



The Implementation of Restorative Justice in Minor Theft Cases Under Aceh Qanun Number 9 of 2008 on the Development of Customary Life and Traditions

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Article Info	Abstract
Article History Received: 2025-07-05 Revised: 2025-08-06 Published: 2025-09-10 Keywords: <i>restorative justice, Acehnese customary courts, minor theft</i>	This study discusses the implementation of restorative justice in resolving petty theft cases in Aceh based on Aceh Qanun Number 9 of 2008 concerning the Development of Customary Life and Customs, with an emphasis on the role of village customary institutions and the support of regional regulations in strengthening the effectiveness of case resolution. The restorative justice paradigm is seen as an alternative to the retributive approach that has dominated the national criminal justice system, emphasizing the restoration of the original state, the responsibility of the perpetrator, and the involvement of victims and the community. In the context of Aceh, the position of customary institutions is legally recognized through Law Number 11 of 2006 concerning the Government of Aceh, Qanun Number 9 of 2008, and strengthened by the Joint Decree of the Governor of Aceh, the Chief of the Aceh Police, and the Aceh Customary Council in 2011–2012, and Aceh Governor Regulation Number 60 of 2013. These regulations provide a legal basis as well as technical guidelines for the implementation of village customary justice in handling petty theft cases through customary deliberations in the meunasah. The research method used is a socio-legal approach with literature review and observation, combining normative analysis of laws and regulations with empirical studies of social practices in the community. The results show that resolving petty theft cases through village customary courts is faster, cheaper, and more acceptable to the community, and is more effective in maintaining social harmony than formal justice. However, challenges remain, such as potential injustice in customary deliberations, limited documentation, and coordination with law enforcement officials. Therefore, guidance, supervision, and capacity building of customary institutions are needed to ensure the principles of restorative justice are truly realized. This study concludes that the Aceh model in integrating customary law with formal law can be a national reference in developing a more effective, humane, and local wisdom-based mechanism for resolving minor criminal cases.

I. INTRODUCTION

According to Mardjono Reksodiputro, the implementation of Restorative Justice introduces a new paradigm rooted in the concept of restorative justice. Within this framework, conflict resolution involves the perpetrator of the crime, the perpetrator's family, the victim, and impartial parties in an effort to find a comprehensive and effective solution. The primary goal of restorative justice is to empower all parties involved, including the victim, the

perpetrator, the family, and the community, to repair the impact of unlawful acts and restore a more harmonious social order, with awareness as its primary foundation.

The principle of Restorative Justice focuses on the restoration of victims who have suffered as a result of a crime. This approach prioritizes providing compensation to victims, creating peace, and other agreements that support the recovery process. Regarding the crime of petty theft, Indonesian positive law has regulated it in

several articles in the Criminal Code (KUHP), such as Article 364, Article 373, Article 379, Article 384, Article 407, and Article 482, with a maximum penalty of three months' imprisonment or a maximum fine of Rp. 2,500,000. The limits of the crime of petty theft and adjustments to the amount of the fine are further regulated in regulations such as the Regulation of the Indonesian Court Number 2 of 2012 and regulations in the Criminal Code and the Criminal Procedure Code.

In the context of theft, Article 362 of the Criminal Code defines the act of taking another person's property without right with the intent to possess it unlawfully as theft, which is punishable by a maximum of five years' imprisonment or a maximum fine of Rp. 900,000. The state's role in handling criminal conflicts through the criminal justice system is considered necessary to be balanced by returning some of the resolution role to the community. This is intended so that restorative justice can be an alternative or companion to traditional criminal justice, by prioritizing the opinions and interests of victims in the conflict resolution process.

The implementation of restorative justice does not eliminate criminal justice, but allows for the parallel implementation of both systems. In some cases, the criminal justice process can continue provided there is an agreement or consensus reached during the police investigation between the perpetrator, victim, and community, or it may even be terminated at the police level and not proceed to court. According to Mardjono, restorative justice is crucial because it critiques the current Indonesian criminal justice system, which tends to be oriented toward retributive justice, which emphasizes retribution over restoration.

