



Integration of Customary Law into the Criminal Procedure System through Transcendental-Based Restorative Justice: A Comparative Study of the Utilization of Local Wisdom Instruments

Hasan Madilis

Universitas Muhammadiyah Surakarta, Indonesia

* Email : madilishasan05@gmail.com

Article	Abstract
<p>Keywords: Customary Law; Restorative Justice; Criminal Procedure System; Transcendental Approach; Local Wisdom.</p> <p>How to cite: Madilis, Hasan. "Integration of Customary Law into the Criminal Procedure System through Transcendental-Based Restorative Justice: A Comparative Study of the Utilization of Local Wisdom Instruments." <i>Adil Ka'Talino: Jurnal Hukum dan Wacana Keadilan</i> 2, no. 1 (2026): 20–33.</p>	<p>The integration of Customary Law into the Criminal Procedure System through a Transcendental Approach to Restorative Justice represents a significant legal innovation. It offers a conceptual framework for addressing practical and sociological legal needs. The restorative justice mechanism provides a criminal justice process that is faster, more affordable, and more efficient in resolving criminal cases according to the nature and characteristics of the offense. This mechanism also creates opportunities for legal development by enabling the discovery of law through the manifestation of <i>living law</i> in the conduct of legislators, law enforcement officials, and society, which simultaneously functions as both the subject and the object of law. This paper focuses on a comparative analysis between the technical mechanisms of restorative justice and the characteristics of local wisdom embodied in customary law as a means of resolving community conflicts. Such a comparison is intended to strengthen the theoretical foundation of the sociology of criminal law while promoting a legal framework that is persuasive, responsive, expeditious, cost-effective, and efficient. Furthermore, this study aims to provide a conceptual and speculative framework that may serve as a stimulus for developing hypotheses and examining empirical realities concerning the integration of customary law into the criminal procedure subsystem through a transcendental approach to restorative justice in the resolution of community conflicts. This study employs a descriptive research design grounded in library research, with the collected data analyzed qualitatively.</p>



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INTRODUCTION

A legal scholar once observed that there is a common misconception that legal disputes can only be resolved through formal judicial proceedings (Menkel-Meadow, 2015). In reality, however, numerous legal instruments may serve as efficient and sociologically responsive mechanisms for dispute resolution. One such mechanism is the utilization of the local wisdom embodied in customary law (*adat law*), which can be optimized as an alternative means of resolving community conflicts. Integrating

the instruments of customary law into the nation's *living law* represents an important effort to realize another dimension of the law's ultimate objective: the achievement of dignified and substantive justice (Sukriono et al., 2025).

The existence of customary law communities throughout the Indonesian archipelago is an undeniable reality inseparable from the legal culture continuously developing within society. This condition is reflected in the well-known Malay proverb, "*Adat bersendikan syarak, syarak bersendikan Kitabullah*" ("Custom is founded upon Islamic law, and Islamic law is founded upon the Holy Qur'an"), which conveys that customary law should never contradict religious law derived from the Qur'an (Saiin et al., 2023). A comparable philosophical expression can also be found in the customary legal tradition of the Moloku Kie Raha Sultanate of Ternate through *Dolabololo*, a traditional literary form expressed in poetry, rhymes, songs, chronicles, pantun, and ritual dances (Zabadi et al., 2025). Beyond its literary function, *Dolabololo* serves as a medium for conveying social values, ethical norms, and harmonious criticism in a manner that is culturally acceptable and socially persuasive.

Fundamentally, a deeper examination of the origins of customary law reveals that its normative values are shaped through the acculturation of anthropological, philosophical, and religio-magical traditions within indigenous communities (Barri et al., 2019). Consequently, customary law cannot merely be understood as an unwritten legal system; rather, it embodies the collective values, traditions, and worldview of the communities that sustain it. Today, customary law has become inseparable from family traditions and cultural practices, whether organized through patrilineal or matrilineal kinship systems, and continues to reflect Indonesia's ethnic and religious diversity. This historical reality is integral to Indonesia's legal anthropology and cannot be detached from the nation's legal identity (Salim, 2015).

