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Legal Pluralism in Aceh: Dynamics and Conflicts between Customary Law, Islamic Sharia, and National Law

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Abstract

This study analyses the dynamics and conflicts of legal pluralism in Aceh through three problem formulations: How are the dynamics of the relationship between the three legal systems, what are the points of conflict that arise, what are the mechanisms for resolving normative conflicts. The study uses a qualitative library research method with a sociology of law approach, analysing laws and regulations, *Qanun*, and academic literature using the legal pluralism theoretical framework of Griffiths and the semi-autonomous social field concept of Moore. The results show: The three systems interact through patterns of accommodation, negotiation, and competition with a formal hierarchy but more complex practices; Conflict occurs at three levels—normative, institutional, and implementation; Conflict resolution is carried out through formal and informal mechanisms. The limitations of the study are the absence of primary data from the field and a limited focus on the normative-theoretical aspects.

Keywords: *Legal Pluralism, Aceh, Islamic Sharia, Customary Law, Normative Conflict*

A. Introduction

Aceh holds a unique position within the Indonesian legal system as the only province to formally implement Islamic law. This uniqueness is based on Law No. 44 of 1999 and Law No. 11 of 2006 concerning the Governance of Aceh, which grant special authority to implement Islamic law in various aspects of community life (Law Number 11 of 2006 concerning the Government of Aceh, 2006). This authority represents the state's recognition of Aceh's long history of implementing Islamic law, from the time of the Aceh Darussalam Sultanate to the contemporary era.

The ratification of Aceh *Qanun* Number 6 of 2014 concerning *Jinayat* Law and Aceh *Qanun* Number 8 of 2014 concerning the Principles of Islamic Sharia marks a new chapter in the formalization of Islamic law in Aceh (Aceh *Qanun* Number 6 of 2014 concerning *Jinayat* Law, 2014; Aceh *Qanun* Number 8 of 2014 concerning the Principles of Islamic Sharia, 2014). The *Qanun Jinayat* regulates various crimes under Islamic law, including *khalwat* (seclusion), *zina* (adultery), *maisir* (gambling), and alcohol, which are not regulated in the Indonesian Criminal Code. The enactment of this *Qanun* creates a situation where Acehnese people

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must navigate three distinct legal systems: customary law rooted in local traditions, Islamic law formalized through the *Qanun*, and national law applicable throughout Indonesia.

The phenomenon of the coexistence of three legal systems has given rise to legal pluralism. Griffiths defines legal pluralism as a condition in which more than one legal system operates within a single social space (Griffiths, 1986). Griffiths distinguishes between weak legal pluralism—where a state recognizes other legal systems but still places state law as the highest authority—and strong legal pluralism—where various legal systems operate semi-autonomously without the absolute dominance of one system (Griffiths, 1986). In the Acehnese context, there is a formal hierarchy with national law at the top, but in practice the three legal systems interact and compete at various levels.

This complexity becomes even more interesting when linked to Moore's concept of semi-autonomous social fields. Moore argues that within society, various social fields exist, capable of generating their own internal rules, yet also susceptible to the influence of the larger legal system (Moore, 1973). In the context of Aceh, *gampong* and *mukim* can be seen as semi-autonomous social fields that are able to enforce their own customary laws, but cannot ignore Islamic sharia law and national law.

The interaction between the three legal systems is not always harmonious. Bakti noted that in resolving natural resource disputes in Aceh, mechanisms involve various levels of law, from customary courts to formal courts (Bakti, 2015). This raises questions about how people choose legal forums, the factors that influence those choices, and how conflicts between decisions are resolved.

Another issue concerns legal certainty. Research indicates concerns about legal certainty in the implementation of the *Qanun Jinayat* due to its conflict with the Criminal Code and the Criminal Procedure Code (Permadi S, 2025). Different perceptions among law enforcement officials such as the *Wilayatul Hisbah*, Police, Prosecutor's Office, Sharia Court, and traditional leaders have given rise to variations in implementation that obscure legal certainty (Abubakar et al., 2019).

