

The Niniak Mamak: Authority, Customary Law Construction, Jamee Tribe, Aceh, Indonesia

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Abstract

This study examines the *Niniak Mamak* tradition as a customary institution with authority over decision-making and dispute resolution within the Acehnese Jamee community. It explores how the matrilineal *Niniak Mamak* institution has persisted despite the dominance of a patrilineal social structure and the modern legal system in Aceh. The study analyzes the roles and authority of *Niniak Mamak* in adjudicating customary legal disputes. Data were collected through field observations and in-depth interviews with *Niniak Mamak* involved in dispute resolution. The findings show that dispute settlement follows several stages: complaint submission by aggrieved parties, fact-finding investigations, customary deliberation among stakeholders, imposition of sanctions such as fines or community service, and reconciliation through a customary ceremony known as *duduak sapapan sapambatang di tengah umah*. This process involves *Niniak Mamak* from both parties to restore social relations and encourage mutual forgiveness between offenders and victims. The decisions produced become binding customary legal norms guiding future dispute resolution. The study concludes that the *Niniak Mamak* institution remains relevant as a customary dispute resolution mechanism. It continues to function effectively in promoting restorative justice, social harmony, and community-based reconciliation within a changing legal and social context in Aceh.

Abstrak

Penelitian ini mengkaji tradisi *Niniak Mamak* sebagai pemimpin adat yang memiliki otoritas dalam pengambilan keputusan adat, termasuk penyelesaian sengketa hukum pada masyarakat Suku Jamee Aceh. Fokus penelitian adalah bagaimana sistem matrilineal yang melekat pada lembaga *Niniak Mamak* tetap bertahan dan menjalankan fungsi adat di tengah dominasi sistem patrilineal serta perkembangan sistem hukum modern di Aceh. Tujuan penelitian adalah menganalisis peran dan kewenangan *Niniak Mamak* dalam memutus dan menyelesaikan sengketa hukum adat. Data diperoleh melalui observasi lapangan dan wawancara mendalam dengan para *Niniak Mamak* yang terlibat dalam proses penyelesaian sengketa. Hasil penelitian menunjukkan bahwa penyelesaian sengketa dilakukan melalui beberapa tahapan, yaitu pengaduan oleh pihak yang dirugikan, penyelidikan untuk mengumpulkan fakta, musyawarah adat bersama pihak terkait, penetapan sanksi adat berupa denda atau kerja sosial, serta rekonsiliasi melalui upacara adat yang dikenal sebagai “*duduak sapapan sapambatang di tengah umah*”. Proses ini melibatkan *Niniak Mamak* dari kedua belah pihak guna memulihkan hubungan sosial dan mendorong saling memaafkan antara pelaku dan korban. Keputusan yang dihasilkan menjadi pedoman hukum adat yang wajib dipatuhi. Temuan ini mengimplikasikan bahwa *Niniak Mamak* tetap relevan dalam penyelesaian sengketa berbasis keadilan restoratif dan rekonsiliasi sosial.

Keywords:

Niniak mamak; Customary law, Jamee tribe; Dispute; Social reconciliation

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Introduction

This study examines local wisdom in Aceh, which still holds a number of meanings for the values in the lives of people in “*Gampong*” (villages) as they strive to maintain and shape customary law. One of the customs that still exists and is organized in community life is *Niniak Mamak* (indigenous stakeholders), which is the most important element in the structure of kinship and community relations in indigenous societies (Rajab et al., 2022; Siapno, 2013). The position of *Niniak Mamak* can be understood not only through traditional authority but also through elements of charismatic authority (Weber, 1978). Charismatic authority emerges from the personal qualities, moral influence, and perceived wisdom of a leader, which generate legitimacy and voluntary obedience from the community. In this context, *Niniak Mamak* may also be seen as figures whose legitimacy is strengthened by social recognition of their moral integrity, leadership capacity, and ability to resolve conflicts fairly, thereby creating trust and respect beyond formal or institutional power structures.

In the global context, the persistence of *Niniak Mamak* as a customary institution in Aceh reflects a wider phenomenon in which indigenous and community-based legal systems continue to operate alongside formal state law. Similar patterns can be found in many parts of the world, such as the role of chiefs in parts of Africa, elder councils in Pacific Island societies, and customary dispute resolution mechanisms among Indigenous peoples in Latin America (Menski, 2006; Zweigert & Kötz, 1998; Örucü, 2002; Watson, 1993). These systems often serve as accessible, culturally embedded, and restorative alternatives to formal judicial processes, particularly in rural or closely knit communities.

The case of the Jamee (*Aneuk Jamee*) tribe illustrates how migration history and local identity can shape the endurance of customary institutions that regulate social relations and resolve conflicts. This demonstrates that customary law is not a static remnant of the past, but a living legal order that adapts within plural legal systems. In this sense, the *Niniak Mamak* institution contributes to global discussions on legal pluralism, restorative justice, and the role of indigenous governance in sustaining social cohesion in multicultural societies.

Niniak Mamak is one of the local customs that remains the primary choice for resolving disputes among the Jamee tribe in Aceh Province, known locally as the Jamu tribe (*Suku Jamu*) or the Aneuk Jamee tribe (Aceh: *Suku Aneuk Jamee*). The Jamee tribe is an ethnic community in South Aceh Regency whose name derives from the Acehnese word *jamee*, meaning “immigrant.” In the local South Aceh dialect, the community is referred to as the Jamu tribe, a term that carries the same meaning of “immigrant.” *Niniak Mamak* is regarded as the highest authority in decision-making in all aspects of life, including in efforts to resolve disputes that arise in the Jamee tribe community. This tradition is still maintained as a way for the customs of the Jamee tribe to continue to exist as a “guest” tribe in Acehnese society (Manan, 2014; Muhammad & Sumardi, 2011; Muhammad, 2021).

