

Reconstruction of the Mediation Model in the Resolution of Customary Law Disputes as an Effort to Integrate it into the National Legal System

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Abstract. *The diversity of customary law in Indonesia reflects the reality of legal pluralism that exists within society. However, the existence of customary mediation mechanisms as a means of dispute resolution is often overlooked in the national legal system, which is oriented towards formal legality. This shows the imbalance between living law and positive law. This study uses a normative juridical method with a conceptual, legislative, and case-based approach to examine the position of customary mediation law in the national legal system and to formulate an ideal model of customary mediation that can be accommodated legally and harmoniously. The results of the study show that philosophically and constitutionally, customary law has strong legitimacy as recognized in Article 18B paragraph (2) of the 1945 Constitution and Article 2 of the 2023 Criminal Code concerning living law in society. Empirically, customary mediation models in various regions such as Aceh and Kalimantan are capable of delivering restorative, participatory, and humanistic justice, despite facing the challenges of modernization and the principle of legality. Therefore, the integration of customary mediation into the national legal system needs to be realized through the strengthening of customary institutions and normative regulations that guarantee equal rights and legal certainty. Customary mediation should ideally become a model of restorative justice unique to Indonesia, rooted in cultural values and the principle of deliberation to reach consensus.*

Keywords: *Customary Law; Customary Mediation; Integration of the National Legal System; Living Law; Restorative Justice.*

1. Introduction

The mediation model in the settlement of customary law disputes in Indonesia reflects the diversity of legal systems that exist and develop within society. This diversity is a consequence of the social and cultural plurality inherent in the structure of Indonesian society as an archipelagic nation. Cornelis van Vollenhoven even identified 19 customary law environments spread from Sabang to Merauke, each with its own characteristics,

principles of justice, and dispute resolution mechanisms. This diversity shows that customary law not only functions as a traditional system of norms, but also as a reflection of local values that regulate social relations, maintain balance, and restore harmony within the community. (Sumiaty Adelina Hutabarat et al; 2024).

Mediation is a dispute resolution mechanism that involves a neutral third party acting as a facilitator to help the parties reach an amicable agreement. (Siti Aminatus Sa'diyah, Anis Fitria, and Samsul Huda; 2025). This process emphasizes communication and compromise, rather than victory or defeat, so that the results achieved reflect mutually agreed fairness. Time efficiency, cost efficiency, and emotional satisfaction are the main advantages of mediation compared to formal litigation, which is rigid and punishment-oriented. Historically, the principle of mediation has long been known and practiced in various social structures, including in the customary legal system in the archipelago, which upholds the values of deliberation and fair resolution. (Siti Nur Umariyah Febriyanti and Widya Kusuma Ningasih; 2024). Thus, mediation is not a foreign concept imported from modern legal systems, but rather part of the roots of dispute resolution traditions that are deeply embedded in Indonesian legal culture.

The history of legal development in Indonesia shows that many legal experts consider customary law to be a living law system and an integral part of the social dynamics of society. Cornelis van Vollenhoven, one of the important figures in the study of customary law, emphasized that anyone who wants to understand truly living law in the world must look at the entire body of law in the Dutch East Indies (now Indonesia) as an inexhaustible source of study. (Kartika Dewi Irianto et al; 2005). This view confirms that legal pluralism is a reality that cannot be separated from the identity of the Indonesian nation. Customary law coexists with state law and religious law, forming a legal structure that is pluralistic and dynamic. (Mohammad hikmal akbar, Lubabin Nawwal Muhammad, and Najwa Faridillah; 2025). Therefore, a comprehensive understanding of Indonesian law cannot be achieved through a formal normative approach alone, but must also take into account the social, cultural, and value dimensions that have developed within indigenous communities as part of the national legal system.

The idea in living law theory emphasizes that law is not only understood as a collection of written norms, but also as a reflection of values, customs, and legal awareness that exist within society. (Saipul Rohman, Nurita Singalodra, and Dinar Ayudya Maharani; 2017). Therefore, in the process of forming legislation, it is important for the state to consider social norms and local wisdom so that the resulting laws are not disconnected from the sociological reality of society. When a law is implemented without regard for existing values, the potential for social resistance and noncompliance with the law becomes inevitable. In Indonesia, living law is manifested in the customary law system that has grown out of the customs and social practices of local communities, and is an expression of the nation's legal identity based on deliberation, balance, and communal justicel. (Rahmah, Mustar, and Surya Sukti; 2025).

