

7% Overall Similarity

The combined total of all matches, including overlapping sources, for each database.

Filtered from the Report

- Bibliography

Match Groups

-  **42 Not Cited or Quoted 7%**
Matches with neither in-text citation nor quotation marks
-  **0 Missing Quotations 0%**
Matches that are still very similar to source material
-  **0 Missing Citation 0%**
Matches that have quotation marks, but no in-text citation
-  **0 Cited and Quoted 0%**
Matches with in-text citation present, but no quotation marks

Top Sources

- 6%  Internet sources
- 4%  Publications
- 0%  Submitted works (Student Papers)

Match Groups

- 42 Not Cited or Quoted 7%**
Matches with neither in-text citation nor quotation marks
- 0 Missing Quotations 0%**
Matches that are still very similar to source material
- 0 Missing Citation 0%**
Matches that have quotation marks, but no in-text citation
- 0 Cited and Quoted 0%**
Matches with in-text citation present, but no quotation marks

Top Sources

- 6% Internet sources
- 4% Publications
- 0% Submitted works (Student Papers)

Top Sources

The sources with the highest number of matches within the submission. Overlapping sources will not be displayed.

1	Internet	cdn.juris.id	<1%
2	Internet	e-journal.iainptk.ac.id	<1%
3	Publication	A. Efendi, Afridawati Afridawati. "A Study of Fiqh al-Munakahat within the Contex...	<1%
4	Internet	cahaya-ic.com	<1%
5	Internet	mdpi-res.com	<1%
6	Internet	juna.nusantarajournal.com	<1%
7	Internet	pasca.unhas.ac.id	<1%
8	Publication	Dwi Novita, Mohamad Sar'an, Asep Ahmad Ridwansah, Suharyono Suharyono, Ha...	<1%
9	Internet	ejournal.iainpalopo.ac.id	<1%
10	Internet	hrmars.com	<1%

11	Internet	jurnal.stmikswn.ac.id	<1%
12	Publication	Deni Rusli, Zakaria As-Syafe'i, Ahmad Zaini, Naf'an Tarihoran. "Mediation of Dome...	<1%
13	Publication	Said Rizal, Emir Syarif Fatahillah Pakpahan, Elvira Fitriyani Pakpahan, Heriyanti H...	<1%
14	Internet	magazines.ulbsibiu.ro	<1%
15	Internet	rsisinternational.org	<1%
16	Internet	ejournal.bbg.ac.id	<1%
17	Internet	www.coursehero.com	<1%
18	Publication	Wirdyaningsih, Rini Maryam, Qurrata Ayuni, Raihanah Abdullah. "Pendekatan Fu...	<1%
19	Internet	journal.iaincurup.ac.id	<1%
20	Internet	journal.makwafoundation.org	<1%
21	Publication	Jainul Abidin, M. A. Tihami, Nana Jumhana. "Innovative Educational Governance: ...	<1%
22	Publication	Muhammad Dzulfikri Yasir, Zakiyuddin Abdul Adhim, Syarif Bahaudin Mudore. "<...	<1%
23	Internet	journal.uinsuna.ac.id	<1%
24	Internet	tijseg.org	<1%

25	Internet	
www.jmir.org		<1%
26	Publication	
Wu Tong, Goodarz Shakibaei. "The role of social comparison in online learning m...		<1%

Peusijuek as Living Fiqh: A Pre-Litigation *Islah* Mechanism for Domestic Conflict Resolution in Aceh

Aris Nandar¹, Siti Masruchah², Dzulfikar³

^{1,2,3}Universitas Islam Negeri Malang, Malang, Indonesia

Article Info

Article history:

Received 2026-06-15

Revised 2026-07-10

Accepted 2026-07-16

Keywords:

Islah

Legal Pluralisme

Living fiqh

Peusijuek

ABSTRACT

This research examines the practice of *Peusijuek* as a pre-litigation *islah* mechanism for resolving domestic conflicts in Pante Ceureumen District, West Aceh, Indonesia. While previous studies have primarily examined *Peusijuek* as a cultural tradition, they have given limited attention to its role as a normative mechanism in the interaction between customary and Islamic law. Employing a qualitative approach within an interpretive paradigm, the study collected data through in-depth interviews with nine informants, participant observation, and document analysis, which were analyzed using thematic coding. The findings reveal that *Peusijuek* operates as a multi-tiered mediation mechanism prior to formal litigation by integrating social, spiritual, and moral dimensions into the reconciliation process while shaping the distribution of authority among families, customary institutions, and the state. From the perspective of living fiqh, *Peusijuek* embodies the values of *islah* and *maqāṣid al-sharī'ah* through local customary practices. The study demonstrates that legal pluralism in Aceh is both complementary and productive, although normative ambivalence remains in cases involving domestic violence. These findings contribute to the development of Islamic family law scholarship and provide practical insights for strengthening community-based dispute resolution within legally plural societies.

This is an open-access article under the [CC BY-SA](#) license.



Corresponding Author:

Aris Nandar

Islamic Family Law Study Program, Faculty of Law, State Islamic University of Malang, Malang, Indonesia

Email: 22402012001@unisma.ac.id

1. INTRODUCTION

Domestic conflict constitutes one of the most complex issues in Islamic family law, as it encompasses not only legal concerns but also psychological, social, moral, and religious dimensions [1], [2]. In practice, family disputes are commonly addressed through mediation procedures provided by the *Mahkamah Syar'iyah* (Sharia Courts) or the Religious Courts before judicial adjudication [3]–[5]. Nevertheless, the effectiveness of formal mediation remains constrained by several limitations. Procedurally oriented legal approaches often fail

4586

<https://doi.org/10.58421/gehu.v5i4.1831>

to address the parties' need to restore interpersonal relationships, rebuild mutual trust, and achieve sustainable reconciliation. Consequently, dispute resolution often culminates in a legal decision that fails to address the underlying causes of family conflict adequately.

