

Effectiveness of Restorative Justice in Settlement of Criminal Cases in the Jurisdiction of Jayawijaya Police a Collaborative Approach Between State Law and Papua Customary Law

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Abstract. *This research is motivated by the gap between formal criminal law which is retributive in nature and the needs of Papuan indigenous people who prioritize family resolution through customary mechanisms. In practice, the application of state law in the jurisdiction of the Jayawijaya Police is often unable to reduce social conflict and instead triggers revenge, especially in cases involving fellow Papuan Indigenous People (OAP). This study aims to analyze the effectiveness of the application of restorative justice with a collaborative approach between state law and Papuan customary law in resolving criminal cases. The results of the study indicate that the implementation of restorative justice in the Jayawijaya Police area is quite effective, especially in light to moderate cases involving OAP. This effectiveness is influenced by community understanding, support from law enforcement officers, the role of traditional leaders, and the suitability of traditional values with the principles of restorative justice. This study recommends strengthening regulations and institutions to encourage a local wisdom-based criminal settlement model.*

Keywords: *Criminal; Customary; Justice; Restorative.*

1. Introduction

Indonesia is a pluralistic country consisting of various ethnicities, languages and customs. This diversity is not only something that must be respected, but also maintained and preserved as part of the nation's identity. This is done in order to realize the goals and ideals of the state as stated in the Pancasila and the 1945 Constitution of the Republic of Indonesia. However, in reality, this diversity can cause disharmony if there is a violation of existing norms, whether social, cultural, religious, or legal. Therefore, a joint effort is needed to overcome

tensions in a constructive, fair manner, and based on values that support social harmony, as reflected in the Pancasila and existing legal principles.

Currently, legal development as stated in the 2005-2025 National Long-Term Development Plan (RPJPN) is implemented through updating legal materials while still paying attention to the diversity of the applicable legal order and the influence of globalization as an effort to increase legal certainty and protection, law enforcement and human rights (HAM), legal awareness, and legal services that are based on justice and truth, order and welfare in the context of organizing a state that is increasingly orderly, regular, smooth, and competitive. global (Indonesia, 2007). In particular, in the context of criminal law, reforms must be carried out by implementing concepts or policy approaches that emphasize deliberation and peace to achieve true justice the accused to restore the victim's condition and restore the original relationship between the victim and the accused and the community damaged by the crime/criminal act. Improvement and peace are prioritized over punishment alone.

Currently, the only law in Indonesia that regulates the settlement of criminal acts outside the court is Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) (Indonesia, 2012). This law introduces a diversion mechanism, namely the transfer of the settlement of juvenile cases from the criminal justice system to a restorative justice-based approach. In response to the implementation of the SPPA Law, the Supreme Court took a progressive step by issuing Supreme Court Regulation (Perma) Number 4 of 2014 concerning Guidelines for the Implementation of Diversion, which serves as a reference for judges in resolving juvenile criminal cases. Although specifically applied to the criminalization of juveniles, the concept of restorative justice has also begun to be applied in general criminal cases.

In its development, the implementation of restorative justice has become a policy regulated by each law enforcement institution. The latest policy is Supreme Court Regulation (Perma) Number 1 of 2022 concerning Procedures for Settlement of Applications and Granting of Restitution and Compensation to Victims of Criminal Acts in conjunction with Supreme Court Regulation (Perma) Number 1 of 2024 concerning Guidelines for Trying Criminal Cases Based on Restorative Justice. This regulation was issued as a response by the Supreme Court to the criminal justice system in Indonesia, which not only focuses on punishing the perpetrator of the crime (the accused), but also aims to achieve justice by paying attention to the interests of the victim's recovery and the responsibility of the accused through a restorative justice approach.

As explained in Article 51 of Law Number 1 of 2023 concerning the Criminal Code (KUHP), one of the objectives of criminal punishment is to resolve conflicts resulting from criminal acts, restore balance, and create a sense of security and peace in society. In addition, the implementation of Perma Number 1 of 2024

also reflects the principle of *Ultimum Remedium*, which places criminal punishment as the last option after various other resolution efforts have proven ineffective.

