

The Application of Customary Sanctions for Perpetrators of Theft: A Case Study in the Suaq Settlement Samadua District

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ABSTRACT

This study examines the application of customary sanctions for perpetrators of theft within the Suaq Settlement, Samadua District, South Aceh. The primary problem lies in the tension between the jurisdiction of customary courts and the formal criminal justice system in addressing petty theft committed by adolescents. This research employs a qualitative method utilizing a case study approach, involving 20 informants comprised of customary officials (Imam Mukim, Keuchik, and Tuha Peut) across two villages, namely Suaq Hulu and Payo Nan Gadang. Data collection was conducted through participatory observation, in-depth interviews, and documentation. The findings indicate that the implemented customary sanctions encompass monetary fines (up to IDR 5 million), restitution, a one-year prohibition from entering agricultural fields, and the threat of expulsion from the village for repeat offenders. The legal foundation for the application of these sanctions is derived from the Qanun of the Majelis Adat Aceh (MAA) and the deliberations of customary officials. Recorded theft cases over the past five years encompass the theft of gas cylinders, kiosk merchandise, ducks, chickens, goats, and motorcycles. The study concludes that customary sanctions are effective in generating a deterrent effect and reducing theft rates, despite encountering obstacles such as the intractable attitudes of the perpetrators. The implementation of these findings points toward strengthening coordination between customary officials and law enforcement agencies within the framework of ultimum remedium.

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1. INTRODUCTION

Aceh stands as the sole province in Indonesia constitutionally endowed with the special authority to administer its legal framework in accordance with the principles of Islamic Sharia and prevailing community customs (adat). Within the context of this special autonomy, customary law is elevated beyond a mere passive cultural relic; it functions as a binding normative instrument vested with judicial authority through customary courts at the village (gampong) and settlement (mukim) levels. The formal

existence of these customary judiciaries is statutorily governed by Aceh Qanun Number 9 of 2008 concerning the Development of Customary Life and Customs, which is further corroborated by Qanun Number 10 of 2008 regarding Customary Institutions (Fazzan et al., 2025). Together, these regulatory frameworks establish the legal foundation for the operationalization of customary dispute resolution mechanisms, encompassing minor criminal offenses such as theft.

From the standpoint of national criminal law, the offense of theft is governed by Article 362 of the Indonesian Penal Code (KUHP), which stipulates a maximum custodial sentence of five years. Conversely, in the practical reality of Acehnese society particularly within rural and mukim districts minor theft cases are frequently diverted from immediate law enforcement intervention. Communities demonstrate a proclivity for customary mechanisms, perceiving them as more expedient, cost-effective, and efficacious in rehabilitating fractured social cohesion. Notably, Aceh Qanun Number 9 of 2008 explicitly categorizes minor theft and the theft of livestock among the 18 classifications of disputes eligible for adjudication within the gampong customary courts (Majelis Adat Aceh, 2024). This paradigm exemplifies what legal anthropologists define as legal pluralism, wherein state and customary legal frameworks function concurrently within a shared social domain (Fazzan et al., 2025). The societal preference for customary adjudication does not stem from a deficiency in formal legal literacy, but is instead predicated upon cultural rationality and an imperative for restorative justice objectives that are frequently unmet by the conventional criminal justice apparatus.

The Suaq Settlement (Kemukiman Suaq), situated in the Samadua Subdistrict of the South Aceh Regency, is a region that continues to actively enforce customary sanctions against perpetrators of theft. This territory comprises nine villages (gampong), two of which serve as the primary focus of this study: Gampong Suaq Hulu and Gampong Payo Nan Gadang. Both villages exhibit distinct demographic and sociological characteristics, predominantly inhabited by the Aneuk Jamee an ethnic group resulting from the cultural acculturation between Minangkabau immigrants and the indigenous Acehnese populace. The Aneuk Jamee tribe introduced customary legal traditions that bear similarities to the Minangkabau matrilineal kinship system; however, these traditions have undergone significant adaptation to align with Islamic sharia principles and the Acehnese village governance structure (Abrar, 2022). Such a cultural configuration engenders a unique customary legal landscape, wherein inherited Minangkabau norms intersect with the distinctive Acehnese mukim institutions. Comparatively, in Gampong Alur Pinang, which is similarly located in the Samadua Subdistrict, the village bylaw (qanun gampong) stipulates customary sanctions for perpetrators of khalwat, thereby illustrating the village's autonomy in establishing its own customary norms (Iskandar et al., 2024).

