
2. Law enforcement factors, namely, the parties that formulate or apply the law.
3. The means or facilities that support law enforcement.
4. Societal factors, namely, the environment in which the law applies or can be applied.
5. Cultural factors, namely works, creations, and tastes based on human creativity in social interactions.²⁷

These five factors are closely related, as they are the fundamental essence of law enforcement and the benchmarks for measuring its effectiveness.²⁸ Munif Fuady mentions two indicators for measuring law enforcement effectiveness: that the formulated legal rules can be applied and that the community must accept them.²⁹

According to Syahrizal Abbas, there are four factors that determine the success or failure of the application of a legal norm in society, namely:³⁰

1. Legal material factors

²⁵ Soerjono Soekanto, *Factors Affecting Law Enforcement*, 16th ed. (Depok: Rajawali Pers, 2019), pp. 7-9.

²⁶ Achmad Ali and Wiwie Heryani, *Exploring Empirical Studies of Law*, 3rd ed. (Jakarta: Kencana Prenada Media Group, 2015), pp. 134-135.

²⁷ Soekanto, *Factors...*, pp. 7-9.

²⁸ *Ibid.*, p. 9.

²⁹ Fuady, *Theories...*, p. 117.

³⁰ Syahrizal Abbas and Munawar A. Djalil, *New Paradigms of Sharia Law in Aceh* (Banda Aceh: Aceh Islamic Sharia Agency, 2018), p. 61.

2. Legal enforcement apparatus factor
3. Legal infrastructure factors
4. Society's legal culture factor

Although the three opinions above differ in their determinations of the number of factors, they are essentially the same. Legal culture and legal society are closely related. Soerjono Soekanto treats cultural and social factors as independent. Meanwhile, Abbas combines them as an inseparable whole. Meanwhile, in Fuady's opinion, it can be analyzed that the legal rules he refers to are related to legal material, while legal rules must be accepted by society, indicating the existence of law enforcement, law enforcement infrastructure, society, and legal awareness simultaneously, because if all these elements are not present, then acceptance (even in the sense of forcing society to accept legal values/rules) will not be fulfilled.³¹

The above factors are closely related to one another, and all four factors have the same position and function in supporting the implementation and enforcement of a legal norm or rule. If one of these factors does not function properly, it is almost certain that the implementation/enforcement of the law will encounter obstacles and even fail because the law will be unable to perform its function as a means of realizing order, justice, and welfare.³² In this study, these indicators will be used to analyze the effectiveness of customary law enforcement, drawing on the *Reusam Gampong* Peurada material on rental house regulations.

B. The Concept of *Reusam Gampong* in Aceh

The term *reusam gampong* consists of two words. The term *reusam* is an Acehnese word derived from the Arabic word *rasam*. The term *reusam* is known in Acehnese society to refer to customs or traditions, while the latter two words (customs and traditions) were not known or commonly used by the Acehnese people in the past. This is in accordance with the review by T. Bachtiar Effendi Panglima Polem, that the term customs in its current meaning, namely customs that have been passed down from generation to generation, was completely unknown to the Acehnese community in the past.

³¹ Chairul Fahmi, "The Impact of Regulation on Islamic Financial Institutions Toward the Monopolistic Practices in the Banking Industrial in Aceh, Indonesia," *Jurnal Ilmiah Peuradeun* 11, no. 2 (30 Mei 2023): 667–86, doi:10.26811/PEURADEUN.V11I2.923.

³² Abbas dan Djalil, *Paradigma Baru...*, hlm. 61.

To express what was meant by this term, the Acehnese community used *reusam*, derived from the Arabic word *rasam*, meaning custom, manner, or tradition. To understand the meaning of *reusam*, consider the Acehnese proverb: *Boh ara iri, ie, paseung surot, taduek di nanggro gob, ban nyang reusam meunan ta turot*, which means "the fruit of envy, the ebb and flow of the tide, when we live in someone else's country, we must follow their customs."³³

A *gampong* is the smallest customary law community in Aceh.³⁴ Based on the above description, the term *reusam gampong* used by the Acehnese people is understood to refer to customs. According to the definition of the term, there are several meanings put forward by experts, which can be understood through the following definitions of *reusam* by experts:

1. According to A. Hasjmy, *Reusam* is legislation that regulates social issues. On another occasion, Hasjmy stated that every regulation made by the military leadership when the country is in danger or at war.³⁵
2. According to Al Yasa' Abubakar, *reusam gampong* simply means village regulations.³⁶
3. According to Syahrizal Abbas, *reusam gampong* are rules formulated by the community in order to maintain peace, order, and harmony for the *gampong* community.³⁷
4. According to Mizaj Iskandar and Alidar, *reusam gampong* are regulations at the *village* level made by the *keuchik* together with the *tuha peut* that regulate various aspects deemed necessary for the administration of the *village*.³⁸

The meaning of *reusam gampong* can also be understood in light of Article 1, point 8, of Qanun Number 5 of 2003 concerning *Village Administration*. It states: "*Reusam gampong or other names are rules, guidelines, and customs established by the keuchik after obtaining the approval of the tuha peut gampong*".

