

ABSTRACT

THE CRIMINAL SETTLEMENT THROUGH CUSTOMARY LAW FROM RESTORATIVE JUSTICE PERSPECTIVE

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In traditional societies, conflicts that arise as a consequence of life relations between community members are generally sought to be resolved through deliberation and peace so as not to cause resentment, shame, guilt, or which can make new conflicts. The whole process of resolving the conflict is pursued solely so that the balance and peace of the community is restored. This article provides an analytical report on how to resolve a case through the customary law in Indonesia. The essence of conflict/dispute resolution in customary law is to bring about peace in a comprehensive sense. One mechanism for resolving criminal cases through the customary law as a community tradition in Indonesia to uphold custom which is used as a customary law tool for the many tribes in Indonesia in the process of deliberation to resolve a problem. The decision produced through the deliberation mechanism is an alternative effort in finding a solution to resolve problems that occur in the community if there are conflicts or disputes between citizens in accordance with the concept of restorative justice.

Keywords: Criminal Case, Customary Law, Deliberation, Dispute Settlement, Restorative Justice.