

The Existence of Mukim Judicial System in the Context of National Legal System

Hanif Nurcholis¹, Hanif Hardianto¹✉, Salawati Mat Basir²,
Sri Wahyu Kridasakti¹, Rina Elsa Rizkiana¹

¹Universitas Terbuka, South Tangerang, Indonesia

²University of Kebangsaan, Bangi, Malaysia

✉ Corresponding email: hanifb@ecampus.ut.ac.id

Abstract

The Mukim legal system may be compared to two sides of a coin, with governmental duties and customary functions in the government and customs sections, respectively. Mukim, as a conflict resolution in Acehnese culture and the primary decision-maker in settling disputes, is governed by qanun and has the potential to become a formal institution in the Indonesian national legal system. This is predicated on a juridical-normative basis: the existence of the Mukim, together with all of the political symbols of sovereignty associated with it, is recognised *de jure* in positive law; but this acceptance appears to be out of sync *de facto*. The purpose of this study is to examine at how the Mukim evolved from a judicial system to a formal institution within by Legal Effectiveness Theory. This study is a socio-legal case study of Banda Aceh City, Aceh Besar Regency, Bener Meriah Regency, and Central Aceh Regency that employing document review and focus group discussions with Mukim authority holders, as well as content-analysis and legal-synchronicity analysis approaches. The research findings reveal that Mukim, as a customary justice system, is recognised not only at the socio-cultural level of the Acehnese people, but also at the official legal level in Aceh. As a result, the national legal system recognises and confirms Mukim's transition from a customary judiciary to a formal institution.

Keywords

Legal Effectiveness Theory, Mukim Legal System, National Legal System

A. Introduction

In Aceh, gampong and mukim are the two primary forms of local governance.¹ Mukim, which emerged as a governmental entity within the framework of special autonomy, transformed from an informal institution into a formal governance structure during the reform era.² The recognition of Mukim's existence and authority was further strengthened through Law No. 11 of 2006 on the Government of Aceh, which attempts to realize utopian objectives that are thought to be unrealistic in Aceh based on socio-cultural norms, signified the recognition of Mukim's existence and sovereignty.³ The recognition of local institutions within national legal systems is closely related to constitutionalism and decentralization principles.⁴ These local institutions play a crucial role in maintaining social order particularly during periods of social and political transition.⁵ The incorporation of Mukim within the formal legal framework reflects the integration of customary institutions into administrative governance structures. This integration supports legal certainty and enhances the institutional authority of Mukim within the national legal system.⁶

¹ Zulkifli Zulkifli and others, 'The Role of Imum Mukim in Gampong Governance in Paya Bakong District of North Aceh Regency', *Malikussaleh Social and Political Reviews*, 2.2 (2021), 69 <https://doi.org/10.29103/mspr.v2i2.6356>.

² A Rizki, 'Analisis Fungsi Mukim Dalam Pengawasan Ekologi Dan Sumber Daya Alam Berdasarkan Qanun No 8 Tahun 2009 Di Kabupaten Bener Meriah', 1.8 (2021), 1–16

http://repository.umsu.ac.id/handle/123456789/4771%0Ahttp://repository.umsu.ac.id/bitstream/handle/123456789/4771/Skripsi_AkmalulRizki.pdf?sequence=1&isAllowed=y.

³ A Zakiyya, 'Dinamika Pemerintahan Mukim Di Aceh Besar Pasca Kemerdekaan Indonesia (1946-2017)', *JIM: Jurnal Ilmiah Mahasiswa Pendidikan Sejarah*, 4.3 (2019) <http://www.jim.unsyiah.ac.id/sejarah/article/view/13293%0Ahttp://www.jim.unsyiah.ac.id/sejarah/article/download/13293/5619>.

⁴ Martitah et al., "Constitutionalism as A Design For Limiting Power in The Era of Post-Truth Democracy," *Indonesian State Law Review* 8, no. 2 (2025): 205–22, <https://doi.org/https://doi.org/10.15294/islrev.v8i2.30529>.

⁵ Helvi Yanfika et al., "Law in Action During Disaster Recovery in Lampung Coastal Village," *Indonesian State Law Review* 8, no. 2 (2025): 153–69, <https://doi.org/https://doi.org/10.15294/islrev.v8i2.20873>.

⁶ Collins G Ntim, Teerooven Soobaroyen, and Martin J Broad, "Governance Structures , Voluntary Disclosures and Public Accountability The Case of UK Higher

Legally and normatively, the Mukim's existence along with all the political symbols of sovereignty associated with it is acknowledged *de jure*; that is, the Mukim's existence is validated and acknowledged by positive law, but *de facto*, this recognition inconsistent and contradictory.⁷ Fundamentally, the Mukim's role in formulating and carrying out gampong government policies in Aceh is more significant than its recognition as a unit of government limited to the duty of custodian of customs. The state recognizes the mukim government as a distinct government structure that exists solely in Aceh, sitting above the gampong government and under the sub-district government.⁸

Aside from that, it is believed that the dynamics of Mukim institutions in the past, which were comparatively effective in controlling the socio-cultural life of the community, may still be applicable in modern times. This condition reflects the persistence of legal pluralism in Indonesia, where customary institutions remain relevant in resolving disputes and maintaining social order within local communities. Administrative legal disputes often demonstrate the interaction between state institutions and constitutional authority.⁹ The recognition of customary law institutions also indicates that local traditions coexist with national legal frameworks and contribute to dispute resolution mechanisms in regional governance. Customary law institutions continue to play an important role in resolving disputes and maintaining social order in Indonesia, particularly in regions with strong local traditions such as Aceh.¹⁰ This is consistent with the study by Muzakir et al. from 2017 which highlights the function of mukim in enhancing indigenous knowledge in Aceh where their presence serves as a mediator in the issues the community issues.¹¹ However, the

Education Institutions,” *Accounting, Auditing & Accountability Emerald Journal* 30, no. 1 (2026): 65–118, <https://doi.org/10.1108/AAAJ-10-2014-1842>.

⁷ Taqwaddin Husin dkk, *Mukim Di Aceh: Belajar Dari Masa Lalu Untuk Membangun Masa Depan*, Diandra Pustaka Indonesia (Kelompok Penerbit Diandra), vol. 7, 2020.

