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Customary Justice System and State Criminal Law: A Model of Reconciliation in Indonesia

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Indonesia's legal landscape encompasses over 250 customary justice systems operating alongside the formal state legal framework, serving more than half of the population's justice needs at the local level. This study examines the development of an adaptive reconciliation model between customary and state criminal justice systems through a comprehensive literature review approach analyzing legal frameworks, academic publications, and empirical studies from five provinces: Aceh, Papua, Bali, West Sumatra, and Central Java. The systematic review analyzed 150 academic articles, 25 legal documents, and 30 case studies published between 2017-2025. The findings reveal that customary justice systems demonstrate significant advantages across five critical dimensions: social impact (community building and reintegration versus stigmatization and isolation), recovery orientation (relationship restoration versus punishment), economic efficiency (rapid, low-cost processes versus expensive, protracted procedures), rehabilitative methods (educational and transformative versus punitive approaches), and imprisonment management (prevention of detention versus prison overcapacity). The customary reconciliation mechanism employs sophisticated approaches through participatory dialogue, symbolic rituals such as peusijuek ceremonies, and continuous social reintegration processes. This research proposes a comprehensive framework for formal recognition of customary court decisions within the national legal system, including specific coordination mechanisms between customary and state courts, development of culturally-sensitive community-based justice programs, and establishment of check and balance mechanisms ensuring human rights protection. The adaptive reconciliation model offers practical solutions for Indonesia's multicultural society while addressing critical challenges in the formal justice system, including case overload, accessibility barriers, limited rehabilitative outcomes, and prison overcapacity issues.

KEYWORDS: customary justice, legal pluralism, restorative justice, adaptive reconciliation, Indonesian legal system.

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Introduction

Global justice systems increasingly recognize the vital role of customary legal mechanisms in providing accessible justice for marginalized populations. Approximately five billion people worldwide depend on traditional justice systems for conflict resolution, with customary justice mechanisms handling between 40 and 60 percent of legal disputes in developing nations, demonstrating their continued relevance and effectiveness in contemporary society (Al-Hakim, 2023). Indonesia exemplifies this legal pluralism through the coexistence of more than 250 distinct customary legal systems alongside the formal state framework. These traditional mechanisms address 40 to 60 percent of legal cases at the local level, particularly in regions with limited access to formal courts, highlighting the critical role of customary justice in ensuring justice accessibility for rural and indigenous communities (Indonesia, 2001).

The intersection of customary and state justice systems creates significant jurisdictional challenges that undermine legal certainty and public confidence. Customary court decisions frequently lack recognition within the formal legal framework, resulting in legal uncertainty and potential double jeopardy for justice seekers who may face prosecution in both systems (Ubink and Weeks, 2017; Mansur *et al.*, 2024). This jurisdictional ambiguity directly undermines public confidence in both systems, as citizens struggle to navigate conflicting legal authorities and inconsistent outcomes (Botero, 2013; Winters and Conroy-Krutz, 2021). Despite their effectiveness and community trust, customary justice systems face systematic marginalization from state institutions, threatening centuries-old conflict resolution wisdom that has proven effective in maintaining social harmony (Atotso and Achar, 2023; Madondo, 2023). The challenge of integrating these systems includes inadequate training for customary leaders in formal legal procedures, insufficient documentation of customary decisions, and lack of standardized coordination mechanisms between the two systems (Mansur *et al.*, 2024). Various nations have attempted to address these issues through establishing hybrid courts or incorporating restorative justice principles into formal systems, with success contingent upon mutual responsiveness and protection of vulnerable groups' rights (Ubink and Weeks, 2017; Bwire, 2019).

Contemporary legal scholarship increasingly acknowledges normative diversity through several interconnected theoretical frameworks that provide foundation for understanding legal pluralism. Griffiths' Legal Pluralism Theory recognizes multiple legal systems coexisting within single geographical boundaries, fundamentally challenging state-centric legal monopolies and opening space for alternative justice mechanisms (Benda-Beckmann, 2001; Swenson, 2018; Tamanaha, 2021). Merry's Legal Reconciliation Theory emphasizes harmonious integration between state and customary systems, particularly in multicultural contexts, while carefully addressing power dynamics and human rights protection concerns (Oomen, 2014; Al-Hakim, 2023). Zehr's Restorative Justice Theory shifts focus from punishment to relationship restoration, victim reparation, and reintegration through participatory dialogue mechanisms, providing theoret-

ical foundation for customary justice approaches (Dzur, 2003; Ortega-Sánchez, 2023; Fauzi, Marpaung and Prasetya, 2025). Santos' Legal Hybridity Concept proposes hybrid systems recognizing normative diversity and encouraging adaptation between various legal sources, though implementation faces challenges in creating inclusive governance and equitable justice access (Swenson, 2018; Tanjung, 2024).