Recommendations for the implementation of restorative justice have previously been regulated through the Circular Letter of the Chief of Police No. SE/8/VII/2018 dated July 27, 2018. This circular letter was issued with the consideration that this approach is able to answer the legal needs of the community that continue to develop and fulfill the sense of justice of all parties. Basically, the regulations made by this law enforcement institution regulate the implementation of restorative justice throughout the process of resolving criminal cases, starting from the investigation stage, prosecution, to examination in court. This is also supported by the Regulation of the Republic of Indonesia National Police (Perpol) Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice, which provides a formal legal framework for the implementation of this approach. This policy demonstrates the police's commitment to enforcing the law that is fair, efficient, and relevant to the needs of the community. In its implementation, the approach Restorative justice involves victims, perpetrators, families of both parties, and other relevant parties, including police and traditional leaders, to jointly seek a just solution.

Previously, on October 17, 2012, a Memorandum of Understanding was signed by the Chief Justice of the Supreme Court of the Republic of Indonesia, the Minister of Law and Human Rights of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, and the Chief of Police. The Memorandum of Understanding (Number 131/KMA/SKB/X/2012, Number M.HH-07.HM.03.02 of 2012, Number

KEP06/E/EJP/10/2013, and Number B/39/X/2012) regulate the implementation of adjustments to the limits of minor crimes, the amount of fines, speedy examinations, and the application of restorative justice. This marks a new era in the integration of the concept of restorative justice into Indonesian positive law, where stakeholders in Indonesian law enforcement agree together to implement the principle of restorative justice.

The application of alternative case resolution through a restorative justice approach allows the handling of relatively minor criminal cases to be resolved quickly without having to go through a time-consuming and inefficient criminal justice process. This approach is in line with Yahya Harahap's view that justice-seeking communities need simple informal procedures that can be carried out immediately (informal procedure and can be put into motion quickly).

In addition to the validity of positive law in resolving criminal cases, customary law in Indonesia is also recognized by the state. This is reflected in Article 18B Paragraph (2) of the 1945 Constitution, the result of the second amendment, which states that the state recognizes and respects the unity of customary law communities and their traditional rights, as long as they are still alive, in accordance with the development of society, and in line with the principles of the Unitary State of the Republic of Indonesia, as regulated in law. As an unwritten law, customary law has an important role in influencing the development of law in Indonesia.

There is a close relationship between the renewal of national criminal law through Law No. 1 of 2023 concerning the Criminal Code (New Criminal Code), which will come into effect in 2026, and the application of customary law in resolving criminal cases. The new Criminal Code adopts the concept of the living law in Article 2, which allows the application of customary law to determine whether a person can be punished, even though the act is not listed in the Criminal Code, as long as it is in accordance with predetermined values. In addition, Article 18 Paragraph (1) of Law No. 1 of 2023 recognizes the role of local wisdom in resolving legal conflicts.

As stated by Braithwaite in Ahmad Faizal Azhar "Indonesia is a nation with wonderful resources of intracultural restorative justice. Traditions of *musyawarah* (deliberation) decision by friendly cooperation and deliberation-traverse the archipelago. Adat law at the same time allows for diversity to the point of local criminal laws being written *to complement universal national laws*". This statement underlines that Indonesia is a country with extraordinary intracultural restorative justice resources. The tradition of deliberative decisions with friendly cooperation and deliberations crosses the archipelago. Customary law at the same time allows for diversity to the point that local criminal laws are written to complement universal national laws.³ This statement shows that Indonesia has integrated the concept of restorative justice into its culture of resolving criminal cases, especially through customary law that prioritizes deliberation.

In the Papua region, the settlement of community criminal cases is still identical to using customary law. Based on Article 1 Paragraph (1) of Law Number 2 of 2021 concerning the Second Amendment to Law Number 21 of 2001 concerning Special Autonomy for Papua Province, customary law is defined as an unwritten rule that lives in the customary law community, is regulatory, binding, maintained, and has sanctions⁴. Based on the restorative justice approach, Papua's special autonomy allows for the formation of a Special Regional Regulation (Perdasus) for Papua, such as Perdasus Number 20 of 2008 concerning Customary Justice in Papua. This Perdasus aims to strengthen the position of customary justice, guarantee legal certainty, and assist the

government in law enforcement. Customary courts apply customary law to resolve criminal cases by prioritizing family values and the principle of peace⁵.