Aceh also faces implementation challenges. Inhibiting factors include inadequate human resources, suboptimal financial management, and inadequate infrastructure (Walidain & Astuti, 2021). The implementation of *Qanun Jinayat* in various regions is uneven due to different obstacles (Walidain & Astuti, 2021). This condition creates a gap between *das sollen* and *das sein*, becoming a major challenge in realizing legal effectiveness in Aceh.

Although there has been much research on the implementation of Islamic law in Aceh, comprehensive studies analysing the dynamics and conflicts of the three legal systems simultaneously from a sociological perspective are still limited. Previous research has tended to focus on a single aspect without examining how the three systems interact, conflict, and seek resolution mechanisms within the practices of Acehnese society.

Therefore, this research is crucial in filling this gap. Using Griffiths' legal pluralism approach and Moore's semi-autonomous social field concept, this study seeks to provide an in-depth understanding of how Acehnese society navigates

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three distinct legal systems, the points of conflict that arise, and the mechanisms for resolving these conflicts, both formal and informal. This research is also expected to contribute to the development of legal pluralism theory in the context of Indonesia, which has unique characteristics as a unitary state that recognizes legal diversity.

B. Research methods

This study is a qualitative study using library research methods, classified as normative legal research. The study examines three legal systems operating in Aceh-customary law, Islamic law formalized through *Qanun*, and national law-from a normative perspective through an analysis of legislation, *Qanun*, and related legal documents, and from a theoretical perspective using the theory of legal pluralism as an analytical framework.

The approach used is legal sociology to understand the interaction of the three legal systems in the social context of Acehnese society, as well as a legal pluralism approach using the theoretical framework of Griffiths and Moore. This approach allows researchers to understand the coexistence and interaction of various legal systems within a single social space without being trapped by the ideology of legal centralism, which only views law from the perspective of the state.

The data sources are entirely secondary data obtained through document studies, including: Primary legal materials in the form of laws and regulations that form the legal basis for the implementation of legal pluralism in Aceh, including the 1945 Constitution, Law Number 11 of 2006, various Acehnese *Qanun*s, the Criminal Code, and the Criminal Procedure Code; Secondary legal materials in the form of academic literature, books by legal experts on legal pluralism, and accredited scientific journals; Tertiary legal materials include legal dictionaries, legal encyclopaedias, and mass media articles on the implementation of law in Aceh.

The data collection technique used was document study, which began with identifying and inventorying all relevant legal materials, followed by classification based on their relevance to the research problem. Primary legal materials were grouped based on regulatory hierarchy and substantive themes, while secondary legal materials were grouped based on theoretical and empirical themes. Data analysis uses qualitative techniques with three methods: Content analysis to identify provisions relevant to legal pluralism; Comparative analysis to compare provisions in the three legal systems to identify similarities and differences; Hermeneutical interpretation to understand the meaning of legal provisions not only textually but also contextually.

C. Results and Discussion

1. Characteristics of Each Legal System

Acehnese customary law is a system of norms and rules rooted in cultural values, traditions, and local wisdom that has been ingrained for centuries. *Gampong* and *mukim* are fundamental units in dispute resolution. Aceh *Qanun* No.

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9 of 2008 provides a formal basis for the existence of customary institutions and regulates 18 types of disputes that can be resolved through customary law, including domestic disputes, inheritance disputes, customary violations, *khalwat* (seclusion), and *maisir* (gambling) (Qanun Aceh Nomor 9 Tahun 2008 Tentang Pembinaan Kehidupan Adat Dan Adat Istiadat, 2008). The settlement was carried out in stages from *gampong* to *mukim* level, involving *Keuchik*, *Imum Meunasah*, *Tuha Peut*, and other traditional leaders.

A prominent characteristic of Acehnese customary law is the application of the principle of restorative justice which emphasizes the restoration of relationships and harmony, in contrast to the formal justice system which is retributive in nature (Iqbal, 2023). Sanctions vary, including advice, warnings, *diyat*, fines, and even ostracism. Joint Decree between the Governor of Aceh, the Police, and the Traditional Council in 2011 stipulates that disputes must first be resolved through customary courts, which are final and binding (Penyelenggaraan Peradilan Adat Gampong Dan Mukim, 2011).

