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## THE POSITION OF VILLAGE PEACE JUDGES IN THE RESOLUTION OF TRADITIONAL OFFENCES WITHIN THE TOLAKI COMMUNITY IN SOUTH-EAST SULAWESI

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### Abstract

*This research is aimed at finding the appropriate method for Tribe Leaders (as Judges), guardians of local wisdom in resolving conflicts of interest particularly for indigenous people (Tolakinese) in Southeast Sulawesi. Legally speaking, this effort is essential in gaining legitimacy, hence based on customary law (Adat Law); village judges effectively resolve conflict in a faster, simpler and cheaper ways that are accepted by the community compared to the national criminal justice system. Nowadays, various conflicts often arise in communities, which cause economic, political, religious, ethnic, and self-esteem complications leading to conflicts of interest. Sadly, the Tolaki community is not exempted from this reality. This study seeks to offer an appropriate method of resolving conflict by using a consensus based approach to reach decision so as to create peace for the parties. This concept of consensus in deliberation has been practiced in Tolakinese society for a long time. This study found weaknesses and obstacles in its application of the substantial aspects; i.e. the role of village judges is limited by positive law; as well as from a structural aspect: the lack of institutional strengthening. The application of such methods can create a holistic and integrated policy in controlling and optimizing the source of collective strategic resources for the greatest benefit for greatest number of people.*

**Keywords:** *customary law, adat law, offences, local wisdom, criminal justice systems*

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## I. INTRODUCTION

The philosophy of Indonesia is Pancasila which demands balance and harmony between the interests of individuals, society, and state. The responsibility of criminalization cannot be directly distinguished to the perpetrators of crime because basically crime itself cannot be separated from the reality of the life of a society. According to this article the criminal law (including criminal prosecutions) in Indonesia must be oriented towards individual leadership (criminals and the interests of the community, including victims of crime). The Pancasila based community life, individual interests and society occupies a balanced position, both complementing and limiting the harmony between the other interests, this guaranteed the realization of justice, tranquility and harmony in the community, this idealism is rooted in the social reality,

the state and the Indonesian people.

According to the conception of customary law, criminal sanctions imposed on the perpetrator is aimed to restore the cosmic balance and to bring a sense of peace among fellow citizens, so that the imposition of criminal sanctions, according to customary law, must be felt equally by the perpetrator, the victim and the community.<sup>1</sup> The perpetrators and victims as well as the community sit together in handling the problem for further settlement. In this model, deliberation is directed at results that benefits all parties. The state also does not need to incur substantial costs in providing guidance to the perpetrators of crimes. Crimes and imprisonment of perpetrators of crimes can be reduced through restorative justice so that the costs that should be incurred by the state can be saved in such a way. In addition, the criminal case handling process through restorative justice is deemed capable of achieving the principle of simple, fast, and low-cost justice as mandated in Article 4 of Act No. 48 of 2009 concerning Judicial Power. The model of restorative justice in the handling of disputes is very much in line with the traditions, customs and culture of Indonesian society which is known for its problem resolving method referred to as “deliberation to reach consensus”.<sup>2</sup>

Tolaki’s customary law is one of the positive laws that applies on the mainland of Southeast Sulawesi which inhabits the Konawe and Mekongga kingdoms. These two former kingdoms have been divided into autonomous regions based on Law No. 23 of 2014 on Regional Government.

Statistics show that a great majority of Indonesian citizens still live in rural areas. Thus it can be said that the rural population are potential capital for national development, a capital owned by the people and nation of Indonesia. The huge rural population, if fostered properly, could be an effective workforce for various development activities in all fields of community life. Therefore, great attention needs to be given to

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<sup>1</sup> The purpose of Criminal Law in Article 54 paragraph (1) letter c of the Criminal Code is to resolve conflicts caused by criminal acts, restore balance and bring peace in the community.

<sup>2</sup> I Made Widiana, *Hukum Pidana Adat dalam Pembaharuan Hukum Pidana*, PT. Fikahati Aneska, Jakarta, 2003, p. 104

increasing rural development, especially through increasing community initiatives and self-governance.<sup>3</sup>

Today, various kinds of issues related to economic, politics, ethnicity, religion, class divide, self-esteem, and so on, can cause conflicts of interest. This problem is often found in the community, especially in the Tolaki tribe in Southeast Sulawesi. The settlement of cases is usually carried out in the presence of the Village Chief who is often called a peace judge. Village judges essentially function as peace judges whose main task is to enforce the customary law.

