



THE ROLE OF LAPAN IN PROVIDING SANCTIONS FOR PERSONS OF GAMPONG TRADITIONAL VIOLATIONS

Sumardi Efendi¹

Departement Islamic Criminal Law, STAIN Teungku Dirundeng

Email : sumardi.efendi@staindirundeng.ac.id

Abstract: *Aceh as one of the special regions in Indonesia has privileges in managing the life of its people, including maintaining social life in the community in terms of imposing sanctions on violators who violate the rules in the gampong where the community lives. In addition to having a keuchik, the gampong also has a set of eight tuha in customary social life. By using the literature methodology and review of qanuns in Aceh, we want to see the extent of the role of the tuha lapan in imposing sanctions for customary violations in gampong. From the results of the research, it was concluded that competence under the Tuha Lapan Gampong Customary Court includes issues of Article 13 of Qanun Number 9 of 2008 concerning Fostering Traditional Life and Customs.*

Keywords: *Tuha Lapan, Sanctions, Customs, Gampong.*

I. INTRODUCTION

Customary law is the same as other fields of law, where customary law is also a field of law that lives and develops in society. Customary law is a role model and the implementation of the attitude or character of daily practice in the order of life of the people in a country. The characteristics and forms have traditional nuances and are unwritten and originate from their cultural customs (Badruzzaman Ismail, 2009).

However, the customary law that is recognized by the state is different from the customary law that is enforced in the gampong because the gampong has special regulations and reusam, in which the procedure for settling a case is carried out by the Tuha Lapan and community leaders. However, the customary settlement procedure aims to facilitate the settlement of cases and save costs and does not require a long time. The unwritten customary law system only grows and develops and is maintained with the legal awareness of the community, customary law has a traditional type with a rank based on the will of the ancestors. Then this term was recorded by Snouck Hurgronje when he was conducting research in Aceh in (1891-1892) for the benefit of the Dutch colonial government namely "recht" to distinguish customs from customs that have legal sanctions (Hilman Hadikusuma, 2003).

For legal order, it is always given great respect, therefore the desire to do or not do something is always returned to its base as a benchmark for the desire to be carried out, customary law regulations can also change depending on the influence of alternating events and life circumstances. alternated (R Abdoel Djamali, 2009). Fostering traditional life and customs is carried out by the development of the privileges and specificities of Aceh which are based on Islamic sharia values implemented by Wali Nanggroe (UUPA, 2006).

Therefore, what is meant by adat are generally ceremonial customs or ceremonies which give meaning with certain symbols to describe conditions and hopes in the form of life which are their goals and hopes. So modern development and civilization have not been able to eliminate the customs of life that have developed in society so that the development of customary law in following the progress of the times itself must proceed in an evolutionary manner (Hani Subakti, 2022).

Customary law is a system that applies in the life of the Indonesian people which originates from customs, which have been respected and obeyed by the people for generations as the traditions of the Indonesian nation (Soepomo, 1998). The enactment of Indonesian customary law is implicitly recognized by the 1945 constitution through a general explanation, which states that: "the constitution is a written basic law, while in addition to the basic law, it also applies to unwritten basic laws, namely rules basic rules that arise and are maintained in the practice of administering the state even though they are not written (Ilhami Bisri, 2008).

In Indonesia, family deliberation at home in the community is an object that functions and plays a role in maintaining and fostering family harmony (Rusniah Ahmad, 2016). If the family meeting also fails to create harmony and peace, then the problem is raised at the village customary meeting which is attended by traditional elders or leaders of hereditary relatives and there are also the Keuchik, Tuengku Imum Meunasah, and the Tuha Gampong people. If this is deemed necessary, it will be followed by the teacher of the Imum Mukim and the Imum of the Mosque (Hilman Hadikusuma, 2003).

The foundations of customary law in Aceh and Islamic law have a very large role in regulating the life of the people of Aceh. Aceh's customary law that applies in society must not conflict with Islamic law (Dedi Sumanto, 2018). This is because customary law is based on Islamic law, namely the Qur'an and Hadith. Both of these legal systems are equally applicable and applied in people's lives, as in Hadih Maja's expression "*adat ngon hukom lagee zat ngon sifeut*", meaning that adat (Aceh) and law (Islam) are like substances with properties. "*Adat bak po teumeureuhom, hukom bak Syiah Kuala, qanun bak Putroe Phang, reusam bak Laksamana*", meaning, custom on Sultan Iskandar Muda, law on Syiah Kuala (Ulama), qanun on Putri Pahang, rules on Warlords (Khalsiah, 2018).

