

LIVING LAW VERSUS STATE LAW: INTEGRATING CUSTOMARY JUSTICE WITHIN VILLAGE AUTONOMY

DIREITO VIVA VERSUS DIREITO ESTADUAL: INTEGRANDO A JUSTIÇA CONSUMIDORA À AUTONOMIA DA ALDEIA

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Abstract

The growing caseload of Indonesia's formal judiciary underscores the urgency of developing alternative dispute resolution mechanisms that are more closely aligned with community values. This article critically examines the practice of customary justice in Manggarai as an expression of the living law within the framework of village autonomy and its process of integration into the state legal system. Employing a socio-legal approach that combines interviews, observations, and document analysis, the study finds that customary forums such as lonto leok and the practice of hambor function effectively in de-escalating conflicts, restoring social relationships, and producing community-accepted agreements. However, formal recognition through regional regulations generates a paradox: limited participation of women in decision-making forums and the risk of legal formalization that reduces customary values into mere administrative procedures. The principal contribution of this research is to propose a critical analytical framework for integrating customary law into the state legal system—one that does not rely solely on formal codification, but instead emphasizes diversity and flexibility in dispute resolution models. The Manggarai experience thus provides valuable insights for the global discourse on alternative dispute resolution and legal pluralism in the context of modern states.

Resumo

O crescente volume de processos no judiciário formal da Indonésia ressalta a urgência do desenvolvimento de mecanismos alternativos de resolução de disputas que estejam mais alinhados aos valores da comunidade. Este artigo examina criticamente a prática da justiça consuetudinária em Manggarai como expressão do direito vivo no contexto da autonomia da aldeia e seu processo de integração ao sistema jurídico estatal. Empregando uma abordagem sociojurídica que combina entrevistas, observações e análise documental, o estudo conclui que fóruns consuetudinários como o lonto leok e a prática do hambor funcionam efetivamente na redução de conflitos, no restabelecimento de relações sociais e na produção de acordos aceitos pela comunidade. No entanto, o reconhecimento formal por meio de regulamentações regionais gera um paradoxo: a participação limitada das mulheres nos fóruns decisórios e o risco de formalização jurídica que reduz os valores consuetudinários a meros procedimentos administrativos. A principal contribuição desta pesquisa é propor uma estrutura analítica crítica para a integração do direito consuetudinário ao sistema jurídico estatal — uma que não se baseie apenas na codificação formal, mas que enfatize a diversidade e a flexibilidade nos modelos de resolução de disputas. A experiência de Manggarai, portanto, fornece insights valiosos para o discurso global sobre resolução



Keywords: Alternative Dispute Resolution. Customary Justice. Village Autonomy. Legal Pluralism.

alternativa de disputas e pluralismo jurídico no contexto dos Estados modernos.

Palavras-chave: *Resolução Alternativa de Disputas. Justiça Consuetudinária. Autonomia das Aldeias. Pluralismo Jurídico.*

1 INTRODUCTION

The growing caseload has become a serious challenge for Indonesia's formal judiciary in realizing a fair and efficient legal process (Butt, 2019). The 2024 Annual Report of the Supreme Court recorded a total of 3,081,090 cases, representing a 5.14% increase from the 2,930,494 cases in the previous year (Mahkamah Agung Republik Indonesia, 2025). These figures not only illustrate the rising trend of litigation in Indonesia but also highlight the institutional limitations of the state judiciary. Such excessive burdens carry serious consequences: the slowing down of case resolution, declining quality of judgments, and the erosion of public trust in formal courts as the primary avenue for access to justice (Peterson et al., 2025). Similar conditions are observed in many jurisdictions worldwide, prompting the development of alternative dispute resolution (ADR) as a strategy to reduce judicial backlogs and to provide more contextual and efficient pathways for resolving disputes.

