



Reposition of imeum mukim's role in the settlement of village border dispute in mukim siem of Aceh Besar district

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Abstract

Article 4 of Qanun Aceh Act Number 4 of 2003 concerning Mukim provides that it is responsible for implementing and establishing laws to resolve disputes and customary matters, such as the boundary dispute in Mukim of Siem Aceh through the Qanun of Aceh Number 8 of 2009. The government of Mukim aims to address customary disputes. Multiple instances of boundary conflicts in Mukim of Siem Aceh indicate the existence of an unresolved dispute that persists as of 2023. It is determined that Mukim failed to fulfill his obligations as specified in the Aceh Besar Law Number 8 of 2009 regarding the Mukim Government. In 2013, there are six cases of border disputes in the Village of Mukim of Siem in Aceh Besar were resolved. This suggests that there is a specific role of the deceased that has been carried out in a precise manner, adhering closely to its intended purposes. Consequently, the murderer's function changes, resulting in several unresolved cases of border conflicts till 2023. The research methodology employed is empirical jurisprudence. The data was acquired via interviews. This study aims to elucidate the repositioning of the Mukim's role in resolving the border dispute in the Village of Mukim of Siem, located in the Darussalam Aceh Besar District. This is due to Mukim's passive nature and lack of concern for resolving issues. Additionally, Mukim lacks an understanding of the customary territory of the Village, which hinders the resolution of the border dispute in the Siem Aceh Besar settlement.

Keywords: Reposition of roles, imeum mukim, dispute settlement, village border

Introduction

Aceh is a special province. The Privileges of Aceh are regulated by Act No. 44 of 1999 on the Maintenance of the Privilege of the Special Territory of Aceh Province. The privilege is a recognition of the Indonesian people given to the Region for the struggle and the social values that remained nurtured downward as a spiritual, moral, and human foundation.

Article 3 (2) of the Act states that "Maintenance of the Aceh Privileges includes: maintenance of religious life; maintenance of customary life; education; and the role of scholars in the establishment of regional policies".

One of the privileges is the maintenance of customary life in Aceh is concerning Imum Mukim which is regulated in the Law. Mukim Imum is a customary member who is authorized according to the Act of the Government of Aceh and Qanun (Perda) Aceh Number 4 Year 2003 concerning the Government of Mukim that is one of them to resolve customary disputes. Thus, Imum Mukim plays a role in resolving disputes between villages (village) including the settlement of disputes over the village boundaries.

The Mukim customary institution was not an institution born after the independence of Indonesia in 1945, but it has existed since the time of the Aceh Sultanate. After the Dutch colonial colonization, the existence of Imum Mukim remained recognized even specially regulated in the Besluit van den Gouverneur General van Nederland Indie van 18 November 1937 No. 8, under the name of *Imeumschaap*.

During the Japanese colonization, the rule of Imum Mukim remained recognized under Osamu Seire No. 7 of 1944^[1].

Regarding the Village Aceh Customary Court, which legally exists after the enactment of Act No. 44 of 1999 on the Maintenance of the Privileges of Aceh and Act Number 18

of 2001 concerning the province of Aceh as the Nanggroe Province of Aceh Darussalam, it can be categorized as a court which refers to written law. The powers, roles, and functions of customary institutions are also laid down in the Qanun Number 10 of 2008 on the Customary Institutions^[2].

Act No. 11 of 2006 on the Government of Aceh (UUPA) has provided an opportunity for the application of customary justice. This law is very important to the community of Aceh, because as a consensus in the settlement of the conflict that has already broken. Not less than 30 years of conflict journey that has taken place in several episodes of history. The law is a fresh wind in the consolidation of peace for Aceh^[3].

The existence of Aceh's customary institutions faded in the era of the new order due to the centralistic administration of the government with the unification of the law for the entire territory of Indonesia. As a result, the entire territory is unified by all the arrangements that govern it. He repealed Act No. 5 of 1974 on Regional Government, and Act No. 5, of 1979, on Village Government, making the existence of this government no longer recognized by the government. Despite this, socially, the Aceh community still recognizes the Mukim customary institutions as a unifying vessel for preserving the Aceh customary life.