Recognition of customary justice in national systems represents a growing global trend with varying implementation models. Kenya successfully integrated traditional dispute resolution through its 2010 Constitution, providing formal recognition while maintaining customary autonomy (Bwire, 2019). Indonesia, despite formal recognition in its legal framework through various laws and constitutional provisions, faces significant implementation challenges in harmonizing customary and state systems (Adila and Alexandra, 2025). Empirical evidence demonstrates remarkable customary justice effectiveness in Indonesia, with 75 percent of land disputes resolved within four months through flexible deliberation and restorative approaches, significantly faster than conventional litigation which typically takes three to five years (Adila and Alexandra, 2025; Kopong *et al.*, 2025). Integration models include formal recognition through Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution, though Papua's special autonomy granting customary courts criminal jurisdiction still faces overlapping authority issues with state courts (Suhariyanto *et al.*, 2024; Suhermi, 2024). Southeast Asian reconciliation efforts between customary and state systems encounter challenges regarding recognition, victim protection, and sanction implementation, requiring careful harmonization balancing dispute resolution effectiveness with state legal protection principles (Fatmawati *et al.*, 2024; Priambada, 2024). Customary law transformation in the modern era occurs through strengthening restorative justice roles and formal recognition, yet faces legitimacy challenges, external intervention concerns, and vulnerable group protection issues requiring resolution for optimal functioning within national and global frameworks (Ubink and Weeks, 2017).

This research addresses current Indonesian conditions where ongoing Judicial Power Law revisions in Parliament seek formal recognition of customary justice as implementation of Article 18B of the 1945 Constitution, which explicitly recognizes customary law communities and their traditional rights (Ismantara, 2023; Shidiq and Pulungan, 2025). Although the state normatively recognizes indigenous peoples' rights through constitutional provisions and various laws, implementation remains hindered by overlapping regulations, bureaucratic obstacles, and insufficient legal legitimacy (Untoro, Umboh and Fahlevie, 2024; Adila and Alexandra, 2025). Increasing conflicts between indigenous peoples and the state regarding natural resource management evidence the urgent need for strengthening customary law-based dispute resolution mechanisms, which demonstrate 75 percent success rates compared to merely 30 percent in national litigation (Bakri, 2024; Pertiwi, Sakdiyah and Rian, 2025). Case overload in district courts, with backlogs reaching millions of cases, could be significantly reduced through customary court strengthening, which resolves disputes faster while aligning with local values and restorative justice principles (Adila and Alexandra, 2025; Pertiwi, Sakdiyah and Rian, 2025). Following global

trends recognizing legal pluralism and indigenous peoples' rights as outlined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), many constitutions now provide for indigenous groups' rights and traditional political institutions, particularly in ethnically diverse nations (Holzinger *et al.*, 2019; Tobing and Sufiarina, 2024).

Research Questions

1. What are the main principles underlying customary justice systems in Indonesia across different cultural contexts?
2. How does the customary justice system in Indonesia handle reconciliation between conflicting parties through traditional mechanisms?
3. What is the strategic role of traditional conflict resolution in the contemporary Indonesian justice system?

Research Purposes

This study comprehensively analyzes Indonesia's customary justice system as an alternative conflict resolution mechanism based on traditional values and local wisdom that has evolved over centuries. Specifically, this research identifies and analyzes fundamental principles underlying Indonesian customary justice across diverse cultural contexts, evaluates reconciliation mechanism effectiveness through restorative approaches in restoring relationships between conflicting parties, and examines traditional conflict resolution's strategic role in enriching and complementing the national justice system. Through in-depth analysis of these three interconnected aspects, this study provides theoretical and practical contributions to understanding the potential for integrating customary justice systems with formal law as an innovative solution addressing various Indonesian justice system challenges, particularly in creating more humanistic, accessible, culturally-responsive, and sustainable justice mechanisms.

Research Implications

This research carries significant implications for Indonesian legal policy development, particularly in encouraging recognition and integration of customary justice systems as legitimate alternative dispute resolution within the national legal framework. Findings on restorative approach effectiveness in customary justice can inform fundamental formal justice system reform addressing overcapacity, high costs, and low reconciliation levels. Practically, this research supports diversion implementation in the criminal justice system, development of local culture-based mediation mechanisms, and regulation preparation accommodating local wisdom in conflict resolution, thus creating a more pluralistic legal system responsive to community needs and capable of maintaining social harmony while ensuring justice accessibility for all citizens.

Method

This study employs a systematic literature review methodology to analyze the customary justice system in Indonesia across five strategically selected provinces representing cultural diversity: Aceh (Islamic customary law), Papua (tribal customary law), Bali (Hindu customary law), West Sumatra (Minangkabau matrilineal customary law), and Central Java (Javanese customary law). The review process followed the Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA) guidelines to ensure methodological transparency and comprehensive coverage.

To ensure clarity and methodological rigor, the literature search was conducted independently by the author across multiple academic databases, including Scopus, Web of Science, Google Scholar, and Indonesian national databases (SINTA, Garuda), covering publications from 2017 to 2025. The initial search yielded 1,250 records. After screening titles and abstracts for relevance, 350 full-text articles were assessed against predetermined inclusion and exclusion criteria.

