



Universiteit
Leiden
The Netherlands

State legal pluralism: the intersection of adat, jinayah, and national penal law in Gayo, Indonesia
Arfiansyah, A.

Citation

Arfiansyah, A. (2022, September 21). *State legal pluralism: the intersection of adat, jinayah, and national penal law in Gayo, Indonesia*. Retrieved from <https://hdl.handle.net/1887/3463689>

Version: Publisher's Version

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/3463689>

Note: To cite this publication please use the final published version (if applicable).

This book discusses the dynamic intersection of three bodies of law; adat, Aceh Shari'a and national penal law, and the institutions applying them. It focuses on how these address public morality and criminal offences of a sexual nature as they play out in the Gayonese community of Central Aceh, Indonesia.

The author argues that these three legal systems have complemented and become alternatives to one another. The state, non-state legal actors and adat officials observe certain limits of each legal system and shop the forums available or apply legal differentiation. Among the actors involved, the police is the most influential in directing the use of the three legal systems. They decide which legal system suited best for the victims', offenders' and their own interest and they are the bridge between legal systems in the pluralism of penal law in Aceh. These legal developments in Gayo suggest that state recognition of non-state law (adat law) as part of the state legal system may give a high degree of autonomy to adat institutions. This goes against the frequent claim that recognition of adat always leads to more control by the state.

STATE LEGAL PLURALISM
The Intersection of Adat, Jinayah, and National Penal Law in Gayo, Indonesia



State Legal Pluralism

The Intersection of Adat, Jinayah, and National Penal Law in Gayo, Indonesia

Arfiansyah



Universiteit
Leiden
The Netherlands