

Restorative Justice: Customary Law Protecting Women's Rights and Upholding the Law

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Abstract : Sexual violence against women is increasing every year, and the long-standing and punishment-oriented punishment of perpetrators is still lacking in efforts to bring about justice for victims. A form of guarantee of protection for women appears restorative justice. In practice, the restorative concept has not found its original form in the judicial litigation process in Indonesia. Responding to these challenges, the concept of Indonesian customary criminal justice began to emerge. The enforcement of customary criminal law refers to togetherness and kinship, dispute resolution is through the agreement of all parties involved and based on expediency. The purpose of the application of customary criminals is to realize peace efforts to restore society to order in accordance with the feelings and awareness of the law that lives in the community. This paper uses three approaches, namely, the conceptual approach, the historical approach and the hybrid legal system. From the results of the study, the application of customary criminal law is an alternative solution to protect women from acts of sexual violence. Indigenous criminal practices are in line with the spirit of restorative justice echoed by justice seekers.

Keywords: Restorative Justice; Customary Law, Sexual Violence, Protection of Women

1. Introduction

The violence that is increasing every year is becoming increasingly alarming. Especially acts of violence against women, which include physical and psychic violence. Not only physical violence occurs a lot but along with the development of technology nonphysical violence is also a frightening scourge in life, especially for women. According to the Komnas Perempuan Annual Record (CATAHU) released every March 8, the number of sexual violence against women from 2011-2019 was recorded at 46,698 cases. Rape cases became the highest recorded cases with a total of 9,039 cases B.santoso (Efendi et al. 2021)

However, when viewed from the existing facts, it shows that there are many victims of sexual violence who do not want to report because of threats from perpetrators directed at victims and the victim blaming culture. The attitude of blaming the victim that has existed so far is the assumption that sexual violence completely does not occur because of the fault of the perpetrator, but it is also the fault of the victim which is often considered to invite the perpetrators to do unwanted things that the victim does not want, namely sexual acts. Based on Komnas Perempuan's CATAHU within 12 years, violence against women increased almost 8 times or by 792% (Efendi et al. 2021)

Cases of sexual violence against women, such as sexual relations with children, always stop at the point of the victim's reluctance to report to law enforcement officials because they feel ashamed and do not open shame to others, or feel threatened by the perpetrator, trauma, shock, depression. And even if there are cases that are successfully processed to court, many of them do not give results that are in accordance with the expectations of the victim, the perpetrator of child-related sexual relations is not subject to maximum sanctions in accordance with the provisions of the Child Protection Law (Aziza Yuli Susanti, Antory Royan A 2019)

In terms of handling and resolving cases, Komnas Perempuan recorded only a small amount of information available or about 15% of the total cases recorded by service agencies and Komnas Perempuan. Settlement efforts are more legal (12%) than non-legal means (3%). In fact, many cases have no resolution information (85%). The increase in the number of cases received by Komnas Perempuan (16 cases / day) which is not accompanied by adequate institutional resources makes case resolution not optimal. In the midst of an increase in reporting of Gender-Based Violence (KBG) cases against women which is also increasingly complex, this very limited handling power of cases is feared to cause stagnation in terms of case handling capacity. (Pers 2022)

In an effort to carry out legal protection for women, it is necessary to find other alternatives in resolving cases of sexual violence that are more flexible, paying attention to the interests of victims and local wisdom. Referring to the above problems, the author is interested in writing about the handling of cases of sexual violence against women with Restorative Justice from the perspective of customary law.

Restorative Justice is a popular concept around the world, including Indonesia. Restorative justice or often translated with Restorative Justice is a form of criminal case settlement approach that emerged in the 1960s. This approach model is assumed to be the most up-to-date choice of the various models and mechanisms that work in the criminal justice system in the current handling of criminal cases (Soleh 2015). So far, the concept of Restorative Justice is known as an out-of-court settlement, and has only been applied to juvenile justice (juvenile) and minor criminal offenses. Referring to the meaning, Restorative justice is an approach to solving criminal cases, which focuses its approach on perpetrators, victims and the community in resolving legal cases. Although this model is still widely debated at the theoretical level by experts, in reality it still grows and exists and influences legal policies and practices in many countries.

