

Restorative Justice Model in the Resolution of Criminal Acts Based on Customary Law and Local Culture

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ABSTRACT

The customary-based *restorative justice* model is an alternative to criminal justice that emphasizes the restoration of social relations, community involvement, and respect for local wisdom. Amidst the inefficiency of the national criminal justice system, that is often repressive, customary resolution mechanisms that exist in communities such as Baduy, Dayak, and Kei demonstrate principles of restorative justice that are similar to the international concept as formulated by Howard Zehr and the principles of the United Nations. This study aims to formulate an ideal model of customary-based criminal justice, while also examining its potential contribution to the reform of the national legal system. The method used is descriptive-analytical by a normative juridical approach, combining literature study, customary law review, and theoretical analysis of the principles of restorative justice. The results of the study show that there is substantial similarity among customary law and modern restorative justice, such as deliberative consensus, acknowledgment of wrongdoing, and restoration of victims' losses. However, the integration of customary models into the national legal system faces serious challenges, including disparities among communities, the risk of human rights violations, and resistance by formal legal institutions. Therefore, the ideal model formulated includes the principle of justice, deliberation-based procedural stages, classification of cases that can be resolved through customary law, and normative oversight mechanisms to ensure accountability. The conclusion of this study confirms that the application of customary models can handle the reform of the national criminal justice system by reducing the caseload, increasing community participation, and preserving local legal culture. The main recommendation is the need for national regulations that accommodate legal pluralism in a fair and contextual manner.

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1. INTRODUCTION

The resolution of criminal acts in Indonesia has so far been dominated by a formal legal approach through the conventional criminal justice system (Hambali, 2020). However, in practice, many minor to moderate criminal cases have caused dissatisfaction among the public due to the complicated, expensive, time-consuming legal process, that often fails to restore social relations among the parties (Saleh et al., 2024). Data on minor criminal cases (tipiring) shows that 10 tipiring cases involving alcoholic beverages in 2023 were brought to the district court in Manilau Regency (Reflin, 2024), that could actually have been resolved through alternative approaches such as penal mediation or restorative justice. Even at the South Jakarta District Court, during 2024 there were 330 violators of regional regulations (perda) who were tried (Fatahillah, 2025), when in fact these cases could also have been resolved through restorative justice mechanisms. Additionally, in indigenous communities in various regions, such as Papua, Maluku, Kalimantan, and Nusa Tenggara, the resolution of criminal cases through customary law is still alive and practiced to maintain social balance. Based on a 2022 survey by the National Human Rights Commission, it was found that more than 60% of indigenous communities trust customary-based resolution mechanisms more than formal channels, as they are considered to be fairer, faster, and more oriented towards restoring social relations. This phenomenon shows the need to integrate local wisdom into the criminal justice system in a more systematic and structured manner.

Theoretically, the concept of restorative justice is based on the principle of restoring relationships among perpetrators, victims, and the community as a result of criminal acts (Sahputra, 2022; Syahrin, 2018), in contrast to the retributive approach that focuses on punishment. Howard Zehr's theory of restorative justice emphasizes the importance of dialogue, acknowledgment of wrongdoing, and restoration of losses as the basis for resolving criminal cases (Kurniawan, Triana, et al., 2024). In the Indonesian context, several previous studies have revealed the relevance among customary settlement mechanisms and the principles of restorative justice. Research by Otom Mustomi shows that the dispute resolution model in the Baduy customary community contains the main elements of restorative justice, such as deliberation, acknowledgment of wrongdoing, and compensation (Mustomi, 2017). Similarly, a study by Nurul Barizah (2020) on the Dayak community in Seruyan Regency, Central Kalimantan, concluded that a fair dispute resolution model is carried out through the Customary Institution mechanism, because the decisions of the Customary Institution carry significant legal weight for the parties involved (Ndraha et al., 2024). However, to date, there has been little comprehensive research on how these customary models can be systematized inside of the national legal framework for wider application in the settlement of criminal acts.