Islamic law is formalized through Aceh *Qanun* Number 6 of 2014 concerning *Jinayat* Law which regulates crimes based on Islamic law: alcohol, gambling, *khalwat*, *ikhtilath*, adultery, sexual harassment, rape, *qadzaf*, *liwath*, and *musahaqah* (Qanun Aceh Nomor 6 Tahun 2014 Tentang Hukum Jinayat, 2014). This *Qanun* replaces three *Qanun*s from 2003 with broader scope and more comprehensive sanctions (Mulyana, 2017). *Uqubat* sanctions, specifically caning, range from 10 to 150 lashes, carried out in public to serve as a deterrent. Enforcement agencies include the Sharia Court, the *Wilayatul Hisbah*, and the Ulama Consultative Assembly (MPU). The implementation of the *Qanun Jinayat* has subjective limitations—it applies only to Muslims, while non-Muslims are subject to administrative sanctions or fines.

National law is derived from the Criminal Code (KUHP), the Criminal Procedure Code (KUHAP), and other national laws. Despite Aceh's special status, national law remains in effect as part of Indonesia's national legal system. Law No. 11 of 2006 grants the authority to establish *Qanun*s (laws) with strict restrictions that *Qanun*s must not conflict with *Pancasila*, the 1945 Constitution, or higher national laws (Undang-Undang Nomor 11 Tahun 2006 Tentang Pemerintahan Aceh, 2006). National law enforcement agencies such as the Police, the Prosecutor's Office, and the District Court continue to operate and handle cases within the jurisdiction of the general judiciary.

2. Interaction Patterns: Accommodation, Negotiation, and Competition

The three legal systems interact in a complex and dynamic pattern categorized as accommodation, negotiation, and competition. Accommodation is evident in national law's recognition of Aceh's uniqueness through Law No. 11 of 2006, which grants the authority to apply Islamic law in criminal law through the *Qanun Jinayat*. Accommodation also occurs between customary law and Islamic law because Acehnese customary law values align with Islamic law principles, reflected in the philosophy of "*Adat bak Poe Teumeureuhom, Hukom bak Syiah Kuala*" (Mansur, 2016). Aceh *Qanun* Number 9 of 2008 emphasizes that customary development must be in line with Islamic law.

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Negotiations took place at various levels, from legislation to implementation. During the *Qanun* legislative process, intensive dialogue took place between the Aceh government, the Aceh Regional People's Representative Council (DPRA), the People's Consultative Assembly (MPU), the Aceh Traditional Council *(Majelis Adat Aceh)*, and civil society to formulate provisions that were acceptable to all parties and did not conflict with national law (Nurdin, 2017b). In implementation, negotiations occur when the community chooses a legal forum. The Regional Leadership Communication Forum *(Forkopimda)* serves as a dialogue forum to discuss legal implementation, while the *Peumat Jaroe* (Regional Leadership Communication Forum) plays a key role in local-level negotiations (Bakti, 2015).

Competition arises in claims of authority over jurisdiction over a particular case. The ambiguity over which legal system should be applied creates the phenomenon of forum shopping, where disputing parties choose the most favourable forum (von Benda-Beckmann, 2013). Competition also occurs at the ideological level—customary law emphasizes social harmony, Islamic law emphasizes obedience to God, and national law emphasizes procedural justice and legal certainty. These differing perspectives create tension in determining what is considered fair (Nurdin, 2018).

3. Power Relations and Hierarchy

In a formal-normative context, there is a clear hierarchy within the legal system in Aceh. At the top of the hierarchy is the 1945 Constitution of the Republic of Indonesia, the supreme constitution. Below it are laws, including Law No. 11 of 2006 concerning the Government of Aceh, which provides the legal basis for Aceh's special status. Next are Aceh's *Qanun*, which are provincial-level regulations. At the lowest level, implementation takes the form of customary courts and Islamic sharia courts (Undang-Undang Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-Undangan, 2011). This formal hierarchy follows the principle of *lex superior derogat legi inferiori*, where higher rules override lower rules if there is a conflict.

