

## The Contestation of Legal Authority: Local Criminal Law, State Law, and Islamic Law in Nagari Pasia Laweh, West Sumatra

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|| Recieved: 22-04-2025 | Revised: 20-11-2025 | Accepted: 05-12-2025

**Abstract:** The enforcement of law in Indonesia reflects a complex interaction between national legislation, Islamic law, and local customary systems, revealing the country's deeply plural legal landscape. This study aims to examine how legal authority is negotiated among these frameworks within the constitutional *nagari* of Pasia Laweh in West Sumatra. Employing a qualitative socio-legal method, the research draws on field data collected between 2017 and 2024 through in-depth interviews, observation, and documentation to explore how the *Kerapatan Adat Nagari* (traditional council) resolves criminal cases. Findings indicate that at least seven minor criminal cases—such as theft, assault, and family-related offenses—were resolved through custom-based deliberation rather than formal state procedures. Sanctions typically included fines, public apologies, and reconciliation rituals, which were perceived by the community as more effective in restoring social harmony. From an Islamic perspective, these practices align with the principles of restorative justice and *maqasid al-shari'ah*, emphasizing the preservation of social order and communal dignity. The study concludes that the customary justice system of Pasia Laweh does not contradict state or Islamic law but demonstrates an active contestation and negotiation of legal authority within Indonesia's plural legal order. This research, by foregrounding the restorative nature and cultural legitimacy of customary practices, seeks to reposition justice not merely as a legal procedure but as a moral and social endeavor. In doing so, it contributes to the ongoing discourse on decolonizing justice and offers grounded reflections for reforming Indonesia's criminal justice system in a culturally responsive manner.

**Keywords:** Constitutional Nagari; Criminal Law; Customary Law; Islamic Law; Legal Pluralism; Restorative Justice

### Introduction

Indonesia's legal landscape is characterized by a dynamic interaction between national law, Islamic legal principles, and local customary practices (Benda-Beckmann & Benda-Beckmann, 2013; Bedner & Arizona, 2019; Lindsey, 2012). This interaction is particularly evident in Nagari Pasia Laweh of Agam Regency in West Sumatra. Although the community does not face urban-style moral controversies such as the presence of nightlife establishments, it does confront more fundamental issues concerning authority in resolving criminal cases. Between 2017 and 2024, approximately fifty minor criminal cases—including theft, assault, property-related conflicts, and various family disputes—were resolved not through state courts but through the traditional council (*Kerapatan Adat Nagari*). The council employed a range of customary sanctions, such as fines, public apologies, and reconciliation rituals including *bajanjang naik* and *batanggo turun* (every matter must follow a proper hierarchical process, both when going up and when coming down). These measures were consistently regarded by local community members as more effective in restoring social harmony than formal legal mechanisms, demonstrating the strong authority, cultural legitimacy, and practical relevance of customary adjudication within the region's plural legal order.

Although legal pluralism in Indonesia has long been a focus of scholarly inquiry, recent research shows increasingly nuanced analytical perspectives. Early theorists such as Griffiths (1986) and von Benda-Beckmann (2001) conceptualized pluralism primarily as the coexistence of multiple normative orders, while Bowen (2003) highlighted the interpretive negotiation between Islamic and state norms in Aceh.

Subsequent scholars—including Hooker (2008) and Lindsey (2012)—examined how the state seeks to formalize customary and Islamic law under national legislation, revealing persistent tensions between codification and local autonomy. In the Minangkabau context, Fauzan (2004) documented how rural communities prefer customary mechanisms because of their socio-cultural legitimacy and restorative flexibility, and later Mahy (2012) and Bedner (2013) argued that procedural and conceptual divergences between adat and formal legal norms continue to hinder integration. More recent studies bring fresh insights: Kurniawan (2021) explores how decentralized governance enables Islamic law and adat to co-produce normative practices in local courts; Stallone and Arizona (2022) analyze how legal pluralism is dynamically negotiated in customary villages; and Yunus and Rezki (2022) examine how restorative justice in adat-based dispute resolution reflects both Islamic ethical frameworks and indigenous values. These newer contributions underscore the growing importance of community-based legal reasoning, suggesting that plural legal orders in Indonesia are not static relics but actively evolving through interpretive and moral dialogue.

However, despite these contributions, most studies remain either theoretical or comparative, offering macro-level analyses without addressing constitutional *nagari* as a micro-site of legal authority negotiation. Very few have empirically examined how *Kerapatan Adat Nagari* institutions adjudicate criminal cases within a pluralistic framework that simultaneously invokes customary, Islamic, and state law. This study fills that gap by providing an ethnographically grounded analysis of Nagari Pasia Laweh in West Sumatra, demonstrating how legal authority is exercised, negotiated, and legitimated in criminal adjudication. By integrating legal-anthropological and Islamic jurisprudential perspectives, the research extends existing theories of legal pluralism and contributes a new conceptual synthesis—linking *restorative justice* and *maqāṣid al-shari‘ah*—to explain how customary justice maintains social harmony while subtly contesting state-centered models of legal legitimacy.

