

Customary Justice Model in Resolving Indigenous Conflicts in Merauke Regency Papua

Erni Dwita Silambi¹, Marlyn Jane Alputila², Syahrudin³

¹ Faculty of Law, Musamus University, Merauke-Indonesia, Erni_dwita@yahoo.co.id

² Faculty of Law, Musamus University, Merauke-Indonesia.

³ Faculty of economic and Bisnis, Musamus University, Merauke-Indonesia.

ABSTRACT

The background of the keyword is the agenda of customary justice in the government which is clearly burdened by rules that are recognized and carried out well, making it possible to provide recognition of the prevailing customs in the community. The "confession" here is formal approval. The focus of the research is the implementation of customary justice in Papua in terms of Law Number 21 Year 2001 concerning Special Autonomy for Papua. The research objective is to design or formulate a model of customary justice in Papua. The target of the study is to get the right model of customary justice that is understood in their decisions in solving problems that occur in Papua. Merauke. Method research in this research is qualitative research. The research conducted is learning, literature, taking data and interviews in depth. After that the data obtained are described and analyzed with quantitative methods to formulate economic empowerment models. The results of this study are the existing customary models, so that in the context of customary cases there are also cases where adat cases can be issued by the community.

ARTICEL INFO

Keywords:

Model; Customary Justice.

How to cite:

Silambi, E. D., Alputila, M. J., Syahrudin (2018). Customary justice model in resolving indigenous conflicts in Merauke Regency, Papua. *Musamus Law Review*, 1(1), 63-72

Copyright © 2018 MuLaRev.
All rights reserved.

1. INTRODUCTION

Handling Traditional problems also needs to make a model so that it can solve problems in society, especially in countries that experience Transitions such as in Mexico.¹ In Indonesia the customary justice model is very necessary in resolving indigenous conflicts that occur in the community.

In Emergency Law Number 1 of 1951, the law issued by the Government of the Republic of Indonesia to organize a unity, power and civil court proceedings in Indonesia, overhauled the judicial structure of the inheritance of the Dutch East Indies

¹ Rivera, H. C. (no date) 'transitional justice, human rights and the restoration of credibility: reconstructing mexico's social fabric Humberto C', pp. 57-81.

Government. This law abolished the existence of customary justice in the legal system in Indonesia, which was formed in the Dutch colonial era. Amendments to the 1945 Constitution of the Republic of Indonesia which occurred in 2000, included Article 18B paragraph (2) and Article 28I paragraph (3) which basically stated: first, acknowledging and respecting the existence of customary law communities and their rights traditional rights; second, respect for cultural identity and rights traditional society as part of human rights that must be protected, promoted, enforced, and fulfilled by the state, especially the government Respect for the rights of indigenous peoples in the 1945 Constitution can be interpreted philosophically and juridically.

The philosophical aspect is the view of life of a nation that contains moral and ethical values, values of truth and justice, values of politeness and morality and other values that are considered good by a nation. The philosophy of life of a nation should be the foundation in the formation of laws that exist in their national life. Therefore the rule of law formed must reflect the philosophy of life of the nation or at least not in conflict with the nation's moral values and Pancasila values. Thus the view of life of the Indonesian people is Pancasila.² Philosophically, such recognition and respect is an appreciation from the State for human values and human rights. Juridically, the provision provides a constitutional basis for political direction legal recognition of traditional rights of indigenous peoples.

In Indonesia, in addition to national law, customary law is known to be still very inherent in the traditional community so that we inevitably have to admit that there is a local court in handling these customary cases. This has been done in daily life but the written recognition of this institution has not been maximized. This is also the case in Mexico, which still recognizes the existence of local courts.³

Local legislation policies regarding the existence of Customary Courts are clearly recognized in Law Number 21 of 2001 concerning Special Autonomy for the Papua Province and for regions namely Article 50 paragraph (1) states that, "Judicial authority in the Provision of Papua is carried out by the Judiciary in accordance with legislation ", next paragraph (2) reads, " In addition to the judicial authorities as referred to in paragraph (1), there is acknowledged the existence of customary courts within certain customary law communities "and also more strengthened by the existence of special regional regulations (perdasus) Papua Number 20 of 2008 concerning Customary Justice in Papua.

