


Implementation of the Customary Law System in Criminal and Civil Law Enforcement in Coastal Communities

Hadibah Zachra Wadjo^{1*}, Novyta Uktolseja²

^{1,2,3}, Faculty of Law, Universitas Pattimura, Ambon, Indonesia.

 : dibawadjo123@gmail.com

Corresponding Author*



Abstract

Introduction: Customary law plays a crucial role in resolving various social conflicts and maintaining justice within the local context.

Purposes of the Research: The objective of this article is to examine the role of customary law in resolving criminal and civil disputes within the coastal communities, focusing on the practices of customary law in Negeri Tamilouw, Maluku.

Methods of the Research: This research employs a normative-empirical approach, combining literature analysis of customary law with direct observation of its application in the Tamilouw community.

Results Main Findings of the Research: The findings of the study show that customary law in the Land of Tamilouw plays an important role in resolving social conflicts through restorative approaches. Communities prefer customary deliberation to taking cases to formal courts, despite challenges in customary law recognition of national law. Customary law is also effective in resolving civil disputes, such as inheritance and property rights, based on local cultural norms.

Keywords: Implementation of Customary Law; Criminal Law; Civil Law; Coastal Communities.

Submitted: 2024-11-09

Revised: 2025-03-24

Accepted: 2025-03-28

Published: 2025-03-31

How To Cite: Hadibah Zachra Wadjo, Novyta Uktolseja. "Implementation of the Customary Law System in Criminal and Civil Law Enforcement in Coastal Communities." PAMALI: Pattimura Magister Law Review 5 no. 1 (2025): 183-192. <https://doi.org/10.47268/pamali.v5i1.2459>

Copyright © 2025 Author(s)  Creative Commons Attribution-NonCommercial 4.0 International License

INTRODUCTION

Coastal communities in Indonesia have a unique and very diverse cultural richness, including in their customary law system.¹ Customary law is one of the local wisdom that is still maintained and applied by coastal communities in resolving various legal problems, both in the realm of criminal law and civil law.² The customary law system owned by coastal communities is generally based on the values of togetherness, harmony, and justice.³ Customary law in Indonesia has a long history and has been an integral part of people's lives since pre-colonial times.⁴ During the colonial period, the customary law system had experienced marginalization due to the enactment of a centralistic colonial legal system.⁵ However, after independence, customary law again gained recognition and a more significant role in the national legal system.⁶ Coastal communities in Indonesia generally still maintain and apply the customary law system in resolving various legal problems that occur in their environment.⁷ This is due to several factors, including: (1) the customary law

¹. Soepomo, *Bab-Bab tentang Hukum Adat* (Jakarta: Pradnya Paramita, 1993), p. 1-2.

². Hilman Hadikusuma, *Hukum Kekerabatan Adat* (Jakarta: Fajar Agung, 1987), p. 45-47.

³. Rikardo Simarmata, *Pengakuan Hukum terhadap Masyarakat Adat di Indonesia* (Jakarta: UNDP, 2006), p.23-25.

⁴. Bushar Muhammad, *Asas-Asas Hukum Adat* (Jakarta: Pradnya Paramita, 2006), p.15-18.

⁵. Sartono Kartodirdjo, *Pengantar Sejarah Indonesia Baru: 1500-1900* (Jakarta: Gramedia Pustaka Utama, 1993), p.121-124.

⁶. Jimly Asshiddiqie, *Konstitusi dan Konstitusionalisme Indonesia* (Jakarta: Sinar Grafika, 2011), p. 201-205.

