

Resolution of Inheritance Disputes in Gayo Society through Mediation: Perspective of Welfare and Gender Justice

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Abstract

The resolution of inheritance disputes in the Gayo Lues community, where women are disadvantaged (discriminated against) or receive injustice in the distribution of inheritance, leads to conflicts, disputes, and hostility within the family, causing disharmony within the family, society, culture, and customs. As a result, women in the Gayo Lues community do not fully receive their inheritance rights. Dispute resolution outside the court is called alternative dispute resolution (ADR). This research was conducted in Gayo Lues Regency, using a descriptive qualitative approach. The policy and implementation of mediation in resolving inheritance disputes are carried out through family deliberation, as the goal of "beredet" (family deliberation) is "dame" or "mupakat jeroh" (peace or mutual agreement). In resolving and dividing inheritance in the Gayo Lues community, women do not participate at all and do not receive any part of the inheritance. Women face obstacles in reaching their maximum potential due to gender injustice and inequality. The concept pursued in resolving inheritance disputes between men and women in the Gayo Lues community includes "mupakat jeroh" (deliberation), "timbang rasa" (sense of justice), and peaceful means ("dame").

I. Introduction

Dispute resolution can be done in two ways: first, through court proceedings, and second, through out-of-court proceedings. Court proceedings often result in adversarial agreements that do not consider mutual interests, tend to create new problems, are slow to resolve, incur high costs, are unresponsive, and create hostility between the disputing parties. Out-of-court procedures lead to "win-win solutions," ensuring the confidentiality of disputes between parties, avoiding procedural and administrative delays, resolving issues holistically, and maintaining good relations. Out-of-court dispute resolution is often referred to as Alternative Dispute Resolution (ADR) or Alternative Dispute Settlement (APS). This term is found in Law Number 30 of 2009 concerning Arbitration and Alternative Dispute Resolution/APS. This law underscores the urgency of APS institutions as a dispute resolution mechanism in Indonesia (Rachmadi, 2013).

In criminal customary disputes, such as customary disputes harming others (minor theft, minor assault, vandalism), or customary disputes harming the village, appropriate customary sanctions are imposed. These sanctions can be fines or non-fines. Fines are deliberated based on the victim's or village's losses, determined by the severity of the customary violation. Non-fine sanctions can include apologies applicable to all disputes, reprimands and advice, educational work assignments, and the most severe sanctions of exclusion and ostracism from the village (Interview Results, 2022).

Badruzzaman states that customary law is non-statutory (unwritten), aiming to reach a peaceful agreement (equilibrium), with legal sanctions referring to balanced and prosperous justice through peaceful means. The basis for resolving a dispute is based on local customs through consensus deliberation. The use of peace patterns with deliberation and mediation techniques in Aceh's customary justice plays a crucial and decisive role in whether the justice can be carried out. Even the most complex cases can be resolved if the customary justice executors apply the correct mediation and negotiation techniques. Deliberation becomes a process where customary justice executors help disputing parties resolve their issues satisfactorily (Aceh Customary Council, 2018). Article 25, paragraph (1) of Law Number 4 of 2004 on judicial power states: "All court decisions must contain the reasons and basis for the decision, as well as the specific articles of the relevant legislation or unwritten sources of law used as the basis for adjudication." This article indicates that unwritten law (customary law) can be used in court. The repository of customary law is the community. Customary law material is in the minds of customary leaders, emerging as needed when problems arise, providing a principle to guide resolution. In Islamic concept, peace is known as "al-sulh," meaning resolving a dispute.

Its purpose is to eliminate and settle enmity between disputing parties (Sayyid Sabiq, 1977).

There appears to be gender injustice in village customary regulations in resolving disputes between men and women, for example, the case of "juelen" women in Gayo Lues Regency not receiving inheritance from their husbands. This injustice is evident when a customary leader or village head decides a case based on the status of the disputing parties, causing one party to be disadvantaged. This provision seems to disturb the sense of gender justice directed at women. The issue of justice has been a topic of discussion since the beginning of humanity. The understanding of justice depends on what humans demand at the time. The demands for justice in traditional (customary) societies are certainly different from those in modern societies, making it impossible for universally applicable justice norms.

Considering this, there is a close relationship between Gayo Lues customary law and Islamic law regarding fair dispute resolution, where deliberation, peace, education, and mutual benefit are the objectives of punishment implementation. The author will discuss customary legal disputes that can be resolved through mediation according to customary law and punishments for injustices in adjudicating cases that discriminate against women. Additionally, the customary legal policy of Gayo, the injustice in gender equality that is culturally ingrained, is a condition in social life where gender, whether male or female, experiences injustice, particularly women not receiving their rights and justice in society. Moreover, one of the needs to achieve gender equality and justice is conducting gender-based research.