Customary law is a law that lives within society because it is born, grows, and is maintained by indigenous communities through customs and values that they believe to be guidelines for justice. It does not depend on formal recognition by the state, but derives its social legitimacy from the acceptance of the community itself. Within this framework, the mechanism of dispute resolution through customary mediation is a concrete manifestation of living law in Indonesia. Customary mediation not only serves

as a means of conflict resolution, but also as a mechanism for restoring social relationships that have been damaged by disputes, with an emphasis on deliberation, balance, and harmony. Thus, the existence of customary mediation is not merely a cultural heritage, but part of a legal system that is alive and continues to adapt to social changes without losing its local values.

In the practice of law enforcement in Indonesia, the existence of customary law mediation has not yet received adequate recognition and protection in the national legal system. Customary-based dispute resolution mechanisms are often positioned as non-formal alternatives that have no binding legal force, even though they have proven effective in maintaining social harmony at the community level. This situation highlights the gap between the constitutional recognition of customary law communities as stipulated in Article 18B paragraph (2) and the principle of the rule of law in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, and the normative reality and legal practices that prevail. As a result, the values of communal justice that form the basis of customary mediation have not been fully accommodated in the national legal system, which is still oriented towards a formalistic and positivistic approach. This situation underscores the need to reconstruct the customary mediation model so that it has legal legitimacy while strengthening the inclusive and responsive nature of national law to legal plurality in Indonesia.

The customary mediation model is a dispute resolution mechanism implemented by indigenous peoples based on values, norms, and social structures that are deeply rooted in their traditions. The customary mediation process is oriented towards restoring social relations and community balance, rather than the logic of punishment as commonly applied in positive law systems. This characteristic makes customary mediation a tangible manifestation of living law that grows from local wisdom values and the community's worldview, which places harmony as the highest goal of justice. In practice, Indonesian customary law communities apply a kinship system that does not distinguish between civil and public law, because customary law does not recognize the dichotomous separation found in Western legal systems. Therefore, customary mediation is not only used to resolve civil disputes, but is also applied to issues related to the public interest, as long as it can maintain social balance and a sense of justice within the community.

Customary law communities generally prefer customary mediation mechanisms because the process is considered more accessible, faster, and lower in cost than resolution through the state court system. (Yusna Wulan Sari; 2025). This effectiveness is reflected, for example, in a murder case in Palangkaraya, Central Kalimantan, which was successfully resolved through customary mechanisms in just three weeks, while through the formal court process it would likely have taken much longer. This success shows that the normative system and social structure of customary law communities are highly flexible and adaptable to evolving social dynamics. Customary mediation also emphasizes a restorative approach that seeks not only legal resolution but also the restoration of social relations and community balance. However, customary mediation practices are not without their weaknesses, one of which is "bias against women," where the position of women in the mediation process is often overlooked or subordinated to that of men. This phenomenon poses a challenge for the development of a more gender-equitable model of customary mediation without eliminating the local wisdom values that form the foundation of the customary law system itself.

Based on various case studies, the application of the customary mediation model shows a number of positive aspects that strengthen the sustainability of the social function of customary law in society, namely as follows:

1. In the customary mediation process, the Village Peace Judge generally plays an active role in uncovering facts and seeking advice from customary elders before making a decision. This participatory approach ensures that decisions reached through consensus can be accepted by all parties to the dispute and provide collective satisfaction for the community.
2. The implementation of customary sanctions involves both parties, the perpetrator and the victim, thereby creating space for tolerance, shared responsibility, and the restoration of social relations.
3. An atmosphere of harmony and peace between the parties can be restored, while the social integration of the community is maintained. These values show that customary mediation not only functions as an instrument for dispute resolution, but also as a mechanism for maintaining social cohesion and strengthening communal justice in customary law communities.