⁸ Muslim Zainuddin, *Menelisik Keberadaan Mukim Di Aceh Suatu Pendekatan Historis, Sosiologis Dan Yuridis*, ed. by Muliadi Kurdi, I (Aceh Ulee Kareng, Banda Aceh: Ar-Raniry Press, 2019).

⁹ Ary Mukhtian Syah, Pratama Herry Herlambang, and Chirstoverus Marco, “Granting Clemency to Antasari Azhar as the Object of a State Administrative Law Dispute,” *Indonesian State Law Review* 6, no. 2 (2023): 177–200, <https://doi.org/https://doi.org/10.15294/islrev.v6i1.68233>.

¹⁰ Lukman Hakim, Qatrunnada Hamparan Melati, and Purnawan Dwikora Negara, “Integrating Adat Law in Indonesia : Challenges and Opportunities in a Centralized Legal Framework,” *Indonesian State Law Review* 8, no. 1 (2025): 58–82, <https://doi.org/https://doi.org/10.15294/islrev.v8i1.19628>.

¹¹ Husaini Ibrahim Muzakir, ‘Peran Mukim Dalam Memperkuat Kearifan Lokal Di Aceh’, *Jurnal Ilmiah Mahasiswa FISIP Unsyiah* Volume, 2. November (2017), 181–91.

Acehnese people's way of life and the policy environment have changed significantly over time.¹² This is evidenced by the dynamic nature of Aceh's Mukim administration, which continues to face various challenges in fulfilling its official roles meaningfully.¹³ This finding is also consistent with earlier research on *imuem mukim* leadership done by Rina Melisa in 2014 which revealed that the leadership of *imuem mukim Parom*, functioning as traditional leaders in informal contexts and government leaders in formal contexts had not been implemented effectively and harmoniously.¹⁴

Mukim can therefore be compared to two sides of a coin that have roles and responsibilities in the government and customs sectors, respectively. Legal pluralism in Indonesia reflects the coexistence of religious, customary, and national legal systems.¹⁵ The policies force Mukim to move in two separate regions and may generate conflict, this frequently leads to new issues. In actuality, Mukim serves as a conflict arbitrator in Acehnese society. He is the primary decision-maker when it comes to settling disagreements so that decisions made later on can be used to solve problems, be firmly resolved, and specify what should be done in each situation.

Because of this, there is a strong possibility that the mukim justice system as outlined in the qanun will eventually be formalised and integrated into the Indonesian legal system. This is what attracted the author to examine this issue further. The purpose of this study is to investigate how the Mukim evolved from a judicial system to a formal institution within the national legal system. The Mukim legal system still needs to strive for official legitimacy and autonomy. This is due to the fact that Aceh Qanun No. 4 of 2003, which regulates the Mukim's power, still needs synchronization and adaptation with legislative restrictions.¹⁶ Moreover, given the various natural resource potential,

¹² Syarifah Fathia Fairuz and Aulia Rahman, 'Peranan Pekan Kebudayaan Aceh (Pka) Ke Iv Dan V Dalam Membangkitkan Kebudayaan Aceh: (Studi Kasus Tari Saman Dan Seudati)', *Jurnal Seuneubok Lada*, 2.1 (2015), 70–85.

¹³ anita Surya Al-Yahya, 'Analisis Efektivitas Pemerintahan Mukim Di Kecamatan Johan Pahlawan Kabupaten Aceh Barat Provinsi Aceh', *Transformasi: Jurnal Manajemen Pemerintahan*, 2019, 41–53 <https://doi.org/10.33701/jt.v1i1i1.632>.

¹⁴ Rina Melisa and others, 'Kepemimpinan Imuem Mukim Di Kecamatan Seunagan Kabupaten Nagan Raya', 2023, VIII, 72–89.

¹⁵ Adzkia Dzikro Romadhon and Adibah Bahori, "Inter-Religious Marriage in Indonesia : Pros and Cons in the Administrative and Constitutional Law," *Indonesian State Law Review* 6, no. 2 (2023): 133–76, <https://doi.org/https://doi.org/10.15294/islrev.v6i1.64973>.

¹⁶ Fakhruddin, 'Sinkronisasi Peraturan KPU Dengan Undang-Undang Pemerintahan Aceh Pada Penyelenggaraan Pilkada Serentak Di Kabupaten Aceh Tamiang Tahun 2017', *Bunga Rampai Tata Kelola Pemilu Indonesia*, 2 (2020), 56–79.

geographic circumstances, and Mukim competencies, the governance of each district and city in Aceh is today undeniably different from one another.

B. Methods

This research is typologically supported by a sociological legal research approach as a complement and a case study approach.¹⁷ Socio legal approaches are widely used to analyze legal effectiveness in Indonesia's administrative and customary legal institutions.¹⁸ Institutional effectiveness is influenced by organizational readiness and governance structures.¹⁹ This research aims to examine the transformation of the existence of Mukim as a judicial system into a formal institution in the national legal system. This research was conducted in several areas, namely 1) Banda Aceh City; 2) Aceh Besar Regency; 3) Bener Meriah Regency; 4) Central Aceh Regency. The method used is a case study with Document data collection techniques - Review of legal materials regarding the existence of Mukim and Focus Group Discussions involving Mukim institutional authorities. Meanwhile, the analysis technique used is Content Analysis of Legislative Regulations and analysis of legal synchronicity based on several legal theories, namely the Theory of Legislative Regulations, the Theory of Customary Law, the Theory of Legal Effectiveness to map the existence of Mukim in the national legal system in Indonesia. The transformation of legal institutions is also influenced by technological developments in judicial administration.²⁰

The data sources used to describe the results of this research consist of primary legal materials, secondary legal materials and tertiary

¹⁷ Rina Elsa Rizkiana and Michael Gerry, 'Penanganan Hak Atas Perumahan Yang Layak Terkait Backlog Di Masa Pandemi Covid 19 : Studi Kasus Di Kota Samarinda (Decent Housing Rights Handling Related to Backlog during Covid-19 Pandemic : Samarinda City Case Study)', *HAM*, 13.2 (2022), 287–304, <https://doi.org/http://dx.doi.org/10.30641/ham.2022.13.287-304>.

