

Letter of Acceptance(LoA)

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Dear :

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Universitas Islam Negeri Ar-Raniry Banda Aceh

Thank you for your cooperation in the review process of the manuscript. We have now completed our review regarding your submission entitled **“Resolution of Immoral Violations by Non-Domiciled Residents in Gayo Customary Law: A Socio-Legal Study in the Village of Hakim Bale Bujang”** within our editorial board and have decided to **accept the submission**. The manuscript will be published in Dusturiyah: Jurnal Hukum Islam, Perundang-undangan dan Pranata Sosial. E-ISSN 2580-5363 (Online), P-ISSN 2088-9712 Juli-Desember 2026 (Volume 16 Nomor 2 Tahun 2026).

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Best regards,

Banda Aceh, **15 Agustus 2026**

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Settlement of Immoral Violations by Non-Domiciled Residents in Gayo Customary Law: A Socio-Legal Study in the Village of Hakim Bale Bujang

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Abstract

This study examines the views, mechanisms, values, and limits of customary law authority in resolving immoral acts by non-domiciled residents in Kampung Hakim Bale Bujang, Central Aceh. The presence of non-domiciled residents in the tourism area has caused friction with the moral norms of the indigenous people of Gayo. Through an empirical-sociological legal approach and interviews with customary officials, this study found that immoral acts are seen as a gross ethical violation (sumang) that damages the balance of society. In this study, immoral acts include acts ranging from khalwat to other serious offenses. The settlement mechanism is carried out in stages through the Customary Court by Sarak Opat elements, with sanctions ranging from customary fines to permanent expulsion (Jeret Naru). Critically, this research examines claims of restorative justice and finds a dual application: the resolution of minor offenses (khalwat) uses a remedial approach, but serious offenses shift to a strict sanction approach (expulsion) to separate the perpetrator from the community order. In addition, customary courts act as a sociological filter through the expansion of discretion, even though Article 13 of the Aceh Qanun Number 9 of 2008 basically outlines the priority of settlement in only 18 specific types of cases. In conclusion, Gayo customary law strictly enforces territorial rules to protect the community. Follow-up research needs to involve the viewpoints of non-domiciled residents and state authorities. The village government is encouraged to formulate a written Reusam for the sake of legal certainty.

Keywords: Gayo Customary Law, Non-Domicile Residents, Customary Courts, Legal Pluralism, Immoral Actions.

Introduction

The Unitary State of the Republic of Indonesia is a state of law that recognizes the pluralism of a living and developing legal system in the midst of its social system.¹ This plurality is manifested by the enactment of three legal systems side by side and interacting with each other, namely positive law (state law), religious law, and customary law. The state's recognition of customary law is constitutionally enshrined in Article 18B Paragraph (2) of

¹ Satjipto Rahardjo, *Legal Sociology: The Development of Methods and Problem Choices*, (Surakarta: Muhammadiyah University Press, 2010), p. 45.

the 1945 Constitution of the Republic of Indonesia which affirms that the state recognizes and respects the units of customary law communities and their traditional rights as long as they are alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia.²

The theory of legal sociology put forward by Eugen Ehrlich about *living law* (living law) finds its urgency in Indonesia.³ Ehrlich stated that the center of gravity of legal development does not lie in laws, judges' decisions, or legal science, but in society itself. In Aceh Province, the concept of *living law* it has very strong historical and religious roots, where Islamic customs and sharia are likened to "substances and properties" that cannot be separated (crystallized in the proverb *Customs, custom*).⁴ In socio-legal studies, this reality is in line with the theoretical framework *legal pluralism* (legal pluralism) expressed by John Griffiths, who states that law does not fall under the auspices of a single authority (state), but is in the form of a complex interaction of various normative systems that coexist in the social space of society.⁵

In order to avoid analytical ambiguity, this study establishes operational definitions and emphasizes conceptual differences on four main terms. First, *Squirt* is an umbrella term (general category) for all acts that are contrary to the norms of civility and public civility. Second, *Squirt*, which is a concept of values and taboos typical of Gayo that regulates proper relations between people in order to maintain communal honor.⁶ Third, *Khalwat*, refers specifically to acts of alone between men and women who are not mahrams in a closed place that can cause fitnah, but no evidence of intercourse has been found. Fourth, *Adultery* or adultery, which refers to the occurrence of sexual relations in real life outside the legal bond

² Constitution of the Republic of Indonesia of 1945, Article 18B paragraph (2).