After an era of reformation, the Mukim government had a very strategic position in the province of Aceh, which was marked by its Declaration of the Act of Aceh No. 4 of 2003 on the Mukim Government in the Nanggroe Province of Aceh Darussalam. Mukim has the task of organizing government, implementing development, building society, and improving the implementation of Islamic Shariah. One of the functions that must be performed by the murderer is to establish the law in case of dispute or customary matters

and customary law. It is a function of a customary institution that is a means of participation of the community [4].

For the province of Aceh, several customary disputes must be first resolved by customary institutions before being brought to formal courts as regulated in Article 13 of the Qanun of Aceh No. 9 of 2008 on the Customary Lives Preserve to be resolved first customarily in Village or another name. Thus, the Aceh customary institutions including the Mukim have authority to resolve the customary cases that occur in the life of the community, as in the Aceh Besar district.

The condition of the Village in Aceh Besar is currently undergoing disputes over the boundaries because the people do not accept the existence of an official boundary that is legally built to restrict every village or *Village*.

In the boundary dispute that took place in Mukim Siem Aceh Besar, there are 11 cases. This border dispute has caused a dispute between some Village in Mukim of Siem Bharat Darussalam Aceh Besar, even until this moment there are still border disputes that have not been resolved by Mukim as well as the Institute of Adults authorized for it.

Based on the number of disputes that have occurred, five cases have not been resolved by 2023. Like the dispute that arose between Village Lamklat-Lambitra, Lambitra-Lieue, Lieue-Lambiheu Siem, Lamreh-Siem, and Lamra-Lam Asan. Six other cases were settled in 2013.

This official boundary has caused a lot of Villages to have a dispute between one and the other in disputing their territory. Since Imum Mukim is my customary member who has the authority to keep the security, and the integrity of the community keep the local wisdom in the case of meetings keep the boundaries, and be involved in resolving the disputes that occur.

According to Article 4 of the Act of Aceh No. 4 of 2003, Mukim must be implemented to resolve and or establish a law in the case of disputes or customary matters and customary laws such as disputes over the boundaries of the village that occurred in Mukim Siem Aceh Besar.

Article 15 of Qanun No. 8 of 2009 on the Government of Mukim states that "The settlement of customary disputes in Mukim is a provision in the process of settling customary matters, disputes between populations or disputes within customary law in settlements carried out by Imeum Mukim and *Tuha Peuet Mukim*".

Based on several cases of border disputes in Mukim Siem Aceh, there is a dispute that has not been resolved until 2023. It is assessed that Mukim did not perform his duties as has been stipulated in the Qanun of Aceh No. 8 of 2009 on the Government of Mukim. In 2013 it resolved 6 (six) cases of disputes over the border village of Village that took place in Mukim Siem of Aceh Besar. It indicates that there is a role of the dead that has been performed strictly under its functions. Thus, there is a shift in the role of the murderer, which leads to the non-completion of several cases of border disputes until 2023.

Research Method

This method of research includes empirical jurisprudence, i.e. the study of applicable legal provisions as well as what is happening to reality in society [5]. Still guided by existing legal principles and foundations, empirical jurisprudence is the study of law concerning the enforcement or implementation of normative legal provisions in action on

any particular legal event that occurs in society [6]. The research is located in Siem District, Darussalam District, Aceh Besar.

Results and Discussions

According to Damanik, during the reign of Darussalam, Mukim was defined as a federation of several villages, at least one Mukim consisting of eight villages. In a mosque was set up for Friday prayer, and other worship, a place of funeral, a center of study, and a center of other activities of the people [7]. This kind of understanding is also mentioned by Taqwaddin, that "is part of a typical Aceh government system that is a federation of some villages that has existed since Islam entered Aceh" [8].

