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# RECOLONIZING FORMAL RESTORATIVE JUSTICE: A SOCIO-LEGAL CRITIQUE OF INDONESIA'S SHIFT FROM CUSTOMARY JUSTICE TO STATE LAW

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**Abstract**

This study critically examines the legal dynamics of restorative justice (RJ) implementation in Indonesia, focusing on the marginalization of customary legal systems as a result of state-driven formalization. While RJ is normatively intended to promote reconciliation and community-based dispute resolution, its centralization particularly through prosecutor-led Restorative Justice Houses has led to the symbolic domestication of indigenous justice practices. The central legal issue addressed in this study is the recolonization of customary law within the framework of state-administered RJ, which systematically weakens the roles of traditional mediators such as hakam and ninik mamak. Employing an empirical juridical method and a socio-legal approach, this research draws on field data from Jambi Province and offers comparative insights from RJ practices in New Zealand, Canada, and Rwanda to uncover the tension between formal legal norms and living customary law. The findings suggest that Indonesia's RJ model reflects a form of legal recolonization rather than genuine legal pluralism. This article proposes a hybrid legal model that substantively empowers indigenous justice mechanisms within a plural legal framework. The main contribution of this research lies in its decolonial critique of state dominance in RJ practices and its proposal for a multilevel reconstruction strategy local, national, and international, that institutionalizes customary-based justice. The study is limited by its geographical scope and the absence of quantitative evaluation. Future research is encouraged to broaden regional coverage and empirically assess the effectiveness of hybrid legal models in balancing state authority with community autonomy.

***Keywords***: *Restorative Justice; Criminal Law; Legal Recolonization; Socio-Legal Studies; Hybrid Legal Model.*

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## 1. Introduction

The restorative justice (RJ) approach represents a progressive innovation in modern criminal law, emphasizing the restoration of relationships among offenders, victims, and the broader community.[1] This model is increasingly viewed as a viable alternative to conventional criminal justice systems, which are often retributive in nature and insufficiently responsive to the

[1] John Braithwaite, *Restorative Justice & Responsive Regulation (Studies in Crime and Public Policy)* (Oxford: Oxford University Press, 2002), https://doi.org/10.1093/oso/9780195136395.001.0001; Kathleen Daly, "Restorative Justice: The Real Story," *Punishment & Society* 4, no. 1 (2002): 55-79, https://doi.org/10.1177/14624740222228464.

needs of victims.[2] Numerous countries have adopted RJ practices with varying outcomes. In New Zealand, Family Group Conferences incorporating Maori values have effectively reduced recidivism rates and strengthened social cohesion.[3] Similarly, in Canada, Indigenous Healing Circles that integrate Inuit and Métis traditions with RJ principles have shown high levels of victim satisfaction, as evidenced by several evaluative studies.[4] In Rwanda, the post-1994 genocide Gacaca Courts employed a restorative framework as a community-based mechanism for reconciliation and social rehabilitation, offering platforms for victims to testify and perpetrators to acknowledge wrongdoing.[5]

In Indonesia, restorative justice has been formally introduced in criminal proceedings by the Attorney General's Office through Regulation No. 15 of 2020 on the Termination of Prosecution Based on Restorative Justice.[6] This regulation grants prosecutors the discretion to discontinue certain cases by taking into account victim recovery, mutual agreement between the parties, and broader societal interests. As part of its implementation, the Attorney General initiated the establishment of Restorative Justice Houses, which numbered 4,653 as of December 2024 across various regions of the country.[7] These centers aim to bring justice closer to the people by providing spaces for dialogue among victims, offenders, and local communities to resolve disputes through deliberation and consensus.

However, the implementation of RJ in Indonesia reveals a fundamental paradox. Despite its intention to prioritize community-based deliberation in resolving criminal matters, the legal formalism of the state places state actors, especially prosecutors, at the center of the RJ process. Regulation No. 15/2020 positions prosecutors as mediators tasked with facilitating reconciliation between victims and suspects. They also have the authority to assess the eligibility of cases for RJ processes and to oversee the execution of peace agreements reached by the parties.[8]

Empirical studies and case analyses indicate a gradual displacement of customary justice practices by state legal frameworks. In Aceh, for instance, the *Peusijuek* ritual, a traditional reconciliation practice is increasingly marginalized due to the dominance of the formal judiciary.[9] A similar trend is evident in Bali, where the practice of *Kasepekang*, a form of community-based social sanction, is losing its effectiveness in the face of a more punitive state criminal code.[10] In Maluku, the *Sasi* system, which functions both as a conflict resolution mechanism and a tool for

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2 Heather Strang et al., "Restorative Justice Conferencing (RJC) Using Face-to-Face Meetings of Offenders and Victims: Effects on Offender Recidivism and Victim Satisfaction. A Systematic Review," *Campbell Systematic Reviews* 9, no. 1 (2013): 1-59, https://doi.org/10.4073/csr.2013.12.

3 Paora Moyle and Juan Marcellus Tauri, "Māori, Family Group Conferencing and the Mystifications of Restorative Justice," *Victims and Offenders* 11, no. 1 (2016): 87–106, https://doi.org/10.1080/15564886.2015.1135496.

4 Department of Justice Canada, *A Report on the Relationship between Restorative Justice and Indigenous Legal Traditions in Canada* (2023). https://www.justice.gc.ca/eng/rp-pr/jr/rjilt-jrtja/index.html

5 Phil Clark, *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice without Lawyers* (Cambridge: Cambridge University Press, 2010), https://doi.org/10.1017/CBO9780511761584.

6 Regulation of the Attorney General of the Republic of Indonesia No. 15 of 2020 on the Termination of Prosecution Based on Restorative Justice (2020).

7 Pusat Penerangan Hukum Kejaksaan Agung, "Rapat Kerja Kejaksaan Dan Komite I DPD RI Terkait Penegakan Hukum Di Daerah," 2025, https://kejaksaan.go.id/index.php/conference/news/3707/read.

8 A. P. Harahap et al., "Legal Pluralism and Customary Justice in Indonesia: Reconstructing Adat Law under State Legal Dominance," *Littera Legis: Journal of Law, Society, and Justice* 1, no. 1 (2025): 1–16, https://journal.geminilittera.com/littera-legis/article/view/1; Maswandi, Fitriyah Ingratubun, and Junaidi Abdullah Ingratubun, "Restorative Justice Formulation Policy in the Juvenile Criminal Justice System in Indonesia," *Masalah-Masalah Hukum* 52, no. 2 (2023): 187-196, https://doi.org/10.14710/mmh.52.2.2023.187-196.

9 Adi Kasman, M. Ikhwan, and Roni Hidayat, "Peusijuek Local Wisdom Resilience of the Acehnese Within the Cultural Globalization Discourse," *Jurnal Antropologi: Isu-Isu Sosial Budaya* 24, no. 2 (2022): 187–194, https://doi.org/10.25077/jantro.v24.n2.p187-194.2022.