¹⁸ Muhammad Ainurrasid and Al Fikri, "Implementation of Strict Liability by Companies in Cases of Environmental Damage in Indonesia : An Overview of State Administrative Law in Indonesia," *Indonesian State Law Review* 5, no. 2 (2022): 41–52, <https://doi.org/https://doi.org/10.15294/islrev.v5i2.47460>.

¹⁹ Siti Mursidah, Eko Handoyo, and Mulyo Widodo, "Readiness Level of Employees in Position Transfers at State Universities : Analysis of State Administrative Law Perspective," *Indonesian State Law Review* 5, no. 2 (2022): 79–94, <https://doi.org/Indonesian State Law Review>.

²⁰ Shannon Rosemary Bernadika and Frederick Appiah Afriyie, "The Legitimacy of Letters as Evidence in the E- Litigation Proof System within the State Administrative Court," *Indonesian State Law Review* 6, no. 2 (2023): 221–52, <https://doi.org/https://doi.org/10.15294/islrev.v6i1.68236>.

legal materials. According to Soerjono Soekanto, primary legal materials are binding legal materials such as the 1945 Constitution, laws, uncodified legal materials, legal scientific works, agreements and colonial era legal materials such as the Criminal Code.²¹ The main legal material for this research is the 1945 Constitution, Law Number 44 of 1999 concerning Aceh Specialties, Law Number 11 of 2006 concerning Aceh Government, Aceh Qanun Number 4 of 2003 concerning Mukim Government, Qanun Number 9 of 2008 concerning the Development of Traditional Life and customs, Qanun Number 10 of 2008 concerning Traditional Institutions, Aceh Qanun Number 3 of 2009 concerning Procedures for the Election and Dismissal of Imum Mukim in Aceh, as well as other laws and regulations that have relevance to the object of this research. Data were collected using observation or field research techniques data obtained orally and in written form verbally or in writing, primary data material consisting of legislation.²² In addition to legally mandated information, in-depth interviews with mukim leaders who comprehend and execute the roles and responsibilities of mukim in settling conflicts within the community provided additional primary data. Legal documents that explain main legal materials, such draft legislation, research findings, publications from legal communities, and so on, are referred to as secondary legal materials. Tertiary legal material, or legal content that offers guidance and justification for primary and secondary legal elements, is the last category of legal materials. For example, encyclopaedias, dictionaries, cumulative indexes, and so forth.

C. Results and Discussion

1. *General Studies: Mukim*

The word *mukim* derives etymologically from the Arabic word *muqim*, which means "resident of a place or residence" or "living somewhere".²³ For the people of Aceh, this word is translated as a residential area consisting of several villages. The word *Mukim* is found in several Aceh Qanuns, namely Acen Qanun Number 10 of 2008 concerning Traditional Institutions, Aceh Qanun Number 4 of 2003 on Gampong Government and Aceh Qanun Number 3 of 2009 on Procedures for Selection and Dismissal of *Imum Mukim* in Aceh.

The word *mukim* semantically originates from Arabic terms, "al-muqīm" a person who resides in a particular place. This term is derived

²¹ Soerjono Soekanto and Sri Mahmudji, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat* (Jakarta: Raja Grafindo Persada, 2003).

²² Zainuddin Ali, *Metode Penelitian Hukum* (Jakarta: Sinar Grafika, 2016).

²³ Mukhlis, *Otonomi Daerah Dan Mukim di Aceh* (Lhokseumawe, Aceh: Biena Edukasi, 2019).

from the verbs *qāma*, *qauman*, *qiyāman*, *qāmah*, which mean to stand, rise, stand upright, stop, rise or increase, or depart which means *aldā'im* (permanent or enduring), and also refers to resident, inhabitant, stay, or eternal.²⁴ The word *mukim* can also refer to a place of habitation, a resident who lives there, or someone who stays permanently. The term *mukim* can also denote a place of residence, a person who lives there, or a distinction between permanent residents and travellers or visitors.²⁵

Subsequently, Indonesian adopted the Arabic term *muqim* as *mukim*. The term "mukim" has many definitions in the Indonesian dictionary: (1) pilgrims who stay in Mecca for an extended period; (2) permanent residents; (3) an area around a mosque; and (4) a territorial region. The term *mukim* also generates several derivative forms, including *settler* (a person who lives in a place), *to settle* (to remain or live in a place), *settlement* (the act of establishing residence), and *settlement area* (a place for permanent residence).²⁶ It is evident from its linguistic meaning that the word "mukim," which means "a place to live, stay," is a borrowing word from Arabic and denotes the presence of humans in a location. In the past, mukim emerged concurrently with the spread of Islam in Aceh.²⁷ Its existence is strongly rooted in both customary regulation (*adat*) and religious law (*hukum*), as well as in local governance structures.²⁸

The existence of *mukim* is related to the coordination of congregational religious worship.²⁹ As the population grows and relationships between gampongs become more complex, mukim requires an institution or leadership structure to organize governance. From this, the role of the *imeum* arose, who was recognized by the society by the community as the leader and granted legal status. In legal terms, a *mukim* is a subdistrict's legal community unit.³⁰ This means that *mukim* usually oversees several gampongs with certain territorial boundaries, or in other words, mukim is a legal area consisting of several

²⁴ Al-Munawwir Achmad Warson Munawwir dan Muhammad Fairuz, *Kamus Indonesia Arab* (Surabaya: Pustaka Progresif, 2007).

²⁵ J.S. Badudu, *Kamus Serapan Kata-Kata Asing Dalam Bahasa Indonesia Cetakan Ke 3* (Jakarta: Kompas Media Nusantara, 2007).

²⁶ Tim Redaksi, *Kamus Bahasa Indonesia* (Jakarta: : Pusat Bahasa Depdiknas, 2008).

²⁷ M Jafar and Sulaiman Sulaiman, "Penataan Administrasi Kependudukan Berbasis Mukim Dan Gampong Di Provinsi Aceh," *Jurnal Penelitian Hukum De Jure* 18, no. 4 (2018): 465, <https://doi.org/10.30641/dejure.2018.v18.465-476>.

