Guidelines on *Adat* Justice in Aceh
For Adat Justice that is Fair and Accountable
GUIDELINES ON ADAT JUSTICE IN ACEH
FOR ADAT JUSTICE THAT IS FAIR AND ACCOUNTABLE

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DISCLAIMER

“The views expressed in this publication are those of the authors and do not necessarily represent those of the United Nations or UNDP.”
Guideline on Adat Justice in Aceh

Foreword

These guidelines represent an effort to codify the wisdom of Acehnese adat culture as formulated in adat law. Peace and tranquillity comprise the underlying values allowing for justice and welfare in adat society. The maintenance of these values depends crucially on the functions and roles of adat social institutions as embodied in the structures of gampong (village), mukim (settlement), and local adat institutions.

The adat institutions described above remain the lifeblood of adat society as it continues to develop in Aceh. Adat regulation requires implementation of and synchronisation with a national legal system that effectively encompasses judicial diversity. Within this context, and by means of adat-related laws and Qanuns, the Nanggroe Aceh Darussalam (NAD) government and Acehnese people are empowered by the implementation of adat law.

In 2007, the Aceh Adat Council (Majelis Adat Aceh, MAA) of NAD Province and the United Nations Development Programme’s (UNDP) Aceh Justice Project conducted a joint research project to explore the principles of adat law. Field research findings have demonstrated that adat law can produce effective justice, and its application continues to support the development of new legal principles in Aceh’s governance.

Of course, this study was not without its shortcomings—in particular, there were not adequate resources for studying the adat institutions of all Aceh’s ethnic groups. Nonetheless, the study has had a major impact on the development of the current guidelines, which have since been subject to a thorough consultative process involving the MAA, members of various Acehnese adat institutions, Acehnese civil society organisations (including women and men), and the UNDP. This process has itself encouraged the empowerment of the Acehnese adat Institutions.

For all these reasons, I embrace these general “Guidelines on Adat Justice in Aceh” developed jointly by the NAD Province MAA and UNDP Aceh Justice Project, and I support their dissemination throughout the community. Hopefully, this manual will encourage people to participate in the exploration and reconfiguration of adat justice, so that it may become an effective, accountable, reliable and equitable tool—particularly in dealing with cases related to gender. This manual should serve as a reference for the Acehnese regional government as well as for local governments at the kabupaten and the kota levels. We would like to express our gratitude to everyone involved in the publication of these guidelines, especially to the Research Team and UNDP Aceh Justice Project.

Banda Aceh, May 1, 2008
Badruzzaman Ismail, SH, M.Hum.

Chairperson of the Aceh Adat Council
Nanggroe Aceh Darussalam

1 qanun = local regulation
2 kabupaten = district
3 kota = municipality
Acknowledgements

These guidelines on Adat Justice in Aceh are based on a large-scale joint research and consultative process carried out in Aceh Province from 2007 to 2008. The Aceh Adat Council (MAA) and the UNDP Aceh Justice Project are grateful to all the adat leaders who served as resource persons during research and to all parties who have participated in the development of these guidelines. We would like to thank especially Mr. Badruzzaman Ismail and the MAA Team including Mr. Abdurrahman, Mr. Muhammad Hamzah, Professor Teuku Djuned, and Mr. Zulfian for their expert advice and for the feedback they provided in the course of this research. We also thank Mr. Taqwaddin from UNSYIAH (University of Syiah Kuala) and Mr. Afridal Darmi from the Legal Aid Institute of Banda Aceh (Lembaga Bantuan Hukum, LBH Aceh) for serving as facilitators in the working sessions of our consultations with adat leaders.

We would like to thank the UNDP Aceh Justice Project Team led by Ms. Sadaf Lakhani, and comprised of Fakri Karim, Faisal Fuady, Ross Clarke and Mercedes Chaves. Special thanks go to two leading research experts, Mr. Nurdin Husein and Arie Brouwer.

Finally, we would like to extend special thanks to all adat leaders and everyone who participated in our focus group discussions and review workshops. We sincerely appreciate the efforts of the adat leaders, civil society representatives, experts, scholars and officials who have helped in the production of this document. The Guidelines reflect the current practice of adat law in Aceh and represent a serious effort by adat leaders to improve Acehnese people’s access to justice under adat law.

These guidelines are a component of the Bappenas-UNDP Access to Justice Project (AJP) funded by the European Union Aceh Peace Process Support Programme (APPS).
A. Introduction

Objectives of the Guidelines

Primary Objectives

These guidelines aim to provide adat leaders with clear and comprehensive information on fulfilling their roles as justice practitioners based on fair, accountable and effective practices established in a set of standardised minimum procedures. The Guidelines are further intended to protect the rights of conflicting parties and to increase accountability and fairness in the administration of adat justice for women and children, as well as for adult men.

Intended Beneficiaries

These general guidelines are directed toward adat justice providers administrating adat justice both at the gampong (village) and mukim (settlement) levels. The guidelines also serve as a reference for formal justice institutions such as at the High Court, the District Court, and the Syariah Court. They will assist community members wishing to understand adat procedures, including those who seek help from adat leaders in resolving disputes. Finally, these guidelines should be of use to civil society organisations and government agencies working on justice administration at the community level throughout Aceh Province.

Why are these Guidelines Important?

The majority of Acehnese people seek and attain justice within traditional village structures and through adat procedures. A UNDP study demonstrates, however, that community members often lack adequate knowledge of adat procedures and their function. Adat law is generally understood as flexible, uncodified and transmitted by oral tradition. Misconceptions have arisen regarding the development of law in Aceh and the applicability of formal law (whether in the District or Syariah Courts), and about adat institutions and their general procedures. Many adat leaders have been lost due to the conflict and tsunami. The shortage of adat leaders, in turn, has reduced the number of adat dispute settlements, and has led to the unfair treatment of marginalised and vulnerable groups such as women, children, widows, disable person, the elderly, orphans, and children.

These guidelines intend to address these challenges by detailing the actual roles of adat justice practitioners and providing a set of standardised procedures for the administration of adat cases. By raising awareness about these standards, the guidelines seek to encourage greater clarity and fairness in adat justice administration, both for the benefit of justice providers and for the community at large.

The Guidelines are important as a means to synchronize understandings and practices among adat practitioners, including the Keuchik (village head), tuha peut (council of four elders), and imeum meunasah (village mosque leader). Studies have found that, among the current generation of adat practitioners in particular, there is a great deal of uncertainty as to procedures in the administration of adat justice. These guidelines put in writing some of the key principles and recommended standards.
in adat justice administration for the purposes of easy reference. Legislative matters are also discussed, so that practitioners may find themselves better able to grasp the foundations of adat justice. Adat justice practitioners are obligated to apply these general guidelines to ensure that their decisions are just and conform to the principles of human rights.

Methodology

The Adat Guidelines are based on an analysis of legislation regulating adat in Aceh, and on field research observing actual adat justice in practice. Field research was conducted in 17 gampongs located in 10 kecamatan spread across 4 kabupaten—namely Greater Aceh, North Aceh, Central Aceh, and South Aceh.

Data was collected by two methods: (1) Desk review, i.e. analysis of written material, previous research, and relevant legislation (Qanuns); and (2) Field research, which entailed both focus group discussions and in-depth individual interviews. Respondents chosen for this research included adat practitioners such as Keuchiks, Keuchik secretaries, tuha peuets, imeum meunasahs, imeum mukims, keujruen blangs, panglima laots (sea commanders), and pawang glees (mountain custodians) along with the peutua seuneuboks (heads of hillside farming organisations).

The Guidelines are based both on research findings and on a workshop held November 12, 2007 at the Grand Nanggroe Hotel, Banda Aceh, NAD, attended by the Chairperson of the MAA, and adat leaders representing all research locations (Greater Aceh, North Aceh, Central Aceh, and South Aceh). It also included representatives of the Banda Aceh District Court, the Banda Aceh District Attorney, the Banda Aceh Syariah Court, the Chief of Nanggroe Aceh Darussalam Province Islamic Syariat Agency, BRR representatives, the United Nations Food and Agricultural Organisation (UN-FAO), Oxfam, the Aceh Judicial Monitoring Institute (AJMI), the International Development Law Organisation (IDLO), academics from UNSYIAH, Aceh Adat Communications Network (Jaringan Komunikasi Masyarakat Adat Aceh, JKMA), Aceh Legal Aid Institution (LBH Aceh) and Indonesian True Friends of Women (Mitra Sejati Perempuan Indonesia, MISPI).

This workshop was followed on November 13, 2007 by a private in-depth discussion with adat justice practitioners from all research locations. A number of key issues relating to implementation procedures at the gampong and mukim level were identified through these discussions. Conclusions reached at this workshop provided the foundation and framework for the drafting of the current Guidelines.

A second workshop was held on February 26, 2008 providing stakeholders with an opportunity to volunteer their input for incorporation into the draft Guidelines. This workshop led to several important changes, including the use of simplified language to accommodate the needs of rural communities.

Finally, a meeting was held between several members of MAA and a small number of adat leaders and adat representatives to ensure that the Guidelines draft is applicable and could be implemented without difficulty. The meeting provided an opportunity to accept feedback from the MAA and other stakeholders, including adat leaders, for consideration in the Guidelines’ final content and design.

Efforts have been made throughout the process to ensure that this document has developed on the basis of consultation, accurately reflecting the needs of adat leaders. This document should
be acceptable to all key stakeholders such as the MAA, and should accurately reflect the state of current practice. While the limited scope of research underlying these guidelines has not allowed it to capture all the complexities and diversity of *adat* justice administration across the NAD Province, the identification of general principles and procedures will nonetheless lead to recognition of established minimum standards in roles and procedures pertaining to *adat* justice.

**Limitations**

Research for these guidelines was conducted in and focused primarily on Aceh’s coastal regions; it is deeply influenced by the practices and norms of *adat* justice as practised among Aceh’s coastal communities. These may diverge in some instances from *adat* justice as practiced in the rest of the province; nonetheless, the Guidelines should be of benefit to all Acehnese communities, since the basic principles of *adat* justice are applicable through the NAD.

The Guidelines focus primarily on processes and procedures of *adat* justice rather than on substance. Though some particulars of procedure may indeed vary among the different regions of Aceh, these guidelines detail general principles relevant to all of NAD Province. In other words, the Guidelines do not stipulate *adat* leaders’ actions; rather they outline a set of general principles to serve as the basis for just and coherent procedures.

**Structure of the Guidelines**

B. Principles of *Adat* Justice

Principles embody a set of social values that should hold a paramount and inviolable position within any legal system. The Acehnese *adat* legal system recognises a number of principles, many of which are upheld in various other legal systems as well. At present, *identified principles*\(^5\) include the following:

- Acceptability
- Accountability
- Equality before the law and non-discrimination
- Accessibility
- Voluntarism
- Peaceful resolution
- Consensus
- Transparency
- Competence / authority
- Pluralism
- Presumption of innocence
- Proportional justice

\(^5\) Unidentified principles may yet exist which have not been researched.
1. **Acceptability**  
The community perceives *adat* justice as a trusted institution.

2. **Accountability**  
In handling disputes, *adat* justice practitioners are accountable to contending parties, the community, the State, and God.

3. **Equality before the law and non-discrimination**  
*Adat* justice does not discriminate on the basis of gender, social status or age. All are equal and therefore maintain equal rights before the *adat* justice system.

4. **Accessibility**  
All *gampong* judicial decisions are accessible to the community; procedures require neither excessive time nor cost.

5. **Voluntarism**  
Parties cannot be forced to settle disputes through the administration of *adat* justice.

6. **Peaceful resolution**  
This principle is illustrated by the Acehnese proverb “*uleue bak mate ranteng bek patah*” (kill the snake but nothing shall be sacrificed). The objective of *adat* justice is to maintain social balance and harmony.

7. **Consensus**  
*Adat* judicial decisions are based on consensus, consistent with legal norms established by *adat* justice practitioners.

8. **Transparency**  
All judicial processes (barring certain minimal exceptions), including complaints, summons, hearings and trials are conducted in an open and transparent manner.

9. **Competence/Authority**  
*Adat* leaders do not benefit, whether materially or immaterially, from handling cases.

10. **Pluralism**  
*Adat* justice respects the diversity of the various *adat* systems.

11. **Presumption of innocence**  
*Adat* law prohibits taking the law into one’s own hands.

12. **Proportional Justice**  
Judicial decisions are just and proportionate to the seriousness of the case as well as to the economic circumstances of the parties involved.
C. Legal Basis of Adat Justice

Adat justice as currently practiced is based on legislative and regulatory frameworks for adat law and its institutions. Relevant legislation states clearly that adat law and judicial empowerment begin at the gampong and mukim levels, where the designated institutions for adat justice reside.

The following key laws and regulations govern the practice of adat justice in Aceh:

1. **Act 44/1999 concerning the Special Status of Aceh Province, art. 6 and 7** states that:
   - The region is granted authority to practice adat in accordance with Islamic law.

2. **Act 11/2006 concerning the Governance of Aceh, Chapter XIII on Adat Institutions** states that:
   - Resolution of social-communal issues shall be attained through adat institutions [art. 98, para. (2)].
   - *Adat Institutions* referred to above include, *inter alia*:

   In some regions, these same positions will be known by other terms.

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6 In some regions, these same positions will be known by other terms.
3. **Local Regulation 7/2000 concerning Adat Life Practices** states that:

"Adat Institutions function as a means to guaranteeing the security, tranquillity, harmony and order of society."

**The duties of adat institutions** include:
- Resolution of social and community issues (art. 5)
- First priority in facilitating the resolution of cases, as acknowledged by local law enforcement (art. 6 and 10)

4. **Qanun 4/2003 concerning Mukim Governance in Nangroe Aceh Darussalam Province** authorises mukims in:
- Decision-making and/or drafting laws
- Maintaining and developing adat
- Facilitating adat reconciliation
- Resolving and taking adat-based decisions on disputes and adat violations
- Granting legal endorsement to certain matters and other type of evidences according to adat
- Resolving cases related to adat or tradition

5. **Qanun 5/2003 concerning Gampong Governance in Nanggroe Aceh Darussalam Province** states that duties and obligations of the gampong administration include the following:
- Resolving adat disputes
- Protecting and conserving adat and tradition
- Maintaining peace and order; preventing immoral acts
- Assisting the Tuha Peut and Imeum Meunasah in effecting peaceful resolutions

6. **2007 MoU (number to be announced) between the Governor, Chief of Provincial Police and MAA**

During the development of the Guidelines, a draft MoU (number to be announced) was prepared for signing by the Governor, Provincial Police Chief, and MAA. In practice, some regions have already begun using this draft MoU as guidelines in the practice of adat justice.

With regards to adat justice, the draft MoU does the following:
- (1) Acknowledges adat justice as an institution of reconciliation
- (2) Grants privilege to adat justice in handling social and community-related cases before these are referred to mukim-level hearing
- (3) Requires cases that do not fall under the jurisdiction of the gampong/mukim to be handled by State justice institutions
- (4) Emphasizes the need for order in the administrative procedures of adat justice

Adat justice/Hakim Perdamaian is structured at the following levels:

1. The gampong level, consisting of:
   - a. Keuchik, as court leader;
b. Gampong Secretary, as registrar;
c. Imeum Meunasah, as member;
d. Tuha Peut, as member;
e. Clerics, adat leaders and scholars (experts in their respective fields) from the relevant gampong, and other than the Tuha Peut Gampong when necessary.

2. The mukim level, consisting of:
   a. Imeum Mukim, as court leader;
   b. Mukim’s Secretary, as registrar;
   c. Tuha Peut Mukim, as member;
   d. Clerics, adat leaders and scholars other than the Tuha Peut Mukim when necessary.

The joint decision also states that—
(1) Adat justice is practiced on the basis of consensus
(2) Adat instruments and administration should be systematic and well-documented
(3) Ideally, neither party should have reason to appeal adat decisions in the formal State courts
D. Institutions for the Execution of Adat Justice in Aceh

*Gampong* and *mukim* institutions are generally responsible for the administration of *adat* justice. This applies throughout Aceh, though different regions, such as Central Aceh and Aceh Tamiang, may use different terms.

These *adat* justice practitioners are not formally appointed; they serve by virtue of their roles as *Keuchik*, *IMEUM Meunasah*, *Tuha Peut*, and *Ulee Jurong*. They become “official” practitioners as a result of their social responsibilities. At present, men maintain every pertinent role in the administration of *adat* justice, though women participate by virtue of their membership in the *Tuha Peut*, which requires one female representative.

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7 In some regions, these same positions will be known by other terms.
8 *Ex-officio.*
The following represents the structure of adat justice at the mukim level:

The Structure and Roles of Adat Justice Practitioners at the Mukim Level

- **Mukim Secretary**: Serves as Registrar
- **Mukim Adat Council**: Serves as Member
- **Imeum Chiek**: Serves as Member
- **Imeum Mukim**: Serves as Court Leader
- **Tuha Peut Mukim**: Serves as Member
- **Clerics, Adat Leaders, Scholars, etc.**: Serves as Member

The adat justice mechanisms at the mukim level are similar to those of the gampong level.

Types of cases that cannot be settled at the gampong level:

1) Cases involving disputes between two or more gampongs under the jurisdiction of a single mukim

2) Cases handled at the gampong level and appealed to the mukim level as a result of either party’s dissatisfaction

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9 Clerics, adat leaders and other scholars outside the Tuha Peut Mukim when necessary.
Similarly **Local Regulation 7/2000** provides that:

- The *gampong* retains authority in resolving any dispute within two months of its first reporting; if after two months a case remains unresolved, then it shall be brought to a meeting of the *mukim adat* [art. 11, para. (2)]
- The *mukim* is authorised to resolve cases within one month of their appeal [art. 15, para. (1)]

The *mukim*’s authority is also regulated by **Qanun 4/2003** concerning *Mukim Governance* in NAD Province; this Qanun states the following:

- The *mukim* institution is authorised to settle cases, or to execute the law in the case of *adat* disputes and under *adat* law [art. 4, letter (e)]
- The *Mukim Adat Council* maintains and develops *adat*, facilitates *adat* reconciliations, resolves disputes and *adat* violations, and grants legal power over certain matters in accordance with *adat* procedure [art. 12, para. (2)]

Regarding cases appealed to the *mukim* level, **Qanun 5/2003 concerning Village Governance in NAD Province** provides that:

- Dissatisfied parties as referred to in art. 2, para. (2), may appeal to the *Imeum Mukim*, whose decisions are final and binding [art. 12 para. (3)];

The *mukim* level represents the last resort for obtaining justice under *adat* jurisdiction. Serious crimes and/or disputes that cannot be resolved at the *mukim* level will be referred or appealed to a State judicial institution in accordance with applicable laws:
E. Responsibilities of Adat Leaders

Involvement in *adat* dispute settlement is a profound responsibility. Community members invest their faith in *adat* leaders to settle their disputes in a just and peaceful manner. The responsibilities listed below are designed to ensure that *adat* justice principles are maintained in settlement procedures.

**Primary responsibilities of *adat* leaders include:**

1. **Enacting judicial procedures**  
   *Adat* justice providers are responsible for the entire judicial process; this includes receiving complaints, carrying out investigations, preparing hearings and trials, and reaching final decisions according to the demands of *adat*.

