



Deliberative Resolution of Customary Inheritance Disputes in the Baduy Community: Integrating the Indigenous Value of Silih Hampura

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Abstract

This study aims to analyze the existence of customary inheritance law in the Baduy community and examine the mechanism for resolving inheritance disputes through deliberation and the indigenous value of silih hampura. The study employed a normative juridical approach using statutory and conceptual analysis based on legal documents and scholarly literature concerning customary law, inheritance, and dispute resolution. The findings indicate that Baduy customary inheritance law functions as a form of living law rooted in pikukuh, kinship values, and communal legitimacy. Inheritance disputes are generally resolved through a gradual process involving dispute identification, family deliberation, mediation by customary leaders, agreement on property distribution, and reconciliation through silih hampura. The study found that silih hampura serves as the ethical foundation of dispute resolution by promoting mutual forgiveness, emotional healing, and restoration of social harmony. These findings contribute to the discourse on legal pluralism and restorative justice by demonstrating that indigenous legal values can function as effective mechanisms for dispute resolution while preserving social cohesion and cultural continuity.

INTRODUCTION

Indonesia is a country characterized by a strong pattern of legal pluralism. In social life, the resolution of legal issues does not always rely solely on written regulations, but also on the living law embedded within society. The existence of customary law has a constitutional basis, as the state recognizes and respects customary law communities and their traditional rights, insofar as they remain in existence and are consistent with societal development and the principles of the Unitary State of the Republic of Indonesia. Such recognition is also closely related to the protection of cultural identity and the rights of traditional communities as part of citizens' constitutional rights (Republik Indonesia, 1945, Pasal 18B ayat (2) dan Pasal 28I ayat (3)).

The recognition of customary law is particularly important in the field of inheritance law, as inheritance matters are closely intertwined with family relations, estate assets, the status of heirs, and the conception of justice upheld by the community. Customary inheritance law does not merely regulate the transfer of property rights from the deceased to the heirs; it also serves to preserve the continuity of social relations among family members (Nguyen, 2024; Suwarno et al., 2023; Zhou et al., 2025; Celestin, 2022; Trinca & Marcão, 2025). Accordingly, customary inheritance disputes often cannot be understood solely as conflicts over the proportion of estate distribution, but rather as manifestations of a disrupted balance in family and community relations.

Within the national legal system, space for the living law of society is also reflected in the obligation of judges to explore, follow, and understand the legal values and sense of justice that exist within the community (Rodiyah et al., 2023; Simanjuntak & Priyono, 2022). This provision demonstrates that positive law does not preclude the consideration of local values as a source of judicial reasoning, particularly in cases involving the customs and practices of local communities (Republik Indonesia, 2009, Pasal 5 ayat (1)).

One customary community that is particularly relevant for scholarly examination is the Baduy community, or *Urang Kanekes*, located in Lebak Regency, Banten Province. This community is widely known for preserving customary rules, communal ways of life, and ancestral values transmitted across generations (Bi, 2024; Imbang et al., 2025; Ramavhunga, 2025). Recognition of the Baduy community's territory and customary land rights also finds its basis in regional policy, including Regional Regulation of Lebak Regency Number 32 of 2001 concerning the Protection of the Customary Land Rights of the Baduy Community (Kabupaten Lebak, 2001).

In the social life of the Baduy community, customary rules are not always articulated in written form. Many norms continue to exist through *pikukuh*, ancestral advice, customary practices, and the authority of customary leaders. This condition gives Baduy customary law a distinctive character, differing from state law, which relies on codification and formal procedures. Nevertheless, precisely because it is rooted in the community's collective consciousness, Baduy customary law possesses strong social binding force and functions to maintain order within communal life.

Studies on Baduy inheritance indicate that the Baduy customary inheritance system has its own distinctive characteristics. Research conducted by Wati Rahmi Ria and colleagues states that inheritance among the Muslim Baduy community follows a bilateral system, in which both paternal and maternal lines hold equally important positions. The fundamental difference between this system and Islamic inheritance law lies in *pikukuh*, which serves as the basis for unwritten rules governing the distribution of inheritance (Ria et al., 2021; Puspitasari et al., 2024; Khosyi'ah & Rusyana, 2022). This demonstrates that Baduy inheritance law cannot be separated from kinship structures and customary values that prioritize togetherness.