³³ T. Bachtiar Effendi Panglima Polem, "Social Control in Aceh Besar" published in Alfian, *Social and Cultural Aspects of Acehnese Society: Research Findings Using Grounded Research Methods*, (Jakarta: LP3ES, 1977), p. 105.

³⁴ Mizaj Iskandar and EMK Alidar, *Traditional Institutions' Authority in Resolving Khalwat Cases in Aceh* (Banda Aceh: Aceh Islamic Sharia Agency, 2020), p. 122.

³⁵ A. Hasjmy, *59 Years of Aceh's Independence Under the Queen's Rule* (Jakarta: Bulan Bintang, 1977), p. 123; See also, Ali Hasjmy, *Acehnese Culture in History* (Jakarta: Beuna, 1983), p. 69.

³⁶ Abubakar, *Study of the Law...*, p. 21.

³⁷ Abbas, *Anthology of Thought...*, p. 81.

³⁸ Iskandar and Alidar, *Institutional Authority...*, p. 131.

Furthermore, the meaning of *reusam* can also be found in Article 1, point 15 of Qanun Aceh Number 9 of 2008 concerning the Development of Traditional Life and Customs. What is meant by *reusam* in this qanun is "*reusam or other names are guidelines for customs that apply in society*".

Based on the above interpretation, *reusam gampong* can be understood as the customs of the Acehnese community that are not related to law, and *reusam* can also be understood as the rules that govern life in society and are related to law. This means that *reusam gampong* covers all customs practiced by the community, whether or not they are related to law. Therefore, *reusam* is related to the way of thinking and progress of the community, which is symbolized by *reusam*. *Reusam* is more about the lifestyle of the Acehnese people.³⁹ This lifestyle includes observing rules and customs related to weddings and other Acehnese traditions. Based on this, in Bachtiar Effendi's previous notes, the meaning of customs and traditions, formerly referred to as *reusam*, was stated very clearly.

According to A. Hasjmy, *Reusam* has five levels, namely:⁴⁰

1. *Reusam syari'i*, which is the basic law or fundamental law that regulates social issues.
2. *Reusam aridi*, which are regulations made by the government (sultan or ministers) to regulate social issues.
3. *Reusam daruri*, which are emergency laws directly created and enforced by the sultan as the supreme commander of the armed forces to regulate social issues.
4. *Reusam nafsi*, which are special regulations specifically formulated by the sultan in an effort to regulate social issues.
5. *Reusam urfi*, which are regulations compiled, formulated/created by regional authorities (hulubalang) to regulate social issues.

Articles 53 to 56 of Qanun Number 5 of 2003 concerning *Gampong* Administration regulate the mechanism for forming a *reusam gampong*. The articles read as follows:

Article 53 reads:

³⁹ Kamaruzzaman Busstamam - Ahmad, *Acehnology* (Banda Aceh: Bandar Publishing, 2011), p. 135.

⁴⁰ Hasjmy, *Kebudayaan Aceh...*, pp. 69-70; This information is also reviewed in several other publications, such as Al-Chaidar, *Gerakan Aceh Merdeka: Jihad Rakyat Aceh Mewujudkan Negara Islam* (Depok: Madani Press, 1999), p. 36; Hasanuddin Yusuf Adan, *History of Aceh and the Tsunami* (Yogyakarta: Ar-Ruzz Media, 2005), p. 131.

- (1) *The draft Reusam Gampong is submitted by the Keuchik or Tuha Peut Gampong.*
- (2) *The village regulations are discussed jointly by the Keuchik and Tuha Peut Gampong.*
- (3) *The Keuchik appoints the Reusam Gampong after obtaining approval from the Tuha Peut Gampong.*

Article 54 reads:

- (1) *In order to discuss the Draft Reusam Gampong as referred to in paragraph (1) of Article 53, the Tuha Peut Gampong shall hold a meeting/session, which must be attended by at least 2/3 (two-thirds) of the total number of members.*
- (2) *Decisions shall be made with at least 50% plus 1 (one) of the members present.*

Article 55 reads:

- (1) *The Gampong Reusam shall be signed by the Keuchik and countersigned by the Chair of the Tuha Peut Gampong.*
- (2) *The Reusam Gampong as referred to in paragraph (1) must be submitted to the Regent or Mayor through the Imeum Mukim and Camat no later than 45 (forty-five) days after it is enacted.*
- (3) *The Regent or Mayor must approve the Reusam Gampong no later than 45 (forty-five) days after receipt.*
- (4) *If within the 45 (forty-five) day period referred to in paragraph (3) no approval has been obtained, the Reusam Gampong shall be deemed to be in force.*

Article 56 reads:

- (1) *Further regulations regarding the Village Regulation shall be stipulated by the Regency Regulation or City Regulation.*
- (2) *The Regency Qanun or City Qanun as referred to in paragraph (1) shall contain, among other things, the following:*
 - a. *The form of the Village Regulation;*
 - b. *The content of the Reusam Gampong;*
 - c. *The mechanism and procedures for discussing the draft Reusam Gampong;*
 - d. *Further provisions if the number of Tuha Peut Gampong members present does not reach at least 2/3 (two-thirds);*
 - e. *The position of the Village Charter in relation to the public interest, the Regency Law or City Law, and other higher-level laws and regulations;*
 - f. *Provisions on sanctions for violations of the Reusam Gampong.*

The above provisions emphasize that *village regulations can be formed and that the drafting process is carried out by the village head or keuchik, together with the village elders. In relation to the meaning of reusam as mentioned earlier, the keuchik, together with the tuha, can make written village regulations at the village level concerning community issues. The village regulations cover all community affairs, including legal issues related to community behavior*

regarding what is and is not permissible, as well as sanctions for those who violate them.

The status of the *reusam gampong* is the same as that of provincial, regency, or city qanun: to regulate fundamental matters, govern and bind, and impose obligations on *village* residents. Therefore, it must be established with the approval of *the tuha peut gampong*.⁴¹ In this aspect, *the reusam gampong* that has been drafted, formulated, and ratified by *the keuchik* and *tuha peut* is binding on the community of *the village* concerned. In this context, the material contained in *the reusam gampong* is related to community aspects, both those related to law enforcement against deviant behavior and those not related to law (or rules that do not require legal sanctions, only customary practices).⁴²

C. Enforcement of Customary Law related to Violations of the Village Regulations on Rental House Rules

Law enforcement requires instruments such as regulations. In the context of customary law, the instrument is a provision that has been applied for generations, or in Aceh, specifically in *Gampong Peurada*, in the form of *reusam gampong*. The existence of *Reusam Gampong Peurada* No. 01 of 2019 is an important instrument in maintaining public order, particularly regarding the rules of rented houses, boarding houses, and dormitories. This *Reusam* explicitly prohibits various forms of behavior that contravene religious and customary norms, including interactions between non-mahram couples in private spaces. The provisions of the *Reusam* reflect local values that emphasize modesty, honor, and avoidance of potential violations of Sharia law.⁴³

Article 12, paragraph (2) of *the Rules of Peurada Village* includes six prohibitions related to rental housing regulations, namely:

1. Receiving guests of the opposite sex who are not mahram
2. Being alone together between two people who are not mahram in a dark or light place

⁴¹ Explanation of Article 53 paragraph (2) of Qanun Aceh Number 5 of 2003.

⁴² Chairul Fahmi, "The application of international cultural rights in protecting Indigenous peoples' land property in Indonesia," <https://doi.org/10.1177/11771801241235261> 20, no. 1 (8 Maret 2024): 157–66, doi:10.1177/11771801241235261.

⁴³ Chairul Fahmi dkk., "The State's Business Upon Indigenous Land in Indonesia: A Legacy from Dutch Colonial Regime to Modern Indonesian State," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 3 (24 Agustus 2024): 1566–96, doi:10.22373/sjhk.v8i3.19992.

3. Gambling
4. Prostitution
5. Immoral acts
6. Alcohol.⁴⁴

Of these six prohibitions, so far only khalwat and receiving guests of the opposite sex have been found, while the other cases have not yet been discovered. This is in accordance with Masyhur's statement that:

So far, cases that violate this village regulation have included prohibitions on receiving guests of the opposite sex and seclusion in boarding houses.⁴⁵

Another statement was also made by Hamdan, as understood in the following excerpt:

There have been no cases of gambling, alcohol, or prostitution. However, there have been violations of boarding house rules, such as receiving non-mahram guests, and one case of khalwat.⁴⁶

According to Nasri, *Keuchik* (Village Head) of Gampong Peurada, there have been three cases of violations found over the past year, specifically one case of a female boarding house accepting male guests, one case of a male boarding house accepting female guests, and one case of khalwat in a place in Gampong Peurada.⁴⁷ He also revealed that so far, there have been no other violations besides these three cases, such as gambling, alcohol consumption, or others. In his explanation, he stated the following:

⁴⁴ The full text of Article 2 Paragraph (2) of *Reusam Gampong Peurada*, Syiah Kuala District, Kayee Adang Subdistrict, Banda Aceh City Number 1 of 2019 concerning Rules of Conduct for Rental Houses, Boarding Houses, Dormitories and Other Rental Properties is as follows: "Every resident/tenant is prohibited from: a. Violating laws and regulations; b. Committing acts that violate religious norms and morality; c. Receiving guests of the opposite sex who are not mahrams in Rental Houses, Boarding Houses, Dormitories, and Other Rental Places; d. Being alone with someone who is not a mahram in a dark or light place; e. Carrying out, coordinating, or facilitating activities that disturb public order; f. Accepting, spreading, and developing heretical beliefs; g. Engaging in gambling, prostitution, immoral acts, and all acts that violate laws and regulations; h. Producing, storing, providing facilities for, distributing, and/or using and trading alcoholic beverages, narcotics, and other addictive substances; i. Littering; and j. Creating/allowing/causing disturbances/noise that may disturb the comfort and peace of the community.