2. **Making just decisions**  
   *Adat* justice providers ensure that all decisions made through *adat* mechanisms satisfy the contending parties’ sense of justice, and are based on adequate investigations and consensus; decisions are not based inequitably on the interests of any single party.

3. **Protecting the rights of all parties**  
   *Adat* justice providers are responsible for protecting the rights of all parties at every phase of the judicial process: while receiving complaints, investigating cases, carrying out hearings and trials, and executing decisions.

4. **Documenting procedures and decisions**  
   Procedures and decisions must be documented accurately in all administrative documents pertaining to *adat* justice.
5. **Archiving documents**

Case documents, including letters of agreement, must be archived securely for future reference in judicial and decision-making procedures. These archives can serve as an important reference if one of the contending parties should repeat his or her behaviour, or if a similar case should arise.
F. Jurisdiction of Adat Justice

Based on the findings of research and on coordinating meetings held between the MAA and law enforcement officials, the jurisdictional boundaries of adat justice are drawn as follows:

**Cases Under the Adat Justice’s Jurisdiction**

- Land disputes
- Violations of adat agricultural regulations
- Domestic within and between families
- Inheritance
- Wills
- Slander
- Physical conflict
- Engagements and marriages
- Petty theft
- Cattle (grazing of crops and disturbances of traffic)
- Light traffic accidents
- Rice farming schedule violations

**Cases Which Do Not Fall Under the Adat Justice’s Jurisdiction**

- Murder
- Adultery
- Rape
- Narcotics, marijuana, and related substances
- Grand theft (cattle and vehicles)
- Treason
- Insulting the lawful government (presidents and governors)
- Serious traffic accidents (resulting in death)
- Abduction
- Khalwat (is when non-muhrim/muhrim = married or relative) persons of opposite gender are in isolation (behind closed doors together) and
- Armed robbery

According to a draft MoU between the Governor of Aceh, MAA and Provincial Police Chief, petty cases that can be settled at the community level fall under adat jurisdiction. Despite an apparently clear distinction between the two jurisdictions, however, the determination of jurisdictions in practice can become very complex as petty cases escalate into more serious crimes. Land disputes, for example, can develop into criminal cases once they become violent.

A degree of flexibility is therefore required in determining the appropriate forum for any particular case. Cases are referred to the police when the safety of any party is threatened—particularly common
in cases of violence, and in cases involving vulnerable populations such as women or children. When fears of violence emerge, *adat* leaders are authorised to take effective charge in ensuring that all parties’ rights are protected. *Adat* practitioners are advised to report any concern over violence directly to the police.

*Adat* leaders are also responsible for ensuring that all parties are aware of their options in bringing cases before a formal legal forum (further details in section K). They may also refer parties to relevant legal aid centres or civil society organisations for support.

With regard to domestic violence cases excluding battery, a victim who prefers *adat* resolution must obtain effective guarantees of protection from the local *adat* leader to ensure against recurrence when the victim returns to her spouse’s or parents’ home.
G. Dispute Settlement Process

Adat law does not distinguish between civil and criminal cases; nonetheless, adat courts must apply certain considerations and procedures when criminal cases are underway. The most common criminal cases brought to adat courts involve theft and violence, for which special consideration must be taken in cases involving women and/or children. Generally adat justice dispute settlement procedures consist of the following steps:

I. Dispute Settlement

In civil disputes, an aggrieved party may take the following steps:

1. A complaint is made by either or both parties to the village chief or Peutuwa Jurong based on the principle of territoriality. Complaints can also be addressed directly to the Keuchik. The village chief or Peutuwa Jurong settles petty cases, while serious cases, including complex cases or those involving public interests, are referred by the village chief to the Keuchik;

2. Soon after the Keuchik receives a complaint, he meets with his secretary, the village chief and the Imeum Meunasah to schedule a hearing. Ideally, all relevant parties report to the Keuchik at the meunasah or at his residence, rather than in public areas such as markets or coffee shops. Parties are encouraged to meet with adat authorities in person;

3. Prior to the hearing sessions, the Keuchik and his administrators (Keuchik secretary, Imeum Meunasah, village chiefs, or Peutuwa Jurong) approach all parties involved to inquire as to the possibility of peaceful resolution. The adat justice practitioners adopt techniques of mediation and negotiation to ensure a speedy resolution;

4. Apart from the Keuchik and other adat justice practitioners, other local figures may be called upon to meet with the parties to a case. In sensitive cases involving women and/or children, the Keuchik's wife or a local female figure will meet with victims;

5. Once both parties have agreed to resolve a case through peaceful means, the Keuchik secretary officially invites both parties to a scheduled hearing;

6. Parties may be represented or accompanied by guardians or relatives acting as spokespersons during these hearings;

7. Hearings are formal and carried out transparently; they are commonly held in locations perceived as neutral, such as village meunasahs;

8. Once hearings begin, seating arrangements for the contending parties and adat justice practitioners are based on formal adat arrangements;

9. Seating arrangements are as follows: The Keuchik (as head of the court) sits in the same row as the Tuha Peut, Imeum Meunasah, scholars, cleric and other gampong adat leaders.
To the left of and behind the Keuchik sits the village secretary acting as registrar. In the front row, or in front of the Keuchik, are the parties to the case and their representatives. Witnesses are seated in the left and right-hand wings of the hearing room. Behind them sit participants and visitors consisting of gampong community members, as well as family members and relatives of the affected parties.

10. Hearings are held with solemnity appropriate to the occasion. The Keuchik requests all parties to a case or their representatives to make statements recorded by the registrar (Keuchik secretary);

11. The Keuchik summons witnesses to testify. When deemed necessary, these testimonies are made under oath;
12. The Keuchik provides an opportunity to the Tuha Peut or Tuha Lapan to offer his insights and propose alternative resolutions;

13. The Keuchik provides an opportunity to clerics, scholars, and other adat leaders to offer their insights and propose alternative resolutions;

14. The Keuchik discusses the case with other members of the court to reach a resolution on the basis of consensus. Once they have agreed upon a resolution, the Keuchik will ask all parties whether they accept the resolution as offered. If so, the registrar will prepare a decision statement referred to as a letter of peaceful resolution;

15. If either party remains unsatisfied with the decision, then he or she may appeal to the mukim for justice. Refusal to accept the gampong adat court’s proposal is documented as the basis of appeal to the mukim level;

16. The Keuchik reads out the court’s decision. All parties are then required to sign a binding letter of agreement;

17. The decision is archived at the Keuchik and Mukim offices, and copies of the decision are given to both parties;

18. Once the adat court decision has been accepted by all parties, the decision is announced in a second meeting in the form of a reconciliation ceremony:

   • Sanctions are imposed on one or both parties, their severity corresponding to the type of violation or adat crime committed;
   • Decisions are carried out in a reconciliation ceremony with the imposition of sanctions on one or both parties, depending on the severity of the violations.

If both parties are satisfied, the court then sets a date for a reconciliation ceremony at which the decision will be formally issued; this may take place in the meunasah, in public, or in a house, mosque, or other agreed locations.

19. The decision is documented in a Case Registration Book which includes the following information:

   a) Case registration number;
   b) Complaint date and name of person reporting;
   c) Case classification;
   d) Case summary;
   e) Date of resolution;
   f) Summary of decision (Please refer to Annex II on the Case Registration Book).
II. Dispute Settlement for Criminal Cases

The procedures and frameworks for criminal cases are similar to the procedures outlined above. Only certain preliminary measures must be added to prevent conflict escalation. These preliminary steps include the following:

a) Ensuring the safety of all parties through the following measures:
   1. Safeguard the perpetrator in an undisclosed location. Prisons and rehabilitation centres do not exist in the gampong adat system. Thus, perpetrators are usually kept in a family home, the Keuchik’s home, or in a safe, secure location outside the village.
   2. If the victims of an offence include women and/or children, they are also provided protection; women and children are safeguarded at the residence of an adat justice provider until their case has been resolved or the victims can return home safely.
   3. When a complaint of violence against women and/or children is registered, an adat justice provider assigns his wife or another female authority figure to undertake preliminary measures.
   4. A peaceful atmosphere is maintained, particularly for the family of the victim.
   5. Gampong practitioners take the initiative in contacting all parties.
   6. Any person who has seen, witnessed or had knowledge of a criminal act, reports immediately to the Keuchik, so that he may take all necessary security measures to resolve the case. Complaints may also be addressed to the Keuchik directly by either one of the parties at any time or place. This may serve to prevent escalation or an increase in casualties, e.g. in cases of assault, murder, torture, or theft.

b) The Keuchik, along with gampong adat justice providers, conducts inquiries and investigations by approaching all relevant parties outside of the formal hearing room. The Keuchik is expected to base all his decisions on the principles of peaceful resolution. The Keuchik and other gampong elders, including the Tuha Peut continue their inquiries and investigations within the limits of their capacities and knowledge, interviewing parties and witnesses, and collecting evidence.

c) During the process elaborated above, elder members of the contending parties’ families attempt to keep the parties calm and encourage them to reflect on their actions and how they may have caused disputes.

d) Once evidence is gathered and a peaceful atmosphere established, the parties and their families enter the court, normally held in the village meunasah (when all parties are from the same gampong) or in the mosque (when parties are from different gampongs).
   1. Trials on domestic violence and/or involving violence against women and/or children are closed to the public.
   2. If the case involves violence against women and/or children, adat justice providers shall ensure victims are provided necessary accompaniment.
e) The process of *adat* resolution is based on preliminary evidence and on the principle of peaceful resolution. During the reconciliation process the parties are provided opportunity to formally declare their acceptance of the process and its outcomes.

f) The court’s decision is based on the *adat* justice panel’s thoughtful and thorough deliberations; its aim is the restoration of peace and harmony.

g) *The Keuchik* delivers the court’s decision at a special reconciliation ceremony, wherein the parties sign a letter of agreement that they will not repeat their earlier misconduct. In cases involving violence against women and/or children, the letter of agreement includes an additional written statement from the perpetrator that he will not repeat his misconduct; in these cases the perpetrator must read out his statement before the *adat* panel.

h) Subsequent to a decision’s coming into force, *adat* justice providers monitor the behaviour of all perpetrators so as to prevent any repetition of previous misconduct. Repetition would require further interventions on the part of *adat* justice providers.

III. Cases Involving Women and Children

The general process elaborated above is applicable to almost all cases under *adat* jurisdiction, though cases involving violence against women and/or children are treated specially to protect the safety of the victims. Security must be maintained from the day a complaint is filed, through inquiry and investigation, hearings and trials, and even after disputes have been settled. Following the successful resolution of a case, *adat* justice providers must monitor perpetrators to ensure against recurrence.

When *adat* justice providers are unable to guarantee a victim’s safety, or when there are threats on a victim’s life, then these facts must be reported to police. Similarly, when *adat* justice mechanisms are used to resolve cases involving women and children, women and children must actively participate in the process so that victims do not feel pressured in accepting *adat* decisions.

Once *adat* decisions are accepted by both parties, they are documented in a letter of agreement, highlighting the perpetrator’s vow never to commit violent acts again. The letter also stresses that if a perpetrator does repeat his misconduct, then *adat* justice providers will take special measures for the protection of victims, including reporting violations to the police.

When a reported case involves women, such as in disputes among women or in cases of domestic violence, then victims may report the case to an *adat* justice provider’s wife or to any local female authority who in turn will notify the *adat* justice provider responsible for handling the case. When such reports are brought directly to male *adat* justice providers, then these men are required to refer the cases to their wives or other female authorities for preliminary investigation. The involvement of women in these initial stages is crucial, as many understand women to have superior communication skills and knowledge of women’s issues, and female victims tend to feel more comfortable discussing their personal problems with other women. In this way, the most complete possible information can be gathered in preparation for hearings.
If these initial procedures fail to lead to a resolution, then women’s continued involvement in the case remains a priority. If no women hold positions within the *adat* structure, then female accompaniment should be guaranteed as a minimum provision for the length of the judicial process.

**Steps Taken by Adat Justice Providers in Handling Cases of Violence Against Women and Children**

- **Complaint is reported**
- **Case is brought to women for preliminary measures**
- **Protection is provided to the victim in an adat justice provider’s home, thus preventing further violence**
- **Information is gathered from all parties as well as witnesses**

Further measures including appeals or referrals if violence recurs

- **Post reconciliation monitoring**
- **Reconciliation of parties following accession to letter of agreement**
- **Mediation is conducted, and parties are informed of their legal rights in seeking resolution**
IV. Negotiation Techniques in Adat Justice

Although case-handling procedures provide the necessary frameworks for dispute settlement, adat justice providers also require various skills to effectively enact peaceful conflict resolution. These skills include competence in facilitation techniques, active listening, clear speaking, and effective communication with conflicting parties. Oftentimes adat justice providers fail to resolve problems due to their lack of relevant skills. Skill and ability are therefore crucial in resolving community problems.

Both mediation and negotiation are key concepts in the practice of dispute resolution. When these concepts are applied properly through the adat justice system, they enable adat justice providers both to identify possible challenges and seek out potential resolutions.

These English-language concepts are quite similar to an indigenous concept of ‘musyawarah’ (decision-making through consensus) as applied in adat justice. Perhaps the most important difference is that mediation and negotiation employ a more structured approach in a series of specific steps.

Adat justice providers are advised to consider the following explanation of mediation and negotiation, since they are expected to practice these strategies as they interact with conflicting parties.

The application of musyawarah (here, in the sense of mediation and negotiation) techniques plays a significant role in determining whether an adat court hearing can proceed. The proper application of mediation and negotiation techniques can assist in the resolution of even the most complex cases. Musyawarah may then become a process by which a mediator—in this case the adat justice provider—assists the conflicting parties in settling a dispute satisfactorily.

A. Characteristics of Mediators

A good mediator possesses the following characteristics:

1. Trustworthiness
2. Integrity
3. Impartiality
4. Freedom from conflicts of interest
5. Commitment to dispute settlement
6. Congeniality and confidence
7. Ability to encourage equanimity on the part of all parties
8. Ability to understand the expectations and intentions of all parties
9. Ability to present the expectations of one party to another diplomatically
10. Ability to understand a dispute in its religious, social and psychological significance
11. Expertise in using language sensitively
12. Ability to apply the “hadih maja” (traditional rhymes embodying local wisdom) appropriately
B. Roles and Functions of Mediators

Roles and functions of mediators include the following:
1. Counselling both parties that disputes are not to be won, but resolved
2. Formulating and proposing alternative resolutions
3. Assisting both parties in analysing alternative resolutions

C. Stages and processes of mediation

Mediation consists of three distinct stages:

1. Establish relationships with conflicting parties.
   To achieve this, the mediator must:
   • Establish trust among conflicting parties
   • Maintain a good reputation
   • Advise parties as to the importance of resolving disputes peacefully

2. Collect and analyse background information relevant to the dispute.
   This will involve:
   • Data collection
   • Conflict analysis

3. Develop a mediation plan.
   Factors to be determined or considered:
   • Participants
   • Location of mediation
   • Seating arrangements
   • Rules of mediation
   • Current psychological states of contending parties
4. Earn trust.
   The mediator pre-empts potential obstacles to the process by:
   • Holding separate meetings with each party
   • Paraphrasing all communications so that they may be easily understood
   • Limiting sensitive discussions that could offend the various parties

D. Strategies for meeting with contending parties

The communications that occur in individual meetings are to remain private and confidential. The purposes of these individual meetings include the following:
1. Develop relationships with conflicting parties
2. Gain parties’ trust so their interests may be discussed frankly
3. Enable mediator to seek additional information, including causes of disputes and/or hidden agendas
4. Allow the mediator to understand parties’ motives and priorities, and develop empathy for the contending parties
5. Provide each party an opportunity to express his/her feelings without hindering further mediation
6. Allow the mediator to assess the potential of proposed resolutions
7. Enable the mediator to direct the parties toward meaningful negotiation
8. Provide opportunities to both parties to develop and consider alternative resolutions
9. Allow the mediator to convince both parties to accept proposed resolutions
10. Provide parties with adequate space and time to express their concerns regarding:
    • The process of mediation
    • Personal feelings
    • Proposed resolutions
    • The prospects of a ‘win-win solution’
H. Execution of Adat Justice Decisions

Decisions reached as a result of *adat* justice are the products of *musyawarah*—here in the sense of restoring peaceful relations between contending parties. The sanctions may be as light as proffering advice, or as severe as banishment from a *gampong*. Both parties must agree openly to proposed sanctions in an atmosphere free of intimidation.

<table>
<thead>
<tr>
<th>SANCTIONS APPLICABLE UNDER ADAT LAW</th>
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<tbody>
<tr>
<td>• Advice</td>
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<tr>
<td>• Warning</td>
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<tr>
<td>• Public apology</td>
</tr>
<tr>
<td>• Compensation</td>
</tr>
<tr>
<td>• Removal from gampong</td>
</tr>
<tr>
<td>• Revocation of adat title</td>
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<tr>
<td>• Social isolation</td>
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<td>• Boycott</td>
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<table>
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<tr>
<th>SANCTIONS NO LONGER PERMITTED UNDER ADAT LAW*</th>
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<tr>
<td>• Soaking in unclean water</td>
</tr>
<tr>
<td>• Drowning in river</td>
</tr>
<tr>
<td>• Cruel treatment or torture</td>
</tr>
<tr>
<td>• Lashing</td>
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<td>• Beating</td>
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*These types of sanctions are degrading and have been abolished due to their inconsistency with human rights principles, Islamic law, and national law.

I. Flexibility of Adat Sanctions

*Adat* sanctions are executed soon after their issuance by the *Keuchik*, particularly when sanctions are limited to advice, warnings, and/or public apologies. In the case of financial compensation, the amount of damage paid is flexible and dependent on the compensating party’s ability to pay. Similarly, when a villager is asked to leave the *gampong*, he/she is not forced to leave immediately, but rather given time for adequate preparation.
I. Decisions in Written Form

*Adat* justice providers are currently inclined to record decisions in writing so that they may have greater legal weight and more effective monitoring. Conflicting parties, as well as *mukim* institutions and police, each receive a copy of the written decision. Keeping the police informed of which cases have been resolved at the *gampong* level prevents the police from re-investigating already-settled cases (notwithstanding certain cases outside of the *gampong*’s jurisdiction). A written decision also serves as a reference in determining whether a case should be appealed (see the written decision in Annex I).

Once a decision has been written and signed, details of the case are recorded in the Case Registration Book. Data entered includes the case registration number, complaint date and name of person(s) reporting, case classification, case summary, date resolved (if applicable), and summary of the decision (see Annex II on the Case Registration Book).
L. Appealing in Adat Justice

The adat mukim court functions as the appellate court in the adat justice system and is the final resort for anyone seeking justice under the adat legal system. The mukim’s authority is stipulated by Qanun 4/2003 concerning Mukim Administration in NAD Province:

- The mukim institution is authorised to issue decisions and affirm law in cases of conflict and adat-related cases. [art. 4, letter e].

Qanun 5/2003 concerning Village Administration in NAD Province states that:

- Parties dissatisfied with a resolution decision as referred to in art. 2 para. (2), may appeal to the Imeum Mukim whose decision is final and binding [art. 12, para. (3)]

Parties dissatisfied with or unable to reach a resolution at the gampong level may appeal to the mukim. Parties must draft a statement describing their dissatisfaction with the gampong-level decision as the basis of appeal.
J. Referral Mechanisms from Adat to Formal Justice

Referrals can be made from the formal justice sector to the *adat* sector, just as they may be made from the *adat* to the formal sector. Cases may be referred for the following causes:

1. The case does not fall under *adat* jurisdiction;
2. Both parties refuse to settle their case through *adat* mechanisms; or
3. *Adat* mechanisms are unable to resolve the case.