Since the enactment of Emergency Law No. 121 of 1951, the Swapraja and adat courts have been gradually abolished, without prejudice to what has been given (sentenced) by the village judge (peace) on the basis of Article 3a RO (*Rechterlijke Organisatie*).<sup>4</sup> Village justice is a very simple form and method of implementing justice in accordance with the level of knowledge of rural communities. This has been going on long before the colonial era and occurred in almost all corners of Indonesia. In the village justice there is also the term village peace judge. Village peace judges are actually not a standard term in the legislation, but only a term used by academics. The term village peace judge is often considered to have a special position in carrying out certain tasks, having a temper like a judge in general. In the case of a village peace judge, it is actually a function carried out by the Village Head or the head of the customary law community to resolve a dispute or case within his territory. Although village peace judges have an important and decisive role in peacefully resolving adat cases, lately it seems that village peace judges have faced many obstacles in enforcing customary law and reconciling disputing parties or those involved in the conflict. Such facts show that village peace judges seem to be powerless in facing the current conflict situation in the countryside and are unable to resolve customary cases completely. In the 1945 Constitution, Article 18B as amended, states that:

1. The State recognizes and respects regional government units

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<sup>3</sup> Soerjono Soekanto, *Kedudukan Kepala Desa Sebagai Hakim Perdamaian*, Rajawali, 1986, p. 1

<sup>4</sup> Article 3a RO (*Rechterlijke Organisatie*) promulgated with Statute Book of 1935, Number 102, concerning Recognition of Village Judges

that are special in nature regulated by law.

2. The State recognizes and respects the units of customary law communities and their traditional rights as long as they are alive and in accordance with the development of society and in line with the principles of the Unitary State of the Republic of Indonesia, which is regulated by law.

On the basis of Article 18B, Law No. 6 of 2004 recognizes villages as a legal community unit that has a regional boundary authorized to regulate and administer government affairs, the interests of the local community based on community initiatives, rights of origin, and / or traditional rights that are recognized and respected in the governance system of the Republic of Indonesia.

In connection with the position of the village head as a peace judge, a lot of research has been conducted, among others research conducted by Dewa Nyoman Anom Rai Putra and I Nyoman Wita;<sup>5</sup> and Tedi Sudrajat.<sup>6</sup>

Based on the description above, this research will focus on the issue of “*The Position of Village Chiefs as Judges of Peace in the Settlement of Customary disputes in Tolaki Communities in Southeast Sulawesi*”. From this title, it is necessary to identify the position of the Village Chief as a village justice judge. In addition, it is also necessary to examine the organizations that play a role therein.

Based on the description of the proposed background, the main problem in this study is how is the position and duties of the Village Chief as a peace judge in the settlement of customary disputes in the Tolaki community in Southeast Sulawesi?

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<sup>5</sup> Dewa Nyoman Anom Rai Putra dan I Nyoman Wita, *Kedudukan Dan Tugas Kepala Desa Sebagai Hakim Perdamaian Desa Di Desa Pakraman Taman-Tanda Kecamatan Baturit Kabupaten Tabanan Bali*.

<sup>6</sup> Tedi Sudrajat, *Aspirasi Reformasi Hukum dan Penegakan Hukum Progresif Melalui Media Hakim Perdamaian Desa*, Jurnal Dinamika Hukum Vol. 10 No. 3 September 2010.

## II. RESULTS AND DISCUSSION

### A. VILLAGE PEACE JUDGES

The term “village peace judge” is not a juridical, technical, or standard term that’s used officially in legislation, but a term commonly used in the academic world. In the legislation, the terms used include “peace judges in villages” or “judges of small legal communities” or “village judges”. That is why if there is an assumption that the village peace judge is a special position that carries out the duties of a judge, as a special officer, and so on, like a judge in a state judicial institution, it is clearly a wrong assumption. From the terms used in the legislation above, it can be seen that village peace judge is actually a function carried out by the chiefs of the customary law of the community, as argued by Soepomo.<sup>7</sup> Furthermore, Soepomo claims show the functions of the head of the village include three aspects, namely:

1. Measures concerning land affairs in connection with the close relationship between land and alliances (human groups) who control the land.
2. The implementation of the law as an effort to prevent any violation.
3. Law as a correction after a violation.