The customary justice system within the Suaq Settlement operates in accordance with the structural framework established by the Aceh Customary Council (MAA). Within this hierarchy, the Imam Mukim serves as the principal authority at the settlement level, supported by the Keuchik at the village (gampong) level, alongside the Tuha Peut, which functions as an advisory board providing deliberations on the execution of sanctions. This organizational structure complies with Article 2 of Aceh Qanun Number 10 of 2008, which delineates the recognized customary institutions in Aceh, including the imeum mukim, imeum chik, keuchik, and tuha peut (Majelis Adat Aceh, 2024). Furthermore, the Imeum Mukim is vested with the formal jurisdiction to administer customary justice at the mukim level, as mandated by Article 7, letter g, of the Qanun on Mukim Government (Majelis Adat Aceh, 2024).

This procedural mechanism concurrently aligns with Article 13 of Aceh Qanun Number 9 of 2008, which governs eighteen categories of customary disputes eligible for resolution through customary adjudication, encompassing minor theft, intra-familial theft, and livestock theft (Majelis Adat Aceh, 2024). In the context of theft, the predominant sanctions levied are material fines and restitution, with expulsion from the gampong reserved as the most stringent penalty for offenders exhibiting an absence of good faith. Crucially, these sanctions transcend mere retribution; they primarily operate as educational and deterrent instruments designed to prevent recidivism by the perpetrator and to deter similar offenses within the broader community. This paradigm corroborates research findings from the Susoh Subdistrict in Southwest Aceh, which demonstrate that customary sanctions such as fines, restitution, community

service, and social restrictions serve as mechanisms for the restoration of social harmony. These practices fundamentally embody local wisdom and are congruent with the principles of *maqāṣid al-sharī'ah* (Iskandar et al., 2024).

Data concerning theft cases in Kemukiman Suaq over the past five years reveal notable dynamics that warrant careful examination. The documented incidents encompass not only high-value assets, such as motorcycles, but also target everyday household necessities, retail merchandise, and livestock, including chickens, ducks, and goats. This pattern suggests that the underlying motives for theft within the region are not exclusively driven by structural economic deprivation. Instead, as corroborated by interviews with traditional authorities, these offenses are additionally precipitated by factors such as adolescent consumptive behavior and substance abuse. These findings are consistent with existing literature, which posits that petty theft in rural environments frequently serves as an indicator of broader social dysfunction, encompassing the erosion of social control over the youth and restricted access to productive engagements (Hasibuan, 2025). In a broader context, research conducted across various regions of Aceh demonstrates that the efficacy of customary sanctions in mitigating offense rates is fundamentally contingent upon communal social support and the consistent enforcement of traditional regulations (Fitria, 2022).

The implementation of customary sanctions within Kemukiman Suaq encounters distinct challenges when confronting perpetrators who exhibit resistance toward the authority of customary officials. Informants indicate that the primary impediment is the recalcitrant disposition of the offenders, which frequently necessitates the intervention of respected community figures to provide authoritative counsel. Should such persuasive approaches prove unsuccessful, the case is subsequently escalated to police jurisdiction. This conflict resolution paradigm exemplifies the criminal law concept of *ultimum remedium*, wherein formal penal sanctions are employed strictly as a final recourse once non-penal mechanisms have been rendered ineffective (Mairesha, 2023). This principle is further codified in Article 13, Paragraph (3) of Aceh Qanun Number 9 of 2008, which mandates that law enforcement authorities must initially permit disputes to be adjudicated through customary proceedings at the Gampong level (Majelis Adat Aceh, 2024).

