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The Participation of Women in the Village Adat Justice: the Regulations and Its Implementations in North Aceh Regency Manfarisyah¹, dan Yulia¹ Lecturer at Law Faculty of the University of Malikussaleh, Indonesia ABSTRACT Adat justice is one of the local wisdom possessed by the people of Aceh. The adat justice in Aceh was formed and carried out by adat law to issues citizens.

research normative juridical research method for reviewing the rules of regulations about the role of women and the empirical studies to understand the implementations, also to know the factors restricting the role of women in adat justice at gampong. It can be concluded the role of women in adat justice system at gampong in North Aceh Regency has not been done properly.

In general leaders and community leaders are still reluctant to include women in gampong governance structure. Thus the lack of women representative directly related to the implementation of adat justice system at gampong. There internal external that women participation. Keywords: gampong, Adat, Law INTRODUCTION Adat justice system is one of the indigenous local wisdom belonged the of The presence of adat justice in Aceh are formed and carried out by adat law community.

The adat justice system, here is the customary judicial in Aceh villages or gampong, has existed Independence Indonesia its is in Constitution the rule Act Indonesia. In 1 of 1945 Constitution unequivocally mentioned that Indonesia is a State of law, means that every citizen has equality in front of law regardless of gender differences, men as well as women. Recognition and respect for adat law community described Article (2) the Constitution, namely State recognizes respects adat communities along with their traditional rights as long as remain existence are accordance societal development and

the principle of unitary state Republic of Indonesia, and shall be regulated by Acts.

Gampong is a small unit of adat law community which has territorial boundaries and authority over the local community based on the origin and customs. Gampong, equivalent of desa, is an administrative village that is unique to the province of Aceh in the system of governance of the unitary state of Republic Indonesia¹. Each village may establish an adat council in accordance to the origin and customs and traditions¹. The Adat council may form adat justice system led by keuchik.

Adat justice system is a means to resolve disputes in the community. A process of dispute such as a dispute between citizens, is done by customary practices of decision-making (musyawarah mufakat) to reconcile the involved parties². The balance of community life that is disturbed can be restored.

The adat has in regulations: the Act number 11 of 2006 on the Governing of Aceh, Aceh Qanun number 5 of 2003 on the Governance of Gampong in the Province of Aceh, as well as North Aceh Regency Qanun number 4 of 2009 on the Governance of Gampong. The process of dispute resolution through the adat council led by keuchik, and assisted by Tuhapeut (the imam of the local Masjid), and sekretaris gampong (the village clerk) as the clerk of court.

The research focuses on the participation of female characters in the dispute resolution process through adat justice at gampong, and what are the inhibiting factors on women's participation in the adat justice system at gampong in North Aceh. *Indian Journal of Public Health Research & Development*, December 2018, Vol. 9, No. 12 181. METHOD This was using research method with normative juridical and empirical jurisdiction approach. Data were analysed descriptively.

The collection of regulations, namely Act number 11 of 2006 on Aceh Government, Aceh Qanun number 5 of 2003, North Aceh Regency Qanun Number 4 of 2009 on the Governance of Gampong, Qanun Number 9 of 2008 on the Management of Adat Life and Adat Istiadat, Qanun Number 10 of 2008 concerning Adat Council; as well as related Acts and regulations as the primary data³.

Secondary data include the analysis of documentation and interviews with the leaders and members of the community and adat council who's involved in the implementation of adat justice. They keuchik, tuhapeut, imeummeunasah, the clerk and the community prominent members. RESULTS AND DISCUSSION The participation of women in social setting From the history of the people of Aceh, the involvement of women representatives in various social activities they have recognized both domestic

and international.

History records how a number of prominent representatives of Acehese women would struggle in defences of their country which is recognized as national heroes. Both theoretically and practically, the participation of in fields social is reality. Since the ancient times till now Acehese women had participated not only in domestic affairs but also in public affair.

Although for some reason, this condition is rarely found documented or published properly⁴. From the brief history above can be understood that the involvement of women in the various levels and area of public affairs also in government is not new for people of Aceh. In the present days women participation is high the field, there women who hold positions in government as well as non-government.

