

JOURNAL OF LAW AND POLITICAL SCIENCES (JLPS)

Scientific and Academy Journal

Print ISSN 2222-7288

Online ISSN 2518-5551

IMPACT FACTOR VALUE of 2.701

Fourteenth year

Vol. (43) - Issue (4) October-2024



ESCI



23- The Marginalized Wisdom: The Empowerment of Customary Law in Handling Family Conflicts. By Muhammad Taufan Badollahi and Others, Indonesia. P. 458.

CENTER FOR LAW and POLITICAL RESEARCH- DENMARK

AALBORG ACADEMY of SCIENCES – DENMARK

<http://journal-law.com/>

journallaw1@yahoo.co



JOURNAL OF LAW AND POLITICAL SCIENCES

SCIENTIFIC AND ACADEMY JOURNAL

Print ISSN 2222-7288

Online ISSN 2518-5551

IMPACT FACTOR VALUE OF 2.701

VOL. (43) FOURTEENTH YEAR– ISSUE (4) OCOBER 2024

FIRST EDITION 2011

**CENTER FOR LAW AND POLITICAL RESEARCH – DENMARK
FACULTY OF LAW - ACADEMY OF THE AALBORG – DENMARK**

<http://journal-law.com/>

journallaw1@yahoo.co



Chief in Editor Prof. SUHAIL H. AL-FATLAW

General Supervisor-Prof. TALAL ALNADAW

Secretary of the Editorial Board-Prof. SALEH AL-TAI

Editorial Board

- 1- Prof. HOSSAM GHARABAWI: University of Baghdad – Iraq
- 2- Prof. ADEL AL ALI -University of Al - Isra University- Jordan.
- 3- Prof. YURIY PYVOVAR. Department of Constitutional and Administrative Law -National Aviation University, Ukraine.
- 4- Prof. JAMIL MUSAB-University of Baghdad – Iraq.
- 5- Prof. E SAHIB OBEID AL – FATAWI-Amman National University – Jordan.
- 6- Prof. MUSLEH HASSAN AL – HADITHI-Al-Rashid University, Iraq.
- 7- Dr. Nguyen Binh An (B. An Nguyen) Law Faculty, Binh Duong University- Vietnam
- 8- Prof. AAD ALI AL-KAISSI -University of Sharjah-UAE.
- 9-PROF. ASHJAN AL-ZUHAIRY
Al-Qasim University, College of Sharia and Islamic Studies- Saudi Arabia-Systems Department
- 10-- Prof. ACHOUR FTIMA -Dean of the Faculty of Law – Algeria.
- 11- Dr. OROOBA JABAR ABDEL HUSSEIN,
DIRECTOR of the Journal's Department



ADVISERS

Prof. Noman Al-Khatib, President of the University of Jordan

Pro. Shafiq al-Samarrai - University President-Belgium

Prof. Emad Rabee Vice President of Jerash University-Jordan

Prof. Ahmed Abu Shanab - Amman Arab University- Jordan

Prof. Mohammed Wsal- Dean of the Faculty of Law-Syria

Prof. Ali Al_husenawe- Dean of the Faculty of Law-Iraq

Prof. Mohamed Hossam- Dean of the Faculty of Law-Oman

**Prof. Ahmed Hawamdeh- Dean of the Faculty of Law- Jerash University
- Jordan**

Dr. Abderrahman Alarman -Dean of the Law Faculty-Jordan

Prof. Mohamed Aboul Ela- Academy-Egypt

Prof. Asaid Mostafa Aboalker-Academy-Egypt

Prof. Khalil Elias Murad -Denmark

Prof. Dr. Mustafa Eчек- Academy-Turkey

Prof. Ahmed Fedaioglu Academy-Turkey

Prof. Karim Harzallah- Academy- Algeria

Prof. Aiser Khalil Al-Obidi- Baghdad university Iraq

Prof. Amrouche elhoucine Faculty of Law and Political Science -Yahiya

Fares University-Medea –Algeria

Dr. Murtada Abdullah Khairi- Academy-Sudan

Rosi Topham- Academy-UK



JOURNAL OF LAW AND POLITICAL SCIENCES (JLPS)



P.ISSN 2222-7288 E. ISSN 2518-5551

Vol. 43 Issue 4-october 2024

**IMPACT
FACTOR 2.329**

ISSUED BY CENTER FOR LAW AND POLITICAL RESEARCH – DENMARK

**First edition
2011**

The Journal certified by:

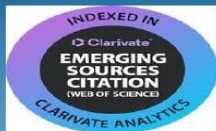
 	 ESCI
<p>The Journal of Law and Political Sciences is published by the Law and Political Research Center which is accredited by CVR - Det Centrale Virksomhedsregister-Denmark</p>	 cvr virk
<p>Accredited by the Faculty of Law - Aalborg Academy of Sciences –Denmark</p>	
	
<p>Islamic Word Science citation Center</p>	
 <p>INTERNATIONAL Scientific Indexing</p>	<p>QUALITY IMPACT VALUE 2.329</p>
 <p>TOGETHER WE REACH THE GOAL</p>	<p>QUALITY IMPACT VALUE 7.234</p>



Published Terms in the journal:

1. Number of pages of no more than 40 pages. 14 × 21 cm;
2. Subject of research in the Law and political and Islamic law;
3. Researcher must use scientific sources, or documents depends referred to in accordance with the scientific bases used in scientific research;
4. The research includes an abstract of no more than 150 words.
5. The research includes keyword.
6. The introduction shall include the importance of research and the research problem. The introduction shall not exceed two pages.
7. The research referred on two experts, to ensure compliance with the terms of the researcher scientific research;
8. Written in the footnote in the bottom of the page and printed electronically.
9. The researcher shall have a PhD in law, or political science or Islamic law.
10. Research written in English, French or Arabic language.
11. The researcher is responsible for the views expressed in his research.
12. Research is sent by e-mail to the head of the editorial board.
13. At the end of the research conclusion includes the pleadings and recommendations.
14. List of sources by alphabet at the end of research.
15. The research may not be published in another journal, or in a book.





