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A Restorative Justice System in Indonesia: A Close View from the Indigenous Peoples' Practices

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Article	Abstract
<p>Keywords: Baduy community; Indonesian Legal System Reform; Integrated Criminal Justice System; Restorative justice.</p> <p>Article History: Received: Jun 10, 2022; Reviewed: Dec 27, 2022; Accepted: Jan 24, 2023; Published: Jan 31, 2023.</p> <p>DOI: 10.28946/slrev.Vol7.Iss1.1919.pp87-104</p>	<p>The Indonesian crime rate until May 2020 increased due to public orders and crime disturbances in the last 22 weeks. Data from correctional institutions in February 2021 showed that some regional offices were over capacity while others were normal. The 1945 Indonesian Constitution recognises traditional institutions in the criminal justice system and requires judges to consider legal values and a sense of justice in society. This study aims to determine Indonesia's customary criminal justice system as a form of restorative justice. This research used a socio-legal approach and found that public participation in Indonesia, through customary groups, can help prevent crime and solve problems through discussion and following applicable customary law processes. As a result, Indonesian researchers have regulated and recognised customary justice's existence and implemented it to deal with cases in their environment. Restorative justice is a criminal mechanism that aims to restore the relationship of the conflicting parties to the state before the conflict and is carried out informally. This concept is also an acknowledgement of oriental legal philosophy which, in resolving any conflict, always seeks to restore relations; macro stability or society can even affect the stability of the universe. The practice of Restorative Justice occurs in customary law. As a legal philosophy, the legal policy of implementing Restorative justice should be interpreted mainly as revitalising customary law if conflicts occur between fellow supporters of the same customary law. The settlement of cases in the Baduy community is straightforward. The settlement prioritises forgiving each other. Restorative justice is performed by combining criminal justice mechanisms with public participation in a discussion mediation.</p>

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INTRODUCTION

Criminal law is identical to punishment, which is characterised by giving pain or torture. The purpose of criminal law is to protect individual, public, and state interests dealing with human

rights in a harmonious balance from crimes/wrong actions on the one hand and the despotic authorities on the other.¹ Criminal law is considered a law of sanctions (*bijzondere sanctierecht*) since relying on sanctions functioning to ensure security, order, and justice.²

In the basic principles developed, the Tokyo Rules (also known as the Standard Minimum Rules Jiff Non-custodial Measures, for non-custodial criminal measures in the form of providing social work to protect society and victims, UN General Assembly Resolution Number 45/110) have several objectives, including: Standard Minimum Rules (known as SMR) establish basic principles to develop the non-custodial measures and guarantees for persons subject to the alternative prison measures; SMR intends to promote greater public involvement/participation, especially in supervising the criminal offenders and increasing the criminal perpetrators' responsibility to the public; SMR must be implemented due to the political, economic, social, and cultural conditions and each country's criminal justice system objectives; In implementing this SMR, each country should ensure the balance between the criminal perpetrators' rights, victims' rights, and public interests in general security and crime prevention; and Member states should develop non-custodial measures in their legal systems concerning human rights, the need for social justice, and the need for rehabilitation for criminal perpetrators.

Intensifying and making non-penal and non-custodial institutions as effective as possible is vital for several reasons, including the following: According to Rubin, punishment (whatever the reality, whether intended to punish or improve) has very little to no influence on societal issues about criminal behaviour; Schultz stated that the increasing and decreasing crime rates in a country are not related to changes in that country's laws or trends in court decisions, but rather are related to that country's operations or functions of significant cultural changes in social life; Johannes Andenaes stated that the operation of criminal law should always be seen from the perspective of the entire cultural context. There is a mutual influence between law and other factors shaping our attitudes and actions, and Donald R. Taft and Ralph W. England said that the effectiveness of criminal law could not be accurately measured. This is because there is a mutual influence between law and these other factors. The law is nothing more than a tool for maintaining social order. Legal punishments are only some of the effective methods for regulating human behaviour. Instead, social norms, religious beliefs, community approval and disapproval, suppression and group interest, and the impact of public opinion are all more effective.³

In addition, in the "International Penal Reform Conference" that was held at the Royal Holloway College of the University of London from April 13-17, 1999, it was stated that one key component of a new agenda was the necessity to enrich the formal criminal justice system with an informal system or mechanism for the resolution of disputes in order to meet human rights standards. This was stated in the conference's abstract. In addition, during this conference, nine development plans for carrying out criminal law (penal) reform were selected through constructing and building: Restorative justice, alternative dispute resolution, informal justice, alternatives to custody, alternative ways of dealing with juveniles and dealing with violent crime,

¹ E.Y. Kanter and S.R. Sianturi, *Asas-Asas Hukum Pidana Di Indonesia Dan Penerapannya* (Jakarta: Stora Grafika, 2022).

² M. Hamdan, *Politik Hukum Pidana* (Jakarta: Raja Grafindo Persada, 1997).

³ Barda Nawawi Arief, "Masalah Perlindungan Hukum Bagi Anak" (Seminar Nasional Peradilan Anak Fakultas Hukum Universitas Padjadjaran, Bandung, 1996).

reducing the prison population, the proper management of prisons, and the role of civil society in penal reform are all examples of areas that fall under the umbrella term "alternatives to custody." Alternatives to custody include restorative justice, alternative dispute resolution, and informal justice. These many reasons are a reaction to how difficult it is to declare that the criminal justice system, with its criminal consequences, is an effective tool to overcome crime. It is difficult to say this because it is difficult to say that the criminal justice system effectively overcomes crime (delinquency). However, the stigma attached to a person's previous status as an inmate or prisoner is not readily forgotten in the real world. The level of awareness and knowledge of the community as a whole, including members of law enforcement, is a significant factor in determining whether or not a restorative justice process exists as an alternative to the traditional methods of handling criminal cases. It is essential to realise that a judicial system that relies solely on the application of rules to identify wrongdoers and, after that, punishes those individuals will not accept this approach.⁴

Restorative justice is essential because it offers an alternative to criminal punishment for crime prevention and does not sidestep the obligation to provide justice for victims of crime. A doctrine known as restorative justice emphasises repairing the losses and broken relationships brought about or incurred as a result of criminal behaviour. It is possible to regain both these losses and these relationships through collaborative methods that involve all of the relevant stakeholders (interested parties).⁵ The primary goal of both restorative justice and the formal criminal justice system is to discourage criminal behaviour by allowing offenders to participate in alternative punishments that do not result in incarceration.⁶

Through the use of restitution and compensation, criminal matters can be resolved through the use of restorative justice. In the process of amicable case settlement, both victims and perpetrators participate in a dialogue to reach an agreement that benefits both parties. The goals of restorative justice are to reduce the complexity of the processes that must be followed, to protect the rights of both victims and perpetrators, to protect the rights of victims and perpetrators, to minimise the negative impacts on the processes of criminal justice that have been followed up to this point, and to increase public participation in law enforcement.⁷

The civil society movement is not meant to compete against the state or to fertilise power in directing all state policies. Based on the Government Regulation No. 68 of 1999 on "Procedures for Implementing the Public Participations in State Administration," it contains rights and obligations including: right to find, obtain, and provide information related to the state administration; right to receive equal and fair services from the state administration; right to responsibly convey suggestions and opinions on policies issued by the state administrators; right to obtain legal protection in terms of using their rights, and if requested to be present in the investi-

⁴ Edhei Sulistyono, Pujiyono Pujiyono, and Nur Rochaeti, "Restorative Justice as a Resolution for the Crime of Rape with Child Perpetrators," *International Journal of Criminology and Sociology* 10 (April 30, 2021): 595–602, <https://doi.org/10.6000/1929-4409.2021.10.69>.