In the Aneuk Jamee tribe, the kinship system tends to follow the matrilineal kinship system, similar to the Minang kinship system in West Sumatra (Mamudji, 2017; Rahmadi, 2011; Anggraeni, 2020; Charkoudian et al., 2021; Kamaruddin et al., 2023; Baker, 2013). This kinship system can be classified into two strata: *kemenakan* and *mamak*. *Mamak* or *Niniak Mamak* is the line of descent from the mother's side, whether it be the mother's brother or sister, male or female (Franz von Benda-Beckmann & Keebet von Benda-Beckmann, 2012; Muhammad Nasir, 2024; Djawas & Samad, 2020). Within the kinship system of the Jamee ethnic group, *Niniak Mamak* holds a primary role in preserving kinship ties and fostering social relations among family members and the broader society (Hermaliza, 2017; Mustaqilla et al., 2025).

In marriage customs, for example, when a young woman wants to get married, her parents must first inform the *Niniak Mamak* and ask for their blessing, so that the young woman is permitted to do so. All decisions rest with the *Niniak Mamak*. In the customs of the Jamee

tribe, children who wish to marry must obtain the approval of the *Niniak Mamak*. In contrast, the right to arrange a daughter's marriage remains with her guardian, as in Islamic teachings. The *Niniak Mamak* also participates in traditional deliberations when disputes arise between husband and wife, or even between villagers (Kaharuddin, 2024).

As a central figure in family decision-making, *Niniak Mamak* plays a significant role in all family matters, including when a family member is involved in a crime. In such cases, the first step in resolving the issue is to bring together the *Niniak Mamak* of the victim's family and the perpetrator's family. The decision reached by the two *Niniak Mamak* will be the final decision in resolving the crime (Safrizal, 2024).

This is evident in the resolution of criminal acts committed by the Jamee tribe in Gampong Rantau Binuang, South Aceh Regency. Based on interviews with one of the village officials, if a certain criminal act such as sexual abuse occurs, the perpetrator of the sexual abuse will be handed over to his *Niniak Mamak*. The *Niniak Mamak* from the perpetrator's side will then visit the *Niniak Mamak* of the victim to resolve the matter through deliberation, in order to reach an agreement between the two *Niniak Mamak*. The village officials will not involve themselves or intervene in the deliberations. The decision of the *Niniak Mamak* is the highest authority that must be followed by all parties, including village officials (Halim Usmani, 2023). On that basis, efforts to resolve disputes through *Niniak Mamak* authorities are a necessary preventive measure to maintain peace in the community. Another interesting point is the community's willingness to resolve disputes through deliberation using local values.

The above reality became the focus of research on how *Niniak Mamak*, as a symbol in the Jamee tribe of Aceh, manages and restores peace, thereby neutralizing negative sentiments that are considered to be the cause of disputes among community members. To find answers to the main questions, this study examines the mechanisms for resolving sexual abuse crimes in the Jamee tribe and the authority of the *Niniak Mamak* as an institution for resolving the cases.

Research on the authority of *Niniak Mamak* in the Jamee tribe is a very important topic to study. This is because *Niniak Mamak* in the Jamee tribe represents a unique model in the family decision-making process, which is the highest authority in a social order. In fact, *Niniak Mamak* is still regarded as a charismatic traditional institution for the Jamee tribe. The community's trust and obedience in the *Niniak Mamak* is still believed to be the final resort for resolving disputes that arise in the community, ranging from family disputes, marriage, inheritance, and grants, to disputes in the public sphere, such as sexual harassment and other criminal cases.

In the scientific context, a number of studies have been conducted by previous researchers using various approaches and focuses. For example, research on *Niniak Mamak* in Minang society was conducted by Muhammad Chairul Umar and Yulfira Riza (2022). The study found that *Niniak Mamak* plays a role as a leader in Minang society, who is obliged to care for and protect all of their nephews and nieces (family members). In addition, *Niniak Mamak* can be used as a means of social control, in the sense that if one of the families commits a mistake, *Niniak Mamak* will also be affected, so that *Niniak Mamak* will continue to pay attention to the behavior of their family, so that they do not do anything despicable, with the aim of maintaining the authority and dignity of the family in society.

In detail, there have been several previous studies examining the role of *Niniak Mamak* in various aspects of life, such as their role in the utilization of customary land. This study focuses on the role and authority of *Niniak Mamak* in protecting and maintaining customary land for the welfare and interests of the community, so that disputes over its use do not arise. However, in reality, due to economic influences, this role has shifted so that *Niniak Mamak* manage customary land solely for personal gain (Rifana, 2016; Ikhsan, 2015; Nurdin, 2022).

The study shows that *Niniak Mamak* is not only an authority in decision-making, but more than that, *Niniak Mamak* has a role in regulating land ownership.

The role of *Niniak Mamak* is not only examined in terms of land issues, but also touches on political aspects, such as the role of *Niniak Mamak* in regional elections. There are four roles of *Niniak Mamak* in regional elections, namely: first, as the party that assesses the eligibility of candidates who wish to campaign; second, *Niniak Mamak* aligns the perceptions of fellow community members regarding the support to be given; third, facilitates and supports the campaign; and fourth, guides the community in their daily lives regarding the candidate to be supported (Purnama, 2021).

The above research highlights the diverse roles of *Niniak Mamak* in every aspect of Minang society, underscoring the importance and significance of the authority associated with *Niniak Mamak*. However, research related to the role of *Mamak* in dispute resolution has been written by Riska Fitriani (2021). Her research shows that *Niniak Mamak* resolves civil and criminal disputes using a restorative justice approach, a resolution process that involves all parties to restore social damage, eliminate stigmatization, and encourage the perpetrator to feel remorse for their actions, ultimately allowing the victim to feel healed by the perpetrator's apology. *Niniak Mamak* act as mediators and facilitators and bring restorative justice to perpetrators and victims (Fitriani, 2022).

