

*Research Articles***Socio-Legal Approach to the Patinyawa Custom as a Dispute Resolution Mechanism Dayak Hibun Indigenous Community**

Sri Ismawati^{1*}, Alfonsus Hendri Soa¹, Syarif Hasyim Azizurrahman¹, Alfina Damayanti¹,
Christoph Sperfeldt²

¹Faculty of Law, Universitas Tanjungpura, Indonesia

²Macquarie Law School, Macquarie University, Australia

*sri.ismawati@hukum.untan.ac.id

ABSTRACT

The Patinyawa custom, practised by the Dayak Hibun community in Sanggau Regency, is an example of customary law as living law. This research aims to improve our understanding of the custom's philosophical values, mechanisms and problem-solving processes, with a particular focus on reconciliation between perpetrators and victims, and the restoration of social relations. This is important because dispute resolution based on local wisdom and aligned with restorative justice remains under-explored. The analysis examines living law, legal pluralism, and restorative justice, emphasising reconciliation, ecological balance, and communal togetherness over revenge. The findings demonstrate that the Patinyawa mechanism focuses on restoring relationships and maintaining microcosmic and macrocosmic harmony, serving as a restorative approach to dispute resolution. They also demonstrate that Patinyawa represents a form of legal pluralism based on justice and legal certainty, where customary and state laws coexist in resolving disputes. In conclusion, Patinyawa is a concrete example of living law integrating restorative justice into the criminal justice system by harmonising legal certainty and justice through customary rituals and local wisdom values.

Keywords: Conflict Resolution; Dayak Hibun; Living Law; Patinyawa Customs; Restorative Justice

A. INTRODUCTION

The Dayak Hibun indigenous community in Sanggau Regency still applies customary law as an integral part of the legacy of past experiences that continues to develop to the present day in accordance with the life experiences of the community because it was born organically from the womb of social practices and communal interactions. Customary law is a concrete manifestation of the rules that are deeply rooted in society that are formed based on the concrete

experiences of the community (Yulia, Prakarsa, & Ali, 2023). Customary law not only functions as a set of rules related to social life, but must also be interpreted as a legal instrument that regulates social interactions to maintain legal certainty, justice, benefit, and social balance within society (Asteria et al., 2021; Ozoemena, 2015; Fathoni, 2020). As part of cultural heritage, customary law has proven capable of nurturing and maintaining social relations between communities, thereby creating a sense of trust and order within the

community (Isra, Ferdi, & Tegnan, 2017; Rachman & Rahman, 2017). The practice of implementing customary law is understood as a guideline for resolving disputes relevant to the community because it serves as a mechanism for creating harmonious restoration in achieving justice and benefit for the community (Duhriah et al., 2024; Hardinanto et al., 2024; Rochaeti, Prasetyo, & Wibawa, 2023; Zaidun & Setiyono, 2024).

The Dayak Hibun community upholds customary law through customs, rituals, and dispute resolution procedures that change in response to social pressures and local demands (Bukido et al., 2018; Masykhur, 2020; Salmudin, Muntaqo, & Hasan, 2021). The customary norms are transmitted across generations and contain ancestral wisdom that remains relevant to the community's social life (Rokan & Rusdiana, 2018). Customary laws dynamic nature shows how it can change with society while upholding the core principles of accountability, peace within the community, and balance (Muntaqo, Febrian, & Pratama, 2024). One example of the application of customary law that is still applied by the Dayak Hibun indigenous community today is the Patinyawa custom, which practices a way to resolve a customary violation related to someone's life through a mechanism of providing compensation, restitution, reconciliation, and restoration of relationships carried out by the perpetrator, victim, community, environment and the universe. The Patinyawa custom gives a

picture of justice because it does not mention revenge as one of the principles in resolving problems but rather prioritizes the principle of restoring social balance to achieve peace (Kamaruddin et al., 2023; Sebyar, 2023; Siswanto & Teslatu, 2018).

The restorative justice approach is a central idea within the Patinyawa tradition. Practically, the Patinyawa tradition is based on traditional rituals steeped in meaning and local wisdom, reflecting the development of the community, both symbolically and normatively, to re-establish continuity between humans, the environment, and spiritual entities. The traditional ritual steps include Snggah Parang, Dahaso Buai Giling, Bepasoah, Penosak, Patinyawa, Mahabo and Besopak. Each stage has different values, meaning and purpose that reflect the perspective and assessment of the Dayak Hibun community on responsibility, morality, social reconciliation and mechanisms to maintain peace. The application of the Patinyawa custom aims to show that conflict resolution in the Dayak Hibun community does not only refer to finding fault or imposing sanctions, but rather to restoring relationships and preventing imbalances in social, ecological and spiritual values in society (Soa & Ismawati, 2023; Yoserwan, 2023; Rochaeti et al., 2023; Sopacua, 2024).

This study departs from the analysis of the theoretical intersection of legal pluralism, living law, restorative justice and micro-macrocosm reconciliation to dissect the anatomy of

Patinyawa. Lensa used pluralism of law to map how the Patinyawa live and function alongside the country's legal system, reflecting recognition of customary norms within the Indonesian formal legal landscape (Hariri & Babussalam, 2024). The concept of living law then emphasizes that the validity of customary law is not only based on the legitimacy of the state, but also based on empirical acceptance and practice in the midst of society (Lestarini, 2023). In addition, the restorative justice approach frames this tradition as a *pranata* that emphasizes the restoration of multi-party relationships, actors, victims, community, and nature (Yustia et al., 2026). This entire process is supported by the philosophy of micro - macrocosmic reconciliation, which considers dispute resolution as an absolute effort to restore balance between human existence, the physical environment and spiritual harmony (Bowers, 2012).

At the normative level, the recognition of customary law existing in society within the framework of national criminal law provides an essential legitimation of the deeply rooted customary practice. Article 2 of Law Number 1 of 2023 (National Criminal Code) explicitly mentions legal products of landmark, which provides opportunities for the application of customary criminal law with more measurable identification parameters. Patinyawa is a very important empirical portrait in the constellation of criminal law reform in the Dayak Hibun community. In this regard, the Patinyawa tradition of the Dayak

Hibun indigenous community is a highly relevant case study, as it illustrates how a local customary mechanism is still actively resolving disputes and restoring communal balance (Sutanti et al., 2025; Darma, 2021; Febrianty et al., 2023; Zulyadi & Hossain, 2022; Syaikhu et al., 2023).