If one traces the history of Aceh, one will be found that religious institutions and traditional institutions are deeply rooted in the community. The motto "Hukom

ngon adat han jeuet cre, lagee zat ngon sifeut" (T. Ibrahim Alfian, 1999), shari'a (law), and adat cannot be separated like God's substance and its nature. The Acehese ethnic worldview on this matter is reflected in the writings of a great scholar in the nineteenth century, Sheikh Abbas Ibnu Muhammad alias Teungku Chik Kutakarang who wrote in his book 1889) (تَذْكَرَةُ الْوَلَدِ الْكَبِيرِ), among others, as follows "adat ban adat, hukom ban hukom, adat ngon hukom, and keumba. When there is a consensus on the adat of ngon hukom, nanggroe seunang hana goga". The meaning is "Adat according to custom, sharia law according to sharia law. Adat and Shari'a law cannot be separated, when there is consensus between adat and law, the country is happy without riots."

Within indigenous peoples, both those whose social structure is based on kinship relations and based on relations between gampongs, there are customary rules for resolving disputes that occur between one indigenous people and another (Hilman Hadikusuma, 2001). Resolve these various disputes, traditional community leaders are obliged to resolve them by holding meetings and negotiations in the nature of "traditional justice" between the parties on the basis of deliberation for consensus by mediating or being direct. The meeting was held with the aim of restoring balance and reconciliation between the two interested parties in a peaceful manner (Hardi, 1993). According to Qanun No. 5 of 2003 concerning Gampong Government in Aceh Darussalam Province, emphasized that the duties and obligations of the gampong government are resolving customary disputes, protecting and maintaining the preservation of customs and traditions, immoral acts in society, maintaining peace and order and preventing the emergence of immoral acts in society along with Tuha Peut, Tuha Lapan, and Imum Meunasah became peace judges (Hardi, 1993).

The process of implementing these customary sanctions will be imposed based on the level of mistakes made and the extent to which the perpetrator has committed an offense. Settlements according to custom may only be carried out by recognized customary institutions and in accordance with what is stated in Qanun Number. 10 of 2008 concerning Aceh's customary institutions. The Qanun mentions that 13 customary institutions are recognized, namely, starting from the Keuchik, Mukim, Panglima Laot, Tuha Peut, Ulama, and Tuha Lapan.

II. DISCUSSION

Tuha Lapan in the Acehese Traditional System

Tuha Lapan is the highest council at the Gampong level which consists of; Tuha Peut, Guree Semeubeut (religious Koran teachers), scholars and youth/women figures. Tuha Lapan is also referred to as the Gampong and Mukim complementary body which consists of elements of the Government, elements of Religion, elements of Traditional Leaders, Community Leaders, elements of intellectuals, elements of youth/women and elements of Community Organization groups (Badruzzaman Ismail, 2009).

Tuha Lapan is a more complete set of Tuha Peut Gampong institutions by adding four other elements, namely intellectuals, young women, and wealthy people. The

use of this institution when is related to problems that are bigger or more complicated and more difficult (Badruzzaman Ismail, 2009). The Customary System is the basic values of certain Indigenous peoples that Indigenous people can believe in and practice and cannot be ratified as National Law. The Customary System originates from unwritten legal regulations that grow and develop and are maintained with awareness of the law of the community (Ahmad Faris Wijdan, 2021). Because the regulation is not written and grows, customary law has an elastic ability to adapt to society. In Acehese society, Adat or Customary Law may not conflict with the teachings of Islam, something that has been decided by the leaders must be in line with the provisions of Islamic Shari'a, if it conflicts with Islamic teachings then the Customary Law must be abolished (Fauzi Ismail, 2022). The role of Tuha Lapan (women) in the context of Acehese Cultural Traditions and Customs, when a Gampong is no longer inhabited by women, it is as if it is no longer a Gampong. If there are no men in the gampong, as was the case during the prolonged violent conflict in Aceh, the gampong can be managed by Tuha Lapan (mostly women) in the field of certain case settlements including the economic field. Likewise in problem areas that do not contain elements of a case such as education/recitations at the Meunasah, or teaching at schools (Ernita Dewi, 2020).