Mediation in the settlement of customary law disputes is a form of non-litigation settlement conducted outside the general court system, based on the norms and procedures of customary law applicable in each region. (Ratna Wulandari et al; 2024). This mechanism can be applied to both civil and criminal disputes, because the customary law system does not recognize a clear distinction between the two. The customary mediation model differs fundamentally from the mediation system in Western law, which is oriented towards imposing sanctions and deterrence. In the perspective of customary law, the main objective of mediation is not to punish the perpetrator, but to restore social balance and improve relations between citizens through deliberation and consensus. This principle is in line with the mandate of Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which affirms the recognition and respect for customary law communities and their traditional rights, as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia. Based on this framework, this study aims to examine the position of customary mediation law in the national legal system, as well as the ideal model of customary mediation so that it can be accommodated legally and harmoniously in the national legal system. The urgency of this study lies in the need to create a legal system that is more responsive to cultural values and kinship relations, so that dispute resolution is not only fast and efficient, but also capable of providing a sense of authentic justice for the community.

2. Research Methods

This study uses a normative legal research method, which is legal research that focuses on written legal norms as its object of study. According to Soerjono Soekanto, normative legal research is intended to examine law as a norm or rule that is alive and applicable in society, not as the actual behavior of society itself. In line with Peter Mahmud Marzuki's opinion, normative legal research is conducted to discover legal principles, doctrines, and synchronization between laws and regulations, thereby producing prescriptive and systematic legal arguments. Thus, this approach is relevant for analyzing the legal

position of customary mediation and the opportunities for its integration into the national legal system.

This study uses several approaches, namely the conceptual approach, the legislative approach, and the case approach. The conceptual approach is used to examine basic concepts regarding mediation, customary law, legal pluralism, and dispute resolution in the context of the Indonesian legal system. (Pupu Sriwulan Sumaya; 2025). The legislative approach is carried out by examining the positive legal norms that regulate mediation and the recognition of customary law communities as stipulated in the 1945 Constitution and its various derivative regulations. Meanwhile, the case approach is used to analyze the practice of dispute resolution through customary mediation in various regions as well as several relevant court decisions, in order to understand how customary law is applied in reality and the extent of its implications for the national legal system.

3. Results and Discussion

3.1. Legal Basis and Legitimacy of Customary Mediation in the National Legal System

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia affirms that Indonesia is a state based on the rule of law (*rechtstaat*), a principle that places the law as the highest foundation in the administration of state power. This concept not only presupposes the existence of written regulations, but also demands substantive justice that is alive in society. According to Wiryono, a constitutional state is a system in which the government and all state administrators are obliged to exercise their authority based on applicable law, not on the basis of power or political interests. (Frans Samuel Junero Butarbutar and Irwan Triadi; 2024). Pandangan ini menjadi penting ketika dikaitkan dengan eksistensi hukum adat, sebab This view is important when linked to the existence of customary law, because the Indonesian constitutional state cannot be interpreted narrowly as a legal system that only originates from legislation, but must also include laws that are alive and recognized by society. Thus, the existence of customary law, including the mediation mechanism within it, is part of the realization of the principle of a pluralistic and socially just rule of law.

Indonesia is a pluralistic country governed by the rule of law, with customary law occupying an important position as a living and recognized legal system alongside national law. The existence of customary law shows that the principle of *rechtstaat* in Indonesia is not monolithic, but rather open to local values and norms that have developed within society. (Dian Kemala Dewi; 2025). Cornelis van Vollenhoven, a Dutch legal expert who extensively researched the legal system in the archipelago, identified at least 19 customary law environments spread from Aceh to West Java. These nineteen regions include: (Fenny Bintarawati; 2024).