On the other hand, studies on conflict resolution within the Baduy community often emphasize the concept of *silih hampura*. Rena Yulia and Aliyth Prakarsa explain that *silih hampura* constitutes a conflict resolution model in Baduy customary law that emphasizes mutual forgiveness, gradual settlement, and the restoration of social relations (Yulia & Prakarsa, 2021). This concept is relevant in the context of inheritance disputes, as such disputes are essentially family conflicts that require the restoration of relationships, rather than merely a decision on who wins and who loses (Wehrman, 2023; Rodolaki et al., 2023).

The novelty of this article lies in its attempt to connect Baduy customary inheritance law with a dispute resolution model based on deliberation and the value of *silih*

hampura. To date, studies on *silih hampura* have largely been situated within the context of customary dispute settlement or customary criminal law. Meanwhile, studies on Baduy inheritance have generally focused more on the distribution system or the legal position of heirs. This article seeks to bridge these two areas by arguing that the settlement of Baduy customary inheritance disputes can be understood as a legal practice that is oriented not only toward the distribution of property, but also toward family reconciliation and social harmony.

Based on the foregoing discussion, this article addresses two research questions. First, how do Baduy customary inheritance law exist and function as part of legal pluralism in Indonesia? Second, how are Baduy customary inheritance disputes resolved through deliberation and the value of *silih hampura* in maintaining family and social harmony?

This study aims to analyze the position of Baduy customary inheritance law within the social system of customary communities and to examine the mechanisms for resolving inheritance disputes through deliberation and the value of *silih hampura*. Theoretically, this study is expected to contribute to the development of customary law scholarship, particularly in the fields of customary inheritance law and dispute resolution based on local wisdom. Practically, this study may serve as a reference for law students, academics, and the broader public in understanding that the settlement of customary inheritance disputes does not always need to be approached through litigation, but may also be pursued through deliberation aimed at restoring familial relationships.

METHODS

Research Design

This study employed a normative juridical research design, which conceptualizes law as a system of norms, doctrines, principles, and legal rules that can be analyzed through doctrinal interpretation and legal reasoning. Normative legal research is appropriate for examining legal structures, legal concepts, and the philosophical foundations of legal norms without relying primarily on empirical field data (Marzuki, 2017; Muhaimin, 2020). This design was selected because the research focuses on analyzing the existence of customary inheritance law within the Baduy community and examining the legal construction of inheritance dispute resolution through deliberation and the indigenous value of *silih hampura*.

This study applied two complementary analytical approaches. The first was the statutory approach, used to examine constitutional and statutory regulations related to the recognition of customary law communities and inheritance-related legal provisions in Indonesia. The second was the conceptual approach, used to analyze theoretical concepts such as legal pluralism, customary inheritance law, deliberative dispute resolution, restorative justice, and social reconciliation. The integration of these approaches enabled the study to construct a comprehensive legal framework for understanding Baduy inheritance dispute resolution.

Research Context

The study was situated within the socio-legal context of the Baduy customary community (Urang Kanekes) in Lebak Regency, Banten Province, Indonesia. The Baduy community was selected because it remains one of the most prominent indigenous communities preserving strong customary institutions, kinship traditions, and ancestral values through *pikukuh*, which serves as a moral and normative guideline in daily life. This context is particularly relevant because inheritance within the Baduy community is not limited to the transfer of material assets. Instead, inheritance is deeply embedded in social obligations, kinship continuity, communal harmony, and customary legitimacy. Therefore, inheritance

disputes in this community often involve not only legal entitlement but also relational balance among family members.

Data Collection Techniques

Data were collected through library research, involving systematic identification, selection, classification, and review of legal documents and scholarly literature relevant to the research topic. Library research was chosen because the study aims to analyze legal norms and conceptual frameworks rather than conduct field observation or surveys. The data collection process involved three stages. First, legal documents and literature relevant to customary law and inheritance were identified. Second, sources were screened based on credibility, relevance, and thematic alignment. Third, selected materials were classified according to analytical categories related to inheritance law and dispute resolution mechanisms.

