

THE CONCEPT OF POPASAANGU CUSTOMARY LAW IN THE SETTLEMENT OF CHILD CRIMINAL OFFENSES IN INDONESIA

O CONCEITO DO DIREITO CONSUETUDINÁRIO POPASAANGU NA RESOLUÇÃO DE INFRAÇÕES PENAIS JUVENIS NA INDONÉSIA

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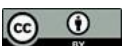
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Abstract

Many cases of juvenile criminal offenses occur and are not necessarily resolved thru formal processes. This is because the implementation of restorative justice thru diversion, which was expected to provide a win-win solution at the police, prosecutor's office, and court levels as mandated by the Juvenile Criminal Justice Act, has not yet met public expectations. The type of research used in the preparation of this dissertation proposal is empirical legal research. The urgency of this research is to formulate the concept of resolving minor crimes committed by children within the Popasaangu Fikiri custom. This research uses the type of empirical legal research. The research results show that philosophically, Popasaangu Fikiri is based on the worldview of indigenous communities that highly value balance, humanity, and social harmony. Justice is understood not as retribution, but as the restoration of honor and social relationships thru three main stages: recognition of wrongdoing, apology and forgiveness, and the reaffirmation of social relationships. The novelty of this research lies in the discovery of a restorative-communal conceptual model for resolving minor criminal offenses by children,

Resumo

Muitos casos de delitos juvenis ocorrem e nem sempre são resolvidos por meio de processos formais. Isso se deve ao fato de que a implementação da justiça restaurativa por meio de desvio, que se esperava que proporcionasse uma solução vantajosa para todos nos níveis da polícia, do Ministério Público e do Judiciário, conforme previsto na Lei de Justiça Criminal Juvenil, ainda não atendeu às expectativas do público. O tipo de pesquisa utilizado na elaboração desta proposta de dissertação é a pesquisa jurídica empírica. A urgência desta pesquisa reside na formulação do conceito de resolução de delitos menores cometidos por crianças dentro do costume Popasaangu Fikiri. Esta pesquisa utiliza o tipo de pesquisa jurídica empírica. Os resultados da pesquisa mostram que, filosoficamente, o Popasaangu Fikiri se baseia na visão de mundo de comunidades indígenas que valorizam muito o equilíbrio, a humanidade e a harmonia social. A justiça é entendida não como retribuição, mas como a restauração da honra e das relações sociais por meio de três etapas principais: reconhecimento da transgressão, pedido de desculpas e perdão, e reafirmação das relações sociais. A novidade



where Popasaangu Fikiri not only serves as a mechanism for customary peace but also as a social recovery legal system that unites moral, social, and legal values within a single customary justice process. This model differs from the concept of restorative justice in the modern juvenile justice system because it emphasizes restoring honor and social balance, rather than simply repairing harm or mediating between the offender and the victim. Thus, Popasaangu Fikiri makes a new conceptual contribution to the development of a customary law-based paradigm for resolving child criminal cases that is humanistic, participatory, and socially just.

Keywords: Customary Law, Popasaangu Fikiri, Juvenile Criminal Offenses, Restorative Justice, Customary Dispute Resolution.

desta pesquisa reside na descoberta de um modelo conceitual restaurativo-comunitário para a resolução de delitos menores cometidos por crianças, no qual o Popasaangu Fikiri não apenas serve como um mecanismo para a paz consuetudinária, mas também como um sistema jurídico de recuperação social que une valores morais, sociais e legais em um único processo de justiça consuetudinária. Este modelo difere do conceito de justiça restaurativa no sistema moderno de justiça juvenil por enfatizar a restauração da honra e do equilíbrio social, em vez de simplesmente reparar o dano ou mediar entre o infrator e a vítima. Assim, o Popasaangu Fikiri oferece uma nova contribuição conceitual para o desenvolvimento de um paradigma baseado no direito consuetudinário para a resolução de casos criminais de menores, que seja humanista, participativo e socialmente justo.

Palavras-chave: Direito Consuetudinário. Popasaangu Fikiri. Delitos Juvenis. Justiça Restaurativa. Resolução Consuetudinária de Conflitos.