Tuha Lapan, with all its advantages and glory, can play various roles in development, especially in gampongs. The role in question can only be played in four areas, namely: Religion (akhlakul karimah development), education (knowledge and skills development), economics (welfare and prosperity development), social politics (strengthening Gampong social and institutional structures) (Baharuddin, 2002).

So, Tuha Lapan is a customary institution established by the Aceh government in Qanun number 5 of 2003 concerning Gampong governance, where Tuha Lapan is a Gampong administrative body to assist the keuchik in the process of resolving disputes within the community. Therefore, Tuha Lapan consists of eight people, which also includes elements of the Tuha Peut apparatus and is supplemented by four other elements. Tuha Lapan's elements include Gampong Ulama, community leaders, traditional leaders, intellectuals or intellectuals, community leaders, youth elements, women elements, and community group organizations.

Legal Basis Regarding the Role of Tuha Lapan in Gampong Traditional Institutions

Tuha Lapan in Adat Aceh basically has a very important authority, where the authority of Tuha Lapan in practice is the same as that played by Tuha Peut, in the problem of resolving disputes in Gampong, Tuha Lapan plays an important role in helping Tuha Peut to solve Gampong problems that are resolved together. In article 5 paragraph 2 of the NAD provincial regional regulation, Qanun number 7 of 2000 concerning the management of customary life, which is now being revised by Qanun number 5 of 2003 concerning the Gampong government. Furthermore, in Article 6 of Qanun number 7 of 2000, it is stated: "Customary institutions have a function as a means of control both preventive and representative, covering the fields of religion, peace, harmony, and public order". In carrying out this function,

customary institutions have the authority as a vehicle for solving social problems and resolving disputes that occur in society or reconciling parties to disputes in their territory (as judges of peace) (Research Team, 2006).

In the Indonesian legal system, customary law is a complementary law, as is the case in Aceh which is part of the national legal system, where relations with one another are subject to statutory regulations and are also subject to customary law provisions (Hasnul Arifin Melayu, 2021). In addition to these two norms, people's lives are also subject to customary provisions which are characteristic of Aceh, these customary laws and customs have been institutionalized since the time of the Aceh sultanate, and have been adapted to the principles of Islamic law. Bak Putroe Phang, Reusam Bak Laksamana" so it is difficult to distinguish between the rules of customary law and customs. This uniqueness creates strong trust in the community and local government to provide a strong legal basis for the treatment of Acehnese customs.

Traditional institutions are two sets of words, namely institutions, and customs. Institutions can be interpreted as establishments, while adat is a habit. From this literature, the institution can be interpreted as a term that refers to patterns of human behavior consisting of social interactions, which have a structure within a framework of relevant values. According to cultural studies, an institution is a form of organization that is structured relatively permanently on patterns of behavior, roles, and relationships that are directed and bind individuals, and have formal authority and legal sanctions in order to achieve basic social needs (Research Team, 2006).

In addition to the existence of Adat Institutions, Aceh is also known for its Adat apparatus, namely those who lead, regulate or manage resources in Adat institutions in their respective fields. These customary institutions are called Tuha Peut, Tuha Lapan, Geuchik, and Teungku Imum, which are included in the traditional apparatus, namely the highest adat apparatus at the gampong level (Badruzzaman Ismail, 2008).

In Article 21 paragraphs 1-4 of Qanun number 10 of 2008 concerning Customary Institutions, it is explained regarding the appointment of Tuha Lapan, among others:

- a. At the Gampong and Mukim levels, a Tuha Lapan can be formed according to the needs and development of the community.
- b. Tuha Lapan is elected through a Gampong deliberation or the Mukim Deliberation Council.
- c. Tuha Lapan consists of Tuha Peut elements and several people representing areas of expertise according to the needs of the Gampong or Mukim.
- d. The conditions for the appointment and dismissal of Tuha Lapan and their duties and functions are the same as those that apply to Tuha Peut or are stipulated in Gampong or Mukim meetings.