⁵ Muladi, *Kapita Selekta Sistem Peradilan Pidana* (Badan Penerbit Universitas Diponegoro, 1995).

⁶ Pangestika Rizki Utami, "Konsep Diversi dan Restorative Justice sebagai Pergeseran Tanggung Jawab Pidana pada Sistem Peradilan Pidana Anak," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 1, no. 1 (June 19, 2018): 95–106, <https://doi.org/10.24090/volksgeist.v1i1.1691>.

⁷ Daniel W van Ness and Pat Nolan, "Legislating for Restorative Justice," *Regent University Law Review* 10 (1998): 53–110.

gation, investigation, and at the court hearings as a reporting witness, witness, or expert witness, based on the provisions of the applicable laws and regulations; Those rights are used under the provisions of the applicable laws and regulations and by complying with religious norms and other social norms, and intended to avoid defamation and irresponsible reports; and public legal awareness and law enforcers in interactive spirits, between the legal awareness of the ruler's version on the one hand, and legal feelings, especially the spontaneous justice perceptions from the public on the other hand.⁸

Public participation in criminal justice is expected to realise favourable conditions for all interested parties to create a better future. The Kanayatn Dayak and Sanggau Dayak tribes in Pontianak, West Kalimantan, have a strong bond of values, morals, cultures, and local pearls of wisdom in solving the problems occurring in the society.⁹

Van Ness claims that the process of customary justice dramatically contributes to the formation of restorative justice in at least three different forms. The first is the modification of traditional traditions, such as the conference system and the circular system, which are both present in the traditional ways used by Maori people in New Zealand (practised by the first nation in America). Second, the judicial system works to repair the broken institutions associated with crime and makes information about restorative justice available to the public. Third, certain kinds of traditional justice are incorporated within the official procedures for dealing with criminal cases.¹⁰

In general, justice systems are seen to create justice by giving the right and just punishment to the offender.¹¹ This understanding is from the concept of retributive justice, correcting the offence with a penalty equal to the offence. Restorative justice systems focus on the damage the crime made and the responsible changes necessary to restore the damage and the broken relationship the crime caused instead of on forced punishment. Restorative justice systems define crime not as 'breaking the law' but as causing damage to individuals and the community (society). So restorative justice systems aim, in the end, to restore all damaged relationships, bringing peace to the whole community. Therefore, the people directly involved are encouraged to join the problem-solving process, especially the community's victim-focused effort, which

⁸ Putusan Peradilan Perdamaian Adat Nagari Sulit Air No. 001/Pa/Kan-Sa/Xi-2006 [The Court Decision on Nagari Sulit Air Customary Settlement No. 001/Pa/Kan-Sa/Xi-2006] Untuk keadilan nan badasarkan "Adat Basandi Syarak, Syarak basandi Kitabullah [For Justice Based on "Adat basandi Syarak, Syarak basandi Kitabullah]"

Kerapatan Adat Nagari (KAN) institution of Kanagarian Sulit Air, in this case, "Nagari Customary Court Section", based on the duties given to make justice and decision through the Assembly Meeting of Nagari Customary Settlement with the Recommendation Letter No. 009/KAN-SA/VIII-2006 dated on August 29, 2006, and bapidoman pado KAN Decision No. 196/KAN-SA/XII-2001, KAN Decision No. 01/KAN-SA/XII-2005, sarato Solok Regency Regional Regulation No. 8 of 2004, Article 94, paragraph A, C, and E on Nagari Customary Justice.

⁹ Nur Rochaeti and Rahmi Dwi Sutanti, "Kontribusi Peradilan Adat Dan Keadilan Restoratif Dalam Pembaruan Hukum Pidana Di Indonesia," *Masalah-Masalah Hukum* 47, no. 3 (2018): 198–214, <https://doi.org/10.14710/mmh.47.3.2018.198-214>.

¹⁰ Ness and Nolan, "Legislating for Restorative Justice."

¹¹ Barry C. Feld, "Juvenile and Criminal Justice Systems' Responses to Youth Violence," *Crime and Justice* 24 (January 1, 1998): 189–261, <https://doi.org/10.1086/449280>.

supports victims and helps offenders take responsibility, which is necessary for preventing recurrence.¹²

In the case of a change in the decision of protective disposition after the appeal trial, the court did not count the already enforced period to the new enforcement. The court filed a suit to challenge its constitutionality because it was an unlawful presumption of principle, the unjustified infringement of physical freedom, and a violation of equality rights. Nevertheless, it was dismissed because there was a reasonable reason to discriminate against them. However, there was a dissenting opinion that it violated equal rights. The protective disposition does not have a reasonable explanation for treating discrimination when compared to the criminal case, compared with the treatment, which is virtually the same as the criminal punishment in terms of restricting the freedom of the body. As a result, the amendment to the Juvenile Act was made on December 1, 2015. If the appeal was cited, the enforcement period of the already enforced protective disposition was included in the new enforcement period. It is unfair to acknowledge that such a protective disposition deprives the physical liberty of the body, but to rationalise the discrimination against the protected juvenile by its aim is to rehabilitate the youth with anti-socialism and promote healthy development. Inhumane treatment is not tolerated because of more unfair laws than adults.

RESEARCH METHODS

Qualitative research methods, such as ethnography, case studies, and in-depth interviews, are well suited for studying complex social phenomena like developing a restorative justice system from the perspective of Indigenous peoples in Indonesia. These methods allow researchers to gather rich, detailed data on the beliefs, values, and practices of the people being studied. For example, an ethnographic study could involve researchers immersing themselves in the community and observing and participating in restorative justice practices. In-depth interviews could be conducted with community members to gather their perspectives on the current system and their vision for a more effective one. Through these methods, the researcher can gain an intimate and nuanced understanding of the local context and the specific challenges and opportunities for developing a restorative justice system responsive to the needs of Indigenous peoples in Indonesia.

This research utilised an approach method that was based on a socio-legal study that reviews law as a social fact which can be seen in experience as a behavioural pattern in the form of social institutions, legal studies conceptualising and theorising law as a positive and empirical social fact, and socio-legal studies reviewing law as a social fact that can be seen in experience as a behavioural pattern in the form of social institutions. In the field of study known as *normwissenschaft* or *sollenwissenschaft*, in-depth investigations and research on the contents or values of the laws that already exist in society have been done.¹³

The data collection method in this study used in-depth interviews with *Jaro Saija*, the Head of Outer Baduy Customs, and Focus Group Discussions with Lecturers in the Criminal Law

¹² John Braithwaite, "Restorative Justice: Assessing Optimistic and Pessimistic Accounts," *Crime and Justice* 25 (1999): 1–127.