From the perspective of Islamic law, the resolution of family disputes is fundamentally aimed at achieving *islah* (reconciliation) [6], [7]. The Qur'an identifies reconciliation as the preferred approach by encouraging the appointment of trusted third-party arbitrators (*hakam*) to facilitate dialogue between disputing spouses [8]. This normative orientation demonstrates that Islamic family law prioritizes the restoration of social harmony rather than adversarial settlement. However, the implementation of this principle within contemporary legal systems is not always optimal, as formal mediation is often constrained by administrative procedures, limited timeframes, and the relatively impersonal relationship between mediators and the disputing parties.

These limitations have led communities in many regions to preserve community-based dispute-resolution mechanisms that enjoy greater social legitimacy. Across many Muslim societies, family disputes are not resolved solely through judicial institutions but also through customary institutions that have long been embedded in local communities [9], [11]. This phenomenon illustrates that legal practice in everyday social life is shaped not only by state law but also by religious and customary norms that derive their authority from collective social recognition.

Aceh represents a particularly illustrative example of this legal configuration. As Indonesia's only province with special autonomy in implementing Islamic law, Aceh exhibits dynamic interactions among state law, Islamic law, and customary law in regulating social life. Within this context, customary law is understood not merely as a cultural heritage but as a normative system possessing both historical and social legitimacy [12]. In cases of domestic conflict, disputes are frequently addressed through customary mechanisms before the parties choose to pursue litigation before the *Mahkamah Syar'iyah* [13]. This practice demonstrates that dispute resolution in Aceh operates within a framework of legal pluralism, in which multiple normative systems coexist and jointly regulate social behavior.

One customary mechanism that continues to be practiced is *Peusijek* [14], [15]. It is widely recognized as a traditional Acehnese ritual that expresses gratitude, invokes blessings, and symbolizes safety and well-being during important life events. Beyond these ceremonial functions, however, *Peusijek* also serves as an integral component of post-conflict reconciliation, including the settlement of domestic disputes. In this context, the ritual serves not merely as a symbolic ceremony but also as a means of conferring social legitimacy on peace agreements reached through deliberation among family members, customary leaders, and religious authorities.

Previous studies have examined *Peusijek* primarily as an element of Acehnese cultural tradition and a symbol of local identity [16], [17]. Other studies have focused on the implementation of Islamic law in Aceh, legal pluralism, and the effectiveness of mediation in family dispute resolution [18]. However, these strands of scholarship generally treat *Peusijek* as a cultural phenomenon or discuss legal pluralism and family mediation separately. Few studies have integrated these perspectives to explain how *Peusijek*

functions as an *islah* mechanism within a plural legal order and how the practice represents the practical realization of Islamic legal values in everyday social life.

Addressing this gap, this study examines *Peusijuek* as a normative pre-litigation *islah* mechanism operating within Aceh's legally plural society. Unlike previous studies that primarily examine *Peusijuek* as a cultural tradition or discuss legal pluralism and family mediation separately, this study integrates legal pluralism and living *fiqh* to explain how customary law, Islamic law, and state law interact in resolving domestic conflicts. It further demonstrates how *Peusijuek* redistributes normative authority among families, customary institutions, and formal legal institutions, thereby extending socio-legal scholarship on Islamic family law.

To clarify the analytical perspective adopted in this study, Figure 1 presents the conceptual framework that guides the analysis. The framework illustrates how customary law (*adat*), Islamic law, and state law interact through a layered mediation process in which the *Peusijuek* ritual functions as a mechanism of socio-spiritual legitimization. This interaction ultimately produces reconciliation (*islah*), social legitimacy, moral transformation, and post-conflict stability.

Accordingly, this study addresses the following questions:

- 1) How does *Peusijuek* function as a pre-litigation *islah* mechanism in resolving domestic conflicts?
- 2) How do customary law, Islamic law, and state law interact in shaping this mechanism?
- 3) How can *Peusijuek* be understood through the perspective of living *fiqh*?

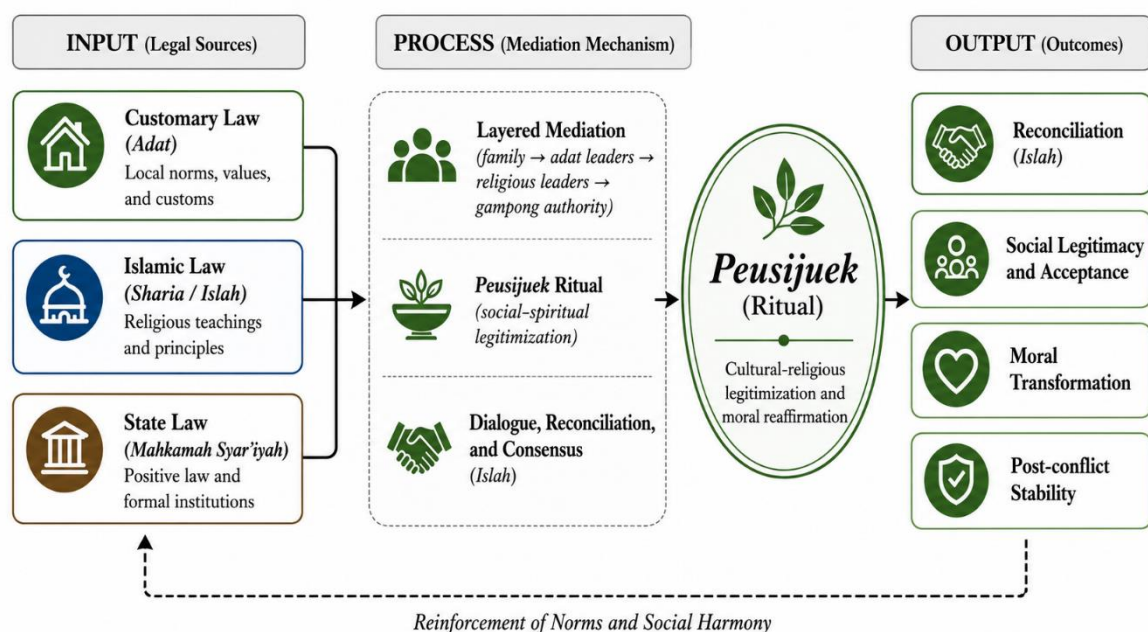


Figure 1. Conceptual Framework of Peusijuek in Legal Pluralism

Figure 1 presents the conceptual framework that guides both the study's design and the thematic analysis of the empirical data. The interaction between customary law, Islamic law, and state law forms the principal analytical dimension, while the layered mediation