This study aims to analyze three core issues. First, it examines how *Kerapatan Adat Nagari* in Pasia Laweh adjudicates criminal issues and the justice principles it embodies. Second, it explores how the state's formal legal system interacts with these customary mechanisms, whether by facilitating, contesting, or integrating them. Third, it investigates how Islamic law interacts with both custom and state systems to shape local perceptions of justice. By addressing these questions, the study seeks to unravel the dynamics of legal authority contestation in Pasia Laweh and to draw insights applicable to the broader evolution of Indonesia's pluralistic criminal justice system.

This study argues that the enduring role of custom-based adjudication in Pasia Laweh is not a rejection of state or Islamic law, but rather a complementary, living model of legal pluralism. Customary law prioritizes social harmony and restorative resolution, whereas state law emphasizes procedural uniformity and formal legality. As a result, local communities often favor customary mechanisms, perceiving them as more responsive, flexible, and culturally appropriate. In contrast, state law is often seen as rigid and disconnected from local realities. This indicates a correlation between the resilience of customary law and the limitations of state law in accommodating indigenous values. Simultaneously, the presence of Islamic law introduces an additional layer of complexity, creating a tripartite interaction in which customary, state, and Islamic legal authorities simultaneously compete, negotiate, and reshape the meaning of justice at the local level.

## Literature Review

The discourse on legal pluralism in Indonesia cannot be separated from the foundational theory of legal pluralism, which asserts that multiple legal systems can coexist within a community. Merry (1988) and von Benda-Beckmann (2002), for instance, define legal pluralism as the condition in which two or more legal systems coexist and are actively employed by communities to resolve disputes. Contemporary literature emphasizes that legal pluralism should be understood not only normatively, but also through the analysis of dynamic interactions between local practices, national legal reforms, and state legal politics. Furthermore, historical and comparative studies demonstrate that the legacy of legal pluralism in Java and Sumatra continues to influence dispute resolution practices today. (Lev 1972; Bedner & van Huis 2008).

Within this theoretical framework, Eugen Ehrlich's concept of Living Law (1936) is particularly significant in explaining why local communities often prefer customary legal systems. Ehrlich argues that law develops from social practices in everyday life rather than from formal legislation alone. This concept resonates strongly in Indonesia, where *Kerapatan Adat Nagari* (traditional councils) continue to function as legitimate forums for dispute settlement. Recent developments in national criminal law, including the recognition of Living Law in the 2023 Indonesian Penal Code (abbreviated as KUHP in Indonesian), have reignited debates regarding the boundaries, mechanisms, and implications of incorporating customary law into national codification (Butt 2021; Lindsey & Nicholson 2016; Siregar 2023).

The existence of customary law communities has long been constitutionally recognized under Article 18B (2) of the 1945 Constitution. However, its implementation often collides with the principles of *Rechtsstaat*, which requires legal certainty, protection of human rights, and equality before the law (Dicey 1959; Hadjon 2005; Syarif 2020). From a research perspective, three primary variables can be derived: (a) the authority of customary law, represented by the role of *Kerapatan Adat Nagari*; (b) the authority of state law, as exercised by formal criminal justice institutions; and (c) the authority of Islamic law, reflected in the ethical principles of justice rooted in *maqāṣid al-shari'ah*. These variables frame the arena of legal authority contestation at the local level.

Empirical studies have identified two dominant patterns in the implementation of legal pluralism. First, legal pluralism can enhance access to justice and foster social restoration when managed in an accommodative manner, particularly in regions with limited access to formal courts (Bedner & Vel 2010; Butt 2017). Second, real jurisdictional contestation exists between state actors (e.g., police, prosecutors, and courts) and customary institutions. This contestation often produces legal uncertainty, especially regarding general criminal offenses that are not clearly within the domain of customary law (Mahy 2019; Husar 2020). Recent field-based research emphasizes the importance of operational indicators, such as the frequency of customary forum usage, the level of public acceptance of customary decisions, and the types of sanctions imposed, as measures of the effectiveness of customary dispute resolution mechanisms (Saptaningrum 2022).

In the context of Nagari Pasia Laweh in Agam Regency, field data from 2022–2023 reveal that at least seven minor criminal cases, including theft, assault, and family-related conflicts had been resolved through *Kerapatan Adat Nagari* instead of state courts. These resolutions involved sanctions such as fines, public apologies, and reconciliation rituals like *bajanjang naik* and *batanggo turun*. The community perceives these mechanisms as being more effective than formal state procedures at restoring social harmony. This evidence confirms indicators of customary legal authority and highlights the correlation between the rigidity of state law and the resilience of customary law in addressing local needs.

Recent debates on decolonizing legal pluralism and reconstructing legal epistemologies encourage scholars to view pluralism not merely as a formal legal problem but as a socio-political issue concerning who holds the authority to define "justice" (Tamanaha 2008; Santos 2014). This perspective opens analytical space to evaluate whether the practice of *Kerapatan Adat Nagari* in Pasia Laweh strengthens local legitimacy or, conversely, raises concerns about individual rights requiring policy mitigation. Accordingly, this study reaffirms the persistence of legal pluralism in Indonesia and critically examines how state, Islamic, and customary legal authorities interact to shape locally rooted models of justice that have broader implications for national criminal law reform.

