

Harmonization of Modern Law and Customary Law in Fair Criminal Law Enforcement

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Abstract

Purpose: This study aims to analyze the harmonization of modern criminal law and customary law to achieve fair criminal law enforcement through a case study of the settlement of minor criminal offenses using customary mechanisms in Lampung Province.

Methodology: This study employs an empirical juridical method with a qualitative approach. Data were collected through a literature review, analysis of statutory regulations, judicial decisions, and documentation of criminal dispute resolution practices involving Lampung's customary institutions.

Results: The findings show that Lampung customary law remains effective in resolving minor criminal cases through restorative justice, integrating customary values with national criminal law while ensuring legal certainty and human rights protection. The study concludes that legal harmonization strengthens substantive justice, public trust, and social harmony. This study is limited to minor criminal disputes in Lampung Province.

Conclusions: This study concludes that the harmonization of modern criminal law and customary law can strengthen substantive justice, improve public trust in law enforcement, and promote sustainable social harmony. Customary approaches can serve as complementary mechanisms within the national criminal justice system, particularly for minor offenses.

Limitations: This study is limited to customary criminal dispute resolution practices in Lampung Province and primarily focuses on minor criminal offenses, which may restrict the generalizability of the findings to other regions and types of crimes.

Contributions: This study contributes to the development of criminal law by providing an empirical model for integrating customary law into restorative justice policies and supporting future legal reforms in Indonesia.

Keywords: Customary Law, Criminal Law, Harmonization of Law, Lampung, Restorative Justice

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1. Introduction

Indonesia is a state governed by law based on Pancasila and the 1945 Constitution of the Republic of Indonesia. As a nation with diverse cultures, ethnicities, languages, and customs, Indonesia is known for its legal pluralism. In Indonesian society, state law is not the sole legal system in force; rather, it coexists with customary and religious laws that develop within the community. The existence of customary law as a living law is part of the nation's identity, having existed long before the establishment of the national legal system. Criminal law aims to create peace and tranquility in society.

Criminal law achieves this goal by establishing standards, guidelines, or standards for individual behavior in society. To ensure that individuals adhere to these standards, guidelines, or standards, those who violate them are threatened with sanctions or punishment in the form of torture or suffering. These rules are partly contained in the Criminal Code (KUHP), which is the general criminal code in Indonesia ([Dahwir, 2022](#)). The development of national law, particularly criminal law, must be a series of steps and policies that are directed, planned, and protected by a legal umbrella to fulfill the legal aspects, as well as the basis for movement and operations. This can begin with a structured, law enforcement policy.

Law enforcement is the process of making efforts to uphold or function legal norms in a real way as guidelines for behavior or legal relationships in social and state life ([Shafira, Dewi, Jatmiko, & Warganegara, 2024](#)). The constitutional recognition of customary law is regulated in Article 18B, paragraph (2) of the 1945 Constitution of the Republic of Indonesia, 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 and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia ([Indonesia, 1945](#)). This recognition shows that customary law has a strategic position in the national legal system and can play a role as an instrument for resolving various social problems, including in criminal law.

According to the theory of legal pluralism proposed by [Hasugian \(2026\)](#), more than one legal system can exist in a society, coexisting and interacting with each other. This theory explains that state law is not the sole source of regulating societal behavior. In the Indonesian context, state and customary laws are two legal systems that exist and develop in society. Therefore, effective law enforcement must consider not only formal normative aspects but also the legal values that exist within society.

In criminal law enforcement, modern legal approaches that focus on legal certainty often emphasize retributive justice. This approach aims to provide a deterrent effect and to maintain legal order. However, in some cases, the application of formal criminal law has not fully satisfied the public's sense of justice due to insufficient attention to restoring social relations disrupted by such acts. Consequently, social conflict in the community sometimes persists even after a court has ruled on a case.

