



The existence of the mukim government institution in the government system of the Aceh Besar district

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Abstract

The Mukim System of Governance evolved in keeping with the Improvement of Islam in Aceh. Law No. 11/2006 on the Government of Aceh, regulates the existence of Mukim Government. Based on this law, Qanun Aceh Besar No. 8/2009 on Mukim Government was established as a guideline in running Mukim Government in Aceh Besar. The purpose of this research is to explain the position of the Mukim government institution and the relationship between the Mukim institution and other institutions in running the government in the settlement, and to examine the suitability of the qanun on Mukim Government with other legal norms. The method used in this research is normative juridical and equipped with empirical as supporting data. Based at the consequences of the studies, the position of the Mukim Government institution in Aceh Besar District is not clear in the structure, but it exists in the government system even though it is not regulated concretely. Aceh Besar District Qanun No. 8/2009 concerning Mukim Government clearly regulates the Mukim Government, but the duties and functions of mukim, especially in the implementation of governance in settlements in Aceh Besar, are still not well implemented. The relationship between Mukim institutions and other institutions such as District, Sub-district, and Gampong has a pattern of partners coordinating with each other. The provisions of Qanun No. 8/2009 concerning Mukim Government are in accordance with applicable legal norms, but there is only a paradigm shift in society. It is suggested that the government should include the mukim institution in every process of formulating mukim policies. The Mukim Government Institution should also be more responsible regarding the authority given.

Keywords: existence, mukim institution, governance

Introduction

Mukim governance is unique to Aceh. In the provisions of Law No. 11/2006 on the Government of Aceh has regulated the existence of mukim, namely in Chapter XV about Mukim and Gampong^[1]. The legal basis that authorizes the birth of District/City Qanuns is found in the provisions of Article 114 Paragraph (4) of Law Number 11 of 2006 concerning the Government of Aceh which explains that: "Further provisions regarding the organisation, duties, functions, and completeness of mukim are regulated by District/City Qanun"^[2]. As an implementation of this law, Qanun No. 8/2009 on Mukim Government was enacted in Aceh Besar District.

In its development, the formation of the mukim government in Aceh has existed since the entry of Islam into Aceh, which happened throughout the reign of Sultan Iskandar Muda (1607-1636). At that time the gampong was a unit in the constitutional arrangement led by a chairman called Keuchik, but later Sultan Iskandar Muda determined that if the places or gampong whose residents performed Friday prayers in the same mosque then the area was called mukim^[3].

The institution of the Mukim Government is led by an Imuem Mukim who is appointed and dismissed by the Regent/Mayor on the proposal of the Camat from the election results. The selected Imuem Mukim is a person who has influence and authority and is qualified to lead. The naming of Mukim in Islam aims to distinguish the "status" of a place of residence for a person from a person who is on a journey (traveler). In this case, it is obligatory for those who are settled or who live in the settlement to perform

Friday prayers in the area^[4]. The requirement for men to attend Friday prayers according to the Shafi'ee Mazhab is to have 40 men present. Therefore, in one settlement, one mosque was built^[5].

Normatively, the position duties and functions of mukim are regulated in Qanun Aceh Besar No. 8/2009 on Mukim Government, and it is clear that all provisions have been well organised. However, in reality, the life of the settlement has not gone well as it should. This can be seen in terms of the mukim government which is different from other institutions such as gampong. So that the community considers the mukim institution to have weakened and is seen as having no power in terms of governing.

From the development of the social dynamics of society, shifts in religious understanding and the spread of an increasing population, mukim are not bound to an area. Mukim only plays a role in managing certain matters. Therefore, it is very necessary to be assertive of the norms in the regulations so that the authority of the mukim institution is carried out properly. Thus, the implementation of existing regulatory policies and the reality in society must be strengthened. Therefore, the author wants to further research related to "The Existence of the Mukim Government Institution in the Aceh Besar District Government System".