However, in everyday life, this hierarchy does not always operate in a linear and orderly manner. At the local level, particularly in villages, customary law is often the community's first choice for resolving various disputes due to its high accessibility, low cost, speed of processing, and more personal and cultural approach. Research shows that the majority of disputes at the village level are resolved through customary justice mechanisms without resorting to formal courts or Islamic sharia law (Bakti, 2015). This shows that although customary law is at the lowest level in the formal hierarchy, in practice it has high effectiveness and strong legitimacy in the eyes of society.

The factors influencing the choice of legal forum are diverse. The type of case is a primary consideration, with minor civil cases tending to be resolved through customary courts, while more serious cases or those involving violations of Islamic law tend to be brought before the Sharia Court or general courts. Accessibility is also a key factor, with customary courts at the village level being much more accessible to the public than formal courts in district or city capitals.

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Effectiveness, in terms of process speed and cost, is also a consideration, with customary courts generally being faster and requiring less formal fees than general courts, which require a longer process and higher costs. The legitimacy of legal institutions in the eyes of the community is also a significant factor, with respected customary figures often having stronger legitimacy in resolving disputes than formal legal authorities, who may be unfamiliar to the local community (Bakti, 2015).

The power relations between the three legal systems are also influenced by political and historical factors. The implementation of Islamic law in Aceh cannot be separated from Aceh's long history of struggle for special autonomy and recognition of its religious identity. Law Number 11 of 2006 concerning the Governance of Aceh was born as part of the implementation of the Helsinki Memorandum of Understanding (MoU), signed in August 2005 between the Government of the Republic of Indonesia and the Free Aceh Movement as an effort to resolve the decades-long conflict (Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement, 2005). In this context, granting the authority to implement Islamic law is not only a recognition of the religious identity of the Acehnese people, but also part of post-conflict reconciliation and peace building efforts.

4. Points of Conflict in the Interaction of the Three Legal Systems

1) Normative Conflict

Normative conflict refers to situations where there are differences, conflicts, or contradictions in legal regulations regarding the same matter between the three legal systems. The most fundamental normative conflict lies in differences in legal substance, particularly in terms of the definition of criminal acts and the sanctions applied. One of the most obvious examples is the regulation on *khalwat* (indecent acts). In the *Qanun Jinayat*, *khalwat* is defined as the act of being in a closed or hidden place between two people of the opposite sex who are not *mahram* or without marriage ties based on mutual consent, leading to the act of adultery (Qanun Aceh Nomor 6 Tahun 2014 Tentang Hukum Jinayat, 2014). This act of *khalwat* is punishable by a maximum of ten lashes or a maximum fine of one hundred grams of pure gold or a maximum of ten months in prison.

The problem is that *khalwat* is not a crime under the Indonesian Criminal Code. Under national criminal law, acts committed by two adults based on mutual consent in a private place are not categorized as a crime as long as there is no element of coercion or no violation of the public interest (Hamzah, 2017). This creates a situation where a Muslim Acehnese citizen can be subject to caning for *khalwat* under the *Qanun Jinayat*, while the same act would not be subject to criminal sanctions if committed by an Indonesian citizen in another province. This phenomenon raises questions about the unity of the national criminal justice system and the principle of equality before the law.

Normative conflict also occurs in the regulation of the crime of adultery. In the *Qanun Jinayat*, adultery is defined based on Islamic law and is punishable by one hundred lashes (Qanun Aceh Nomor 6 Tahun 2014 Tentang Hukum Jinayat, 2014). One of the most problematic aspects is the requirement for proof. In Islamic

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jurisprudence, proving adultery requires four witnesses who directly witnessed the act or a confession from the perpetrator. Meanwhile, in the Indonesian Criminal Code, which regulates adultery under Article 284, proof can be provided using various forms of evidence in accordance with the Criminal Procedure Code and does not require four witnesses. These differences in evidentiary standards create a complex situation where the same act can result in different verdicts depending on the legal system applied and the standard of proof used.

In the context of marriage and divorce law, there are also significant normative conflicts. Acehnese customary law recognizes a system of divorce through the mediation of *peumat jaroe* (Regional Leadership Communication Forum), where divorce can occur through customary processes without having to go through the courts. In classical Islamic jurisprudence, a divorce pronounced by the husband is still considered valid even without going through the courts and without the presence of formal witnesses. However, Indonesian national law, specifically Law No. 1 of 1974 concerning Marriage, stipulates that divorce must be conducted in a court hearing after the court has attempted unsuccessfully to reconcile the parties. This discrepancy creates a situation where a divorce that is valid under customary law or Islamic jurisprudence is not necessarily valid under national law, and vice versa.