10 I. Putu Sastra Wibawa and Mahrus Ali, "Ketegangan Hukum Antara Sanksi Adat Kasepekang Dengan Humanisme Hukum Di Desa Adat Paselatan, Kabupaten Karangasem, Bali," *Jurnal Hukum Ius Quia Iustum* 29, no. 3 (2022): 611–632, https://doi.org/10.20885/iustum.vol29.iss3.art7.

environmental governance, is being sidelined by formal legal regulations that are misaligned with local wisdom.[11]

A parallel phenomenon can be observed in the Indigenous Malay community of Jambi, where customary conflict resolution mechanisms are increasingly supplanted by state law. For example, the establishment of the Restorative Justice House *(Rumah Rukun Damai)* in Jambi City by the District Attorney's Office[12] has led to a shift in conflict resolution authority from traditional leaders to state prosecutors. The role of the *hakam* (customary adjudicators who uphold collective values and reconciliation)[13] is effectively displaced by the intervention of state actors within the state-managed RJ framework.[14] These traditional figures, once regarded as the guardians of social harmony through customary deliberation, are losing their relevance as the state asserts exclusive authority over legal infractions. In the Jambi Malay tradition, customary deliberation not only aims to resolve conflict but also engages the entire community in the healing process for victims, perpetrators, and damaged social relations.[15]

Although customary leaders continue to be viewed as the custodians of traditional values, their authority is increasingly undermined by state intervention, which dominates dispute resolution procedures. Customary deliberation, once a binding and meaningful process, is now reduced to a symbolic procedure, as final decisions rest in the hands of law enforcement officials. This development illustrates how customary law risks losing its symbolic and normative force. Rather than reinforcing indigenous legal systems, state-led restorative justice may instead accelerate their marginalization, rendering them as mere supplementary elements within the formal criminal justice system.

In the Indonesian context, existing research on customary law and restorative justice has primarily documented the conflict resolution mechanisms of indigenous communities, such as *Peusijuek* in Aceh[16], *Kasepekang* in Bali[17], and *Sasi* in Maluku[18], that emphasize consensus and collective deliberation. However, much of this literature remains descriptive and lacks a critical examination of how state criminal law, rooted in colonial legal legacies, has displaced indigenous legal authority. Consequently, there remains a significant research gap concerning the intersections of legal decolonization, the marginalization of customary law, and the application of restorative justice within the framework of state criminal law. Furthermore, most existing studies are centered on state legal perspectives and do not sufficiently explore how RJ principles are

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[11] J. Sahalessy, "Peran Latupati Sebagai Lembaga Hukum Adat Dalam Penyelesaian Konflik Antar Negeri Di Kecamatan Leihitu Provinsi Maluku," *Jurnal Sasi* 17, no. 3 (2011): 45–52, https://doi.org/10.47268/sasi.v17i3.364; Maria M. Sahusilawane, Sunardi, and Johan Iskandar, "Implementation of Sasi Which Impact on the Sustainability of Ecosystem Services in Maluku," *E3S Web of Conferences* 495 (2024), https://doi.org/10.1051/e3sconf/202449501005.

[12] Kejaksaan Tinggi Jambi, "11 Rumah Restorasi Justice Di Kota Jambi Segera Diresmikan, Ini Kata Kajari," 2023, https://kejati-jambi.kejaksaan.go.id/11-rumah-restorasi-justice-di-kota-jambi-segera-diresmikan-ini-kata-kajari/.

[13] Ardian Kurniawan, "The Quasi-Judicial Role of Hakam in Malay Customary Justice of Jambi as an Alternative Dispute Resolution," *Decisio: Journal of Judicial Law and Procedure* 1, no. 1 (2026): 59–72, https://journal.geminilittera.com/decisio/article/view/42.

[14] The observation was conducted at the *Rumah Rukun Damai* in Beliung Subdistrict, Jambi City, which is facilitated by the Jambi District Attorney's Office. In a case of repeated domestic violence, the prosecutor acted as a legally authorized mediator, while traditional leaders served as observers. This approach aims to ensure compliance with the peace agreement, given that previous customary decisions were often disregarded due to their lack of legally binding authority.

[15] Nuraida Fitri Habi et al., "Prioritizing Restorative Justice in the Settlement of the Sumbang Besak Adultery Case in Babeko Village, Jambi," *El-Mashlahah* 14, no. 2 (2024): 343–60, https://doi.org/10.23971/el-mashlahah.v14i2.8030.

[16] Kasman, Ikhwan, and Hidayat, "Peusijuek Local Wisdom Resilience of the Acehnese Within the Cultural Globalization Discourse."

[17] Wibawa and Ali, "Ketegangan Hukum Antara Sanksi Adat Kasepekang Dengan Humanisme Hukum Di Desa Adat Paselatan, Kabupaten Karangasem, Bali."

[18] Sahusilawane, Sunardi, and Iskandar, "Implementation of Sasi Which Impact on the Sustainability of Ecosystem Services in Maluku."

contextualized and practiced within indigenous legal systems in postcolonial societies such as Indonesia.

The foregoing discussion reveals several pressing legal issues within Indonesia's restorative justice framework. First, the dual role of prosecutors as both mediators and law enforcers under Regulation of the Attorney General No. 15 of 2020 creates a juridical ambiguity of authority, blurring the boundary between consensual settlement and coercive state intervention. Second, the increasing replacement of customary mediators (such as *hakam* and *ninik mamak*) by state officials signifies the erosion of indigenous legal sovereignty and weakens the normative force of living law within a pluralistic society. In this article, recolonizing denotes the state's renewed domination over customary law through modern formal legal mechanisms, particularly state-led restorative justice frameworks that are participatory in appearance but structurally centralized and hegemonic. The concept is used as a decolonial critique of the assumption that state-administered restorative justice is inherently inclusive and community-based within legally plural societies. Third, the incompatibility between legal formalism and plural legal realities persists, as the state's RJ model privileges procedural legality over cultural legitimacy, thereby reproducing colonial patterns of domination under a participatory guise. Finally, the framework raises constitutional and human rights concerns, since the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) guarantees the recognition of indigenous justice systems, yet such rights remain only symbolically acknowledged in current RJ practices.[19]

## 2. Method

This study employs an empirical juridical method with a socio-legal approach to examine the shifting authority from indigenous legal systems to the state criminal justice system and its implications for the practice of restorative justice in Indonesia. This approach combines legal analysis with the social realities experienced by communities, focusing not only on the study of codified legal norms but also on how such laws are implemented in daily practice. The primary focus on the Indigenous Malay community in Jambi reflects the study's significance in understanding the interaction between state law and customary law, and how these two systems influence each other in the context of dispute resolution. The uniqueness of this approach lies in its ability to illustrate the dynamic interplay between formal legal regulations and the living law practiced within indigenous communities.[20]

The socio-legal approach is selected due to its capacity to delve deeper into how indigenous communities respond to state legal interventions. This approach does not merely highlight the normative dimensions enshrined in legislation, but also uncovers the broader social dimensions of legal implementation.[21] By involving prosecutors, traditional leaders, and local community figures in interviews, this study collects empirical data that offer insights into how the presence of state law, particularly the restorative justice system, affects the implementation of long-standing customary legal practices. In this context, the research seeks to understand how customary law and state law interact in the realm of dispute resolution, and whether these two systems operate in a complementary or conflicting manner in practice. This empirical approach allows for a

[19] Regulation of the Attorney General of the Republic of Indonesia No. 15 of 2020 on the Termination of Prosecution Based on Restorative Justice; United Nations, "United Nations Declaration on the Rights of Indigenous Peoples. Resolution 61/295," *United Nations General Assembly*, 2007; Zainal Azwar, Firdaus Firdaus, and Muhammad Nafis, "The Role of the Malay Customary Institution in Off-Court Divorce Mediation: A Case Study in Rantau Pandan, Jambi," *Al-Risalah* 20, no. 1 (2020): 59–73, https://doi.org/10.30631/al-risalah.v20i1.561; Svitlana Karvaratska, "Socio-Historical Factors of Law Perception in 'Living Law' Concept by Eugen Ehrlich," *Erlìhìvs'kij Žurnal* 1 (2017): 42-51, https://doi.org/10.31861/ehrlichsjournal2017.01.042.