Notably, however, empirical practice in Kemukiman Suaq demonstrates that the transition from customary mechanisms to formal police intervention is rarely linear. Rather, it is frequently characterized by ongoing negotiation and institutional friction between the two entities, thereby illustrating the intricate dynamics between state law and customary law in Aceh during the post-special autonomy era. The significance of this research lies in the necessity to empirically understand how customary sanctions are implemented within societies undergoing social transition, and how these mechanisms interact with the formal criminal justice system. Previous studies on customary sanctions in Aceh have predominantly focused on normative aspects or provided generalized overviews of customary institutions, lacking a profound exploration of implementation dynamics at the local level. This study seeks to bridge this gap by presenting an in-depth case study analysis regarding the application of customary sanctions for theft in Kemukiman Suaq, a region that has not previously been the subject of comprehensive customary law research. The analytical gap this study aims to address is how customary officials interpret their authority within the framework of legal pluralism, as well as the factors determining the efficacy of customary sanctions in mitigating theft rates in the region.

Kemukiman Suaq confronts a fundamental dilemma in adjudicating criminal acts of theft: balancing the formally recognized jurisdiction of customary courts with the mandates of formal criminal law, which subjects offenders to imprisonment. In instances of petty theft, customary officials are mandated to resolve cases through deliberative consensus (*musyawarah*). However, they simultaneously encounter resistant perpetrators who are frequently involved in substance abuse. This dynamic engenders a profound tension between the restorative approach which serves as the foundational ethos of customary justice and the imperative for a sufficient deterrent effect.

The primary analytical gap to be resolved involves how customary officials in Kemukiman Suaq interpret and exercise their judicial authority within the context of Aceh's prevailing legal pluralism. Prior

literature has largely concentrated on the normative dimensions of the qanun (regional bylaws) or offered broad depictions of customary institutions, without thoroughly investigating how customary sanctions are substantively implemented at the grassroots level, particularly when confronting offenders who defy customary authority. This research endeavors to fill this void by delivering an in-depth empirical analysis grounded in a comprehensive case study.

The significance of this study lies in the empirical necessity to comprehend the efficacy of customary sanctions within a society undergoing social transition, as well as how these mechanisms interact with the formal criminal justice system. Such an understanding is imperative not only for the theoretical advancement of customary law but also for the formulation of policies capable of integrating local wisdom with legal certainty. The primary objective of this research is to describe and analyze the implementation of customary sanctions against perpetrators of theft in Kemukiman Suaq, identify the factors influencing their effectiveness, and explore the relationship between customary adjudication and the formal criminal justice system within the framework of legal pluralism in Aceh.

2. METHODS

This study employs a qualitative methodology, an approach centered on acquiring an in-depth, holistic, and naturalistic understanding of a phenomenon without manipulating or intervening in the subject matter. A qualitative framework was selected because this research endeavors to explore the underlying meanings, values, and practices that govern the application of customary sanctions within the Kemukiman Suaq community elements that cannot be quantitatively measured through statistical or numerical data. According to Creswell and Poth (2024), qualitative research seeks to understand the experiences of subjects, including their behaviors, motivations, perceptions, and actions within a natural context, presenting findings through unmanipulated, descriptive narratives. Within this paradigm, the researcher functions as the primary instrument, actively engaging in the collection, interpretation, and synthesis of field data, thereby prioritizing profound contextual meaning over statistical generalization. Ultimately, rather than testing hypotheses or measuring specific variables, this study attempts to capture the complexities of social reality precisely as they are experienced and interpreted by the customary practitioners themselves.

