

# Principles of Restorative Justice: Settlement of Criminal Cases in Indigenous Peoples of Dukuh Village, Ciroyom Village

Cece Suryana

[cece@sth-pasundan.ac.id](mailto:cece@sth-pasundan.ac.id)

Sekolah Tinggi Hukum Pasundan Sukabumi, Indonesia

## Article Info

Received: 2021-01-22

Revised: 2021-06-25

Accepted: 2021-06-30

### Keywords:

Hamlet Village,  
Restorative Justice,  
Criminal Cases

## Abstract

*In Indonesia there are still many community groups that still adhere to customary laws, one of which is the indigenous people of Kampung Dukuh, located in Ciroyom Village, Cikelet District, Garut Regency, West Java. One of the values of wisdom that is still maintained by these indigenous peoples is resolving problems related to criminal law violations by way of deliberation and providing a kind of offering or compensation to the victim which is called ngahaturanan pour (invites to eat) and then a peace occurs. between the perpetrator and the victim. The purpose of this research is to find out how the process of resolving criminal offenses in the Dukuh customary village is based on the principles of restorative justice and what is the role of law enforcement officials in handling criminal cases that occur in the Dukuh customary village area. The method that the authors use in this study is descriptive analysis method and uses normative juridical methods in its approach. The results of the study show the application of the principles of restorative justice in the settlement of criminal violations that occurred in the Dukuh traditional village, namely by conducting deliberations that aim to reconcile between the perpetrator and the victim, then the perpetrator also gives some compensation to the victim in the form of food and agricultural products it is called ngahaturanan pour (allowing to eat) then if the intention of peace made by the perpetrator to the victim is then accepted, then the perpetrator will be bathed by traditional leaders with certain prayers so that the sins of the perpetrator can be erased. The participation of law enforcement officials in dealing with cases of criminal violations that occur in*

*the midst of the Dukuh Village customary community is to carry out a process of investigation and investigation of criminal cases which are felt to be handled directly by the police even though in reality the case has been resolved legally. custom.*

## 1. INTRODUCTION

The Indonesian nation is a nation that has a very long history, among the historical facts that cannot be denied is that the Indonesian nation was once colonized by foreign nations for about three and a half centuries. In the process of colonialism, of course the Indonesian people interacted and acculturated with these foreign nations (Roszi & Mutia, 2018). In the process of interaction that occurs between the Indonesian people and foreign nations, it certainly influences the mindset and life patterns of the Indonesian people (Suslylawati, 2009).

The existence of the application of the concordance principle, caused the legal system of the colonizing country to be applied in the colonized country. As we know, the Netherlands is the country that colonized Indonesia for the longest time. Therefore the legal system in force in the Netherlands has more or less influenced the legal system of the Indonesian republic after the proclamation of independence (Adhayanto, 2014).

The Netherlands follows the Continental European legal system, which places great emphasis on the principle of legal certainty. This means that written legislation is the primary source of law in this legal system (Sagama, 2016). The principle of legal certainty serves several essential purposes. Firstly, it offers clear and definite guidelines to the public regarding what actions are allowed and what is prohibited. Moreover, it provides law enforcement officials with the clarity they need to carry out their duties without hesitation or confusion (Karmilia, 2021).

The principle of legal certainty can indeed prevent arbitrariness from authorities or law enforcement officials because an act cannot be regarded as a crime before it is regulated in statutory regulations. However, on the other hand, putting too much emphasis on the principle of legal certainty often hurts the sense of justice in society (Nuryanto, 2018).

As an illustration, for example, there was a fight in which one of the victims suffered minor injuries. Based on the principle of legal certainty, the person who committed the abuse has violated Article 351 of the Criminal Code, but is it fair if the perpetrator of the beating is still put in prison even though between the perpetrator and the victim a peace agreement has been made and the perpetrator has also given a number of compensation to the victim.

Based on the principle of legal certainty, a person can be legally processed when his actions have fulfilled the elements of offense in an article without any of the reasons for the elimination of the crime (Sari et al, 2019). Thus putting too much emphasis on the principle of legal certainty can cause law enforcement officials to be too rigid without regard to the values of justice in society (Zaidan, 2021).