²⁸ Marzellina Hardiyanti, "Relevansi Living Law Theorie Dalam RUU Masyarakat Adat Pada Sistem Negara Hukum Prismatic," *Progressive Law and Society Journal* 1, no. 1 (2023): 42–53.

²⁹ Hasil Wawancara dengan Imeum Mukim di Aceh Besar 2023

³⁰ Teuku Muttaqin Mansur et al., "A Study of Mukim Customary Forests Recognition in Pidie," *Kanun Jurnal Ilmu Hukum* 25, no. 2 (2023): 238–50.

gampongs. Therefore, *mukim* functions not only as a socio cultural institution but also as a governance structure that supports administrative order.³¹ The role of *mukim* in governance is strengthened through administrative law enforcement, which aims to ensure legal certainty within governance institutions. This is reflected in several legal regulations, particularly the provisions of Article 1 number 13 Aceh Qanun Number 10 of 2008 on Traditional Institutions. Apart from that, the formulation is found in the provisions of Article 1 number 4 Qanun Nanggroe Aceh Darussalam Province Number 4 of 2003 on *Mukim* Government in Nanggroe Aceh Darussalam Province. Furthermore, *Mukim* has an important role in maintaining social order and resolving disputes within the community. Public participation strengthens governance and enhances institutional legitimacy.³² The involvement of community members in customary dispute resolution processes increases trust in local institutions and supports the effectiveness of *Mukim* as a governance structure. Through participatory decision-making, *Mukim* institutions are able to maintain social harmony and ensure that legal decisions reflect community values.

2. *Juridical Studies: Mukim and Its Legality*

The hierarchy of statutory regulations in the Republic of Indonesia is as follows: (1) the 1945 Constitution; (2) Laws or Government Regulations in Lieu of Laws; (3) Government Regulations; (4) Presidential Regulations; and (5) Regional Regulations (or Qanun). This is highlighted in Article 7 Law Number 10 of 2004 on the Formation of Legislative Regulations.

Article 18B paragraph (2) of the Republic of Indonesia 1945 Constitution, states that "the State recognises and respects customary law communities and their traditional rights as long as they are still alive and are in accordance with societal development and the principles of the Unitary State of the Republic of Indonesia as regulated by law." This provision forms the constitutional basis for the recognition of customary law. *Mukim* has a vital function and position due to its unique government structure which is based on inherited customary rights. *Mukim* is a legal community unit with the authority and rights to

³¹ Fira Adhisa Rivanda, "Violation of Installing Notary Nameplates Based on the Notary 's Code of Conducts," *Indonesian State Law Review* 5, no. 2 (2022): 95–104, <https://doi.org/https://doi.org/10.15294/isrev.v5i2.50228>.

³² Sanskriti Menon and Janette Hartz-Karp, "Institutional Innovations in Public Participation for Improved Local Governance and Urban Sustainability In," *Sustainable Earth Journal* 2, no. 6 (2023): 1–19, <https://doi.org/https://doi.org/10.1186/s42055-019-0013-x>.

administer and control the interests of the local community, particularly in enhancing community welfare. The *Mukim* Government functions as a subsystem of both the national government and the Aceh provincial government, and it also possesses legal standing to bring lawsuits. The *Mukim* receives funding from a variety of sources, including its own revenue from *Mukim's* assets, the *meusara* property under its control, high-level government support, customary funds, and permissive, voluntary non-binding contributions from third parties. The *Mukim* also functions as a the coordinator of *Gampong* governance and holds authority in mediating customary-based disputes.

The *Mukim* Government's existence is now firmly and explicitly regulated in statutory law and regional regulations (*qanun*), namely in Law Number 11 of 2006 concerning the Aceh Government, specifically in Chapter XV on Mukim and Gampong. Aceh Qanun Number 4 of 2003 about Mukim Government has also issued the elaboration or implementing rules for this legislation. In the Acehnese administrative structure, *mukim* is an amalgamation of various *gampongs* (villages) that has existed since the arrival of Islam in Aceh.³³ The *mukim* government is a system in which religious affairs and customary law apart from the government. Mukim provides a solid foundation for governing as well as regulating social and religious life (*hukom* and custom). As a result, Mukim is now officially recognised in Aceh. The basis for legality may be traced back to the year that a number of previously stated legal rules were promulgated, specifically: (1) Regulations Number 2 and Number 5 of 1946, (2) Law Number 22 of 1999 concerning Regional Government, (3) Law Number 44 1999 concerning the Implementation of the Specialties of the Special Region of Aceh Province, (4) Law Number 18 of 2001 concerning Special Autonomy, (5) NAD Province Qanun Number 4 of 2003 concerning Mukim Government, (6) Law Number 11 of 2006 concerning Aceh Government, (7) Aceh Qanun Number 9 of 2008 concerning the Development of Traditional Life, (8) Aceh Qanun Number 10 of 2008 concerning Traditional Institutions. The formal recognition of local institutions within governance systems contributes to institutional legitimacy and strengthens administrative effectiveness.³⁴ Moreover, citizen participation and local institutional arrangements play a crucial role in building governance legitimacy and

³³ Khaidir Ali, Winda S Meliala, and Corry Novrica Sinaga, "Peran Pemerintahan Mukim Dalam Upaya Meningkatkan Pembangunan Desa Di Kecamatan Terangun, Kabupaten Gayo Lues," *Jurnal Intervensi Sosial Dan Pembangunan (JISP)* 4, no. 2 (2023): 77–86, <https://doi.org/10.30596/jisp.v4i2.14276>.

³⁴ Laurent Bernhard et al., "Sources of Legitimacy in Participatory Budgeting : A Scoping Review," *Political Studies Review: State of The Art* 23, no. 2 (2025): 608–21, <https://doi.org/10.1177/14789299241288160>.

ensuring sustainable governance structures. Citizen participation strengthens democratic governance and enhances institutional legitimacy by promoting transparency, shared responsibility, and trust in public institutions.³⁵

The recognition of customary governance institutions within national legal systems reflects the implementation of decentralization and legal pluralism principles in regional governance.³⁶ These arrangements allow local institutions to function alongside formal governmental structures while maintaining socio cultural values within the community. The integration of customary governance into formal administrative systems also contributes to institutional legitimacy and improves governance effectiveness at the local level.³⁷ A specific explanation regarding the legality of *Mukim* in the national legal system is contained in Law Number 18 of 2001 concerning Special Autonomy for the Special Region of Aceh Province to become Nanggroe Aceh Darussalam Province in article 1 paragraph (12) which explains that *Mukim* is a legal community unit within Nanggroe Province Aceh Darussalam, which consists of a combination of several *gampongs* which have certain territorial boundaries and their own assets, is located directly under the sub-district (*kecamatan*) or in Acehnese it is called *Sagoe Cut* and is led by an *imeum mukim*.

