

The Role of the Sarak Opat Institution in Resolving Domestic Violence (KDRT) Cases (Case Study in Kampung Kung, Pegasing District, Central Aceh Regency)

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Abstract

The Sarak Opat Institution plays a role as the main pillar of social, customary, and religious governance of the gayo community. Through the cooperation between Reje, Imem, Petue, and Rakyat Even Mufakat. Including in resolving domestic violence cases, the existence of Sarak Opat is recognized in the Qanun of Bener Meriah Regency Number 4 of 2015 and Qanun of Aceh Province Number 10 of 2002. Then the State has also stipulated Law Number 23 of 2004 concerning the Elimination of Domestic Violence which places domestic violence as a criminal act and emphasizes legal protection for victims. However, the reality is that in Kung Village, Pegasing District, Central Aceh Regency, there are cases of domestic violence in the community. So this research formulates problems regarding the role and mechanism carried out by the Sarak Opat institution in resolving domestic violence cases, how to resolve domestic violence according to Law No. 23 of 2004, and how to compare the two legal systems. The research method used is qualitative the type of research is empirical-juridical, data analysis is carried out by comparing the mechanisms, authorities, and results of domestic violence settlement in the two systems. The results of the study show that Sarak Opat prioritizes deliberation and peace to maintain family harmony and social order, but has limited juridical authority in dealing with severe domestic violence. Meanwhile, positive law provides legal certainty and victim protection, but it does not pay attention to the social and cultural aspects of society. This study concludes that the settlement of domestic violence requires synergy between customary law and positive law in order to achieve justice, victim protection, and social harmony.

Keywords: Sarak Opat, Domestic Violence Resolution, Qanun, Positive Law,

Introduction

Domestic Violence (KDRT) is any act against a person within the scope of the household that results in physical, psychological, sexual, and/or domestic suffering or neglect, including threats, coercion, or unlawful deprivation of independence. Domestic violence can occur between husband and wife, parents and children, as well as other family members living in the same household, and is an act that is contrary to human values, justice, and human rights as stipulated in Law Number 23 of 2004 concerning the Elimination of Domestic Violence (Law Number 23 of 2004).

Sarak Opat itself is a customary institution of the Gayo community which etymologically consists of two words, namely *Squirt* and *Four*. (Mahmud Ibrahim, 2010) *Squirt* means a place, region, or village environment (*Split*) which must be maintained and maintained in dignity and dignity. Meanwhile, the *Four* means four elements or potentials of an integrated society and have a collective obligation in regulating, maintaining, and maintaining people's lives. The four elements consist of Reje (village head), Imem (religious leader), Petue (traditional leader), and Rayat Even Mupakat (community element).

However, in its development, the role of Sarak Opat faces various challenges, especially in dealing with increasingly complex social issues, such as domestic violence. On the one hand, Sarak Opat prioritizes settlement through deliberation and peace, while on the other hand, the state has strictly regulated the handling of domestic violence through Law Number 23 of 2004. The difference in approach between customary law and positive law raises questions about what is the role and mechanism carried out by the Sarak Opat institution in resolving domestic violence cases, how to resolve domestic violence according to Law No. 23 of 2004, and how is the comparison between the two legal systems.

In the Gayo indigenous people, acts of domestic violence are seen as acts of violence *Squirt*, namely despicable acts that violate customary norms and are contrary to Islamic sharia values (Syukri, 2015) Therefore, domestic violence is not solely seen as a legal issue, but also as a social and customary issue that has implications for family honor and the balance of social life. Thus, the resolution of domestic violence cases in the Gayo community demands an approach that is not only oriented towards formal law enforcement, but also considers customary and religious values.

In the context of Gayo customary law, the Sarak Opat institution has an important role in dealing with various social problems, including domestic conflicts and relatively minor domestic violence cases (Qanun of Aceh Province Number 10 of 2002) The settlement is carried out through customary mechanisms that prioritize deliberation, peace, and the restoration of social relations. This is in line with the provisions of the Aceh Province Qanun Number 10 of 2002 concerning the Gayo Customary Law, which gives the authority to Sarak Opat to carry out prevention and enforcement efforts against acts *Squirt*, including acts of domestic violence that have not caused severe consequences.