1. Aceh.
2. Gayo, Alas dan Batak.
3. Minangkabau

4. Sumatra Selatan.
5. Melayu.
6. Bangka dan Belitung.
7. Kalimantan.
8. Minahasa
9. Gorontalo
10. Toraja.
11. Sulawesi Selatan.
12. Ternate.
13. Ambon'
14. Timor.
15. Irian Jaya (papua)
16. Bali dan Lombok.
17. Jawa.
18. Yogyakarta.
19. Jawa Barat,

This classification shows how diverse customary law structures in Indonesia are, growing out of the social and cultural contexts of each region. This diversity also confirms that the national legal system must be able to accommodate this plurality as part of the dynamic character of Indonesian law, which is rooted in local values. Constitutionally, the existence of customary law is strongly legitimized in the 1945 Constitution of the Republic of Indonesia. Article 1 of the Transitional Provisions of the Fourth Amendment states that all existing laws and regulations remain in force until they are replaced by new ones. This provision affirms the principle of legal continuity, including the validity of customary law, which philosophically, juridically, and sociologically is still alive in society, especially in rural areas. Furthermore, Article 18B paragraph (2) of the 1945 Constitution emphasizes that the state recognizes and respects customary law communities and their traditional rights, as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia. These two articles show that recognition of customary law is not merely a form of cultural tolerance, but rather a constitutional mandate that requires the state to place customary law as an integral part of the national legal system.

Customary law is formed and structured on the basis of values, rules, and norms that are agreed upon and believed to be true by indigenous communities. Its validity does not stem from written laws, but rather from a living legal consciousness that has been practiced for generations. In dispute resolution, the pattern of customary mediation reflects the family-oriented and socially balanced nature that characterizes the customary legal system in Indonesia. Unlike the Western legal system, which makes a clear distinction between public and private law, customary law does not recognize such a distinction because it views every dispute as a social issue that affects the harmony of the community as a whole. Therefore, customary mediation is not only applied in civil cases, but also in criminal or public matters as long as the goal is to restore social relations and restore balance in the community.

For customary law communities, the preference for customary mediation mechanisms is largely due to their accessibility, speed, and low cost compared to state courts, which tend to be formal and complicated. (Abdian Berkat Ndraha et al; 2024). The non-formal and participatory nature of the customary justice system makes mediation an effective means of achieving substantive justice, rather than merely procedural justice. Thus, the customary mediation model not only functions as an instrument for dispute resolution, but also as a means of preserving social values and local legal identities within an increasingly modern national legal system.

The example of the resolution of a murder case in Palangkaraya, which was claimed to have been resolved through customary mechanisms within three weeks, provides a strong illustration of the practical advantages of customary mediation: speed, affordability, and the ability to mobilize local authorities to immediately defuse conflicts. These advantages are not merely administrative benefits; sociologically, they demonstrate the capacity of customary law to respond quickly to the need to restore damaged social relations, something that is often not achieved by lengthy and adversarial formal litigation processes. From the perspective of living law theory, this case reflects how non-formal norms can generate high social legitimacy: customary decisions gain compliance not because of state sanctions, but because of collective acceptance that affirms communal bonds.

Critical analysis requires attention to the legal consequences and human rights that may be displaced by such non-litigation approaches. The speed and flexibility of customary mediation often go hand in hand with reduced formal legal certainty. For example, is there adequate documentation, an appeal mechanism, or procedural protection for defendants and victims? In serious criminal cases such as murder, out-of-court settlements can create a dilemma between restorative goals (restoring harmony) and the need for public accountability, deterrence, and enforcement of criminal norms, which are the domain of state law. Without clear oversight mechanisms or formal recognition, there is a risk of impunity or inconsistency in sanctions between communities, which in turn can undermine the principle of equality before the law, a pillar of the rule of law.

Concrete structural weaknesses need to be analyzed further: first, the absence of evidentiary standards and procedures can reduce protection for victims (e.g., the right to a fair trial, the right to proportional reparations); second, the plurality of norms that are not synchronized with national law opens up opportunities for conflicts of norms that are difficult to resolve without reconciliation guidelines; third, the influence of local politics or the dominance of certain groups (e.g., traditional elders or extended families)

can affect the independence of the mediation process. All these weaknesses indicate that customary flexibility is not always synonymous with substantive justice if it is not balanced by guarantees of rights and normative integration mechanisms.