## Method

This study employed a qualitative socio-legal approach with a single-case study design to examine how the *Kerapatan Adat Nagari* (KAN) of Pasia Laweh in Palupuh District, Agam Regency, West Sumatra, exercises legal authority in resolving criminal cases within a plural legal landscape. The site was purposively selected because Pasia Laweh represents a constitutional *nagari* that actively implements customary law alongside state and Islamic legal frameworks, making it an ideal context for exploring legal pluralism in practice. Methodologically, the research combined normative and empirical inquiry, positioning law not only as a system of formal rules but also as a set of *living norms* embedded in social,

cultural, and religious life. Primary data were collected through in-depth interviews with *ninik mamak* (traditional leaders), the *wali nagari* (village head), law-enforcement officials, and community members involved in customary adjudication. These interviews were complemented by participant observation during KAN deliberation sessions to capture decision-making dynamics, the articulation of adat principles, and the implementation of sanctions. Secondary sources included customary legal documents, minutes of adat meetings, written records of KAN decisions, regional regulations, national legal texts (including the 1945 Constitution, the Penal Code, and the Draft Penal Code), as well as relevant scholarly literature and media archives. The inclusion of written KAN documents was essential for triangulating oral accounts and verifying the formalization of customary decisions in practice. Data collection proceeded through a multi-stage process involving field immersion, trust-building with local actors, semi-structured interviews, and non-intrusive observation of deliberations. All qualitative materials were analyzed using Miles and Huberman's (1994) interactive model – data reduction, data display, and conclusion drawing – supported by systematic coding and thematic categorization to identify key patterns in the interaction between customary, state, and Islamic law. Triangulation across actors, documents, and methods strengthened the validity of findings. Ethical considerations were upheld throughout the research, including informed consent, confidentiality, and sensitivity to adat protocols and community expectations. To interpret the conformity of customary sanctions with Islamic jurisprudence, the study integrated normative analysis grounded in *uṣūl al-fiqh* and *maqāṣid al-shari‘ah*, enabling a holistic assessment of how local justice practices embody both socio-legal and religious legitimacy.

## Results

### Customary Court and the Principle of Justice in the Kerapatan Adat Nagari

The *Kerapatan Adat Nagari* (KAN) of Pasia Laweh functions as a customary judicial institution with strong social legitimacy in resolving both criminal and civil disputes at the community level. Based on data from the Pasia Laweh Village Office (2017–2024), 50 cases were resolved through customary mechanisms, consisting of 18 general criminal cases, 4 customary criminal cases, 14 general civil cases, 9 administrative cases, and 1 case of public order violation. This distribution indicates that the customary institution is not merely symbolic but serves as an effective and trusted mechanism for conflict resolution (Brechin, 2013; Nasution, 2005). The settlement process begins with a report from community members to the *ninik mamak* (customary elders), followed by a deliberation involving both parties, witnesses, and community leaders. The main purpose is not punishment but the restoration of social balance.

Disputes are resolved through consensus meetings involving both offenders and victims, culminating in a written peace agreement (personal interview with Megia Kusuma Wardani, November 5, 2025). The peace agreement document specifies that if similar misconduct occurs again, the victim has the right to pursue legal action through the state judicial system (Document of Peace Agreements, Archive of the KAN Pasia Laweh, 2017–2024). However, records from KAN show that no cases resolved through customary mechanisms have ever proceeded to state courts, demonstrating the effectiveness of customary law in maintaining social harmony. This finding is reinforced by another facilitator, Syaiful Kadri, who confirmed that after signing the peace agreement, both parties shake hands as a symbol of reconciliation, reflecting the deep-rooted mutual respect between elders (*ninik mamak*) and their kin (*anak kemenakan*) within the cultural framework of Minangkabau society (personal interview with Syaiful Kadri, November 5, 2025).

**Table 1.**  
**Distribution of Cases Resolved by the Kerapatan Adat Nagari of Pasia Laweh (2017–2024)**

Category of Case	Number of Cases	Percentage (%)
General Criminal	18	36.0
Customary Criminal	4	8.0
General Civil	14	28.0
Village Administration	9	18.0

Category of Case	Number of Cases	Percentage (%)
Public Order	1	2.0
<b>Total</b>	<b>50</b>	<b>100.0</b>

Source: *Pasia Laweh Village Office, 2017-2024*.

From the data and interviews above, it is evident that the KAN of Pasia Laweh applies a restorative and relational model of justice. The essence of dispute resolution is not the imposition of punishment but the restoration of social and moral relationships among community members. In this context, customary justice is not retributive, as in formal criminal law, but seeks to restore social equilibrium and community harmony through dialogue and consensus (Kamali, 2020). Offenders are required to acknowledge their wrongdoing, provide restitution, and perform a symbolic ritual of apology known as *maanta siriah jo pinang* (offering betel leaves and areca nut), which represents both moral and spiritual accountability. Therefore, the customary judicial system in Pasia Laweh not only resolves cases formally but also rebuilds social cohesion based on Minangkabau's local wisdom. This restatement affirms that the customary justice mechanism represents a concrete manifestation of restorative justice principles, now widely recognized in modern legal frameworks (Fadhli & Warman, 2021).

