
THE ROLE OF TUHA PEUT AS HAKAM IN RESOLVING DOMESTIC DISPUTES
FROM THE PERSPECTIVE OF ISLAMIC LAW
(A Case Study in Gampong Lamdom, Banda Aceh City)

Rizal Maulana, Safira Mustaqilla, Muslem Abdullah
Ar-Raniry State Islamic University, Banda Aceh
210106089@student.ar-raniry.ac.id, muslem.abdullah@ar-raniry.ac.id

ABSTRACT

This study aims to examine the role of Tuha Peut as a hakam in resolving domestic disputes in Gampong Lamdom from the perspective of Islamic law. Employing an empirical legal research method incorporating statutory, conceptual and case-based approaches, data were collected through interviews, observations and document analysis, and subsequently analysed descriptively and prescriptively. The findings indicate that Tuha Peut functions effectively as a trusted mediator, and the consensus-based deliberation mechanism aligns with the principles of hakam and sulh in Islamic law, whilst also reinforcing the application of customary law at the village level.

Keywords: Tuha Peut, Hakam, Domestic Disputes, Islamic Law

A. INTRODUCTION

In legal studies, society always requires instruments to regulate social behaviour through legal rules. The legal regulations that exist within society serve both as a unifying force and a constraint on all members' conduct. Even primitive societies possess values and norms that must be observed. Through these norms, the behaviour and conduct of society are always bound and restricted by the prevailing norms. Indeed, humans can be described as social beings because they are subject to the rules of social norms.¹ In legal scholarship, there is a system whereby legal provisions formulated by authorised institutions must be binding, and their fundamental function is that of *social control*. On this basis, the adage '*law as a tool of social engineering*'² also known as '*law as a tool of social control*'³ has emerged; this signifies that law serves as a means of social control, and more broadly, that the function of law is to prevent social disintegration.⁴

¹Elly M. Setiadi, Kama A. Hakam, and Ridwan Effendi, *Basic Social and Cultural Studies*, Third Edition, 13th printing, (Jakarta: Kencana Prenada Media Group, 2017), p. 74.

²Achmad Ali, *Unravelling Legal Theory and Judicial Prudence, Including the Interpretation of Statutes (Legisprudence)*, (Jakarta: Kencana Prenada Media Group, 2017), p. 84.

³Salle, *The Legal System and Law Enforcement* (Makassar: Social Politic Genius-SIGn, 2020), p. 13.

⁴Peter Mahmud Marzuki, *An Introduction to Legal Science*, Revised Edition, 13th printing (Jakarta: Kencana Prenada Media Group, 2021), p. 76.

In legal system theory, the concept of legal substance is recognised.⁵ Legal substance can be found in various sources of law. In Indonesia specifically, several sources of law—or types of law—are recognised, such as customary law, Western law, Islamic law, positive law and judicial law.⁶ In the context of customary law, there are various forms of customary law practised by communities, with different communities in different regions and areas adhering to distinct customs. Customary law is applied in resolving various community issues. In the context of Acehnese society, customary law has become institutionalised, and there are recognised customary institutions, one of which is the ‘*tuha peut*’ institution.

The Province of Aceh, as a province granted special status and special autonomy, has been established through several legal instruments in the form of legislation. The first is Law No. 44 of 1999 on the Implementation of the Special Status of the Special Region of Aceh, followed by Law No. 18 of 2001 on the Special Autonomy of the Special Region of Aceh as the Province of Nanggroe Aceh Darussalam, and finally through Law No. 11 of 2006 on the Government of Aceh.⁷ These laws are of great importance and fundamental to the development of the legal system in Aceh.⁸ At the operational level, these principles of special status and special autonomy are further realised through Banda Aceh City Qanun No. 1 of 2019 on Gampong Administration, which regulates the status, powers and administration of the gampong as the distinctive lowest unit of government within Aceh’s governance system, including aspects of gampong finance, gampong development planning, and accountability for the administration of their government.⁹

Through the aforementioned legislative provisions, Aceh legally and formally possesses the right to autonomy and special status in regulating the social and customary life of its people. This autonomy not only provides scope for the strengthening of local identity but also opens up opportunities for the revitalisation of customary institutions, which have long formed the foundation of social life in Acehnese society. One important aspect of this autonomy is the recognition of the role of customary institutions in resolving various forms of social conflict, including domestic disputes that frequently occur at the *gampong* level.

In Acehnese society, customary institutions are not merely a cultural heritage, but active instruments that serve to maintain order, harmony and social stability. Aceh Qanun No. 9 of 2008 on the Development of Customary Life and Traditions is a key instrument for

⁵Friedman states that there are three elements or components of a legal system, namely *legal substance*, *legal culture*, and *legal structure*. See Lawrence M. Friedman, *The Legal System: A Social Science Perspective*, (Translated by M. Khozim), (Bandung: Nusa Media, 2019), p. 33.

⁶Achmad Ali, *Unveiling the Veil of Law* (Jakarta: Kencana Prenada Media Group, 2015), p. 84.

⁷See Al Yasa’ Abubakar, *A Study of the Aceh Government Act and Essays on Women, Marriage and Child Guardianship*, 1st edition, 2nd printing 2 (Banda Aceh: Aceh Islamic Sharia Department, 2018), p. 2; Al Yasa’ Abubakar, *The Implementation of Islamic Sharia in Aceh as an Asymmetrical Special Autonomy: History and Struggle* (Banda Aceh: Aceh Islamic Sharia Department, 2020), p. 2.

⁸Abdul Manan, *The Aceh Sharia Court in National Legal Policy* (Jakarta: Kencana Prenada Media Group, 2017), p. 226.

⁹Banda Aceh City Qanun No. 1 of 2019 on Gampong Governance

regulating customary life in Aceh.¹⁰ Articles 13, 14 and 15 of this Qanun stipulate that the resolution of social disputes may be carried out through customary mechanisms. This demonstrates that customary institutions possess both formal and cultural legitimacy in resolving social issues that cannot always be addressed by the formal legal system. Article 13 of the Aceh Qanun No. 9 of 2008 on the Development of Customary Life and Customs states that:

“Disputes concerning customary law and traditions include:

- a) domestic disputes;
- b) disputes between families relating to inheritance;
- c) disputes between residents;
- d) khalwat meusum;
- e) disputes concerning property rights;
- f) theft within the family (petty theft);
- g) disputes over shared property; h. petty theft;
- h) theft of domestic livestock;
- i) breaches of customary law concerning livestock, agriculture and forests;
- j) disputes at sea;
- k) disputes in the market;
- l) minor assaults;
- m) forest fires (on a small scale causing harm to indigenous communities);
- n) harassment, slander, incitement and defamation;
- o) environmental pollution (on a minor scale);
- p) threats (depending on the nature of the threat); and
- q) other disputes that violate customary law and traditions.”

The structure of village government in Aceh does not rely solely on the executive figure, but is also balanced by a customary institution known as the *tuha peut*, which historically performs both legislative and supervisory functions regarding the running of the village government. Before discussing this further, it is important to understand that the *tuha peut* acts as a counterbalance to the powers of the *keuchik* and the *imum meunasah*, whilst also serving as a consultative body that determines the validity of policies affecting the village community.¹¹ One of the customary institutions playing a strategic role at *the village level* is *the tuha peut*. *The tuha peut*, as the traditional legislative body in every village—or the so-called ‘four members’—has the authority to make and approve all important decisions affecting the lives of the village community. Meanwhile, *the keuchik* and *the imum*

¹⁰Mizaj Iskandar and EMK Alidar, *The Authority of Customary Institutions in Resolving Khalwat Cases in Aceh* (Banda Aceh: Aceh Islamic Sharia Agency, 2020), p. 12.

¹¹Kurniawan, ‘The Existence of Customary Law Communities and Customary Institutions in Aceh in the Implementation of Special Privileges and Special Autonomy in Aceh’, *Yustisia*, Vol. 1, No. 3, 2012, p. 61

meunasah can be regarded as the executive bodies at the *village* level.¹² The *Tuha Peut* consists of community leaders, religious scholars, intellectuals and traditional leaders who function as a consultative body overseeing the *village* administration. In practice, *the Tuha Peut* not only plays a role in administrative decision-making but also acts as a mediator in various social conflicts, including domestic disputes, which are often sensitive and complex in nature.