The Indonesian nation is a nation that is full and rich with wisdom values. Among the wisdom values that are still upheld by the Indonesian people are the values of deliberation and the values of forgiving each other when each party makes a mistake (Irmawati et al, 2021). In one of the indigenous communities in Indonesia, namely the Kampung Dukuh indigenous people located in Ciroyom Village, Cikelet District, Garut Regency, West Java, there are local wisdom values that have been upheld by the community until now, namely how to resolve violations that are categorized as criminal offenses. by means of deliberation and the offender provides compensation to the victim as a sign of apology and a form of reconciliation.

In the research that the author did, there were several statements from one of the traditional leaders in the village that there had been fights between traditional village residents, so the solution was by deliberating between traditional leaders with an agenda to reconcile between the two parties then if there was peace between the two party, then the perpetrator will be bathed first by traditional leaders as a form of penance, and after that the perpetrator will provide a number of compensations which is called ngahaturan pour (allowing to eat). This activity, which is based on the local wisdom values of the local community, has the aim that good relations between indigenous peoples, especially for the perpetrator and the victim, can be maintained and can eliminate feelings of grudges for each party so that harmony and brotherhood among members of indigenous peoples can continue. .

The things above are certainly an irony if we compare them with the reality of law enforcement that is happening at this time where law enforcement officials often prioritize the principle of legal certainty so that they pay little attention to the values of justice that live in society. From the background described above, the authors found several problems including , how is the process of settling cases of criminal violations in the hamlet customary village based on the principles of restorative justice, and what is the role of law enforcement officials in handling criminal cases that occur in the traditional village area? hamlet.

## **2. LITERATURE REVIEWS**

The Republic of Indonesia is a country rich in culture and customs which are still upheld today. One of the uniqueness of the republic of Indonesia is that there are still communities of indigenous peoples who still adhere to customary values and laws that have been passed down from generation to generation (Sudirman et al, 2021). In everyday life among the general public, we rarely encounter the term customary law, in the general public we usually encounter it only by mentioning the term adat which means a habit in a particular society. Etymologically (language) the word adat comes from Arabic, namely "Adah". Which means a habit, namely a community behavior that often occurs while the word law is etymologically derived from the Arabic word "Huk'm which means provisions or orders, so when combined

between law and custom which means a community behavior that always occurs continuously. continuously and more precisely can be called a customary law. But so far the legislation in Indonesia distinguishes between the terms "custom" and "custom", so that "customary law" is not the same as "customary law". "Customs" that are recognized in legislation are "Customary Law", while "Customary Law" is customary law outside of legislation.

Customary law is considered a living law as it reflects the genuine legal sentiments of the people based on their inherent nature. It remains in a constant state of evolution and development, akin to the continuous growth of life itself. Various legal experts have proposed several definitions of customary law, which are as follows:

- a. Van Vallenhoven (2013), who first mentioned customary law, gave a definition of customary law as: "The set of rules regarding behavior that apply to indigenous and foreign easterners on the one hand has sanctions (because they are legal) and on the other hand are under circumstances are not codified (because of custom). Abdulrahman (2014) emphasized that Van Vallenhoven's formulation was indeed suitable for describing what was called Adat Recht at that time, not for customary law today.
- b. Sudjito Sastrodiharjo (2012) emphasized: The science of law does not only study what is called *das sollen*, but must first remember *das sein*. Customary law is a species of unwritten law, which is its genus

Customary law differs from other Roman or Continental European sourced laws. Customary law is pragmatism-realism, meaning that it is able to meet the needs of society that is functionally religious, so that customary law has a social function or social justice. The characteristics that characterize customary law as 3 C are:

- a. Commun or communal or familial (society is more important than the individual);
- b. Contant or cash legal actions in customary law are valid if done in cash, as a binding basis for legal actions
- c. Concrete or Real, Real legal actions are declared valid if they are carried out concretely in the form of legal actions

Djojodigoeno (1958) mentions that customary law has the following characteristics: static, dynamic and plastic Static, customary law is always present in society, Dynamic, because customary law can follow the development of society, and Plastic/Flexible, the flexibility of customary law according to the needs and wishes of the community. Sunaryati Hartono, stated: With a comparative perspective, these three characteristics can be found in the laws that apply in agrarian or pre-industrial societies, not only in Asia but also in Europe and America. Surnarjati Hartono actually wanted to say that customary law is not unique to Indonesia, but can also be found in various other societies that are still pre-industrial outside Indonesia.