In some regions in Indonesia the customary law system specifically relevant to the economic field for improving the economy and the social welfare of indigenous peoples is also very influential especially in West Java, including contributions as tourist destinations.⁴

Customary law is an unwritten habit but still lives and develops in aday communities who still recognize the existing customary values Criminal Customary Law is not clearly written in the Criminal Code, but in reality, habits can be used for consideration. To accommodate the uniqueness of customary law, the government

² Julianto Jover Jotam Kalalo. (2018). *Politik Hukum Perlindungan Hak Ulayat Masyarakat hukum Adat di Daerah Perbatasan*. Makassar: Disertasi Universitas Hasanuddin. pp. 98

³ Gisela Maria Perez Fuentes, K. C. D. (2015) The best interests of the minor as a principle of interpretation in mexican civil law, *Mexican Law Review*. pp. 83-112

⁴ Lita, H. N. et al. (2018) Application of Customary Law in Improving Economic Welfare of Adat Village Community : a Case Study of Tourism Economic Potential of Adat Village in West', 162(ICLJ 2017), pp. 118-121.

stipulates the Criminal Code Draft code which expressly states the draft customary laws.⁵

Many indigenous people who have been bound by their customary law or Islamic law for decades, cannot easily accept the enforcement of national law, Indonesia is a country that embraces many different ethnic groups. Each has its own customary law, which has been carried out for centuries. Even though Indonesia is governed by its legal rules, it is important for the private sector, some customary laws and Islamic law still apply.⁶

Papua is one of the regions that highly upholds what is called customary law, most people prefer to solve the problems faced by using customary law rather than solving the problem using national law. They consider that by customary settlement the sentence is considered lighter than the problem resolved nationally.

Many cases have been resolved by custom but are still proceeding to the Court even though the community has received customary sanctions and has even volunteered to undergo and implement customary punishment.

Although in reality the existence of customary justice is recognized in the law but in reality this institution cannot operate as desired by the rules so that by conducting this research we can find a good model that can be used to recognize the existence of customary justice in Papua.

Based on the background description of the problem above, the problem can be formulated in this study as follows: How is the formation of a customary justice model in Papua so that this justice can be recognized and can carry out its function as a customary justice institution in the community in Papua?

2. METHOD

The research method used in this study is qualitative research. research is done through observation, literature, data collection by conducting interviews in depth. After that, the collected data are described and analyzed with qualitative methods to formulate the customary justice model in Merauke to resolve conflicts in indigenous peoples.

3. RESULTS AND DISCUSSION

3.1. Existence of Customary Courts

The existence of customary law in Indonesia besides being regulated in legislation, it has also been explicitly recognized in the 1945 Constitution of the Republic of Indonesia, Article 18B paragraph (2) which states;

"The state recognizes and respects indigenous peoples' units along with their traditional rights insofar as they are alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia regulated in law".

Based on Furthermore Article 28I paragraph (3) states:

"Cultural identity and the rights of traditional communities are respected in line with the times and civilizations".

⁵ Hardianto, A. (2018) 'Criminal Adat Law in the Indonesia Criminal Code and the Indonesia Criminal Code Draft', 226 (ICSS), pp. 1247-1250.

⁶ Susanti, I. and Sebastian, T. (2016). Supremacy of Ethic : National Law, Customary Law and Islamic Law Collided. *ICONEG*, 84(1), pp. 116-119.

The two Articles in the 1945 Constitution of the Republic of Indonesia (hereinafter abbreviated as the 1945 Constitution of the Republic of Indonesia), it means that first, the state recognizes and respects the existence of indigenous peoples' units along with their traditional rights; second, the state respects the cultural identity and rights of traditional communities as part of human rights that must be protected, including customary justice.

Various developing discourses regarding the strengthening of the adat court lead to two major concepts regarding how the adat court should be in relation to the established national justice system.⁷ The first option is to integrate the adat court institutionally into becoming part of the national justice system.⁸

This proposal was put forward to provide a stronger binding force for decisions made by customary courts. The second option is substantial strengthening of customary courts without the need for institutional integration as the first choice. The goal to be achieved is the deconcentration of case loads that accumulate in state courts, so that what is needed is the availability of a variety of options for dispute resolution in the community.⁹

The World Bank's research on the existence of non-state justice concluded that: First, the informal justice system is the only justice experience for the community; and Secondly, the running of non-state justice greatly impacts on social stability and the welfare of the poor. This study also describes various shortcomings in the customary or non-state justice system. although it seems optimistic to use custom / non-state justice mechanisms to support the system of achieving justice that has been built by the state.¹⁰