1 INTRODUCTION

Crimes involving children are a complex issue that requires a specific approach and must be recovery-oriented. In the context of law in Indonesia, children are often trapped in a justice system that prioritizes punishment. According to data from the Ministry of Women's Empowerment and Child Protection (hereinafter KPPPA), in 2023, there were approximately 1,200 criminal cases involving children, with the majority being minor offenses such as theft, minor assault, and traffic violations. This figure shows that children are not only perpetrators, but also victims of various existing social conditions.¹

Children are an important part of the nation's and country's continuity because they are the nation's successors. Therefore, children must be educated and nurtured from an early age to become a society that is proud of the nation. In Article 28B paragraph 2 of the 1945 Constitution of the Republic of Indonesia (hereinafter the 1945 Constitution), it is stated that "the state guarantees that every child has the right to life, growth, and

¹ Ministry of Women's Empowerment and Child Protection. (2020). Annual Report on Child Protection.

development, and the right to protection from violence and discrimination".² Therefore, as a society that adheres to the law, it is important to prevent children from being involved in violence or falling into evil deeds or actions that deviate from the goals of society.

According to Article 1 of Law of the Republic of Indonesia Number 35 of 2014 concerning Child Protection (hereinafter referred to as the Child Protection Law), "a child is someone who has not reached the age of 18 (eighteen) years, including a child who is still in the womb".³ Child protection efforts must begin early so that children can later participate optimally in the development of the nation and the country. The increasing number of children in conflict with the law, which can harm society, especially Indonesian society, committed by children under 18 years old.⁴ As a result of this misbehavior, which led to a child facing legal consequences and entering a juvenile correctional facility, the concept of resolving juvenile criminal offenses needs to be changed. In other words, the process of resolving cases involving children in conflict with the law should be different or special.⁵

The juvenile justice system aims to curb juvenile delinquency not only by imposing criminal sentences on children but also by focusing on the idea that these punishments help children who commit offenses lead better lives. Article 1, paragraph 3 of the Republic of Indonesia Law Number 11 of 2012 concerning the Child Criminal Justice System (hereinafter referred to as the Child Criminal Justice System Law) stipulates that "A child is a person who is 12 (twelve) years old but has not reached 18 (eighteen) years old who is suspected of committing a criminal act." Based on Article 1, paragraph (6) of the Child Criminal Justice System Law, it is explained that: "Restorative Justice is the resolution of criminal cases involving the perpetrator, victim, and other relevant parties to jointly seek a fair resolution, emphasizing the restoration of the situation to its original state."⁶

Restorative justice in Indonesia has long existed and is deeply rooted in customary law, as Soepomo explains: "For offenses that primarily only harm the interests of the

² Article 28 B paragraph 2 of the 1945 Constitution of the Republic of Indonesia

³ Article 1 of Law of the Republic of Indonesia Number 35 of 2014 concerning Child Protection

⁴ Davies, S. G., & Robson, J. (2016). Juvenile (in)justice: children in conflict with the law in Indonesia. *Asia Pacific Journal on Human Rights and the Law*, 17(1), 119-147

⁵ Renhard Harve, Syafruddin Kalo, Alvi Syahrin, Ediwarman. Synchronization of Laws and Application of Diversion in Children Criminal Laws in Conflict. *International Journal of Criminal Justice Science* Vol 16 Issue 2 July – December 2021. 358-368

⁶ Article 1 paragraph (6) of Law Number 11 of 2012 Concerning the Child Criminal Justice System.

family group or the interests of individuals, without endangering the general legal balance of the village community, legal officials (village heads, judges) will only act if requested by the affected party. In such cases, the affected party is often given the opportunity to reconcile (make peace) with the party that committed the offense. In such cases, the fine money or compensation for damages from the party committing the offense does not go into the state treasury but is given to the affected party or victim”⁷

Based on Article 18 letter b paragraph (2) of the 1945 Constitution, it states: "The state recognizes and respects the unity of customary law communities and their traditional rights as long as they are still alive and in accordance with societal development and the principles of the unitary state of the Republic of Indonesia as regulated by law"