### **3. METHODS**

In this study, the authors used a normative juridical approach, namely the study of problems based on applicable laws and regulations by prioritizing library materials and their implementation in practice (Muhammad, 2004). The research

conducted can be classified as an analytical descriptive research method, aiming to provide a comprehensive and systematic understanding of how restorative justice principles are applied in resolving criminal cases within the indigenous community of Kampung Dukuh, Ciroyom Village, Cikelet District, Garut Regency, West Java. This study will be conducted in two distinct phases (Sumitro, 1990). The first phase involves library research, which involves analyzing secondary data from various sources to gain insights into the topic. The second phase, known as field research, will involve gathering, examining, and selecting primary data directly from the field to complement the information obtained from secondary sources. This dual approach will help ensure a well-rounded and in-depth examination of the application of restorative justice principles in the context of this specific indigenous community. The data collected both from the results of field research and library research were analyzed using qualitative juridical methods. This means that the collected data is described descriptively and does not use mathematical formulas in drawing conclusions.

#### **4. RESULTS AND DISCUSSION**

##### **1. The Process of Settlement of Criminal Violations Cases in Dukuh Traditional Village Based on the Principles of Restorative Justice.**

We can find various kinds of indigenous peoples in almost all regions of the Republic of Indonesia. One of the indigenous communities that still maintains customary values and laws that have been passed down from generation to generation is the indigenous people of the hamlet village in Ciroyom Village, Cikelet District, Garut Regency, West Java. Geographically, the Dukuh traditional village is between three mountains, namely Mount Batu Cupat, Mount Dukuh, and Mount Batu. The location of this traditional village is not far from the tourist attraction Santolo Beach, Garut Regency. The distance to this traditional village from the city of Bandung takes approximately 6-7 hours of travel. The location to go to the Dukuh village still has to pass through cobbled streets with red dirt contours which when exposed to rain water the road conditions will become very slippery. Apart from that, from the center of Cikelet District, to go to the Dukuh traditional village, visitors must also pass through a fairly dense teak forest.

Based on information from local traditional leaders, the name Dukuh means the village is more commonly known to us as Padukuhan. The beginning of the establishment of the Dukuh traditional village cannot be separated from the history of the life journey of Shaykh Abdul Jalil who is believed to be the initial founder of the Dukuh traditional village. Based on information from the traditional leaders of the Dukuh village, Shaykh Abdul Jalil was a cleric from the Mataram kingdom who was then asked to become a religious leader or teacher in the Sumedang Regency area which at that time was led by a Regent named Rangga Gempol II. After he had lived long enough in the Sumedang area of West Java, he decided to carry out the Hajj pilgrimage to the Holy Land of Mecca and also to deepen his religious knowledge. When he was about to return to his homeland, his teacher left a jug of water and a handful of soil, which his teacher then ordered that the water and a handful of soil be sprinkled on a piece of land that was in line with Shaykh Abdul Jalil's conscience.



After Shaykh Abdul Jalil returned to the Sumedang area, Shaykh Abdul Jalil also felt disappointed with the Regent at that time, namely Rangga Gempol II, who did not implement Islamic teachings and sharia properly. Until finally Shaykh Abdul Jalil left the Sumedang area and headed south, to be precise towards Batuwangi Tasikmalaya, West Java. After Shaykh Abdul Jalil lived for a while in the Batuwangi area, Shaykh Abdul Jalil continued his journey towards South Garut to be precise to an area now known as the Cikelet sub-district. After Shaykh Abdul Jalil stayed for some time in the Cikelet area, one night Shaykh Abdul Jalil saw a bright light, which then Shaykh Abdul Jalil came to the place. After Shaykh Abdul Jalil came to the place where the light was emitting, it turned out that there was already a husband and wife couple named Aki Candra and Nini Candra in that place. Feeling that this place was the right place to sprinkle a handful of soil and a pot of water that had been mandated by his teacher, the handful of soil and a pot of water were sprinkled in what we know today as Kampung Adat Dukuh. Until now, Shaykh Abdul Jalil's grave is located on the east side of the Dukuh traditional village. Based on several historical records, Shaykh Abdul Jalil's life span ranged from the 17th century AD, so from this information we can estimate that the age of the Dukuh Traditional Village is approximately around 400 years old. This is a brief history of the founding of the Dukuh Traditional Village, based on the information the author got from the traditional village leaders.