¹³ JJ. H Bruggink, *Refleksi Tentang Hukum: Pengertian-Pengertian Dasar Dalam Teori Hukum*, trans. Arief Sidharta (Bandung: Citra Aditya Bakti, 2015).

Department, Faculty of Law, Sultan Ageng Tirtayasa University. All legal sources obtained will then be analysed qualitatively.

ANALYSIS AND DISCUSSION

Restorative Justice Paradigm

Crime can result in decreasing self-restraint, stigmatising delinquent children, weakening conventional bonds and family relations in society, breaking the established relationships between peer groups, and encouraging the delinquent perpetrators to think about themselves more than the victim. Meanwhile, supervisory on perpetrators is considered a juvenile justice program oriented only to the perpetrators with a slight impression as an effort to communicate with a perpetrator that his actions have injured the other party. Therefore, he must heal the wound by accepting the "sanction" imposed on him.¹⁴

According to Gordon Bazemore,¹⁵ the primary schools of thought in the Restorative Juvenile Justice paradigm include the following: a. purposes of imposing sanctions: there is an assumption that by achieving the goal of imposing sanctions, the victim will have the right to be actively involved in the judicial process. This is one of the primary thought points in the Restorative Juvenile Justice paradigm. The indicators that determine whether or not the goals of imposing sanctions have been met include determining whether or not the victim has been restored, the victim's level of satisfaction, the amount of compensation, the perpetrator's awareness of his actions, the number of repair agreements that have been made, as well as the quality of the working services and the overall processes that are occurring. Restitution, mediation between the offender and the victim, victim services, public restoration, direct assistance to victims, or restorative fines are all examples of the types of punishments that may be imposed. Participants in the imposed sanctions include those who committed the crime, victims of the crime, members of the public, and law enforcement. Offenders make a concerted effort to compensate victims for their losses and communicate with victims or representatives of victims. A victim should be active in all phases of the process and contribute to determining the sanctions imposed on an offender.

Family conferences are not used in Singapore as a substitute for formal criminal procedures to redirect juvenile offenders away from the criminal justice system. This is in contrast to the practices followed in Australia and New Zealand.¹⁶ It provides services to chosen juvenile offenders who have either been found guilty of the charges levied against them or have pleaded guilty to those charges. According to (Subordinate Courts of Singapore 1998a), the following are the goals that should be accomplished by family conferencing: to ensure that the juvenile understands the seriousness of the offending behaviour; to minimise the likelihood of the juvenile committing additional offences; to allow the juvenile to accept responsibility for the of-

¹⁴ Constance L. Chapple, "Self-Control, Peer Relations, and Delinquency," *Justice Quarterly* 22, no. 1 (March 1, 2005): 89–106, <https://doi.org/10.1080/0741882042000333654>.

¹⁵ Gordon Bazemore and Leslie Leip, "Victim Participation in the New Juvenile Court: Tracking Judicial Attitudes Toward Restorative Justice Reforms," *The Justice System Journal* 21, no. 2 (2000): 199–226.

¹⁶ Susan Young, Ben Greer, and Richard Church, "Juvenile Delinquency, Welfare, Justice and Therapeutic Interventions: A Global Perspective," *BJPsych Bulletin* 41, no. 1 (2017): 21–29, <https://doi.org/10.1192/pb.bp.115.052274>.

fending behaviour; to address the issue of family and community accountability; and to give the victim(s), when this is possible, the opportunity to contribute to the cautioning process.¹⁷

The general public acts as a mediator, assisting victims while supporting and fulfilling obligations imposed on criminals. Mediation is made more accessible by those who uphold the law. Children and families are the key sources of information for perpetrators' rehabilitation because the primary focus of restorative justice is on the benefit and positive development of those affected by the crime. It is generally agreed that children are capable, and it is widely acknowledged that they possess both preventative and proactive talents. To rehabilitate the perpetrators, it is required to change the attitudes held by social institutions and the actions taken by adults. Rehabilitating perpetrators requires the active participation of the perpetrators and typically involves learning by doing, counselling, and therapy to encourage the associated parties' participation. Aspects relating to attaining public protection through the efforts of the court system partnered with the public to promote prevention are critical tenets of restorative justice. The confinement period only applies to the most recent attempt. The participation and support of the general public are essential to the success of the restoration project. People feel safe and confident about the role of the juvenile justice system, schools are involved, families and public institutions can prevent crime, and there has been an increase in social bonding and reintegration. These are the achievement indicators for the restoration of public protection. If the number of recidivists has decreased and the perpetrators are under general supervision, then the restoration of public protection has been successful.¹⁸

Howard Zehr, a pioneer of restorative justice in the United States, introduced the “restorative lens,” in which crime is seen as a violation of individuals and relationships between individuals. Justice is interpreted as a joint search for solutions through healing and reconciliation. In other words, the paradigm of restorative justice has shifted the conventional view of crime from violating norms that cause losses to individuals who are highly affected by crime; to sentencing and imposing misery, moving on to loss repair. A key element in the restorative justice paradigm is loss restoration.¹⁹

Zehr further reminded us that restorative justice is more precisely defined in contrast to the “adversarial system” in the conventional justice in Western countries where both parties (state/prosecutors face the defender/defendant) “fight each other” in front of “referee,” where the judge leads the trial. Crimes in restorative justice are understood as losses imposed on victims and their communities, while in the adversarial system, it is understood as a violation of the state. The public actively performs restorative justice, where victims are assisted in explaining how losses should be remedied, and perpetrators are encouraged to be responsible. At the same time, the adversarial system is organised and controlled by professionals, where victims are generally prevented from explaining their losses.

Some scholars believe the criminal justice system's real purpose is to promote public peace as a peace promoter, not punishment. This vision is known as restorative justice. The guidelines

¹⁷ Suriakumari Sidambaram, “The Role of Police, Prosecution and the Judiciary in the Changing Society—the Singapore Approach,” *Resource Material Series*, no. 55 (2000): 303–35.

¹⁸ David B Wilson, Ajima Olaghere, and Catherine S Kimbrell, *Effectiveness of Restorative Justice Principles in Juvenile Justice: A Meta-Analysis* (Inter-university Consortium for Political and Social Research, 2018).

¹⁹ Anna Nylund, Kaijus Ervasti, and Lin Adrian, eds., *Nordic Mediation Research* (Cham: Springer International Publishing, 2018), <https://doi.org/10.1007/978-3-319-73019-6>.

in restorative justice have three critical principles: groups "owning" the conflicts (including crime), the existence of materials and symbolic remedies for the crime victims, and social reintegration for the perpetrators.²⁰

The conventional criminal justice system generally focuses on three questions. First, what laws have been broken?; the second, who did it?; and the third, what do the perpetrators deserve? Furthermore, in the perspective of restorative justice, the questions are entirely different: who has been hurt; what are their needs; and whose obligations are these?²¹

The variety of values directing people to play their role and participate in the restorative justice process of the juvenile criminal justice system in Indonesia can be found in the country's many different cultures, as well as the diversity of behavioural habits that exist within the society. The culture and system of Indonesia interact with one another and colour each other, much as the legal system in Indonesia is tinted by a cultural system, which together produces a legal culture within the Indonesian legal system.²²

According to Menski²³, all of the community's values are gathered from a variety of sources, each of which must be acknowledged and comprehended as values that have the potential to serve as the source of law within the community. According to Menski's interpretation, this means that Legal Pluralism has the potential to resolve the scenario and conflict that results from the rigorous application of each distinct source of law. In his words, Menski explains that "Legal Pluralism fills the central space in this triangle because it signifies all those scenarios and conflict situations in which neither of the three major law-making sources rules roots absolutely."²⁴ In other words, Legal Pluralism fills the space in the middle of the triangle because it refers to all of those scenarios. It would appear that "perfect" justice can be found at the centre of this triangle, where all the conflicting forces have been brought to a state of equilibrium.