The excessive judicial caseload is not merely an administrative problem but also reflects structural weaknesses within the paradigm of formal law. In many countries characterized by legal pluralism, including Indonesia, similar challenges have stimulated the growth of community-based dispute resolution alternatives. For instance, the customary justice system in Manggarai demonstrates significant potential as a solution that resonates more closely with local social and cultural values, while simultaneously creating space for legal diversity in achieving more effective dispute resolution.

Within local communities—particularly among indigenous groups that continue to uphold traditional norms and institutions—formal judicial mechanisms are often perceived as disregarding cultural values, undermining social harmony, and failing to address the substantive roots of conflict. In other words, there exists a fundamental gap between state law, which operates in a legal-formal framework, and living law, which evolves from the socio-cultural experiences of the community (Hutabarat, 2023). This phenomenon provides a crucial entry point for the study of legal pluralism, namely how

state law and customary law interact, negotiate, and at times conflict in the practice of dispute resolution at the local level.

The gap between state law and community needs warrants closer examination, particularly given that Indonesia is among the countries with the highest degree of legal pluralism in the world. Alongside national law, indigenous communities across diverse regions continue to practice dispute resolution mechanisms handed down through generations, whether in the form of deliberation, reconciliation rituals, or customary sanctions. These mechanisms serve not only to resolve conflicts but also to preserve social order and cultural legitimacy (Benda-Beckmann & Benda-Beckmann, 2011). Yet legal pluralism in Indonesia is not a static harmony but rather a contested arena: in many cases, customary law negotiates with, is challenged by, or even co-opted by state law (Retno Kus Setyowati, 2023). This phenomenon suggests that legal pluralism must be understood as a field of interaction and conflict between legal regimes, rather than as a simple coexistence of diverse norms in peaceful parallelism.

Although numerous studies have explored legal pluralism in Indonesia, most remain largely descriptive and often portray customary law as an ideal solution without sufficiently considering its potential risks, such as the reinforcement of gender bias and entrenched social hierarchies. More critical literature on the integration of customary law into the state legal system often overlooks these impacts, leaving a gap in the development of legal pluralism studies in Indonesia. For instance, in West Kalimantan, the customary sanction of *basadosa* in cases of adultery has been shown to disproportionately burden women compared to men, thereby reproducing patriarchal norms (Khaliq et al., 2024). Furthermore, while the Constitution—through Article 18B(2) and Article 28I(3) of the 1945 Constitution—recognizes the existence of indigenous communities, in practice customary law is frequently subordinated to state law, thereby undermining its autonomy and effectiveness in delivering fair and equitable dispute resolution (Matuankotta & Holle, 2022). Without critical analysis, discourses on the living law risk falling into symbolic glorification rather than exposing the dynamics of power and the paradoxes inherent in the integration between customary and state law.

While customary dispute resolution often falls into gender bias, previous studies have shown that some indigenous communities provide protection for vulnerable groups such as women, children, and the elderly, emphasizing principles of restorative justice and consensual deliberation (Ramstedt, 2025). In addition, customary institutions in

several regions have been empowered through local regulations to independently resolve disputes, demonstrating the potential for synergy between customary law and state law (Ilmiati et al., 2025). Therefore, to ensure that customary law can serve as a fair and equitable alternative for dispute resolution, critical internal reforms are required to address discriminatory practices and to align these mechanisms with human rights principles.

This study aims to analyze how the integration of customary law into the state legal system affects the sustainability of customary justice practices in Manggarai, as well as to identify its implications for women's participation and the diversity of community-based dispute resolution. The central hypothesis is that the formalization of customary law through regional regulations risks reducing its flexibility and shifting its role from a living law into a mere administrative procedure. The principal contribution of this research is to propose a critical analytical framework for integrating customary law into the state legal system—one that does not rely solely on formal codification but instead prioritizes diversity and flexibility in dispute resolution models. The findings are expected to provide guidance for policymakers in Indonesia and in other countries with similar legal pluralism to design more equitable and sustainable modes of integrating customary law.

