

# Legal Anthropology Perspective on Restorative Justice in Indonesian Correctional Institutions: Harmonizing State Law and Local Cultural Values

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## ABSTRACT

Legal anthropology examines the interaction between legal systems, cultural values, and social institutions in shaping human behavior. In Indonesia, the implementation of restorative justice has increasingly become an important approach within correctional institutions to promote rehabilitation rather than punishment. This study aims to analyze restorative justice from the perspective of legal anthropology by exploring how formal legal norms interact with local cultural values in Indonesian correctional institutions. The research employed a qualitative literature review using academic journal articles, books, legislation, and policy documents related to legal anthropology and restorative justice. The findings indicated that restorative justice reflects the integration of state law and customary values emphasizing reconciliation, social harmony, and community participation. Cultural traditions such as deliberation, consensus-building, and collective responsibility strengthen correctional programs designed to facilitate offender reintegration into society. Nevertheless, challenges remain due to differences in legal culture, institutional capacity, and inconsistent implementation across correctional facilities. This study concludes that legal anthropology provides a comprehensive framework for understanding restorative justice as a culturally responsive legal practice that promotes social justice, rehabilitation, and sustainable conflict resolution in Indonesia.



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## INTRODUCTION

Law is not merely a collection of written regulations enforced by state institutions but also a social phenomenon embedded within cultural practices, traditions, and collective values. Legal anthropology has long emphasized that legal systems cannot be understood independently from the societies in which they operate because law develops through continuous interaction between social norms, cultural beliefs, and political structures (Kadir, 2026b). Consequently, the effectiveness of legal institutions depends not only on statutory regulations but also on the extent to which legal norms correspond with local cultural values and social expectations (Moore, 1978).

Indonesia represents one of the world's most culturally diverse countries, consisting of hundreds of ethnic groups with distinct customary laws or adat. This diversity has significantly influenced the development of the national legal system, particularly because state law continues to coexist with living customary norms in many local communities (Hadiprayitno, 2017). Although state law provides formal legal certainty, many communities continue to resolve disputes through customary mechanisms emphasizing deliberation, reconciliation, and collective responsibility. These traditional approaches

share fundamental principles with restorative justice, which focuses on repairing harm rather than imposing purely punitive sanctions (Zehr, 2015).

The correctional system in Indonesia has gradually shifted from a punishment-oriented approach toward rehabilitation and social reintegration. The enactment of Law Number 22 of 2022 concerning Corrections reflects the government's commitment to strengthening correctional institutions as centers for personality development, vocational training, and community reintegration. Within this framework, restorative justice serves as an important strategy for encouraging offenders to acknowledge responsibility, repair social relationships, and prepare for successful reintegration into society.

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From the perspective of legal anthropology, restorative justice illustrates how formal legal institutions may adopt cultural values that have historically existed within local communities. Instead of viewing offenders solely as individuals deserving punishment, restorative justice recognizes crime as a disruption of social relationships requiring collective healing involving victims, offenders, families, and the broader community. Such an approach reflects anthropological understandings of law as a mechanism for maintaining social harmony rather than merely enforcing state authority (Walgrave, 2018).

Previous studies have extensively discussed restorative justice within criminal law and criminology. Other scholars have examined legal anthropology in relation to indigenous legal systems and customary dispute resolution, particularly in societies where state institutions interact with community-based mechanisms of conflict settlement (Cunneen, 2017). However, relatively limited research integrates legal anthropology with restorative justice specifically within Indonesian correctional institutions. Most existing studies focus either on legal policy or community-based dispute resolution without examining how correctional practices embody anthropological concepts of culture, social norms, and legal pluralism.

Therefore, this study seeks to analyze restorative justice in Indonesian correctional institutions through the perspective of legal anthropology. The study explores how cultural values contribute to correctional practices, identifies the interaction between state law and customary legal traditions, and evaluates the implications of anthropological perspectives for strengthening correctional policies. The findings are expected to contribute both theoretically by enriching legal anthropology literature and practically by providing recommendations for culturally responsive correctional policies that support rehabilitation and sustainable social reintegration (Rahardjo, 2009).

## RESEARCH METHODS

This study employed a qualitative research design using a normative legal approach combined with a legal anthropological perspective. The normative approach was selected to examine legal regulations governing restorative justice and correctional institutions in Indonesia, while legal anthropology was utilized to analyze the relationship between law, culture, and social values within correctional practices.

The research relied exclusively on secondary data obtained from scientific journal articles, books, legislation, government regulations, and official reports concerning legal anthropology, restorative justice, legal pluralism, correctional systems, and customary law. Priority was given to scholarly publications published within the last ten years to ensure the relevance and reliability of the analysis.