International Journal Evaluation

 WEB OF SCIENCE™		 WEB OF SCIENCE™	
	 Part of Clarivate		
			
	 SJIF Scientific Journal Impact Factor		 website stats and valuation
			

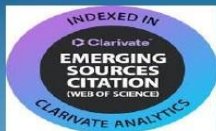
 **INTERNATIONAL**
Scientific Indexing
Fresh Ideas for Growing your Citations

Certificate

This is to certify that **Journal of Law and Political Science** is indexed in International Scientific Indexing (ISI). The Journal has Impact Factor Value of **2.329** based on International Citation Report (ICR) for the year **2022-2023**. The URL for journal on our server is <https://isindexing.com/isi/journaldetails.php?id=4032>


Editor ICR Team (ISI)


International Scientific Indexing (ISI)



Contents of Vol. No. (43) of issue (4) October-2024

- 1- Mechanisms For Combating Corruption to Achieve Sustainable Development Goals. Bribery as a Case Study: Based on The Saudi Anti-Bribery Law 1992. By Dr. Ashjan Al-Zuhairi. Sudia. P 9.
- 2- The Implementation of Notarization Law in Vietnam: Current Situation and Suggested Solutions. Phan Xuan Linh and Phan Thi Van. Vitnam. P. 28.
- 3- Historical Values of The Hong Duc Law and The Practice of Legal Construction in Vietnam Currently. By Nguyen Van Dai .P. 45.
- 4- The Position of Jordanian Criminal Judiciary Towards The Spread of Homosexual By Activity. Dr. Mohammed Salem Al-Shaheen. P. 63
- 5- . The Gaps Between Legislation and Executive Implementation: Evidence From Vietnam After The 2013 Constitution. By. Nguyen Quoc Suu. Vietnam. P. 78.
- 6- Examining Legal Accountability in the Medical Use of Artificial Intelligence: Investigating Criminal, Civil, and Ethical Liability Arising From Errors. By Dr. Abdullah Bin Fahad Al-Saab. Sudia P. 97.
- 7- Historical Dynamics of Vocabulary Used in International Negotiations. By Shafag Firudin Akhmedova. Azerbaijan. P. 124.
- 8- The Impact of The Principle of Social Solidarity on The Crisis of State-Building (A Comparative Study). By Nabaa Rasool Ghmayas and Others, Iraq. P. 150.
- 9- The Dynamics of Legal Politics on Land Acquisition For Public Interest in Indonesia. By Ade Arif Firmansyah and Others. Indonesia. P. 177.
- 10- Corrupt Acts Among Public Officials: A Political and Legal Perspective By Eltayeib H. Mahmoud Sharaf Addin1 and Others. Sudia. P. 211.
- 11- The Significance of Artificial Intelligence in Tax System Development By Dr Abdullah Sulaiman Alluhaydan. Sudia. P. 228.
- 12- The Current Legal Framework and Enforcement Practices Regarding Anti-Dumping Investigations on Imported Goods Into Vietnam By Nguyen Son Ha and Others Vietnam. P. 259.
- 13- The Proposition of Meanings and Their Impact on Judgments - A Comparative Study. By Dr. Abdulkareem Omar Abdulkareem and Other Iraq P.279 .
- 14- The Legal System For The Claim of Nullity of The Arbitration Award. By Marwan Mowafaq Ibrahim and Others. Iraq. 285.
- 15- Impact of Policy and Law Factors on Sustainable Tourism Development in Vietnam. By Phung Ngoc Thuy and Others. Vietnam. P. 319.
- 16- The Historical Developments of Challenging Arbitral Awards in The Egyptian, Jordanian and English Arbitration Legislations. By Dr. Mohammad Atef Odeibat. Jordan. P. 338.
- 17- Provisions on Punishments For Corruption Offenses Under Vietnamese Criminal Law and Their Effectiveness in Practical Application. By Tran Van Hai and Nguyen Son Ha. Vietnam. P.353.
- 18- The Right to Receive State Assistance By Orphaned Children and Its Judicial Protection. By Yuriy Pyvovar and Others. Ukraine. P. 373.
- 19- Vietnamese Civil Enforcement Law on Compulsory Auction of Usage Rights of Land and Properties Associated With Land: A Comparative Perspective With Chinese Law. By Ngo Quang Vinh. Vitnam. P.391.
- 20- Contemporary Public Construction Law of Ukraine: Essence and System. By Bevzenko Volodymyr and Tsvirkun Yurii. Ukraine. P. 405.
- 21- Implementation of The Law on Supporting Small and Medium Enterprises in Thanh Hoa Province and Its Impact on Business Performance. By Do Thi Man and Others. Vietnam. P. 435.
- 22- The Impact of Digital Platforms on Commercial Contracts in Saudi Arabia A Comparative Study. By Dr. Ahmed Ali Hazza Alshamrani Sudia. P. 440.
- 23- The Marginalized Wisdom: The Empowerment of Customary Law in Handling Family Conflicts. By Muhammad Taufan Badollahi and Others, Indonesia. P. 458.
- 24- Opportunities and Challenges of Spin-Off Enterprises and Law Framework Improvement Proposals For Operating Spin-Off Enterprises in Multidisciplinary Universities. By Chau Thi Le Duyen and Others. Vietnam. P. 478.

(23)

**THE MARGINALIZED WISDOM: THE
EMPOWERMENT OF CUSTOMARY LAW IN
HANDLING FAMILY CONFLICTS**

Receipt 25 August

Approval 13 September

Publishing October 2024

MUHAMMAD TAUFAN BADOLLAHI

Faculty of Sharia, Universitas Islam Negeri Datokarama, Palu, Indonesia

¹mtaufan@uindatokarama.ac.id,

<http://orcid.org/0000-0002-9454-3713>

UBAY

Faculty of Sharia, Universitas Islam Negeri Datokarama, Palu, Indonesia

¹ubay@uindatokarama.ac.id,

<http://orcid.org/0000-0002-0012-9600>

SAPRUDDIN SAPRUDDIN

Faculty of Sharia, Universitas Islam Negeri Datokarama, Palu, Indonesia

³Sapruddin@uindatokarama.ac.id,

<http://orcid.org/0000-0002-0993-5169>

*Corresponding Author

ABSTRACT

This research aims to construct the manifestation of customary law empowerment as a facility for handling family conflicts. This was empirical legal research with a qualitative-naturalistic approach. It was conducted in the North Birobuli District, Palu City, Sulawesi, Indonesia. The authors obtained data from observation and interviews with customary figures. Results showed that as a facility for handling family conflicts, customary law empowerment is constructed in the form of alternative dispute resolution (non-litigation dispute resolution) through mediation and negotiation techniques. The many aspects of customary law empowerment as a facility for handling family conflicts should be strengthened to optimize its function as an alternative dispute resolution institution. This is crucial considering that this institution has been proven to resolve family disputes in a simple, quick, and

affordable manner by still maintaining societal harmony. If not, this invaluable social capital will only become an ever-marginalized local wisdom.

Keywords: *Empowerment; law; conflict; family; alternative dispute resolution; local wisdom.*

INTRODUCTION

The legal constellation in Indonesia is rife with weak law enforcement, a lack of just development, as well as other issues, such as discriminative treatments (Ilham, 2021). This is triggered by a legal practice that is oriented towards formal (procedural) justice. It is due to the government's political power authority that tends to be authoritarian and lacks material (substantial) justice. Many parties seek alternative solutions to improve this situation.

Various stakeholders keep on striving to discover alternative law enforcement that is more in line with legal awareness (*rechtgevoel*). They seek a law enforcement method that is more practical, solutive, and complied with by society. The effort to manifest material (substantial) justice in law enforcement can be manifested through a legal pluralism approach. Apart from that, judges need a special capability in interpreting laws. Law enforcement must accurately and effectively be carried out to measure the state's success. In establishing the Indonesian legal state, there must also be concern for the aspects of transcendence, humanity, unity, deliberation, and justice (Masduki, 2017). All this may be found in the customary law that is rich with local wisdom values (anthropological values).