Data Sources and Analytical Unit

The analytical dataset consisted of primary legal materials, secondary legal materials, and conceptual thematic data.

Primary legal materials included four main legal documents: 1) The 1945 Constitution of the Republic of Indonesia, particularly Article 18B paragraph (2) and Article 28I paragraph (3), concerning recognition of customary law communities; 2) Law Number 48 of 2009 concerning Judicial Power, particularly judicial obligations to recognize living law; 3) Law Number 5 of 1960 concerning Basic Agrarian Principles; 4) Regional Regulation of Lebak Regency Number 32 of 2001 concerning Protection of the Customary Land Rights of the Baduy Community.

Secondary legal materials consisted of 15 core references, including books and peer-reviewed journal articles discussing customary inheritance law, legal pluralism, Baduy customary institutions, and restorative dispute resolution. Major references included Hadikusuma (2003), Soekanto (2003), Soekanto and Mamudji (2007), Suparman (2014), Ria et al. (2021), Fitriana (2022), and Yulia et al. (2023). Since this study was non-empirical, no respondents or statistical samples were involved. Instead, the unit of analysis consisted of legal norms, doctrines, and conceptual interpretations extracted from the literature.

Table 1. Analytical Dataset and Coding Framework

Main Analytical Cluster	Sub-Themes	Data Source
Customary Inheritance Law Position	Normative basis, constitutional basis, kinship system, nature of inherited property, settlement values	Constitution, statutes, inheritance literature
Dispute Resolution Mechanism	Dispute identification, family deliberation, customary leaders, distribution agreement, <i>silih hampura</i>	Legal doctrines, dispute resolution studies

Source: Processed by the authors, 2026

Data Analysis Technique

The collected legal materials were analyzed using qualitative legal analysis through interpretation, comparison, classification, and synthesis. The analysis proceeded in four stages.

First, all legal materials were categorized based on their relevance to inheritance law and dispute resolution. Second, doctrinal interpretation was conducted to identify legal principles related to customary inheritance and indigenous conflict settlement. Third, thematic coding was applied to classify recurring concepts into analytical

clusters. Fourth, findings were synthesized into a normative framework explaining how Baduy customary inheritance disputes are resolved through deliberation and *silih hampura*. This analytical process generated the two main findings presented in the Results section: (1) the legal position of Baduy customary inheritance law and (2) the staged mechanism of inheritance dispute resolution.

Validity and Reliability

Validity was ensured through source triangulation, achieved by cross-checking constitutional provisions, statutory regulations, legal doctrines, and prior empirical studies on the Baduy community. This triangulation strengthened interpretive accuracy and reduced conceptual bias. Reliability was maintained through consistent coding procedures and repeated comparative reading of legal sources. To improve analytical consistency, the coding framework used in Table 1 served as a reference throughout the interpretation process. This ensured alignment between research questions, analytical categories, and final findings. Consequently, the methodological framework provides a reliable basis for understanding Baduy customary inheritance law within Indonesia's pluralistic legal system.

RESULTS AND DISCUSSION

This section presents the empirical findings derived from the normative legal analysis of Baduy customary inheritance law and its dispute resolution mechanism. Before discussing the findings in detail, it is important to clarify that the results are based on three layers of analytical data derived from the methodology: primary legal materials, secondary scholarly literature, and thematic coding outputs. The analysis generated two major analytical clusters. The first cluster concerns the legal position of customary inheritance law in the Baduy community. The second cluster focuses on the dispute resolution mechanism through deliberation and the indigenous value of *silih hampura*. Together, these findings demonstrate how customary inheritance law operates as both a legal and socio-cultural institution within Indonesia's plural legal system.

Distribution of Primary Legal Materials

The first analytical layer consists of primary legal materials used to establish the constitutional and legal legitimacy of Baduy customary inheritance law. Four principal legal documents were examined.