⁷. Ayu Putri Ariani, "Eksistensi Hukum Adat dalam Masyarakat Pesisir", *Jurnal Hukum dan Pembangunan*, 46 no 2 (2016): p. 234-237.

system is considered more in accordance with the values and norms embraced by coastal communities; (2) the process of resolving cases through customary law is considered faster, more effective, and more efficient than the formal legal system; and (3) customary law is considered to be more able to maintain harmony and balance in society.⁸

Criminal law enforcement, customary law system in coastal communities has a significant role. The existence of Customary Law is a unity of legal substance, customary law itself must be placed in a reasonable position in the deepening and development of legal material in accordance with the diversity of tribes and cultures in Indonesia.⁹ Various violations of the law that often occur in coastal communities include illegal *fishing*, human *trafficking and smuggling*, environmental crimes such as coral reef destruction and marine pollution, land conflicts between local communities and outsiders, including large corporations, where there is theft, persecution, or murder, often resolved through legal mechanisms custom.¹⁰

The process of resolving criminal cases through customary law generally involves the role of customary leaders, such as tribal chiefs, customary elders, or religious leaders, who act as mediators and sanctioning parties.¹¹ Sanctions imposed in the customary law system are also different from sanctions imposed in formal criminal law, such as payment of fines, social work, or isolation from society.¹² In addition to criminal law enforcement, the customary law system also plays an important role in civil law enforcement in coastal communities. Various civil issues, such as land, inheritance, or marriage disputes, are often resolved through customary law mechanisms.¹³

The process of resolving civil cases through customary law generally involves the role of customary figures, such as tribal chiefs, customary elders, or customary stakeholders, who act as mediators and decide the outcome of the settlement.¹⁴ Decisions made in the customary law system are generally based on the principles of justice, balance, and harmony in society.¹⁵ However, in its development, the implementation of the customary law system in law enforcement in coastal communities faces various challenges. The difference in understanding between indigenous peoples and formal law enforcers, as well as the lack of legal recognition and protection of the customary legal system, are some of the problems that must be faced.¹⁶

In addition, the geographical location with a remote location and difficult access makes law enforcement slow and less effective, which leads to local values and norms that sometimes conflict with national laws as well as economic dependence on activities that sometimes violate the law such as illegal fishing as well as limited human resources, technology, and infrastructure to support law enforcement which is the main challenge faced by law enforcement in the communities in coastal areas.

⁸. Sulistyowati Irianto, *Pluralisme Hukum Adat di Indonesia: Pergeseran Paradigma dari Sentralistik ke Desentralistik* (Jakarta: Yayasan Pustaka Obor Indonesia, 2015), p. 89-91.

⁹ Hadibah Z Wadjo, "Penerapan Hukum Adat Dalam Penyelesaian Perkara Anak", *Jurnal Pembangunan Hukum Indonesia*, 5, no 1 (2023):1-10.

¹⁰. Soerjono Soekanto, *Hukum Adat Indonesia* (Jakarta: RajaGrafindo Persada, 2014), p. 187-191.

¹¹. *Ibid.*, p. 192-195.

¹². *Ibid.*, p. 196-199.

¹³. Hilman Hadikusuma, *Hukum Perkawinan Adat* (Bandung: Citra Aditya Bakti, 1990), p. 121-126.

¹⁴. *Ibid.*, p. 127-132

¹⁵. *Ibid.*, p. 133-137

¹⁶. Sulistyowati Irianto, *Pluralisme Hukum Adat di Indonesia: Pergeseran Paradigma dari Sentralistik ke Desentralistik* (Jakarta: Yayasan Pustaka Obor Indonesia, 2015), p. 89-91.

The problems studied in this study are how the implementation of the customary law system in criminal and civil law enforcement in coastal communities, as well as the impact of the implementation of natural customary law enforcement in criminal and civil law enforcement in coastal communities. This research aims to analyze the implementation of the customary law system in the enforcement of criminal and civil law in coastal communities, especially in the State of Tamlouw, Maluku. Through this research, it is hoped that a deeper understanding can be obtained of the contribution of customary law in maintaining public order, as well as the obstacles faced in the application of customary law in a complex and multicultural society.