⁴⁵ Interview with Masyhur, a resident of Gampong Peurada, on September 29, 2025, in Syiah Kuala District, Banda Aceh City.

⁴⁶ Interview with Reza, a resident of Peurada Village, on October 17, 2025, in Syiah Kuala District, Banda Aceh City.

⁴⁷ Interview with Nasri, Head of Peurada Village, on October 17, 2025, in Syiah Kuala District, Banda Aceh City.

In the past year, there have been cases that violated the reusam. There were female boarding house residents who brought in male guests, male boarding house residents who brought in female guests, and cases of khalwat. Other than that, there were no other cases. The resolution is that, usually, the residents and village officials receive a report; then we will ask questions, record the perpetrators, and hand over the three cases to the authorities, namely the WH. Apart from these three cases, there are also those who receive guests during the day, but we only reprimand them. As for sanctions for cases processed by the WH, the village's sanctions are that we no longer accept perpetrators as tenants of rooms or houses within the jurisdiction of Peurada Village.⁴⁸

Nasri also revealed that preventive measures included warnings and nightly patrols. Male students boarding in Gampong Peurada also participated, with each male student patrolling with the village community at least once a month.⁴⁹ The following table shows cases of violations of Reusam Gampong Peurada:

Table 1. Cases of Violations of the Gampong Peurada Regulations No. 01 Year 2019

No.	Category of Violation	Number of Cases	Description
1	Receiving guests of the opposite sex	2 cases	1 case in a female dormitory and 1 case in a men's dormitory
2	Being alone together with someone who is not a mahram	1 case	1 case of seclusion
3	Gambling	X	No cases yet
4	Prostitution	X	No cases yet
5	Indecent acts	X	No cases
6	Khamar	X	No cases

Source: Data compiled by the author from interview results, 2025.

Based on the above information, it can be understood that enforcement of customary law regarding violations of the Peurada village regulations on rental housing orders is carried out through preventive and curative measures. In practice, if a non-mahram couple is found in a rental property, or if a non-mahram guest is received, the village government usually issues a verbal warning as an initial preventive and educational sanction. Another

⁴⁸ Interview with Nasri..., Banda Aceh City.

⁴⁹ Interview with Nasri..., Banda Aceh City.

preventive measure is night patrols involving the community and boarding house residents.

When viewed in light of the provisions of the Peurada village regulations, the warning to unmarried couples is a direct application of the customary sanctions set out in Article 14.⁵⁰ Sanctions such as advice and verbal warnings are the first steps taken by *village* officials to prevent violations of rental house regulations. This approach not only aims to enforce norms but also to nurture and educate residents so that they understand the limits of social interaction in accordance with Islamic values and Acehese customs. In this context, *the Reusam* functions as a legal instrument at *the village* level.

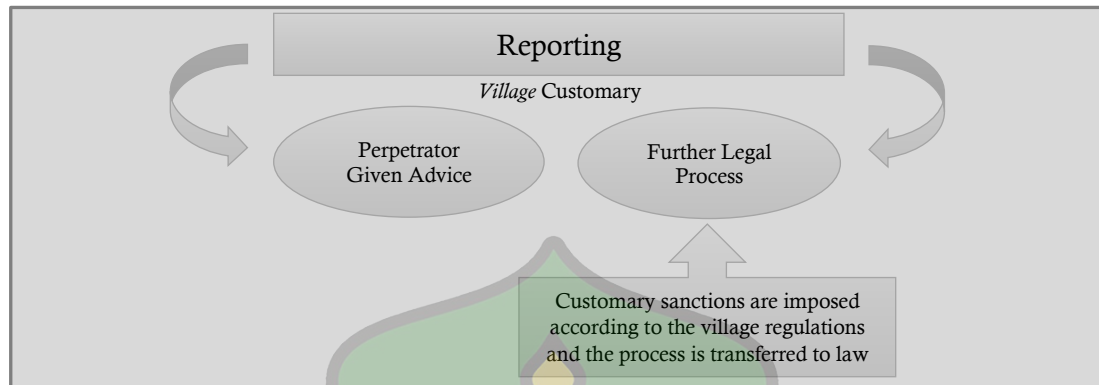
However, in more serious cases of violation, such as *khalwat* or *ikhtilat*, there is a tendency for *Reusam* not to be used as the main reference in legal proceedings. As revealed in an interview with Nasri, all three cases found in the past year were handed over to *Wilāyah Al-Ḥisbah* (WH).⁵¹ Although these violations are substantially regulated in *Reusam*, the *village* authorities chose to hand over the perpetrators to *the Wilāyah Ḥisbah (WH)* for processing in accordance with the provisions of the Aceh Qanun Jinayat.⁵² This shows a preference for formal legal mechanisms to address serious violations. The process/mechanism of law enforcement for violations of *the Reusam* in Peurada *village* can be described as follows:

⁵⁰ In full, the provisions of Article 14 paragraph (1) of *Reusam Gampong Peurada*, Syiah Kuala District, Kayee Adang Subdistrict, Banda Aceh City No. 01 of 2019 concerning Rules and Regulations for Rental Houses, Boarding Houses, Dormitories, and Other Rental Properties, are as follows: *The sanctions referred to in Article 13 shall be imposed in stages, namely: a. Advice; b. Verbal warning; c. Written warning; d. Apology; e. Sayam; f. Diyat; g. Fine; h. Compensation for damages; i. Exclusion from the village community; j. Expulsion from the village area.*

⁵¹ In general, Al-Māwardī uses the term *al-ḥisbah*, and states that the meaning of *al-ḥisbah* is to command good, if it is proven that good is widely neglected, and to prevent evil if it is proven that evil is widely practiced. According to Maḥmūd, *wilāyah al-ḥisbah* is an institution tasked with overseeing the implementation of laws and public order. See inside, Abī Al-Ḥasan Al-Māwardī, *Al-Aḥkām Al-Sultāniyyah Wa Al-Wilāyāt Al-Dīniyyah*, First Edition, (Translated by Khalifurrahman Fath and Fathurrahman) (Jakarta: Qisthi Press, 2014), p. 406; ‘Alī ‘Abd Al-Ḥalīm Maḥmūd, *Ma’a Al-‘Aqīdah wa Al-Ḥarakah wa Al-Manhaj fi Khair Ummah Ukhrijat li Al-Nās*, (Translated by As’ad Yasin), (Jakarta: Gema Insani, 1996), p. 255; The definition put forward by Al-Māwardī can also be found in Moh. Ali Aziz, *Ilmu Dakwah*, Revised Edition, 6th printing, (Jakarta: Kencana Prenada Media Group, 2017), pp. 33-34.

⁵² Interview with Nasri, *Keuchik Gampong Peurada*, on October 17, 2025, in Syiah Kuala District, Banda Aceh City.

Figure 2. Mechanism for Enforcing Customary Law Violations of the *Reusam Gampong* Peurada.



Source: Data compiled by the author from interview results, 2025.

The enforcement of customary law regarding violations of the Peurada village *reusam* on rental house regulations can be illustrated in the figure below:

Figure 3. Law Enforcement for Violations of the Peurada Village *Reusam*.



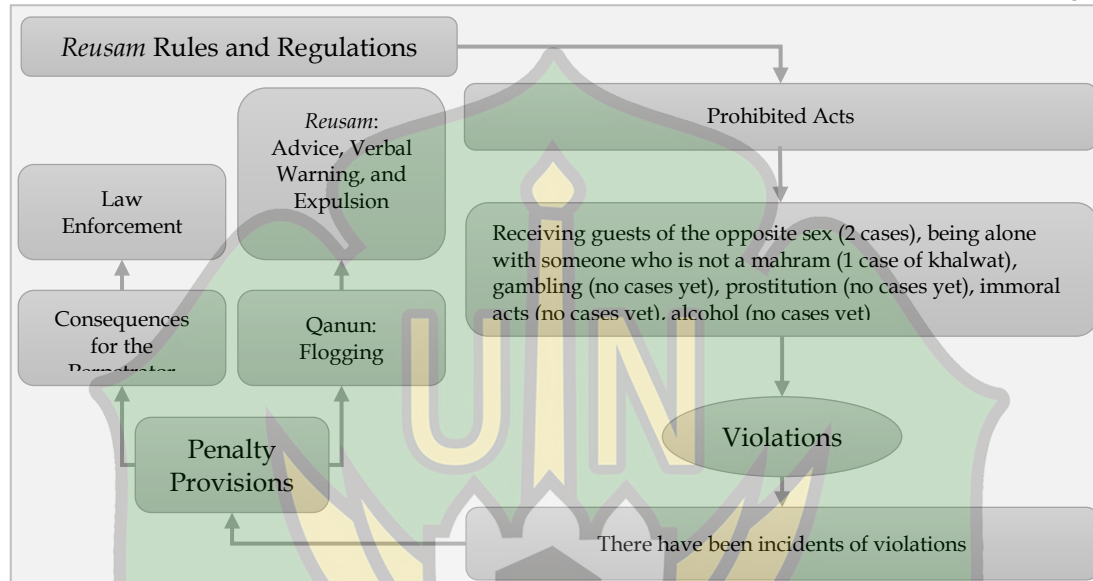
Source: Data compiled by the author from interview results, 2025.

In the Figure above, it can be understood that law enforcement for violations of *village regulations* tends to be carried out by using two legal instruments simultaneously: first, village regulations, and second, the Aceh *qanun* on jinayat law. For the second category, the *village apparatus's* efforts to hand over the case to the WH are legal efforts to then carry out legal proceedings in accordance with the Aceh jinayat qanun. Meanwhile, the first instrument is used only in several aspects, namely issuing verbal warnings (in accordance with Article 14 Paragraph 1 letters a and b), expelling the

perpetrator from the village, and not granting permission to rent again within the jurisdiction of *Peurada village* (Article 14 Paragraph 1 letter j).