In resolving criminal cases, the restorative justice approach that integrates Papuan customary law and state law is facilitated by the Special Autonomy Regional Regulation. This allows practical arrangements for law enforcement officers to collaborate with customary figures in resolving criminal cases, providing solutions that are more in line with local values without ignoring the principles of state law.

In practice, criminal acts that occur in Papua can be resolved by state criminal law. However, the reality is the opposite of what is in the field, state criminal law is unable to provide satisfaction to the community. This is because in the implementation of the criminal justice system, the involvement of victims is still not clearly visible. Because for some cases, even though criminal law has been enforced and the perpetrators of the crime have been punished by state criminal law, the tribe that feels disadvantaged feels dissatisfied and will take revenge. In fact, it is not uncommon for public anger or acts of revenge to have occurred, even before state law is enforced. Therefore, the application of justice Restorative in resolving customary crimes through deliberation and consensus in the form of customary peace is still the main choice of the Papuan people.

2. Research Methods

This type of research is empirical juridical legal research, namely research that examines law not only as norms written in laws and regulations, but also as real behavior in society. This research uses a qualitative approach to describe and analyze the application of law in a social context, with the aim of gaining an in-depth understanding of the effectiveness of legal norms in practice. The legal approach is used to examine the applicable legal norms, both those originating from written regulations such as statutes and unwritten laws, by referring to primary, secondary, and tertiary legal materials. Meanwhile, the empirical approach is carried out through the collection of primary data from the field to see how the law is truly implemented and carried out in the practice of community life.

2. Results and Discussion

3.1. Study and Analysis of the Effectiveness of Restorative Justice in Resolving Criminal cases in the Jurisdiction of the Jayawijaya Police: A Collaborative Approach Between State Law and Papuan Customary Law.

The jurisdiction of the Jayawijaya Police covers Jayawijaya Regency in the Papua Pegunungan Province, which is one of the areas with strong cultural and customary law characteristics. The Jayawijaya community, especially the Indigenous Papuans (OAP), has a conflict resolution system rooted in customary

law, with a mechanism of deliberation, mediation by tribal chiefs, and the imposition of customary sanctions. This is an important consideration in the implementation of the restorative justice approach by the local police.

Restorative justice(RJ) in the modern approach is not just an alternative method of resolving cases, but reflects a shift in the paradigm of criminal law from being retributive to restoring social and community relations. In the theory developed by Howard Zehr and Tony Marshall, restorative justice is understood as a process of resolving legal conflicts that emphasizes the restoration of victim losses, the accountability of perpetrators, and the active involvement of the community in restoring disturbed social order. This principle is very relevant to apply in areas that have strong communitarian and family traditions, such as in Papua.

In the context of Papuan indigenous communities, the values of restorative justice are actually not a new concept, but have long been embedded in their customary conflict resolution system. Traditions such as tribal deliberations, open admission of wrongdoing, and the provision of compensation or customary fines (usually in the form of livestock, symbolic objects, or customary money) are an integral part of resolving violations in society. This approach not only avoids prolonged conflict between individuals or groups, but also strengthens solidarity and social balance that is damaged by criminal acts.

Furthermore, this collaborative approach reflects the state's recognition of legal pluralism as mandated in Article 18B paragraph (2) of the 1945 Constitution, which recognizes and respects the unity of 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 rule of law. In this context, the role of the police is not only as a formal law enforcement officer, but also as a community-based justice facilitator, bridging positive legal values with local values. Therefore, the success of the Jayawijaya Police in implementing RJ is a concrete form of the integration of progressive law, customary law, and Islamic sharia principles in creating a more humane, solution-oriented, and sustainable criminal case resolution system.