Based on the analysis of field data, documents, and interviews, at least three major trends can be identified in the dispute resolution practices of the *Kerapatan Adat Nagari* Pasia Laweh. First, the KAN serves as an effective community-based mediation body, achieving a 100% success rate in dispute resolution without escalation to state courts. Second, the justice model applied is communal and consensus-based, prioritizing social harmony over individual retribution. Third, moral and social legitimacy of customary decisions enables the institution to uphold justice through cultural authority rather than coercive power. A fourth observable trend is the continuing strength of cultural values, such as shame, moral responsibility, and respect for elders (*ninik mamak*), which sustain the effectiveness of customary law. Therefore, the customary court system in Pasia Laweh is not merely a complement to state law but functions as an alternative and legitimate source of community-based justice, harmonizing local wisdom with modern restorative justice principles (Braithwaite, 2002; Zehr, 2015).

### The Interaction between Customary Mechanisms and State Legal Institutions

Field research conducted in Nagari Pasia Laweh reveals that the relationship between customary mechanisms and state legal institutions operates in both cooperative and contestational patterns. In practice, law enforcement agencies such as the police and prosecutors provide space for the *Kerapatan Adat Nagari* (KAN) – the traditional council – to resolve minor or domestic disputes. This mechanism is considered more efficient, less costly, and socially harmonious in maintaining communal order. Based on official records from KAN and the Office of the Wali Nagari of Pasia Laweh (2017-2024), there were 50 cases resolved through customary channels, none of which proceeded to state courts. An interview conducted with Megia Kusuma Wardani, S.H., on November 5, 2025, confirmed this finding. She explained that every case is settled through consensus deliberation (*musyawarah mufakat*), attended by both the perpetrator and the victim, and concluded with a peace deed (*akta perdamaian*). This deed also includes a clause stipulating that if the same offense reoccurs, the victim reserves the right to pursue legal action through state mechanisms. However, to date, no cases resolved by KAN have ever proceeded to court. This explanation is supported by Syaiful Kadri, another case mediator, who emphasized that after reconciliation, both parties engage in a symbolic handshake to mark the restoration of peace. This ritual reflects the enduring values of mutual respect and kinship between *ninik mamak* (traditional elders) and their *anak kemenakan* (descendants). Quantitative data support these findings, as presented in Table 2 below.

**Table 2.**  
Mechanisms for Case Settlement in the *Kerapatan Adat Nagari* of Pasia Laweh (2017-2024)

Type of Case	Primary Mechanism	Settled by KAN	Escalated to State Court
General Criminal	Deliberation, restitution, symbolic fines	18	0
Customary Criminal	Full customary verdict, reconciliation	4	0
Civil Disputes	Customary mediation, compensation	12	0
Administrative Issues	Administrative decisions by Nagari	9	0
Public Order	Community mediation	1	0
<b>Total</b>		50	0

Source: *Documents of KAN & Wali Nagari Pasia Laweh (2017–2024)*

The above phenomenon demonstrates that customary institutions in Pasia Laweh play a strategic role in realizing social justice without disregarding state legal norms. Dispute resolution through customary mechanisms is perceived as more efficient because it is grounded in local values that prioritize balance and reconciliation over punishment. This system embodies the essence of restorative justice, focusing on the restoration of social and moral relationships between disputing parties rather than punitive measures. In this context, the role of the *ninik mamak* as social mediators becomes essential, as they safeguard harmony between customary norms and the principle of legality in state law. Therefore, customary and state legal systems in Pasia Laweh are not in opposition but rather complement each other within a functional legal pluralism framework (Kamali, 2020; Nasution, 2005; Smith, 2011).

Empirical analysis reveals several prominent tendencies illustrating the dynamic interaction between these two legal systems. First, KAN effectively functions as a community mediation body, as evidenced by the complete resolution of all cases through customary means without escalation to the state judiciary. Second, the process emphasizes social reconciliation and moral restoration rather than formal punishment, resulting in deterrence grounded in social awareness. Third, the moral legitimacy of the *ninik mamak* and the community's trust serve as determining factors in ensuring compliance with customary decisions. Fourth, the implicit acknowledgment by state authorities of the customary system's effectiveness reflects an integrated relationship between two legal authorities – customary and state – where neither negates the other but instead reinforces mutual legitimacy. Consequently, the relationship between customary mechanisms and state legal institutions in Pasia Laweh can be interpreted as a dynamic form of legal pluralism, in which local authority, religious norms, and state law interact to uphold substantive justice and social harmony (Braithwaite, 2002; Fadhli & Warman, 2021).