Crimes that fall outside of *adat* jurisdiction, even when occurring on *adat* territory, include the following: murder; adultery; rape; possession, use or trafficking of narcotics, marijuana, and similar substances; grand theft (cattle and vehicles); treason; insulting the lawful government (presidents and governors); serious traffic accidents (causing death); and abduction. The *Keuchik* is obligated to report such crimes to the police at the *kecamatan* level (Sector Police office). Reports can be made verbally or in written form.

In cases where both parties refuse to submit to *gampong adat* justice, these parties may take their cases to court with a letter from the *Keuchik* stating that he has dismissed the case. This letter of referral serves as a basis for the formal court to hear the case, as stipulated in Regional Regulation 7/2000. This regulation states that, “the law enforcement apparatus shall give Keuchiks the opportunity to settle disputes/conflicts in their respective *gampongs/mukims* first” (art. 10).

When *adat* justice practitioners at the *gampong* and *mukim* levels feel themselves unable to settle serious criminal cases, then these also are referred to the formal court system (Draft 2007 MoU, art. 1).
K. Women’s Participation in Adat Justice Dispute Resolution Processes

Women’s participation in adat justice processes remains low for the following reasons: (1) adat court sessions are held in the evening, when communities often perceive it as unethical for women to leave the home; (2) women are perceived as lenient and emotionally sensitive—though this need not rule out women’s involvement in adat justice resolution processes entirely. Although women do not hold any formal role as justice providers in the gampong administrative structure, they do perform key functions in adat justice administration (and are thus considered informal justice providers). Women are often highly involved as mediators in domestic violence cases, for instance.

In a two-day workshop with adat leaders, conducted as part of the process of creating these guidelines, leaders agreed that excuses no longer exist for the exclusion of women from adat resolution processes. In fact, the Tuha Peut is legally obligated to include one woman.

Adat justice must be non-discriminatory. All citizens are equal before adat law regardless of social status or gender. In practice, women can report their grievances directly to the Keuchik or Peutua Jurong, and the Keuchik will handle the case immediately. All cases must be dealt with regardless of alleged perpetrators’ genders.
List of Annexes

Annex I

Sample of *Gampong* Reconciliation Decision Sheet

**GAMPONG RECONCILIATION JUSTICE COUNCIL**
Gampong : ..................
Mukim     : ..................

**RECONCILIATION DECISION**
Case Registration Number : ..................

1. Case classification  
2. Conflicting parties  : a. Reporting party  
i. (name, age, occupation, address/residence)  
ii. (name, age, occupation, address/residence) 

3. Case summary  : b. Suspect  
i. (name, age, occupation, address/residence)  
ii. (name, age, occupation, address/residence) 

4. Reconciliation decision  :  
Whereas ......................................................................................................................................................
......................................................................................................................................................
......................................................................................................................................................

Reconciliation Justice Council

1. *Keuchik* (Court leader)  
   [Signature]  
   (Full name)  

2. *Imeum Meunasah* (Council member)  
   [Signature]  
   (Full name)  

3. *Tuha Peut 1* (Council member)  
   [Signature]  
   (Full name)  

4. *Tuha Peut 2* 
   [Signature]  
   (Full name)  

5. *Tuha Peut 3*  
   [Signature]  
   (Full name)  

6. *Tuha Peut 4*  
   [Signature]  
   (Full name)  

*Gampong* Secretary (Council Secretary)  
[Signature]  
(Full name)
Annex II

RECONCILIATION JUSTICE COUNCIL CASE REGISTRATION BOOK

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<thead>
<tr>
<th>No</th>
<th>Day/Date</th>
<th>Reporting Person</th>
<th>Case Classification and Summary</th>
<th>Conflicting Parties</th>
<th>Decision Summary and Date</th>
<th>Note</th>
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Annex III

PROVINCIAL REGULATION 7/2000 CONCERNING THE MAINTENANCE OF ADAT LIFE

WITH THE APPROVAL OF
HOUSE OF REGIONAL REPRESENTATIVES
NANGGROE ACEH DARUSSALAM (NAD) PROVINCE

HAS DECIDED

To declare:

Nanggroe Aceh Darussalam (NAD) Provincial Regulation on the Maintenance of Adat Life

CHAPTER I
GENERAL PROVISIONS

Article 1

For the purpose of this provincial regulation:
1. Province refers to Special Autonomous Province of Aceh;
2. Governor refers to the Governor of Special Autonomous Province of Aceh;
3. Regents/Mayors refer to Regents/Mayors in Special Autonomous Province of Aceh;
4. Sub-district heads refer to sub-district heads in Special Autonomous Province of Aceh;
5. An adat institution refers to a customary community organization established by certain adat law societies having control over a certain territory and possessing their own wealth; it is authorized to arrange, administer and manage Acehnese adat matters;
6. Mukim refers to a an adat law society unit in the Special Autonomous Province of Aceh consisting of several gampongs (villages) with certain territorial borders and possessing its own property;
7. Imum Mukim refers to the head of a Mukim and its leading adat functionary;
8. Tuha Lapan (the eight elders) refers to a complementary body of gampong and mukim organisations consisting of government officials, religious figures, adat leaders, social leaders, scholars, youth, women, and civil society organizations;
9. Gampong refers to the smallest unit of communal territory inhabited by a certain population with the right to manage its own administration;
10. Keuchik refers to an individual who is elected and whom the community relies upon; he is legally installed by the kabupaten or kota governments to lead the gampong administration;
11. Tuha Peut refers to a complementary body within a gampong or mukim whose members represent government officials, religious figures, adat leaders, and scholars of the gampong or mukim who act as advisers to the Keuchik and Imum Mukim on governance, adat law, community customs and tradition; they also settle disputes in the gampong and mukim;
12. Imum Meunasah refers to a person who leads community Islamic activities and implementation of Syari’at within a particular gampong;
13. Keujreun Blang refers to a Keuchik’s assistant in managing rice farm irrigation;
14. Panglima Laot refers to an adat leader specialising in fishing customs who determines fishing areas and settles disputes;
15. Peutua Seneubok refers to a person who leads and regulates the use and establishment of land for farming and plantation cultivation;
16. Haria Peukan refers to a person who manages order, security, and environmental issues; he also collects market taxes at the gampong market;
17. Syahbanda refers to a person who leads and manages ship/boat docks as well as traffic at sea, lakes and rivers;
18. Hukum Adat refers to Acehnese customary law as it exists and develops in the Acehnese community;
19. Adat istiadat (customs) refers to a set of rules or actions based on Islamic Syariat, practiced, respected, honoured, and long regarded as the philosophy of life;
20. Kebiasaan (traditions) refers to activities or actions that are not based on hukum adat or adat istiadat; but recognized and practiced as tradition nonetheless.

CHAPTER II
ADAT INSTITUTIONS

Article 2

Hukum adat, adat istiadat and kebiasaan that are prevalent, applied and developed within the Acehnese community shall be preserved, on the condition that they conform to Syari’at Islam.

Article 3

Syari’at Islam is the basis of the establishment of adat life in the region.

Article 4

Adat institutions are a means of maintaining social control in administering the region.

Article 5

(1) Adat institutions existing and developing within the region shall be preserved, utilised, maintained, empowered and standardized.

(2) Adat institutions as mentioned in paragraph (1) include:
   a) Imum Mukim;
   b) Keuchik;
   c) Tuha Peut;
   d) Tuha Lapan;
   e) Imeum Meunasah;
   f) Keujreun Blang;
   g) Panglima Laot;
   h) Peutua Seuneubok;
Guideline on Adat Justice in Aceh

i) Haria Peukan; and
j) Syahbanda;

The adat institutions as referred to in paragraph (1) include adat institutions with similar functions and purposes under different terms at the kabupaten and kota levels. Other existing adat institutions which have not yet played significant roles in the community such as Panglima Uteun (Forest Commander) and Pawang Glee (Mountain Guardian) and similar positions shall be registered and empowered in accordance with their functions and purposes.

(3) Adat institutions as referred to in paragraphs (1), (2), (3) and (4) accommodate community participation in development, including the Acehnese Adat and Culture Institution (Lembaga Adat dan Kebudayaan Aceh, LAKA).

Article 6

Adat institutions as referred to in Article 5 regulate the security, safety, harmony, and order of the community through preventive and repressive means, including:

a. Resolution of social-communal matters;
b. Mediation (reconciliation) and settlement of disputes within the community.

CHAPTER III
OBJECTIVES AND FUNCTIONS

Article 7

1) The objective of this government regulation is to standardize, promote, support and improve community participation in the establishment of adat istiadat life and adat law in the region;
2) Adat is intended to form honourable, dignified and civilized human beings.

Article 8

The function of adat life is to implement adat istiadat and adat law, to make them effective, and to guide the community.

CHAPTER IV
ADAT FUNCTIONARIES AND COUNSELORS

Article 9

1) The governor and Regents/Mayors are adat functionaries and counsellors, and they are assisted by a body called the Acehnese Adat and Culture Institution (Lembaga Adat dan Kebudayaan Aceh, LAKA);
2) LAKA and its administrators are established/appointed and dismissed by the Governor at the provincial level and by the Regents/Mayors at kabupaten/kota level;
3) The establishment and appointment of LAKA administrators as referred to in paragraph (2) is carried out in accordance with the conditions of the respective kabupaten/kota.

CHAPTER V
DISPUTE SETTLEMENT

Article 10

The law enforcement apparatus prioritizes the authority of the Keuchik and Imeum Mukim in settling any disputes/conflicts in their respective gampongs/mukims.

Article 11

(1) The Keuchik is authorized to settle any conflicts, disputes or problems in the village, including domestic or neighbourhood disputes, and any community social problem through a gampong adat meeting;
(2) If disputes are not resolved at the gampong level within two months, or if conflicting parties refuse to accept the Keuchik’s decision, the case shall be appealed to the mukim level to be settled through a mukim adat meeting.

Article 12

(1) Gampong adat meetings are led by the Keuchik and Teungku (religious leaders) of the gampong (Imum Meunasah) with the assistance of the gampong secretary and the gampong’s Tuha Peut/Tuha Lapan;
(2) Mukim adat court meetings are led by Imum Mukim with the assistance of the Mukim secretary, and attended by the mukim’s Tuha Peut/Tuha Lapan.

Article 13

All conflicts, disputes or domestic disturbances between or among families or communities, shall be resolved through peaceful negotiations in adat meetings.

Article 14

(1) All dispute and conflict resolutions reached by the Keuchik or Imum Mukim in adat meetings are binding on the conflicting parties;
(2) Those who fail to respect the Keuchik or Imum Mukim’s decision will be punished with more serious sanctions for breach of agreement and disruption of community balance.

Article 15

(1) If an Imum Mukim is unable resolve a case within a month, or if conflicting parties refuse to accept the mukim decision, the case may be referred to the formal law enforcement apparatus.
(2) Completed adat decisions may be considered by the formal law enforcement apparatus as a reference in their handling of cases.

**Article 16**

Dispute/conflict settlement procedures and requirements shall be applied in accordance with regulations applicable to the particular kabupaten, kota, kecamatan, mukim or gampong.

**Article 17**

When resolving cases in court, the Keuchik and Imum Mukim may act as expert witnesses during trial, under condition that a decision has been made for that case in an adat meeting.

**Article 18**

All adat dispute settlements made by the Keuchik and Imum Mukim shall be documented in a report, and that report shall be made public.

**CHAPTER VI**

**TYPES OF RESOLUTION**

**Article 19**

Types of dispute resolution and sanction are as follows:

a) Advice;
b) Warning;
c) Public apology in the meunasah or mosque, followed by a peusijuk (literally, “cooling down”, but more broadly a symbol of reconciliation, congratulation or good wishes) ceremony;
d) Fine;
e) Compensation;
f) Social isolation within the gampong;
g) Removal from the gampong;
h) Revocation of adat title; and
i) Other locally applicable sanctions.

**Article 20**

An adat violator’s family shall bear responsibility for ensuring the execution of adat sanctions on their family member.

**Article 21**

Dispute/conflict/problem settlement negotiation sessions are held at the Meunasah at the gampong level and at the mosque at the mukim level; other locations may also be chosen by the Keuchik or Imeum Mukim.
CHAPTER VII
ADAT EMPOWERMENT

Article 22
In an effort to empower adat, the local government holds adat trainings for gampong and mukim administrators.

Article 23
Aceh’s adat law and adat istiadat shall be included in primary and secondary educational curricula and shall be further managed by provincial regulation.

Article 24
Government officials assigned to work in Aceh from outside the region shall learn and respect the fundamentals of Acehnese adat law and adat community values.

CHAPTER VIII
FUNDING

Article 25
National Government Budget (Anggaran Pendapatan dan Belanja Negara, APBN), Provincial Government Budget (Anggaran Pendapatan dan Belanja Daerah, APBD), District/City Organizational Government Budget (Anggaran Pendapatan dan Belanja Organisasi, APBO), and other legal and independent funding sources.

CHAPTER IX
TRANSITIONAL PROVISIONS

Article 26
By enactment of this provincial regulation, existing adat institutions are now declared to be adat institutions as referred to in Article 5 para. (2), and shall continue to perform their duties, unless otherwise provided.

Article 27
Laws, regulations, and provisions on the establishment of adat life in the region will continue to apply under condition they have not been rescinded, amended or replaced by this Provincial Regulation.
CHAPTER X
CONCLUDING PROVISIONS

Article 28

Matters not yet stipulated by this Provincial Regulation shall be further regulated by a Governor’s Decree in accordance with applicable provisions and guidelines, under the condition that these implement regulations.

Article 29

This Provincial Regulation will enter into force on the date of its enactment. To ensure public awareness of the regulation, the enactment of this provincial regulation shall be announced in the NAD Province Gazette. This Provincial Regulation becomes operational on the date of its issuance.

Legalised in Banda Aceh on July 25, 2000
Rabiul Akhir 22, 1421 H

Enacted in the Provincial Gazette
Special Province of Aceh
No: 32, on August 25, 2000
Serial “D”, number 23

SECRETARY OF
THE SPECIAL PROVINCE OF ACEH

[Signature and Seal]

PORIAMAN SIREGAR, SH.
CIVIL SERVANT ID: 390 004 536

ACTING GOVERNOR
THE SPECIAL PROVINCE OF ACEH

[Signature and Seal]

H. RAMLI RIDWAN, SH
EXPLANATION
OF PROVINCIAL REGULATION 7/2000 CONCERNING THE ESTABLISHMENT OF ADAT LIFE

I. GENERAL EXPLANATION

Adat istiadat refers to a set of social values and beliefs rooted in and developing out of Acehnese community life. Adat istiadat has made a significant contribution to the sustaining of community life.

Act No. 44/1999 concerning the Administration of the Special Status of Aceh Province provides for adat as a feature of Aceh’s special status recognized by the NAD Provincial government.

The Minister of Internal Affairs’s Ministerial Decree 11/1984 concerning Training in and Development of Adat Istiadat at the Desa/Kelurahan Level states that adat institutions have a firm legal basis. Therefore the NAD province is able to manage training, development and preservation in matters of adat istiadat.

The general function of adat istiadat is to establish harmonious relations in community, as illustrated in the saying “Adat Bak Po teu Meurehom, Hukom bak Syiah Kuala. Kanun bak Putroe Phang, Resam bak Laksamana. Hukom ngan adat lage Zat ngoen Sifeut” (Adat is guarded by Po teu Meurehom, and Law is enforced by Syiah Kuala. Qanun is drafted by Putroe Phang, and Tradition is guarded by the Admiral. The relationship between law and adat is like that between a substance and its nature).

This explains the necessity of a provincial regulation on the establishment of adat life in the Special Province of Aceh.

II. EXPLANATION OF ARTICLES

Articles 1 to 10
Clear

Article 11
Paragraph (1)
Adat Gampong Meeting refers to an adat meeting attended by the Tuha Peut and other relevant adat leaders.

Paragraph (2)
Clear

Article 12
Clear

Article 13
‘Musyawarah Adat’ refers to a dispute settlement process conducted by a Tuha Peut and attended by relevant parties.
Article 18
Clear, Paragraph (19)
Letters (a) through (c)
Clear
Letter (d)
ANNEX IV

QANUN 4/2003 CONCERNING MUKIM GOVERNANCE STRUCTURES IN NANGGROE ACEH DARUSSALAM PROVINCE

IN THE NAME OF ALLAH THE BENEVOLENT AND THE MERCIFUL
WITH ALLAH’S BLESSING

THE GOVERNOR OF NANGGROE ACEH DARUSSALAM PROVINCE,

Considering:

a. For the purpose of the implementation of Nanggro Aceh Darussalam Province’s Special Autonomy, regulations are required for the structure, position and authority of mukim administration within the Nanggro Aceh Darussalam Province;

b. Mukims in the Nanggro Aceh Darussalam Province have developed for centuries, have integrated the community, and have carried forth from one generation to the next as the root of social and cultural systems, forming a unity in the adat community that continues to exist and develop;

c. Mukims have contributed significantly to the sustenance of the community, to the struggle for Independence and to the development of Nanggro Aceh Darussalam Province, so that they cannot be overlooked in the contexts of politics, economics, social-cultural development, or defence and security; thus it is necessary to maintain and develop the institution of mukims by providing them with a status, role and function consistent with governance, progress, growth and national development;

d. Thus a Nanggro Aceh Darussalam Province Qanun is necessary.

Recalling:

1. Act 24 /1956 concerning the Establishment of the Autonomous Province of Aceh and the Amendment of the North Sumatra Establishment Regulation (1956 State Gazette of the Republic of Indonesia number 64, Additional State Gazette of the Republic of Indonesia number 1103);

2. Act 22/1999 concerning Local Governance (1999 State Gazette of the Republic of Indonesia number 60, Additional State Gazette of the Republic of Indonesia number 3839);

3. Act 25/1999 concerning Central and Local Government Revenue Proportionality (1999 State Gazette of the Republic of Indonesia number 72, Additional State Gazette of the Republic of Indonesia number 3839);

4. Act 44/1999 concerning the Administration of the Special Status of Aceh Province (1999 State Gazette of the Republic of Indonesia number 172, Additional State Gazette of the Republic of Indonesia number 3839);

WITH THE APPROVAL OF
HOUSE OF REGIONAL REPRESENTATIVES
NANGGROE ACEH DARUSSALAM (NAD) PROVINCE

HAS DECIDED

To declare:

QANUN 4/2003 CONCERNING MUKIM GOVERNANCE STRUCTURES IN NANGGROE ACEH DARUSSALAM PROVINCE

CHAPTER I
GENERAL PROVISIONS

Article 1

For the purpose of this Qanun:

1. Kabupaten or Kota, or any other terms used, refer to districts and cities in Nanggroe Aceh Darussalam Province;
2. Bupati or Walikota, or any other terms used, refer to Regents or Mayors in Nanggroe Aceh Darussalam Province;
3. Kecamatan, or any other terms used, refer to territorial units led by a Camat, or any other terms used;
4. Mukim, or any other terms used, refers to legal community units within Nanggroe Aceh Darussalam Province consisting of several gampongs within certain territorial boundaries, possessing their own assets, under the authority of a Camat, or any other terms used, led by an Imuem Mukim, or any other terms used;
5. Gampong, or any other terms used, refers to a legal community unit which constitutes the smallest governmental organization, one level under mukim, or any other names used, within a certain territory under the authority of a Keuchik, or any other names used, and authorized to run its own administration;
6. The mukim’s assets and financial resources are owned by the mukim, which includes assets not transferred to a gampong during the establishment of that gampong, and other legal sources;
7. Tanah Ulayat (indigenous land) refers to land within a mukim’s territory under hukum adat jurisdiction and administration;
8. Hukum adat (adat law) refers to all adat rules, adat istiadat, and customs existing in the Acehnese community; they are legally binding;
9. Musyawarah mukim refers to consensus discussions in adat activities, governance, development and community life led by Imuem Mukim and attended by Keuchiks, adat institutions and religious leaders;
10. **Mukim Adat Meeting** refers to discussions of or negotiations held in relation to *adat* cases, dispute settlement between residents, or in *adat* legal disputes within the *Kemukiman* attended by the *Imuem Mukim* and the *Tuha Peut Mukim*;

11. *Imuem Mukim*, or any other terms used, refers to the leader of a *mukim* administration;

12. *Tuha Peut Mukim*, or any other terms used, refers to a complementary *mukim* institution consisting of religious figures, *adat* figures, social figures and scholars.