Efforts to resolve domestic violence by Sarak Opat are carried out through various stages, such as summoning the parties, providing customary advice, mediation processes, and imposing customary sanctions that are educational. The customary sanctions can be in the form of customary reprimands, the obligation to apologize openly, or customary fines, which aim to awaken the perpetrators and restore family harmony and public order.

In addition, the Qanun of Bener Meriah Regency Number 4 of 2015 concerning Village Government emphasized that Sarak Opat functions to assist the village government in maintaining order and peace in the community, resolving disputes, and fostering social life based on Islamic customs and sharia. In practice, Sarak Opat is often the first institution to receive public reports related to domestic conflicts, including domestic violence, before the case is forwarded to state law enforcement officials.

However, Sarak Opa's authority in handling domestic violence cases has clear limits (Law of the Republic of Indonesia Number 23 of 2004) For severe domestic violence cases that cause serious injury, severe trauma, or threaten the safety of the victim, Sarak Opat does not have the juridical authority to impose criminal sanctions. In these conditions, the case must be resolved through the state legal mechanism in accordance with the provisions of Law Number 23 of 2004 concerning the Elimination of Domestic Violence, which places domestic violence as a criminal act and emphasizes the importance of legal protection for victims.

The difference in approach between customary law and positive law in resolving domestic violence often raises dilemmas in society. On the one hand, the settlement through Sarak Opat is considered faster, prioritizes peace, and is able to maintain family honor and social order. However, on the other hand, customary settlements have the potential to ignore victims' rights if they are not accompanied by an adequate understanding of the principles of victim protection and substantive justice.

Therefore, the researcher is interested in examining more deeply the role played by the Sarak Four Institution in resolving domestic violence cases that occur in the community.

A. Authority of the four-fold institution:

1. Authority to Enforce Customary Law

The Sarak Opat institution has the authority to enforce Gayo customary law by resolving various forms of customary violations and social disputes that occur at the village level. These violations include quarrels between residents, family disputes, violations of morality according to customs, customary land disputes, and other social problems. In its implementation, Sarak Opat can impose customary sanctions in the form of customary fines, the obligation to apologize publicly, or other forms of customary sanctions that are educational and restore social balance. The settlement of customary cases is carried out through a deliberation and peace approach, not through violence.

This authority is recognized in:

- Article 2 paragraph (1) and paragraph (2) of the Qanun of Aceh Province Number 10 of 2002 concerning Customary Courts, which states that customary

institutions are authorized to resolve customary disputes in the community through deliberation.

- Article 1 number 18 and Article 34 of the Qanun of Bener Meriah Regency Number 4 of 2015 concerning Village Government, which recognizes Sarak Opat as a village customary institution that functions to maintain order and solve customary problems in the community.

2. Authority to Regulate the Social Life of the Community

Sarak Opat is authorized to regulate the social life of the village community with the aim of maintaining order, security, and harmony in relations between residents. This institution plays a role in regulating social relations so that people live in harmony, respect each other, and prevent acts that are contrary to Islamic customs and religious norms.

The legal basis of this authority is found in:

- Article 4 letter a and letter b of the Qanun of Aceh Province Number 9 of 2008 concerning the Development of Customary Life and Customs, which affirms the role of customary institutions in maintaining social order and the customary values of the Acehnese people.
- Article 35 paragraph (1) letter b of Qanun Bener Meriah Regency Number 4 of 2015, which states that village customary institutions play a role in fostering public peace and order.

3. The Authority to Make Decisions Through Deliberation

The main feature of Sarak Opat is decision-making based on the principle of *even mupakat* (consensus deliberation). In this authority, Sarak Opat discusses various village issues together, makes decisions fairly, and guarantees the right of every element of society to express their opinions.

The authority of this deliberation is regulated in:

- Article 5 paragraph (1) of the Qanun of Aceh Province Number 10 of 2002, which emphasizes that the settlement of customary disputes is carried out through deliberation for consensus.
- Article 36 paragraph (2) of the Qanun of Bener Meriah Regency Number 4 of 2015, which stipulates that customary decision-making is carried out collectively through the deliberations of village customary institutions.