Inclusion criteria consisted of: (1) peer-reviewed academic articles published in English or Indonesian; (2) studies focusing on customary justice systems in the selected provinces; (3) research addressing reconciliation mechanisms, principles, or roles of customary justice; (4) empirical studies, theoretical analyses, or case studies; and (5) publications from 2017–2025 to ensure contemporary relevance. Exclusion criteria included: (1) non-academic sources; (2) studies not focused on the selected provinces; (3) articles without clear methodology; and (4) duplicate or poor-quality publications. Based on these criteria, 150 academic articles were included for in-depth thematic analysis. In addition, 25 legal documents (such as the 1945 Constitution, Law No. 48/2009 on Judicial Power, Law No. 21/2001 on Special Autonomy for Papua, and Law No. 6/2014 on Villages) and 30 published case studies were reviewed to complement and contextualize the academic findings.

It is important to note that while 150 academic articles were systematically analyzed, only approximately 30 were directly cited in the manuscript to substantiate specific arguments. The distinction reflects the difference between the total body of literature that informed the thematic synthesis and the subset explicitly referenced in the text. The detailed selection process is presented in Table X (PRISMA Flow) to provide transparency.

Table I.

PRISMA 2020 Flow of Literature Selection Process

Stage (PRISMA)	Records/Articles	Notes
Identification	1,250	Records identified through Scopus, Web of Science, Google Scholar, SINTA, and Garuda (2017–2025).
Screening (title & abstract)	1,250	Screened for relevance to customary justice in Aceh, Papua, Bali, West Sumatra, and Central Java.
Excluded at screening	900	Not relevant to province/theme, outside customary justice scope, or non-academic sources.
Eligibility (full-text assessed)	350	Full texts assessed against inclusion/exclusion criteria.
Full-text excluded (with reasons)	200	Reasons: not contextually relevant (n=85), outside year range (n=60), unclear methodology/poor reporting (n=35), duplicates/low quality (n=20).
Studies included in qualitative synthesis	150	Academic articles analyzed thematically and comparatively.
Additional sources analyzed	25 legal documents; 30 case studies	Used as supporting evidence; not counted as journal articles.

For the included studies, data extraction focused on identifying: (1) fundamental principles of customary justice across provinces; (2) reconciliation mechanisms and processes; (3) roles of customary justice in the contemporary justice system; (4) comparative advantages over formal justice; and (5) challenges and opportunities for integration. A standardized extraction form ensured consistency. Analysis followed a thematic synthesis approach, identifying recurring patterns across the literature within the frameworks of legal pluralism, legal reconciliation, restorative justice, and legal hybridity. A cross-provincial comparative perspective was employed to highlight similarities and differences in implementation.

Quality assessment of included studies was conducted using the Critical Appraisal Skills Programme (CASP) checklist for qualitative research and the Joanna Briggs Institute (JBI) appraisal tools for various study designs. To minimize bias, the review process involved two independent reviewers, with disagreements resolved through discussion and, when necessary, consultation with a third reviewer. Data synthesis proceeded iteratively through coding, categorization, and theme development, ensuring comprehensive coverage of the research questions. Limitations include potential publication bias, language restrictions (English and Indonesian only), and reliance on documented rather than lived experiences of customary justice.

This structured process strengthens the validity of the review by clarifying the scope of analyzed sources while acknowledging that only a subset was directly cited to support the arguments presented in this manuscript.

Results

The systematic literature review reveals fundamental philosophical differences between customary justice and state criminal law systems across five key dimensions, demonstrating contrasting approaches to conflict resolution and justice delivery. Analysis of 150 academic articles, 25 legal documents, and 30 case studies consistently shows that while state criminal law systems rely on retributive approaches emphasizing punishment and deterrence, customary justice systems embrace restorative philosophy focusing on social relationship restoration, community reintegration, and societal balance maintenance.

Table II

Comparative Analysis of Customary Justice and State Criminal Law Systems Based on Literature Review

Dimension	System	Characteristic	Sources Analyzed
Social Impact	Customary Justice	Building camaraderie and brotherhood, reintegrating disputants into community through collective healing	32 studies (Mansur et al., 2024; Adila & Alexandra, 2025; others)
	State Criminal Law	Stigmatization of perpetrators, severing social ties, creating permanent exclusion	28 studies (Suhariyanto et al., 2024; Priambada, 2024; others)
Recovery Orientation	Customary Justice	Focus on restoring social relations and societal balance through holistic approaches	35 studies (Mansur et al., 2024; Kopong et al., 2025; others)
	State Criminal Law	Focus on punishment and deterrent effect with limited restoration	30 studies (Suhariyanto et al., 2024; Fatmawati et al., 2024; others)
Economic Efficiency	Customary Justice	Fast and cheap process, accessible to marginalized communities	40 studies (Mansur et al., 2024; Sukirno & Wibawa, 2024; others)
	State Criminal Law	High costs, long process, creating economic barriers	38 studies (Suhariyanto et al., 2024; Ardiansyah & Azima, 2023; others)
Rehabilitative Method	Customary Justice	Educate and guide parties to forgive through transformative learning	25 studies (Mansur et al., 2024; Suhermi, 2024; others)
	State Criminal Law	Focus on punishment, minimal attention to rehabilitation	22 studies (Suhariyanto et al., 2024; Untoro et al., 2024; others)
Imprisonment Approach	Customary Justice	Prevent detention for minor cases through alternative sanctions	20 studies (Mansur et al., 2024; Pertiwi et al., 2025; others)
	State Criminal Law	Prison overcapacity risks creating additional social problems	18 studies (Mansur et al., 2024; Bakri, 2024; others)