In article 35 (paragraph 1) of Qanun No. 5 of 2003 concerning the Gampong government, Tuha Peut Gampong has duties and functions. However, the function of Tuha Peut is the same as that of Tuha Lapan when viewed in practice, namely as follows:

- a. Improving efforts to implement Islamic Sharia and customs in society.
- b. Maintaining the preservation of local customs, habits, and culture that still have benefits.
- c. Carry out the legislative function, namely discussing/formulating and giving approval for the determination of the Keuchik for the Gampong reusam.
- d. Carry out the budget function, namely discussing/formulating and giving approval to the draft Gampong income and expenditure budget before it is determined to become the Gampong income and expenditure budget.
- e. Carry out the oversight function, which includes supervising the implementation of the Gampong reusam, implementation of the Gampong income and expenditure budget, and implementation of decisions and other policies from the Keuchik.
- f. Accommodate and channel community aspirations to the Gampong government.
- g. Compile and formulate Gampong reusam.

As for the duties of Tuha Lapan itself in the Gampong aspect as regulated in qanun number 12 of 2004 concerning the Tuha Lapan Gampong institution, among others:

- a. Take an inventory of all Gampongs in the form of natural resources (SDA) that can be used both as subjects and as objects of Gampong community development.
- b. Prepare development plans for short term, medium term and long term programs in accordance with the potential of the village and the needs of the community.
- c. Together with the Keuchik, prepare the Gampong government's annual work program, draft Gampong revenue and expenditure budget (APBG) and activity checklist (DIK).

In the implementation and control of development:

- a. Mobilizing active and positive community participation.
- b. Developing the spirit of self-help and cooperation of the Gampong community in development.
- c. Growing conditions for an orderly, safe, and dynamic society.
- d. Together with the Keuchik, explore and increase Gampong's source of income.
- e. Carry out other tasks to assist the Gampong government.

The function of Tuha Lapan in the customary position of Gampong is:

- a. Coordinating Gampong development planning.
- b. Fostering, and mobilizing youth, women's organizations, and other social institutions in Gampong community development.

- c. Increasing the role of women in creating a prosperous and happy family.
- d. Fostering cooperation between existing institutions in society for development.
- e. Organizing development programs, in a coordinated, participatory, integrated, and sustainable manner.
- f. Fostering and increasing community income and expanding community employment opportunities.
- g. Control and utilization of community institutional resources for development in Gampong.

The settlement of disputes in the Gampong unit is called the Gampong Adat court by Qanun number 5 of 2003 concerning the Gampong government. Based on law number 11 of 2006 concerning the Aceh government, chapter XIII concerning Customary Institutions, says that customary settlement of social problems is pursued through Adat Institutions (article 98, paragraph 2), Customary institutions that have received formal juridical legality are as follows:

- a. MAA (Majelis Adat Aceh)
- b. Imeum Mukim
- c. Imeum Chiek
- d. Keuchik
- e. Tuha Peut
- f. Tuha Lapan
- g. Imeum Meunasah
- h. Keujruen Blang
- i. Panglima Laot
- j. Pawang Glee
- k. Peutua Sineubok
- l. Haria Peukan
- m. Syahbandar

If Tuha Peut is unable to resolve the dispute between the two parties, then the case is brought to Tuha Lapan which consists of Tuha Peut, community leaders such as; Guree Semebeut (religious teacher), Clever, and the Youth leader. In this case, the Keuchik Gampong still functions as an active mediator and is assisted by Tuha Peut and Tuha Lapan.

The customary law used in Acehnese society originates (Badruzzaman Ismail, 2009):

- a. Adatullah, namely: Traditional Law which is almost absolutely based on Allah's law (Al-Quran and Hadith).
- b. Adat Tunnah, namely: Customs as a manifestation of the Qanun and Reusam which regulate people's lives (including the Qanuns of Islamic Sharia).
- c. Adat Muhakamah, namely: Customary Law which is manifested on the principle of deliberation and consensus.

- d. Adat Jahiliyah (not allowed to be used), namely: Customs and habits of the people that are not by Islamic teachings (this kind of custom is measured from the values of Islamic teachings).