Restorative Justice System in Indonesia

Plurality, also known as *Bhinneka*, is characteristic of Indonesia due to the country's many different languages, cultures, and ethnic groups. Indonesia's long-term goal is to build a secure, forward-thinking nation and closely knit together. Therefore, avoiding Pluralism is equivalent to avoiding diverse realities of the various perspectives and views within the Indonesian community.²⁵ Different legal systems or cultures coexisting inside a single political community are examples of legal Pluralism. There are many different manifestations of Pluralism. Vertical or hierarchical Pluralism is characterised by the existence of a "higher" and "lower" legal system

²⁰ Joseph Robinson and Jennifer Hudson, "Restorative Justice," *Willamette Journal of International Law and Dispute Resolution* 23, no. 2 (2016): 335–66.

²¹ Mark S Umbreit and Marilyn Peterson Armour, "Restorative Justice and Dialogue: Impact, Opportunities, and Challenges in the Global Community," *Washington University Journal of Law & Policy* 36 (2011): 65–89.

²² Brian Septiadi Daud and Irma Cahyaningtyas, "Criminal Justice System Toward Children With Legal Conflict Seen In Justice Restorative Perspective," *Jurnal Hukum Prasada* 7, no. 1 (April 7, 2020): 14–26, <https://doi.org/10.22225/jhp.7.1.1223.14-26>.

²³ W. Menski, "Remembering and Applying Legal Pluralism: Law as Kite Flying," January 1, 2014, 91–108.

²⁴ Samuel Hamonangan Simanjuntak and FX Joko Priyono, "Legal Pluralism as Pancasila's Reflection to Realise Substantive Justice in Law Enforcement and Law-Making," *Pancasila: Jurnal Keindonesiaan* 3, no. 1 (April 25, 2022): 37–48, <https://doi.org/10.52738/pjk.v2i1.88>.

²⁵ Reimar Schefold, "The Domestication of Culture: Nation-Building and Ethnic Diversity in Indonesia," *Bijdragen Tot de Taal-, Land- En Volkenkunde* 154, no. 2 (1998): 259–80.

or culture. On the other hand, horizontal Pluralism refers to a situation in which all sub-cultures or sub-systems are accorded the same level of legitimacy.²⁶

The principles of restorative justice are supported across Indonesia by the aspects of customary law common to each country's region.²⁷ The violation of custom or activities performed by custom is viewed as a problem for which customary law provides a solution. In some areas, customary law and justice are still considered, and the idea of restorative justice is not novel.²⁸

Indigenous Peoples' Practices

Community involvement in the law enforcement process is expected to be a form of control and empathy in the sense of sensitivity to the problems faced by the community, social changes, public necessities, and the state of the community's real responsibility in the field of law. Theoretically, the community is defined as a form of life setting that is more or less independent, an orderly relationship pattern between people who live together with unavoidable independent reality and objectivity vis a vis members of the concerned group.²⁹ Besides, social problem-solving by the community in many things can also serve to fill and complete the act of handling by the government (state) institution. Administratively, Baduy Community is in Kanekes Village, Leuwidamar District, Lebak Regency, Banten Province. Lebak Regency is located in the southern part of Banten; thus, it is also called Southern Banten. The reason given by Jaro Saija for the emergence of Inner Baduy and Outer Baduy is like the formation of heaven and earth, the appearance of men and women, the appearance of paradise and hell, etc. Outer Baduy consists of a Jaro, that is, Jaro Saija, and a village secretary originating from out of the Baduy tribe having a civil servant status. There is a monthly meeting in the outer Baduy community; thus, Jaro Saija is invited like other Village Heads. Inner Baduy is led by Puun, comprised of three Puun since there are three areas.

Some violations have occurred in the Baduy Tribe (a native Sundanese tribe of Banten who still maintains anti-modernisation traditions, both in how they dress and other lifestyles. The Baduy-Rawayan tribe lives in the Kendeng Mountains Cultural Heritage area of 5,101.85 hectares in the Kanekes area, Leuwidamar District, Lebak Regency), i.e., murder, theft, and adultery. In case of violation in the Baduy community, those who violate will usually confess their action, followed by a customary ceremony called *ngabokoran*, by making available *keris*, mori cloth, ringgit money, incense, betel, uncaria, *tumpeng*, 40 later followed with *tangkesan* by paranormal.

The problem-solving mechanism includes the early stage with confessing to *akhlak* (morality), followed by *silih ngahampura* (forgive each other) for the act witnessed by *Jaro* (head of a hamlet or village), if deemed necessary, taking an oath, in case of murder, the sanction: besides

²⁶ L.M. Friedman, *The Legal System: A Social Science Perspective* (Russell Sage Foundation, 1975).

²⁷ Virginia Garcia, "The Enforcement of Restorative Justice in Indonesian Criminal Law," *Legality: Jurnal Ilmiah Hukum* 28, no. 1 (April 10, 2020): 22–35, <https://doi.org/10.22219/ljih.v28i1.10680>.

²⁸ Simon Butt and Tim Lindsey, "Traditional and Customary Law: Adat," in *Indonesian law*, ed. Tim Lindsey and Simon Butt (Oxford University Press, 2018), 0, <https://doi.org/10.1093/oso/9780199677740.003.0007>; Nur Rochaeti and Rahmi Dwi Sutanti, "Revitalisation of Customary Court in the Juvenile Criminal Justice System in Indonesia," in *SHS Web of Conferences*, ed. A. Raharjo and T. Sudrajat, vol. 54, 2018, 07011, <https://doi.org/10.1051/shsconf/20185407011>.

²⁹ Theodore M Steeman, "Religious Pluralism and National Integration" (Dissertation, Cambridge, Harvard University, 1973).

the previous, also 40 change clothes, 40 *tumpeng*, imprisonment in Dangka (a term for Baduy people who live outside the traditional area) for 40 days. Serious crimes: adultery, murder, *san-tet* (witchcraft), injuring but not causing death (slash). Light violations: riding vehicle. Jaro (village head) is appointed through descent choice and determined by the paranormal. Children in Baduy Tribe are circumcised at odd ages: five and seven years old, while for marital age: 15-16 years old, aiming at reducing adultery risk. (Non-formal) Education in Baduy Tribe is hunting. The sanction shall be social work in case of violation. The most serious customary violation is principally honesty and righteousness in implementing customary law.