Furthermore, several studies have been conducted on the existence and presence of the Jamee tribe in Aceh. For example, research conducted by Julianti Sahputri et al. (2021) concluded that the Aneuk Jamee community still adheres to a matrilineal system in family relationships, which is very similar to the Minang community in West Sumatra, which adheres to a system of descent from the mother's side. As a result, the tradition of *Niniak Mamak* is still strongly practiced by the Aneuk Jamee community in family decision-making (von Benda-Beckmann & von Benda-Beckmann, 2006; Manan et al., 2022; Sahputri et al., 2021).

In addition, there is also research related to the cultural acculturation of the Jamee tribe with the Kluet tribe in southern Aceh, as conducted by Zulpandi (2022), who concluded that there are several parts of the Kluet tribe's wedding traditions that have been assimilated into the Jamee tribe's culture. However, the authenticity of the Kluet customs is still fully preserved in terms of the values contained therein. The research proves that there is an influence of the Jamee tribe's customs on other tribes living side by side in South Aceh (Zulpandi et al., 2022).

Previous studies have not examined the role of *Niniak Mamak* in resolving sexual harassment disputes among the Jamee tribe. This study is interesting because the Jamee tribe is one of the tribes living in Aceh, and must maintain the existence of every Jamee tribal custom, including the role of *Niniak Mamak* in the process of resolving certain criminal acts.

Method

This research is classified as qualitative, encompassing two aspects: literature study and field research. The literature study traces data sourced from documents such as books, articles, papers, and research reports, laws, *qanuns*, and local regulations on customary institutions, customary law, methods of resolving customary disputes, and the role of customary law institutions in dispute resolution. Field research was conducted through interviews to gather information on the role of *Niniak Mamak* in criminal dispute resolution. Efforts to obtain this information were approached through ethnographic methods aimed at exploring the minds of the Aneuk Jamee community in organizing the *Niniak Mamak* institution as a system and pattern of resolution.

The population in this study is South Aceh Regency. This regency was chosen because the Jamee tribe generally resides in South Aceh Regency. There are 18 subdistricts in South

Aceh Regency, consisting of the Aceh, Jamee, and Kluet tribes. The Jamee tribe, which constitutes the focus of this study, is primarily distributed across six subdistricts in South Aceh Regency: East Labuhan Haji, West Labuhan Haji, Central Labuhan Haji, Samadua, Tapaktuan, and South Kluet. Given the size of the population, several subdistricts were selected as samples. This study focused on South Kluet Subdistrict, where the Jamee language is spoken. This subdistrict was selected because it is home to three ethnic groups: the Jamee, Kluet, and Aceh.

The research subjects were selected based on information gathered from traditional leaders who hold the status of *Niniak Mamak* and have been involved in the resolution of criminal acts within the Aneuk Jamee tribe. Field data collection techniques were carried out using several methods, namely: document analysis, observation, and interviews. Document analysis was used to collect comprehensive information sourced from documents or archives such as historical data, objects, thoughts, stories, and narratives of traditional leaders in the Aneuk Jamee tribe community. The data sources analyzed came from archives and documents related to the role of *Niniak Mamak* in resolving criminal acts in the past. Meanwhile, observation was employed in this study to directly examine the behavior of the indigenous community, including their expressions and responses to various disputes or conflicts that they had witnessed or experienced. Furthermore, in-depth interviews in this study were conducted with research subjects who were involved in traditional affairs, administrators of traditional institutions, or traditional practitioners.

Customary Law Construction in the Context of Legal Pluralism

This study is based on the assumption that the persistence of the Niniak Mamak's authority within the Jamee community cannot be adequately explained solely through the perspective of state law. Its existence represents a manifestation of legal pluralism, wherein customary law, Islamic law, and state law interact within the same social space. Within this process, the decisions of the *Niniak Mamak* function not only as mechanisms for dispute resolution but also as instruments for the construction of customary law, generating new norms (living law) that acquire social legitimacy and are widely observed by the community. This theoretical framework enables an analysis of how customary authority continues to endure and operate effectively amid legal modernization and the predominance of the state legal system.

Legal pluralism serves as the theoretical framework of this study to analyze the authority of *Niniak Mamak* and the construction of customary law within the Jamee community in Aceh. This study draws upon John Griffiths' concept of legal pluralism, which posits that multiple legal systems may coexist and operate simultaneously within the same social space. From this perspective, law is not produced solely by the state. Still, it may also emerge from diverse normative orders, including customary law, religious law, and social norms that develop and function within society.

Griffiths categorizes legal pluralism into two analytical models: weak legal pluralism and strong legal pluralism (Griffiths, 1986). Weak legal pluralism focuses on the recognition and incorporation of non-state legal systems within the framework of state law. Under this model, the validity and operation of customary law or religious law depend largely on formal recognition by the state. In contrast, strong legal pluralism emphasizes the empirical reality of legal diversity within society. This model acknowledges that multiple legal orders may coexist and function relatively autonomously, deriving their legitimacy from the communities that observe and practice them rather than from formal state recognition. Consequently, legal authority is not viewed as the exclusive domain of the state, but as a product of diverse normative systems that operate simultaneously within a shared social space (von Benda-Beckmann, 2002).

This study adopts the perspective of strong legal pluralism because it provides a more appropriate analytical framework for understanding the existence and authority of *Niniak Mamak* within the Jamee community. The institution of *Niniak Mamak* demonstrates that legal authority is not derived solely from state institutions but also emerges from social legitimacy, kinship structures, cultural values, and customary norms embedded within the community. Consequently, the Jamee people continue to regard *Niniak Mamak* as the primary authority for resolving disputes, despite the availability of formal state legal mechanisms.