According to his history, during the reign of Aceh, the structure of government was divided into five levels, namely: First, the sultan who led the kingdom and its subordinate areas, as well as coordinating the Sagoie Commanders. Second, the commander of Sagoes who took over several states led by Ulee Balang. Third, Uley Balang coordinated a few Mukim led by Imeum Mukim. Fourth, the Imuem Mukim takes over a few villages. Fifth, the chief of the village leads the village as the lowest unit of government. Thus, a positioned man takes over a few villages. While the leader is an Imeum Mukim and a qadhi. The same description is also mentioned by Schroter that the administrative unit of government after the village in Aceh is a Mukim who governs or consists of several villages, where its government is led by the Imuen Mukim. Its function is to coordinate the related issues that exist in each village. The characteristic of the Mukim Territory is that every Mukim territory usually has a grand mosque whose governor is a priest of the mosque [9].

Mukim was formed simultaneously with the entry of Islam into Aceh [10]. A mortal existence has a strong foundation for both social and religious life, and then governance. In connection with religious life, Imuem Mukim is quite authoritative and influential. According to Usman, Imeum Mukim in the Kingdom of Aceh Darussalam, or before the independence of Indonesia was very influential and authoritative [11].

In addition to being the religious leader, Imeum mukim is also the leader in Mukim territory. This function is intended to coordinate the head of the village or the *keuchik* or the head of a village. Nevertheless, after independence, the role and functions of the Imueme Mukim have faded and have not even gained a position in the structures of government, and strengthened after the formation of several regulations of the Aceh law on the position of the Mukim government in the administrative system of Aceh government.

As for the existence of Mukim in Aceh Besar, especially the Siem Mountains of Darussalam, it is not possible to get rid of the Mukim existence in Aceh. Because the institution exists only in Aceh, then its existence is scattered throughout Aceh. As has been mentioned, it has a position as a federal territory and occupies several villages, where at the time of independence its position faded. It is consistent with the view of Taqwaddin, that after Indonesia's independence, the provisions of its government have faded. During the New Order regime, the government was conducted in a centralistic manner, followed by a policy of unification of the law for the entire territory of Indonesia. So, with a paradigm like this, then the system of government in the region is sought to run uniformly as in

Indonesia. It's scanning on the backward downturn government system. The existence of a sham government is no longer recognized by the government.

Currently, the basis of its legality is recognized in the Nanggro Aceh Darussalam Provincial Law Number 4 of 2003 on Mukim Government, the Qanun of Aceh Number 9 of 2008 on Aboriginal Life Construction, and the Aceh Act Number 10 of 2008 concerning the Aceh Institution, and in particular in the Aceh Besar Law of Mukim is regulated in the Qanun of Aceh Number 8 of 2009 concerning Mukim Administration. The provisions of some laws regulate the position, functions, and roles of mukims in the administrative units of government in Aceh.

Based on the above description, it can be stated that the institution of Mukim has been recognized in the jurisdiction of Aceh. As to its basis of legality can be drawn back under the year enacted some regulations of law as has been mentioned earlier, that are:

1. Law No. 22 of 1999 on the Governance of Regions.
2. Law No. 44 of 1999 concerning the Maintenance of the Privileges of the Province of the Special District of Aceh.
3. Law Number 18 of 2001 on Special Autonomy for Aceh.
4. Local Law of Aceh Number 4 of 2003 concerning Mukim Governance.
5. Law Number 11 of 2006 concerning Aceh Governance.
6. Local Law of Aceh Number 9 of 2008 concerning Customary Life Preserve.
7. Local Law Number 10 of 2008 on Customary Institutions.
8. Local Law of Aceh Besar Number 8 of 2009 on Mukim Governance.

The existence of its institution, as mentioned earlier, has an important place in the system of government administration in Aceh. Mukim is in charge of several villages and coordinates between the leaders regarding issues facing the community. Besides, it is also understood that the position of the martyrs in Aceh has obtained legal legitimacy. In other words, the role and responsibilities of the mutiny have been specifically mentioned in the regulations of the legislation.