II. Method

The approach used by the researcher in conducting this study is an empirical sociological approach, starting with the collection of social facts (Bahder, 2008), a case approach (Peter, 2007) using qualitative research (Jahja, 2023), and phenomenology. Additionally, the author uses the maqāṣid shari'ah approach (Ramdhani, 2023; Imām Mawardi, 2010). The analysis uses descriptive qualitative analysis (Amiruddin, 2016), as it involves data, analysis, and interpretation of the meaning of the data obtained, striving to present the existing reality by describing a situation and its aspects as clearly as possible. In other words, this research narrates and interprets the existing data, such as the situations experienced, relationships, activities, views, attitudes, ongoing processes, working influences, emerging deviations, apparent trends, sharpening conflicts, and so on (Winamo Surakhmad, 1990).

III. Result and Discussion

The Concept of Mediation in Legal Practice in Indonesia

Out-of-court resolution is based on the parties' desire to settle disputes amicably. Both parties then sign a peace agreement that serves as evidence of the dispute's resolution. This mediation process is also called non-liability mediation, an alternative dispute resolution outside the court. This type of mediation is conducted by indigenous communities in various regions of Indonesia to resolve disputes among themselves, both civil and certain criminal disputes, known as customary mediation or customary law. According to Supreme Court Regulation Number 01 of 2008, Article 1, point 7, mediation is the settlement of disputes through a negotiation process assisted by a mediator. The Advisory Conciliation and Arbitration Service (ACAS) defines mediation as a process where a neutral third party helps two or more people involved in a dispute to reach an agreement. In Supreme Court Regulation No. 2 of 2003 regarding court mediation procedures, it is stated that all civil cases submitted to the first-level court must first be resolved through mediation with the help of a mediator. This article indicates that the scope of disputes that can be mediated in court includes all civil cases under the jurisdiction of the general and religious first-level courts. Criminal mediation is often referred to by various terms, including "mediation in criminal cases" or "mediation in penal matters" and Victim Offender Mediation because mediation brings together the perpetrator of a crime with the victim (Barda Nawawie, 2010).

In Indonesia, mediation practices are divided into two categories: those through judicial institutions and those outside judicial institutions. Out-of-court mediation is handled by individual mediators or independent institutions, while in the judicial system, it is handled by judges or authorized mediators. Mediation has rapidly developed because it is more efficient and offers better dispute resolution. The goal of mediation is to emphasize restorative justice.

Syahrizal refers to Ruth Carlton's view on the five basic principles of mediation, known as the five fundamental philosophies of mediation: Confidentiality: Everything that happens in meetings held by the mediator and disputing parties must not be disclosed to the public by either party. Voluntariness: This principle is regulated in Article 45, paragraph (2) of Law Number 8 of 1999 regarding the voluntary choice for dispute resolution through court and out-of-court. The disputing parties come to mediation of their own free will, without coercion or pressure from others. Empowerment: This principle assumes that parties willing to mediate can negotiate their own issues and reach

the desired agreement. **Neutrality:** In mediation activities, the mediator's role is to facilitate the process, while the content remains with the disputing parties. The mediator only checks if the mediation process is ongoing and does not act as a judge to decide right or wrong or support any party. **Unique Solution:** The solutions resulting from mediation do not have to follow legal standards but can arise from a creative process. The mediation outcome often aligns more closely with both parties' wishes, closely related to the empowerment concept (Syahrizal Abbas, 2011).

According to Barda Nawawi Arief, there are three principles of mediation: **Conflict Handling:** Crime has created interpersonal conflicts, which the mediation process targets. **Process Orientation:** This makes the perpetrator aware of their mistake, resolves conflict needs, and reassures the victim from fear. **Informal Process:** It avoids bureaucratic legal procedures (Barda Nawawi, 2010).