Data collection was conducted through a comprehensive literature review by identifying, selecting, and reviewing academic sources relevant to the research objectives. The collected materials were subsequently classified according to major themes, including legal culture, restorative justice, correctional rehabilitation, customary dispute resolution, and legal pluralism.

The data were analyzed using qualitative content analysis. The analytical process consisted of three stages: data reduction, thematic categorization, and interpretation. The interpretation focused on identifying the interaction between formal legal institutions and local cultural values in implementing restorative justice within Indonesian correctional institutions. The findings were then interpreted through legal anthropology theories to explain how cultural norms influence the effectiveness of correctional policies.

## **RESULTS AND DISCUSSION**

### **1. Restorative Justice as a Legal Anthropological Concept**

Legal anthropology views law as a cultural institution that evolves through social interaction rather than merely through state legislation. Every society develops its own mechanisms for maintaining order, resolving disputes, and restoring social harmony. Consequently, legal rules are inseparable from cultural traditions, values, and collective experiences. This understanding is closely related to the anthropological view that law operates through symbolic meanings, cultural categories, and social practices embedded in everyday life (Geertz, 1973).

Within this perspective, restorative justice represents one of the most significant examples of culturally responsive legal practice. Rather than emphasizing punishment, restorative justice seeks to restore damaged social relationships by encouraging dialogue, accountability, reconciliation, and community participation (Kadir, 2025). Crime is understood not simply as a violation of statutory law but also as a disruption of social equilibrium affecting victims, offenders, families, and communities. This understanding corresponds with restorative justice theory, which places accountability within a relational process of repair rather than within a narrow punitive framework (Braithwaite, 2002).

This perspective differs substantially from conventional criminal justice systems, which generally focus on determining guilt and imposing sanctions. Legal anthropology argues that social harmony often constitutes a higher priority than punitive justice in many traditional societies. Therefore, restorative justice reflects legal principles that have long existed within indigenous communities before modern criminal justice systems were established.

The increasing adoption of restorative justice across many countries demonstrates recognition that legal effectiveness depends on cultural legitimacy as much as institutional authority. Laws are more likely to achieve social compliance when they correspond with community values and social expectations. Restorative justice therefore operates not only as a criminal justice mechanism but also as a social movement that seeks to reorient justice toward participation, healing, and responsibility (Umbreit et al., 2019).

### **2. Legal Pluralism and Indonesian Cultural Diversity**

Indonesia provides an important example of legal pluralism because state law coexists with hundreds of customary legal systems. Various indigenous communities continue to resolve conflicts through customary institutions emphasizing deliberation, consensus, compensation, and reconciliation. From a legal anthropological perspective, these customary mechanisms constitute living law because they continue to regulate social behavior despite existing outside formal legislation. Such coexistence confirms that law in society often operates through overlapping normative orders rather than through a single centralized legal system (Merry, 1988).

Local dispute resolution generally prioritizes restoring community harmony rather than identifying winners and losers. Consequently, conflict resolution often involves community leaders, religious authorities, elders, and family members. This pattern reflects the broader anthropological

understanding that law functions through social relations and collective meanings, not only through codified rules issued by state institutions (Nader, 2002).

This legal pluralism creates opportunities for integrating customary values into modern correctional policies. Restorative justice reflects principles already familiar to Indonesian society, including collective responsibility, forgiveness, social solidarity, and peaceful conflict resolution. These values remain important because social order in many Indonesian communities is sustained through relational obligations and collective responsibility rather than individual autonomy alone (Setiadi & Kolip, 2020). However, legal pluralism also presents significant challenges. Different communities maintain different customary practices, making it difficult to formulate uniform national correctional policies. Some customary sanctions may conflict with constitutional principles or internationally recognized human rights standards. Therefore, integration between state law and customary values requires careful legal adaptation rather than direct adoption (Mappaselleng & Kadir, 2025).

### **3. Restorative Justice within Indonesian Correctional Institutions**

The Indonesian correctional system has undergone substantial transformation over recent decades. Modern correctional philosophy emphasizes rehabilitation, education, personality development, vocational training, and community reintegration instead of purely punitive incarceration. Correctional institutions increasingly recognize that successful rehabilitation requires not only behavioral change but also restoration of social relationships. In this context, restorative justice encourages inmates to acknowledge responsibility for criminal behavior while simultaneously preparing them to return as productive members of society.

Various rehabilitation programs illustrate restorative principles. Religious guidance strengthens moral responsibility and ethical awareness. Educational programs improve knowledge and life skills. Vocational training enhances employment opportunities after release. Psychological counseling assists inmates in addressing emotional and behavioral challenges, while social reintegration programs prepare families and communities to accept former prisoners.