2 METHOD

This study employs a socio-legal approach, which conceives of law not merely as written norms but also as a social practice shaped by values, culture, and power structures (Banakar & Travers, 2005). This approach is chosen because the issue under examination concerns not only the text of formal law but also the practices of community-based dispute resolution embedded in the everyday life of the Manggarai people. Accordingly, the socio-legal method enables the exploration of interactions, tensions, and negotiations between state law and living law within the framework of village autonomy.

Data were collected through a triangulation of qualitative methods, including in-depth interviews, participant observation, and document analysis. In-depth interviews were conducted using purposive sampling to capture diverse perspectives from key stakeholders (Cotterrell, 2012), including the Office of Community and Village Empowerment of Manggarai Regency, sub-district and village officials, customary

leaders, and community members in Ruteng Pu'u Village. The interviews focused on concrete experiences in dispute resolution, perceptions of the legitimacy of customary justice, and the impact of formal regulations on these practices. Participant observation was carried out by directly attending *lonto leok* forums, with particular attention to the dynamics of deliberation, the use of customary symbols and expressions, as well as the verbal and non-verbal interactions among participants. Document analysis included a review of the Manggarai Regency Regional Regulation No. 1 of 2018 on Customary Institutions, village archives, and internal records documenting the outcomes of customary dispute resolution.

The data were analyzed using thematic analysis, which involved identifying, categorizing, and interpreting recurring themes from interview transcripts, observation notes, and legal documents. The emerging themes were then mapped onto the main analytical framework of this article, particularly regarding the paradox of the formalization of customary law within the context of village autonomy and alternative dispute resolution (Karsadi, 2018). The study's limitations must also be noted: the field data are drawn primarily from a single village (Ruteng Pu'u), and thus any generalization to the wider Manggarai region should be approached with caution; moreover, interpretations of customary values and practices may vary across communities. Nonetheless, these limitations do not diminish the significance of the findings; rather, they underscore the need to understand customary law as a contextual and dynamic phenomenon.

3 NEGOTIATING STATE LAW AND CUSTOMARY LAW: COMMUNITY JUSTICE PRACTICES IN MANGGARAI

The recognition of indigenous legal communities within the Indonesian legal system has a strong constitutional foundation. Article 18B(2) of the 1945 Constitution stipulates that the state acknowledges and respects indigenous legal communities along with their traditional rights, provided that they remain in existence and are in accordance with societal development and the principles of the Unitary State of the Republic of Indonesia. In addition, Article 28I(3) affirms that cultural identity and the rights of traditional communities are to be respected as part of human rights. However, such recognition is conditional—"provided that they remain in existence"—a phrase often

invoked to postpone or restrict the legitimacy of indigenous communities (Fahmi et al., 2023). In other words, while the Constitution formally opens space for recognition, it simultaneously sets criteria that grant the state substantial authority to determine *who* qualifies as an indigenous legal community.

The Constitutional Court Decision No. 35/PUU-X/2012 on *ulayat* land of indigenous legal communities further strengthened constitutional recognition. However, its implementation has remained partial and largely dependent on regional policies (Astomo & Asrullah, 2019). This condition has created legal uncertainty for indigenous communities, including in Manggarai, where formal recognition is thus far limited to aspects of customary dispute resolution, without comprehensively addressing institutional structures, territorial rights, or *ulayat* land (Anggoro & Negara, 2021).

Sociologically, the Manggarai community possesses a distinctive customary structure, with figures such as the *Tu'a Golo* (village leader) and *Tu'a Teno* (custodian of customary land) playing central roles in safeguarding values and traditions (Dinata et al., 2024). The Manggarai people adhere firmly to local wisdom and customary norms that are orally transmitted across generations and practiced in daily life, including in the resolution of various disputes—whether personal, communal, or ecological (Jemali et al., 2021). Dispute settlement at the customary level is typically facilitated by village leaders and custodians of rituals and land, through deliberative mechanisms known as *Lonto Leok* and reconciliation rituals called *Hambor*. Through these forums of deliberation and reconciliation, disputing parties are brought together in an open process and encouraged to achieve social restoration and relational balance, rather than merely determining who is right or wrong in a strictly legal-formal sense (Jemali, 2025).

