



Proceeding of the 4rd Malikussaleh International Conference on Law, Legal Studies and Social Sciences (MICoLLS) 2024

THE ROLE OF SARAK OPAT IN RESOLUTION OF DOMESTIC VIOLENCE CONFLICTS

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Abstract

This research aims to determine the role of sarak opat in resolving domestic violence conflicts. The research approach used is normative juridical with a qualitative research type. Furthermore, the nature of this research is perspective so that it can answer the problems that will later be researched. The results of the discussion showed that Sarak Opat is a traditional institution with the authority to resolve cases of domestic violence peacefully and in a consensus/deliberative manner. Usually the victim reports it to the Kampung hamlet, then the hamlet conveys it to Reje. After the root of the problem was discovered, both parties were summoned to a regular trial at the village hall attended by Reje as mediator in the trial, Imem as advisor, Petue as clerk and the people. After the trial is opened, both parties are invited to express their arguments and then be willing, as a mediator, to make a decision depending on both parties. Usually a robbery (fine agreement) in the form of gold is used as a deterrent effect for the perpetrator. Meanwhile, the longest time for reconciliation is 3 (three) months, if it cannot be resolved by consensus, the next process is through litigation.

Keywords: *Role of Sarak Opat, Resolving Domestic Violence*

INTRODUCTION

Every village in the Central Aceh Regency has a sarak opat institution. Sarak Opat is a traditional institution that has the authority to resolve, investigate and impose customary sanctions based on customary law on the

community.¹In this case, the sarak opat institution is given the authority to regulate and manage all local community interests according to its own initiative based on the aspirations of the community in a bond of customs, religion and government provisions, both internally and externally.²

Snouck Hurgronje in his writing explains that in the process of the development of Gayo cultural customs, it shows that the historical background of the emergence of the sarak opat institution is closely related to the cause of the separation of one clan (belah) or one descendant from one place to another. In this case, Snouck explains that if members of a belah (klen) develop, then some move to another place, so that they separate from their parent belah and finally in the new place they also choose a king (reje) from among their own people. Then after the king is elected, the king will automatically be assisted by several of his cabinets, which is called the sarak opat institution, which consists of reje (king), imem (priest), petue (elder), and rayat genap mupakat.³

As explained in Qanun Number 9 of 2002 concerning Gayo Customary Law, in the general provisions of Article 1 point (f) it states; Sarak opat is a deliberation institution according to Gayo customs consisting of Reje, Imem, Petue and Rayat Genap Mupakat.

Considering the contents of the general provisions of Article 1 point (f) above, it can be explained that the sarak opat institution is a forum/institution for deliberation/consensus, both a forum for deliberation at the sub-district level played by the sub-district government apparatus and a forum for deliberation at the village level played by the government apparatus at the village level.

Regarding its position, in the provisions of Qanun Aceh Tengah Regency No. 9 of 2002 concerning Gayo Customary Law, in Article 9 paragraph 1 it is emphasized that the sarak opat institution has the following position: *Sarak opat is positioned as a forum for the Gelung Preje government apparatus, Sub-district, Village Government as a forum for deliberation/consensus consisting of reje, imem, petue and rayat genap mupakat.*⁴

The text of Article 9 paragraph 1 above is known that the Sarak opat institution is a forum for government apparatus starting from the gelung

¹ Maifa Fitri, *The Role and Function of the Sarak Opat Position in the Village Government System*, IAIN Lhokseumawe, Vol. 2, No. 1, 2023.

² Mahmud Ibrahim and AR. Hakim Aman Pinan, *Sharia and Customs and Traditions*, 2010, Volume I, p. 1

³ Hakim Aman Pinan, *The Essence of Gayo Cultural Values*, First Edition, (Takengon: 1998), p. 12.

⁴ Arifin Abdullah and Armiyadi, *The Role of the Sarak Opat Institution in Resolving Domestic Violence (KDRT) Cases*, LEGITIMASI, Vol. 8, No. 1, 2018, p. 1.

preje forum (which is tasked with regulating going down to the rice fields), the sub-district apparatus forum and the apparatus forum at the village government level. According to the contents of this Qanun, it is stated that the sarak opat institution is the one that has a role as a forum for deliberation and consensus in addition to its main duties as a government apparatus.

From the explanation above, it has been explained about the sarak opat institution so that in this case the author wants to analyze one of the solutions resolved by sarak opat, namely Domestic violence (KDRT) is a violation of human rights and a crime against human dignity, the number of which continues to increase from year to year. Domestic violence often occurs in the household scope caused by several factors including economic conditions, the husband and wife are not yet stable enough in carrying out the marriage bond, and others. So that violence occurs and sometimes ends in divorce. In the author will discuss "**The Role of Sarak Opat in Resolving Domestic Violence Conflicts.**"

RESEARCH METHOD

The research approach method used is normative juridical with qualitative research type. Furthermore, the nature of this research is perspective so that it can answer the problems that will be studied later. The data sources that will be used in the research are secondary data, which are obtained through library materials and primary data.⁵ While for tertiary materials as support in this writing, namely dictionaries, encyclopedias, the internet, papers, regarding raw materials that explain primary and secondary legal materials. Data analysis is an activity carried out by the author in terms of determining the content and meaning of legal rules that are used as a reference in solving the problems being studied. After data collection is carried out, it is then selected, classified, and arranged in narrative form. Data processing that has been carried out using deductive thinking methods, then combined in one form of scientific work. The deductive thinking method is a way of thinking in drawing conclusions drawn from something that is general in nature that has been proven to be true and the conclusion is intended for something that is specific in nature. As a research procedure that produces descriptive data in the form of written or oral collection, library research and field research are analyzed qualitatively.