According to Soepomo, the functions in terms of carrying out the law as a correction after a violation is a very important work of the head of the customary law community. Regarding this matter, Soepomo further wrote as follows:<sup>8</sup> Another job of the head of the village is the work in the field “represieve *rechtsorg*” or work as a village peace judge (*dordsjustitie*). If there is a dispute between community members, if there are actions that are contrary to customary law, then the head of the village acts to restore traditional peace, to restore balance in the village atmosphere, to restore the law (“*rechtsherstel*”)

Soepomo’s description above shows that the village peace judge does not have a special position, but rather a function carried out by the head of the village to resolve cases, especially customary cases that occurred in the village,.

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<sup>7</sup> R. Soepomo, *Bab-bab tentang Hukum Adat*, Pradnya Paramita, Jakarta, 1979, p. 66.

<sup>8</sup> *Ibid.* p. 69

## B. THE CONCEPT OF VILLAGE CONCEPT AND COURT

Sociologically and anthropologically, the village as a unit is a local community. According to customary law, village is a customary law community. The formulation is illustrated in Article 1 Section 1 of Law No. 6 of 2014 which reads:

“The village is an integrated legal community with a boundary that is authorized to regulate and manage government affairs, the interests of the local community based on community initiatives, the rights of origin, and / or traditional rights recognized and respected in the government system of the Republic of Indonesia.”

Further emphasized in the general explanations of this law which states that *Adat Village* is a customary law community unit that historically has territorial boundaries and cultural identities formed on territorial basis that are authorized to regulate and manage the interests of village communities based on the rights of origin. Tjok Istri Putra Astuti argues in his scientific oration that village court acquired legal recognition after adding Article 3 RO (*rechterlijke organisatie*) which was promulgated with the Statute Book of 1935, No. 102. Article 3 RO, which reads:<sup>9</sup>

1. The examination of a case, according to customary law, is the authority of the judge from the small community (village judges).
2. What is stipulated in paragraph 1, does not diminish the authority of the parties to a case submitted to the judge referred to in paragraphs 1, 2 and 3.
3. Judges referred to in paragraph 1, judge according to customary law, they may not impose penalties. In connection with this, a village judge takes decisions according to customary law. That is, a judge can only reach peaceful decision as he is not allowed to impose a punishment.

After independence, the existence of *adat* law communities continues to be recognized as can be seen from Article 18 of the 1945 Constitution. While the authority of the village justice institution is seen in the enactment of Law No. 1 of 1951 on “Temporary Measures to

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<sup>9</sup> Tjok Istri Putra Astuti dalam Orasi Ilmiah tentang Peradilan Desa

Organize the Unity of Power and Events of Civil Courts “In its Article 1 paragraph 3 which says:

*“The provisions referred to in paragraph 1, do not reduce the right of authority which has so far been given to peace judges in villages as referred to in article 3 RO.”*

Furthermore, in Article 13 paragraph 1 of the same law stipulate the following:

*“They must endeavor so that the villagers remain in peace and unite and get rid of everything that can cause disputes”.*

The role of reconciliation is also regulated in article 13 paragraph 2 and article 23 R.I.B. Article 13 paragraph 2 states:

*“Small disputes that are solely about the interests of the villagers should be reconciled as far as possible by not taking sides and with the agreement of the oldest individuals from the village.”*

Article 23 R.I.B states “They must agree with the oldest individuals in their village about all matters which, according to Indonesian customs, must be agreed upon”.

When compared with Law No. 48 of 2009 on Judicial Power, Article 1 paragraph (5) states:

*“Judges are judges of the Supreme Court and judges in the judiciary under it in the general court environment, religious court environment, military court environment, state administrative court environment, and judges in special courts within the court.”*

It is clear that there is a difference in understanding between village peace judges in village courts and judges according to judicial power law. Article 1 paragraph (8) reads:

*“A special court is a court that has the authority to examine, hear and decide on certain cases which can only be established in one of the judicial bodies under the Supreme Court regulated in the law.”*

Article 18 which prescribes:

*“Judicial power is carried out by a Supreme Court and the judiciary under it in the general court environment, religious court environment, military court environment, state administrative court environment, and by a Constitutional Court.”*

And Article 19 says:

*“Constitutional judges and judges are state officials who exercise judicial power as regulated in the law.”*

Based on the provisions of the article above it can be seen that the village court is not part of a special court area, let alone part of the general court, and the village court is not a judicial institution that stands alone and has a position with the number of functional judges regulated by law.