In general, the overall description of customary law enforcement can be summarized as follows:

Figure 4. Flowchart of Law Enforcement for Violations of *Reusam* in *Peurada Village*.



Source: Data processed by the author, 2025.

Based on the above description, it can be understood as follows:

1. *Reusam Gampong Peurada* No. 01 of 2019 is an important instrument in maintaining social order, particularly in terms of the rules governing rented houses, boarding houses, and dormitories.
2. Article 12, paragraph (2) of the *Peurada Village Regulation* contains six types of prohibitions, namely receiving guests who are not mahrams and being alone with someone who is not a mahram, gambling, prostitution, immoral acts, and alcohol.
3. Three cases were found during the past year since this study was conducted in *Gampong Peurada*, two of which were related to receiving guests who were not mahrams, and one case was related to khalwat.
4. The initial sanctions are verbal warnings and advice, which are preventive and educational in nature.
5. In cases deemed serious, such as the three cases found previously, the village authorities will refer them to the *Wilayah Hisbah* (WH) to be processed through the *Qanun Jinayat Aceh*.

6. There is a legal preference or option for formal legal mechanisms to enforce customary law regarding violations of *the Peurada village reusam* on rental housing regulations, namely through *the village reusam* and the Aceh qanun jinayat.

D. Analysis of the Effectiveness of the Enforcement of *the Peurada Village Reusam* on Rental House Regulations

Based on the above description, it can be seen that law enforcement regarding violations of rental house regulations in *Gampong Peurada* indicates the existence of a dualism of legal norms that apply at the local level, namely between customary law contained in *the Reusam* and positive law regulated in the Qanun Jinayat. In practice, *village* officials tend to avoid using *the Reusam* in serious cases for fear of being deemed inconsistent with the formal legal procedures established by the provincial government. In fact, normatively, *the Reusam* provides space for the resolution of violations through local and contextual customary mechanisms. This inconsistency has the potential to weaken the position of customary law as an instrument for enforcing norms at *the village* level. In fact, the enforcement of customary law under the provisions set out in *Reusam Gampong Peurada* No. 01 of 2019 has not been fully effective.⁵³

The ineffectiveness of law enforcement in enforcing the *Reusam* on rental house regulations can be examined through the theories of legal effectiveness and law enforcement. The theory of legal enforcement effectiveness holds that a legal rule can function effectively only if all the requirements of the law enforcement indicators are met in full. The requirements and indicators of law enforcement can be said to be effective and good if they cumulatively meet the five main indicators, namely: *First*, there is good legal material. *Second*, there are good law enforcers. *Third*, there are law enforcement facilities and infrastructure. *Fourth*, there is legal awareness and community awareness. *Fifth*, there is a culture of law.⁵⁴

When viewed in the context of *the Peurada village reusam*, this can be seen in the following table:

⁵³ Chairul Fahmi, "Pentingnya 'Blue Print' Syariat Islam," *Serambi Indonesia*, 2014.

⁵⁴ Soekanto, *Factors...*, pp. 7-9; Abbas and Djalil, *New Paradigm...*, p. 61; Fuady, *Theories...*, p. 117.

Table 2. Indicators of Customary Law Enforcement Through *the* Peurada Village
Reusam No. 01 Year 2019

No.	Indicators of the Effectiveness of Law Enforcement	Identification
	Legal material	<i>Reusam Gampong</i> Peurada Number: 01 of 2019
2	Law enforcement	Village officials (<i>keuchik</i> , <i>tuha peut</i>), customary officials, and cooperation with the Hisbah Region
3	Legal infrastructure	Village hall, security posts, and village office facilities
4	Legal community	Residents of Peurada Village, owners and tenants of rental houses/boarding houses
5	Legal culture	Citizen compliance with <i>Reusam</i> , social sanctions for violators, and the instilling of Sharia values

Source: Data processed by the author, 2025.

From these five indicators, three particular cases can be identified in *Gampong* Peurada, as analyzed below:

1. Legal aspects

From a legal materials perspective, the enforcement of customary law, particularly regarding rental housing regulations, has been well regulated by *Reusam Gampong* Peurada No. 01 of 2019. These provisions, when viewed from a legal material and content perspective, can be said to be rigid, detailed, and explicitly mention several prohibitions along with the threat of legal sanctions. The legal substance of *Reusam Gampong* Peurada No. 1 of 2019 has also been ratified and promulgated by the village apparatus and has legal force, binding on both the owners of rental houses and the tenants. Therefore, based on the researcher's analysis, the legal substance indicator has been met.

The legal material in *the* Peurada Village Regulation has been formulated systematically/comprehensively. The rules regarding the order of rental houses, boarding houses, dormitories, and other rental places are detailed, including clear prohibitions and sanctions for violators. This shows that the legal substance regulated in *the reusam* is not only normative but also operational and can be directly applied in community life. In addition, the *Reusam* has undergone a legalization process by the village apparatus, giving it binding legal force. The ratification and promulgation by the *keuchik* and *tuha peut* make this *reusam* a valid local legal product

that applies in the Peurada Village area. Thus, from a legal perspective, the indicators of legal effectiveness appear to have been well fulfilled.