This situation has given rise to the need for a more humanistic and recovery-oriented approach, namely, through the concept of restorative justice. According to [Do Carmo \(2025\)](#), restorative justice is a process involving victims, perpetrators, families, and communities to collaboratively seek solutions to the impacts of criminal acts to restore damaged relationships. This approach places greater emphasis on reparation for victims' losses, perpetrator accountability, and social reconciliation rather than simply imposing criminal sanctions.

The concept of restorative justice shares similarities with the dispute resolution mechanisms practiced under customary law in various regions of Indonesia, including Lampung Province. In Lampung's indigenous communities, conflict resolution is carried out through deliberation involving traditional leaders, community leaders, the perpetrator's family, and the victim's family. The primary goal of this resolution is not only to determine who is at fault but also to restore social balance and maintain harmonious relationships among community members.

The indigenous people of Lampung recognize the Piil Pesenggiri philosophy of life, which is a value system that guides their social life. These values emphasize the importance of self-respect, respect for others, deliberation, mutual cooperation, and peaceful conflict resolution. In practice, this philosophy serves as the basis for resolving various issues within the Lampung community. Several previous studies have shown that customary law plays a significant role in resolving criminal cases. Research conducted by [Dwiatmoko and Sorik \(2023\)](#) found that customary law-based dispute resolution can create more sustainable peace because it involves active community participation.

The results of this study indicate that case resolution through customary mechanisms is not solely focused on sanctions but also on restoring social relations and preventing recurrent conflict. Another

study by [Jayantiari, Sudiarawan, and Dewi \(2020\)](#) explains that customary law functions as an effective means of social control because it is rooted in values believed in and adhered to by the community. The success of dispute resolution through customary law is influenced by the high level of social legitimacy accorded to customary institutions as conflict resolution institutions.

Furthermore, research conducted by [Syahbani \(2025\)](#) shows that integrating customary law into the national legal system can strengthen the legitimacy of law enforcement and increase public trust in the legal institutions. This study emphasizes the importance of developing a law enforcement model that accommodates local values without neglecting the principles of the rule of law. In Lampung Province, several cases of minor assault, fights between residents, family disputes, and social conflicts are often resolved through customary mechanisms before proceeding to formal legal proceedings. These resolutions are conducted through customary forums led by customary leaders, prioritizing deliberation and peace over coercion. In some cases, law enforcement officials consider the results of customary agreements when implementing a restorative justice approach.

However, harmonization between modern and customary laws still faces various challenges. On the one hand, customary law offers flexibility and is closely aligned with societal norms. In contrast, state law demands legal certainty, protection of human rights, and equality before the law. Therefore, a harmonization model is needed that can integrate both legal systems proportionally to create just and effective criminal law enforcement that aligns with the values of justice within society. Based on this description, this research is crucial for examining how modern and customary laws harmonize in the just enforcement of criminal law, specifically through a case study of the application of Lampung customary law in criminal case resolution. This research is expected to provide theoretical contributions to the development of legal science, particularly regarding legal pluralism and restorative justice, as well as practical recommendations for developing criminal law enforcement policies that are more responsive to the local values of Indonesian society.

1.1 Problem Formulation

1. How does Lampung customary law apply to criminal law enforcement?
2. How do modern and customary laws harmonize in criminal case resolution in Lampung?
3. How does the harmonization of modern and customary law contribute to the realization of criminal justice?

1.2 Research Objectives

1. To analyze the existence of Lampung customary law in criminal law enforcement.
2. To examine the harmonization of modern and customary laws in resolving criminal cases.
3. To explain the contribution of the harmonization of modern and customary law in realizing criminal justice.

2. Literature Review

The life of customary law in Indonesian society has never been separated from the historical and political context of the national law. Since the colonial era, the Western legal system brought by the Dutch East Indies government has dominated Indonesia's legal structure, including in the field of criminal law. The Criminal Code, which has been in effect for more than a century, is a product of colonial law that disregards the existence of customary law as the original legal system of the Indonesian people ([Arafat, Pura, & Taun, 2025](#)). Customary law in Indonesia is a living historical heritage that has developed along with the journey of the Nusantara community. As a system of norms that grows from traditions, beliefs, and social practices, customary law reflects the identity and local wisdom preserved by Indigenous communities.