In fact, the anthropological values of Indonesian society have started to be chipped away by the current modernization (Mulyadi, 2013). That is why the refunctionalization of customary institutions amidst the anthropological erosion must be supported as one of the pillars of development, as Indonesia has much local wisdom from its copious ethnic groups. This local wisdom may prevent the erosion of Indonesian society's anthropological values. In this position, there needs to be a policy that may empower the indigenous people as a subject of development, so that they may have a maximum role (bottom-up).

There have been many studies that were conducted on customary institutions. These studies are divided into three categories. First, the study that analyzes the position of customary institutions in the national law, such as that which was analyzed by Gultom (2021), Thomas (2023) and Winardi (2020). Second, studies related to the traditional rights of indigenous people, such as those conducted by Kristhy (2022), Putra (2020), and Santyaningtyas (2019). Third, studies which analyze the protection of customary institutions, such as those written by Chaerudin (2023), Butarbutar (2019), and Thontowi (2013). These studies frame customary institutions as traditional institutions that have so far been marginalized. Thus, they must obtain protection as the social and legal capital of the Indonesian nation.

Fourth, there are studies on the empowerment of societies of customary institutions such as those conducted by La Ode Angga (2023), Sukirno (2019), and Surati (2022). These studies positioned customary institutions as part of Indonesian

society's wealth. They are a form of legal treasure that must not only be preserved. But more than that, they must be empowered as an alternative legal method that lives in society. Even so, these researches have not discussed how the customary institutions are empowered as an alternative resolution to the disputes that occur in society, especially in handling conflicts that happen in families.

This article aims to explore how customary institutions are empowered to handle family conflicts that happen in society. It strives to understand how to empower customary institutions as a tool for handling family conflicts. As part of this exploration, this article aims to answer two questions: (1) What is the form of customary institution empowerment as an instrument to handle family conflicts? and (2) How can the principles of customary institutions be implemented in the process of resolving family conflicts?

These questions are closely linked to the condition of Indonesia's legal plurality which is deemed too complicated and complex as it is trapped in legal formality. Apart from that, it is also closely related to the challenges faced by legal institutions, especially courts as institutions that directly touch the handling of various conflicts in society.

This article departs from three assumptions. First, the currently existing law enforcement has not fulfilled society's sense of justice. Second, the handling of disputes carried out by formal justice institutions is deemed too slow and too expensive. Third, customary institutions as the chief of local wisdom in society have not rightly been empowered.

RESEARCH METHOD

This article is empirical legal research. The authors collected data using three techniques, namely observation, interviews, and literary studies. The observation was carried out in North Birobuli District, Palu City, Central Sulawesi Province. This location was chosen because this area is a locus of customary institution empowerment in handling family conflicts, which is according to the focus of this research. Therefore, it is deemed appropriate to use this location as the research setting. Apart from that, based on the observation, the customary institutions in this area are most active in handling cases of family disputes.

Further data were collected through customary reviews of local wisdom and customary institutions. Some of the analyzed works did not only discuss customary institutions as a part of local wisdom but also their contribution to the development of national law. This literary review showed that customary institutions, especially customary justice institutions that in *de facto* work and are complied with by society, have encouraged the transformation and internalization of values and moralities that are desired by the community. This reflects the fact that customary institutions not only aim to resolve disputes but also inspire society with values and morality. This research was not conducted on all customary institutions that exist in Palu City, but it focused on only one customary institution.

The North Birobuli District was chosen for several reasons: (1) This area is one of the loci of customary institution empowerment in handling family conflicts, which is according to this research's focus. Therefore, it is a suitable location to conduct this

study; (2) Based on the observation, the customary institution in this location often handled cases of family disputes; and (3) The customary institution in North Birebuli already has a clear standard for structures, personnel, and processes. Thus, it makes it easier for the researchers to collect data (Kuswardani, Kurnianingsih, & Prakoso, 2018).

The qualitative data were obtained through the aforementioned approach and were analyzed using the descriptive and phenomenological methods. The data were initially classified. Then, they were interpreted according to the researchers' needs. The descriptive-phenomenological approach perceived the activity of family dispute resolution in the customary institution in North Birebuli as a set of texts that may be explained and interpreted. To complete and strengthen this analysis, the findings of previous research were also used as texts.

RESULTS AND DISCUSSION

Conflicts in families occur more frequently compared to conflicts in other social contexts. The Indonesian society has actually long practiced a method of domestic conflict resolution which is similar to mediation, i.e., a peace-making method. The mediator is an individual or a group of people that are associated with a customary institution which is deemed wise based on age and experience in the family environment. These people are deemed capable and competent to resolve such conflicts. In this segment, it is interesting to analyze the empowerment of customary institutions as a facility to resolve family disputes.

In line with the emergence of the progressive legal idea as a result of the saturation of the normative-formalistic justice system, the term *mediation* becomes even more popular as an alternative dispute resolution. It is not only popular among academicians, but also among legal practitioners. Practitioners have also applied mediation in the dispute resolution practice or in resolving problems in society.

Concerning customary institutions, one must understand dispute resolution traditions via customary justice. Based on observation in the field, it was found that there are always philosophical values behind decisions by considering the impacts that may occur on the customary institution's values and community. This is crucial to understanding the decisions made by customary figures and their institutions in resolving issues (Hermawan, Rizal, Haryumeinanda, & Oktiviasti, 2015).

The dispute resolution tradition in customary institutional societies tends to use a familial pattern. Its process is based on the principle of deliberation. Customary figures, including those who are part of or not part of the customary institution structure, always direct the flow of the customary court to the achievement of agreement. Its goal is that no party is deemed as the loser (win-win solution principle).

This principle is applied by the Kaili customary society unit through the empowerment of customary courts (*potangara nuada*) in resolving issues (customary violations). *Potangara Nuada* is a mechanism for resolving customary violations and the societal issues that are established by customary figures (*totua nuada*). This institution has the goal so that the speech (*posumba*), behavior (*ampena*), and action (*kainggua*) of the people may stay in order as well as live and develop as a controller of

the social and communal life order in Palu City. They are expected to stay according to the values and norms that have been agreed upon from generation to generation (Tanggungade, North Birobuli Customary Figure, *interview*, June 17, 2023).

1-THE COMPETENCE OF THE KAILI CUSTOMARY JUSTICE

The competence of the customary justice in the Kaili area is certainly different from that owned by the state justice. As a customary law, the customary justice of the Kaili people does not strictly differentiate civil and criminal cases. The Kaili customary justice's competence used to have an extensive scope. Its application was not limited. It aimed to regulate the life of the Kaili ethnic group as well as other ethnic groups. This was restated by the local customary figures, who stated that the Kaili customs cannot have their application limited in the societal life. This is because since the ancient times, it has regulated life (“*ada ta to Kaili hi ledo ma mala rabatasi riara katuvua ntodea, apa ada ta hi dako nggaulunamo mbaaturu katuvuata to kaili ante gera dako ri savalikuna ante mbaaturu kita mboto*”) (Tanggungade, *interview*, June 17, 2023).