Table 1. Primary Legal Materials Used in Analysis

Legal Document	Analytical Contribution
1945 Constitution (Art. 18B(2), Art. 28I(3))	Recognition of customary law communities
Law No. 48 of 2009 on Judicial Power	Obligation to recognize living law
Law No. 5 of 1960 on Agrarian Principles	Recognition of adat law in agrarian relations
Regional Regulation of Lebak No. 32/2001	Protection of Baduy customary land rights

Source: Processed by the authors, 2026

Table 1 shows that the legal existence of Baduy customary inheritance law is supported by both constitutional and regional legal frameworks. The Constitution provides normative recognition of indigenous legal systems, while Law No. 48 of 2009 strengthens judicial legitimacy by requiring judges to explore living legal values in society. Meanwhile, agrarian law and regional regulation specifically support customary territorial rights, which indirectly influence inheritance practices involving land and communal assets. These legal documents confirm that Baduy

customary law is not an isolated social practice but a legally recognized component of Indonesia's plural legal order.

Distribution of Secondary Literature

The second analytical layer consisted of scholarly literature used to construct doctrinal and conceptual interpretations. A total of 15 core academic references were selected based on relevance and credibility.

Table 2. Secondary Literature Distribution

Literature Category	Number
Customary law doctrine	5
Inheritance law studies	4
Baduy community studies	3
Dispute resolution studies	3
Total	15

Source: Processed by the authors, 2026

The literature distribution indicates that the largest proportion came from customary law doctrine. This reflects the study's strong legal-theoretical orientation. Inheritance law studies contributed conceptual understanding regarding heir entitlement and inheritance patterns, while Baduy community studies provided socio-cultural context. Dispute resolution studies contributed analytical insight into mediation, restorative justice, and reconciliation. This literature distribution ensured balanced analysis between legal doctrine and socio-cultural interpretation.

Thematic Coding Results

The third analytical layer involved thematic coding of all legal materials and literature. Coding produced two major clusters and ten subthemes.

Table 3. Thematic Coding Results

Cluster	Subtheme	Frequency
Customary Inheritance Law Position	Normative basis	13
	Constitutional basis	10
	Kinship system	11
	Nature of inherited property	9
	Settlement values	14
Dispute Resolution Mechanism	Dispute identification	8
	Family deliberation	15
	Customary leaders	12
	Distribution agreement	10
	<i>Silih hampura</i>	16

Source: Processed from legal coding, 2026

Table 3 reveals that *silih hampura* had the highest coding frequency (16), indicating its central role in inheritance dispute settlement. Family deliberation ranked second (15), showing that dialogue constitutes the primary mechanism of dispute resolution. Settlement values and normative basis also appeared frequently, emphasizing the strong ethical foundation of Baduy customary law. These coding results confirm that inheritance disputes in Baduy society are resolved through a balance between legal norms and restorative social values.

Position of Customary Inheritance Law in the Baduy Community

The analysis shows that Baduy customary inheritance law functions as a strong form of living law. Its authority does not derive from codification but from collective

obedience and social acceptance. Customary inheritance rules are preserved through *pikukuh*, ancestral teachings, kinship traditions, and social norms transmitted across generations.

The findings reveal that inheritance in the Baduy community extends beyond material ownership. Assets such as land, houses, agricultural resources, and heirlooms possess symbolic value associated with family identity and continuity. Consequently, inheritance disputes involve emotional and social dimensions in addition to economic concerns. The inheritance system also reflects kinship-oriented distribution. Existing literature indicates a bilateral tendency, especially among Muslim Baduy groups, where paternal and maternal lines are equally recognized. However, inheritance practices vary among Inner Baduy, Outer Baduy, and Muslim Baduy communities, indicating contextual flexibility.

Table 4. Position of Customary Inheritance Law in the Baduy Community

Aspect	Manifestation in Baduy Community	Relevance to Disputes
Normative basis	<i>Pikukuh</i> , ancestral customs	Guides fairness
Constitutional basis	State recognition of adat	Legal legitimacy
Kinship system	Bilateral with local variation	Determines heirs
Nature of property	Social and symbolic asset	Raises conflict sensitivity
Settlement values	Consensus, kinship, <i>silih hampura</i>	Restores harmony

Source: Processed by the authors, 2026

Table 4 shows five dimensions shaping inheritance law. The strongest dimensions are normative basis and settlement values, indicating that legal legitimacy in Baduy society is rooted primarily in social morality rather than formal codification.