Domestic conflict is an undeniable social phenomenon within community life. As social beings, individuals have interests, expectations and values that sometimes clash, thereby giving rise to disputes. Within the family context, conflicts can arise from differences in opinion, an imbalance of roles, or unresolved emotional tensions. If not handled wisely, such conflicts can escalate into a crisis that threatens the integrity of the family and social harmony.

From an Islamic perspective, the resolution of domestic conflicts is carried out through a third party, known as the *hakam*. The Qur'an, in Sūrah An-Nisā' verse 35, emphasises the importance of involving a *hakam* from both sides to seek a peaceful resolution.¹³ This principle aligns with the mediation practices carried out by *the tuha peut* in Aceh, which prioritise the principles of consultation, justice and the common good as the foundation for conflict resolution. Thus, the role of *the tuha peut* can be understood as a local representation of the principle of *hakam* in Islamic law.

Ideally, domestic conflicts should be resolved through a family-centred approach, consultation, or personal mediation. However, when such approaches prove unsuccessful, communities in Aceh tend to rely on customary institutions, particularly *the tuha peut*, as a trusted third party to resolve disputes fairly and with dignity. This trust stems from the collective experience of the community, which views *the tuha peut* as an institution with a deep understanding of the local context, customary values and religious norms. The mediation process conducted by *the tuha peut* generally takes place in *the meunasah* or *balai gampong*, venues that are symbolically and socially regarded as neutral and sacred. There, both parties are summoned to present their issues, listen to advice, and jointly seek solutions that prioritise customary values and the principles of Sharia law.¹⁴ This approach aims not only to resolve conflicts, but also to preserve the family's good name and the harmony of the village as an interdependent social community.

Specifically in village Lamdom, Lueng Bata Sub-district, Banda Aceh City, *the tuha peut* play a role in resolving domestic disputes. Over the past two years (2023–2024), there have been 9 (nine) cases of domestic disputes successfully resolved through customary

¹²Arndt Graf, Susanne Schroter, and Edwin Wieringa, **Aceh: History, Politics and Culture** (Singapore: Institute of Southeast Asian Studies, 2010), p. 91.

¹³Syahrizal Abbas and Bukhari Ali, *Mediation in Sharia and Customary Law* (Banda Aceh: Aceh Islamic Sharia Agency, 2018), p. 34.

¹⁴Results of an interview with residents of *Gampong Lamdom*, on 20 October 2025, in *Gampong Lamdom*, Lueng Bata Sub-district, Banda Aceh City.

mediation led by *the tuha peut*.¹⁵ The existence and position of *the tuha peut* as mediators reflect the realisation of family dispute resolution through customary law instruments in community life.

Based on the above, Article 14 of Aceh Qanun No. 9 of 2008 on the Development of Customary Life and Traditions states that the Tuha Peut plays a very important role in the structure of government at the gampong/village level. The Qanun specifies that the resolution of disputes in accordance with customary law in the gampong is carried out by, amongst others, the Tuha Peut, including the resolution of domestic disputes.

However, the effectiveness of *the Tuha Peut* as *hakam* does not always function optimally. There are challenges regarding mediation capacity, legal understanding or awareness, and increasingly complex social dynamics. Changes in family structure, the influence of the media, and shifts in social values also affect patterns of conflict and the ways in which they are resolved. It is therefore important to conduct an in-depth examination, within the context of legal scholarship, of the mechanisms by which mediation is carried out and the role of *the Tuha Peut* in the resolution of domestic disputes from an Islamic legal perspective, using a case study approach in Gampong Lamdom, Banda Aceh.

B. METHOD

This research falls under *the category of empirical legal research* (also known as *non-doctrinal legal research*), in which the object of study is the legal behaviour of a community. The category of empirical legal research encompasses two main focuses: legal discovery and the application of the law. The focus on the application of the law is further divided into two aspects: the effectiveness of the law and the impact of the law.¹⁶ In the context of this study, the type of research conducted is empirical legal research, with the primary focus being on the application of the law, particularly in exploring and analysing the effectiveness of the law.

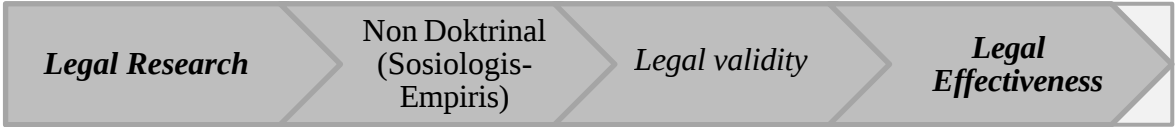


Figure 1. Types and Directions of Research

Source: Adapted in 2025 from the Thesis Writing Guide of the Faculty of Sharia and Law (FSH), UIN Ar-Raniry, Revised Edition 2019.

¹⁵Results of an interview with *Tuha Puet*, on 20 October 2025, in *Gampong Lamdom*, Lueng Bata Sub-district, Banda Aceh City.

¹⁶The Writing Team, *Guide to Writing a Thesis for the Faculty of Sharia and Law*,

Empirical legal research examines the law from the perspective of the law as it applies in society.¹⁷ The subject under investigation is field data (empirical data).¹⁸ In this study, data were obtained through observation, interviews and a review of documentation. Three approaches were employed in this study: *the conceptual approach*, *the statutory approach* and *the case approach*.

1. The *statutory approach* analyses the norms set out in legislation.¹⁹ For this study, the provisions of legislation governing the role of customary institutions, particularly *the tuha peut*, were analysed. These include the Aceh Government Act, the Aceh Customary Law (Qanun Adat Aceh) and other relevant regulations, which form the primary basis for *the statutory approach*.
2. *The conceptual approach* is an approach based on legal views or doctrines that correspond to specific *legal* issues. The concepts used in this research are the concepts and theoretical studies of expert opinions regarding the concept of *hakam*, the concept of customary institutions, and other relevant concepts.
3. *The case approach* is a method of analysing and handling a specific legal case that arises within the community.²⁰ In the context of this study, the case approach in question refers to the role of the '*tuha peut*' as a *hakam*, or mediator, in the resolution of domestic disputes in Gampong Lamdom, Banda Aceh.

The data for this study were obtained from legal sources, namely primary, secondary and tertiary legal materials.²¹ These comprised interview data, observational data and documentary studies, as well as data from Qanun, legal books or treatises, legal journals and encyclopaedias, and other sources. The research data analysis comprises two stages: the descriptive stage, which involves an objective portrayal of the problem,²² and the prescriptive analysis stage, which seeks to identify legal ideals.²³ The prescriptive analysis in this study is intended to carefully examine the coherence between legal norms and existing legal practices in the field.

¹⁷I Made Pasek Diantha, *Normative Legal Research Methods in the Justification of Legal Theory*, 2nd ed. (Jakarta: Kencana Prenada Media Group, 2017), pp. 2 and 12.

¹⁸Moh. Askin and Masidin, *Normative Legal Research: Analysis of Judicial Decisions* (Jakarta: Kencana Prenada Media Group, 2023), p. 17.

¹⁹Peter Mahmud Marzuki, *Legal Research*, 13th ed., (Jakarta: Kencana Prenada Media Group, 2017), pp. 133–134.

²⁰Sugiyono, *Understanding Qualitative Research*, 12th ed. (Jakarta: Pustaka Alfabeta, 2016), p. 114.

²¹Jonaedi Efendi and Johnny Ibrahim, *Methods of Normative and Empirical Legal Research* (Jakarta: Kencana Prenada Media Group, 2018), p. 173.

²²Suharsimi Arikunto, *Research Procedures: A Practical Approach*, (Jakarta: Rineka Cipta, 2016), p. 94.

²³Marzuki, *Legal Research*..., pp. 41–42.