[20] Habi et al., "Prioritizing Restorative Justice in the Settlement of the Sumbang Besak Adultery Case in Babeko Village, Jambi."

[21] Brian Z. Tamanaha, *Realistic Socio-Legal Theory : Pragmatism and a Social Theory of Law*, in *Oxford Socio-Legal Studies.* (1997). https://doi.org/10.1093/acprof:oso/9780198298250.001.0001

nuanced exploration of legal pluralism[22], shedding light on the tensions and synergies between formal legal institutions and indigenous justice mechanisms.

In addition to its primary focus on the Indigenous Malay community in Jambi, this study also expands its analysis through a comparative perspective by examining similar phenomena in other countries, including New Zealand, Canada, and Rwanda. This comparison offers a broader understanding of the diversity of restorative justice practices, shaped by different cultural backgrounds and legal systems. Through this approach, the research illustrates how indigenous communities in various contexts engage with state legal frameworks in resolving disputes, and identifies both similarities and differences in the application of restorative justice principles across jurisdictions. By doing so, the study provides insight into how cultural and legal pluralism influence the design and implementation of restorative justice, highlighting the need for context-sensitive approaches that respect local traditions and indigenous legal norms.

Within the juridical framework, this research examines the regulation of restorative justice within the national criminal law system, particularly Regulation of the Attorney General No. 15 of 2020, and how this state legal system interacts with the customary legal systems practiced in communities. Operationally, the study also contributes to the reconstruction of a restorative justice system that is more sensitive to the existence and preservation of indigenous legal traditions. By identifying the challenges faced by indigenous communities in adapting to state law, the research proposes recommendations for reconstructing restorative justice in a way that more fully respects the plurality of living legal systems in society. This approach underscores the importance of integrating state and customary law to create a more equitable and sustainable justice system.

## 3. Results and Discussion

### 3.1. The Dominance of State Prosecutors in the Concept of Restorative Justice Houses

Within the framework of implementing the Indonesian Attorney General's Regulation No. 15 of 2020 through the establishment of Restorative Justice Houses, prosecutors assume two critical roles that significantly influence the direction and substance of criminal case resolution, as case controllers and peace facilitators. As case controllers, prosecutors hold exclusive authority to assess whether a criminal case should proceed to court or can be resolved through a restorative justice (RJ) approach.[23] This authority grants prosecutors a strategic position in selecting cases that meet the criteria for restorative justice, such as minor harm, voluntary reconciliation, and limited social impact. In this capacity, prosecutors not only act as law enforcers but also as micro-level policy makers in the criminal justice system.

Meanwhile, in their role as peace facilitators, prosecutors are responsible for mediating dialogue between victims and offenders to achieve a fair and mutually accepted agreement. They are instrumental in fostering mutual understanding between the parties involved. The implementation of restorative justice mechanisms in Indonesia entrusts prosecutors with substantial authority, both in evaluating the feasibility of non-punitive resolution for a given case and in supervising the execution of the peace agreement reached between the parties.[24]

The procedural implementation of RJ involves several administrative stages. Before gaining approval, a proposal must be submitted by the public prosecutor to the Deputy Attorney General for General Crimes (JAM-Pidum) for a substantive review and policy consideration. According to Arnold Hutagalung, a prosecutor at the Muaro Jambi District Attorney's Office, this submission is

[22] Misran Ramli et al., "State, Custom, and Islamic Law in Aceh: Minor Dispute Resolution in the Perspective of Legal Pluralism," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2024): 872–90, http://dx.doi.org/10.22373/sjhk.v8i2.15924; Brian Z. Tamanaha, "Understanding Legal Pluralism: Past to Present, Local to Global," in *Legal Theory and the Social Sciences: Volume II* (2017), https://doi.org/10.4324/9781315091891-17.

[23] Interview with Arnold Hutagalung, Head of the General Crimes Division at the Muaro Jambi District Attorney's Office, October 8, 2024 in Muaro Jambi Regency, Jambi Province.

[24] Regulation of the Prosecutor's Office of the Republic of Indonesia Number 15 of 2020 Concerning Termination of Prosecution Based on Restorative Justic (2020).

carried out via video conference between the regional office and the central authority.[25] The final decision on whether a case qualifies for RJ rests with the JAM-Pidum, making the process not only centralized but also potentially time-consuming.

However, the implementation of this model in regions such as Jambi cannot be divorced from the local socio-cultural context, which has traditionally relied on customary law for conflict resolution.[26] In an interview, Isnaini Yusuf, a customary leader from Bukit Baling Village, explained that prior to state intervention through formal institutions, interpersonal conflicts were often resolved through community deliberations mediated by traditional figures *(hakam)*, who served as natural mediators. This role has now undergone a significant transformation.[27] The establishment of a Restorative Justice House in Bukit Baling Village, known as Rumah Gena RJ, has underscored the formalization of conflict resolution processes, whereby the state has assumed reconciliation functions that were once intrinsic to local communities.

Field observations also reveal concerns that this process represents a form of legal recolonization, whereby the state legal system displaces or marginalizes effective indigenous conflict resolution systems. Prosecutor Arge Arif Suprabowo acknowledged that while the involvement of customary figures is formally accommodated in RJ forums[28], their role is largely symbolic. They no longer control the mediation process, serving instead as ceremonial participants in a state-driven scheme. This condition creates an ambiguity between the proclaimed respect for local wisdom and the reality of legal centralization through bureaucratically controlled restorative approaches. When formal state actors fully dominate the arena of conflict resolution, the result is not legal integration, but rather the subordination of community legal systems.

This ambiguity becomes particularly evident in certain cases, such as those observed at Rumah Rukun Damai in Beliung Sub-district, Jambi City. Under the pretense of legal legitimacy, the application of RJ to domestic violence (KDRT) cases illustrates a paradoxical implementation of restorative mechanisms in contexts that require special protection for victims. In such cases, a formal-legal restorative approach tends to overlook the power imbalance between offender and victim, particularly in gender-based violence.[29] The state, through prosecutors, promotes peaceful resolution as part of a broader agenda for case management efficiency, yet fails to address the structural vulnerabilities experienced by women and children affected by domestic violence.