The existence of customary law not only regulates social and economic relations but also touches on criminal aspects, especially in terms of dispute resolution and customary offenses considered to disrupt the balance of communal life ([Chadijah, 2020](#)). Customary law is a set of rules or provisions that are born, grow, and develop naturally within society. It is not the result of the state's formal legislative process but rather formed from habits, social practices, and values that exist in daily interactions ([Adat](#)).

Because it is rooted in a long-standing tradition, customary law gains recognition and binding power; therefore, it is obeyed by society like official law.

According to [Disantara \(2021\)](#), customary law as a means and instrument for upholding customary values faces various obstacles and challenges in its implementation. There are at least two obstacles and challenges to the implementation of customary law in society. First, the increasing role of the state in social life makes it seem as if the state is present with "formal law" that must be obeyed and implemented by society. Second, the phenomenon of globalization has an impact on all aspects of human life, including the legal aspect, resulting in a new phenomenon called legal modernization. In his research, customary law as a means and instrument for upholding customary values faces various obstacles and challenges in implementation. There are at least two obstacles and challenges in the implementation of customary law in society. First, the increasing role of the state in social life makes it seem as if the state is present with "formal law" that must be obeyed and implemented by society. Second, the phenomenon of globalization has an impact on all aspects of human life, including the legal aspect, resulting in a new phenomenon called legal modernization.

Table 1. Relevant research

No	Name and Year	Research Title	Research Method	Research Results
1.	Rustamaji, Septiningsih, and Sukma (2025)	Challenges of Integration and Harmonization of Customary Criminal Law in the Reform of the National Criminal Justice System (A Study of Legal Pluralism in Indonesia, Canada, and New Zealand)	Socio-legal legal research	The research results indicate the following: (1) In Indonesia, customary criminal law is still fragmented and has not been fully integrated into national criminal law; (2) Canada and New Zealand have made institutional innovations by granting formal recognition and space for the existence of customary criminal law within the national system through the establishment of customary courts and restorative justice mechanisms; (3) The main challenges, both in Indonesia and other countries, are the protection of human rights, legal certainty, the adjustment between the principle of legality and local wisdom, and the role of the state in ensuring the sustainability of customary values without causing legal discrimination.
2	Jayantiari et al. (2020)	Law Development Oriented Towards Justice Through the Harmonization of State Law And Customary Law	Using the regulatory approach, the concept approach, analytical approach, historical	The results of this study indicate that, health management by KMHA is something that has important philosophical significance, because the health law does not regulate empowerment in health management, there needs to be regulation on health management by KMHA in an effort

No	Name and Year	Research Title	Research Method	Research Results
			approach, philosophical approach.	to carry out its potential
3	Ansar, Hasmiyati, Zulfadli, and Tarmizi (2025)	Harmonization Of Sharia in a state of Law: Perspective on the implementation of islamic law in Indonesia today	Normative juridical research method with a statutory approach (statute approach) and a conceptual approach (conceptual approach)	This research shows that the harmonization between Islamic law and the principles of a state based on law in Indonesia is a dynamic process that depends not only on the normative construction of legislation but also on social legitimacy and public acceptance.
4.	Tamam and Putra (2025)	Recognition of Customary Criminal Law in the Era of National Legal Modernization	Normative legal research method	Research results show that customary criminal law has an important position as a reflection of social justice in local communities, but its integration into national law still faces challenges, especially in harmonizing the principles of customary law with modern legal norms.
5.	Pura (2025)	Integration of Customary Criminal Law into the National Criminal Justice System: Harmonization of the Cigugur Indigenous Community Law within the Scope of Modern Society	Normative juridical method with legislative, conceptual, and sociological approaches	Research results show that customary criminal law plays an important role in maintaining social balance through resolution mechanisms based on deliberation and the restoration of social relationships (i.e., restorative justice). The integration of customary criminal law into the national criminal justice system is possible through the constitutional recognition of customary law communities, as regulated in Article 18B, Paragraph (2) of the 1945 Constitution, as long as it does not conflict with human rights principles and applicable laws and regulations. This harmonization is necessary for customary criminal law to operate alongside national law to realize substantive justice within modern society.