On the other hand, Aceh, as a province that highly upholds equality before the law and customary law, demonstrates its commitment to peaceful resolution of disputes through the function of customary institutions at the Gampong level. The existence of customary justice as a Customary Deliberation plays a crucial role in resolving disputes within the community, with the aim of building social balance to create harmonious, peaceful, and prosperous conditions. The existence and function of these institutions are regulated in Law Number 5 of 1975 concerning the Composition and Position of the People's Consultative Assembly, the People's Representative Council, and the Regional People's Representative Council, which reflects the

importance of integration between formal and customary legal systems in building a harmonious and just society.

The existence of customary courts in Aceh is legally based on Article 6 of Law Number 44 of 1999 concerning the Implementation of the Special Status of the Special Region of Aceh Province and Article 98 of Law Number 11 of 2006 concerning the Government of Aceh (UUPA). Referring to Article 98 paragraph (3) of Law Number 11 of 2006 concerning the Government of Aceh, it states that customary institutions consist of 13 (thirteen) elements, namely:

- a. Aceh Traditional Council;
- b. Imeum Mukim or other name;
- c. Imuem Chik or other names;
- d. Geuchik or other name;
- e. Uha Peut or other names;
- f. Tuha Lapan or other names;
- g. Imuem Meunasah or other names;
- h. Keujreun Blang or other names;
- i. Panglima Laot or other name;
- j. Glee Handler or other name;
- k. Peutua Seuneubok or other names;
- l. Haria Peukan or other names;
- m. Syahbanda or other name;

At the village level, the government apparatus is led by the Geuchik. The Geuchik is the Head of the Village Executive Body in the implementation of village government, elected by the community democratically, whose aim is to lead and become the Village Head and can resolve any problems that exist within the village. So that all problems can be resolved by the Geuchik with the assistance of other village officials in order to create a peaceful and prosperous society. In resolving problems within the community, the Geuchik as the highest leader, in addition to having to coordinate with all village officials, the Geuchik must also coordinate with the local Indonesian National Police in order to create a good state order.

Aceh Qanun Number 9 of 2008 concerning the Development of Customary Life and Customs in Article 13 paragraphs (1), (2) and (3) regulates the types of customary problems that occur in the Gampong and how to resolve them, namely law enforcement officers provide an opportunity for the problem to be resolved first according to customary law in the Gampong. Through Aceh Qanun Number 9 of 2008 concerning the Development of Customary Life and Customs, meunasah began to function again as a place for

deliberation and a place to resolve disputes/cases as a Customary Court.

Customary law and customary sanctions are inseparable from the consequences of a violation or crime that according to customary law is considered a crime and can disrupt the sense of comfort, peace, and tranquility in community life. For the perpetrators and violators, according to customary sanctions, it is a form of retribution or a lesson for the perpetrator of the crime so that they do not repeat it again. In fact, according to customary law, it is not only useful for the perpetrator but also applies to everyone so that they do not commit crimes.

Settlement of village customary cases, one type of criminal act that can be resolved by customary institutions in Aceh is the crime of minor theft, as regulated in Article 13 paragraph (1) letter h, Aceh Qanun Number 9 of 2008 concerning the Development of Customary Life and Customary Traditions. Supporting the enforcement of customary law in the context of resolving social conflicts that occur in society through customary institutions in Aceh, the Aceh Government then issued a Joint Decree of the Governor of Aceh, the Head of the Aceh Regional Police, and the Aceh Customary Council (MMA) Number: 189/677/2011-1054/MMA/XII/2011-B/121/1/2012 concerning the Implementation of Village and Mukim Customary Courts. Then to strengthen the position of customary courts in Aceh, the Aceh government then issued Aceh Governor Regulation Number 60 of 2013 concerning the Implementation of Settlement of Customary and Customary Problems.