The mechanism of dispute settlement, particularly through customary deliberation and reconciliation rituals, is often praised for its emphasis on restoring social relations and maintaining communal balance (Stefanus Don Rade et al., 2025). This process is carried out in the *Rumah Gendang* (the traditional communal house), which serves as a deliberative arena that is not merely symbolic but imbued with profound spiritual meaning. Settlement does not end with deliberation; it continues with concrete actions carried out by the *nai ngalis tuka ngengga*, the customary spokesperson responsible for closing the case through symbolic offerings, compensation, or specific rituals. The presence of the *nai ngalis tuka ngengga* ensures that customary decisions are effectively

implemented and that ruptured relationships are restored with dignity through reconciliation rites (Jugan & Pandor, 2023).

The forum for customary dispute resolution in Manggarai has been institutionally reinforced through Manggarai District Regulation No. 1 of 2018 on Customary-Based Dispute Settlement. This regulation designates customary institutions as official actors in dispute resolution and requires the outcomes of proceedings to be documented in the form of a *Minutes of Settlement* and a *Customary Settlement Register* at the village level (Dahurandi, 2021). On the one hand, such regulation strengthens the legitimacy of customary practices, provides administrative certainty, and fosters synergy between customary institutions and village governance.

Although the Manggarai model of dispute resolution provides a concrete example of a functioning customary justice system and has even been formally recognized through local regulation, it is not free from limitations. First, the lonto leok forum is predominantly male-centered, with men usually representing their families, which often marginalizes women's voices even in disputes directly affecting their interests. Second, the entrenched social hierarchy within the customary structure can constrain the participation of marginalized groups, thereby reproducing asymmetries of power. Thus, while customary justice is often praised for maintaining harmony, it simultaneously risks operating as a mechanism of social control that entrenches, rather than dismantles, existing inequalities (Yeyen Andaru & Jemarut, 2025).

In addition, the formalization of customary dispute resolution creates a profound paradox. When adat mechanisms are required to comply with state administrative procedures, there is a risk of reductive translation: lonto leok, originally rooted in symbolic dialogue and relational consensus, may be reduced to a mere record of proceedings. This bureaucratization strips customary law of its fluidity and moral authority, transforming it from "living law" into a formalized extension of state law. In the long term, such formalization risks eroding the organic legitimacy of customary institutions and displacing their role as culturally embedded forums of justice.

A similar phenomenon is not unique to Manggarai. In Minangkabau, the role of the Kerapatan Adat Nagari (KAN) faces a dilemma between the flexibility of adat and the formalization imposed by the state: the emergence of institutional dualism and the declining number of disputes actually resolved through KAN, while regional regulations increasingly push KAN into compliance with state administrative procedures (Nurdin &

Tegnan, 2019). In Papua, adat deliberations led by tribal chiefs are often criticized for the limited participation of women, thereby reproducing gender-based power relations. (Hamid, 2019) These comparisons demonstrate that the core issue does not lie in the vitality of adat itself, but rather in how the state integrates it: whether recognition is genuinely carried out as an affirmation of legal pluralism, or merely as co-optation through the proceduralization of state law. Thus, the dilemma of adat formalization can be understood as part of the broader tension between living law and state law (Utama, 2021).

This cross-regional comparison underscores that the integration of customary law into the framework of state law is not merely a technical issue, but rather a deeper epistemological question (Anggoro & Negara, 2021). The state tends to perceive customary law through a legal-formalist lens, demanding codification, proceduralization, and standardization. Yet, the distinctive strength of customary law lies precisely in its flexibility, contextuality, and embeddedness in social relations (Utama, 2021). This dynamic generates a paradox: the more adat is formally recognized within state legal instruments, the greater the risk that it loses its organic character and cultural legitimacy (Sulaiman & Purwaningsih, 2024). Accordingly, the critical question is not simply whether customary law is recognized, but rather how such recognition is designed—whether it reduces adat to an administrative instrument, or genuinely positions it as an autonomous and equal mode of dispute resolution alongside state law.

