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**Mediating Tradition: The Role of Law Enforcement in Customary Law Disputes**

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## MEDIATING TRADITION: THE ROLE OF LAW ENFORCEMENT IN CUSTOMARY LAW DISPUTES

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### Abstract

*This study explores the role of law enforcement agencies in resolving customary law disputes in Bener Meriah and Nagan Raya Regencies, focusing on the integration of customary law with national law. The study addresses the challenges faced and the collaborations between law enforcement and customary leaders in settling disputes, particularly conflicts between customary and formal legal principles. Using a qualitative approach and case study methodology, data were gathered through in-depth interviews with key stakeholders, including police representatives, the Aceh Customary Council, and prosecutors, along with direct observations and a literature review. The findings indicate that while customary law is officially recognized within Aceh's legal framework, significant challenges arise in harmonizing it with national law, especially in cases where their principles diverge. Law enforcement agencies, including the police and prosecutors, play a pivotal role in bridging these gaps by working with customary leaders to mediate disputes. These partnerships uphold local wisdom while ensuring compliance with formal legal standards. Case studies from both regencies demonstrate that dispute resolutions often seek a balance between maintaining customary values and adhering to national law. This study contributes to understanding how law enforcement can facilitate effective conflict resolution within a pluralistic legal system.*

**Keywords:** Customary Law; Customary Disputes; Mediation; Law Enforcement.



## A. Introduction

Customary law in Indonesia is a legal system that has been deeply rooted in the culture and traditions of local communities for centuries (Cintya Lauren, 2023). Theoretically, cultural diversity, often known as multiculturalism, is a cultural configuration that reflects the national identity (Nurjaya, 2011; Sidi, 2019). The Aceh region, in particular, stands out due to the presence of customary law, which numerous communities continue to acknowledge and implement. As stated in a famous Aceh proverb, "*Adat ngon hukom lagee zat ngon sifeut*" (Idami et al., 2022). Aceh traditions cannot be separated from Islamic Law because they are similar to substances and their characteristics. The customary justice system in Aceh, Indonesia, aims to resolve minor societal disputes through deliberation (Mansur et al., 2024; Mansur et al., 2020). Customary law refers to the rules and norms that develop in a certain indigenous society. Customary law is an unwritten set of rules among indigenous communities (Oktarina, 2020). It persists as long as the community acknowledges and upholds the customary law passed down from their ancestors (Manarisip, 2012; Imani et al., 2023). Aceh, also known as the Special Region of Aceh, is a province in Indonesia that has been granted special autonomy rights (Budiono et al., 2022). These rights are outlined in Law Number 44 of 1999 concerning the Implementation of the Special Status of the Special Region of Aceh Province and Law Number 11 of 2006 concerning the Government of Aceh.

Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia expressly states: "The State of Indonesia is a state of law." The state of law referred to in the provisions of Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia is a state that upholds the rule of law to realize truth and justice, in which no power cannot be accounted for. The State of Law of Indonesia is inspired by the basic idea of *rechtsstaat* and the rule of law (Muhlizi, 2019).

Harahap (2018) emphasized the need for legal rules to regulate community life and maintain public order. These rules are the foundation for applying Islamic law in all facets of community life. This is what sets Aceh



apart from other provinces in Indonesia. In this case, customary law serves as norms and rules, regulating the daily lives of the community and reflecting cultural values and traditions passed down from generation to generation. In this context, resolving customary disputes is integral to the sustainability of the Islamic Community's social order in Aceh Province.

In the regions of Bener Meriah and Nagan Raya, *Mukim* has the authority to protect the rights and interests of the people in the village. The *Mukim* holds a position of authority over the community and possesses the prerogative to evaluate specific decisions made within the village (Rizki, 2021). Customary law remains a significant factor in resolving a wide range of problems. The resolution of conflicts, for example, in Acehese society, is mostly carried out through traditional or non-litigation mechanisms, namely, without going through formal justice (Kasim & Nurdin, 2020). Nevertheless, as society has progressed and encountered more intricate issues, the participation of law enforcement institutions, such as the police, prosecutors, and courts, has become increasingly crucial in the resolution of customary disputes. These institutions serve as intermediaries, bridging customary and national laws to uphold justice while respecting local values.