**CHAPTER II**

**POSITION, DUTIES AND FUNCTIONS**

**Article 2**

The *mukim* is a unit of governance with direct control over several *gampongs* and under the responsibility of a Camat.

**Article 3**

*Mukim* duties include government administration, development implementation, community training and improvements to the implementation of *Islamic Syari’at*.

**Article 4**

In carrying out the duties referred to in Article 3, *mukims* maintain the following functions:

a. Practicing good governance based on the principles of decentralization, de-concentration, assistance and other governmental practices;

b. Implementation of economic, physical, mental and spiritual development;

c. Community training in *Islamic Syari’at*, education, customs, social-cultural affairs, communal harmony and order;

d. Acceleration of services to the community;

e. Settling, deciding, and codifying law in *adat*-based disputes, cases and law.

**CHAPTER III**

**ELEMENTS AND ORGANISATION OF MUKIMS**

**Article 5**

*Mukims* are led by an *Imuem Mukim*, or any other names used.

**Article 6**

1. *Imuem Mukims* are appointed and dismissed by *Bupatis* or *Walikotas* at the request of *Camats* based on legitimate elections.

2. *Imuem Mukims* are elected through direct, open and independent secret-ballot elections.

3. *Imuem Mukims* are appointed for an initial five-year terms, and may be re-elected for another term.
Article 7

Requirements for an Imeum Mukim include the following:

a. Possesses faith in and fear of Allah Subhanahuwata’ala, and practices Islamic Syari’at;

b. Possesses loyalty to the legitimate Unitary State of the Republic of Indonesia;

c. Junior high school education or equivalent (grade 9);

d. At least thirty years of age during his candidacy and married;

e. Originates from or has resided in the kemukiman for a minimum of two consecutive years, is familiar with and well-recognized by the mukim community;

f. Satisfactory physical and mental health;

g. Has never been convicted of a crime;

h. Experience in governance, community and adat matters;

i. Voting rights not currently revoked by a legitimate court.

Article 8

An Imeum Mukim may be dismissed for the following reasons:

a. Death;

b. Voluntary resignation;

c. End of term and inauguration of a new Imeum Mukim;

d. Failure to fulfil requirement as referred to in Article 7;

e. Experience of a large-scale crisis of public trust because of case reports’ rejection by the Mukim Tuha Peut.

Article 9

For the effective administration of mukim governance, the following institutions are established:

a. Mukim Secretariat;

b. Mukim Consensus Council;

c. Mukim Adat Council;

d. Imuem Chiek (Leading Imeum).

Article 10

1. The Mukim Secretariat is headed by a Mukim Secretary appointed and dismissed by the Camat at the request of the Imeum Mukim;

2. To assist the Mukim Secretariat, the following divisions are established: Administration, Governance, Economy and Development, Aceh’s Special Status, and Women’s Empowerment;

3. Guidelines for the organizational structure and operating procedures of the mukim and its Secretariat are stipulated by Governor’s decree.
Article 11

1. The Mukim Musyawarah Council functions as a consensus body to provide input, recommendations and consideration to the Imuem Mukim in matters of government administration, the economy and development, community training, Aceh’s special status, women’s empowerment and the determination of additional requirements for Imuem Mukim candidacy;

2. The Mukim Musyawarah Council consists of:
   a. Imuem Chiek;
   b. Keuchiks;
   c. Mukim Tuha Peuet;
   d. Mukim Secretary;
   e. Adat Institutional Leaders in their respective mukims.

3. The Mukim Musyawarah Council is led by a chairman and is assisted by a vice chairman chosen from and by the Mukim Musyawarah Council members;

4. The Mukim Musyawarah Council meets at least every three months;

5. The Mukim Musyawarah Council serves a term of five years.

Article 12

1. The Mukim Adat Council is led by an Imuem Mukim, assisted by the Mukim Secretary, and attended by all members of the Mukim’s Tuha Peut;

2. The Mukim Adat Council functions as a body for the preservation and development of adat, handling adat reconciliations, resolving and taking decisions on adat disputes and violations, and granting the legal endorsement on certain matters and other means of verification in accordance with adat;

3. The Mukim Adat Council’s decisions and decrees become a reference for Keuchiks, provided that they conform to government laws and regulations;

4. Mukim Adat Council meetings are held at the request of the Imuem Mukim to resolve adat and adat istiadat cases.

Article 13

Imuem Chieks are appointed and dismissed by Camats at the request of Imuem Mukim and on the basis of Mukim Musyawarah Council decisions.

Article 14

Responsibilities of the Imuem Chiek include:

a. Managing, implementing and leading all activities related to the mosque and its property;

b. Coordinating implementation of religious activities, improving religious practice and implementing Syari’at Islam within the community.
CHAPTER IV
MUKIM ESTABLISHMENT

Article 15

1. For the benefit of government administration, development, community training, implementation of Aceh’s special status, women’s empowerment, and community service improvement, mukims may be established, expanded, and merged;
2. Mukim establishment, expansion, merger or abolition procedures are further regulated through a Kabupaten or Kota Qanun;
3. Substantial contents requiring further regulation as referred to in paragraph (2) are:
   a. The cause of mukim establishment, defined as the establishment of a new mukim outside any existing mukim, or establishment of a new mukim through expansions, merger and abolition of other mukims;
   b. The establishment of a mukim shall take into consideration the population, territorial size, number of gampongs, social-cultural conditions, security and order, economic and natural resource potential, and governmental facilities and infrastructure;
   c. Determination of a mukim’s territorial boundaries during the mukim’s establishment;
   d. Mechanisms for the establishment, abolition and merger of mukims, proposed by the Imeum Mukim to the Camat and based on community input, Camat approval, and approval by a Bupati or Walikota as stated in a decree, following approval by the Kabupaten or Kota House of Regional Representatives. This process concludes with a Bupati or Walikota issuing a decision for the establishment of a mukim;
   e. Division of mukim territory;
   f. Details of mukim authority.

Article 16

Changes to a mukim’s borders may be made through negotiation between neighbouring mukims, and are established by a Bupati or Walikota decree.

Article 17

1. The Mukim Administrative Capital is located in a gampong considered strategic in government administration, development, community training, implementation of Aceh’s special status, and community service improvement;
2. The Mukim Administrative Capital as referred to in paragraph (1) of this Article is determined by a Bupati or Walikota decree.
CHAPTER V

MUKIM ASSETS AND REVENUE

Article 18

a. A mukim’s assets consist of existing assets, or assets transferred to a mukim, in the form of forests, land, reservoirs, estuaries, lakes, seas, mountains, swamps, ponds, etc., all of which are included in a mukim’s ulayat, provided that it does not contradict existing law and/or regulation;

b. A classification and accounting of mukim assets shall be undertaken and registered, and the use of such assets shall be regulated by a Bupati or Walikota decree based on mukim consensus;

c. The Mukim Tuha Peut supervises mukim assets.

Article 19

1. The sources of mukim revenue include the following:
   a. Direct income from mukim assets;
   b. Income from a mukim’s meusara land;
   c. Government support;
   d. Adat funds;
   e. Legitimate and non-binding donations and aid from outside parties.

2. A Mukim’s revenue as referred to in Article (1) is managed through a Mukim Government Budget (Anggaran Pendapatan dan Belanja Mukim, APBM) developed by the Mukim with the Tuha Peut’s approval.

Article 20

1. A Mukim’s revenue as referred to in Article (19) is used for government administration, development, community training, implementation of Aceh’s special status, and community service improvement;

2. Mukim revenue management and spending procedures as referred to in paragraph (1) are regulated and stipulated by consensus of the Mukim.
CHAPTER VI
TRANSITIONAL PROVISIONS

Article 21

Currently existing *mukims* are declared as *mukims* and authorized to perform the duties and functions referred to in Article (3) and (4) of this *Qanun*.

CHAPTER VII
CONCLUDING PROVISIONS

Article 22

1. Matters which have not yet been stipulated in this *Qanun* shall be further regulated by a Nanggroe Aceh Darussalam Province Governor’s Decree;
2. The enactment of this *Qanun* rescinds any conflicting provisions on *mukims*.

Article 23

This provincial regulation will enter into force on the date it is enacted. To ensure public awareness of the regulation, the enactment of this provincial regulation shall be announced in the NAD Provincial Gazette.

Legalized in Banda Aceh
July 15th, 2003
Jumadi Awal 15, 1424

GOVERNOR OF
NANGGROE ACEH DARUSSALAM PROVINCE

[Signature and Seal]

ABDULLAH PUTEH

Enacted in Banda Aceh
July 16, 2003
Jumadil Awal 16, 1424

SECRETARY OF
NANGGROE ACEH DARUSSALAM PROVINCE
Annex V

QANUN 5/2003 CONCERNING GAMPONG GOVERNANCE STRUCTURES IN NANGGROE ACEH DARUSSALAM PROVINCE

CHAPTER II
POSITION, DUTIES, FUNCTIONS, AND AUTHORITY OF GAMPONGS

Article 2

Gampong refers to the smallest organizational unit under a mukim in the administrative organizational structure of Nanggroe Aceh Darussalam Province.

Article 3

Gampong duties include government administration, development implementation, community training, and improvements to the implementation of Islamic Syari’at.

Article 4

In carrying out the duties referred to in Article 3, gampongs assume the following functions:

b. Practicing good governance based on the principles of decentralization, de-concentration, assistance, and other matters of governance at the gampong level;

c. Implementation of economic, physical, mental and spiritual development at the gampong level;

d. Community training on education, customs, social-cultural matters, communal harmony and order at the gampong level;

e. Improved implementation of Islamic Syari’at;

f. Acceleration of community services;

g. Settling, deciding, and codifying law in adat-related disputes, cases and law at the gampong level;

Article 5

(1) Gampong authorities include:

a. Existing authorities based on fundamental understandings of adat and adat istiadat provisions;

b. Authorities granted by law;

c. Authorities granted by law which have not yet been taken or implemented by the central, provincial, kabupaten/kota, kecamatan and mukim governments;

(2) Duties of assistance as referred to in paragraph (1) letter (d) must include funding, facility/infrastructure, and personnel support;

(3) Gampong administration has a right to refuse any duty of assistance that does not contain funding, facility/infrastructure, and personnel support.
CHAPTER III
GAMPONG ESTABLISHMENT, MERGER AND ABOLITION

Article 6

(1) The establishment of gampongs is based on community initiative, taking into consideration a local community’s social-cultural condition;
(2) The establishment of gampongs as referred to in paragraph (1) is the result of existing gampongs’ expansion;
(3) If a gampong’s social-cultural condition and territory do not meet requirements, it may be abolished or merged with another gampong.

Article 7

Gampong territory consists of hamlets/jurongs, or any other term used, led by a Kepala Dusun/Jurong, or any other term used, who are the territorial administrators of a gampong.

Article 8

(1) Procedures for the establishment, expansion, merger or abolition of a gampong are regulated through a Kabupaten or Kota Qanun;
(2) The Kabupaten or Kota Qanun as referred to in paragraph (1) shall include:
   a. The cause of gampong establishment, defined as the establishment of a new gampong outside of existing gampong territory, or establishment of a new gampong as a result of other gampongs’ establishment, merger, or abolition;
   b. Requirements for the establishment of a gampong;
      1. Minimum population;
      2. Territorial size;
      3. Number of hamlets/jurongs;
      4. Social-cultural conditions;
      5. Economic and natural resource potential;
      6. Government facilities and infrastructure;
   c. Determination of a mukim’s territorial boundaries during the establishment of the gampong;
   d. Mechanisms for the establishment, proliferation, merger and abolition of gampongs, are proposed by the Keuchik based on community input after receiving Tuha Peuet Gampong’s approval through the Imeum Mukim and Camat, to its establishment through a Bupati or Walikota decree after receiving approval from the Kabupaten or Kota House of Regional Representatives;
   e. Division of gampong territory;
   f. Details of the authority of the gampong.
(1) The naming of a gampong shall take into account its Acehnese heritage.
CHAPTER IV
FORM AND STRUCTURE OF GAMPONG ADMINISTRATION
Part One
General Provisions

Article 9

A Tuha Peut Gampong shall be established to administer a gampong collaboratively.

Article 10

Gampong administration consists of a Keuchik, Imeum Meunasah and gampong functionaries.

Part Two Keuchik

Article 11

The Keuchik is the head of a Gampong Executive body in gampong administration.

Article 12

(1) Duties and responsibilities of Keuchiks include:
   a. Leading gampong government administration;
   b. Training the community in Islamic Syari’at;
   c. Preserving and maintaining adat and adat istiadat customs existing and developing in the community;
   d. Developing and improving the community economy, conserving the environment, maintaining harmony and order, and preventing immoral acts in the community;
   e. Facilitating reconciliation within the gampong community;
   f. Proposing Reusam Gampong (heritage plans) for the Tuha Peut Gampong to be approved as gampong heritage;
   g. Proposing a Gampong Government Budget (Anggaran Pendapatan dan Belanja Gampong, APBG) to the Tuha Peut Gampong for approval and validation;
   h. Representing the gampong inside and outside of court, while reserving the right to appoint a lawyer for representation.

(2) Facilitates reconciliation as referred to in paragraph (1) letter (f), with the assistance of the Imuem Meunasah and Tuha Peut Gampong;

(3) Parties dissatisfied with reconciliation decision as referred to in paragraph (2) may refer their cases to the Imuem Mukim. The Imuem Mukim’s decision is final and binding.

Article 13

In performing the duties and responsibilities of a Keuchik as referred to in Article 12, the Keuchik must be just, firm, and wise.
Article 14

(1) The Keuchik leads gampong administration based on policies decided on and approved by the Tuha Peut Gampong;
(2) In performing their duties and obligations, Keuchiks must be accountable to the people, either by the end of their term or by request of the Tuha Peut Gampong;
(3) A Keuchik is obliged to submit a report on the accomplishment of his duties to the Imeum Mukim at least once a year, at the end of the budget year or on the Imeum Mukim’s request.

Article 15

A Keuchik is directly elected by gampong residents through a free and democratic secret-ballot election held in a just and respectable manner.

Article 16

The Keuchik’s term is for five years beginning from the date of his installation; he may be re-elected for another term.

Article 17

One may be recognized by the gampong community;
   m. Has good understanding of Qanun, Reusam, and adat istiadat; and has never violated adat istiadat and traditions;
   n. Is willing to run for office or has been proposed by another party;

Article 18

A person has a right to be appointed as Keuchik if that person an Indonesian citizen and fulfils the following requirements:
   b. Is at least 17 of age, or is/has been married;
   c. Is already living in the particular gampong;
   d. Clearly does not suffer from mental disturbances or memory impairment;
   e. Does not currently have voting rights revoked by a legitimate court;
   f. Is registered as a voter;

Article 19

(1) During the Keuchik’s election, the Tuha Peuet Gampong forms an Independent Election Commission from members of the community;
(2) The Keuchik Election Committee consists of one chairman, one vice-chairman, one secretary, one vice-secretary, and a maximum of five members;
(3) Mukim functionaries monitor the Keuchik election;
(4) Members of the Keuchik Election Committee as referred to in paragraph (1) may not run for office and shall be replaced if they do;
(5) Keuchiks may assign security personnel to election sites.
Article 20

(1) The election of a Keuchik consists of a number of phases: candidacy, election, confirmation of outcomes, and inauguration of an elected Keuchik;

(2) Registration of candidacy as referred to in paragraph (1) is conducted by:
   a. Voter registration by the Keuchik Election Committee;
   b. Registration and administrative selection of candidates, conducted by the Keuchik Election Committee;
   c. Presentations of candidates’ work plans (programs) before the Tuha Peuet Gampong;
   d. Choice of between two and five candidates by the Tuha Peuet Gampong;
   e. Approval of candidates by Tuha Peut Gampong;

(3) The election phases as referred to in paragraph (1) involve the following activities:
   a. Election process is organized by the Keuchik Election Committee;
   b. The vote count is conducted by the Keuchik Election Committee immediately after voting; it is open to public, witnessed by the Imuem Mukim, Imuem Meunasah, Tuha Peut Gampong and voters;
   c. The minutes and outcome reports of the election are signed by the Election Committee Chairman, Vice-Chairman, Secretary, Vice-Secretary and witnesses;
   d. The minutes and election count report are submitted by the election committee to Tuha Peut Gampong;
   e. The Tuha Peut Gampong, accompanied by the Imeum Mukim, submits the report and election count results to the Bupati or Walikota through the Camat;

(4) The authorization and inauguration of the elected Keuchik entails the following:
   a. Elected Keuchiks are authorized by a Bupati or Walikota by issuance of an appointment letter;
   b. Elected Keuchiks are inaugurated by the Bupati, Walikota or other acting officials on behalf of the Bupati or Walikota, in a ceremony for the gampong.