Inner Baduy has some different characteristics and rules from those of Outer Baduy. Principally, however, their difference is the strictness and looseness of customary regulations they must enforce. Inner Baduy Community has stricter customary rules than Outer Baduy Community. However, in the case of the concept of Baduy customary law, the two have their respective role. According to Jaro Saija, Inner Baduy Community is required to go into seclusion. Seclusion here is not defined as meditation but as strengthening/conserving Baduy practice, confirming *sunda wiwitan* religion. Outer Baduy Community, meanwhile, is assigned to be pan-amping, to guard Inner Baduy Community that is in seclusion; thus, they also contribute to strengthening the custom. Based on the principle differences, Inner Baduy has a stricter rule in implementing customary law and conserving Baduy’s custom.

Outer Baduy has a looser rule but helps Inner Baduy to conserve the custom. Prohibitions in Baduy Community are based on Baduy’s basic philosophy, *lojor teu meunang dipotong, pondok teu meunang disambung* (if it is too long, it should not be cut, if it is too short, it should not be spliced). According to Jaro Saija, the basic concept of teaching in Baduy is nature balance and conservation. Thus, the Baduy community should conserve nature and not be against the laws of nature (see figure 1).

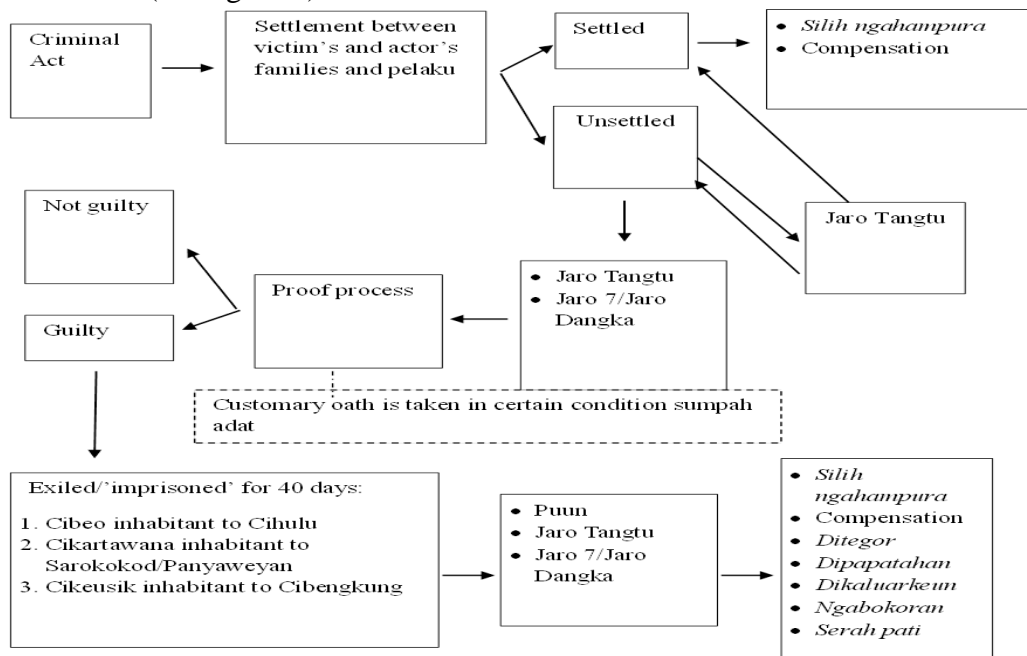


Figure 1. A criminal act settlement procedure in the customary criminal law of Baduy³⁰

³⁰ Ferry Faturrahman, “Hukum Pidana Adat Baduy Dan Relevansinya Dalam Pembaharuan Hukum Pidana,” *Law Reform* 5, no. 2 (October 2, 2010): 1–38, <https://doi.org/10.14710/lr.v5i2.12493>.

The explanation in figure 1 namely: *Pelaku* = offender; *Silih ngahampura* = forgive each other; *Dik luarkeun* = kicked out from Inner Baduy to Outer Baduy, or banished from Outer Baduy to outside Baduy (for Outer Baduy members); *Ditegor* = warned; *Dipapatahan* = being advised; *Jaro Tangtu* is a jaro (village head) in Inner Baduy; *Jaro 7/Jaro Dangka* is part of the customary structure assigned to enforce the (criminal) law of Baduy custom, comprised of seven people and is in Outer Baduy; *Puun* is the highest figure in each of Inner Baduy, sacred in spirituality; *Ngabokoran* is a spiritual cleaning ceremony for a not serious criminal act committed in Cihulu, Sarokokod/Panyaweyan, Cibengkung (depending on where the actor originated from).

Figure 1 depicts that Anything needed for *bokor* is provided by the actor, consisting of *sereh/betel*, *uncaria*, apu, incense, *boeh/shroud*, *keris*. *Sereh* is then *didahar*/eaten by customary figures: *Puun*, girang serat, baresan salapan, jaro tangtu. The one to decide the actor is *Jaro Tangtu* and *Puun*, *Puun* then continues the process with the ancestors; *Serah pati* is a spiritual cleaning ceremony similar to *bokor* (a large wide-brimmed dish (usually made of metal))³¹ but for a serious criminal act (causing death). The customary criminal law of Baduy is not codified in a book. The customary criminal law of Baduy is not written. According to *Jaro Saija*³², to conserve the knowledge of the customary criminal law of Baduy, once every two months, all people gather in the court of each Inner Baduy village (Cibeo, Cikartawana, Cikeusik). In the forum, any prohibitions in Baduy and sanctions are announced. Besides the platform, the knowledge of the customary criminal law of Baduy is acquired through oral culture in daily life; thus, every generation in Baduy is aware of the law.

In the customary criminal law of Baduy, an individual who commits a criminal act must be cleaned physically and spiritually. Such cleaning is a form of criminal actors' accountability. Physical cleaning is the actor's accountability to a victim through the sanction received. The sanctions include *ditegor*/warned, *dipapatahan*/advised, *silih ngahampura*, compensation, through kicked out from Inner Baduy to Outer Baduy.

The traditional judicial system cannot replace restorative justice in Austria, New Zealand, and Norway.³³ It is all part of the system. It is the standard, and going to court is only done as a last resort if restorative justice cannot be carried out or is unsuccessful. Because of the new laws passed, restorative practices are now at the centre of the juvenile justice system in Northern Ireland. In the circumstances like this, it is essential to ensure that victims are not coerced into participating in the proceedings against their will. It is very feasible to implement safeguards to ensure this does not occur.³⁴

Customary Law Characteristics in Indonesia

Indonesian legal system demonstrates that the structure of Indonesian society possesses two unique characteristics: horizontal and vertical. In a horizontal sense, it is characterised by social units differentiated by differences in factors such as ethnicity, religion, customs, and ge-

³¹ Dody Kristianto and Nur Seha, "Nilai Moral Dalam Tanda Basa Baduy," *Kandai* 12, no. 2 (2018): 269–82.

³² Interview, Jaro Saija, Baduy, Thursday, September 8 2021.

³³ Tony F. Marshall, *Restorative Justice: An Overview* (London: Home Office, Research Development and Statistics Directorate, 1999).