The national motto, *Bhinneka Tunggal Ika* (Unity in Diversity), reflects this plurality by emphasizing that the peoples of the Indonesian archipelago share common cultural values despite their diversity (Utama & Mubarok, 2024). These shared values constitute important social capital for the development of formal law rooted in Indonesia's own legal anthropology. Such a perspective represents the essence of the transcendental paradigm, which recognizes that law is not confined to material or positivistic dimensions alone but is fundamentally grounded in higher moral, ethical, cultural, and spiritual values. Within this paradigm, legal norms derive their legitimacy from transcendent principles that ultimately seek to be realized in empirical social life.

Restoring legal principles based upon legal anthropology, therefore, constitutes an effort to reconstruct a legal system that genuinely corresponds to the legal culture of the society it governs (Boulot & Sterlin, 2022). At the same time, this perspective encourages the reaffirmation of Indonesia's national legal identity. It promotes a more dynamic legal system that is not exclusively dependent upon the rigid characteristics of the civil law tradition, while nevertheless maintaining the principle of legality. Integrating the values and norms of customary law into the national legal

system represents a concrete acknowledgment of the existence of *living law*, which continuously evolves alongside human civilization. In this context, customary law does not always manifest itself through formally codified legal instruments but rather through social practices, cultural traditions, and patterns of behavior that embody society's moral, ethical, cultural, and religious values. Accordingly, recognizing customary law as an integral component of the national legal system is essential for developing a legal order that is socially responsive, culturally legitimate, and substantively just.

The integration of customary law into the criminal procedure system should not be understood as confined to formal judicial proceedings. Rather, it should be viewed from a broader procedural perspective. In Western criminal law, for example, legal reasoning generally emphasizes the act's cause as the primary basis for criminal liability. In contrast, customary law tends to emphasize the consequences of an act, particularly its impact on social harmony and communal relationships, as the principal consideration in resolving disputes. Accordingly, *restorative justice* may function as a non-formal procedural mechanism, operating independently under established procedural rules to explore and apply the values and norms that live within society (*living law*), thereby reflecting the principle of *judicial activism* (Romero & Barbeyto Rodriguez, 2016).

This paper argues that integrating customary law into the criminal procedure system through a transcendental approach to restorative justice should be understood as an embodiment of *living law*. Its integration is intended to rediscover and revitalize substantive equality and empirical justice, rather than treating customary law merely as a historical product of legal anthropology detached from the national legal system, which has long been fragmented and polarized by various social, political, and institutional considerations. Within the criminal justice system, criminal procedure represents the final stage of legal enforcement (*ultimum remedium*). Accordingly, integrating the instruments of local wisdom embodied in customary law into the criminal procedure system constitutes an important aspect of national legal reform aimed at establishing an alternative mechanism for dispute resolution. Such integration advances legal science by incorporating perspectives from legal anthropology, socio-magical traditions, and religio-magical values, thereby enriching both the theoretical foundations and the practical application of criminal procedure in Indonesia. Against this background, this paper examines whether integrating customary law into the criminal procedure system through a transcendental approach to restorative justice can serve not only as a mechanism for judicial law-finding but also as an effective means of resolving conflicts within society.

METHOD

This study employs an empirical legal research design complemented by library research using a qualitative analytical approach (Dobinson & Johns, 2017). The research utilizes both primary and secondary data sources. Primary data were

obtained through field observations, interviews, identification of relevant legal practices, and documentation. Secondary data were collected from books, scholarly journals, legislation, official documents, and other relevant literature to examine the theoretical, conceptual, and empirical dimensions of the study without direct interaction with research participants. These sources were analyzed from theological, historical, and sociological perspectives and interpreted through descriptive and explanatory approaches to develop a comprehensive understanding of the integration of customary law into the criminal procedure system through a transcendental approach to restorative justice.

The primary objective of this research is to examine whether the integration of customary law into the criminal procedure subsystem through the restorative justice mechanism can serve as an instrument of judicial law-finding while strengthening community-based conflict resolution. Furthermore, the study seeks to contribute to the development of the sociology of law, particularly the sociology of criminal law, by demonstrating that restorative justice provides a legal mechanism that is simple, expeditious, cost-effective, and responsive to the characteristics of individual criminal cases.