Part Three
Imeum Meunasah

Article 25

Imeum Meunasah, or any other terms used, have the duty and responsibility of leading and increasing religious activities, as well as conducting educational activities for children, youth and other community members; leading all activities related to the prosperity of the meunasah/musholla (small mosque or community centre in the village); and leading all activities related to the implementation of Islamic Syari’at in the community.
Part Four

Gampong Personnel

Article 27

(1) Gampong personnel assist the Keuchik in performing his functions, duties and obligations;
(2) Gampong administrative personnel report to and are responsible the Keuchik In performing the duties referred to in paragraph (1);
(3) Gampong personnel are appointed residents of the gampong who fulfil all requirements in accordance with the local community’s social-cultural conditions;
(4) Gampong personnel are appointed and dismissed by decision of the Keuchik upon approval of Tuha Peut Gampong;

Article 28

Gampong personnel as referred to in Article (27) paragraph (1) consist of:

A. Staff, led by a gampong secretary, or any other terms used; in performing his duties, he may be assisted by staff members as appropriate to the necessities and capacities of the gampong:
   1. Head of Governance Division;
   2. Head of Planning and Development Division;
   3. Head of Aceh Special Status and Social Welfare Division;
   4. Head of Community Order and Security Division;
   5. Head of Women’s Empowerment Division;
   6. Head of Youth Division;
   7. Head of Public Service Division;
   8. Head of Finance Division;

B. Executors, that is, functional and technical executors charged with carrying out specific tasks in accordance with the community’s socio-economic and social-cultural needs and conditions:
   1. Tuha Adat (Adat Elder), or any other terms used, whose duty and function is to aid in the conservation of adat istiadat, customs, and local cultures based on benefit;
   2. Keujruen Blang (farm organizer), or any other terms used, whose duty and function is related to rice farming;
   3. Peutua Seuneubok, or any other terms used, whose duty and function is related to farming, cattle, and forestry;
   4. Pawang Laot, or any other terms used, whose duty and function is related to fisheries, including coastal fish farming, fish catching, reef and coastline mangrove conservation, and other fishery-sector activities;
   5. Haria Peukan, or any other terms used, whose duty and function is to handle all matters related to the gampong market;
   6. Other technical executors, in various terms, based on necessity, capacity and the social-cultural and socio-economic condition of the gampong community;

C. Territorial executors are those who assist Keuchiks in any part of the gampong territory, such as the head of hamlet/Petua Jurong, or any other customary terms used in the region.
Part Five
Keuchik, Imeum Meunasah, Tuha Peut Gampong, and Gampong Personnel Funding Status

Article 30

(1) The Keuchik, Imeum Meunasah, Tuha Peut Gampong and all gampong personnel are provided with regular monthly salaries, budgeted annually in the Kabupaten/kota Government Budget (Anggaran Pendapatan dan Belanja Daerah, APBD);
(2) The Keuchik, Imeum Meunasah, Tuha Peut Gampong, and gampong personnel salary details and benefits are stipulated by Bupati or Walikota Decrees.

CHAPTER V
TUHA PEUT GAMPONG

Article 31

(1) The Tuha Peut Gampong consists of:
   a. A gampong cleric;
   b. Community youth and women leaders;
   c. Adat figures;
   d. Scholars;
(2) The number of Gampong Tuha Puet members depends on gampong population size as well as on necessity and social-cultural conditions prevailing within the gampong.

Article 33

(1) The Tuha Peut Gampong is constituted by gampong consensus, as referred to in Article 31;
(2) The Tuha Peut Gampong is inaugurated by the Bupati or Walikota as referred to in Article 20 paragraph (4) letter (b).

Article 34

(1) The Tuha Peut Gampong as Gampong Representative Body serves as an implementing body for democratization, transparency and people’s participation in gampong governance;
(2) The Tuha Peut Gampong is an equal partner of gampong administration in gampong governance.

Article 35

(1) The Tuha Peut maintains the following functions and duties:
   a. Improves efforts at implementing Islamic Syari’at in the community;
   b. Maintains adat istiadat, local custom and local culture according to its benefits;
   c. Carries out legislative functions, discusses/formulates and grants approval to the Keuchik’s decisions on Reusam Gampong;
   d. Carries out budgeting functions; discusses/formulates and grants approval to the proposed Gampong Budget (Anggaran Pendapatan dan Belanja Gampong, APBG);
e. Carries out monitoring, including supervising the implementation of Reusam Gampong, the Gampong Budget (Anggaran Pendapatan dan Belanja Gampong, APBG) and policies issued by the Keuchik;
f. Accommodates community aspirations and represents these to the gampong administration;

(2) Execution of duties and functions as referred to in paragraph (1), and as stipulated by Tuha Peut Gampong rules, with consideration to general guidelines provided in Bupati and Walikota Decrees;

Article 36

(1) The Tuha Peut Gampong leadership consists of members serving as chairman and vice-chairman;
(2) The Tuha Peut Gampong leaders as referred to in paragraph (1) are elected democratically by members of the Tuha Peut Gampong, from whose numbers they come;
(3) The first Tuha Peut Gampong election meeting is led by the oldest member, assisted by the youngest member.

Article 37

The Tuha Peut Gampong leaders and members may not hold positions as gampong administrative staff.

Article 38

(1) A Tuha Peut Gampong Secretariat shall be established for the proper work and functioning of the Tuha Peut Gampong;
(2) The Tuha Peut Gampong Secretariat as referred to in paragraph (1) is led by a Secretary (non-member) who reports to and is responsible to the Tuha Peut leader;
(3) The Tuha Peut Gampong Secretary may be assisted by staff, depending on the necessities and capacities of the gampong;
(4) The Secretary of the Tuha Peut Gampong Secretariat and its staff shall not be part of the gampong administration;
(5) The Secretary of the Tuha Peut Gampong Secretariat and its staff are appointed and dismissed by the Keuchik at the request of Tuha Peut Gampong leaders.

Article 39

(1) Leaders, members, secretaries and secretariat staff of the Tuha Peut Gampong may receive payment in accordance with the gampong’s financial capacity;
(2) Meeting fees as referred to in paragraph (1) are determined annually through the Gampong Budget (Anggaran Pendapatan dan Belanja Gampong, APBG).

Article 40

(1) The Tuha Peut Gampong receives routine funds in support of its activities depending on the financial capacity of the gampong, managed by the Tuha Peut Gampong Secretary;
(2) The routine funds referred to in paragraph (1) are determined annually through the Gampong Budget (Anggaran Pendapatan dan Belanja Gampong, APBG).

Article 41

(1) Tuha Peut Gampong shall be further regulated in Kabupaten and Kota Qanuns;

(2) Kabupaten and Kota Qanuns as referred to in paragraph (1) shall regulate:
   a. Gampong consensus mechanisms in appointment of the Tuha Peut Gampong;
   b. Tuha Peut Gampong rights;
   c. Tuha Peut Gampong members’ rights;
   d. Tuha Peut Gampong responsibilities;
   e. Tuha Peut Gampong restrictions;
   f. Regulations on Tuha Peut Gampong rules;
   g. Terms of appointment and termination;
   h. Periodic transfers;
   i. The Tuha Peut Gampong Secretariat;
   j. Police actions toward the Tuha Peut Gampong;

CHAPTER VI
GAMPONG FUNDING

Part One
Gampong Income Resources

Article 42

(1) Gampong sources of income include:
   a. Original income sources:
      1. Gampong business profits;
      2. Gampong assets;
      3. Donations and community voluntarism;
      4. Communal work outputs;
      5. Zakat (charity); and
      6. All other legitimate sources;
   b. Kabupaten or kota government aid, taken from:
      1. Shares of kabupaten or kota tax and retribution;
      2. Shares distributed out of financial revenue from central and local government allocated to kabupaten or kota administrations
   c. Other types of assistance from higher-level governments:
      1. Third party donations;
      2. Gampong loans.

Gampong income is owned and managed by the gampong and shall not be transferred or taken over by any higher-level administration.
Article 43

(1) Gampong business profits as referred to in Article 42 paragraph (1) letter (a) are collected by the gampong;
(2) Gampong assets as referred to in Article 42 paragraph (1) letter (a) consist of:
   a. Gampong-owned lands;
   b. Markets, kiosks, and stores owned by the gampong;
   c. Gampong-owned buildings;
   d. Recreational spots owned and managed by the gampong;
   e. Public bathing facilities owned and managed by the gampong;
   f. Gampong adat forests;
   g. Certain areas of coastal waters managed by the gampong;
   h. Fisheries managed by the gampong;
   i. Fishing docks and fish auctions sites owned and managed by the gampong;
   j. Other gampong-owned assets.

Article 44

(1) Kabupaten and kota income from the gampong, such as tax and retribution, shall not be collected a second time by the gampong;
(2) A share of the income sources referred to in paragraph (1) shall be transferred to the relevant gampong in a proportional and just manner.

Article 45

(1) A gampong’s natural resource potential may be activated through the establishment of Gampong-Owned Enterprises or loans;
(2) Further regulation shall be stipulated by a general guideline on Gampong-Owned Enterprises, third-party cooperatives between gampongs, and through loans as referred to in paragraph (1), legitimized by Bupati or Walikota Decrees.

Article 46

Gampong sources of income as referred to in Article 42 are managed by the Gampong Budget (Anggaran Pendapatan dan Belanja Gampong, APBG).

Article 47

(1) Gampong sources of income as referred to in Article 42 shall be further regulated in the Kabupaten and Kota Qanuns;
(2) The Kabupaten and Kota Qanuns referred to above include:
   a. Types of original gampong income, depending on local conditions;
   b. Types of gampong assets;
   c. Management and development of gampong sources of income;
   d. Supervision of gampong income sources.
CHAPTER VII

REUSAM GAMPONG (SPECIFIC TRADITIONAL VALUES)

Article 53

(1) Reusam Gampong drafts are proposed by the Keuchik to the Tuha Peut Gampong;
(2) Reusam Gampong are discussed by the Keuchik and the Tuha Peut Gampong;
(3) Keuchik enact a Reusam Gampong after receiving approval from a Tuha Peut Gampong.

Article 54

(1) In discussing the proposed Reusam Gampong as referred to in Article 53 paragraph (10), the Tuha Peut Gampong arranges a meeting attended by at least two thirds of all members;
(2) Decisions are made based on the approval of at least 50% plus one of the members present.

Article 55

(1) Reusam Gampong are signed by the Keuchik and the Tuha Peut Gampong leader;
(2) Reusam Gampong as referred to in paragraph (10) shall be submitted to the Bupati or Walikota through the Imuem Mukim and Camat within 45 days of their approval;
(3) The Bupati or Walikota is expected to have authorized a Reusam Gampong within 45 days of its receipt;
(4) If the Reusam Gampong is not yet authorized within 45 days as referred to in paragraph (3), the Reusam Gampong is still considered authorized.

Article 56

(1) Further regulation on Reusam Gampong is stipulated by Kabupaten and Kota Qanuns;
(2) Kabupaten and Kota Qanuns as referred to in paragraph (1) regulate:
   a. Reusam Gampong forms;
   b. Reusam Gampong material;
   c. Reusam Gampong draft discussion mechanism and procedures;
   d. Further deliberations should less than two third of total Tuha Peut Gampong members attend a meeting;
   e. Reusam Gampong positions regarding public interest, Kabupaten and Kota Qanuns and higher-level laws and regulations;
   f. Provision regarding sanctions on Reusam Gampong violation.
Annex VI

MEMORANDUM OF UNDERSTANDING

GOVERNOR, PROVINCIAL POLICE CHIEF, AND CHAIRMAN OF THE ACEH ADAT COUNCIL

NANGGROE ACEH DARUSSALAM PROVINCE

REGARDING

ADAT JUSTICE COURT PRACTICES AT THE GAMPONG AND MUKIM LEVELS

MEMORANDUM OF UNDERSTANDING

GOVERNOR, PROVINCIAL POLICE CHIEF, AND CHAIRMAN OF THE ACEH ADAT COUNCIL

NANGGROE ACEH DARUSSALAM PROVINCE

REGARDING

ADAT JUSTICE COURT PRACTICES AT THE GAMPONG AND MUKIM LEVELS

NUMBER

NUMBER

NUMBER

GOVERNOR, PROVINCIAL POLICE CHIEF, AND CHAIRMAN OF THE ACEH ADAT COUNCIL

Considering:

a. *Adat* and *adat* law are part of a code of conduct that exist and continues to develop in creating security, order and justice for the people of Aceh’s welfare, and in accordance with Islamic Syari‘at;

b. Acehnese community life has provided *adat* institutions with a foundation and a role in carrying out *adat* justice and *adat* law in an effort to provide security, order, harmony and peace in the community, in line with a policy of community policing to live as a community, nation and country in the Unitary State of the Republic of Indonesia;

c. Based on the outputs of coordination meetings (on December 3-4, 2004 and September 25, 2007 in Banda Aceh) between the Aceh Adat Council and the Coordinators of Law Enforcement, a Memorandum of Understanding has been agreed upon to recognize and provide a guideline on *adat* justice/reconciliation justice practices in *gampongs* and *mukims* throughout Nanggroe Aceh Darussalam Province;

d. Based on the considerations referred to in letters (a), (b), and (c), it is deemed necessary to establish a Memorandum of Understanding;
Considering:

1. Act 24/1956 concerning the Establishment of the Autonomous Province of Aceh and the Amendment to the Regulation Establishing North Sumatra Province (1956 State Gazette of the Republic of Indonesia number 64, Additional State Gazette number 1103);
2. Act 2/1999 concerning Local Governance (1999 State Gazette of the Republic of Indonesia number 60, Additional State Gazette number 3839);
3. Act 22/1999 concerning Local Governance (1999 State Gazette of the Republic of Indonesia number 60, Additional State Gazette of the Republic of Indonesia number 3839);
4. Act I i/2006 concerning Aceh Governance (State Gazette of the Republic of Indonesia number 2006 number 62, Additional State Gazette number 4633);
5. Nanggroe Aceh Darussalam Provincial Regulation (Qanun) number 2/1990 concerning the Training and Development of Adat Istiadat, Community Customs and Adat Institutions within the Special Autonomous Province of Aceh (1991 Provincial Gazette Special Province number 13);
6. Nanggroe Aceh Darussalam Provincial Regulation (Qanun) number 5/1996 concerning Mukim as an Adat Community Unit in the Special Autonomous Province of Aceh (1996 Provincial Gazette of Special Autonomous Province of Aceh number 195, series D number 194);
7. Nanggroe Aceh Darussalam Provincial Regulation (Qanun) number 7/2000 concerning the Establishment of Adat Life (2000 Provincial Gazette of Special Autonomous Province of Aceh number 35);
8. Nanggroe Aceh Darussalam Provincial Regulation (Qanun) number 4/2003 concerning the Mukim Governance Structures within Nanggroe Aceh Darussalam Province (2003 Provincial Gazette of Nanggroe Aceh Darussalam Province number 17 series D number 7, Additional Provincial Gazette number 20);

Bearing in mind:

HAS DECIDED:

To declare:

MEMORANDUM OF UNDERSTANDING

GOVERNOR, PROVINCIAL POLICE CHIEF, AND CHAIRMAN OF THE ACEH ADAT COUNCIL

NANGGROE ACEH DARUSSALAM PROVINCE

REGARDING

ADAT JUSTICE COURT PRACTICES AT THE GAMPONG AND MUKIM LEVELS

Article 1

1. To promote security, order, harmony and peace within the community in increasing welfare and justice in gampongs and mukims in Nanggroe Aceh Darussalam Province, the Adat Justice Institution may function as a reconciliation institution settling disputes and conflicts;
2. Serious criminal cases or cases unresolved at the mukim level shall be resolved through State justice institutions in accordance with the applicable laws and regulations.

Article 2

Adat or Reconciliatory Justice Institutions refer to justice institutions authorized to implement adat judicial power to enforce security, order, harmony and peace, promoting balance and welfare among gampong and mukim communities based on adat law principles applicable in their respective areas.

Article 3

Adat/reconciliatory justice implementation procedures are based on locally applicable adat istiadat rules/adat law, through the consensus of gampong or mukim adat functionaries in accordance with their respective competencies and authorities, technical management/documentation, and good administration.

Article 4

Adat/reconciliatory justice functionaries at various levels:
1. A gampong consists of:
   a. Keuchik, as leader;
   b. Gampong Secretary, as registrar;
   c. Imeum Meunasah, as member;
   d. Tuha Peut, as members;
   e. Clerics, adat leaders, scholars (field experts) other than Tuha Peut Gampong as necessary;
2. A mukim consists of:
   a. Imeum Mukim, as leader;
b. Mukim Secretary, as registrar;
c. Mukim Tuha Peut, as members;
d. Clerics, adat leaders, scholars (field experts) other than Tuha Peut Mukim as necessary.

Article 5

(1) Law enforcement apparatus shall provide gampongs the opportunity to resolve all disputes/conflicts emerging in the gampong; and if one of the conflicting parties is dissatisfied with the decision, then they may appeal to the mukim level for a final settlement;
(2) In carrying out its duties and functions, the police, as community police organ, provide assistance and facilitate dispute settlements as referred to in paragraph (1).

Article 6

(1) All decisions made in Gampong or Mukim Adat Court, due to their “reconciliatory/peaceful” (consensual) nature are “final and conclusive decisions”;
(2) To make a “final and conclusive decision”, the adat justice process shall be carried out through the consensual mechanisms of adat justice and a systematic, well-documented administrative system;
(3) Reconciliatory decisions, as final and conclusive decision as referred to in paragraph (1), may not be appealed to state justice institutions.

Article 7

(1) Governors and Bupatis/Walikotas as head of provincial/local governments, as well as officials under their administration, are responsible for guiding and monitoring the implementation of adat/reconciliatory justice as referred to in this Memorandum of Understanding;
(2) The Chief of the Police of Nanggro Aceh Darussalam Province and his administration are responsible for providing security and support in accordance with the POLMAS objective of this Memorandum of Understanding;
(3) Chairmen of the Aceh Adat Council at the provincial/kabupaten/kota levels and their administration shall educate, monitor and develop adat justice materials compatible with the values and traditions of existing adat/adat istiadat law in local community environments;

Article 8

(1) All relevant institutions involved in this Memorandum of Understanding can issue instructions to their officials and administration to implement this Memorandum of Understanding fully and responsibly;
(2) All “adat/reconciliatory decision statements” based on consensus and related to adat justice cases are to be made in written form and sealed, with copies given to all parties; they are signed by the Keuchik and Gampong Secretary or Imeum Mukim and Mukim Secretary at the mukim level.
Article 9

Provisions which have not yet been regulated through this Memorandum of Understanding, provided that they concern operational technicalities or other matters negotiable among the respective adat justice institutions as referred to in Article 4 or with the relevant institution and administrations depending on their needs.

Article 10

This Memorandum of Understanding enters into force on the day of its enactment.

