

CUSTOMARY AND ISLAMIC PRACTICES IN INHERITANCE DISTRIBUTION: Insights from The Gampong Customary Court in Pidie

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Abstract: This study explores the methods of inheritance distribution employed by the Gampong Customary Court (Peradilan Adat Gampong) in Pidie. The research aims to shed light on the foundations and decision-making processes behind resolving inheritance disputes in the court. Using a descriptive qualitative approach, the study incorporates both secondary and primary data. Secondary data were gathered through literature reviews of dissertations, books, journals, and newspaper articles, while primary data were collected through interviews. A purposive sampling method was employed, selecting eight informants, including community leaders, religious figures, customary leaders, and intellectuals. A pilot study was conducted to ensure the relevance and accuracy of interview questions. Content analysis was used to examine both primary and secondary data. The study found that the Gampong Customary Court primarily relies on Islamic law and local customs when handling inheritance disputes. This study highlights several practical implications for inheritance management in Pidie, Aceh. The application of *ijbari* principles ensures compliance with Islamic teachings while respecting local customs. Practitioners must be proficient in both legal frameworks. Additionally, the *suloh/syura* model, which prioritizes consensus and dialogue, can be employed to resolve inheritance disputes and foster family harmony. Therefore, this study recommends strengthening the role of local leaders in resolving inheritance conflicts to build community trust and reduce the caseload in Sharia courts.

Keywords: Faraid, Gampong Customary Court, Legal System, Customary Practice, Customary Inheritance Law

Abstrak: Studi ini mengeksplorasi metode pembagian warisan yang diterapkan oleh Peradilan Adat Gampong di Pidie. Penelitian ini bertujuan untuk mengungkap dasar-dasar serta proses pengambilan keputusan dalam menyelesaikan sengketa warisan di pengadilan tersebut. Dengan menggunakan pendekatan deskriptif kualitatif, studi ini menggabungkan data sekunder dan primer. Data sekunder diperoleh melalui tinjauan literatur dari disertasi, buku, jurnal, dan artikel surat kabar, sedangkan data primer dikumpulkan melalui wawancara. Metode purposive sampling digunakan dalam pemilihan delapan informan, termasuk tokoh masyarakat, tokoh agama, pemimpin adat, dan intelektual. Studi pendahuluan dilakukan untuk memastikan relevansi dan akurasi pertanyaan wawancara. Analisis isi digunakan untuk menelaah data primer dan sekunder. Hasil penelitian menunjukkan bahwa Peradilan Adat Gampong sebagian besar mengacu pada hukum Islam dan adat lokal dalam menangani sengketa warisan. Kajian ini mendapati implikasi praktikal terhadap pengurusan harta pusaka di Pidie, Aceh, bahwa penggunaan prinsip ijbari memastikan kepatuhan terhadap ajaran Islam sambil menghormati adat tempatan. Pengamal perlu mahir dalam kedua-dua rangka kerja undang-undang ini. Selain itu, model suloh/syura yang lebih mendahulukan kepentingan konsensus (kesepakatan) serta dialog boleh digunakan dalam penyelesaian konflik harta pusaka bagi mewujudkan keharmonian dalam keluarga. Justeru kajian ini mencadangkan untuk memperkukuh peranan pemimpin tempatan dalam penyelesaian pertikaian harta pusaka serta memupuk kepercayaan masyarakat dan mengelakkan lambakan kes di mahkamah syariah.

Kata Kunci: Faraid, Peradilan Adat Gampong, Sistem Hukum, Praktek Adat, Hukum Waris Adat

Introduction

Islam has significantly influenced Acehnese society, particularly in family matters such as inheritance. Islamic law is the primary guide for Acehnese daily life, including resolving disputes, with inheritance being a central issue.¹

The division of inheritance in Aceh is a complex issue. The inheritance management in Aceh is based on a combination of Islamic law and local customs, known as "hukum adat"². The Gampong Customary Court is at

the forefront of resolving inheritance disputes, highlighting the existence of two legal systems in Aceh. Although Islamic law is the primary framework, local customs often influence court decisions, especially in rural areas where local wisdom values remain strong. However, inheritance disputes still occur and sometimes escalate into violence, as seen in several cases in Pidie, Central Aceh, and West Aceh (see Figure 1). These disputes disrupt family harmony and pose challenges to the broader community, emphasizing the need for a

¹ Koto, Alaidin. "Sejarah Peradilan Islam." (Jakarta: PT Raja Grafindo Persada, 2011).

² Ilyas Ilyas et al., "The Accommodation of Customary Law to Islamic Law: Distribution of

Inheritance in Aceh from a Pluralism Perspectives," *Samarah* 7, no. 2 (2023), <https://doi.org/10.22373/sjhk.v7i2.15650>.

more effective and transparent dispute resolution system.