In Governor of Southeast Sulawesi Regulation Number 56 of 2015 concerning Guidelines for Facilitating Community Organizations in the Fields of Culture, Palaces, and Traditional Institutions in the Preservation and Development of Regional Culture in Southeast Sulawesi Province, the existence of traditional institutions throughout Southeast Sulawesi Province has also been regulated. This regulation will certainly serve as a strong foundation for customary institutions in Southeast Sulawesi in carrying out their activities related to customary practices.⁸

Snouck Hurgronje was the first person to introduce the term customary law scientifically in his book titled "De Atjehers," where he used the term "adat recht" (in Dutch) to name a system of social control that existed in Indonesian society.⁹ Next, Van Vollenhoven, an expert in customary law of the Dutch East Indies (before it became Indonesia), developed this term scientifically.¹⁰

The *Popasaangu Fikiri* customary law, which originates from the customary law of the Wolio community in the Buton Sultanate, Baubau City, Southeast Sulawesi Province, emphasizes the values of togetherness, equality, and collective problem-solving.

⁷R. Soepomo, (2007). Chapters on Customary Law (17th edition), Jakarta: Pradnya Paramita, p. 118

⁸ Regulation of the Governor of Southeast Sulawesi Number 56 of 2015 concerning Guidelines for Facilitating Community Organizations in the Fields of Culture, Palaces, and Traditional Institutions in the Preservation and Development of Regional Culture in Southeast Sulawesi Province

⁹Von Benda-Beckmann, F. & von Benda-Beckmann, K. (2011), "Myths and stereotypes about adat law: A reassessment of Van Vollenhoven in the light of current struggles over adat law in Indonesia", *Bijdragen tot de Taal-, Land- en Volkenkunde*. 167(2–3), 167–195.

¹⁰A. Suryaman Mustari Pide, (2014). Customary Law, Past, Present and Future, Jakarta: Kencana, pp. 1-2

This can be a bridge in integrating local values into the existing legal system. In practice, this method can provide a more effective solution in resolving minor criminal offenses by children, by involving all relevant parties, especially traditional leaders, families, communities, and victims. This aligns with the principle of restorative justice, which emphasizes the importance of active participation from all parties in the problem-solving process.¹¹ The *Popasaangu Fikiri* customary law in the Wolio legal community strongly emphasizes a restorative justice approach that focuses on healing and rehabilitation, not just punishment. This approach can help children understand the consequences of their actions and encourage them to be responsible without having to face severe social stigma.¹²

In the process of resolving child criminal offenses, which has been practiced by law enforcement officers for a long time, the general outline is the diversion process, which begins with investigation and inquiry at the police level. After diversion, if a peaceful agreement is not reached, the process will continue to the next stage, whether at the prosecutor's office or at the court level, which of course requires a very long time and significant costs to be borne by the government and all parties involved in a child case, namely the perpetrator and the victim.¹³ Whereas in the *Popasaangu Fikiri* process, the process begins with a report from the perpetrator to the traditional leaders (*sara*). After that, *Sara* will receive and analyze the report, determining whether it can be resolved through the *Popasaangu Fikiri* process. If the analysis shows that the report can be resolved, it will be followed up immediately and completed through the *Popasaangu Fikiri* customary process, involving customary figures such as *Siolimbona*, *Sapati*, *Lakina Agama*, *Kenepulu*, and *Bontoogena*. In the process, it is generally carried out in a closed manner within the *Baruga Adat*, led by *Siolimbona* as the customary decision-maker. The dialog process is based on honesty and openness. This customary process of *Popasaangu Fikiri* begins with listening to the statements from the parties involved in the legal conflict. After that, the *siolimbona* and other customary officials can draw conclusions about the issue being processed. The types of customary conclusions and decisions also vary depending on the decision based

¹¹ Kathleen J. Bergseth, Jeffrey A. Bouffard. The long-term impact of restorative justice programming for juvenile offenders. *Journal of Criminal Justice*, Volume 35, Issue 4, July–August 2007, Pages 433-451

¹² Irianto, S. (2019). *Pluralism and Restorative Justice in Indonesian Legal Practices*. *Journal of Legal Pluralism and Unofficial Law*, 51(3), 245-264

¹³ Zubaedah, S., Tira, A., & Almusawir, A. (2023). Implementation of Diversion on Examining the Process of Children in Conflict with the Law. *Jurnal Ilmiah Peuradeun*, 11(1), 221-236.

on the mutual agreement of all parties.¹⁴ A concrete example of applying *Popasaangu Fikiri* can be seen in the case of theft involving minors in Baubau City.