The customary rules, both containing orders and prohibitions, are still being obeyed and carried out by the indigenous people of the Dukuh village. One of the customary rules that are still adhered to by the indigenous people of Kampung Dukuh include:

- a. Rejecting modernization, in this case especially the people of Kampung Dukuh Rejecting the existence of electrical installations and electronic goods. So that when night comes, the houses in Kampung Dukuh only rely on cempor or damar as the only means of lighting.
- b. It is prohibited to build houses using walls or install glass on doors and windows and may not use tiles for roofs. With this rule, the houses in Kampung Dukuh are only made of wooden booths and boards and the roof is covered with thatch or straw leaves.
- c. Not allowed to wear gold jewelry either male or female. This is intended to avoid social inequality among the indigenous people of Kampung Dukuh
- d. Not allowed to keep livestock, especially goats, cows or buffalo or other animals that have loud voices. This is intended so that the settlement of the indigenous people of Kampung Dukuh remains in a calm atmosphere without having to be disturbed by loud animal noises.
- e. It is not permissible to sell food that has been eaten once, such as fried rice or rice. This is intended so that the indigenous people of Kampung Dukuh do not have a commercial spirit that is solely looking for profit.

Apart from the rules above, there are also rules that require the indigenous people of Kampung Dukuh to perform a ritual in the form of offerings in the form of food or agricultural products. These rituals include :

- a. Pouring Ngahaturan Ritual. This ritual is intended to make amends for someone's mistakes so that with this ritual it is hoped that the person's mistakes can be erased.
- b. Nyanggakeun. This ritual is an offering from the Indigenous people of Kampung Dukuh in the form of food or produce to the highest leader of the indigenous people of Dukuh Village, called Kuncen.
- c. Mana. This Manaja ritual is a ritual offering in the form of food and agricultural products to religious leaders
- d. Maros. Ritual offerings in the form of food and agricultural products to state apparatus in the area around the Dukuh Traditional Village such as the Kelurahan, District, Sector Police, Koramil and the Office of Religious Affairs.
- e. You are not allowed to cook with LPG gas, because the indigenous people of Dukuh village do not want the food they eat to be mixed with chemicals. Therefore, the indigenous people of Dukuh village cook using wood as fuel.

In the concept of land management for indigenous peoples, Kampung Dukuh has five customary functions in managing nature, which are related to the division of land types in terms of function and use. The distribution of customary land types in Kampung Dukuh is as follows (Mainaki & Rosali, 2019).

- a. Tutupan Land. Covered land is a mountain that functions as a source of life. Mountains are a source of basic commodities because they can produce springs that have enormous benefits for humans. Water has a fairly important role in human life, such as for growing plants, needed for religious activities, and needed for drinking and cooking. On that basis, the people of Kampung Dukuh really care about Mount Dukuh which is in the north of the village because it is the location of the spring that the people of Kampung Dukuh need. The people of Kampung Dukuh protect their springs by not cutting down trees indiscriminately on Mount Dukuh
- b. Entrusted Land. Entrusted land is land contained in the ancestral will of Kampung Dukuh. The deposited land in Kampung Dukuh consists of land called awisan land. The awisan land consists of Arab awisan land which is located to the west of the kuncen house, Dukuh awisan land which is located around Dukuh Dalam Village, Bangkelung awisan land which is to the southwest of Dukuh Village, Sukapura awisan land which is located to the west of Hamlet Village, and Sumedang awisan land is located east of Kampung Dukuh.
- c. Prohibited Land. Prohibited land is land that is considered holy and sacred so that it has certain limitations in acting according to customary rules that must be obeyed. In Kampung Dukuh there are three forbidden lands, and each of these forbidden lands is bounded by a fence made of awi (bamboo). The three forbidden lands are: village forbidden land, makom forbidden land and forest forbidden land
- d. Arable land. Arable land in Kampung Dukuh is land managed by the people of Kampung Dukuh in an effort to meet their daily needs. Arable land in Kampung Dukuh includes rice fields and plantations.