2. Law enforcement aspect

The law enforcement aspect is an important element and indicator for the realization of legal material in the field. From this aspect, law enforcement for the context of *the Gampong Reusam* has also been fulfilled with the involvement of village officials, *the keuchik*, youth leaders, and *tuha peut* in the formation of *the reusam*. So far, law enforcement receives only reports from residents, without any supervision. Although there have been efforts to conduct night patrols, there are no concrete procedures for monitoring all rental houses. Therefore, this indicator tends to be unfulfilled.⁵⁵

Law enforcement in the context of *reusam* involves village officials, such as the *keuchik*, *tuha peut*, and youth leaders. They have played a role in the *reusam* formation process, demonstrating the participation and legitimacy of community elements. However, in the implementation of law enforcement, their role is still limited to receiving reports from residents, without a systematic and comprehensive monitoring mechanism.

Although initiatives such as night patrols exist, their implementation is not yet supported by fixed procedures or a control system that can reach all rental houses. The absence of an organized supervisory structure makes it difficult to detect violations early on. Therefore, although law enforcement officials exist formally, this indicator has not been fully met in practice.

3. Facilities and infrastructure

In terms of facilities and infrastructure, or law enforcement facilities, this can be seen from the availability of *village* halls, village offices, and other facilities. This is considered very important to support the law enforcement process.

The law enforcement facilities and infrastructure in *Peurada Village* are adequate to support the implementation of *reusam*. The availability of *village* halls, village offices, and other supporting facilities is an important

⁵⁵ Chairul Fahmi, "Revitalisasi Penerapan Hukum Syariat Di Aceh," *Jurnal Tsaqafih* 8, no. 2 (2012).

asset in carrying out the administrative and coordinative functions of customary law enforcement. These places can be used for mediation, counseling, and direct handling of violations.

The existence of these physical facilities shows that *the village* has provided the basic infrastructure needed to support the legal process. Although not yet equipped with modern technology or information systems, the existing facilities are sufficient to carry out basic functions in local law enforcement. Therefore, this indicator has been met.

4. Legal community aspect

A legal community is a community that inhabits an area with legal regulations in place. In this case, the legal community referred to includes the residents of Gampong Peurada, the owners of boarding houses and rental properties, and the occupants of rental properties. This category also appears to be unfulfilled. So far, boarding house owners tend to distance themselves without any supervision. The same applies to occupants and tenants. This can be seen from the three cases of rental house violations over the past year, as explained by the former *Keuchik Gampong Peurada*.

The legal community in this context includes residents, boarding house owners, and tenants. Ideally, they should be aware of and responsible for the existence and implementation of *reusam*. However, in reality, community participation remains low. Rental house owners tend not to supervise tenants, and tenants do not fully understand or comply with the applicable rules.

This is reflected in the three cases of rental house violations in the past year, which indicate weak social control and compliance with the rules. The lack of community involvement in monitoring and reporting violations means that the law is not being enforced optimally. Therefore, the legal community indicator cannot be said to have been fulfilled.

5. Legal culture aspect

From a legal culture perspective, this indicator has not been met either. Legal culture reflects the extent to which legal values have become part of society's customs and collective consciousness. In the case of *Gampong Peurada*, a strong legal culture has not yet been established. The community

has not shown consistent compliance with *reusam*, and there has been no habit formation or internalization of legal values in daily life.

The absence of effective social sanctions and the weak influence of customary norms on citizens' behavior indicate that the legal culture is still in its early stages. Without ongoing guidance and legal education, it will be difficult for the community to develop a set of behavioral guidelines. Therefore, the legal culture indicator has not been met either.

Based on the analysis of the effectiveness of law enforcement above, it can be concluded that the enforcement of customary law through Reusam Gampong Peurada Number 01 of 2019 has yielded mixed results in meeting the indicators of legal effectiveness. Of the five indicators analyzed, only two indicators, namely legal material and infrastructure, are considered to have been fulfilled. The legal material has been formulated in detail, is clear, and has legal force that is binding on the community. Facilities and infrastructure, such as the village hall (gampong) and village office, are available and also sufficiently support the administrative implementation of customary law.⁵⁶

However, the other three indicators, namely law enforcement, legal community, and legal culture, have not been fully met. Law enforcement does not yet have a concrete monitoring system and is only passive in receiving reports. Community participation in the implementation and supervision of *reusam* is still low, as evidenced by the minimal involvement of owners and tenants of rental houses. Legal culture has also not been well-established, as legal values have not been internalized into community behavior. This can be presented in the following table:

Table 3. Indicators of Customary Law Enforcement through Reusam in Peurada Village No. 01, Year 2019

No.	Indicators of Law Enforcement Effectiveness	Identification	Notes
1	Legal material	<i>Reusam Gampong Peurada</i> Number: 01 Year 2019	✓
2	Law enforcement	Village officials (<i>keuchik</i> , <i>tuha peut</i>), traditional leaders, and cooperation with the Hisbah Region	✗

⁵⁶ Chairul Fahmi dkk., "Defining Indigenous in Indonesia and Its Applicability to the International Legal Framework on Indigenous People's Rights," *Journal of Indonesian Legal Studies* 8, no. 2 (8 November 2023): 1019–64, doi:10.15294/jils.v8i2.68419.