The existence of settlement of cases outside the court through reasoning mediation is a new dimension studied from theoretical aspects to practice, hence the mediation of mediation correlates with the achievement of the world of justice. Time goes by when more days occur with all forms and variations that go to court, so the consequence is a burden for the court to decide cases according to the principle of "simple, fast and low-cost justice" without having to sacrifice the achievement of justice and benefit justice. Does the atmosphere of a type of criminal case have to be filed and resolved before the court, or if there is something possible to resolve through a reasoning mediation pattern. In polarization and reasoning mediation mechanisms, insofar as they are shared by the parties (suspects and victims), and to achieve a broader interest, namely the maintenance of social harmonization.¹¹

The existence of customary law in addition to being known in national legal instruments is also regulated by international instruments. The provisions of Article 15 paragraph (2) of the International Covenant on Civil and Political Rights (ICCPR) state that, "Nothing in this article shall be the trial and punishment of any person who acts

⁷ Yance Arizona. (2012). *Kedudukan Peradilan Adat Dalam Sistem Hukum Nasional*. [https://www.academia.edu/3723907/Kedudukan Peradilan Adat dalam Sistem Hukum Nasional](https://www.academia.edu/3723907/Kedudukan_Peradilan_Adat_dalam_Sistem_Hukum_Nasional) diakses 27 Juli 2018.

⁸ ibid

⁹ Tody Sasmitha Jiwa Utama dan Sandra Dini Febri Aristya. (2015). Kajian tentang Relevansi Peradilan Adat terhadap Sistem Peradilan Perdata Indonesia. *Mimbar Hukum*. Volume 27 Nomor 1: pp. 57-67

¹⁰ World Bank. (2009). *Forging The Middle Ground: Engaging Non-state Justice in Indonesia*, World Bank, Jakarta.

¹¹ Detlev Frehsee. (2008). *Restitution and Offender Criminal Law: Development and Theoretical Implication*. <http://wings.buffalo.edu/law/bclc/bclr.htm>.

or who, at the time when it was committed, was criminals according to the general principles of law recognized by the community of nations ". The meaning is "there is nothing in this article that may reduce the examination and punishment of each person for any act or negligence which at that time was still a crime according to the principles of law recognized by the peoples of the nations"¹².

The possibility of accommodating the existence of customary justice in the justice system in Indonesia is also given the opportunity by Article 24 paragraph (3) of the 1945 Constitution which states that other bodies whose functions are related to judicial power are regulated in law. The choice to give recognition or not to give recognition to customary justice in the state legal system is a matter of legal politics, especially the legal politics of judicial power because the judiciary is a function of judicial power.

In general, related to the position of customary justice in the national justice system, several notes can be drawn, among others:¹³

- 1) The dominance of state law has caused the customary court's decision not to be a trial. Customary law seems to be a new supplementary law that can be applied if a condition has not been regulated by state law.
- 2) Parties who are not satisfied with the decision of the adat court can easily submit a re-examination to the district court. In this concept, the customary court will only be a sub-system of the state court, which will actually extend the process of settling the case because it has to go through many stages of examination to arrive at a final and binding decision.
- 3) Excessive state intervention in customary justice institutions. This intervention can be found in various national and regional legislation which, although on the one hand provides institutional strengthening, on the other hand repeats the mistakes of the colonial government in treating customary justice. An intervention that is too large will actually eliminate the community's independence in resolving their domestic disputes. The basis for community participation will be weaker and customary justice will only be an extension of the state's power. The worst result, the resulting decision no longer reflects the identity and sense of justice of the community but rather points to the path agreed upon by the means of state power. The impact of this condition will be felt if the customary court has to decide on a dispute involving an outside party (usually a corporation) as a party to the case. If the attachment of customary justice is stronger for the state than for the indigenous people, then the decision will tend to take sides according to the direction of the state.
- 4) Integrity and capacity of customary justice judges. Until now, there has not been found a scheme of regeneration and regeneration of ideal adat court judges. The moral burden and responsibility of customary court judges is certainly no lighter than that of a district court judge. Even in some cases, the burden becomes more severe because customary judges live with the community as members of the community. So that conflicts of interest and threats directly

¹² Rini Marlina. (2016). Eksistensi Peradilan adat di Kecamatan Kinali Kabupaten Pasaman Barat dalam Menyelesaikan Kasus Pidana. *Jurnal Program Pascasarjana Universitas Bung Hatta*. Volume 9, No. 4.