The customary justice's competence includes the issues of *sala kana*, *sala baba* and *sala mbivi*.

a. *Sala Kana/Nakaputu Tambolo*

Salah kana is the sanction that is imposed on someone who severely violates the customary norms related to speech, action, and behavior. The types of customary sanctions (*givu*) that may be imposed on perpetrators of this category include (Tanggungade, *interview*, June 17, 2023):

- 1) *Nilabu*: a customary sanction where the perpetrator is drowned in the sea;
- 2) *Nipali*: a customary sanction where the perpetrator is banished (outcasted from the village);
- 3) *Nibeko*: a customary sanction in the form of alienation (isolation from the social life); and
- 4) *Bangu mate*: fines by yielding a large animal and other customary equipment according to the applicable stipulations.

b. *Sala Baba/Sala Mpale*

Sala baba/sala mpale are sanctions that are imposed on customary norm violations related to speech, action, and behavior with a mild category. The sanctions are called *bangu mate*, i.e., paying fines by yielding a minimum of two small animals (goats) as well as other customary equipment.

c. *Sala Mbivi*

Sala mbivi is sanctions to perpetrators of customary norms related to speech, action, and behavior with a light category. The sanctions are applied by making the guilty pay fines in the form of a small animal (a goat) with a minimum amount of one as well as other customary equipment according to the stipulations.

Meanwhile, other formerly applicable customary legal sanctions (*nu ada*) include *nilabu* or *nipali*. *Nilabu* means being drowned in the sea by tying the perpetrator's legs onto a large rock. Meanwhile, *nipali* means being banished from the village where the criminal offense was conducted. This sanction was imposed on couples that commit adultery whilst having blood ties (*nosimpogau santina*/incest) and adultery with the queen or the king's family.

Apart from that, the Kaili customary law acknowledges several offenses related to family law, including *nobualo*, namely adultery committed by a woman who has a legitimate husband with another man under the will of the woman. This action is imposed with a sanction in the form of a large buffalo, a set of white fabric, a blade of the customary sword, a tray, a white ceramic bowl, paying a dowry equal to 11 to 99 riyals, and yielding fifteen plates with a tribal motive. Other forms of offenses are explained below (Tanggungade, *interview*, June 17, 2023).

Nebualosi is adultery committed by a man who has a wife due to the seduction of the man. Meanwhile, *nopangadi* is adultery committed by a woman who has a husband under the will of the man.

Nepeneki is the action of a man who purposely visits the house of a girl, a widow, or a married woman without a third person and intends to commit indecent actions. If the woman objects/screams, such an action is imposed with sanctions. If the woman does not scream, but there is a person who witnesses that action, a sanction is still imposed.

Nolipa singgani ante berei ntona is the action of a man who purposely walks side-by-side with a married woman without a third person, where it is certain that he does not have a good intention. Meanwhile, there are witnesses and the family of the woman objects to it.

Netatopo/netadilo is the action of a man who purposely peeks at a bathing woman, a sleeping woman, a woman who is changing her clothes, and peeking a husband and a wife who are in the bathroom. Meanwhile, *nosinggarau njamboko* is a fight in a household with abuse or damage to furniture or other domestic goods, etc.

Nosimpalaisaka is the action of a man who takes a woman away under her consent. Next, *nosintutu* is the action of purposely spreading fake news or disgraceful news of another person even if it is true, that may defame a person or a group. Then, *Nedavai* is the action of lying that may bring harm to other people.



Figure 1. Customary Equipment in the Customary Court

Sanctions (*givu*) are given in the form of fines (*sompoh*) to perpetrators in the customary court and they must be paid to the customary treasurer (*polisa*). If the determined fines are not paid on time, the customary institutions gradually give warnings to the perpetrator. If on the deadline the perpetrator still fails to pay, he/she will be imposed with the sanction of being banished from his/her place of residence (*salakana nipali*).

The imposition of fines is carried out by considering all aspects starting from the economic condition of the perpetrator, the severity of the committed action, the sincerity of the party of the victim in forgiving the perpetrator's actions, as well as the aspects related to the survival of the perpetrator's family (Ladjaru, Head of the North Birobuli Customary Institution, *interview*, June 22, 2023).

This research found that several cases that were resolved through customary court (*potangara nu ada*) did not impose the aforementioned sanctions. Several cases that were brought to the customary court ended only with the creation of a statement letter signed on paper with a duty stamp that is created by the perpetrator (*to sala*) in front of the head of the trial (*balengga potangara*) and witnessed by the victim (*to rugi*). This statement letter contains the promise of the perpetrator to not repeat their actions in the future.

This is a form of customary leader's wisdom, flexibility, and breadth of insight (*nonoto pangantoakana*) in the Kaili area in deciding upon a case. In making a decision on a case, the customary figure makes great efforts to return the condition to how it was before (restorative justice). In the case of family disputes, customary figures try not to break the existing marital and familial ties. They try to make the familial relationship of each disputing party as normal as possible.

2-THE PARTIES IN THE KAILI CUSTOMARY JUSTICE SYSTEM

The parties that are involved in the Kaili customary justice system are the perpetrators (*to sala*), the victims (*to rugi*), the head of the customary court (*balengga potangara*), the figures that are deemed wise in the customs (*totua nuada*), and the trusted people in the customary institution (*suro*). These parties are directly involved in the establishment of customary justice (*potangara nuada*). Therefore, there are five elements in the construction of the Kaili customary justice, namely (Suralele, Secretary of the North Birobuli Customary Institution, *interview*, June 24, 2021):

- a. The perpetrators (*to sala*) are the people who may be suspected as the people who harmed the victims (*to rugi*) due to their actions, behavior, or speech based on the report or initial evidence;
- b. The victims (*to rugi*) are the people who experience harm or were hurt by the actions, behavior, or speech of the perpetrators (*to sala*);
- c. The head of the customary court (*balengga potangara*) is the customary elderly who is appointed to lead the customary trial until the making of the decision;
- d. The elderly understand the customary law (*totua nuada*). They are customary elderly who were invited to participate in the process of the customary trial (*potangara nuada*). They also participate in giving suggestions to the court trial (*balengga nuada*) in the trial process. Apart from that, they also give advice to the disputing parties; and
- e. The trusted people in the customary institution (*suro*) are the people who are appointed by the customary leader to accept and follow up on the report on the occurrences of one's speech or actions that are deemed to violate or to bring losses to other people.

These five elements are directly involved in the establishment process of the customary trials. Without the presence of one of those elements, the trial cannot be established.