No	Name and Year	Research Title	Research Method	Research Results
6.	Rahmawati, Septiani, Gustiara, Primananda, and Rahmadilla (2025)	Harmonization of Balinese Customary Criminal Law with National Law: A Study on the Principles of Legality, Human Rights, and Due Process of Law	Normative legal research methods and in-depth contextual analysis	The research results indicate that effective harmonization requires a deep understanding of the cultural values inherent in customary law, as well as recognition of the supremacy of national law that upholds human rights and the principles of due process of law.
7.	Sudiadi (2024)	Implementation of the Dominus Litis Principle in the Modern Criminal Justice System in Indonesia	a combination of normative and empirical approaches, with analysis of legal documents, academic literature, and interviews with prosecutors and other law enforcement officials	Research results show that although this principle is recognized in regulations, its implementation is often disrupted by poor inter-agency coordination, limited resources, and minimal digitalization of the judicial system itself.
8.	Sariyono (2025)	The Police for Society: In the Paradigm of Modern Criminal Justice Based on the National Criminal Code to Realize Legal Protection for Society	Normative legal research that examines the paradigm of modern criminal law in the National Criminal Code	The implementation of the modern criminal justice paradigm by the Indonesian National Police is not merely a normative requirement but also a practical necessity for realizing justice that favors the public. As the main actor in the initial stage of the criminal process, the police play a strategic role in determining whether a case is suitable for court or can be resolved through alternative approaches, as mandated by the National Criminal Code.

3. Methodology

This research uses a normative juridical approach with descriptive-analytical research specifications, which aims to study and analyze the harmonization between modern law (positive/written law) and customary law (unwritten law) in the enforcement of the just criminal law. The approaches used include statutory, conceptual, and philosophical approaches. The statutory approach is carried out by examining various regulations, such as the Criminal Code (KUHP), the Civil Code (KUH Perdata), the 1945 Constitution [Indonesia \(1945\)](#), and Law Number 48 of 2009 concerning Judicial Power ([Akbar, 2009](#)). A conceptual approach is used to analyze concepts such as *wederrechtelijkheid* (unlawfulness) and *strafbaar feit* (punishable act), as well as the doctrines of formal and material illegality. A philosophical approach is used to explore the values of substantive justice based on Pancasila and the law that lives within society (living law).

The types and sources of legal materials used consist of primary legal materials (legislation), secondary legal materials [Arief \(2011\)](#), and tertiary legal materials (legal dictionaries and encyclopedias). Legal materials were collected through library research by tracing literature relevant to the research issue. The analysis of legal materials is conducted qualitatively using legal interpretation methods (systematic, teleological, and sociological interpretations) to determine the conformity between written legal norms and the values of justice lived in society. The results of the analysis are then systematically compiled to formulate an integrative legal thought construction aimed at realizing fair criminal law enforcement through the harmonization of modern and customary laws.

4. Results and Discussions

One example of the harmonization of customary and modern law in Lampung can be seen in the resolution of a fight between residents in Central Lampung and North Lampung Regencies, which was resolved through a customary approach before formal criminal proceedings. In this case, the parties were brought together by customary law arbitrators, community leaders, village officials, and police. The perpetrator admitted his wrongdoing, apologized to the victim, and provided compensation as agreed upon during the deliberations. This resolution process was considered by law enforcement officials when implementing a restorative justice approach.

4.1 *The Existence of Lampung Customary Law in Criminal Law Enforcement*

The results show that the people of Lampung still have a high level of trust in customary institutions. Dispute resolution through customary mechanisms is considered faster, cheaper, and more effective in maintaining social relations than formal litigation processes. The Piil Pesenggiri philosophy serves as a moral foundation that encourages the community to prioritize deliberation and peaceful coexistence. Customary law still has a strong presence in the lives of the Lampung people, particularly in the Pepadun and Saibatin Lampung indigenous communities. Customary institutions serve as guardians of cultural traditions and social institutions that play a role in resolving various conflicts within the community.