- e. Reserved Land. Reserved land in Kampung Dukuh is land that functions for the survival of the successor to Kampung Dukuh in the future. Kampung Dukuh's reserve land includes a reserve forest area which is currently being managed by Perhutani. The people of Kampung Dukuh hope that in the future they can get their rights back regarding the forest area which is currently being managed by the Perhutani. The reserved land of Kampung Dukuh is inherited land from the ancestors of Kampung Dukuh which must be preserved so that it can be useful and utilized by the next generation of Kampung Dukuh in the future.

Among the customary rules that are still adhered to and obeyed by the indigenous people of Kampung Dukuh there are very good values, especially in terms of resolving disputes or violations related to criminal law. Settlement of disputes, especially those related to violations of criminal law by the indigenous people of Dukuh village, is resolved by deliberation, namely by gathering traditional leaders to bring together disputing parties or between perpetrators and victims so that peace can occur. As a form of apology and good faith from the perpetrator and his family, in this case the perpetrator and his family provided a number of compensation in the form of food and agricultural products as a form of settlement and a desire to make peace with the victim and his family. If the apology from the perpetrator is accepted by the victim, then the perpetrator is bathed by traditional leaders with certain spells with the intention that the sins and mistakes of the perpetrator can be erased. The offerings given by the perpetrator in the form of food and agricultural products to the victim are called the Ngahaturanan Pour (inviting to eat) ritual.

Based on the information that the author obtained from the traditional leaders of Kampung Dukuh, so far the criminal violations that have occurred among the indigenous people of Kampung Dukuh have only been limited to fights or persecution. Regarding the problem of theft or other criminal acts, this has never happened in Kampung Dukuh because the indigenous people of Kampung Dukuh believe in an unwritten customary sanction but can befall anyone who commits an offense in the midst of the Kampung Dukuh Indigenous community. The customary community of Kampung Dukuh called this sanction as Kawalat.

Settlement of disputes or criminal offenses through a process of deliberation with the aim of reconciling perpetrators and victims has several objectives, including:

- a. Improving the relationship between the perpetrator and the victim and their family which was damaged by the conflict between the brands
- b. Continue to maintain a good relationship between the perpetrator and the victim so that their relationship which was initially good will continue to be good again.
- c. Reducing turmoil in the midst of society due to conflicts or disputes between perpetrators and victims
- d. Continue to maintain good relations between members of the Kampung Dukuh customary community
- e. Continue to maintain unity, oneness and love between the indigenous people of Kampung Dukuh.



- f. Preventing the occurrence of an intense grudge between the perpetrator and the victim and his family which can result in security instability in the midst of the Kampung Dukuh indigenous people.

The values of wisdom or wisdom of the Kampung Dukuh indigenous people, especially in terms of resolving disputes or violations related to criminal law, can reflect the fulfillment of a sense of justice in society. This is often inversely proportional to the reality of law enforcement in Indonesia where law enforcement officials are often too focused or fixated on the sound of the text of laws and regulations with the aim of achieving legal certainty.

In Indonesia, the traditional legalistic approach to law enforcement is gradually shifting towards a more progressive direction, thanks to the influential ideas introduced by legal scholar Satjipto Rahardjo in 2014. This progressive legal paradigm aims to liberate law enforcement officials, especially judges, from the constraints of legal positivism, which has often led to injustices for those seeking justice. Law enforcement involves a series of processes that deal with abstract concepts such as values, ideas, and ideals that serve as the goals of law. These legal goals or ideals encompass moral values like justice and truth, which must be effectively translated into practical reality. The success of law enforcement lies in the ability to harmonize and embody these values through solid principles and attitudes, ultimately contributing to the creation, maintenance, and preservation of social peace.

Law enforcement serves as a means to achieve legal goals, and therefore, all efforts should be directed towards ensuring that the law can effectively realize its moral values. When law fails to live up to these values, it runs the risk of losing its legitimacy and becoming disconnected from society. Successful law enforcement becomes a crucial barometer for assessing the legitimacy of the legal system within its social context.