The methodological approach employed in this study is a case study, defined as a research strategy that investigates a specific instance within its real-world context without any intervention from the researcher. This design is deemed highly appropriate given the study's focus on a singular, distinct phenomenon: the application of customary sanctions for the crime of theft in Kemukiman Suaq. This locale exhibits unique cultural, social, and juridical characteristics that cannot be strictly compared to other regions.

According to Yin (2023), case study methodology facilitates an in-depth exploration of contemporary phenomena within real-life settings, particularly when the demarcation between the phenomenon and its context is not clearly evident. In the present research, the examined case transcends the mere criminal act of theft; it encompasses the holistic social and legal processes surrounding the transgression. This continuum includes the initial occurrence of the incident, the mechanisms of customary deliberation, the imposition of sanctions, and the ensuing implications for community life. Consequently, this case study does not merely describe the events; rather, it elucidates why and how the phenomenon occurs within the paradigm of the customary values and Islamic law (Sharia) embedded in the local society.

The subjects of this study comprised 20 customary officials, specifically the Imam Mukim, Keuchik, and Tuha Peut, selected through purposive sampling based on their respective positions, authority, and direct involvement in resolving theft cases within the research area. This purposive selection was predicated on the rationale that these informants possess profound knowledge, empirical experience, and formal jurisdiction in the enforcement of customary sanctions, thereby enabling them to provide comprehensive and accurate insights into the practices under investigation. The object of this research encompassed theft cases that occurred over the preceding five years at the study site, including various forms of larceny such as the theft of gas cylinders, kiosk merchandise, motorcycles, ducks, chickens, and

goats. The research was conducted in August 2024 across two villages, Gampong Suaq Hulu and Gampong Payonan Gadang, both located within the Kemukiman Suaq area, Samadua Subdistrict, South Aceh Regency. Furthermore, the fieldwork and data collection processes were executed between January 23 and February 13, 2025, strategically accommodating informant availability and the prevailing social conditions of the local community.

The study utilized two distinct categories of data: primary and secondary. Primary data were acquired directly from the customary officials via in-depth interviews and participant observation, thereby reflecting the informants' authentic experiences, perspectives, and practical applications of customary sanctions. Secondary data consisted of official documents, village archives, local regulations (qanun), and pertinent literature relevant to the research topic, which served to supplement, verify, and enrich the primary data. As posited by Moleong (2023), primary and secondary data in qualitative research function complementarily to yield a holistic comprehension of the examined phenomenon; primary data offer profound subjective experiences, whereas secondary data establish the underlying normative and historical context.

The data collection methodology employed in this study comprises three primary techniques: participant observation, in-depth interviews, and documentation. Participant observation was conducted through the researcher's direct immersion in the field, which included partaking in community activities, attending traditional customary meetings, and meticulously observing the interactions and decision-making processes of customary officials in addressing theft cases (Moleong, 2023). This observational approach enabled the researcher to capture social nuances, body language, and power dynamics that may not be readily apparent during formal interviews. In-depth interviews were administered utilizing open-ended questions that evolved in response to the informants' answers, thereby facilitating a comprehensive and profound exploration of the customary officials' experiences, attitudes, and perspectives (Miles et al., 2023). Rather than adhering to a rigid structure, these interviews were flexible and adaptive, aligning with the conversational flow of the informants to yield authentic and highly contextualized data.

Data analysis was executed continuously from the onset of data collection through to the conclusion of the research, utilizing the interactive analysis model proposed by Miles and Huberman. This model encompasses three fundamental stages: data reduction, data display, and conclusion drawing or verification. Data reduction entailed summarizing, isolating core data, and excluding extraneous information, thereby ensuring that the accumulated data remained focused and systematically organized. Data display was achieved by presenting the information methodically in the form of narratives, matrices, or charts, which facilitated a clear comprehension of data patterns and interrelationships. The final stage, conclusion drawing and verification, involved formulating provisional conclusions that were subsequently cross-verified against field evidence, documentary sources, and pertinent theoretical frameworks, ultimately leading to robust and empirically defensible final conclusions (Miles et al., 2023). This analytical procedure is inherently cyclical and continuous rather than linear, permitting the researcher to iteratively refine and elucidate the findings in tandem with the growing corpus of data and a deepening understanding of the investigated phenomenon.