3-THE MECHANISM IN HANDLING FAMILY CONFLICTS IN THE KAILI CUSTOMARY INSTITUTION

a. The Procedures for Receiving Reports

When societal members, either individuals or groups come to report to the customary institution on an event, action, or speech that is deemed to violate customary regulations or leads to other legal or social issues, the report submission and acceptance are as follows (Suralele, *interview*, June 24, 2023):

- 1) There is a report from the victim. The victims may directly file a report or they may be represented by family members or society who directly come to report to the customary institution administrator or the head of the *Rukun Tetangga* (neighborhood association) at the victims' location of residence;

- 2) The customary institution administrator or the head of the neighborhood association who accepted the report will then forward that report to the head or the secretary of the customary institution;
- 3) Then based on the request of the customary institution administrator, the institution's staff will invite the victims to give a direct explanation of the customary case that befell them;
- 4) With the staff, the victims face the customary institution administrator to narrate the events which happened and state their object to the perpetrator's action. They give the customary institution the authority to resolve the issue until the decision-making process and give sanctions to the perpetrator;
- 5) After receiving the report and directly hearing the explanation of both sides, the customary institution administrator will determine the time and place of the customary trial. The location of the trial is usually the house of the customary institution administrator or the house of the sub-district head;
- 6) Before the trial is established, the head of the customary institution divides the task that will be carried out to each institution administrator;
- 7) The customary institution administrator orders the staff to deliver the trial invitation to the perpetrator. In carrying this out, the staff delivers the contents of the report and the objection of the victim. The staff also delivered that these cases are handled by customary institutions and asked the perpetrators to give information and explanation on the actions that other people suspect them of doing;
- 8) The invitation to the customary trial is given to the head of the sub-district, religious figure representatives, and customary figure representatives (*pila-pila nuada*).

Hasan Suralele, Secretary of the North Birobuli Sub-District Customary Institution stated that not all reports of customary violations that are received by the customary institution are directly processed. Cases that were reported will first of all be mediated to be internally resolved at the family level. This is carried out under the consideration that these disputes truly occur only due to misunderstanding. Apart from that, in one familial tie (*santina*), there is usually a person who is deemed the elderly, i.e., a person who is deemed capable of bringing peace to the disputed parties regarding a particular issue. That is why, administrators of the customary institution encourage the disputing parties to resolve their dispute in the familial scope. If they fail to resolve the issue through familial means, or a there is a party that does not feel satisfied by the results, that issue will be resolved through customary means (Suralele, Secretary of the North Birobuli Customary Institution, *interview*, June 24, 2021).

b. The trial process

- 1) The victims arrive at the trial venue accompanied by the head of the Neighborhood Association from their place of residence. The administrators of the customary institution welcome them to sit at the appointed place;
- 2) The customary institution administrators have previously regulated the position

of the disputing parties and other invitees to anticipate unwanted events. The victims are positioned to sit on the left. Meanwhile, the perpetrators are positioned on the right, whereas the head of the trial sits between both parties;

- 3) The head of the trial examines the completeness of the customary equipment as well as the preparedness of other customary institution members who each have different roles;
- 4) Before the trial is opened, the prepared customary equipment is placed on a customary tray. Then, every person who participates in the courtroom holds the tray one by one. The customary equipment consists of betel, areca nut, gambier, whiting, and tobacco as the symbol of the Kaili customs' nobility. They are a requirement for the validity of the customary ritual. The use of the tray to place the customary equipment is a symbol of the Kaili people's openness in carrying out the customary trial;
- 5) The head of the customary institution opens the trial by asking, "Excuse me, can we start this trial, is it enough? Are you ready? (*Tabe, mamalamo rapamulata potangara, naganamo? Nagopamo?*)" Then he will be answered by the trial participants with the answer, "It is enough and we are ready (*naganamo, nagopamo*)";
- 6) Then, the head of the trial opens the trial by sending prayers and greetings to Prophet Muhammad (peace be upon him), continued by providing a detailed explanation of the case that becomes the background to the implementation of the trial, starting from the report of the victim up to the determination of the time of the trial;
- 7) The head of the trial asks the perpetrators about their behavior and allegations against them;
- 8) The perpetrators are given the chance to reveal the case according to their version if they regard that there are certain points that are different from what was previously explained by the head of the trial. If they feel guilty and if the allegations against them are true, the perpetrators will usually directly admit that. If the perpetrators firmly object to allegations against them and keep on defending themselves against that allegation, then the head of the trial asks the chronology of the event one by one while matching it with the report from the victim;
- 9) After giving full attention to the explanation of the perpetrators, the head of the trial lets the victim give additional explanation on that case. In this customary trial, there is nothing that one needs to hide or unexplain even though it is embarrassing. This is so that the customary elders do not make mistakes in predicting the sanction and so that no party feels that they are unfairly treated;

- 10) After listening to the explanation from both sides, the head of the trial examines and listens to the witnesses that arrive as well as the existing evidence. Then, the head of the trial as well as the customary elders discuss to determine the sanctions and the magnitude of the fines;
- 11) To bind the parties, at the end of the trial, the disputing parties forgive each other for the event that happened in front of the customary elderly. This shows that the issue ends with the customary trial.
- 12) The customary trial is closed with a prayer of safety that is led by the religious figure representative that is present in the trial.

In the customary trial, the head of the trial holds an important role in determining whether or not the perpetrator is guilty. But in the evidence process, the aspect of the head of the trial's belief is "limited" by the values that live and develop in the society of the Kaili ethnic group. This is because the head of the trial's belief is insufficient without the support of those values. The aspects of intelligent and wise (*natada untona*), having a breadth of knowledge (*nanoto pangantoakana*), polite (*nabelo sumba nojarita*), listens to the parties (*nanasa talingana*), and just in making a decision on the case (*nanoa riarantai ritimbanga*) are unwritten requirements that the customary institution administrators must have. This is so that in making a decision, they use the values that live and develop in the society of the Kaili ethnic group as a basis. Therefore, the decision is a manifestation of the people's sense of justice that may return the balance that was formerly disturbed by the violation of customary norms (Ladjaru, *interview*, June 22, 2023).



Figure 2. The ambiance of the customary trial in a case of family conflict

4-KAILI CUSTOMARY JUSTICE INSTITUTION AND PRINCIPLES

The Kaili customary institution is a vessel for the people's participation in establishing the government, building an environmental scale, guiding society, and resolving societal issues based on the Kaili customary law. The Head of the North Birobuli Sub-District explained that the Kaili customary law and customary institution had been applied among their people long before the Dutch colonized Indonesia. In 2012, the Regional Research and Development Agency of the Central Sulawesi Province formed a team to discover, take inventory, as well as rearrange the customary regulations that exist in Kaili into a book that is then used as a guideline for all customary institutions in forty-five sub-districts in Palu City. This book serves as a guideline for implementing the mechanism of customary trials (*potangara nuada*). In 2016, customary institutions were strengthened by the issuing of Regional Regulation No. 9 of 2016 on the Kaili Customary Institutionalization by the mayor. This Regional Regulation was then strengthened by the issuing of the Regulation of the Palu Mayor No. 38 of 2017 on the Implementing Guidelines for the Kaili Customary Institutionalization. This became the turning point for the juridical rise of the customary law in Palu City.

The Kaili customary justice is a peaceful type of justice that is carried out through deliberation. It is led by the customary leaders and is accompanied by societal/religious figures (*pasipi*). Meanwhile, the substance of the Kaili customary justice contains the following meaning (Ladjaru, Head of the North Birobuli Customary Institution, *interview*, June 22, 2023):

- a. The Kaili customs are regulations that have become a habit or a manifestation of cultural ideas that consist of cultures, norms, laws, and regulations that are linked to one another, forming a system.
- b. The Kaili customs are good habits or traditions that live in a society that is always followed, practiced, and complied with by society.