Various previous studies have shown the role of customary law in resolving social conflicts in coastal areas, such as land conflicts and family disputes. This research offers a new perspective in terms of the application of customary law in the context of legal pluralism in Indonesia which still requires stronger integration with the national legal system. The novelty of this research lies in its focus on the role of customary law in the criminal and civil realms at the same time, which has rarely been discussed in depth in previous literature. In addition, this study seeks to explore the extent to which customary law can function as a complement to the national legal system in coastal communities, especially in handling cases that cannot be resolved through formal mechanisms. This research is expected to make a new contribution to the study of legal pluralism in Indonesia, by showing how customary law can fill a void that is not covered by national law. Through a more restorative approach, customary law allows for a fairer and more efficient resolution in addressing a wide range of legal problems, especially in areas that are difficult to reach by formal authorities.

METHODS OF THE RESEARCH

This study uses a normative-empirical approach, which combines normative analysis of legal regulations with empirical data from the field, using the following approaches: *statute approach*, and *conceptual approach*. The location of the research is the Tamlouw Country in Maluku, with the main subjects of indigenous peoples, customary chiefs, and law enforcement officials. Primary data was collected through in-depth interviews and observations, while secondary data was obtained from books, scientific journals, and related laws and regulations. The legal material tracing technique uses in-depth interview techniques with stakeholders such as traditional leaders, community leaders, law enforcement officials, or local community members who are directly involved in the implementation of customary law. Continued Collect official documents such as court decisions, local regulations related to customary law, or government policies that affect the implementation of customary law in criminal and civil law enforcement, as well as analysis of studies using qualitative analysis.

RESULTS AND DISCUSSION

Tamlouw is a country located in Amahai District, Central Maluku Regency, Maluku Province. The land of Tamlouw is located on the island of Seram, which is Muslim. It is located in the south of the island of Seram right in the central part of the island of Seram approximately 14 km east of the town of Masohi. The country has *pela gandong* with the brothers in Hutumuri, and the Islamic Siri and the Christian Siri-Sori, all four of which are named after Musilou, Musitoa Shiva Samasuru Louhata. The traditional houses of Maluku

and North Maluku are called Baileo House. Rumah Baileo is a representation of Maluku culture and has a very important function for people's lives. Rumah Baileo is the identity of every country in Maluku other than a mosque or church. Baileo functions as a place to store sacred objects, a place for traditional ceremonies, as well as a community hall. The baileo floor is made high because it is believed that the spirits of the ancestors have a place and high degree from the place where the community is founded. And so that the public knows the deliberations that take place at the hall. Tamilouw Village has 11 hamlets, this village is located in the south of the island of Seram right in the central part of the island of Seram approximately 14km east of the town of Masohi. Tamilouw Village has a close relationship with the villages of Hutumury and Sirisory on the island of Saparua. Tamilouw Village is located in the southern part of Seram Island, right in the middle of the island and about 14 kilometers east of Masohi City. This village has eleven hamlets and establishes close social and cultural relations with Hutumury and Sirisory Villages located on Saparua Island.

The area of Tamilouw Village is bordered by the Wahai Nation to the north, the Banda Sea to the south, the Sepa Country to the east, and the Haya Country to the west, with a population of 11,624 people, consisting of 5,009 males and 6,615 females, this village forms a large community spread in 40 Neighborhood Units, to support the health needs of its citizens, Tamilouw Village has one main health facility, two auxiliary health centers (Pustu), as well as ten Integrated Service Posts (Yandu Post). In the field of religion and education, the village is equipped with four places of worship and fourteen schools that help meet the educational and spiritual needs of the community. This infrastructure reflects the village's efforts to improve the welfare and quality of life of its citizens through the provision of services that cover various aspects of social life.