4. Authority to Manage and Preserve Customs

Sarak Opat has the authority to manage and preserve Gayo customs, including regulating the implementation of traditional ceremonies such as traditional marriage, feasting, circumcision, and death customs. In addition, Sarak Opat plays a role in maintaining the sustainability of the customs so that they are not lost by the development of the times and passing on traditional values to the younger generation. This authority is affirmed in:

- Article 6 paragraph (1) and paragraph (2) of the Qanun of Aceh Province Number 9 of 2008, which states that customary institutions function to maintain, develop, and preserve customs.
- Article 35 paragraph (1) letter c of Qanun Bener Meriah Regency Number 4 of 2015, which affirms the role of Sarak Opat in the preservation of village customs and culture.

5. Authority to Maintain Balance between Customs and Islamic Sharia

Sarak Opat carries out the fundamental principles of Acehese customs, namely:

“Custom of sharia, sharia of Kitabullah.”

This principle means that all customary implementations and customary decisions must be in line with Islamic teachings and must not contradict the Qur'an and Hadith. In the structure of Sarak Opat, *Imem* has an important role in ensuring that traditional practices remain in accordance with Islamic law.

The legal basis of this authority is found in:

- Article 2 paragraph (1) of the Qanun of Aceh Province Number 9 of 2008, which states that Acehese customs are sourced from Islamic values.
- Article 37 of the Qanun of Bener Meriah Regency Number 4 of 2015, which regulates the role of religious leaders in village customary institutions.

6. Authority to Provide Advice to the Village Government

Sarak Opat has the authority to give consideration and advice to *Reje* (village head) in making village policies. This institution also functions as a liaison between the community and the village government and helps solve social problems that cannot be solved administratively by the village government.

This authority is regulated in:

- Article 35 paragraph (1) letter a of the Qanun of Bener Meriah Regency Number 4 of 2015, which emphasizes that Sarak Opat is a partner of the village government in the implementation of government and community development.
- Article 38 paragraph (1) of the same qanun, which states that customary institutions can provide input and consideration in village policies

Research Methods

This study uses a qualitative approach with an empirical-juridical pattern, namely systematically describing the mechanism for resolving domestic violence (KDRT) through Sarak Opat customary institutions and comparing it with the settlement of domestic violence based on positive law, especially Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

This approach is used to understand the legal phenomenon that lives in society (living law) and to see the differences in character, authority, and implications of conflict resolution in the two legal systems.

Data collection techniques are carried out through field research and library research. The field research was conducted by means of in-depth interviews with Sarak Opat traditional leaders, religious leaders, village officials, and the community who knew or were involved in the process of resolving domestic violence cases in Kung Village. In addition, documentation of relevant customary case settlement records is carried out. Literature research was carried out by examining laws and regulations, such as Law No. 23 of 2004, Qanun of Aceh Province Number 10 of 2002, Qanun of Bener Meriah Regency Number 4 of 2015, as well as books, scientific journals, and literature related to customary law, criminal law, and protection of victims of domestic violence.

The type of data in this study consists of primary data and secondary data. Primary data was obtained directly from the results of interviews and field observations, while secondary data was obtained from primary, secondary, and tertiary legal materials relevant to the research topic (Wijaya et al., 2025). The data obtained was analyzed qualitatively through the stages of data reduction, data presentation, and conclusion drawn. The results of the analysis are presented, namely comparing the settlement of domestic violence through Sarak Opat and positive law to obtain a comprehensive conclusion

Discussion/results

Overview of Research Locations

1. Geographical and Administrative Location

The location of this research is in Kung Village, which is administratively included in the Pegasing District, Central Aceh Regency, Aceh Province. Kung Village is one of the villages in the Gayo highland area, which is known to have a strong social structure and customs and is carried out for generations by its people.

Geographically, Pegasing District is located not far from the center of the Central Aceh Regency government, namely Takengon City. The position of Kung Village which is relatively close to the city center makes this village quite accessible, both by land and local transportation facilities. Nevertheless, the social life of the people of Kung Village is still strongly influenced by Gayo traditional values and strong Islamic religious norms.

In terms of government administration, Kung Village is led by a Village Reje who is assisted by other village officials. In the village government structure, the Sarak Opat customary institution has a very important position as a partner of the village government in maintaining social order and solving various community problems.

2. Social and Cultural Conditions of the Community

The people of Kung Village are generally the indigenous people of Gayo who still uphold cultural values, customs, and Islamic teachings in their daily lives. Social relations between residents are close and familial, so that every household problem or social conflict is not only seen as a personal matter, but also as a common problem that can affect the harmony of the village community as a whole.