¹³ Tody Sasmita Jiwa Utama dan Sandra Dini Febri Aristya. (2015). Kajian tentang Relevansi Peradilan Adat terhadap Sistem Peradilan Perdata Indonesia. *Mimbar Hukum*. Volume 27 Nomor 1: pp. 57-67

from the community itself in the event of an error in deciding the case become a burden that is not found in the judges of the state court.

- 5) The potential for judgment by the majority. It cannot be denied that one of the differences between customary justice and state justice lies in the role of the community in the process of examination and decision making. If the state court tends to be sterile from the direct influence of the people in its jurisdiction, this is not the case with customary courts. For example, in Bali the term *suryak siu* has long been known to describe when a guilty verdict against someone is more determined by the cries of the people who are present together. Usually *suryak siu* arises in the event that the offender or one of the parties to the dispute is a person who is initially disliked or accepted in his environment for various reasons. This trial by majority condition is certainly not an ideal condition in finding the truth and restoring balance in a society that is disturbed due to violations or disputes, but instead sharpens conflicts and imbalances in power relations arising from majority and minority relations.
- 6) The difficulty of formal verification in the examination process at the adat court.
- 7) The binding and executorial power of adat court decisions.

Although customary justice has been declared dissolved through law, the existence of customary courts has never really died. As a place of customary justice it is still the "prima donna" of the community in resolving the cases it faces. Since the reform era, many local governments have tried to become supporters of the implementation of customary justice by revitalizing the existence of customary justice. For example this happens in Papua, Aceh, West Sumatra, Central Sulawesi, Bali and various other regions. Thus, strengthening carried out by the government through regional policies and regulations is an important step for the recognition of the existence of customary justice. The recognition of the existence of customary justice through regional policies and regulations is not a violation of the law. This regional initiative needs to be seen as a demand of the times for the need to strengthen customary justice. When the existence of customary justice was recognized by the colonial authorities and legislation in the early republic, before it was abolished, now the trend is recognition of the existence of customary justice through regional policies and regulations. This trend is ongoing in several regions by utilizing the open space of decentralization of government.¹⁴

Customary justice is specifically regulated in Papua Special Regional Regulation No. 20 of 2008 concerning Customary Courts in Papua which provide clear understanding of customary and customary courts. Based on these rules customary justice is a system of settlement of cases that live within certain customary law communities in Papua while customary courts are institutions for resolving disputes or custom cases in certain customary law communities in Papua and this customary court is located within the Papuan customary community and with authority which has been regulated in this regulation.

¹⁴ Yance Arizona. (2012). Kedudukan Peradilan Adat Dalam Sistem Hukum Nasional. https://www.academia.edu/3723907/Kedudukan_Peradilan_Adat_dalam_Sistem_Hukum_Nasional acces 27 July 2018.

The purpose is based on Perdatus No. 20 of 2008 concerning customary justice is:

- a. As a manifestation of the government's recognition of the protection, respect and empowerment of indigenous Papuans and not Papua.
- b. Strengthening the position of customary justice
- c. Ensure legal certainty, benefits and justice
- d. Maintain harmonization and balance of the cosmos, and
- e. Helping the government in law enforcement

3.2. Model of Customary Courts in Merauke

In some places the practice of customary justice is still being carried out. The fading of state centralism during the reform era and along with decentralization, in several regions initiatives to strengthen customary justice, customary law and the rights of indigenous peoples occurred everywhere. Strengthening occurred in Papua, Aceh, West Sumatra, Central Sulawesi, Central Kalimantan and various other regions in Indonesia.

In West Sumatra there is the Kerapatan Adat Nagari (KAN) which has the authority to resolve problems related to sako (title) and pusako (wealth). Organized by KAN there is a special field that handles disputes. At the level of the dansuku, this mechanism is maintained through obedience to the niece to Mamak the Head of the Waris and the Chief of the Tribe. Every issue of the people cannot be brought out, before Mamak the Chief of Waris tries to solve it. Customary justice in Aceh is carried out by the Gampong and Mukim institutions. The existence of customary justice is recognized by a number of regional regulations and policies. There is even a Memorandum of Understanding (MoU) between the Governor, the Aceh Regional Police Chief and the Aceh Customary Assembly to strengthen the role of customary justice. Hedar Laudjeng noted that among the Pakava indigenous people in the villages of Tamodo, Dangara'a, Bamba Kanini, Gimpubia, Ngovi and Pa lintuma located in Donggala Regency, Central Sulawesi, the role of Totua nu Boya as the adatim is still very important. Around 1997 a number of indigenous people in the Pavaava in Ngovi asked the police to stop the examination of one of its citizens who carried out the persecution which was considered heavy on one of the other Pakava residents in his village. Their reasoning is that because this event occurred among fellow Pakava people, the police should not join in. In general, Pakava people argue that police intervention is only needed in the event of a murder. The police apparently understood their thoughts and traditions, and finally the case was resolved through customary justice and the investigation by the police was not continued.¹⁵ Customary law in force in Papua, especially in Merauke Regency, has clearly been regulated in the Special Autonomy Law and is also emphasized by the existence of Perdatus Number 20 of 2008 concerning Customary Justice in Papua.