Efforts to re-understand the concept of restorative justice in the criminal justice system to get justice are important. This is because the conventional criminal justice system is largely focused on applying the law, assessing errors and providing punishment. Instead, Restorative Justice is an approach to crime that focuses on efforts to repair the damage done by involving those who have been affected. Certain acts are classified as 'crimes' because they are considered violations of society at large, not just against individual victims. They are considered public rather than private mistakes and, therefore, the criminal justice system responds on behalf of the community as a whole. Conventional justice responses to crime tend to focus on sentencing, deterrence, condemnation, retribution, and public safety over the law, considerations that must be balanced by courts in sentencing proceedings (Setyowati 2020).

Restorative justice is not something new in the legal concept of Indonesia's indigenous peoples. There are many alternatives to dispute resolution based on customary law. Not only limited to private / civil matters but also includes criminal law issues. Observing the philosophy of the Restorative Justice approach which aims to "recovery", dispute resolution with the customary law system in Indonesia also has the same goal, namely restoring the harmony of people's lives that were lost due to conflicts that occurred in society, therefore Indonesia is a country with extraordinary resources from intracultural Restorative Justice. The number of agreements considered through friendly cooperation and deliberation covers the entire archipelago. According to customary law at the same time, it is possible to diversity to the point where currently criminal law based on local wisdom is being drafted to complement the national criminal law that applies to all regions (Braithwaite 2017 (Setyowati 2020)).

Based on the description above, this article intends to examine how the realization of restorative justice has actually been implemented in the Indonesian customary law justice system, which can be

an alternative to resolving community legal disputes outside the litigation process, as an effort to protect the law against women victims of sexual violence.

2. Method

This research uses three approaches, namely, a conceptual approach, a historical approach and comparative approach. The conceptual approach is used to examine how the concept of Restorative Justice and customary law can be understood, as well as what are the underlying values and principles, while the historical approach is used to trace the history of the development of indonesia's customary criminal justice conceptual approach with restorative justice. Then the process of studying between the restorative justice system and customary law. Legal materials, both laws and regulations, journals and books collected will be analyzed prescriptively analytically (Marzuki (USM 2019)) by comparing the concept of restorative justice from several countries.

3. Results and Discussion

3.1. The Concept of Restorative Justice in the Criminal Justice System

Restorative Justice has become a concept of thought that responds to the development of the criminal justice system by focusing on the involvement of the community and victims in resolving criminal cases. The use of restorative justice as an effort to resolve criminal cases has been recognized internationally. The concept of Restorative Justice (restorative justice) has also been in accordance with the laws that live in Indonesian society or known as customary law that exists in various regions in Indonesia (Candra 2013). Currently, in the development of criminal law, there is a paradigm shift in punishment from the concept of restitutive justice (criminal justice) to the concept of restorative justice. For this reason, we need to examine what the concept of restorative justice looks like.

Restorative Justice is an approach to justice based on philosophical foundations and values of responsibility, openness, trust, hope, healing, and "inclusiveness" that impact the policy decision-making of the criminal justice system and legal practitioners around the world. Restorative Justice can be carried out if the focus of attention is directed at losses due to criminal acts, the same concerns and commitment to involve perpetrators and victims, encourage perpetrators to be responsible, opportunities for dialogue between perpetrators and victims, involve communities affected by crime in retroactive processes, encourage cooperation and reintegration (Muladi 2019).

Restorative justice is also called restorative because it is guided by restorative values, which support collaborative and consensus-based procedures over adjudicative and adversarial forms that often characterize conventional criminal justice procedures (Sliva 2015). When the people who caused the injury are invited to honestly admit their mistakes, listen respectfully to the people they have offended, and respect their duty to correct them again, important steps are taken to restore dignity and meet the needs of all parties. In addition, restorative justice is also based on feminist relational theory, based on the relational nature of the human being and "the understanding of the self as based in and through relationships with others" (Llelwyn (Howse 1998)). It views error in relational terms, as "damage caused to individuals in relationships with others and in relationships between and between them".