³ Mukti Fajar and Yulianto Achmad, *Dualism of Normative and Empirical Law Research*, (Yogyakarta: Pustaka Siswa, 2010), p. 34.

⁴ Amrizal and Seri Mughni Sulubara, "The Concept of Islamic Da'wah Teaching in Gayo Customary Law for the Gayo Tribe of Central Aceh," *Mandub: Journal of Politics, Social, Law and Humanities* 2, no. 2 (2024): p. 409.

⁵ John Griffiths, "What is Legal Pluralism?", *Journal of Legal Pluralism and Unofficial Law* 18, no. 24 (1986): p. 1-2.

⁶ Bushar Muhammad, *Principles of Customary Law (An Introduction)*, (Jakarta: Pradnya Paramita, 2006), p. 22.

of marriage according to Islamic law.⁷

As a theoretical basis and a literature review on the existence and settlement of customary matters, there are several previous studies that underlie this writing. A study by Nanda Amalia et al. (2018) dissects the dispute resolution and customary court model in Aceh, with an emphasis on the effectiveness of gampong courts in reducing the burden of cases in state courts.⁸ Another study from Muhammad Iqbal et al. (2020) examines the pattern of dispute resolution within the household through gampong customary courts, highlighting the family approach that is put forward.⁹ Especially in the context of Gayo culture, Achmad Surya (2019) examines the existence of customary sanctions *Jeret Naru* in the Gayo community in Central Aceh Regency.¹⁰ In contrast to the previous literature, the novelty of this article is the focus of the analysis on the enforcement of communal sanctions against immoral acts whose main subjects are non-domiciled residents, in the midst of the escalation of the tourism sector.

The implementation of special autonomy for Aceh through Law Number 11 of 2006 concerning the Government of Aceh (UUPA) gives the authority for this region to regulate its own legal affairs through the Qanun instrument, including the development of customs and the implementation of Islamic law.¹¹ One of the indigenous peoples who uphold these principles is the Gayo sub-tribe in Central Aceh Regency. In the socio-cultural life of the Gayo people, customary law functions not only as an instrument of punishment, but as a moral and social guideline (*way of life*) which regulates all aspects of social interaction in order to maintain the harmony of the microcosm (human) and macrocosm (nature and God).

Juridically and formally at the regional level, Aceh has codified the strict prohibition of immorality into the Aceh Qanun Number 6 of 2014 concerning the Law of Jinayat. In addition, the settlement of disputes at the grassroots (village) level customarily has been

⁷ Aceh Provincial Government, *Qanun Aceh Number 6 of 2014 concerning the Law of Jinayat*, Article 1 number 27.

⁸ Nanda Amalia, Mukhlis, and Yusrizal, "Model of Dispute Resolution and Customary Justice in Aceh," *Legal Journal IUS QUIA IUSTUM* 25, no. 1 (2018): p. 161.

⁹ Muhammad Iqbal, Azhari Yahya, and Husni Kamal, "Patterns of Dispute Resolution in Households through Gampong Customary Courts in Aceh," *Geuthèë Journal* 3, no. 1 (2020): p. 74.

¹⁰ Achmad Surya, "The Existence of Jeret Naru Customary Sanctions in the Gayo Community in Central Aceh Regency," *IUS QUIA IUSTUM* 26 Law Journal, no. 1 (2019): p. 102.

