


Customary Sanctions in the Perspective of *Fiqh*: Local Wisdom and Social Harmony in North Aceh

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Abstract

The customary law practiced within a community reflects a system of values and norms passed down through generations. One such regulation is the prohibition of activities such as farming, gardening, and fishing on certain days particularly on Fridays as a form of respect for the obligation of performing Friday prayers. This study aims to examine the philosophical foundations, alignment with Islamic jurisprudence (*fiqh*), and the effectiveness of the implementation of customary sanctions in North Aceh Regency. The study reveals the complex interaction between traditional customs and the principles of Islamic law in the formulation of these sanctions. The research employs an empirical juridical method, with a normative approach focusing on the analysis of customary legal norms prevailing in the local community. The subjects were selected through purposive sampling, involving interviews with religious leaders (ulema), traditional leaders, *mukim*, customary institutions, and the local community of North Aceh. The findings indicate that the philosophical rationale behind the formulation of customary sanctions in North Aceh aligns with *fiqh* principles, aiming to preserve traditional values and local culture as integral components of community life. These sanctions are based on principles of justice, solidarity, social responsibility, and social order, with the goal of restoring communal harmony disrupted by violations of local norms. The formulation process involves collaboration between Islamic scholars and traditional leaders through the study of Islamic texts, the Qur'an, and Hadith, alongside discussions about local customary practices. The implementation of customary sanctions is considered effective, as it continues to be respected and upheld by the community. However, challenges persist in the form of declining knowledge and concern among younger generations regarding customary law. This study recommends the preservation of customary values rooted in Islamic principles through educational and participatory approaches across generations.

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INTRODUCTION

Customary law is an integral part of the Indonesian national legal system that lives and develops dynamically in the community (Wijatmoko et al., 2023). As a form of living law, customary law reflects local values, social norms, and cultural traditions that have been passed down from generation to generation. Its existence is not only limited to the historical dimension, but is also still actively implemented as a mechanism for conflict resolution and social control. Several studies such as those conducted by Soetandyo Wignjosoebroto and Muhammad & Almira Ahmad show that customary law plays a significant role in filling the void formal law and reflecting substantive justice that is in accordance with the local context law (Wignjosoebroto, 2002) (Muhammad & Ahmad, 2024). However, in practice, the existence of customary law often faces challenges, especially when dealing with the principles of national law and human rights stipulated in the constitution. In some areas, the implementation of customary law has even generated controversy because it is considered discriminatory or irrelevant to the times, as reflected in criticism of some customary practices in Papua, Kalimantan and other parts of Eastern Indonesia

(Lindsey & Nicholson, 2016).

In particular, in North Aceh as a region that uses special autonomy based on Islamic law, customary law is still very strong in regulating the social life of the community. Some forms of customary law practices such as the Abstinence to Sea and Abstinence to go to the farm (field) on Fridays, as well as the *Khanduri Laot* traditional ceremony, not only function as cultural heritage, but also as instruments of social control that have binding force (Manan, 2016). These traditions regulate the prohibition of fishing or farming activities on Fridays to encourage the performance of Friday prayers, and violators are subject to customary sanctions in the form of slaughtering animals or making traditional food as a form of moral responsibility (Johan, 2024). Although this practice is still preserved by the community, there is a gap between the expected values and the reality on the field. For instance, some residents feel burdened by customary sanctions that are collective in nature and disproportionate, or view them as conflicting with civil rights such as freedom of expression and freedom of activity. In a study by Jamhir, it was found that 32% of respondents in North Aceh considered the customary sanctions imposed to be too severe and inconsistent with the principle of individual justice (Jamhir, 2020). This indicates a tension between efforts to preserve customary law and the need to ensure the protection of citizens' rights in the modern era.