This study aims to identify, analyze, and formulate a model of restorative justice based on local customs and culture that can be adopted in the Indonesian criminal justice system. Another main objective is to provide a theoretical and practical basis for the integration of customary mechanisms in the settlement of criminal acts devoid of neglecting the principles of human rights and substantive justice. The urgency of this research lies in the pressing need to find more equitable alternatives for criminal justice, reduce prison overcrowding, and strengthen respect for local culture amid the process of national legal modernization. In the global context, the trend of criminal justice system reform is also moving towards a more restorative and humanistic approach, so this research is expected to contribute to responding to national and international legal dynamics.

The hypothesis of this research is that a restorative justice model based on local customs and culture can effectively resolve minor to moderate crimes better than formal criminal justice mechanisms. This model is believed to accelerate the case resolution process, reduce recidivism rates, increase the satisfaction of victims and perpetrators by the outcome of the resolution, and strengthen

social cohesion in the community. In addition, this customary-based mechanism is expected to be more adaptive to the needs of local communities, respect local values, and remain inside of the framework of national law, particularly by adjustments to applicable human rights standards. Thus, this study posits that the development of a restorative justice model based on local customs and culture can be an innovative solution in the reform of the criminal justice system in Indonesia.

2. METHODS

This study uses a normative juridical method, that is legal research that places law as an autonomous system of norms (Angkasa, 2019). In this approach, law is understood as written rules or norms that regulate society, so the focus of the study is on the analysis of legal principles, legal principles, legislation, and legal concepts (Armia, 2022) that are relevant to the application of a *restorative justice* model based on local customs and culture in the settlement of criminal acts.

To achieve the research objectives, several approaches were used, as follows. First, *the statute approach*, that is an approach conducted by examining various laws (Setiadi, 2020) related to the criminal justice system, customary law, and policies on restorative justice. Among them are the Criminal Code (KUHP), Law Number 1 of 2023 concerning the new Criminal Code, Law Number 6 of 2014 concerning Villages, National Police Chief Regulation Number 8 of 2021 concerning the Handling of Criminal Acts based on Restorative Justice, as well as international provisions such as *the United Nations Basic Principles on the Use of Restorative Justice Programs*.

Second, *a conceptual approach* was taken by examining legal concepts (Enggarani, 2019) related to *restorative justice*, customary law, and community-based conflict resolution. This approach is useful for understanding the meaning, principles, and philosophical basis of restorative justice and customary law values that have the potential to be developed inside of the framework of criminal justice in Indonesia.

Third, *the case approach* is used to examine the practices of customary-based criminal justice (Patra, 2018) in various regions in Indonesia. Case studies of several customary communities such as Baduy (Banten), Dayak (Kalimantan), and Kei (Maluku) will be analyzed to describe the concrete implementation of restorative justice principles in customary practices. This approach aims to identify common patterns, advantages, and challenges in the application of culturally-based restorative justice.

The legal materials used in this study consist of:

- a. Primary legal materials, namely relevant laws, regulations, official documents, and court decisions.
- b. Secondary legal materials, such as textbooks, scientific journals, previous research results, and opinions of legal experts discussing restorative justice and customary law.
- c. Tertiary legal materials, such as legal dictionaries, legal encyclopedias, and other handling reference sources.

The research material collection technique was carried out through *library research*, that involved collecting, reviewing, and analyzing various related literature, regulations, and documents. In addition, secondary data was also searched through journals, research reports, and online legal databases to obtain the latest legal materials.

The research materials were analyzed utilizing qualitative methods. This analysis included the interpretation of positive legal provisions, conceptual data processing, and the synthesis of various sources of legal materials obtained. This technique aimed to construct logical, systematic, and consistent legal arguments, thereby producing valid conclusions about the customary and local culture-based restorative justice model in the settlement of criminal acts.

3. FINDINGS AND DISCUSSION

Characteristics of the Customary and Local Culture-Based Restorative Justice Model

Conflict resolution in Indonesian indigenous communities has been going on for centuries through mechanisms that are unique and deeply rooted in local cultural values (Tasrizal & Mahdi, 2024). These practices are not solely aimed at punishing the perpetrator, but rather prioritize the restoration of social relations that have been disrupted as a result of the violation. In indigenous communities such as the Baduy in Banten (Puryanto & Sardjiyo, 2023), the Dayak in Kalimantan (Ndraha et al., 2024), and the Kei in Southeast Maluku (Kusapy, 2005), the resolution of disputes or social conflicts is carried out through deliberation, compensation, acknowledgment of wrongdoing, and the restoration of social harmony. These patterns are very much in line by the principles of restorative justice, as developed in contemporary legal theory, despite originating by different epistemological and cultural bases.