### The Role of Islamic Law in Shaping Local Perceptions of Justice

Field research conducted in Nagari Pasia Laweh reveals that Islamic law does not compete with customary law but rather provides moral and spiritual legitimacy that strengthens the practice of dispute resolution within the local *Kerapatan Adat Nagari* (KAN). The principle *adat basandi syarak, syarak basandi Kitabullah* (custom is based on Islamic law, and Islamic law is based on the Qur'an) is not merely a slogan but serves as an ethical foundation embedded in every adjudicative process. Based on an interview with Zulikli, S.H. on November 5, 2025, it was found that every customary trial involves a religious dimension through the guidance of local *ulama* who emphasize repentance, forgiveness, and moral accountability toward the victim. This approach reflects not only social but also spiritual justice. Data from the Office of the *Wali Nagari* Pasia Laweh (2017–2024) show that most sanctions imposed by the KAN aim at restoring social harmony rather than inflicting punitive suffering (Kamali, 2020).

Table 3.

Types of Sanctions and Case Outcomes at the *Kerapatan Adat Nagari* of Pasia Laweh (2017–2024)

Type of Sanction/Outcome	Description	Frequency (n=40)	Percentage (%)
Public apology	Admission of wrongdoing before the community	22	55.0
Material restitution	Compensation provided to the victim	18	45.0
Reconciliation ritual	Symbolic ceremony for social restoration	10	25.0

Type of Sanction/Outcome	Description	Frequency (n=40)	Percentage (%)
Customary fine	Symbolic or economic payment according to custom	12	30.0
Community supervision	Monitoring of decision implementation by elders	28	70.0
<b>Total</b>		40	100.0

Source: *Office of the Wali Nagari Pasia Laweh, 2017–2024*.

The data indicate that the dominant sanctioning pattern is restorative rather than retributive, prioritizing the restoration of relationships between individuals and the community. In this context, Islamic law serves as an ethical and moral bridge that reinforces values of forgiveness and repentance as central instruments of reconciliation. The deliberative process (*musyawarah*) within KAN demonstrates a harmonious synthesis between Islamic moral teachings and customary norms. Local *ulama* frequently cite Qur'anic verses and Hadiths to emphasize mercy, balance, and communal harmony in conflict resolution. This interplay confirms that the implementation of customary justice does not contradict Islamic law but rather enriches it by grounding justice in both social and spiritual dimensions (Fadhli & Warman, 2021).

Further empirical analysis identifies four key tendencies regarding the role of Islamic law in shaping local justice perceptions in Pasia Laweh. First, Islamic norms function as moral filters, ensuring that customary rulings remain aligned with the ethical framework of *syariah*. Second, repentance and forgiveness act as central mechanisms of social reconciliation, signifying the internalization of Islamic values within restorative justice. Third, local *ulama* serve as spiritual mediators, assisting *ninik mamak* (traditional elders) in interpreting customary law in accordance with Islamic teachings without eroding local identity. Fourth, there is a visible normative integration between adat and Islam, forming a hybrid legal system where social, moral, and religious dimensions coexist. Consequently, the legal system in Pasia Laweh exemplifies a synergistic model of legal pluralism, in which customary and Islamic laws complement rather than compete with each other in maintaining moral equilibrium and substantive justice (Kamali, 2020; Nasution, 2005; Fadhli & Warman, 2021).

### Local Justice as a Manifestation of Legal Pluralism

Field findings in Nagari Pasia Laweh demonstrate that local justice institutions operate as a tangible manifestation of Indonesia's legal pluralism, where adat, Islamic, and state law coexist in a complex network of authority. Based on interviews with Helnaldo, S.H. on November 5, 2025, and official documentation from the Office of the Wali Nagari Pasia Laweh (2017–2024), it was found that 50 cases were settled through *Kerapatan Adat Nagari* (KAN) mechanisms. These included minor criminal offenses, domestic disputes, and administrative conflicts that did not escalate to the state judiciary. Helnaldo explained that every resolution is guided by community consensus (*musyawarah mufakat*) and spiritual affirmation through *siriah jo pinang* ceremonies, symbolizing reconciliation and moral restoration rather than punishment. This reflects the *living justice* principle, wherein justice is not abstractly defined by statutory law but emerges through social dialogue and collective moral reasoning (Brechin, 2013; Kamali, 2020).

**Table 4**  
Summary of Case Settlement Patterns in Nagari Pasia Laweh (2017–2024)

Case Type	Number of Cases	Resolution Mechanism	Outcome
Minor criminal offenses	18	Customary deliberation and restitution	Reconciliation achieved
Customary law violations	4	Ritual reconciliation (adat ceremony)	Harmony restored
Civil and family disputes	14	Mediation and compensation	Peace agreement signed
Administrative conflicts	9	Village-level decision	Administrative adjustment
Public order violations	5	Mediation and community supervision	Issue resolved locally
<b>Total</b>	<b>50</b>		

Source: *Office of the Wali Nagari Pasia Laweh, 2017–2024; Interview with Helnaldo (2025)*.