Despite this normative foundation, both legal literature and enforcement practices in the field still leave room for a deep understanding of the epistemology, operationalization and essential values of Patinyawa. She is concerned that the recognition of living law on paper will be a mere symbolic glorification if it is not accompanied by comprehensive documentation and analysis of its judicial practice. This gap suggests that the main challenge is not only about legal recognition but also the lack of discourse on how indigenous courts execute social recovery, ecological balance, and spiritual harmony in the real world. This study is presented to dissect Patinyawa as a complete and functional system of justice to avoid the descriptive bias that often simplifies customary law as the remains of ancient rites (Rochaeti, Prasetyo, & Park, 2023; Yulia, Prakarsa, & Bustami, 2023; Seko, Lolita, & Soa, 2023; Rozah & Yudistira, 2025).

Based on this gap, this article addresses the limited academic discussion on Patinyawa by using a socio-legal analysis to reveal the indigenous worldview and the fundamental values embedded in its implementation. The uniqueness of this study lies in its attempt to

position Patinyawa as a customary justice system based on the reconciliation of microcosmic and macrocosmic balance, rather than merely as a documentation of customary norms or ritual stages. The purpose of this study is to map and document customary law norms still recognized and practiced by the Dayak Hibun community as a means to resolve disputes based on justice, especially the Patinyawa custom. The second purpose is to analyze the values of micro and macrocosmic reconciliation in the implementation of the Patinyawa custom in Sanggau Regency (Irmawanti & Arief, 2021; Soa, 2023; Buana & Djanggih, 2018; Dahwal & Fernando, 2024).

Although the previous studies have much touched the relationship between customary law, living law, and restorative justice, there is no literature that specifically touches the mechanism of settlement of disputes based on the local wisdom of the indigenous dayak hibun people such as the implementation of patinyawa customary. First, Wadjo demonstrates how customary procedures can lead to child-oriented outcomes in cases of juvenile delinquency (Wadjo, 2023). However, this research does not specifically examine the philosophical construction of the customary justice of the Dayak Hibun community. Secondly, Sulaiman examines the institutional collaboration strategy to hasten the recognition of the customary law community through land registration in Aceh Besar. Their research, however, puts more importance on formal recognition than on the

functional operation of communal conflict resolution (Sulaiman et al., 2025). Third Abdullah, the discussion of protection with the customary law of Pageu Gampong and Islamic law in the case of robbery and bullying (Abdullah et al., 2024). Their study does not discuss the Patinyawa custom and reconciliation of social, ecology, and spiritual balance in the Dayak Hibun customary law. Fourth, Luthfi, Fajrin, and Bachtiar, examine the existence of 'urf in resolving marriage disputes from a living law perspective, but their focus remains on marriage disputes within Islamic law and does not analyze customary criminal or communal conflict resolution (Luthfi, Fajrin, & Bachtiar, 2024). Five, Sukirno and Wibawa evaluate customary courts as an alternative to formal courts for indigenous land disputes in general (Sukirno & Wibawa, 2024); but their study does not explain the Patinyawa custom as the restorative mechanism based on the Dayak Hibun worldview specifically.

Further research is relevant to the understanding of customary law, restorative justice, and local wisdom in current legal discourse. For example, Rato discusses legal conflict in border disputes (Rato, 2019), Hamzah, Putra, and Zulkarnain, and discusses the effect of customary norms in the evolutions of Indonesia's Criminal Code (Hamzah, Putra, & Zulkarnain, 2020). Wijaya, Kusnadi, and Hadi discuss social justice in regulating traditional knowledge and communal rights (Wijaya, Kusnadi, & Hadi, 2024); Watkat and Budiman discuss the

uncertain existence of customary criminal law (Watkati & Budiman, 2022); Rochaeti and Pujiyono discuss restorative justice in juvenile criminal justice through customary courts in Mainland Sulawesi (Rochaeti & Pujiyono, 2018); and Keliati, Amirudin, and Luqman discuss the relevance of local wisdom in sustainable resource management (Keliati, Amirudin & Luqman, 2021). All these studies show the continuing relevance of customary law, local wisdom, and restorative justice in contemporary jurisprudence. Importantly, however, they do not address the Patinyawa custom of the Dayak Hibun community, particularly as a mechanism of microcosmic and macrocosmic reconciliation. Therefore, the novelty of this article lies in its attempt to move beyond the general documentation of customary norms, the formal recognition of indigenous communities, or the use of customary mechanisms in specific disputes by positioning Patinyawa as a living legal mechanism that embodies restorative justice and the reconciliation of social, ecological, and spiritual balance within the Dayak Hibun indigenous community.

B. RESEARCH METHODS

This study uses empirical legal research with a socio-legal approach which sees law not only as a set of written norms, but also as a living system of norms that have developed and are in operation in society (Latifiani et al., 2023). This research was conducted in 2023 in the Dayak

Hibun indigenous community in Sanggau Regency concerning the harmonization of positive law and customary law, especially the recognition of living law in Article 2 paragraph (1), (2), and (3) of Law Number 1 of 2023 concerning the Indonesian Criminal Code. This research was exploratory, which aimed to identify customary norms that are still recognized, accepted, maintained, and implemented by the Dayak Hibun community and to study their implementation in resolving disputes and preservation in the face of social change. The results were then compiled into an inventory of customary norms that are operational in the community. Primary data were collected through interviews with Dayak Hibun customary leaders who possessed knowledge of customary norms, customary institutions, and dispute resolution practices, including the implementation of Patinyawa, while documentary sources included Law Number 1 of 2023, the Poyo Tono Hibun Customary Principles document, and records of customary proceedings within the Dayak Hibun indigenous community; the research process involved identifying the legal basis for the recognition of living law. inventorying customary norms, comparing interview findings with documentary materials, and classifying the data according to customary violations, institutional authority, dispute resolution procedures, and forms of customary responsibility. The data were analyzed qualitatively by integrating the applicable legal framework, customary

documents, interview findings, and community practices, where the normative dimension was used to examine the substance of customary norms and their relationship with positive law, while the empirical dimension was used to explain how these norms are understood and implemented in practice, and this analysis was directed at explaining the continuing validity and function of Patinyawa as a living customary law and dispute resolution mechanism oriented toward restoring microcosmic balance in human relations and macrocosmic balance between humans, the environment, and the universe.

C. RESULTS AND DISCUSSION

1. The relevance of Dispute Resolution Mechanism Dayak Hibun Indigenous Community to Restorative Justice.

In their social life, the Dayak Hibun indigenous people do not strictly distinguish between criminal and civil cases. All problems in their social life are violations of customary law. The customary Pomuntuh consists of Temonggong, Pateh/Mangku, Jiyo/Jago/Singo, and Pasirah. The customary Pomuntuh deals with all issues within the scope of community life, especially for the indigenous people of the Dayak Hibun. This is to resolve conflicts and restore harmony among fellow humans, with the environment, and with the universe.