Rather than creating a safe and victim-centered space, the RJ process in such cases risks legitimizing domestic violence through agreements that may not fully reflect the victim's free will. This criticism was echoed by Ahmad Dainuri, a local customary leader, who expressed concern that the transition from traditional to formal RJ forums has reduced meaningful community participation in resolving familial conflicts. He noted that, in the past, domestic disputes were mediated by extended families and local elders who understood the social dynamics. Now, cases are directly referred to RJ Houses, and customary figures are only invited for formality despite the fact that the local community, not the state, truly understands the familial context.[30]

Therefore, the RJ House concept is problematic not only at the policy level but also reflects institutional biases against substantive justice. It reveals how the state, through pseudo-participatory mechanisms, maintains control over domestic conflict resolution while neglecting structural dynamics and human rights norms that should guide victim protection. The use of RJ Houses in domestic violence cases is not only a policy misapplication, but also a mechanism

[25] Interview with Arnold Hutagalung, Head of the General Crimes Division at the Muaro Jambi District Attorney's Office, October 8, 2024 in Muaro Jambi Regency, Jambi Province.

[26] Azwar, Firdaus, and Nafis, "The Role of the Malay Customary Institution in Off-Court Divorce Mediation: A Case Study in Rantau Pandan, Jambi."

[27] Interview with Isnaini Yusuf, Customary Leader of Bukit Baling Village, November 14, 2024 in Muaro Jambi Regency, Jambi Province.

[28] Interview with Arge Arif Suprabowo, Head of the Execution and Examination Subdivision at the Muaro Jambi District Attorney's Office, October 8, 2024 in Muaro Jambi Regency, Jambi Province.

[29] Observation and monitoring of domestic violence case resolution practices at *Rumah Rukun Damai*, November 23, 2024 in Beliung Subdistrict, Jambi City.

[30] Interview with Ahmad Dainuri, Customary Leader of Kelurahan Beliung, Jambi City.

through which the state exerts control over domestic conflict resolution via formalized and bureaucratic means.

Although elements of community participation are present, the prosecutor's role remains dominant, as the entire process depends on their authority as representatives of the state. The role of hakam, or customary authority, is reduced to a symbolic presence, with final decisions remaining in the hands of the prosecutor. Customary leaders serve more as cultural legitimators without substantive authority to influence the mediation outcome. What was once a process rooted in deliberation, social balance, and local values has been reframed within procedural formalism governed by the state.

This phenomenon illustrates the state's legalistic strategy for managing the diversity of local conflict resolution mechanisms. Rather than empowering communities to administer justice based on local norms, the state integrates, supervises, and controls customary practices through formal institutions such as RJ Houses. In this context, the involvement of customary leaders serves not to strengthen communal authority but to legitimize state intervention into the social sphere. This practice essentially reproduces the domination of state law over customary law that was characteristic of the colonial era, albeit now under the guise of participation and community empowerment. When RJ practices become a vehicle for domesticating local value systems into formal legal logic, the result is not legal synergy but the subordination of community law to state power structures.

From a socio-legal perspective, this shift raises fundamental questions about legal sovereignty at the local level. Who has the authority to define the form and substance of justice? Are communities genuinely given deliberative space to shape legal solutions aligned with their values and social structures, or are they merely passive participants within a state-defined legal framework? These questions resonate with Sally Engle Merry's[31] critique of "legal pluralism" and "state-centered law," which highlights how state legal systems often absorb and weaken local legal norms through ostensibly participatory mechanisms that preserve vertical control. In the context of RJ implementation, the overwhelming reliance on prosecutors indicates not a decentralization of justice, but rather a repatriation of legal authority to the state. This is what Foucault termed "governmentality," the regulation of citizens through subtle yet systematic legal technologies. [32]

RJ practices within this framework illustrate how a criminal justice system rooted in legal formalism and procedural legality may fail to uphold substantive justice and protect vulnerable groups. Although RJ is normatively envisioned as an egalitarian and inclusive space for dialogue, in practice, it risks becoming a new medium for the reproduction of power relations, especially when it is not contextually designed or sensitive to social, gendered, and customary dynamics.[33] In regions like Jambi, the implementation of RJ exposes a stark tension between centralized formal law and community-based customary authority. This tension is not merely administrative or technical; it reveals a deeper epistemological problem, whether the state is genuinely willing to recognize legal pluralism as a normative reality. Ultimately, RJ in Indonesia reflects the state's pragmatic adaptation to global restorative justice discourse while retaining a logic of legal control and formal hegemony.[34]

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[31] Sally Engle Merry, "Global Human Rights and Local Social Movements in a Legally Plural World," *Canadian Journal of Law and Society* 12, no. 2 (1997), https://doi.org/10.1017/S0829320100005433; Paul Schiff Berman, "Sally Engle Merry and Global Legal Pluralism," *Law & Society Review* 54, no. 4 (2020): 247-271, https://doi.org/10.1111/lasr.12515.

[32] Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (London: Viking, 1977).

[33] Howard Zehr, *The Little Book of Restorative Justice* (PA: Good Books, 2002).

[34] Juan J. Garcia Blesa, "The Cultural Dimensions of Legal Certainty: A Study on the Use of Intercultural Knowledge in European Law-Application," *European Papers: A Journal on Law and Integration* 10, no. 2 (2025): 405–34, https://doi.org/10.15166/2499-8249/838.

### 3.2. The Recolonization of Restorative Justice in Indonesia and Comparative Insights from Other Countries

The problem of legal recolonization in the practice of restorative justice (RJ) in Indonesia becomes increasingly evident as the state not only initiates RJ models through formal institutions but also actively displaces indigenous conflict resolution mechanisms that have long existed within local communities. In regions such as Jambi, RJ Houses administered by the public prosecutor's office have supplanted the mediatory functions traditionally carried out by local figures such as *hakam, ninik mamak*, and other customary authorities. Interviews with Ahmad Dainuri in Beliung Subdistrict and Isnaini Yusuf in Bukit Baling Village reveal that customary leaders are now relegated to ceremonial roles within RJ forums, lacking any substantive decision-making authority. This illustrates a shift in local authority that should otherwise be integral to the justice structure. Such a shift is not merely administrative but represents a profound transformation regarding who holds sovereignty in managing social conflict.

This phenomenon is a concrete example of legal colonialism, wherein the modern state absorbs community-based conflict resolution forms, but only symbolically, devoid of substance. The state redefines what is considered legitimate and modern in dispute resolution and formalizes it through centralized mechanisms.[35] In practice, RJ decisions in Indonesia are made exclusively by the Deputy Attorney General for General Crimes (JAM-Pidum) through centralized video conference evaluations, as noted in a field interview with prosecutor. This process reveals not only the absence of meaningful community participation but also marks a repatriation of legal power from the community back to the state, albeit under a softer, yet hegemonic guise. Consequently, the RJ approach in Indonesia, which is intended to provide space for healing, becomes a bureaucratic instrument that reproduces the imbalance of authority between the state and indigenous communities.

In this context, the recolonization of RJ should not be viewed solely as the appropriation of conflict resolution arenas but also as a form of epistemic violence, the symbolic erasure of local ways of knowing and defining justice. [36] The state claims exclusive legitimacy as the producer of legal norms, reducing customary law to a subordinate status rather than treating it as a coequal system. In contrast, legal pluralism theory as articulated by Benda-Beckmann[37], emphasizes that state law and customary law should operate in parallel and mutually recognize each other's authority. RJ models that are adopted without sensitivity to these power relations risk replicating the colonial pattern in which state law functions as a tool of domination rather than as a bridge to justice. [38] Genuine restorative justice thus requires more than borrowing community-based terminology and procedures, it demands a structural transformation that empowers local justice systems with real authority.