Lawrence Boulle identifies four mediation models: **Settlement Mediation:** Known as compromise mediation, it aims to encourage a compromise of both parties' demands. The desired mediator has high status, even if not highly skilled in mediation processes and techniques. **Facilitative Mediation:** This interest-based and problem-solving mediation aims to keep disputing parties from their positions and negotiate their needs and interests over rigid legal rights. The mediator must be skilled in the process and mediation techniques, although expertise in the disputed matter is less crucial. The mediator is responsible for the process, while the parties are responsible for the outcome. **Transformative Mediation:** Also known as therapy and reconciliation mediation, it focuses on finding the underlying causes of the problem between disputing parties, aiming to improve their relationship through recognition and empowerment. This less structured approach focuses on interpersonal processes. The transformative mediator meets the parties together, as this is the only way they can recognize each other. **Evaluative Mediation:** Known as normative mediation, this model seeks an agreement based on the disputing parties' legal rights within the anticipated court framework. The mediator must be an expert in the disputed field, providing information, advice, and persuasion to the parties and predicting possible outcomes. The mediator most often meets the parties and their lawyers separately (Revy S.M Korah, 2013).

If mediation is successful, the parties sign a document outlining the dispute resolution terms. If mediation fails at the first stage, the parties may agree to postpone mediation temporarily. If mediation ultimately fails, the parties retain all their rights as they had when entering the mediation process. The parties' rights are not diminished or affected by the mediation process, and discussions during mediation remain confidential.

Mediation in Islamic Law

Linguistically, al-sulh means stopping disputes, while in shari'ah, it means a contract to end a dispute between two conflicting parties (Muhammad Amin, 1994). In this reconciliation, the parties agree to mutually relinquish some of their claims to end their dispute and restore harmony between the conflicting parties (Abû Ja'far, 1999). Al-Qasani states that disputes occur due to people's focus on worldly matters, following their desires, and leaning towards personal interests. Al-sulh becomes a pillar of justice that fosters mutual affection among people (Muhammad Jamaluddin, 1997). Each disputing party is called musalih, the subject of the dispute is called musalah 'anh, and the replacement for the disputed item is called musalah 'alaih (Sayyid Sabiq, 1977).

Al-Zuhayli says that al-sulh is permissible for matters whose truth is unclear between both parties. 'Audah argues that al-sulh is allowed in cases involving human rights, not the rights of Allah, so al-sulh can be a reason to forgo qisas punishment with the victim's forgiveness. Appointing a judge to reconcile the disputing parties is not mandatory (Wahbah Zuhayli, 1997). The legal basis for allowing al-sulh in a case without legal proceedings is based on the Qur'an, Hadith, and Ijma'. The pillars of al-sulh are ijab and qabul using any words that mean reconciliation. The Qur'an anticipates the possibility of war between two groups of believers. Allah commands other believers who are not part of the conflict to create peace between the two warring groups. If one of them acts unjustly and refuses to return to the truth, then the believers should fight the oppressive group until they return to Allah's matter (Sayyid Qutb, 2004).

The conditions for al-sulh are as follows: First, the party initiating peace must be of sound mind, not an apostate, and legally competent. Second, the conditions related to musalah 'alaih (the replacement for the disputed item). The first condition is that it must be property, valuable (halal for the concerned party), owned by the defendant, and must be clear and certain (Wahbah Zuhayli, 1997). Third, the subject of the dispute (al-musalah 'anh). The first condition is that it must be a human right, not the right of Allah, even if not property like qisas, but if it is Allah's right, then there is no al-sulh, as in the case of qadzaf because the punishment for violating qadzaf is to deter society from destroying each other's honor (Wahbah Zuhayli, 1977). The next condition is that the musalah 'anh must be the right of the musalih and must be a definite and positive right for the musalih in the object of al-sulh. The last condition relates to ijab and qabul, meaning that qabul must align with ijab. If qabul differs from ijab, the reconciliation is invalid (Wahbah Zuhayli, 1997).

Dispute Resolution of Inheritance Through Mediation in Gayo Society

The inheritance process is a method for a testator to transfer or bequeath their wealth to heirs while the testator is still alive and how the inheritance is managed and utilized (Karimuddin Abdullah 2018). Additionally, it involves the implementation of inheritance distribution to heirs after the testator's death. In customary societies, including the Gayo Lues community, the inheritance process is divided into two stages: the process before the testator's death and after their death. In Gayo Lues, inheritance while the testator is still alive can be done through bequests or wills. This section focuses more on the inheritance process while the testator is alive, whereas the posthumous inheritance process will not be extensively discussed due to its similarities with conventional law.