Basically restorative justice is a simple concept. The measure of justice is no longer based on retribution from the victim to the perpetrator (whether physically, psychically or punitively); but the painful act is cured by providing support to the victim and requiring the perpetrator to be held accountable, with the help of family and society when necessary. In the context of Indonesia, restorative justice means a fair settlement by involving perpetrators, victims, families and other related parties and jointly seeking the resolution of criminal acts and their implications that prioritize recovery back to the original situation (Arief and Ambarsari 2018) Restorative justice will be a concept that upholds human rights values and is humanist (Tsurayya Istiqamah 2018)

The implementation of restorative justice has the following basic principles:

The justice demanded is the recovery efforts for the aggrieved party. Anyone involved and affected by a criminal act should get the opportunity to participate fully in following up. The government plays a role in creating public order, while society builds and maintains peace. (Yulia 2012)

Restorative justice combines three basic principles in its approach to sanctions. First, crimes are not just acts against the state but against certain victims and society in general. Therefore, the offense is primarily a violation of human relations and only a second violation of the law. Thus, society, family members, and supporters, rather than the state and its judicial machine, are considered the locus of crime control. To achieve this goal, the restorative model seeks the active participation of victims, families, and community representatives to address the causes and consequences of the offense (Poulson 2006)

Referring to these principle components, restorative justice is formulated as a concept of community and victim involvement which is often sidelined by the mechanism of the criminal justice system. Thus the applicable legal system only refers to how to punish the behavior. However, with the implementation of restorative justice, the law not only looks at the perspective of retaliation against the perpetrator but also how to then provide benefits to the victim and also the perpetrator. Restorative justice system at least aims to correct /restore (to restore) criminal acts committed by the perpetrator with actions that are beneficial to the perpetrator, the victim and his environment that involve them directly in solving the problem, and in contrast to the way adults are handled, which will then boil down to the purpose of the criminal itself the purpose of punishment is to refuse to "protect society" and "protection / guidance of individual criminal offenders (Arief and Ambarsari 2018)

3.2. Practice Customary Law in Several Regions in Indonesia

At first unknown customary law, customary law was a new legal science that emerged in the mid-19th century. The term customary law is a label for the customary customs of a resident of a territory in Indonesia that resolves disputes and legal problems in the community. Customary law as a system, has distinctive characteristics. As a unit of norms, customary law reflects socio-cultural values in a society of a comprehensive nature. One of the characteristics of dispute resolution with customary law is the deliberation process by traditional elders which is based on the benefit of victims, perpetrators and the community. According to Soepomo, the term customary law is used as a synonym of unwritten law in legislative regulations (non statutory law), laws that live as conventions in state legal entities (Parliament, Provincial Councils and so on), laws arising from judges' decisions (judges made

law), laws that live as customary regulations that are maintained in living associations, both in cities and in villages (customary law). Hazairin states, that in a perfect legal system there is no place for something that is not in harmony or contrary to decency. Adat is a precipitate of decency in society, namely that the customary rules are in the form of moral rules whose truth has received general recognition in society, then customary law is a law rooted in decency (Arliman 2018)

In practice, customary law accommodates the interests of communities facing legal problems by prioritizing the interests of victims and the social conditions of the community. No exception is for the benefit of protecting women from sexually violent behavior. Here are some examples of customary law practices that aim to protect the interests of women and social communities.

Application of Sanctions for Immoral Crimes in the Customary Law of the Bunggu Tribal Community (To Pakava)

The enactment of customary criminal law in addition to the national criminal law causes the dualism of criminal law in Indonesia, as happened in the North Mamuju area in the Bunggu Tribe indigenous community, with the enactment of the two laws side by side will have a positive impact which will further guarantee that every crime can be snared by the two legal systems, therefore it should be maintained against the customary courts and maintained its authority so that its application in life can last and not be eroded along with the changing times.

Sanctions are given in 5 (Five) villages in North Mamuju where the bunggu (To Pakava) indigenous community is located, namely:

Making women pregnant outside the bonds of marriage. Impregnating a woman is a violation of custom in the indigenous community of the bunggu tribe (To Pakava), so that if the man who causes the woman's pregnancy, the man will be held accountable for his actions. If he refuses to be held responsible then the man will be given a fine, which is called the Vone fine. The vone fine consists of a) 20 plates b) 2 guma / a kind of antique machete if there is none will be replaced 4 ordinary machetes c) 2 pigs d) 2 pieces of dula;

A man who has intercourse with a consensually based woman will be married, but if a man does not want to marry her the girl (Nibore), then a fine will be given for example: a) 2 pigs b) 1 piece of guma c) 1 white cloth d) 7 plates e) 1 Dula;

Fleeing a woman on a consensual basis will be called and then mated, if carrying away people's wives or committing adultery with people's wives at the whim of the two of them, then each of them both will be given a Navualo fine. Navualo fine consists of a) 50 plates b) 5 pigs c) 5 machetes or guma d) 1 mbesa if there is no mbesa then it is replaced with a white cloth / balacu e) 5 pieces of dula

Raping a woman and then being killed will be given the punishment Poompa dayo, which is the punishment given by the perpetrator who has raped, which is the way in which the punishment is given a perpetrator will be tied together with the person who has been raped and killed and then buried which the perpetrator is as a mat in the grave.