Reports of cases of violence against fellow heirs in Pidie in 2018 due to the unsettled division of inheritance worth millions of ringgit.³ Furthermore, disputes in Central Aceh revolve around a son's claim to the ancestral home still occupied by his mother and other siblings. The son even transferred ownership of the house in his name without informing other heirs.⁴ Another case involves a bloodshed incident in the village of Padang Jawa, West Aceh, involving Hasan Johan versus M Zawir Rahmanda due to a land inheritance dispute that belonged to M Zawir Rahmanda's father and has not been distributed.⁵

The study aims to address this gap by examining the inheritance distribution practices of the Gampong Customary Court in Pidie, offering insights into the foundations of inheritance law in Aceh and the court's methods. Inheritance law is vital in Aceh's cultural, social, and legal landscape. The management of inheritance and the administration of estates are often debated, with contested issues including the validity of marriages, division of heirs, and heir confirmation. Islamic inheritance law in Aceh is grounded in the Quran and Hadith, ensuring fairness in asset distribution. The Sharia Court also plays a role in resolving inheritance disputes, stepping in when cases

cannot be settled at the Gampong Customary Court level.

According to Siregar et al. (2023), land disputes in Aceh are often resolved at the grassroots level through peaceful settlements among heirs.⁶ The Gampong Customary Court, headed by the village chief (*kerchief*) and assisted by community leaders, facilitates these settlements. However, the court's decisions are typically oral, known only to the disputing parties and witnesses, and no formal record is kept. This lack of documentation can lead to inconsistent rulings in similar cases in the future.⁷ Nonetheless, unlike the Civil Court, the Gampong Customary Court offers several advantages, including faster resolutions, lower costs, and no financial penalties.⁸

Yulia (2019) found that while the court's decisions are binding socially and traditionally, they lack legal force due to the absence of formal documentation, such as peace agreement deeds.⁹ Rasyad (2019) suggested formalizing decisions to avoid future disputes. Efforts have been made by the Aceh Customary Council (MAA) to improve court proceedings by providing training and guidance for court members on recording dispute outcomes. Still, this

³ Yaakob, Adzidah, Kamilah Wati Mohd, Hasnizam B. Hashim, Abidah Abdul Ghafar, Muhammad Nazmi Bin Khamis, and Kamarul Azman Mustapha Kamal. "Kepentingan Pengurusan Harta dan Urus Pusaka di Malaysia Dari Perspektif Perundangan dan Maqasid Syariah." *International Seminar On Syariah And Law (INSLA 2020)*.

⁴ Acehtrend.com, "Gara-gara Harta Warisan, Pemuda di Aceh Barat Bakar Rumah Orang Tuanya Sendiri." 2023, 2 October.

⁵ Antaranews.com, "Adik dan abang kandung di Bener Meriah saling bacok karena harta warisan" 2021, 23 April.

⁶ Siregar, Eviliani Rizky, Muhammad Yamin, Zaidar Zaidar, and Idha Aprilyana Sembiring. "Eksistensi Keucik dalam Penyelesaian Sengketa Tanah di Gampong Keude Mane Kabupaten Aceh Utara." *Locus Journal of Academic Literature Review* (2023): 315-332.

⁷ Muzana, Zaitun. "Amalan Pembahagian Harta Pusaka Menurut Islam Dalam Masyarakat Daerah Pidie, Nanggroe Aceh Darussalam." (Master diss., Universiti Sains Malaysia, 2015).

⁸ Putri, Ucha Hadi. "Peran Majelis Adat Aceh Dalam Menyelesaikan Sengketa Waris Tanah Di Kecamatan Tempuk Teungoh Kota Lhokseumawe." *Hukum Islam* 19, no. 1 (2019): 25-43.

⁹ Yulia, Yulia. "Penyelesaian Sengketa Melalui Peradilan Adat: Suatu Instrumen Mencapai Perdamaian Dan Keadilan Bagi Masyarakat." (2019), 117.

practice has yet to become widespread.¹⁰ The lack of formal records can impact the consistency of court decisions, especially in inheritance cases.

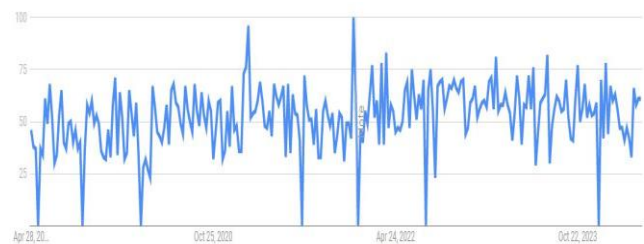
Aida (2022) criticized the effectiveness of the Gampong Customary Court in Kampung Meunasah Bie. Dissatisfaction with the court's decisions has led some community members to report their cases to the police.¹¹ Studies by Yulia, Faisal, and Aksa (2021) similarly found that dissatisfaction with customary court resolutions prompted some individuals to seek other legal channels.¹² Other studies, such as those by Muttaqien et al. (2022)¹³ and Pasha (2017)¹⁴, pointed to a lack of knowledge among court members about proper dispute resolution procedures as a constraint in resolving inheritance disputes, particularly in Pidie.