3. FINDINGS AND DISCUSSION

3.1. Description of the Kemukiman Suaq Area

The Suaq settlement constitutes an integrated administrative and customary territory comprising nine villages: Lubuk Layu, Suaq Hulu, Payo Nan Gadang, Luar, Arafah, Ujung Tanah, Ujung Kampong, Tampang, and Jilatang. Geographically situated within the Samadua Subdistrict of South Aceh Regency, this western coastal region of Aceh exhibits highly distinct demographic and cultural characteristics. The southwestern coast of Aceh is distinguished by its robust preservation of gampong-based (village) customary traditions, characterized by a governance framework that synthesizes religious and kinship elements. The population of the Samadua Subdistrict predominantly consists of

the Aneuk Jamee, an ethnic group that emerged through a centuries-long acculturation process between Minangkabau migrants and the indigenous Acehese populace (Abrar, 2022).

This acculturation has not only influenced linguistic and cultural practices but has also engendered a customary legal system that integrates Minangkabau matrilineal principles with the traditional Acehese gampong administrative structure. Within the context of this research, Payo Nan Gadang and Suaq Hulu were selected as case study locations. This selection is predicated on the recorded incidences of theft within these two villages over the preceding five years, coupled with their continued and active enforcement of customary sanctions. Payo Nan Gadang Village possesses a distinctive history, as its nomenclature originates from the historical geographical conditions of the region. The term "Payo" or "Paya" in the Aneuk Jamee language translates to "swamp," indicating that the settlement was formerly an expansive area of marshland and rice paddies prior to its conversion into residential zones. The designation of villages based on natural environments is a prevalent practice within the traditions of the Aneuk Jamee community, wherein toponymy illustrates the profound interrelationship between human populations and their surroundings.

Geographically situated within the Samadua Subdistrict, the village is bordered by Gampong Ujong Tanah to the north, Gampong Suak Hulu to the east, Gampong Arafah to the south, and Gampong Luar to the west. According to the demographic data compiled in this study, the total population of Payo Nan Gadang Village stands at 643 individuals, comprising 334 males and 309 females. The entirety of the demographic (100%) adheres to the Islamic faith, with the majority belonging to the Aneuk Jamee ethnic group.

Regarding economic livelihoods, the predominant occupation among the residents is agriculture. However, the workforce also encompasses fishermen, civil servants, educators, and healthcare professionals, such as nurses and midwives. Educational attainment within the village exhibits considerable variance. Out of the 173 residents documented as having received formal education, 74 have completed elementary school (SD/MIN), 34 have completed junior high school (SMP/MTs), and 34 have completed senior high school (SMA/MA). Furthermore, higher education demographics indicate that 22 individuals hold bachelor's degrees (S1), 4 possess associate degrees (Diploma 3), and 1 has attained a master's degree (S2). In terms of infrastructure, the village is equipped with various public facilities, including one village administrative office (Kantor Keuchik), three water channels, eight bridges, one Islamic elementary school building (Gedung MIN), and one futsal court. Situated at the extremity of Payo Nan Gadang Village, Suaq Hulu Village possesses a toponymy intrinsically linked to the region's hydrological characteristics. The term "Suaq" denotes a substantial body of water located in the upstream sector of the village, whereas "Hulu" indicates its geographical position at the upper course of the waterway. The village is positioned approximately three kilometers from the administrative center of the Samadua Subdistrict and encompasses a spatial area of 1.19 square kilometers. Administratively, Suaq Hulu Village is bounded by Gampong Air Sialang Hulu to the north, Gampong Payonan Gadang to the south, Gampong Jilatang to the west, and Gampong Lubuk Layu to the east.