In the Kaili customary society, the establishment of customary justice embraces several important principles. They serve as regulations that bind the customary justice establishment and the parties that are involved in every problem resolution in the customary institution. In this case, the principles are:

- a. The customary justice is applied after there is a request to resolve a particular issue. The customary justice is carried out through the voluntary compliance of the related parties, i.e., the customary justice is applied after the family has deliberation and decided to resolve the issue or conflict through the customary justice mechanism. In the context of national law, this principle is known as the principle of speedy administration of justice that is simple and light;
- b. The customary justice is led by the customary leaders and is accompanied by independent and neutral societal figures. They are also chosen due to their experiences in deciding upon a customary violation. They are deemed customary law functionary (*totua nuada*). This principle aims so that the establishment of customary justice may always place these figures as customary

figures that are independent and that obtain legitimacy from society in general. In this aspect, customary justice functions to maintain balance, peace, as well as legal certainty in society;

- c. The customary justice is established by the customary law functionary assembly (customary leaders), rather than individuals. This principle means that the establishment of customary justice only acknowledges trials that are led by judge assemblies, rather than individuals;
- d. Everyone is equal in the face of the law;
- e. The venue for the customary trial process is determined based on the principle of flexibility (it may be organized in the sub-district office, mosque, other public facilities, in the house of the customary law functionary, or the house of the sub-district apparatus);
- f. There is an admittance of the perpetrator, as the sanction imposition is based on the severity of the committed violation as well as the condition of the perpetrator and the victim. Thus, sanctions may be fulfilled by the perpetrator and/or his/her family;
- g. The cost of the trial is taken from part of the fines and or compensation imposed on the perpetrator and/or his/her family;
- h. The customary justice process is written down and signed by the customary functionary assembly. It is acknowledged by the local sub-district apparatus of the residential area of the perpetrator and victim;
- i. The customary justice decision is stated in front of an open trial for the public, and it is part of a series of activities with a *selamatan* ceremony (a traditional ritual of gratitude) and reading prayers together after the disputing parties agree to forgive each other; and
- j. The customary justice decision is carried out in a customary trial under the agreement of the disputing parties.

In its current structure, the customary justice is divided into three institutional layers, namely (Ladjaru, Head of the North Birobuli Customary Institution, *interview*, June 22, 2023):

- a. The Customary Representative. It is the societal institution that protects, keeps, maintains, and preserves the customary and cultural values of the Kaili people both within and outside of the Palu City area;
- b. The Customary Assembly. It is the societal institution that protects, keeps, maintains, and preserves the customary and cultural values of the Kaili people in the district area; and
- c. The Customary Institution. the societal institution that protects, keeps, maintains, and preserves the customary and cultural values of the Kaili people in the sub-district area.

The administrative structure of the customary institution in the North Birobuli Sub-District is a result of deliberation from the customary figures. Then, the results of this deliberation are submitted to the Head of the North Birobuli Sub-District to make a Decision Letter on the administration for the period of five years. The following figure

shows the administrative structure of the North Birobuli Sub-District Customary Institution:

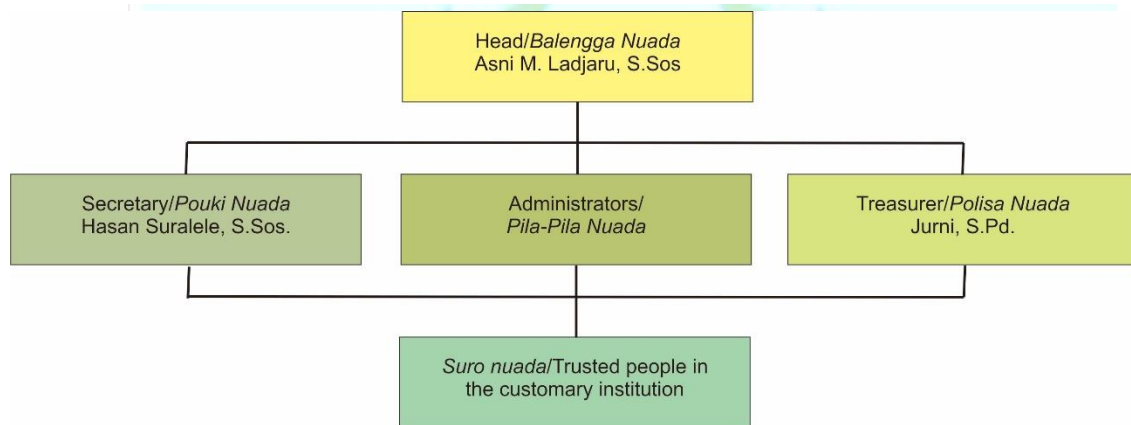


Figure 3. The Structure of the North Birobuli Sub-District Customary Institution (*Potangara Nuada*)

In 2021, among the twelve cases that were submitted to the customary institution, four were cases related to family conflicts. In 2022, the North Birobuli Sub-District Customary Institution resolved fifteen cases. Meanwhile, from January to July 2023, it resolved eight cases. Of the fifteen cases in 2022, nine cases were domestic cases, while the rest were cases that were related to *sala mbivi* (the violation of customary norms related to speech, acts, and behavior in a light category). Then, from the eight cases that were resolved from January to July 2023, four of them were related to domestic cases while the rest were *sala mbivi* cases.

Table 1. The Number of Cases Resolved by the North Birobuli Sub-District Customary Institution

no.	Year	Total Number of Cases	Family Cases	Other Cases
1	2023	8	4	4
2	2022	15	9	6
3	2021	12	4	8
Total		23	26	12

Source: Primary data, processed by the researchers, 2023.

From the data displayed above, it can be seen that family conflicts dominate the number of conflicts that were resolved through the customary institution. It must be highlighted that all family conflicts that were handled by customary institutions ended with peace. It means that the parties that filed their case to the customary institution were satisfied with the verdict decision. This fact can be concluded as not one case of

family conflict was resubmitted to the court after it was resolved through this institution. It is interesting to analyze why this is the case.

Based on the observation from the researchers, some factors support this customary institution in carrying out its task in society. *First*, the factor of society's legal awareness. Among the supporting factors, it can be concluded from an interview with ZJL, a member of society who has submitted a case of family conflict that he faced to the customary institution:

“I believe that the case that my sibling and I reported to the sub-district customary institution can seriously be handled by the customary institution. We chose to report [our dispute] to the customary institution rather than the office of the police force so that this problem of ours can peacefully be resolved under the principle of kinship. This is because we are not reporting a stranger. It can be said that it will still affect our own family” (ZJL, a member of society who has submitted a case of family conflict that he faced to the customary institution, interview, June 25, 2023).

Based on the statement from one of these informants, it can be seen that society brings their case of family conflict to the customary institution because they believe that the method by which this institution resolves this case is in line with the intrinsic values that they embrace (internalization). People file a case to a legal institution that is in line with their intrinsic values or the mindset that they embrace. The legal institution that obtains compliance due to the factor of internalization is an institution that has the best level of compliance and law enforcement (Surya, 2015).