Despite the wide body of literature on estate management in Aceh, few studies have delved deeply into the specific methods used by the Gampong Customary Court. This study aims to fill that gap by investigating the inheritance distribution methods

practiced by the Gampong Customary Court in Pidie, focusing on the court's legal and customary references when deciding inheritance cases. The findings are expected to enhance the understanding of inheritance distribution in Aceh, providing valuable insights for improving dispute resolution processes within the Gampong Customary Court system.

Research indicates that the absence of official documentation in the decisions of the Gampong Customary Court leads to inconsistency in decisions and dissatisfaction among heirs. Some members of the community who are dissatisfied with customary resolutions seek alternative legal channels, such as the Syariah Court or Civil Court. Previous studies have identified court members' lack of legal knowledge and inadequate records as major issues.

Figure 1: Search trends in Islamic inheritance law



Source: <https://trends.google.com/trends/explore?date=today%205-y&q=Islamic%20inheritance>

Given the limited research on the specific practices of inheritance division in this court, this study aims to fill that gap. By examining the principles and methods of inheritance division in Pidie, it seeks to strengthen the dispute resolution process and enhance the consistency of laws within the legal landscape of inheritance division in Aceh.

Therefore, the research questions arising from this study are: i) What are the principles of inheritance distribution in Pidie? ii) What methods are practiced by the Gampong Customary Court in Pidie for inheritance distribution?

¹⁰ Rasyad, Muhamad. "Pembuatan Akta Perdamaian Dalam Penyelesaian Sengketa Tanah Ulayat Melalui Notaris Dikabupaten Agam." *Soumatara Law Review* 2, no. 1 (2019): 135-149.

¹¹ Aida, Nur. "Efektifitas Lembaga Adat Gampong Dalam Penyelesaian Permasalahan Sengketa Waris (Studi Kasus Di Gampong Meunasah Bie Kec. Meurah Dua Kab. Pidie Jaya)." (PhD diss., UIN Ar-Raniry, 2022).

¹² Yulia, Yulia, Faisal Faisal, and Fauzah Nur Aksa. "Penguatan Lembaga Adat Tuha Peut Dalam Penyelesaian Sengketa Di Kecamatan Sawang." *JATI EMAS (Jurnal Aplikasi Teknik dan Pengabdian Masyarakat)* 5, no. 1 (2021): 7-12.

¹³ Muttaqien, Al, Umar Mahdi, Suhaibah Suhaibah, and Auzan Qasthary. "Penyuluhan Hukum Pola Penyelesaian Sengketa Adat Aceh Dalam Pespektif Qanun Nomor 9 Tahun 2008 Di Gampong Mesjid Dijiem Kecamatan Indrajaya." *Al Ghafur: Jurnal Ilmiah Pengabdian Kepada Masyarakat* 1, no. 2 (2022): 87-95.

¹⁴ Pasha, Zahrina. "Peran Keuchik Sebagai Pemberi Keputusan Dalam Penyelesaian Sengketa Waris Di Kota Langsa." PhD diss., 2017.

Method

This study employs a qualitative content analysis method to analyze primary and secondary data. The aim is to explore and interpret¹⁵ The principles and methods of inheritance distribution practiced by the Customary Court of the Village in Pidie. Data collection methods with primary data were collected through in-depth interviews with eight experienced committee members from eight randomly selected villages in Pidie.¹⁶ In-depth interviews with selected informants served as the research instrument.¹⁷ Eight committee members who have worked for more than five years in the Customary Court of the Village from eight selected villages in Pidie among the *tuha peuet* (community leaders, religious leaders, customary leaders, and intellectuals) were interviewed. Secondary data, sourced from library research, including dissertations, books, journals, and newspaper clippings related to the Customary Court in Aceh.¹⁸ Data Analysis Process with Content Analysis for Secondary Data. A literature review focused on extracting key themes and concepts related to inheritance distribution, particularly the historical and legal basis for Aceh's inheritance practices.¹⁹ Data from various sources (e.g., books and journals) will be coded and categorized to identify recurring principles and legal references. Content Analysis for Primary Data: thematic

¹⁵ Marican, Sabitha. *Penyelidikan sains sosial: Pendekatan pragmatik*. (Kuala Lumpur: Pearson Printice Hall, 2006).

¹⁶ Marican, Sabitha, *op. cit.*

¹⁷ Hesse-Biber, Sharlene Nagy, and Patricia L. Leavy. *The practice of qualitative research*. Sage, 2011.

¹⁸ Awang, Idris. *Kaedah penyelidikan: suatu sorotan*. Intel Multimedia and Publication, 2001; Harun, Azhar, and Nawi Abdullah. *Metodologi penyelidikan ekonomi dan sains sosial*. Thomson Learning, 2004.

¹⁹ Elo, Satu, and Helvi Kyngäs. "The qualitative content analysis process." *Journal of advanced nursing* 62, no. 1 (2008): 107-115.

coding,²⁰ Interview transcripts will be analyzed to identify patterns and themes related to the principles and methods used in inheritance distribution (refer to Table 1).²¹ Findings from primary and secondary data will be compared to ensure consistency, enhancing the reliability of the analysis.