C. DISCUSSION

1. The Concept of *Tuha Peut*

The term '*tuha peut*' can *literally* (linguistically) be interpreted as 'the four elders' or 'four respected individuals'; some also interpret it as 'four members' (*four members*).²⁴ The *Tuha Peut* institution is a body in Aceh comprising a council of four, whose members, either individually or collectively, assume responsibility for general administrative duties as a council that historically assisted the *ulee balang* in the performance of his day-to-day duties. The *Tuha Peut* institution has the authority to resolve disputes and conflicts that arise on an ongoing basis within the community, such as disputes between residents, family disputes, land disputes, and so on, through the *village* customary court.²⁵

According to Al Yasa' Abubakar and Marah Halim, *the Tuha Peut* is a supporting body of the *gampong* and *mukim*, '²⁶', comprising representatives from the government, religious leaders, traditional leaders, and *the village's* intellectuals. There is also the term '*tuha lapan*', which refers to a *gampong* advisory body comprising the elements found within *the 'tuha peut'*, plus four additional elements: community leaders, youth representatives, women's representatives, and representatives from community organisations.²⁷ Mizaj and Alidar state that *the 'tuha peut'* is a component of the *gampong* administration that functions as the *gampong's* consultative body.²⁸

The tuha peut has a role, duties and responsibilities in resolving disputes. This also applies to other *village* officials, such as *the imum meunasah*, who also have a duty to resolve disputes amongst community members and to reconcile those who are in conflict.²⁹ Specifically, the duties of *the tuha peut* are set out in Article 18 of Aceh Qanun No. 10 of 2008 on Customary Institutions, which states that *the tuha peut of the gampong*, or whatever other name they may be known by, has the following duties:

- a. To discuss and approve the *village* revenue and expenditure budget.
- b. To discuss and approve *village regulations*.
- c. To oversee the administration of *the village*

²⁴Graf, Schroter, and Wieringa, **Aceh: History...**, p. 91.

²⁵Mahmuddin, "Tuha Peut Perempuan: Opportunities and Social Differentiation in Village Development in Aceh," *Jurnal Peurawi: Journal of Islamic Communication Studies* Vol. 2, no. 1 (7 August 2019): 47–62, doi:10.22373/jp.v2i1.5067.

²⁶The term '*gampong*' or '*village*' refers to the smallest customary law community in Aceh, whilst a '*mukim*' is a federation of several *gampongs*, a customary community and the lowest level of government in Aceh. The *mukim* institution is the governing body that coordinates *the gampongs*. See Abubakar, *The Implementation of Sharia...*, p. 176; Iskandar and Alidar, *The Authority of Institutions...*, p. 122.

²⁷Al Yasa' Abubakar and Marah Halim, *Islamic Criminal Law in Aceh: Interpretation and Guidelines for the Implementation of the Qanun on Criminal Offences* (Banda Aceh: Aceh Islamic Sharia Agency, 2011), p. 182.

²⁸Iskandar and Alidar, *Institutional Authority...*, p. 130.

²⁹Azman Ismail et al., *Islamic Sharia in Aceh*, Vol. 1, 3rd ed. (Banda Aceh: Aceh Islamic Sharia Board, 2018), p. 139.

- d. To receive and channel the aspirations of the community regarding the administration and development of *the village*
- e. Formulating *village* policies in conjunction with *the village head (keuchik)*.
- f. Providing advice and opinions to *the village head*, whether solicited or unsolicited.
- g. Resolving disputes arising within the community together with traditional leaders.
- h. Provisions regarding the duties and functions of *the tuha peut village*

are also set out in Article 35(1) of Qanun No. 5 of 2003 on Village Administration, which states that *the tuha peut gampong* has the following duties and functions:

- a. To enhance efforts to implement Islamic Sharia and customary law within the community.
- b. Preserving local customs, traditions and culture that still serve a useful purpose.
- c. Carrying out legislative functions, namely discussing, formulating and approving the *Keuchik's* decisions regarding *village regulations*.
- d. To carry out budgetary functions, namely to discuss, formulate and approve the draft *village* revenue and expenditure budget before it is adopted as the *village* revenue and expenditure budget.
- e. Carrying out supervisory functions, which include overseeing the implementation of *village regulations* and the *village* revenue and expenditure budget, as well as the implementation of other decisions and policies made by *the village head*.
- f. To receive and convey the aspirations of the community to the *village* government.

With regard to the duties and role of *the tuha peut* in resolving disputes, these are regulated in Article 13 of Qanun No. 9 of 2008 on the Development of Customary Life and Traditions. This article states that disputes or conflicts concerning customary law and traditions include, amongst other things, domestic disputes. The resolution of such disputes or conflicts is carried out in stages. Furthermore, Article 14 states that customary dispute resolution, including disputes within the household, is carried out in accordance with customary law at *the village level*, with the resolution being conducted by customary leaders comprising *the village head (keuchik)*, *the imam of the meunasah*, *the tuha peut*, the *village* secretary, religious scholars and intellectuals, and other customary leaders within the village. It is therefore clear that *the tuha peut* play a vital role in the resolution of customary disputes and conflicts, including those arising between husband and wife within the household. *The tuha peut* is a village consultative body that serves as the guardian of customary law, Islamic law and local government; it comprises representatives from the government, religious, customary and intellectual sectors, and possesses legislative, budgetary and supervisory powers, as well as the authority to channel the aspirations of the community. In the context of dispute resolution, including domestic conflicts, *the Tuha Peut* plays an active role alongside *the Keuchik* and other traditional leaders as traditional mediators, as stipulated in various Aceh Qanuns, making it a vital pillar in maintaining social harmony and the preservation of local values at the village level.

2. The Concept of *Hakam*

The concept of *hakam* cannot be separated from that of mediation. The term *hakam* is derived from the Arabic word *al-hakam*, meaning arbitrator, peacemaker and mediator.³⁰ The word *hakam* has not yet been adopted into the Indonesian language, but the equivalent meaning for the term *hakam* is 'peacemaker' or 'mediator', referring to a person or party who brings about reconciliation.³¹ This meaning is also mentioned by Tihami, who states that the term *hakam* means 'peacemaker'.³²

According to the meaning of the term, Imam Hanafi, Imam Al-Shafi'i in one of his opinions, and Imam Ahmad in one narration, hold the view that a *hakam* is a person entrusted with authority (a representative). Meanwhile, according to the people of Madinah, Imam Mālikī, Imam Al-Shāfi'ī in his other opinion, and Imam Ahmad in one of his opinions state that *hakam* refers to two judges.³³ According to Al-Māwardī, one of the scholars of the Shāfi'ī school, the meaning of '*hakam*' remains a matter of debate amongst the scholars. There are at least three opinions regarding the meaning of '*hakam*'. Firstly, '*hakam*' refers to the ruler, whose role is to restore a fractured marital relationship. This is the view of Sa'īd bin Jābir and al-Ḍaḥḥāk. Secondly, '*hakam*' refers to both the husband and wife. This is the view of al-Sadī. Thirdly, '*hakam*' refers to one of the husband or wife if it is not possible to bring both together.³⁴

According to Amir Syarifuddin, the word '*hakam*' refers to a wise person who can act as a mediator in resolving family conflicts.³⁵ Similarly, Abdur Rahmah Ghazali states that *hakam* is a person appointed by both the husband and wife to conduct research and investigations into the causes of *syiqāq* (quarrels).³⁶ These three definitions establish that *hakam* is a party who reconciles, particularly in the context of quarrels between husband and wife within a family. However, there are also those who interpret *hakam* as not being limited to a member of the husband's or wife's family, but may also be from another party, such as a sultan, or—in modern terms—a judge, or any other person intending to reconcile the parties, commonly referred to as a mediator. Al-Ṭabarī acknowledges the existence of differing opinions regarding the meaning of *hakam*. Some state that *hakam* refers to a sultan

³⁰Achmad W. Munawwir and M. Fairuz, *al-Munawwir Dictionary: Indonesian–Arabic Dictionary* (Surabaya: Pustaka Progressif, 2007), p. 286.

³¹Editorial Team, *Indonesian Language Dictionary* (Jakarta: Language Centre, Ministry of National Education, 2008), p. 312.

³²H.M.A. Tihami and Sohari Sahrani, *Fiqh of Marriage: A Comprehensive Study of the Fiqh of Marriage*, Vol. 1, 4th ed. (Jakarta: Rajawali Pers, 2014), p. 189.

³³Ibn Qayyim Al-Jauziyyah, **Zād Al-Ma'ād fī Hadī Khair*

³⁴Abī Al-Ḥasan Al-Māwardī, *Al-Nukat wa Al-'Uyūn: Tafsīr Al-Māwardī* (Beirut: Dār Al-Kutb Al-'Ilmiyyah, 1991), p. 484.