The participation of law enforcement agencies in settling customary law conflicts in Bener Meriah and Nagan Raya has encountered difficulties, particularly in successfully integrating customary law with formal law (Gusfira & Suhartini, 2020; Misran, 2020). The disparity in norms and principles between the two legal systems frequently poses a hindrance, prompting inquiries on the ability of law enforcement authorities to efficiently fulfill their roles without compromising local wisdom.

Therefore, this study aims to analyze the role of mediation by law enforcement institutions in the implementation of customary law disputes in the Bener Meriah and Nagan Raya communities. This study examines the role, challenges, and impacts of law enforcement institutions' involvement in supporting or possibly hindering the implementation of customary law in both regions. This study aims to understand better the interaction dynamics between customary and national law and its implications for local communities.



Despite the growing recognition of customary law as a vital component of the legal system in Indonesia, particularly in Aceh, the integration of customary law with national legal frameworks remains a complex and underexplored issue. While law enforcement agencies, including the police and prosecutors, play a crucial role in mediating customary disputes, there is a significant gap in understanding how these institutions navigate the delicate balance between upholding national legal principles and respecting local customs.

Customary law refers to a legally binding agreement continually established and upheld by multiple indigenous tribes over generations, dictating what actions are forbidden or allowed (Hidayat, 2022). Customary law is a collection of norms that exist inside a society, are derived from local cultural values, and are unwritten (Mansur, Yunita et al., 2020; Amalia, 2018; T. Nazaruddin et al., 2022). Customary law is recognized in the national legal system of Indonesia (Azami, 2022), as stated in Article 18B, Paragraph 2 of the 1945 Constitution. This provision affirms that the state recognizes and respects customary law communities' unity and traditional rights as long as they exist and align with societal development and the principles of the Unitary State of the Republic of Indonesia. However, the integration of customary law into the national legal system often sparks debate, especially when there is a conflict of principles between customary law and national law.

The involvement of law enforcement agencies such as the police, prosecutors, and courts is vital in settling disputes related to customary law through mediation (Muksalmina & Sari, 2023). The procedures and guidelines for mediation are regulated in article 14 Kepala Kepolisian RI (2021). According to this article, mediation involves facilitating discussions between parties and documenting the mediation process's outcomes. These outcomes are then recorded in the Restorative Justice Register, which signifies the resolution of issues and the conclusion of minor criminal investigations. The police and prosecutors serve as mediators, facilitating the integration of customary law and formal law, particularly in resolving issues pertaining to public interests (Gultom & Manalu, 2023).

However, exercising this role is not without challenges, especially when there is a mismatch between customary law norms and national legal principles (Tionika et al., 2023). Regulatory conflicts may arise when two legal systems hold divergent perspectives on justice or an appropriate form of punishment (Nasir et al., 2023). Furthermore, law enforcement institutions frequently encounter cultural and social constraints while addressing customary disputes (Fiqri et al., 2024). In addition, a gap in law enforcement personnel's comprehension of the local cultural context can lead to incongruity in applying the law, eventually damaging public trust in the enforcement authorities. The court serves as the final mechanism for addressing conflicts that indigenous groups are unable to resolve internally. The court is responsible for determining if customary law practices align with national law and human rights principles.

The impact of the involvement of law enforcement agencies in the implementation of customary disputes also differs (Biantoro et al., 2024) discovered that in some cases, such engagement may result in favorable outcomes by offering more organized and objective justice. Nevertheless, in certain situations, an insensitive approach toward local values can jeopardize the long-term viability of customary law. The public's perceptions of law enforcement agencies' involvement also vary. While in other areas, it is viewed as a necessary step to ensure justice.

Based on this literature review, it can be concluded that the involvement of law enforcement agencies in the implementation of customary law disputes in Bener Meriah and Nagan Raya is a complex and challenging phenomenon. To uphold justice without sacrificing traditional values, integrating customary law and national law necessitates a sensitive approach to the local cultural context. This study explores these dynamics further to understand how the interaction between customary law and national law impacts communities in both regions.

The selection of Bener Meriah and Nagan Raya as research sites is based on their unique reliance on customary laws (*hukum adat*) as the foundation for governance and dispute resolution. Despite this shared



reliance, these regions exhibit potential differences in how customary laws are interpreted and enforced, making them suitable for comparative analysis. This study explores whether customary laws in the Bener Meriah and Nagan Raya conflict necessitate intervention by law enforcement agencies to mediate and enforce resolutions. Additionally, the research extends to broader issues such as customary land disputes and inheritance distribution. These disputes are often resolved using *adat* mechanisms, but complications frequently arise during their implementation, leading to dissatisfaction or challenges in enforcement. By focusing on these aspects, the study seeks to provide a deeper understanding of the role of law enforcement in supporting the mediation and enforcement of customary practices in these communities.