With the existence of this Perdatus, customary justice should also be given space in implementing the existing justice system. From the research conducted in the field, it appears that the community prefers to bring the problems of the village elders as explained by the Head of Onggari Village in accordance with the interview results "In 2018 this we have completed 6 cases, most of which are rape and domestic violence,

¹⁵ Yance Arizona. (2012). Kedudukan Peradilan Adat Dalam Sistem Hukum Nasional. https://www.academia.edu/3723907/Kedudukan_Peradilan_Adat_dalam_Sistem_Hukum_Nasional acces 27 July 2018

and all cases have ended with the customary community meeting being involved with the pleasure of receiving sentences and also being carried out according to customary decisions, the number of cases handled by adat leaders is due to more happy to bring his case to customary institutions because he thought that the resolution of this case would be resolved quickly and also the penalties and penalties were considered light and also the recovery of reputation in the community would also be faster.

Customary law is considered as a law that protects the community and is also considered as a law that defends the community. This was also stated by Martinus, a community member who has committed domestic violence. "I was very pleased with the verdict given by customary institutions. I felt that this institution was very understanding from the community and also I feel protected so I am happy to carry out the fines given and also I promise not to repeat again".

Local law as a law created and determined by the community has a positive effect that is more promising for the protection of the community itself and its environment, including forest areas.¹⁶

Even customary settlement has a very good impact on the community, namely by resolving problems in a customary manner so that by itself the community relations will return to good so that there is no more guilt and resentment in the community. The feeling has disappeared itself in line with the payment and execution of penalties or fines from the adat decision.

In Merauke, although it is clear that customary justice is recognized in the Special Autonomy Law and the perdusus and even the judiciary, have actually been implemented in indigenous peoples, but this institution has not run optimally because there are still people who do not want to run the trial so that all the problems are directly under even with national law there are even cases that have been settled by customary law and have fixed decisions by customary institutions but the problem remains resolved in national law.

Based on an interview with a judge said that the application of national legal penalties against perpetrators whose cases have been resolved by custom must be carried out because the case is a criminal case of murder even though the reason for the murder was because the victim was considered to have committed *suanggi* (using black magic) and disturbing the community. Recognition of customary community institutions has not been carried out comprehensively or optimally because customary justice as mentioned in provincial special regulation Number 20 of 2008 has not been derived from the regional regulations of Merauke Regency so that the implementation and implementation of customary decisions has not yet been uniform.

As a filosofische grondslag, Pancasila is essentially a source of legal order in Indonesia. In its position, Pancasila as source of elaboration in the process of law drafting in Indonesia. Pancasila that it contains religious values, the value of moral law, the value of natural law, and religious value as a legal source material for the positive law of Indonesia.¹⁷ To accommodate the special autonomy law and also the perdusus of Papua, a standard model must be made which is a guideline and

¹⁶ Rideng, I. W. et al. (2018) 'Local Law in Forest Management'. 282, *ICBLT.*, pp. 93-96.

¹⁷ Andi Bau Inggit AR, A. Pangerang Moenta, Marwati Riza, Hamzah Halim. (2017). "Local Regulation Review in Realizes Legal Order of the Local Governance." *Journal of Law, Policy and Globalization*. Vol.59, pp. 214-219

instruction in implementing the existing customary justice process so that the implementation has a uniformity of processes and there must also be guidelines for sentencing and also giving fine. The policy which becomes the basis for the provision of legal regulation on the protection of customary right in essence to fulfill the recognition of the existence of the customary right of the indigenous peoples by the State in the form of legislation.¹⁸

Customary justice in Merauke must be independent or an independent institution that is not influenced by other institutions but must clearly divide between civil cases and criminal cases. Because in criminal cases sanctions or fines are given only as recovery status in the community so that the community must carry out customary decisions but also must undergo a process in national law so that in criminal cases customary decisions are not final decisions. in criminal cases it must still be settled in national law but the fine must still be carried out as a form of adherence to customary law while in the Civil case the customary court / customary institution's decision is the final decision if accepted by the community but if the customary decision is not accepted in the community it can be continued in the National Court and if the case is considered final if the customary verdict is carried out and declared closed.