process serves as the basis for examining how *Peusijuek* generates reconciliation, social legitimacy, moral transformation, and post-conflict stability.

2. METHOD

This study employed a qualitative research design within an interpretive paradigm to examine *Peusijuek* as a mechanism for resolving domestic conflicts within the framework of legal pluralism in West Aceh [19]. This approach was chosen because the study seeks to understand the meanings attached to social practices, the legitimacy of customary institutions, and the interaction between customary norms and Islamic law in the everyday lives of local communities.

Fieldwork was conducted in January 2026 in the Pante Ceureumen District, West Aceh Regency, Indonesia. The research site was selected purposively because the local community continues to practice *Peusijuek* as part of domestic conflict resolution and maintains customary institutions that remain active in regulating community affairs.

The study involved nine participants, consisting of three customary leaders, two religious leaders, one *keuchik* (village head), two village officials, and one married couple who had previously undergone the *Peusijuek* reconciliation process. The husband and wife were interviewed separately to allow each participant to express their personal experiences freely and to minimize potential response bias. Participants were selected through purposive sampling based on their direct involvement in domestic conflict resolution or their knowledge of the prevailing customary dispute-resolution mechanisms. The number of participants was deemed sufficient, as they represented the key actors involved in customary resolution of domestic conflicts. Data collection continued until thematic saturation was reached, as no substantially new themes emerged from subsequent interviews.

Participation in this study was entirely voluntary. Before data collection commenced, all participants were informed of the study's objectives, the research procedures, and their right to withdraw at any time without consequences. Written informed consent was obtained from all participants. To protect confidentiality, pseudonymous codes were assigned and used consistently throughout the analysis, and all identifying information was removed from the interview transcripts. The study adhered to established ethical principles for social science research throughout the research process.

Data were collected through semi-structured interviews, field observations, and document analysis [20]. Participant observation was conducted during several field visits between January and February 2026. The observations focused on customary deliberation meetings, *Peusijuek* reconciliation ceremonies, and interactions among customary leaders, religious leaders, village officials, and family members involved in the reconciliation process. Detailed field notes were recorded immediately after each observation session and subsequently integrated into the thematic analysis to contextualize and corroborate the interview findings. Each interview lasted between 45 and 120 minutes, was audio-recorded with participants' informed consent, and subsequently transcribed verbatim. To ensure participant confidentiality, pseudonymous codes were assigned throughout the analysis: CL (Customary Leader), RL (Religious Leader), KH (*Keuchik* or village head), VO (Village Official), and MC (Married Couple).

The documentary sources included village customary regulations (*reusam gampong*), minutes of customary deliberation meetings, local administrative documents related to dispute settlement, and relevant legal instruments governing customary institutions and Islamic law in Aceh. These documents were used to complement and verify information obtained through interviews and observations.

The data were analyzed using thematic coding through three sequential stages [21]. First, open coding was conducted to identify initial concepts and categories. Second, axial coding was employed to establish relationships among the emerging themes. Finally, selective coding was undertaken to develop a conceptual framework explaining *Peusijuek* as a manifestation of *living fiqh* within a context of legal pluralism. The credibility of the findings was enhanced through source and conceptual triangulation, by comparing perspectives across different participant groups and by interpreting the findings in light of theories of legal pluralism and Islamic family law.

3. RESULTS AND DISCUSSION

3.1 *Peusijuek* as a Layered Mediation Mechanism within Legal Pluralism

The findings indicate that *Peusijuek* is not performed as an immediate response to every instance of domestic conflict. Rather, it constitutes the final stage of a layered mediation process embedded in the community's social structure. Conflict resolution generally begins at the family level through informal deliberation between spouses and their relatives. When these efforts fail to achieve reconciliation, the process expands to involve customary leaders, religious leaders, and village authorities. Formal legal intervention through state institutions is considered only when community-based mechanisms are unable to resolve the dispute or when the conflict involves serious criminal conduct.

The sequence of the community-based mediation process identified in this study is summarized in Figure 2. The figure illustrates the layered progression of dispute resolution identified from the field data, beginning with family deliberation and extending to customary, religious, and village institutions before the performance of the *Peusijuek* ritual. This process demonstrates that domestic conflict resolution in Pante Ceureumen operates through a gradual mechanism in which different normative authorities become involved according to the nature and severity of the dispute.

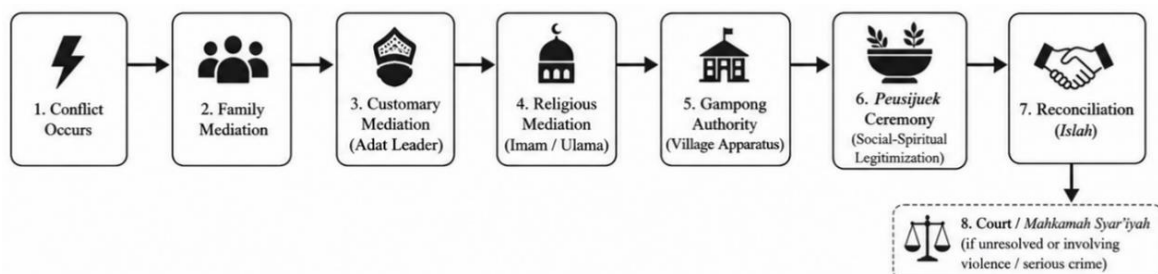


Figure 2. Layered Mediation Process in *Peusijuek* Tradition

A village official (VO-01) explained that community members generally attempt to resolve domestic disputes internally before involving customary institutions:

“Usually, the family tries first to solve the problem. If the problem cannot be resolved, we involve customary leaders and village officials. We do not immediately bring the matter to court because we try to restore the relationship first.”

