

RINGKASAN

Listia Rahmah 210510041 Putusan Peradilan Adat Terhadap Tindak Penganiayaan Ringan (Studi Kasus di Desa Cot Rabo Baroh Kabupaten Bireuen)
(Johari, S.H.,M.H dan Ferdy Saputra, S.H.,M,H)

Dalam tatanan hukum adat Aceh, sanksi adat sebagai mekanisme penyelesaian sengketa yang idealnya mampu menjaga keharmonisan sosial, memberikan efek jera, dan menyelesaikan perkara secara cepat dan damai. Namun dalam praktiknya, efektivitas putusan sanksi adat terhadap tindak pidana penganiayaan ringan di Desa Cot Rabo Baroh Kabupaten Bireuen masih menghadapi sejumlah kendala, terutama ketika berhadapan dengan putusan peradilan formal yang memiliki kekuatan hukum mengikat. Penulisan ini bertujuan untuk menganalisis tingkat efektivitas putusan sanksi adat dibandingkan putusan peradilan, mengidentifikasi faktor-faktor penghambat pelaksanaan sanksi adat, serta merumuskan solusi untuk meningkatkan harmonisasi antara mekanisme adat dan sistem peradilan negara.

Penelitian ini menggunakan metode kualitatif dengan pendekatan yuridis-empiris, yaitu mengkaji norma hukum yang berlaku sekaligus meneliti implementasinya dalam masyarakat. Data primer diperoleh melalui wawancara dengan perangkat gampong, tokoh adat, pelaku, korban, dan aparat penegak hukum. Data sekunder dikumpulkan melalui studi kepustakaan berupa peraturan perundang-undangan, literatur hukum adat Aceh, dan putusan pengadilan terkait. Teknik analisis data dilakukan secara deskriptif-analitis dengan menafsirkan temuan lapangan dan menghubungkannya dengan norma hukum adat serta hukum positif.

Kesimpulan penelitian ini adalah bahwa sanksi adat memiliki efektivitas sosial yang tinggi dalam penyelesaian penganiayaan ringan, namun efektivitas yuridisnya masih terbatas ketika harus berhadapan dengan putusan peradilan formal. Untuk itu disarankan: (1) dilakukan peningkatan pemahaman masyarakat dan aparat gampong mengenai dasar hukum keberlakuan adat dalam sistem hukum Indonesia; (2) memperkuat dokumentasi dan administrasi putusan adat agar dapat dijadikan rujukan hukum; (3) meningkatkan koordinasi antara lembaga adat dan aparat penegak hukum; dan (4) mendorong pemerintah daerah untuk memberikan regulasi pendukung yang memperjelas posisi dan kekuatan hukum sanksi adat dalam penyelesaian tindak pidana ringan.

Kata Kunci: Sanksi adat, tindak pidana penganiayaan, peradilan adat, qanun Aceh desa cot rabo baroh

SUMMARY

Listia Rahmah 210510041 “Customary Court Decisions Regarding Minor Assault Acts (Case Studi in Cot Rabo Baroh Village, Bireuen Regency)”.

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In the structure of Acehnese customary law, customary sanctions as an ideal mechanism for dispute resolution that should maintain social harmony, provide a deterrent effect, and settle cases quickly and peacefully. However, in practice, the effectiveness of customary sanction decisions in cases of minor assault in Cot Rabo Baroh Village, Bireuen Regency, still faces several obstacles, especially when confronted with formal court decisions that hold binding legal authority. This writing aims to analyze the effectiveness level of customary sanction decisions compared to court rulings, identify the factors hindering the implementation of customary sanctions, and formulate solutions to improve harmonization between customary mechanisms and the state judicial system.

This study uses a qualitative method with a juridical-empirical approach, examining the applicable legal norms while also investigating their implementation within the community. Primary data were obtained through interviews with village officials, customary leaders, perpetrators, victims, and law enforcement officers. Secondary data were collected from literature studies, including statutory regulations, Acehnese customary law literature, and related court decisions. The data analysis technique was carried out descriptively and analytically by interpreting field findings and connecting them with customary legal norms and positive law.

This study concludes that customary sanctions possess high social effectiveness in resolving minor assault cases, yet their juridical effectiveness remains limited when confronted with formal judicial decisions. Therefore, it is recommended to: (1) enhance the understanding of both community members and village authorities regarding the legal basis of customary enforcement within Indonesia's legal system; (2) strengthen documentation and administrative records of customary decisions so they may serve as legal references; (3) improve coordination between customary institutions and law enforcement bodies; and (4) encourage local governments to provide supporting regulations that clarify the position and legal strength of customary sanctions in resolving minor criminal acts.

Keywords : Customary sanctions acts of assault, adat courts , Aceh qanun, cot rabo baroh village