Normative conflict is also evident in the differences in legal philosophy underlying each system. Acehnese customary law is based on a philosophy of social harmony and cosmic balance, where the primary goal of dispute resolution is to restore disturbed balance and maintain harmony within society. Islamic Sharia is based on a philosophy of obedience to God and religious morality, where actions are deemed right or wrong based on provisions contained in the *Quran* and *Hadith*. Meanwhile, Indonesian national law is based on a philosophy of procedural justice and legal certainty, inheriting the Continental European legal tradition, where justice is achieved through standardized legal procedures and sanctions that are precisely defined in law (Sidharta, 2018). These philosophical differences not only affect the substance of the law, but also influence views on what is considered a fair resolution.

2) Institutional Conflict

In addition to normative conflicts, legal pluralism in Aceh has also given rise to complex institutional conflicts. The most fundamental institutional conflict is the issue of overlapping jurisdictions between various legal institutions. Customary courts at the *gampong* and *mukim* levels, the Sharia Court, and the District Court have jurisdictions that in some cases overlap. Although Aceh *Qanun* Number 9 of 2008 stipulates eighteen types of disputes that fall under the jurisdiction of customary courts, in practice, there is often ambiguity about the boundaries of this authority, particularly in cases with multiple dimensions, such as cases that simultaneously constitute both customary law violations and Islamic sharia laws (Bakti, 2015).

Research shows that there are differing perceptions of the *Qanun Jinayat* among law enforcement officials. The *Wilayatul Hisbah*, as the Sharia police, has a different perspective from the Indonesian National Police regarding which crimes

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should be handled by each institution. The Prosecutor's Office also has a different perspective from the Sharia Court regarding the prosecution and evidence process in cases of violations of Islamic Sharia law. Traditional leaders also have their own views on which cases should be resolved through customary courts and which cases should be referred to formal courts (Abubakar et al., 2019). These differences in perception create variations in the application of the law that can obscure legal certainty for the public.

Conflicts over authority also arise in the form of tensions between religious scholars, customary leaders, and government officials in determining the interpretation and implementation of law. Ulama, through the Ulama Consultative Assembly (MPU), have the authority to issue fatwas and interpret Islamic law. Customary leaders, through the Aceh Customary Council, have the authority to determine what is in accordance with Acehnese customs and traditions. Meanwhile, government officials have the authority to implement policies and enforce the law. These three sources of authority are not always aligned, and in some cases, conflicts can arise over who has the final authority to determine how a case should be resolved (Salim, 2004).

Inter-institutional coordination poses a challenge in the implementation of legal pluralism in Aceh. Despite the existence of a Joint Decree (SKB) on law enforcement coordination, in practice, coordination between the *Wilayatul Hisbah*, the police, the prosecutor's office, the Sharia Court, and customary institutions remains suboptimal. The lack of an effective formal coordination mechanism leads to inconsistencies in the application of the law. Similar cases can be handled differently in different regions, or even by different institutions within the same region, depending on how well the coordination between these institutions operates (Junaidi et al., 2020). This inconsistency creates legal uncertainty that can harm the public and reduce trust in the legal system.

Competition for legitimacy between legal institutions also represents a significant form of institutional conflict. Each institution seeks to maintain and strengthen its legitimacy in the eyes of the community. Customary courts seek to maintain their legitimacy by emphasizing local wisdom, closeness to the community, and effectiveness in resolving disputes. Sharia courts seek to strengthen their legitimacy by emphasizing religious authority and adherence to Islamic law. District courts seek to maintain their legitimacy by emphasizing professionalism, standard legal procedures, and legal certainty (Yasin, 2019). This competition for legitimacy can create fragmentation in the legal system and complicate harmonization efforts.