Satjipto Rahardjo explained that entering the 20th and early 21st centuries, a fairly important change appeared, namely the start of resistance to the domination or power of the state. In science, this view emerges and is promoted by postmodernist thinkers, so that in this way the hegemonic nature of the state is slowly limited, and pluralism begins to appear in society where the state is no longer absolute in power. What is known as local wisdom emerges, that the state is not the only truth. This is what Satjipto Rahardjo describes as an illustration of legal transformation that has experienced a " bifurcation" (branching) from a legal style that is formalism, rational and procedural, but besides that, there are also thoughts that prioritize substantial justice, as explained. Modern law finds itself at a crucial juncture where a significant discrepancy exists between the concept of justice as determined and the actual implementation of the law. The realm of justice is not necessarily identical to the realm of positive law. This dilemma becomes apparent when discussing the notion of "the rule of law." Does it imply the ultimate authority of justice or the ultimate authority of the law itself? This intersection gives rise to further distinctions, such as "formal justice" or "legal justice" on one side and "substantial justice" on the other. In essence, this situation highlights the complex relationship between the idealized concept of justice and the practical application of the law, raising important questions about

which aspect should take precedence in the legal system (Soemadiningrat & Susanto, 2014).

The values of local wisdom which are still upheld by indigenous peoples in Indonesia should become a role model or reference in the process of law enforcement in Indonesia so that in the process of law enforcement, law enforcement officials prioritize human values and justice as their initial goal. From the establishment of the Republic of Indonesia, namely protecting the entire homeland of the Republic of Indonesia.

## **2. The Participation of Law Enforcement Officials in Handling Criminal Cases That Happened in the Dukuh Traditional Village Area.**

the independence of the Republic of Indonesia, this country was a nation consisting of various ethnic groups and religions. Various tribes, ethnicities and religions scattered across the archipelago, mingle to become one integrated state in a unitary state that we know as the Republic of Indonesia.

The unification of various ethnic groups across the Indonesian archipelago into a cohesive national bond is mirrored in traditional communities throughout the country, including the Dukuh village indigenous people in Garut Regency, West Java. These indigenous people have also pledged their allegiance to the unitary state of the Republic of Indonesia and embrace Pancasila as the state ideology. The fact that the Dukuh village indigenous people possess Identity Cards (KTP) integrated with local government data is evidence of their recognition of the Indonesian government's existence. Additionally, they hold other official documents, such as family cards, affirming their status as citizens of the Republic of Indonesia. A testament to their integration within the state system is seen when they partake in marriage ceremonies officiated by state officials, typically the Office of Religious Affairs, and subsequently register their marriages with the state to obtain a marriage book.

One proof that the indigenous people of Kampung Dukuh recognize the existence and existence of the government of the Republic of Indonesia, in one of the traditional rituals in the form of offerings made by the indigenous people of Kampung Dukuh there is what is called Maros. Maros is one of the traditional rituals carried out by the indigenous people of Dukuh village in the form of offerings of crops and food intended for the sub-district, sectoral police, sub-district military command, village administration, and the religious affairs office. These things prove the recognition and obedience of the Dukuh indigenous people to the government of the Republic of Indonesia, even though in reality the Dukuh indigenous people are a society that has existed for approximately 400 years.

The form of implementation of the obedience and obedience of the Dukuh Village indigenous people to the Government of the Republic of Indonesia is not only proven by their obedience to administer documents related to personal identity, but the Dukuh Village indigenous people are also obedient and obedient to the laws that apply in the Republic of Indonesia. As a consequence of the recognition and obedience of the indigenous people of Kaung Dukuh to the government of the Republic of Indonesia, all laws and regulations both concerning criminal and civil matters must be obeyed by the indigenous people of Dukuh village. Therefore, the indigenous people of Dukuh village do not dare to commit theft and other criminal acts because

they understand that there is a state law that will provide criminal sanctions to anyone who commits a violation of the law .

The existence and applicability of customary law in society are still recognized as long as it is explicitly specified and its content does not contradict the national law. The acknowledgment of customary law must be upheld due to a significant portion of the Indonesian population being subject to its practices. Therefore, to accommodate this reality, the principle of legality should adopt a formal-material approach, meaning that customary law's existence is officially recognized within specific communities and is based on the foundation of national law. This approach ensures that customary law is respected and integrated into the legal framework while also adhering to the broader national legal system (Christianto, 2019).