The concept of justice that underlies the settlement of cases outside the courts as an alternative dispute resolution is restorative justice, which rejects Restorative Justice, according to Mardjono Reksodiputro, presenting a new framework and paradigm based on the concept of restorative justice. This settlement process involves the perpetrator of the crime, the perpetrator's family, the victim, and a neutral party, with the aim of providing a more comprehensive and effective solution. This approach seeks to empower victims, perpetrators, families, and the community to repair the impact of unlawful acts, using awareness as a basis for improving the order of social life. perpetrators (whether physically, psychologically or punishment), However, by providing support to the victim by all members of society by requiring the perpetrator to be responsible for the criminal acts he committed. The settlement of customary

disputes regulated in Qanun Number 9 of 2008 concerning the Development of Customary Life and Customs legally has strong legal force in a formal legal manner. This authority is firmly regulated in the UUPA, Aceh Qanun Number 9 of 2008, Aceh Qanun Number 10 of 2008, Governor Regulation Number 60 of 2013, and became more operational with the Joint Decree (SKB) of the Governor, Aceh Police Chief, and Aceh Traditional Council in 2012.

Article 2 of the Attorney General's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice states that the resolution of criminal cases by prioritizing Restorative Justice which emphasizes restoration to the original state and a balance of protection and interests of victims and perpetrators that is not oriented towards revenge is a legal need of society and a mechanism that must be built in the implementation of prosecutorial authority and reform of the criminal justice system.

Restorative Justice is also known for its role in building peace. Its basic principle is restoration for victims who have suffered due to crime, through compensation, peace, and other agreements. In the context of petty theft, the law is regulated by Articles 364, 373, 379, 384, 407, and 482 of the Criminal Code, with a maximum penalty of three months in prison or a fine of Rp. 2,500,000. The limits and fines for petty theft are further regulated in the Criminal Code and the Criminal Procedure Code, as well as the Indonesian Supreme Court Regulation Number 2 of 2012.

Article 362 of the Criminal Code states that theft, which is the act of taking another person's property without the right with the intention of unlawfully possessing it, is punishable by a maximum sentence of five years in prison or a fine of Rp. 900. In the context of resolving criminal conflicts, the state previously played a role through the criminal justice system, but now it is considered important to return some of that role to the community by integrating Restorative justice as an alternative or companion to criminal justice, emphasizing the interests and opinions of the victim.

Restorative justice does not replace criminal justice but allows for the simultaneous implementation of both systems. This process can involve an agreement reached during the police investigation between the perpetrator, victim, and community, or the process can even be stopped at the police level and not proceed to

court. The existence of customary justice in Aceh, for example, demonstrates the region's commitment to peaceful dispute resolution through customary institutions, in accordance with Law No. 5 of 1975 concerning representative and deliberative institutions at the regional level.

By answering these questions, it is hoped that this research can contribute to stakeholders in law enforcement, the author discusses this research with the research title Implementation of Restorative Justice in Cases of Minor Theft Crimes According to Aceh Qanun Number 9 of 2008 Concerning the Development of Customary Life and Customs.

Based on the background above, the problem formulation that the author will discuss is:

1. How is the implementation of restorative justice in resolving cases of minor theft in Aceh based on Aceh Qanun Number 9 of 2008 concerning the Development of Customary Life and Customs?
2. What is the role of village customary institutions and regulatory support (Qanun, SKB, and Pergub) in strengthening the effectiveness of resolving petty theft cases through restorative justice mechanisms in Aceh?

II. RESEARCH METHODS

This research method uses a socio-legal approach by examining written legal norms and analyzing their application in the social life of the Acehnese people. Data were obtained through a literature study by examining primary legal materials such as Aceh Qanun Number 9 of 2008, related laws, government regulations, and court decisions, as well as secondary legal materials in the form of books, journals, articles, and other relevant official documents. In addition, observations were made on the practice of resolving cases through customary mechanisms in several villages. The collected data were then analyzed qualitatively through a process of identification, classification, legal and social interpretation, and descriptive analysis to describe the implementation of restorative justice in cases of minor theft, while evaluating the effectiveness, weaknesses, and strengths of the application of customary law to produce constructive recommendations for improvement.