The Baduy community, that upholds the values of simplicity, togetherness, and harmony by nature as demonstrated by the culture of "Sulah Nyandah" (Mustopa, 2023), places the community as an entity whose balance must always be maintained. In cases of violations or conflicts among parties, the Baduy community does not recognize formal judicial institutions. Instead, disputes are resolved through traditional deliberations led by traditional elders utilizing a mechanism called *Silih Hampura* (Arifianto, 2024). This process emphasizes the acknowledgment of wrongdoing by the guilty party, followed by appropriate compensation that does not incite revenge. The main goal is not retribution, but rather the restoration of trust and harmony among community members. This restoration includes moral and social restoration, not merely the restoration of material losses. The basic principle of *Silih Hampura* is "*beres-roes-runtut-raut-rintih-rapih*," that means the following (Arifianto, 2024):

- a. *Beres*; both parties have reconciled or reached a common ground.
- b. *Roes*; there are no more problems or issues, because all parties, both the victims and the perpetrators, have had their opinions and wishes heard.
- c. *Runtut*; all stages have been completed, by family-level resolution to mutual forgiveness.
- d. *Raut*; every obstacle has a solution.
- e. *Rintih*; once all issues are resolved, all parties will accept the outcome and there will be no hard feelings.
- f. *Neat*; meaning that everything will return to the way it was before.

The Dayak community also demonstrates the characteristics of customary-based conflict resolution that reflects the principles of restorative justice. In Dayak society, there is a customary system of forgiveness called "" (Kustanti et al., 2024) that is carried out through a customary forum attended by elders, community leaders, and the parties involved in the dispute. For example, in resolving cases of murder or other serious offenses, the perpetrator is required to admit guilt and pay a customary fine (known as *tampung tawar* or *panyapu*) to the victim's family. This fine is not intended as a substitute for punishment, but as a form of responsibility and good faith to restore social relations. In addition, the implementation of customary rituals as a symbol of the removal of grudges is also part of the settlement mechanism. This emphasizes that justice in Dayak society is reconciliatory and collective in nature, not merely legalistic.

Meanwhile, the Kei community in Southeast Maluku has very well-known customary law principles and philosophies, including the customary laws of "*Larvul Ngabal*," "*Ain in Ain*," and the concept of "*vuut ain mehe ni tilur manut ain mehe ni ngifun*." These guidelines and philosophies form the basis for conflict resolution among the Kei community (Tiwery, 2018). These three forms of local wisdom also serve as social control and cultural forces that can maintain and ensure harmony inside of the community.

Larvul Ngabal customary law contains universal values of humanity, including religious values, values of unity and integrity, values of cooperation, values of deliberation and consensus, as well as values of honesty, justice, and truth. The implementation of this customary law is not based on coercion, but on an awareness of togetherness inside of the community. Meanwhile, *Ain in Ain* for the people of the Kei Islands is not just a meaningless slogan, but has been practiced and has succeeded in reconciling

various conflicts that have occurred, including the conflict of interest that occurred in 1999 in Maluku in the name of religion, that also damaged the social order of the Kei Islands community. However, the conflict was successfully resolved because *Ain ni Ain* became a strong and primary asset for the community at that time. All elements of society, by the highest traditional leaders to the villages, were given the mandate to work together to resolve the conflict (Tiwery, 2018). Meanwhile, the concept of "*vuut ain mehe ni tilur manut ain mehe ni ngifun*" means that all Kei people come by the same lineage (Kayus Jamlean, 2023). Thus, the Kei indigenous community highly values unity, harmony, and peace inside of the community.

by these three indigenous conflict resolution practices, several key values that form the foundation of restorative justice can be identified: first, deliberative consensus, that emphasizes a deliberative process to reach a mutual solution, rather than a unilateral decision (Moh. Hamzah, 2025). Second, acknowledgment of wrongdoing as a form of moral responsibility that paves the way for reconciliation and restores relationships damaged by a criminal act (Ginting et al., 2025). Third, restitution or compensation as a form of recovery for the losses suffered by the victim, not as a form of purchasing justice (Wijaya & Purwadi, 2018). Fourth, and most importantly, is the restoration of social relations (Penias Isba et al., 2024), namely the desire to recreate harmony and solidarity inside of the community. This is very different by the retributive legal approach, that focuses solely on punishing the perpetrator.