Article 2 of the Criminal Code states that Indonesian criminal law applies to anyone who commits a crime throughout the territory of the unitary state of the republic of Indonesia. The Dukuh village area, which is located in Ciroyom Village, Cikelet District, Garut Regency, West Java, is an integral and inseparable part of the state. the unitary republic of Indonesia. Therefore, regulations related to criminal law, both material and formal in nature, also apply in the Dukuh traditional village. Thus, if one of the traditional residents of Dukuh village commits theft, they will still be charged with Article 362 of the Criminal Code and the handling of the theft case will still refer to the Criminal Procedure Code.

In general, it is rare for a crime to occur among the indigenous people of Dukuh Village, but that does not mean that there have never been conflicts or disputes between indigenous peoples. In general, if there is a conflict or dispute between indigenous peoples, then the dispute or conflict will be resolved by the customary mechanism as the author has explained above, namely by reconciling between the perpetrator and the victim where the perpetrator makes an offering to the victim which is called ngahaturan pour (allowing Eat)

As far as the information that the author got from traditional leaders in Kampung Dukuh, there was one case that occurred in the traditional area of Kampung Dukuh where the Cikelet Sector Police intervened to solve the problem. The problem is the problem of fights that end in slashing each other. Actually, this problem has been resolved according to custom and there has even been peace between the perpetrator and the victim. However, the police believed that the problem was not enough to be resolved by using the deliberation mechanism. Until finally the perpetrator of the stabbing was legally processed and sentenced to 4 years in prison.

The indigenous people of Kampung Dukuh are a community that recognizes and obeys the unitary state of the Republic of Indonesia, thus giving the consequence that the indigenous people of Kampung Dukuh must comply with all laws and regulations that apply in the Republic of Indonesia.

Law enforcement officials, especially the police, have the authority to carry out the law enforcement process against criminal cases that occur in the community. In the reality of law enforcement in Indonesia, we often see that law enforcement officials are too fixated on orders or the sound of laws so that what is put forward is only principles related to legal certainty without considering the sense of justice that lives in society.

The values of customary law, especially in Indonesia, actually prioritize deliberation in solving various kinds of problems, including problems related to violations of criminal law. The process has the main objective so that between the perpetrators and victims there can be peace so that it can create harmony and peace in the midst of society. The values of local wisdom which are often used in solving various kinds of problems are currently being developed especially in the process of law enforcement in Indonesia so that law enforcement officials are not only fixated on the sound of texts or statutory orders but rather prioritize humanity and justice in society. in the middle of society.

The development of the paradigm of law enforcement in Indonesia which was initially more legalistic and now leads to more progressive thinking, that is what we know as the concept of restorative justice.

Restorative justice or other terms often called restorative justice is a new approach in efforts to resolve criminal cases. The approach or concept of restorative justice or restorative justice focuses more on the participation or direct participation of perpetrators, victims and the public in the process of resolving criminal cases. so that this approach is popularly known as the "non-state justice system" in which the role of the state in settling criminal cases is small or even non- existent both theoretically and practically (Azhar, 2019).

## **5. CONCLUSION**

The application of the principle of restorative justice in the settlement of criminal violations that occurred in the Dukuh traditional village, namely by holding deliberations aimed at reconciling the perpetrator and the victim, then the perpetrator also gives some compensation to the victim in the form of food and produce called ngahaturanan pour (allowing to eat) then if the intention of peace made by the perpetrator to the victim is then accepted, then the perpetrator will be bathed by the traditional leaders with certain prayers so that the sins of the perpetrator can be erased. The participation of law enforcement officials in dealing with cases of criminal violations that occur in the midst of the Dukuh Village customary community is to carry out a process of investigation and investigation of criminal cases which are felt to be handled directly by the police even though in reality the case has been resolved legally. custom.

## **REFERENCES**

1. Abdurrahman. (2014). *Hukum adat menurut perundang-undangan Republik Indonesia*. Cendana Press.
2. Adhayanto, O. (2014). Perkembangan Sistem Hukum Nasional. *Jurnal Ilmu Hukum*, 5(2), 163-171.
3. Azhar, A. F. (2019). Penerapan konsep keadilan restoratif (restorative justice) dalam sistem peradilan pidana di Indonesia. *Mahkamah: Jurnal Kajian Hukum Islam*, 4(2), 134-143.
4. Christianto, H. (2009). Pembaharuan makna asas legalitas. *Jurnal Hukum & Pembangunan*, 39(3), 347-375.