The issue of bias against women requires special attention and gender-sensitive studies. This bias appears in various forms of subordination of women's voices in deliberative forums on "compensation" that place the value of women merely as commodities or sanction practices that reproduce gender stereotypes and reject the involvement of women as decision makers. As a result, customary mediation has the potential to reproduce broader social inequalities, so that settlements that appear to "satisfy the community" may actually neglect women's rights, such as the right to security, dignity, and genuine reparations. Therefore, any effort to integrate customary mediation into the national legal system must include an explicit gender protection framework with minimum procedural standards that guarantee equal participation, accessibility of legal assistance for female victims, and independent monitoring of mediation outcomes.

In practical terms, reconstructing a sustainable customary mediation model requires a hybrid design that considers two things simultaneously: (1) maintaining the restorative values and local capacity of customary mediation; and (2) installing legal safeguards that ensure accountability, gender equality, and legal certainty. The choice of instruments may include, among others, mapping customary norms that conflict with human rights, developing minimum procedural guidelines (e.g., consent, documentation, administrative appeal rights), conditional legal recognition of mediation decisions with the requirement that human rights protections are fulfilled, and strengthening the capacity of customary institutions and state apparatus for facilitation and supervision. This approach allows customary mediation to continue to function as a responsive living law, without sacrificing the fundamental principles of the rule of law and protection of vulnerable groups, especially women.

From various case studies of dispute resolution through customary mechanisms, it appears that village peace practices have a number of positive implications for social cohesion in the community. One notable aspect is the active role of village peace judges in the dispute resolution process. Unlike judges in the formal court system, who are passive and wait for the parties to present their evidence (Arief Satrya Budianto, Ika Fransisca, and Dave David Tedjokusumo; 2024). customary judges proactively uncover facts, seek advice from elders, and guide the parties toward a peaceful agreement. This approach positions judges not merely as decision-makers, but as facilitators of social reconciliation who serve to restore relationships between community members.

In addition, the implementation of customary sanctions also has a high participatory dimension because it involves the disputing parties. This involvement not only strengthens a sense of shared responsibility for the consequences of the conflict, but also fosters values of tolerance and social solidarity. Customary sanctions are not merely a form of retribution, but a symbolic means of restoring moral and social balance that has been disrupted. In this regard, customary mediation has a normative advantage because it emphasizes communal justice and the restoration of social relations rather than retributive justice as espoused in positive law.

The harmonious and peaceful atmosphere created through traditional mediation not only marks the end of conflict, but also reflects the indigenous community's view of human

nature and justice. Moch. Koesnoe, as quoted by Syahrizal Abbas, explains that the indigenous community's view of life is based on the philosophy that humans are social beings whose existence is inseparable from their community. Humans are not seen as individuals who stand alone, but as an integral part of communal life. In this perspective, relationships between individuals are not solely governed by personal rights and obligations, but by balance and collective responsibility towards the community. This then gives rise to a view of togetherness as the basis of social order and customary law.

Soepomo, in a similar view quoted by Syahrizal Abbas, asserts that customary law is an embodiment of the people's sense of justice, a direct reflection of the moral and cultural consciousness that exists within society. Customary law, therefore, does not arise from the will of the rulers or formal institutions, but from social interactions and values that are considered right and just by the community itself. From this perspective, customary law not only functions as a tool for regulating behavior, but also as an expression of culture and a means of maintaining social harmony. Upon further analysis, the thoughts of Koesnoe and Soepomo emphasize that the concept of justice in customary law is communal and restorative in nature, rather than individual and retributive as in modern law. Justice is understood not as retribution for violations, but as an effort to restore balance and disrupted social relationships. his view shows that customary law has a strong philosophical basis to support the modern legal paradigm oriented towards social justice and peaceful conflict resolution (restorative justice).

The communal lifestyle that characterizes indigenous communities shows that all humans are essentially equal. There are no social status differences that substantively distinguish a person's value and dignity in the eyes of their community. This equality forms the moral basis for the resolution of customary disputes, which always uphold the principle of "sitting equally low, standing equally high, carrying heavy burdens equally, and carrying light burdens equally. This expression is not merely a customary proverb, but a manifestation of the indigenous community's worldview of justice, namely that dispute resolution must produce a new balance without creating losers or marginalized parties.