The selection of this research object is based on the continuing existence of indigenous communities in various regions of Indonesia that still rely upon customary values and local wisdom to resolve social conflicts. In many instances, these customary mechanisms have proven to be socially legitimate and widely accepted as effective means of achieving justice, reconciliation, and mutual respect among community members. From the perspective of legal anthropology, customary law represents a historical and cultural heritage that cannot be eliminated by the modernization of legal systems. The values of kinship, deliberation and consensus (*musyawarah mufakat*), and mutual cooperation (*gotong royong*) have become integral components of Indonesia's legal culture (Slikkerveer, 2019). As an empirical illustration, this study examines the resolution of horizontal conflicts among community associations living around mining areas in Central Halmahera through the application of the Fagogoru customary values within the restorative justice framework. This case demonstrates how local wisdom may be integrated into the criminal procedure system to strengthen socially responsive, culturally legitimate, and substantively just mechanisms for resolving community conflicts (Hanafi, 2016).

RESULTS AND DISCUSSION

Legal and Constitutional Foundations for Integrating Customary Law into the Criminal Procedure System

The existence of customary law cannot be separated from Indonesia's long historical development as a nation characterized by social, cultural, and geographical diversity. Customary law embodies the local wisdom (*local wisdom*) that has long functioned as a normative framework governing social relations, resolving disputes, and maintaining harmony between human beings and their natural environment

(Soekanto & Soekanto, 1996). The constitutional recognition of customary law is explicitly guaranteed under Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which affirms that the State recognizes and respects indigenous peoples and their traditional rights insofar as they continue to exist and remain consistent with societal development and the principles of the Unitary State of the Republic of Indonesia. This recognition is further strengthened by Law No. 5 of 1960 concerning the Basic Agrarian Principles and several Constitutional Court decisions affirming the rights of indigenous peoples over their customary territories. Nevertheless, the application of customary law continues to generate legal controversy, particularly from a legal positivist perspective. On the one hand, customary law is regarded as an effective instrument for resolving disputes in a simple, expeditious, inexpensive, and grounded in the values of kinship and social harmony (Mariani et al., 2026).

On the other hand, concerns remain regarding its compatibility with contemporary human rights standards, particularly with respect to the protection of vulnerable groups such as women and children. These debates become even more significant when customary law is applied in criminal cases or land disputes, where customary sanctions are sometimes considered inconsistent with the principle of legality under the national criminal justice system. Likewise, conflicts between indigenous communities and external actors including private corporations and governmental institutions over natural resource management have frequently resulted in the criminalization of indigenous peoples defending their customary land rights (Banerjee, 2018).

From a practical perspective, Indonesia's legal system has provided opportunities to incorporate the values and legal consciousness that exist within society (Dimiyati et al., 2021). Article 5, paragraph (1) of Law No. 48 of 2009 on Judicial Power requires judges and constitutional justices to explore, follow, and understand the legal values and sense of justice that exist within society. Similarly, Article 5 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) recognizes the right of indigenous peoples to maintain and strengthen their political, legal, economic, social, and cultural institutions while fully participating in the legal and political life of the State. These provisions provide both constitutional and international legitimacy for recognizing customary law as a component of Indonesia's national legal system.

Several factors influence the integration of customary law into the criminal procedure system through a transcendental approach to restorative justice. Although restorative justice has only recently been formally incorporated into Indonesia's criminal procedure framework under Law No. 20 of 2025 concerning the Criminal Procedure Code, its substantive principles have long been practiced by indigenous communities throughout the archipelago (Widjajanto et al., 2025). Traditional dispute

resolution has historically emphasized dialogue, deliberation, reconciliation, and communal harmony rather than retributive punishment, particularly in cases involving minor offenses and social conflicts (Sutanti et al., 2025). Contemporary Indonesian criminal law increasingly recognizes the validity of *living law*, as reflected in Article 2 of the Indonesian Criminal Code, which acknowledges that certain acts may constitute criminal offenses under the living law of society even where they are not expressly regulated by statutory legislation, provided that their application remains consistent with the values of Pancasila, the 1945 Constitution, and internationally recognized human rights standards. From a transcendental perspective, perceptions of wrongdoing vary among indigenous communities according to their respective systems of values and cultural beliefs. Nevertheless, despite their diversity, indigenous communities throughout Indonesia share common philosophical values rooted in kinship, deliberation and consensus (*musyawarah mufakat*), and cooperation (*gotong royong*) (Sukardi et al., 2025). These values constitute the cultural foundation upon which Indonesia's indigenous legal traditions continue to develop.