The occupational structure of the village is predominantly agrarian, with the majority of residents engaged as wet-rice cultivators or plantation workers, while the remainder are employed in commerce or the civil service. According to data provided by the Village Head (Keuchik) of Suaq Hulu, Safriadi, and corroborated by Mukim Zulfikar Adek, the village population comprises 617 individuals, with a reported territorial expanse of approximately 400 hectares. This demographic profile elucidates the social framework within which customary sanctions are administered, characterizing an environment where kinship and neighborhood affiliations remain highly cohesive, and community-based social control functions as the primary mechanism for the preservation of civic order. The socio-economic characteristics of both villages exhibit a pattern consistent with rural areas in Aceh more broadly, wherein the agricultural and fisheries sectors constitute the backbone of the local economy. Nevertheless, the scarcity of formal employment opportunities and inequitable access to education engender social vulnerabilities that contribute to the incidence of theft, particularly among adolescents.

Interviews conducted with traditional authorities revealed that the proceeds from such thefts are frequently allocated for consumptive purposes, such as personal allowances or the procurement of narcotics, thereby indicating a socio-pathological dimension to the phenomenon of theft within this region. These circumstances present a distinct challenge for traditional authorities in formulating sanctions that are not exclusively punitive, but also rehabilitative in nature. In a broader context, comparable phenomena are observed across various gampongs (villages) in Aceh, where petty theft is frequently correlated with economic determinants and a deficiency in social control over the younger generation (Fitria, 2022).

3.2. The Implementation of Customary Sanctions Against Perpetrators of Theft

The implementation of public policy constitutes a crucial stage within the broader policy process. Within a customary context, the imposition of customary sanctions is perceived as an endeavor to maintain social equilibrium and prevent instability resulting from transgressions (Mulyadi, 2024). These sanctions function as both a preventive measure and a deterrent for the community, as evidenced by the progressive annual decline in livestock theft cases within the Suaq Settlement (Kemukiman Suaq). The application of customary sanctions in the Suaq Settlement is inextricably linked to the regulatory framework established by the Acehnese government. Aceh Qanun Number 10 of 2008 concerning Customary Institutions confers formal legitimacy upon customary courts at the gampong (village) and mukim (settlement) levels, stipulating that the adjudications of these customary courts are final and binding. Within this framework, the Imam Mukim serves as the supreme authority in the customary court structure at the settlement level, whereas the Keuchik presides over the customary court at the village level (MAA, 2024). Furthermore, Aceh Qanun Number 9 of 2008 regarding the Fostering of Customary Life and Traditions mandates that law enforcement authorities must initially afford the Keuchik and Imam Mukim the opportunity to mediate and resolve disputes at the local level prior to escalating them to formal legal proceedings.

Based on interviews conducted with Mukim Zulfikar Adek, Keuchik of Suaq Hulu Village Safriadi, and Keuchik of Payo Nan Gadang Village Zulhendri, it is evident that each mukim (settlement) applies distinct customary sanctions, although they broadly adhere to the qanun (bylaws) established by the Majelis Adat Aceh (MAA). In the Suaq settlement, perpetrators of theft are subject to fines payable in currency, livestock, or in accordance with local qanun provisions. Non-compliance with these penalties results in the offender's exclusion from village residency until their obligations are fully satisfied. Because these customary sanctions are derived directly from the qanun officially ratified by the MAA, the gampong (village) administration is precluded from establishing unilateral regulations. The imposition of these sanctions is executed by customary officials namely the Keuchik, Hamlet Head, Imam Chueik, and Tuha Peut operating under the coordination of the Mukim. This institutional framework is consistent with the patterns observed across various regions of South Aceh, wherein customary authorities operate collectively to resolve minor criminal offenses (Fitria, 2022).