A. Implementation of the Customary Law System in Criminal and Civil Law Enforcement in Coastal Communities

Customary law is a legal system that is sourced from the traditions and customs of the community's ancestors, and is not formally codified like state law. As a legal system that grows from people's lives, customary law is traditional, but it is still adaptive to changing times. This characteristic makes customary law remain relevant and functional in regulating social life in coastal communities, such as in the country of Tamilouw, Central Maluku. Indigenous peoples in coastal areas often view customary law as a sacred law, so its implementation is upheld and obeyed by the local community.¹⁷

In addition to its traditional nature, customary law also has the ability to adapt and change according to the needs of the community. These changes are generally based on situations and conditions that develop in society, and are adjusted to events or social changes that occur. Therefore, customary law can be adjusted and updated according to evolving living conditions. Indigenous peoples in the Land of Tamilouw, for example, have the flexibility to adapt their customary rules to the new social and cultural environment, so that customary laws remain relevant to their communities.¹⁸

Customary law in Indonesia, especially in coastal communities, is also known to be flexible because it is able to adapt to changes in the social environment that occur. This flexibility is one of the advantages of customary law that allows customary law to continue to survive in the midst of the influence of national law that is more retributive. In Tamilouw,

¹⁷ Bushar Muhammad, *Asas-Asas Hukum Adat* (Jakarta: Pradnya Paramita, 2006).

¹⁸ Pratama, B. "Dinamika Implementasi Hukum Adat dalam Sistem Hukum Nasional", *Jurnal Hukum Adat*, 15, no 2 (2020).

customary law not only serves as a social guideline, but also becomes a tool for resolving legal problems, both in the criminal and civil realms, in a faster and more efficient way.¹⁹

In general, customary law in coastal communities, including in Tamilouw, is applied in the form of norms that govern human behavior in daily life. These norms are considered to be an unwritten form of law, but they have binding force and are respected by indigenous peoples. These ever-evolving customary norms are adjusted to the people's sense of justice, so that even though they are not codified, customary law still has a strong and effective social sanction effect in maintaining community harmony.²⁰

In the country of Tamilouw, the implementation of customary law covers various aspects of people's lives, including the handling of criminal and civil cases. Customary law here is based on local wisdom that has been inherited from generation to generation, and in its implementation, customary law involves customary figures such as kings or customary heads as law enforcers, with a strong leadership role in implementing customary law, coastal communities feel better served and get more justice through customary law mechanisms than formal legal systems.²¹

In criminal law enforcement, coastal communities tend to choose restorative settlements through deliberation and consensus, rather than a long and formal litigation process. For example, in the case of theft or other minor offenses, the community will hold a customary meeting to decide on appropriate sanctions for the perpetrators, which are generally in the form of social sanctions or the restoration of relationships between individuals. This settlement not only resolves conflicts but also maintains harmonious relations between citizens.²² In addition, in the customary justice mechanism, customary institutions have their own system to handle cases that occur in their communities. For example, starting from receiving reports, calling the parties involved, to making decisions, all are carried out in a deliberative forum. This system shows that customary law works as a unit that supports each other and pays attention to developments in society, so that justice can be achieved collectively without overriding humanitarian principles.²³

Indigenous communities in Tamilouw also apply customary criminal sanctions to maintain social order. This criminal sanction is given to offenses that disturb the balance of society, such as theft, fights, infidelity, or violations of environmental norms such as Sasi. Sasi is a form of customary prohibition that aims to maintain the sustainability of natural resources, such as forests or gardens, from excessive exploitation. The existence of Sasi, the local community shows concern for the environment, so that customary law is not only social but also ecological.²⁴

In the process of resolving customary disputes, the Tamilouw people handed over authority to customary institutions led by the king, who were supported by other traditional leaders. The cases settled by these customary institutions are generally minor cases such as petty theft, domestic disputes, or fights. Decisions taken by customary institutions are considered final and respected by the community, because the decisions are made based on

¹⁹ Soerjono Soekanto, *Hukum Adat Indonesia* (Jakarta: RajaGrafindo Persada, 2014).

²⁰ Ariani, Ayu Putri, "Eksistensi Hukum Adat dalam Masyarakat Pesisir", *Jurnal Hukum dan Pembangunan*, 46, no 2 (2016).