The continuing operation of the Pomuntuh and the community's reliance on customary norms reflect Eugen Ehrlich's conception of living

law, which emphasizes that law derives its practical authority not only from formal state enactment but also from norms that are actually recognized and observed in social life (Galib, Kholish, & Fajar, 2025). The findings indicate that Dayak Hibun customary law remains effective because the community recognizes the authority of customary officials and continues to use customary procedures in resolving concrete problems. Its validity is therefore supported by social acceptance, institutional continuity, and repeated implementation rather than merely by written documentation. In this context, Patinyawa forms part of a living normative order that continues to guide responsibility, conflict resolution, and the restoration of communal relationships.

It is necessary to strengthen the implementation of customary law because the community still has confidence in it as an alternative solution to problems that occur in the community, especially in the Dayak indigenous community Sanggau Regency, so that the norms of customary criminal law are effectively enforced. This requires the role of active customary law institutions/legal institutions such as recognized customary institutions in the implementation and enforcement. This requires the role of active customary law institutions/legal institutions such as recognized customary institutions in the implementation and enforcement. Careful supervision of the implementation of the norms of customary law is

necessary to ensure respect and implementation of human rights and principles of justice. Fair and transparent complaint and dispute resolution mechanisms must be available to indigenous communities (Seko & Soa, 2025; Hatta et al., 2026).

It is important to harmonize when customary and national law interact. This can be done by the dialogue between indigenous stakeholders and the government to find solutions that are mutually respectful and beneficial (Pujiyono, 2016). These include the inventory and documentation of existing customary laws to resolve conflicts and restore balance between indigenous communities and their environment. The process and procedures for inventorying customary law norms are necessary to prepare for the future implementation of customary law. The inventory may also vary depending on the context and existing policies in a country or region. General steps in inventorying customary law norms include research and data collection, consultation with indigenous communities, documentation of applicable legal norms, verification and validation, compilation of an inventory of customary law norms, dissemination and understanding, protection and utilization efforts, and monitoring and evaluation.

Also reflected in the concept of legal pluralism is this understanding that there are multiple normative orders in a single social field (Anjani et al., 2026). For the Dayak Hibun

community, customary law provides the social and cultural context for the community's understanding of harm, responsibility and restoration, while positive law provides formal rules, institutions and procedures created by the state. These two legal orders are not necessarily mutually exclusive, as customary mechanisms may be more suitable for remedying the relational and communal effects that are not always addressed by formal legal proceedings. However, where the conduct that is the subject of the Patinyawa also constitutes a crime under national law, customary settlement should be seen as an alternative mechanism, rather than an automatic alternative to the relevant formal legal process.

Actually, the efforts to inventory customary legal norms are a strategic step to strengthen and at the same time confirm the position of traditional law in the positive legal system (Erwin & Yusriyadi, 2024). This integration can be seen from various protection instruments starting from regulations to affirmative policies that actively accommodate customary values into state legal practice. Regular monitoring and evaluation of the inventory of customary legal norms is essential (Mahfud, 2023). This allows for necessary updates and adjustments in response to changes in indigenous communities or national legal policies, resulting in responsive and dynamic legal products.

Regarding the Dayak Hibun community in Sanggau Regency, several findings serve as a reference for presenting an inventory of

customary norms still in use today. This was outlined in the *Poyo Tono Hibun Customary Principles document*, held from 17 to 20 May 2002, at the Tabor Damai Center guest house in Sanggau Regency.

Inventory of Dayak Hibun customary legal norms as living legal norms in the community agreed upon in the meeting of the customary Pomuntuh, where the results found are not just an inventory of the list of rules, but to confirm that the indigenous community, especially the Dayak Hibun, has a legal system that is alive and is reflectively realized in everyday life until now. Through this process, the Dayak Hibun indigenous community identified seven main customary norms that regulate various dimensions of social life, ranging from interpersonal conflicts to environmental harm. This inventory is a reference to understand the position and role of each norm in maintaining order and balance in relations between fellow members of the indigenous community.

The seven customary norms documented include: *Nyuhou nyumboh* (custom against the guilty), *Bohoming belawang* (pregnancy outside of marriage), *Bodohuh* (physical fight), *Nongku* (theft), *Patinyawa* (death), *Pelangkoh custom* (exceeding authority in imposing customary sanctions), *Buoh layo custom* (violation of human relations with the universe).

The inventory of the seven customary norms shows an empirical basis for the assessment of customary law in terms of legal

certainty, utility and justice (Putro & Bedner, 2023). Legal certainty is shown in the identification of prohibited conduct, the customary authorities competent to resolve violations and the forms of responsibility attached to each category of customary offense, the consistency also requires sufficient documentation and identifiable procedures. Utility is shown in the capacity of these norms to prevent protracted conflict, to preserve communal order and to restore relationships between individuals, families, the community and the natural environment. Justice depends on the meaningful participation of the affected parties, the proportionality of customary obligations, the accountability of customary authorities and protection against arbitrary, coercive or discriminatory decisions.

The Nyuhou Nyumboh custom is related to *the Minto Ngampun*, which is an apology for actions that harm others and disrupt the balance of the traditional community. An apology in customary law is a form of recognition for actions that harm others and disturb the balance in the lives of the Dayak Hibun indigenous people. This custom is understood as a form of social responsibility, carried out voluntarily by the guilty person before the case is tried, to restore relationships and reduce conflict, thereby re-establishing a harmonious life for indigenous people, especially the Dayak Hibun.

Bohoming custom is a custom related to household life and marital relations. *The*

Bohoming belawang custom is a sanction related to household life and marriage. In the implementation of this custom, several actions are inherent in it which are regulated separately, but are an intrinsic part of the Actions related to the household. Some parts inherent in this custom include *Ngompoang punut* or pregnancy outside of marriage carried out by couples who are both unmarried, *Ngompoang Muntuh* or one party is already bound by marriage or adultery, and *Pehangkak ahoang* or a custom imposed on one of the partners (husband or wife) who remarries even though the partner has died less than 1 year. In addition, there are additional parts to this custom, which include canceling the engagement, imposing sanctions on parties who cancel the marriage after the proposal procession, and other customs. *Bucahok*, or *Cancellation of marriage*, is a customary sanction given to parties who cancel the marriage during the wedding procession. *The Mongki Moing* custom is a traditional ritual performed before moving into a new home.

Bodohuh custom is a custom related to physical fights. The *Bodohuh* custom or the custom of physical fights is distinguished by the types of sanctions in five incidents, such as: punching and slapping, threatening, *ngica* (choking the neck), hitting or stabbing in result that the victim suffers bruises or wounds, *huso nyayo* or damaging other people's property. Punching and slapping are interpreted as acts of physical violence using the hand towards

someone so that it causes pain but does not cause injury (usually marked by bruising). Threatening is an act that causes fear or psychological pressure on another person, usually done either verbally or in writing. Choking is understood as physical violence that leads to the act of grabbing a part of someone's body (usually towards the neck) so that it causes pain and sometimes makes it difficult to breathe. Hitting or Stabbing is an act of swinging a hand or a sharp weapon towards someone, causing pain marked by bruises or wounds. Destruction is defined as the act of rendering an object non-functional, thereby precluding its further use.