Accordingly, integrating customary law into the criminal procedure system through restorative justice represents a progressive development that is fully compatible with Indonesia's indigenous legal culture. In everyday social life, disputes are frequently resolved through mediation and reconciliation aimed at preserving social harmony and mutual respect rather than imposing punishment. Such practices support the sociological perspective advanced by Satjipto Rahardjo, who argued that law's true character is inherently progressive because it lives, evolves, and develops alongside the society that sustains it (Ikhsan et al., 2025). Consequently, the authentic expression of Indonesian law should not be understood solely through formal legal institutions, but also through the social practices and legal culture that are manifested within society itself.

This perspective is further reinforced by the Indonesian National Police Regulation (Perpol) No. 8 of 2021 concerning the Handling of Criminal Offenses Based on Restorative Justice. The restorative justice approach emphasizes restoring relationships among conflicting parties through deliberation, reconciliation, and family-based settlement. These principles are fundamentally consistent with customary law, which prioritizes restoring social balance and communal harmony. Accordingly, mediation and alternative dispute resolution (ADR) mechanisms provide effective alternatives to litigation because they are more flexible, efficient, and consensus-oriented (Jain & Sharma, 2026). Although the procedural characteristics of restorative justice may differ across customary communities depending on the nature of the offense and local traditions, their ultimate objective remains the same: achieving a form of justice voluntarily accepted by all parties concerned.

Despite these significant advantages, integrating customary law into the criminal procedure system through restorative justice poses challenges. Its effectiveness depends largely upon the willingness of disputing parties to pursue dialogue and reconciliation. Furthermore, Indonesia's legal pluralism continues to create tensions between state law and customary law, while comprehensive legislation explicitly regulating their integration remains limited (Jayuska et al., 2025). Institutional capacity also presents a significant obstacle, as many law enforcement officials have not yet developed a sufficient understanding of customary legal values and restorative justice principles. Finally, integration must be carefully implemented to ensure consistency with contemporary human rights standards while simultaneously strengthening the formal recognition and legal certainty of customary dispute-resolution mechanisms. Addressing these challenges is essential if customary law is to become an integral component of Indonesia's national criminal procedure system and contribute meaningfully to a restorative, culturally legitimate, and socially responsive model of criminal justice.

Ontological Foundations of Integrating Customary Law into the Criminal Procedure System

From an ontological perspective, integrating customary law into the criminal procedure system through the mechanism of restorative justice has a strong philosophical foundation, as both legal traditions share the same fundamental objective: restoring social harmony rather than merely imposing punishment. In essence, this integration seeks to recognize and institutionalize the values, norms, and customary dispute-resolution procedures as integral to the national legal system (Jzani, 2025). Its primary orientation is the restoration of social equilibrium, reconciliation, and peace, and the protection of victims' rights, rather than emphasizing retributive justice. Within customary law, criminal conduct is understood not simply as a violation of statutory provisions but as an act that disrupts the community's social, moral, and even cosmological balance. Consequently, the principal objective of dispute resolution is to restore the relationships among the offender, the victim, and the wider community rather than to inflict punishment upon the offender.

The ontological foundation of this integration is built upon three interrelated philosophical principles. First, the principle of cosmic balance regards crime as a disturbance of the social and spiritual equilibrium within an indigenous community rather than merely an offense against the State (Fernando et al., 2025). Accordingly, the resolution of criminal disputes aims to restore this disrupted balance through reconciliation and communal harmony. Second, the principles of Pancasila and legal pluralism acknowledge that Indonesia's legal system is inherently pluralistic, in which customary law, constitutionally recognized under Article 18B, paragraph (2), of the

1945 Constitution, coexists with state law and may be harmonized with restorative justice principles rooted in the philosophical values of Pancasila. Third, the principle of revitalizing customary law seeks to restore its position as a legitimate source of law within the national criminal justice system, thereby reinforcing its constitutional recognition and practical relevance in contemporary legal development.