Analysis of these customary practices shows that indigenous communities in Indonesia have long applied the principles of restorative justice naturally. Although they do not use the same technical terms as modern legal literature, the substance and orientation are highly relevant to an approach that places victims, perpetrators, and communities at the center of the resolution process. In fact, this approach demonstrates superiority in relational aspects because it not only resolves legal issues but also touches on the moral, social, and spiritual dimensions of conflict.

Theoretically, the concept of modern restorative justice was also developed by John Braithwaite, who offered the concept of "*reintegrative shaming*," that is the rejection of all criminal acts devoid of degrading the perpetrator's dignity. The aim of this concept is to encourage and raise the moral awareness of perpetrators so that they take responsibility and return to being part of society devoid of experiencing stigmatization (Elvariani & Sunaryo, 2025). Howard Zehr formulated three main pillars in the concept of restorative justice, namely that every crime causes harm that must be repaired, perpetrators have an obligation to repair any harm caused by their actions, and encouraging the active involvement of all parties in the problem-solving process (Zehr, 2014). All three are consistently found in the customary settlement models of the Baduy, Dayak, and Kei communities. In other words, Indonesian customary law can be seen as a local form of restorative justice that has been tested by time and cultural context. These models are not only relevant for academic purposes, but can also serve as important references for the reform of the national legal system, especially in the context of *non-litigation settlement*, social conflict resolution, and the development of a legal system that is responsive to local values.

Given the richness of these conflict resolution traditions, it is important for the Indonesian state and policymakers to recognize and integrate local wisdom into the formal legal system. This is in line by the spirit of legal pluralism and recognition of the existence of customary law as mandated in the constitution. This approach will not only strengthen substantive justice, but also foster public trust in the law and the settlement process. Thus, the characteristics of the customary and local culture-based restorative justice model are not only a cultural heritage, but also a source of inspiration for the development of a more humanistic, contextual, and transformative judicial system.

Analysis of the Compatibility of Customary Models by Modern Restorative Justice Principles

In contemporary discourse on justice, the principle of restorative justice has become an approach that is gaining international legitimacy, both in national legal systems and in policies for handling social conflicts. Restorative justice is essentially an approach that focuses on restoring the losses suffered by victims, holding perpetrators accountable, and reconstructing damaged social relationships. This concept rejects the dominance of the retributive approach, that emphasizes punishment, and replaces

it by dialogue, reconciliation, and the active participation of all parties involved in the conflict. Howard Zehr, a leading proponent of modern restorative justice thinking, emphasizes that justice should be seen as a process of rebuilding the damage that has been done, not merely punishing wrongdoing by formal punishment. The process is voluntary and participatory, and prioritizes human values such as empathy, responsibility, and social justice (Khasanofa et al., 2025). This principle is also in line by international guidelines, such as the *Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters* issued by the United Nations in 2002.

If we examine in depth the customary settlement mechanisms in various local communities in Indonesia, such as the Baduy, Dayak, and Kei communities, we can see that restorative elements have long existed and been applied in their respective cultural contexts. In the Baduy community, for example, conflict resolution based on deliberation and acknowledgment of wrongdoing is carried out in customary spaces that prioritize collectivity and social harmony. Material sanctions are not the main focus, but rather a symbol of the perpetrator's moral and social responsibility. Meanwhile, in Dayak society, customary resolution rituals involving fines, apologies, and public reconciliation are also a way to restore relational balance, not to humiliate or repressively punish the perpetrator. A similar situation occurs in the Kei community, that prioritizes the philosophy of brotherhood and views conflict resolution as an opportunity to strengthen social bonds that have been shaken.

When compared to Zehr's principles and the UN guidelines, there are a number of significant points of convergence. For example, the principles of voluntary participation by all parties, community involvement, and an orientation towards healing and recovery are elements that have long been internalized in customary law practices (Reykasari & Nurwachidiansyah, 2025). In this context, customary law is not only compatible in terms of values, but can even be considered the precursor to restorative justice practices themselves. However, there are also fundamental differences that need to be considered. Modern restorative justice, as developed in the international context, tends to have a more systematic framework and is designed to work inside of the framework of the formal criminal justice system. Meanwhile, customary models operate inside of a homogeneous social ecosystem and are highly dependent on cultural legitimacy, the charisma of customary leaders, and community cohesion. This makes it difficult to directly apply customary models in contexts where societies have become pluralistic, urbanized, and no longer collectively bound by customary norms.