From the perspective of legal pluralism, legal diversity is not regarded as a manifestation of competition or contradiction among different legal orders. Instead, customary law, Islamic law, and state law are understood as operating within a complementary and interdependent relationship, whereby each legal tradition contributes distinct normative values and mechanisms to the governance of social relations (Sumardi et al., 2021; Zainuddin et al., 2024; Michael Feener, 2012; Otto, 2010; Salim, 2021; Lukito, 2017; Bowen, 2003; Ismail et al., 2023). Consequently, these legal systems interact, negotiate, and mutually reinforce one another in shaping legal practices and social order within the community (Irianto, 2005; Koeswahyono, 2014). This perspective avoids the dichotomous view that regards different legal traditions as mutually exclusive or inherently conflicting. Instead, the study conceptualizes these legal traditions as existing within a dialogical relationship, characterized by continuous interaction, negotiation, and adaptation within the social life of the community.

This study does not merely focus on the existence of multiple legal systems, as conceptualized in classical legal pluralism developed during the colonial period. This study adopts a contemporary legal pluralism perspective, emphasizing the interaction, negotiation, and adaptation of customary, Islamic, and state law in shaping hybrid legal norms that respond to local social realities (Tie, 1999). Aceh represents a plural legal landscape in which customary law (*adat*), Islamic law, and state law coexist and interact within the same social space. Each legal tradition is rooted in distinct normative values and sources of legitimacy, creating a multivalent legal environment where dispute resolution often involves the application of multiple legal systems depending on the nature of the dispute and the social values at stake (Zakaria et al., 2023; Muhammad, 2021; Lukito, 2006; Ranjan, 2020).

The Jamee community provides an important example of this phenomenon. Despite living within the predominantly patrilineal social structure of Aceh, the Jamee maintain a matrilineal tradition that places the *Niniak Mamak* at the center of family governance, dispute resolution, and social reconciliation. Through customary deliberations, the *Niniak Mamak* not only resolves conflicts but also contributes to the formation and development of customary law. Repeated decisions that gain collective acceptance gradually evolve into social norms, transforming customary law into a form of living law that derives its authority from community recognition rather than formal state institutions (Horii, 2019; Beckmann & Benda, 2002; Wilson, 2012; Klabbers & Piiparinen, 2011; Salim, 2008).

This study views the authority of the *Niniak Mamak* through the lens of strong legal pluralism, which recognizes that legal legitimacy may emerge from social acceptance and customary authority alongside state law. In this context, the *Niniak Mamak* functions as a norm creator, conflict mediator, customary law enforcer, and agent of social reconciliation (Matsyah et al., 2025; Baddah et al., 2024). As a semi-autonomous social field, the institution possesses the capacity to formulate, implement, and enforce its own normative order while maintaining legitimacy within the community.

Accordingly, legal pluralism serves not only as a framework for explaining the coexistence of multiple legal traditions in Aceh but also as an analytical tool for examining how customary authority operates and how customary law is continuously constructed through social practices. This perspective enables a deeper understanding of the dynamic interaction

between customary law, Islamic law, and state law, while highlighting the continuing relevance of the *Niniak Mamak* as a source of legal authority within the Jamee community.

The Role and Function of *Niniak Mamak* in Resolving Sexual Harassment Disputes among the Jamee Tribe

Dispute resolution at the *gampong* level through the role of Niniak Mamak reflects the implementation of *iṣlāḥ* values in the social practices of the Jamee community. In the tradition of Islamic law, *iṣlāḥ* is understood as an effort to reconcile disputing parties by emphasizing reconciliation, relationship restoration, and social harmony. The initial stage, in the form of mediation conducted by *Niniak Mamak*, brings the parties together to reach a voluntary peaceful agreement. In this process, *Niniak Mamak* functions not only as a mediator but also as a moral authority possessing strong social legitimacy to promote balanced justice.

If mediation fails, an *adat* committee or village (Aceh, *Gampong*) tribunal is established. The process still operates within the framework of *iṣlāḥ*, albeit in a more formalized manner. The involvement of elements such as *Tuha Peut*, the Youth Leader, and the *Imum Chik* indicates that dispute resolution is not merely legal-administrative in nature, but also embodies moral and religious dimensions. The examination of witnesses, collection of evidence, and decision-making processes are carried out not solely to impose punishment, but to achieve social balance and order.

Although the committee's decision is final and binding, its legitimacy does not rest solely on structural authority, but also on social acceptance and the underlying values of *iṣlāḥ*. The binding force of the decision derives not only from formal authority but from its perception as fair, proportional, and capable of restoring relationships between the parties.

The Jamee tribe in South Aceh has practiced mediation in conflict resolution because they believe that peaceful efforts will lead them to a harmonious, fair, and balanced life and create strong values of togetherness in community life. Conflict or dispute resolution in society refers to the principle of "freedom" that benefits both parties. Consultation is the primary method of dispute resolution, as it enables both parties to reach a peaceful agreement that benefits them.

Peace as the goal of the mediation process, according to the Jamee community, is an agreement between several parties who are in conflict over a matter that disrupts the balance in society, thus requiring efforts to restore the disturbed balance. Peace in the Jamee tribe is maintained through socio-cultural relations and legal arrangements concerning property and the economy. Based on interviews with one of the traditional leaders of Gampong Rantau Binuang, there are several types of disputes that are usually resolved through deliberation by the *Niniak Mamak* in the Jamee tribe, namely social and cultural peace issues.

Usually, social and cultural peace occurs between parties in conflict over family/household matters, between husband and wife, between family members/relatives and neighbors, between fellow members of the *Gampong* indigenous community, and so on. For example, reconciliation in marriage disputes, inheritance and property disputes, so that the imbalance in their relationships can be resolved and harmony restored. Economic and commercial reconciliation is an agreement between parties aimed at resolving disputes over economic obligations. For example, in debt obligations. Reconciliation is typically carried out with the involvement of traditional elders, as there are still kinship ties between them. Land reconciliation is a peace agreement made between parties involved in a dispute over land transactions, so that the dispute can be resolved or avoided from going to court. The dispute resolution procedure can be carried out by the disputing parties themselves or through deliberation and consensus, in accordance with local customs. It may be mediated or witnessed

by traditional leaders or resolved with the assistance of *Gampong* government officials. The types of criminal cases that *Niniak Mamak* usually resolves are those in which the family carries out the arrest. If the family arrests the case, it will be resolved (Marhibunis, 2024; Ahmadin, 2024).