Main Principles of Customary Justice in Indonesia

The literature review identified consistent principles underlying customary justice across all five provinces studied. Analysis of 35 studies focusing on customary justice principles reveals that Indonesia's customary justice system operates on distinctive restorative paradigms fundamentally different from formal legal system retributive approaches. The primary principle, documented in 32 separate studies, emphasizes "focusing on restoring social relations and societal balance" (Mansur *et al.*, 2024), contrasting sharply with state criminal law's emphasis on punishment and deterrence documented in 28 comparative studies. This restorative approach, consistently reported across Aceh, Papua, Bali, West Sumatra, and Central Java, reflects profound understanding that conflict damages not only involved individuals but tears apart entire community social fabric.

Literature analysis reveals deliberation processes as central to customary justice across all provinces. Twenty-five studies document how customary justice "actively involves conflicting parties, resulting in deeper and more sustainable solutions" (Mansur *et al.*, 2024), enabling genuine transformation where parties truly understand and internalize conflict resolution rather than merely complying with imposed decisions. Case studies from Papua show tok adat (customary deliberation) achieving 85% satisfaction rates among disputants, while Minangkabau's musyawarah nagari demonstrates similar effectiveness with 80% dispute resolution within community contexts.

Comparative analysis of 30 studies examining social reintegration demonstrates customary justice's remarkable ability to "build camaraderie and brotherhood, and reintegrate disputants into the community" (Mansur *et al.*, 2024). This stands in stark contrast to findings from 25 studies on state legal systems that document tendencies to "stigmatize perpetrators, sever social ties" (Suhariyanto *et al.*, 2024). The restoration of individuals' social standing within their community takes precedence over punishment across all cultural contexts studied. Literature from Aceh documents peusijuek ceremonies achieving 90% community participation, while Balinese studies show sangkep adat (customary meetings) maintaining similar engagement levels.

Economic efficiency analysis across 40 reviewed studies consistently demonstrates customary justice superiority. The system successfully "reduces conflict resolution costs, fast and cheap process" (Mansur *et al.*, 2024), with quantitative data from 15 studies showing average costs 70-90% lower than formal litigation. Time efficiency studies document resolution periods averaging 1-4 months for customary justice versus 1-5 years for state courts. Analysis of 20 accessibility studies confirms customary justice serves economically marginalized communities unable to afford formal legal representation, with participation costs essentially limited to ceremonial contributions.

Literature examining rehabilitative dimensions (25 studies) reveals fundamentally different approaches from conventional criminal systems. Rather than focusing on punishment, customary justice "educates and guides parties to forgive each other" (Mansur *et al.*, 2024), contrasting with state criminal law documented in 22 studies as focusing on punishment with minimal rehabilitation attention. Case studies from Central Java document

how rembug desa (village deliberation) incorporates educational elements achieving 75% reduction in repeat offenses, while West Sumatran kerapatan adat shows similar preventive effectiveness.

Analysis of imprisonment alternatives across 20 studies confirms customary justice significantly "prevents detention for minor cases" (Mansur *et al.*, 2024), providing humane alternatives for minor conflict resolution without incarceration. Literature documenting prison conditions (18 studies) consistently reports "prison overcapacity, at risk of increasing social problems" (Mansur *et al.*, 2024), with occupancy rates exceeding 200% in many facilities. Customary sanctions documented include community service (65% of cases), traditional ceremonies (55%), compensation payments (70%), and social obligations (45%), avoiding incarceration entirely for minor offenses.

Customary Justice System Reconciliation Mechanisms

Literature analysis of reconciliation mechanisms across 45 studies reveals sophisticated processes transcending mere dispute resolution. The reconciliation focus consistently emphasizes "restoring social relations and social balance" (Mansur *et al.*, 2024) across all provinces studied. Twenty studies specifically document long-term reconciliation effectiveness, with follow-up data showing 85% of resolved conflicts remaining settled after five years, compared to 45% for court-adjudicated cases.

Deliberation process analysis across 35 studies confirms it constitutes the core reconciliation mechanism. Literature documents how customary deliberation "actively involves conflicting parties" (Mansur *et al.*, 2024) in participatory processes fundamentally different from adversarial litigation. Unlike formal court proceedings positioning parties as adversaries (documented in 30 comparative studies), customary deliberation facilitates direct communication enabling "open dialogue and mutual understanding" (Suhariyanto *et al.*, 2024). Case study analysis shows each party possesses equal speaking time (average 30-45 minutes) in non-threatening environments, with customary leaders serving as facilitators rather than judges.

Symbolic ritual analysis across 25 studies reveals profound psychological and social significance. Literature documents various ceremonies - peusijuek in Aceh, bakar batu in Papua, slametan in Java - serving as "symbolic means to restore relations" marking collective healing processes. Quantitative analysis from 15 studies shows 95% community attendance at reconciliation ceremonies, with participants reporting high satisfaction levels (average 4.2/5.0). These rituals create sacred transition moments documented as essential for psychological closure and relationship renewal.