This statement illustrates that the initial preference for community-based reconciliation is not based on rejecting state law but on the belief that family conflicts should first be addressed through social and relational approaches. The involvement of customary and village authorities occurs when family-level deliberation is insufficient to restore harmony.

A customary leader (CL-01) further explained that a peace agreement is not considered socially complete until the *Peusijuek* ceremony has been performed. According to the participant:

“Without Peusijuek, reconciliation is not yet considered valid under customary law. There is still something unresolved.”

This statement indicates that *Peusijuek* functions beyond a symbolic ritual. It serves as a mechanism for granting community recognition to agreements reached through prior deliberation. Therefore, reconciliation is constructed not only through the mutual agreement of the disputing parties but also through collective acknowledgment by the surrounding community.

The findings reveal that the community applies different levels of intervention according to the seriousness of the conflict. Minor disputes, such as misunderstandings between spouses or temporary family disagreements, are generally addressed through family deliberation without requiring customary intervention. Conflicts that repeatedly occur or affect relations between extended families may involve customary and religious authorities and may culminate in the *Peusijuek* ceremony. However, cases involving serious physical violence, death, or other criminal conduct exceed the authority of customary mechanisms and require consideration of formal legal intervention.

These findings demonstrate that customary law in Pante Ceureumen operates through practical normative thresholds. Different categories of conflict are directed toward different resolution mechanisms based on the severity of the violation and its social consequences. In this sense, customary law does not replace state law; rather, it operates at the community level for dispute resolution before judicial intervention becomes necessary.

This pattern reflects the operation of legal pluralism in Aceh, where customary law, Islamic law, and state law function within overlapping but differentiated spheres of authority. The findings suggest that the interaction among these normative systems is characterized more by functional differentiation than by institutional competition. Customary mechanisms provide socially recognized pathways for reconciliation, Islamic values provide moral foundations for restoring relationships, and state law maintains authority over disputes involving serious legal violations.

Accordingly, *Peusijuek* should be understood not merely as a cultural ritual but as a social institution that performs a legal function through a community-based mechanism of reconciliation. Its significance lies in its ability to connect private family disputes with

broader social and normative structures, allowing reconciliation to obtain both interpersonal acceptance and collective legitimacy.

3.2 The Interaction of Customary and Religious Authority in the Legitimization of *Peusijuek*

The findings demonstrate that the implementation of *Peusijuek* in resolving domestic conflicts derives legitimacy from the interaction between customary and religious authorities. In practice, the reconciliation process involves customary leaders, religious leaders, village officials, and representatives of both families. These actors do not operate independently but contribute different forms of authority: customary leaders provide procedural guidance and social legitimacy, while religious leaders strengthen the moral and religious basis of reconciliation through the principle of *islah*.

One customary leader (CL-02) explained that the resolution process is adjusted according to the severity of the offense. In certain cases, peace agreements are accompanied by customary sanctions or material compensation as a form of accountability toward the injured party. The participant stated:

“If the offense is serious, the offender may be required to provide a goat or even a buffalo as compensation. It depends on the customary agreement.”

This statement indicates that customary mechanisms do not merely aim to end disputes but also seek to restore moral balance between the parties. Customary sanctions function as a collective acknowledgment that wrongdoing has occurred while simultaneously creating a pathway toward reconciliation.

Religious leaders, meanwhile, regarded the *Peusijuek* process as being consistent with the Islamic principle of *islah*. As one religious leader (RL-01) explained, *“The priority is to achieve peace. Islam also encourages islah, so customary practice and religion complement one another.”* The statement illustrates that religious authority does not replace customary mechanisms but provides an interpretive framework that connects local practice with Islamic normative values. For religious leaders, the legitimacy of *Peusijuek* lies in its ability to translate the principle of *islah* into a socially meaningful process of reconciliation.

These findings indicate that the relationship between customary practice and religion within *Peusijuek* is fundamentally complementary. Customary institutions provide the social framework governing conflict-resolution procedures, whereas religious teachings supply the moral and spiritual foundations that strengthen the parties' commitment to maintaining reconciliation. Consequently, the success of the reconciliation process depends not merely on reaching an agreement but also on the shared conviction that the agreement possesses both social legitimacy and religious significance.

From the perspective of legal pluralism, these findings illustrate that law operates not only through state institutions but also through socially recognized normative orders [22]. The interaction between customary law and Islamic law in the practice of *Peusijuek* demonstrates that these normative systems are not mutually exclusive. Rather, they constitute a cooperative normative configuration in which each contributes to regulating

social life. This observation is consistent with legal pluralism scholarship, which views multiple normative orders as capable of functioning simultaneously within a single social arena.

Furthermore, the practice of *Peusijuek* demonstrates that the values of *islah* extend beyond their formulation as normative principles in classical *fiqh*. Instead, they are translated into lived social practices through customary institutions operating within local communities. Reconciliation is realized not only through legal agreements but also through collective prayers, moral advice, forgiveness, and the reaffirmation of mutual commitments. In this way, customary practice serves as a cultural medium through which Islamic legal values are implemented without diminishing the distinctive characteristics of local tradition.