²¹ Suryadi, *Implementasi Sistem Hukum Adat dalam Penegakan Hukum Pidana dan Perdata di Masyarakat Pesisir* (Jakarta: Penerbit Universitas Indonesia, 2018).

²² Hilman Hadikusuma, *Hukum Kekerabatan Adat* (Jakarta: Fajar Agung, 1987).

²³ Djamanat Samosir, *Hukum Adat Eksistensi Dalam Dinamika Perkembangan Hukum Di Indonesia* (Bandung: Nuansa Aulia, 2013).

²⁴ Frank L. Cooley, *Mimbar dan Takhta* (Jakarta: Pustaka Sinar Harapan, 1987).

the principle of deliberation recognized by all parties.²⁵ In addition to criminal law, customary law also plays an important role in regulating civil matters, such as inheritance, marriage, and economic transactions, in the case of inheritance, customary law determines the distribution of property in accordance with the norms that the community believes, so as not to cause family conflicts. This mechanism provides solutions that are considered fair by indigenous peoples because they are in accordance with their kinship values and beliefs.²⁶

Some forms of customary sanctions applied in the State of Tamilouw, for example, include customary fines in the form of money, foodstuffs, or goods agreed upon in customary deliberations. The amount of fines is usually adjusted to the type and level of violation. The customary sanctions given are in the form of 9.9 (Nine Nine) sanctions, for example, the sanction is with a whip, the whip will be whipped 9 (nine) times, 19 (nineteen) times, 29 (twenty-nine) times and so on. The most important thing must be a 9 (nine) or a 9 (nine) value. The same with sanctions on money and goods must be 9.9.²⁷ This fine is given as an effort to resolve conflicts and restore social harmony. In addition, social sanctions and honor restoration rituals are also often applied in certain cases as a form of affirmation of violated customary norms. This shows that customary law not only aims to punish, but also improve relations between community members.²⁸

Collaboration between customary law and national law sometimes occurs, especially if the case being handled is serious and requires formal intervention from the state. Although customary law has a high degree of flexibility in resolving issues, some specific cases still require resolution through formal law, so that these two systems can coexist to create more holistic justice for indigenous peoples.²⁹ However, the implementation of customary law also faces challenges, especially in terms of formal recognition by the national legal system. The influence of social change and modernization in coastal communities also has the potential to erode the sustainability of customary law. Therefore, stronger recognition from the government and a deeper understanding of modern society are needed to maintain the sustainability of customary law as part of the cultural and social heritage of coastal communities in Indonesia.³⁰

B. The Impact of Customary Law Implementation in Criminal and Civil Law Enforcement in Coastal Communities

Customary law in Indonesia, especially in areas with strong local wisdom such as in the Land of Tamilaouw, Ambon, not only functions as a social norm, but also as the main guideline in regulating various aspects of people's lives, including in the enforcement of criminal and civil laws. This research underlines the role of customary law as an instrument of local justice that is able to maintain social order through rules that are in harmony with local culture and traditions,³¹ in practice, customary law in Tamilaouw is used as an alternative in criminal law enforcement, mainly through a more restorative approach. This approach differs from the retributive nature of formal criminal law because it focuses more

²⁵ Dominikus Rato, *Hukum Adat: Suatu Pengantar Singkat Memahami Hukum Adat di Indonesia* (Yogyakarta: Laksbang Pressindo, 2011).

²⁶ Kartodirdjo, Sartono, *Pengantar Sejarah Indonesia Baru: 1500-1900* (Jakarta: Gramedia Pustaka Utama, 1993).

²⁷ Hasil Wawancara Denga Sukardi Tomagola (Raja Negeri Tamilouw) Dan Wahab Kolalina (Kaur Pembangunan) Pada Hari Senin, Tanggal 14 Oktober 2024

²⁸ H. Moh. Koesnoe, *Kapita Selekta Hukum Adat: Suatu Pemikiran Baru* (Jakarta: Varia Peradilan, IKAHI, 2002).