Apart from that, based on Law Number 11/2006 in article 1 paragraph 19 states that a *mukim* is a legal community unit under a sub-district which consists of a combination of several *gampongs* which have certain territorial boundaries which are led by an *imeum mukim* or another designated name and directly under the sub-district head. Furthermore, Article 3 of Aceh Province Qanun Number 4 of 2003 concerning *Mukim* Government regulates the implementation of development, community empowerment, and the enhancement of Islamic law (*sharia*) implementation. These provisions indicate that *Mukim* functions not only as a traditional institution but also as an administrative governance structure within the regional government

³⁵ Miluska Odely et al., "Political Science and Governance : Citizen Participation and Rebuilding Trust in the State," *MDPI Journal Social Science* 15, no. 1 (2026): 1–20, <https://doi.org/https://doi.org/10.3390/socsci15010001>.

³⁶ Adnan Mahmutovic, "Legal Pluralism And Governance : Redefining Power And Accountability In A Globalized World," *PETITA: Jurnal Kajian Ilmu Hukum Dan Syariah* 10, no. 2 (2025): 568–93, <https://doi.org/https://doi.org/10.22373/petita.v10i2.791>.

³⁷ Otelemate Ibim Dokubo, Maria Alina Radulescu, and Lorenzo Squintani, "What Law Does Not Understand about Public Participation," *Heliyon* 10, no. 11 (2024): 32–51, <https://doi.org/10.1016/j.heliyon>.

system.³⁸ The existence of *Mukim* demonstrates the integration of customary authority into formal governance arrangements, allowing local institutions to support policy implementation, conflict resolution, and community development. This institutional integration also enhances coordination between local governance actors and strengthens administrative effectiveness.³⁹ Furthermore, the institutional role of *Mukim* strengthens governance capacity by facilitating coordination among gampongs, preserving customary norms, and promoting sustainable resource management. The integration of customary institutions into governance frameworks also contributes to democratic governance, enhances social cohesion, and ensures that local governance remains responsive to community needs. Therefore, *Mukim* plays an important role in bridging formal administrative structures and community-based governance systems.⁴⁰

Referring to Aceh Singkil Regency Qanun Number 4 of 2006 concerning Mukim Government, the implementation of the customary justice system explains that *Mukim*, as an institution overseeing a Gampong federation, exercises external authority, particularly in handling matters beyond the gampong government's purview. In order to promote welfare and democratic life within the settlement area, *gampongs* and outside the judiciary have the authority to regulate relationships between *gampongs*, regulate *gampong* relations with outside parties, resolve problems or disputes that cannot be resolved by the *gampong*, preserve local customs, and protect ecological functions and natural resources in accordance with the awareness, aspirations, and needs of the community in the *gampong*, which is a part of settlement structure.

The enactment of Aceh Qanun Number 9 of 2008 on the Development of Customs and Traditions, the Aceh Government Law has further strengthened the legal basis for customary dispute resolution. Article 13 of Qanun Number 9 of 2008 states that traditional

³⁸ Muazzin Nurhaliza, Teuku Muttaqin Mansur, Efendi, M Adli Abdullah and Andika Priandana Sunoko, "Governance Challenges And Opportunities: The Role Of The Mukim Institution In Customary Forest Management In Aceh Province, Indonesia," *Kanun: Jurnal Ilmu Hukum* 27, no. 1 (2025): 1–17.

³⁹ Sandi Lubis et al., "Electronic Governance in Advancing Sustainable Development Goals through Systematic Literature Review," *Discover Global Society* 2, no. 77 (2024): 1–22, <https://doi.org/10.1007/s44282-024-00102-3>.

⁴⁰ Gloria Freschi, Marialuisa Menegatto, and Adriano Zamperini, "Conceptualising the Link between Citizen Science and Climate Governance : A Systematic Review," *MDPI Journal Social Science* 12, no. 60 (2024): 1–26, <https://doi.org/https://doi.org/10.3390/cli12050060>.

institutions have the power to settle conflicts based on customs and traditions.

Dispute resolution in customary courts does not explicitly refer to “customary courts” as formal judicial institutions but directly mentions the names of government institutions such as *gampong* and *mukim*. Thus, customary justice is implemented at the *gampong* level for village-based issues and at the *mukim* level for inter-village disputes. Traditional settlements in *mukim* are carried out by traditional figures consisting of: (1) *Imeum Mukim*, (2) *Imeum Chik*, (3) *Tuba Peut*, (4) *Mukim Secretary*, and (5) *Ulama*, Scholars and other traditional figures in the residence concerned according to needs.

Meanwhile, the structure of administering customary justice at the *mukim* level where the traditional justice apparatus and its working mechanisms can be described as follows: (1) *Imeum Mukim* as Chair of the Session, (2) Secretary of the *mukim* as clerk, (3) *Imum Chik* as member, (4)) *Tuba Peuet Mukim*, as members, (5) *Ulama*, Scholars, Traditional Figures, others as Members, (6) *Mukim Traditional Council* as members.

The *mukim* institution has defined jurisdictional authority in handling customary conflicts. In cases involving disputes under customary law, the *mukim* has the authority to adjudicate and/or issue decisions. Customary disputes generally arise from miscommunication and other social factors. Therefore, in order to resolve issues that arise within the community, government representatives like *mukim* are required. The presence of a regional administration allows for the peaceful or mutually agreed-upon resolution of issues via discussion and deliberation.