Nongku custom is a custom related to theft. *Nongku* custom refers to customary sanctions given to people who take other people's property (steal) whether in the form of property, livestock, agricultural products, etc. The amount of customary sanctions depends on the condition of the perpetrator at the time of committing the act.

Patinyawa is a custom related to changes in life (death). The *Patinyawa* customs are customs that are related to the change of life or death in indigenous communities. This custom is a kind of imposition of sanctions on someone who causes the loss of the life of another person either intentionally or unintentionally. The sanctions include the responsibility of the perpetrator and the obligation to provide compensation to the family of the victim. Compensation is usually in the form of property

or valuables that are agreed through customary deliberation. The Patinyawa custom is intended to maintain social balance and preserve justice in society.

Some principles of restorative justice are found in the remedial measures of Patinyawa, such as addressing the harm caused to the victim, the accountability of the offender and repairing the relationship in dispute resolution (Omowon & Kunlere, 2024). The obligation of the offender to make reparation acknowledges the loss suffered by the family of the victim and traditional deliberation serves as a forum to determine responsibility and what form of reparation is required. The goal of restoring social harmony indicates that Patinyawa is not merely for punishment but also to prevent retaliation, achieve reconciliation between parties and to preserve relationships between families and the larger community. However, its restorative character depends on the voluntary and substantive participation of the victim's family, the sincere acceptance of culpability by the offender and the appropriateness of the burdens imposed on the offender.

The custom of *Pelangkoh pemuntuh Ompu* is a custom related to exceeding the authority in imposing customary sanctions. The custom of *Pelangkoh pemunto ompu* is a customary sanction imposed on someone who lacks the authority to impose customary sanctions, thereby considering the person to have disturbed and injured the customary law.

The Buah Layo custom is a custom related to the relationship between humans and the universe. The Buah Layo, Temawang Keloko, and Koyuh Pemuhun customs are customary sanctions imposed in the relationship between humans and the universe, such as wood, stone, fruit, tembawang, customary forests, agricultural methods, gawai nosu mindu podi. When an inseparable relationship is established between humans and nature, humans are asked to perform a ritual of gratitude for the natural products they will receive. If this gratitude is not fulfilled, humans can be punished.

From the perspective of Roscoe Pound's sociological jurisprudence, Patinyawa demonstrates how law operates in practice as an instrument for balancing individual and communal interests (Purnama & Iskandar, 2024). Positive law may determine formal criminal responsibility, but customary law responds to the broader social consequences of death, including damaged kinship relations, communal tension, and disturbed cosmic balance. The relevance of Patinyawa therefore lies in its capacity to address dimensions of harm that formal punishment alone may not completely restore. Its operation should nevertheless remain consistent with positive law, human rights, procedural fairness, and the protection of all parties involved in customary dispute resolution.

The Patinyawa custom is strategically positioned because it directly relates to the resolution of events associated with the loss of a

life, which is part of the deepest wound experienced by the bereaved family, and sometimes even has the potential to cause divisions between kinship groups. This differs from other customary norms, which primarily concern social relations or matters related to property, as well as suffering in the form of physical illness or injury. The formulation of the Patinyawa custom clearly contains rules regarding the types of violations that occur, the responsibility for compensation given by the perpetrator to the bereaved family, and the customary rituals performed as symbols of the implementation of the custom, indicating that the Patinyawa custom is not only designed as a mechanism for imposing sanctions but also to restore relationships and restore the cosmic balance disturbed by the loss of a life. This is what encourages the inventory of customary legal norms of the Dayak Hibun community, not just as a general background, but also as a foundation that confirms the Patinyawa custom is an integral part of the customary legal system, which remains relevant as a problem-solving mechanism.

2. The existence of Patinyawa Customary Law as Part of a Legal Pluralism that Ensures Justice and Legal Certainty

Family dispute resolution is still prevalent in remote villages as many communities still apply and follow customary law. Because indigenous communities are generally communal, magical, and religious, decisions are based on

customary law. Therefore, given that customary law is not a rational approach, legal channels are not used to resolve disputes (Permata & Rastini, 2022).

Even though times have changed, Indonesia continues to develop and grow which become a commitment to preserve ancestral heritage as a national culture that has a unique and special character due to the recognition of applicable laws and indigenous communities in the 1945 Constitution (Sutanti, Pujiyono & Rochaeti, 2025). It is needed to prevent the extinction of local and national identities that could one day be threatened by global modernization. It is needed to prevent the extinction of local and national identities that could one day be threatened by global modernization. It cannot be denied that humans and civilization must continue to develop according to the demands of the times but do not let only accepting new cultures that have to sacrifice the culture that has become an identity and here is where the role of the state is needed (Irawan & Pura, 2023).

As the saying goes, "Ubi Societas Ibi Ius," or "where there is society, there is law"; the Dayak Hibun indigenous community in Sanggau Regency, West Kalimantan Province, also recognizes customary law. The community believes that customary law refers to rules or norms used to guide people in behaving well and correctly without harming others. The purpose of customary law is as a tool of social control and as

a means of social engineering, enabling people to live according to its provisions and create an orderly and peaceful society. Furthermore, customary law is believed to be a tool for resolving conflicts that arise within the community group concerned and can restore the cosmic balance disturbed by spiritual shocks that occur in indigenous communities.

Any violation of customary law will result in an imbalance within the customary community. Therefore, each violation must be subject to customary sanctions that serve as a means to restore the disturbed balance. The details of customary law directed at violators vary according to the severity of the offense. One example is the implementation of the patinyawa custom related to death in the Dayak Hibun community.

The patinyawa custom of the Dayak Hibun indigenous community is one of the important norms that regulates efforts to resolve cases of loss of life as a result of someone's actions, as well as being the primary mechanism for preventing revenge. The patinyawa custom is not limited to a form of exchange for life in a material sense, but also regulates a series of ritual and social actions to restore relationships, reducing the emotions of the victim's family and the community environment around the scene of the incident, as well as reorganizing the cosmic balance of indigenous communities. In this way, the Patinyawa custom becomes a space for the principles of justice, certainty, and practical

harmonization.

In its implementation, the patinyawa custom begins with an acknowledgment or determination regarding the occurrence of the loss of a person's life, followed by the implementation of the customary deliberation process to determine the responsibility that will be imposed on the perpetrator along with the form of obligation to replace life in the form of rituals and material things to the family of the victim left behind. The stages of implementing the patinyawa custom begin with the *sangguh parang custom*, which aims to calm the emotions and anger of the families of the victims who died.