¹¹ Republic of Indonesia, Law Number 11 of 2006 concerning the Government of Aceh.

accommodated legally-formally through the Aceh Qanun Number 9 of 2008 concerning the Development of Indigenous and Customary Lives.¹² This regulation gives legal jurisdiction and authority to the Gampong Customary Court (Kampung) to resolve 18 types of minor cases and immoral affairs at the first level, before the case is delegated to the police or the Syar'iyah Court. This authority was strengthened by the birth of Qanun Aceh Number 10 of 2008 concerning Customary Institutions, where traditional officials (such as Reje, Petue, and Imam) are mandated to proactively hold consensus deliberations to maintain harmony without always having to resort to formal litigation.¹³

Kampung Hakim Bale Bujang, which is geographically located on the shores of Laut Tawar Lake and is one of the centers of tourism activities in Central Aceh Regency, is not spared from complex social dynamics. As an area that has natural tourism attractions (such as Bur Telege) and a rapidly growing culinary/coffee industry, this village is experiencing an escalation in population mobility. This is marked by the large number of migrants, both from outside the Central Aceh Regency area and from outside Aceh Province, who temporarily live in boarding houses, work in the informal sector, and tourists who stay in various *Homestay*. The presence of immigrants with heterogeneous cultural backgrounds inevitably carries implications in the form of shifting norms and cultures.

The main problem is the clash between the strict enforcement of Gayo customary law and the low compliance of non-domiciled residents. Often, the consequences *culture shock* or negligence, outsiders assume that they are not bound by local customs with alibi not administrative citizens. This misunderstanding leads to violations *Khalwat* and immorality, which triggered unrest among local residents because it was considered to undermine the dignity of the village. Therefore, this study aims to analyze the views of the community, comprehensively describe the mechanism for resolving cases by village institutions, and critically examine whether the sanctions imposed on non-domiciled residents really apply the principle of restorative justice.

Based on this sociological reality, the initial hypothesis in this study is that indigenous

¹² Aceh Provincial Government, *Qanun Aceh Number 9 of 2008 concerning the Development of Customary and Customary Lives*, Article 13.

¹³ Aceh Provincial Government, *Qanun Aceh Number 10 of 2008 concerning Customary Institutions*.

peoples and the apparatus of Kampung Hakim Bale Bujang assertively apply the principle of customary law territoriality in order to provide a deterrent effect (*deterrent effect*) as well as restoring cosmic harmony. Therefore, this study aims to describe and analyze in depth how the local community views, settlement mechanisms and limitations of case authority, as well as examine the application of claims of restorative justice values in the settlement of immoral violations by immigrants in Kampung Hakim Bale Bujang.

Method

This research is a type of empirical legal research or sociological (non-doctrinal) legal research.¹⁴ Empirical legal research is a method of legal research that functions to see law in a real sense, observing the work of law in the community (*living law*), as well as examining the effectiveness of law in social dynamics. This study uses a socio-legal approach (*socio-legal approach*) to directly evaluate the intersection between customary law, local communities, and the immigrant phenomenon. The nature of this research is descriptive-analytical, which aims to provide a systematic, factual, accurate, and comprehensive picture of the dynamics of customary law enforcement in the field.

The research location was specifically focused on Hakim Bale Bujang Village, Lut Tawar District, Central Aceh Regency. The selection of this location is based on *purposive sampling*, where this village represents a combination of the thick customs of Gayo and the high exposure of tourism that brings in many immigrants.¹⁵

The data sources used consist of two classifications, namely primary data and secondary data. Primary data is the main data obtained directly from the research site through in-depth interview techniques (*in-depth interview*) independently guided (*semi-structured*).¹⁶ The key informants in this study involved three strategic decision-makers, namely Mr. Syahrul who served as the Banta Kampung (Village Apparatus in charge of administrative and customary affairs), Mr. Ardian Putra as the Head of the Hamlet, and Mr. Hendi as the Petue of Hakim Bale Bujang Village. All three were chosen because they had representative

¹⁴ Mukti Fajar and Yulianto Achmad, *Dualism of Normative and Empirical Law Research*, p. 37.

¹⁵ Soerjono Soekanto and Sri Mamudji, *Normative Legal Research: A Brief Review*, (Jakarta: Rajawali Press, 2011), p. 14.

¹⁶ Sulistyowati Irianto, *Methods of Constellation Law Research and Reflection*, (Jakarta: Yayasan Obor Indonesia, 2011), p. 55.

authority, in-depth knowledge, and direct involvement in the judicial process.