Taken together, these findings suggest that the legitimacy of *Peusijuek* is constructed through the convergence of customary and religious authority. Their synergy produces a mechanism of conflict resolution that is accepted not only for its social legitimacy but also for its religious validity. These findings suggest that the legitimacy of *Peusijuek* emerges from the convergence of customary and religious authority. The effectiveness of this mechanism does not depend solely on reaching an agreement between the disputing parties, but also on the shared recognition that reconciliation has social and religious meaning. Thus, *Peusijuek* illustrates how legal pluralism operates through interaction among different normative orders in addressing family conflicts.

3.3 Spiritual Dimensions and Moral Transformation in the Practice of *Peusijuek*

The findings indicate that *Peusijuek* functions not only as a social mechanism for resolving domestic conflicts but also as a spiritual practice that facilitates the moral transformation of the disputing parties. Once deliberation has resulted in a peace agreement, the *Peusijuek* ceremony symbolizes the restoration of harmonious relationships through prayers, blessings, and collective hopes that the conflict will not recur. Accordingly, reconciliation extends beyond resolving legal or social disputes to encompass the psychological and spiritual well-being of the parties involved.

One participant who had personally experienced the *Peusijuek* process described the ceremony as providing inner peace and serving as a meaningful opportunity to rebuild family relationships. As the participant (MC-01) explained, “After the *Peusijuek* ceremony, it felt as though we were starting over. I felt much more at peace.” This testimony suggests that *Peusijuek* is perceived not merely as a customary ritual but as a reflective process that encourages the formation of renewed commitments within married life. The ceremony thus serves as a turning point, marking the end of the conflict and the beginning of efforts to restore trust between husband and wife.

A similar perspective was expressed by a religious leader (RL-02), who emphasized that *Peusijuek* embodies an important religious dimension because it incorporates prayers and supplications for divine blessings and protection upon families experiencing conflict. As the participant stated, “It is not merely a customary tradition; it is accompanied by prayers and hopes that the family will be restored.” This observation illustrates that *Peusijuek* is understood not as an autonomous cultural tradition but as a medium through

which customary values and Islamic teachings are integrated within the process of family reconciliation.

The spiritual dimension embedded in *Peusijuek* significantly enhances the effectiveness of conflict resolution. Reconciliation is achieved not solely through formal agreements but also through the internalization of religious values such as forgiveness, patience, personal responsibility, and commitment to preserving family unity. These values encourage reflection, forgiveness, and renewed commitment among the parties involved in the reconciliation process. Consequently, the dispute resolution process produces not only an administratively recognized settlement but also a transformation of attitudes oriented toward the long-term sustainability of family relationships.

In this study, living *fiqh* refers to the ways Islamic legal values are interpreted and practiced within particular social and cultural contexts. It emphasizes that Islamic legal principles are not only found in formal texts but are also embodied in everyday community practices

From the perspective of *living fiqh*, these findings demonstrate that the values of Islamic law are not realized exclusively through judicial decisions or formal legal regulations [23]. Rather, they are embodied in socially embedded practices that continue to shape everyday community life. The principle of *islah*, which emphasizes reconciliation as a central objective of Islamic law, is concretely realized through a customary mechanism that derives legitimacy from both communal recognition and religious authority. In this sense, *Peusijuek* represents a localized manifestation of Islamic law that evolves within the cultural context of Acehnese society while preserving the substantive objectives of the *Sharī'ah*.

Furthermore, the findings reveal that the spiritual dimension of *Peusijuek* reinforces the legitimacy of the peace agreement achieved through reconciliation. Collective prayers, moral exhortation, and the participation of religious leaders create a moral bond that is considerably stronger than a purely verbal agreement between the disputing parties. Compliance with the terms of reconciliation is therefore motivated not only by community expectations but also by a deeply rooted religious consciousness, grounded in the belief that preserving family harmony is an integral part of fulfilling Islamic teachings.

Overall, this study demonstrates that *Peusijuek* performs functions that extend well beyond those of a customary ritual. It operates as an instrument of moral transformation, integrating social, cultural, and spiritual dimensions within a unified mechanism of reconciliation. These findings strengthen the argument that *living fiqh* should be understood not merely as the adaptation of Islamic law to local cultural contexts but also as a process through which the normative values of the *Sharī'ah* are internalized and sustained through enduring customary practices that enjoy collective social legitimacy.

3.4 Social Legitimacy and Post-Conflict Stability

The findings indicate that the effectiveness of *Peusijuek* in resolving domestic conflicts depends not only on the success of the mediation process but also on the social legitimacy attached to the ceremony. Peace agreements reached through deliberation gain collective recognition because they are witnessed and acknowledged by customary leaders, religious leaders, village officials, and members of both families. The involvement of these

actors transforms reconciliation from a private agreement between spouses into a socially recognized commitment. Peace agreements reached through deliberation gain collective recognition because they are witnessed by customary leaders, religious leaders, village officials, and members of both families. The involvement of these community actors endows the reconciliation outcome with greater social authority than would a private agreement between the spouses alone.

This social legitimacy serves as a mechanism of social control, encouraging the parties to uphold their commitment to the peace agreement. A village official (VO-02) explained that community recognition after *Peusijuek* encourages couples to maintain their agreement because their families and community members have witnessed the reconciliation process. Following the *Peusijuek* ceremony, spouses perceive themselves as accountable not only to one another but also to their extended families and the wider community that witnessed the reconciliation process. Consequently, the durability of reconciliation relies not solely on individual willingness but also on the moral oversight embedded in the surrounding social environment.

The findings further reveal that *Peusijuek* serves as a mechanism of social reintegration following domestic conflict. Marital disputes often affect not only the relationship between husband and wife but also create tensions between their extended families. Through the *Peusijuek* ceremony, these disrupted social relationships are restored through collective prayers, mutual forgiveness, and the symbolic reintegration of the couple into the community. Reconciliation, therefore, extends beyond the individual level to encompass the restoration of broader social relationships.