However, this gap should not be seen as an obstacle, but rather as an opportunity to develop a *hybrid* model that combines local values by the national legal framework. Analysis of this compatibility shows that the customary settlement model has great potential to serve as the basis for the development of *restorative justice* in Indonesia. This is not only because of the similarities in substance, but also because this model has high cultural legitimacy among grassroots communities. by the handle of adaptive regulations and a responsive institutional framework, the restorative principles of customary traditions can be integrated into the national legal system as an alternative approach to dispute resolution, especially in cases of a socio-communal nature. This step will not only enrich Indonesia's legal approach, but also recognize and revive local values as part of the nation's identity of justice.

Constraints and Challenges of Integrating Customary Models into the National Legal System

The integration of customary dispute resolution models into the national legal system is a discourse that is gaining momentum in Indonesian legal discourse (Aprita & Purwasi, 2025), especially in the search for alternative conflict resolution methods that are more rooted in local wisdom and oriented towards substantive justice. However, this integration process is not a simple matter. It faces various structural, normative, and sociological obstacles that require careful attention and analysis. Although philosophically and socioculturally, customary law has proven to have restorative and contextual conflict resolution mechanisms (Meidianto et al., 2025), its application inside of the framework of the state's formal law faces a number of challenges that need to be carefully considered.

One of the main challenges that arises is the disparity or diversity of customary law itself (Karjono et al., 2024). In Indonesia, there are hundreds of indigenous communities by different legal systems, both in terms of institutional structure, settlement procedures, and the substance of the norms used.

For example, the way disputes are resolved in Dayak indigenous communities is very different by practices in Kei, Baduy, or Bali Aga communities. This diversity reflects the cultural richness of the nation, but on the other hand, it creates complexity in developing a uniform and consistent national legal framework. The state, through its judicial system and legal apparatus, is required to work inside of a universally accountable system, making the unification and integration of particular models such as customary law a challenge in itself. The absence of uniform procedural standards in customary dispute resolution mechanisms risks inconsistency in law enforcement, that in turn can reduce the sense of justice and legal certainty (Adila & Alexandra, 2025).

In addition to the issue of disparity, there is also the potential for human rights violations in customary conflict resolution practices (Utami & Rezki, 2025). Not all indigenous communities practice the principles of inclusive and equal justice. In some cases, the position of women, children, and other marginalized groups tends to be weakened or even sidelined in customary dispute resolution forums (Habbab, 2024). For example, there are practices that do not involve women in customary deliberations, even though they are the ones affected by the conflict (Arso, 2025). In this context, customary approaches based on traditional power structures can conflict by universal human rights principles that promote non-discrimination, equality before the law, and the right of participation for all parties. When the state seeks to adopt customary mechanisms, it is necessary to ensure that all procedural and substantive elements are in line by the constitution and international human rights instruments ratified by Indonesia. Otherwise, the integration of this model risks perpetuating injustice wrapped in cultural symbols.

The next challenge is resistance by formal legal institutions to models of settlement outside the courts (Fikarudin & Ermania Widjajanti, 2025). The judicial system, that has been oriented towards a retributive and procedural approach, tends to be skeptical of customary approaches that are informal and flexible (N. Afifah, 2024). Many law enforcement officials, whether at the police, prosecutor's office, or court level, still adhere to the positivistic paradigm that places legislation as the only valid source of law (Maha Putra et al., 2024). In this context, community-based restorative approaches are often considered not credible or even contrary to national law. This reflects an epistemological gap among the modern legal paradigm and local legal traditions. Formal institutions also often worry that allowing or recognizing customary resolution models could open the door to potential irregularities, corruption, or violations of formal legal procedures.