Enacted in: Banda Aceh on [date]

The Governor of NAD Province

[Signature and Seal]

The Police Chief Of NAD Province

[Signature and Seal]

Chairperson of Aceh Adat Council NAD Province

[Signature and Seal]

Note:
This concept draft was developed during the Adat Aceh Council and Law Enforcement Institutions’ Coordination Meeting of September 2, 2007 in Banda Aceh.
ANNEX VIII

THE HADIH MAJA (RHYMES CONTAINING WISE WORDS) RELEVANT TO ADAT JUSTICE

Lemoh hukom diatoe lee pangkat: (Weak law is controlled by the powerful)
Leumoh adat jahee raja: (Weak adat makes for a cruel ruler)
Leumoh kanun tinggai bak kalam: (Weak Qanun remains on the paper)
Leumoh Reusam gadoh budaya: (Weak Reusam leads to a loss of culture)
[The verse above illustrates the problems of a law enforcement system that lacks the support of strong adat institutions (informal justice functionaries)]

Leumoh tanoh keubue meukubang: (Weak soil makes mud puddles for water buffalo)
Leumoh geudeubang digob panglima: (Weak policy is commanded by an outsider)
Leumoh nanggrooe sabee dalam prang: (Weak countries are always are war)
Leumoh parang beusoe tan meulila: (Weak swords come from poor quality iron)
(The verse above illustrates the importance of a leader’s power and dignity)

Hukom lillah sumpah bek: (An oath is on behalf of God’s Law)
Hukom adat ikat bek: (Practice follows adat law)
Hukom ade pakee bek: (Fair law makes no quarrels)
Hukom meujoeh meupoh bek: (Good legal practice causes no fights)
(The verse above illustrates the principles of peace and reconciliation in conflict resolution under adat law)

Urueng peurintah yang atoe buet: (The commander makes an example of his practice)
Urueng tuha puet peuputoh haba: (The Tuha Puet propose resolutions to quarrels)
(The verse above illustrates the position of the Tuha Peut in adat justice)

Bek peusaban kai ngon aree: (Kai and aree are different units of measure)
Bek peusaree naleh ngon gunca: (Naleh and gunca are different units of measure)
Barang gapue buet bek teumiree: (No work should be done by speculation)
Bak meugeuree jiet sampurna: (Learning from the master makes for perfected skill)
(The verse above illustrates the importance of proper training in adat judicial practice)

Sesat jalan: (Getting lost)
Kusut Rambut: (Toussling hair)
Kusut Benang: (Tangled thread)
Kusut Sarang burung Tempua: (Just like the structure of a bird nest)
(The verse above illustrates strategies and techniques of dispute resolution)

Meunyoe tan ileumee hukom han peutoh: (Without knowledge no problem is resolved)
Meunyoe tan peng meksud han troeh: (Without money the will does not come to fruition)
Meunyoe tan akai binasa teuboh: (Without brain the body is useless)
Meunyoe tan useuha reuziki pih jioh: (Without effort the person makes no living)
(The verse above illustrates the qualifications of Informal justice providers)
Meunyoe carong tapeulaku: (If you have the skills)
Boh labu jiet keu sri kaya: (You can make sweets out of pumpkin)
Meunyoe han carong tapeulaku: (If you do not have the skills)
Aneuk tingku jiet keu beulaga: (You make a gangster out of an innocent child)
(The verse above illustrates the capacities an *adat* leader ought to have in settling disputes)

Meunyoe carong tapeuantok: (If you are skilled in hitting)
Dalam bak jok diteubiet saka: (You can tap sugar liquid from a palm tree)
Meunyoe han carong tapeuantok: (If you are unskilled in hitting)
Siuroe seuntok lalee meudakwa: (A full day’s discussion leads to quarrel instead of resolution)
(The verse above illustrates the importance of negotiation skills for *adat* justice functionaries in dealing with contentious issues)

Salah cok tapulang: (Take the wrong stuff, return it)
Salah jalan tagisa: (Take the wrong direction, return home)
Tameupake alang: (Quarrel brings you nowhere)
Tameuprang papa: (War brings poverty)
(The verse above illustrates the importance of having conflicts resolved peacefully through mediation and negotiation)

Mantong di reubong jiet tapeukiwieng: (Still a sprout, it is bendable)
Oh jiet keu trieng han jiet tapeuta: (Once a bamboo bar, it cannot be turned)
(The verse above illustrates the importance of resolving problems early, before they become too complex)

Meunyoe get dalam hatee, Lahee bak ie rupa: (Good inside, it is reflected through shining performance)
Meunyoe brok lam hatee, Lahee bak peugah haba: (Bad inside, it is reflected through bad words)
Meunyoe get niet ngon hasat: (With good intention and wishes)
La’ot darat Tuhan peulara: (God cares for you wherever you are)
(The verse above illustrates *adat* justice functionaries’ skill in assessing the good will and intentions of contending parties)

Geupeuna utak geuyue seumikee: (Brain is created for thinking)
Geupeuna hatee geuyue peurasa: (Heart is created for feeling)
Padupna ek gop peugah sabee: (Others do not remind you forever)
Leubeh meusampe ingat lam dada: (Your memory helps you the most)
(This verse underlines the importance of remembering the advice of others—meaning not to make the same mistakes twice)

Bek tamse asap yang mita manyang: (Don’t be like the smoke in the air)
Siat meulayang gadoh dimata: (It flies a while then disappears)
Bah laggee reudok yang mita baroh: (Be like the heavy cloud covering the sky)
Siat hujuen troeh ie raya teuka: (Then even a brief rain can cause floods)
(The verse above illustrates the importance of creating sustainable and significant impacts in the peaceful resolution of conflicts or disputes)
Meunyoe tapateh pue kheun kitab: (If you truly believe all the book says)
U tupee kap han tateumee rasa: (Your coconuts are all eaten by squirrels)
Meunyoe han tapateh pue kheun kitab: (If you do not believe what the book says)
Jiet keubangsat siumue masa: (You will become a scoundrel all your life)
(The verse above illustrates how adat justice providers should understand the law as well as the context; if not, then the honest and the righteous are endangered. Therefore, wisdom and background analysis are pivotal)

Dari pada crah leubeh get beukah: (Broken is preferable to cracked)
Dari pada sihet rhoe bah habeh: (Collapse is preferable to sideways)
Pakriban crah lagenyan beukah: (The crack makes for breakage)
Pakriban manoe lagenyan basah: (Shower makes you soaked)
(The verse above illustrates the importance of consistency in adat justice functionaries’ imposition of sanctions. All parties should be made accountable for what they have done)

Meeleuha langai watee me’ue blang: (Use ploughs when working the farms)
Meuleuha parang watee cah paya: (Use knives when cleaning the swamps)
Meuleuha pa’i watee nanggroe prang: (Use soldiers when the nation is in turmoil)
Meuleuha pawang dalam Glee raya: (Use mountain guardians in the mountain ranges)
(The verse above illustrates the various specializations of various adat functionaries, particularly the Pawang Glee)

Let let kadilet di lhoe:  (After being chased, one is beaten up)
Oh lheueh dilhoe hatee jih saket: (Once beaten up his emotion heats up)
Tameugetget sabee keudroe droe: (Make good relations with one another)
Oh uroe dudoe hana meupalet: (In the future you have no one to hinder)
(This verse illustrates the importance of treating people well to create an atmosphere of peace and harmony. It is more pertinent to conflict prevention than conflict resolution)

Soe yang pajoh camplie, nyan yang keu’ueng: (Who eats chili tastes the spice)
Soe yang meuaneuk, nyan yang meuadeueng: (Who desires a baby should taste pregnancy)
(This verse illustrates the impartiality and fairness of adat justice principles)

Paleh umong cot teungoh geuboh asoe: (The bad rice farm has a hill at its centre)
Paleh Inong geuteumanyong ban woe lakoe: (The bad wife interrogates her husband on reaching home)
Paleh Agam sipat kuah bileueng asoe: (Bad husbands complains too much about cooking)
Paleh Tingku lagee geuneuku hana gigoe: (Bad grater is the one without notches)
(This verse illustrates the conducts, attitudes and behaviours that can lead to adat conflicts or disputes)
Paleh tuha geuboh tungkat: (The bad elder throws off his walking stick)
Paleh tuha geuboh seunipat: (The bad carpenter throws off his measuring stick)
Paleh Tengku geuboh ayat: (The bad cleric throws away his holy book)
Paleh meukat geuboh keunira: (The bad businessman throws away his strategy)
(The verse above illustrates the inconsistency of adat functionaries in carrying out their functions and duties as peacemakers)

Paleh inong hana lakoe: (The bad woman is without husband)
Paleh nanggro zalem Raja: (The bad nation lives under a tyrant)
Paleh gasien hana hareukat: (The bad poor man is without endeavors)
Paleh kaya hana himat: (The bad rich man is one who is wasteful)
(The verse above illustrates the characteristics of bad leaders and citizens. Both should prove themselves useful to the nation and humanity)

Paleh umong hana meuateung: (Bad rice farm is the one without)
Paleh ureueng hana agama: (A bad person is one without religion)
Paleh on u hana meupeureh: (A bad coconut leaf has no rib)
Paleh wareh hana meuhaba: (A bad relative makes no communication)
(The verse above illustrates bad attitudes, conducts and behaviours of people when they have no common sense)

Lagee peucok aron sigoe saho: (As casuarina leaves blow here and there)
Lagee aneuk yee teubiet tamong: (As sharks are moved by springs coming in and out)
Lagee pukat hana pawang: (Like the fish net without a fisherman)
Lagee meuprang hana panglima: (Like a battle fought without commander)
(The verse above illustrates the absence of bodies or institutions designed to serve, parallel to the absence of good leaders and adat functionaries enforcing adat law for a harmonious and peaceful community life)

Mate anuk meupat jirat: (If offspring dies, we know his graveyard)
Mate adat hanpat tamita: (If adat dies, we know not where to find it)
Peuteh teulueng di dalam jrat: (Even when you turn into bones in graves)
Mantong teuingat guna gata: (We still remember your virtues)
(The verse above illustrates the importance of preserving adat values for the sake of harmonious community life, and of maintaining good conduct so that one may be respected after death)

Adat bak po teumeureuhom: (Adat is referred to as Po Teumeureuhom)
Hukom bak Syiah Kuala: (Law is referred to Syiah Kuala)
Qanun bak putroe Phang: (Qanun is referred to Putroe Phang)
Reusam bak Laksenama: (Reusam is referred to the Admiral)
(The verse above illustrates the importance of having the right person in the right position, and of respecting all values practiced in a community or country)
Guideline on Adat Justice in Aceh

ACEH QANUN
NUMBER 9 YEAR 2008
CONCERNING
CULTIVATION OF ADAT LIFE AND ADAT-ISTIADAT

BISMILLAHIRRAHMANIRRAHIM
IN THE NAME OF ALLAH THE BENEVOLENT AND THE MERCIFUL
GOVERNOR NANGGROE ACEH DARUSSALAM,

Considering : a. that adat institutions that have developed in the social life of Aceh have for centuries and up until today played an important role in developing cultural values, adat norms and procedures for realising peace, order, accord, amity and welfare among the people of Aceh, in accordance with the values of Islam;

b. that the nurturing, development, and maintenance of adat and adat-istiadat must be transmitted from one generation to the next so that all may understand the adat values and culture that develop in the social life of Aceh;

c. that to further pursue Articles 98 and 162, paragraph (2) letter (e) of Law Number 11/2006 concerning the Governance of Aceh and Law Number 44/1999 on the Preservation of the Special Status of the Special Province of Aceh, there must be one Qanun concerning the Cultivation of Adat Life and Adat-Istiadat;

d. that based on proper consideration of letter (a), letter (b) and letter (c) above, an Aceh Qanun must be issued concerning the Cultivation of Adat Life and Adat-Istiadat.

Bearing in mind:

1. Law number 24/1956 concerning the Establishment of the Autonomous Province of Aceh and the Amendment to the Regulation Establishing North Sumatra Province (1956 State Gazette of the Republic of Indonesia number 64, Additional State Gazette number 1103);

2. Law number 44/1999 concerning the Administration of the Special Status of Aceh Province (1999 State Gazette of the Republic of Indonesia number 172, Additional State Gazette of the Republic of Indonesia number 3893);

3. Law number 11/2006 concerning the Governance of Aceh (2006 State Gazette of the Republic of Indonesia number 62, Additional State Gazette of the Republic of Indonesia number 4633);

WITH THE APPROVAL OF
THE HOUSE OF REGIONAL REPRESENTATIVES
GOVERNOR OF
NANGGROE ACEH DARUSSALAM (NAD) PROVINCE

HAS DECIDED

To stipulate:

QANUN CONCERNING CULTIVATION OF ADAT LIFE AND ADAT-ISTIADAT

CHAPTER I
GENERAL PROVISIONS

Article 1

For the purpose of this Qanun:

1. Aceh is a province led by a Governor, comprising a single legal community with special characteristics and granted special authority to organise and manage its own governance in the interests of its local society and in conformity with the law stipulated by the systems and principles of the Unitary State of the Republic of Indonesia, as based on the Constitution of 1945.

2. Kabupaten or Kota refer to an area within the province led by a Bupati or Walikota, forming a single legal community, with special characteristics and granted special authority to organise and manage its own governance in the interests of local society and in conformity with the law as stipulated within the systems and principles of the Unitary State of the Republic of Indonesia, as based on the Constitution of 1945.

3. Governance of Aceh refers to the governance of a province within the system of the Unitary State of the Republic of Indonesia, as based on the Constitution of 1945, administering the business of governance as carried out by the Government of Aceh and the Aceh House of Regional Representatives, in conformity with their respective functions and authorities.

4. Government of a kabupaten/kota refers to the administration of the business of governance as carried out by the government of a kabupaten/kota and its House of Regional Representatives, in conformity with their respective functions and authorities.

5. Government of the Province of Aceh, which from here on shall be referred to as the Government of Aceh, refers to the executors of Aceh governance, as constituted by the Governor and the governing apparatus of Aceh.

6. Governor refers to the head of the Government of Aceh, chosen by a democratic process carried out on the basis of direct, public, free, secret, honest, and fair elections.

7. Governments of kabupaten/kota areas, which from here on shall be referred to as kabupaten/kota governments, refers to the executors of kabupaten/kota governance, consisting of the Bupati/Walikota and the governing apparatus of the kabupaten/kota.

8. Bupati/Walikota refers to the head of governance for a kabupaten/kota, as chosen in democratic process carried out on the basis of direct, public, free, secret, honest, and fair elections.

9. Wali Nanggroe refers to the leader of an independent nanggroe adat institution serving to unite society, having authority to cultivate and oversee the administration of adat institutions and adat-istiadat, granting of titles and rank, and the executors of adat rituals in Aceh, as well as serving as advisor to the Government of Aceh.

10. Adat refers to codes of conduct and practice already established in the community that have become foundational to the social life of Aceh.
11. **Hukum Adat** refers to a set of unwritten rules that live and develop in the society of Aceh and include sanctions against their violation.

12. **Adat-istiadat** refers to an eternal code of behaviour passed from one generation to the next, respected and honoured as an inheritance tied to *Syari'at* Islam.

13. **Kebiasaan** refers to attitudes and actions taken repeatedly in relation to similar matters; it lives in, develops, and is applied by the community.

14. **Pemangku Adat** (*adat* functionary) refers to an individual who holds a position in *adat* institutions.

15. **Reusam** or any other name refers to *adat-istiadat* guidelines in practice in the community.

16. **Upacara adat** refers to a series of activities carried out in accordance with *adat* norms, values and customs according to the local *adat* society.

**CHAPTER II**

**SCOPE OF CULTIVATION AND DEVELOPMENT OF ADAT LIFE AND ADAT-ISTIADAT**

Article 2

(1) The scope for the cultivation and development of *adat* life and *adat-istiadat* includes all activities of social life.

(2) Cultivation, development, maintenance and overseeing of *adat* and *adat-istiadat* as referred to in paragraph (1) is based on Islamic values.

**CHAPTER III**

**BASIS, INTENTION AND OBJECTIVES**

Article 3

Cultivation and development of *adat* life and *adat-istiadat* is based upon the following:

a. Islam;

b. justice;

c. truth;

d. humanism;

e. harmony;

f. peace and order;

g. tranquillity;

h. family;

i. mutual benefit;

j. cooperation;

k. amity;

l. consensus; and

m. the public good.

Article 4

(1) Cultivation and development of *adat* life and *adat-istiadat* is intended to develop an order of social life that is harmonious and balanced as commanded by Allah SWT among all people, between people and their environment, and between the people and their leaders.
(2) Cultivation and development of *adat* life and *adat-istiadat* as referred to in paragraph (1) is pursued to improve the function and role of *adat* and *adat-istiadat* in ordering social life.

Article 5

Cultivation and development of *adat* life and *adat-istiadat* has the following aims:

a) compose a harmonious order of social life;
b) prepare a basis for the ordering of social life;
c) cultivate an *adat*-based society that is strong and esteemed;
d) preserve, sustain and protect the rich inheritance of *adats*, cultures, local languages and hallowed objects;
e) revitalise the *adats*, arts and languages that live and develop in Aceh; and
f) inspire creativity that can provide economic benefit for the welfare of society.

CHAPTER IV

RESPONSIBILITIES IN THE CULTIVATION AND DEVELOPMENT OF ADAT LIFE AND ADAT-IstiADAT

Article 6

(1) The *Wali Nanggroe* is responsible for sustaining, developing, protecting, and preserving *adat* life, *adat-istiadat*, and social culture.

(2) Cultivation and development of *adat* life and *adat-istiadat* as referred to in paragraph (1) is undertaken through the *Majelis Adat* and other *adat* institutions.

(3) The Government of Aceh and *kabupaten/kota* Governments facilitate the cultivation and development of *adat* life and *adat-istiadat*.

Article 7

Cultivation and development of *adat* life and *adat-istiadat* as referred to in Article 6 paragraph (2) is carried out with the development of consciousness among and participation of the community.

Article 8

*Majelis Adat* and other *adat* institutions implement the cultivation and development of *adat* life and *adat-istiadat* in conformity with *Syari’at* Islam.
CHAPTER V
IMPLEMENTING THE CULTIVATION AND DEVELOPMENT OF
ADAT LIFE AND ADAT ISTIADAT

Article 9

(1) *Adat* life and *adat-istiadat* is implemented by the Government of Aceh, *kabupaten/kota* Governments, and all levels of society.

(2) Carrying out the cultivation and development of *adat* life and *adat-istiadat* as referred to in paragraph (1) is done through:
   a. Family life;
   b. Education;
   c. Social life;
   d. Working life;
   e. Social organisations.

Article 10

(1) Cultivation and development of *adat* life and *adat-istiadat* as referred to in Article 9 can be carried out by the following measures:
   a. declaration by the Government of Aceh and *kabupaten/kota* Governments;
   b. example;
   c. elucidation, socialisation, discussion and simulation;
   d. competitions and exhibitions/instructions;
   e. legal protection of *adat* works;
   f. protection of the rights of *adat* society, which include land, marsh, forest, sea, rivers, lakes and other social rights; and
   g. organising of prominent *adat* figures, among youth and women particularly.

(1) Every government functionary working in Aceh must understand and value *adat* and *adat-istiadat* arrangements in Aceh.

(2) Every government official/functionary, the Government of Aceh, and the *kabupaten/kota* Governments must understand, cultivate and value *adat* and *adat-istiadat* arrangements within their locality.

Article 11

*Adat* institutions must work cooperatively with all parties concerned to recover the rules of *adat* and *adat-istiadat*.

Article 12

(2) Cultivation, development and sustaining of *adat* and *adat-istiadat* includes the following:
   a. *adat* and *adat-istiadat* social order;
   b. Acehnese architecture;
   c. engravings of Acehnese motifs;
   d. ancient objects
   e. traditional weaponry;
   f. written works of *ulama*, scholars and artists;
   g. indigenous languages of Aceh;
   h. traditional arts of Aceh;
i. marriage customs;

j. customs of social intercourse;

k. customs of hospitality;

l. adat peutamat darueh (the Khatam Al Qur’an, or completion of Qu’ranic reading ceremony);

m. adat mita raseuki (berusaha);

n. traditional clothing;

o. traditional Acehnese food;

p. jewellery with Acehnese motifs;

q. handicrafts with Acehnese motifs;

r. piasan tradisional Aceh;

s. other adat rituals.

(2) Noble behaviour and spiritual piety that have formed the character and personalities of Acehnese Muslims.