Pilot Study: A pilot study was conducted to validate the interview questions and ensure the instrument's clarity and effectiveness.²² Feedback from the pilot study helped refine the interview process and minimize potential biases.²³

Table 1: Content Analysis Method

Research Objective	Research Question	Data Analysis Methods
To identify the inheritance methods practiced by the Customary Court of the Village in Pidie in estate management.	1. What are the basic principles of inheritance distribution in Pidie? 1. What methods are practiced in the Customary Court of the Village in Pidie for estate distribution?	<ul style="list-style-type: none"> Literature review In-depth interviews with respondents Content analysis

This comprehensive data analysis approach will provide a clear understanding of the inheritance distribution practices in Pidie. It will also offer insights into how the Customary Court integrates Islamic and customary laws, thus contributing to legal consistency and improved dispute resolution methods.

Results and Discussion

This section of the discussion is divided into the basic principles of inheritance distribution in Pidie and the methods of

²⁰ Konting, Muhammad Majid. *Kaedah penyelidikan pendidikan*. (Dewan Bahasa dan Pustaka, 1990).

²¹ Muzana, Zaitun, *op. cit.*

²² Piaw, Chua Yan. "Kaedah Penyelidikan Buku 1, Siri Kaedah Dan Statistik Penyelidikan." (Malaysia: Mcgraw-Hill Education, Malaysia Sdn. Bhd, 2006).

²³ Marican, Sabitha, *op.cit.*

inheritance distribution practiced in the Customary Court of the Village in Pidie. The discussion of these two sections is as follows:

1. Basis of Inheritance Division in the Customary Court of the Village

The customary issue management practiced in the Customary Court of the Village does not differ much between villages in Pidie, as is Qanun as a form of interaction between the state and the customary in terms of implementation, procedure, and law ²⁴. However, differences in customary issue management and inheritance management occur in the legal basis referenced by the Customary Court of the Village committee. This is because inheritance distribution has laws that differ from other customary issues. Additionally, differences also exist in terms of procedures, whereby in estate management, there is no transparency principle as the trial process is conducted in the closed setting of the village chief's house, *Imeum Meunasah*, or the village office. This is due to its connection with personal and familial matters and its secretive nature.²⁵

In the Customary Court of the Village in Aceh, inheritance distribution refers to the provisions outlined in the Quran and the Hadiths of the Prophet Muhammad,²⁶ known as the principle of *Jabari*. *The principle of ijbari entails the transfer of the estate of a deceased individual to their heirs by Allah's directive without being contingent upon the*

will of the deceased or the heirs.²⁷ This provision is by the words of Allah in Surah Al-Nisa`, verse 7:

“From what is left by parents and those nearest related, there is a share for men and a share for women, whether the property be small or large, a determinate share.”

Meanwhile, in the hadith narrated from Ibn Abbas (RA), the Prophet Muhammad (peace be upon him) said:

“Give the prescribed shares (portions) to those entitled, and the rest give to the closest male relatives from the male lineage” (Narrated by al-Bukhari, hadith no. 6732).

In Aceh, Islamic law principles serve as the basis for estate management.²⁸ Indeed, children who are married and have been given assets such as houses, fields, or jewelry still have the right to inherit. This gift is known as “*hareuta peunulang*”²⁹. Richard Winstedt (as stated in Sulong, 2012) also reported this customary practice in his writings: “...and in Acheh, houses, and homesteads were assigned to daughters and rice-fields and weapons to son”.³⁰ Similarly, inheritance will be inherited by male children only when there are no other heirs.³¹ However, customary law is also practiced in the distribution of inheritance,

²⁴ Salma et al., “The Other Side of the History of the Formulation of Aceh Jinayat Qanun,” *Ahkam: Jurnal Ilmu Syariah* 22, no. 1 (2022), <https://doi.org/10.15408/ajis.v22i1.21000>.

²⁵ Sayuthi, Sayuthi, and Dedy Sumardi. “Model Penyelesaian Sengketa Waris Dalam Masyarakat Aceh.” *Indonesian Journal of Shariah and Justice* 1, no. 2 (2021): 87-112.

²⁶ Al-Sharbaini, Muhammad Al-Khatib. “*Mughni Al-Muhtaj Ila Ma’rifati Ma’ani Alfadh Al-Minhaj*”. vol. 3, (Beirut: Dar Al-Fikr, 1995).

²⁷ Muhibbin, Moh, and Abdul Wahid. *Hukum Kewarisan Islam: Sebagai Pembaruan Hukum Positif di Indonesia (Edisi Revisi)*. (Sinar Grafika, 2022).

²⁸ Hoesin, M. “Adat Atjeh”. Propinsi Daerah Istimewa Atjeh: Dinas Pendidikan Dan Kebudayaan (1970), 164.

²⁹ *Hareuta peunulang* is the gift from parents to their married children. This gift includes giving a house or land to their daughters, while for sons, agricultural land or gardens are given.