The inheritance law of a community is significantly influenced by the kinship system of that society. Each customary inheritance law is shaped by the kinship system. In Indonesia, kinship systems are classified into three types: patrilineal, matrilineal, and parental or bilateral. These kinship systems affect and differentiate inheritance laws and marriage practices (Hilman Hadikusuma, 1999). Customary inheritance law is closely related to kinship and marriage laws. The formation of a community's customary inheritance law is influenced by its kinship and marriage laws. Soerojo Wignjodipuro states that customary inheritance law is closely tied to the family traits of the community, affecting the wealth left behind within that society. Therefore, discussing inheritance issues must also address the kinship and marriage laws of the community (Soerojo Wignjodipuro, 1994).

Hilman Hadikusuma refers to the kinship system as the lineage system. In Indonesia, lineage systems have been in place since ancient times, before the introduction of Hinduism, Islam, and Christianity. The different lineage systems have influenced the inheritance laws in customary law. Theoretically, lineage systems can be categorized into three types: a) Patrilineal system, which traces descent through the father's line, where the male's position has more influence in inheritance matters (e.g., Gayo, Alas, Batak, Nias, Lampung, Buru, Seram, Nusa Tenggara, and Irian Jaya); b) Matrilineal system, which traces descent through the mother's line, where the female's position has more influence in inheritance matters (e.g., Minangkabau, Enggano, and Timor); c) Parental or bilateral system, which traces descent through both parents' lines, where there is no distinction between the roles of males and females in inheritance matters (e.g., Aceh, East Sumatra, Riau, Java, Kalimantan, and Sulawesi) (Hilman Hadikusuma, 1999).

In Indonesia, communities are fundamentally based on three types of lineage lines: the maternal line, the paternal line, and the bilateral line. In communities adhering to the bilateral lineage system, the relationship between children and relatives on both the father's and mother's sides is equally close, and legal relations with both sides are equally valid. This is different from communities following the patrilineal (paternal lineage) and matrilineal (maternal lineage) systems, where the relationship between children and relatives on both sides is not equally close, important, or significant. In matrilineal communities, the familial relationship with the mother's side is much closer and more important, while in patrilineal communities, the relationship with the father's side is closer and considered more important and higher in status. Inheritance matters are crucial because they involve inheritance property, and if the distribution is perceived as unfair, it can lead to disputes among the heirs. The distribution of inheritance in these three kinship systems can generally be done through family consensus, but sometimes the distribution can cause divisions among family members or relatives. If consensus is not reached in deliberations, certain family members may sue others in a judicial institution (Ellyne D Poespasari, 2018).

According to the developments in the Gayo Lues community, inheritance disputes arise due to unfair distribution between sons and daughters. Hence, inheritance should be divided fairly and equally among all children based on their rights. Modern times demand equal status in rights and obligations between sons and daughters. Another reason is that daughters often claim their rights because they are usually the ones caring for their parents during illness and old age, spending more time and even financially supporting them. Therefore, daughters demand equal rights with sons.

In resolving inheritance disputes, the Gayo Lues community generally prefers resolution through deliberation, consensus, harmony, and peace (dame), involving not only the disputing parties but also all members of the deceased's family. If all efforts for consensus and peace within the family, relatives, and community fail, the matter is then taken to court. Thus, it becomes the responsibility of the judges in district courts, high courts, and the Supreme Court to find appropriate solutions for customary inheritance disputes, leading to the creation of jurisprudence. Therefore, jurisprudence can also be considered a development in communities with a patrilineal system, particularly regarding changes and developments in women's inheritance rights in Gayo Lues to gain equal rights with men in inheritance from their parents or husbands (Ellyne D Poespasari, 2018).

As a mediator, Edet (Sarak Opat) serves as a type of negotiation therapist, analyzing and diagnosing specific disputes, then designing and controlling processes and other interventions to guide the parties towards a consensus. The important role of Edet (Sarak Opat) as a mediator includes: diagnosing, identifying critical issues and interests of the parties, setting the agenda, facilitating and controlling communication, teaching the parties negotiation processes and skills, helping gather crucial information, solving problems to create options, and diagnosing disputes to ease conflict resolution (Interview Results, 2023).

As a mediator, Edet (Sarak Opat) essentially acts as an intermediary helping the parties resolve their disputes. They assist in framing the issues to be addressed jointly. Moreover, to achieve an agreement, Edet (Sarak Opat) helps the disputing parties formulate various resolution options that are acceptable and satisfactory to both sides. The primary role of Edet (Sarak Opat) as a mediator is to bring together differing interests to find a common ground for resolving the issue.