Within customary legal traditions, disputes are commonly resolved through deliberation (*musyawarah*), consensus (*mufakat*), and the restoration of social harmony (Sukriono et al., 2025). These characteristics closely align with the essential principles of restorative justice, which place victims, offenders, and the community at the center of the conflict-resolution process. Conceptually, the integration of customary law into the criminal procedure system through restorative justice is founded upon several shared principles. Both systems emphasize peace, reconciliation, and the restoration of social relationships rather than retributive punishment. They adopt a participatory approach, actively involving community members in the dispute-resolution process while simultaneously providing victims with opportunities to obtain substantive justice through dialogue and negotiated settlement. Moreover, such mechanisms are generally more efficient than formal judicial proceedings because they offer simpler, faster, and less costly procedures while maintaining public legitimacy and social acceptance.

Empirical experience further demonstrates that indigenous communities have long implemented restorative principles through customary deliberations, community mediation, and socially restorative sanctions designed to repair damaged relationships rather than punish offenders. These traditional mechanisms have proven effective in preserving social harmony, preventing prolonged conflicts, and strengthening communal solidarity. In addition, they help reduce the workload of formal judicial institutions while addressing the persistent problem of prison overcrowding by diverting appropriate criminal cases to community-based resolution mechanisms.

Epistemological Foundations: Customary Law as *Living Law*

From an epistemological perspective, the integration of customary law into the criminal procedure system is founded on its recognition as a legitimate source of *living law*. This approach views customary law as a material source of law whose validity derives not only from formal legislation but also from its continuous acceptance and application within society. Accordingly, the principles of deliberation, reconciliation, restitution, and customary compensation are incorporated into the national criminal procedure system to achieve substantive justice rather than merely procedural justice (Rochaeti et al., 2023).

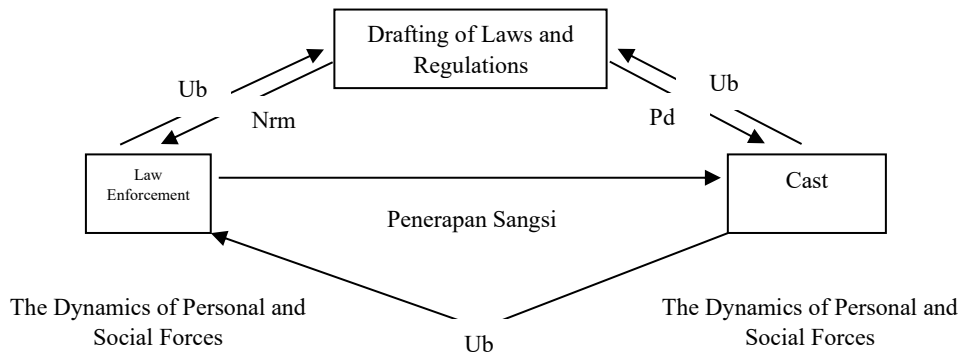
Methodologically, this epistemological framework rests upon four principal elements. First, deliberation and consensus (*musyawarah dan mufakat*) constitute the primary mechanism for resolving disputes by facilitating constructive dialogue among victims, offenders, their respective families, community leaders, and customary authorities to achieve a mutually acceptable settlement. Second, restoration emphasizes repairing the harm caused by criminal conduct through customary compensation, restitution, apology, and reconciliation rather than through imprisonment or other forms of retributive punishment. Third, settlement outside the court enables customary dispute-resolution mechanisms to operate during the police investigation or public prosecution stages, often through penal mediation as an alternative to formal litigation. Fourth, the procedural role of customary law allows law enforcement authorities to facilitate customary dialogue and recognize agreed customary sanctions or compensation as legitimate mechanisms for resolving minor criminal offenses, provided that such settlements remain consistent with constitutional principles and human rights standards.