### **III.UNDERSTANDING OF CUSTOMARY OFFENCE**

To provide a more complete picture of criminal acts, the following provides a limit/definition of criminal acts according to customary law. Presentation in this context is considered very important, especially if it is realized, that ideas about living law begin to advance along with the efforts of national criminal law reform that wants to place customary law as a source of national criminal law.

Based on this kind of thinking, understanding the limits / definition of criminal acts according to customary law becomes a necessity. According to customary law, a criminal act or customary offense is any one-sided disturbance to balance and every collision from one side to the goods of material and immaterial life of the people, or from many people which is a unity,<sup>10</sup> such actions create a reaction which is of a nature and size determined by customary law - is a customary reaction - because a reaction where there is a balance can and must be restored.

Customary offense is a unilateral act of a person or group of individuals threatening or offending or disturbing the balance and the life of the community in the form of unity. Such actions or actions will result in a customary reaction.<sup>11</sup> Customary reaction is meant to restore the balance of those who have been disturbed by paying customs in the form of goods, money, holding salvation, cutting large / small animals and others<sup>12</sup>. Based on the above limitations, it can be seen that custom

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<sup>10</sup> Soebekti Poeponoto, *Bab-bab Tentang Hukum Adat*, Djambatan, Jakarta, 1980, p. 255

<sup>11</sup> Bushar Muhammad, *Pokok-pokok Hukum Adat*, Penerbit PT. Pradnya Paramita, Jakarta, 1995, p. 18.

<sup>12</sup> Soebekti Poeponoto, *Op. Cit.*, p. 110.

offense contains the following elements:

- 1) Unilateral actions of individuals or individuals.
- 2) These actions disrupt the balance of the community.
- 3) The act is material and immaterial.
- 4) The act is aimed at a person or community.
- 5) Result in customary reactions.

With the elements mentioned above, it is seen that customary offense is every act of a person or group of people (legal entity) either material or immaterial which is directed towards an individual or a group of individuals who has caused disturbance to the balance of society and which has resulted in customary reaction. In customary law context, criminal acts (custom offenses) not only covers every act that can cause individual damage but also every act that can cause social damage.<sup>13</sup>

#### **IV. POSITION OF VILLAGE HEAD AS PEACE JUDGE IN CUSTOMARY OFFENCE SETTLEMENT IN TOLAKI COMMUNITIES IN SOUTHEAST SULAWESI**

The position of the Village Head as a customary judge in creating a safe and peaceful society among his village residents according to what is desired by the government, so that not every problem is always sent to the court because there is enough cases only resolved to the village peace judge. Article 15 sections 2,3,4 and 11 of the Government Regulation No. 72 of 2005 on Villages says that peace judges must “improve the welfare of the community, maintain peace and order of society, carry out democratic life, and reconcile disputes in the village community.” Village peace justice is carried out by the village head (*prajuru desa*) to resolve cases that occur in the community. From the results of research conducted by researchers in the Tolaki Tribe in the Kolaka Regency of Southeast Sulawesi Province, the main instrument used by the village head as a peace judge in the Tolaki tribal area in managing all the community’s behavior is called *Kalosara* (unifying symbol). *Kalosara* as the main instrument up to now is still maintained by all levels of society, especially in the social and cultural life of the Tolaki tribe. Thus, along with the increasingly complex development of

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<sup>13</sup> *Ibid*, p. 111.

people's lives and giving rise to various problems including political and economic issues, the presence of *kalosara* as an instrument of solution needs to be maintained and developed. Tolaki Customary Institution has a very important role as a place of indigenous harmony for the *Tolaki* community where this institution serves to preserve and maintain the existence of indigenous peoples, especially those living in *jasirah konawe* and *mekongga*. This institution is also a place for the *Tolaki Mekongga* community to convey things related to existence, problems, which are faced by indigenous peoples in line with the development of modernization.

The existence of the *Tolaki* Customary Institution in Kolaka Regency is indispensable because the *Tolaki* people are currently heterogeneous where the *Bugis*, Makassar, and *Tator* communities are the major ethnic groups residing in the district of Kolaka, which is directly adjacent to the South Sulawesi region. Since the people of Kolaka are heterogeneous, several conflicts are likely to take place in Kolaka district. Based on this description, it is shown that alternative customary offenses resolution through village judges is the most populous choice taken by the community and government in realizing justice. Awareness of the importance of settlement through the mechanism of village judges shows that the community and the government are still value the existence of customary law as the best choice in resolving customary problems. The settlement is taken on the basis of the premise that cases resolved through customary law mechanism in which village judges function as mediators are choices that have been based on a simple, fast and low cost judicial principle.