In addition, the issue of documentation and legal proof of customary law is also a serious obstacle (Lubis et al., 2025). Not all indigenous communities have legal texts or official documents that describe their conflict resolution systems in writing. Much of customary law exists in oral tradition, passed down by generation to generation, and is often only understood by local customary leaders, for example in matters of customary land and recognition of customary rights. Meanwhile, the national legal system, that places great emphasis on written evidence and legal documentation, considers the existence of customary law in oral form to be insufficiently strong as a legal basis. This complicates the process of codifying and harmonizing customary law into a standardized national legal system. devoid of adequate documentation, customary law is also vulnerable to manipulation or abuse by certain parties for specific interests that do not reflect the original values of the community.

In the context of policy, weak coordination among state institutions also exacerbates obstacles to the integration of customary law (Lubis et al., 2025). The absence of an integrated and cross-sectoral national policy has led to inconsistencies in the recognition and protection of customary law. On the one hand, Law No. 6 of 2014 on Villages has provided space for the recognition of customary villages and customary institutions. However, on the other hand, there is still a lack of technical regulations governing how customary dispute resolution mechanisms can be legally recognized in the formal court system. In fact, in many regions, security forces or local governments still place customary law as subordinate to state law, rather than as an equal partner by legal authority in certain areas. This weak political will and institutional coordination is a serious obstacle to building a pluralistic and inclusive legal system.

Another equally important issue is the limited legal education among indigenous peoples themselves (Sholikhah et al., 2025). Many indigenous communities still lack exposure to national legal knowledge, including how advocacy and legal protection mechanisms can be used to strengthen the position of their customary laws. On the other hand, law enforcement officials are often not equipped by a perspective on customary law in their formal education. This imbalance in understanding creates a communication gap among two legal systems that should complement each other. In this situation, there needs to be a systematic effort to build bridges of understanding, whether through contextual legal education, cross-cultural training for law enforcement officials, or facilitating dialogue among customary leaders and legal policymakers.

Considering all these obstacles, it is clear that the integration of customary models into the national legal system requires a careful, contextual approach based on the principle of normative prudence. It is not enough to simply recognize the existence of customary law symbolically; concrete efforts must follow to ensure that the system meets universal principles of justice, is legally accountable, and has oversight mechanisms to prevent abuse. This integration must also take into account the social dynamics of modern societies, that are more pluralistic, dynamic, and do not always have strong ties to indigenous communities. Therefore, the integration cannot be a "copy-paste" or romanticized approach to tradition, but must go through a rigorous process of adaptation, validation, and harmonization so that customary law remains relevant and functional in Indonesia's legal system going forward.

This overall analysis shows that although customary law has great value and potential as an alternative source of humane and participatory dispute resolution (Kurniawan, Triana, et al., 2024), its integration into the national legal system faces serious challenges that cannot be ignored. Faced by this reality, national legal policies must be designed by a progressive approach and based on adequate field research, while continuing to prioritize respect for human rights and legal principles that apply nationally and internationally. In this way, the legal pluralism that exists in Indonesia can truly be realized in a fair, effective, and dignified manner.

Formulation of an Ideal Custom-Based Restorative Justice Model for the Settlement of Criminal Acts

The idea of integrating local values into the national legal system has become an increasingly important discourse, especially in the context of the search for a more contextual, participatory, and recovery-oriented model of justice. In the Indonesian context, the cultural richness and legal pluralism that exist in various indigenous communities open up opportunities to formulate an approach to criminal case resolution that is more rooted in the social reality of the community (Mu'awanah, 2025). Based on the identification and analysis of conflict resolution models in communities such as Baduy, Dayak, and Kei, it appears that customary mechanisms substantially contain the main principles of restorative justice, as developed in modern legal theory and international documents. Therefore, the formulation of an ideal model of customary-based restorative justice is not only possible but is an urgent necessity in designing a more responsive and humane legal system.

This conceptual model needs to be built on the foundation of basic principles that have been tested in local practice and contemporary legal theory. The first principle is the recognition of the role of the community as the main actor in conflict resolution (Wahab et al., 2024). Inside of this framework, perpetrators, victims, and the surrounding community are considered parties directly affected by the crime, and therefore they must be actively involved in the resolution process. The second principle is an orientation towards restoration, not retribution (Rikiansyah et al., 2024). This means that the resolution does not aim to punish the perpetrator in a repressive sense, but to restore disrupted social relationships, repair the victim's losses, and encourage the perpetrator to take ethical and social responsibility. The third principle is respect for human dignity and the protection of human rights, especially for victims and vulnerable groups (Adinata et al., 2025). In the context of customary law, this principle must be internalized through the adaptation and filtering of local norms that have the potential to cause discrimination or human rights violations (Ahmad Muhamad Mustain Nasoha et al., 2024).