³⁵Amir Syarifuddin, *Islamic Marriage Law in Indonesia: Between Fiqh Munakahat and the Marriage Act*, 5th ed. 5 (Jakarta: Kencana Prenada Media Group, 2016), p. 195; Abū Mālik Kamāl bin Sayyid Sālim, *Fiqh Al-Sunnah li Al-Nisā'* (Trans. Firdaus), (Jakarta: Qisthi Press, 2013), p. 578.

³⁶Abdul Rahman Ghazaly, *Fiqh of Marriage*, First Edition, 7th printing (Jakarta: Kencana Prenada Media Group, 2018), p. 242.

appointed to mediate between the two. Others interpret it to mean the husband and wife themselves.³⁷ Al-Qurtubī states that *ḥakam* is not to be understood as ‘ ’ (a man and a woman) unless it refers to a male and female expert. If neither is available, then it is permissible for just and virtuous individuals to act in this role. If it turns out that none can be found, then anyone who wishes to reconcile the two may do so.³⁸ Al-Jaṣṣāṣ states that the term *ḥakam* means ‘sultan’; this is as narrated from Sa’id bin Jābir and Ḍaḥḥāk.³⁹ Meanwhile, al-Suyūṭī suggests that the meaning of *ḥakam* is a man appointed by the husband and a man appointed by the wife, tasked with examining the matter between the husband and wife.⁴⁰

Based on the five opinions above, there are differences in the interpretation of the term ‘*hakam*’. All five views address the context of the term ‘*hakam*’ as found in Surah an-Nisa’ verse 35, and this verse serves as one of the textual bases for the mediation process in Islam. The text of the verse is as follows:

وَأِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا.

Meaning: If you (the guardians) fear a dispute may arise between the two of them, appoint a mediator from the husband’s family and a mediator from the wife’s family. If both intend to seek reconciliation, Allah will grant them success. Verily, Allah is All-Knowing and All-Aware.

According to Syahrizal Abbas, the *ḥakam* acts as a mediator appointed by both the husband and the wife to resolve their dispute through consultation and peaceful means. The mediator endeavours to resolve the conflict and reconcile the disputing parties. The *ḥakam*, or mediator, is tasked with resolving *syiqāq* disputes—that is, domestic disputes that have become extremely acute and have reached a breaking point, when the husband and wife are no longer able to resolve their differences on their own. The appointment of mediators or representatives from the husband’s and wife’s sides as *ḥakam* is intended to resolve the escalating domestic turmoil between husband and wife. The *ḥakam* investigates the causes of the *syiqāq* and endeavours to find a solution to the domestic turmoil faced by the couple. Based on this role, the *ḥakam* is appointed from within the husband’s and wife’s respective

³⁷Ibn Jarīr Al-Ṭabarī, **Jāmi’ Al-Bayān ‘an Ta’wīl Ayy Al-Qur’ān**, (Trans. Amir Hamzah et al.), (Jakarta: Pustaka Azzam, 2009), pp. 319–320.

³⁸Abī Bakr Al-Qurtubī, *Jāmi’ li Ahkām Al-Qur’ān*, (Translated by Masturi Irham et al.) (Jakarta: Pustaka Azzam, 2009), pp. 290–291.

³⁹Aḥmad bin ‘Alī Al-Rāzī Al-Jaṣṣāṣ, *Ahkām Al-Qur’ān*, (Beirut: Dar Ahya’ Al-Turan Al-‘Arabi, 1992), p. 150.

⁴⁰Jalāluddīn Al-Suyūṭī, **Al-Dur Al-Mansūr fī Al-Tafsīr Al-Ma’sūr** (Beirut: Dar Al-Fikr, 2011), p. 254.

families, as they are considered to be most familiar with the intricacies of the household and the personal circumstances of both the husband and wife.⁴¹

The resolution of domestic disputes through the *hakam* is conducted in private, without involving any other *village* leaders, except for close relatives. This is done to preserve the privacy of the household and prevent the matter from becoming public knowledge.⁴² Another normative basis for mediation refers to a hadith narrated by Al-Baihaqi, the meaning of which can be understood as follows:

From Ubaidah, who said regarding this verse: "And if you fear a dispute between the two, then appoint an arbitrator from the man's family and an arbitrator from the woman's family". He said: a man and a woman came to 'Ali (may Allah be pleased with him), and with them were several others. So, 'Ali (may Allah be pleased with him) instructed them to appoint an arbitrator from the man's side and an arbitrator from the woman's side. He (Ali, may Allah be pleased with him) then said to the two arbitrators: 'If either of you sees fit to reconcile the two, then reconcile them. And if you see fit to separate them, then separate them.' (Narrated by al-Baihaqi).⁴³

The provisions of this verse and hadith explicitly mention *hakam*, namely one person appointed from each of the husband's and wife's families. Generally, the term *hakam* is understood to mean a party other than the husband or wife who is tasked with reconciling the parties. Rusydi and Dedy highlight three main principles that must be observed when conducting mediation under Islamic law, namely:⁴⁴

- a. The consent of the disputing parties to resolve the matter they are facing outside the formal court system.
- b. The agreement of the disputing parties to appoint a person as a *hakam* (mediator).
- c. The appointment of the *hakam* is not carried out by the government, but is entirely carried out by the parties themselves.

Rusjdi and Khairizzaman also mention the same points, but add a fourth principle, namely the existence of several constructive values that must be taken into account in settlements reached through mediation.⁴⁵ Syahrizal Abbas states that there are six reasons why mediation is necessary in resolving domestic disputes, as well as serving as a solution for the sustainability of the family, including specifically within Acehnese society, namely:⁴⁶

⁴¹Al Yasa' Abubakar, Eka Srimulyani, and Syahrizal Abbas et al., *Family and Power Relations in Acehnese Society: A Re-examination through an Interdisciplinary Approach* (Banda Aceh: Aceh and Indian Ocean Research Centre Foundation, 2020), p. 333.

⁴²*Ibid.*

⁴³Abī Bakr Aḥmad bin al-Ḥusain bin Alī Al-Baihaqī, **Al-Sunan al-Kubrā**, (Edited by: Muḥammad Abd al-Qādir 'Atā), Vol. 7 (Beirut: Dār Al-Kutb Al-'Ilmiyyah, 2003), p. 498.

⁴⁴Rusjdi Ali Muhammad and Dedy Sumardi, *Conflict and Violence: Solutions under Islamic Sharia* (Banda Aceh: Aceh Department of Islamic Sharia, 2014), p. 67.

⁴⁵Rusjdi Ali Muhammad and Khairizzaman, *The Constellation of Islamic Sharia in the Global Era*, Vol. 1, 2nd ed. (Banda Aceh: Aceh Islamic Sharia Agency, 2012), p. 81.

⁴⁶Abubakar, Srimulyani, and Abbas, **Family and Power Relations*...*, pp. 337–339.

-
- a. Mediation is an appropriate solution in efforts to maintain the continuity of family relationships, as the principles of mediation are deeply rooted in Sharia law and Acehese culture. Mediation serves as a model for resolving family disputes, drawing on the concepts of *ṣulḥ* (*al-ṣulḥ*) and *ḥakam*. These institutions of *ṣulḥ* and *ḥakam* involve a third party acting as an independent mediator to assist husband and wife in resolving family disputes. The third party within the *ṣulḥ* institution has no other interest than to strive to bring about peace in the dispute experienced by the parties. Similarly, the *ḥakam*, as a peacemaker appointed by both the husband and the wife, helps to find a way out of a highly acute domestic crisis, which has the potential to lead to the dissolution of the marriage.
 - b. In Acehese tradition, where family disputes cannot be resolved by the mediators appointed by the husband and wife (*ḥakamain*), both parties may request the assistance of village leaders to act as mediators. Village leaders, comprising the *keuchik*, *teugku imuem*, *tuha peut* and other figures considered to be authoritative and capable of resolving disputes, act as mediators. In this context, the mediator facilitates, communicates and consults with the parties to seek a peaceful resolution, with a view to ending the family dispute.
 - c. Mediation is highly suitable as a solution for resolving family disputes, as one of the principles of mediation is to place the disputing parties on an *equal*, fair and balanced footing.
 - d. The principles of mediation involve fostering open, non-discriminatory and respectful dialogue and communication between the two disputing parties. Mediation improves and rebuilds effective communication between spouses in conflict; thus, should differences in views or attitudes arise within the household, an evaluation of the household's communication patterns can be carried out.
 - e. Mediation fosters an awareness of the need for self-evaluation amongst the disputing parties. This evaluation is intended to identify the strengths and weaknesses of each spouse, rather than seeking to assign blame for the dispute. Under the principles of mediation, the mediator or conciliator can facilitate the parties in meeting, engaging in dialogue and deliberation, and formulating possible solutions to resolve the dispute.
 - f. Mediation in family disputes is not only intended for *rural* families, but also for *urban* families. In principle, family disputes do not only occur in *rural* families, but also in *urban* families; however, specific factors such as economic circumstances and the intervention of third parties distinguish disputes between *rural* and *urban* families. Generally speaking, family disputes ultimately stem from the inability of husbands and wives to properly fulfil their rights and obligations. Therefore, the role of mediation in dispute resolution is highly strategic.⁴⁷