Focusing on these regions and issues, the study highlights the interplay between customary law and formal law enforcement. This provides valuable insights into the effectiveness of mediation mechanisms in preserving harmony and resolving disputes within the framework of *adat* practices. The objectives of this research are to analyze the mediation role of law enforcement agencies in the implementation of customary law disputes in Bener Meriah and Nagan Raya, to identify the challenges faced by law enforcement agencies in supporting the implementation of customary law in both areas and to evaluate the impact of the involvement of law enforcement agencies on the sustainability of customary law in Bener Meriah and Nagan Raya.

## B. Method

This study employs a qualitative approach using a case study method to analyze the involvement of law enforcement agencies in mediating customary law disputes in Bener Meriah Regency and Nagan Raya Regency. These regions were selected due to their strong adherence to local wisdom and customary law, which remain integral to their social and legal systems.

The respondents were chosen through purposive sampling to ensure relevance to the study's objectives. Key respondents included the Head of Public Relations of the Bener Meriah District Police, the Head of Public Relations of the Nagan Raya District Police, the Aceh Customary Council of

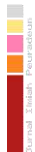
both districts, and the Prosecutor's Office. These individuals were selected based on their direct roles in implementing and mediating customary law, providing critical insights into the relationship between law enforcement and customary practices.

Primary data were collected via in-depth semi-structured interviews, allowing flexibility to explore emerging issues during the interviews. Respondents were interviewed at their respective offices, with questions focused on their roles, challenges faced, and collaboration with customary leaders. Direct field observations were conducted at mediation sessions, customary council meetings, and law enforcement activities, with observations recorded over multiple visits to ensure consistency. Secondary data were obtained from various written sources, including legal documents, reports, and scholarly articles, to supplement and validate the primary data.

Data were analyzed using content analysis techniques. Key themes were identified through careful coding and interpretation of interview transcripts and field notes, then linked to relevant theories and literature. For example, themes such as "collaboration in dispute resolution" and "challenges in harmonizing laws" were developed by cross-referencing insights from interviews and observations with existing frameworks on customary and national law integration.

To ensure trustworthiness and validity, the study employed triangulation by comparing data from interviews, observations, and written sources. Participant consent was obtained through informed consent forms, ensuring ethical compliance. Peer reviews were conducted to verify interpretations, strengthening the reliability of the findings.

Primary data were collected through in-depth interviews with predetermined respondents. The interviews were conducted using a semi-structured approach to facilitate the examination of issues that arose throughout the interview process. Furthermore, direct field observations were undertaken to enhance comprehension of customary law practices and their interactions with law enforcement agencies. The researchers collected secondary data from various written sources, including scientific literature,



legal documents, official reports, and other relevant publications relevant to the topic of the study. The aforementioned sources were used to enrich and validate the conclusions derived from the primary data.

The collected data was analyzed using content analysis techniques. This analysis identified key themes that emerged from interviews and documents and linked these findings to relevant theories and literature. This analysis also explored the relationship between the involvement of law enforcement agencies and the sustainability of customary law and its impact on local communities.

## **C. Results and Discussion**

The study's findings are presented and discussed in relation to the involvement of law enforcement agencies in resolving customary law disputes in Bener Meriah and Nagan Raya regencies. Through interviews, direct observations, and a review of secondary sources, the research highlights key insights into how law enforcement works with customary leaders to mediate conflicts. The results demonstrate the challenges and successes of integrating customary law with national legal systems, particularly in resolving land disputes and minor offenses. The discussion will focus on interpreting these findings and analyzing the implications of law enforcement's role in upholding local traditions while ensuring compliance with national laws. This section will also examine these findings' broader impact on the local community and the legal system.