After that, the traditional ritual of *Dahaso Buai* giling continued, which aims to ask "Dato Pemompo " to provide safety and protect the victim's family and the local indigenous community or village residents from disaster and bad luck, due to the spiritual shock prevalent in the indigenous community environment (Malo-Kohomo). In addition, the implementation of this custom is carried out with the hope of recalling the spirit of life and restoring the mental shock of the victim's family, who experienced the disaster.

Bepasoah tradition, which aims to pray for the smooth running of the funeral procession, ensuring it runs smoothly and without any obstacles during the burial procession. The procession is marked by the sounding of a gong at a fast rhythm to invite the victim's family to approach the body before burial as a final form of respect before being placed in the coffin.

Afterward, all parties return to the funeral home to wash their faces, hands, and feet with water mixed with several types of leaves that have been incanted to ward off danger, illness, and bad things.

The Penosak tradition aims to impose a fine on the guilty party as a form of accountability for their wrongdoings, whether to the victim, the community, or the environment. This is done through an examination and deliberation mechanism involving customary administrators and all parties involved in the customary criminal case. This process is typically conducted after the funeral, following the bereaved family's final respects and acceptance of the deceased's passing. The purpose of this tradition is to analyze the perpetrator's mistakes based on all the information held by the parties related to the incident and to determine the fine to be imposed on the perpetrator. This is done so that the perpetrator understands the mistake they made and to demonstrate that they are aware of their mistake in front of the victim's bereaved family, the local customary community, and the customary Pomuntuh, and promise to be more careful in their actions in the future.

The next ritual is the Patinyawa Ganti Badan Dan Jiwa (Replace Body and Soul) custom, a custom intended to fulfill the perpetrator's responsibility to the deceased victim's family. This ritual replaces the deceased's organs and soul with objects that have symbolic meanings corresponding to the

human body and soul. This is expected to compensate for the loss suffered by the deceased's family.

The Mahabo and Besopak traditions aim to separate the deceased's soul from the heirs or family left behind, so that family life can return to normal without the shadow of the deceased. In the Dayak Hibun belief, on the fourth day after the victim is buried, the deceased's soul or spirit is lifted to heaven, and in the Dayak Hibun belief, on the fourth day, the victim realizes that they have died. This ritual allows the families of heirs who were unable to attend the funeral procession and previous traditional rituals to have still the opportunity to express their condolences and pay their final respects to the deceased.

The rituals and stages of the Patinyawa tradition demonstrate a unique perspective on justice and responsibility that restores not only the victims but also the environmental and natural entities harmed by the spiritual upheaval. The ritual emphasizes that what is to be restored is not only material losses, but also the emotional wounds experienced by those who have lost, and the disruption of the cosmic balance that has occurred within the indigenous community. The values to be implemented include reconciliation, acknowledgment of mistakes, and the restoration of honor between parties and the community, so that there is no longer any hostility and a return to harmony. Justice is measured by the extent to which relationships can be normalized, not by the severity of the sanctions imposed.

The existence of Patinyawa customary law within Dayak society, when viewed through the lens of Brian Z. Tamanaha's legal pluralism, specifically his Law-Society Framework, illustrates the relationship between law and society via two primary components: (1) law as a mirror of society and a means of maintaining social order; and (2) the interplay between custom/consent, morality/reason, and positive law (Tamanaha, 2001). The Patinyawa custom manifests this reciprocal relationship between law and society. It reflects the values and social structure of the Dayak people while simultaneously maintaining social order through norms and dispute-resolution mechanisms that derive legitimacy from community custom and acceptance. Regarding custom/consent, Patinyawa gains normative force through community practice and acceptance; regarding morality/reason, it reflects values of propriety, balance, peace, and social harmony; and regarding positive law, it demonstrates legal pluralism, as customary norms and state law operate concurrently within the same social space.

Furthermore, the existence and implementation of Patinyawa customary norms in the assessment of Gustav Radbruch's three basic legal values: *Gerechtigkeit* (justice), *Rechtssicherheit* (legal certainty), and usefulness/purposefulness (Radbruch, 2006). These three values do not always work harmoniously, so their balance in practice must

be examined. The use of Patinyawa Customary Law in the Hobun Dayak community can be assessed as a law that fulfills the legal ideal (*Rechtsidee*) if its application is able to synergize justice (*Gerechtigkeit*), legal certainty (*Rechtssicherheit*), and usefulness or purposefulness (*Zweckmäßigkeit*) (Radbruch, 2006). Justice is reflected in equal, proportional, and recovery-oriented treatment; legal certainty is reflected in the clarity of norms, authority, procedures, and consequences of violations; while usefulness is reflected in the ability of Patinyawa to resolve disputes, restore social relations, and maintain social order. These three values are not absolute and can experience tension. Therefore, the assessment of Patinyawa must be conducted dialectically by determining whether its implementation can achieve a balance between justice, certainty, and utility.

In fact, that the application of living law in indigenous communities provides a model of certainty and justice that differs from national criminal law (Yulia & Herinawati, 2022). Certainty arises from the clarity of the stages of ritual implementation contained in the Patinyawa custom, including the roles of the parties and the determination of accountability, which must be based on an understanding of the elements of the error committed. At the same time, justice is realized through the restoration of good relations between fellow humans and between humans and the environment and nature, as well as overcoming the potential for subsequent violence

that could occur if the problem is not addressed. Therefore, it can be concluded that living law is not just a running custom but a mechanism designed to create a balance between certainty and justice (resolution of conflicts so that they do not drag on and restoration of the balance of the cosmic mako and the cosmic micro).

D. CONCLUSION

This study shows that the Patinyawa custom acts as a mechanism for resolving conflicts and restoring balance within the Dayak Hibun indigenous community, focusing on actions related to life (death). This mechanism concretely combines the values of certainty and justice through a series of structured rituals with clear objectives, oriented towards reconciliation and restoring balance (microcosmic and macrocosmic) rather than as a means of revenge. The existence of Patinyawa customary law therefore reflects a form of legal pluralism grounded in justice and legal certainty, in which customary law and state law coexist functionally in resolving disputes and protecting the interests of the parties involved. With a detailed explanation of the Patinyawa custom along with philosophical interpretations related to the goals, symbols, values, and ways of thinking of indigenous peoples related to the Patinyawa custom, the paper concludes that this customary law can act as a living law that works to reconcile the parties while maintaining micro-macrocosmic harmony within the indigenous community

environment and emphasizes its relevance in the understanding and development of the concept of restorative justice within the framework of recognizing customary law as part of Indonesian criminal law as stipulated in Article 2 of Law Number 1 of 2023 which is currently in effect.