⁴⁷*Ibid.*

Based on this discussion, it can be understood that mediation is a strategic approach rooted in Sharia values and local culture, functioning as an inclusive (open), fair and communicative mechanism for responding to conflicts within society, including domestic conflicts, in both rural and urban settings. By involving a neutral third party and respected community leaders, mediation encourages self-reflection, strengthens communication, and creates a space for deliberation to preserve family unity in a constructive and sustainable manner.

3. The Role of the Tuha Peut in Resolving Domestic Disputes in Gampong Lamdom

The Tuha Peut of Gampong Lamdom, like other *Tuha Peut*, play a vital role in resolving family conflicts. To date, issues resolved at the *gampong* level have always involved the *Tuha Peut of the gampong*. This is in line with the statement by the Acting *Keuchik of Gampong Lamdom*, who noted in his commentary that the *Tuha Peut*, in addition to being responsible for drafting *gampong* regulations alongside other *gampong* officials, also acts as the implementing body for resolving issues or conflicts arising within the community, including the handling of family conflicts. In his statement, he noted:

*To date, the resolution process has involved the village elders and village officials, as well as the head of the hamlet where the conflict between the couple took place.*⁴⁸

According to *the tuha peut of Gampong Lamdom*, *the tuha peut* can only resolve domestic conflicts and disputes when a report is made by the couple in conflict. If no report is made, *the tuha peut* has no authority to resolve the matter. So far, the domestic disputes resolved by the *tuha peut* have not included serious cases, such as severe physical abuse (domestic violence or KDRT) by one partner; the reports received have been of minor physical abuse, following which the married couple reported the matter to the village officials, including *the gampong tuha peut*.⁴⁹

There have been nine domestic disputes handled by *the tuha peut* to date, including cases of minor physical assault by a husband, conflicts between a son-in-law and mother-in-law leading to marital conflict, minor acts of violence, and disputes in the form of minor arguments between husband and wife.⁵⁰ The resolution mechanism begins with a report from one of the partners, followed by verification, then a process of consensus-building through deliberation, and finally a decision is reached. As can be understood below.

As for the resolution mechanism, there have not yet been any serious family cases, but rather minor issues between husbands and wives. The procedure or mechanism is as follows: first, the parties report to the tuha peut; then we will ask what the cause is,

⁴⁸Interview with *the Keuchik of Gampong Lamdom*, 20 October 2025, at the Sub-district Office of Lhueng Bata, Banda Aceh.

⁴⁹Results of an interview with *Tuha Puet*, on 20 October 2025, in *Gampong Lamdom*, Lueng Bata Sub-district, Banda Aceh City.

⁵⁰Results of an interview with *Tuha Puet*, on 20 October 2025, in *Gampong Lamdom*, Lueng Bata Sub-district, Banda Aceh City, and the author's observations.

for example, minor physical abuse committed by one of the partners. We will conduct a consensus-based consultation between the village officials, the keuchik, and the person who made the report. And so far, the resolutions have been amicable. The outcome of our deliberations and consensus is recorded in a single official report, stating that what we have decided today—witnessed by the parties present at the meeting, including the Tengku Imum, the Keuchik, the hamlet head and representatives of the village community—constitutes the agreement reached. Therefore, the parties involved must uphold the contents of that minutes of proceedings. Should they fail to do so, further sanctions will apply. Most importantly, they must comply with the minutes of proceedings that we have drawn up together.

The above explanation illustrates the mechanism for resolving family disputes by *the tuha peut* in Gampong Lamdom, particularly those of a minor nature such as arguments or minor physical altercations between couples, which are addressed through a report to *the tuha peut*. Upon receiving the report, *the tuha peut*, together with the village officials, *the keuchik* and other relevant parties, hold a consensus-based deliberation to seek a peaceful solution. The outcome of this consultation is recorded in a minutes of proceedings witnessed by village leaders such as *the Tengku Imum* and the hamlet head. The disputing parties are obliged to comply with the contents of the minutes, and should they be breached, sanctions will be imposed. Thus, this mechanism highlights the role of *the tuha peut* and emphasises the importance of adherence to mutual agreements in order to maintain social harmony.

Based on the above information, it is clear that *the tuha peut of Gampong Lamdom* plays a role in resolving domestic disputes. *The tuha peut* is not merely a mediator, but also acts as a facilitator in the resolution of family conflicts. Furthermore, once a decision has been reached, *the tuha peut* also endeavours to establish communication with the couple concerned to ensure they continue to participate in and attend community events, such as social gatherings and meetings.⁵¹ Thus, the mechanism for resolving domestic disputes by *the tuha peut* can be described as follows:

⁵¹Results of an interview with *Tuha Puet*, on 20 October 2025, in Gampong Lamdom, Lueng Bata Sub-district, Banda Aceh City, and the author's observations.

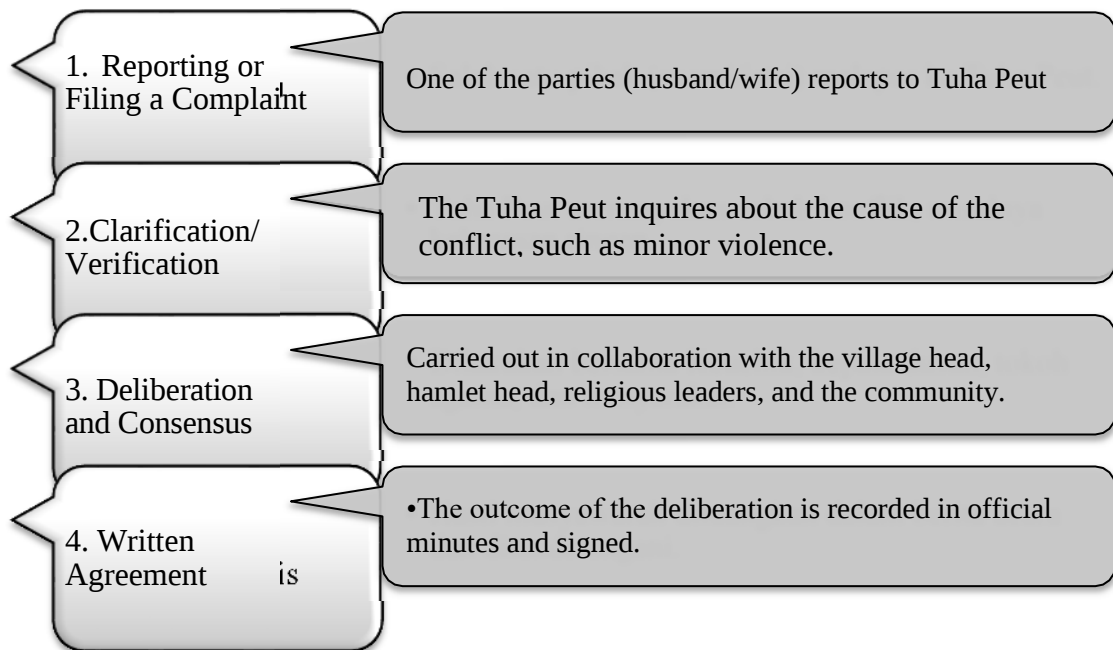


Figure 2. Mechanism for the Resolution of Domestic Disputes by the Tuha Peut

Source: Data processed by the author from interview results, 2025.