### **1. Results**

#### **a. Police participation in resolving customary disputes**

In the study of police involvement in resolving customary disputes in Bener Meriah and Nagan Raya regencies, a significant role for law enforcement in applying the Restorative Justice (RJ) approach was identified. This approach, which emphasizes resolution through mediation rather than punitive measures, has successfully addressed minor assaults and land disputes, fostering a more collaborative approach to conflict resolution. The



police have a crucial role in implementing the Restorative Justice (RJ) approach to resolve disputes in the Bener Meriah Regency. This approach aims to resolve legal cases collaboratively and focuses on recovery rather than punitive punishment. Yulizan, Head of Community Relations at Bener Meriah Police, stated that:

*“Cases such as minor assaults and land disputes are often resolved through deliberation at the Polsek. The Polsek has RJ Hall, which serves as a venue for the mediation process in order to maintain neutrality. The mediation process involves various parties, including the Customary Council, and incorporates intervention to achieve peace, with agreements made in the presence of the parties”.*

Meanwhile, the findings of the mediation role in the jurisdiction of the Nagan Raya Police were revealed based on a statement:

*This mediation process involves the participation of the disputing parties and the customary council to achieve a peaceful agreement. The mediation results are then formalized in an agreement signed by all parties involved. Issues such as minor assaults and land disputes are often resolved through discussions held at Polsek. To ensure objectivity, Polsek provides a special room for mediation.*

These findings emphasize that police participation in dispute resolution goes beyond simply enforcing the law; it also involves fostering collaboration with local traditional leaders and aligning with local wisdom. In this context, law enforcement acts as a mediator, ensuring the mediation process aligns with formal legal norms while respecting local customs. It can be concluded that the police in Bener Meriah and Nagan Raya significantly contribute to the resolution of disputes using the Restorative Justice approach. The police achieve this by providing facilities like the RJ Hall at the *Polsek* and initiating a mediation process to maintain neutrality and foster peace between the involved parties. Although this approach is only effective for minor assaults and land disputes, it demonstrates the police's commitment to integrating local wisdom in resolving disputes. It also emphasizes the need for further handling cases that receive less attention.



According to Yulizan, each village has drafted village regulations (*Qanun*) to govern the settlement of cases within the community. This *Qanun* serves as a guide to resolving disputes based on local customary norms, strengthening the integration between customary law and dispute resolution.

In implementing Restorative Justice (RJ) in Bener Meriah and within the jurisdiction of the Nagan Raya Police, the police play a key role in resolving disputes. The police seek a fair and harmonious resolution for all parties through mediation and deliberation. The challenge of resolving legal disputes is due to a lack of public trust in traditional leaders' roles. Yulizan, Head of Community Relations at the Bener Meriah Police, noted that:

*"The lack of public trust in village officials frequently leads individuals to report directly to the police. This trust has faded due to public suspicions about the involvement of relatives of local traditional figures in the disputes that occurred".*

Meanwhile, in the jurisdiction of the Nagan Raya Police, it is evident that there is a balanced level of public trust in resolving customary law dispute cases. The public is willing to settle each dispute according to local customary law, but law enforcement authorities are constantly present in each case. Fitriadi, the Head of Community Relations of the Nagan Raya Police, disclosed this information in a statement, saying:

*"The community together with traditional leaders resolve every case based on local customary law, but in every case, they are always accompanied and mediated by law enforcement officers".*

The statement underscores the dual role of customary law and law enforcement in dispute resolution. While the community values and adheres to local customs, they also acknowledge the critical involvement of law enforcement officers to ensure that the process remains within legal boundaries and ensures fairness for all parties involved. This balanced approach helps maintain the integrity of the dispute resolution process, ensuring that both customary and formal legal norms are respected.

However, a significant challenge arises from the public's lack of trust in village officials, often leading to increased reliance on the police for

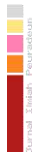
mediation and resolution. As highlighted in the findings, “dependence on the police often occurs due to the lack of community trust in village officials”. This situation strains law enforcement, as village officials call upon them to handle cases that could otherwise be managed at the local level.

To enhance the effectiveness of dispute resolution, it is crucial to address the issue of public trust in village officials. Strengthening the capacity and authority of village leaders will help foster more confidence in their ability to manage disputes independently. It is expected that with increased support and training, village officials will be able to handle local conflicts more effectively, thereby reducing the burden on law enforcement and allowing the police to focus on more serious cases. Additionally, reinforcing the role of village leaders in the mediation process will ensure a more balanced and sustainable approach to resolving disputes while also promoting justice and maintaining the integrity of local customs and traditions.