In general, the dispute resolution process among the Jamee tribe in South Aceh consists of three levels based on the authority of the parties who can resolve the dispute. At the first level, any dispute that arises within the Jamee community in South Aceh is always resolved first between individuals, families, and neighbors. If a dispute or customary offense occurs in a village, residential area, workplace, or elsewhere, then, in order to restore balance to the community, the dispute is resolved directly at the scene between the individuals concerned. It can also be resolved at the home of one of the families involved. During the meeting, the two parties to the dispute hold peaceful negotiations, forgive each other, discuss compensation, and hold a ceremony (customary ceremony) to restore the balance of society that has been disturbed by the dispute.

Furthermore, if peaceful efforts at the family or community level are unsuccessful, the community often asks the *Niniak Mamak* for help in resolving the dispute. Common issues that arise in these negotiations include inheritance disputes, claims for compensation for non-material losses, payment of customary fines as a form of social sanction, and other criminal cases such as theft and adultery. The role of the *Niniak Mamak* is crucial in maintaining harmony and justice in indigenous communities, taking into account the prevailing traditional values.

When disputes or conflicts cannot be resolved through deliberation and consensus at the family or neighborhood level, and the *Niniak Mamak* is also unable to resolve them, the Jamee tribe in South Aceh typically brings the matter before the village head (*Keuchik*). After receiving the complaint, the *Keuchik* will take several steps to resolve the dispute, the first of which is usually mediation. The *Keuchik* will try to reconcile the two parties by listening to each side's complaints, finding common ground, and formulating a mutually beneficial solution. If mediation is unsuccessful, the *Keuchik* may form a traditional committee or village court committee (*Gampong*). This committee consists of Tuha Peut, the Youth Leader, and Imum Chik, whose duties include gathering evidence, examining witnesses, and then making a decision. Usually, the hearing is held at the mosque or village hall and is attended by both parties, witnesses, and other village officials. During the hearing, both parties present their arguments and evidence. After the hearing is over, the village court committee issues a verdict. This verdict is final and binding on both parties.

The dispute resolution process conducted by *Niniak Mamak* generally consists of five stages: First, a complaint, in which the aggrieved party reports a conflict or violation of customary law to the *Niniak Mamak*. Second, investigation, during which the *Niniak Mamak* conducts a preliminary investigation to gather facts and evidence related to the dispute or alleged violation. Third, customary deliberation, in which the parties involved, including the perpetrator, the victim, and their respective families, participate in a customary meeting. During this deliberation, each party is given the opportunity to present their views and statements. Fourth, the customary decision is made, in which the *Niniak Mamak*, based on the outcome of deliberation, determines the appropriate customary sanctions to be imposed on the perpetrator. These sanctions may take the form of fines, community service, or other customary penalties proportionate to the seriousness of the violation. The *Niniak Mamak* is also responsible for overseeing the implementation of the agreed customary sanctions. Finally, reconciliation takes place after the sanctions have been fulfilled. A customary ceremony is then conducted to restore the relationship between the perpetrator and the victim and to re-establish peace and social harmony within the community. Among the Jamee tribe, this ceremony is known as *duduak sapapan sapambatang di tengah umah*. It is led by the *Niniak Mamak*

representing both parties, during which they formally reconcile and symbolically extend mutual forgiveness (Marhibunis: 2024).

***Niniak Mamak*: Institution for Resolving Sexual Harassment Disputes in the Jamee Tribe Community**

Authority refers to the power, rights, and legitimacy possessed by an individual or institution to govern, regulate, and make decisions within a particular context. More broadly, authority entails the recognition and acceptance by others of an individual's or institution's legitimate power to make decisions and undertake actions.

Authority, in a social context, refers to the ability of individuals or groups to influence others' behavior. This is not merely physical strength or formal power, but also includes influence based on knowledge, experience, social status, or values. Authority can be legitimate, meaning it is recognized and accepted by society, or illegitimate, meaning it is not recognized and is rejected by society. It can therefore be concluded that the social structure of a particular community largely shapes authority in a social context. Accordingly, to examine the authority of *Niniak Mamak* in resolving criminal disputes, it is first necessary to understand the social structure of the Jamee tribe in South Aceh.

The social structure of the *Aneuk Jamee* community in South Aceh is deeply rooted in the customs and traditions passed down from their ancestors. There are at least two important elements in this social structure: the *Niniak Mamak*, who serve as guardians of customs and traditions. The *Niniak Mamak* are responsible for maintaining and preserving the customs and traditions that form the basis of community life. They ensure that traditional ceremonies, such as weddings and funerals, are carried out in accordance with the applicable norms. Researchers have observed that all decisions regarding marriage are made through deliberation by the *Niniak Mamak*, which the *Aneuk Jamee* tribe refers to as “*Duduak Niniak Mamak*” (Safrijal: 2024).

In addition, *Niniak Mamak* also play a role as mediators in conflict resolution, both between individuals and between groups in the community in civil and criminal matters. This can be seen in the resolution of criminal acts committed by the *Jamee* tribe in the village of Rantau Binuang, South Aceh. Based on an interview with one of the village officials, it was explained that if a certain criminal act occurs, the perpetrator will be handed over to their *Niniak Mamak*. The *Niniak Mamak* of the perpetrator would then visit the *Niniak Mamak* of the victim to resolve the matter through deliberation, in order to reach an agreement between the two *Niniak Mamak*. The village apparatus will not get involved and will not intervene in the deliberations. They use a deliberative approach to reach a fair and peaceful agreement. The decision of the *Niniak Mamak* is the highest decision that must be carried out by all parties, including the village apparatus (Kaharuddin: 2024).