The Manggarai experience vividly illustrates this paradox. On the one hand, regional regulations provide legitimacy and institutional space for customary courts to flourish; on the other hand, the formalization embedded in such regulations introduces fundamental challenges. These range from the limited participation of certain groups—particularly women—to the tendency of reducing rich customary practices into mere administrative procedures. Such dynamics highlight that the integration of customary law into the national legal system leaves significant challenges unresolved. The following section critically examines these issues and sheds light on the dilemmas inherent in the pursuit of a genuine legal pluralism in Indonesia.

4 THE PARADOX OF CUSTOMARY JUSTICE INTEGRATION WITHIN THE NATIONAL LEGAL FRAMEWORK

The practice of customary justice in Manggarai demonstrates that community-based dispute resolution mechanisms hold considerable potential as an alternative to formal courts. Forums such as *lonto leok* are capable of resolving conflicts at low cost, fostering consensus acceptable to the parties involved, and strengthening social cohesion (Marsianus Ampat et al., 2023). This success illustrates that dispute resolution need not always follow formal litigation channels but can instead be achieved through more contextual, community-based approaches. Nevertheless, this potential cannot be separated from a set of fundamental challenges that emerge when customary systems are integrated into the framework of state law.

4.1 Gender exclusion and limited participation

One of the central issues lies in the restricted participation of women within customary forums. *Lonto leok*, as a deliberative arena, is generally dominated by men who act as representatives of their families, while women rarely possess formal space to articulate their experiences or interests—even in disputes that directly concern them, such as inheritance rights or domestic conflicts (S. Lon & Widyawati, 2020). This pattern not only reinforces patriarchal biases but also risks producing decisions that fail to fully represent the interests of all parties involved. In other words, customary justice faces a serious challenge in ensuring inclusivity, particularly when confronted with the principle of gender equality guaranteed by national law as well as international human rights standards (Noor et al., 2024).

Moreover, the marginalization of women within customary forums carries substantive implications for the fairness of dispute resolution outcomes. In inheritance disputes in several villages in Manggarai, for instance, customary decisions often reinforce gender-biased distributions of property (Yeyen Andaru & Jemarut, 2025). Family land is typically passed down to male heirs as successors of lineage, while daughters are granted only limited or symbolic usage rights—such as the allocation of small livestock. This practice illustrates how customary forums not only reproduce gender inequality but also contribute to the long-term economic marginalization of women (S.

Lon & Widyawati, 2020). Such a situation stands in clear contradiction with the principle of gender equality enshrined in the 1945 Constitution, Law No. 7 of 1984 ratifying CEDAW, as well as international human rights norms.

Nevertheless, the tension between customary law and national legal standards does not necessarily imply that adat must be abolished; rather, it calls for reinterpretation and renewal from within the community itself. Several local initiatives point in this direction. For instance, in some villages, emerging practices involve women being informally consulted during family deliberations prior to the *lonto leok*, ensuring that their voices are heard even if they are not directly present in the formal forum (Nggoro et al., 2020). Although still limited in scope, these incremental steps indicate that customary law holds the potential to transform into a more inclusive form.

4.2 Formalization and the risk of meaning reduction

Another challenge arises from the formalization of customary law through regional regulations, such as the requirement to record the outcomes of *lonto leok* in the Minutes of Dispute Resolution and the Dispute Resolution Record Book. Although this measure is intended to strengthen legitimacy and accountability, there is a risk that practices of adat—fundamentally rooted in deliberation, symbolism, and reconciliation—will be reduced to mere administrative procedures. When the legitimacy of dispute resolution is assessed more on the basis of written documentation than on social acceptance, customary law faces the risk of losing the flexibility and dynamism that constitute its defining characteristic.