In terms of procedural stages, this ideal model must include a clear and structured process, devoid of eliminating the flexibility that is characteristic of customary law. The process can begin by reporting the case to a customary institution or figure who has legitimacy in the community. The next stage is mediation or deliberation among the victim, the perpetrator, and community representatives. In this deliberation, all parties are given equal space to express their views, including the perpetrator's admission of guilt and the victim's explanation of the harm suffered. Once an agreement is reached, a form of compensation or restorative action is determined, that can take the form of material compensation, a public apology, or the perpetrator's involvement in community social activities as a form of responsibility. The final stage is the implementation of the agreement and evaluation of the results by customary institutions together by representatives of formal institutions such as the police or the prosecutor's office, in order to ensure the accountability and legality of the process.

The criteria for cases that can be resolved through customary mechanisms must also be carefully formulated. Not all crimes are suitable for resolution through a customary restorative approach. This model is more appropriate for minor to moderate crimes that have a direct impact on social relations in the local community, such as minor assault, petty theft, property damage, or defamation. Cases that do not involve serious violence, do not contain sexual elements, and do not involve victims who are legally incapable (such as children or people by mental disabilities) can be considered for resolution through this mechanism. However, these limitations are not rigid. In some indigenous communities, even serious cases such as murder can be resolved through customary law by certain considerations and stricter procedures. Therefore, contextual classification based on empirical studies and the participation of indigenous peoples themselves is necessary.

In order for this model to be adopted normatively in the national legal system, a monitoring and validation mechanism is needed to ensure that the process is in accordance by the principles of justice and human rights. This oversight can be carried out through the establishment of a liaison among indigenous communities and state institutions, such as a *Restorative Justice Board* or *Indigenous Dispute Resolution Coordination Forum*, tasked by ensuring that every indigenous dispute resolution process is carried out in accordance by nationally established minimum standards. The functions of this institution include verifying agreements, documenting processes, reporting settlement results, and providing legal assistance to vulnerable parties. In addition, there needs to be special training for law enforcement officials so that they understand and respect customary mechanisms and are able to collaborate constructively devoid of cautilizing domination or subordination.

The formulation of this model must also be complemented by a neat documentation and reporting system so that it has evidentiary power and can be accessed by national legal institutions when necessary. Customary decisions that have gone through a restorative process can be recorded in the form of official reports signed by all parties and ratified by representatives of the village or sub-district government. This document can then be used as the basis for officially terminating criminal proceedings through the mechanisms regulated in the Criminal Procedure Code (KUHAP), particularly the articles that allow for the termination of cases in the interests of justice (*discretionary justice*).

More than just a dispute resolution process, this model must be placed inside of the broader framework of developing a pluralistic and inclusive national legal system. Recognition of customary law is not only a matter of respect for traditional values, but also an effort to bring about justice that is more contextual, effective, and meaningful for the community (Rubi et al., 2024). Therefore, this formulation requires the involvement of multiple parties—the government, academics, indigenous communities, civil society organizations, and law enforcement agencies—in the formulation process so that it is not elitist or top-down. The participation of indigenous communities in determining the ideal form of this model is an absolute requirement so that the principle of local legal sovereignty is maintained and does not experience distortion due to excessive state intervention.

Thus, the ideal model of indigenous-based restorative justice for the settlement of criminal acts is not only an alternative legal approach, but also a transformative strategy in realizing a more just, inclusive legal system that is rooted in the identity of the nation (Karjono et al., 2024). This model not only addresses the need for efficiency and effectiveness in the criminal justice system, but also

symbolizes reconciliation among state law and customary law. When the state is able to provide equal space for the existence of customary law, a national legal system will be established that is not only formally legal, but also socially legitimate (Maulida, 2025). Therefore, the success of this formulation does not only depend on normative aspects, but also on the extent to that the state is able to humbly learn by local wisdom that has been proven capable of resolving conflicts devoid of violence and by upholding human values.