Beyond that, a crucial issue that arises is how to preserve customary law as part of cultural heritage and a means of social control, while maintaining harmony with Islamic legal principles and civil rights within the framework of a constitutional state (Ajis, 2019). On one hand, the Acehnese community perceives customary law as a reflection of collective identity and an expression of local religiosity that must be safeguarded. On the other hand, many in society—including academics and legal activists—question the compatibility of customary law with universal values such as equality, individual justice, and the rule of law (Hairumini et al., 2016). When the implementation of customary sanctions results in injustice or social tension, a critical evaluation of the substance, mechanisms, and relationship between customary law and other legal norms becomes necessary. Therefore, this study aims to provide a deeper analysis of the complex relationship between customary law, Islamic Sharia, and national law, and explores how these three can interact synergistically without negating one another (Hidayah, 2024).

The urgency of this study becomes increasingly significant in the context of cultural preservation and the development of a legal framework that is responsive to the needs of local communities. Given Aceh's unique position within Indonesia's national legal constellation, understanding the dynamics between custom, religion, and the state is key to formulating inclusive and equitable legal policies (Kloos, 2015). This study also contributes to the discourse on Islamic law and customary law, and can serve as a reference for local governments in drafting regulations based on local wisdom that do not conflict with constitutional principles. By highlighting living customary practices in North Aceh, this article seeks to demonstrate that cultural preservation does not have to come at the expense of civil rights or Islamic values—on the contrary, both can reinforce each other when approached through a contextual and participatory framework (Inagurasi et al., 2025).

Previous research conducted by Nurdin and Ridwansyah on the relationship between customary law and Qanun Sharia in Aceh shows that integration between custom and Islamic law can be achieved through a selective recognition approach, in which only customary practices aligned with the *maqāṣid al-syarī'ah* are accommodated in regional regulations (R. Nurdin & Ridwansyah, 2020). Meanwhile, another study by Fadli and Mahmud revealed tensions between customary elites and religious leaders in determining the validity of certain customary sanctions (Mahmud et al., 2024). This article differs by placing greater emphasis on a sociological analysis of community resistance to customary sanctions perceived as unjust, and by proposing a model of legal harmonization based on substantive justice and social reconciliation. Therefore, the novelty of this article lies in its focus on the dilemma between preserving customary law and protecting civil rights within a plural legal system grounded in Sharia.

Based on this description, the problem formulations raised in this study are: How customary

law can be maintained as a cultural heritage and a means of social control, How can customary law be harmonised with the principles of Islamic law and civil rights within the framework of the rule of law? This study aims to review the existence and practice of customary law in North Aceh through a juridical-sociological approach, and to offer a conceptual framework that allows for synergy between customary law, Islamic law, and a just national legal system.

METHODS

This research used a qualitative method with normative and empirical juridical approaches. The qualitative method was chosen to explore in depth how customary law is practiced in society, particularly in the context of social dynamics and local values (Miles et al., 2014). This method was used to analyze the issue of the applicability and effectiveness of customary law in the daily lives of the people of North Aceh, as well as how it interacts with formal law and Islamic values (Kowalczyk et al., 2021). The research was conducted in North Aceh District, specifically in several *Gampong* (villages) that still actively enforce customary sanctions in community life. This location was chosen because North Aceh is known as one of the regions that is relatively strong in maintaining its customary law structure to this day. The research was conducted over a period of two months, with regular and in-depth field visits. The approaches used are normative, empirical, conceptual and philosophical (Creswell & Creswell, 2018). The normative approach is used to examine the applicable customary law regulations and examine their relationship with national law and Islamic law. The empirical approach is used to examine the implementation and dynamics of customary law in the field. Meanwhile, the conceptual and philosophical approaches are used to critically understand the legal values underlying customary practices, as well as to evaluate the social impact and justice of the implementation of the law in a pluralistic society.