In contrast, several countries have successfully developed RJ models that strengthen, rather than replace, local community structures. In New Zealand, the Family Group Conferences (FGC) introduced within the juvenile justice system have led to a reduction in recidivism rates by 14-30% and have reinforced social cohesion. This model is rooted in Maori values such as whanau, manaakitanga, and tikanga, and involves families and communities in decision-making processes. Rather than replacing local mechanisms, the state facilitates their role within a broader legal framework.[39]

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35 Berman, "Sally Engle Merry and Global Legal Pluralism."

36 Gayatri Chakravorty Spivak, "Can the Subaltern Speak?," in *Imperialism* (Routledge, 2023), 171–219.

37 Franz Von Benda-Beckmann, "Legal Pluralism and Social Justice in Economic and Political Development," *IDS Bulletin* 32, no. 1 (2001): 46-56, https://doi.org/10.1111/j.1759-5436.2001.mp32001006.x.

38 Vicki Chartrand, "Unearthing Justices: Mapping 500+ Indigenous Grassroots Initiatives for the Missing and Murdered Indigenous Women, Girls and Two Spirit+," *Decolonization of Criminology and Justice* 4, no. 1 (2022): 7-30, https://doi.org/10.24135/dcj.v4i1.34.

39 Moyle and Tauri, "Māori, Family Group Conferencing and the Mystifications of Restorative Justice"; Tim Rowse, "New Treaty, New Tradition: Reconciling New Zealand and Māori Law," *The Journal of New Zealand Studies*, no. 25 (2017): 115-116, https://doi.org/10.26686/jnzs.v0i25.4111.

A similar approach is found in Canada, where Indigenous Healing Circles are employed to resolve minor and intermediate criminal cases among Inuit and Métis communities. These circles emphasize collective and spiritual healing while reinforcing relational justice principles in which victims, offenders, and the community actively participate. Evaluative studies show victim satisfaction rates exceeding 85%.[40] Here, the state acts as a partner that respects and supports the autonomy of indigenous communities rather than functioning as the sole controller of legal proceedings.

Rwanda provides a large-scale example of recognizing community-based justice through its post-genocide Gacaca Courts, which addressed more than 1.2 million cases over a decade.[41] Although not without criticisms regarding procedural safeguards, Gacaca represents a unique model of using local mechanisms for large-scale social healing. Crucially, the Rwandan state granted full legitimacy to community structures as authoritative agents of conflict resolution.[42]

**Table 1.**
**Comparison of RJ Models in Several Countries**

| Country | RJ Model | Integration of Customary Law | Role of the State | Key Impacts |
|---|---|---|---|---|
| Indonesia | RJ Houses (prosecutor-led) | Minimal (purely symbolic) | Dominant, centralized | Marginalization of customary institutions; dominant state legitimacy |
| New Zealand | *Family Group Conferences* | Strong (integration of Maori values) | Facilitator, not dominant | Reduced recidivism; strengthened social cohesion |
| Canada | *Indigenous Healing Circles* | Formally recognized in judiciary | Community partne | >85% victim satisfaction; culturally grounded social restoration |
| Rwanda | *Gacaca Courts* | Based on local communities | Full legitimacy to local mechanisms | 1+ million cases resolved; promoted national reconciliation |

Source: Author's compilation based on Regulation of the Attorney General No. 15/2020; Moyle & Tauri (2016); Department of Justice Canada (2023); Clark (2010).

This table demonstrates the importance of balancing state roles with local power in implementing RJ based on customary law. The state can act as a facilitator and partner, creating space for local mechanisms to flourish while upholding universal justice principles. These successful models offer valuable lessons for developing countries, including Indonesia, to more deeply integrate customary law into their criminal justice systems, leading to greater social cohesion and the restoration of interpersonal and communal relationships.

Greater recognition of customary legal systems would also enhance public trust in the legal system and reduce the inequities often caused by the application of context-insensitive formal legal structures.[43] Additionally, integrating customary law into the criminal justice system can

[40] Department of Justice Canada, *A Report on the Relationship between Restorative Justice and Indigenous Legal Traditions in Canada*.
[41] Clark, *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice without Lawyers*.
[42] United Nations, "The Justice and Reconciliation Process in Rwanda," *United Nations*, 2012.
[43] Bagio Kadaryanto, Ardian Kurniawan, and Burhanuddin, "Reconstruction of Indigenous Community Inclusion in Village Autonomy Policy: Towards a Substantive Autonomy Model in Indonesia," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 25, no. 1 (2025): 1–19, https://doi.org/10.30631/alrisalah.v25i1.1845.

enrich alternative dispute resolution methods aligned with local values and cultures while alleviating the burden on formal judicial mechanisms. Therefore, it is essential for the state to formulate policies that go beyond symbolic accommodation of customary law and instead offer genuine space for active participation of customary institutions, under appropriate oversight and regulation. This approach can strengthen restorative justice practices and promote a more inclusive and sustainable justice model that is responsive to the dynamic realities of each community.

### 3.3. Reconstructing Restorative Justice Based on Indigenous Law in Indonesia

Indigenous law in Indonesia has long served as an effective conflict resolution mechanism, particularly within communities that uphold traditional values.[44] These mechanisms, centered on deliberation, the restoration of social relationships, and the maintenance of communal harmony, align closely with the foundational values of restorative justice (RJ). Unfortunately, customary law remains marginalized within the national criminal justice system, acknowledged only symbolically and lacking formal structural integration. This marginalization poses a significant challenge in many developing countries, where modern legal systems frequently fail to address pluralistic social realities, especially in indigenous communities where customary law persists as a living law, as theorized by Eugen Ehrlich.[45]

Field studies in Jambi Province reveal that customary dispute resolution practices, as implemented by the Jambi Malay community, enjoy substantial social legitimacy. Customary leaders assert that adat-based settlements are more widely accepted due to their emotionally and relationally grounded approaches, which contrast with the rigid, centralized formal processes. In cases of domestic violence or interpersonal disputes, adat mediation allows for genuine restoration between offender and victim without severing communal ties. This indicates that indigenous legal systems possess not only cultural legitimacy but also sociological functionality. Thus, the state should develop policy frameworks that institutionally empower customary law as a mechanism for delivering restorative justice.

At the national level, a hybrid legal model offers a pragmatic compromise. Such a model would authorize customary institutions to handle specific cases, primarily minor offenses, under the supervision of the state legal system. A selective application of this model already exists in the Juvenile Criminal Justice System, which recognizes diversion practices rooted in local customs.[46] However, its scope remains limited to juvenile cases and has not yet been institutionalized within the broader criminal justice system. The state must therefore develop legal instruments that grant indigenous institutions defined but substantive authority to adjudicate context-appropriate disputes in accordance with each community's norms.

For such a model to function effectively, a national regulation is required to delineate the jurisdiction of customary law, set minimum procedural standards, and recognize decisions issued by customary institutions within the formal legal framework. Judicial supervision by state courts can serve as a check-and-balance mechanism to ensure accountability without eroding community autonomy. The involvement of the Ministry of Law and Human Rights in accrediting or certifying *hakam* (customary mediators), integrating indigenous legal education into the training of law enforcement officials, and establishing inter-institutional customary forums could further harmonize formal and customary systems. These measures reflect not only legal inclusivity but also strengthen the national legal order through a pluralist legal approach.[47]

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[44] Didik Sukriono et al., "Local Wisdom as Legal Dispute Settlement: How Indonesia's Communities Acknowledge Alternative Dispute Resolution?," *Legality : Jurnal Ilmiah Hukum* 33, no. 1 (2025): 261–85, https://doi.org/10.22219/ljih.v33i1.39958.