This philosophy represents the concept of communal justice, which is a form of justice that is not only oriented towards individuals, but also towards restoring social harmony within the community. Justice is not measured by legal certainty or formal sanctions, but by the ability of customary settlement mechanisms to restore balance in the relationships between members of the community. In this case, traditional elders do not act as "judges" in the sense of state courts, but rather as guardians of social and moral order who ensure that the results of mediation are accepted by all parties voluntarily and without feeling aggrieved. Analytically, this concept of communal justice challenges the modern legal paradigm, which tends to be individualistic and retributive. While positive law focuses on violations of abstract state norms, customary law focuses on concrete social fractures within the community. This means that customary justice is more relational than institutional; its ultimate goal is not punishment, but reconciliation. Within the framework of developing a national legal system, this understanding is important because it shows that local values of justice can contribute to legal reform towards a more humanistic, participatory model that is rooted in the social reality of Indonesian society.

The concept of mediation within the framework of customary law places traditional elders as central figures in dispute resolution, particularly for minor cases that do not need to be brought before the state courts. The role of traditional elders is not merely as mediators, but as guardians of moral values and social balance within the community. The momentum to strengthen customary justice mechanisms should be welcomed positively, as it shows that the customary legal system is still alive and functioning effectively as a means of resolving social conflicts outside the state structure. This continuity confirms that living law is not merely a theoretical concept, but a reality that continues to make a real contribution to justice at the community level.

One concrete example can be found in Jambi custom, which adheres to the principle of “Adat bersendi syarak, syarak bersendi Kitabullah” (Custom is based on religious law, religious law is based on the Holy Book). This principle affirms the harmonization between customary norms and religious values in dispute resolution, which makes customary law oriented not only towards social peace, but also towards moral and spiritual justice. Traditional expressions such as “adat yang tak lapuk kena hujan, tak lekang kena panas” (customs that are not damaged by rain or heat) describe the resilience of customary law, which is able to adapt to changing times without losing its identity. In Jambi Province, these values are institutionalized through the Malay Customary Institution (LAM), which plays an active role in mediating various social conflicts and maintaining the continuity of local legal traditions amid the modernization of the national legal system. (Ike Rosdiana et al; 2024).

Conceptually, the existence and vitality of customary mediation has strategic implications for legal reform in Indonesia. It proves that value-based dispute resolution can go hand in hand with the principles of the rule of law, as long as it is regulated within a framework that respects human rights and gender equality. Customary mediation also teaches that true justice is not always achieved through formal mechanisms, but rather through deliberation to reach consensus that prioritizes the restoration of social relations. Therefore, the integration of customary mediation into the national legal system is not merely a preservation of tradition, but a reconstructive step towards a more humanistic, inclusive legal system rooted in the nation's own culture.

3.2. The Customary Mediation Model as an Instrument of Restorative Justice in Indonesia

The mediation patterns applied in customary law communities are highly dependent on the value systems and social structures that apply in each community. Each region has different characteristics and mechanisms for resolving disputes, in line with its cultural characteristics and belief systems. In Aceh, for example, there is a pattern of dispute resolution known as Adat Gampong, which is rooted in the principles of Islamic law and derived from the Qur'an and Hadith. (Tasrizal Tasrizal and Mahdi Mahdi; 2024). These values are translated into the context of community life through a process of internalization called adat laot, adat mukim, or adat meunasah, in which every level of society plays a role in maintaining social harmony.

The customary mediation model in Aceh demonstrates the syncretism of religious norms and customary law. Although there is a textual shift between Islamic Sharia teachings and customary dispute resolution practices, this cannot be viewed as a form of deviation. Instead, these differences reflect a process of adaptation and local interpretation of