The Meunasah and the Mosque are the logos of Acehese culture, with the implication "Adat ngon hukom (religion), lagei zat ngon sifeut". "peu yang ta peugot ingat keumatei, mak meusampe hudeip geutanyoe" (development of the afterlife). So because of that, from a theoretical point of view, the role of Ulama and Traditional leaders can function as organizers, communicators, legitimators, motivators, facilitators/mediators, catalyts.

The implementation of customary justice is currently supported by several laws. In other words, the legal umbrella for empowering customary institutions and customary law is very adequate. In these various laws and regulations, it is stated explicitly that strengthening customary law and customary justice must start from the gampong or mukim and the official bodies that administer it, such as the gampong and mukim institutions.

Below are the main Laws and Regulations governing the implementation of Adat in Aceh, namely:

- a. Law no. 44 of 1999 concerning the implementation of Aceh's privileges, articles 3 and 6 emphasize that: the region is given the authority to revive adat by Islamic Sharia.
- b. Law No.11 of 2006 concerning Aceh governance, chapter XIII concerning Customary Institutions Article 98 paragraph 2.
- c. Qanun No. 5 of 2003 concerning Gampong governance in the Province of Nanggroe Aceh Darussalam.
- d. The 2007 MoU between the Governor, the Regional Police Chief, and the Supreme Court, about customary justice, the draft MoU confirms, recognizing the customary justice institution as a peace justice institution. Give the Gampong Customary Court the first opportunity to resolve social problems and if it fails, then submit it to the Mukim trial, if the matter is appropriate for the Mukim to resolve, because the Mukim is an Adat Institution consisting of several Gampongs.
- e. Qanun No. 9 of 2008 concerning the development of customary and customary life which explains that the customs and traditions that have developed in the life of the people of Aceh from the past to the present have given birth to cultural values, customary norms, and rules that are in line with Islamic Sharia which are the nation's cultural assets that need to be fostered, developed and preserved. Articles that are relevant to customary justice are Articles 13, 14, 15, and 16. The essence of these articles emphasizes that law enforcement officials provide an opportunity for disputes to be settled in Gampong adat first.
- f. Aceh Qanun Number 10 of 2008 concerning Customary Institutions. This Qanun also contains several principles that can be used as a legal basis for the implementation of customary justice, because it can function as a

vehicle for community participation in administering the government, development, community development, and solving other social problems.

The existence of the Regional Regulation/Qanun has strengthened the implementation of Aceh's privileges in its development, especially regarding Adat justice in Aceh.

The function and position of Tuha Lapan are very important in the midst of a society in order to provide comprehensive and appropriate inspiration for the needs of all components of society, where Tuha Lapan is a refinement or complement to the Tuha Peut institutional apparatus in assisting the keuchik.

So, the role of Tuha Lapan in developing Gampong is very important, besides being able to solve problems that occur in the Gampong it also helps the keuchik in terms of administering the government, development, community development, welfare, progress in the field of Religion, and making regulations according to Gampong to solve problems -social problems (Sumardi Efendi & Erha S. H, 2021). If explored more deeply, the progress of a Gampong is very influential on the system used by the Gampong apparatus, when the Gampong apparatus is not there then it will make the Gampong become disorderly and unwanted things occur, such as theft, fights among others. society, adultery, rampant immorality, and other violence, because pageu Gampong (a gampong tool in the security sector, one of which is Tuha Peut) cannot work properly.

The Elements of Tuha Lapan and Their Authority in Gampong Traditional Institutions

Tuha Peut and Tuha Lapan found in the Gampong court are community organizations with village customary law as well as Keujrun Blang, Panglima Laot, Peutua Sineubok, Haria Peukan, and Syahbandar. The goal to be achieved in customary justice both at the Gampong level and at the Mukim level court is peace for the two parties to the dispute, this peace can be realized if the decision can be accepted by the parties (Badruzzaman Ismail, 2007).

The case process at the Gampong customary court can take place in a short time, meaning it doesn't take a long time, costs less, and doesn't burden either party. However, in the process of implementing customary justice, the Tuha Lapan as mediation is always guided by legal expressions. "*beuthat tameh sarang sareng asai puteng ji lop lam bara*". This means that whatever problems occur, the goal of peace can be achieved.