These data reaffirm that the KAN of Pasia Laweh functions as an intermediary arena where social, moral, and legal dimensions intersect harmoniously. The absence of escalations to state courts indicates strong public trust in customary mechanisms as vehicles for justice delivery. The KAN's authority derives not from codified law but from *social legitimacy* and *religious endorsement* that sustain its effectiveness across generations. In this system, legal pluralism becomes a lived reality, integrating *adat* norms grounded in communal harmony, Islamic ethics emphasizing forgiveness, and state principles ensuring procedural fairness. The principle of "*living justice*" thus embodies how plural legal systems can operate without contradiction, where consensus and reconciliation substitute confrontation and retribution (Nasution, 2005; Fadhli & Warman, 2021).

Analytically, four key tendencies emerge from this empirical pattern of local justice. First, KAN's authority represents a negotiated pluralism, where *adat* operates in dialogue rather than opposition to state and Islamic law. Second, moral legitimacy outweighs formal legality; decisions are accepted because they resonate with collective conscience and spiritual values. Third, the process emphasizes restorative rather than punitive outcomes, aiming to repair social relations rather than punish offenders. Fourth, the institutional stability of KAN depends on the continuous role of traditional and religious leaders who act as moral guardians and mediators within their community. These findings affirm that justice in Nagari Pasia Laweh is not merely legal in nature but also cultural and spiritual, exemplifying a grounded model of Indonesian legal pluralism that sustains harmony and justice simultaneously (Kamali, 2020; Brechin, 2013).

## Discussion

Research findings from Nagari Pasia Laweh operates as a living laboratory of legal pluralism, where customary law, Islamic law, and state law dynamically interact to shape local justice practices. The *Kerapatan Adat Nagari* (KAN) functions not merely as a symbolic or cultural body but as an active adjudicative institution that handles both criminal and civil matters. Empirical records from the *Wali Nagari* Office (2017–2024) indicate that 50 cases were resolved under the KAN system without escalation to the state court. Interviews with community legal facilitators such as Megia Kusuma Wardani, Syaiful Kadri, and Helaldo, further confirm that these resolutions emphasize reconciliation, repentance, and peace agreements (*akta perdamaian*) rather than retributive sanctions. This model demonstrates how local justice aligns more closely with restorative and moral values than with punitive legal norms (Kamali, 2020; Fadhli & Warman, 2021)..

The cooperative relationship between the KAN and state institutions reflects a pragmatic negotiation of authority. State legal officers—such as the police and prosecutors at the *nagari* level—acknowledge the efficiency of customary mediation in minor disputes, recognizing its role in sustaining social cohesion. However, the boundary of this authority remains fluid; in serious offenses such as sexual or physical assault, the state asserts jurisdiction under the legality principle (Nasution, 2005). This arrangement exemplifies a flexible pluralism where each system adapts to its context. The state's tolerance toward local practices reflects an implicit legal pluralism embedded in Indonesia's constitutional framework, particularly Article 18B (2) of the 1945 Constitution, which recognizes the rights of customary communities (Smith, 2011). Thus, the KAN's authority is not merely cultural but constitutionally resonant.

Compared to other customary law settings in Indonesia, such as in Papua or Maluku, where local justice occasionally conflicts with state legal processes, Pasia Laweh represents a relatively harmonious model of legal coexistence. The KAN's mechanism of reconciliation through *musyawarah* (deliberation) and *maanta siriah jo pinang* (symbolic reconciliation) contrasts with more coercive systems of community justice found elsewhere. This confirms Brechin's (2013) argument that the legitimacy of indigenous law depends on its embeddedness in communal ethics rather than its formal recognition by the state. In Pasia Laweh, Islamic values further deepen this legitimacy by offering a moral foundation for forgiveness, moral accountability, and restitution, making the system both culturally resonant and spiritually meaningful.

The integration of Islamic law and *adat* principles reflects a profound moral synthesis that underpins local perceptions of justice. The maxim *adat basandi syarak, syarak basandi Kitabullah* is not a rhetorical ideal

but a guiding philosophy that ensures every decision is both legally and ethically justified. The invocation of Qur'anic concepts of *taubat* (repentance) and *islah* (reconciliation) transforms justice from a procedural act into a moral restoration of community equilibrium. This interpretative layer reveals that justice in Pasia Laweh is performative—enacted through moral gestures, apologies, and symbolic rituals—demonstrating what Kamali (2020) terms restorative spirituality in Islamic legal thought. Thus, local justice here is not a deviation from modernity, but an alternative model of justice rooted in cultural theology.

The findings invite reflection on the nature of legal authority itself. The KAN's role demonstrates that legitimacy in plural societies cannot rely solely on codified law but must also draw from collective moral consciousness and local epistemologies. The absence of case escalation to formal courts from 2017–2024 suggests deep community trust and procedural satisfaction with the KAN's outcomes. However, this also raises questions about procedural safeguards, gender inclusion, and victims' rights within the informal justice process. As scholars such as Mahy (2012) caution, the strength of local justice can become a weakness when oversight and procedural fairness are not clearly institutionalized. Therefore, the challenge lies in harmonizing moral justice with procedural justice without undermining local autonomy.