³⁴ Marian Liebmann, *Restorative Justice: How It Works.*, Restorative Justice: How It Works. (London, England: Jessica Kingsley Publishers, 2007).

ographic location. According to Furnivall, the society that exists in Indonesia is referred to as a plural society.³⁵ In the meantime, the structure of Indonesian society may be vertically characterised by vertical disparities. These vertical differences can be seen in upper- and lower-layer levels and rural and industrial-layer levels. It contributes to development inequality since some people continue to engage in agricultural activities. On the other hand, specific individuals are required to advance into the world of industry and even the world of information to participate in what Fred W. Riggs refers to as the prismatic society.³⁶

The customary law characteristics in Indonesia show that each region supports the implementation of restorative justice. Due to the customary violations or customary offences, and settlement mechanisms, the customary law has its views. The existence of customary justice in some areas is still considered, while restorative justice, which has been introduced previously, is not a new concept. Marc Levin stated that once considered obsolete, ancient, and traditional, the restorative justice approach is now recognised as a progressive approach.³⁷

Restorative justice is based on *Pancasila* (the ideological pillar of the Indonesian state) as a vehicle to overcome children's delinquency in the future and is based on the substantive and structural aspects. Based on this, *Pancasila* is the source of all sources in Indonesian law; the ambience of philosophical basis provides the grounds for a philosophical justification so that the reform of legal structure for law in the execution of criminal sanctions based on *Pancasila* should be carried out accordingly. A philosophical basis is a justification that bases its legitimacy upon considering value aspects and legal principles. Indonesia has a value system based on the state philosophical foundation called *Pancasila* as the philosophical values.³⁸ Substantially, it is the idea to codify and/or unify the legal formation of the restorative justice system in Indonesia based on legal politics, which has a unified legal system between substantial and formal criminal law. Restorative justice is performed through an amicable discussion with the mechanisms involving the religious leaders and community leaders without involving the law enforcement officers to avoid psychological pressures on children. Furthermore, it is necessary to regulate the provisions on the types of actions to perform the settlement processes through an amicable discussion (restorative justice). The law provides general criteria related to the therapeutic restorative justice processes. The victim's position is to provide an agreement or convey his opinions to reach a consensus so that no party will experience losses or be pressured to express their views. The offender is allowed to express his opinion and the ability to respond to the victim's request. As a significant matter of fact, the practice of restorative justice offers legal certainty, justice, and benefits for all parties to overcome the delinquency of children in the interest of promoting the general welfare of the community. The reform of criminal law is connected to many facets of policy, such as social policy, criminal policy, and law enforcement

³⁵ Nasikun, *Sebuah Pendekatan Untuk Mempelajari Sistem Sosial Indonesia* (Yogyakarta: Fakultas Ilmu Sosial dan Politik UGM, 1974).

³⁶ Ronny Hanitijo Soemitro, *Studi Hukum Dan Masyarakat* (Bandung: Alumni, 1985).; Fred Warren Riggs, *Administration in Developing Countries: The Theory of Prismatic Society*, ed. Dayton David MacKean (Boston: Houghton Mifflin, 1964).

³⁷ Eva Achjani Zulfa, "Keadilan Restoratif Indonesia, Studi Tentang Kemungkinan Penerapan Pendekatan Keadilan Restoratif Dalam Praktek Penegakan Hukum Pidana" (Dissertation, Jakarta, Universitas Indonesia, 2009).

³⁸ Anis Widyawati et al., "Urgency of the Legal Structure Reformation for Law in Execution of Criminal Sanctions," *Lex Scientia Law Review* 6, no. 2 (2022): 327–58, <https://doi.org/10.15294/lesrev.v6i2.58131>.

policy. It is influenced by many facets, such as the sociopolitical, socio-philosophical, and sociocultural underpinnings, and it will provide the norm contents and criminal law substances of the future.³⁹

Restorative justice is a reconstruction of an integrated criminal justice system as part of the Indonesian legal system reform. Structurally, in the restorative justice process, the judicial process involves the public in the discussion mediation to obtain an agreement between the victim, the perpetrator, the victim's family, the perpetrator's family, and the involved parties directly related to the case.⁴⁰ Therefore, in its relationship with public participation in efforts to prevent crime, the institutions that make up the village structure should, in this particular instance, provide facilities for mediating all interested parties in the discussion to reach an agreement between victims and their families, perpetrators and their families, and the public by involving the religious leaders, community leaders, and teachers. This should be done to bring about reconciliation between the parties involved.

Performing an education in society so that the law can be developed and accepted as a manifestation of a nation's self-image is what we mean when we talk about legal culture. People get enlightenment when they become aware that there is more than one legal way to approach a situation in this world due to the presence of legal culture and the discourse surrounding it. The law is functional and is ingrained in a sociocultural matrix in a culture where it is practised. The power of the public or the community will direct, limit, and decide how far and how the law will run and how it will operate and apply in society. The ideals upheld by the people in charge of a particular legal system will affect the attitudes and behaviours of those living in that nation. *Pancasila* is the name given to these principles by the people of Indonesia. For it to function on the practical level, its execution requires a specific quantity and quality of human resources.⁴¹

Human involvement in law enforcement shows the relationship between culture and law. Legal culture determines people's attitudes, ideas, and values toward laws. Friedman stated that differences in education, gender, ethnicity, nationality, income, and others could influence someone's legal culture. Legal culture is key to understanding the differences between one legal system and others. In the restorative justice system, the role of the community is greatly important, starting from understanding to implementing the justice system. Even the restorative justice system will fail if the community does not participate in the implementation of processes.⁴² When a sentence is finally handed down, a scientific classification review is used to determine the right level of treatment for the offender. They are then moved to an appropriate correctional institution by an individualised treatment plan. Inmates participate in various pro-

³⁹ William R. Wood, Masahiro Suzuki, and Hennessey Hayes, "Restorative Justice in Youth and Adult Criminal Justice," September 15, 2022, <https://doi.org/10.1093/acrefore/9780190264079.013.658>.

⁴⁰ Sri Hartanto, Indah Sri Utari, and Ridwan Arifin, "Implementation of Penal Mediation in the Perspective of Progressive Law (Study at the Semarang City Police Department)," *Indonesian Journal of Criminal Law Studies* 4, no. 2 (2019): 161–88.

⁴¹ Jagad Aditya Dewantara et al., "Pancasila as Ideology and Characteristics Civic Education in Indonesia," *International Journal for Educational and Vocational Studies* 1, no. 5 (July 20, 2019): 400–405, <https://doi.org/10.29103/ijevs.v1i5.1617>.

⁴² William R. Wood and Masahiro Suzuki, "Four Challenges in the Future of Restorative Justice," *Victims & Offenders* 11, no. 1 (January 2, 2016): 149–72, <https://doi.org/10.1080/15564886.2016.1145610>.

grammes designed to help them adjust to life outside of prison in preparation for their eventual release, which may come in the form of parole or the natural expiration of their sentence.⁴³

The classification review consists of two parts: classification research, which investigates the inmate's personal information, and classification examination, which examines the inmate's IQ, personality, and aptitude. Different facilities, types of detention, and employment are assigned to different treatment levels for inmates. In addition, during their sentences, routine and ad hoc evaluations are conducted to modify the offenders' treatment levels by the extent to which they have progressed.⁴⁴

An innovative punishment model known as the "Accommodation System Classifying Convicts by Security Level" was recently implemented and is currently in use with the goals of reducing the rate of recidivism and improving the efficiency with which inmates are housed. Additionally, it developed a Correctional Recidivism Prediction Index (CO-REPI) that categorised inmates into five levels to analyse the possibility of subsequent convictions at an early stage based on the results of 23 evaluation tests. This index categorises inmates based on their likelihood of committing additional crimes in the future.