Forcing a woman to have sex/rape (Nobaga Besi), the perpetrator will be forced to marry a woman, if she does not want to be responsible then the perpetrator will be given a navualo fine (Romana 2015)

Application of Jeret Naru Customary Sanctions in Gayo Community in Central Aceh Regency

According to Soepomo quoted by I Dewa Made Suartha stated that the types of customary reactions to violations of customary law in several customary law environments in Indonesia, as follows: (a) Substitute for immaterial losses in various forms, such as coercion to marry a defiled girl; (b) The payment of customary money to the affected, which is in the form of a powerful object in lieu of spiritual loss; (c) Cover shame, apology; (d) Various corporal punishments up to the death penalty; (e) Exile from society as well as putting the person outside the legal system (Basri 2020)

Application of Customary Sanctions for Perpetrators of Immoral Acts in Tulikup Gianyar Village

The pamerascita (cleansing) ceremony was carried out at sea because the sea as a witness to self-cleansing to cleanse the perpetrator and also the victim as a melting pot of sins and apologized to Ida Sang Hyang Widhi (God Almighty), the surrounding nature and also the community for his inappropriate actions that disrupted the balance of scale and scale. The extortion (cleaning) ceremony is carried out at the perpetrator's house (scene) which is carried out in the merajan (holy place in the house) and also around the house in order to ask for forgiveness from Ida Batrhara Hyang Guru who lives in the merajan of the house concerned and to clean the home environment from negative energies. The extortion (cleansing) ceremony was carried out at the Bale Agung temple of Tulikup Traditional Village because Bale Agung temple is a local traditional village temple and is Kahyangan Tiga Temple. The customary sanction in the form of Sangaskara Danda applied in Tulikup Village is a customary sanction that has existed for a long time and has been stated in the awig- awig of Tulikup Village (Trimayukti, Sugiarta, and Sukadana 2020)

With the application of sangaskara danda customary sanctions, it provides a deterrent effect to the perpetrators as well as providing warnings to the surrounding community to be wiser in their behavior. Besides getting pressure and feelings of shame in the community because it became a family disgrace and crossed out the good name of the local area. In addition to the social sanctions received by the perpetrators, the fines in the form of costs incurred are also quite large, namely around 50,000,000 – 60,000,000 for the implementation of the earth extortion (cleansing) ceremony.

Application of Lokika Sanggraha Sanctions in Balinese Customary Law

The customary sanction prescribed in the provisions of Article 359 of the Book of Adi Agama in the event of Lokika Sanggraha is in the form of a fine of 24,000 (twenty-four thousand) kepeng money, which is charged to men who break their promises to marry their daughters. The inclusion of customary sanctions in the form of fines in the aforementioned provisions spontaneously whose purpose is none other than to restore the balance of society that was disturbed due to the actions of Lokika Sanggraha. What is not clear from the provision is whether there is a necessity for the man to marry (marry) the girl who is in love with whom he is in love . Or in other words, is there an obligation of the man to marry (marry) the girl he impregnated (Lailah 2014)

Application of customary criminal law in the clan meeting of Palembang legal case

This type of traditional crime such as Lokika Sanggraha is also found in other areas, for example in Palembang, Dr. Lublink Woddik reported in his dissertation: " Adat delicttenrecht in de meeting marga rechtspraak van Palembang" (1939), that clan meetings often adjudicate cases about: 1. Bujang gadis bergubalan then bunting 2. Widows are then bunting 3. Men commit adultery to girls or widows are not bunting 4. Dark bunting The punishment imposed by the clan meeting, is fines and hamlet washing. Where is the light of who caused the bunting. So the clan meeting decided that the man should marry the girl in question and if the man was unable to mate, he had to pay the "exile" money to the affected party (Lailah 2014)