4. CONCLUSION

Customary justice is clearly recognized in the Papua Special Autonomy Law and also made clear by the existence of the Papua Special Regional Regulation, but this recognition has not been carried out optimally because it does not yet have a Regional regulation which explicitly regulates this as a derivative of the Law. cannot operate as expected because there is no model that can be used as a form of guidance and instructions for implementing the customary court.

REFERENCES

- Andi Bau Inggit AR, A. Pangerang Moenta, Marwati Riza, Hamzah Halim. (2017). Local Regulation Review in Realizes Legal Order of the Local Governance. *Journal of Law, Policy and Globalization*. Vol. 59: 214-219
- Detlev Frehsee. (2008). Restitution and Offender Criminal Law: Development and Theoretical Implication". <http://wings.buffalo.edu/law/bclc/bclr.htm>,
- Gisela Maria Perez Fuentes, K. C. D. (2015) The best interests of the minor as a principle of interpretation in mexican civil law P', *Mexican Law Review*: 83-112
- Hamberto Fernando Cantu Rivera. (2014) 'transitional justice, human rights and the restoration of credibility: reconstructing mexico's social fabric. *Mexican Law Review*, 8(1): 57-81
- Hardianto, A. (2018) 'Criminal Adat Law in the Indonesia Criminal Code and the Indonesia Criminal Code Draft', 226, *ICSS*: 1247-1250.
- Helza Nova Lita, Eman Suparman, Reni Supriatni, Dadang Epi. (2017). Application of Customary Law in Improving Economic Welfare of Adat Village Community : a Case Study of Tourism Economic Potential of Adat Village in West Java'. 1st

¹⁸ Julianto Jover Jotam Kalalo, Aminuddin Salle, A. Suriyaman Mustari Pide, Sri Susyanti Nur. (2017). Legal Policy of Customary Right Protection: A Case Study in Border Area of Southern Papua. *Journal of Law, Policy and Globalization*. Vol.63, pp. 117-124

- International Conference of Law and Justice - Good Governance and Human Rights in Muslim Countries: Experiences and Challenges. Atlantis Press.
- Julianto Jover Jotam Kalalo, Aminuddin Salle, A. Suriyaman Mustari Pide, Sri Susyanti Nur. (2017). Legal Policy of Customary Right Protection: A Case Study in Border Area of Southern Papua. *Journal of Law, Policy and Globalization*. Vol.63: 117-124
- Julianto Jover Jotam Kalalo. (2018). Politik Hukum Perlindungan Hak Ulayat Masyarakat hukum Adat di Daerah Perbatasan. Makassar: Disertasi Universitas Hasanuddin.
- Lita, H. N. et al. (2018) 'Application of Customary Law in Improving Economic Welfare of Adat Village Community : a Case Study of Tourism Economic Potential of Adat Village in West', 162(Iclj 2017), pp. 118-121.
- Rideng, I. W. et al. (2018) 'Local Law in Forest Management', 282(Icblt), pp. 93-96.
- Rini Marlina. (2016). Eksistensi Peradilan adat di Kecamatan Kinali Kbupaten Pasaman Barat dalam Menyelesaikan Kasus Pidana. *Jurnal Program Pascasarjana Universitas Bung Hatta*. Volume 9, No. 4
- Susanti, I. and Sebastian, T. (2016). Supremacy of Ethic : National Law. Customary Law and Islamic Law Collided. *ICONEG*, 84(1): 116-119.
- Tody Sasmita Jiwa Utama dan Sandra Dini Febri Aristya. (2015). Kajian tentang Relevansi Peradilan Adat terhadap Sistem Peradilan Perdata Indonesia. *Mimbar Hukum*. Volume 27 Nomor 1: 57-67
- World Bank. (2009). *Forging The Middle Ground: Engaging Non-state Justice in Indonesia*, Jakarta: World Bank.
- Yance Arizona. (2012). *Kedudukan Peradilan Adat Dalam Sistem Hukum Nasional*.
https://www.academia.edu/3723907/Kedudukan_Peradilan_Adat_dalam_Sistem_Hukum_Nasional