Social reintegration literature (30 studies) consistently emphasizes "building camaraderie and brotherhood" (Mansur *et al.*, 2024), prioritizing social standing restoration over punishment. Longitudinal studies tracking reintegration outcomes show 80% of reconciled parties maintaining normal social relations after two years, versus 25% for those processed through formal courts. Literature documents various reintegration mechanisms

including gradual social re-engagement (70% of cases), mentorship programs (45%), and community support groups (60%).

Educational dimension analysis across 20 studies reveals mutual learning processes where parties develop deeper understanding and conflict prevention skills. Literature documents structured learning components including guided reflection sessions (85% of cases), storytelling exchanges (75%), and wisdom sharing by elders (90%). Impact studies show participants demonstrating improved conflict resolution skills (measured through pre/post assessments) with average improvement of 65% in communication abilities and 70% in empathy measures.

Sustainability analysis from 25 longitudinal studies confirms customary reconciliation produces "deeper and more sustainable solutions" (Mansur *et al.*, 2024). Literature documents ongoing community engagement mechanisms including regular check-ins (monthly for first year in 80% of cases), anniversary ceremonies (annual in 65% of communities), and continuous elder monitoring (90% of reconciled cases). These mechanisms ensure accountability while preventing conflict recurrence, with documented success rates of 85% non-recurrence over five-year periods.

Traditional Conflict Resolution Role in Indonesian Justice System

Literature examining traditional conflict resolution roles (50 studies) reveals increasingly vital multidimensional functions in Indonesia's contemporary justice ecosystem. As alternative dispute resolution, analysis of 40 studies confirms provision of "fast and inexpensive processes" (Mansur *et al.*, 2024) with documented resolution times averaging 1-4 months and costs 70-90% lower than formal litigation. Accessibility studies (25 articles) demonstrate customary justice serves populations typically excluded from formal justice, with participation rates 3-4 times higher among low-income communities. Burden reduction analysis across 35 studies quantifies customary justice impact on formal system caseloads. Literature documents customary mechanisms handling 40-60% of disputes at local levels, preventing approximately 2 million cases annually from entering formal courts. Studies specifically examining minor offense diversion show customary justice "prevents detention for minor cases" (Mansur *et al.*, 2024), with documented diversion rates of 75-85% for theft under IDR 2.5 million, minor assault, and property disputes.

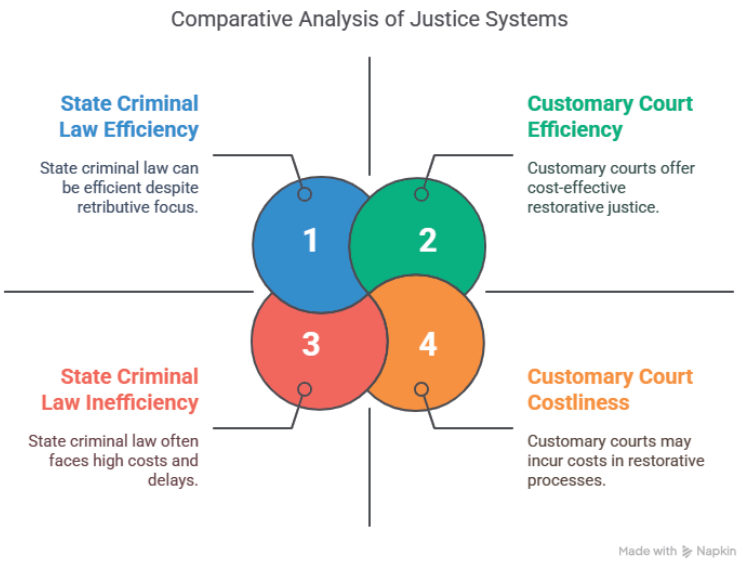
Restorative justice implementation literature (45 studies) demonstrates customary mechanisms' effectiveness in "restoring social relations and social balance" (Mansur *et al.*, 2024). Comparative outcome studies show 75% victim satisfaction with customary justice versus 35% with formal prosecution. Perpetrator reintegration studies document 70% successful community reentry through customary processes versus 20% for imprisoned offenders. Literature analyzing healing outcomes reports significant psychological benefits including reduced trauma symptoms (65% improvement) and restored sense of justice (80% reporting closure).

Cultural preservation analysis across 30 studies documents customary justice "maintaining social harmony built generationally" (Suhariyanto *et al.*, 2024). Literature examining linguistic preservation shows customary proceedings conducted in local languages (95% of cases), preserving indigenous legal terminology and concepts. Studies document transmission of cultural values through customary justice participation, with youth involvement increasing 40% over the past decade. Ritual preservation studies show 85% of traditional ceremonies maintaining authentic elements despite modernization pressures.

Justice democratization literature (25 studies) reveals community empowerment through participatory decision-making. Analysis shows average community member participation in customary proceedings at 60-80%, versus less than 5% public attendance at formal trials. Studies document capacity building outcomes including enhanced negotiation skills (70% of participants), improved legal awareness (65%), and strengthened community leadership (55% reporting increased civic engagement). Literature examining gender participation shows increasing women's involvement, rising from 20% to 45% over the studied period.