In that case, the perpetrator and their family reported the incident they experienced to the traditional leaders for facilitation. The customary device called "sara" then receives the report to analyze whether it is suitable for follow-up or not. If it is not suitable for follow-up, the report will not be resolved thru the customary device. However, if it's deemed worthy of follow-up, then traditional leaders, the police, and relevant parties become the intermediaries in bringing the perpetrator and victim together. In short, this process gives the perpetrator the opportunity to apologize and return the stolen goods. Another example of the application of *Popasaangu Fikiri* is in the case of abuse involving a minor that occurred in Baubau City. The process of resolving cases of assault thru customary law is done thru consensus and by imposing a fine on the perpetrator of the assault.¹⁵ Thru this process, the victim feels valued and the perpetrator gets a chance to understand the impact of their actions without having to go thru police investigation or receive a prison sentence that could ruin their future.¹⁶

From the two cases above, it is evident that the *Popasaangu Fikiri* customary law not only benefits the perpetrator but also provides a sense of justice for the victim. Upon closer examination, resolving criminal acts thru *Popasaangu Fikiri*, which has been practiced by the Wolio Indigenous Community, is far more effective, faster, and beneficial compared to the process of resolving juvenile criminal acts thru diversion. Thus, the current increase in criminal offenses committed by children seems to be unable to rely solely on the formal justice system, and it is necessary to seek solutions to the various weaknesses in resolving criminal offenses involving children thru the *Popasaangu Fikiri* process or other customary resolution processes that have long existed and developed within the community.¹⁷ Here is data on child crimes that occurred in Baubau City from 2022 to 2024, as follows:

¹⁴ Interview with Imran Kudus, Wolio Customary Cultural Expert from Baubau City, on November 30, 2024.

¹⁵ Hollander, J. (2020). *Integrating Customary Justice into National Legal Frameworks: Southeast Asian Experiences*. *Asian Journal of Comparative Law*, 15(2), 233–256

¹⁶ Interview with Imran Kudus, Wolio Customary Cultural Expert from Baubau City, on November 30, 2024.

¹⁷ Sulistyowati (2019). "Pluralism and Restorative Justice in Indonesian Legal Practices." *The Journal of Legal Pluralism and Unofficial Law*, 51(3), 245–264.

Table 1*Violence Against Children In 2022*

DATA ELEMENT	UNIT	YEAR 2022
Physical	Violence	7
Psychological	Violence	1
Sexual	Violence	12
Child neglect	Violence	1
Human trafficking	Violence	-
Other	Child Custody	2
TOTAL		23

Data Source: UPTD PPA DP3A Baubau City 2022

Table 2*Violence Against Children In 2023*

DATA ELEMENT	UNIT	YEAR 2023
Physical	Violence	9
Psychological	Violence	-
Sexual	Violence	21
Child neglect	Child neglect	4
Human trafficking	Violence	-
Other	Child Custody	2
	Requesting Legal Assistance	1
TOTAL		37

Data Source: UPTD PPA DP3A Baubau City 2022

Table 3*Violence Against Children In 2024*

ELEMEN DATA	UNIT	YEAR 2024
Physical	Violence	15
Psychological	Violence	2
Sexual	Violence	29
Child neglect	Child neglect	3
Human trafficking	Violence	-
Other	Child Custody	2
	Mediation	2
	Requesting Legal Assistance	1
	Return of the Victims	2
TOTAL		56

Data Source: UPTD PPA DP3A Baubau City 2022

Based on the data above, it shows that many cases of child criminal offenses occur and are not necessarily resolved thru formal processes. This is because the implementation of restorative justice thru diversion, which is expected to provide a win-win solution at the

police, prosecutor's, and court levels as mandated by the Child Criminal Justice Act (SPPA), has not been able to meet public expectations. In reality, the public, whether victims or perpetrators, sometimes feels disadvantaged and that the outcome does not align with their expectations. Furthermore, in practice, one party may renege on the results of the diversion agreement.¹⁸

1.1 Problem statement

Furthermore, in practice, one party may renege on the results of the diversion agreement. The research question in this study is: How is the concept of *Popasaangu Fikiri* custom used in resolving minor crimes committed by children? The purpose of this research is to find answers about the concept of resolving minor criminal acts by children within the *Popasaangu Fikiri* custom.