**RESOLUTION OF DISPUTES/CONFLICT**

**Article 13**

(1) Adat and adat-istiadat disputes/conflicts include the following:

a. Disputes within the home;

b. Disputes within the family having to do with inheritance;

c. Disputes between residents;

d. khalwat meusum;

e. conflicts over ownership;

f. theft within the family (minor theft);

g. disputes over earned [hareukat] property;

h. minor theft;

i. theft of livestock;

j. violation of adat regulations on livestock, farming and forestry;

k. conflicts at sea;

l. marketplace conflicts;

m. light mistreatment;

n. forest fires (on a small scale, causing losses to the adat community);

o. harassment, libel, incitement, and slander of one’s good name;

p. environmental pollution (small scale);

q. threats and extortion (depending on the nature of the threats); and

r. other disputes violating adat and adat-istiadat.

(2) Resolution of disputes/conflicts concerning adat and adat-istiadat as referred to in paragraph (1) are resolved in stages.

(3) Law enforcement officials provide an opportunity first for the dispute/conflict to be settled by adat procedures within the gampong or any other name used.

**Article 14**

(1) Adat resolutions as referred to in Article 13 paragraph (2) include adat resolution within the gampong or any other name used, adat resolution within the mukim and adat resolution at sea.

(2) Adat resolution in the gampong or any other name used, as referred to in paragraph (1) is carried out by adat leaders including the following:

a. Keuchik or any other name used;
b. *Imeum Meunasah* or any other name used;
c. *Tuha Peut* or any other name used;
d. *Gampong* Secretary or any other name used; and
e. *Ulama*, scholars and other *adat* figures in the *gampong* or any other name used who may be relevant, depending on need.

(3) *Adat* resolution at the *mukim* level as referred to in paragraph (1) is carried out by the following *adat* leaders:

a. *Imeum Mukim* or any other name used;
b. *Imeum Chik* or any other name used;
c. *Tuha Peut* or any other name used;
d. *Mukim* Secretary; and
e. *Ulama*, scholars and other *adat* figures in the *mukim* who may be relevant, depending on need.

(4) A consensus meeting (*musyawarah*) is held for the resolution of the dispute/conflict at the *Meunasah* or any other name used at the level of *gampong* or any other name used, and at the mosque at the *mukim* level, or any other space that has been indicated by the *Keuchik* or any other name used and *Imeum Mukim* or any other name used.

(5) *Adat* resolution at sea as referred to in paragraph (1) is carried out by the following *adat* leaders:

a. *Panglima Laot* or any other name used;
b. *Wakil Panglima Laot* or any other name used;
c. Three staff members of the *Panglima Laot* or any other name used; and
d. *Panglima Laot Secretary* or any other name used.

(6) If *adat* resolution at the *Laot Lhok* or any other name used is unable to resolve an *adat* conflict between two or more *Panglima Laot Lhok*, or any other name used, then that dispute/conflict is brought for *adat* resolution at the *kabupaten/kota*.

(7) Resolution of *adat* matters of sea law at the *kabupaten/kota* level is carried out by the following *adat* leaders:

a. *Panglima Laot Kabupaten/Kota* or any other name used;
b. *Wakil Panglima Laot* or any other name used;
c. Two members of the staff of the *Panglima Laot Kabupaten/Kota* or any other name used; and
d. One representative of the Office of Oceans and Fisheries and/or leader of the fishing community.

(8) A consensus meeting for the resolution of a dispute/conflict is held at the *Meunasah* or any other name used at the level of *Gampong* or any other name used, at the mosque when at the level of *mukim*, at the *laot pade balee nelayan* or any other space indicated by the *Keuchik* or any other name used, *Imeum Mukim* or any other name used, and *Panglima Laot* or any other name used.

**Article 15**

Procedures and conditions for the resolution of disputes/conflicts are carried out in conformity with local rules.
CHAPTER VII
FORMS OF ADAT SANCTION

Article 16

(1) The following types of sanction may be imposed in the resolution of adat disputes:
   a. advice;
   b. admonition;
   c. public apology;
   d. sayam ceremony;
   e. compensation;
   f. fine;
   g. compensation for loss;
   h. isolation from gampong society;
   i. ejection from gampong or any other name used;
   j. loss of adat title; and
   k. other forms of sanction according to local adat.

(2) The family of the individual who has violated adat shares responsibility in administering the sanctions imposed on the violator.

CHAPTER VIII
PAYMENT

Article 17

Funds for the cultivation and development of adat and adat-istiadat will be obtained by the following measures:

b. assistance from the Government of Aceh and kabupaten/kota Governments according to their abilities; and

c. other legitimate and unbound sources.

CHAPTER IX
TRANSITIONAL PROVISIONS

Article 18

All rules and regulations regarding the cultivation and development of adat and adat-istiadat continue to apply so long as they are not in conflict with the rules stipulated in this Qanun.

Article 19

All matters that have not yet been stipulated in this Qanun regarding further implementation shall be stipulated in a Governor’s Regulation.
CHAPTER X
CLOSING PROVISIONS

Article 20

With the enactment of this Qanun the Regional Regulation of the Special Province of Aceh number 2/1990 concerning Cultivation and Development of Adat-Istiadat, Social Customs and Adat Institutions in the Special Province of Aceh and Regional Regulation number 7/2000 concerning Management of Adat Life are hereby rescinded.

Article 21

This Qanun will enter into force on the date of its enactment.

To ensure public awareness of the regulation, the enactment of this Qanun shall be announced in the NAD Province Gazette.

Authorised in Banda Aceh
On the date 2008 M 1429 H

GOVERNOR NANGGROE ACEH DARUSSALAM,

IRWANDI YUSUF

Enacted in Banda Aceh
On the date 2008 M 1429 H

ACEH PROVINCIAL SECRETARY
NANGGROE ACEH DARUSSALAM,

HUSNI BAHRI TOB

NANGGROE ACEH DARUSSALAM PROVINCIAL GAZETTE 2008 NUMBER
EXPLANATION
OF
ACEH QANUN
NUMBER 9 /2008
CONCERNING
CULTIVATION OF ADAT LIFE AND ADAT-ISTIADAT

I. GENERAL EXPLANATION

Law number 11/2006 concerning Aceh Governance provides a solid basis for the cultivation of adat life and adat-istiadat in Nanggroe Aceh Darussalam Province. Article 99 of that law orders the cultivation of adat and adat-istiadat with the issuance of an Aceh Qanun. Adat and adat-istiadat conform to Syari’at Islam and represent a cultural treasure exemplifying a national identity that must be nurtured, developed and protected.

In Nanggroe Aceh Darusalam Province, adat and adat-istiadat live in great variety among the sub-ethnicities. This variety represents the riches of a pluralistic culture. Therefore, the cultivation of adat life and adat-istiadat must be aimed at the cultivation and development of adat and adat-istiadat in the local communities.

Adat and adat-istiadat already serve to bind and unite the life of the community, and therefore serve as a crucial resource in its development. Therefore adat and adat-istiadat values must be nurtured and developed in the life of society.

II. ARTICLE BY ARTICLE

Article 1  Clear
Article 2  Clear
Article 3  Clear
Article 4  Clear
Article 5  Clear
Article 6  Clear
Article 7  Clear
Article 8  Conformity with the teachings of Islam refers to a guarantee that the implementation of adat and adat-istiadat does not contradict the values of Syari’at Islam.
Article 9  Clear
Article 10 Clear
Article 11 Clear
Article 12 Clear
Article 13
With reference to resolution in stages, disputes/conflicts should be resolved first within the family; if they cannot be resolved in the family, then they are brought to the gampong for adat resolution.

Article 14
Clear

Article 15
Clear

Article 16
Paragraph (1)
Letter a
Clear

Letter b
Clear

Letter c
Clear

Letter d
Sayam refers to the settlement of a dispute/conflict that resulted blood spattered among the parties through sacrificing livestock as a means of repaying the loss caused by the dispute/conflict.

Letter e
Clear

Letter f
Clear

Letter g
Clear

Letter h
Clear

Letter i
Clear

Letter j
Clear

Letter k
Clear

Paragraph (2)
Clear

Article 17
Clear

Article 18
Clear

Article 19
Clear

Article 20
Clear

Article 21
Clear

ADDITIONAL GAZETTE OF NANGGROE ACEH DARUSSALAM PROVINCE NUMBER
ACEH QANUN
NUMBER 10 YEAR 2008
CONCERNING
ADAT INSTITUTIONS
BISMILLAHIRRAHMANIRRAHIM
IN THE NAME OF ALLAH THE BENEVOLENT AND THE MERCIFUL
GOVERNOR NANGGROE ACEH DARUSSALAM,

Considering:

a. that the adat institutions that have developed in the social life of Aceh have for centuries and up until today played an important role in developing cultural values, adat norms and procedures for realising peace, order, accord, amity and welfare among the people of Aceh, in accordance with the values of Islam;

b. that adat institutions must have an increased role in sustaining adat and adat-istiadat as one measure for preserving the special status of Aceh in the field of adat-istiadat;

c. that to further pursue Articles 98 and 162, paragraph (2) letter (e) of Law Number 11/2006 concerning the Governance of Aceh and Law Number 44/1999 on the Preservation of the Special Status of the Special Province of Aceh, the existence of adat institutions must be ordered and regulated;

d. that based on proper consideration of letter (a), letter (b) and letter (c) above, a Qanun for Aceh must be issued on adat institutions.

Bearing in mind:

1. Law number 24/1956 concerning the Establishment of the Autonomous Province of Aceh and the Amendment to the Regulation Establishing North Sumatra Province (1956 State Gazette of the Republic of Indonesia number 64, Additional State Gazette number 1103);

2. Law number 44/1999 concerning the Administration of the Special Status of Aceh Province (1999 State Gazette of the Republic of Indonesia number 172, Additional State Gazette of the Republic of Indonesia number 3893);

3. Law number 11/2006 concerning the Governance of Aceh (2006 State Gazette of the Republic of Indonesia number 62, Additional State Gazette of the Republic of Indonesia number 4633);

4. Qanun number 4/2003 on Mukim Governance in Nanggroe Aceh Darussalam Province (2003 Regional Gazette, number 17, series d, number 7);

5. Qanun number 5/2003 concerning the Governance of Gampongs in Nanggroe Aceh Darussalam (2003 Regional Gazette, number 18, series D number 5);

6. Qanun number 3/2004 concerning the Establishment of an Organizational Structure and Operating Procedures for the Aceh Adat Council of Nanggroe Aceh Darussalam Province (2004 Regional Gazette, number 8, series D number 5);

WITH THE APPROVAL OF
THE HOUSE OF REGIONAL REPRESENTATIVES
GOVERNOR OF
NANGGROE ACEH DARUSSALAM (NAD) PROVINCE

HAS DECIDED

To stipulate:

QANUN 10/2008 CONCERNING ADAT INSTITUTIONS

CHAPTER I
GENERAL PROVISIONS

Article 1

For the purpose of this Qanun:

1. Aceh is a province led by a Governor, comprising a single legal community with special characteristics and granted special authority to organise and manage its own governance in the interests of its local society and in conformity with the law as stipulated by the systems and principles of the Unitary State of the Republic of Indonesia, as based on the Constitution of 1945.

2. Kabupaten or Kota refer to an area within the province led by a Bupati or Walikota, forming a single legal community, with special characteristics and granted special authority to organise and manage its own governance in the interests of local society and in conformity with the law as stipulated within the systems and principles of the Unitary State of the Republic of Indonesia, as based on the Constitution of 1945.

3. Governance of Aceh refers to the governance of a province within the system of the Unitary State of the Republic of Indonesia, as based on the Constitution of 1945, administering the business of governance as carried out by the Government of Aceh and the Aceh House of Regional Representatives, in conformity with their respective functions and authorities.

4. Government of a kabupaten/kota refers to the administration of the business of governance as carried out by the government of a kabupaten/kota and its House of Regional Representatives, in conformity with their respective functions and authorities.

5. Government of the Province of Aceh, which from here on shall be referred to as the Government of Aceh, refers to the executors of Aceh governance, as constituted by the Governor and the governing apparatus of Aceh.

6. Governor refers to the head of the Government of Aceh, chosen by a democratic process carried out on the basis of direct, public, free, secret, honest, and fair elections.

7. Government of kabupaten/kota areas, which from here on shall be referred to as kabupaten/kota Government, refers to the executors of kabupaten/kota governance, consisting of the Bupati/Walikota and the governing apparatus of the kabupaten/kota.

8. Bupati/Walikota refers to the head of governance for a kabupaten/kota, as chosen in a democratic process carried out on the basis of direct, public, free, secret, honest and fair elections.

9. Adat Institution refers to an adat social organisation formed by an adat law community within certain territorial boundaries, possessing its own assets, and with the rights and authority to organise and administer as well as resolve matters of Acehnese adat.

10. Majelis Adat Aceh, which from here on shall be referred to as MAA, refers to an assembly of adat practitioners in Aceh, whose institutional structure reaches to the level of gampong.
11. **Lembaga Wali Nanggroe** refers to an *adat* leadership organisation for uniting the community and preserving *adat* life and culture.

12. **Kecamatan** refers to areas led by a *Camat* as the local executor of the *kabupaten/kota* in the governance of a *kecamatan*.

13. **Mukim** refers to a legal community below the level of *kecamatan* consisting of several *gampongs* within certain territorial boundaries and led by an *Imeum Mukim*, or any other names used, and holding a position directly below that of *Camat*.

14. **Gampong**, or any other names used, refers to a legal community below the level of *mukim* and led by a *Keuchik*, or any other names used, with the right to run its own administration.

15. **Imeum Mukim**, or any other names used, refers to the leader of *mukim* administration.

16. **Imeum Chik**, or any other names used, refers to a mosque leader at the *mukim* level, leading all social activities within the *mukim* related to Islam and the carrying out of Islamic *Syari’at*.

17. **Keuchik**, or any other names used, refers to the leader of a *gampong adat* community who administers *gampong* governance, preserves *adat* law and *adat-istiadat*, and preserves social peace, order, accord, amity and welfare.

18. **Tuha Peut Gampong**, or any other names used, refers to an element of *gampong* governance that functions as a body of *gampong* consensus decision-making.

19. **Tuha Peut Mukim**, or any other names used, refers to a *mukim* organisation that functions to provide advice to the *Imeum Mukim*.

20. **Tuha Lapan**, or any other names used, refers to an *adat* organisation at the *mukim* or *gampong* level that functions to assist the *Imeum Mukim* and *Keuchik*., or any other names used, for these positions.

21. **Imeum Meunasah**, or any other names used, refers to an individual who leads social activities related to Islam within a *gampong*, as well as the implementation and maintenance of *Syari’at* Islam.

22. **Keujruen Blang**, or any other names used, refers to an individual who organises and leads rice cultivation activities.

23. **Panglima Laot**, or any other names used, refers to an individual who organises and leads *adat-istiadat* in coastal and ocean matters.

24. **Peutua Seuneubok**, or any other names used, refers to an individual who organises and leads *adat* decisions on the clearing and use of land for farming and plantations.

25. **Haria Peukan**, or any other names used, refers to an individual who organises *adat* decisions on market structure, organisation, peace, and cleanliness as well as carrying out other helpful tasks.

26. **Syahbanda**, or any other names used, refers to a person who organises and leads *adat* decision-making on the docking of boats/ships, the comings and goings of boats/ships at sea, in rivers and in lakes when these decisions are not taken by the Government.

27. **Pawang Glee** and/or **Pawang Uteun**, or any other names used, refers to an individual who organises and leads *adat-istiadat* related to the administration and preservation of the forest environment.

28. **Hukum Adat** refers to a set of unwritten rules that live and develop in the society of Aceh and includes sanctions for its violation.

29. **Adat-istiadat** refers to an eternal code of behaviour passed from one generation to the next, respected and honoured as an inheritance connected with *Syari’at* Islam.
30. *Kebiasaan* refers to stances and actions taken repeatedly in relation to similar matters; it lives, develops, and is applied by the community.

31. *Pemangku Adat* (adat functionary) refers to an individual who holds a position in adat institutions.

**CHAPTER II**

**ROLES AND FUNCTIONS OF ADAT INSTITUTIONS**

**Article 2**

(1) *Adat* institutions function as a means for participation of the community in the management of governance, development, and social growth, and in the resolution of social problems.

(2) *Adat* institutions as referred to in paragraph (1) include the following:

a. *Majelis Adat* Aceh;
b. *Imeum Mukim* or any other names used;
c. *Imeum Chik* or any other names used;
d. *Keuchik* or any other names used;
e. *Tuha Peut* or any other names used;
f. *Tuha Lapan* or any other names used;
g. *Imeum Meunasah* or any other names used;
h. *Keujruen Blang* or any other names used;
i. *Panglima Laot* or any other names used;
j. *Pawang Glee/Uteun* or any other names used;
k. *Petua Seuneubok* or any other names used;
l. *Haria Peukan* or any other names used; and
m. *Syahbanda* or any other names used.

(3) Besides those *adat* institutions referred to in paragraph (2), *adat* institutions that live in the community are acknowledged to exist, and to be sustained and preserved.

**CHAPTER III**

**CHARACTER AND AUTHORITY OF ADAT INSTITUTIONS**

**Article 3**

*Adat* institutions are autonomous and independent partners of the Government at the level of Government commensurate to their operation.

**Article 4**

In undertaking the functions referred to in Article 2 paragraph (1) *adat* institutions maintain authority to do the following:

a. protect the peace, order, accord, amity and welfare of the community;
b. assist the Government in the implementation of development;
c. support and improve community participation;
d. defend *adat* and *adat-istiadat* values that do not contradict *Syari’at* Islam;
e. enforce *adat* decisions;
f. resolve community problems;
g. resolve conflicts arising in the community; and
h. uphold *adat* law.
Article 5

Every adat institution has a right to an income whose form and amount is agreed upon by the consensus of the adat community.

Article 6

Every adat institution can play a role in the process of Government policy formation, according to the level of Government at which they function, and according to the tasks, functions and authority of the particular adat institution.

CHAPTER IV

ORGANISATION, COMPONENTS, AND DUTIES OF ADAT INSTITUTIONS

Part One

Majelis Adat Aceh

Article 7

(1) Majelis Adat Aceh has the duty of assisting the Wali Nanggroe in developing and coordinating adat institutions, as these are referred to in Article (2) paragraph (2) letters (b) through (m).

(2) In carrying out the duties referred to in paragraph (1) the Majelis Adat Aceh is formed, organised and set to function as regulated in Qanun Aceh.

Part Two

Imeum Mukim or Any Other Names Used

Article 8

Imeum mukim, or any other names used, is responsible for the following:

a. Carry out community development;
b. Carry out adat-istiadat activities;
c. Resolve disputes;
d. Assist in improving the implementation of Syari’at Islam;
e. Assist in government administration; and
f. Assist in the implementation of development projects.

Article 9

(1) The Imeum Mukim is chosen by the consensus of the mukim.

(2) The Imeum Mukim, or any other names used, is appointed and terminated by the Bupati/Walikota on the suggestion of the Camat from the results of mukim consensus.

(3) Formation of rules for organisation, position, duty, function and assisting bodies for the Imeum Mukim, or any other names used, is regulated by kabupaten/kota Qanun.