Regarding its function as a representative body for Gampong, Tuha Lapan was formed to become a vehicle for realizing democracy, and openness and channeling people's aspirations. For this reason, Tuha Lapan consists of several elements, namely (Al Yasa' Abubakar, 2006):

- a. Elements of Gampong Ulama
- b. Community leaders including Youth and Women
- c. Traditional leaders

- d. Clever clever or Scholar
- e. Elements of community leaders
- f. Elements of youth
- g. The female element
- h. Elements of community group organizations

The Gampong apparatus as referred to in paragraph 1 of article 27 of Qanun No.5 of 2003 concerning Gampong administration consists of elements of Gampong staff, namely the Gampong secretariat which in carrying out its duties is assisted by several other staff, according to the needs and capabilities of the Gampong such as:

- a. Head of government affairs;
- b. Head of planning and development affairs;
- c. Head of Aceh privilege and social welfare affairs;
- d. Head of order and public order affairs;
- e. Head of women's empowerment affairs;
- f. Head of youth affairs;
- g. Head of general affairs;
- h. Head of financial affairs.

Gampong is also inseparable from the rules set by the Gampong apparatus, each Gampong has procedures and laws governing the order of life of the community itself, in other words, Gampong regulations are laws and regulations made by the Village Empowerment Agency together with the keuchiek in managing all aspects of the wheels of community life.

All Gampong government apparatus has functions and duties by their respective authorities in their fields, to regulate the welfare of the community. Duties and authorities include (Badruzzaman Ismail, 2007):

- a. Duties and powers of administering the government, based on the principles of decentralization, deconcentration, co-administration affairs, and all other government affairs in Gampong.
- b. Implementation of development, both physical development and environmental preservation as well as mental-spiritual development in Gampong.
- c. Increasing the implementation of Islamic Shari'ah (inherent in all individuals).
- d. Increasing the acceleration of service to the community.
- e. Upholding Adat law, through peaceful courts ("Adat musapat") or legal dispute resolution, in the event of disputes or customary cases in Gampong.

In the Qanun of Nanggroe Aceh Darussalam Province Number 5 of 2003 concerning Gampong Government in the Province of Nanggroe Aceh Darussalam. Although it does not explicitly regulate the Adat Court, substantially, several articles link the role and existence of the Customary Institution in resolving community disputes, but the Keuchik institution itself is also one of the Customary

Institutions that have the authority as a "Judge" in resolving disputes. and assisted by Tuha Lapan and Imeum Meunasah.

The authority or competence possessed by the Adat court in Aceh is of course not equivalent to the competence possessed by the State court. By laws and regulations, the competence of the Adat Courts in Aceh is more on general aspects and does not differentiate between civil and criminal cases.

The competencies under the Tuha Lapan Gampong Traditional Court include issues of Article 13 of Qanun Number 9 of 2008 concerning Fostering Traditional Life and Customs:

- a. Disputes in the household;
- b. Disputes between families related to farā'id;
- c. Disputes between residents;
- d. Khalwat/nasty;
- e. Disputes about property rights;
- f. Theft in the family (petty theft);
- g. Disputes over shared assets;
- h. Minor theft;
- i. Theft of livestock;
- j. Indigenous violations regarding children, agriculture, and forests;
- k. Disputes at sea;
- l. Disputes in the market;
- m. Light maltreatment;
- n. Forest burning (on a small scale which can harm Indigenous communities);
- o. Harassment, slander, incitement, and defamation;
- p. Environmental pollution (light scale);
- q. Threats threaten;
- r. Other disputes that violate customs and traditions.

The arrangement of procedures for complaints of disputes, both civil and criminal, can be identified one by one, including:

- a. Receiving reports
- b. Accept the lawsuit
- c. Conduct investigations
- d. Hold meetings/deliberations
- e. Give a decision (peaceful)
- f. Execution/carrying out decisions (separate events and mechanisms).

However, if the parties to the dispute want to transfer their dispute from the Gampong Customary Court to a formal court, this can be done as long as the dispute does not occur at Gampong level settlement or because it is not the jurisdiction of a court, the parties do not want to resolve it through the Adat Court and Customary law itself cannot resolve the dispute (Anonimus, 2008).