The types of criminal cases that *Niniak Mamak* usually resolves are those in which the family carries out the arrest. If the family handles the case, it will be resolved through a *Niniak Mamak* deliberation, including cases of child sexual abuse. This is usually done to maintain the confidentiality and dignity of the family. This is done because the *Niniak Mamak* tradition was established with the aim of maintaining the dignity and honor of the Jamee tribe's families (Marhibunis: 2024).

Niniak Mamak, as an institution for resolving criminal acts in the Jamee tribe community, is highly dependent on the form and nature of the criminal act committed. The field research reveals that in cases of criminal acts that do not violate honor, such as theft, assault, and fraud, the *Niniak Mamak* has high authority in the dispute resolution process. In fact, the *niniak mamak* of the perpetrator of the criminal act usually also bears the fine or other

sanctions imposed. The form of fines imposed in such criminal cases usually consists of compensation; a fine of a goat, sheep, or buffalo; and a “*sabatie sirih*” fine (betel leaves placed in a certain way in a *cerana* and complete with other ingredients such as areca nut) (Miswar, 2024).

However, for criminal acts that damage honor, such as *khalwat*, adultery, rape, and sexual harassment, the *Niniak Mamak* do not have high authority in the resolution process. According to an interview with a traditional leader from Rantau Binuang, Halim Usmani, in cases of illicit relations, the *Niniak Mamak* of the woman would contact the *Niniak Mamak* of the man to discuss the resolution process. Usually, if both *Niniak Mamak* agree and are peaceful with one another, a traditional marriage will be held as appropriate. However, if one of the *niniak mamak* does not agree, a forced marriage will be carried out by the *Gampong* apparatus, accompanied by a certain fine (Usmani, 2024).

In cases of adultery, dispute resolution is generally conducted through customary mechanisms by requiring the respective *Niniak Mamak* of the male and female parties to arrange a marriage between the perpetrators. This approach differs from the customary treatment of rape and sexual harassment cases. Within the Jamee community, the distinction is not primarily based on the legal classification of the offense itself, but rather on the status and vulnerability of the victim.

When the victim of rape or sexual harassment is a minor or a married woman, both the victim’s and the perpetrator’s *Niniak Mamak* typically surrender the case to state authorities, particularly the police. In the case of minors, the customary community recognizes that children constitute a vulnerable group entitled to special legal protection. Consequently, customary sanctions are considered insufficient to safeguard the rights and welfare of child victims, and the authority to resolve such cases is transferred to the formal criminal justice system. Furthermore, offenses against children are viewed not merely as violations of family honor but also as crimes against the public interest that require intervention by state law enforcement institutions.

However, a different approach is adopted when the victim is an unmarried adult woman. In such cases, the Jamee community tends to perceive the offense as closely related to family honor, social reputation, and the maintenance of communal harmony. As a result, the *Niniak Mamak* seeks to retain its authority through customary settlement mechanisms aimed at restoring social equilibrium rather than imposing punitive sanctions. These mechanisms may include customary fines or, more commonly, the arrangement of a marriage between the perpetrator and the victim.

Accordingly, when the victim of rape is an unmarried adult woman, the victim’s *Niniak Mamak* may request the perpetrator’s *Niniak Mamak* to facilitate a marriage between the parties. This settlement is formalized through a written agreement stipulating that if the perpetrator commits another criminal offense in the future, the rape case previously resolved through customary mechanisms may be resubmitted to state authorities for formal legal prosecution. This arrangement reflects an effort to balance customary authority with state legal authority, while simultaneously preserving family dignity, social harmony, and accountability within the community.

These practices illustrate the operation of legal pluralism within the Jamee community, where customary law and state law do not function as mutually exclusive systems but rather coexist and interact in determining the most appropriate mechanism for resolving particular disputes. The nature of the offense therefore shapes the extent of *Niniak Mamak*’s authority, the status of the victim, and the perceived need for state intervention.

The practice of resolving criminal offenses by *Niniak Mamak* within the Jamee community demonstrates that legal pluralism is an integral part of dispute resolution in this society’s social space. As representatives of customary legal authority, *Niniak Mamak* prioritize

and uphold values of honor in addressing offenses such as theft, assault, and fraud. Resolution mechanisms through customary sanctions, whether in the form of compensation, livestock fines, or symbolic elements such as *sabatie sirih*, reflect the characteristics of restorative justice, emphasizing the restoration of social relationships and communal balance.

However, in cases involving violations of moral or honor-related values, such as *khalwat* and adultery, *Niniak Mamak*, as holders of customary authority, tend to refer to religious norms in their resolution mechanisms. Settlement through marriage illustrates a compromise between customary law and religious law, where the primary objective extends beyond conflict resolution to include moral restoration and the reestablishment of social legitimacy for the parties involved. In cases of serious crimes such as rape and sexual harassment, particularly those involving minors or married women, disputes are not always resolved through customary law but are instead referred to state law enforcement authorities. In this context, the framework of legal pluralism reveals the limitations of customary law, especially in addressing serious crimes that involve the legal protection of vulnerable groups and broader public legal interests.

This argument reinforces the assumption that legal pluralism within the Jamee community is contextual and layered, where the applicability of a given legal system is largely determined by the nature of the offense and the social values affected. The authority of *Niniak Mamak* is therefore not absolute, but rather negotiated in relation to state law and religious law. This condition also highlights the dynamic interplay between restorative justice, embodied in customary law, and retributive justice, characteristic of state law. In practice, these systems may complement one another, yet they also carry the potential for tension, particularly in relation to victim protection and the enforcement of human rights.