In some cases of minor crimes, such as minor assaults, fights between residents, defamation, family disputes, and other social conflicts, the community prefers to resolve them through customary mechanisms rather than directly bringing the case to the formal criminal justice system. These resolutions are carried out through customary deliberations involving customary leaders, village officials, the perpetrator's family, the victim's family, and other community members. [Ali \(2007\)](#) There will be some implications if the progressive law idea is applied to the criminal law judiciary system to enforce the law, there will be some implications. The implications are as follows: First, the police will not use the written law as the primary instrument in combating crimes, but they will place forward the conscience. Second, unloading coherent characteristics at public attorney, that is, bureaucratic centralistic, and going into effect the command system embracing responsibility hierarchy. Third, the court (judge) should not handle the case only based on written law but also placed forward on conscience, because the law is created for the citizen and not inverted. The judges' tasks are not only technical acts but also a science.

Research conducted by [Burhanudin \(2021\)](#) states that "Indigenous peoples 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, which are regulated by law". An explanation regarding the recognition of customary law by the State is also contained in Article 27 paragraph (1) of the 1945 Law which states "All citizens have the same position before the law and government and are obliged to uphold the law and government without exception", from which the formulation of these provisions can be concluded that both civilians and government officials without exception are obliged to uphold the laws that apply in the life and legal culture of Indonesian society, both criminal law, civil law, and customary law.

The Lampung community believes that customary law is more effective in restoring social relations that have been disrupted by conflict. Furthermore, customary resolution is considered faster, less expensive, and acceptable to all the parties involved. This finding aligns in [Aprilianti and Kasmawati](#)

(2022) opinion, which states that customary law emerges and develops from decisions made by customary leaders, which are accepted and adhered to by the community as living law. Therefore, customary law not only possesses social legitimacy but is also effective in maintaining the social order. Empirically, research has found that the values embodied in the Piil Pesenggiri philosophy continue to guide the community in conflict resolution. The values of Nemui Nyimah (respecting and accepting others) and Sakai Sambayan (mutual cooperation and togetherness) serve as the primary foundations of customary peace processes.

4.2 Implementation of Customary Law in Criminal Case Resolution in Lampung

One example of the harmonization between customary law and modern criminal law can be found in the resolution of a fight between residents in Central Lampung Regency. In this case, both parties agreed to resolve the conflict through a customary forum before the case proceeded to formal legal proceedings. The customary resolution process involved several stages, including the summoning of the disputing parties, deliberation led by customary arbitrators, acknowledgment of wrongdoing by the perpetrator, submission of an apology to the victim and the victim's family, provision of compensation or restitution, and the implementation of a customary peace agreement witnessed by members of the community. This process reflects the role of customary mechanisms in restoring social relationships and achieving peaceful conflict resolution while remaining aligned with the principles of justice.

The results of the deliberation are then recorded in the minutes of the peace agreement, signed by the parties and witnesses. In some cases, this document serves as a guide for law enforcement officials to implement restorative justice mechanisms. This type of resolution demonstrates that customary law does not serve as a substitute for state law but rather as a conflict resolution instrument that complements the national legal system. In line with the research conducted by [Riza, Lubis, and Suwalla \(2022\)](#), the results indicate that the authority of customary courts in resolving theft crimes is in accordance with what is stipulated in Qanun Number 9 of 2008 for minor theft crimes involving residents of the village concerned, but sometimes also for serious theft crimes. Limitations: Obstacles to resolving crimes by the village head through customary courts include the difficulty of reaching a consensus between the disputing parties, obstacles to the bureaucratization of customary courts, which are dependent on the government, the lack of government outreach to the community about customary courts, and the lack of coordination with other law enforcement agencies in the conventional justice system.