The police’s implementation of Restorative Justice (RJ) not only plays a role in formally resolving legal cases but also integrates local norms into the dispute resolution process. The head of the Community Development Unit (Kasat Binmas) Police Resort at Bener Meriah and the Head of the Community Development Unit (Kasat Binmas) Police Resort at Nagan Raya Regions have similar explanations for resolving the customary dispute:

*“Cases that require resolution at the Polres are resolved in the context of village customs. The resulting peace agreement uses the village letterhead, and the settlement results are linked to local customary law; the peace agreement will also be used as evidence of restorative justice for law enforcers and intervention in ongoing cases”.*

The police are committed to integrating local customary norms in resolving cases through Restorative Justice. The police establish connections between the settlement outcomes and local wisdom by settling cases within the framework of village customs and drafting a peace agreement on official village letterhead. This not only strengthens the relevance and approval of decisions at the community level but also reinforces the connection between formal norms and local customs, resulting in solutions more aligned with local communities’ values and requirements.



Overall, in Bener Meriah and Nagan Raya, law enforcement officers actively incorporate Restorative Justice into the customary dispute resolution system. They achieve this through deliberation, village qanun, and procedures compatible with customary law while also adhering to formal legal norms. This approach ensures that justice is maintained and local wisdom is preserved when resolving cases.

### **b. Involvement of the prosecutor's office**

Prosecutor's office in Indonesia has a significant role in implementing Restorative Justice (RJ), an alternative approach to resolving criminal disputes. RJ aims to restore favorable conditions and social balance by involving perpetrators, victims, and the community in the resolution process. In addition to facilitating dialogue between the parties involved, the prosecutor's office also determines the eligibility of a case to be resolved through RJ. It is derived from the prosecutor's statement:

*"Restorative Justice (RJ) can be applied to criminal cases with a sentence of less than 5 years and material losses not exceeding Rp2.5 million. Furthermore, perpetrators who meet the RJ criteria must not be recidivists, i.e., individuals with a history of previous crimes".*

The prosecutor's office has stated that specific conditions must be satisfied for RJ to be done in criminal cases. Several conditions include the sentence for the offender being less than five years of imprisonment, the financial damages not exceeding Rp2.5 million, and the offender not being a recidivist, meaning someone who has committed a previous crime.

In addition, the prosecutor's office recognizes customary *Qanun* as an integral component of the RJ process, especially within the local or village-level context. This shows the prosecutor's efforts to integrate customary law values into the formal legal system, which is expected to provide more relevant solutions in accordance with local wisdom. This guarantees that while the RJ process can be started at the local or regional level, it nonetheless adheres to national legal standards consistently and competently. Therefore, the prosecutor's office plays a dual role in restorative justice (RJ) - not only as a

facilitator but also as a protector of legal integrity, ensuring that every aspect of RJ adheres to applicable legislation.

It is based on the prosecutor's statement:

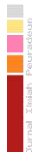
*"Cases submitted by the prosecutor's office have generally gone through the police investigation and preliminary inquiry process. After the police have completed their initial investigation to collect evidence and determine the possibility of a crime, the prosecutor's office receives these cases. It assesses whether the cases are appropriate to be pursued further or resolved through restorative justice".*

Before going to the prosecutor's office, a case goes through various processes, including some initial steps taken by the police to ensure that the case is worthy of further processing. The police are responsible for conducting investigations and inquiries to collect relevant evidence and determine whether a crime has occurred. Upon completing this process, the prosecutor's office receives the case and evaluates its suitability for advancement to the next stage or resolution through the Restorative Justice (RJ) mechanism.

Therefore, early involvement of the police substantially impacts the process and resolution of the case. The final decision about implementing Restorative Justice (RJ) in the legal system is a pivotal factor that guarantees a consistent and compliant application of the law in line with national standards. The Attorney General's Office is vital in this process since it assesses whether Restorative Justice can be utilized in a specific case. It is based on the prosecutor's statement,

*"The final decision on whether to adopt Restorative Justice can only be made by the Attorney General. This confirms that while the RJ process may be proposed or considered at the local or regional level, the definitive decision on the application of RJ is taken at the Attorney General's Office level, ensuring consistency and compliance with nationally applicable legal standards".*

The final decision on the application of Restorative Justice (RJ) can only be taken by the Attorney General. This ensures that while the RJ process may be proposed or considered at the local or regional level, the final decision rests with the Attorney General. Therefore, the Attorney General is



responsible for upholding consistency and adhering to nationally applicable legal standards. Additionally, the Attorney General must guarantee the fair implementation of Restorative Justice in accordance with relevant legal principles throughout the country.