³⁰ Sulong, Jasni. “Amalan Pembahagian Harta Pusaka Dalam Kalangan Masyarakat Melayu Di Malaysia.” *Jurnal Pengajian Melayu (JOMAS)* 23, no. 1 (2012): 99-131.

³¹ Hoesin, M. p. 164.

such as spouses being unable to inherit from each other when death occurs within less than a year of marriage and they still live together with their parents.³² This is because parents believe children who have not moved out of the family home do not possess wealth, and it is still the parent's responsibility to provide for them.

Furthermore, in Acehnese customary practice, when a wife passes away, her assets are not divided but are entrusted to the husband for the expenses of their children. Conversely, the inheritance distribution is still carried out when the deceased is the husband. In fact, the closest heirs, known as "*Sabah*," relinquish their share of the inheritance to the deceased wife to sustain the livelihood and upbringing of the children left behind. This is in line with the provisions of Islamic inheritance distribution in the concept of "*takharruj*", where each heir has the power to voluntarily give all or part of their rights to someone else, especially based on familial affection.³³ This practice considers the welfare and future of orphaned or vulnerable children. Hoesin (1970) stated that "similar occurrences are based on the goodwill of the closest guardian. They feel ashamed if women or small children fall into poverty later if they take their rights." Therefore, as practiced in Acehnese society, inheritance distribution aligns with the concept of inheritance distribution according to Islamic law.

³² It was a customary practice in Aceh in the past that when a child had been married for about a year or after having children, the tradition of "*peumeungkleuh*" would be carried out, which involved separating the living space between the married child and their parents by giving them some assets according to their ability as capital to continue their family life. If this tradition was not carried out, the husband and wife could not inherit from each other (Abdurrahman, 2000).

³³ Abdullah, Umar. "*Ahkam Al-Mawarith Fi Al-Syari'ah Al-Islamiyyah*". (Kaherah: Dar Al-Ma'Arif, 1966).

Furthermore, the method of inheritance distribution in Aceh is that the heirs will inherit assets from their parents. Hoesin (1970) stated that "the property of either the father or mother, after their demise, is owned by their male or female children...". This is in line with the provisions of the Quran in Surah Al-Nisa', verses 7, 11, 12, and 176. For example, the verse of Allah SWT which means:

"From what is left by parents and those nearest related, there is a share for men and a share for women..." (al-Nisa', verse 7).

The principle of justice is also considered in the practice of inheritance distribution in Aceh. It entails a balance between rights and obligations and between acquisition and need.³⁴ Therefore, inheritance is distributed according to the needs of the heirs. This is evident from the determination of the ratio of 2:1 between sons and daughters because of the difference in responsibilities. Sons are responsible for providing for their families, while daughters are provided for by their husbands upon marriage.

However, the changing societal dynamics regarding the need for working spouses to own assets to provide for the family need to be addressed. Therefore, the practice in Pidie, particularly to balance the inheritance distribution ratio of 2:1, has adopted the practice of "*hareuta puenulang*," especially for daughters. Furthermore, alternative resolutions through consensus (*Musalaha*) are also widely practiced in Malay Muslim society.³⁵

³⁴ Muhibbin, Moh, and Abdul Wahid. *Hukum Kewarisan Islam: Sebagai Pembaruan Hukum Positif di Indonesia (Edisi Revisi)*. (Sinar Grafika, 2022).

³⁵ Ramli, Mohd Anuar, Mohd Hafiz Jamaludin, and Mohammad Aizat Jamaludin. "Hak pusaka wanita menurut hukum Syarak dan keharusan pembahagiannya mengikut dinamisme budaya

Another principle guiding the practice of customary inheritance management is the principle of consultation and consensus. Heirs divide the inheritance through a meeting chaired by selected heirs. If an agreement is not reached, the Customary Court of the Village committee will decide to divide the inheritance. The outcome of the meeting is based on the consensus of the heirs, hence referred to as the practice of “*pakat*” or “*suloh*” (peace) in Acehese society. The eldest or most respected male usually leads the principle of consultation in patrilineal customary societies. Meanwhile, in matrilineal customary societies, the meeting is typically led by representatives of the female side.³⁶

Suloh is a local wisdom of Acehese society used to reconcile disputing parties. It is also practiced in the Customary Court of the Village.³⁷ Therefore, it is acknowledged and permissible within Islamic inheritance, known as the concept of “*takharrij*.”

Based on the discussion above, the practice of inheritance division in Aceh refers to the principles of “*ijbari*”, justice, local customary principles, or village customs, which partly align with the method of inheritance division according to Islam. These legal principles are practiced concurrently in the inheritance distribution in the Customary Court of the Village. However, there are instances where the distribution of inheritance is conducted prioritizing customary principles, such as the procedure of dividing inheritance on the 44th or 100th day after death, where the

wife’s assets are not divided but utilized by the husband to provide for their children.