III. RESULTS AND DISCUSSION

A. Implementation of Restorative Justice in the Settlement of Minor Theft Cases in Aceh Based on Aceh Qanun Number 9 of 2008 concerning the Development of Customary Life and Traditions

Restorative justice is a new paradigm in modern criminal law that emphasizes restoration to the original state, rather than solely retributive justice. This concept provides space for victims, perpetrators, and communities to be directly involved in the criminal case resolution process with the primary goal of repairing the victim's losses, fostering perpetrator responsibility, and restoring social harmony. According to Mardjono Reksodiputro, restorative justice critiques the traditional criminal justice system, which places too much emphasis on retaliation, thus neglecting the dimensions of victim recovery and the interests of society.

In Indonesia, the concept of restorative justice has increasingly gained normative legitimacy with the enactment of various regulations. One such regulation is Supreme Court Regulation of the Republic of Indonesia Number 2 of 2012 concerning Adjustment of the Limits of Minor Crimes, which essentially provides space for cases with relatively small losses to be processed more simply or even diverted to non-litigation resolution. Article 364 of the Criminal Code, which regulates minor theft, states:

"Whoever commits theft of an amount not exceeding two hundred and fifty rupiah, if the theft is committed among blood relatives or in-laws living in the same house, then the perpetrator is threatened with a maximum prison sentence of three months or a maximum fine of Rp. 900.."

This provision has since been adjusted to Supreme Court Regulation No. 2 of 2012, which stipulates that the loss threshold for minor crimes is set at Rp. 2,500,000. This means that theft cases with losses below this amount can be categorized as minor crimes worthy of consideration for resolution using a restorative justice approach.

In addition, Attorney General Regulation Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice also provides a stronger legal basis. Article 2 paragraph (1) states:

"Termination of prosecution based on restorative justice is carried out by taking into

account the interests of the victim and other greater legal interests, with an emphasis on restoring the victim to their original state."

With this regulation, the practice of restorative justice is not just a moral approach, but a legal mechanism that is recognized and can be implemented by law enforcement officials, including in Aceh.

Aceh has special characteristics in the legal system in Indonesia, especially after the enactment of Law Number 44 of 1999 concerning the Implementation of Aceh's Special Status and Law Number 11 of 2006 concerning the Governance of Aceh (UUPA).

Article 6 of Law No. 44 of 1999 states:

"In the context of implementing the special rights as referred to in Article 3, the Regional Government has the authority to regulate and manage religious life, customs and education."

Meanwhile, Article 98 paragraph (3) of Law No. 11 of 2006 states:

"Traditional institutions consist of: Aceh Traditional Council, Imeum Mukim, Imeum Chik, Geuchik, Tuha Peut, Tuha Lapan, Imeum Meunasah, Keujreun Blang, Panglima Laot, Pawang Glee, Peutua Seuneubok, Haria Peukan, and Syahbanda."

This provision confirms the position of customary institutions in the legal structure of Aceh, so that the resolution of cases through customary mechanisms has constitutional and legal legitimacy.

The implementation of the settlement of minor criminal cases through customary mechanisms in Aceh is based on Aceh Qanun Number 9 of 2008 concerning the Development of Customary Life and Customs.

Article 13 paragraph (1) letter h of this Qanun states:

"Types of customary violations that can be resolved through customary law include minor theft."

Furthermore, Article 13 paragraph (2) states:

"Law enforcement officers provide an opportunity for customary issues to be resolved first through customary law in the village."

Thus, in the context of minor theft, resolution through the customary deliberation mechanism in the village is not only an alternative choice, but a procedural obligation recognized by regional law.

This Qanun also emphasizes the role of the meunasah as a center for deliberation and resolution of customary disputes, thus reviving its historical social and religious functions in the life of the Acehnese people.

Restorative justice in cases of minor theft in Aceh is implemented through the Village Customary Court mechanism, led by the Geuchik (village head) along with the Tuha Peut (village head), traditional leaders, and religious leaders. This process typically involves several stages:

1. Case identification: Cases of minor theft that occur in the village are reported to the Geuchik or village officials.
2. Customary deliberation: The perpetrator, victim, family, and community leaders were present in a deliberation forum at the meunasah.
3. Restitution agreement: Agreements usually include the return of goods, compensation for damages, a public apology, or proportionate social sanctions.
4. Documentation of deliberation results: The agreement is recorded in minutes signed by the parties and witnesses.
5. Coordination with law enforcement officials: If the case was originally reported to the police, the results of the deliberations are submitted as a basis for stopping further proceedings.