The village administration in Aceh is called Gampong. Gampong is a legal community unit that has the lowest government organization directly under the Mukim or another name that occupies a certain area, led by the Keuchik or another name who has the right to run his own household. There are 3 elements of the Gampong leadership, namely the Keuchik, Teungku Imeum Meunasah, and Tuha Peut, but in carrying out the power they merge into one and are carried out by the Keuchik.

There is a combination of Gampongs called Mukim headed by Imum Mukim. Mukim is a legal community unit within the NAD Province consisting of a combination of several gampongs that have certain territorial boundaries and their own assets which are directly under the sub-district, led by an Imum mukim. Because in Aceh rural communities are very strongly influenced by Islam, the role of Teungku Imeum Meunasah in Gampong is very influential. Usually, the village administration is carried out by the Keuchik, Teungku Imeum Meunasah, and together with the urueng tuha assembly (Hilman Hadikusuma, 2003).

As for determining the membership of Tuha Lapan to be elected through the Gampong community or another name for mukim meetings, the authority of Tuha Lapan is the same as that of Tuha Peut, but the role of Tuha Lapan is more to assist Tuha Peut's role in resolving larger and more complex problems or disputes. Tuha Lapan is Tuha Peut's device which is needed to become eight figures as a wider institution to assist the keuchik in carrying out Gampong government policies (especially in complex, difficult, and abstruse issues). In addition to the other four figures are intellectual/smart figures, youth, women, and wealthy people (Badruzzaman Ismail, 2009).

III. CONCLUSION

Tuha Lapan is also referred to as the Gampong institutional body which functions to provide advice and consideration in terms of community issues to the keuchik actively or through trials/deliberations. Tuha Peut consists of four members, namely: clerics, traditional leaders, government figures, and community leaders. Tuha Lapan also has the same function as Tuha Peut, only four more members are added, namely: intellectuals, youth, women, and wealthy people. In resolving the problem, Tuha Lapan played the role of Keuchik's assistant in deliberations with Tuha Peut and was also assisted by Imeum Meunasah, as the author has previously described.

Therefore, in a Gampong, a tool is needed where the device has its own elements, such as the Tuha Lapan device which consists of; Elements of Gampong Ulama, Community leaders including Youth and Women, Traditional Leaders, Clever or Scholars, Community leaders, Youth elements, Women elements, Elements of community group organizations. The Tuha Lapan also has authority in the Gampong Customary institution, where the Tuha Lapan has the authority to assist the keuchik in solving problems that occur in the Gampong which are complex and abstruse.

REFERENCES

- Abubakar, A. Y. & Halim, M. (2006). Hukum Pidana Islam Di Provinsi NAD. Banda Aceh: Dinas Syari'at Islam Provinsi NAD.
- Ahmad, R., & Rachmawati, I. (2016). Implementation of Protection and Indemnity for Indonesian Ship a Compliance to Common Law System. *International Journal of Applied Business and Economic Research*, 14(6), 1-19.
- Alfian, T. I. (1999), *Wajah Aceh Dalam Lintasan Sejarah*. Banda Aceh: PDIA.
- Anonimus, (2008). *Pedoman Peradilan Adat Aceh*. Banda Aceh: Majelis Adat Aceh (MAA) Provinsi Aceh.
- Ar-Raniry. T. P. I. & Aceh, B. K. A. P, (2006). *Kelembagaan Adat Provinsi Nanggroe Aceh Darussalam*, Banda Aceh: Ar-Raniry Press.
- Baharuddin, (2002). *Aceh Antara Cinta Dan Keangkuhan*. Banda Aceh: Bandar Publishing Lamgugob.
- Bisri, I. (2008). *Sistem Hukum Indonesia, Prinsip-Prinsip Dan Implementasi Hukum Di Indonesia*, Jakarta:Raja Grafindo Persada.
- Dewi, E. (2020). *Peran Perempuan dalam Sistem Adat Aceh*. Ar-Raniry Press.
- Djamali, R. A. (2009). *Pengantar Hukum Indonesia*. Jakarta:Raja Grafindo Persada.
- Efendi. S.. & Hadana. E. S. (2021). Criminal Law And Social Development In Aceh. In *PROCEEDINGS: Dirundeng International Conference on Islamic Studies* (pp. 185-196).
- Efendi. S.. & Hadana. E. S. (2021). Hukum Pidana Dan Perkembangan Sosial Di Aceh. In *PROCEEDINGS: Dirundeng International Conference on Islamic Studies* (pp. 185-198).
- Hadikusuma, H. (2001). *Hukum Perekonomian Adat Indonesia*. Bandung: Citra Aditya Bakti.
- Hadikusuma, H. (2003). *Hukum Waris Adat*, Bandung :Citra Aditya Bakti.
- Hadikusuma, H. (2003). *Pengantar Ilmu Hukum Adat di Indonesia*. Bandung: Mandar Maju.
- Hardi. (1993). *Daerah Istimewa Aceh, Latar Belakang Politik dan Masa depannya*, Jakarta: Citra Panca.
- Ismail, B. (2007). *Ekposa Majelis Adat Aceh Provinsi NAD*. Banda Aceh: Majelis Adat Aceh (MAA) Provinsi Aceh.
- Ismail, B. (2008). *Sistem Budaya Adat Aceh Dalam Membangun Kesejahteraan Nilai Sejarah Dan Dinamika Kekinian*. Banda Aceh : Majelis Adat Aceh.
- Ismail, B. (2009). *Asas-Asas Hukum Adat Sebagai Pengantar*. Banda Aceh : Majelis Adat Aceh.