Factually, it implies that the settlement through customary law of offenses that occurred in the life of the community is also the main choice of all components of society that the government periodically continues to intensively establish communication with law enforcement officials such as the police so that mild and ordinary cases can be resolved through customary law mechanisms. The existence of customary law in the life of the *Tolaki Mekongga* community is very firmly held so that the community can realize that the choice through customary law is the right choice and beneficial for litigants and to avoid any arbitrariness against the community if the case is resolved through state mechanism.

Settling customary offense by the village head as a customary judge begins with a field inspection mechanism of a report submitted to the village head about the incident. After the principal case is known, the village head then calls the litigants to the office of the village head by involving village apparatus for consensus deliberations so that the case does not reach the level of the police. In the process of resolving disputes over land, domestic violence, maltreatment and marriages, these parties sign a stamped peace statement before the village head and witnesses.

Although there are more than one cultural system in Kolaka, each culture has the same character in the settlement of customary offenses that involve indigenous peoples and those involving two or more tribes, the settlement process uses customary law of *tolaki*.

In the research interview, Uddin, the Head of the Langori Village, argues that philosophically, “everyone who drinks kolaka water, kolaka food and lives in Kolaka therefore all problems must be resolved with *Tolaki* Customs”.<sup>14</sup> This statement implies that where the earth is stepped on, there the sky is upheld and the statement is in line with the legal principle of Tolaki custom that reads: “*Inae Kona Sara Ie Pinesara, Inae Liasara Ie Pinekasara* “. This adage means whoever values custom deserves respect, and whoever violates customs is not valued.<sup>15</sup>

There are only a few villages that are homogeneous in Kolaka Regency, among them is *Maki hollow*. Although the people of Kolaka Regency are heterogeneous, cultural principles are maintained by the existence of the Customary Institution, even though in other dimensions there has been acculturation caused by the mixing of marriages which are substantially customary in their application in accordance with the subject of the perpetrator. The role of village judges as a manifestation of cultural institutions recognized by the Kolaka Regency government still has the following weaknesses:

## A. FROM SUBSTANTIVE ASPECT

If referring to Law No 1 of 1951, there still are problems related to the strengthening of the role of village judges, which is very limited by the

<sup>14</sup> Interview on August 5, 2016.

<sup>15</sup> Ibid.

existence of Law No. 8 of 1981 on Criminal Procedure Code in which the decisions of village judges have no legitimacy. Even though the Chief of Police Decision No. 7 of 2008 Alternative Disputes Resolution indicates that village judges can settle lawsuits outside the court. The weakness of the role of the village judge from the substantial aspect is illustrated from the aspect of qualification of legal affairs in which village judges do not have the authority to decide on certain cases such as murder, and even the minor criminal categories cannot automatically be final and binding as long as one of the parties involved in legal matters does not accept the decision of the village judge institution.

## **B. FROM STRUCTURAL ASPECT**

The structural aspect referred to in relation to the position of village judges in resolving problems at the village level has not been established institutionally and the strengthening of human resources is also a problem. The weakness of the institutional aspect in question is the lack of equipment for traditional institutions that are systemic and easily accessible to the community because the dominance of law enforcement agencies has an important role in seeking justice. From the aspect of human resources here implies the lack of young customary leaders because traditional institutions are more dominated by elders. This is one of the reasons why the position of village judges is weak from the structural aspects. There needs to be a comprehensive design of the government, academics, traditional leaders, community leaders, religious leaders and youth institutions to form a strong system capable of making the role of village judges more efficient in solving legal problems in the community.

In an interview, Anhar, as a traditional leader explains that legal problems that take place in the community are mostly resolved through customary law, with the exception of land issues, which are dominated by positive law. There is also the lack of honorarium / salary the government to traditional leaders as a result, it is very difficult to attract young people into customary affairs.<sup>16</sup> This study also shows that there is a shortage of human resources in the customary field such as *Tolea* (traditional spokesman) who has an important role in resolving

<sup>16</sup> Interview on May 29, 2016

customary offense. This is evidenced in some villages, which must invite a *tolea* from another village in their everyday's traditional procession.