This scheme is in line with the principles of restorative justice which emphasize:

- active involvement of victims,
- responsibility of the perpetrator,
- restoration of social relations,
- and maintaining social harmony.

To strengthen the position of customary justice, the Aceh Government, along with the Chief of Police and the Aceh Customary Council, issued Joint Decree (SKB) Number 189/677/2011 – 1054/MMA/XII/2011 – B/121/1/2012 concerning the Implementation of Village and Mukim Customary Justice. This SKB provides operational guidelines to ensure that customary dispute resolution has clear standard procedures and is coordinated with law enforcement.

In addition, the Aceh Governor Regulation Number 60 of 2013 concerning the Implementation of the Settlement of Customary and Traditional Problems was issued, which further strengthens the technical mechanisms for implementing customary justice, including the form of customary sanctions and procedures for reporting the results of deliberations to the authorities.

In terms of power, this mechanism has strong legitimacy because:

1. Recognized in national law (Law 11/2006, Attorney General Regulation 15/2020, Perma 2/2012).
2. Supported by comprehensive regional regulations (Qanun 9/2008, SKB, Pergub).
3. Has strong cultural roots so that it is accepted by society.

However, there are several challenges in its implementation:

- Potential for abuse of authority by village officials if there are no supervisory standards.
- The risk of injustice for victims if social pressure tends to protect the perpetrator.
- Difficulties in integrating the results of customary deliberations with the formal legal system, especially in the official recording of law enforcement.
- Limited human resources of customary officials who understand both formal and customary legal aspects.

The implementation of restorative justice in petty theft cases in Aceh demonstrates a unique model of integrating customary and formal law. Aceh Qanun No. 9 of 2008 provides a clear normative basis, while Joint Decrees and Gubernatorial Regulations complement the technical aspects. This mechanism has proven effective in reducing the burden on the criminal justice system, expediting case resolution, and better aligning with Acehnese cultural values that emphasize social harmony.

However, for this system to be more effective, there needs to be standardization of customary deliberation procedures, oversight mechanisms to prevent irregularities, and stronger synergy between customary officials and state law enforcement. Thus, restorative justice in Aceh can become a model for resolving minor criminal cases that is more humane, just, and in line with the principles of the rule of law.

B. The Role of Village Customary Institutions and Regulatory Support (Qanun, SKB, and Governor's Regulation) in Strengthening the Effectiveness of Resolving Minor Theft Cases Through Restorative Justice Mechanisms in Aceh

The role of village customary institutions in resolving minor criminal cases in Aceh, particularly petty theft, cannot be separated from the legal legitimacy granted by the Qanun, Joint Decree (SKB), and Governor's Regulation (Pergub). The presence of customary institutions in Aceh holds a unique position in the national

legal system because it not only arose from the socio-cultural needs of the Acehnese people who still adhere to customary principles, but also received legal recognition from the constitution and national laws and regulations. Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia states that "The State recognizes and respects regional government units that are special or exceptional in nature as regulated by law." Further regulations are contained in Law Number 11 of 2006 concerning the Government of Aceh (UUPA) which explicitly provides space for customary justice. Article 98 paragraph (1) of the UUPA states that "The Aceh Government and district/city governments are obliged to preserve and develop customs that exist in society in accordance with Islamic law." Furthermore, paragraph (3) states that customary institutions consist of thirteen elements, including Geuchik, Tuha Peut, and Imeum Meunasah, who play a direct role in resolving disputes at the village level.