From the perspective of legal pluralism, these findings demonstrate that the effectiveness of a dispute-resolution mechanism is determined not only by its formal legal authority but also by the degree of social acceptance it enjoys [24]. *Peusijuek* derives its legitimacy from values embedded in Acehnese society and transmitted across generations. This collective recognition confers normative authority upon the reconciliation process, enabling it to influence the parties' behavior even in the absence of a judicial decision.

Moreover, the findings highlight social legitimacy as a defining feature that distinguishes community-based conflict resolution from litigation. Judicial decisions provide legally binding certainty through formal adjudication, whereas *Peusijuek* fosters compliance through social acceptance and moral commitment. These differences indicate that both mechanisms serve distinct functions rather than representing competing alternatives. Although these mechanisms operate according to different institutional logics, they function as complementary forms of dispute resolution within Acehnese society, each responding to conflicts of varying severity and character.

The study also underscores that post-conflict stability is achieved not merely through the settlement of disputes but through the restoration of social relationships that enable individuals to resume their roles within the family and the broader community. By conferring social legitimacy upon reconciliation, *Peusijuek* creates opportunities for couples to rebuild mutual trust, reduce the likelihood of recurring conflict, and strengthen their relationships with those around them. This finding suggests that customary mechanisms are oriented not

only toward short-term conflict resolution but also toward the long-term preservation of social cohesion.

Overall, the findings demonstrate that *Peusijuek* performs functions extending well beyond those of a peace ritual. It constitutes a social institution that reinforces the legitimacy of reconciliation, strengthens community-based social control, and contributes to the stability of both family and community relationships. These findings enrich the scholarship on Islamic family law by demonstrating that successful conflict resolution depends not only on legal validity but also on a dispute-resolution mechanism's capacity to secure trust, legitimacy, and collective recognition within the community in which it operates.

3.5 *Peusijuek* as a Manifestation of *Living Fiqh* within the Configuration of Legal Pluralism

The findings demonstrate that *Peusijuek* represents a form of living *fiqh* in which Islamic legal values are interpreted and practiced through locally embedded customary institutions. Rather than existing only as abstract legal principles, values such as *islah*, forgiveness, and the preservation of family harmony are transformed into social practices through customary reconciliation mechanisms in Acehese communities.

The study further reveals that *Peusijuek* serves as a point of convergence between customary values and the principles of Islamic law. On the one hand, it preserves modes of dispute resolution rooted in Acehese tradition. On the other hand, the entire reconciliation process is directed toward realizing the principle of *islah*, one of the foundational objectives of Islamic family law. Accordingly, the relationship between customary practice and the Shari'ah is characterized neither by subordination nor by conflict but by functional complementarity in the pursuit of family reconciliation.

Viewed through the lens of legal pluralism, these findings reinforce the proposition that the coexistence of multiple legal systems within a single social setting does not necessarily give rise to jurisdictional conflict. Rather, the practice of *Peusijuek* demonstrates that customary law, Islamic law, and state law interact in accordance with their respective institutional functions. Customary law provides social legitimacy for peace agreements; Islamic law provides the moral and religious foundations through the principle of *islah*; and state law assumes authority when disputes involve criminal conduct or legal violations that exceed the capacity of community-based mechanisms. Viewed through the lens of legal pluralism, the practice of *Peusijuek* illustrates that customary law, Islamic law, and state law interact through both complementarity and negotiation. These normative orders perform different functions: customary law provides socially recognized procedures for reconciliation, Islamic law provides moral and religious foundations, while state law establishes boundaries for disputes that require formal intervention.

More importantly, this study demonstrates that *Peusijuek* constitutes a concrete manifestation of *living fiqh*, the practical realization of Islamic legal values through socially embedded practices. The normative values of the Shari'ah are expressed not only through legislation or judicial decisions but also through customary institutions that enjoy collective legitimacy. Collective prayers, moral guidance, deliberation, and the shared commitment to

preserving family unity illustrate how Islamic legal principles are internalized through local cultural practices without compromising their normative substance.

These findings also broaden the prevailing understanding of *living fiqh*, which has often been interpreted primarily as the adaptation of Islamic law to local culture. The present study argues that *living fiqh* also functions as a mechanism for distributing authority in conflict resolution [25]. *Peusijuek* is not merely a cultural expression; it delineates the boundaries of authority among families, customary institutions, and the state in addressing domestic disputes. In this way, customary practice not only implements Islamic legal values but also structures a normative order of conflict resolution that is socially recognized and widely observed.

The principal contribution of this study lies in demonstrating that the effectiveness of *Peusijuek* does not derive solely from its ritual character but from its capacity to integrate social legitimacy, religious values, and deliberative processes into a coherent system of conflict resolution. This integration enables *Peusijuek* not only to restore relationships between spouses but also to strengthen ties between extended families and preserve social stability within the community. The findings, therefore, illustrate how Islamic family law may be actualized through locally grounded mechanisms that enjoy broad community acceptance while remaining faithful to the fundamental principles of the Shari'ah.

Conceptually, this study proposes that *living fiqh* should be understood not merely as Islamic law as it is practiced in society, but as a dynamic process of dialogue among religious norms, customary norms, and state law in constructing context-sensitive mechanisms of conflict resolution. This perspective advances Islamic family law scholarship by demonstrating how legal pluralism can generate effective, socially legitimate forms of reconciliation by integrating local wisdom and the normative values of the Shari'ah.

3.6 Ambivalence and the Limitations of *Peusijuek* in Cases of Domestic Violence

Although the findings demonstrate that *Peusijuek* functions as an effective mechanism of reconciliation in resolving domestic conflicts, they also reveal important limitations when disputes escalate into domestic violence that threatens the safety and well-being of victims. In several cases, community members continue to prioritize customary dispute-resolution mechanisms even after incidents of physical violence have occurred. This finding suggests that the reconciliatory orientation that constitutes the principal strength of *Peusijuek* may also become a source of normative tension when applied to cases requiring stronger legal protection and state intervention.