2. Management of Estate Distribution in Peradilan Adat Gampong

The Gampong Customary Court has two situations in which inheritance is distributed: non-conflict and conflict situations. Non-conflict inheritance management refers to the process of distributing the deceased’s estate to heirs without conflicts among the heirs, carried out after the memorial ceremony on the 44th or 100th day. Agreement among the heirs’ meeting serves to resolve non-conflict inheritance distribution. However, the determination of heirs remains subject to Islamic law provisions.

Meanwhile, conflictual inheritance management refers to distributing inheritance accompanied by disputes among heirs for specific reasons following the death of their parents or a family member due to personal and material interests.³⁸ For example, heirs may be dissatisfied with the distribution of the estate that has been carried out³⁹ or differences in views regarding the eligibility of adopted children to receive a portion of their adoptive parents’ estate.⁴⁰

Conflictual inheritance management is carried out according to the process stipulated in the Aceh Qanun 2008 No. 9

tempat." *Jurnal Islam Dan Masyarakat Kontemporer* 18, no. 1 (2018): 195.

³⁶ Hadikusuma, Hilman. “*Hukum Waris Adat*”. Bandung: Citra Aditya Bakti (2003), 19.

³⁷ Adnan, Wan Azimin Wan, and Ahmad Hidayat Buang. “Pemeriksaan Pelaksanaan Sulh Dalam Kes Tuntutan Hartanah Orang Islam Di Mahkamah Syariah Di Malaysia.” *KANUN: Jurnal Undang-undang Malaysia* 33, no. 1 (2021): 131-158.

³⁸ Hadikusuma, Hilman, p. 117; Azni, Azni, Muhammad Akhyar Rifqi, Saifunnajar Saifunnajar, Kholil Syu'aib, and Najibah Bt Mohd Zin. “The Timing Analysis of Inheritance Distributions in the Compilation of Islamic Law.” In *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan*, vol. 23, no. 2, pp. 258-273. 2023.

³⁹ Hasbullah, Mushaddad, Azman Ab Rahman, Abdul Manan Ismail, Ahmad Zaki Salleh, Mohamad Zaharuddin Zakaria, Zahari Mahad Musa, Mohd Nasir Abdul Majid, and Nor Fatimah Amlin Ab Ghani. “Model Pusat Seheni Pengurusan Harta Pusaka Islam (Faraid).” *Malaysian Journal of Syariah and Law (MJSJL)* (2021), 114-124.

⁴⁰ Hadikusuma, Hilman. P. 105.

Chapter 6 Section 13 (2)⁴¹ and the Joint Decision Letter (SKB) between the Aceh Chief Minister, the Chief of Police of Aceh Province, and the Chief of the Aceh Customary Council (MAA) 2011. Therefore, the process of resolving conflictual inheritance distribution is conducted in the Gampong Customary Court or the Mukim Customary Court,⁴² as well as in formal courts/Sharia Courts.⁴³

The Gampong Customary Court is the designated venue for resolving inheritance disputes, as stated by I1: 'Yes, many inheritance cases are settled in the customary court. Other issues like divorce are often settled in the Sharia Court. However, if inheritance cases are too complex, they are settled in court, usually in the religious court (Sharia Court). However, generally, in inheritance matters, when heirs desire distribution according to Islamic law, no issues arise. However, sometimes heirs find it difficult to adhere to Islamic law. In such cases, the resolution must be sought in the Sharia Court (Mahkamah Syar'iyah)". However, information from I3 states: "To our knowledge, inheritance distribution, especially in villages, is scarce due to the lack of expertise in the field of inheritance." Therefore, differences in situations between the two informants can occur based on their respective experiences and the situations in their respective villages. However, what is certain is that inheritance disputes exist within the community and are referred to

the Gampong Customary Court, with varying numbers of cases in each village.

3. Meeting Method as an Approach in Resolving Inheritance Disputes in Peradilan Adat Gampong

The management of inheritance in the Gampong Customary Court, especially in cases of conflictual inheritance, is conducted through meetings between the village committee members and the heirs. All the interviewees unanimously agree with this statement. I1⁴⁴ stated:

"The village court leans more towards holding meetings to achieve consensus. We still recommend resolving matters according to Islamic law. Still, it's ultimately up to the heirs to decide whether to distribute the inheritance according to Islamic law or through an amicable settlement".

I2 also supports the statement by I1 above⁴⁵ who stated:

"Meetings with community leaders in the village to find a solution."

Furthermore, I3⁴⁶ Stated:

"Usually, in such matters, the traditional custodians will convene for a meeting."

Likewise, I4⁴⁷ Expressed a similar sentiment:

"If something happens, the *Tuha Peut*, *Keuchik*, and *Teungku Imeum* will convene for a meeting."

In addition, I5⁴⁸ Stated:

⁴¹ The Qanun regarding the resolution of customary disputes and traditions, as referred to in clause 1, is resolved in stages. Clause 1 of this section explains that disputes or disagreements related to customs and traditions include disputes within households; disputes between families related to inheritance... and other disputes that violate customs and traditions.