Based on an interview with the Village Head (Keuchik) of Payo Nan Gadang, Zulhendri, the implementation of sanctions has proven to produce a deterrent effect, resulting in a significant reduction in theft cases within the village. Furthermore, an additional benefit of enforcing customary law (hukum adat) is its capacity to prevent violations of both local ordinances (qanun) and Islamic law (Sharia), as well as to mitigate potential immoral behavior within the community. The efficacy of customary sanctions in decreasing theft rates aligns with research findings across various regions of Aceh, which indicate that customary justice mechanisms command a high degree of compliance due to the inherent social sanctions associated with such transgressions (Fitria, 2022). Within the context of a society that strongly adheres to collectivist values, social sanctions such as public shame and ostracization are frequently perceived as more formidable than formal criminal penalties. This phenomenon is further reflected in the practices observed in Gampong Kampung Paya, North Klueh Subdistrict, South Aceh, where perpetrators of theft are subjected to customary fines (pinang cerana), the restitution of stolen property, and the revocation of customary titles (Aswinda, 2017). Such

variations in the forms of sanctions illustrate the flexibility of customary law in addressing offenses by taking into account both the social context and the value of the stolen goods.

Data concerning theft incidents over the past five years within the Kemukiman Suaq region reveal considerable annual variations in the typologies of stolen property. In Mukim Suaq Hulu, recorded offenses involved the theft of gas cylinders in 2019, kiosk merchandise in 2020, motorcycles in 2021, ducks in 2022, chickens in 2023, and goats in 2024. Similarly, in Suaq Hulu Village, documented cases included the misappropriation of gas cylinders (2019), kiosk goods (2021), ducks (2022), and goats (2024). Furthermore, Payo Nan Gadang Village experienced thefts of chickens in 2019, gas cylinders in 2023, and kiosk merchandise in 2024.

These developments indicate that such offenses do not exclusively target high-value economic assets, such as motorcycles, but also frequently encompass essential household commodities and community livestock. This behavioral pattern suggests that the underlying motives for these crimes are primarily catalyzed by situational opportunities and immediate exigencies rather than meticulous criminal premeditation. Comparable findings were documented in a study conducted in Gampong Durian Kawan, Kluet Timur Subdistrict, which observed that thefts involving losses under IDR 5,000,000 were resolved through customary institutional mechanisms, whereas cases exceeding this monetary threshold were escalated to formal law enforcement agencies (Diana, 2017).

According to an interview with Mukim Zulfikar Adek, Gampong Suaq Hulu has a population of 617 individuals, whereas Gampong Payonan Gadang comprises 820 residents, with each village encompassing a geographical area of approximately 400 hectares. These demographic figures are further corroborated by statements from the respective village heads, Geuchik Safriadi of Suaq Hulu and Geuchik Zulhendri of Payonan Gadang. Over the preceding five years, both villages have recorded incidences of petty theft, predominantly perpetrated by adolescents. The stolen property typically consists of gas cylinders and commercial merchandise from local kiosks, with the illicit proceeds generally utilized for personal allowances or the procurement of narcotics. Furthermore, instances of livestock theft, specifically goats, have been documented in Suaq Hulu.

The correlation between juvenile theft and substance abuse constitutes a significant finding, indicating that customary sanctions are insufficient as a solitary measure to address the underlying causes of such criminality. Consequently, a more comprehensive approach is necessitated, encompassing preventive measures, rehabilitation programs, and economic empowerment initiatives. Within this context, the role of community police officers (Bhabinkamtibmas) as facilitators and mediators in customary justice systems becomes increasingly pertinent. This aligns with the recommendations from the Aceh Jaya Community Policing Coordination Meeting, which emphasizes the necessity of synergy between customary institutions and law enforcement agencies to resolve minor disputes through a restorative justice framework (MAA, 2026).