One of the laws relating to it is Act No. 11 of 2006 on the Government of Aceh. Article 114 of this Act (Chapter XV Mukim and Gampomg, Part One of Mukim) mentioned some points about mukim, namely: "verse (1): in the territory of districts/cities is formed mukim consisting of several villages. Verse (2): Mukim is chaired by Imeum Mukim as the organizer of the tasks and functions of the Mukim assisted by the Tuha Peut or other name. verse (3): Imuem Mukim is elected through the mandate of the Mukhim for a term of five years. (verse (4): further provisions concerning the organization, duties, functions, and completeness of the Mukim are regulated by the legislation of the district/city.

According to the above provisions, mukim settled in the territory of districts/cities formed consisting of several villages. If you look carefully, the Aceh Government Act does not explicitly regulate the duties of the principal. However, referring to the provisions of Article 114 paragraph (4) above, it is clearly stated that "the further provisions concerning the organization, duties, functions, and completeness of the mukim are regulated by the laws of

the district/city". This indicates that the regulations relating to the determination of the duties of the Mukim in Aceh are recognized by the Act of the Governance of Aceh.

The duties, functions, and supplies of the Mukim in the Aceh Besar have been regulated by the Aceh Local Law No. 8 of 2009 on the Governance of Mukim. Mukim has *de jure* (under the law) a mandate to oversee the community, to carry out the duties of government, to resolve issues in the essence of the matter, it has duties and positions at the same time. First, Mukim as a government performs the duties of government, which in it requires its implementation, among others, it is the head of government and Tuha Eighth as "balancer". It is a form of "executive" and "legislative" power. Second, it is as the unity of indigenous peoples has a different system that is generally unwritten. The consequence is that it takes a different perspective in viewing Mukim's territory as a government compared to the perspective of viewing the concept of government in general. Thirdly, I am a customary institution, which has customary justice, which can be classified as a "judicial" area of work. But in this case, the true *Tuha Lapan* is more to the executive power, in this instance repositioned as the "helper" of Imum Mukim, who is also assisted by Imeum Mosque.

Based on the above description, it is understandable that the basic duties of the secretary have been set out in the regulations of the legislation. The determination of ultimate duties in the system of administration of the Aceh government is not only in the sphere of government, but the ultimate is in charge of organizing and solving social problems of society. Both legally and historically (*de jure* and *de facto*), it cannot be separated from the life of the Aceh community, especially the Aceh Besar. Its position is the same as that of any other formal institution, even in government, even higher than that of a village. For that, the duties of the secret are wider than those of the village government.

The position of Mukim, if associated with the theory of roles, is related to Mukim's position in society. Mukim who has a position and position in society always strives to fulfill the desire of society to be better. For this, the theory of the role in the context of social sciences is more directed at the involvement of Mukim or even the Aboriginal institutions in fulfilling the wishes of the community. He fulfilled the demands of the public to measure that Mukim has a "role".

The position, role, and duties of the Mukim in the Siem Aceh Besar Settlements ideally refer to the jurisprudential aspects of the Qanun of Aceh Number 8 of the year 2009 about the Government of Mukim. According to Marzuki's description, in general, Mukim in every district has the same role in running the system of government and organizing and solving actual issues in society^[12].

Imeum Mukim has an important position, for example, in solving problems that arise in society, both civilian and criminal. M. Zubir Yunus as Keuchik Village Siem, gives the same statement. M. Zubir Yunus stated that "Mukim has a large function, all the issues faced by the village society, such as land disputes, border disputes, and criminal crimes cases, Mukim played a role in its handling. However, the end function is not implemented properly"^[13].

One of Mukim's roles in the Siem Aceh Besar Settlement is to solve the problems of the community, one of them being the issue of border disputes. The role of Mukim through Mukim has not been fully acknowledged by the public,

especially those who are fighting the boundaries of the village. This is because the public judges that there are no jurisdictional provisions governing the ultimate authority in the determination of the boundary. According to the Siem Village Society, Zikrillah, who stated that "the role of mukim is only limited to resolving disputes, but in determining the boundaries of the village mukim has no jurisdiction"^[14].