⁴² Nurdin, Abidin. "Revitalisasi kearifan lokal di Aceh: Peran budaya dalam menyelesaikan konflik masyarakat." *Analisis: Jurnal Studi Keislaman* 13, no. 1 (2017): 135-154.

⁴³ Hadikusuma, Hilman. P. 118.

⁴⁴ Interview with Informant 1 (I1) on April 1, 2023. He is a member of Tuha Peut village Ketembu, Sanggeu, Pidie.

⁴⁵ Interview with Informan 2 (I2) on 6 August 2023. He is a member of Tuha Peut village Peukan Baro, Tanjong Hagu, Pidie.

⁴⁶ Interview with 3 (I3) on 18 August 2023. He is a member of Tuha Peut village Gp. Baro, Pidie.

⁴⁷ Interview with Informan 4 (I4) on 9 September 2023. He is a member of Tuha Peut village Peukan Baro, Bale Pineung, Pidie.

“Resolution by customs, as agreed upon in the village meetings.”

I6 also shared the same matter,⁴⁹ Who stated:

“Must be discussed”.

Furthermore, I7⁵⁰ put forth his views, stating:

“Discussed in the meeting. If there's an agreement according to custom, then it's divided as per custom. If it's according to Islamic law, then it's divided accordingly”.

I8⁵¹ stated:

“Usually, the traditional leaders in the village will convene with the heirs. If they accept the solution we propose, then it's resolved”.

Based on the interviews conducted, fundamentally, resolving inheritance conflicts referred to the Gampong Customary Court in Pidie adopts a meeting approach. Families are given a choice to resolve inheritance disputes either through customary inheritance distribution or through an agreement on inheritance distribution according to Islamic law (afraid) by referencing Islamic law. These findings are consistent with studies conducted in customary courts in several regions of Aceh. Such as the study by Muhammad Nasir (2021) in East Aceh, Nidal & Herinawati (2021) in Pidie, and Maila, S. (2022) in Southwest Aceh. Findings from these studies demonstrate that meetings are used by the Gampong Customary Court to manage and resolve inheritance disputes.

The approach adopted by the Gampong Customary Court for resolving disputes involves the use of meetings, similar to how they handle other cases within the jurisdiction of the Gampong Customary Court. However, the difference lies in the purpose of meetings in managing inheritance disputes, which is to choose the method of inheritance law to be applied in the distribution of inheritance, either through Islamic inheritance distribution (*afraid*) or through an amicable settlement (*such/such*).

The practice of meetings aligns with the fundamental principles of Islamic management, which emphasize management through consultation (*syura*).⁵² The verse from the Quran which means:

“...and consult them in affairs (of the moment).” (Surah Ali Imran, 3: 159)

Meetings constitute one of the fundamental principles of customary law. This principle is highly prioritized in resolving various disputes within the jurisdiction of customary law.⁵³ Therefore, meetings serve as a distinctive identity for customary law aimed at achieving peaceful agreements among disputing parties. Furthermore, harmony, balance, and peace within the community can be achieved.⁵⁴ This is the desired objective of establishing customary law itself. Therefore, the Gampong Customary Court is often called a peace court,

⁴⁸ Interview with Informan 5 (I5) on 9 November 2023. He is a member of Tuha Peut village Keutapang, Sanggeu, Pidie.

⁴⁹ Interview with Informan 6 (I6) on 25 November 2023. He is a member of Tuha Peut village Busu Peureulak, Mutiara Barat, Pidie.

⁵⁰ Interview with Informan 7 (I7) on 29 December 2023. He is a member of Tuha Peut village Ulee Tutue Raya, Aree, Delima, Pidie.

⁵¹ Interview with Informan 8 (I8) on December 30, 2023. He is a member of Tuha Peut village Lhee Meunasah Aree, Delima, Pidie.

⁵² Idris, Masitah, Wan Fariza Alyati Wan Zakaria, Ahmad Sunawari Long, and Nozira Salleh. "Kualiti kerja dalam organisasi: Tinjauan dari perspektif pengurusan Islam." *International journal of islamic thought* 15 (2019): 60-70.

⁵³ Jamin, Mohammad. "Peradilan adat dan masyarakat hukum adat di tengah pengaturan pemerintahan desa." (ed. 1) (Surakarta: UNS Press, 2018), 2.

⁵⁴ Saiful, Teuku. "Peran Perangkat Adat Desadalam Penyelesaian Sengketa Melalui Pendekatan Hukum Peradilan Adat Di Aceh." *Doctrinal* 2, no. 2 (2020): 491-508.

customary assembly, or customary gathering.⁵⁵

This is even consistent with the Aceh Governor Regulation (Pergub) 2013 No. 60 concerning the Implementation of Customary Dispute Resolution section 16 (7):

“The deliberation meeting for resolving disputes alternatively known as conflicts, is conducted at the Meunasah...”.