Based on the explanation above, several objectives of the research can be drawn, namely to explain the position of the Mukim government institution and the relationship between the Mukim institution and other institutions and to examine the suitability of the regulations on the Mukim Government with legal norms in society.

Research Methods

This research method used is normative and equipped with empirical as supporting data. This observe is conceptualised as what's written in legislations as guidelines in society and is complemented by other supporting data from the interview process ^[6]. This research also uses a *statutory approach*, which is an approach that is carried out by examining related laws and regulations; a *historical approach*, which is an approach that is carried out by examining the background studied and the development of arrangements regarding the issue at hand; ^[7] and a *sociological approach*, which is an approach that analyses the reactions and interactions that occur when a norm system works in society ^[8].

Results and discussion

Position of mukim in the government system in Aceh Besar District

The term Mukim comes from the Arabic muqim, which means a place or residence, or Mukim means "to be in a place of residence". In Acehnese translation, Mukim is a settled area consisting of several villages ^[9].

Snouck Hurgronje in his opinion said that the area of mukim has its origin in the need for Friday prayer congregations. Religious law also obliges every adult resident to attend Jumu'ah prayers if they are further than a certain distance from his home, unless there is an obstacle or special circumstances that prevent him from doing so ^[10]. Mukim was also a necessity to strengthen the kingdom of Aceh so that religious leaders and Mukim leaders were highly respected and honoured in their time and resulted in Mukim being established as one of the levels of government in the Kingdom of Aceh. As Mukim developed, it was no longer just an institution that took care of religious affairs but was also involved in government administration ^[11].

When viewed from the history of this Mukim Government has existed since the time of the Aceh sultanate. This institution was formed by the Aceh Kingdom and not the formation of the Dutch East Indies or the Government of Indonesia ^[12].

The history of Mukim in Aceh has experienced many ups and downs from the time of the Sultanate of Aceh, Dutch Government, Japanese Government, early independence, old order, new order, reformation to the present. This indicates that Mukim is one of the privileges of Aceh that has been regulated in the legislation.

Mukim's relationship with other government institutions

Mukim Government Institutions are also linked to the District, Sub-district and Gampong. Qanun Aceh Besar No. 8/2009 on Mukim Government is present to organise the mukim government system in the district so that it can be implemented in the community. The presence of this qanun is also a juridical basis in order to have guidelines in running the government in accordance with the Law on Aceh Government Number 11/2006.

In Veblen's institutional theory, there are two components of institutions: *the rules of the game* and the organisation (*players of the game*). This definition has a strong link because organisations cannot be run without rules and vice versa. Organisation is a system of mutual influence between groups or people who will work together with specific goals. So the coordination between the Sub-district,

Gampong and Mukim will achieve a goal if it pays attention to all aspects and principles contained in an institution.

The division of tasks and functions in order to exercise authority must be clear so that there is no overlap of authority between Mukim government institutions and other institutions. However, when viewed from the authority of the implementation of the duties and functions of Mukim, it will certainly require coordination and cooperation with other parties. One of Mukim's functions is the administration of government based on the principles of decentralisation, deconcentration and assistance. The presence of these three principles should be a working partner between mukim and other parties such as sub-districts and Gampong in carrying out governance.

The Law on the Government of Aceh explains that "Sub-districts are divided into Mukim". In this case there must be good coordination between the Mukim and the Kecamatan. In Article 2 of Qanun No. 8/2009 concerning Mukim Government, that Mukim is under the Camat, then the existence of mukim is coordinated by the Sub-district or Camat as the task of the Camat is to coordinate each area in the settlement. According to the findings in the field, Mukim is always invited to attend meetings at the Camat office which are also attended by Keuchik, and what often happens is that it becomes a sanction for land sale and purchase transactions.