Based on the results of the research, the position of village judges in the settlement of customary offences in the *Tolaki* community in Kolaka Regency, Southeast Sulawesi, still leaves the problem both from substantial and structural aspects so that it needs innovative steps to support the wider role of customary institutions. The role of village judges is an integral part of the culture of the Indonesian nation which has high philosophical values in solving all problems in the community.

## V. CONCLUSION

Local wisdom, as a solution to global problems, cannot be separated from the intellectual concerns of the many national and even international problems that cannot be resolved by positive law. The unresolved problems are evenly distributed in various fields, especially the role of the village head as a judge in solving legal problems. At the same time, intellectuals see that sometimes local communities are able to solve some of these problems with local wisdom that applies in their respective regions. Departing from this, they have high hopes that the community is able to solve the national and even international problems with its local wisdom. The fact shows that village justice is still there and is recognized, even though it has been officially removed. The Village Head also still acts as a customary judge (peace). Law No. 6 of 2014 stipulates that village is obliged to protect and maintain the unity, national harmony and the integrity of the Unitary State of the Republic of Indonesia, improve the quality of life of the community, develop a democratic life, the empowerment of the Village community; and provide and improve village community services. Tolaki's customary law is one of the positive laws that applies in the mainland of Southeast Sulawesi home to two large former kingdoms, namely the Konawe Kingdom in Kendari and the Mekongga Kingdom in Kolaka. According to customary law, the punishment of the perpetrator is aimed at restoring the cosmic balance, a balance between the world born with the occult world in order to bring peace among fellow citizens. Sentencing, therefore, according to customary law, must be felt equally by the perpetrator and the victim and the community. The perpetrators

and victims as well as the community hold equal position in handling the problem for further settlement. In this model, deliberation is directed at results that benefit all parties. The state also does not need to incur substantial costs in providing guidance to the perpetrators of crimes. The imprisonment of perpetrators of crimes can be reduced through restorative justice so that the costs that should be incurred by the state can be saved accordingly. In addition, criminal case handling process through restorative justice is deemed capable of achieving the principle of simple, fast, and low-cost justice as mandated in Article 4 of Law No. 48 of 2009 on Judicial Power.

## REFERENCES

### Books

- Muhammad, Bushar, *Pokok-pokok Hukum Adat*, Penerbit PT. Pradnya Paramita, Jakarta, 1995
- Poeponoto, Soebekti, *Bab-bab Tentang Hukum Adat*, Djambatan, Jakarta, 1980,
- Soerjono, Soekanto, Soerjono, *Kedudukan Kepala Desa Sebagai Hakim Perdamaian*, Rajawali, 1986
- Soekanto, Soerjono dan Soleman B Taneko, *Hukum Adat Indonesia*, PT RajaGrafindo Persada, Jakarta, 2002
- Soepomo, R. *Bab-bab tentang Hukum Adat*, Pradnya Paramita, Jakarta, 1979
- Widyana, I Made, *Hukum Pidana Adat dalam Pembaharuan Hukum Pidana*, PT. Fikahati Aneska, Jakarta, 2003

### Laws

- Indonesia. The 1945 Constitution of the Republic of Indonesia
- Indonesia. Emergency Law No. 1 Year 1951 on Temporary Measures for Organizing Unity of Power and Events of Civil Courts, State Gazette of the Republic of Indonesia Year 1951 No. 9, Supplement to the State Gazette of the Republic of Indonesia No. 81
- Indonesia. Law No. 8 year 1981 on Criminal Procedure Code, State Gazette of the Republic of Indonesia Year No., Supplement to the State Gazette of the Republic of Indonesia No.
- Indonesia. Law No. 6 year 2004 on Villages, State Gazette of the Republic of Indonesia No. 7 year 2014, Supplement to the State Gazette of the Republic of Indonesia No. 5495
- Indonesia. *Staatsblad* 1935, No. 102, on the Recognition of Village Judges

### Other Sources

- Dewa Nyoman Anom Rai Putra dan I Nyoman Wita, *Kedudukan Dan Tugas Kepala Desa Sebagai Hakim Perdamaian Desa Di Desa Pakraman Taman-Tanda Kecamatan Baturit Kabupaten Tabanan Bali*.
- Tedi Sudrajat, *Aspirasi Reformasi Hukum dan Penegakan Hukum Progresif Melalui Media Hakim Perdamaian Desa*, Jurnal Dinamika Hukum Vol. 10 No. 3 September 2010.
- Tjok Istri Putra Astuti dalam Orasi Ilmiah tentang Peradilan Desa