The deliberation meeting refers to the meeting conducted by the customary court to seek a resolution to disputes within the community. The meeting method is a mechanism of customary law in managing and resolving various disputes while adhering to the core principles of kinship and mutual agreement.⁵⁶

Furthermore, the meeting method has also become one of the methods practiced by the Sigli Sharia Court in Pidie for resolving inheritance disputes. This can expedite the judicial process and establish justice for the disputing parties. In fact, decisions reached through meetings at the Sharia Court can be accepted by all parties with an open mind because they are based on mutual agreement.⁵⁷ The justice referred to is the existence of harmony, balance, and peace.⁵⁸

⁵⁵ Syarif, Muhammad. "Menynergikan Peradilan Adat Dalam Penguatan Syariat Islam Di Aceh." *Kalam: Jurnal Agama dan Sosial Humaniora* 11, no. 1 (2023): 103-122.

⁵⁶ Husin, Taqwaddin. "Penyelesaian Sengketa/ Perselisihan Secara Adat Gampong di Aceh." *Kanun Jurnal Ilmu Hukum* 17, no. 3 (2015): 511-532.

⁵⁷ Hadana, E. S., Irwansyah, & Muzakkir. "Penyelesaian Sengketa Waris Melalui Mediasi Di Mahkamah Syariah Sigli". *al-Ahkam: Jurnal Syariah dan Peradilan Islam*, 2(1) (2022).

⁵⁸ Saiful, Teuku. "Peran Perangkat Adat Desa dalam Penyelesaian Sengketa Melalui Pendekatan Hukum Peradilan Adat Di Aceh." *Doctrinal* 2, no. 2 (2020): 491-508.

However, equal inheritance distribution can also lead to dissatisfaction among heirs who disagree, which can result in disputes, as presented in the introduction of this study. Therefore, the Gampong Customary Court committee needs to be more prudent in mediating the distribution of inheritance to avoid issues among the heirs.

Changes in modern society have significantly influenced Pidie's customary inheritance practices. While traditional principles rooted in Islamic law and local customs remain central, societal shifts have introduced complexities requiring adaptation in customary practices.

Historically, inheritance in Pidie adheres to the *ijbari* principle from Islamic law, mandating asset distribution based on the Quran and Hadiths. This ensures a balance between religious obligations and familial responsibilities, reflecting traditional societal structures where gender roles were clearly defined men providing for families and women receiving support from husbands. However, modern societal changes, such as increased economic participation by women and evolving family dynamics, have necessitated a reassessment of these roles.

One adaptation is the practice of *hareuta puenulang*, where daughters receive additional assets to balance the traditional 2:1 male-to-female inheritance ratio. This shift acknowledges women's growing economic contributions, reflecting societal recognition of gender equity while still aligning with Islamic principles.

Furthermore, modern conflicts over inheritance have prompted procedural changes in customary courts. The Gampong Customary Court increasingly adopts consultation and consensus-based resolutions, emphasizing family meetings involving traditional leaders. This method reflects societal preferences for amicable settlements over rigid adherence to either

Islamic law or strict customary practices. In fact, decisions reached through meetings at the Sharia Court can be accepted by all parties with an open mind because the decisions are based on mutual agreement⁵⁹. Such meetings are rooted in Islamic consultation (*syura*), promoting harmony and communal well-being.

In conclusion, while customary inheritance practices in Pidie remain grounded in Islamic and traditional principles, modern societal changes have necessitated flexible, consensus-driven approaches to ensure fairness and social harmony.

Conclusion

The advent of Islam in Aceh has impacted the management of inheritance. Islamic law serves as a reference in the distribution of inheritance. However, inheritance management in Aceh is also influenced by customary practices. The Gampong Customary Court is essential in resolving disputes and distributing inheritance. Despite being based on Islamic teachings, ongoing conflicts and tensions regarding inheritance distribution exist. This study highlights that conflicts among heirs lead to arguments and even violent actions. Several cases in Aceh, such as abuse and bloodshed related to inheritance disputes, demonstrate the complexity and seriousness of this issue.

In Pidie, the distribution of inheritance is based on Islamic law and customary traditions. Islamic principles such as the principle of *ijbari* (compulsory), justice, and the provisions of inheritance distribution procedures according to the Quran and Hadith serve as the main reference in the distribution of inheritance. The management

of inheritance by the Gampong Customary Court in Aceh demonstrates a structured process, involving meetings and deliberations among heirs and local authorities. The Gampong Customary Court plays a significant role in resolving disputes over inheritance distribution at the community level. Although its decisions do not carry formal legal force, they are considered socially and customarily binding. The distribution of inheritance in the Gampong Customary Court is conducted through a meeting process between the heirs and customary leaders. This approach allows for consensus among the disputing parties, both in non-conflicting and conflicting inheritance distribution situations.

Although the Gampong Customary Court plays a role in resolving disputes, there are still challenges such as the lack of knowledge about customary dispute resolution procedures. Record-keeping of decisions is also not systematic enough, which can affect future decisions' consistency. Improvements in training, documentation, and understanding among the committee members of the Gampong Customary Court will be crucial to enhance the system's effectiveness. Further research and efforts to improve inheritance management systems are needed to reduce conflicts and enhance justice for the Acehnese community.

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