2 METHODS

This research uses an empirical legal approach to directly examine the practice of resolving child criminal acts thru the *Popasaangu Fikiri* custom in the Wolio community.¹⁹ Research Location This research was conducted in the Wolio traditional community of Baubau City, Southeast Sulawesi Province, because they still actively apply customary law in resolving child cases. Population and Sample,²⁰ the research population includes traditional leaders, law enforcement officers, the UPTD PPA (Child Protection Unit), as well as child perpetrators and victims, with a sample size of 20 people²¹. Types and Sources of Data This research uses primary data from the field and secondary data from relevant legal literature. Data Collection Techniques²², data was collected thru semi-

¹⁸ Susanto, E., & Hidayat, M. (2022). Restorative Justice and the Effectiveness of Diversion in the Indonesian Juvenile Justice System. *International Journal of Law, Crime and Justice*, 70, 101–118.

¹⁹ Johnny Ibrahim and Jonaedi Efendi, Normative and Empirical Legal Research Methods, Depok: Prenadamedia Group, 2016, p. 151.

²⁰ Moleong, Lexy J. 2018. Qualitative Research Methodology. Revised Edition. Bandung: Remaja Rosdakarya. Page 86.

²¹ Sugiyono. 2017. Quantitative, Qualitative, and R&D Research Methods. Bandung: Alfabeta, p. 85

²² Amiruddin dan H. Zainal Asikin, 2010. *Introduction to legal Research Methods*, Raja Grafindo Persada, Jakarta, Hlm 32

structured interviews²³ and document studies²⁴. Data analysis using descriptive qualitative techniques to deeply describe the practices of *Popasaangu Fikiri* in resolving child criminal offenses.²⁵

2.1 Philosophical basis of *Popasaangu Fikiri*

Philosophically, *Popasaangu Fikiri* is based on the worldview of indigenous communities that highly values balance, humanity, and social harmony. In the value system of the Wolio indigenous people and surrounding communities in Buton, justice is not understood as retribution (retributive justice), but rather as an effort to restore social²⁶

This concept positions humans not as objects of law, but as moral subjects bound by social responsibility. The mistake of a child who commits a minor offense is not viewed as a violation that must be punished, but rather as an imbalance in social relations that must be corrected thru customary mechanisms.²⁷ There are three main stages in the implementation of *Popasaangu Fikiri*, namely: (1) *Pokaasaangu* — acknowledgment of wrongdoing by the perpetrator, where the child and their family express regret for the actions taken; (2) *Popasaangu* — the process of apologizing and granting forgiveness between the perpetrator, victim, and family, which is done in the presence of traditional institutions or community leaders. And (3) *Fikiri* — strengthening the mind to restore social relations and shared honor thru customary symbols such as eating together or making peace statements.²⁸ Thus, justice in *Popasaangu Fikiri* is restorative-communal, where healing is not only aimed at the victim and perpetrator, but also the affected community.

²³ S. Arifianto, 2016. *Implementation of the Case Study Research with a Qualitative Approach*, Aswaja Pressindo, Yogyakarta. Hlm 36

²⁴ Lexy J. Moleong, *Qualitative Research Methodology, Edisi Revisi* (Bandung: Remaja Rosdakarya, 2019), hlm. 280.

²⁵ *ibid*

²⁶ Irianto, S. (2019). "Pluralism and Restorative Justice in Indonesian Legal Practices." *The Journal of Legal Pluralism and Unofficial Law*, 51(3), 245–264

²⁷ Zurn, C., & Tadros, V. (2020). "Restorative Justice and the Moral Agency of the Offender." *Philosophy and Public Affairs*, 48(1), 1–33.