Even throughout the time spent adjusting, students continue to gain knowledge. Education in the classroom can help inmates expand their knowledge, and intensive personality education can help them acquire a social consciousness and a spirit of law-abiding behaviour. In addition, to promote offenders' successful reintegration into society, programmes specifically tailored to the inmates' characteristics, such as education for the rehabilitation of the disabled, are provided.

To provide inmates with intensive personality education, their educational requirements are categorised as either primary education or re-education, depending on the stage of their sentences. Changes in inmates can be attributed to the introduction of various programmes, including those dealing with constitutional value and the humanities, communication, and group counselling. Inmates who are required to have an education are allowed to participate in a school qualification examination class. Additionally, opportunities to earn a degree, such as classes offered by the Korea National Open University and commissioned education classes offered by community colleges, have been made available to these inmates to encourage them to work toward a more positive future. To aid inmates with disabilities in becoming self-sufficient members of society, specialised programming has been developed and implemented. These programmes are exemplified by the Comprehensive Rehabilitation Center for the Disabled, run at the Yeosu Correctional Institution, and the Braille Training Program, run at the Cheongju Correctional Institution.

By capitalising on the offenders' interest in various subjects, we are discovering new ways to effect change in them. Inmates are encouraged to discover emotional stability through participation in artistic and religious activities, and they are allowed to reconnect with society through viewing various reformation programming programmes. The availability of various cultural and artistic programmes has increased the number of opportunities for inmates to enjoy

⁴³ Derita Prapti Rahayu et al., "Law Enforcement in the Context of Legal Culture in Society," *Law Reform* 16, no. 2 (September 27, 2020): 276–89, <https://doi.org/10.14710/lr.v16i2.33780>.

⁴⁴ Tim Brennan, "Classification for Control in Jails and Prisons," *Crime and Justice* 9 (January 1, 1987): 323–66, <https://doi.org/10.1086/449139>.

art. In conjunction with the Korea Arts & Culture Education Service, there are currently experience-based cultural and artistic performances taking place in 52 different correctional institutions. These performances include art, theatre, and music. These activities heighten the convicts' awareness of and receptivity to change. In order to help offenders establish mental stability through ongoing religious practises, religious rallies and rituals have been initiated, and counselling sessions with prominent religious people are made available. Programs such as education, liberal arts, dramas, sports, entertainment, and movies are broadcast on the general education and radio channels that make up Reformation Broadcasting. These programmes are tailored to the preferences of the convicts in Reformation Broadcasting's facilities. This type of programming not only acts as a link between inmates and society but also helps inmates acquire cultural understanding and emotional connections to that culture.

CONCLUSION

The findings of a study conducted on the Baduy community in Lebak, Banten, have resulted in the regulation and recognition of the presence of customary justice, as well as the implementation of this system to deal with issues that arose in their surroundings. To a significant extent, indigenous peoples are still subject to the legal punishments associated with customary law. A person who has broken the customary law of Baduy must undergo both a bodily and a spiritual cleansing. The purging demonstrates the responsibility that the individuals who committed the crimes bear. Cleansing on the outside in the form of holding perpetrators of crimes accountable to the victims of such crimes by the punishments that are meted out to them. The settlement of cases in the indigenous Baduy community is straightforward. The settlement prioritises forgiving one another (getting close to one another), as the primary goal of resolving cases is to create peace, restore balance to nature, and return the environment to how it was before. Regarding the legal culture, people's behaviours still respect and implement rulings given by customary courts. These decisions are made through traditional legal systems.

In the future, criminal law reform will be based on its logical substances to codify and unify restorative justice. This will be done based on the existence of general rules and guidelines on restorative justice in the criminal justice system, as well as the existence of legal principles for the implementation of restorative justice, which are formed based on the principles of national legal system formation, as well as the existence of organisational structure implementing the restorative justice. In addition, the reform in the process of administering restorative justice, criminal justice mechanisms and public participation in the form of discussion and mediation are brought together in order to reach an agreement between the offender, the victim, the victim's family, the offender's family, and any other parties involved in the case. An all-encompassing and exhaustive comprehension ought to be culturally formed within the public legal education system by encouraging public participation in comprehending the numerous legal products on restorative justice, as the nation's personality reflections are based on Indonesian-based restorative justice characters. The future reconstruction of the indigenous peoples' justice mechanisms needs to be governed as a sub-system within the mechanism of Indonesia's criminal justice system so that it can be included in the renewal of the legal system for indigenous peoples.

REFERENCES

- Arief, Barda Nawawi. "Masalah Perlindungan Hukum Bagi Anak." Presented at the Seminar Nasional Peradilan Anak Fakultas Hukum Universitas Padjadjaran, Bandung, 1996.
- Bazemore, Gordon, and Leslie Leip. "Victim Participation in the New Juvenile Court: Tracking Judicial Attitudes Toward Restorative Justice Reforms." *The Justice System Journal* 21, no. 2 (2000): 199–226.
- Braithwaite, John. "Restorative Justice: Assessing Optimistic and Pessimistic Accounts." *Crime and Justice* 25 (1999): 1–127.
- Brennan, Tim. "Classification for Control in Jails and Prisons." *Crime and Justice* 9 (January 1, 1987): 323–66. <https://doi.org/10.1086/449139>.
- Bruggink, JJ. H. *Refleksi Tentang Hukum: Pengertian-Pengertian Dasar Dalam Teori Hukum*. Translated by Arief Sidharta. Bandung: Citra Aditya Bakti, 2015.
- Butt, Simon, and Tim Lindsey. "Traditional and Customary Law: Adat." In *Indonesian law*, edited by Tim Lindsey and Simon Butt, 0. Oxford University Press, 2018. <https://doi.org/10.1093/oso/9780199677740.003.0007>.
- Chapple, Constance L. "Self-Control, Peer Relations, and Delinquency." *Justice Quarterly* 22, no. 1 (March 1, 2005): 89–106. <https://doi.org/10.1080/0741882042000333654>.
- Daud, Brian Septiadi, and Irma Cahyaningtyas. "Criminal Justice System Toward Children With Legal Conflict Seen In Justice Restorative Perspective." *Jurnal Hukum Prasada* 7, no. 1 (April 7, 2020): 14–26. <https://doi.org/10.22225/jhp.7.1.1223.14-26>.
- Dewantara, Jagad Aditya, Ilham Fajar Suhendar, Rum Rosyid, and Thomy Sastra Atmaja. "Pancasila as Ideology and Characteristics Civic Education in Indonesia." *International Journal for Educational and Vocational Studies* 1, no. 5 (July 20, 2019): 400–405. <https://doi.org/10.29103/ijevs.v1i5.1617>.
- Faturrahman, Ferry. "Hukum Pidana Adat Baduy Dan Relevansinya Dalam Pembaharuan Hukum Pidana." *Law Reform* 5, no. 2 (October 2, 2010): 1–38. <https://doi.org/10.14710/lr.v5i2.12493>.
- Feld, Barry C. "Juvenile and Criminal Justice Systems' Responses to Youth Violence." *Crime and Justice* 24 (January 1, 1998): 189–261. <https://doi.org/10.1086/449280>.
- Friedman, L.M. *The Legal System: A Social Science Perspective*. Russell Sage Foundation, 1975.
- Garcia, Virginia. "The Enforcement of Restorative Justice in Indonesian Criminal Law." *Legality: Jurnal Ilmiah Hukum* 28, no. 1 (April 10, 2020): 22–35. <https://doi.org/10.22219/ljih.v28i1.10680>.
- Hamdan, M. *Politik Hukum Pidana*. Jakarta: Raja Grafindo Persada, 1997.
- Hartanto, Sri, Indah Sri Utari, and Ridwan Arifin. "Implementation of Penal Mediation in the Perspective of Progressive Law (Study at the Semarang City Police Department)." *Indonesian Journal of Criminal Law Studies* 4, no. 2 (2019): 161–88.
- Kanter, E.Y., and S.R. Sianturi. *Asas-Asas Hukum Pidana Di Indonesia Dan Penerapannya*. Jakarta: Stora Grafika, 2022.
- Kristianto, Dody, and Nur Seha. "Nilai Moral Dalam Tanda Basa Baduy." *Kandai* 12, no. 2 (2018): 269–82.