One keuchik (village head) explained that customary settlement generally remains the preferred course of action as long as the conflict has not resulted in death. As the participant (KH-01) stated, "Once blood has been shed, the *Peusijuek* customary process becomes obligatory." This statement indicates that, in community practice, customary reconciliation frequently constitutes the initial stage of dispute resolution before the matter is considered for formal legal proceedings. While this reflects the community's strong confidence in customary institutions to restore social harmony, it also raises concerns about potential delays in providing timely legal protection for victims of domestic violence.

The findings further demonstrate that the primary objective of *Peusijuek* is to restore family harmony and repair disrupted social relationships. In many instances, this approach successfully prevents conflicts from escalating into divorce or prolonged hostility between extended families. However, when disputes involve physical abuse or other forms of domestic violence, an excessive emphasis on reconciliation may shift attention away from victim protection toward the restoration of social harmony. As a consequence, the rights and interests of victims may receive insufficient consideration when the pursuit of reconciliation is prioritized over the enforcement of their legal protections.

From a legal pluralist perspective, these findings illustrate that the relationship between customary law and state law is not always free of tension. Although the two normative systems frequently operate in complementary ways, certain categories of disputes require clearly defined jurisdictional boundaries. Domestic violence represents one such category, where the intervention of the state is essential to ensure victim protection through the application of positive law. Accordingly, customary mechanisms should not be regarded as substitutes for the formal justice system but rather as complementary institutions whose operation must not compromise victims' rights to legal protection.

The study also reveals power dynamics that warrant careful consideration in community-based reconciliation processes. Within social structures that continue to be influenced by patriarchal norms, collective pressure to preserve family unity may constrain victims' autonomy, particularly that of women, in determining whether reconciliation genuinely reflects their wishes. The decision to reconcile may therefore be shaped not solely by personal choice but also by prevailing social expectations that treat family cohesion as a collective interest. Consequently, the effectiveness of *Peusijuek* should be evaluated within its social context while remaining attentive to the principles of equality, justice, and the protection of vulnerable individuals.

Nevertheless, these limitations do not diminish the significance of *Peusijuek* as a community-based mechanism of conflict resolution. Rather, they underscore the importance of developing a more integrated relationship between customary institutions and the formal legal system. Such integration would allow dispute resolution to preserve the values of deliberation and reconciliation while simultaneously ensuring that all forms of domestic violence are addressed in accordance with the principles of victim protection and applicable legal standards.

Overall, this study concludes that *Peusijuek* constitutes an effective mechanism of reconciliation when applied to conflicts amenable to peaceful settlement. However, in cases involving domestic violence, the practice must be situated within a framework of legal pluralism that recognizes the indispensable role of state intervention in safeguarding victims' rights. These findings suggest that the successful integration of customary law, Islamic law, and state law depends not only on their collective capacity to foster reconciliation but also on their shared commitment to ensuring substantive justice for all parties.

4. CONCLUSION

This study demonstrates that *Peusijuek* functions beyond a customary ritual and operates as a pre-litigation *islah* mechanism for resolving domestic conflicts within Aceh's

plural legal environment. The findings show that conflict resolution occurs through a layered process involving families, customary institutions, religious authorities, and, when necessary, the state legal system. Within this framework, *Peusijuek* provides social and moral legitimacy to reconciliation agreements while illustrating the interaction among customary law, Islamic law, and state law in addressing family disputes.

Theoretically, this study contributes to legal pluralism and Islamic family law scholarship by demonstrating that living *fiqh* is not merely the adaptation of Islamic law to local culture but also a dynamic process through which Islamic legal values are interpreted and practiced within specific social contexts. The practice of *Peusijuek* illustrates how the principles of *islah* and family preservation are transformed into lived practices through the interaction of religious norms, customary institutions, and community recognition.

Practically, the findings suggest that customary leaders should continue to strengthen reconciliation practices while ensuring that customary mechanisms remain consistent with principles of justice and victim protection. Religious leaders can contribute by providing ethical and religious guidance that emphasizes both reconciliation and accountability. Meanwhile, judicial authorities should develop constructive engagement with customary institutions by recognizing their social significance while maintaining clear boundaries in cases involving domestic violence or other serious legal violations.

This study also has several limitations. The research involved a relatively small number of participants and was conducted in only one district, namely Pante Ceureumen, West Aceh. Therefore, the findings reflect a specific social and cultural context and should not be generalized to all Acehnese communities without further investigation. In addition, the study primarily examined the perspectives of customary and community actors, while the experiences and voices of victims involved in customary reconciliation processes require further exploration.

Future research may extend this study through comparative analyses across different districts in Aceh or other Muslim societies that maintain community-based reconciliation mechanisms. Further studies focusing specifically on victims' experiences, gender dynamics, and the relationship between customary reconciliation and formal legal protection would provide deeper understanding of how plural legal systems can promote both social harmony and substantive justice.