Islamic principles to align with the social and cultural structure of Acehese society. Thus, traditional mediation in Aceh is not merely the application of religious norms, but an expression of living law that transforms according to its social context. Dispute resolution patterns such as Diet, Sayam, Suloh, and Pumat Jaroe are concrete forms of local legal wisdom that have been passed down from generation to generation. (Muhammad Iqbal, Muksalmina Muksalmina, and Radhali Radhali; 2025). Each contains moral and spiritual values that emphasize balance, peace, and social responsibility. In national law, this practice proves that customary mediation serves as a bridge between religious law, state law, and local culture, while also demonstrating the potential of customary law as a basis for strengthening restorative justice models in Indonesia. The various patterns of dispute resolution that exist in the customary law community of Aceh, such as Diet, Sayam, Suloh, and Pumat Jaroe, actually reflect the community's efforts to adapt Islamic sharia norms to their social reality. Among these patterns, Diet occupies an important position because historically and conceptually it is directly rooted in Islamic law teachings on Diyat, which is a mechanism for providing compensation as a form of peaceful settlement for criminal acts that cause loss of life or injury to a person. The reinterpretation of the concept of Diyat in Acehese customary law shows how religious norms are transformed into living social laws that are accepted by the community.

The concept of Diyet (or Diyyat) in Islamic legal tradition comes from the Arabic word *dayn*, which means compensation or replacement for the loss of life or injury to a person's body, given to the victim's heirs. In Islamic criminal law (*jinayah*), diyet serves as an alternative to *qishas* (retaliation), allowing for peaceful resolution through the provision of material compensation. The basic principle is affirmed in the Qur'an, Surah An-Nisa, verse (92) and reinforced by a number of hadiths of the Prophet Muhammad SAW that provide room for forgiveness by the victim's family. Thus, diyet is not only a form of punishment, but also a mechanism for social reconciliation that places justice and compassion above mere retribution.

In Acehese customary law, the concept of diyet undergoes a process of localization through interpretation and application that is adapted to the local social structure and value system. The indigenous people of Aceh do not simply copy Sharia norms verbatim, but interpret them through social mechanisms known in the Adat Gampong system, where the settlement of minor and serious criminal cases often involves traditional leaders, religious scholars, and the victim's family to seek an amicable agreement. In practice, diyet is interpreted not only as material compensation, but also as a means of restoring honor, feelings, and social relations between families in conflict. This approach shows that Acehese customary law adopts the essence of Islamic justice, which is restorative and participatory in nature, rather than retributive. The shift in the meaning of diyet from an individual sanction to a social mechanism is a manifestation of living law in Acehese society, which is able to combine theological and local cultural values. From a national legal perspective, this practice has important value for the development of a restorative justice-based dispute resolution model, as it prioritizes the restoration of social relations and moral balance without negating the principle of legal responsibility.

The concept of dispute resolution in Acehese customary law reveals a complex and systematic legal structure, in which each mediation pattern contains its own philosophical, social, and justice dimensions. One of the most interesting forms is Sayam, which represents the logic of moral and material compensation in the settlement of cases of violence or abuse. (Andri Andri; 2024). The principle of "luka ta sifat, darah ta sukat"

(wounds are not measured, blood is not measured) is not merely a calculation of physical losses, but a symbol of the restoration of human dignity and social responsibility for violations of humanitarian norms. Through this mechanism, the indigenous people of Aceh assert that true justice is not found in retribution, but in reconciliation that restores social balance. Thus, Sayam became a concrete form of community-based restorative justice, long before the concept became popular in modern legal systems.

Meanwhile, Suloh demonstrates a more rational and deliberative dimension of justice. As a model of reconciliation in civil cases such as land disputes or territorial boundaries, this pattern places dialogue and consensus at the heart of the resolution. The absence of animal sacrifice rituals indicates Suloh's orientation towards social balance rather than symbolic restoration. Conceptually, Suloh reflects the application of legal egalitarianism in indigenous societies, where all parties are positioned equally without domination of power, and decisions are made through deliberation and consensus as an expression of the moral sovereignty of the community. Meanwhile, the Pumat Jaroe stage concludes the entire mediation process with a symbol of peace that is rich in spiritual and social meaning. The act of shaking hands between the perpetrator and the victim, or between their families, is not merely a formal gesture, but a form of ritual purification that cleanses the soul, erases resentment, and restores the social legitimacy of both parties. Within the framework of legal theory, Pumat Jaroe affirms the function of customary law as a mechanism for social reconciliation, where peace is not the result of coercion, but is born of collective moral consciousness.