REFERENCES

JOURNALS

- Abdullah, M. A., Mansur, T. M., Sulaiman, S., & Bin Usman, M. (2024). Robbery, Bullying: Protection Through Pageu Gampong Customary Law and Islamic Law. *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 8(3), 1691–1711. <https://doi.org/10.22373/sjhk.v8i3.22713>
- Anjani, D. R., Hasibuan, I., Nahfani, A., & Subroto, A. (2026). Customary land conflicts between Dayak indigenous law and state law in Indonesia. *Awang Long Law Review*, 8(2). <https://doi.org/10.56301/awl.v8i2.2045>
- Asteria, D., Brotosusilo, A., Soedrajad, M. R., & Nugraha, F. N. (2021). Adat law and culture: The local authority elements of Baduy tribe on environment preservation. *IOP Conference Series: Earth and Environmental Science*, 716(1). <https://doi.org/10.1088/1755-1315/716/1/012049>
- Bowers, K. S. P. R. (2012). From Little Things Big Things Grow, from Big things Little things Manifest. *AlterNative: An International Journal of Indigenous Peoples*, 8(3), 290-

- 304.<https://doi.org/10.1177/117718011200800305>
- Buana, A. P., & Djanggih, H. (2018). Customary Court As Alternative To Settlement Of Dispute In South Sulawesi. *Diponegoro Law Review*, 3(2), 154-164. <https://doi.org/10.14710/dilrev.3.2.2018.154-164>
- Bukido, R., Rumkel, N., Wekke, I. S., & Palm, E. (2018). Customary Law of Larwul Ngabal in The Implementation of Regional Autonomy in North Moluccas. *Hasanuddin Law Review*, 4(2), 242–255. <https://doi.org/10.20956/halrev.v4i2.1351>
- Dahwal, S., & Fernando, Z. J. (2024). The intersection of customary law and Islam: a case study of the Kelpak Ukum Adat Ngen Ca'o Kutei Jang in the Rejang Tribe, Bengkulu Province, Indonesia. *Cogent Social Sciences*, 10(1). <https://doi.org/10.1080/23311886.2024.2341684>
- Darma, I. M. W. (2021). New Paradigm of Indonesian Criminal Law Policy to Formulate Sanctions for Cases of Customary Crimes. *Padjadjaran Jurnal Ilmu Hukum (PJIH)*, 8(2), 275–291. <https://doi.org/10.22304/pjih.v8n2.a6>
- Duhriah, D., Yati, F., Asmadia, T., Rahmat, A., Muslim, M., & Baharuddin, A. S. (2024). *Juris: Jurnal Ilmiah Syariah*, 23(1), 41–53. <https://doi.org/10.31958/juris.v23i1.7482>
- Erwin, M., & Yusriyadi, Y. (2024). Adat National Park As Legal Politics of Living Space of Anak Dalam Tribe. *Diponegoro Law Review*, 9(1), 87-103. <https://doi.org/10.14710/dilrev.9.1.2024.87-103>
- Fathoni, M. Y. (2020). Kedudukan Hukum Peralihan Hak Atas Tanah Secara Adat Dalam Perspektif Hukum Positif Indonesia. *Jurnal Ius Kajian Hukum dan Keadilan*, 8(1), 190–205. <https://doi.org/10.29303/ius.v8i1.882>
- Febrianty, Y., Ishwara, A. S. S., Priambada, B. S., & Hulwanullah, H. (2023). The Limitations of Living Law in Indonesian Criminal Law Reform: An Effort to Realize Justice. *Jurnal IUS Kajian Hukum dan Keadilan*, 11(2), 192–208. <https://doi.org/10.29303/ius.v11i2.1232>
- Galib, A. M., Kholish, M. A., & Fajar, A. S. M. (2025). Strengthening customary legal autonomy in Aceh. *Peradaban Journal of Law and Society*, 4(1). <https://doi.org/10.59001/pjls.v4i1.489>
- Hariri, A., & Babussalam, B. (2024). Legal Pluralism: Concept, Theoretical Dialectics, and Its Existence in Indonesia. *Walisongo Law Review (Walrev)*, 6(2), 146–170. <https://doi.org/10.21580/walrev.2024.6.2.25566>
- Hamzah, H., Putra, M. H., & Zulkarnain, Z. (2020). Customary Law Impact in The Development of Indonesia's Criminal Code. *Journal of Critical Reviews*, 7(3), 233–236. <https://doi.org/10.31838/jcr.07.03.43>
- Hardinanto, A., Arief, B. N., Setiyono, J., Fernando, Z. J., & Sabrina, N. (2024).

- Critical Analysis of Living Law Formulation in Law No. 1 of 2023 Concerning the Criminal Code: Towards Law Reform to Realize Justice with the Spirit of Pancasila. *Journal of Law and Legal Reform*, 5(3), 1029–1066.
<https://doi.org/10.15294/jllr.v5i3.13923>
- Hatta, M., Subaidi, J., Afrizal, T. Y., Ramadhan, A. F., & Novtika, N. (2026). Empowering Pawang Uteun (Local Forest Handlers) As Customary Institutions to Combat Illegal Logging in North Aceh District. *UUM Journal of Legal Studies*, 17(1), 61–77. <https://doi.org/10.32890/uumjls2026.17.1.4>
- Irmawanti, N. D., & Arief, B. N. (2021). Urgensi Tujuan Dan Pedoman Pemidanaan Dalam Rangka Pembaharuan Sistem Pemidanaan Hukum Pidana. *Jurnal Pembangunan Hukum Indonesia*, 3(2), 217–227. <https://doi.org/10.14710/jphi.v3i2.217-227>
- Irawan, A., & Pura, M. H. (2023). Analisis Yuridis Ketentuan Hukum yang Hidup dalam Masyarakat pada Kitab Undang-Undang Hukum Pidana Indonesia. (2023). *Ajudikasi: Jurnal Ilmu Hukum*, 7(1), 59–74. <https://doi.org/10.30656/ajudikasi.v7i1.6453>
- Isra, S., Ferdi, F., & Tegnan, H. (2017). Rule of Law and Human Rights Challenges in South East Asia: A Case Study of Legal Pluralism in Indonesia. *Hasanuddin Law Review*, 3(2), 117–140. <https://doi.org/10.20956/halrev.v3i2.1081>
- Kamaruddin, K., Iswandi, I., Yaqub, A., Mahfiana, L., & Akbar, M. (2023). Justice, Mediation, and Kalosara Custom of the Tolaki Community in Southeast Sulawesi from the Perspective of Islamic Law. *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 7(2), 1077–1096. <https://doi.org/10.22373/sjkh.v7i2.13183>
- Keliat, D. P., Amirudin, A., & Luqman, Y. (2021). Chances and Challenges of Local Wisdom as a Management Model Toward Sustainable Fisheries. *E3S Web of Conferences*, 317. <https://doi.org/10.1051/e3sconf/202131701055>
- Latifiani, D., Saron, A., Pudjirahayu, E. W., Widigdo, S. A., & Nugraha, N. A. (2023). Implementation of Simple, Fast and Low-Cost Principles in E-Summons with The E-Court System. *Diponegoro Law Review*, 8(1), 107–123. <https://doi.org/10.14710/dilrev.8.1.2023.107-123>
- Lestari, R. (2023). The Sociological Perspective on The Study of The Living Law: Is It a Part of Legal Discipline or Social Discipline?. *Jurnal IUS Kajian Hukum Dan Keadilan*, 11(3), 448–464. <https://doi.org/10.29303/ius.v11i3.1270>
- Luthfi, M., Fajrin, Y. A., & Bachtiar, H. (2024). The existence of 'Urf in the Resolution of Marriage Disputes in Islamic Law: A Living Law Perspective. *Jurnal IUS Kajian Hukum dan Keadilan*, 12(1), 146–158. <https://doi.org/10.29303/ius.v12i1.1356>