Application of Ngeraosang Sajikrama Customary Criminal Law by Bayan Community

Ngeraosang Sajikrama is related to the fine of elopement. Sajikrama is determined based on customary provisions, but families must gather to talk about it, while women's families gather patrilineal relatives witnessed by the Traditional Government, Klianng Dusun, Stakeholders, and Toaq Lokaq. After everything is gathered, it is discussed about the details of the elopement fine that will be charged or requested to the family of the future bridegroom (Sajikrama). The size of Sajikrama has actually been determined by customary rules (Bayan customary law), where the provision of the number of Sajikrama in the Bayan Village community is based on the level of social strata of the local community. The distribution of the number of Sajikrama to the people of Bayan Village is very detailed as explained by Raden Sugeti as the Traditional Leader of the Bayan Village Community on 28/08/2019 at 15.30 WITA:

“...The size of Sajikrama in the marriage of the people of Bayan Village has been determined by custom, meaning that the size of the number of Sajikrama is determined based on her descendants, such as: 1) if the bride comes from the descendants of the big Datu Sajikramanya of 49,000 Kepeng Bolong, buffalo 12 heads, white cloth 3 Lempir (sheets), Serombong rice (three kilograms) and Indeed (spear) three stems, 2) if the bride and groom are from Raden's family or descendants, then the size of the Sajikrama is 6,000 Kepeng Bolong, buffalo 8 tails, white cloth three Lempir, rice Serombong, and spear three stems, 3) if the bride comes from keturunan Lalu / Permamiq then sajikramanya 6000 Kepeng Bolong, buffalo 4 tails, white cloth three Lempir (sheet), beraSerombong, and spear three trunks, while 4) if the bride comes from the descendants of Jajar Karang (ordinary people) The sajikrama is 4000 Kepeng Bolong, 1 buffalo, 3 Lempir Kereng Puteq (white cloth), and A bunch of rice, and three spear sticks... If the bridegroom's side cannot pay off the Sajikrama then he cannot marry traditionally in Kampu and wait until He can pay or pay it off no later than two years...” (Ningsih 2020)

Application of Jang Customary Criminal Law, Rejang Lebong Regency

In the book Lepeak Hukum Adat Jang Kabupaten Rejang Lebong there are also several points that implicitly discuss the offense and sanctions for cases of violence and the threat of crimes that afflict rejang indigenous women. For example, there is a point about rape, "... rape is called forcing something, the will towards women both girls and indecent widows (outside the moral system). Sanctions: betel fruit case money, Rajo money, 1 goat + raw

arbor, biring chicken, kuteui 4 Ria (pengapes) fine, setawar flour...". And there is the same thing about rape, which is rape that occurs within the family. Then there is also the act of adultery, namely one, the violation of the Takep Debt law; takep latitude, takep lenyoa, si factoring, si kulo ucuk. This means adultery in one's own family, father, mother, bachelor's son, fines for case money, rajo money, kuteui pengapes money, 1 goat + raw arbor. Fine: 40 Ria to 80 Ria. Enough reneak-renei tool, fat, e.g., pelgeak, pe'eak, lidei, niyoa + flour setawar = washing hamlet herma (Kusdinar 2022)

3.3. The Realization of Restorative Justice through Customary Law as an Effort to Protect The Law against Women

Recently upaya to study about customary law then started to be done. The scientific approach to the study of customary law was initiated by documenting the customs of a number of regions in the archipelago, by a series of religious broadcasters, Dutch colonial government officials, and scientists. The customary documentation contains paintings of the views of life, values and practices of life that are held by the Indigenous people. The documentation is mostly sourced from codes initiated by the kingdoms in the archipelago, and a small part comes from field investigations. The golden period of documenting activities took place in the second half of the 19th century. Some of the documentation results are published in international journals in the Netherlands. Not surprisingly, because of the presence of such documentation and publications, John Ball named this period as the beginning of scientific studies on customs (Simarmata 2018)

Explicitly, the vision that is in line between customary law and restorative justice theory is a breath of fresh air in an effort to find legal alternatives, to ensure the protection of women from acts of sexual violence. The practice of religious theory, culture and moral approaches still provides a strong background for restorative justice. From this perspective, restorative justice places a proper emphasis on the accountability of the abuser but at the same time seeks to perform emotional healing for the victim.