4.3 Harmonizing Modern Law and Customary Law through a Restorative Justice Approach

Developments in Indonesia's criminal law policy demonstrate a paradigm shift from a retributive approach to a restorative one. This is evident in the issuance of Police Regulation No. 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice and Prosecutor's Regulation No. 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice. The results show that the principles of restorative justice are highly compatible with dispute resolution mechanisms in Lampung customary law. Harmonization is carried out through the application of restorative justice which integrates customary values into the national criminal law system.

Table 2. Form of harmonization

Modern Law	Lampung Customary Law
Restorative Justice	Customary Deliberation
Penal Mediation	Settlement through Customary Balance
Victim Restitution	Customary Compensation
Peacemaking between the Parties	Customary Pepung
Community Participation	Customary Leaders and Family

The table shows that nearly all restorative justice principles have equivalents in Lampung customary law. Therefore, the harmonization of the two legal systems can be effectively implemented without creating significant normative conflicts. The primary goal of case resolution is not merely to punish the perpetrator but to repair the harm suffered by the victim and restore disrupted social relationships. The findings of this study indicate that these goals have long been part of Lampung customary law. The

results show that customary legal values can support the implementation of restorative justice, thereby creating more recovery-oriented solutions.

Research conducted by [Muyassar \(2025\)](#) shows that customary law contains relevant local wisdom values, such as the principles of deliberation and consensus, respect for nature, and mechanisms for protecting vulnerable groups. Customary law also plays a role in supports sustainable economic development and environmental conservation. However, challenges remain in revitalizing customary law, including its alignment with human rights principles, documentation, and knowledge regeneration efforts. This study emphasizes the importance of formally recognizing customary law within the national legal system through harmonization, strengthening the capacity of customary institutions, and integrating customary law values into development policies. With the right approach, customary law can be a crucial element in realizing a more responsive, contextual, and equitable legal system in Indonesia.

4.4 Analysis Based on the Theory of Legal Pluralism

In modern society, various legal systems coexist and influence one another. Legal pluralism is often defined as a form of legal diversity. Over the years, legal pluralism has faced criticism, including the perception that it does not sufficiently emphasize the boundaries of the laws used and that it does not adequately consider the macro-social and economic structures that influence people's lives. This has led to legal centralism and a disregard for the justice. Legal pluralism is generally used to understand legal realities in society ([Pudjilianto & Handayani, 2022](#)).

In Lampung, state law and customary law are not in conflict; rather, they are complementary. State law provides legal certainty and protection of citizens' rights, while customary law provides social legitimacy and solutions that align more closely with community values. The successful resolution of criminal cases through customary approaches demonstrates that legal pluralism can strengthen law enforcement effectiveness. Communities tend to be more accepting of decisions made through a process involving traditional leaders and considering local values than those that focus solely on the formal aspects of the law.

This finding also supports [Yasim et al. \(2026\)](#), who state that legal pluralism is a social reality that cannot be ignored in the development of national law. Research conducted by [Sagala \(2022\)](#) states that legal pluralism in Aceh reflects Indonesian law's response to the diversity of existing laws. The constitution essentially recognizes Indonesia's diverse laws and religions. Cultural and religious diversity increasingly compels the government to maximize its efforts to create laws that accommodate the prevailing laws within society. After discussing the legal system in Aceh, it turns out that there are three intersecting legal systems in Aceh: Islamic Sharia, Acehnese customary law, and Indonesian national law (positive law) in general. The criteria for the applicability of each law are provided for Islamic law and Indonesian national law.

4.5 Analysis Based on the Theory of Justice

Justice must be realized through a balanced distribution of rights and obligations and provide benefits for all parties. From a modern criminal law perspective, justice is often realized by imposing sanctions on perpetrators. The most crucial constitutional rights of citizens are health, economic, and educational rights. The non-fulfillment of the safety and constitutional rights of citizens is a form of denial of the mandate of the 1945 Constitution of the Republic of Indonesia ([Supriyono, Sholichah, & Irawan, 2022](#)).