In the social life of the Gayo people in Kung Village, there is a concept of *sumang*, which is a despicable act that is contrary to customary norms and Islamic law. Acts of Domestic Violence (KDRT) are included in the category of *sumang acts* because they are considered to damage the family's honor, injure human values, and disrupt the social order of the community. Therefore, the settlement of domestic violence in Kung Village is not only carried out through a formal legal approach, but also through customary mechanisms that live and develop in the community.

3. Position and Existence of the Sarak Opat Board in Kung Village

The Sarak Opat Institute in Kung Village is a customary institution that is still active and functions in real life in the community. Sarak Opat consists of four main elements, namely Reje (village head), Imem (religious leader), Petue (traditional leader), and Rayat Even Mupakat (community element). These four elements work collectively in maintaining the dignity and dignity of the village and solving various social problems.

Table 1. Sarak Opat Structure in Kung Village in 2023-2028

Yes	Name	Departments
1.	Asbul	Reje Kampung
2.	H.Khairun Abqa	Imem Kampung
3.	Where's Nauli	Petue
4.	Ilham, ST	The people are even agreed.

4. The role and mechanism carried out by the Sarak Opat Institution in handling cases of Domestic Violence (KDRT)

The Sarak Opat Institute in Gampong Kung, Pegasing District, Central Aceh Regency has a strategic role as a customary institution that is at the forefront of resolving domestic conflicts, including cases of Domestic Violence (KDRT). The existence of Sarak Opat not only functions as a guardian of customs, but also as a social institution that is trusted by the community in maintaining order, family harmony, and social stability.

In practice, Sarak Opat carries out this role through prioritizing deliberation, mediation, and moral and religious guidance to parties to the conflict, with the main goal of maintaining the integrity of the household and preventing conflicts from developing into broader problems in society.

Sarak Four's authority in resolving domestic violence has a strong legal basis. Aceh Province Qanun Number 10 of 2002 concerning Gayo Customary Law gives legitimacy to customary institutions, including Sarak Opat, to make efforts to prevent and take action against *sumang* acts, which are despicable acts that violate customary norms and Islamic law. Domestic violence, especially those of a mild nature, is included in the category of *incestuous* acts that can be resolved through customary mechanisms.

Based on the results of an in-depth interview conducted by the researcher with Pak Reje (Asbul) as the leader of the Kung Village government and Pak Petue (Endi Nauli) as an indigenous leader who has a strategic role in the Sarak Opat institution, as well as the limits of Sarak Opa's authority in handling and resolving the problem of domestic violence (KDRT) in the community.

Mr. Reje explained that Sarak Opat is the main pillar in the social, customary, and religious system of the Gayo community, which functions to maintain order, harmony, and balance of community life. In the context of resolving domestic conflicts, Sarak Opat is the first institution that the public contacts when there is a dispute between husband and wife. This is due to the high trust of the community in customary institutions which are considered to have a better understanding of the social, cultural, and family conditions concerned.

Furthermore, Mr. Reje said that every report or complaint related to domestic conflicts will be handled gradually and carefully. In the initial stage, Sarak Opat will clarify and summon both parties to listen to information directly. This process is carried out by prioritizing the principles of justice, openness, and balance, so that no party feels disadvantaged or cornered. The main goal of this stage is to identify the root of the domestic problem and find the best solution that can be accepted by both parties.

Meanwhile, Mr. Petue emphasized that in the implementation of case settlement, the customary approach used by Sarak Opat prioritizes the values of deliberation and consensus. Each decision is not taken unilaterally, but through a joint discussion process involving other elements of Sarak Four, such as Reje, Imem, and the People's Even Consensus Decision. According to Pak Petue, this approach aims to achieve sustainable peace, not just solve problems in the short term.

Pak Petue also explained that Gayo traditional values and Islamic teachings are the main foundation in the process of resolving domestic violence. In Sarak Opat's view, the household is seen as a sacred institution and must be maintained in harmony. Therefore, in each mediation process, Sarak Opat not only assesses the perpetrator's actions, but also considers the psychological condition of the victim, domestic sustainability, and social impacts that may arise if the conflict is not resolved wisely.