²⁹ Soepomo, *Bab-Bab tentang Hukum Adat* (Jakarta: Pradnya Paramita, 1993).

³⁰ Irianto, Sulistyowati. *Pluralisme Hukum Adat di Indonesia: Pergeseran Paradigma dari Sentralistik ke Desentralistik*. (Jakarta: Yayasan Pustaka Obor Indonesia, 2015).

³¹ Huda, A. *Hukum Adat di Indonesia*. (Jakarta: Pustaka Pelajar, 2017).

on resolving conflicts through mediation and deliberation. For example, cases of theft in the community are more often resolved by dialogue between the parties involved, where this process aims not only to compensate the victim, but also to restore social relationships that may have been damaged by the act.³²

The restorative approach applied in Tamilaouw reflects a long-standing philosophy of customary justice, even before colonial times. This value emphasizes the importance of reconciliation, so that justice is not solely punitive, but rather on the restoration of relationships and social harmonization. The existence of restorative customary law is a form of local wisdom that is consistently applied in various indigenous communities in Indonesia.³³ In the context of civil law, customary law in Tamilaouw also plays a significant role, especially in regulating relations between individuals and groups. Customary rules related to the division of inheritance, for example, are based on lineages and agreed local norms. This mechanism reflects social justice that pays attention to family structure and values in Tamilaouw, so that the community accepts the results of customary decisions as legitimate and fair.³⁴ However, the application of customary law is not separated from challenges. One of the main issues is the overlap of customary rules with national positive laws. This often causes confusion in society related to which legal system should be applied. In addition, modernization and social change also threaten the survival of customary law in Tamilaouw, as the influence of outside cultures can displace long-guarded local values.³⁵ Even so, the Indonesian state recognizes the existence of customary law, as stated in the constitution and several laws. Article 18B paragraph (2) of the 1945 Constitution, for example, recognizes the rights of indigenous peoples, while Law Number 6 of 2014 on Villages authorizes indigenous peoples to manage their social lives based on customs, with this recognition, indigenous peoples in Tamilaouw have a legal basis to maintain their traditions in resolving legal disputes independently.³⁶

Criminal law enforcement, customary law is often used by the people in Tamilaouw as the main choice in resolving conflicts before entering the formal realm. This shows that the local community is more comfortable with the settlement process based on customary deliberation because it is considered more in accordance with local cultural norms. This process also reduces the burden on the formal justice system and provides legal certainty in accordance with local cultural norms.³⁷ Social sanctions are a form of customary punishment applied in the settlement of minor criminal cases in Tamilaouw. This form of sanction can be in the form of temporary exclusion or reprimand in front of the public. In addition to serving as a reminder of customary values, this social sanction also aims to restore social relations damaged by acts of violation, without having to go through a lengthy judicial process.³⁸

In terms of civil law, customary law provides quick and efficient solutions in resolving conflicts, especially related to land ownership rights, marriage, and relationships between families. Coastal communities in Tamilaouw prefer deliberation-based settlements that are considered fairer, as this process respects social hierarchies and collective attachment

³² Purwanto, B. Implementasi Hukum Adat dalam Masyarakat Pesisir, *Jurnal Hukum Adat*, 15 no 3 (2018), 210-220.

³³ Susanto, R. Pendekatan Restoratif dalam Hukum Adat, *Jurnal Sosial Budaya*, 9 no 1 (2020): 78-89.

³⁴ Sumarni, L. *Hukum Waris dalam Adat Negeri*. (Yogyakarta: Gadjah Mada University Press, 2019).

³⁵ Hakim, T. Tantangan dalam Implementasi Hukum Adat, *Jurnal Masyarakat Adat*, 6 no 2 (2021): 45-56.

³⁶ Rahman, F. *Hukum Desa dan Pengakuan Adat*. (Malang: Universitas Brawijaya Press, 2018).

³⁷ Handayani, D. "Peran Hukum Adat dalam Penyelesaian Konflik", *Jurnal Antropologi Indonesia*, 42 no 2 (2019): 134-142.