[45] Gerhart Husserl, "Reviewed Work: Fundamental Principles of the Sociology of Law by Eugen Ehrlich, Walter L. Moll," *The University of Chicago Law Review* 5, no. 2 (1938): 330–40, https://doi.org/10.2307/1596994; Eugene Ehrlich, *Fundamental Principles of the Sociology of Law* (Routledge, 2017).

[46] Law Number 11 of 2012 on the Juvenile Criminal Justice System (2012).

[47] Von Benda-Beckmann, "Legal Pluralism and Social Justice in Economic and Political Development."

At the local level, regional governments should be granted broader authority to support the institutionalization of indigenous law through formal recognition and resource facilitation.[48] Regional Regulations (Perda) can serve as legal instruments to enhance the institutional capacity of customary bodies to implement RJ in their respective areas. Positive examples from indigenous communities in Papua and Minangkabau demonstrate that structurally involving adat leaders in community-level dispute resolution reduces conflict escalation and strengthens social legitimacy.[49] Local governments can also allocate budgets, provide training, and extend administrative support to sustainably develop context-sensitive RJ models based on customary law.

Internationally, experiences from countries such as Canada, New Zealand, and Rwanda provide critical lessons. Canada formally recognizes Indigenous Healing Circles within its criminal justice system[50]; New Zealand incorporates Maori values through Family Group Conferences[51]; and post-genocide Rwanda utilized Gacaca Courts as a community-based justice mechanism.[52] A common thread across these models is the state's explicit recognition of local legal systems as legitimate foundations for justice. Developing countries like Indonesia can learn that sustainable and effective justice cannot be achieved solely through legal-formal procedures, but rather through the recognition of social structures and local epistemologies.

**Table 2.**
**RJ Reconstruction by Governance Level**

| Level | Policy Recommendation | Objective |
|---|---|---|
| Local | ▪ Legal recognition through regional regulation (Perda) for customary RJ forums<br>▪ Allocation of regional budgets for training and institutional support | ▪ Strengthen the capacity of indigenous law<br>▪ Enhance social legitimacy of RJ |
| National | ▪ Hybrid model integrating state and customary legal systems<br>▪ Certification of adat mediators by the Ministry of Law and Human Rights | ▪ Systemic integration of customary-based RJ<br>▪ Ensure human rights protection in a plural legal framework |
| International | ▪ Criminal Code revision to include restorative justice mechanisms | ▪ Expand global recognition of legal pluralism |

[48] Eza Tri Yandy and Cici Sundari, "Legal, Governmental, and Developmental Perspectives on the Governance of the Raden Anom Customary Forest," *Littera Legis: Journal of Law, Society, and Justice* 1, no. 1 (2025): 32–46, https://journal.geminilittera.com/littera-legis/article/view/3; Nur Rochaeti, Mujiono Hafidh Prasetyo, and Ji Hyun Park, "Implementing of Restorative Justice to Build the Criminal Justice System in Indonesia: A Study of the Batak Toba Justice System," *Law Reform: Jurnal Pembaharuan Hukum* 19, no. 2 (2023): 221-247, https://doi.org/10.14710/lr.v19i2.53184.

[49] Tri Mulyadi et al., "The Legitimacy of Ondoafi in Conflict Settlement of Customary Land Tenure in Sentani, Papua," *Jurnal Media Hukum* 26, no. 1 (2019): 112–121, https://doi.org/10.18196/jmh.20190127; Arifki Budia Warman et al., "From Communal to Individual: Shifting Authorities of Family Dispute Resolution in Minangkabau Society," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 2 (2023): 161-184, https://doi.org/10.18326/ijtihad.v23i2.161-184.

[50] Department of Justice Canada, *A Report on the Relationship between Restorative Justice and Indigenous Legal Traditions in Canada*.

[51] Moyle and Tauri, "Māori, Family Group Conferencing and the Mystifications of Restorative Justice"; Rowse, "New Treaty, New Tradition: Reconciling New Zealand and Māori Law."

[52] Clark, *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice without Lawyers*.

| Level | Policy Recommendation | Objective |
|---|---|---|
| | ▪ Benchmarking with New Zealand, Canada, Rwanda<br>▪ Advocacy of customary law within human rights forums and UNDRIP | ▪ Strengthen the legitimacy of indigenous communities |

Source: Author's analysis based on socio-legal field research and comparative restorative justice models.

These policy recommendations underscore that reconstructing restorative justice rooted in indigenous law requires a coordinated, multilevel strategy, spanning local, national, and international domains. At the local level, formal recognition via Regional Regulations and budgetary support for customary institutions are essential to strengthen their capacity and legitimacy. At the national level, systemic integration through a hybrid model, official certification of adat mediators, and the revision of the Criminal Code are strategic measures to ensure formal recognition and uphold human rights within a plural legal framework. Internationally, benchmarking best practices from countries like New Zealand, Canada, and Rwanda and engaging in advocacy at human rights and UNDRIP platforms are vital to expand global recognition of legal pluralism and elevate the role of indigenous communities as legitimate justice actors.[53]

Theoretically, this approach is grounded in legal pluralism, which posits that state and community legal authorities can coexist and complement one another. From a juridical perspective, this model remains within the bounds of the rule of law *(Rechtsstaat)*, provided it guarantees human rights and due process. Sociologically, the success of adat-based RJ demonstrates that public trust in law grows not through state coercion, but through social acceptance.[54] Philosophically, this model aligns with the principles of restorative justice that prioritize social relationships and collective responsibility, as developed by Howard Zehr[55] and Antony Duff[56] in the theory of communicative justice.

Eventually, reconstructing restorative justice based on indigenous law is not merely a procedural integration project, but a transformative paradigm shift in legal development for postcolonial states. The state must take progressive steps to decolonize legal policy by granting equal recognition to local knowledge systems. This approach offers not only an alternative pathway to conflict resolution but also fosters a legal system that is inclusive, contextual, and socially just. True justice restoration can only be achieved when the state goes beyond the symbolic incorporation of customary law and fully acknowledges its authority, values, and internal logic as integral components of the national legal system.

## 4. Conclusion

This article has critically investigated the implementation of restorative justice (RJ) in Indonesia, revealing how state-dominated mechanisms, particularly through Restorative Justice Houses have effectively recolonized and diminished the authority of customary legal systems.

[53] United Nations, "United Nations Declaration on the Rights of Indigenous Peoples. Resolution 61/295"; Dave P. Buenavista, Sophie Wynne-Jones, and Morag McDonald, "Asian Indigeneity, Indigenous Knowledge Systems, and Challenges of the 2030 Agenda," *East Asian Community Review* 1, no. 3 (December 2018): 221–40, https://doi.org/10.1057/s42215-018-00010-0..