Edet (Sarak Opat) helps the parties understand each other's perspectives and identify what is important to them. They facilitate the exchange of information, encourage discussions on interests, perceptions, and interpretations of situations and problems, and allow but manage the expression of emotions. Edet (Sarak Opat) helps the parties prioritize and focus on discussing mutual goals and interests. As a medium for information transfer between the parties, Edet (Sarak Opat) holds more information about the dispute and issues than the parties themselves and can determine the fulfillment of contracts or agreements (Gary Goodpaster, 1993). Edet (Sarak Opat) also provides new information to the parties or helps them find mutually acceptable ways to resolve the dispute. They can offer neutral assessments of each party's positions and teach effective problem-solving negotiation skills, evaluate alternatives, and find creative solutions to their disputes (Gary Goodpaster, 1993).

Edet (Sarak Opat) as a mediator does not merely act as a neutral facilitator and leader of discussions, but also assists the parties in designing dispute resolutions to achieve mutual agreements. As a mediator, Edet (Sarak Opat) is adept at gathering as much information as possible, which will be used to formulate and propose various options for resolving the disputed issues. Furthermore, as a mediator, Edet (Sarak Opat) helps the parties analyze the dispute and the possible solutions, ultimately presenting a mutually agreed-upon resolution as a solution to be jointly implemented.

According to Howard Raiffa, the role of a mediator spans from the weakest to the strongest role. However, Edet (Sarak Opat) as a mediator holds the strongest role because

they perform the following tasks during negotiations: preparing and recording the minutes of negotiations, articulating the points of agreement between the parties, helping the parties realize that a dispute is not a battle to be won but a problem to be solved, formulating and proposing various problem-solving options, and assisting the parties in analyzing these options (Howard Raiffa, 1982).

After summarizing and conducting a caucus, if any, Edet helps the parties identify various issues among them. Here, Edet uses a problem-solving negotiation model as a benchmark. Indeed, Edet (Sarak Opat) as a mediator can provide the parties with instructions on negotiating problem resolutions. The first effort during the caucus or joint meeting is to shift the parties' focus from positions to interests. Once the parties identify their respective interests, Edet (Sarak Opat) as a mediator helps them formulate their common problem. Thus, the mediator effectively reframes the dispute and helps the parties understand each other's perspectives within this new framework. Edet emphasizes their shared interests, areas where they have aligned interests, and where their interests conflict.

At the decision-making stage, Edet (Sarak Opat) as a mediator works with the parties to help them select a mutually agreeable solution or at least an acceptable solution to the identified problem. After identifying possible solutions, the parties must evaluate and choose among the options or combinations of options as a basis for the agreement. While the parties must decide what they will agree to, Edet (Sarak Opat) can play a significant role in helping them evaluate the options and design or combine them. In evaluating the options, Edet (Sarak Opat) assists the parties in establishing a fair basis for distributing benefits satisfactorily and ensuring the completion of the agreement. The mediator may also help the parties draft the terms of the agreement to make the negotiation as efficient as possible, meaning no party's benefits are left behind in the negotiation.

The Principle of Welfare and Gender Justice in Gayo Inheritance Resolution

The application of the concept of "gender justice" (Nasaruddin Umar, 2001) in inheritance in Indonesia can be done by implementing the classical Islamic thought based on the principle of justice, namely 1:2 or even 1:1. Inheritance in Islam is property given by the deceased to their closest relatives, such as family and kin. To elevate the status of women in Indonesia's plural society, this can be done by adjusting social conditions according to current developments, so a 2:1 inheritance division is not considered just (A. Kususiyanah, 2021). In Indonesia, the difference in inheritance shares is not determined

by gender (Ridwan, 2022). According to UN Women (United Nations of Women), to enhance sustainable women's access, particularly in justice programs, it can be done through: 1) Creating an enabling environment for women's access to justice; 2) Establishing effective, accountable, and gender-responsive judiciary; 3) Empowering women's legal rights (UN Women, 2018). In the context of Islamic texts, the term gender is indeed sensitive, but it needs to be disseminated to raise awareness about women's rights and gender equality issues in Islam. The gender concept is highly effective in resolving inheritance disputes, particularly in Indonesia. Prioritizing gender in inheritance distribution will uphold the principle of justice, which can be achieved through deliberation, consensus, or legal action in courts.