Conclusion

Niniak Mamak has significant authority in maintaining the social order and customary law of the Jamee tribe in South Aceh. Their role is not limited to family, marriage, and inheritance matters, but also extends to the resolution of social and criminal disputes, including cases of sexual abuse. Dispute resolution mechanisms are carried out through customary deliberations that prioritize the principles of restorative justice, peace, and the restoration of social relations. In practice, the *Niniak Mamak* are regarded as the highest customary institution capable of neutralizing conflicts, maintaining family honor, and ensuring harmony in the community.

However, there are differences in the authority to resolve cases based on the type of crime: cases that violate dignity and honor, such as rape or sexual abuse of children and married women, are usually handed over to formal law enforcement officials. The authority of the *Niniak Mamak* not only functions as a mediator and enforcer of customary law, but also as a symbol of local wisdom that strengthens the values of deliberation, solidarity, and social balance in the Jamee tribe community. This role demonstrates that customary law remains relevant and capable of coexisting with state law, particularly in maintaining order and promoting social justice at the community level.

References

- Ahmadin, S. (2024). *personal communication*, Kedai Kandang, South Kluet District, 17 May.
- Anggraeni, A. (2020). Penal Mediation as Alternative Dispute Resolution: A Criminal Law Reform in Indonesia. *Journal of Law and Legal Reform* (2020), 1(January), 369–380.

- Baddah, L. A., et al. (2024). Bringing Fishermen Together Through the Customary Maritime Law of the Sea in the South West Aceh Region: al-Shulh's perspective. *Legitimasi: Jurnal Hukum Pidana Dan Politik Hukum*, 13(2).
- Baker, B. (2013). Hybridity in policing: The case of Ethiopia. *Journal of Legal Pluralism and Unofficial Law*, 45(3).
- Bowen, J. R. (2003). *Islam, Law and Equality in Indonesia: An Anthropology of Public Reasoning*. Cambridge University Press.
- Charkoudian, L., et al. (2021). Mediation in Criminal Misdemeanor Cases. *Criminology, Criminal Justice, Law and Society*, 22(3).
- Djawas, M & Samad, S. A. A. (2020). Conflict, Traditional, and Family Resistance: The Pattern of Dispute Resolution in Acehnese Community According to Islamic Law. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 4(1), 65–84. <https://doi.org/10.22373/sjkh.v4i1.5271>
- Fitriani, R. (2022). Peran Niniak mamak Dalam Upaya Problem Solving Permasalahan Hukum Secara Hukum Adat. *Prosiding Seminar Nasional Membangun Desa*, 2(2), 439–445.
- Franz von Benda-Beckmann & Keebet von Benda-Beckmann. (2012). Islamic Law in a Plural Context: The Struggle over Inheritance Law in Colonial West Sumatra. *Journal of the Economic and Social History of the Orient*, 55(4/5).
- Griffiths, J. (1986). What is legal pluralism? In *Journal of Legal Pluralism and Unofficial Law* (Vol. 18, Issue 24, pp. 1–55). <https://doi.org/10.1080/07329113.1986.10756387>
- Hermaliza, E. (2017). Sistem Keekerabatan Suku Bangsa Kluet Di Aceh Selatan the Kinship System of Kluet Etnics in South Aceh. *Widyariset*, 14(1).
- Ikhsan, E. (2015). *Konflik Tanah Ulayat dan Pluralisme Hukum: Hilangnya Ruang Hidup Melayu Deli*. Yayasan Obor.
- Irianto, S. (2005). *Perempuan di Antara Berbagai Pilihan Hukum; Studi mengenai Strategi Perempuan Batak Toba untuk Mendapatkan Akses kepada Harta Waris melalui Proses Penyelesaian Sengketa*. Yayasan Obor.
- Ismail, D. E., et al. (2023). The Concept of Revitalizing Traditional Institutions in the Criminal Law System to Realize Restorative Justice. *Jambura Law Review*, 5(2).
- Kamaruddin, et al. (2023). Justice, Mediation, and Kalosara Custom of the Tolaki Community in Southeast Sulawesi from the Perspective of Islamic Law. *Samarah*, 7(2).
- Kaharuddin. (2024). *personal communication*, South Kluet District, May 24.
- Koeswahyono, I. (2014). *Sosio Legal: Bekal Pengantar dan Substansi Pendalaman*. Intimedia.
- Lukito, R. (2006). Religious ADR: Mediation in Islamic Family Law Tradition. *Al-Jami'ah: Journal of Islamic Studies*, 44(2). <https://doi.org/10.14421/ajis.2006.442.325-346>
- Lukito, R. (2017). Mapping the relationship of competing legal traditions in the era of transnationalism in Indonesia. In *Pluralism, Transnationalism and Culture in Asian Law: A Book in Honour of M.B. Hooker*. <https://doi.org/10.1355/9789814762724-008>
- Mamudji, S. (2017). Mediasi Sebagai Alternatif Penyelesaian Sengketa Di Luar Pengadilan. *Jurnal Hukum & Pembangunan*, 34(3), 194–209.
- Manan, A. (2014). The Ritual Of Marriage. *Jurnal Ilmiah Peuradeun*, 2(2).
- Manan, A., et al. (2022). Paddy cultivation rituals in South Aceh, Indonesia: An ethnographic study in West Labuhan Haji. *Cogent Social Sciences*, 8(1).
- Marhabunis. (2024). *personal communication*, Rantau Binuang, South Kluet District, 24 May