Despite its considerable theoretical and practical potential, integrating customary law into the criminal procedure system remains a significant challenge. Effective implementation requires a harmonious relationship between state law and customary law to minimize normative conflicts, establish uniform standards of legal recognition, and reconcile differences between positive law and the diverse customary values maintained by indigenous communities throughout Indonesia. Consequently, the success of this integration depends not only upon legislative reform but also upon institutional commitment, legal pluralism, and a transcendental understanding of justice that recognizes *living law* as an indispensable component of Indonesia's national legal system.

Theory Building: The Working of Law and the Transcendental Paradigm

The principal theoretical framework employed in this study is the Theory of the Working of Law, developed by R.B. Seidman, which provides an analytical basis for examining how legal norms operate within society. This theory holds that the effectiveness of law depends not merely on the enactment of legislation but also on the interactions among lawmakers, law enforcement agencies, legal actors, and society. As illustrated in Figure 1, the operation of law is a dynamic process involving reciprocal relationships among legal institutions, social structures, and community responses.

Figure 1. The Working of Law: Personal and Social Forces (Seidman, 1978)



The model demonstrates that the operation of law begins with the formulation of legal policies by lawmakers, followed by their implementation by law enforcement institutions. The effectiveness of legal implementation subsequently depends on the responses of legal actors including police officers, prosecutors, judges, customary authorities, and other state institutions as well as on society's attitudes and acceptance of the law itself. Consequently, legal culture occupies a central position because it bridges legal norms and social reality. A legal rule cannot function effectively unless it is accepted, understood, and internalized by both legal actors and the community.

Within Seidman's framework, legal actors possess a decisive role in determining whether legal rules function as intended (Seidman, 1978). Their conduct is influenced not only by statutory provisions but also by political, economic, cultural, and social forces operating within society. Likewise, society responds to legal norms in accordance with its legal consciousness, cultural values, and expectations of justice. This reciprocal interaction illustrates that law functions as a dynamic social institution rather than merely as a body of written rules.

Building on Seidman's theory, this study proposes a transcendental paradigm as a complementary theoretical framework to enrich the understanding of restorative justice within Indonesia's pluralistic legal system. Unlike legal positivism, which primarily regards law as a product of state authority, the transcendental paradigm views law as a manifestation of universal values embedded within human existence as God's creation. Accordingly, law is not merely created through legislative processes but continuously discovered through moral reasoning, legal consciousness, and spiritual awareness.

The transcendental paradigm, therefore, does not seek to replace positive law with an entirely new legal system. Instead, it encourages legal scholarship to rediscover the authentic nature of human beings as both social beings and servants of God. Human beings are understood as integral components of a holistic universe

governed by moral values that preserve order, harmony, and justice. These values are revealed through hikmah (wisdom), reflective reasoning, and spiritual consciousness. In this context, transcendental legal reasoning emerges from the intersection of three interconnected dimensions: the Prophetic dimension, which promotes social transformation through justice and compassion; the Transcendental dimension, which derives normative guidance from divine revelation; and the Neotic dimension, which emphasizes higher consciousness and reflective legal reasoning. The convergence of these three dimensions provides the philosophical foundation for integrating customary law into the criminal procedure system through restorative justice.

Accordingly, this study argues that the integration of customary law into Indonesia's criminal procedure system represents more than procedural reform. It reflects a paradigm shift toward a legal system that recognizes *living law*, legal culture, and transcendental values as indispensable elements in realizing restorative justice. Such an approach enables criminal law to function not merely as an instrument of state authority but also as a means of restoring social harmony, protecting human dignity, and achieving substantive justice rooted in Indonesia's moral, cultural, and spiritual values.

CONCLUSION

The integration of customary law into the criminal procedure system through a transcendental approach to restorative justice represents an essential direction for reforming Indonesia's national legal system, particularly by promoting substantive justice grounded in moral and spiritual values. Customary law embodies principles that are fundamentally consistent with restorative justice, including deliberation (*musyawarah*), reconciliation, consensus, and the restoration of social relationships. Accordingly, integrating these two legal paradigms has the potential to strengthen a more humane criminal justice system that is responsive to local wisdom while reflecting Indonesia's cultural and legal diversity.