Within the *gampong* governance structure in Aceh, the *tuha peut* occupies a highly strategic position as a customary institution responsible for overseeing the running of the government and upholding social values within the community. Their status is not merely formal as part of the *gampong* administration, but goes beyond that to serve as a symbol of moral authority and local wisdom respected by the residents. In the context of resolving domestic disputes in *Gampong* Lamdom, as understood from the previous account, the *tuha peut* act as mediators who bridge conflicts between husband and wife through a process of deliberation and consensus. They do not act alone, but work collectively with the *keuchik* and hamlet heads, the *tengku imum*, and other members of the community. This demonstrates that the *tuha peut* hold a position as key actors (alongside the *keuchik*) in maintaining social stability and family harmony through customary mechanisms that have become deeply ingrained in the local culture. The *tuha peut* of *Gampong* Lamdom acknowledge that the position and role of the *tuha peut* are also recognised in the customary laws and traditions of Aceh.⁵² This is also consistent with the statement by the *Keuchik* of *Gampong* Lamdom, that the *tuha peut* act as a component of the local government capable of resolving family disputes.⁵³

⁵²Results of an interview with *Tuha Puet* on 20 October 2025 in *Gampong* Lamdom, Lueng Bata Sub-district, Banda Aceh City, and the author's observations.

⁵³Interview with the *Keuchik* of *Gampong* Lamdom, 20 October 2025, at the Sub-district Office of Lueng Bata, Banda Aceh.

The following table outlines the role of *the tuha peut of Gampong Lamdom* in the resolution of domestic disputes.

Table 1. The Role of *the Tuha Peut* in Resolving Family Conflicts in *Gampong Lamdom*

No.	Role of the Tuha Peut	Description
1	Mediator	Acts as a mediator between a husband and wife who are in dispute.
2	Facilitator of Deliberations	Organising meetings between the relevant parties, including the Keuchik, the hamlet head and community leaders.
3	Recorder of Agreements	Drafting the minutes of the deliberations as a customary law document.
4	Social Overseer	Reminding residents in social forums to maintain good relations and avoid conflict.

Source: Data compiled by the author from interview results, 2025.

The role of *the tuha peut* in resolving domestic conflicts in village Lamdom, as understood from the resolution of family conflict cases within the community, demonstrates a model of community-based dispute resolution that is both restorative and preventative. They not only resolve reported issues but also ensure that the outcomes of the deliberations are recorded in a minutes of meeting (the agreed outcome signed by the relevant parties) that is binding both socially and morally. It is said to be socially binding because there will be social consequences if a couple who have agreed to a settlement subsequently breaches it. Such consequences include sanctions. *Tuha Peut of village Lamdom* explained that the sanctions generally imposed are customary sanctions in the form of a fine if a couple who have agreed to make peace subsequently breach the minutes of the meeting that were signed jointly with the *village* officials. It is said to be morally binding because the disputing parties are bound by the moral values of the community and must respect the decision made jointly with *the village's* traditional elders.

The agreement reached is witnessed by village leaders and serves as a guideline for the parties to uphold their commitment to peace. In the event of a breach of the terms of the minutes, *the Tuha Peut*, together with the village officials, are authorised to impose social sanctions in accordance with customary norms. Furthermore, they are also active in preventing conflict by strengthening social ties through various social forums such as religious study groups, youth meetings and village events. Thus, the role of the Tuha Peut is not merely reactive to conflict, but also proactive in fostering a culture of peace and strengthening social solidarity at the family and community levels.

4. Analysis of the Role of *the Tuha Peut* of Lamdom Village as *Hakam* in the Resolution of Domestic Disputes from the Perspective of Islamic Law

The role of *the Tuha Peut of Gampong Lamdom*, as outlined above, demonstrates recognition of the existence of customary law in the Province of Aceh in the resolution of

legal cases arising within the community, within the broader context of Acehese society. The status of customary law is essentially on a par with Sharia law; in other words, customary law and Islamic law in Aceh are likened to essence and its attributes (*ngon adat lagee zat ngon sifeut*). Indeed, Islamic teachings have permeated and become relatively perfectly integrated with the consciousness of Acehese society, and have become a custom (tradition) that is interwoven with daily life.⁵⁴ This means that the role of *the tuha peut* in resolving family disputes is part of the customary procedure which, in Islamic law, is also known as a mediator, or more commonly as a *hakam*.

The role of *the tuha peut* in resolving domestic disputes in *Gampong Lamdom* can be analysed as a manifestation of the concept of *hakam* in Islamic law. In the Qur'an, specifically Surah Al-Nisā' verse 35, Allah commands that should a dispute arise between a husband and wife, a *hakam* from the husband's family and a *hakam* from the wife's family should be appointed to mediate and seek a peaceful resolution. Although *the tuha peut* does not originate from the families of the disputing parties, his position as a traditional figure trusted by the community makes him highly relevant as a community representative who functions similarly to a *hakam* within the local social context. This is in line with the analysis by Syahrizal Abbas, Al Yasa' Abubakar Eka Srimulyani, and colleagues, that in Acehese society generally, family disputes that cannot be resolved by the mediators appointed by each of the husband and wife (*hakamain*), originally stem from the spouses' respective families; in such cases, both parties may seek assistance from *village* leaders to act as mediators. These *village* leaders—comprising *the keuchik*, *teugku imuem*, *tuha peut* and other figures deemed authoritative and capable of resolving disputes—serve as mediators. The mediators facilitate the process, facilitate communication, and engage in deliberations to seek a peaceful resolution.⁵⁵

This implies that the role of *the tuha peut* as a mediator in resolving domestic disputes in *Gampong Lamdom* is relevant to the concept of *hakam* within the context of Sharia law. If this resolution process is followed, the mechanism can be illustrated as follows:

⁵⁴Syahrizal Abbas et al., *Public Perceptions of the Implementation of Islamic Sharia in Aceh*, First Edition, 2nd Printing (Banda Aceh: Aceh Department of Islamic Sharia, 2018), pp. 73–81; see also in Al Yasa' Abubakar, *Islamic Sharia in the Province of Nanggroe Aceh Darussalam: Paradigms, Policies and Activities* (Banda Aceh: DSI– Aceh Provincial Department of Islamic Sharia, 2005), p. 26; Syahrizal Abbas and Munawar A. Djalil, *A New Paradigm for Sharia Law in Aceh* (Banda Aceh: Aceh Department of Islamic Sharia, 2018), p. 53.

⁵⁵Abubakar, Srimulyani, and Abbas, **Family and Power Relations**..., pp. 337–339.

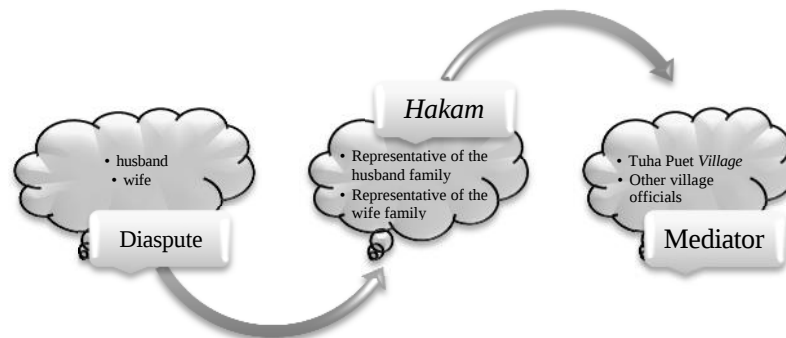


Figure 3. Mechanism and Process of Dispute Resolution

Based on the figure above, it can be understood that the position of *the hakam* is a family member of either the husband or the wife who is appointed to act as a bridge in the dispute resolution process. However, if *the hakam* or their families are unable to resolve the dispute, the matter is escalated to the *village* level, where *the tuha peut* acts as one of the mediators, alongside other mediators such as *the keuchik* and other officials involved in resolving family conflicts. In certain circumstances, *the hakam* from the family is not involved, or at the very least, their involvement is bypassed, and the matter is resolved directly by *the village tuha peut*.