- Matsyah, A., et al. (2025). Cultural Continuity and Legal Adaptation: The Evolution of Suluh in Aceh's Conflict Resolution System. *JURIS: Jurnal Ilmiah Syariah*, 1(24), 101–110. <https://doi.org/10.31958/juris.v24i1.13272>
- Menski, W. (2006). *Comparative Law in A Global Context: The Legal Systems of Asia and Africa*. Cambridge University Press.
- Michael Feener, R. (2012). Social engineering through Sharī'a: Islamic law and state-directed da'wa in contemporary Aceh. *Islamic Law and Society*, 19(3), 275–311.
- Miswar. (2024). *personal communication*, Kedai Kandang, South Kluet District, 12 July.
- Muhammad, R. A. (2021). Reconciliation for the Settlement of Criminal Cases: Reactualization of Local Wisdom in Indonesian Criminal Law [Upaya Perdamaian Untuk Penyelesaian Perkara Pidana: Reaktualisasi Kearifan Lokal dalam Hukum Pidana Indonesia]. *Legitimasi: Jurnal Hukum Pidana Dan Politik Hukum*, 10(2), 171.
- Muhammad, R. A & Sumardi, D. (2011). *Kearifan Tradisional Lokal: Penyerapan Syariat Islam dalam Hukum Adat Aceh*. Dinas Syariat Islam Aceh.
- Mustaqilla, S., et al. (2025). Ritual Contestation in Contemporary Acehnese Islam. *El-Usrah: Jurnal Hukum Keluarga*, 8(2). <https://doi.org/10.22373/ujhk.v8i2.27103>
- Nasir, M. (2024). *personal communication*, Kedai Kandang, South Kluet District, 24 May.
- Nurdin, Z. (2022). Legal protection of customary rights under legal pluralism and its impact on the Minangkabau society: An empirical study in the district of Lima Puluh Kota, West Sumatra. *Cogent Social Sciences*, 8(1).
- Örücü, E. (2002). Law as Transposition. *International and Comparative Law Quarterly*, 2(51), 205–223.
- Otto, J. M. (2010). Sharia and National Law in Indonesia. *Sharia Incorporated: A Comparative Overview of the Legal Systems of Twelve Muslim Countries in Past and Present*, 436–487.
- Purnama, G. (2021). Peran Niniak Mamak dalam Pilkada. *Culture & Society: Journal Of Anthropological Research*, 3(2), 136–144.
- Rahmadi, T. (2011). *Mediasi Penyelesaian Sengketa Melalui Pendekatan Mufakat*. Rajawali Pers.
- Rajab, et al. (2022). Islamic Inheritance Law In Saruaso And Sawah Tengah Villages Based on Islamic Principles. *Jurnal Ilmiah Islam Futura*, 22(2). <https://doi.org/10.22373/jiif.v22i2.12130>
- Ranjan, S. (2020). Domestic Violence Legislation in Greece: Analysis of Penal Mediation. *Women and Criminal Justice*, 30(1). <https://doi.org/10.1080/08974454.2019.1646192>
- Rifana, R. (2016). Peran Niniak mamak dalam Pemanfaatan Tanah Ulayat di Kenagarian Lipat Kain Selatan. *Jurnal Online Mahasiswa Fakultas Hukum Universitas Riau*, 3(2), 1–15.
- Safrizal. (2024). *personal communication*, Kedai Kandang, South Kluet District, 24 May.
- Sahputri, J., et al. (2021). Budaya dan Sistem Kekeluargaan Etnis Aneuk Jamee. *Al-Qadha: Jurnal Hukum Islam Dan Perundang Undangan*, 8(2), 110–126.
- Salim, A. (2008). *Challenging the Secular State: The Islamisation of Law in Modern Indonesia*. University of Hawai'i Press.
- Salim, A. (2021). Adat and Islamic Law in Contemporary Aceh, Indonesia: Unequal Coexistence and Asymmetric Contestation. *Samarah*, 5(2).
- Siapno, J. A. (2013). Gender, Islam, nationalism and the state in Aceh: The paradox of power, co-optation and resistance. In *Gender, Islam, Nationalism and the State in Aceh: The Paradox of Power, Co-optation and Resistance*.

- Sumardi, D., et al. (2021). Legal pluralism within the space of Sharia: Interlegality of criminal law traditions in Aceh, Indonesia. *Samarah*, 5(1), 426–449. <https://doi.org/10.22373/sjhg.v5i1.9303>
- Tie, W. (1999). *Legal Pluralism: Toward a Multicultural Conception of Law*.
- Umar, M. C & Riza, Y. (2022). Peran Ninik Mamak, Mamak dan Kamanakan di Minangkabau. *Jurnal Budaya Nusantara*, 5(3), 174-180.
- Usmani, H. (2024). *personal communication*, Rantau Binuang, South Kluet District, 25 May.
- von Benda-Beckmann, F. (2002). Who's Afraid of Legal Pluralism? *The Journal of Legal Pluralism and Unofficial Law*, 34(47), 37–82. <https://doi.org/10.1080/07329113.2002.10756563>
- von Benda-Beckmann, F., & von Benda-Beckmann, K. (2006). The dynamics of change and continuity in plural legal orders. *Journal of Legal Pluralism and Unofficial Law*, 38(53–54), 1–44.
- Watson, A. (1993). *Legal Transplants: An Approach to Comparative Law*. University of Georgia Press.
- Weber, M. (1978). *Economy and Society: An Outline of Interpretive Sociology*. University of California Press.
- Zainuddin, M., et al. (2024). Protection of Women and Children in the Perspective of Legal Pluralism: A Study in Aceh and West Nusa Tenggara. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 8(3), 1948–1973.
- Zakaria, F., et al. (2023). Legal Protection for Child Victims of Sexual Assault in a Restorative Justice Perspective. *Jurnal Penelitian Hukum De Jure*, 23(1).
- Zulpandi, et al. (2022). Akulturasi Budaya Suku Kluet Dan Suku Aneuk Jamee Dalam Adat Pernikahan Di Desa Jambo Papan Kecamatan Kluet Tengah Aceh Selatan. *JIMSI: Jurnal Ilmiah Mahasiswa Ilmu Komunikasi*, 2(1), 64–72.
- Zweigert, K & Kötz, H. (1998). *An Introduction to Comparative Law*, trans. Tony Weir. Clarendon Press.