Primary data sources were obtained through participatory observation and interviews with traditional leaders, religious leaders, village officials, and residents who had experienced or witnessed the application of customary sanctions. A total of four key informants were planned to be interviewed, but only three could be interviewed, while one traditional leader refused to be interviewed for personal reasons. Interviews were conducted in a free-flowing manner, to allow for broad expression while remaining focused on topics such as the types of customary sanctions that apply, the decision-making process in adat sessions, and the community's views on the application of customary law. Informants were selected based on their position in adat structures or because of their direct involvement in customary practices. Observations were made by directly attending *Gampong* deliberation activities and open customary decision-making. Authors also followed the interaction of residents in their daily lives related to customary prohibitions, such as the prohibition of visiting members of the opposite sex. Observations were conducted in a participatory manner while maintaining the ethics and position of the researcher as an outsider. Secondary data sources were obtained from customary documents, the results of *gampong* deliberations, Islamic law, as well as other legal materials such as Law No. 11/2006 on the Government of Aceh, academic literature, and relevant legal journals.

Data validity was tested through triangulation techniques, comparing interview results with observations and available customary law documents (Frost & Frost, 2011). In addition, confirmation of interim results was made to informants to ensure the accuracy of data interpretation. Data were analyzed qualitatively through a process of data reduction, thematic categorization and in-depth interpretation to formulate conclusions about the extent to which customary law is effectively applied and what factors influence its acceptance in contemporary society.

RESULTS AND DISCUSSION

The Existence of Customary Law in North Aceh.

North Aceh, as a region rich in cultural heritage, has traditions and that are still deeply rooted in the lives of its people. Various forms of traditions can be found, ranging from typical religious practices, marriage ceremonies, to dispute resolution at the *Gampong* level (Mawardi et al., 2022).

History records that customary law in Aceh has long been a guideline in regulating social interactions and maintaining community harmony. Forms of local wisdom are reflected in the values of *gotong royong* ‘mutual cooperation’, deliberation for consensus, and respect for Islamic religious norms that are the main foundation of community life. Social harmony in North Aceh is realized through customary mechanisms that prioritize peaceful resolution and restoration of good relations between community members (Amalia & Deni, 2023).

Based on the results of an interview with Tgk H Abdul Manan, Chairman of the North Aceh MPU, he explained that forms of local wisdom of the Acehnese people are strongly reflected in the practice of mutual cooperation ‘*gotong royong*’ such as community service to build *meunasah* and help neighbours in celebrations, deliberation for consensus conducted in the village hall to resolve social problems, and high respect for Islamic religious norms which are always the main reference in decision making. The ulema emphasised that social harmony in North Aceh is maintained thanks to customary mechanisms that prioritise peaceful resolution through customary institutions such as *tuha peut* and *imum mukim*, so that any conflict is directed more towards restoring relationships, rather than retaliation (Apriansyah et al., 2023).

One of the customs that is still preserved is the wedding feast *kenduri*, this is a traditional tradition that has high philosophical value. Apart from being a form of wedding celebration, this *kenduri* aims to strengthen friendship between families, relatives and the community (Haditiar et al., 2024). This tradition involves a process of family deliberation ‘*duek pakat*’ to consensus at the *Gampong* level, which emphasizes the importance of togetherness and mutual help in the community. An interview with Mr Ilyas Geusyiek, Tanah Luas Sub-district, North Aceh, revealed that the *kenduri* process begins with family *duek pakat* ‘sitting in consensus’ (Muliari et al., 2024). *Duek pakat* or sitting in deliberation by calling all heirs to inform them that a *kenduri* will be held, and plan further preparations. In this *duek pakat*, it will be determined whether the marriage *kenduri* will be held simply or on a large scale. The philosophy contained in this custom is in line with Islamic values, which emphasize *ta’āwun* ‘helping each other’ as Allah says in Surah Al-Mā’idah Verse 2, “And help each other in (doing) righteousness and piety”. Then in the hadith of the Prophet Muḥammad From Abū Hurairah said, the Prophet said, “Allah will always help a servant as long as that servant helps his brother”. *Kenduri* is not only considered a social obligation, but also a reflection of individual and community dignity. Violation of this tradition is seen as a disregard for the value of togetherness, so customary sanctions, such as counter *kenduri*, are often carried out to restore social harmony (Anis & Subandi, 2019).