3) Implementation Conflict

Implementation conflicts refer to the practical obstacles faced in implementing legal pluralism in Aceh. The first and most fundamental obstacle is human resources. Research shows that inadequate human resources are a major inhibiting factor in the implementation of the *Qanun Jinayat* and the legal system in Aceh in general (Walidain & Astuti, 2021). The readiness of customary law officials at the village level is a serious issue, particularly because many customary law officials are young and lack experience in dispute resolution. These customary

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law officials often lack an adequate understanding of the substance of customary law, the principles of Islamic law, or national law, so their decisions do not always comprehensively consider all three legal systems (*Kendala Peradilan Adat: Pemangku Adat Masih Muda Dan Minim Pengalaman*, 2019).

At the formal law enforcement level, the lack of Civil Servant Investigators (PPNS) with special authority to investigate *Qanun* violations poses a serious obstacle. The *Wilayatul Hisbah* requires PPNS who understand Islamic law and possess adequate technical investigative skills, but the number of PPNS who meet these qualifications remains very limited (Triyanta, 2020). Similarly, judges in the Sharia Court, although they have knowledge of Islamic law, not all of them have a deep understanding of the local context of Aceh and how Islamic law should be interpreted and applied in the context of legal pluralism in Aceh.

The second obstacle relates to suboptimal financial resource management. Implementing a complex legal system requires an adequate budget for various purposes, including training for law enforcement officers, community outreach, procurement of facilities and infrastructure, and the operation of legal institutions. Research shows that the management of financial resources for the implementation of the *Qanun Jinayat* and the legal system in Aceh in general is still suboptimal, with budget allocations not always aligned with priority needs and budget use not always efficient (Walidain & Astuti, 2021). These budget limitations affect the capacity of legal institutions to carry out their functions optimally.

The third obstacle is the inadequate availability of facilities and infrastructure. Sharia Courts in several districts/cities still face limitations in terms of courthouses, courtrooms, and other supporting facilities. The *Wilayatul Hisbah* also faces limitations in terms of operational vehicles, communications equipment, and office facilities. Customary courts at the village level often lack dedicated dispute resolution rooms and must utilize whatever facilities are available (Walidain & Astuti, 2021). These limited facilities and infrastructure affect the effectiveness of law enforcement and public accessibility to the justice system.

The fourth obstacle is uneven implementation across various regions in Aceh. Research shows that the implementation of the *Qanun Jinayat* in various cities and districts in Aceh faces varying obstacles, resulting in uneven implementation (Walidain & Astuti, 2021). In some regions, enforcement of the *Qanun Jinayat* has been relatively effective, with the full support of local governments and community leaders. However, in other regions, enforcement of the *Qanun Jinayat* has faced resistance from some communities or a lack of commitment from local governments. Factors such as demographic characteristics, community religiosity, the strength of customary institutions, and local government commitment influence the level of implementation in each region.

The gap between *das sollen* (law in norms) and *das sein* (law in practice) is a manifestation of various obstacles to implementation. Although normatively, there are *Qanun*s that regulate the application of Islamic law and the preservation of customary law, in practice, the implementation of these provisions is still far

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from ideal. Many provisions are not or cannot yet be implemented due to various technical constraints, institutional capacity, political support, and community acceptance (Soekanto, 2019). This gap between norms and practice creates legal uncertainty and can reduce the effectiveness of the legal system as a whole.

5. Normative Conflict Resolution Mechanism

1) Formal Mechanism

The formal mechanisms for resolving normative conflicts within legal pluralism in Aceh are based on legal principles established in legislation. The first and most fundamental mechanism is the hierarchy of legislation. Based on Law Number 12 of 2011 concerning the Formation of Legislation, there is a clear hierarchy within the Indonesian legal system, with the 1945 Constitution at the top, followed by MPR Decrees, Laws/Government Regulations in Lieu of Laws, Government Regulations, Presidential Regulations, and Provincial/District/City Regional Regulations (Undang-Undang Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-Undangan, 2011). Aceh's *Qanun* as a regional regulation at the provincial level is in a hierarchy below the law, so that the *Qanun* must not conflict with higher laws and regulations.