A study in Aceh reveals a similar dynamic: although customary dispute resolution is inherently informal and consensus-based, the requirement for documentation and formalization as a legal condition creates substantive challenges—including resistance from customary authorities who lack training, and the limited dissemination of information regarding state-imposed formal procedures (Mansur et al., 2024). Furthermore, formalization often plays a co-optive role: the customary system is not treated as an equal legal entity but is instead incorporated into the administrative logic of the state without recognizing its social and cultural character (Pradhani, 2019). Thus, the formalization of customary law may produce a paradox: on the one hand, it provides formal legitimacy, but on the other, it risks eroding the organic character of the living

law. An integration that is insensitive to context may foster a rigid and administrative version of customary law, rather than preserving its flexibility and social relevance.

4.3 The absence of a comprehensive recognition framework

At the local level, Manggarai Regency has yet to adopt a regulation that comprehensively addresses the recognition and protection of Indigenous peoples. Existing local regulations are limited to governing dispute resolution mechanisms, without touching upon fundamental aspects such as the designation of customary territories, customary institutions, and collective rights. This stands in contrast to East Manggarai Regency, which has taken a more advanced step by enacting a Regional Regulation on the Recognition, Protection, and Empowerment of Indigenous Peoples (Jannah et al., 2022). The regulatory gap in Manggarai indicates that customary justice remains legally vulnerable, reliant on administrative recognition, and easily marginalized in situations of structural conflict such as agrarian disputes or development projects.

A similar phenomenon can also be observed in Papua, where the recognition of Indigenous peoples often remains at the level of rhetoric. Despite the existence of special autonomy, the national legal framework continues to subordinate Indigenous communities due to the absence of clear implementing regulations regarding customary land rights and their settlement mechanisms. This has resulted in frequent land conflicts involving extractive companies and local communities, while customary forums lack adequate legal protection (Yuwono, 2024).

In the absence of a clear legal framework, local governments often adopt an ambiguous stance toward recognition: on the one hand, employing customary law as a source of local political legitimacy, while on the other hand allowing it to be marginalized when confronted with the interests of plantation or mining investments. Meanwhile, in Bali, the codification of *awig-awig* of customary villages through regional regulations does provide formal legitimacy, but it also generates new challenges. Such regulation narrows the diversity of local customary practices because the state seeks to standardize the institutional model of customary villages, thereby reducing the flexibility of customary law to adapt to the specific needs of communities (Wardana, 2015).

At the national level, a fundamental issue lies in the absence of a Law on Indigenous Peoples that could provide a comprehensive legal framework. The draft bill,

which has repeatedly been included in the National Legislative Program, has yet to be enacted, leaving the recognition of indigenous peoples to rely on sectoral laws (such as the Forestry Law, the Village Law, and the Regional Government Law) that are partial and fragmented (Raden Ajeng Diah Puspa Sari, 2023). This legal uncertainty makes local governments hesitant to take progressive measures, fearing that their local policies may be deemed to exceed their authority or lack a solid legal basis. As a result, recognition of indigenous peoples in Indonesia tends to remain symbolic and instrumental rather than substantive (Thontowi, 2013).

From the foregoing discussion, it is evident that the integration of customary-based dispute resolution into the national legal system leaves behind an unavoidable paradox. On the one hand, formal recognition through local regulations or national policies is necessary to ensure that customary practices obtain legal legitimacy acknowledged by the state. On the other hand, the formalization that accompanies such recognition often reduces the substantive meaning of custom, neglects inclusivity, and even transforms it into a mere administrative instrument.

The absence of a comprehensive national legal framework—particularly the yet-to-be-enacted Law on Indigenous Peoples—further exacerbates this condition, as recognition of custom continues to depend on sectoral laws or local policies that are partial and inconsistent. Consequently, the position of customary courts remains vulnerable, easily marginalized in structural conflicts, and prone to co-optation by political or economic interests.