In the Acehnese context, village customary institutions can be understood as social institutions that not only carry out administrative functions but also bear moral and legal responsibilities for maintaining order and harmony in society. The Geuchik, as village head, together with the Tuha Peut and other customary leaders, has the authority to resolve various issues that arise in the community through deliberation mechanisms. This is emphasized in Aceh Qanun Number 9 of 2008 concerning the Development of Customary Life and Customs. Article 13 paragraph (1) letter h of the Qanun explicitly states that minor theft is included in the category of customary violations that can be resolved through customary mechanisms in the village. Furthermore, Article 13 paragraph (2) emphasizes that law enforcement officials are obliged to provide an opportunity for such issues to be resolved first through customary mechanisms. This provision provides formal legitimacy that village customary justice is not merely a cultural forum, but a legally recognized forum.

Functionally, the village customary institution acts as a bridge between the community and state law. On the one hand, it facilitates the resolution of cases with cultural nuances that are more acceptable to the community. On the other hand, the results of customary court decisions have legal consequences because they are recognized by the formal legal system. Joint Decree No.

189/677/2011–1054/MMA/XII/2011–B/121/1/2012 of the Governor of Aceh, the Aceh Police Chief, and the Aceh Customary Council strengthens the position of customary courts by providing an operational basis for the implementation of customary justice in villages and villages. The Joint Decree explains that certain customary cases, including minor thefts, can be resolved through customary deliberations, with the results recorded in official minutes. The results of these deliberations can then serve as the basis for law enforcement officials to discontinue further investigations or inquiries. Thus, this Joint Decree ensures coordination and synergy between customary institutions and law enforcement officials, so that the case resolution process does not proceed in isolation but rather complements each other.

The role of Aceh Gubernatorial Regulation Number 60 of 2013 is also crucial in strengthening the effectiveness of case resolution through restorative justice mechanisms. This regulation regulates in more detail the procedures for implementing customary case resolution, the types of customary sanctions, and reporting and monitoring mechanisms. Article 2 of the regulation emphasizes that "The resolution of customary and traditional disputes is carried out by village customary institutions through deliberation involving the disputing parties, community leaders, religious leaders, and village officials." With this regulation, the customary deliberation process is not only based on customary norms but also has procedural standards that can be measured and monitored. This is crucial to prevent accusations of discriminatory or arbitrary customary justice, but rather operates in accordance with the principles of justice, legal certainty, and expediency.

In practice, village customary institutions play an active role in implementing the principles of restorative justice. First, by presenting victims and perpetrators in a deliberation forum, customary institutions provide a space for victims to express the losses suffered and their desired recovery. Second, perpetrators are given the opportunity to admit their mistakes and take responsibility, either by returning items, compensating for losses, or issuing a public apology. Third, the community is involved to provide moral support and act as social witnesses to ensure that agreements are adhered to. This process aligns with Article 2 paragraph (1) of Attorney General Regulation Number 15 of 2020, which emphasizes that case resolution based on

restorative justice must emphasize restoring the original situation.

The effectiveness of village customary institutions in resolving petty theft is evident in several aspects. First, in terms of speed, customary deliberations can be resolved in a matter of days or weeks, far shorter than formal court proceedings, which can take months. Second, in terms of cost, customary resolution is relatively inexpensive because it does not require court fees, lawyers, or court administration. Third, in terms of community satisfaction, customary resolution is more acceptable because it is based on local values that uphold peace and harmony. Thus, village customary institutions serve as an alternative means of dispute resolution that is efficient, effective, and equitable.

However, despite these advantages, several challenges remain. One is the potential for imbalance in customary deliberations, where actors with social or economic power can influence decisions. This can potentially harm victims if there is no strong oversight mechanism. Another challenge is the documentation and formal recognition of the results of customary deliberations. Although the Qanun and Joint Decree (SKB) provide a legal basis, in practice, irregularities often occur in the recording of deliberation results, making it difficult for law enforcement officials to use them as a basis for dismissing cases. Therefore, Gubernatorial Regulation No. 60 of 2013 emphasizes the importance of minutes of deliberations signed by the parties and submitted to the authorities as a form of administrative oversight.