DISCUSSION RESULTS

In Gayo society, when there is a conflict in a household, it is usually resolved by the sarak opat institution. If it cannot be resolved, then the settlement is through the courts. As for the method of resolving a dispute, the

⁵ Zainudin Ali, *Legal Research Methods*, 5th Edition, Sinar Grafika, Jakarta, 2004, p. 29.

sarak opat institution also has a process or stages of dispute resolution. It should be underlined that the dispute resolution process through the sarak opat institution is not the only absolute path to resolving all disputes at the village level in Central Aceh Regency. However, the resolution path through the sarak opat institution is an alternative non-formal resolution path in resolving disputes between community members at the village level.

Based on the reality of dispute cases that occur in villages, in terms of costs, resolution time, the role of the sarak opat institution is an alternative path to resolving disputes, because people at the village level are not burdened with spending a lot of time and money if resolving a dispute, even the results of its decisions strongly emphasize the aspects of family and deliberation. Then regarding the resolution process, it can be seen in the Qanun of Central Aceh Regency Number. 9 of 2002 concerning Gayo Customary Law, which also regulates the authority of the sarak opat institution.

In the provisions of this Qanun, it is only emphasized on the position of the sarak opat institution, the duties of the sarak opat, the authority of the sarak opat institution and the customary sanctions given by the sarak opat institution.⁶ Although the dispute resolution process is not clearly stated in Qanun Number 9 of 2002 above, in general based on field practice and analysis of the Qanun above, several dispute resolution processes can be drawn according to custom, namely First, the dispute resolution process in the sarak opat customary institution, the resolution path is not the same as the resolution path in the court institution. In customary institutions, the resolution process is only carried out simply by emphasizing the aspect of deliberation to reach a peace from the disputing parties. The course of the trial process carried out by the sarak opat institution is not the same as the practice in formal courts.

Usually it begins with a complaint from the victim, parents, children, siblings and others who are still related to the victim to the apparatus, namely the hamlet of the beke. then the hamlet will dig up the root of the problem before reporting to the village head, then after the root of the problem is found, Sarak Opat will summon the disputants to be resolved according to custom or more family in a deliberation system. So that the act is not repeated, a perampam (fine agreement) is made depending on the agreement of both parties, usually a very heavy fine in the form of gold if the act is repeated, the perpetrator will pay the victim. However, this also sometimes does not have a deterrent effect, even the fine agreement letter is

⁶ *ibid.*

only a formality with various reasons so that sometimes Sarak Opat is confused about how to deal with the actions that are carried out continuously.

In this case, Reje (village head) as a mediator to achieve peace is assisted by Imem (who leads sharia law) as an advisor in the trial. Then Petue (who investigates and examines a problem), as a clerk and Rayat (who is obliged to deliberate and reach a consensus in community life).⁷

The two places of dispute are usually in the village hall or mosque, but there are also those resolved at the homes of the families in dispute. Meanwhile, the dispute resolution period does not take a long time, but a maximum of only 3 months. This is as regulated in the provisions of the Aceh Tengah District Government Qanun No. 9 of 2002, in Article 9 paragraph 2 point (b) it is emphasized that: The Sarak Opat institution has the task of: resolving disputes based on customary law, customs and habits within a maximum period of three months.

The third process of resolving and investigating Article 10 of Qanun Number 9 of 2002 concerning Gayo Customary Law, emphasizes that the Sarak Opat institution has the authority to resolve, investigate and impose customary sanctions based on customary law. Before reaching the resolution of the Sarak Opat, peace is usually resolved through the family if it cannot be resolved by the Sarak Opat. The resolution system for marital and domestic violence conflicts, as quoted from Mr. Jamhir's dissertation, the Sarak Opat institution presents both parties together. Deliberations are usually held in closed places, such as the reje house, the parties, the village imem house or in other places that can maintain confidentiality. Reje as the head of the Sarak Opat institution officially opened the meeting and led the meeting until it was finished or he handed over the leadership.⁸

CONCLUSION

The sarak opat institution is the one that has the authority to resolve problems that occur in the village. One of them is a conflict in the household, usually resolved by the sarak opat institution. If it cannot be resolved, then the settlement is through the courts. There are 3 (three) processes for resolving a dispute, namely the process of resolving by consensus and peace with a maximum time of 3 (three) months. It begins with a report by the victim or family, then a peace settlement is held, reje as a mediator, then Petue as a clerk, then imem as an advisor.

⁷ Mr. Fitran Former Fitran of Pedemun One-One Village, Interview, August 30, 2024.

⁸ Jamhir, *Sarak Opat as a Sacred Institution of Consensus in Resolving Legal Cases in the Gayo Community*, 2020, pp. 369-370.

The place of the dispute depends on the agreement, usually in the village hall or mosque and the sarak opat house or the house of the disputant. After the trial is opened, both parties convey the problems faced in turns, interspersed with in-depth exploration of the problem separately, such as in a special room. Then reje as a mediator only, the decision depends on both parties, usually used perampam after finishing, ending with shaking hands with all the councils present.

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