

RINGKASAN

**Nurul Adinda
210510232 Penyelesaian Sengketa Mengenai Pembatalan
Pertunangan Menurut Hukum Adat (Studi
Penelitian Di Gampong Pasi Puteh, Kecamatan Peureulak,
Kabupaten Aceh Timur)**

(Dr. Herinawati, S.H., M.Hum dan Muksalmina, M.H)

Penyelesaian sengketa di Aceh diatur dalam Qanun Nomor 9 Tahun 2008 Tentang Pembinaan Kehidupan Adat dan Adat Istiadat. Pembatalan pertunangan di gampong Pasi Puteh Kecamatan Peureulak diselesaikan secara adat melalui mediasi melibatkan perangkat gampong, sesuai perjanjian yang telah disepakati bersama saat prosesi pertunangan, apabila kesalahan berasal dari pihak wanita maka mahar yang telah diberikan wajib dikembalikan sepenuhnya dan apabila kesalahan berasal dari pihak lelaki maka mahar yang telah diberikan hangus menjadi hak wanita.

Penelitian ini bertujuan untuk mengetahui dan menjelaskan proses penyelesaian sengketa mengenai pembatalan pertunangan menurut hukum adat di gampong Pasi Puteh Kecamatan Peureulak, hambatan yang terjadi dalam menyelesaikan sengketa pembatalan pertunangan yang diselesaikan menurut hukum adat di gampong Pasi Puteh Kecamatan Peureulak, serta upaya yang dilakukan terhadap hambatan yang terjadi dalam menyelesaikan sengketa pembatalan pertunangan menurut hukum adat di gampong Pasi Puteh Kecamatan Peureulak.

Metode penelitian ini menggunakan metode penelitian yuridis empiris yaitu pendekatan kepustakaan dan penelitian lapangan. Penelitian kepustakaan dilakukan guna memperoleh data sekunder yang bersifat teoritis, sedangkan penelitian lapangan dilakukan guna memperoleh data primer melalui wawancara.

Hasil penelitian yang didapat yaitu Proses penyelesaian sengketa pembatalan pertunangan di gampong Pasi Puteh Kecamatan Peureulak yaitu melalui musyawarah keluarga, mediasi oleh perangkat gampong, serta pengambilan keputusan dan sanksi. Hambatan yang timbul dalam proses penyelesaian sengketa pembatalan pertunangan di gampong Pasi Puteh yaitu selisih pendapat kedua belah pihak, adanya kebohongan dan perselisihan sanksi adat. Upaya yang dilakukan terhadap hambatan yang terjadi yaitu dengan memberikan pemahaman tentang hukum adat yang berlaku dalam masyarakat gampong pasi puteh, melakukan evaluasi dengan menanyakan yang sejujur-jujurnya dan meminta untuk dikumpulkan bukti atas kesalahan yang terjadi, berbicara secara kekeluargaan dengan disepakati oleh kedua belah pihak dan penegasan kembali oleh perangkat gampong bahwa sanksi tetaplah sanksi.

Saran perangkat gampong agar lebih mengedepankan transparansi dan keadilan, menyediakan waktu yang cukup agar masing-masing pihak bisa menyampaikan argumentasi tanpa tekanan emosional dan lebih tegas dalam menyelesaikan permasalahan.

Kata Kunci: Penyelesaian Sengketa, Pembatalan Pertunangan dan Hukum Adat

SUMMARY

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**Settlement of Disputes Regarding
Engagement Annulment According to
Customary Law (Research Study in Gampong
Pasi Puteh, Peureulak District,
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Dispute resolution in Aceh is regulated in Qanun Number 9 of 2008 concerning the Development of Customary Life and Customs. The cancellation of the engagement in the village of Pasi Puteh, Peureulak District, was resolved according to customary law through mediation involving village officials, according to the agreement that had been mutually agreed upon during the engagement procession, if the mistake was made by the woman, the dowry that had been given must be returned in full and if the mistake was made by the man, the dowry that had been given was forfeited and became the right of the woman.

This study aims to determine and explain the process of resolving disputes regarding the cancellation of engagement according to customary law in Pasi Puteh Village, Peureulak District, the obstacles that occur in resolving disputes regarding the cancellation of engagement that are resolved according to customary law in Pasi Puteh Village, Peureulak District, and the efforts made to overcome the obstacles that occur in resolving disputes regarding the cancellation of engagement according to customary law in Pasi Puteh Village, Peureulak District.

This research method uses empirical juridical research methods, namely a literature approach and field research. Library research was carried out to obtain theoretical secondary data, while field research was carried out to obtain primary data through interviews.

The results of the study were the process of resolving engagement cancellation disputes in Pasi Puteh Village, Peureulak District, namely through family deliberation, mediation by village officials, and decision-making and sanctions. Obstacles that arose in the process of resolving engagement cancellation disputes in Pasi Puteh Village were differences of opinion between the two parties, lies and disputes over customary sanctions. Efforts made to overcome the obstacles that occurred were by providing an understanding of customary law applicable in the Pasi Puteh Village community, conducting an evaluation by asking honestly and asking for evidence to be collected for the mistakes that occurred, talking in a family manner agreed upon by both parties and reaffirmation by village officials that sanctions are still sanctions.

Suggestions for village officials to prioritize transparency and fairness, provide sufficient time so that each party can convey arguments without emotional pressure and be more assertive in resolving problems.

Keywords: Dispute Resolution, Annulment of Engagement and Customary Law