Such law enforcement that is applied by the customary institution in North Birobuli places moral supremacy as its supporting pillar. This kind of law and law enforcement will bring peace and harmony. Society will feel safe and secure when they face the law through the interactions they carry out. This type of law enforcement should be kept empowered to truly achieve Indonesia as a legal state, as regulated in Article 1 clause (3) of the Republic of Indonesia's 1945 Constitution. This clause states that Indonesia is a legal state (*rechtstaat*) rather than a state of power (*machtstaat*).

Second, the factor of natural (geographic) conditions. It cannot be denied that the geographic condition of an area has a great impact on the local public service process. The same applies to the geographic condition of the North Birobuli Sub-District that have an area of 415 hectares. It consists of 43 *Rukun Tetangga* (Neighborhood Associations) and 11 *Rukun Warga* (Citizen Associations). A hundred percent of its area consists of lowlands that bring a positive impact on the public service process as well as the economic process in the service sector, office sector, and trade sector. The topography of the area which consists of lowlands makes the public service quicker and more efficient.

This also applies to the family conflict case services in the North Birobuli Sub-District Customary Institution, which is supported by its geographic condition. Thus, the service's process, starting from the submission of the report, and people's complaints on the occurring family conflicts, up to the organization of the customary trials (*potangara nuada*) may be carried out quickly and easily without any real obstacles.

This means that in carrying out their role in society, customary institutions do not experience hindrances due to geographic factors, such as having to cross rivers or having to hike mountainous areas to resolve the customary issues that are reported by society. It must be highlighted that natural factors must be considered in law enforcement.

Third, there is legal strengthening. To provide legal certainty in protecting, empowering, and preserving cultures and customs that is part of the effort to maintain cultural resilience and as an effort to strengthen the Kaili customary institutionalization, through the mayor, the regional government issued the Regional Regulation No. 9 of 2016 on the Kaili Customary Institutionalization. This law is the legal basis for the existence of the Kaili customary institutionalization. Then, this law was strengthened by the issuing of the Regulation of the Palu Mayor No. 38 of 2017 on the Implementing Guidelines for the Kaili Customary Institutionalization. It is a manifestation of the regional government's care and seriousness in the effort to empower the Kaili customary law, with the main goal of strengthening the basis for the people's cultural development and character that is based on togetherness. It also aims to build the spirit for familial deliberation and create local wisdom-based tolerance in people's lives.

Considering that society has felt the role of the customary institution that has functioned as an institution for alternative dispute resolution, especially in handling family conflicts, based on the observation in the field, there are some things that must be prioritized in empowering the Kaili customary law as follows:

First, the aspect of facility. As part of community service and so that it may be more optimum and carry out its role, the Kaili customary institution needs to be completed with more adequate facilities. In an interview with the Head of the North Birobuli Sub-District, it was said that the customary institution does not have supporting facilities as a justice institution, such as the existence of a *baruga* (meeting hall) as the place for establishing the trial and a customary deliberation forum (*libu nuada*). Asmin Bado, the Head of the North Birobuli Sub-District stated the following:

“For the customary institution facility, we still need many things, especially a *baruga* to be used in *potangara* (customary courts) and *libu nuada* (deliberation forums). We in the sub-district government have made efforts for it, even, in the fourth trimester of 2018, it was supposed to be built in our sub-district, but the budget that was allocated for it was used to handle the earthquake and tsunami disasters in September 2018” (Asmin Bado, the Head of the North Birobuli Sub-District stated the following, *interview*, August 4, 2023).

This was in line with what was expressed by the Head of the North Birobuli Sub-District Customary Institution, “*Kakuranga kita ri Birobuli hi dopa naria baruga tampa kita motangara, ane rapeintata ri kelurahan ntanina, naria puramo baruga ra, hai muni najadi harapa kami nte pamarentah baru hi supaya kitat ri biro mate peili sakide* (What we lack in Birobuli, is that we do not have *baruga* as a facility to organize the trial, although if we see other locations, all of them have been facilitated with *baruga*. We hope for the same thing from the government, we hope that at least they give attention to us in Birobuli) (Ladjaru, *interview*, June 22, 2023).

Second, is the aspect of customary leader regeneration. As far as the writers observed, some customary leaders have died. Meanwhile, the average age of the current customary leader is over fifty years. This is rather sad considering that up to now, there are still no signs of regeneration in the customary institution. If this continues, it is possible that this cultural heritage will become extinct as no one inherits and studies it. Apart from that, another challenge in this process is that the current young generation has a low interest in this cultural heritage. This is because customary institutions are always associated with mystical things, as stated by the Head of the North Birobuli Sub-District:

“Kami totua muni takut karena nemo masampe anu warisan totuata hi mapunah, apa komiu ngana danaeka untuk ikut belajar tentang adata hi, jangan berpikir bahwa adata hii hanya seputar hal mistis, arwah nenek moyang, itu jangan sampai pikiran begitu ada, karena dalam adat ada banyak nilai penting yang harus kita warisi setiap generasi (We, the elderly are scared that this heritage of the ancestors will become extinct. We want the youth to study about customs. Do not think that our customs are only about mystical things, spirits of the ancestors. Do not think that it is like that, because in the customs, there are many important values that we must pass on to every generation” (ML, informant, *interview*, June 25, 2023).

ML, a resident of the North Birobuli Sub-District who has resolved a case in the North Birobuli Sub-District Customary Institution also stated that the efforts to regenerate the structure of the customary institution must start. According to him, they should not wait for something to happen before starting this movement. He stated:

“We hope that the current generation of the youth/the millennial generation participate in the movement to preserve and regenerate in our sub-district customary institution. Don’t wait for something to happen in our customs for us to realize that” (Asmin Bado, the Head of the North Birobuli Sub-District, *interview*, June 22, 2023).

Third, is the aspect of welfare. Achieving societal participation in cultural preservation through the Kaili customary institution is the main goal of the issuing of Regional Regulation No. 9 of 2016 on the Kaili Customary Institutionalization. This Regional Regulation has been effective for seven years. People's participation in customary institutions must obtain attention and support from these institutions, so that the main goal for the issuing of this regional regulation may be achieved. Apart from that, this is so that the customs and cultures of the Kaili ethnic group may still be preserved from generation to generation.

The customary institution certainly has great hopes for direct support from the government. Even so, to increase societal participation, the aspect of the welfare of the customary leader is an important factor. This is concluded from the statement of the Head of the North Birobuli Sub-District Customary Institution, *“We hope that as totua nuada* (customary figures), the government may give greater attention to the welfare of the customary institution, perhaps by increasing the incentive of us that work in the customary institution” (Asmin Bado, Head of the North Birobuli Sub-District Customary Institution, *interview*, June 21, 2023).

Apart from support in the form of monthly incentives to customary institution administrators, it is also hoped that the regional regulation may revise the regional regulation on the Kaili customary institution to widen the scope of customary law in the era of technological development. This is so that customary regulations may regulate various acts of violations that may happen in the current era which has a rampant development of electronic information and transactions. By doing so, peace, societal harmony, as well as all of their physical and mental needs may adequately be fulfilled. These are so that the aforementioned goals of the regional government may be achieved. The main goal for the existence of the Kaili customary institution is to regulate as well as arrange societal life so that it is safe and peaceful. With the existence of this customary institution, conflicts, especially family disputes, as well as disparities among society may be prevented and resolved through familial means. Therefore, society may calmly work to fulfill their daily lives (Ridwan, Dimiyati, & Azhari, 2016).