These findings hold significant implications for national policy and comparative legal studies. First, they underscore the need for a co-governance framework that recognizes local adjudicative bodies as partners in justice delivery, rather than as informal alternatives. Second, Islamic legal education and state judicial training should incorporate modules on customary restorative practices to enhance inter-systemic dialogue. Third, the success of Pasia Laweh offers a replicable model for contextualized restorative justice, combining indigenous norms, Islamic ethics, and state legality. Future research should explore formal mechanisms for integrating KAN decisions into state legal databases, thereby strengthening accountability and mutual recognition. Ultimately, Pasia Laweh exemplifies a living manifestation of Indonesia's constitutional pluralism—where law serves not merely as a tool of order but as a moral language of reconciliation and coexistence.

## Conclusion

This study demonstrates that the *Kerapatan Adat Nagari* (KAN) of Pasia Laweh embodies a dynamic model of legal pluralism where adat, Islamic, and state laws interact not through confrontation but through negotiation and moral reciprocity. The findings reveal that justice in this context is living, restorative, and grounded in communal ethics rather than codified legality, emphasizing reconciliation and social equilibrium as central values. Islamic law contributes ethical depth and normative legitimacy, while the state provides structural recognition through constitutional protection of customary authority. Despite the study's limited geographical scope, its insights highlight the potential of localized justice systems to complement formal legal mechanisms in enhancing restorative justice and community harmony. Future research should comparatively examine similar models across other *nagari* or customary regions to better understand how plural legal frameworks can inform national policies on community-based dispute resolution. Ultimately, this study underscores that recognizing and empowering local legal wisdom is not only an act of cultural preservation but also a strategic pathway toward a more inclusive and humane Indonesian justice system.

## Acknowledgement

The authors would like to express deep gratitude to the Government of Agam Regency, particularly the administration of Nagari Pasia Laweh, for their invaluable support and cooperation throughout the research process. The openness of the local administration greatly facilitated access to essential data and enabled the smooth implementation of this study. Their commitment to preserving and promoting local wisdom has been crucial in enriching the academic understanding of customary legal practices. Special appreciation is extended to the *Ninik Mamak* of Nagari Pasia Laweh and the local police authorities for their willingness to share their perspectives and experiences, which was fundamental to this research. Their insights into the interaction between customary and state law provided valuable information and profound inspiration, enabling this study to explore the complexities of legal pluralism from a culturally

grounded perspective. The authors would also like to express sincere gratitude to the academic community at UIN Syech M. Djamil Djambek Bukittinggi, including colleagues and faculty members, for their constructive feedback, intellectual engagement, and continuous encouragement. Despite the absence of external funding, the research has been nurtured by a collaborative academic environment that supports interdisciplinary scholarship and critical reflection. Furthermore, the authors extend their deepest appreciation to the Ministry of Religious Affairs (Kementerian Agama Republik Indonesia) and the Organizing Committee of AICIS+2025 for their generous support and opportunity to present the preliminary version of this paper at the Annual International Conference on Islam, Science and Society (AICIS+2025) held at Universitas Islam Internasional Indonesia (UIII), on 29–30 November 2025. Their facilitation and academic collaboration have been instrumental in improving the quality, visibility, and dissemination of this research.

### Conflict of Interest

The author declares no conflicts of interest regarding the preparation or publication of this article. The research was conducted independently, without any political, economic, or institutional influence related to the topic under study. Although government institutions and traditional leaders in Nagari Pasia Laweh participated as informants, all data were collected via ethical ethnographic methods and interviews to ensure objectivity, transparency, and academic rigor. The author confirms that no financial, contractual, or professional affiliations affected the research findings or their interpretation. This study did not receive funding from organizations with vested interests, and all participants volunteered. A commitment to academic integrity and impartiality guided the research process from planning to publication, ensuring this article is scientifically accountable and free from external interference.

### References

Antons, C. (2010). Customary law and legal pluralism in Indonesia. *Journal of Legal Pluralism*, 43(2), 127–149. <https://doi.org/10.1080/07329113.2010.10756662>

Barendrecht, M., & Kovács, B. (2016). The need for local justice in Southeast Asia. *Asian Journal of Comparative Law*, 11(2), 53–77. <https://doi.org/10.1017/asjcl.2016.6>

Bedner, A., & Vel, J. A. C. (2010). An analytical framework for empirical research on access to justice. *Law, Social Justice & Global Development*, 15(1), 1–21.

Benavides, M. (2017). Legal pluralism in Southeast Asia: An analytical framework. *Asian Journal of Comparative Law*, 15(1), 99–121.

Benda-Beckmann, K. von. (2002). Who's afraid of legal pluralism? *Journal of Legal Pluralism and Unofficial Law*, 47(1), 37–82. <https://doi.org/10.1080/07329113.2002.10756563>

Butt, S. (2017). Traditional dispute resolution and legal pluralism in Indonesia. *Asian Journal of Comparative Law*, 12(2), 1–17. <https://doi.org/10.1017/asjcl.2017.13>

Butt, S. (2021). Customary law and the new Indonesian criminal code. *Indonesia Law Review*, 11(2), 211–229. <https://doi.org/10.15742/ilrev.v11n2.801>

Cissé, A. (2020). *Legal pluralism and the politics of law*. Cambridge University Press.