Alternatively, customary dispute resolutions can be resolved at the village level or through police mediation. This is important because the mediation process involving the prosecutor is limited and requires authorization from the Attorney General's Office of the Republic of Indonesia. Thus, resolving disputes at the local level can be more efficient and in accordance with local wisdom while maintaining the involvement of law enforcement to ensure justice and compliance with applicable laws.

### **c. The Aceh traditional council institution's active role in implementing customary law**

When resolving customary disputes in Bener Meriah Regency, the Aceh Traditional Council (MAA) has a crucial role, especially when dealing with conflicts at the village level. Through collaboration with legal authorities, MAA ensures that dispute resolution is not only in accordance with formal law but also in line with local customary norms. Alhadi, S.H.I., from MAA Bener Meriah, explained that:

*"Disputes are resolved in the village and at the MAA level of Bener Meriah district. Babinkantibmas is one of the legal authorities participating in the settlement process. Legal authorities serve as mediators for settlement in the village. Sanctions imposed must align with the capabilities of the community. Sanctions such as Parak (relocation from the village), Jeret Naru (exclusion from community activities), and fines (imposing a specific quantity of something on the community) are employed to enforce customary norms".*

Meanwhile, findings from the MAA in Nagan Raya Regency:

*"Customary disputes are often settled at the village level or through police mediation. If the attempt to resolve the dispute at the village level is unsuccessful, the mediation process might be moved to the Mukim level, with the involvement of the police. The police presence in these situations is intended to intervene to attain peace. The mediation might occur either in the village where the incident occurred or in the police office, depending on the specific requirements and circumstances".*

This statement demonstrates that the MAA in Bener Meriah and Nagan Raya Districts and law enforcement agencies such as *Babinkantibmas* collaborate to resolve disputes by considering the local context. Village-level settlements involve customary sanctions tailored to the community's capacity and conditions. Sanctions such as *Parak*, *Jeret Naru*, and fines reflect a fair and proportional approach to enforcing customary norms, ensuring that sanctions support dispute resolution and respect the village community's social structure and economic capacity.

Within the context of customary dispute resolution in Bener Meriah Regency, the Village Qanun establishes customary punishment regulations to guarantee equitable customary norms that align with local values. The Village *Qanun* serves a crucial role in overseeing the enforcement of customary sanctions, including implementing fines and other sanctions. According to a source from MAA Bener Meriah, it was clarified that

*"Money taken from fines should not be given for objects that will remind people of the shame and dispute. But the money should be given for the unity of young people, and advice should be given to them to anticipate future customary violations".*

Customary sanctions in the customary law area in Nagan Raya Regency are different; this was revealed in an interview with MAA Kabupaten Nagan Raya:

*"Customary sanctions are implemented based on the customary policies and decisions of the village. These sanctions may differ, but they have all been approved jointly by local leaders and customary communities. The purpose of these sanctions is to benefit the community. One example of a sanction is the requirement to donate goats or similar items to the local village fund (diyath) as a form of punishment for unacceptable behavior".*

This statement affirms that according to the Village Qanun policy, fines cannot be imposed on items that may serve as reminders or cause embarrassment in the future during the enforcement of customary sanctions. However, the funds from the fines are used towards beneficial initiatives, such as promoting unity among young people and offering guidance to prevent future customary violations. This method demonstrates the



commitment to maintaining traditional standards and promoting social progress and development within the local community.

The resolution of customary disputes in Bener Meriah Regency is governed by rules concerning customary sanctions, as outlined in the Village Qanun. These policies aim to ensure the equitable enforcement of norms in conformity with local values. The Village *Qanun* serves a crucial role in overseeing the enforcement of customary sanctions, such as the imposition of fines and other sanctions.

Meanwhile, in Nagan Raya, there are differences in the application of customary sanctions, which depend on each village's policies and customary decisions. Although there are differences in the application of customary sanctions in these two areas, both emphasize the importance of agreement and community involvement in determining sanctions and orientation toward the welfare and integrity of the local community.