Article 10

Procedures for the choosing, appointment and termination of the Imeum Mukim, or any other names used, as referred to in Article 9 paragraphs (1) and (2) are regulated by Aceh Qanun.
Part Three

**Imeum Chik or Any Other Names Used**

**Article 11**

*Imeum Chik*, or any other names used, is responsible for the following:

a. coordinate the progress of religious life and increase the observance and implementation of *Syari’at* Islam in social life;

b. organise, implement and lead all activities related to the operation and property of the mosque;

and

c. defend and sustain *adat* values, so that they do not conflict with *Syari’at* Islam.

**Article 12**

(1) *Imeum Chik*, or any other names used, is chosen by consensus of the *mukim*, in a meeting attended by *Imeum Mukim* or any other names used, *Tuha Peut Mukim* or any other names used, *Mukim Secretary* or any other names used, *Pemangku Adat, Keuchik* or any other names used, *Imeum Masjid*, or any other names used, and *Imeum Meunasah* or any other names used.

(2) Conditions and procedures for choosing the *Imeum Chik*, or any other names used, are set out by consensus of the *mukim*.

**Article 13**

An *Imeum Chik*, or any other names used, is installed and terminated by the *Bupati* on the advice of the *Imeum Mukim*, or any other names used, through the *Camat* and based on the consensual agreement of the *mukim*.

**Article 14**

An *Imeum Chik*, or any other names used, ceases his position for the following reasons:

a. death;

b. resignation on his own initiative;

c. neglect of his duties as *Imeum Chik* or any other names used; or

d. commission of a reprehensible act in conflict with *Syari’at* Islam or *adat-istiadat*.

Part Four

**Keuchik or Any other Names Used**

**Article 15**

(1) The *Keuchik*, or any other names used, is responsible for the following:

a. develop community religious life and implementation of *Syari’at* Islam;

b. defend and sustain *adat* and *adat-istiadat* as it lives and develops in the community;

c. lead the administration of *gampong* governance;

d. encourage and support community participation in *gampong* development;

e. develop and advance the community’s economy;

f. advance preservation of the living environment;

g. protect community peace, order and accord, while preventing the emergence of immoral activity;

h. propose *Gampong Qanun* to the *Tuha Peut Gampong*, or any other names used, for approval;

i. propose a *gampong* budget to the *Tuha Peut*, or any other names used, for approval;
j. take leadership in and resolve social problems; and
k. act for peace in cases of conflict between gampong residents.

(2) The Keuchik, or any other names used, as referred to in paragraph (1) letter (k) is assisted by the Imeum Meunasah, or any other names used, and by the Tuha Peut Gampong, or any other names used.

Article 16

(1) The Keuchik, or any other names used, is chosen directly by the residents of the gampong in a democratic, free, secret, open, honest and fair election.

(2) Procedures for the election, appointment and termination of a Keuchik, or any other names used, as referred to in paragraph (1) is regulated by Aceh Qanun.

Part Five
Tuha Peut or Any Other Names Used

Article 17

(1) The Tuha Peut Mukim, or any other names used, is installed and terminated by the Bupati/Walikota on the suggestion of the Camat, based on mukim consensus.

(2) The Tuha Peut Gampong, or any other names used, is installed and terminated by the Camat by the suggestion of the Imeum Mukim or any other names used, from the results of gampong consensus.

(3) The Tuha Peut, or any other names used, is led by a Leader and a Secretary who serve concurrently as members.

Article 18

The Tuha Peut Gampong, or any other names used, is responsible for the following:

a. discuss and agree upon a gampong budget or any other names used;
b. discuss and agree upon Gampong Qanun or any other names used;
c. oversee implementation of gampong governance or any other names used;
d. Accommodate and represent community aspirations in the administration of government and in gampong development or any other names used;
e. formulate gampong policy, or any other names used, along with the Keuchik or any other names used;
f. provide advice and opinions to the Keuchik, or any other names used, whether or not requested; and
g. resolve conflicts that arise in the community along with adat practitioners.

Article 19

The Tuha Peut, or any other names used, ceases at his position for the following reasons:

(1) death;
(2) resignation on his own initiative;
(3) neglect of his duties as Tuha Peut or any other names used; or
(4) commission of a reprehensible act in conflict with Syari’at Islam or adat-istiadat.
Article 20

The *Tuha Peut Mukim*, or any other names used, is responsible for the following:

a. accommodate and represent the community’s aspirations in government administration and *mukim* development;

b. formulate *mukim* policies along with the *Imeum Mukim* or any other names used;

c. provide advice and opinions to the *Imeum Mukim*, or any other names used, whether or not requested; and

d. resolve conflicts emerging in the community along with *adat* practitioners.

Part Six

*Tuha Lapan* or Any Other Names Used

Article 21

(1) A *Tuha Lapan*, or any other names used, can be formed at the *gampong* or *mukim* level in accordance with the development and needs of the community.

(2) A *Tuha Lapan*, or any other names used, is chosen by consensus of the *gampong*, or any other names used, or by consensus of the *mukim*.

(3) The membership of a *Tuha Lapan*, or any other names used, includes elements of the *Tuha Peut*, or any other names used, and several individuals representing specialised fields according to the needs of a particular *gampong* or *mukim*.

(4) Installation and termination of a *Tuha Lapan*, or any other names used, as well as its duties and functions are delineated by consensus of the *mukim* or *gampong* or any other names used.

Part Seven

*Imeum Meunasah* or Any Other Names Used

Article 22

(1) The *Imeum Meunasah*, or any other names used, is chosen by consensus of the *gampong* or any other names used.

(2) Installation and termination of the *Imeum Meunasah*, or any other names used, is carried out by the *Camat* on the authority of the *Bupati/Walikota*.

(3) Procedures, elections, and terms of office for the *Imeum Meunasah*, or any other names used, are delineated by consensus of the *gampong* or any other names used.

Article 23

*Imeum Meunasah*, or any other names used, is responsible for the following:

a. lead and coordinate activities of observance, education and implementation of *Syari’at* Islam in the life of the community;

b. organise, administer and lead all activities related to maintenance and property of the mosque;

c. provide advice and opinions to the *Keuchik*, or any other names used, whether or not requested;

d. resolve conflicts that emerge in the community along with other *adat* practitioners; and

e. Protect and maintain *adat* values, so that they do not conflict with *Syari’at* Islam.
Part Eight

Keujruen Blang or Any Other Names Used

Article 24

(1) The Keujruen Blang, or any other names used, consists of the Keujruen Muda, or any other names used, and the Keujruen Chik or any other names used.

(2) Regulation of duties, functions, authorities and conditions of the Keujruen Blang, or any other names used, are delineated by consensus of the local Keujruen Blang or any other names used.

(3) In carrying out the duties, functions and authorities referred to in paragraph (2), the Keujruen Blang will coordinate with other relevant parties.

Article 25

Keujruen Blang, or any other names used, maintains the following responsibilities:

a. codify and coordinate methods of work in wet rice fields;
b. organise the distribution of water to wet rice farmers;
c. assist the Government in matters of farming;
d. coordinate khanduri or other rituals connected to adat in the working of wet rice fields;
e. reprimand or impose sanctions on farmers who violate adat regulations on wet rice cultivation, or who do not carry out other obligations in the adat-regulated system of wet rice cultivation; and
f. resolve conflicts between farmers connected to the business of wet rice cultivation.

Article 26

Keujruen Blang, or any other names used, ceases at his position for the following reasons:

(5) death;
(6) resignation on his own initiative;
(7) neglect of his duties as Keujruen Blang or any other names used; or
(8) commission of a reprehensible act in conflict with Syari'at Islam or adat-istiadat.

Part Nine

Panglima Laot or Any Other Names Used

Paragraph 1

Organisational Structure

Article 27

(1) Panglima Laot, or any other names used, consists of:
   a. Panglima Laot Lhok or any other names used;
   b. Panglima Laot Kabupaten/Kota or any other names used; and
   c. Panglima Laot Aceh or any other names used.

(2) Panglima Laot Lhok, or any other names used, is chosen by pawang-pawang boat lhok, or any other names used, by way of consensus.

(3) Panglima Laot Kabupaten/Kota, or any other names used, is chosen by the consensus of Panglima Laot Lhok or any other names used

(4) Panglima Laot Aceh, or any other names used, is chosen by consensus of Panglima Laot Kabupaten/Kota or any other names used.
Paragraph 2
Authority, Duties and Functions

Article 28

(1) Panglima Laot, or any other names used, has the following authority:
   a. stipulate an orderly structure for catching fish, including distribution of catch and days on which fishing is forbidden;
   b. resolve adat disputes and conflicts among fishermen;
   c. resolve adat conflicts among the Panglima Laot Lhok or any other names used; and
   d. coordinate the enforcement of the adat law of the sea, improve natural resource use, and carry out policy advocacy in the field of oceans and fisheries to improve the welfare of fishermen.

(2) Panglima Laot Lhok, or any other names used, is responsible for the following:
   a. enforce, maintain and protect the implementation of adat-istiadat and the adat law of the sea;
   b. assist the Government in matters of fisheries and oceans;
   c. resolve conflicts and disputes among fishermen in accordance with the adat law of the sea;
   d. protect and preserve the functions of the coastal and ocean environments;
   e. struggle for uplift in the lives of fishermen; and
   f. prevent illegal fishing.

(3) Panglima Laot Kabupaten/Kota, or any other names used, is responsible for the following:
   a. carry out the duties referred to in paragraph (2) when these cross lhok boundaries.
   b. resolve conflicts between Panglima Laot Lhok or any other names used.

(4) Panglima Laot Aceh, or any other names used, is responsible for the following:
   a. carry out the duties referred to in paragraph (3) letter (a) when occurring between kabupatens/kotas.
   b. carry out policy advocacy on oceans and fisheries and provide legal assistance to fishermen abroad;
   c. coordinate implementation of the adat law of the sea.

(5) Functions of the Panglima Laot, or any other names used, include the following:
   a. Panglima Laot Lhok, or any other names used, and Panglima Laot Kabupaten/Kota, or any other names used, serve as adat leaders to the community of fishermen;
   b. Panglima Laot Lhok, or any other names used, and Panglima Laot Kabupaten/Kota, or any other names used, serve as intermediaries between the Government and the fishing community; and
   c. serve as a partner to the Government in the successful implementation of programs for the development of oceans and fishing.

Paragraph 3
Organisation and Term of Service for Panglima Laot

Article 29

Procedures for the election of and conditions for service as Panglima Laot, or any other names used, is stipulated by the consensus of Panglima Laot or any other names used.
Part Ten

Pawang Glee or Any Other Names Used

Article 30

(1) The Pawang Glee, or any other names used, is chosen by the society of people living in forest areas.

(2) Procedures for election and conditions of service for the Pawang Glee, or any other names used, are stipulated by consensus of the forest-area community.

Article 31

Pawang Glee, or any other names used, is responsible for the following:

a. organise and lead adat-istiadat pertaining to the management and maintenance of the forest environment;

b. assist the Government in forest management;

c. uphold adat law with regard to forests;

d. coordinate the undertaking of adat rituals connected to forests; and

e. resolve disputes among community members in the use of forest resources.

Part Eleven

Peutua Seuneubok or Any Other Names Used

Article 32

(1) Peutua Seuneubok, or any other names used, is chosen by the community residing in one hillside community.

(2) Procedures for election and conditions of service for the Peutua Seuneubok are stipulated by consensus of the hillside community.

Article 33

(1) Peutua Seuneubok, or any other names used, is responsible for the following:

a. regulate and distribute arable land within the hillside community;

b. assist in government functions relating to plantations and forestry;

c. organise and oversee the implementation of adat rituals in the hillside community;

d. resolve disputes that emerge within the hillside community; and

ey. carry out and protect adat law in the hillside cultivation community.

(2) The carrying out of duties referred to in paragraph (1) is coordinated along with all interested parties.

Part Twelve

Haria Peukan or Any Other Names Used

Article 34

(1) A Haria Peukan, or any other names used, can be formed for a traditional market.

(2) A Haria Peukan, or any other names used, as referred to in paragraph (1) is formed for traditional markets that do not yet have a Government functionary.

(3) If a Haria Peukan, or any other names used, has formed, then a designated Government functionary must cooperate with the Haria Peukan or any other names used.
(4) The formation and installation of **Haria Peukan**, or any other names used, is carried out by the **Camat** following consultation with prominent traders and the **Keuchik** or any other names used.

**Article 35**

Procedures for the formation, installation and conditions for service of a **Haria Peukan**, or any other names used, as referred to in Article 34 paragraph (4) are stipulated by the consensus of prominent traders and the **Keuchik** or any other names used.

**Article 36**

A **Haria Peukan**, or any other names used, is responsible for the following:

a. assist the Government in regulating market organisation, order, and peace, and in other tasks;

b. enforce **adat** and **adat** law in the various activities of the **peukan**;

c. enforce the cleanliness of the **peukan**, or any other names used; and

d. resolve conflicts arising in the **peukan** or any other names used.

**Article 37**

A **Haria Peukan**, or any other names used, may cease in his duties for the following reasons:

e. death;

f. resignation on his own initiative;

g. neglect of his duties as **Haria Peukan**, or any other names used; or

h. commission of a reprehensible act in conflict with **Syari’at Islam** or **adat-istiadat**.

**Part Thirteen**

**Syahbanda or Any Other Names Used**

**Article 38**

(1) **Syahbanda**, or any other names used, may be formed for a common port.

(2) Formation of a **Syahbanda**, or any other names used, as referred to in paragraph (1) is done for common ports that do not yet have a Government functionary.

(3) If a **Syahbanda**, or any other names used, has been formed, then a designated Government functionary must cooperate with that **Syahbanda** or any other names used.

(4) The appointment of a **Syahbanda**, or any other names used, is carried out by a Bupati/Walikota on the advice of the **Panglima Laot**, or any other names used, and other prominent local figures.

Procedures for the formation, installation and conditions of service for the **Syahbanda**, or any other names used, as referred to in Article 38 paragraph (4) are set by the agreement of the appropriate Government offices, the **Panglima Laot**, or any other names used, and other prominent social figures.

**Article 40**

A **Syahbanda**, or any other names used, is responsible for the following:

a. organise the use of a common port;

b. protect peace and order in the area of a common port;

c. resolve disputes arising in the area of a common port; and

d. regulate rights and responsibilities pertaining to use of the common port.
CHAPTER FIVE
PEMANGKU ADAT AND THE DEVELOPMENT OF ADAT INSTITUTIONS

Article 41

(1) Pemangku Adat regulate policy and procedures for the implementation of adat and adat-istiadat in accordance with the tasks and functions of their respective adat institutions.
(2) Pemangku Adat function as peacemakers in resolving social problems as appropriate to their respective fields of operation.

Article 42

(1) Adat institutions as referred to in Article 2 paragraphs (2) and (3) are under the management of the Wali Nanggroe.
(2) Management as referred to in paragraph (1) is implemented by the Majelis Adat Aceh.
(3) Management procedures as referred to in paragraph (2) are further regulated by the Wali Nanggroe.

Article 43

(1) Administrative and financial management of adat institutions is undertaken by the Government of Aceh, and the Kabupaten/Kota Governments.
(2) The Government of Aceh and Kabupaten/Kota Governments prepare financial resources for the management of adat institutions according to their capability.

CHAPTER SIX
TRANSITIONAL PROVISIONS

Article 44

Until the Wali Nanggroe is established, the management of adat institutions will be undertaken by the MAA.

Article 45

All regulations already existing with regard to adat institutions continue to apply so long as they do not contradict this Qanun.

CHAPTER VII
CLOSING PROVISIONS

Article 46

With the enactment of this Qanun, Regional Regulation of the Special Province of Aceh 2/1990 concerning Management and Development of Adat-Istiadat, Social Customs and Adat Institutions in the Special Province of Aceh, and Regional Regulation 7/2000 concerning Implementation of Adat Life are rescinded.
Article 47

This Qanun will enter into force on the date of its enactment. To ensure public awareness of the regulation, the enactment of this Qanun shall be announced in the NAD Province Gazette.

Authorised in Banda Aceh
On the date 2008 M
1429 H

GOVERNOR NANGGROE ACEH DARUSSALAM,

RWANDI YUSUF

Enacted in Banda Aceh
On the date 2008 M
1429 H

ACEH PROVINCIAL SECRETARY
NANGGROE ACEH DARUSSALAM,

HUSNI BAHRI TOB

NANGGROE ACEH DARUSSALAM PROVINCIAL GAZETTE 2008 NUMBER
EXPLANATION
OF
ACEH QANUN
NUMBER  /2008
CONCERNING
ADAT INSTITUTIONS

I. GENERAL EXPLANATION

Law number 11/2006 concerning Aceh Governance has provided a strong basis for the cultivation of adat life and adat-istiadat in Nanggroe Aceh Darussalam. Article 98 of that law ordered the regulation of duties, authority, rights and responsibilities in carrying out the management of adat life and adat-istiadat by the issuance of an Aceh Qanun.

Adat institutions that have long developed in the life of the Acehnese community continue to maintain their functions and roles in the development of cultural values, adat norms and rules for the realisation of peace, harmony, order, accord, amity, and welfare. Thus adat institutions serve as one basis for the manifestation and common realisation of goals, as appropriate to the wishes and interests of local communities.

To maintain and improve the role of adat institutions as one aspect of implementing the special status of Aceh in the field of adat-istiadat, there must be a continuous development and empowerment of adat institutions as suited to the dynamics of Acehnese society.

II. ARTICLE BY ARTICLE

Article 1
Clear

Article 2
Paragraph (1)
Clear
Paragraph (2)
Clear.
Paragraph (3)
In addition to those stated in paragraph (2), there are adat institutions maintaining the same functions at the level of kabupaten/kota; these have different names, and their existence must also be legally acknowledged.

Article 3
Clear

Article 4
Clear

Article 5
Clear

Article 6
Clear
Article 7
Clear
Article 8
Clear
Article 9
Paragraph (1)
Mukim consensus specifically means consensus in the choice of an Imeum Mukim or any other names used, as reached in a meeting attended by the Keuchiks, Imeum Chik, Tuha Peut Mukim, Mukim Secretary, and other heads of adat institutions within the territory of the relevant mukim.

Paragraph (2)
Clear
Paragraph (3)
Clear
Article 10
Clear
Article 11
Clear
Article 12
Clear
Article 13
Clear
Article 14
Clear
Article 15
Paragraph (1)
Letter K
“Peacemaker” here refers to an individual who functions as a conciliation judge in cases of conflict and dispute.

Article 16
Clear
Article 17
Clear
Article 18
Clear
Article 19
Clear
Article 20
Clear
Article 22
Paragraph (1) *Imeum Meunasah*, or any other names used, includes *Imeum Masjid Gampong*, or any other names used, for those *gampongs* which do not have a *meunasah*.
Paragraph (2) *Imeum Meunasah*, or any other names used, includes *Imeum Masjid Gampong*, or any other names used, for those *gampongs* which do not have a *meunasah*.
Paragraph (3) *Imeum Meunasah*, or any other names used, includes *Imeum Masjid Gampong*, or any other names used, for those *gampongs* which do not have a *meunasah*.

Article 23
*Imeum Meunasah*, or any other names used, includes *Imeum Masjid Gampong*, or any other names used, for those *gampongs* which do not have a *meunasah*.

Article 24
Clear

Article 25
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Article 26
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Article 27
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Article 28
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Article 29
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Article 30
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Article 31
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Article 33
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ADDITIONAL GAZETTE OF NANGGROE ACEH DARUSSALAM PROVINCE NUMBER