However, this is still considerably rare cases and it's caused by various factors, such as interests and of policy One position that no progress the of women is the women involvement in the **adat justice at gampong**. **Participation of Women in Adat Justice** The of in Adat Justice is an important issue. It's a means for equality of rights **between men and women** which guaranteed by the 1945's **Constitution of the Republic of Indonesia** and other rules of laws, also as a means to strengthen the existence adat The of rep in adat justice will facilitate the process of dispute resolution, particularly in the dispute which one or both parties are women and children.

Beside as members of the panel of adat justice, the women representative is a facilitator, mediator or an advisor, that handling the experienced by women and children will be safer and easier, and the women would not feel discriminated against⁸. Some residents of GampongPayaPunteutwho have been in disputes and resolved through adat justice said that were satisfied also in expressing their experience to men.

They also stated that in the past dispute resolution process there were only male, because there are no female rep in the **adat justice system at** their community. The same stated by a resident of GampongCunda who also hope to have women rep in the **adat justice system at** their community , so that the women involved in dispute are more comfortable in communicating with her problems.

Currently women's participation in adat justice in Aceh, especially in the area of this research held, is very alarming. It is hardly found a representative of women who is involved structurally as a member of tuhapeutin the village. Stated by Mr.Muntasir, as keuchik well as a native of MeunasahKeh in Nibong Sub-district, there are no women included as tuhapeutgampongyet.

Various villages North Regency said be similar Stated Mr.Muzakir A. that villages around him, namely GampongRawalteek,GampongMatangDrien, and Gampong Biram, existence women an tuhapeutgampong also unheard. Similarly, in neighbor city Lhokseumawe it's rarely found to have women involved in adat justice.

The opportunity for participation of women as judges in adat justice will be open, if she is elected and sit as member of tuhapeut. The above the of rights **of women in political** also in adat institutions that exist society. participation women various 182 **Indian Journal of Public Health Research** & Development, December 2018, Vol. 9, No. 12 fields has strong basis Aceh Indonesia.

Factors Inhibiting Participation of Women Importance of women's participation in the process of settling disputes through **adat justice system at** gampong, should be fully supported by all parties. However, its implementation is not easy because it is due to various inhibiting factors which impede the inclusion of women as board members of adat justice.

Those factors can be divided into two categories: Internal Factors Among barriers by in Aceh are the false perception and old mindset that women incompetent unfit be in public The became shackle women at gampong order exist only the public space but also in adat justice system. Women are not prepared to participate **in the dispute resolution process** of adat justice.

Several prominent women stated that they have never been involved whenever legal proceedings of adat justice held at their villages, so it never occurred to prepare their self or the next to involved the of adat justice. In general, they do not know that Acts require the **representation of women in** tuhapeutandare a means to participate in **the implementation of adat** justice.

There no involved tuhapeut in their community, yet. So most women are not motivated to learn about social studies and dispute resolution that became one of the tasks of tuhapeut with keuchikand imeum. Various of as above been set on the **representation of women in political** parties, government, as well as in adat justice in the provinces.

In reality the implementation will require understanding and a genuine desire of all parties, namely the leaders of gampong, religious leaders, and the communities in realizing mandate the The important party in this case is the women, they have to prepared in order to truly representation in various fields can help people, especially women.

Thus, all parties will recognize the presence of women in the village government and the participation on adat justice **in the dispute resolution process**. External Factors In addition to internal factors, there are a number of factors are interplay internal factors, as an example, among others: Mindset of some religious **leaders and community leaders** who think women logical capability is lower than men, is a quitter and giving up easily.

Some assume men have superior ability to think than women, has a firmness commitment, physical and courage. Another reason said to be women must to obtain permission from the husband to able to join tuhapeut and the is necessarily These hardly have strong basis as women **are actively involved in various** other social activities in their communities, whether in day or night.

Religious factor is also often used to justify that the woman must not sitting together in a conference room with a man who is not mahram which is not good in view of the Islamic religion. But in fact, the chief of village often requires the assistance of women, usually wive of keuchik or Imeum or the women rep from PendidikanKesejahteraanKeluarga or female members.