- Rachman, S. M. A., & Rahman, F. (2017). The Dynamic of Malay Islamic law: The Rise and Practices of Adat Bersendi Syarak, Syarak Bersendi Kitabullah in Jambi. *Journal of Indonesian Islam*, 11(2), 389–404. <https://doi.org/10.15642/JIIS.2017.11.2.389-404>
- Mahfud, M. A. (2023). Fungsi Hukum dan Legal Pluralism di Bidang Agraria. *Mimbar Hukum*, 35(2), 220-244. <https://doi.org/10.22146/mh.v35i2.4160>
- Masykhur, A. (2020). Titik Singgung Hukum Islam dengan Hukum Adat pada Naskah Perundang-Undangan Kerajaan Islam di Nusantara. *Al-Manahij: Jurnal Kajian Hukum Islam*, 14(2), 295–306. <https://doi.org/10.24090/mnh.v14i2.3724>
- Muntaqo, F., Febrian, F., & Pratama, A. D. (2024). Adat Law as a Foundation for Advancing Indonesian Agrarian Law to Maximise Societal Welfare. *Sriwijaya Law Review*, 8(2), 376–392. <https://doi.org/10.28946/slrev.Vol8.Iss2.3710.pp376-392>
- Omowon, A., & Kunlere, A. S. (2024). Restorative justice practices: Bridging the gap between offenders and victims effectively. *World Journal of Advanced Research and Reviews*, 24(3), 2768-2785. <https://doi.org/10.30574/wjarr.2024.24.3.3978>
- Ozoemena, R. N. (2015). Legislation as a critical tool in addressing social change in South Africa: Lessons from Mayelane V Ngwenyama. *Potchefstroom Electronic Law Journal*, 18(4), 970–992. <https://doi.org/10.4314/pej.v18i4.07>
- Permata, C. Q. N., & Rastini, R. (2022). Eksistensi Penerapan Sanksi Alas Bide dalam Penyelesaian Perkara Kekerasan Dalam Rumah Tangga (KDRT) di Kabupaten Bengkayang, Kalimantan Barat. *Jurnal Hukum Lex Generalis*, 3(3), 167–179. <https://doi.org/10.56370/jhlg.v3i3.198>
- Pujiyono, P. (2016). Corporation Criminal Responsibility Model Based On Restorative Justice Approach In Indonesia. *Diponegoro Law Review*, 1(1), 127-142. <https://doi.org/10.14710/dilrev.1.1.2016.127-142>
- Putro, W. D., & Bedner, A. W. (2023). Ecological sustainability from a legal philosophy perspective. *Journal of Indonesian Legal Studies*, 8(2), 595-632. <https://doi.org/10.15294/jils.v8i2.71127>
- Purnama, H., & Iskandar, I. (2024). A critical analysis of social engineering theory in the context of legal development in Indonesia. *ULIL ALBAB: Jurnal Ilmiah Multidisiplin*, 3(12), 54–67. <https://doi.org/10.56799/jim.v3i12.5812>
- Sutanti, R. D., Pujiyono, P., Rochaeti, N., & Damora, A. R. (2025). Customary law as an instrument of restorative justice: an alternative approach to criminal conflict resolution in plural legal systems. *Clio. Revista de Historia, Ciencias Humanas y*

- Pensamiento Critico*, 5(1), 1348-1381. <https://scholar.undip.ac.id/en/publications/derecho-consuetudinario-como-instrumento-de-justicia-restaurativa/>
- Rato, D. (2019). Legal Conflicts in the Border Dispute between Indonesia and Timor Leste. *Lentera Hukum*, 6(3), 353–374. <https://doi.org/10.19184/ejlh.v6i3.14185>
- Rochaeti, N., Prasetyo, M. H., & Park, J. H. (2023). Implementing of Restorative Justice to Build the Criminal Justice System in Indonesia: A Study of the Batak Toba Justice System. *Law Reform*, 19(2), 221–247. <https://doi.org/10.14710/lr.v19i2.53184>
- Rochaeti, N., Prasetyo, M. H., Rozah, U., & Park, J. (2023). A Restorative Justice System in Indonesia: A Close View from the Indigenous Peoples' Practices. *Sriwijaya Law Review*, 7(1), 87–104. <https://doi.org/10.28946/slrev.Vol7.Iss1.1919.pp87-104>
- Rochaeti, N., & Pujiyono, P. (2018). Implementation Study of Restorative Justice for Juvenile Criminal Justice System by Customary Court in Mainland Sulawesi. *IOP Conference Series: Earth and Environmental Science*, 156(1). <https://doi.org/10.1088/1755-1315/156/1/012044>
- Rochaeti, N., Prasetyo, M. H., Wibawa, K. C. S. (2023). Restorative Justice in the Customary Jurisdiction of the Dayak Tribe Communities of West Kalimantan. *Russian Law Journal*, 11(3s). <https://doi.org/10.52783/rlj.v11i3s.733>
- Rokan, M. K., & Rusdiana, K. (2018). Configuration of Costomary Law Related to Economy (Economic Adat Law Study in North Sumatera, Indonesia). *Ahkam: Jurnal Ilmu Syariah*, 18(2), 417–432. <https://doi.org/10.15408/ajis.v18i2.8889>
- Salmudin, S., Muntaqo, F., & Hasan, K. N. S. (2021). Tunggu Tubang as a Method for Peaceful Inheritance Distribution of Semende Indigenous Peoples. *De Jure: Jurnal Hukum dan Syar'iah*, 13(1), 53–66. <https://doi.org/10.18860/j-fsh.v13i1.11028>
- Sebyar, M. H. (2023). Harmonization of Islamic Legal Institutions and Customary Law in Marriage Dispensation Cases at The Panyabungan Religious Court. *MILRev: Metro Islamic Law Review*, 2(2), 155. <https://doi.org/10.32332/milrev.v2i2.7809>
- Seko, S., Lolita, L., & Soa, A. H. (2023). Customary Law As A Means of Protection Against Tembawang in The Dayak Tobag Sub-Tribe in West Kalimantan. *Bina Hukum Lingkungan*, 8(1), 37–51. <https://doi.org/10.24970/bhl.v8i1.243>
- Seko, S., & Soa, A. H. (2025). Revitalizing Tradition: The Role of Pakat Perkara in Resolving Land Disputes Within The Dayak Tobag. *Masalah-Masalah Hukum*, 54(1), 47–56. <https://doi.org/10.14710/mmh.54.1.2025.47-56>
- Siswanto, A., & Teslatu, L. (2018). How Adat Law Breaks The Cycle Of Vengeance: The Epkeret Tradition in Southern