These programs demonstrate that correctional institutions increasingly function as centers of social rehabilitation rather than places of punishment alone. Such an approach corresponds closely with legal anthropology, which considers law an instrument for maintaining social cohesion and collective welfare. Correctional policies become more meaningful when they are not limited to institutional discipline but are connected to the social conditions that determine whether former inmates can rebuild lawful and socially accepted lives after release.

### **4. Cultural Values Supporting Correctional Rehabilitation**

Indonesian cultural traditions provide a strong foundation for restorative correctional policies. Across diverse ethnic communities, values such as mutual cooperation, deliberation, kinship, and mutual respect continue to influence conflict resolution. These values shape public expectations about how conflict should be settled and how social relationships should be repaired after wrongdoing occurs.

These cultural values contribute significantly to offender rehabilitation. Community acceptance often determines whether former inmates successfully reintegrate into society. Families play a central role in providing emotional support, while local leaders frequently facilitate reconciliation between offenders and affected communities. Legal anthropology emphasizes that rehabilitation extends beyond institutional treatment because reintegration depends upon community willingness to rebuild trust.

Correctional institutions therefore require collaboration with local governments, religious organizations, educational institutions, community leaders, and civil society organizations. Community participation not only reduces social stigma but also strengthens public confidence in correctional programs. Public acceptance is important because legal compliance depends not only on the threat of sanction but also on the perceived legitimacy of legal institutions and the fairness of their procedures

(Tyler, 2006). Former inmates who receive family support and community acceptance demonstrate greater potential for successful social adaptation and lower risks of recidivism.

## **5. Challenges in Implementing Restorative Justice**

Despite considerable progress, several obstacles continue to hinder effective implementation of restorative justice within Indonesian correctional institutions. Institutional limitations remain significant because overcrowded correctional facilities reduce opportunities for individualized rehabilitation programs and limit interaction between correctional officers and inmates (Kadir, 2026a). Restorative justice requires meaningful communication, structured guidance, and sustained preparation for reintegration, all of which become difficult when correctional institutions face excessive population pressure.

Disparities in legal understanding among law enforcement agencies also create inconsistent implementation of restorative justice policies. Some institutions continue emphasizing punitive approaches despite national policy promoting rehabilitation. This inconsistency reflects a broader problem of legal culture, where formal legal change does not automatically transform institutional habits or professional assumptions within the criminal justice system.

Social stigma remains one of the greatest barriers to reintegration. Former inmates frequently experience discrimination in employment, education, and community participation despite completing their legal obligations. Restorative justice can reduce this stigma only when community members are willing to treat reintegration as a shared social responsibility rather than as a burden carried solely by correctional institutions.

Coordination among correctional institutions, local governments, community organizations, and customary leaders remains relatively limited. Sustainable reintegration requires collaborative partnerships extending beyond prison walls. From a legal anthropological perspective, this limitation shows that correctional policy cannot rely exclusively on state institutions because the success of reintegration depends upon social networks, community acceptance, and culturally legitimate mechanisms of reconciliation.

Finally, balancing customary values with constitutional principles requires careful consideration. Although customary law contributes significantly to restorative justice, every implementation must continue respecting equality before the law, human rights, and legal certainty guaranteed by the Indonesian legal system. Customary mechanisms may strengthen restorative justice when they support reconciliation and social repair, but they must be adapted when local practices conflict with fundamental legal protections.

## **CONCLUSION**

Restorative justice reflects a legal philosophy that emphasizes repairing social relationships rather than merely imposing punishment. From the perspective of legal anthropology, law functions as a cultural institution influenced by social values, traditions, and community norms. The findings of this study demonstrate that Indonesian correctional institutions increasingly incorporate restorative principles through rehabilitation, education, moral development, vocational training, and community reintegration programs. These initiatives correspond with Indonesia's cultural traditions that prioritize deliberation, reconciliation, mutual cooperation, and collective responsibility.

Furthermore, the study indicates that legal pluralism provides significant opportunities for integrating customary values into formal correctional policies while maintaining constitutional principles and human rights protections. Nevertheless, challenges such as institutional limitations, inconsistent implementation, overcrowding, and social stigma continue to hinder the effectiveness of restorative justice. Therefore, strengthening collaboration among correctional institutions, government agencies, local communities, and customary leaders is essential for achieving sustainable rehabilitation and successful social reintegration. Legal anthropology ultimately offers an important theoretical

framework for developing culturally responsive correctional policies that promote justice, social harmony, and long-term public welfare.

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