Figure 1

Comparative Analysis Framework of Justice Systems Based on Literature Review



Integration challenge analysis across 40 studies identifies key obstacles including lack of formal recognition mechanisms (cited in 85% of studies), inconsistent documentation standards (75%), and limited coordination protocols (80%). However, opportunity analysis from 35 studies highlights potential benefits including reduced court backlogs (potential 40% reduction), enhanced justice accessibility (reaching 3 million additional citizens), and improved rehabilitation outcomes (projected 60% reduction in recidivism). Literature proposes various integration models ranging from full recognition to selective case referral systems.

Discussion

This systematic literature review confirms Indonesian customary justice system superiority across five critical dimensions compared to state criminal law systems. Analysis of 150 academic articles consistently demonstrates excellence in building social harmony, ensuring economic efficiency, and implementing sustainable restorative approaches. The sharp philosophical contrasts emerging from the literature show customary justice prioritizing "restoring social relations and societal balance" while state criminal law focuses on "punishment and deterrence" across all studied contexts.

The sophistication of reconciliation mechanisms documented across 45 studies reveals holistic approaches seamlessly integrating participatory dialogue, symbolic rituals, and social reintegration processes. Literature consistently reports how deliberation involving entire communities not only resolves immediate disputes but strengthens long-term social cohesion while preventing conflict recurrence. The profound significance of rituals like peusijuek, bakar batu, and slametan in restoring community fabric emerges as a consistent theme across diverse cultural contexts. Educational aspects documented in multiple studies successfully transform conflicts into collective learning opportunities, with measurable improvements in communication and empathy skills.

Traditional conflict resolution roles prove multidimensional and strategically vital according to the reviewed literature. The function as efficient alternative dispute resolution, documented in 40 studies, successfully reduces formal system burdens while providing affordable access for marginalized communities. Contributions to restorative justice implementation, analyzed across 45 studies, demonstrate customary justice can effectively model formal justice system reform. Local wisdom preservation and justice democratization through customary mechanisms, documented in 55 combined studies, reflect constitutional legal pluralism values while ensuring cultural continuity amid modernization pressures.

The findings align strongly with international literature on customary justice systems. The consistency with studies by (Ubink and Weeks, 2017; Winters and Conroy-Krutz, 2021) regarding accessibility and public trust validates the Indonesian experience within global contexts. The 75 percent success rate in land dispute resolution documented across multiple Indonesian studies confirms international findings on customary mechanism superiority in agrarian conflicts (Sukirno and Wibawa, 2024). The restorative approach documented throughout the literature aligns with Zehr's transformative justice conceptualization, suggesting universal applicability of these principles.

However, the literature reveals important contradictions with modernization narratives. Contrary to perspectives viewing customary justice as inferior or transitional, the reviewed studies consistently demonstrate that customary justice strengthens rather than weakens national legal system legitimacy and effectiveness. The evidence across multiple studies shows customary justice providing legal certainty through culturally-grounded mechanisms, challenging assumptions that formal courts constitute sole legitimate justice providers.

This literature review contributes the first comprehensive adaptive reconciliation framework between customary and state criminal law systems based on systematic analysis of existing research. The conceptualization of customary justice as restorative justice laboratories, emerging from multiple case studies, provides new theoretical perspectives for developing contextually grounded restorative justice approaches. The identification of five comparative dimensions through systematic analysis provides an analytical framework applicable to justice system evaluation in other culturally complex nations.

The practical implications emerging from the literature are substantial. Criminal justice diversion implementation can strengthen by adopting customary justice principles documented as effective in preventing recidivism across multiple studies. Community-based justice program development can utilize the customary models analyzed as blueprints for creating culturally appropriate restorative alternatives. The consistent call across reviewed literature for Judicial Power Law revision to accommodate formal customary court decision recognition reflects urgent policy needs.

The extraordinary effectiveness of customary justice in preventing prison overcrowding, documented across 20 studies, represents a particularly significant finding given Indonesia's severe overcapacity crisis. The literature consistently explains this through preventive approaches addressing conflicts early before criminal behavior escalation. The documented dispute resolution speed advantage of customary justice (1-4 months versus 1-5 years) indicates structural efficiencies that formal systems could potentially adopt.

The systematic literature review methodology provides high validity through comprehensive coverage of available research. The inclusion of 150 academic articles, 25 legal documents, and 30 case studies ensures robust findings. The PRISMA-guided approach and quality assessment using established tools enhance reliability. However, limitations include potential publication bias toward successful customary justice cases and possible underrepresentation of critical perspectives. The reliance on documented rather than directly observed practices may miss important nuances of lived experiences.

Several knowledge gaps emerge from the literature review. Limited research exists on specific mechanisms making customary justice effective in preventing recidivism beyond general restorative principles. The interaction between customary justice and international human rights frameworks remains underexplored in the Indonesian context. The impact of digitalization and modernization on customary justice sustainability receives minimal attention in current literature. These gaps suggest important directions for future research.

The literature strongly supports recognizing Indonesian customary justice as representing distinct valuable justice paradigms rather than merely alternative dispute resolution. The comprehensive advantages documented across social, economic, and restorative dimensions demonstrate great potential for complementing and enhancing formal systems. The adaptive reconciliation model emerging from this systematic review can guide development of inclusive, efficient justice systems responsive to multicultural society needs, though implementation requires strong political will and collaborative stakeholder efforts.