"Restorative justice" in the perspective of customary law as an alternative to peaceful conflict resolution outside the courts should be applied. In Indonesia, many customary laws represent restorative justice, even though their existence is not recognized by the state or not codified in national law. Customary law can resolve conflicts that arise in society and provide satisfaction to the parties to the conflict. The emergence of the idea of restorative justice as a criticism of the application of the criminal justice system that cannot cover the number of cases of sexual violence against women. The judicial process with the litigation process is considered too long and is oriented towards punishing the perpetrator with the best interests of the victim and the social conditions of society. The parties involved were not involved in the resolution of the conflict. Victims remain victims, imprisoned perpetrators also raise new problems for families and so on. (Setyo Utomo (Junius Fernando 2020))

4. Conclusion

Based on the results of the discussion above, the author concludes that in practice the application of the customary justice system can be an alternative to solving cases or legal problems in Indonesia, especially sexual crimes against women. This is because the settlement space in the customary law justice system is in line with the principle of restorative justice which prioritizes the side of togetherness and family elements rather than the

punhishmen or application of imprisonment / prison sanctions to perpetrators regardless of the aspects of the needs of the perpetrator and especially towards the victim.

References

- Arief, Hanafi, and Ningrum Ambarsari. 2018. "Penerapan Prinsip Restorative Justice Dalam Sistem Peradilan Pidana Di Indonesia." *Al-Adl: Jurnal Hukum* 10 (2): 173–90. <https://doi.org/10.31602/al-adl.v10i2.1362>.
- Arliman, Laurensius. 2018. "Hukum Adat Di Indonesia Dalam Pandangan Para Ahli." *Jurnal Selat* 5 (2): 178–90. <https://doi.org/10.31629/selat.v5i2.320>.
- Aziza Yuli Susanti, Antory Royan A, Lidia Br Karo. 2019. "(The Implementation of Restorative Justice Principles." *Bengkoelen Justice* 9 (2): 97–114. https://doi.org/10.33369/j_bengkoelenjust.v9i2.9983.
- Basri, Achmad Surya dan Hasan. 2020. "EKSISTENSI SANKSI ADAT JERET NARU DALAM MASYARAKAT GAYO DI KABUPATEN ACEH TENGAH," no. 4: 359–68. <https://doi.org/10.14710/mmh.49.4.2020.359-368>.
- Candra, Septa. 2013. "Restorative Justice: Suatu Tinjauan Terhadap Pembaharuan Hukum Pidana Di Indonesia (Restorative Justice: A Review of Criminal Law Reform in Indonesia)." *Jurnal Rechtsvinding* 2 (2): 263–77. <https://doi.org/10.33331/rechtsvinding.v2i2.76>.
- Efendi, Reno, Firda Yanis Hardianti, Putri Diah Lestari, and Elisabeth Septin. 2021. "Urgensi Percepatan Pengesahan Undang-Undang Penghapusan Kekerasan Seksual." *Jurnal Suara Hukum* 3 (1): 26–52. <https://doi.org/10.26740/jsh.v3n1.p26-52>.
- Howse, Robert. 1998. "RESTORATIVE JUSTICE ~ A CONCEPTUAL FRAMEWORK Prepared for the Law Commission of Canada." *In Practice*. Dalhousie University. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2114291.
- Junius Fernando, Zico. 2020. "Pentingnya Restorative Justice Dalam Konsep Ius Constituendum." *Al Ijarah : Jurnal Pemerintahan Dan Politik Islam* 5 (2): 253. <https://doi.org/10.29300/imr.v5i2.3493>.
- Kusdinar, Pramasty Ayu. 2022. "Pencegahan Dan Pemulihan Bagi Perempuan Terhadap Ancaman Kekerasan Seksual Dalam Hukum Adat Rejang," 2022.
- Lailah, Izzatul. 2014. "Sanksi Bagi Pelaku Tindak Pidana Kesusilaan (Lokika Sanggraha) Pada Masyarakat Bali Perspektif Hukum Pidana Islam." Universitas Islam Negeri. https://repository.uinjkt.ac.id/dspace/bitstream/123456789/29192/1/IZZATUL_LAILAH-FSH.pdf.
- Muladi. 2019. "Implementasi Pendekatan 'Restorative Justice' Dalam Sistem Peradilan Pidana Anak." *Pembaharuan Hukum Pidana* 2 (2): 58–85. <https://ejournal.undip.ac.id/index.php/phpidana/article/view/25036>.
- Ningsih, Oktaria. 2020. "Eksistensi Hukum Adat Perkawinan Masyarakat Bayan Di Kabupaten Lombok Utara." *JURIDICA: Jurnal Fakultas Hukum Universitas Gunung Rinjani* 1 (1): 55–70. <https://doi.org/10.46601/juridica.v1i1.174>.
- Pers, Siaran. 2022. "Peringatan Hari Perempuan Internasional 2022 Dan Peluncuran Catatan Tahunan Tentang Kekerasan Berbasis Gender Terhadap Perempuan "Bayang-Bayang Stagnansi: Daya Pencegahan Dan Penanganan Berbanding Peningkatan Jumlah, Ragam Dan Kompleksitas Kekerasan Berba." <https://komnasperempuan.go.id>. Ja. <https://komnasperempuan.go.id/siaran-pers-detail/peringatan-hari-perempuan-internasional-2022-dan-peluncuran-catatan-tahunan-tentang-kekerasan-berbasis-gender-terhadap-perempuan>.
- Poulson, Erik Luna and Barton. 2006. "Restorative Justice in Federal Sentencing: An