²⁸ Braithwaite, J. (2002). *Restorative Justice and Responsive Regulation*. Oxford University Press

3 PHILOSOPHICAL VALUES OF CUSTOMARY JUSTICE

Philosophically, *Popasaangu Fikiri* reflects three dimensions of customary justice values: (a) Moral justice, which is an individual's responsibility toward the values of right and wrong; (b) Social justice, which is the restoration of relationships between members of society to create social harmony; (c) Spiritual justice, which is the restoration of human relationships with noble values or divine norms believed by indigenous communities.

These values are in line with the concept of substantive justice, which emphasizes a balance between rights, obligations, and social honor. In the context of children, this approach rejects the modern legal view that tends to punish and stigmatize child offenders, because for indigenous communities, children are part of a social network that can still be guided, directed, and rehabilitated. As stated by Braithwaite (2002), justice that emphasizes restorative accountability will be more effective in restoring social morality than punitive justice approaches that create distance between the offender and their community.²⁹

4 CONCEPTUAL MODEL OF POPASAANGU'S IDEA IN RESOLVING CHILD CRIMINAL OFFENSES

The main finding of this study is a restorative-communal conceptual model for resolving minor criminal offenses committed by children. This model is based on the customary law practices of *Popasaangu Fikiri*, which has its own legal structure and functions. Conceptually, this model involves three main elements: (1) The perpetrator and their family, as the subjects responsible for moral and social recovery; (2) The victim and their family, as the parties who offer forgiveness and participate in restoring relationships; (3) Traditional institutions or village elders, as facilitators of peace, moral mediators, and guardians of social balance.³⁰

In the process, the child is not positioned as a criminal perpetrator, but rather as part of a social system that needs guidance. This differs from the formal judicial process,

²⁹ *ibid*

³⁰ Daly, K. (2016). What is Restorative Justice? Fresh Answers to a Vexed Question. *Victims & Offenders*, 11(1), 9–29.

which tends to view child offenses as violations against state norms.³¹ Model *Popasaangu Fikiri* also integrates the social and symbolic functions of customary law, for example, by using customary processions such as communal meals or forgiveness rituals to mark the end of conflict. In this context, the resolution doesn't stop at mediation, but achieves social and spiritual reconciliation.³²

5 COMPARISON WITH THE MODERN CONCEPT OF RESTORATIVE JUSTICE

Compared to the concept of restorative justice in the modern juvenile justice system, *Popasaangu Fikiri* has a more communal and spiritual character³³. While restorative justice in modern legal systems is more focused on restoring victims' losses and rehabilitating offenders, *Popasaangu Fikiri* is oriented toward restoring honor and social balance.³⁴

According to Zehr (2015), restorative justice should ideally restore social relationships thru dialog and empathy.³⁵ However, *Popasaangu Fikiri* went further by also affirming the sacred value of human and community relationships based on customs and spirituality.³⁶ Justice in customary law not only resolves conflicts rationally but also involves emotional and moral dimensions³⁷. In the customary system, a child who makes a mistake is restored thru the involvement of the extended family and community, not thru the state's legal apparatus.³⁸ This aligns with the theory of communitarian justice proposed

³¹ Zinsstag, E., & Vanfraechem, I. (2012). Restorative Justice and Youth: The Need for a Child-Centered Approach. *European Journal of Criminology*, 9(6), 623–640

³² Hollander, J. (2020). Integrating Customary Justice into National Legal Frameworks: Southeast Asian Experiences. *Asian Journal of Comparative Law*, 15(2), 233–256

³³ Kurniawan, A. (2025). Restorative Justice And Customary Law Studies In Juvenile Cases: Why Should Indonesia Learn From Various Countries?. *Lex localis-Journal of Local Self-Government*, 23(5), 2843-2853

³⁴ Widjajanto, A., Astawa, I. G. P., & Rulyandi, M. (2025). Decolonising restorative justice in Indonesia: a comparative study across Customary Law traditions. *Legality: Jurnal Ilmiah Hukum*, 33(2), 470-492.