Patterns of Inheritance Disputes

The results identified three dominant causes of inheritance disputes.

First, disputes emerge from disagreements regarding their entitlement, especially concerning unequal shares or unclear succession rights. Second, conflicts arise due to communication breakdowns, including lack of transparency and exclusion of certain heirs from decision-making. Third, disputes are intensified by the symbolic importance of inherited property, particularly land and family houses. These findings show that inheritance conflicts in Baduy society are multidimensional, involving legal, emotional, and relational tensions.

Deliberative Mechanism of Dispute Resolution

The study found that inheritance disputes are primarily resolved through deliberation. The first stage involves family discussion, where heirs negotiate claims and seek consensus. Parents and elder relatives typically act as mediators.

When consensus fails, disputes proceed to customary leaders such as *Kokolot* and *Jaro*. These figures serve as moral mediators whose authority is based on communal trust rather than formal legal power. Unlike court litigation, Baduy mediation emphasizes reconciliation and relationship restoration rather than determining winners and losers. The legitimacy of settlement depends on voluntary acceptance by all parties.

The Role of *Silih Hampura*

The strongest finding concerns the role of *silih hampura*. This value represents the ethical core of dispute resolution. Although often translated as mutual forgiveness,

silih hampura encompasses acknowledgment of grievances, emotional healing, restoration of dignity, and rebuilding trust. Its central role explains why inheritance disputes in Baduy society rarely end with purely transactional settlements. Instead, resolution seeks to restore social harmony and eliminate resentment. This reflects a form of substantive justice where fairness is measured by relational restoration rather than solely by numerical equality.

Stages of Baduy Customary Inheritance Dispute Resolution

The analysis synthesizes the inheritance dispute resolution process into five stages.

Table 5. Stages of Baduy Customary Inheritance Dispute Resolution Based on Deliberation and *Silih Hampura*

Stage	Main Actors	Function	Values
Dispute identification	Heirs	Identify assets and conflict	Openness
Family deliberation	Parents, elders	Discuss claims	Consensus
Customary mediation	Kokolot, Jaro	Resolve deadlock	Propriety
Distribution agreement	All parties	Determine settlement	Substantive justice
<i>Silih hampura</i>	Disputing parties	Restore harmony	Mutual forgiveness

Source: Author's elaboration, 2026

Table 5 illustrates that dispute resolution follows a structured but flexible sequence. The process begins with identifying disputed assets, followed by internal deliberation, customary mediation if necessary, agreement on distribution, and final reconciliation through *silih hampura*.

Legal Pluralism, Restorative Justice, and the Indigenous Logic of Baduy Inheritance Dispute Resolution

The findings of this study demonstrate that customary inheritance law in the Baduy community represents a strong manifestation of legal pluralism in Indonesia, where multiple legal systems coexist and interact within the same socio-legal space. The most important contribution of this study lies in showing that Baduy inheritance law functions not merely as a normative mechanism for property distribution, but as a culturally embedded system designed to preserve relational balance, social cohesion, and communal continuity. This finding aligns with recent scholarship emphasizing that indigenous legal systems continue to play significant roles in governance and dispute settlement despite the expansion of centralized state law (Merry, 2022; Corradi et al., 2021).

The present study found that the legitimacy of Baduy inheritance law derives primarily from communal obedience to *pikukuh*, rather than written codification. This result is consistent with studies of indigenous legal systems in Southeast Asia, which show that customary norms often remain effective because their authority is rooted in collective morality and shared social memory rather than formal institutional enforcement (Bedner & Arizona, 2021). Similar patterns are found in indigenous governance systems in the Philippines and Malaysia, where unwritten customary rules continue to regulate kinship, inheritance, and resource allocation through social legitimacy rather than statutory coercion (Lasco, 2023; Razak et al., 2025).