- Unexpected Benefit of Booker?” *McGeorge Law Review* 37 (4): 787.
<https://scholarlycommons.pacific.edu/cgi/viewcontent.cgi?article=2937&context=mlr>.
- Romana, Neneng. 2015. “Pelanggaran Dan Sanksi Adat Delik Asusila Di Masyarakat Suku Bunggu.” *Jurnal Ilmu Hukum Legal Opinion* 3 (4).
- Setyowati, Dewi. 2020. “Memahami Konsep Restorative Justice Sebagai Upaya Sistem Peradilan Pidana Menggapai Keadilan.” *Pandecta Research Law Journal* 15 (1): 121–41.
<https://doi.org/10.15294/pandecta.v15i1.24689>.
- Simarmata, Rikardo. 2018. “Pendekatan Positivistik Dalam Studi Hukum Adat.” *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 30 (3): 463.
<https://doi.org/10.22146/jmh.37512>.
- Sliva, Shannon M. 2015. “The Adoption of Restorative Justice Legislation As a State Policy.” THE UNIVERSITY OF TEXAS AT ARLINGTON.
https://rc.library.uta.edu/uta-ir/bitstream/handle/10106/25103/Sliva_uta_2502D_13162.pdf?sequence=1&isAllowed=y.
- Soleh, Nor. 2015. “Restorative Justice Dalam Hukum Pidana Islam Dan Kontribusinya Bagi Pembaharuan Hukum Pidana Materiil Di Indonesia.” *ISTIDAL;JURNAL STUDI HUKUM ISLAM* 2 (2): 123–35.
<https://doi.org/10.34001/istidal.v2i2.640>.
- Trimayukti, Ni Made Ayu, I Nyoman Gede Sugiarta, and I Ketut Sukadana. 2020. “Penerapan Sanksi Adat Bagi Pelaku Persetubuhan Terhadap Anak Kandung Di Desa Tulikup Gianyar.” *Jurnal Interpretasi Hukum* 1 (1): 204–9.
<https://doi.org/10.22225/juinhum.1.1.2212.204-209>.
- Tsurayya Istiqamah, Destri. 2018. “Analisis Nilai Keadilan Restoratif Pada Penerapan Hukum Adat Di Indonesia.” *Veritas et Justitia* 4 (1): 201–26.
<https://doi.org/10.25123/vej.2914>.
- USM, Repository. 2019. “Metode Penelitian.” USM.
<https://repository.usm.ac.id/files/skripsi/A11A/2016/A.131.16.0002/A.131.16.0002-06-BAB-III-20200303104605.pdf>.
- Yulia, Rena. 2012. “Penerapan Keadilan Restoratif Dalam Putusan Hakim: Upaya Penyelesaian Konflik Melalui Sistem Peradilan Pidana.” *Jurnal Yudisial* 5 (2): 224–40.
<https://doi.org/10.29123/jy.v5i2.155>.