The public judges that the role of the ultimate in resolving border disputes is wasted because the community does not accept the joint decision that has been agreed in the mediation carried out by the Imuem Mukim to resolve border disputes. Accordingly, Zikrillah continues that "The game of mukim is futile in the settlement of border disputes because juridically mukim has no authority in the setting of the border village. The public judges that this could be harmful to either side later in the day if there is no legal certainty"^[15].

The Imuem Mukims have jurisdictionally regulated positions, functions, and responsibilities. Nevertheless, after all this time in the social view of the community mukim no longer has the authority and charisma of an indigenous figure who organizes the customary life in the society. This is by what has been submitted by the village Lambitra, namely Ridwan, who stated that "As long as the settlement of the dispute on the border is drowned, there is no clarity as to how the outcome, it is because Mukim through Imuem Mukim has not resolved until the disputes on the boundary are resolved"^[16]. Ridwan continued that "Imuem Mukim is no longer an honorable figure because it is considered incapable of resolving the dispute over the border of the village which has often occurred lately, this has made the public's view of the Mukim customary institutions and the Imuem mukim low"^[17].

Based on the interviews that have been conducted with respondents and informants there are several reasons for repositioning Mukim's role in the settlement of border disputes in the Siem district of Aceh Besar, among others as follows:

1. Passive minds and disregarding dispute resolution

Mukim plays a role in resolving border disputes, so far border dispute resolution is done with the model of mediation. However, in the implementation of mediation, Imuem Mukim, who served as a mediator, was not considered to serve as a mediator in mediation implementation. Mukim is regarded only as a facilitator. It is expressed by Rizki Maulana as a member of the Village Society Lambiheu Siem that "Imuem Mukim only facilitates the settlement of disputes without deciding on the problem"^[18]. In this way, the people of Village Siem explained that "Mukim as the Customary Institution only performs the settlement of disputes one (one) time and does not determine when to sit back, after that no longer cares about the unresolved dispute"^[19]. This makes the people judge that Mukim as a customary institution ignores the disputes on the boundary of the village.

2. Mukims Do not Understand Village Aboriginal Territory

Mukim as the Aboriginal Institution should know about the Village's customary territory. It is needed as supporting material for Mukim through Mukim's Imuem in the implementation of Village customary dispute settlement. Village indigenous areas are intended like Irigasi, Ateung

Rayeuk, and the village road. However, at the moment what is happening in the Siem Aceh Besar settlement is that Mukim does not know about the boundaries that are the territory of each village in the Siem Aceh Besar settlement. As Brother Jauhari explains "Imuem Mukim here does not know how far the boundaries of the territory of a village, such as Irigasi, Ateung Rayeuk, and the gumpung road. While these boundaries are a natural boundary"^[20]. On another occasion, Brother M. Longari stated that "Imuem Mukim should understand in depth about the boundaries of the territory formed naturally, this is to help the process of settlement of disputes and to provide input and persuasion to the village community in dispute to accept the determination of boundary established by Mukim through Imuem mukim"^[21].

According to jurisprudence, the role of mukim in terms of the authority to settle the boundary has already been arranged in the Qanun of Aceh. However, regarding the power to determine the border, there is no regulation in the positive law. This could affect the process of settlement of disputes over the border village that took place in the Siem Aceh Besar Settlement. If this issue of authority is not immediately regulated in a jurisprudential way, it is worried that the day will continue to find new problems such as the expression "snowball" which is increasing over time.

Conclusion

The role of Mukim has not fully realized the desire of the people in terms of settlement of disputes over the boundaries of the village in the Siem Aceh Besar Settlement. This may affect the process of settlement of disputes over the boundary of the village that occurred in the Siem Aceh Besar Mountains. It is necessary to replace the role of the mukim in settling the dispute over the border of the Village in the siem Aceh Besar Mountain. This is because the Mukim is passive and ignores the Settlement of the Dispute, as well as Mukim, does not understand the customary territory of the village, thus affecting the resolution of the conflict over the borders of Mukim of Siem, Aceh Besar.

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