In the context of Islamic law, the interpretation of the term *hakam* is indeed still open to discussion: whether they are drawn purely from the families of the respective parties, or from other neutral parties appointed by the disputing couple. If the reference is to family members alone, then *the tuha peut* in this instance cannot be considered a *hakam*; however, if the reference is to a neutral third party, specifically appointed by the disputing couple, then *the tuha peut* falls into this category. In this regard, a table can be presented showing the opinions of scholars regarding the meaning of *hakam* as mentioned in Surah Al-Nisā', verse 35, so that the role of *the tuha peut* in the resolution of domestic disputes in *Gampong Lamdom* can be identified.

Table 2. Scholars' Opinions on the Meaning of *Hakam*

Meaning of <i>Hakam</i>		Scholars
First Opinion: Two People Appointed by the Husband and Wife Respectively	Two Men, One from the Husband's Side, One from the Wife's Side (may be from the family, or from outside the family but trusted)	Abū Ḥanīfah, Al-Shāfi'ī in one of his opinions, and Aḥmad in one of his narrations.
Second Opinion: Two Judges	The scholars of Madinah, the Mālikī school, Aḥmad in another narration, and Al-Shāfi'ī in another opinion	

Source: Data compiled from the explanations of Ibn Qayyim Al-Jauziyyah.⁵⁶

Based on the above view, *the tuha peut* is one of the parties falling within the scope of *hakam*; however, they do not belong to the husband's or wife's family, but are a trusted party

⁵⁶Ibn Qayyim Al-Jauziyyah, **Badā'i Al-Tafsīr** (Beirut: Dār Ibn Jauzī, 2005), p. 275; See also in Al-Jauziyyah, **Zād Al-Ma'ād fī Hadī Khair Al-'Ibād**, p. 173.

appointed directly by the husband or wife involved in the dispute. In *Gampong Lamdom*, as stated by the previous *tuha peut*, couples experiencing conflict will report the matter and appoint *village* officials or *the tuha peut* to resolve their dispute. Here, *the tuha peut* is not a family member, but a trusted neutral party in resolving family disputes.

Resolution through the process of *consensus-based deliberation* also reflects the value of *ṣulḥ* as set out in several verses of the Qur'an, for example, Surah Al-Nisā' verse 35, Surah Al-Ḥujūrāt verse 10, and Surah Al-Baqarah verse 224. This means that, from the perspective of Islamic law, the role of the '*tuha peut*' is consistent with the context of Islamic law, both with regard to the '*ḥakam*' specifically and the concept of '*ṣulḥ*' in general. In the specific context of the '*ḥakam*', the '*tuha peut*' can be understood as a '*ḥakam*', though not one drawn purely from within the family. This is in line with the ' ' view held by Abū Ḥanīfah, Al-Syāfi'ī, and Aḥmad. In other words, the position and role of the '*tuha peut*' can be described as that of a '*ḥakam*'. In the broader context of '*ṣulḥ*', the role of the '*tuha peut*' in village *Lamdom* is also that of a mediator in resolving disputes arising within the community. This is also in line with the explanation provided by Syahrizal Abbas, Al Yasa' Abubakar, Eka Srimulyani and colleagues, namely that as the resolution does not involve a *ḥakam* from within the immediate family, *village* officials may act as mediators, including the *tuha peut*.⁵⁷

Viewed from the perspective of the outcome of the consensus-based deliberation—with the signing of the agreement by both the husband and wife, the *village* officials, and the *tuha peut* acting as mediators—this also demonstrates compliance with Islamic law. In the decision-making process, the recording of the peace agreement is of the utmost importance, particularly in the context of modern society. Syahrizal Abbas states that, in customary law communities, agreements reached by the parties through such mediation mechanisms are generally not set out in writing. This tendency does not mean that the parties are free to renege on or fail to implement the terms of the mutual agreement. In customary law communities, the monitoring of the implementation of mediated agreements still follows specific methods and mechanisms. However, in modern society, which is accustomed to written communication, agreements reached through mediation are set out in writing. In the modern legal world, written agreements serve as strong evidence in judicial proceedings. Consequently, modern society always records mutual agreements in writing, with the aim of facilitating recall of the agreement's contents.⁵⁸

The role of *the Tuha Peut of village Lamdom* is also in line with the principle of *shura* as prescribed in Islam. *The Tuha Peut* carries out the function of a *judge (hakam)* using a consensus-based consultative approach that aligns with the principle of *shura* in Islam. They do not make decisions unilaterally, but rather convene the *village* council, the

⁵⁷Abubakar, Srimulyani, and Abbas, **Family and Power Relations**..., pp. 337–339.

⁵⁸Syahrizal Abbas, *Mediation in Sharia Law, Customary Law and National Law* (Jakarta: Kencana Prenada Media Group, 2017), p. 278.

Keuchik/village chief, the hamlet heads and religious leaders to jointly listen to, assess and agree on the best solution for the disputing couple. This process reflects the values of justice, openness and participation upheld in Islamic law, whereby decisions are not only legally sound but also morally and socially just.

As a *hakam*, the *tuha peut* not only plays a role in resolving conflicts within the family as a mediator, but also as a facilitator—that is, one who provides and manages the venue for the deliberations leading to a consensus. *The tuha peut* promotes peace and helps to maintain the stability of the family as the basic unit of society; this demonstrates that the role of *the tuha peut* is not merely administrative, but also spiritual and social, rooted in Islamic values and Acehnese customs.

In practice, *the tuha peut* applies the principle of *tahkīm* as a *hakam*, which involves entrusting a matter to a trusted party to resolve the dispute. When a disputing couple reports their issue and accepts the outcome of the deliberations, they have implicitly entrusted the matter to *the tuha peut* as *the hakam*. This is valid under Islamic law provided that the decision taken does not contravene sharia principles and is agreed upon by both parties. *The tuha peut* ensures that the decision is recorded in a minutes of proceedings witnessed by community leaders, thereby giving it binding social force.

The tuha peut also performs the function of *taṣliḥ* (reconciliation) in the *ṣulḥ* process, which forms part of the peaceful resolution approach within Islamic law. *Sulḥ* is a method of dispute resolution that prioritises peace and mutual agreement without having to go through formal judicial proceedings. In minor cases such as arguments or minor assaults, the *sulḥ* approach adopted by *the tuha peut* has proven effective; according to *the tuha peut's* previous account, all family conflicts handled by *the tuha peut* to date have been resolved amicably.

D. CONCLUSION

Referring to the preceding discussion, the following conclusions can be drawn: *Firstly*, regarding the role of *the tuha peut* in resolving domestic disputes in village Lamdom, *the tuha peut of Gampong Lamdom* plays a central role in conflict resolution based on deliberation and customary values. In minor cases, such as arguments or minor acts of violence between husband and wife, *the tuha peut* acts as a mediator, organising meetings with the *village apparatus*, *the keuchik/village chief*, the hamlet head, and community leaders. The resolution process is carried out collectively and culminates in a peace agreement set out in the minutes, which then becomes a binding social guideline. In addition to resolving conflicts, *the tuha peut* also plays an active role in prevention efforts, namely by strengthening social ties in various social forums.

Secondly, regarding the role of *the tuha peut* of village Lamdom as a *hakam* in the resolution of domestic disputes from the perspective of Islamic law, this role reflects the integration of customary law and Islamic law, which have become intertwined in the

consciousness of the Acehnese people. Although *the tuha peut* does not originate from the families of the disputing parties, his status as a trusted traditional figure makes the *tuha peut of village* Lamdom relevant as a neutral party appointed to mediate the conflict, in accordance with the concept of *hakam* in Surah Al-Nisā' verse 35 and according to the opinions of scholars such as Abū Ḥanīfah and Al-Syāfi'ī. Furthermore, the role of *the tuha peut* is in line with the principles of *syūrā* (consultation), *taḥkīm* (referral of matters to a trusted party), and *ṣulḥ* (reconciliation) within Islamic law. *The tuha peut* acts as a mediator and facilitator, overseeing the process of consensus-building in consultation with the *village* council and community leaders. The outcome of the consensus is recorded in a written ' ' (minutes of the meeting). Therefore, the role of *the tuha peut* as a *hakam* within the local context of Aceh represents a holistic integration of adat and sharia, and serves as a model for the resolution of family disputes that is contextual, fair, and deeply rooted in Islamic values.

It is recommended that the role of *the tuha peut* as *hakam* be strengthened through mediation training based on both Sharia and customary law, and supported by the recording of written agreements to ensure justice, compliance and the sustainability of family conflict resolution.