Regarding case resolution, theft incidents were initially rarely processed within the customary (adat) domain; instead, they were either reported to the police or left unaddressed. However, offenses classified as minor are subsequently redirected to customary jurisdiction. In specific instances, perpetrators are subjected to customary sanctions comprising a fine of IDR 5 million, a one-year prohibition from descending the mountain or engaging in agricultural cultivation, alongside the obligation to provide restitution. If a perpetrator disregards these directives, the case is escalated to the formal legal domain. This paradigm of case management reflects the principle of *ultimum remedium* within criminal law, wherein formal penal sanctions are utilized as a measure of last resort only after customary mechanisms are deemed ineffective (Mairesha, 2023).

The jurisprudential basis for applying customary sanctions in both gampongs derives from the prevailing qanun. The resolution mechanism is typically facilitated through formal deliberation involving the Geuchik, Tuha Peut, religious figures, and other customary officials. Non-compliance with the deliberative outcome results in the case being transferred to formal law enforcement agencies. This procedural framework aligns with the provisions of Article 17, Paragraph (2) of the Aceh Gubernatorial Regulation Number 60 of 2013 concerning the Implementation of Customary Dispute

and Conflict Resolution. This regulation delineates the procedural sequence, commencing with the receipt of reports, the summoning of involved parties, and the examination of witnesses and evidence, culminating in customary hearings and the execution of verdicts.

A frequently encountered obstacle is the uncooperative attitude of the perpetrators. The typical resolution involves the intervention of respected community figures to provide counsel. Should this effort fail, the perpetrators are subsequently handed over to law enforcement authorities. As a preventive measure against recidivism, the deliberative consensus has established stringent sanctions: repeat offenders are subjected to customary penalties, criminal prosecution, and potentially expulsion from the gampong (village) to reside in mountainous areas. The threat of expulsion from the gampong constitutes the most severe sanction within the Acehnese customary system, which is socially equivalent to the revocation of community membership rights. From the perspective of the sociology of law, the sanction of expulsion functions as a boundary maintenance mechanism that delineates tolerable from intolerable behavior, while simultaneously reinforcing the collective solidarity of the community (Iskandar et al., 2024). Analogous sanctions are observed in the customary judicial practices of Gampong Kampung Paya, wherein perpetrators of theft may be ostracized by the community as a form of social punishment (Aswinda, 2017).

4. CONCLUSION

Based on the research findings regarding the implementation of customary sanctions for perpetrators of theft in Kemukiman Suaq, Samadua District, it can be concluded that the enforced customary penalties encompass monetary fines of up to IDR 5 million, restitution, a one-year prohibition from entering agricultural fields, and the threat of expulsion from the gampong for repeat offenders. The legal foundation for the imposition of these sanctions is derived from the qanun (regulations) of the Majelis Adat Aceh (MAA) and the consensus of customary officials, which involves the Keuchik (village head), Tuha Peut (village advisory council), and religious leaders. Documented theft cases over the past five years in both gampongs include the stealing of gas cylinders, kiosk merchandise, poultry, goats, and motorcycles. The perpetrators are predominantly adolescents who utilize the proceeds for personal allowance or the procurement of narcotics. The application of customary sanctions has proven effective in generating a deterrent effect and significantly reducing the incidence of theft, despite ongoing challenges related to the insubordinate attitudes of perpetrators that necessitate the intervention of highly respected community figures.

The implementation of these research findings advocates for enhanced coordination between customary authorities and law enforcement agencies within the framework of ultimum remedium, wherein formal criminal sanctions serve as a measure of last resort only when customary mechanisms prove ineffective. Furthermore, a comprehensive approach is necessitated one that extends beyond the mere imposition of sanctions to encompass preventive measures, rehabilitation for offenders involved in substance abuse, and economic empowerment initiatives for adolescents to deter them from criminal trajectories. Additionally, the institutional capacity of customary bodies must be strengthened through administrative and documentation training to ensure that all customary judicial rulings possess formal legal validity and accountability.

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