Based on the Jayawijaya Police Restorative Justice Selra Recapitulation document for the April 2025 period, it was recorded that 17 criminal cases were handled using a restorative justice approach. The dominant types of cases include assault (7 cases), theft and motorcycle theft (6 cases), as well as fraud, embezzlement, and adultery (4 cases), and there was even 1 case of arson.

Of the total, 12 cases were officially terminated through the issuance of a Letter of Termination of Investigation (SP3), while 5 other cases have reached the peace stage but have not yet been recorded for their SP3. This fact shows that the restorative justice approach is not only applied theoretically, but has become a concrete legal practice in the field, even in areas with strong customary law

characteristics such as Jayawijaya, Papua.

In terms of case types, the majority are minor to moderate crimes which according to Police Regulation No. 8 of 2021 can indeed be resolved restoratively. This is in accordance with the criteria: the threat of punishment is under 5 years, does not cause public unrest, and the perpetrator is not a recidivist. This approach has legally given explicit authority to the police as an investigative agency to resolve cases through penal mediation if there is a peace agreement between the perpetrator and the victim. This is where the role of the Jayawijaya Police becomes very strategic: in addition to enforcing positive law, they also bridge the local values of indigenous communities in the process of resolving criminal conflicts.

This is based on the idea that crime is not merely a violation of the state, but more than that, it is a violation of relations between individuals and society, which must be restored through dialogue, reconciliation, and mutual agreement.⁶² In Indonesia, this approach has a legal basis through the Regulation of the Chief of Police Number 8 of 2021, which gives investigators the authority to resolve criminal cases through penal mediation if certain conditions are met.

In the context of Jayawijaya Regency, Papua, the implementation of restorative justice is unique because the values of communal justice have long been alive through the Papuan customary law system, which prioritizes deliberation, open apologies, and payment of customary fines to victims or their families. Based on case summary data from the Jayawijaya Police in April 2025, the majority of criminal case resolutions used this approach. The peace process usually ends with the provision of a number of customary fines to the victim, either in the form of money, symbolic goods, or livestock, which are agreed upon by the parties and witnessed by customary leaders. This reflects the success of the integration between state law and customary law, and shows how the restorative approach really works functionally in local communities.

The effectiveness of the restorative justice approach within the legal framework of the state is measured through the success of law enforcement officers—in this case police—carry out its legal functions appropriately, legally, and in accordance with statutory regulations. Regulation of the Chief of Police No. 8 of 2021 explicitly provides a legal basis for investigators to terminate investigations through the restorative justice mechanism, especially for minor criminal cases (criminal threats under five years), on condition that there is an admission of guilt from the perpetrator, a sincere peace agreement from the victim, and no rejection from the community at the Jayawijaya Police, this is reflected in the practice of issuing Investigation Termination Orders (SP3) for most cases that are resolved peacefully. The case summary shows that 12 out of 17 criminal cases were terminated through SP363, indicating that the procedure has been carried

out legally. These data show that there is a strong preference from the community and also from law enforcement officers to use a settlement mechanism based on customary law.

The police are also able to identify precisely the types of cases that meet the requirements for restorative justice, demonstrating thoroughness in implementing legal and social considerations. According to Barda Nawawi Arief, formal effectiveness in criminal law lies not only in procedural compliance, but also in the ability of the law to provide fair and functional results⁶⁴. Moreover, the implementation of SP3 based on customary peace shows that law enforcement officers are not only based on normative rules, but are also sensitive to the local context. This is a real implementation of the principle of progressive law⁶⁵ which states that the law should serve the values of substantive justice and be able to adapt to social reality.

Sociologically, the effectiveness of restorative justice is also measured by the acceptance and success of resolving conflicts sustainably in society. Field data shows that most Jayawijaya people accept the settlement pattern through customary deliberation and the imposition of fines, without continuing the case to the formal court system. This settlement pattern has long been known in the Papuan customary law system and is considered legitimate as a form of restitution for the losses experienced by victims, as well as an effort to maintain harmony between individuals and groups.