Thus, the greatest challenge lies not merely in how to provide formal recognition of customary law, but in how to design a model of integration that truly guarantees its autonomy, flexibility, and social legitimacy. This is the critical juncture that calls for a rethinking of the relationship between state law and customary law—an agenda that will be further explored in the discussion on the Alternative Model of Customary-Based Dispute Resolution.

5 FROM SUBORDINATION TO COEXISTENCE: AN ALTERNATIVE MODEL OF CUSTOMARY DISPUTE RESOLUTION

The paradox accompanying the integration of customary justice into the national legal system necessitates the formulation of an alternative model capable of bridging the differences between the formal character of state law and the contextual nature of customary law. This alternative model is not intended to eliminate the role of formal courts, but rather to provide more diverse avenues for dispute resolution, in line with the principle of legal pluralism (Tamanaha, 2011). Within this framework, customary law is positioned not as a subordinate to state law, but as an autonomous legal system that can coexist alongside formal law.

The first step in formulating this alternative model is to create space for customary communities to independently manage their own dispute resolution mechanisms. Such autonomy is crucial to ensure that customary law remains rooted in local values and practices without being reduced to mere administrative procedures of the state (Coy & Hedeem, 2005). The role of the state is limited to granting normative recognition and ensuring that customary practices do not conflict with the human rights principles guaranteed by the constitution (Aldashev et al., 2012). In this way, customary forums such as *lonto leok* can continue to develop in accordance with the socio-cultural context of Manggarai, without losing their formal legitimacy.

The alternative model can also be realized through a hybrid mechanism, whereby the outcomes of customary dispute resolution gain recognition from state law without altering the substantive nature of customary practices themselves (Tolkah, 2021). For instance, the results of *lonto leok* documented in an official record may be recognized as valid evidence in court or registered at the village office—not as a form of procedural formalization, but as a bridge of recognition. In this way, the community's social legitimacy is preserved while formal legal certainty is also fulfilled.

Aceh provides the clearest example of formal–informal integration through the *Gampong* (village) Justice system. Pursuant to Aceh Qanun No. 9 of 2008, customary dispute resolution at the village level must be pursued first before a case can be brought to court. Peace agreements resulting from customary mediation, once recorded by the village head and customary authorities, may acquire binding legal force if agreed upon

by the parties (Mansur et al., 2024). This mechanism reduces the caseload of formal courts while simultaneously strengthening the social legitimacy of dispute resolution.

One of the main weaknesses of customary justice lies in the limited participation of vulnerable groups, particularly women and marginalized communities. The alternative model must explicitly encourage internal reforms within communities to make customary forums more inclusive. Women's participation can be facilitated through family representation or direct involvement in *lonto leok*. Such inclusivity is not merely a moral obligation, but a prerequisite for ensuring that customary justice enjoys stronger legitimacy in the eyes of both the wider society and national legal standards (Sandefur, 2008).

The main challenge in promoting inclusivity lies in addressing the internal resistance within customary communities themselves. Traditional social structures that position men as family spokespersons are often considered an integral part of cultural identity, making transformation far from simple. Yet without a paradigm shift, customary forums risk perpetuating inequality, and their social legitimacy becomes increasingly fragile in the eyes of younger generations who are more aware of issues of gender equality and human rights (Noor et al., 2024). For example, in Minangkabau, although the inheritance system is matrilineal, research in Sungai Kamuyang shows that women's involvement in the management of *ulayat* land remains limited—they tend to be more active in the initial stages of deliberation, but are not always included in the implementation of decisions. This highlights the duality between symbolic recognition and patriarchal formal practices (Indraddin et al., 2024). These findings affirm that inclusivity is not merely about aligning with national legal standards, but also represents an internal strategy of customary communities to preserve the relevance and sustainability of their functions within contemporary social dynamics.

