

RINGKASAN

**NUR AINUN ELVA PRATIWI : Model Penyelesaian Sengketa Tindak Pidana Penganiayaan Ringan Melalui Mekanisme Peradilan Adat.
(Dr. Muhammad Nur, S.H., M.H dan
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Penganiayaan ringan sering terjadi dikalangan masyarakat baik kalangan remaja maupun dewasa yang mana dalam penyelesaiannya diselesaikan secara adat gampong, di Aceh berpedoman terhadap Qanun dalam menyelesaikan sengketa penganiayaan ringan yang terjadi dan memiliki referensi hukum yang kuat, dalam penyelesaian sengketa didasarkan pada Pasal 16 Ayat (1) Qanun Nomor 9 Tahun 2008 tentang Pembinaan Kehidupan Adat dan Adat Istiadat.

Penelitian ini bertujuan untuk mengetahui dan mendeskripsikan menyelesaikan sengketa tindak pidana penganiayaan ringan melalui hukum adat di Kecamatan Bandar Kabupaten Bener Meriah, mengkaji faktor penghambat penyelesaian tindak pidana penganiayaan ringan secara adat di Kecamatan Bandar Kabupaten Bener Meriah dan upaya penyelesaian hambatan tindak pidana penganiayaan ringan di Kecamatan Bandar Kabupaten Bener Meriah. Metode yang digunakan adalah yuridis empiris dengan menggunakan pendekatan kualitatif, dengan data diperoleh melalui wawancara dengan responden, informan dan studi pustaka terhadap peraturan perundang-undangan yang relevan.

Hasil penelitian menunjukkan bahwa penyelesaian tindak pidana penganiayaan ringan melalui mekanisme peradilan adat Kecamatan Bandar Kabupaten Bener Meriah dilakukan secara sederhana dengan musyawarah dan mufakat keluarga. Model penyelesaian terhadap sengketa penganiayaan ringan yang ditetapkan tokoh adat di kampung Wonosari berupa: ganti rugi, penyembelihan hewan ternak, damai, kenduri bersama dan membiayai pengobatan. Di kampung Jadi Sepakat berupa: Ganti rugi, pencucian kampung dan mengikuti kajian/pengajian, kasus berikutnya di kampung Wonosari berupa: damai dan denda. Di kampung Hakim Wih Ilang berupa: damai. Faktor penghambatnya yaitu faktor hukum adat yang belum di Qanun-kan, faktor ekonomi, faktor keluarga, faktor sosial dan budaya.

Disarankan kepada majelis perdamaian gampong agar menetapkan sanksi, seperti denda dan biaya pengobatan, yang tidak memberatkan pelaku maupun keluarganya serta diharapkan bersikap adil dan tidak berpihak dalam menjatuhkan sanksi, termasuk apabila pelaku memiliki hubungan kekerabatan dengan anggota majelis adat.

Kata Kunci: *Peradilan Adat, Penganiayaan Ringan, Penyelesaian sengketa*

SUMMARY

**NUR AINUN ELVA PRATIWI : Model for Settling Disputes in Minor Crimes of Assault Through Customary Justice Mechanisms.
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Minor assaults often occur in society, both among teenagers and adults, where the resolution is carried out according to village customs. In Aceh, the Qanun is used as a guide in resolving disputes over minor assaults that occur and has strong legal references. In resolving disputes, it is based on Article 16 Paragraph (1) of Qanun Number 9 of 2008 concerning the Development of Customary Life and Customs.

This study aims to determine and describe the resolution of minor assault disputes through customary law in Bandar District, Bener Meriah Regency, examine the factors inhibiting the resolution of minor assault crimes through customary law in Bandar District, Bener Meriah Regency and efforts to resolve obstacles to minor assault crimes in Bandar District, Bener Meriah Regency. The method used is empirical juridical using a qualitative approach, with data obtained through interviews with respondents, informants and literature studies on relevant laws and regulations.

The results of the study indicate that the settlement of minor assault crimes through the customary justice mechanism in Bandar District, Bener Meriah Regency is carried out simply through family deliberation and consensus. The settlement model for minor assault disputes determined by traditional leaders in Wonosari village is: compensation, slaughter of livestock, peace, communal feast and financing of medical treatment. In Jadi Sepakat village it is: Compensation, village cleansing and attending studies/religious studies, the next case in Wonosari village is: peace and fines. In Hakim Wih Ilang village it is: peace. The inhibiting factors are customary law factors that have not been Qanun-ed, economic factors, family factors, social and cultural factors.

It is recommended that the village peace council determine sanctions, such as fines and medical costs, that do not burden the perpetrator or his family and are expected to be fair and impartial in imposing sanctions, including if the perpetrator has a kinship relationship with a member of the traditional council.

Keywords: Customary Justice, Minor Offenses, Dispute Resolution