3.2. Analysis of Factors Influencing the Effectiveness of Restorative Justice in Resolving Criminal Cases in the Jurisdiction of the Jayawijaya Police Collaborative Approach Between State Law and Papuan Customary Law and Its Solutions

Papua is a region that sociologically and anthropologically has a very strong and complex social structure based on indigenous communities. In areas such as Jayawijaya Regency, relationships between individuals, conflict resolution, and the distribution of rights and obligations are not solely regulated by state legal norms, but also by customary legal structures that are alive and respected by the community. In the Papuan highland community, customary law is not only a cultural value, but also a normative legal authority that regulates various aspects of life, including the resolution of criminal cases.

The power and legitimacy of Papuan customary law has received constitutional recognition, as stated in Article 18B paragraph (2) of the 1945 Constitution, which states that:

"The state recognizes and respects customary law community units 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."

More specifically, Article 1 paragraph (1) of Law No. 2 of 2021 concerning Special Autonomy for Papua Province emphasizes that the Papuan customary law community has the right to organize its social life based on the developing customary values. This recognition is the formal legal basis that every legal approaches in Papua—including restorative justice—must take into account customary legal structures as an integral element of Indonesia's pluralistic legal system.

In this context, the implementation of restorative justice by law enforcement officers at the Jayawijaya Police cannot be separated from the central role played by customary law in resolving criminal cases. Based on empirical data from the Jayawijaya Police case recap, the majority of minor criminal cases such as assault, theft, or fraud, are not always processed to court, but are resolved through customary deliberation, with the result being peace and the provision of customary fines to the victims. These fines are often in the form of livestock (pigs), cash, or other symbolic objects agreed upon by both parties, witnessed by customary leaders and the surrounding community.

However, state legal institutions still have limitations in reaching conflicts based on indigenous communities, especially in remote areas with minimal access to the formal justice system. The absence of courts or law enforcement officers in certain locations causes customary structures to be the only active legal actors, so that state legal structures are often absent in resolving conflicts at the grassroots level. This emphasizes the need to strengthen the hybrid structure between the state and customary law as a form of institutional pluralism.

Legal substance is the content of the legal system, including norms, rules, and policies that regulate how the law is implemented. In the context of restorative justice in Jayawijaya, there is a dualism of living norms, namely the substance of state law and the substance of customary law. On the one hand, Police Chief Regulation No. 8 of 2021, Criminal Procedure Code, and Supreme Court Regulation No. 1 of 2024 have provided formal legal space for the implementation of restorative justice. This substance emphasizes that the resolution of criminal cases does not always have to go through the courts, but can be resolved through a fair and balanced deliberation mechanism.

On the other hand, the substance of Papuan customary law has very specific and binding characteristics. For example, in cases of abuse or murder, customary fines have been set in the form of the number of pigs, noken, or other valuables, depending on the severity of the crime and the kinship between the perpetrator and the victim. This substance is natural, maintained from generation to generation, and is more strongly adhered to than state law, especially by indigenous peoples.

Although the substance of customary law has high social legitimacy,

harmonization is still needed so that it does not conflict with the principles of non-discrimination and human rights. In this case, the police as an actor in the legal structure functions as a bridge that monitors so that customary agreements do not violate positive law. This role also reflects the discretionary function of the police which is not only tasked with enforcing the law rigidly, but also paying attention to local wisdom as part of the substance of living law.

key factors that support its acceptance and implementation. These factors reflect the synergy between the formal legal system and local wisdom values, which then form law enforcement practices that are not only legally valid, but also socially accepted. The following will explain several main factors that support the effectiveness of restorative justice in Jayawijaya, both from the perspective of customs and state institutions:

1) Emotional Closeness of Society to Customary Law

Papuan indigenous people, especially in the Jayawijaya region, have a very strong emotional attachment to the customary legal system that has been passed down from generation to generation. Customary law is seen not only as a conflict resolution system, but also as part of the cultural and spiritual identity of the community. In resolving criminal cases, the community tends to entrust the resolution to customary mechanisms because they prioritize family values, deliberation, and restoration of relationships between individuals or between tribes. This is different from the formal justice process which is often considered rigid, bureaucratic, and less able to accommodate a sense of local justice. This attachment makes it easier for the community to accept the results of customary-based mediation compared to court decisions. In practice, the customary settlement that has been agreed upon is almost always respected and obeyed by the parties, because it is considered a way to maintain the honor and self-esteem of the community.