3	Legal infrastructure	Village hall, security posts, and village office facilities	✓
4	Legal community	Residents of Peurada Village, owners and tenants of rental houses	✗
5	Legal culture	Residents' compliance with <i>Reusam</i> , social sanctions for violators, and the instilling of Sharia values	✗

Source: Data processed by the author, 2025.

Based on the theory of law enforcement effectiveness above, if even one of the five indicators is not met, then law enforcement cannot be considered effective. This is in line with Soerjono Soekanto's review,⁵⁷ which states that these five indicators determine whether law enforcement is effective in society. If even one of these indicators is not met, or at least not fully met, then law enforcement can be considered ineffective. Friedman has also pointed out that there are at least three conditions that must be met in the implementation of legal regulations or norms: the regulations or norms must be communicated to the subjects, the subjects must be able to implement them, and the subjects must have the motivation to do so.⁵⁸ Therefore, a good legal community is an important indicator of whether a legal rule is effectively enforced. This is achieved when the community itself implements and follows the rules and has the motivation to do so (legal culture).⁵⁹

In the context of law enforcement, Hans Kelsen states that the duty of law enforcement is to ensure that a norm is applied.⁶⁰ Following this opinion, law enforcement becomes an important part of ensuring that a law established can be applied in the field (in the community). This means that law enforcers such as village officials, *keuchik*, and *tuha peut* must be able to realize the provisions of the *reusam* that have been established. However, in reality, law enforcement has not carried out systematic and comprehensive monitoring. Therefore, it can be concluded that the enforcement of the *Gampong Peurada reusam* regarding rental house regulations is not yet effective.

⁵⁷ Soekanto, *Factors...*, p. 88.

⁵⁸ Friedman, *The Legal System...*, pp. 72-73.

⁵⁹ Chairul Fahmi, "The Snouck Hurgronje's Doctrine in Conquering the Holy Revolts of Acehese Natives," *Heritage of Nusantara: International Journal of Religious Literature and Heritage* 10, no. 2 (20 Desember 2021): 248-73, doi:10.31291/HN.V10I2.628.

⁶⁰ Hans Kelsen, *Pure Theory of Law*, (Translated by Raisul Muttaqien), (Bandung: Nusa Media, 2019), p. 251.

CONCLUSION

Referring to the previous discussion, two conclusions can be drawn. *First*, the enforcement of customary law in Reusam Gampong Peurada regarding rental housing rules demonstrates synergy between preventive and curative approaches. *Reusam Gampong Peurada* No. 01 of 2019 is an important instrument in efforts to maintain social order, particularly in regulating the behavior of tenants of rental houses, boarding houses, and dormitories. The provisions in Article 12, paragraph (2) of the *Qanun Reusam Gampong Peurada* explicitly prohibit six types of behavior that are contrary to religious and customary norms, namely receiving guests who are not mahrams, being alone with someone of the opposite sex in a closed place, gambling, prostitution, immoral acts, and consumption of alcohol. However, based on empirical data from the past year, only three violations were found, namely two cases of receiving guests who are not mahram and one case of *khalwat*. In response to these violations, *the village* officials imposed initial sanctions in the form of verbal warnings and advice to prevent and educate the community. In addition, night patrols involving residents and boarding-house occupants are part of preventive efforts. Nevertheless, for serious violations, such as *khalwat*, the village officials chose to refer the cases to the Wilāyah Al-Ḥisbah (WH) for processing under the *Qanun Jinayat Aceh* (Acehnese Criminal Code). This shows that, in practice, the enforcement of customary law in Gampong Peurada not only relies on reusam as a legal instrument but also utilizes formal legal mechanisms through the *qanun jinayat*. Thus, there is a preference for the simultaneous use of two legal channels, namely *the village reusam* for social guidance and the *qanun jinayat* for more stringent legal action against serious violations.

Second, the enforcement of customary law through *the Reusam Gampong Peurada* on rental house regulations is not yet fully optimal and effective. The material aspects of the law have been well fulfilled, as evidenced by the formulation of detailed, legally binding rules that govern the community. The facilities and infrastructure are also adequate, including the *village* hall and village office, which support the administrative implementation of the law. However, the other three indicators still show weaknesses. Law enforcement officials do not yet have a structured monitoring system, and public awareness and participation as subjects of the law are still low, as evidenced by the lack of involvement of rental property owners and tenants in monitoring and

compliance with the rules. In addition, a legal culture has not yet been firmly established, as legal values have not become part of the community's habits and collective consciousness. This shows that even though regulations are in place, their effectiveness still requires support from stronger social and institutional aspects.

It is necessary to strengthen village officials' capacity for supervision, increase public legal awareness through education and socialization, and instill legal values in everyday life so that *Reusam* can be enforced optimally and sustainably.

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