Meanwhile, secondary data were obtained through literature studies (*library research*) to provide a theoretical basis for dissecting the data of field findings. Secondary data includes primary legal materials (such as the 1945 Constitution, Law Number 11 of 2006 concerning the Government of Aceh, Qanun Aceh Number 9 of 2008, Qanun Aceh Number 10 of 2008, and Qanun Aceh Number 6 of 2014), as well as secondary legal materials in the form of textbooks, Gayo cultural literature, and related legal scientific journals. All data collected were processed and analyzed using qualitative methods, by triangulating between empirical facts from the sources with the doctrine of restorative justice and formal regulation.

Discussion

Customary Law's View of Immoral Actions: The Philosophy of *Sumang* and Territoriality

To understand the views of indigenous peoples in Central Aceh Regency, it cannot be separated from the Gayo cultural philosophy which is linked to Islamic teachings. In the social order of the Gayo society, there is a central ethical concept called *Squirt*.¹⁷ *Squirt* is a set of values of politeness, propriety, and taboos that govern social relations between humans, especially between men and women who are not muhrim. Violations of *Squirt* categorized as a violation of social ethics that is detrimental to communal dignity.

Based on the results of an interview with Mr. Syahrul as the Village Banta, the public's view of immoral acts is very firm. Immoral acts are considered the culmination of the offense *Squirt* which injures customary norms, morality, and religious sharia at the same time.¹⁸ This was emphasized by Mr. Ardian Putra (Head of Hamlet) who stated that the act of being alone in a closed place (*Khalwat*) is already seen as a serious violation of norms. Every action *Khalwat* or immorality is considered a communal violation that destroys the dignity and honor of the village in the eyes of other villages.

In addition to the views of the traditional apparatus, the results of the interview with Mr. Ardian Putra as the Head of Bujang Hamlet show that the people of Hakim Bale Bujang

¹⁷ Bushar Muhammad, *Principles of Customary Law (An Introduction)*, p. 22.

¹⁸ In-depth interview by the author with Mr. Syahrul, Banta Kampung Hakim Bale Bujang, June 26, 2026.

Village show firm rejection of immoral acts by non-domiciled residents. According to him, in the traditional perspective, the act of alone between a man and a woman who is not a mahram in a closed place (*Khalwat*) has hurt the values of *Squirt*. This act is seen as behavior that leads directly to the act of adultery. Although there is no evidence of perfect intercourse juridically, The *khalwat* stage is already seen as a serious violation of norms.¹⁹ Every action *Khalwat* or adultery is considered to damage the dignity of the village and disrupt communal social order.

The people of Kampung Hakim Bale Bujang view immoral crimes as having a communal and cosmic dimension, in contrast to Western criminal law which reduces similar acts (on the basis of consensuality) as a matter of privacy. Immoral acts are considered as violations that undermine the dignity and honor of the village in the eyes of other villages. Cosmologically, there is a spiritual belief that immoral acts are left without the presence of customary purification rituals will invite spiritual consequences in the form of loss of economic blessings (*bala*) for all villagers.

Regarding the subject of perpetrators who have the status of non-domiciled residents, customary apparatus shows a firm law enforcement attitude. Mr. Syahrul confirmed that towards migrants, indigenous peoples tend to be more assertive.²⁰ The social logic that has been developed is that an immigrant bears an ethical moral responsibility to submit to respect for the customs of the territorial territory that has accepted his presence. Therefore, customary law in Kampung Hakim Bale Bujang adheres to the principle of legal territoriality firmly.²¹ This principle means that customary jurisdiction is binding on anyone who is physically within the administrative boundaries of Kampung Hakim Bale Bujang. Status as tourists, temporary workers, and immigrant students does not abort customary responsibility. On the contrary, cultural ignorance is often seen as a form of ethical neglect that aggravates the imposition of social sanctions.

¹⁹ Results of an In-Depth Interview with Mr. Ardian Putra, June 26, 2026.

²⁰ Results of an In-Depth Interview with Mr. Syahrul, June 26, 2026.

²¹ Bushar Muhammad, *Principles of Customary Law (An Introduction)*, p. 25.

Comprehensive Case Resolution Mechanism and Analysis of the Authority of the Customary Court

The enforcement of customary law in Kampung Hakim Bale Bujang related to immoral cases is not carried out through vigilantism (acts of mass persecution *vigilante justice*). Settlement is controlled by the institutional customary law structure known as the *Sarak Abbot*.