- Liebmann, Marian. *Restorative Justice: How It Works*. Restorative Justice: How It Works. London, England: Jessica Kingsley Publishers, 2007.
- Marshall, Tony F. *Restorative Justice: An Overview*. London: Home Office, Research Development and Statistics Directorate, 1999.
- Menski, W. "Remembering and Applying Legal Pluralism: Law as Kite Flying," January 1, 2014, 91–108.
- Muladi. *Kapita Selektta Sistem Peradilan Pidana*. Badan Penerbit Universitas Diponegoro, 1995.
- Nasikun. *Sebuah Pendekatan Untuk Mempelajari Sistem Sosial Indonesia*. Yogyakarta: Fakultas Ilmu Sosial dan Politik UGM, 1974.
- Ness, Daniel W van, and Pat Nolan. "Legislating for Restorative Justice." *Regent University Law Review* 10 (1998): 53–110.
- Nylund, Anna, Kaijus Ervasti, and Lin Adrian, eds. *Nordic Mediation Research*. Cham: Springer International Publishing, 2018. <https://doi.org/10.1007/978-3-319-73019-6>.
- Rahayu, Derita Prapti, Faisal Faisal, Rafiqa Sari, and Ndaru Satrio. "Law Enforcement in the Context of Legal Culture in Society." *Law Reform* 16, no. 2 (September 27, 2020): 276–89. <https://doi.org/10.14710/lr.v16i2.33780>.
- Riggs, Fred Warren. *Administration in Developing Countries: The Theory of Prismatic Society*. Edited by Dayton David MacKean. Boston: Houghton Mifflin, 1964.
- Robinson, Joseph, and Jennifer Hudson. "Restorative Justice." *Willamette Journal of International Law and Dispute Resolution* 23, no. 2 (2016): 335–66.
- Rochaeti, Nur, and Rahmi Dwi Sutanti. "Revitalisation of Customary Court in the Juvenile Criminal Justice System in Indonesia." In *SHS Web of Conferences*, edited by A. Raharjo and T. Sudrajat, 54:07011, 2018. <https://doi.org/10.1051/shsconf/20185407011>.
- Rochaeti, Nur, and Rahmi Dwi Sutanti. "Kontribusi Peradilan Adat Dan Keadilan Restoratif Dalam Pembaruan Hukum Pidana Di Indonesia." *Masalah-Masalah Hukum* 47, no. 3 (2018): 198–214. <https://doi.org/10.14710/mmh.47.3.2018.198-214>.
- Schefold, Reimar. "The Domestication of Culture: Nation-Building and Ethnic Diversity in Indonesia." *Bijdragen Tot de Taal-, Land- En Volkenkunde* 154, no. 2 (1998): 259–80.
- Sidambaram, Suriakumari. "The Role of Police, Prosecution and the Judiciary in the Changing Society—the Singapore Approach." *Resource Material Series*, no. 55 (2000): 303–35.
- Simanjuntak, Samuel Hamonangan, and FX Joko Priyono. "Legal Pluralism as Pancasila's Reflection to Realize Substantive Justice in Law Enforcement and Law-Making." *Pancasila: Jurnal Keindonesiaan* 3, no. 1 (April 25, 2022): 37–48. <https://doi.org/10.52738/pjk.v2i1.88>.
- Soemitro, Ronny Hanitijo. *Studi Hukum Dan Masyarakat*. Bandung: Alumni, 1985.
- Steeman, Theodore M. "Religious Pluralism and National Integration." Dissertation, Harvard University, 1973.
- Sulistyo, Edhei, Pujiyono Pujiyono, and Nur Rochaeti. "Restorative Justice as a Resolution for the Crime of Rape with Child Perpetrators." *International Journal of Criminology and Sociology* 10 (April 30, 2021): 595–602. <https://doi.org/10.6000/1929-4409.2021.10.69>.

- Umbreit, Mark S, and Marilyn Peterson Armour. "Restorative Justice and Dialogue: Impact, Opportunities, and Challenges in the Global Community." *Washington University Journal of Law & Policy* 36 (2011): 65–89.
- Utami, Pangestika Rizki. "Konsep Diversi dan Restorative Justice sebagai Pergeseran Tanggung Jawab Pidana pada Sistem Peradilan Pidana Anak." *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 1, no. 1 (June 19, 2018): 95–106. <https://doi.org/10.24090/volksgeist.v1i1.1691>.
- Widyawati, Anis, Pujiyono Pujiyono, Nur Rochaeti, Genjie Ompoy, and Nurul Natasha Binti Muhammad Zaki. "Urgency of the Legal Structure Reformation for Law in Execution of Criminal Sanctions." *Lex Scientia Law Review* 6, no. 2 (2022): 327–58. <https://doi.org/10.15294/lesrev.v6i2.58131>.
- Wilson, David B, Ajima Olaghere, and Catherine S Kimbrell. *Effectiveness of Restorative Justice Principles in Juvenile Justice: A Meta-Analysis*. Inter-university Consortium for Political and Social Research, 2018.
- Wood, William R., and Masahiro Suzuki. "Four Challenges in the Future of Restorative Justice." *Victims & Offenders* 11, no. 1 (January 2, 2016): 149–72. <https://doi.org/10.1080/15564886.2016.1145610>.
- Wood, William R., Masahiro Suzuki, and Hennessey Hayes. "Restorative Justice in Youth and Adult Criminal Justice," September 15, 2022. <https://doi.org/10.1093/acrefore/9780190264079.013.658>.
- Young, Susan, Ben Greer, and Richard Church. "Juvenile Delinquency, Welfare, Justice and Therapeutic Interventions: A Global Perspective." *BJPsych Bulletin* 41, no. 1 (2017): 21–29. <https://doi.org/10.1192/pb.bp.115.052274>.
- Zulfa, Eva Achjani. "Keadilan Restoratif Indonesia, Studi Tentang Kemungkinan Penerapan Pendekatan Keadilan Restoratif Dalam Praktek Penegakan Hukum Pidana." Dissertation, Universitas Indonesia, 2009.