However, this study extends previous scholarship by demonstrating that Baduy inheritance law operates simultaneously in two legal dimensions. First, it functions internally as living customary law. Second, it exists externally within a framework of

constitutional recognition by the Indonesian state. This dual legitimacy is theoretically important because it challenges the simplistic dichotomy between state law and customary law. Rather than existing in opposition, both systems interact dynamically. This finding supports legal pluralism theory, which argues that justice systems frequently operate through overlapping normative orders rather than exclusive institutional structures (Benda-Beckmann & Turner, 2022; Berebon, 2025; Davies, 2024; Hariri & Babussalam, 2024).

The findings concerning inheritance as a socio-relational institution also reinforce recent interdisciplinary discussions on property and kinship. In Western legal frameworks, inheritance is frequently approached as a question of ownership transfer and entitlement. By contrast, this study confirms that within indigenous communities, inheritance often serves broader social purposes, including identity preservation, social obligation, and family continuity. This result is consistent with research on customary inheritance in African and Pacific communities, where inherited property carries symbolic value beyond economic worth (Claassens, 2021; McDonnell, 2024). Land, houses, and family assets function as social anchors that connect generations. This explains why inheritance disputes in Baduy society involve emotional and relational tensions, not merely legal disagreement.

The study further identified that inheritance disputes commonly emerge from disagreements regarding heir entitlement, communication breakdown, and symbolic attachment to inherited assets. This finding partially aligns with previous inheritance dispute studies in customary communities. Research by Ozoemena et al. (2022) found that most inheritance conflicts in traditional societies arise not solely from inequitable distribution but from perceptions of exclusion and lack of procedural fairness. The present study supports this argument by showing that communication imbalance among heirs intensifies conflict more than numerical inequality alone. In Baduy society, perceived disrespect or exclusion may create deeper social wounds than unequal material shares.

One of the central findings of this study is the significance of deliberation as the primary dispute resolution mechanism. The prioritization of family deliberation confirms that Baduy society emphasizes consensus-based settlement over adversarial adjudication. This result is highly consistent with restorative justice literature, which argues that conflict resolution becomes more sustainable when disputing parties actively participate in dialogue and collectively shape outcomes (Braithwaite, 2021; Daly, 2023). Deliberative mechanisms are especially effective in disputes involving long-term social relationships, such as inheritance conflicts among family members.

Yet, the novelty of this study lies in identifying how deliberation functions specifically within inheritance disputes under Baduy customary law. Previous studies on Baduy dispute settlement largely focused on customary criminal cases or general social conflict. Research by Yulia et al. (2023) highlighted restorative mechanisms in Baduy criminal dispute resolution but did not specifically examine inheritance disputes. This study fills that gap by demonstrating that inheritance disputes involve a distinct deliberative logic centered on familial reconciliation rather than punitive accountability. Thus, the novelty of this article lies in bridging two previously separate bodies of literature: customary inheritance law and indigenous restorative dispute resolution.

The findings also show that customary leaders such as *Kokolot* and *Jaro* function as moral mediators rather than judicial authorities. Their legitimacy derives from trust, wisdom, and symbolic authority within the community. This differs significantly from state courts, where authority derives from institutional mandate and legal procedure. Comparative studies in indigenous governance systems report similar mediator roles

among tribal elders in India and customary councils in Papua New Guinea (Kumar & Singh, 2024; Allen, 2022; Jones & Wagambie, 2024). In such systems, mediators are valued not for coercive power but for their ability to preserve social equilibrium.

A significant theoretical contribution of this study lies in demonstrating that customary mediation in Baduy society produces substantive justice rather than merely procedural closure. Substantive justice refers to outcomes perceived as socially fair, morally legitimate, and relationally restorative. This extends restorative justice scholarship by illustrating how indigenous dispute resolution mechanisms operationalize justice beyond formal equality. While court systems often prioritize procedural correctness, customary systems emphasize relational repair and communal balance (Johnstone & Van Ness, 2021).

The strongest and most distinctive finding concerns the role of *silih hampura*. This indigenous value constitutes the ethical core of Baduy inheritance dispute resolution. Although often translated as mutual forgiveness, this study demonstrates that *silih hampura* encompasses a broader restorative philosophy involving emotional healing, acknowledgment of grievances, restoration of dignity, and reconciliation. This finding resonates with contemporary restorative justice research emphasizing forgiveness and healing as critical components of durable peace (Suzuki & Hayes, 2022; Omowon & Kunlere, 2024; Van Ness et al., 2022).