The principle of *lex superior derogat legi inferiori* is the primary basis for resolving normative conflicts. If there is a conflict between the provisions of a *Qanun* and those of a law, the provisions of the law shall prevail. In the context of Aceh, this principle is applied by ensuring that *Qanun* issued by the Aceh Government and the Regional People's Representative Council (DPRA) do not conflict with *Pancasila*, the 1945 Constitution, and higher-level laws and regulations. Article 236 of Law Number 11 of 2006 concerning the Governance of Aceh expressly states that *Qanun*s that conflict with the public interest and/or higher-level laws and regulations may be annulled in accordance with statutory mechanisms (Undang-Undang Nomor 11 Tahun 2006 Tentang Pemerintahan Aceh, 2006).

The mechanism for reviewing legislation is also an important instrument in resolving normative conflicts. The Constitutional Court has the authority to review laws against the 1945 Constitution. If a party believes that Law Number 11 of 2006 concerning the Governance of Aceh or other laws related to Aceh are in conflict with the 1945 Constitution, that party may submit a request for judicial review to the Constitutional Court (Undang-Undang Nomor 24 Tahun 2003 Tentang Mahkamah Konstitusi, 2003). Meanwhile, the Supreme Court has the authority to conduct judicial reviews of laws and regulations under the law against the law. If any party believes that an Acehnese *Qanun* is in conflict with the law, that party may submit a petition for judicial review to the Supreme Court (Undang-Undang Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman, 2009).

The second mechanism is the choice of law clause, or the applicable law based on the type of case and legal subject. Aceh *Qanun* Number 6 of 2014 concerning *Jinayat* Law applies the opt-in principle, where this *Qanun* applies only to Muslims who commit crimes in Aceh, and non-Muslims who commit crimes in Aceh can choose and voluntarily submit to *Jinayat* Law (Aceh *Qanun* Number 6 of 2014 concerning *Jinayat* Law, 2014). This principle provides subjective limits on the

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application of the *Qanun Jinayat* and avoids conflicts with constitutionally guaranteed religious rights. Therefore, non-Muslim Indonesian citizens in Aceh cannot be subject to caning under the *Qanun Jinayat*, but can instead be subject to administrative sanctions or fines, or can be prosecuted under national criminal law if their actions also constitute a crime under the Indonesian Criminal Code.

Jurisdictional limitations based on legal subjects and objects are also implemented to avoid normative conflicts. Article 5 of the *Qanun Jinayat* states that this *Qanun* does not apply to children under 18 years of age, and children who commit crimes will be processed in accordance with statutory provisions (Qanun Aceh Nomor 6 Tahun 2014 Tentang Hukum Jinayat, 2014). This provision demonstrates that while Aceh has the authority to implement the *Qanun Jinayat*, national law applies to certain groups, such as children. This limitation is crucial to ensure the protection of children's rights, as guaranteed by Law Number 35 of 2014 concerning Child Protection and international conventions on the rights of the child.

The third mechanism is inter-institutional coordination through legal instruments such as Joint Decrees (SKB) and coordination forums. The Joint Decree between the Governor of Aceh, the Aceh Regional Police, and the Aceh Traditional Council on the Implementation of *Gampong* and *Mukim* Customary Courts provides guidelines on how coordination between customary courts and the formal justice system should be carried out. This Joint Decree stipulates that the police provide an opportunity for any disputes or disagreements to be resolved first through *gampong* and *mukim* customary courts, and only if a resolution cannot be reached at the customary level can the case be brought to formal court (Penyelenggaraan Peradilan Adat Gampong Dan Mukim, 2011). This mechanism aims to respect customary justice while maintaining access to formal justice when necessary.

Regular coordination meetings between various law enforcement agencies also serve as an important mechanism for resolving implementation conflicts. The Regional Leadership Communication Forum *(Forkopimda)*, which includes the Governor, the Chief of Police, the Military District Commander, the Chief of the Sharia Court, and other institutional leaders, regularly discusses issues related to law enforcement in Aceh and seeks solutions to emerging conflicts. Through this forum, various parties can coordinate with each other and reach a common understanding on how to handle complex cases involving various legal systems (Nurdin, 2017a).