According to Mr. Syahrul's presentation and confirmation from Mr. Ardian Putra, the case settlement mechanism involves the following procedural stages:

First, the stage of social control and raids. The density of citizens' social ties makes it easier to detect the mobility of foreign immigrants. Mr. Ardian Putra told an incident where the community was suspicious of a rented house inhabited by immigrants during the holiday period. After being monitored by the youth and village officials, a raid was carried out and two non-mahrams were found alone in a closed room.²² A similar case occurred in February 2025 in Dedalu Hamlet, where youths secured two migrants from outside the area who were suspected of being close to adultery (committing adultery). *Khalwat*.²³

Second, securing perpetrators to reduce horizontal conflicts. To avoid escalation of horizontal conflicts or self-referencing by residents, village officials evacuate the perpetrator to a neutral place. In the case in Dedalu Hamlet, Mr. Syahrul explained that the two perpetrators were handed over to the *Sarak Abbot* to secure his identity.²⁴

Third, the Customary Deliberation Session. The forum was chaired by representatives of the *Sarak Abbot* which consisted of Reje (Village Head), Petue (Traditional Leader), and Imam (Religious Leader), assisted by Banta Kampung and Rakyat Even Consensus (RGM). According to Ardian Putra, this deliberation also requires the summoning of the perpetrator's parents or family so that they bear the burden of coaching directly for their child's violation.²⁵ Mr. Syahrul added that the presence of police officers was also involved in maintaining order in the forum.²⁶

²² Results of an In-Depth Interview with Mr. Ardian Putra, June 26, 2026.

²³ Results of an In-Depth Interview with Mr. Syahrul, June 26, 2026.

²⁴ Results of an In-Depth Interview with Mr. Syahrul, June 26, 2026.

²⁵ Results of an In-Depth Interview with Mr. Ardian Putra, June 26, 2026.

²⁶ Results of an In-Depth Interview with Mr. Syahrul, June 26, 2026.

To clarify the practice of this mechanism, there are two specific case precedents:

1. *Khalwat case* in Dedalu Hamlet (February 2025): The youths secured two residents outside the area who were found alone at the inn. Both were immediately handed over to the customary party (*Sarak Opat*) to be secured, tried, and finally sentenced to a fine for customary materials.²⁷
2. Severe Immoral Cases (2024): This case occurred in a border area (Kampung Asir-Asir) involving local women and men living outside in a condition without clothes. Because the level of violation was very severe and it was proven to be sexual intercourse, the village officials handed over the perpetrator to the Wilayatul Hisbah authorities. The perpetrator was sentenced to caning by the state, but the customary sanctions from the village were still executed (the perpetrator was obliged to hand over livestock, boycott his rights, and was obliged to apologize publicly).²⁸

The range of customary sanctions if proven guilty includes: material customary fines (purchase of livestock for the cleaning feast procession); encouragement of marriage facilitation (to cover up disgrace); social exclusion; to the ultimate sanction in the form of permanent expulsion from the village (*Jeret Naru*).²⁹

The practice of adjudicating immoral acts has given rise to a debate related to the limits of authority. Article 13 of the Aceh Qanun Number 9 of 2008 basically prioritizes the Gampong Customary Court to resolve 18 types of "minor cases" (such as petty theft and family disputes) before being forwarded to the police.³⁰ Considering that gross immorality (adultery) is a delicacy *Finger*, the main jurisdiction is in the state agency. The involvement of the village in prosecuting the perpetrators can be interpreted as an effort to expand sociological discretion in order to fill the legal void instantly and reduce the social turmoil of the residents, even though this goes beyond the normative limits of the 18 cases.

Law Enforcement Synergy and Critical Tests of Restorative Justice

²⁷ In-depth interview by the author with Mr. Syahrul, June 26, 2026.

²⁸ In-depth interview by the author with Mr. Hendi, Petue of Kampung Hakim Bale Bujang, June 27, 2026.

²⁹ Achmad Surya, "The Existence of Customary Sanctions of Jeret Naru", p. 104.

³⁰ Aceh Provincial Government, *Qanun Aceh Number 9 of 2008*, Article 13.