If necessary the women will be called in a meeting or proceedings of adat justice, yet they were never formally included in the governance structure of gampong named as one of the tuhapeut member as stipulated in QanunGampong. same is found in the Sub-district Nibong that no women were included in the elements of tuhapeut and adat justice structurally.

When women rep is needed to approach to the women or children involved in the dispute, the wife of keuchik and the wife of imeum or other female will be summoned. The findings came western of Aceh TeungkuSyafie, Imuemof West Reuleut, that women are not included in adat justice, including in the settlement of disputes about women's that women children male, are all completed by the men.

Different statement are delivered by Adnan Hasan some gampong has written names of women member of tuhapeut, such as Gampong ReuletTimu. Keuchik BlukaTeba said that the head of village know on the existence of regulations requiring **the participation of women in** the structure of tuhapeut . are reasons to have not been involved women in the structure **Indian Journal of Public Health Research** & Development, December 2018, Vol. 9, No.

12 183 of tuhapeut, such it difficult have members because their meeting often held at night and women not in opinions, in terms of dispute resolution. Beside tuhapeut,

"women are often in important such decision-making meetings related to the development of the village." AinulMardhiah said. Based the can explained that the participation of women in adat justice has not been done as it should be due to various factors mentioned above.

mindset religious and leaders as above be and not have a strong foundation, or it can be said is a fallacy. example, Prophet wife Aisha is a teacher and teaches men. Whether in past and present, many female Islamic scholars havewomen and men Thus is reason leaders, adat leaders and religious leaders for not including women in structure of tuhapeut and in the implementation of adat justice.

To thosemindset ought correct understanding on the limitations that should and should not be violated by men and women according to Act. Particularly in adat justice, the necessary adherence and compliance of adat and community leaders is needed to improve the engagement of women rep in the peace building process in present and the upcoming future.

The remarks Preamble CEDAW emphasized the of in roles and participations of men and women in society and in the family to achieve equality 5 . traditional based on the inferiority or superiority of one gender is a man- made, of Thus, can changed by people who are committed to achieving anequitable and society. change view only be if stakeholders judicial, executive and the entire community) feel obliged to take steps to delete the oldmindset and tradition detrimental to participation and position of women in the family and society, towards the fair and prosperous society5.

For balance benefit all, are matters that must be considered before women actively participate in public spaces. Woman working at home and outside the home as an effort to carry out the good and prohibiting unjust injunction that had been ordered in Islam. the is to the participation of women in politics is solely for messageamruma'rufwabilnahyu 'anilmunkar.In a public activity, both women and men should go by the principle of fastabighulkhairat competing goodness).

means Islam encourages Muslims to reach the level of knowledge and high skills, so women can contribute better to the people.Every Muslim man should provide the opportunity for his wife to take partsin dakwah as a Muslim. It said that Prophet Muhammad(PBH) ask men to not prohibit wives who ask for permission to go to the to participation women the public sphere must in balance with household duties as wives, mothers, and educators for their children, so that harmony in the family is maintained.

Muslims also should keepadab (Islamic manner code) and maintaining iffah (pride) as a

Muslim to remain noble 4. Thus, is when should inhibited in doing good for the nation and the country, because are part the who rights and obligations to the state and nation. As creatures of Allah, the women are also assigned as a khalifah on earth.

There is no discrimination, because in the end that distinguishes a person with another is their taqwa to the Creator of Universe. CONCLUSION Based on description above can be concluded that the participation of women in adat justice the village in the city of Lhokseumawe and North Aceh Regency has not been done properly as mandated by Qanuns and Act of Aceh Government.

In general, leaders and community leaders are still reluctant to include female characters in the governance structure of gampong, so the women rep directly involved in the implementation of adat justice system at gampong is little none. inhibiting factors internal factors the level preparedness of women as member of tuhapeut as facilitator in adat justice system is little to none; external factors that mindset of community leaders, adat and religious leaders who brought up the religion as a reason for not including women in tuhapeut structure and on the adat justice system at gampong.

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