Forms of Customary Sanctions in North Aceh

Customary sanctions in North Aceh take various forms, depending on the type of offence and its impact on the community. Some forms of sanctions found in this research include; First, sanctions are symbolic and spiritual. This sanction is in the form of an *apam kenduri* imposed on violators of the prohibition of going to the rice fields or fishing on Fridays (A. A. Nurdin, 2016). The prohibition of going to the fields or sea on Friday is a tradition based on respect for Friday as *sayyidul ayyam* ‘the leader of all days’, as mentioned in the hadith, “The most honorable day in the sight of Allah is Friday”. According to Tgk H. Abdul Manan, Chairman of the North Aceh MPU, this prohibition aims to ensure that the community focuses on Friday prayers, considering that negligence in performing Friday prayers is considered to incur the wrath of Allah and has the potential to invite disaster. Therefore, violators of this tradition are subject to sanctions in the form of *kenduri apam* ‘pancakes’. This sanction is not only a punishment, but also a form of charity, as the Prophet Muhammad said, “Charity can ward off harm and prolong life”.

The underlying philosophy of customary sanctions in North Aceh prioritises *maṣlaḥah*, the benefit of the community. These prohibitions are believed to maintain a balance between the performance of religious obligations and socio-economic activities (Yunus, 2020). By complying with these rules, the community believes that their agricultural produce and fish catches will be blessed. As a fiqh rule states, “The custom of the community is the basis of the law to be followed”.

This rule teaches the flexibility of Islam in respecting local traditions as part of community culture. However, the main requirement is that these traditions must not contradict the principles of Sharia. This shows the beauty of Islamic teachings that can adapt to various cultures without losing the essence of its teachings (Berutu & Pascasarjana, 2016).

The tradition of the prohibition of going to rice fields, gardening, and fishing on Friday in North Aceh is a form of local wisdom based on the principles of justice, *maṣlahah*, and the maintenance of religious values (Nurbaiti et al., 2019). The sanctions applied do not only aim to punish, but also to maintain social harmony, ward off bad luck, and preserve traditions that have been passed down from generation to generation. This philosophy reflects the depth of the relationship between adat and sharia in the lives of the people of North Aceh, as well as a reflection of their faith and adherence to Islamic teaching (Yusuf, 2019).

Second, social sanctions. Social sanctions take the form of reprimands, advice, social boycotts (not attending the offender's *kenduri*), to ostracism or expulsion from the community for more serious offences such as adultery or repeated violations of customary norms (Andriyadi, 2021). The findings on the application of social sanctions in North Aceh show that the community not only adheres to the rules of state law, but also simultaneously implements customary norms and religious teachings in managing social life. Social sanctions given to norm violators, especially in serious cases such as adultery or repeat offences, reflects the existence of informal social control mechanisms rooted in religious values and local wisdom (McFate, 2018).

In the perspective of the sociology of law, social sanctions are an effective form of non-formal social control in communities with strong communal ties. According to Soerjono Soekanto, social control is a mechanism used by society to discipline and supervise the behaviour of its members, which can be in the form of formal or non-formal control. In the context of North Aceh society, sanctions such as reprimands, advice, and ostracisation are not merely repressive measures, but educative means to foster and return the perpetrator to the prevailing norms (McFate, 2019).

This approach is in line with the principle of '*amar ma'rūf nahi munkar*' in Islam, which is to encourage good deeds and prevent bad deeds (Tan et al., 2022). Community actions that provide social sanctions with the intention of improving, not hating, are part of *da'wah bi al-ḥāl* (da'wah through action). This was confirmed by Tgk. Zainal Abidin who emphasised that if reprimands and boycotts are carried out with the aim of improving society and preventing moral damage, then it includes worship and a form of obedience to Allah. Allah said in Surah Āli 'Imrān verse 110, "*You are the best people born for mankind, enjoining the good and forbidding the evil, and believing in Allah*". This verse confirms that Muslims are commanded to be active in '*amar ma'rūf nahi munkar*'. This verse is not only a normative foundation, but also a theological basis that legitimizes the social actions of the people of North Aceh as a form of implementation of Islamic teachings in real life.