In practice, Pak Reje revealed that Sarak Opat often gives advice, reprimands, and customary warnings to those who are proven to have committed violence. The reprimand was delivered persuasively but firmly, with the aim that the perpetrator realized his mistake and promised not to repeat his actions. In addition, Sarak Opat can also impose customary sanctions and social sanctions, such as the obligation to apologize in front of a family or certain community, as a form of moral responsibility for their actions.

However, Mr. Reje emphasized that Sarak Opat has limited authority in resolving domestic violence cases. For cases that are classified as severe, such as physical violence that results in serious injury, violence that is repeated perpetrated, or violence that threatens the safety of the victim, Sarak Opat cannot solve it customarily. Under these conditions, Sarak Opat will provide recommendations or submit the case to law enforcement officials, in accordance with the provisions of Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

Pak Petue added that the decision to delegate the case to the positive legal channel is a form of synergy between customary law and state law. According to him, the existence of positive law does not negate the role of customary law, but complements each other in order to provide legal protection for victims and legal certainty for perpetrators. Thus, Sarak Opat continues to carry out its function as an initial mediation institution, while the state is present to handle cases that require strict law enforcement.

Based on the results of the interview, it can be concluded that the Sarak Opat institution has a very significant role in resolving domestic violence cases in Kampung Kung, especially in creating peace, maintaining household harmony, and maintaining social order in the community. However, the effectiveness of customary settlement still has limitations, so coordination and cooperation with law enforcement officials are needed so that the handling of domestic violence cases can run fairly, comprehensively, and oriented towards victim protection (Asbul personal interview, 2025)

In terms of effectiveness, the resolution of domestic violence through Sarak Opat is considered quite effective in handling cases of minor domestic violence, such as verbal arguments, minor psychological violence, or domestic conflicts that have not had a serious impact. A family approach and emotional closeness between indigenous officials and communities can reduce conflicts, prevent escalation, and prevent families from social stigma due to formal legal processes. However, this effectiveness is limited to severe domestic violence cases due to the absence of legal coercion and the limited authority of Sarak Opat in providing maximum protection for victims.

Normatively and culturally, the settlement of domestic violence through Sarak Opat is in line with the Gayo traditional values that uphold deliberation, harmony, shame (*sumang*), and moral responsibility towards the family and community.

Therefore, if the customary settlement does not reach an agreement, the perpetrator does not show good faith, or the domestic violence case is considered serious, then Reje together with other officials will take steps to delegate the case to law enforcement officials, especially the police. This step was taken as a form of respect for state law and an effort to provide more optimal legal protection for victims.

5. Mechanism for Settlement of Domestic Violence According to Positive Law (Law Number 23 of 2004)

In contrast to the customary mechanism, the settlement of domestic violence based on Law Number 23 of 2004 is carried out through formal legal channels by placing domestic violence as a criminal act (Law Number 23 of 2004) The settlement process includes reporting to the police, stages of investigation and investigation, prosecution by the prosecutor's office, as well as examination and termination of cases in court. Through this mechanism, positive law provides clearer and more structured legal protection for victims (Komnas Perempuan, 2020) in the form of physical protection, psychological protection, and legal protection, including the victim's right to receive assistance, health services, and security guarantees from the threat of the perpetrator.

In addition to providing protection to victims, positive laws also aim to provide a deterrent effect to perpetrators through the application of criminal sanctions, so that it is expected to prevent the recurrence of domestic violence. However, based on the findings of the research, some people are still reluctant to take the formal legal route because the procedure is considered convoluted, time-consuming, and has the potential to open family disgrace to the public sphere. Cultural factors, shame, and strong family values in indigenous peoples also affect the low use of positive legal mechanisms in resolving domestic violence.

This condition shows that there is a gap between positive legal norms and the social reality of indigenous peoples, so that in practice the settlement of domestic violence is more often left to customary institutions first. Therefore, it is necessary to make sustainable efforts to socialize the law and strengthen synergy between customary institutions and law enforcement officials so that the protection of victims of domestic violence can be carried out optimally without ignoring the social and cultural values of the community.

