

RINGKASAN

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Penyelesaian Sengketa Waris Di Peradilan Adat
(Studi Penelitian Di Gampong Panggoi, Kecamatan
Muara Dua, Kota Lhokseumawe)

(Dr. Sulaiman, S.H., M.Hum.dan Dr. Herinawati, S.H.,
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Penelitian ini membahas penyelesaian sengketa waris melalui peradilan adat di Gampong Panggoi, Kecamatan Muara Dua, Kota Lhokseumawe. Permasalahan utama yang dikaji meliputi mekanisme penyelesaian sengketa waris, sumber hambatan yang muncul dalam proses penyelesaian, serta langkah-langkah yang ditempuh untuk mengatasi hambatan tersebut. Penelitian ini menggunakan metode yuridis-empiris dengan pendekatan kasus dan pendekatan peraturan perundang-undangan, yakni Kompilasi Hukum Islam, Qanun Aceh Nomor 9 Tahun 2008 tentang Pembinaan Kehidupan Adat, PERMA terbaru mengenai mediasi, serta ketentuan hukum waris dalam Al-Qur'an surat An-Nisa'.

Penelitian ini menggunakan data primer diperoleh melalui wawancara dengan aparatur gampong, tokoh adat, mediator adat, serta pihak yang terlibat dalam dua kasus sengketa waris tahun 2022 dan 2024. Data tersebut dilengkapi dengan dokumentasi berupa berita acara musyawarah dan bukti administrasi pendukung lainnya. Hasil penelitian menunjukkan bahwa penyelesaian sengketa waris dilakukan melalui musyawarah mufakat di tingkat gampong dengan melibatkan keuchik, tuha peut, imum mukim, dan mediator adat. Model penyelesaian ini menekankan asas kekeluargaan, perdamaian, serta pelestarian norma adat Aceh.

Namun demikian, penelitian menemukan beberapa faktor, antara lain ketidaksesuaian antara ketentuan normatif dengan praktik masyarakat, minimnya pemahaman masyarakat terhadap hukum faraidh, ketidakhadiran pihak bersengketa, belum tersertifikasinya objek warisan, serta belum adanya prosedur baku administrasi hasil putusan adat. Pada kasus 2022, penyelesaian dapat dicapai melalui musyawarah adat, sedangkan pada kasus 2024 keputusan belum dapat difinalisasi karena perbedaan pandangan dan status objek waris yang belum jelas.

Penelitian ini menyimpulkan bahwa peradilan adat tetap menjadi pilihan utama masyarakat karena dianggap lebih cepat, sederhana, dan mampu menjaga hubungan kekeluargaan, meskipun efektivitasnya sangat bergantung pada pemahaman hukum, kelengkapan dokumen, serta itikad baik para pihak.

Kata Kunci: Sengketa Waris, Peradilan Adat, Hukum Islam.

SUMMARY

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***Inheritance Dispute Resolution in Customary
Courts (A Research Study in Panggoi Village, Muara
Dua District, Lhokseumawe City)***

*(Dr. Sulaiman, S.H., M.Hum. and Dr. Herinawati,
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This study discusses the resolution of inheritance disputes through customary courts in Gampong Panggoi, Muara Dua District, Lhokseumawe City. The main issues studied include the mechanism for resolving inheritance disputes, the sources of obstacles that arise in the settlement process, and the steps taken to overcome these obstacles. This study uses a juridical-empirical method with a case approach and a statutory regulatory approach, namely the Compilation of Islamic Law, Aceh Qanun Number 9 of 2008 concerning the Development of Customary Life, the latest PERMA concerning mediation, and the provisions of inheritance law in the Qur'an, Surah An-Nisa'.

This study uses primary data obtained through interviews with village officials, traditional leaders, traditional mediators, and parties involved in two inheritance disputes in 2022 and 2024. The data is supplemented by documentation in the form of minutes of deliberations and other supporting administrative evidence. The results indicate that inheritance disputes were resolved through consensus at the village level, involving the village head (keuchik), village head (tuha peut), village head (imum mukim), and traditional mediators. This resolution model emphasizes the principles of kinship, peace, and the preservation of Acehnese customary norms.

However, the study identified several factors, including a discrepancy between normative provisions and community practices, a lack of public understanding of faraidh law, the absence of disputing parties, the lack of certification of inheritance objects, and the absence of standard procedures for administering customary decisions. In the 2022 case, a resolution was reached through customary deliberation, while in the 2024 case, a decision could not be finalized due to differing views and the unclear status of the inheritance objects.

This study concludes that customary justice remains the primary choice of the community because it is considered faster, simpler, and able to maintain family relationships, although its effectiveness is highly dependent on legal understanding, completeness of documents, and the good faith of the parties.

Keywords: *Inheritance Disputes, Customary Courts, Islamic Law.*