## 2. Discussion

This study highlights the complexities surrounding integrating customary law with national law in dispute resolution processes in Bener Meriah and Nagan Raya, Aceh. The findings indicate that while customary law is formally recognized within Indonesia's legal framework, its practical implementation remains challenging, particularly in ensuring consistency with national legal principles (Arifin et al., 2025; Mutawali, 2022). Law enforcement institutions, including the police and prosecutors, play a crucial role in mediating conflicts bridging the gap between legal formalism and local traditions. However, their involvement also presents significant challenges, particularly concerning normative conflicts, institutional limitations, and community trust in customary institutions and law enforcement agencies (Wakhidah et al., 2024).

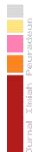
Restorative Justice (RJ) has emerged as a primary approach to resolving customary disputes in Bener Meriah and Nagan Raya. This model emphasizes reconciliation and community dialogue rather than punitive measures. As revealed through interviews, mediation is often conducted at



local police stations (Polsek) or designated RJ halls to maintain neutrality in the resolution process. By involving traditional leaders and disputing parties, this approach seeks to uphold customary norms while adhering to formal legal standards. This aligns with previous research, suggesting that alternative dispute resolution mechanisms grounded in local wisdom tend to be more accepted by communities as they are faster, more cost-effective, and more socially responsive than formal litigation (Kasim & Nurdin, 2020; Kamaruddin et al., 2023; Solin et al., 2024).

Despite the advantages of the RJ approach, several challenges hinder its full effectiveness. The primary obstacle is the discrepancy between customary law norms and national legal standards. Certain customary sanctions, such as social exclusion (*jeret naru*) or material fines (*parak*), may not align with Indonesia's national criminal justice system, which prioritizes retributive justice (Nasir et al., 2023; Al Idrus et al., 2024). Furthermore, law enforcement agencies often face dilemmas in determining the extent of their intervention. On one hand, they are responsible for upholding state law, while on the other, they must respect indigenous dispute resolution mechanisms that have existed for generations (Shukri Nordin et al., 2025). This underscores the need for more precise guidelines on integrating the two legal systems to avoid overlapping and contradictory legal interpretations (Andiko et al., 2024).

Public trust in traditional institutions is another critical factor influencing the effectiveness of customary dispute resolution. In certain villages, community members prefer reporting disputes directly to the police rather than resolving them through traditional mechanisms. This shift is primarily attributed to declining confidence in village authorities, sometimes perceived as biased or engaged in conflicts of interest. As noted by the Head of Community Relations at Bener Meriah Police, one of the main reasons behind the increasing reliance on law enforcement is the public's suspicion of traditional leaders' involvement in disputes, raising concerns over impartiality. This lack of trust leads to a heavier reliance on the police for mediation, increasing the burden on law enforcement while



diminishing the authority of customary law institutions (Harahap, 2018; Ilyas et al., 2023; Napsiah et al., 2024).

The role of the prosecution office in customary dispute resolution is also significant, particularly in ensuring that the RJ process aligns with broader justice principles. As highlighted in this study, prosecutors can authorize RJ for cases that meet specific criteria, such as offenses punishable by less than five years of imprisonment and those not involving repeat offenders. However, the final decision on RJ implementation rests with the Attorney General's Office, which ensures compliance with national legal standards. This procedural limitation reflects that while RJ can be proposed at the local or regional level, national authorities must formally sanction its enforcement. The limited authority of prosecutors in handling customary disputes further underscores the dominant role of traditional dispute resolution mechanisms in cases that do not fall under severe criminal offenses (Muksalmina & Sari, 2023; Iska et al., 2022).

Compared to customary dispute resolution models in other legal pluralism contexts, such as Canada and South Africa, the role of law enforcement in balancing state and customary law is not unique to Indonesia (Brusina, 2014). In countries with plural legal systems, state intervention in customary law mechanisms is often debated, particularly regarding human rights and equality before the law. In some cases, government intervention is deemed necessary to prevent discriminatory or exclusionary practices within Indigenous legal traditions, such as those related to gender rights and inheritance laws (Napsiah et al., 2024; Hannan et al., 2024; Syaikhu et al., 2023). The findings of this study provide broader insights into how customary law can adapt to national legal frameworks without losing its essence as a community-driven conflict resolution mechanism.

Based on the findings of this research, it can be concluded that law enforcement involvement in customary dispute resolution in Bener Meriah and Nagan Raya plays an essential role in ensuring legal justice in communities with dual legal traditions. However, to enhance the effectiveness of this integration, clearer policy frameworks are needed to

define the scope and limits of state intervention in customary law. Additionally, efforts to strengthen the capacity of customary leaders in dispute resolution are necessary to promote a more independent and community-centered mediation process. These measures will reinforce customary law's role within Indonesia's legal system and ensure that communities have access to fair, efficient, and culturally relevant justice mechanisms (Al Idrus et al., 2024; Arifin et al., 2025).