³⁵ Howard Zehr, *The Little Book of Restorative Justice*, Good Books, 2015

³⁶ Huma, A. (2015). Customary Law and Restorative Justice: Indigenous Perspectives from Eastern Indonesia. *Journal of Southeast Asian Studies*, 46(4), 586–603.

³⁷ Bedner, A., & van Huis, S. (2010). Plurality of Law and the Problem of Justice in Indonesia. *Asian Journal of Law and Society*, 1(2), 185–204

³⁸ Zurbuchen, M. (2018). Law, Morality and Community in Indonesian Adat Practices. *Bijdragen tot de Taal-, Land- en Volkenkunde (BKJ)*, 174(2–3), 178–203.

by John Braithwaite (2002), which states that the local community plays a central role in shaping social morality and reintegrating offenders.³⁹

6 NOVELTY OF THE RESEARCH

The novelty of this research lies in the discovery of a conceptual model for resolving minor crimes committed by children based on the restorative-communal *Popasaangu Fikiri* customary law. This model shows that customary law is not merely a cultural heritage, but also a living legal system that remains relevant and effective in the context of child justice enforcement.⁴⁰ In the context of national legal development, these findings enrich the discourse on integration between customary law and the formal legal system, as proposed by Hooker (1978) that customary law should be recognized as a living normative system that functions autonomously within society.⁴¹

Additionally, *Popasaangu Fikiri* offers an alternative approach to child criminology, which does not focus on punishment, but on moral and social rehabilitation. This approach aligns with the restorative juvenile justice paradigm recognized by the UN thru the Beijing Rules (1985) and the UN Convention on the Rights of the Child (1989). Thus, the novelty of this research is not only at the local level, but also makes a global conceptual contribution to the development of restorative justice theory based on local culture.

Conceptual and Practical Implications The findings of this study have significant implications for the development of child criminal law in Indonesia, namely: (1) *Popasaangu Fikiri* can be used as an alternative model for resolving child cases outside of court (diversion) that is more in line with the human and social values of the Indonesian nation. (2) This finding shows that the integration of customary law and state law can create a more contextual and participatory justice system. (3) This model also supports the implementation of Law Number 11 of 2012 concerning the Child Criminal Justice System (SPPA), particularly in the implementation of the diversion principle, which is oriented toward the best interests of the child.

³⁹ Braithwaite, *Restorative Justice and Responsive Regulation*, hlm. 55–60

⁴⁰ Daly, K. (2008). Restorative Justice and Youth Justice: Where Next? *Youth Justice*, 8(3), 215–228.

⁴¹ M.B. Hooker, *Adat Law in Modern Indonesia*, Oxford University Press, 1978

Overall, *Popasaangu Fikiri* is a customary law system that is alive and functioning within the Wolio community as a mechanism for resolving social conflicts, emphasizing restoration, balance, and honor. This research confirms that customary values such as *Popasaangu Fikiri* can play a significant role in building a humanistic, participatory, and socially just child justice system, while also enriching the academic discourse on the integration of customary law within national and global legal frameworks.

7 CONCLUSION

The research findings indicate that philosophically, *Popasaangu Fikiri* is based on the worldview of indigenous communities that highly values balance, humanity, and social harmony. Justice is understood not as retribution, but as the restoration of honor and social relationships thru three main stages: acknowledging wrongdoing (*pokaasaangu*), apologizing and forgiving (*popasaangu*), and reaffirming social relationships (*fikiri*). The novelty of this research lies in the discovery of a restorative-communal conceptual model for resolving minor crimes committed by children, where *Popasaangu Fikiri* not only serves as a mechanism for customary peace but also as a system of social recovery law that unites moral, social, and legal values within a single customary justice process. This model differs from the concept of restorative justice in the modern juvenile justice system because it emphasizes restoring honor and social balance, rather than simply repairing harm or mediating between the offender and the victim. Thus, *Popasaangu Fikiri* provides a new conceptual contribution to the development of a customary law-based paradigm for resolving child criminal cases that is humanistic, participatory, and socially just.

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Authors’ Contribution

All authors contributed equally to the development of this article.

Data availability

All datasets relevant to this study’s findings are fully available within the article.

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