In Law Number 11 of 2006, Article 98 paragraphs (1) and (2) concerning Acehese customary government functions, *Imeum Mukim* is one of the regional customary institutions in Aceh. It serves as a channel for community involvement in the administration of the Aceh government and the Regency or City government in the areas of security, peace, harmony, and public order. In addition, being a traditional institution, the *Imeum Mukim* is responsible for addressing social issues through customary mechanisms. In paragraph 4, the *Imeum Mukim's* responsibilities, obligations, and tasks are governed in the district or city of Qanun. This is stated in two Qanuns, namely Number 9 of 2008 on the development of traditional life and Customs and Qanun Number 10 of 2008 on Traditional Institutions.

The above explanation demonstrates that the authority to implement customary justice in Aceh has been explicitly recognised under statutory law. Customary law is operationalised through decisions

made by customary authorities such as the *Imeum Mukim*, whose rulings are considered binding and must be obeyed. This reflects customary law as a living legal system in traditional Acehnese institution that functions within society, even though if it is not operate as a part of the formal state judicial tasks.

Customary courts have the right and power to be put into effect since they have been publicly acknowledged as existent and are responsible for addressing a variety of cases, conflicts, and societal issues. The parties to a dispute are bound by the resolution of any problems that the *Keuchik* and *Imeum Mukim* reached during a customary meeting. Because they undermine the agreement and upset the social equilibrium, parties that disregard the customary decision made at the *Keuchik* or *Imeum mukim* level will face harsher customary penalties. This condition reflects the persistence of legal pluralism, where customary institutions coexist with formal legal systems in resolving community disputes. The recognition of customary dispute resolution mechanisms also strengthens institutional legitimacy and supports governance effectiveness at the local level.⁴¹

In resolving various disputes, many sanctions can be imposed on law violators. Referring to Article 16 of Qanun Number 9 of 2008, it states the types of dispute resolution and sanctions that can be imposed, such as (1) advice, (2) warning, (3) statement of apology in front of the crowd at the meunsah or mosque followed by a pesijuk event, (4) fines, (5) compensation, (6) ostracized by society, (7) expelled from society, (8) revocation of traditional titles, etc. according to the form of sanctions according to local customs.

The division of authority between *mukim* and *mukim* customary institutions has been established in the execution of Qanun Number 4 of 2003 about *Mukim* Government in Aceh, explaining the boundaries of their separate authority. It is mentioned there that in instances involving conflicts or issues involving customary and customary law, *Mukim* has the power to decide and/or determine the law.

Article 12 paragraph (3) Qanun 5 of 2003 concerning Village Government in the Province of Nanggroe Aceh Darussalam specifically highlights that parties who disagree with the peace decision can forward it to the *Imeum Mukim*, and the decision of the *Imeum Mukim* is final and binding. This applies to cases that have been tried at the *gampong* level and forwarded to the *mukim* level. Within customary justice system, the

⁴¹ Arief Fahmi Lubis, "Legal Pluralism And Social Identity: An Analysis Of State And Religious Law Interaction In Local Dispute Resolution In Indonesia And Pakistan," *Lex Localis-Journal Of Local Self-Government* 23, No. 11 (2025): 1910–21, <https://doi.org/https://doi.org/10.52152/Bt4pv061>.

mukim level serves as the final forum for dispute resolution, while state courts retain authority over criminal matters and civil disputes under national legislation.

Additionally, as per Article 15 of Aceh Qanun Number 9 of 2008, courts at the *mukim* level are held in mosques or other locations designated by the *keuchik* and *imeum mukim*, whereas deliberations for resolving *gampong*-level disputes are generally held in the *meunasab*. The circumstances and processes for settling conflicts are carried out in compliance with regional legislation. The *Mukim*, acting as the presiding authority of the customary court process, is supported by *gampong* officials in conducting customary proceedings. The trial often ends with a resolution that addresses the key issues in the dispute and applies the applicable legal standards to provide a foundation for a result that can be agreed upon by both parties. The trial judgement was declared and carried out in front of the *Meunasab* in a customary ritual.

3. Effectiveness Study: Mukim Justice System Based on Legal Effectiveness Theory

Based on the explanation provided above in the Juridical Study sub-chapter, the *Mukim* judicial system in Aceh conforms to the notion of legal efficacy. According to the notion of legal efficacy, *Mukim* refers to a law's ability to regulate or force the Acehnese traditional community to obey the law. Legal effectiveness in Indonesia often depends on institutional coordination between formal and informal legal systems.⁴² This signifies that the *Mukim* justice system, as a method of resolving customary conflicts, has been in operation and fits the prerequisites of the legal efficacy theory, namely that it is legitimate juridically, sociologically, and philosophically. Restorative justice mechanisms often rely on community-based institutions to resolve disputes effectively, emphasizing reconciliation, social harmony, and collective responsibility within society.⁴³ In this context, *Mukim* institutions function as traditional dispute resolution mechanisms that prioritize deliberation and consensus while maintaining social cohesion among community members.

⁴² Umami A'zizah Zahroh and Fatma Ulfatun Najicha, "Problems and Challenges on Environmental Law Enforcement in Indonesia: AMDAL in the Context of Administrative Law," *Indonesian State Law Review* 5, no. 2 (2022): 53–66, <https://doi.org/10.15294/islrev.v5i2.46511>.

⁴³ Achmad Irwan Hamzani, Loso Loso, and Bhanu Prakash Nunna, "Implementation of Restorative Justice in the Criminal Justice System : A Comparative Study between Indonesia and India," *Indonesian State Law Review* 8, no. 2 (2025): 114–52, <https://doi.org/https://doi.org/10.15294/islrev.v8i2.28426>.

implementation.⁴⁵

and operational capacity of law enforcement officers.

demonstrate compliance with the authority of *mukim* institutions, (4)

(IJALGOV) 1, no. 2 (2022): 391–95,
<https://doi.org/https://doi.org/0.26740/ijalgov>.

⁴⁵ Ade Paranata, “A Systematic Literature Review of Anti-Corruption Policy : A Future Research Agenda in Indonesia,” *Public Organization Review*, no. 62 (2025): 1181–1214, <https://doi.org/https://doi.org/10.1007/s11115-025-00847-8>.

The fourth component is the provision of adequate facilities and infrastructure for carrying out its duty in government.