REFERENCES

- [1] M. Z. Muttaqin, A. I. Izzi, R. F. Nazar, S. W. T. Arifin, and M. Y. Sandra, "Family Harmony in Contemporary Islamic Law: Ibn 'Āshūr's Maqāsid Perspective on Marital Rights and Duties," *MILRev Metro Islam. Law Rev.*, vol. 5, no. 1, pp. 61–79, 2026.
- [2] D. Putra and N. Acela, "Human Rights Protection in the Islamic Family Law: A Case Study Concerning Domestic Violences," *El-Usrah J. Huk. Kel.*, vol. 6, no. 1, pp. 1–16, 2023.
- [3] E. S. Syafei and S. Djazimah, "Mediation In Settlement of Joint Marital Property Disputes: Study At Tanjung Karang Religious Court, Lampung," *Samarah J. Huk. Kel. dan Huk. Islam*, vol. 5, no. 2, pp. 867–891, 2021.
- [4] D. Dharmayani, A. Hermanto, I. N. Hidayat, R. Rakhmat, and A. Setiawan, "The Urgency of Mediation of the Religious Courts System on Islamic Law Perspective," *J. Mahkamah Kaji. Ilmu Huk. Dan Huk. Islam*, pp. 15–30, 2022.
- [5] L. Lubis and S. Nasution, "Islamic communication strategies of mediators at the Mahkamah Syar'iyah in mediating divorce cases," *Islam. Commun. J.*, vol. 10, no. 2, pp. 239–262, 2025.

- [6] D. Rahim, "The Dialectic of Ishlah Principle: Contextualizing Reconciliation on the Dominant Factors of Divorce," *SIGn J. Huk.*, vol. 7, no. 1, pp. 406–420, 2025.
- [7] D. Novita, M. Sar'an, A. A. Ridwansah, S. Suharyono, and H. Ardiansyah, "Family Conflict Disclosure on Social Media in Islamic Law: Islah as a Reconciliation Mechanism," *Al-Istinbath J. Huk. Islam*, vol. 10, no. 1, pp. 443–458, 2025.
- [8] S. Allie, "Exploring the concept of conciliation (sulh) as a method of alternative dispute resolution in Islamic law," 2020.
- [9] J. Jones, "Muslim Alternative Dispute Resolution: Tracing the Pathways of Islamic Legal Practice between South Asia and Contemporary Britain," *J. Muslim Minor. Aff.*, vol. 40, no. 1, pp. 48–66, 2020.
- [10] A. S. Sarmadi, A. Hafidzi, M. Mohlis, O. Yunin, and M. Korniienko, "Negotiating Islamic Law and Customary Practice: Fiqh al-Aqalliyyat and Restorative Justice in Banjar Inheritance Disputes," *J. Ilm. Al-Syir'ah*, vol. 23, no. 2, pp. 279–296, 2025.
- [11] A. Salim, *Contemporary Islamic law in Indonesia: Sharia and legal pluralism*. Edinburgh University Press, 2015.
- [12] F. M. Kasim and A. Nurdin, "Study of sociological law on conflict resolution through Adat in Aceh community according to Islamic law," *Samarah J. Huk. Kel. dan Huk. Islam*, vol. 4, no. 2, pp. 375–397, 2020.
- [13] N. Khoiri and A. Nasution, "H} ad} ānah conflict resolution through litigation: analysis of sharia court decisions in Aceh".
- [14] R. Rachmatsyah, S. Sukirno, and U. Usman, "Integration of Character Education Values for Students through Learning Peusijek Traditions Based on Local Wisdom," *AL-ISHLAH J. Pendidik.*, vol. 15, no. 1, pp. 1119–1126, 2023.
- [15] M. Marpuah, J. Saepudin, A. Khalikin, R. Reslawati, W. Wakhid, and S. Sugiyarto, "Peusijek Tradition in Aceh Society Integrity of Religious Values and Local Culture," in *4th International Conference on Linguistics and Culture (ICLC-4 2023)*, Atlantis Press, 2024, pp. 375–381.
- [16] B. Ali, I. M. Weni, and W. Wiyani, "The Peusijek Tradition as a Social Communication Media in the People of Aceh, Indonesia," *Int. J. Adv. Sci. Res. Eng.*, vol. 6, no. 6, pp. 7–19, 2020.
- [17] A. Ramadhan, K. Hasan, D. Syahputra, A. Permata, and M. Ummi, "The Value of Local Wisdom Within The Acehnese Culture On Peusijek Tradition," in *Proceedings of International Conference on Social Science, Political Science, and Humanities (ICoSPOLHUM)*, 2024, p. 9.
- [18] M. Djawas, A. Nurdin, M. Zainuddin, I. Idham, and Z. Idami, "Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism," *Hasanuddin Law Rev.*, vol. 10, no. 1, pp. 64–82, 2025.
- [19] W. M. Lim, "What is qualitative research? An overview and guidelines," *Australas. Mark. J.*, vol. 33, no. 2, pp. 199–229, 2025.
- [20] B. T. Khoa, B. P. Hung, and M. Hejsalem-Brahmi, "Qualitative research in social sciences: data collection, data analysis and report writing," *Int. J. Public Sect. Perform. Manag.*, vol. 12, no. 1–2, pp. 187–209, 2023.
- [21] V. Clarke and V. Braun, "Thematic analysis," *J. Posit. Psychol.*, vol. 12, no. 3, pp. 297–298, 2017.
- [22] M.-M. Kleinhans and R. A. Macdonald, "What is a critical legal pluralism?," *Can. J. Law Soc. Rev. Can. Droit Société*, vol. 12, no. 02, pp. 25–46, 1997.
- [23] A. Hamid, A. Fakhriana, F. A. Aziz, and M. C. Mursid, "Living Islamic Law in Indigenous Communities in Indonesia: Integration of Fiqh in the Tradition of Mu'amalah of the Muslim Community of Banjar," *Law Rev.*, vol. 1, no. 1, pp. 90–103, 2022.
- [24] R. A. Yusoph, "Hybridizing Justice: Cultural Legitimacy and the Limits of Traditional Dispute Resolution in Lanao del Sur, the Philippines," *Asian J. peacebuilding*, vol. 13, no. 2, pp. 207–230, 2025.
- [25] A. R. Wahid, "Distribution of Inheritance Among Different Religions: A Perspective from Islamic Sociology of Law Atho'Mudzhar," *Al-Syakhsiyyah J. Law Fam. Stud.*, vol. 7, no. 1, pp. 103–126, 2025.