Thus, it can be said that the synergy between customary norms and Islamic values in the form of social sanctions in North Aceh is a manifestation of a religion- and culture- based social system. This system strengthens community solidarity, maintains moral stability, and upholds noble values that live in the community (Fahmi, 2012).

Third, economic sanctions. Material fines, often in the form of livestock (e.g. goats for a peace offering in cases of maltreatment or *khalwat*) or medical expenses for the victim. Material fines in this context are a form of restorative social sanction (Yusuf, 2019). In the sociology of law theory, mechanisms like this serve to repair social relations damaged by offences. Soekanto asserts that non- formal sanctions have high effectiveness in communities with strong social ties because they are implemented on the basis of collective consciousness (Soekanto, 1977). This approach is also in line with the concept of restorative justice, which emphasises restoration rather than punishment. Zehr explains that the restoration of relationships between perpetrators and victims, as well as community involvement, are at the core of restorative justice (Zehr, 2015). Thus, the mechanism of material fines and peace *kenduri* in North Aceh not only shows the sustainability of local wisdom, but also harmonises with Islamic principles and social justice values.

Fourth, physical sanctions (mass punishment). Although controversial and not always an official part of the customary mechanism, in some cases of *khalwat* offences, mass punishments such as beatings or sewer baths were found to be carried out by the local community before the perpetrators were handed over to the *gampong*. The research found that in some cases of violations of customary norms, especially *khalwat* offences, the people of North Aceh still practice a form of mass corporal punishment (Andriyadi, 2021). This form of sanction includes a light beating by a group of residents or humiliating the perpetrator by forcing him to bathe in a ditch in public. This punishment is carried out spontaneously by the surrounding community who feel angry and offended by the offence, before the perpetrator is handed over to the *gampong* or resolved through customary deliberation (Birchok, 2016).

Although this practice is not an official part of formally regulated customary procedures, its existence cannot be ignored as it still occurs in certain situations, especially when the community feels that honour values have been openly violated. This is as Soekanto states that if the social control mechanism loses balance and is carried out emotionally or without fair procedures, it can shift from a coaching function to a form of violence that violates legal and moral norms themselves (Soekanto, 1977).

Therefore, while this practice demonstrates the community's strong moral reaction to violations of sexual or religious norms, its resolution should still be channelled through adat or *gampong* institutions that have the authority and procedures for resolution that are more humane and educative.

The Philosophy of Customary Sanctions in North Aceh

The philosophy underlying the formulation and application of customary sanctions in North Aceh is closely related to local wisdom values and Islamic principles. The main purpose of customary sanctions is to maintain social harmony, uphold justice, and maintain balance in society, in line with *maqāṣid al-syarī'ah* 'the objectives of Islamic law', namely protecting religion, soul, mind, offspring, and property (Nurbaiti et al., 2019).

First, Prohibition of Gardening, Rice Fields, and Fishing on Certain Days and Dates. The philosophy behind this prohibition is respect for Friday as a noble day in Islam (Maulina et al., 2023). The sanctions imposed on the *apam kenduri* are aimed at *maṣlaḥah* 'benefit', i.e. maintaining a balance between religious obligations and economic activity. This tradition also reflects the rules of *fiqh*. The prohibition of going to the fields or fishing on Friday is a tradition based on respect for Friday as the *sayyidul ayyam* 'leader of all days', as mentioned in the hadith, "The most honourable day in the sight of Allah is Friday". This prohibition aims to ensure that the community focuses on Friday prayers, as negligence in performing Friday prayers is considered to incur the wrath of Allah and potentially bring disaster. Therefore, violators of this tradition are sanctioned with a *kenduri apam* 'pancake'. This sanction is not only a punishment, but also a form of charity (McFate, 2019).