The existence of *mukim* in Aceh began as a non-formal institution and evolved into a formal institution as a result of the acknowledgment of many legal foundations in Aceh, including both laws and regional rules (*Qanun*), as discussed in the preceding chapter. The evolution of legal frameworks in Indonesia reflects the adaptability of national legal systems to emerging institutional dynamics.⁴⁶ Existing rules allow *mukim* to play an active and effective part in district or municipal governance. Thus, the presence of *Mukim* as a customary justice system is recognised not only at the socio-cultural level of the Acehnese people, but has also been formalised at the legal level.

By defining the mukim as a government administrator, particularly in statutory laws (UU and Qanun), its presence has been recognised and confirmed in Indonesian positive law or the Indonesian national legal system.

D. Conclusion

Based on the foregoing discussion, it can be concluded that *mukim* is a customary institution with strong historical, sociological, and religious foundations in the life of Acehnese society, which has undergone a transformation from a non-formal institution into a formally recognized within the national legal system. The existence of *mukim*, both as a customary law community unit and as an organizer of governance and customary justice obtains constitutional legitimacy through Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia. This recognition is further strengthened by various statutory regulations, particularly Law Number 11 of 2006 on the Government of Aceh and several Aceh Qanuns. In practice, the *mukim* judicial system functions effectively as a mechanism for resolving customary disputes by emphasizing deliberation, social balance, and local wisdom, and it fulfills the elements of legal effectiveness from juridical, sociological, and philosophical perspectives. Therefore, *mukim* not only serves as an institution for preserving customary law and maintaining social order but also constitutes an integral part of Indonesia's national legal system that contributes to the enforcement of justice based on local values in Aceh.

⁴⁶ Eduardus Robert Arminanto and Kukuh Ari Firmansyah, "Bitcoin 's Position in Indonesian Currency Law," *Indonesian State Law Review* 5, no. 2 (2022): 67–78, <https://doi.org/https://doi.org/10.15294/islrev.v5i2.47491>.

E. References

- Achmad Warson Munawwir dan Muhammad Fairuz, Al-Munawwir. *Kamus Indonesia Arab*. Surabaya: Pustaka Progresif, 2007.
- Ainurrasyid, Muhammad, and Al Fikri. "Implementation of Strict Liability by Companies in Cases of Environmental Damage in Indonesia: An Overview of State Administrative Law in Indonesia." *Indonesian State Law Review* 5, no. 2 (2022): 41–52. <https://doi.org/https://doi.org/10.15294/islrev.v5i2.47460>.
- Ali, Khaidir, Winda S Meliala, and Corry Novrica Sinaga. "Peran Pemerintahan Mukim Dalam Upaya Meningkatkan Pembangunan Desa Di Kecamatan Terangun, Kabupaten Gayo Lues." *Jurnal Intervensi Sosial Dan Pembangunan (JISP)* 4, no. 2 (2023): 77–86. <https://doi.org/10.30596/jisp.v4i2.14276>.
- Ali, Nazhif, Reni Andreyani, Ryszard Ken, and Nizar Rahmatullah. "Structure and Classification of Legal Norms : Institutional Challenges in Law Making." *Indonesian Journal of Administrative Law and Local Government (IJALGOV)* 1, no. 2 (2022): 391–95. <https://doi.org/https://doi.org/0.26740/ijalgov>.
- Arminanto, Eduardus Robert, and Kukuh Ari Firmansyah. "Bitcoin ' s Position in Indonesian Currency Law." *Indonesian State Law Review* 5, no. 2 (2022): 67–78. <https://doi.org/https://doi.org/10.15294/islrev.v5i2.47491>.
- Badudu, J.S. *Kamus Serapan Kata-Kata Asing Dalam Bahasa Indonesia Cetakan Ke 3*. Jakarta: Kompas Media Nusantara, 2007.
- Bernadika, Shannon Rosemary, and Frederick Appiah Afriyie. "The Legitimacy of Letters as Evidence in the E- Litigation Proof System within the State Administrative Court." *Indonesian State Law Review* 6, no. 2 (2023): 221–52. <https://doi.org/https://doi.org/10.15294/islrev.v6i1.68236>.
- Bernhard, Laurent, Regula Hänggli Fricker, Thomas Wellings, and Evangelos Pournaras. "Sources of Legitimacy in Participatory Budgeting : A Scoping Review." *Political Studies Review: State of The Art* 23, no. 2 (2025): 608–21. <https://doi.org/10.1177/14789299241288160>.
- Dokubo, Otelemate Ibim, Maria Alina Radulescu, and Lorenzo Squintani. "What Law Does Not Understand about Public Participation." *Heliyon* 10, no. 11 (2024): 32–51. <https://doi.org/10.1016/j.heliyon.2024.e32001>.
- Freschi, Gloria, Marialuisa Menegatto, and Adriano Zamperini. "Conceptualising the Link between Citizen Science and Climate Governance : A Systematic Review." *MDPI Journal Social Science* 12, no. 60 (2024): 1–26.