Nevertheless, the successful implementation of this integration continues to face significant challenges. These include the absence of comprehensive regulatory frameworks, institutional limitations, and the need to ensure consistency with the philosophical values of Pancasila, the 1945 Constitution of the Republic of Indonesia, and internationally recognized human rights standards. Consequently, a systematic effort is required to harmonize customary law with the national legal system without diminishing the distinctive characteristics that constitute the primary strength of indigenous legal traditions. Equally important is strengthening the institutional capacity of law enforcement agencies and customary institutions, both of which play a decisive role in effectively and consistently implementing restorative justice.

An illustrative example is provided by the Fagogoru customary values practiced in Central Halmahera, which have served as an important mechanism for

resolving horizontal conflicts among indigenous communities. During 2025 and 2026, several social disputes arising from deviant individual behavior were addressed through customary reconciliation mechanisms rooted in the principles of Fagogoru. This empirical experience demonstrates that local wisdom remains socially legitimate and more effective at restoring communal harmony than purely punitive approaches.

Without a comprehensive understanding of the philosophical and practical dimensions of customary law, however, its integration into the criminal procedure system risks remaining merely a normative concept rather than being effectively implemented. Therefore, the development of customary law-based restorative justice mechanisms should be undertaken selectively and adaptively, taking into account Indonesia's rich cultural diversity while ensuring legal certainty, equal protection of the parties' rights, and conformity with constitutional principles. Ultimately, the integration of customary law through restorative justice should be understood not merely as an alternative mechanism for resolving criminal disputes, but as an integral component of transforming Indonesia's national legal system toward a model of justice that is more inclusive, culturally legitimate, socially responsive, and sustainable. Such an approach reflects a transcendental conception of law that harmonizes legal certainty, substantive justice, social welfare, and spiritual values as the fundamental objectives of criminal justice reform.

REFERENCES

- Banerjee, S. B. (2018). Transnational power and translocal governance: The politics of corporate responsibility. *Human Relations*, 71(6), 796–821.
- Barri, M. F., Condro, A. A., Apriani, I., Cahyono, E., Prawardani, D. D., Hamdani, A., Syam, M., Ngingi, A. J., Habibie, A., & Oktaviani, A. R. (2019). *Papua bioregion: The forest and its people* (Vol. 1).
- Boulot, E., & Sterlin, J. (2022). Steps towards a legal ontological turn: Proposals for law's place beyond the human. *Transnational Environmental Law*, 11(1), 13–38.
- Dimiyati, K., Nashir, H., Elviandri, E., Absori, A., Wardiono, K., & Budiono, A. (2021). Indonesia as a legal welfare state: A prophetic-transcendental basis. *Helikon*, 7(8).
- Dobinson, I., & Johns, F. (2017). Legal Research as Qualitative. *Research Methods for Law*, 18.
- Fernando, Z. J., Dahwal, S., Arifin, F., Maskur, M. A., & Muthia, A. A. (2025). Advancing Ecological Justice through the Integration of Eco-Religion in Criminal Law Reform. *Journal of Law, Environmental and Justice*, 3(2), 160–200.
- Hanafi, M. N. (2016). Kehidupan Beragama di Desa Lelilef Kecamatan Weda Tengah Kabupaten Halmahera Tengah Propinsi Maluku Utara. *Jurnal Holistik*, 9(18), 80659.
- Ikhsan, I., Rahayu, R., & Sularto, R. B. (2025). Bridging Law and Society: Reorienting Sociological Jurisprudence for Progressive Legal Reform in Indonesia. *Jurnal Hukum Progresif*, 13(2), 313–350.
- Jain, P., & Sharma, V. (2026). Mediation vs. Tribunal Adjudication: A Comparative Study of Efficiency in Service Disputes. *Advances in Consumer Research*, 3(2).
- Jayuska, R., Handayani, I. G. A. K. R., Isharyanto, I., Marzuki, I., & Fawaid, A.