[54] Michel Coutu, "Hubert Treiber and the Sociology of Law of Max Weber: From the Ideal Types of Legal Rationality to the Plurality of Law," *Zeitschrift Fur Rechtssoziologie* 43, no. 2 (2023): 177-199, https://doi.org/10.1515/zfrs-2023-1016; Lis Febrianda, FX Joko Priyono, and Deka Putra, "Penyelesaian Tindak Pidana Perkosaan Pada Masyarakat Adat Kayu Aro Dalam Perspektif Restorative Justice," *Masalah-Masalah Hukum* 52, no. 3 (2023): 272-279, https://doi.org/10.14710/mmh.52.3.2023.274-282.

[55] Zehr, *The Little Book of Restorative Justice*.

[56] R. A. Duff, *Punishment, Communication, and Community* (Oxford University Press, 2000), https://doi.org/10.1093/oso/9780195104295.001.0001.

Although RJ is normatively designed to foster reconciliation and community healing, its rigid proceduralism under the Attorney General's Regulation No. 15/2020 has led to the symbolic appropriation, rather than the genuine empowerment of indigenous justice practices. Based on empirical data from Jambi and comparative experiences from New Zealand, Canada, and Rwanda, the study highlights a stark contradiction between the state's rhetorical commitment to community participation and the actual marginalization of customary mediators.

The core contribution of this research lies in its socio-legal critique that conceptualizes Indonesia's RJ model as a manifestation of legal recolonization, rather than a practice of legal pluralism. It interrogates the prevailing assumption that state-led RJ mechanisms are inherently inclusive, and instead advocates for a hybrid legal model that substantively empowers indigenous authorities, such as *hakam* and *ninik mamak* within a pluralistic legal framework. The study argues that reconstructing RJ in postcolonial contexts necessitates moving beyond symbolic accommodation toward structural decolonization that affirms the epistemological legitimacy of local justice traditions.

This study acknowledges its limitations, particularly its focus on the Jambi region and selective international comparisons. Future research should expand the geographical and cultural scope, integrate quantitative evaluations of RJ outcomes, and critically assess the capacity of hybrid legal arrangements to balance state authority with communal autonomy.

As a policy recommendation, the reconstruction of RJ in Indonesia should adopt a multilevel governance strategy, at the local level, regional governments must institutionalize and fund customary dispute resolution forums. At the national level, the state should develop legal frameworks that formally recognize and support indigenous mediators; and internationally, Indonesia should promote its plural justice systems within global human rights platforms. These measures are imperative for cultivating a justice system that is not only procedurally sound, but also socially embedded, culturally responsive, and normatively just.

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**References**

Azwar, Zainal, Firdaus Firdaus, and Muhammad Nafis. "The Role of the Malay Customary Institution in Off-Court Divorce Mediation: A Case Study in Rantau Pandan, Jambi." *Al-Risalah* 20, no. 1 (2020): 59–73. https://doi.org/10.30631/al-risalah.v20i1.561.

Benda-Beckmann, Franz Von. "Legal Pluralism and Social Justice in Economic and Political Development." *IDS Bulletin* 32, no. 1 (2001): 46-56. https://doi.org/10.1111/j.1759-5436.2001.mp32001006.x.

Berman, Paul Schiff. "Sally Engle Merry and Global Legal Pluralism." *Law & Society Review* 54, no. 4 (2020): 247-271. https://doi.org/10.1111/lasr.12515.

Blesa, Juan J. Garcia. "The Cultural Dimensions of Legal Certainty: A Study on the Use of Intercultural Knowledge in European Law-Application." *European Papers: A Journal on Law and Integration* 10, no. 2 (2025): 405–34. https://doi.org/10.15166/2499-8249/838.

Braithwaite, John. *Restorative Justice & Responsive Regulation (Studies in Crime and Public Policy)*. Oxford: Oxford University Press, 2002. https://doi.org/10.1093/oso/9780195136395.001.0001.

Buenavista, Dave P., Sophie Wynne-Jones, and Morag McDonald. "Asian Indigeneity, Indigenous Knowledge Systems, and Challenges of the 2030 Agenda." *East Asian Community Review* 1, no. 3 (December 2018): 221–40. https://doi.org/10.1057/s42215-018-00010-0.

Chartrand, Vicki. “Unearthing Justices: Mapping 500+ Indigenous Grassroots Initiatives for the Missing and Murdered Indigenous Women, Girls and Two Spirit+.” *Decolonization of Criminology and Justice* 4, no. 1 (2022): 7-30. https://doi.org/10.24135/dcj.v4i1.34.

Clark, Phil. *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice without Lawyers*. Cambridge: Cambridge University Press, 2010. https://doi.org/10.1017/CBO9780511761584.

Coutu, Michel. “Hubert Treiber and the Sociology of Law of Max Weber: From the Ideal Types of Legal Rationality to the Plurality of Law.” *Zeitschrift Fur Rechtssoziologie* 43, no. 2 (2023): 177-199. https://doi.org/10.1515/zfrs-2023-1016.

Daly, Kathleen. “Restorative Justice: The Real Story.” *Punishment & Society* 4, no. 1 (2002): 55-79. https://doi.org/10.1177/14624740222228464.

Department of Justice Canada. *A Report on the Relationship between Restorative Justice and Indigenous Legal Traditions in Canada*. 2023. https://www.justice.gc.ca/eng/rp-pr/jr/rjilt-jrtja/index.html

Duff, R. A. *Punishment, Communication, and Community*. Oxford University Press, 2000. https://doi.org/10.1093/oso/9780195104295.001.0001.

Ehrlich, Eugene. *Fundamental Principles of the Sociology of Law*. Routledge, 2017.

Febrianda, Lis, FX Joko Priyono, and Deka Putra. “Penyelesaian Tindak Pidana Perkosaan Pada Masyarakat Adat Kayu Aro Dalam Perspektif Restorative Justice.” *Masalah-Masalah Hukum* 52, no. 3 (2023): 272-279. https://doi.org/10.14710/mmh.52.3.2023.274-282.

Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. Translated by Alan Sheridan. London: Viking, 1977.

Habi, Nuraida Fitri, Rabiatul Adawiyah, Hermanto Harun, and Ardian Kurniawan. “Prioritizing Restorative Justice in the Settlement of the Sumbang Besak Adultery Case in Babeko Village, Jambi.” *El-Mashlahah* 14, no. 2 (2024): 343–60. https://doi.org/10.23971/el-mashlahah.v14i2.8030.

Harahap, A. P., A. Ramadhona, M. Sari, and N. L. Hasibuan. “Legal Pluralism and Customary Justice in Indonesia: Reconstructing Adat Law under State Legal Dominance.” *Littera Legis: Journal of Law, Society, and Justice* 1, no. 1 (2025): 1–16.

Husserl, Gerhart. “Reviewed Work: Fundamental Principles of the Sociology of Law by Eugen Ehrlich, Walter L. Moll.” *The University of Chicago Law Review* 5, no. 2 (1938): 330–40. https://doi.org/10.2307/1596994.

Kadaryanto, Bagio, Ardian Kurniawan, and Burhanuddin. “Reconstruction of Indigenous Community Inclusion in Village Autonomy Policy: Towards a Substantive Autonomy Model in Indonesia.” *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 25, no. 1 (2025): 1–19. https://doi.org/10.30631/alrisalah.v25i1.1845.