2) The Active Role of Traditional Leaders in Mediating Conflict

Customary leaders have a central and authoritative position in the social structure of Papuan society. They are not only symbolic leaders, but also peacemakers and enforcers of norms in their communities. In the restorative justice process, customary leaders play an important role as mediators, facilitators, and decision makers in the case resolution process. They understand the social context and history of the relationship between the disputing parties, so they are more effective in bridging conflicts and building consensus. Decisions issued by customary leaders, such as the imposition of customary fines or peace rituals, have high moral and social legitimacy. The police often work with customary leaders to create an inclusive mediation space that is accepted by all parties. This collaboration shows that the success of restorative justice is highly dependent on the active involvement of customary leaders as local actors

trusted by the community.

3) Police Accommodating Attitude Towards Local Values

One important factor that strengthens the effectiveness of restorative justice in Jayawijaya is the police's accommodating attitude towards local wisdom. Police officers in this area do not merely enforce state law in a formalistic manner, but demonstrate flexibility and openness to customary-based resolutions. The police understand that repressive and procedural approaches are not always effective in the context of indigenous communities that have their own value systems. Therefore, in practice, many investigators and police leaders support case resolution through deliberation.

customs, as long as it does not conflict with the principles of national law and human rights. This attitude is in line with the spirit of restorative justice, which places the restoration of social relations as a top priority. The police also often act as facilitators who bring together perpetrators, victims, families, and traditional leaders in mediation forums to seek a peaceful agreement.

4) The existence of a formal legal basis: Perpol No. 8 of 2021 and Papua Perdasus No. 20 Years 2008

The effectiveness of restorative justice is also greatly supported by the existence of a formal legal framework that legitimizes the practice of out-of-court settlement, both through state law and customary law. At the national level, the Regulation of the Republic of Indonesia National Police (Perpol) No. 8 of 2021 provides a legal basis for investigators to stop investigating criminal cases through a restorative justice approach, especially for minor crimes or cases that do not cause widespread unrest. This Perpol is an important guideline for the police to act not only as law enforcers, but also as facilitators of social justice.

At the local level, Papua Special Regional Regulation (Perdasus) No. 20 of 2008 concerning Customary Courts provides official recognition of the existence and authority of customary institutions in resolving conflicts, including criminal cases. This Perdasus emphasizes that the resolution of cases through customary courts has a position recognized by the state as long as it does not conflict with the constitution and human rights. With these two legal instruments, the apparatus

Although the restorative justice approach in the jurisdiction of the Jayawijaya Police has shown significant effectiveness in responding to criminal cases, especially by prioritizing collaboration between state law and customary law, its implementation is not free from various structural, cultural, and technical obstacles. In the context of Papuan indigenous communities that have their own social and geographical complexities, the success of the implementation of restorative justice is largely determined by the readiness of legal actors, the existence of clear guidelines, and adequate infrastructure support. Therefore, to

understand more comprehensively the challenges faced in implementing this approach, the following is a descriptive explanation of each point of the factors inhibiting the effectiveness of restorative justice in the jurisdiction of the Jayawijaya Police based on the customary law and state law approaches:

1) Lack of Detailed Technical Guidelines in the Implementation of Customary-Based Restorative Justice

Although the Republic of Indonesia National Police Regulation (Perpol) No. 8 of 2021 has provided a normative basis for the implementation of restorative justice, its implementation at the local level—especially in the context of Papuan customary law—still faces challenges.

technical constraints. The absence of detailed operational instructions often causes police officers in the field to experience confusion in assessing when a case can be transferred to the customary resolution process, what form their involvement in customary deliberations should take, and to what extent customary agreements can be considered final and legally binding. The absence of standard procedures also results in differences in interpretation and practice between one region and another, thereby reducing consistency and accountability in the application of restorative justice. This indicates the need to develop local technical guidelines that accommodate the cultural characteristics of the Jayawijaya community but remain integrated with national law.