- (2025). The Ambiguous Authority of Provincial Governors in Customary Law Recognition: Regulatory Fragmentation in Indonesia's Decentralization Era. *Khazanah Hukum*, 7(2), 276–294.
- Jzani, M. R. (2025). The Effectiveness of Restorative Justice in Resolving Criminal Acts: Interaction Between Ocu Customary Law and Positive Law. *Jurnal Ius Constituendum*, 10(3), 394–414.
- Mariani, M., Zaidah, Y., Abdullah, R., Wahdini, M., & Hayati, F. (2026). Exploring Sociocultural Determinants and Resilience Mechanisms Among Young Married Couples in Rural Meratus, South Kalimantan. *Al-Abkam*, 36(1), 77–104.
- Menkel-Meadow, C. (2015). Alternative and Appropriate Dispute Resolution in Context Formal, Informal, and Semiformal Legal Processes. *Chapter*, 50, 1–28.
- Rochaeti, N., Prasetyo, M. H., Rozah, U., & Park, J. (2023). A restorative justice system in Indonesia: A close view from the indigenous peoples' practices. *Sriwijaya Law Review*, 7(1), 87–104.
- ROMERO, D. F., & Barbeyto Rodriguez, A. (2016). Restoring Damage or Pursuing Justice? The Dilemma of Communitarian M iskitu Women Seeking a Life Free of Violence. *Bulletin of Latin American Research*, 35(3), 370–383.
- Saiin, A., Umar, M. H., Badarussyamsi, B., Hajazi, M. Z., & Yusuf, M. (2023). The Domination Of Islamic Law In Customary Matrimonial Ceremonies: Islamic Values within the Malay Marriage Tradition in Kepulauan Riau. *Al-Abwal: Jurnal Hukum Keluarga Islam*, 16(2), 320–341.
- Salim, A. (2015). *Contemporary Islamic law in Indonesia: Sharia and legal pluralism*. Edinburgh University Press.
- Seidman, R. B. (1978). *The state, law and development*.
- Slikkerveer, L. J. (2019). Gotong royong: An indigenous institution of communality and mutual assistance in Indonesia. In *Integrated community-managed development: Strategizing indigenous knowledge and institutions for poverty reduction and sustainable community development in Indonesia* (pp. 307–320). Springer.
- Soekanto, & Soekanto, S. (1996). *Meninjau hukum adat Indonesia: suatu pengantar untuk mempel ajari hukum adat*. RajaGrafindo Persada.
- Sukardi, D., Hamamah, F., & Karim, A. (2025). Cooperatives based on the values of dignified justice in Indonesia and comparison with USA, Sweden, South Korea and India. *Cogent Social Sciences*, 11(1), 2573153.
- Sukriono, D., Sudirman, S., Rapita, D. D., Al Atok, A. R., & Bramantya, A. (2025). Local wisdom as legal dispute settlement: how Indonesia's communities acknowledge Alternative Dispute Resolution? *Legality: Jurnal Ilmiah Hukum*, 33(1), 261–285.
- Sutanti, R. D., Rochaeti, N., & Damora, A. R. (2025). Customary law as an instrument of restorative justice: an alternative approach to criminal conflict resolution in plural legal systems. *Clío. Revista de Historia, Ciencias Humanas y Pensamiento Crítico.*, 10, 1348–1381.
- Utama, M. S., & Mubarok, M. Z. (2024). Integrating the concept of unity in diversity and quranic values in multicultural education to foster tolerance-based character in Indonesia. *Social Studies in Education*, 2(1), 45–58.
- Widjajanto, A., Astawa, I. G. P., & Rulyandi, M. (2025). Decolonising restorative justice in Indonesia: a comparative study across Customary Law traditions.

Legality: Jurnal Ilmiah Hukum, 33(2), 470–492.

Zabadi, F., Kaniah, K., Purwaningsih, P., Muhardis, M., Taha, M., Wildan, Sidik, U., Sutejo, S., & Halilah Lubis, R. (2025). Strengthening religious harmony among the tobelo and galela ethnic through dolabololo oral literature in North halmahera. *Cogent Arts & Humanities*, 12(1), 2510139.