The implications of this study extend beyond the local context of Bener Meriah and Nagan Raya, offering relevant insights for countries grappling with the complexities of legal pluralism and the integration of customary law within national legal frameworks. As global discussions increasingly emphasize the need for justice systems that are both culturally responsive and aligned with international human rights norms, the Indonesian experience—particularly in Aceh—can serve as a valuable reference. The integration of restorative justice practices rooted in local traditions into formal legal procedures illustrates a pragmatic approach that balances legal certainty and community legitimacy (Fakhyadi & Samsudin, 2024).

This model demonstrates how state and non-state legal actors can cooperate to uphold justice while maintaining cultural identity. Such experiences resonate with challenges faced by other plural legal systems globally, where harmonizing indigenous legal values with state law continues to be contested (Shukri Nordin et al., 2025; Al Idrus et al., 2024). Furthermore, the lessons from Aceh may contribute to international efforts in enhancing inclusive and accessible justice mechanisms, especially in multicultural societies where traditional institutions still play a significant role in dispute resolution (Kamaruddin et al., 2023; Ilyas et al., 2023). By documenting and analyzing these localized dynamics, this study supports a broader global agenda of legal innovation that respects diversity while reinforcing principles of fairness and equality before the law (Wakhidah et al., 2024; Arifin et al., 2025).



## D. Conclusion

This study critically evaluates the role of law enforcement institutions in mediating customary law disputes in Bener Meriah and Nagan Raya, highlighting the complexities of integrating customary law into Indonesia's national legal framework. The findings reveal that while customary law is officially recognized, its implementation often faces challenges, particularly in aligning its principles with national legal norms. Law enforcement agencies, particularly the police and the prosecutor's office, serve as crucial mediators in ensuring customary dispute resolution processes adhere to local traditions and formal legal standards.

The police play a significant role in facilitating Restorative Justice (RJ), ensuring that disputes are resolved through dialogue and consensus-building rather than punitive measures. This approach is widely accepted within communities as it maintains social harmony while upholding local wisdom. However, the study also highlights key obstacles, including normative inconsistencies between customary and national law, institutional limitations in law enforcement intervention, and public distrust in traditional dispute resolution mechanisms. These factors contribute to ongoing tensions in implementing legal pluralism in Aceh.

Moreover, the involvement of the prosecutor's office in customary dispute resolution is essential in determining whether cases qualify for Restorative Justice within the boundaries of national law. However, the final authority on RJ applications rests with the Attorney General's Office, ensuring compliance with legal standards at the national level. This regulatory structure highlights the need for clearer policies and guidelines that facilitate the integration of customary law while maintaining legal certainty.

The study also underscores broader implications for legal pluralism beyond Indonesia. The challenges faced in Aceh mirror similar issues in other plural legal systems, such as Canada and South Africa, where customary dispute resolution mechanisms coexist with formal state law. These findings suggest that a balanced approach, incorporating collaboration between

customary leaders and law enforcement agencies, is essential for ensuring justice and legal consistency in pluralistic societies.

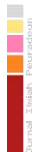
To enhance the effectiveness of customary dispute resolution, several measures are necessary. First, strengthening the legal capacity of traditional leaders through training and institutional support can improve the credibility and effectiveness of customary law mechanisms. Second, increasing public awareness and trust in customary and formal legal institutions is critical for ensuring smoother dispute-resolution processes. Third, policy reforms should provide clearer frameworks for integrating customary law with national law, particularly in defining the roles and limitations of law enforcement agencies in mediating disputes.

Future research should explore the long-term effects of law enforcement intervention on the sustainability of customary law, as well as comparative analyses with other regions practicing legal pluralism. Additionally, further studies should investigate how customary law can be more effectively incorporated into national legal systems without compromising local traditions or fundamental human rights principles.

In conclusion, while integrating customary law and national law in Aceh presents challenges, it also offers valuable insights into how legal pluralism can be effectively managed through cooperation between traditional and formal legal institutions. A well-structured mediation framework, supported by strong legal policies, community engagement, and capacity-building efforts, is essential to ensure that customary law remains a relevant and respected part of Indonesia's legal system.

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