In handling cases, the village court synergizes its authority with the Wilayatul Hisbah (WH) agency and the Police based on two main criteria. First, Compliance Criteria: if non-domiciled residents oppose the payment of customary fines, village officials immediately refer the perpetrator to the police for positive legal processing.³¹ Second, the Severity Criterion: an early-stage violation (*Khalwat*) is resolved independently in the village, while if there is very clear evidence of sexual intercourse (as in the 2024 case), the village will cooperate with the WH agency to impose the crime of whipping, which continues to go hand in hand with the village fine.³²

This settlement system demands a critical examination of claims that customary courts comprehensively apply the principles of Restorative Justice (*Restorative Justice*). Theoretically, restorative justice focuses on the recovery of losses (*repairing harm*), mediation, and reintegration (readmission) of perpetrators into a healthy social order.³³

The findings of this research reveal the existence of a dual application in Judge Bale Bujang. At the stage of violation *Khalwat*, the judicial process is indeed restorative in nature; The settlement is focused on fines and recovery mediation so that the atmosphere is harmonious again. However, when the violation reaches the degree of gross immorality, the paradigm shifts sharply to a retributive approach and strict sanctions. The imposition of extreme social boycotts to expulsion sanctions (*Jeret Naru*) is inversely proportional to the ideal of reintegration. Expulsion has a specific tendency to separate the perpetrators of violations from the geographical order in order to prioritize the restoration of the stability of the citizens. This proves that the importance of protecting village harmony is positioned much superior to the principle of future recovery of individual actors.

Research Limitations and Advanced Research Opportunities

This research has limitations in terms of field data acquisition, where narrative triangulation is still centered on the perspective of customary authority holders (*Sarak Abbot*). This analysis has not incorporated the votes or direct defenses of the sanctioned immigrant subjects, nor the formal juridical views of the Wilayatul Hisbah authorities.

³¹ In-depth interview by the author with Mr. Ardian Putra, June 26, 2026.

³² In-depth interview by the author with Mr. Hendi, June 27, 2026.

³³ Howard Zehr, *The Little Book of Restorative Justice*, (Intercourse, PA: Good Books, 2002), p. 21; and Eva Achjani Zulfa, *Restorative Justice in Indonesia*, (Jakarta: FH UI Publishing Board, 2009), p. 45.

Therefore, advanced socio-legal research is highly recommended to conduct an in-depth interview with the immigrant party to dissect the form *culture shock* and involve provincial law enforcement to weigh the boundaries of the demarcation of authority between the autonomy of the village judiciary and the supremacy of Qanun Jinayat.

Conclusion

First, customary law in Kampung Hakim Bale Bujang adheres to the principle of imperative territoriality, binding comprehensively on non-domiciled residents. Moral violations are constructed as violations of social ethics (*Squirt*) that damages the balance of the village, so it is responded to assertively in order to save the honor of the village.

Second, a settlement mechanism is institutionalized through a forum *Sarak Abbot* with tiered sanctions ranging from customary fines to permanent expulsion (*Jeret Naru*). Village officials proactively expanded their sociological discretion to reduce residents' conflicts, even though Article 13 of the Aceh Qanun Number 9 of 2008 outlined the priority of mediation for only 18 minor cases. The transfer to Wilayatul Hisbah is carried out selectively based on the criteria of compliance with fines and severity (evidence of real immorality).

Third, this judicial philosophy is not purely based on *restorative justice*. The village applies a combination of two approaches: restorative deliberation for initial offenses, and a decisive shift to an exclusivist approach (expulsion) for serious offenses in order to separate the perpetrators from the community order. In the future, the Village Government is encouraged to formulate *Reusam* (Village Regulation) is written and requires boarding house/lodging business owners to socialize the rules of etiquette for the sake of legal certainty.

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List of Informants

1. Hendi, Petue Kampung Hakim Bale Bujang. Interview via phone on June 27, 2026.
2. Ardian Putra, Head of Hakim Bale Bujang Village Hamlet. Interview via phone on June 26, 2026.
3. Syahrul, Banta Kampung Hakim Bale Bujang. Interview via phone on June 26, 2026.