Comparison of Domestic Violence Settlement through Sarak Opat and Positive Law

A comparison of the settlement of domestic violence (KDRT) through Sarak Opat and positive law shows significant differences, both in terms of legal basis, settlement approach, objectives, and the strength of the sanctions applied. This difference reflects the characteristics of each legal system in dealing with domestic violence issues in society (Satjipto Rahardjo, 2009)

Sarak Opat is based on the Qanun of Aceh and the Regional Qanun, which recognize the existence of customary law as part of the local legal system. This legal basis gives legitimacy to Sarak Opat to resolve social conflicts at the village level. However, its legal force is limited and not equivalent to national law. On the contrary, positive law is based on Law Number 23 of 2004 concerning the Elimination of Domestic Violence, which has the force of national binding law and provides legal certainty and stronger protection for victims.

The Sarak Opat approach emphasizes deliberation and peace, with the aim of restoring domestic harmony and social order in the community. Settlement is carried out in a familial manner by considering customary values, religion, and social norms. Meanwhile, positive law uses a criminal law enforcement approach, where domestic violence is seen as a criminal act that must be processed through formal legal mechanisms, without prioritizing peace as the main goal.

In Sarak Opat, the settlement of domestic violence cases involves customary elements such as Reje, Imem, Petue, and Rakyat, who serve as mediators and mediators. This institution has a social and emotional closeness to the community. So that the settlement process takes place faster and more informally, on the contrary, positive law involves formal state institutions such as the police, prosecutor's office, and courts, which work based on standard and formal legal procedures.

The main goal of Sarak Opat is to maintain social harmony and domestic integrity, so that often the settlement is directed to reconciliation between the perpetrator and the victim. In contrast, positive law emphasizes more on victim protection and the enforcement of justice, including the prevention of the recurrence of domestic violence through the provision of strict sanctions to perpetrators.

The sanctions imposed by Sarak Opat are in the form of customary sanctions or mutual agreements, such as apologies, customary fines, or the obligation to improve family relations. This sanction is moral and social, but it does not have a strong deterrent effect for perpetrators of severe domestic violence. On the contrary, the positive law provides criminal sanctions in the form of imprisonment or fines, which have coercive power and a greater deterrent effect.

Sarak Opat does not have the authority to coerce. The compliance of the perpetrators is highly dependent on public awareness and social pressure. If the perpetrator does not comply, Sarak Opat cannot force the implementation of the customary ruling. Positive law has the authority to impose it through law enforcement officials, so that court decisions can be legally executed.

Sarak Opat is basically only effective for handling cases of minor domestic violence, such as domestic quarrels or verbal violence that have not caused serious physical impacts. On the contrary, the positive law is more appropriately used to deal with severe domestic violence, especially those that result in physical injury, severe psychological trauma, or repeated occurrences.

The analysis in this study was carried out by examining the role of the Sarak Opat Institution in resolving cases of Domestic Violence (KDRT) in Gampong Kung and comparing it with the settlement mechanism according to Law Number 23 of 2004. Based on field data, Sarak Opat prioritizes deliberation and peace as an effort to maintain family harmony and social order.

However, from a positive legal point of view, the mechanism has limitations because it does not provide criminal sanctions and does not fully guarantee legal protection for victims. Therefore, it can be analyzed that although customary settlement is effective in dealing with minor domestic violence, synergy with positive law is still needed so that victim protection and legal certainty can be fulfilled optimally.

Conclusion

Based on the results of the research, it can be concluded that Sarak Opat customary institutions have an important role in resolving cases of domestic violence (KDRT) in the Gayo community, especially in minor cases. The settlement mechanism through Sarak Opat emphasizes deliberation, mediation, and peace to maintain family harmony and village social order. However, this institution has limited juridical authority so that it cannot handle serious domestic violence that requires formal legal protection. On the other hand, positive law based on Law Number 23 of 2004 provides clear legal certainty and protection for victims, including criminal sanctions against perpetrators, but is less sensitive to local social and cultural values. A comparison of the two systems shows that Sarak Opat is more effective for resolving minor conflicts with a cultural and familial approach, while positive law is more appropriate for severe cases that require legal protection and criminal sanctions. Therefore, the ideal solution of domestic violence is through synergy between Sarak Opat and positive law, so that justice can be achieved, protection for victims, and at the same time maintain social harmony in the Gayo community. This synergy allows the two legal systems to complement each other, combining customary values and formal legal justice in an effort to resolve domestic conflicts comprehensively.

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