2) Dependence on Traditional Figures Who Are Sometimes Unavailable or Not Neutral

Custom-based restorative justice relies heavily on the role of customary leaders as the main mediators in the conflict resolution process. However, in practice, not all communities have customary leaders who are active, competent, or universally respected. In some cases, customary leaders cannot be present due to age, health conditions, or geographical limitations, especially in remote areas. In fact, there are also situations where customary leaders are considered to be biased towards one party due to kinship ties or local political interests, thus reducing

legitimacy of the mediation process. Excessive reliance on customary figures without a strong replacement or oversight mechanism can hamper the continuity of the resolution process and damage community trust in customary justice. Therefore, there needs to be a training scheme, regeneration, or alternative mediation structure that can take over the function of customary figures under certain conditions.

3) Limited Personnel and Logistics Resources in Mountainous Areas

The mountainous region of Papua, including Jayawijaya, is known to have

extreme geographical challenges, such as limited road access, unpredictable weather, and long distances between villages. These conditions have a direct impact on the effectiveness of the police, especially in providing escorts, facilitating mediation, and monitoring agreements that have been reached. The limited number of Jayawijaya Police personnel compared to the area of responsibility exacerbates this condition, because not all cases can be handled intensively and quickly. In addition, logistical limitations such as operational vehicles, transportation budgets, and communication facilities also hamper mobility and coordination between institutions. These limitations show that the success of restorative justice in remote areas is not only a legal issue, but also a matter of institutional capacity and public service infrastructure.

4) Absence of Monitoring System for Implementation of Customary Peace Agreement

One significant weakness in the implementation of customary-based restorative justice is the absence of a formal system to monitor the implementation of the peace agreement reached by the parties. After customary deliberations produce a decision, such as payment of a fine or implementation of a peace ritual, there is no mechanism for evaluation or further enforcement if one party reneges or does not fulfill its obligations. This raises the potential for new conflicts or acts of revenge, especially if the victim or their family feels dissatisfied or betrayed by the perpetrator. On the other hand, the police do not have sufficient legal instruments or resources to continue to monitor the implementation of the agreement in the long term. The absence of this monitoring system shows the need for integration between the results of customary agreements and formal recording systems, so that they can be the basis for assessment in subsequent legal processes if violations occur.

These challenges are not only related to technical procedural aspects, but also to institutional structures, applicable legal substances, and the legal culture of the local community. As a region with a strong tradition of customary law, Jayawijaya presents its own dynamics in the implementation of restorative justice, especially in bridging local values with the state legal system. Therefore, it is important to

identify in detail the existing obstacles as an effort to formulate adaptive and contextual solutions to the needs of Papuan customary law communities.

In response to the various obstacles faced in the implementation of restorative justice in the jurisdiction of the Jayawijaya Police, strategic and measurable steps are needed that are collaborative between law enforcement officers, customary institutions, and the community. The solutions offered do not only focus on technical procedural improvements, but also include institutional strengthening, regulatory updates, and increasing human resource capacity. The following table

systematically presents various alternative solutions that can be implemented to overcome structural, substantial, and cultural obstacles in the implementation of restorative justice at the local level.

Thus, the effectiveness of the implementation of restorative justice in the jurisdiction of the Jayawijaya Police is influenced by the synergy between the legal structure (law enforcement officers and customary institutions), legal substance (positive rules and local norms), and legal culture (attitudes and values of society towards conflict resolution). These three dimensions, as analyzed through Lawrence M. Friedman's legal system approach, interact with each other and determine the extent to which the restorative justice approach can be accepted, implemented, and have a real impact in the midst of the Jayawijaya community who live in a strong customary law tradition.

4. Conclusion

The effectiveness of restorative justice in resolving criminal cases in the jurisdiction of the Jayawijaya Police with a collaborative approach between state law and Papuan customary law has proven to work well, especially in cases involving fellow Papuan Indigenous People (OAP). The Jayawijaya Police have been able to facilitate the resolution process through customary deliberation and peace mechanisms without disregarding the principles of national law. This collaboration not only reduces the potential for prolonged conflict and acts of revenge, but is also able to restore social relations within Papuan society in a more contextual and just manner.

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