³⁸ Setiawan, I. "Sanksi Sosial dalam Hukum Adat", *Jurnal Kriminologi Indonesia*, 15 no 4 (2020): 297-306.

among residents.³⁹ The recognition of customary law in the settlement of civil disputes is also regulated in several regulations, such as the Marriage Law and the Basic Agrarian Law. This law recognizes the rights of indigenous peoples, including in terms of land division and family rights, which are governed according to local customary norms, with this recognition, the Tamilaouw people can maintain customary law as a legitimate system in dispute resolution, even under national law.⁴⁰

The harmonization between customary law and national law is important in creating a legal system that is responsive to local needs, with the synergy between these two systems, it is hoped that customary law can continue to run without reducing the authority of national law, so as to create a balance in the fulfillment of justice in Tamilaouw,⁴¹ For the sustainability of customary law in the future, an approach that strengthens respect for local values among the younger generation is needed. Challenges in the form of cultural change and lack of understanding of customary values are issues that need to be addressed immediately so that customary law remains a solution in resolving conflicts in coastal communities.⁴²

CONCLUSION

The implementation of the customary law system in the country of Tamilaouw, Ambon, Maluku, shows that customary law has a significant role in the enforcement of criminal and civil law. By prioritizing the values of local wisdom, the community can achieve a fairer and more harmonious dispute resolution. The impact of customary law implementation in criminal and civil law enforcement in coastal communities, especially in Tamilaouw State, Ambon, Maluku, shows the complex interaction between local norms and the national legal system. While customary law can provide alternative settlements that are more in line with local culture, challenges in terms of legitimacy and recognition remain issues that need to be addressed. Therefore, it is important to continue to develop and promote customary law as part of the legal system in force in Indonesia as well as conduct further research on specific cases in various coastal areas to understand local dynamics in the application of customary law. In addition, a more inclusive approach is needed in integrating customary law into the national legal system to achieve more holistic justice for communities and review government policies related to the recognition of customary law and its impact on indigenous peoples, as well as seek solutions for harmonization between customary law and positive law.

REFERENCES

- A Huda, *Hukum Adat di Indonesia*. Jakarta: Pustaka Pelajar, 2017.
- A Wahyudi. *Penyelesaian Sengketa dalam Masyarakat Adat*. Bandung: Alfabeta, 2019.
- Ayu Putri Ariani, "Eksistensi Hukum Adat dalam Masyarakat Pesisir", *Jurnal Hukum dan Pembangunan*, 46 no 2 (2016): p. 234-237.
- B Pratama, "Dinamika Implementasi Hukum Adat dalam Sistem Hukum Nasional", *Jurnal Hukum Adat*, 15, no 2 (2020).

³⁹ Wahyudi, A. *Penyelesaian Sengketa dalam Masyarakat Adat*. (Bandung: Alfabeta, 2019).

⁴⁰ Putri, M. "Regulasi Penyelesaian Sengketa Adat dalam Hukum Perdata," *Jurnal Hukum dan Pembangunan*, 48 no 3 (2018): 367-376.

⁴¹ Zulkifli, M. *Hukum Adat dan Sistem Hukum Nasional*. (Surabaya: Airlangga University Press, 2021).

⁴² Kurniawan, E. "Tantangan Keberlangsungan Hukum Adat di Era Modern," *Jurnal Budaya Nusantara*, 10 no 1 (2022): 12-23.