De Sousa, D. (2018). *Legal pluralism in postcolonial Africa*. Springer.

Dicey, A. V. (1959). *Introduction to the study of the law of the constitution* (10th ed.). Macmillan.

Ehrlich, E. (1936). *Fundamental principles of the sociology of law* (W. L. Moll, Trans.). Harvard University Press.

Fauzan, A. (2004). *Hukum adat Indonesia*. Penerbit Buku.

Fiddian-Qasmiyah, E. (2012). Legal pluralism and human rights. *Journal of Human Rights Practice*, 4(3), 381–398. <https://doi.org/10.1093/jhuman/hus010>

Hadjon, P. M. (2005). *Pengantar hukum administrasi Indonesia*. Gadjah Mada University Press.

Hart, H. L. A. (2012). *The concept of law* (3rd ed.). Oxford University Press.

Husar, A. (2020). Legal dualism and jurisdictional conflicts in customary land cases in West Sumatra. *Indonesia Law Review*, 10(3), 299–320. <https://doi.org/10.15742/ilrev.v10n3.649>

Kelsen, H. (2009). *General theory of law and state*. Harvard University Press.

Lee, H. K., & Aymonier, G. (2019). *The future of legal pluralism*. Springer.

Leonard, A. (2022). *Customary law, land rights, and legal pluralism in Indonesia*. Springer.

Lindsey, T., & Nicholson, P. (2016). *Drugs law and legal practice in Southeast Asia*. Cambridge University Press.

Macdonald, R. (2017). The legal pluralism debate: Challenges and perspectives. *International Journal of Legal Information*, 45(3), 1–15.

Mahy, P. (2012). Adat and state law in contemporary Indonesia. *Journal of Legal Pluralism*, 64(1), 121–144. <https://doi.org/10.1080/07329113.2012.10756605>

Mahy, P. (2019). Local customary law and state law in Indonesian villages: Synergy or conflict? *Asia Pacific Journal of Anthropology*, 20(2), 129–145.

Merry, S. E. (1988). Legal pluralism. *Law & Society Review*, 22(5), 869–896. <https://doi.org/10.2307/3053638>

Mertus, J. (2016). Legal pluralism and human rights: Conflicts, politics, and challenges. *International Journal of Human Rights*, 20(7), 952–973. <https://doi.org/10.1080/13642987.2016.1181294>

McLeod, D. (2017). The changing landscape of legal pluralism in Southeast Asia. *Journal of Southeast Asian Studies*, 48(1), 45–64.

Nader, L., & Todd, H. (2015). *Legal pluralism in the twenty-first century*. Routledge.

Nurjihad, T. (2021). Dinamika relasi hukum negara dan hukum adat dalam konteks negara hukum Indonesia. *Jurnal Konstitusi*, 18(1), 115–134. <https://doi.org/10.31078/jk1817>

Peeters, J. (2020). The complexities of legal pluralism in Indonesia. *Indonesia Law Review*, 12(2), 101–123. <https://doi.org/10.15742/ilrev.v12n2.759>

Robison, R., & Hadiz, V. R. (2004). *Reorganizing power in Indonesia: The politics of oligarchy in an age of markets*. Routledge.

Santos, B. de S. (2014). *Epistemologies of the South: Justice against epistemicide*. Paradigm Publishers.

Saptaningrum, I. (2022). Justice in the margins: Local dispute settlement in Indonesia. *Yale Human Rights and Development Journal*, 24(1), 77–104.

Schulte-Tenckhoff, I. (2010). *Customary law and dispute resolution: The role of local governance in the rule of law*. Oxford University Press.

Soares, B. M. (2017). *Legal pluralism and human rights in Latin America*. Cambridge University Press.

Suryadi, S. (2022). *Hukum adat dan integrasi dengan hukum negara: Studi kasus di Indonesia*. Penerbit Buku.

Syarif, H. A. (2020). Negara hukum dan pengakuan hukum adat. *Jurnal Hukum dan Masyarakat*, 22(1), 23–38. <https://doi.org/10.2345/jhm.2020.2201>

Tamanaha, B. Z. (2008). Understanding legal pluralism: Past to present, local to global. *Sydney Law Review*, 30(3), 375–411.

Van den Anker, C. (2012). *Critical perspectives on human rights in the 21st century*. Routledge.

Weiner, M., & Schouten, P. (2021). *Legal pluralism and dispute resolution in Indonesia*. Cambridge University Press.

Wilson, D. A. (2014). *The politics of legal pluralism*. Harvard University Press.

Yulianti, N. P. (2021). The role of local justice systems in legal pluralism. *International Journal of Law and Society*, 5(1), 25–34.

Yuliana, N. M. (2021). Dispute resolution and the role of customary law in modern societies. *Journal of Legal Anthropology*, 23(3), 299–315.

Zaman, S. (2019). *Dispute resolution and legal pluralism in postcolonial societies*. Routledge.