REFERENCES

- Abbas, Syahrizal. *Mediation in Sharia Law, Customary Law and National Law*. Jakarta: Kencana Prenada Media Group, 2017.
- Abbas, Syahrizal, and Bukhari Ali. *Mediation in Sharia and Customary Law*. Banda Aceh: Aceh Islamic Sharia Agency, 2018.
- Abbas, Syahrizal, and Munawar A. Djalil. *A New Paradigm for Sharia Law in Aceh*. Banda Aceh: Aceh Islamic Sharia Agency, 2018.
- Abbas, Syahrizal, Mujiburrahman, Muslim Zainuddin, Salman, Abdul Muthalib, Sayuthi, Abidin Nurdin, et al. *Public Perceptions of the Implementation of Islamic Sharia in Aceh*. First Edition, 2nd Printing. Banda Aceh: Aceh Islamic Sharia Agency, 2018.
- Abubakar, Al Yasa'. *A Study of the Aceh Government Act and Essays on Women, Marriage and Child Guardianship*. 1st edition, 2nd printing. Banda Aceh: Aceh Department of Islamic Sharia, 2018.
- . *The Implementation of Islamic Sharia in Aceh as an Asymmetrical Special Autonomy: History and Struggle*. Banda Aceh: Aceh Islamic Sharia Agency, 2020.
- . *Islamic Sharia in the Province of Nanggroe Aceh Darussalam: Paradigms, Policies and Activities*. Banda Aceh: DSI – Aceh Provincial Department of Islamic Sharia, 2005.
- Abubakar, Al Yasa', and Marah Halim. *Islamic Criminal Law in Aceh: Interpretation and Guidelines for the Implementation of the Qanun on Criminal Offences*. Banda Aceh: Aceh Islamic Sharia Agency, 2011.

- Abubakar, Al Yasa', Eka Srimulyani, and Syahrizal Abbas et al. *Family and Power Relations in Acehese Society: A Re-examination through an Interdisciplinary Approach*. Banda Aceh: Aceh and Indian Ocean Research Centre Foundation, 2020.
- Al-Baihaqī, Abī Bakr Aḥmad bin al-Ḥusain bin Alī. *Al-Sunan al-Kubrā*. (Edited by: Muḥammad Abd al-Qādir 'Aṭā), Vol. 7. Beirut: Dār Al-Kutb Al-'Ilmiyyah, 2003.
- Ali, Achmad. *Unveiling the Veil of Law*. Jakarta: Kencana Prenada Media Group, 2015.
- . *Unveiling Legal Theory and Judicial Precedent, Including the Interpretation of Statutes (Legisprudence)*. Jakarta: Kencana Prenada Media Group, 2017.
- Al-Jaṣṣāṣ, Aḥmad bin 'Alī Al-Rāzī. *The Rulings of the Qur'an*. Beirut: Dar Ahya' Al-Turan Al-'Arabi, 1992.
- Al-Jauziyyah, Ibn Qayyim. **Badā'i' al-Tafsīr**. Beirut: Dār Ibn Jauzī, 2005.
- . *Zād Al-Ma'ād fī Hadī Khair Al-'Ibād*. Translated by Masturi Irham, Nurhadi, Abdul Ghofar, Jakarta: Pustaka Al-Kautsar, 2008.
- Al-Māwardī, Abī Al-Ḥasan. **Al-Nukat wa Al-'Uyūn Tafsīr Al-Māwardī**. Beirut: Dār Al-Kutb Al-'Ilmiyyah, 1991.
- Al-Qurṭubī, Abī Bakr. *Jāmi' li Aḥkām Al-Qur'ān*. Translated by Masturi Irham et al. Jakarta: Pustaka Azzam, 2009.
- Al-Suyūṭī, Jalāluddīn. **Al-Dur Al-Mansūr fī Al-Tafsīr Al-Ma'sūr**. Beirut: Dar Al-Fikr, 2011.
- Al-Ṭabarī, Ibn Jarīr. **Jāmi' Al-Bayān 'an Ta'wīl Ayy Al-Qur'ān**, trans. Amir Hamzah et al., Jakarta: Pustaka Azzam, 2009.
- Arikunto, Suharsimi. *Research Procedures: A Practical Approach*. Jakarta: Rineka Cipta, 2016.
- Askin, Moh., and Masidin. *Normative Legal Research: Analysis of Judicial Decisions*. Jakarta: Kencana Prenada Media Group, 2023.
- Diantha, I Made Pasek. *Methods of Normative Legal Research in the Justification of Legal Theory*. 2nd ed. Jakarta: Kencana Prenada Media Group, 2017.
- Efendi, Jonaedi, and Johnny Ibrahim. *Methods of Normative and Empirical Legal Research*. Jakarta: Kencana Prenada Media Group, 2018.
- Friedman, Lawrence M. *The Legal System: A Social Science Perspective*. (Translated by M. Khozim). Bandung: Nusa Media, 2019.
- Ghazaly, Abdul Rahman. *Fiqh Munakahat*. First Edition, 7th printing. Jakarta: Kencana Prenada Media Group, 2018.
- Graf, Arndt, Susanne Schroter, and Edwin Wieringa. *Aceh: History, Politics and Culture*. Singapore: Institute of Southeast Asian Studies, 2010.
- Iskandar, Mizaj, and EMK Alidar. *The Authority of Customary Institutions in the Resolution of Khalwat Cases in Aceh*. Banda Aceh: Aceh Islamic Sharia Agency, 2020.
- Ismail, Azman, Husda Husani, Misri A. Muchsin, Syarifuddin Usman, Rasyad, Jailani, Fauzi Ismail, and Marduati. *Islamic Sharia in Aceh*

-
- Mahmuddin. "Tuha Peut Perempuan: Opportunities and Social Differentiation in Village Development in Aceh." *Jurnal Peurawi: Journal of Islamic Communication Studies* Vol. 2, no. 1, 7 August 2019: 47–62. doi:10.22373/jp.v2i1.5067.
- Manan, Abdul. *The Aceh Shari'ah Court in National Legal Policy*. Jakarta: Kencana Prenada Media Group, 2017.
- Marzuki, Peter Mahmud. *Legal Research*. 13th ed. Jakarta: Kencana Prenada Media Group, 2017.
- . *Introduction to Legal Studies*. Revised Edition, 13th ed. Jakarta: Kencana Prenada Media Group, 2021.
- Muhammad, Rusjdi Ali, and Khairizzaman. *The Constellation of Islamic Sharia in the Global Era*. Vol. 1, 2nd ed. Banda Aceh: Aceh Department of Islamic Sharia, 2012.
- Muhammad, Rusjdi Ali, and Dedy Sumardi. *Conflict and Violence: Solutions under Islamic Sharia*. Banda Aceh: Aceh Department of Islamic Sharia, 2014.
- Munawwir, Achmad W., and M. Fairuz. *Al-Munawwir Dictionary: Indonesian–Arabic Dictionary*. Surabaya: Pustaka Progressif, 2007.
- Editorial Team. *Indonesian Language Dictionary*. Jakarta: Language Centre, Ministry of National Education, 2008.
- Sālim, Abū Mālik Kamāl bin Sayyid. *Fiqh Al-Sunnah li Al-Nisā'*. Translated by Firdaus, Jakarta: Qisthi Press, 2013.
- Salle. *The Legal System and Law Enforcement*. Makassar: Social Politic Genius-SIGN, 2020.
- Setiadi, Elly M., Kama A. Hakam, and Ridwan Effendi. *Basic Social and Cultural Studies*. Third Edition, 13th Printing. Jakarta: Kencana Prenada Media Group, 2017.
- Sugiyono. *Understanding Qualitative Research*. 12th printing. Jakarta: Pustaka Alfabeta, 2016.
- Syarifuddin, Amir. *Islamic Marriage Law in Indonesia: Between Fiqh Munakahat and the Marriage Act*. 5th printing. Jakarta: Kencana Prenada Media Group, 2016.
- Tihami, H.M.A., and Sohari Sahrani. *Fikih Munakahat: A Comprehensive Study of the Fiqh of Marriage*. Vol. 1, 4th ed. Jakarta: Rajawali Pers, 2014.
- Faculty of Sharia and Law Writing Team. *Guidelines for Writing Theses at the Faculty of Sharia and Law*,