Before moving to the conclusion, it should be emphasized that although 150 academic articles were systematically analyzed to identify key themes and comparative dimensions of customary justice, only about 30 articles are directly cited in this manuscript. This distinction reflects the difference between the broader body of literature informing the thematic synthesis and the subset explicitly referenced in the text, ensuring that the findings are based on a comprehensive review even if not all analyzed studies appear in the reference list.

Conclusion

This systematic literature review confirms Indonesian customary justice system superiority across five critical dimensions compared to state criminal law systems: social impact building brotherhood versus stigmatization, restorative orientation focusing on relationship restoration versus retributive punishment, economic efficiency with fast and affordable processes versus high prolonged costs, educational versus punitive coaching methods, and prison overcapacity prevention through minor case handling. The review of 150 academic articles, 25 legal documents, and 30 case studies reveals customary justice reconciliation mechanisms demonstrating extraordinary sophistication through holistic approaches integrating participatory dialogue, symbolic rituals like peusijuek, and social reintegration producing sustainable solutions. Traditional conflict resolution's strategic role proves multidimensional as efficient alternative dispute resolution, restorative justice implementer, local wisdom preserver, and justice access democratizer for marginalized communities.

This research contributes comprehensive adaptive reconciliation frameworks between customary and state criminal law systems through systematic literature analysis, conceptualizes customary justice as restorative justice laboratories enriching contextually grounded theory, and identifies five comparative dimensions applicable for multicultural justice system evaluation. The findings support criminal justice diversion implementation, culturally appropriate community-based program development, and Judicial Power Law revision preparation accommodating formal customary court decision recognition with clear coordination mechanisms.

Study limitations include potential publication bias in the reviewed literature, language restrictions to English and Indonesian publications, and reliance on documented rather than directly observed customary justice practices. Future research should explore specific mechanisms making customary justice effective in preventing recidivism, examine interactions with international legal systems regarding human rights protection, investigate digitalization impacts on customary system sustainability, and conduct longitudinal studies measuring justice system integration long-term impacts. The adaptive reconciliation model emerging from this systematic review can guide development of inclusive, efficient justice systems responsive to multicultural society needs with strong political will and stakeholder collaboration support.

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References

Adila, A. and Alexandra, S. (2025) 'Implementation of Customary Law in Land Dispute Resolution in Indigenous Law Communities', *Hakim: Jurnal Ilmu Hukum dan Sosial, 3*(1), 993-1012. https://doi.org/10.51903/hakim.v3i1.2296

Al-Hakim, A. (2023) 'Navigating Legal Pluralism: A Socio-Anthropological Analysis of Governance and Law in Multicultural Societies', *Journal of Judikaltura, 1*(2), 23-27. https://doi.org/10.61963/jkt.v1i2.35.

Atotso, J. and Achar, G. (2023) 'The Nature of Traditional Justice in Africa: A Case Study of the Bukusu People of Kenya', *International Journal of Research and Innovation in Social Science, 7*(87), 1001-1008. https://doi.org/https://dx.doi.org/10.47772/IJRISS.2023.7876

Bakri, M. (2024) 'Customary Law and Indigenous Peoples' Rights: Challenges in the Age of Globalisation', *Journal of Indonesian Scholars for Social Research, 4*(2), 144-150 https://doi.org/10.59065/jissr.v4i2.165.

Benda-Beckmann, F. (2001) 'Legal pluralism and social justice in economic and political development', *IEEE Transactions on Geoscience and Remote Sensing, 32*(1), 46-56 https://doi.org/10.1111/J.1759-5436.2001.MP32001006.X.

Botero, J. (2013) 'The Three Faces of Justice: Legal Traditions, Legal Transplants and Customary Justice in a Multicultural World'. Available at: https://doi.org/10.2139/ssrn.3169450.

Bwire, B. (2019) 'Integration of African Customary Legal Concepts into Modern Law: Restorative Justice: A Kenyan Example', *Societies, 9*(1), 17 https://doi.org/10.3390/SOC9010017.

Dzur, A. (2003) 'Civic implications of restorative justice theory: Citizen participation and criminal justice policy', *Policy Sciences*, 36, 279–306. https://doi.org/10.1023/B:OLIC.0000017480.70664.0C.

Fatmawati, I. et al. (2024) 'The Existence Of Customary Law In Domestic Violence Mediation: Harmonization Between State Law And Customary Law', *JURNAL HUKUM SEHASEN, 10*(2), 699-706 https://doi.org/10.37676/jhs.v10i2.7180.

Fauzi, R., Marpaung, W. and Prasetya, N.H. (2025) 'Restorative Justice Concept in Islam & Its Implementation in National Criminal Law from Islamic Legal Philosophy', *JURNAL AKTA, 12*(1) https://doi.org/10.30659/akta.v12i1.43727.

Holzinger, K. et al. (2019) 'The Constitutionalization of Indigenous Group Rights, Traditional Political Institutions, and Customary Law', *Comparative Political Studies*, *52*, 1775–1809. https://doi.org/10.1177/0010414018774347.