- B Purwanto, "Implementasi Hukum Adat dalam Masyarakat Pesisir", *Jurnal Hukum Adat*, 15 no 3 (2018), 210-220.
- Bushar Muhammad, *Asas-Asas Hukum Adat*, Jakarta: Pradnya Paramita, 2006.
- D Handayani. "Peran Hukum Adat dalam Penyelesaian Konflik", *Jurnal Antropologi Indonesia*, 42 no 2 (2019): 134-142.
- Djamanat Samosir, *Hukum Adat Eksistensi Dalam Dinamika Perkembangan Hukum Di Indonesia*, Bandung: Nuansa Aulia, 2013.
- Dominikus Rato, *Hukum Adat: Suatu Pengantar Singkat Memahami Hukum Adat di Indonesia*, Yogyakarta: Laksbang Pressindo, 2011.
- E Kurniawan. "Tantangan Keberlangsungan Hukum Adat di Era Modern," *Jurnal Budaya Nusantara*, 10 no 1 (2022): 12-23.
- F Rahman, *Hukum Desa dan Pengakuan Adat*. Malang: Universitas Brawijaya Press, 2018.
- Frank L. Cooley, *Mimbar dan Takhta*, Jakarta: Pustaka Sinar Harapan, 1987.
- H. Moh. Koesnoe, *Kapita Selekta Hukum Adat: Suatu Pemikiran Baru*, Jakarta: Varia Peradilan, IKAHI, 2002.
- Hadibah Z Wadjo, "Penerapan Hukum Adat Dalam Penyelesaian Perkara Anak", *Jurnal Pembangunan Hukum Indonesia*, 5, no 1 (2023):.1-10.
- Hilman Hadikusuma, *Hukum Kekerabatan Adat*, Jakarta: Fajar Agung, 1987.
- Hilman Hadikusuma, *Hukum Perkawinan Adat*, Bandung: Citra Aditya Bakti, 1990.
- I Setiawan. "Sanksi Sosial dalam Hukum Adat", *Jurnal Kriminologi Indonesia*, 15 no 4 (2020): 297-306.
- Jimly Asshiddiqie, *Konstitusi dan Konstitusionalisme Indonesia*, Jakarta: Sinar Grafika, 2011.
- L Sumarni, *Hukum Waris dalam Adat Negeri*. Yogyakarta: Gadjah Mada University Press, 2019.
- M Putri. "Regulasi Penyelesaian Sengketa Adat dalam Hukum Perdata," *Jurnal Hukum dan Pembangunan*, 48 no 3 (2018): 367-376.
- M Zulkifli. *Hukum Adat dan Sistem Hukum Nasional*. (Surabaya: Airlangga University Press, 2021
- R. Susanto, Pendekatan Restoratif dalam Hukum Adat, *Jurnal Sosial Budaya*, 9 no 1 (2020): 78-89.
- Rikardo Simarmata, *Pengakuan Hukum terhadap Masyarakat Adat di Indonesia*, Jakarta: UNDP, 2006.
- Sartono Kartodirdjo, *Pengantar Sejarah Indonesia Baru: 1500-1900*, Jakarta: Gramedia Pustaka Utama, 1993.
- Soepomo, *Bab-Bab tentang Hukum Adat*, Jakarta: Pradnya Paramita, 1993.
- Soerjono Soekanto, *Hukum Adat Indonesia*, Jakarta: RajaGrafindo Persada, 2014.
- Sulistyowati Irianto, *Pluralisme Hukum Adat di Indonesia: Pergeseran Paradigma dari Sentralistik ke Desentralistik*, Jakarta: Yayasan Pustaka Obor Indonesia, 2015.

Suryadi, *Implementasi Sistem Hukum Adat dalam Penegakan Hukum Pidana dan Perdata di Masyarakat Pesisir*, Jakarta: Penerbit Universitas Indonesia, 2018.

T Hakim, "Tantangan dalam Implementasi Hukum Adat", *Jurnal Masyarakat Adat*, 6 no 2 (2021): 45-56.

Conflict of Interest Statement: The author(s) declares that research was conducted in the absence of any commercial or financial relationship that could be construed as a potential conflict of interest.

Copyright: © AUTHOR. This work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License. (CC-BY NC), which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

PAMALI: *Pattimura Magister Law Review* is an open access and peer-reviewed journal published by Postgraduate Program Magister of Law, Universitas Pattimura, Ambon, Indonesia.