Imuem Mukim in this aspect serves as a vehicle for community participation to organize Regency / City governments in the fields of security, peace, harmony and public order and also solve social problems to the community. (13)

In carrying out its duties and obligations, Imuem Mukim must convey his accountability to the Mukim Deliberation Council which will be requested by Tuha Peut Mukim at any time. This Mukim Consultative Council is the highest assembly in the affairs of Mukim government administration as well as customs as well as development and society whose construction is ad-hoc and independent. (14)

Regarding the relationship between Mukim and Gampong/Village, mukim exists as an institution that oversees gampong. Coordination between Imuem mukim and keuchik has gone well, this can be seen from several settlements of gampong boundary disputes also involving mukim. But until now there are still Mukim who feel uninvolved in government affairs conducted by gampong.

In general, it is appropriate for the keuchik to seek the opinion of mukim in carrying out his duties. The same may be the case because the keuchik is organisationally directly responsible to the Sub-district or District Head. After the enactment of the regulation at the Governing of Aceh, there was also an opportunity to reorganise the relationship between mukim and gampong. Based on the regulations contained in the law, the District/City government is given the right and obligation to foster and reorganise Mukim-Gampong ^[13].

By declaring mukim as a government organiser, mukim institutions receive support from other government agencies. This is also a good thing in the implementation and enforcement of the existing qanun so that the existence of mukim is clearly visible. In institutional theory according to Hans Kelsen "who performs a function determined by a legal system is an organ", then the institution is present as a place or container to achieve a certain goal. The Mukim

Government Institution comes with duties and functions as a manifestation of the purpose of its government to provide services, empowerment and development for the community.

Conformity between the provisions of qanun No. 8/2009 on mukim government with legal norms

Mukim Government in accordance with the Theory of Local Government places Mukim as a government institution regulated in the Aceh Government Law. The authority for autonomous regions such as Aceh Besar District which has Qanun Number 8/2009 concerning Mukim Government. After the existence of the District regulation, the region has great power or authority in managing its area. The initiative of each district in managing each Mukim in its area is seen based on the needs and resources of each Mukim.

According to Article 4 letter a states that "The implementation of government based on adat, the principle of decentralisation as well as the principle of deconcentration and assistance tasks (*medebewind*) as well as all other government affairs that are in Mukim".

The compatibility between Qanun Number 8/ 2009 on Mukim Government in Aceh Besar District with legal norms is quite appropriate. It can be seen from the functioning of Mukim as a customary institution that resolves many issues regarding customary disputes such as marriage, waqf, and others. The lack of conformity is only in the practice of the values and norms contained in the qanun. So that it requires strengthening efforts from the District government to the Mukim so that the existing legal norms can be maximised. From the results of interviews with the MAA Aceh Besar, according to him, efforts to restore the spirit of this qanun will continue. And related to the socialisation of the qanun will continue to be carried out to support the knowledge and development of the Mukim institution. So that all Mukim and Imeum Mukim clearly understand the duties and functions contained in the qanun and can be carried out properly ^[14].

The people who are in the settlement of each mukim should support to restore and revive mukim will be more existent like Gampong /Village. Because mukim is one of the relics that needs the community's hand to help, and support and comply with policies that have been issued in the form of qanuns and other regulations. So that later the practice of the values and norms in the qanun can be carried out as expected.

Conclusions

The existence of the Mukim Government Institution can be seen from its position in the government system. This is evidenced by the existence of the duties and functions of mukim, especially in the implementation of governance in settlements in Aceh Besar, which is still not well implemented. In addition, only a few of the mukim have complete membership of government organisations with their devices, so far there are still complaints related to budget allocation funds so that governance is difficult to run.

The relationship between the Mukim Institution and other governments such as the Regency, District and Gampong has a pattern of partners coordinating and synergising to realise an institutional goal. This can be seen from a good working relationship to maintain security, peace, harmony, order, to assist in carrying out governance, development,

protect customs and improve welfare and the quality of the implementation of Islamic Shari'a. The conformity between Qanun No. 8/2009 on Mukim Government and legal norms in Aceh Besar is quite appropriate. It can be seen from the functioning of Mukim as a customary institution that resolves many issues related to customary disputes in Aceh Besar.

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