Contribution of the Model to the Reform of the National Criminal Justice System

The application of a customary-based *restorative justice* model in the national criminal justice system can be an important turning point in legal reform efforts that are not only based on formal legality, but also prioritize the substance of social justice (Kurniawan, Marwendi, et al., 2024). This model brings a more humanistic approach to handling criminal acts, while also providing ample space for the community to play an active role in conflict resolution. In practice, this approach has proven to be able to ease the burden on formal judicial institutions (Karmila et al., 2025) by transferring the settlement of certain cases to the community through a customary deliberation mechanism that is fast, inexpensive, and familiar to grassroots communities. This is significant in the context of Indonesia, that has long been burdened by a backlog of criminal cases in the courts, by limited law enforcement resources and bureaucratic procedures that are often ineffective for minor cases.

More than just administrative efficiency, this model also strengthens community participation in building a participatory legal culture (Karjono et al., 2024). In the context of resolving minor to moderate criminal cases, the involvement of local communities through customary forums allows for a resolution process that is more accommodating to local social and cultural values (Afrihadi et al., 2025). This encourages stronger internalization of norms because the community is part of the process, not merely the object of the law. In addition, the presence of a customary-based model reaffirms the social function of law as a means of maintaining order, not merely as a tool for punishment (Suryawan, 2025). Thus, the role of the community in managing conflicts becomes more active and preventive, rather than merely reactive after violations occur.

This model also contributes significantly to improving substantive justice, especially for victims and perpetrators by indigenous communities. In the conventional criminal justice system, there is often a disconnect among formal mechanisms and the social realities of victims and perpetrators (Flora, 2023). Courts often fail to capture the complexity of social relations, the history of conflict, and the emotional impact that accompanies criminal acts. In contrast, in customary settlements, these dimensions are the center of attention. The process of acknowledging wrongdoing, apologizing, and providing mutually agreed compensation opens up space for psychological and social recovery (Adi Partha et al., 2024). In other words, justice is not only felt as the result of a judge's decision, but as a process of reconciliation undertaken collectively by the community.

Equally important, this model also plays a role in preserving local legal cultures that are increasingly being eroded by state-based legal modernization. Recognition of customary mechanisms in the national legal system is a form of respect for the diverse legal identities of Indonesian society (Pupu, 2025). Legal reform does not necessarily mean abandoning cultural heritage, but rather harmonizing it into a pluralistic and inclusive system. When customary resolution practices are recognized and wisely institutionalized in the national system, the state not only strengthens the legitimacy of its laws in the eyes of the community, but also preserves the sustainability of local values that have long been the foundation of communal life. In this context, the customary-based *restorative justice* model is a strategic contribution to the transformation of the national criminal justice system towards a more just, contextual, and sustainable approach.

4. CONCLUSION

The results of the study show that customary conflict resolution practices in various Indonesian communities, such as Baduy, Dayak, and Kei, have long practiced the principles of restorative justice naturally. The mechanisms of deliberation, acknowledgment of wrongdoing, compensation, and restoration of social harmony are the main foundations that are in line by the idea of modern restorative justice. These cultural values are not merely a legacy, but a concrete representation of substantive justice oriented towards improving social relations, rather than mere revenge or punishment.

However, research also identifies a number of challenges in integrating customary models into the national legal system. First, disparities among various customary laws make it difficult to establish uniform procedural standards. Second, the potential for gender bias and exclusion of marginalized groups in customary forums risks violating human rights principles. Third, resistance by formal legal institutions that tend to have a retributive paradigm remains an epistemological and practical obstacle to the application of customary-based restorative justice. by thus, the integration of customary law into the national legal system requires adaptation strategies, value verification, and the drafting of clear and contextual regulations.

Based on these findings, the study recommends several steps. First, the government and legal institutions need to develop a hybrid model that combines modern restorative justice principles by local wisdom that has proven effective in society. Second, the integration of customary law into the formal system must ensure compliance by human rights principles, particularly in guaranteeing the participation of vulnerable groups. Third, legal education is needed for law enforcement officials to be more responsive to community-based restorative approaches. In this way, Indonesian law can develop into a more humanistic, contextual, and transformative system, capable of responding to the challenges of legal pluralism and the justice needs of contemporary society.

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