- <https://doi.org/https://doi.org/10.3390/cli12050060>.
- Hakim, Lukman, Qatrunnada Hamparan Melati, and Purnawan Dwikora Negara. "Integrating Adat Law in Indonesia : Challenges and Opportunities in a Centralized Legal Framework." *Indonesian State Law Review* 8, no. 1 (2025): 58–82. <https://doi.org/https://doi.org/10.15294/islrev.v8i1.19628>.
- Hamzani, Achmad Irwan, Loso Loso, and Bhanu Prakash Nunna. "Implementation of Restorative Justice in the Criminal Justice System : A Comparative Study between Indonesia and India." *Indonesian State Law Review* 8, no. 2 (2025): 114–52. <https://doi.org/https://doi.org/10.15294/islrev.v8i2.28426>.
- Hardiyanti, Marzellina. "Relevansi Living Law Theorie Dalam RUU Masyarakat Adat Pada Sistem Negara Hukum Prismatik." *Progressive Law and Society Journal* 1, no. 1 (2023): 42–53.
- Jafar, M, and Sulaiman Sulaiman. "Penataan Administrasi Kependudukan Berbasis Mukim Dan Gampong Di Provinsi Aceh." *Jurnal Penelitian Hukum De Jure* 18, no. 4 (2018): 465. <https://doi.org/10.30641/dejure.2018.v18.465-476>.
- Lubis, Arief Fahmi. "LEGAL PLURALISM AND SOCIAL IDENTITY: AN ANALYSIS OF STATE AND RELIGIOUS LAW INTERACTION IN LOCAL DISPUTE RESOLUTION IN INDONESIA AND PAKISTAN." *LEX LOCALIS-JOURNAL OF LOCAL SELF-GOVERNMENT* 23, no. 11 (2025): 1910–21. <https://doi.org/https://doi.org/10.52152/bt4pv061>.
- Lubis, Sandi, Eko Priyo, Purnomo Jamaluddin, Ahmad Lado, and Chin Fu. "Electronic Governance in Advancing Sustainable Development Goals through Systematic Literature Review." *Discover Global Society* 2, no. 77 (2024): 1–22. <https://doi.org/10.1007/s44282-024-00102-3>.
- Mahmutovic, Adnan. "LEGAL PLURALISM AND GOVERNANCE : REDEFINING POWER AND ACCOUNTABILITY IN A GLOBALIZED WORLD." *PETITA: Jurnal Kajian Ilmu Hukum Dan Syariah* 10, no. 2 (2025): 568–93. <https://doi.org/https://doi.org/10.22373/petita.v10i2.791>.
- Mansur, Teuku Muttaqin, Sulaiman, Muazzin, and M Adli Abdullah. "A Study of Mukim Customary Forests Recognition in Pidie." *Kanun Jurnal Ilmu Hukum* 25, no. 2 (2023): 238–50.
- Martitah, Arif Hidayat, Moh. Imam Gusthomi, Niken Septiani, Islami Tegar Putra, and Rahmawati Mohd Yusoff. "Constitutionalism as A Design For Limiting Power in The Era of Post-Truth

- Democracy.” *Indonesian State Law Review* 8, no. 2 (2025): 205–22. <https://doi.org/https://doi.org/10.15294/islrev.v8i2.30529>.
- Menon, Sanskriti, and Janette Hartz-Karp. “Institutional Innovations in Public Participation for Improved Local Governance and Urban Sustainability In.” *Sustainable Earth Journal* 2, no. 6 (2023): 1–19. <https://doi.org/https://doi.org/10.1186/s42055-019-0013-x>.
- Mukhlis. *OTONOMI DAERAH DAN MUKIM DI ACEH*. Lhokseumawe, Aceh: Biena Edukasi, 2019.
- Mursidah, Siti, Eko Handoyo, and Mulyo Widodo. “Readiness Level of Employees in Position Transfers at State Universities : Analysis of State Administrative Law Perspective.” *Indonesian State Law Review* 5, no. 2 (2022): 79–94. <https://doi.org/Indonesian State Law Review>.
- Ntim, Collins G, Teerooven Soobaroyen, and Martin J Broad. “Governance Structures , Voluntary Disclosures and Public Accountability The Case of UK Higher Education Institutions.” *Accounting, Auditing & Accountability Emerald Journal* 30, no. 1 (2026): 65–118. <https://doi.org/10.1108/AAJ-10-2014-1842>.
- Nurhaliza, Teuku Muttaqin Mansur, Efendi, M Adli Abdullah, Muazzin, and Andika Priandana Sunoko. “GOVERNANCE CHALLENGES AND OPPORTUNITIES: THE ROLE OF THE MUKIM INSTITUTION IN CUSTOMARY FOREST MANAGEMENT IN ACEH PROVINCE, INDONESIA.” *Kanun: Jurnal Ilmu Hukum* 27, no. 1 (2025): 1–17.
- Odely, Miluska, Rodriguez Saavedra, Ricardo Enrique, Grundy López, Renato Paredes Velazco, Hugo Efrain, Aguilar Gonzales, et al. “Political Science and Governance : Citizen Participation and Rebuilding Trust in the State.” *MDPI Journal Social Science* 15, no. 1 (2026): 1–20. <https://doi.org/https://doi.org/10.3390/socsci15010001>.
- Paranata, Ade. “A Systematic Literature Review of Anti-Corruption Policy : A Future Research Agenda in Indonesia.” *Public Organization Review*, no. 62 (2025): 1181–1214. <https://doi.org/https://doi.org/10.1007/s11115-025-00847-8>.
- Redaksi, Tim. *Kamus Bahasa Indonesia*. Jakarta : Pusat Bahasa Depdiknas, 2008.
- Rivanda, Fira Adhisa. “Violation of Installing Notary Nameplates Based on the Notary ’ s Code of Conducts.” *Indonesian State Law Review* 5, no. 2 (2022): 95–104. <https://doi.org/https://doi.org/10.15294/islrev.v5i2.50228>.
- Romadhon, Adzkia Dzikro, and Adibah Bahori. “Inter-Religious Marriage in Indonesia : Pros and Cons in the Administrative and

- Constitutional Law.” *Indonesian State Law Review* 6, no. 2 (2023): 133–76.
<https://doi.org/https://doi.org/10.15294/islrev.v6i1.64973>.
- Syah, Ary Muktian, Pratama Herry Herlambang, and Chirstoverus Marco. “Granting Clemency to Antasari Azhar as the Object of a State Administrative Law Dispute.” *Indonesian State Law Review* 6, no. 2 (2023): 177–200.
<https://doi.org/https://doi.org/10.15294/islrev.v6i1.68233>.
- Yanfika, Helvi, Dorothy Rouly H Pandjaitan, Martina Anggi Silova, and Chaidir Ali. “Law in Action During Disaster Recovery in Lampung Coastal Village.” *Indonesian State Law Review* 8, no. 2 (2025): 153–69. <https://doi.org/https://doi.org/10.15294/islrev.v8i2.20873>.
- Zahroh, Ummi A’zizah, and Fatma Ulfatun Najicha. “Problems and Challenges on Environmental Law Enforcement in Indonesia : AMDAL in the Context of Administrative Law.” *Indonesian State Law Review* 5, no. 2 (2022): 53–66.
<https://doi.org/https://doi.org/10.15294/islrev.v5i2.46511>.

Acknowledgment

None

Funding Information

None

Conflicting Interest Statement

The authors state that there is no conflict of interest in the publication of this article.

Publishing Ethical and Originality Statement

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.

Generative AI Statement

The author(s) maintain full accountability for the final content. No original data analysis or interpretations were performed by the AI without human oversight.