However, research shows that the Lampung community interprets justice more broadly than the formal definition. Justice does not only mean punishing the perpetrator, but also includes victim reparation, restoring social relationships, and preventing future conflicts. Through customary mechanisms, victims can directly address their losses to the perpetrator. Conversely, perpetrators are given the opportunity to take responsibility and correct their mistakes before the community does. This creates substantive justice rather than merely procedural justice. Thus, the harmonization of customary and modern law can realize a more comprehensive concept of justice in accordance with the theory of justice developed by Rawls.

4.6 Consistency with Previous Research

The results of this study reinforce the findings of previous studies on the role of customary law in resolving criminal cases. Customary law functions as an effective means of social control because it is based on community values. This research finding demonstrates that the Lampung community still uses customary law as the primary mechanism for resolving social conflict. Integrating customary law into the national legal system can increase legal legitimacy within the community. This study indicates that the involvement of customary institutions in resolving criminal cases can increase public acceptance of the outcome of the case. Furthermore, [Aulia \(2018\)](#) research on progressive law emphasizes that the law must prioritize humanity and substantive justice. The harmonization of customary and modern law found in this study is a concrete example of the application of progressive law oriented towards community welfare.

5. Conclusions

5.1 Conclusion

Lampung customary law remains highly relevant in resolving certain criminal cases related to social conflicts, as the values of **Piil Pesenggiri** provide an essential foundation for achieving peace and restoring social relationships within the community. The harmonization between modern law and customary law can be realized through the implementation of restorative justice, which allows customary mechanisms to be accommodated without disregarding national legal provisions. This approach promotes substantive justice by not only addressing the punishment of offenders but also restoring victims' rights and maintaining social harmony. Furthermore, the integration of customary law into the criminal justice system contributes positively to improving law enforcement effectiveness, strengthening public trust in legal institutions, and establishing a more equitable and humane criminal justice system.

5.2 Research Limitations

The limitations of the research titled *Harmonization of Modern Law and Customary Law in the Enforcement of Fair Criminal Law* lie in the use of a normative juridical approach, which focuses more on the analysis of norms, concepts, and legal doctrines, and thus does not fully depict the empirical conditions in the field regarding the practice of harmonization between positive law and customary law. Additionally, the diversity of customary law in Indonesia, which is broad and varies between regions, limits the generalization of the research results. This research also relies on the availability of relevant literature and jurisprudence; therefore, it is possible that recent developments in law enforcement practices have not been accommodated. Thus, the results of this study require enrichment through empirical research to obtain a more comprehensive picture of the implementation of legal harmonization in criminal court practice.

5.3 Suggestions and Directions for Future Research

Suggestions and directions for future research on the harmonization of modern and customary law in the enforcement of just criminal law should focus on strengthening empirical approaches through field studies in various regions to explore the actual practices of applying customary law within the criminal justice system. Further research is recommended to examine a more operational integration model between positive law and the law that lives within society, including the role of law enforcement officers in implementing substantive justice values based on Pancasila. In addition, comparative studies between regions or even countries with legal pluralism need to be conducted to find the best practices for harmonizing legal systems. Future research can also develop a more applicable policy framework for the reform of national criminal law, particularly regarding the recognition of customary law as a legitimate source of law without neglecting the principle of legality. Thus, it is expected that a more responsive, adaptive, and fair criminal law enforcement system will be created for society.

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Author Contributions

IS contributed to the conceptualization, methodology, investigation, data curation, formal analysis, and writing of the original draft. AM contributed to the methodology, validation, formal analysis, and writing–review and editing of the manuscript. TM contributed to the investigation, data curation, resources, and validation. TY contributed to the literature review, data analysis, visualization, and writing–review and editing. DHS contributed to supervision, project administration, validation, writing–review and editing, final approval, and served as the corresponding author. All authors have approved the final version of the manuscript and are accountable for all aspects of the research, ensuring the integrity, accuracy, and quality of the work.

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