Furthermore, the integration between customary law and national law also needs to be continuously strengthened. Although the UUPA, Qanun, SKB, and Pergub have provided a legal framework, implementation in the field often faces obstacles in coordination between village officials and the police and prosecutors. Some law enforcement officials still view customary resolution as an informal solution that is not legally strong enough. In fact, Article 13 paragraph (2) of Qanun 9 of 2008 clearly requires law enforcement officials to give customary resolution the first opportunity. In this context, socialization and capacity building of law enforcement officials regarding the position of customary justice is very important to prevent overlap or neglect.

The role of village customary institutions in resolving minor thefts through restorative justice mechanisms must also be viewed from a

sociological perspective. Customary institutions serve not only as adjudicators but also as guardians of social norms, ensuring the values of togetherness, mutual cooperation, and peace remain alive in the community. By reviving the role of the meunasah as a center for customary deliberation, the Acehnese people are affirming their identity as a community that upholds peaceful resolution. This distinguishes Aceh from other regions in Indonesia, as the existence of village customary justice has a legal, cultural, and spiritual basis.

In relation to formal criminal law, the role of village customary institutions can be viewed as a form of limited decriminalization for certain cases. This means that petty theft cases that formally meet the criminal elements of Article 362 in conjunction with Article 364 of the Criminal Code can be transferred to customary forums, taking into account the small amount of loss, the need for peace, and the greater public interest in maintaining harmony. Thus, the existence of village customary courts serves as a means of diversion, in line with the goals of modern criminal justice, which is not merely to punish but also to repair social damage.

Regulatory support in the form of Qanun, Joint Decrees (SKB), and Governor's Regulations (Pergub) have provided legitimacy and clear operational guidance, but their effectiveness depends heavily on the commitment of the village customary institutions themselves. If the Geuchik, Tuha Peut, and community leaders truly carry out their duties fairly and transparently, this mechanism can become a successful example of restorative justice implementation in Indonesia. Conversely, if customary institutions are inconsistent or easily influenced by certain interests, the goal of recovery can be displaced by compromises that harm the victim. Therefore, in addition to regulatory support, guidance, supervision, and training are also needed for village officials to understand the principles of customary law and modern restorative justice.

Thus, it can be concluded that village customary institutions play a central role in resolving petty theft cases through restorative justice mechanisms in Aceh. This role is reinforced by a regulatory framework consisting of Aceh Qanun Number 9 of 2008, which provides a normative basis, Joint Decree (SKB) which ensures coordination with law enforcement officials, and Governor Regulation Number 60 of 2013 which provides technical guidelines. The synergy between these three legal instruments

enables village customary justice to operate effectively, efficiently, and fairly. Despite challenges in terms of integration, oversight, and consistency, the existence of village customary institutions remains concrete evidence that restorative justice can be implemented contextually, culturally, and in harmony with the national legal system.

IV. CONCLUSIONS AND RECOMMENDATIONS

The conclusion of this discussion shows that the implementation of restorative justice in cases of petty theft in Aceh has a strong legal basis, both from national and regional law. Aceh Qanun Number 9 of 2008 expressly positions petty theft as a case that can be resolved through customary mechanisms in the village, involving the victim, the perpetrator, the family, and community leaders. Regulatory support in the form of Joint Decrees from the Governor, the Chief of Police, and the Aceh Traditional Council, as well as Governor Regulation Number 60 of 2013, further strengthens the position of village customary justice as an effective means of implementing the principles of restorative justice that emphasize the restoration of the original state, the responsibility of the perpetrator, and the maintenance of social harmony. Thus, village customary justice is not merely a cultural forum, but a legitimate legal instrument capable of contributing to reducing the burden of formal justice while preserving the local wisdom of the Acehnese people.

The conclusion of this study confirms that the successful implementation of restorative justice in Aceh depends heavily on the commitment and integrity of village customary institutions in carrying out their mediation and deliberation functions fairly, transparently, and consistently. Therefore, ongoing supervision, guidance, and synergy between customary institutions, law enforcement officials, and local governments are necessary to ensure that customary justice is not merely a formality but rather a platform for recovery for victims, learning for perpetrators, and maintaining social harmony. If this can be maintained, the restorative justice-based case resolution model in Aceh can serve as a reference for other regions in Indonesia in developing alternative solutions for minor criminal cases that are more humane, effective, and equitable.

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