The underlying philosophy of customary sanctions in North Aceh prioritises *maṣlaḥah*, the benefit of the community. These prohibitions are believed to maintain a balance between the performance of religious obligations and socio-economic activities (Novrita et al., 2025). By complying with these rules, the community believes that their agricultural produce and fish catches will be blessed. As a *fiqh* rule states, "Almsgiving can ward off bad luck and prolong life". This rule teaches the flexibility of Islam in respecting local traditions as part of community culture. However, the main requirement is that these traditions must not contradict the principles of Sharia. This shows the beauty of Islamic teachings that can adapt to various cultures without losing the essence of its teachings (Salaymeh, 2021).

Second, the philosophy of customary sanctions for violations of the marriage party *kenduri* custom in Aceh. The marriage *kenduri* is not only a celebration, but also a form of friendship and mutual cooperation. Sanctions for those who do not attend aim to maintain *ta'āwun* 'helping each other' in accordance with Surah Al-Mā'idah verse 2 and the hadith about the importance of helping

others. Not attending *kenduri* is considered a disregard for the value of togetherness and can damage the dignity of individuals and communities. Sanctions such as counter *kenduri* aim to restore social harmony.

In Acehese society, especially in *Gampong Paya*, marriage feast *kenduri* has a very important position in customary and religious culture. *Kenduri* not only functions as a celebration or feast, but also as part of a social mechanism that maintains community harmony and dignity (Lohlker, 2021). However, if there are violations in the implementation of customs or marriage norms, such as marriages that do not comply with customary provisions or the absence of parties who should be involved in the *kenduri*, customary sanctions in the form of warnings, material fines, or even cancellation of the event are often given (Halimatusa'diyah & Triana, 2024).

These customary sanctions are not only aimed at righting wrongs, but also at maintaining the dignity and integrity of the community. Interviews with several traditional leaders in North Aceh show that the marriage *kenduri* is a symbol of strong social ties and a way to affirm the values of harmony within the community. Any violation of the procedures that apply in the *kenduri* will be subject to sanctions that not only lead to individual repair, but also to the restoration of social trust (Nurbaiti et al., 2019).

Customary sanctions for violations of the marriage feast *kenduri* show how strong the social bonds are in Acehese society. The values of togetherness, co-operation and harmony are the principles that govern interactions between community members. In this case, *kenduri* is not just a private event, but a social ritual that unites all members of the community (Anis & Subandi, 2019).

Third, philosophy of customary sanctions for the offence of *khalwat* 'adultery'. The resolution of *khalwat* cases through *gampong* and *mukim* customary courts shows a close integration between customary law and Islamic values. In practice, offences such as *khalwat* 'being alone together between a man and a woman who are not mahrams in a suspicious situation' are not immediately brought to the realm of formal justice, but are first resolved through customary mechanisms. One form of sanction that is often applied is to marry off the perpetrator, as an effort to cover the disgrace '*satr al-'aib*' and maintain family honour (Maulina et al., 2023).

The basis for the application of this sanction rests on the *fiqh* rule of *ḍar'u al-mafāsīd muqaddam 'alā jalb al-maṣālih* 'preventing damage takes precedence over attracting benefits', as well as the rule of *al-'urf muhakkam* 'customs can be used as law as long as they do not contradict sharia' (Berutu & Pascasarjana, 2016). In this context, marrying off the perpetrator is considered a solution that avoids wider social excesses, such as conflict between families, social bullying, or more severe moral damage. In addition, this approach also reflects the principle of *meudame*, which is a peaceful resolution and avoids public exposure of potential offences dishonoring the dignity of the individual (McFate, 2019). Thus, customary law is not only an instrument of norm enforcement, but also functions as a social net that keeps the structure of society harmonious and civilised, in line with *maqāṣid al-syarī'ah*, especially in the aspects of protecting religion, soul, offspring and honour.

Customary Sanctions in North Aceh from a *Fiqh* Perspective

Customary sanctions in North Aceh represent a unique form of harmonisation between the teachings of Islamic *fiqh* law and local traditions. This harmonisation did not happen instantly, but through a long process involving the active participation of ulema (*fiqh* experts) and traditional leaders. These two elements work synergistically to formulate forms of sanctions that not only have religious legitimacy, but are also culturally accepted by the local community (Fahmi, 2012).