- Buru. *Mimbar Hukum*, 30(2), 374-388. <https://doi.org/10.22146/jmh.29212>
- Siswanto, A., & Teslatu, L. C. M. (2018). How Adat Law Breaks The Cycle of Vengeance: The Epkeret Tradition in Southern Buru. *Mimbar Hukum*, 30(2), 374. <https://doi.org/10.22146/jmh.29212>
- Soa, A. H. (2023). Pergeseran Paradigma Asas Legalitas Dalam Implementasi Kitab Undang-Undang Hukum Pidana. *Journal Justiciabelen*, 3(2), 58. <https://doi.org/10.35194/jj.v3i2.3077>
- Soa, A. H., & Ismawati, S. (2023). Implementasi Mediasi Penal Menggunakan Pendekatan Hukum Adat Pada Masyarakat Adat Dayak Hibun. *Jurnal Hukum to-ra : Hukum Untuk Mengatur dan Melindungi Masyarakat*, 9(1), 69–72. <https://doi.org/10.55809/tora.v9i1.205>
- Sopacua, M. G. (2024). Implementasi Keadilan Restoratif Sebagai Landasan dalam Penyelesaian Masalah Kekerasan Dalam Rumah Tangga di Indonesia. *Jurnal Pembangunan Hukum Indonesia*, 6(1), 96-111. <https://doi.org/10.14710/jphi.v6i1.96-111>
- Sukirno, S., & Wibawa, K. C. S. (2024). Indigenous land dispute resolution in Indonesia: Exploring Customary Courts as an alternative to formal judicial processes. *Revista Brasileira de Alternative Dispute Resolution*, 6(12), 187-205. <https://doi.org/10.52028/rbadr.v6.i12.ART09.EN>
- Sulaiman, S., Abdullah, M. A., Wulandari, M., Mansur, T. M., & Sautunnida, L. (2025). The Strategy of Institutional Collaboration to Expedite The Recognition of Customary Law Communities Through Land Registration in Aceh Besar, Indonesia. *Law Reform*, 21(1), 135–154. <https://doi.org/10.14710/lr.v21i1.64760>
- Sutanti, R. D., Pujiyono, & Rochaeti, A. N. (2025). The Settlement Of The Environmental Crimes Through The Conflict Resolution Based On The Local Wisdom Of The Boti Indigenous People. *IOP Conference Series: Earth and Environmental Science*, 1537(1). <https://doi.org/10.1088/1755-1315/1537/1/012067>
- Syaikhu, S., Al Amruzi, M. F., Mujiburrahman, M., & Norwili, N. (2023). Legal Harmonization in the Distribution of Inheritance in the Dayak Ngaju Community in Central Kalimantan, Indonesia. *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 7(1), 195–215. <https://doi.org/10.22373/sjhk.v7i1.12410>
- Radbruch, G. (2006). Five minutes of legal philosophy (1945). *Oxford Journal of Legal Studies*, 26(1), 13–15. <https://doi.org/10.1093/ojls/gqi042>
- Rozah, U., & Yudistira, A. (2025). Penal Policy Analysis of The Formulation of Customary

- Law in The 2023 KUHP. *Indonesian Journal of Criminal Law Studies*, 10(1), 83-114. <https://doi.org/10.15294/ijcls.v10i1.19939>
- Wadjo, H. Z. (2023). Penerapan Hukum Adat dalam Penyelesaian Perkara Anak. *Jurnal Pembangunan Hukum Indonesia*, 5(1), 1–10. <https://doi.org/10.14710/jphi.v5i1.1-10>
- Watkot, F. X., & Budiman, E. A. (2022). Hukum Pidana Adat “Antara Ada dan Tiada”. *Jurnal Hukum Ius Publicum*, 2(2), 242–264. <https://doi.org/10.55551/jip.v4i4.38>
- Wijaya, A. U., Kusnadi, S. A., & Hadi, F. (2024). Konsep Keadilan Sosial Dalam Regulasi Pengetahuan Tradisional Untuk Menjamin Hak Komunal di Indonesia. *Jurnal Pembangunan Hukum Indonesia*, 6(2), 281–300. <https://doi.org/10.14710/jphi.v6i2.281-300>
- Yoserwan, Y. (2023). Implications of Adat Criminal Law incorporation into the New Indonesian Criminal Code: Strengthening or weakening? *Cogent Social Sciences*, 10(1). <https://doi.org/10.1080/23311886.2023.2289599>
- Yulia, Y., & Herinawati, H. (2022). Customary Law of The Forest in North Aceh Regency. *Diponegoro Law Review*, 7(2), 328–343. <https://doi.org/10.14710/dilrev.7.2.2022.328-343>
- Yulia, R., Prakarsa, A., & Ali, M. (2023). Restoring the Conflicts among Societies: How does Baduy Society Settle the Criminal Cases through Restorative Justice? *Academic Journal of Interdisciplinary Studies*, 12(3), 193–203. <https://doi.org/10.36941/ajis-2023-0071>
- Yulia, R., Prakarsa, A., & Bustami, M. R. (2023). Harmonizing Adat Obligations and State Law: A Case Study of Murder and Rape Cases in Baduy's Indonesia. *Journal of Indonesian Legal Studies*, 8(2), 803–854. <https://doi.org/10.15294/jils.v8i2.72283>
- Yustia, D., Jodi, F. F., Panjaitan, A. C. D., & Hassan, F. M. (2026). Restorative Justice: Finding Common Ground Between Justice and Shared Interests. *Jambura Law Review*, 8(1), 229-249. <https://doi.org/10.33756/jlr.v1i1.32646>
- Zaidun, Z., & Setiyono, J. (2024). Penyelesaian Tindak Pidana Penganiayaan Dengan Pendekatan Keadilan Restoratif. *Jurnal Pembangunan Hukum Indonesia*, 6(1), 49-60. <https://doi.org/10.14710/jphi.v6i1.49-60>
- Zulyadi, R., & Hossain, M. B. (2022). Alternative Criminal Punishments for the Settlement of Misdemeanor in a Social Justice Perspective. *Law Reform*, 18(1), 43-57. <https://doi.org/10.14710/lr.v18i1.44712>

BOOK

- Tamanaha, B. Z. (2001). *The Law-Society Framework*. Oxford: Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780199244676.003.0001>