5. Djodjodigono, M. M. (1958). *Asas-asas hukum adat*. Jajasan Badan Penerbit Gadjah Mada.
6. Irmawati, I., Pawennei, M., & Qahar, A. (2021). Penyelesaian Tindak Pidana Ringan Melalui Kearifan Lokal (Hukum Adat) Dalam Sistem Hukum Indonesia. *Journal of Lex Generalis (JLG)*, 3(2), 133-147.
7. Karmilia, R. (2021). PENERAPAN PRINSIP RESTORATIVE JUSTICE DI TINJAU DARI PERSPEKTIF ASAS KEPASTIAN HUKUM. *Journal Of Juridische Analyse*, 1(2), 1-9.
8. Mainaki, R., & Rosali, E. S. (2019). Nilai-Nilai Kebudayaan Di Kampung Adat Dukuh Sebagai Bentuk Kearifan Lokal Hidup Selaras Dengan Lingkungan. *Jurnal Geografi Gea*, 19(1), 67-75.
9. Muhammad, A. (2004). *Hukum dan penelitian hukum*. Bandung: Citra Aditya Bakti.
10. Nuryanto, C. (2018). Penegakan Hukum Oleh Hakim Dalam Putusannya Antara Kepastian Hukum Dan Keadilan. *Jurnal Hukum Khaira Ummah*, 13(1), 71-84.
11. Raharjo, S. (2014). *Hukum Progresif, Sebuah Sintesa Hukum Indonesia*. Yogyakarta: Genta Publishing.
12. Roszi, J. P., & Mutia, M. (2018). Akulturasi Nilai-Nilai Budaya Lokal dan Keagamaan dan Pengaruhnya terhadap Perilaku-Perilaku Sosial. *FOKUS, Jurnal Kajian Keislaman dan Kemasyarakatan*, 3(2), 172.
13. Sagama, S. (2016). Analisis konsep keadilan, kepastian hukum dan kemanfaatan dalam pengelolaan lingkungan. *Mazahib*, 20-41.
14. Sari, I. D. M., Gita, H., & Lumbanraja, A. D. (2019). Analisis Kebijakan Hukum Pidana Terhadap Delik Perbuatan Tidak Menyenangkan. *Jurnal Pembangunan Hukum Indonesia*, 1(2), 171-181.
15. Sastrodiharjo, S. (2012). *Hukum adat Dan Realitas Kehidupan*. In *Hukum Adat dan Mordernisasi Hukum*. Yogyakarta: Universitas Islam Indonesia.
16. Soekanto, S. (1977). Kesadaran hukum dan kepatuhan hukum. *Jurnal Hukum & Pembangunan*, 7(6), 462-471.
17. Soemadinigrat, O. S., & Susanto, A. F. (2014). *Teori Hukum Mengingat, Mengumpulkan dan Membuka Kembali*. Bandung, Refika Aditama.
18. Soemitro, R. H. (1990). Metodologi penelitian hukum dan jurimetri. *Ghalia Indonesia, Jakarta*, 167.
19. Sudirman, S., Yunus, A., & Arif, M. (2021). Implementasi Nilai-Nilai Hukum Adat Dalam Mewujudkan Hukum Yang Bersendikan Kearifan Lokal. *Journal of Lex Generalis (JLG)*, 2(1), 89-106.
20. Susylawati, E. (2009). Eksistensi hukum adat dalam sistem hukum di Indonesia. *Al-Ihkam: Jurnal Hukum & Pranata Sosial*, 4(1), 124-140.
21. Syamsudin, M. (2014). *Hukum Adat dan Mordernisasi Hukum*. Yogyakarta: Universitas Islam Indonesia.
22. Vallenhoven, Van. (2013). *Orientasi Dalam Hukum Adat Indonesia*. Jakarta: Jambatan.
23. Zaidan, M. A. (2021). *Menuju pembaruan hukum pidana*. Sinar Grafika.