In the formulation process, the scholars conducted an in-depth study of the shar'i texts, both from the Qur'an, hadith, and classical *fiqh* books '*turās*' to ensure that every form of sanction designed did not conflict with the basic principles of Islamic law (Andriyadi, 2021). On the other hand, traditional leaders contribute in the form of understanding the values, norms, and customary practices that live in the community. The result of this collaboration is a customary sanction system

that is contextual, relevant to the social life of the community, and has strong roots in Islamic values (Zehr, 2015).

The customary sanctions applied in North Aceh are not repressive or solely in nature. Instead, the approach is corrective and restorative, aiming to restore disrupted social relations, improve the behaviour of the perpetrator, and prevent similar violations from occurring in the future. In this case, sanctions are seen more as a means of moral and social education, rather than a means of retaliation (Muliari et al., 2024).

Three main principles form the moral and legal foundation of customary law practice in Aceh: *meudame* 'peace and closure', *musyāwarah* 'collective decision-making', and *maṣlahah mursalah* 'public good'. The *meudame* principle emphasises the importance of maintaining social harmony and individual dignity by resolving conflicts peacefully without exposing the perpetrator's disgrace to the public (Mawardi et al., 2022).

Deliberation guarantees the involvement of all interested parties in the decision-making process, resulting in fair and acceptable sanctions. Meanwhile, the principle of *maṣlahah mursalah* ensures that any sanctions imposed provide real benefits to society and do not violate the provisions of sharia. With this approach, the customary sanction system in North Aceh has proven to be able to maintain a balance between the values of justice, humanity and social order. It is a model of customary law that is adaptive to the times without losing its essence, namely maintaining harmony between religion and culture in the local context of Acehnese society (Apriansyah et al., 2023).

Based on observations and interviews, the application of customary sanctions in North Aceh shows a significant level of effectiveness in maintaining social norms and community harmony. The strength of local culture and traditions, the community's trust and legitimacy of customary law, the active role of customary institutions and community leaders, and the social and educative effects of applying customary sanctions are the main pillars of this effectiveness. However, the application of customary sanctions also faces challenges such as the influence of modernization and globalization on the understanding of the younger generation, the lack of understanding of some communities about the value of customary sanctions, administrative constraints in the form of the absence of standardized written guidelines, the lack of active role of some customary stakeholders, and the lack of support from formal law enforcement in some cases.

CONCLUSION

This research concludes that the philosophy of customary law formulation in North Aceh is based on Islamic values such as justice, solidarity, and social harmony. Customary sanctions aim to maintain local culture, maintain order, and repair social relationships that are disrupted due to violations of custom. By integrating traditional values and Islamic teachings, customary sanctions in North Aceh are integral to maintaining a balanced society. The process of formulating customary sanctions in North Aceh has been in accordance with the principles of *fiqh*. The formulation stage involves scholars, *fiqh* experts, and traditional leaders working together to examine the arguments in the Qur'an, hadith, and *turās* books. This collaboration ensures that customary sanctions not only reflect local traditions but are also in line with Islamic law, so they have strong legitimacy in the community. The effectiveness of customary sanctions in North Aceh is reflected in the acceptance of the community, which still considers them a relevant and fair way to resolve customary offences. Customary sanctions are applied based on proven local wisdom, and the community appreciates the value of justice and harmony generated through custom-based settlements. This shows that customary law remains an important instrument in the social life of the people of North Aceh. However, there are challenges in maintaining the existence of adat in the future. These include the younger generation's lack of understanding of customary laws and sanctions, the influence of globalisation, and limited written documentation of customary law. Therefore, strategic steps are needed such as customary education to the younger generation, strengthening the role of customary institutions, and preparing written guidelines so that customary law remains relevant and functions optimally in North Aceh.

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