CONCLUSION

As a facility to handle family conflicts in North Birobuli Sub-District, customary law enforcement is constructed in the form of the application of an alternative dispute resolution. It is a non-litigation method of dispute resolution with mediation and negotiation techniques. Familial conflicts are resolved through the mechanism that applies in the customary institution through several approaches. These approaches may be carried out for instance through the application of standard behavior procedures, negotiation, confrontation (meeting the conflicting parties to identify the problem and resolve it), definition (not emphasizing differences between the conflicting parties), as well as applying the *audi et alteram partem* principle (listening to the conflicting parties) in the court process.

As an institution whose existence is constitutional-legally acknowledged, the empowerment of customary law as a facility for handling family conflicts must keep on strengthening so that it may optimally carry out its function as an institution that provides alternative dispute resolution. This is crucial considering that this institution has succeeded in establishing a speedy administration of justice that is simple and affordable by still maintaining social harmony and balance.

As a social capital that develops from generation to generation over a long time, the mechanism of family conflict resolution in customary institutions must become an example for other justice institutions. Therefore, there needs to be further research from the perspective of legal psychology or legal sociology related to legal compliance towards the decisions of this customary institution. Apart from that, there needs to be analyses on the possibility of formal justice institutions copying the mechanism that applies in customary justice. If not, this invaluable social capital will only become a wisdom that becomes more marginalized from day to day.

References

1. Butarbutar, E. N. (2019). Perlindungan Hukum terhadap Prinsip Dalihan Natolu sebagai Hak Konstitusional Masyarakat Adat Batak Toba. *Jurnal Konstitusi*, 16(3), 48–57.
2. Gultom, E. C. (2021). Studi Komparatif Terhadap Kedudukan Hak Waris Anak Perempuan Batak Dalam Hukum Waris Adat Dengan Hukum Nasional. *Serambi Hukum*, 14(01), 10–20. <https://doi.org/https://doi.org/10.59582/sh.v14i01.668>
3. Hermawan, S., Rizal, M., Haryumeinanda, F., & Oktiviasti, Y. H. C. (2015). Constitutionality of Indigenous Law Communities in the Perspective of Sociological Jurisprudence Theory. *Jurnal Jurisprudence*, 11(2). <https://doi.org/10.23917/jurisprudence.v11i2.12998>
4. Ilham, M. T. (2021). Penyelesaian Sengketa dalam Perspektif Antropologi Hukum. *Teraju: Jurnal Syariah Dan Hukum*, 2(1), 13–23.
5. Kristhy, M. E. (2022). Pengakuan dan Perlindungan Hukum Terhadap Hak-Hak Tradisional Masyarakat Hukum Adat Dayak Ma'anyan di Kecamatan Awang Kabupaten Barito Timur. *Komunikasi Hukum*, 8(2), 27–43.
6. Kuswardani, K., Kurnianingsih, M., & Prakoso, A. L. (2018). Spiritual Values of Customary Law. *Jurisprudence*, 8(1). <https://doi.org/10.23917/jurisprudence.v8i1.6267>
7. La Ode Angga. (2023). Pemberdayaan Masyarakat Hukum Adat Dalam Pelaksanaan Program Desa Wisata Mangrove. *Pengabdian Hukum*, 3(1), 17–26. <https://doi.org/https://doi.org/10.47268/aiwadthu.v3i1.1191>.
8. Masduki. (2017). Pendidikan Profetik: Mengenal Gagasan Ilmu Sosial Profetik Kuntowijoyo. *Toleransi: Media Komunikasi Umat Beragama*, 9(1), 1–22.
9. Muhammad Alvian Yudistira Chandra Chaerudin. (2023). Perlindungan Hak Tinggal Bagi Masyarakat Pulau Rempang Terhadap Penggusuran Proyek Strategis Negara. *Jurnal Socia Logica*, 3(3), 385–395. <https://doi.org/https://doi.org/10.572349/socialogica.v3i3.1299>
10. Mulyadi, M. (2013). Pemberdayaan Masyarakat Adat dalam Pembangunan Kehutanan. *Penelitian Sosial Dan Ekonomi Kehutanan*, 10(4), 224–234.
11. Putra, F. (2020). Kebijakan Pemerintah Daerah Dalam Melindungi Identitas Budaya Dan Hak Tradisional Masyarakat Hukum Adat Kabupaten Batang Hari. *Ilmu Sosial Dan Pendidikan*, IV(3), 71–77. <https://doi.org/DOI:>



<http://dx.doi.org/10.58258/jisip.v4i3.1175>

12. Ridwan, R., Dimiyati, K., & Azhari, A. F. (2016). Perkembangan dan Eksistensi Hukum Adat: Dari Sintesis, Transplantasi, Integrasi, Hingga Konservasi. *Jurnal Jurisprudence*, 6(2), 106–115. <https://doi.org/10.23917/jurisprudence.v6i2.3008>
13. Santyaningtyas, A. C. (2019). Melindungi Hak Masyarakat Adat di Indonesia Pada Penyalahgunaan Ekspresi Budaya Tradisional di Indonesia. *Heritage*, 7(1), 41–44. <https://doi.org/https://doi.org/10.35891/heritage.v7i1.1571>
14. Sukirno, S. (2019). Rekonstruksi Regulasi Untuk Akselerasi Penetapan Hutan Adat. *Jurnal Hukum Progresif*, 7(1), 81. <https://doi.org/10.14710/hp.7.1.81-97>
15. Surati. (2022). *Pemberdayaan Masyarakat Hukum Adat Serampas dalam Upaya Pelestarian Hutan*. Bogor.
16. Surya, F. A. (2015). Tinjauan Mediasi Penal Dalam perspektif Hukum Adat dan Hukum Islam (Review of Penal Mediation in the perspective of Customary Law and Islamic Law). *Jurnal Jurisprudence*, 5(2), 118–126. <https://doi.org/10.23917/jurisprudence.v5i2.4229>
17. Thomas, B. J. (2023). Kedudukan Hukum Perkawinan Adat Dalam Sistem Hukum Perkawinan Nasional. *Jurnal Kewarganegaraan*, VOL. 7(NO. 2 (2023): DESEMBER 2023), 223–229. <https://doi.org/https://doi.org/10.31316/jk.v7i2.5651>
18. Thontowi, J. (2013). Perlindungan dan pengakuan masyarakat adat dan tantangannya dalam hukum Indonesia. *Jurnal Hukum Ius Quia Iustum*, 20(1), 21–36.
19. Winardi. (2020). Eksistensi Dan Kedudukan Hukum Adat Dalam Pergumulan Politik Hukum Nasional. *Widya Yuridika*, 3(1), 95–106. <https://doi.org/https://doi.org/10.31328/wy.v3i1.1364>