To ensure sustainability, a regulatory framework is needed that not only acknowledges the existence of indigenous communities but also allows space for adaptation. The ideal regulation is not one that rigidly codifies customary law, but rather one that situates it as a *living law* that continuously evolves with its social context (Rudy Haryanto & Lailatul Maufiroh, 2023). This can be realized through legislation on indigenous peoples that provides a national legal umbrella while leaving the details of dispute resolution mechanisms to each community. In this way, regulation serves as a safeguard rather than an instrument of co-optation (Rato, 2015).

This alternative model underscores the importance of a paradigm shift in understanding the relationship between state law and customary law. Within the framework of legal pluralism, customary law should not be positioned as subordinate, but rather as an autonomous legal system capable of coexisting alongside state law. The recognition of customary legal authority through new provisions in the Indonesian Criminal Code concerning *pidana adat* (customary sanctions) further clarifies the standing of customary law within the national legal system (Yoserwan, 2023). Moreover, the contribution of customary courts to restorative justice practices demonstrates that customary law is not merely a symbolic phenomenon, but plays an active role in dispute resolution with cultural and local sensitivity (Rochaeti & Sutanti, 2018).

In addition, the space for village autonomy in dispute resolution must be reinforced, as affirmed in the 1945 Constitution and the Village Law, which provide a strong constitutional basis for customary villages to independently manage conflict resolution (Rifan & Rahmawati, 2021). The practices of dispute settlement in Manggarai, Aceh, and Bali show that customary courts at the village level—through deliberations led by traditional leaders—have succeeded in creating a sense of justice and social harmony within the community (Suhermi, 2024). Thus, strengthening village autonomy in dispute resolution not only provides formal legitimacy to the practice of customary adjudication but also contributes to the development of a more inclusive, participatory, and contextually grounded model of justice. However, a balance between legality and normative flexibility is required so that customary law is not eroded by excessively rigid proceduralism.

6 CONCLUSION

This study demonstrates that community-based adjudication practices in Manggarai—through *lonto leok*, *hambor*, and the deliberative space of *Rumah Gendang*—are effective as a low-cost, relationally oriented, and locally rooted alternative dispute resolution mechanism. However, this effectiveness operates within a paradox of integration: state recognition through regional regulations indeed provides formal legitimacy, yet at the same time drives a process of formalization that risks reducing customary law into mere administrative procedure. When validity is determined more by documentation than by community acceptance, customary law shifts from a flexible

living law into a rigid state apparatus. The analysis also highlights a fundamental weakness, namely inclusivity: customary forums dominated by men tend to marginalize the voices of women and other vulnerable groups, thus substantive justice is not automatically achieved. Accordingly, the romanticization of customary law as a space of harmony without conflict is inadequate; adat is an arena of contestation that must be read critically.

In response, this article proposes an alternative model grounded in four pillars: (1) community autonomy to ensure that customary mechanisms remain organic; (2) hybrid mechanisms that strategically recognize the outcomes of customary deliberations (e.g., as administrative recognition or evidentiary tools), without forcing excessive codification; (3) procedural inclusivity to guarantee equal participation; and (4) an adaptive regulatory framework that safeguards the diversity of local practices instead of homogenizing them. In this context, village autonomy becomes a crucial instrument for bridging customary law and state law, as it provides legitimate institutional space for villages to acknowledge, manage, and implement community-based dispute resolution mechanisms. Strengthening village autonomy thus enables customary dispute settlement to be understood not merely as a cultural practice but as an integral part of local governance with dual legitimacy—both social and administrative.

These findings contribute to debates on legal pluralism by emphasizing that the key question is not “whether adat is recognized,” but rather “how recognition is designed so as not to turn into co-optation.” Finally, the absence of a national Law on Indigenous Peoples renders recognition partial and fragmented, relying on sectoral regulations and uneven regional policies. Without a comprehensive national legal framework, efforts to strengthen customary-based alternative dispute resolution will continue to face institutional limitations, legal uncertainty, and the risk of reducing its substantive meaning.

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