2) Informal Mechanisms

In addition to formal mechanisms, informal mechanisms have also developed within community practices to resolve normative conflicts within legal pluralism in Aceh. The first informal mechanism is deliberation and consensus, which is an integral part of Acehnese culture. When conflicts arise between provisions in various legal systems, stakeholders often use deliberation forums to reach agreement on how the case should be resolved. Dialogue between religious scholars, traditional leaders, and the government provides an important platform for reaching consensus on the interpretation and application of the law in complex

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cases.

The formation of local agreements is also an important informal mechanism. In some villages, communities, along with traditional leaders and religious scholars, have reached agreements on how the provisions of Islamic law and customary law will be implemented in their areas. These local agreements lack formal legal force, but they hold strong legitimacy in the eyes of the local community because they are developed through a participatory process and reflect local values (Bakti, 2015). These local agreements serve as a bridge between different legal systems and help avoid conflicts in implementation.

The second informal mechanism is local wisdom that has developed within Acehnese society for centuries. The philosophy of "*Adat bak Poe Teumeuruhom, Hukom bak Syiah Kuala*," meaning custom rests on the king and law rests on the *ulama*, has served as a guideline for integrating customary values and Islamic law. In practice, this philosophy is flexibly interpreted to accommodate various situations and contexts. When conflicts arise between customary provisions and Islamic law, stakeholders use this philosophy as a reference to find solutions that accommodate both systems (Mansur, 2016).

The role of traditional mediators (*peumat jaroe*) is also crucial in informal conflict resolution mechanisms. *Peumat jaroe* are respected community leaders who possess knowledge of *adat*, Islamic law, and national law. They serve as mediators in disputes and help the parties find mutually acceptable solutions, taking into account the various applicable legal systems. *Peumat jaroe* not only resolve disputes based on rigid legal rules but also consider humanitarian aspects, social relationships, and the long-term impact of decisions on community life (Bakti, 2015).

The third informal mechanism is the use of customary justice as an alternative dispute resolution. As discussed previously, customary justice at the village level is often the community's first choice for resolving various disputes due to its various advantages. In the context of normative conflict resolution, customary justice serves as a mechanism that can pragmatically integrate various legal systems. In making decisions, customary leaders consider not only customary law but also Islamic sharia principles and relevant national legal provisions, ensuring that the resulting decisions are acceptable to all parties (Iqbal, 2023).

The principles of restorative justice applied in customary justice also help resolve normative conflicts. By focusing on relationship restoration and reconciliation rather than punishment, customary justice can avoid technical debates about which legal system to apply and instead focus on substantive solutions that can restore harmony within the community. The time and cost efficiency of customary justice also makes it an attractive option for communities seeking to resolve disputes quickly without engaging in lengthy and expensive formal justice processes (Iqbal, 2023).

D. Conclusion

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This study analyses legal pluralism in Aceh by highlighting the dynamics and conflicts between customary law, Islamic law, and national law. Based on a review of legal documents, legislation, and academic literature, the study yields several key findings.

First, the relationship between the three legal systems is complex and multidimensional. Normatively, national law holds the highest position based on the principle of constitutional supremacy and the hierarchy of laws and regulations, with Acehnese *Qanun* and customary law operating within a defined framework. However, in social practice, this hierarchy does not operate linearly, but rather through patterns of interaction such as accommodation, negotiation, and competition.

Second, this study identifies three main forms of conflict: normative, institutional, and implementation. Normative conflict arises from differences in legal substance and philosophy, institutional conflict arises from overlapping jurisdictions between customary courts, the Sharia Court, and the District Court, while implementation conflict relates to limited human resources, finances, and infrastructure.

Third, conflict resolution is carried out through formal and informal mechanisms. Formal mechanisms include the hierarchy of laws and regulations, regulatory review, jurisdictional limitations, and inter-institutional coordination. Informal mechanisms rely on deliberation, local wisdom, and the role of customary mediators, with the philosophy of "*Adat bak Poe teumeuruhom, Hukom bak Syiah Kuala*" as an integrative guideline between *adat* and sharia.

This research has limitations, primarily due to its library-based nature, which means it has not explored empirical field data and sociological aspects in depth. Furthermore, limited access to literature and the use of a specific legal pluralism theoretical framework open up opportunities for further research with more diverse empirical approaches and theoretical perspectives.

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