Nevertheless, this study contributes something novel to the literature by conceptualizing *silih hampura* not merely as a cultural value but as a functional legal mechanism within dispute settlement. Existing literature has described *silih hampura* primarily as a moral tradition. This study shows that it performs a concrete procedural function at the final stage of inheritance dispute resolution by ensuring that settlement addresses emotional reconciliation in addition to material distribution. This expands theoretical understanding of indigenous legal values as active governance instruments.

The practical implications of this study are substantial. First, the findings suggest that policymakers should recognize the value of culturally embedded dispute resolution systems in managing family and inheritance conflicts. Formal litigation is often expensive, adversarial, and relationally destructive. By contrast, customary deliberation offers cost-efficient, accessible, and socially restorative alternatives. Integrating restorative customary mechanisms into broader dispute resolution frameworks could improve access to justice, especially in indigenous communities.

Second, legal practitioners and mediators may benefit from adopting restorative principles inspired by Baduy customary practices. The emphasis on dialogue, consensus, dignity restoration, and emotional reconciliation offers valuable lessons for family mediation and inheritance conflict management beyond customary settings. This suggests that indigenous legal knowledge can enrich modern dispute resolution practice. Third, the study contributes to legal policy debates regarding indigenous rights and legal recognition. The findings reinforce the importance of protecting customary institutions as part of legal diversity and constitutional pluralism. Recognition of customary dispute resolution mechanisms should not be viewed as a challenge to state law but as a complementary system that can enhance justice delivery.

Despite these contributions, this study has several limitations. The first limitation concerns methodology. Because this research employed a normative juridical design, the analysis relied heavily on legal texts and prior literature rather than direct field observation or interviews with Baduy community members. As a result, the study reconstructs dispute resolution mechanisms conceptually rather than documenting real-time dispute processes. This limits the empirical depth of behavioral observations.

The second limitation concerns contextual specificity. The findings are highly specific to the Baduy community and therefore may not be directly generalizable to all customary law communities in Indonesia or elsewhere. Different indigenous communities possess distinct kinship systems, legal structures, and dispute resolution traditions. Comparative caution is therefore necessary. The third limitation relates to intra-community variation. The Baduy community itself is not homogeneous. Differences between Inner Baduy, Outer Baduy, and Muslim Baduy communities may influence inheritance practices in ways not fully captured in doctrinal analysis.

Future research should address these limitations through empirical and comparative approaches. First, ethnographic field research involving direct interviews with Baduy customary leaders, heirs, and mediators would deepen understanding of how inheritance disputes are actually negotiated. Second, comparative studies between Baduy and other indigenous communities in Indonesia could identify shared and divergent patterns in inheritance dispute resolution. Third, future scholarship may explore whether restorative indigenous principles such as *silih hampura* can be adapted into formal mediation frameworks or hybrid legal institutions.

CONCLUSION

Baduy customary inheritance law occupies an important position as a form of living law and as a manifestation of legal pluralism in Indonesia. Its validity does not depend on written codification, but rather on communal recognition of *pikukuh*, ancestral traditions, kinship principles, and the value of social harmony. The resolution of inheritance disputes within the Baduy customary legal system is not merely directed at the distribution of inherited property, but also at restoring familial relationships through deliberation and the value of *silih hampura*. Accordingly, this mechanism reflects a substantive conception of justice, as it prioritizes propriety, consensus, mutual forgiveness, and the restoration of social equilibrium.

The resolution of Baduy customary inheritance disputes should continue to be preserved through family deliberation, the involvement of customary authorities, and the reinforcement of *silih hampura*, as these mechanisms are consistent with the character of customary communities that prioritize harmony. Nevertheless, to prevent future disputes, inheritance agreements should be documented in a simple written form, particularly when they concern land, houses, or assets of significant familial value. In addition, the application of customary law must continue to observe the principles of voluntariness, protection of vulnerable parties, and conformity with national law, so that customary dispute resolution remains fair, legitimate, and protective of the rights of all heirs.

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