In Indonesia, legal certainty and justice are tied to written agreements as stipulated in the Civil Code. Furthermore, justice and legal certainty in Indonesia must align with human rights values (Yusa, I. G., 2018). Although the legal certainty and justice upheld in Indonesia are still lacking due to the absence of regulations, the Civil Code, as positive law in Indonesia, prioritizes legal certainty and justice. For instance, in inheritance disputes, a comparison between the Civil Code and Islamic Law Compilation (KHI) should be made. Moreover, inheritance disputes in Indonesia are closely related to the implementation of customary law in specific areas (Imamulhadi, I., 2019). On the other hand, the legal grounds for implementing the law in Indonesia lack certainty because the law is highly plural (Mujiburohman, 2020). To ensure legal certainty in resolving legal disputes in Indonesia, particularly concerning the application of gender justice principles in inheritance distribution, the classical Islamic concept based on justice principles can be applied. Gender justice can be implemented by allowing women and girls to participate equally in various aspects, including: 1) economy, 2) society, 3) politics, 4) culture, 5) leadership roles, 6) access to resources and services, and 7) participation in decisions affecting their lives. Gender justice, such as gender responsiveness, can be created by involving women in all daily activities. Applying the principles of gender justice from an Islamic perspective further includes: a) equality as servants of Allah, b) equality as Allah's vicegerents, c) equality in receiving the primordial covenant, d) equality in active involvement in cosmic events, and e) equality in achieving accomplishments. In Islam, men and women are equal and have the same opportunities to act in community life. Essentially, Islam does not discriminate between men and women, as the Qur'an explains that humans have equal status in the eyes of Allah, both men and women. Therefore, women have the right to equal rights as human beings on earth, influenced by faith, culture, and religion. Specifically, by critically examining various interpretations of

the Qur'an that glorify only one gender, it practices the Qur'an's verses with two approaches: pragmatic and contextual, aiming to reinterpret the Qur'an's verses to fit the times.

Thus, according to the author's opinion, gender justice can be achieved. Law is the primary objective of humanitarian assistance that must continue to be implemented and developed to maintain existing integrity. The emergence of gender differences shows the distinct roles and responsibilities as well as the functions and spaces where individuals carry out normal activities. With gender justice, society can at least establish relationships without feeling guilty toward each other. However, gender justice has not yet been realized, as there are still many social values that place men at a higher status than women. The basis of Islamic inheritance justice is the significant role, burden, or responsibility assigned to individuals. It is the duty of men to protect their family members, so it is appropriate for men to have a share twice as large as that of women. With current advancements, equal distribution of inheritance between sons and daughters has become an argument for gender equality and women's emancipation.

The author believes that gender injustice often leads to women being discriminated against due to certain stereotypes, such as the notion that it is natural for women to stay at home to take care of the household or other narratives that tend to justify women working as those who are materialistic and indifferent to the family. This results in women not being financially independent, making them more afraid to speak out when experiencing domestic violence as they cannot meet their financial needs if they were to divorce their husbands.

In other words, gender inequality is a system and structure where both men and women fall victim to the system. Women's backwardness reflects the ongoing injustice and inequality between men and women in Indonesia, as seen from the condition of women in Indonesia. Gender differences in traits, roles, and positions are not an issue as long as they do not result in injustice. However, in reality, gender differences have led to various injustices, not only for women but also for men. The distinctions in roles, functions, duties, and responsibilities, as well as positions between men and women, both directly and indirectly, and the impact of legislation or policies, have caused various injustices because they are deeply rooted in customs, norms, or societal structures.

From the author's explanation above, it is understood that the importance of gender justice lies in the fact that gender inequality can hinder sustainable development and cause social injustice. When men and women have equal opportunities to participate in social, cultural, economic, and political life, society will become more just and balanced.

Gender justice also positively impacts health, education, and family welfare, promoting peace and stability within society. Additionally, the principle of gender justice aims to achieve common welfare in inheritance dispute resolution by considering the welfare of both parties to avoid harm, such as considering the sense of justice in the distribution of inheritance between men and women.

IV. Conclusion

The concept of inheritance dispute resolution in the Gayo Lues community uses a familial approach (dame) and the al-sulh system, prioritizing the principle of justice. However, this has not been fully felt by the disputing parties, especially women. The policies and implementation of mediation in inheritance dispute resolution in the Gayo Lues community, through customary institutions or sarak opat, still result in many women being stigmatized and discriminated against. The strong patriarchal culture prevents them from participating in various customary dispute resolution processes and even from receiving inheritance in inheritance distribution cases. In Gayo Lues customary law, women are not involved at all in resolving criminal, civil, customary, or other social issues. In other words, the Gayo customary community neglects gender justice, resulting in women experiencing discrimination or violence in culture, education, customs, and social matters.

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