- Ismail, B. (2009). Fungsi Meunasah Sebagai Lembaga (Hukum) Adat dan Aktualisasinya Di Aceh. Banda Aceh : Majelis Adat Aceh.
- Ismail, B. (2009). Fungsi Panduan Adat Dalam Masyarakat Aceh. Banda Aceh : Majelis Adat Aceh.
- Ismail, F. (2022). Eksistensi Kebudayaan Islam Aceh Terhadap Keutuhan Budaya Indonesia. *Proceedings Icis 2021*, 1(1).
- Khalsiah, R., Fadhillah, N., Praza, R., & Desiariawati, N. (2018). An Analysis of Culture Value in Adat Bak Poe Teumeureuhom, Hukom Bak Syiah Kuala, qanun Bak Putro Phang, Reusam Bak Binatara. *Indian Journal of Public Health*, 9(12).
- Melayu, H. A., Muhammad, R. A., Bakar, M. Z. A., Makinara, I. K., & Salam, A. J. (2021). Syariat Islam dan Budaya Hukum Masyarakat di Aceh. *Media Syari'ah: Wahana Kajian Hukum Islam dan Pranata Sosial*, 23, 55-71.
- Nurdin, R., & Ridwansyah, M. (2020). Aceh, Qanun and National Law: Study on Legal Development Orientation. *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 4(1), 107-131.
- Pusat Penelitian Sejarah Dan Budaya. (1976). Adat Dan Upacara Perkawinan Daerah Istimewa Aceh, Banda Aceh : Departemen Dinas Kebudayaan.
- Qanun Nomor 9 Tahun 2008 tentang Pembinaan Kehidupan Adat dan Adat Istiadat.
- Qanun Prov. NAD Nomor 5 Tahun 2003 Tentang Pemerintahan Gampong dalam Provisi. NAD
- Sartika, L. (2012). Penyelesaian Perkara Pidana Dalam Hukum Adat Simeulue Di Tinjau Menurut Hukum Islam. Banda Aceh: FSH UIN Ar-Raniry
- Soepomo. (1998). Kedudukan Hukum Adat di Kemudian Hari. Jakarta: Pustaka Rakyat.
- Sumanto, D. (2018). Hukum Adat Di Indonesia Perspektif Sosiologi Dan Antropologi Hukum Islam. *JURIS (Jurnal Ilmiah Syariah)*, 17(2), 181-191.
- Undang-Undang No. 11 Tahun 2006 Tentang Pemerintahan Aceh
- Undang-Undang Nomor 11 Tentang Pemerintahan Aceh. (2006). Jakarta: Tamita Utama
- Wijdan, A. F. (2021). Eksistensi Hukum Adat Sebagai Budaya Bangsa Dalam Membangun Sistem Hukum Nasional Di Indonesia. *PESAT*, 7(1), 91-102.