The strength of traditional mediation is now facing serious pressure from rapid social transformation. Shifting values due to modernization, the weakening role of traditional elders, and the dominance of the positive law paradigm have caused traditional mediation practices to lose their authority in some communities. The case in Gampong Paya Gaboh, Aceh, shows that traditional dispute resolution is increasingly hampered by changes in social structure and a lack of institutional support. This situation shows that the reintegration of traditional mediation into the national legal system requires a two-pronged strategy of strengthening traditional institutions to remain relevant to the needs of modern society, as well as formal legal recognition of the results of traditional mediation as a legitimate part of the dispute resolution mechanism in Indonesia.

A similar phenomenon can also be seen among the Dayak Hibun indigenous community in Kalimantan, where the implementation of customary mediation in dispute resolution still faces various legal and structural obstacles. One of the fundamental problems lies in the application of the principle of legality in Indonesian criminal law, which has always placed written law as the sole basis for law enforcement. This principle, which is rooted in the European continental civil law tradition, indirectly excludes customary law from the national legal praxis, as customary law is considered to not meet the standards of codification and formal legal certainty. As a result, dispute resolution through customary mediation in many local communities has lost its legal legitimacy, even though it remains socially effective in maintaining order and justice in the community.

The development of the new Criminal Code (KUHP) in 2023 brings significant changes to the position of customary law in the national legal system. Article 2 paragraphs (1) and (2) of the Criminal Code emphasize that "laws that exist within society" remain valid as long as they are not regulated in this law. This formulation represents a paradigm shift from legal positivism towards recognition of legal pluralism rooted in local values.

Thus, customary law, including customary mediation mechanisms, now has a clearer legal basis for recognition and application, as long as it complies with the principles of justice, equality, and humanity as enshrined in Pancasila and the 1945 Constitution.

This change in orientation shows that national law is beginning to open up to a restorative justice approach based on local values. Traditional mediation, which has long existed in society as a mechanism for restoring social relations, now has the potential to become a legitimate and fair alternative model for dispute resolution. The essence of customary mediation, which emphasizes deliberation, restoration of balance, and collective moral responsibility, is in line with the spirit of criminal law reform that prioritizes humanity over retribution. Therefore, strengthening the position of traditional mediation in the national legal system is not only a form of recognition of local wisdom, but also a strategic step towards building an Indonesian model of restorative justice, rooted in the nation's culture of mutual cooperation and communal justice values.

4. Conclusion

The legal position of customary mediation in Indonesia's national legal system is now gaining stronger legitimacy, philosophically, legally, and sociologically. Constitutionally, recognition of customary law is enshrined in Article 18B paragraph (2) of the 1945 Constitution, which affirms that the state respects the unity of customary law communities and their rights as long as they are still alive and in accordance with the principles of the Unitary State of the Republic of Indonesia. This reinforcement then finds its juridical form in Article 2 of the 2023 Criminal Code, which recognizes the validity of the laws that exist within society. On this basis, customary mediation is no longer merely a cultural practice, but has become a legitimate part of the national legal system as a non-litigious dispute resolution mechanism that reflects the living law of the Indonesian people. Sociologically, the existence of customary mediation has proven to be effective in maintaining social harmony, resolving conflicts at low cost, and upholding substantive justice that is difficult to achieve through formal courts. The ideal model of customary mediation to be accommodated legally and harmoniously in the national legal system is one that is restorative, participatory, and pluralistic in nature. This means that the state needs to position customary mediation as a complementary justice system that runs parallel to formal legal mechanisms, not under them. This recognition must be accompanied by normative regulations that guarantee procedural certainty, protection of human rights, and gender equality, without eliminating the local characteristics that are the source of its social legitimacy. The integration of this model can be achieved through the strengthening of customary institutions at the regional level, the formulation of national guidelines for customary-based dispute resolution, and a coordination mechanism between law enforcement officials and customary institutions. Thus, the reconstruction of customary mediation is not only a form of preserving traditional values, but also a strategic step towards a more humanistic, inclusive, and nationally rooted renewal of national law.

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