Karvaratska, Svitlana. “Socio-Historical Factors of Law Perception in ‘Living Law’ Concept by Eugen Ehrlich.” *Erlìhìvs'kij Žurnal* 1 (2017): 42-51. https://doi.org/10.31861/ehrlichsjournal2017.01.042.

Kasman, Adi, M. Ikhwan, and Roni Hidayat. “Peusijuek Local Wisdom Resilience of the Acehnese Within the Cultural Globalization Discourse.” *Jurnal Antropologi: Isu-Isu Sosial Budaya* 24, no. 2 (2022): 187–194. https://doi.org/10.25077/jantro.v24.n2.p187-194.2022.

Kejaksaan Tinggi Jambi. “11 Rumah Restorasi Justice Di Kota Jambi Segera Diresmikan, Ini Kata Kajari.” 2023. https://kejati-jambi.kejaksaan.go.id/11-rumah-restorasi-justice-di-kota-jambi-segera-diresmikan-ini-kata-kajari/.

Kurniawan, Ardian. “The Quasi-Judicial Role of Hakam in Malay Customary Justice of Jambi as an Alternative Dispute Resolution.” *Decisio: Journal of Judicial Law and Procedure* 1, no. 1 (2026): 59–72. https://journal.geminilittera.com/decisio/article/view/42

Law Number 11 of 2012 on the Juvenile Criminal Justice System (2012).

Maswandi, Fitriyah Ingratubun, and Junaidi Abdullah Ingratubun. “Restorative Justice Formulation Policy In The Juvenile Criminal Justice System In Indonesia.” *Masalah-Masalah Hukum* 52, no. 2 (2023): 187-196. https://doi.org/10.14710/mmh.52.2.2023.187-196.

Merry, Sally Engle. “Global Human Rights and Local Social Movements in a Legally Plural World.” *Canadian Journal of Law and Society* 12, no. 2 (1997). https://doi.org/10.1017/S0829320100005433.

Moyle, Paora, and Juan Marcellus Tauri. “Māori, Family Group Conferencing and the Mystifications of Restorative Justice.” *Victims and Offenders* 11, no. 1 (2016): 87–106. https://doi.org/10.1080/15564886.2015.1135496.

Mulyadi, Tri, Kamsi, Surwandono, and Trisno Raharjo. “The Legitimacy of Ondoafi in Conflict Settlement of Customary Land Tenure in Sentani, Papua.” *Jurnal Media Hukum* 26, no. 1 (2019): 112–121. https://doi.org/10.18196/jmh.20190127.

Nations, United. “The Justice and Reconciliation Process in Rwanda.” *United Nations*, 2012.

Pusat Penerangan Hukum Kejaksaan Agung. “Rapat Kerja Kejaksaan Dan Komite I DPD RI Terkait Penegakan Hukum Di Daerah.” 2025. https://kejaksaan.go.id/index.php/conference/news/3707/read.

Ramli, Misran, Syamsul Rijal, Reni Surya, and Irhamni Malika. “State, Custom, and Islamic Law in Aceh: Minor Dispute Resolution in the Perspective of Legal Pluralism.” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2024): 872–90. http://dx.doi.org/10.22373/sjhk.v8i2.15924.

Regulation of the Attorney General of the Republic of Indonesia No. 15 of 2020 on the Termination of Prosecution Based on Restorative Justice (2020).

Regulation of the Prosecutor’s Office of the Republic of Indonesia Number 15 of 2020 Concerning Termination of Prosecution Based on Restorative Justic (2020).

Rochaeti, Nur, Mujiono Hafidh Prasetyo, and Ji Hyun Park. “Implementing of Restorative Justice to Build the Criminal Justice System in Indonesia: A Study of the Batak Toba Justice System.” *Law Reform: Jurnal Pembaharuan Hukum* 19, no. 2 (2023): 221-247. https://doi.org/10.14710/lr.v19i2.53184.

Rowse, Tim. “New Treaty, New Tradition: Reconciling New Zealand and Māori Law.” *The Journal of New Zealand Studies*, no. 25 (2017): 115-116. https://doi.org/10.26686/jnzs.v0i25.4111.

Sahalessy, J. “Peran Latupati Sebagai Lembaga Hukum Adat Dalam Penyelesaian Konflik Antar Negeri Di Kecamatan Leihitu Provinsi Maluku.” *Jurnal Sasi* 17, no. 3 (2011): 45–52. https://doi.org/10.47268/sasi.v17i3.364

Sahusilawane, Maria M., Sunardi, and Johan Iskandar. “Implementation of Sasi Which Impact on the Sustainability of Ecosystem Services in Maluku.” *E3S Web of Conferences* 495 (2024). https://doi.org/10.1051/e3sconf/202449501005.

Spivak, Gayatri Chakravorty. “Can the Subaltern Speak?” In *Imperialism*, 171–219. Routledge, 2023.

Strang, Heather, Lawrence W. Sherman, Evan Mayo-Wilson, Daniel Woods, and Barak Ariel. “Restorative Justice Conferencing (RJC) Using Face-to-Face Meetings of Offenders and Victims: Effects on Offender Recidivism and Victim Satisfaction. A Systematic Review.” *Campbell Systematic Reviews* 9, no. 1 (2013): 1-59. https://doi.org/10.4073/csr.2013.12.

Sukriono, Didik, Sudirman, Desinta Dwi Rapita, A. Rosyid Al Atok, and Alfan Bramantya. "Local Wisdom as Legal Dispute Settlement: How Indonesia's Communities Acknowledge Alternative Dispute Resolution?" *Legality : Jurnal Ilmiah Hukum* 33, no. 1 (2025): 261–85. https://doi.org/10.22219/ljih.v33i1.39958.

Tamanaha, Brian Z. *Realistic Socio-Legal Theory : Pragmatism and a Social Theory of Law*. In *Oxford Socio-Legal Studies.* 1997. https://doi.org/10.1093/acprof:oso/9780198298250.001.0001

Tamanaha, Brian Z. "Understanding Legal Pluralism: Past to Present, Local to Global." In *Legal Theory and the Social Sciences: Volume II*. 2017. https://doi.org/10.4324/9781315091891-17.

United Nations. "United Nations Declaration on the Rights of Indigenous Peoples. Resolution 61/295." *United Nations General Assembly*, 2007.

Warman, Arifki, Elimartati, Dodon Alfiander, Ashabul Fadhli, and Wardatun Nabilah. "From Communal to Individual: Shifting Authorities of Family Dispute Resolution in Minangkabau Society." *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 2 (December 2023): 161–84. https://doi.org/10.18326/ijtihad.v23i2.161-184.

Wibawa, I. Putu Sastra, and Mahrus Ali. "Ketegangan Hukum Antara Sanksi Adat Kasepekang Dengan Humanisme Hukum Di Desa Adat Paselatan, Kabupaten Karangasem, Bali." *Jurnal Hukum Ius Quia Iustum* 29, no. 3 (2022): 611–632. https://doi.org/10.20885/iustum.vol29.iss3.art7.

Yandy, Eza Tri, and Cici Sundari. "Legal, Governmental, and Developmental Perspectives on the Governance of the Raden Anom Customary Forest." *Littera Legis: Journal of Law, Society, and Justice* 1, no. 1 (2025): 32–46. https://journal.geminilittera.com/littera-legis/article/view/3

Zehr, Howard. *The Little Book of Restorative Justice*. PA: Good Books, 2002.