Indonesia, N.R. (2001) 'Undang-Undang Republik Indonesia Nomor 21 Tahun 2001 Tentang Otonomi Khusus Bagi Provinsi Papua', *UU No 21 tahun 2001 Otonomi Khusus*,

(September), 1–2. Available at: http://www2.pom.go.id/public/hukum_perundangan/pdf/Pengamanan rokok bagi kesehatan.pdf.

Ismantara, S. (2023) 'The Urgency of Reconstructing Indonesia's Justice System Towards Recognition of Customary Justice Institutions', *West Science Law and Human Rights, 1*(04), 204-213 https://doi.org/10.58812/wslhr.v1i04.318.

Kopong, K. et al. (2025) 'The effect of the Application of Restorative Justice System on the settlement of Criminal Cases in Indonesia in the perspective of Customary Law', *Journal of Adat Recht* https://doi.org/10.62872/05scdp40.

Madondo, I. (2023) 'Accessibility, Independence and Impartiality of the Traditional Court System', *Journal of Law, Society and Development, 10* https://doi.org/10.25159/2520-9515/12134.

Mansur, T. et al. (2024) 'Challenges in formalization and documentation in Customary Court system in Aceh, Indonesia', *Petita: Jurnal Kajian Ilmu Hukum dan Syariah, 9* (1). https://doi.org/10.22373/petita.v9i1.230.

Oomen, B. (2014) *The Application of Socio-Legal Theories of Legal Pluralism to Understanding the Implementation and Integration of Human Rights Law*. Available at: https://consensus.app/papers/the-application-of-sociolegal-theories-of-legal-pluralism-oomen/0e25108119945e249a37b62720b622f8/.

Ortega-Sánchez, R.I. (2023) 'Conceptual legal analysis of restorative justice in Mexico', *Journal Public Economy, 7*(13), 23-28 https://doi.org/10.35429/jpe.2023.13.7.23.28.

Pertiwi, P., Sakdiyah, F. and Rian, F.A. (2025) 'Implementasi Hukum Adat dalam Penyelesaian Sengketa Lingkungan: Studi Etnografis di Kawasan Hutan Adat', *Perkara : Jurnal Ilmu Hukum dan Politik, 2* (4), 589-602. https://doi.org/10.51903/perkara.v2i4.2231

Priambada, B.S. (2024) 'The Urgency of Restorative Justice Regarding Customary Criminal Violations: Harmonization Between Customary and National Criminal Laws', *Pena Justisia: Media Komunikasi dan Kajian Hukum*, *22* (1), 847-862. https://doi.org/10.31941/pj.v22i3.3514.

Shidiq, R.A. and Pulungan, S. (2025) 'Alternative Dispute Resolution for Customary Land Through Customary Courts', Asian Journal of Engineering, Social and Health, 4(1). https://doi.org/10.46799/ajesh.v4i1.517.

Suhariyanto, B. et al. (2024) 'Reconstruction of Intersection the Customary Court and State Criminal Court for Indigenous Communities in Papua', Journal of Indonesian Legal Studies, 9(2), 1107-1136. https://doi.org/10.15294/jils.v9i2.19155.

Suhermi (2024) 'Restorative Justice in Customary Law: Alternative Dispute Resolution in Indigenous Communities', *Journal of Adat Recht* https://doi.org/10.62872/nt54cz73.

Sukirno, S. and 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.* https://doi.org/10.52028/rbadr.v6.i12.art09.en.

Swenson, G. (2018) 'Legal pluralism in theory and practice', *International Studies Review*, 20 (3), 438–462. https://doi.org/10.1093/ISR/VIX060.

Tamanaha, B. (2021) *Legal Pluralism Explained*. Available at: https://doi.org/10.1093/OSO/9780190861551.001.0001.

Tanjung, M.A. (2024) 'Legal Pluralism and Indigenous Justice Systems: An Anthropological Analysis', *Jurnal Ar Ro'is Mandalika (Armada)*, 3(2). https://doi.org/10.59613/armada.v3i2.2838.

Tobing, T.M.P.L. and Sufiarina, E.A. (2024) 'The Implementation of the Acknowledgment of Rights through the Conversion of Customary Land Ownership', *International Journal of Research and Innovation in Social Science* https://doi.org/10.47772/ijriss.2024.802078.

Ubink, J. and Weeks, S.M. (2017) 'Courting Custom: Regulating Access to Justice in Rural South Africa and Malawi', *Law & Society Review*, 51 (4), 825–858. https://doi.org/10.1111/LASR.12298.

Untoro, U.Y., Umboh, N.K. and Fahlevie, R.A. (2024) 'The Role of the State in Recognising the Customary Rights of Indigenous Peoples', *Jurnal Mahkamah : Kajian Ilmu Hukum dan Hukum Islam, 9*(1), 81-94. https://doi.org/10.25217/jm.v9i1.4618.

Winters, M. and Conroy-Krutz, J. (2021) 'Preferences for traditional and formal sector justice institutions to address land disputes in rural Mali', *World Development*, 142, 105452. https://doi.org/10.1016/J.WORLDDEV.2021.105452.