



RELEVANCE OF CUSTOMARY CRIMINAL LAW AND PSYCHOLOGY IN RESOLVING INHERITED LAND CONFLICTS

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Abstract

Inherited land conflicts are a form of social conflict that often occurs in Indonesian society and often leads to criminal acts. The root of the problem of this conflict is not only juridical, but also influenced by psychological factors in family relationships, such as jealousy, a sense of injustice, and emotional conflicts between heirs. On the other hand, Indonesia has a wealth of customary criminal law that has historically functioned as a conflict control mechanism based on local and familial values. The presence of the National Criminal Code (New Criminal Code) which recognizes the existence of living law in society (living law) opens up space for integration between customary criminal law and family psychology approaches in resolving inherited land conflicts. This article aims to analyze the relevance of customary criminal law and family psychology in resolving inherited land conflicts in the era of the enactment of the New Criminal Code. The research method used is a normative legal research method with a legislative, conceptual, and sociological approach to law. The results of the study show that customary criminal law that is oriented towards restoring social harmony and restorative justice has strong relevance when combined with an understanding of family psychology, so that it can be an alternative to resolving inherited land conflicts that are more humane and just.

Keywords: *Customary Criminal Law, Family Psychology, Inherited Land Conflict, New Criminal Code, Living Law*

1. Introduction

In accordance with Article 33 paragraph 3 of the 1945 Constitution of the Republic of Indonesia, land has value if the land, water, and natural resources directly become the property of the state and are used for the greatest possible prosperity of the people (Riski & D., 2023). With the existence of Law Number 5 of 1960 which regulates the Basic Regulations of Agrarian Principles, also known as UUPA. However, the fact is that many people are taking advantage of the weaknesses of law enforcement in Indonesia, which leads to many land dispute problems. This happens because the need for land is very high while the available land parcels are very limited (Sukmawati, 2022).

Heirloom land has strategic value not only as an economic asset, but also as a symbol of family identity, honor, and sustainability. In practice, the division of inherited land often causes conflicts between family members, especially when there are differences in perceptions about rights, justice, and ownership legitimacy. These conflicts often develop into acts that qualify as criminal acts, such as possession without rights, destruction, threats, and violence. A positive criminal law approach that focuses on criminalizing perpetrators is often unable to touch the root of the problem of inherited land conflicts. This is because these conflicts are generally rooted in complex psychological and emotional relationships. Therefore, resolving inherited land conflicts requires a more comprehensive and contextual approach.

In the context of Indonesian society, customary criminal law has long functioned as a means of controlling social conflicts by emphasizing the restoration of balance, harmony, and family values. The recognition of the law that lives in society through the New Criminal Code is an important momentum to reactualize the role of customary criminal law in resolving conflicts, including inherited land conflicts. By integrating the perspective of family psychology, customary criminal law has the potential to provide more effective, fair, and sustainable solutions. Based on this background, this article examines the relevance of customary criminal law and family psychology in resolving inherited land conflicts in the era of the New Criminal Code.



Land has a very fundamental value in the life of the Indonesian people, not only as an economic resource, but also as a symbol of identity, family sustainability, and the sustainability of social relations between generations. In the legal context, land is often the object of complex disputes, especially when it comes to the division of inheritance within the family environment. Inherited land conflicts often develop into prolonged conflicts involving conflicts between heirs, breakdown of family relationships, and even lead to criminal acts such as unlawful land possession, falsification of documents, fraud, or violence. In practice, inheritance conflicts are not only triggered by juridical aspects, but also by social, cultural, and psychological factors that are intertwined. Unclear distribution of inheritance, differences in perceptions of justice, and weak communication between family members are often the main triggers for conflicts. This condition is even more complex when society lives in a pluralistic legal system, where customary law, religious law, and national law apply side by side.

The difference in norms and principles in the three legal systems often creates legal uncertainty and increases the potential for conflict, especially in inheritance land disputes. Customary law still has an important role in regulating people's social relations, including in the division of inheritance and the resolution of family conflicts. In various regions, customary law serves not only as a normative guideline, but also as a social mechanism to maintain balance and harmony in the community. Dispute resolution through customary deliberations, customary institutions, or customary leaders is often seen as fairer and acceptable to the parties because it considers the value of kinship and communal justice. However, in the development of modern law, the role of customary law is often marginalized by formal legal approaches that emphasize legal certainty and normative sanctions.

The development of national criminal law with the promulgation of the new Criminal Code (KUHP) has important implications for the existence of customary law. The new Criminal Code explicitly provides a space for the recognition of living laws, including customary criminal law, as long as it does not conflict with the values of Pancasila, human rights, and laws and regulations. This recognition opens up opportunities to integrate customary criminal law as part of the conflict resolution system, including inherited land conflicts that have simultaneous criminal and social dimensions. Thus, customary criminal law is not only seen as a cultural heritage, but also as a relevant legal instrument in responding to contemporary social conflicts. On the other hand, inheritance land conflicts cannot be separated from the dynamics of family psychology.

Inheritance is not only a matter of asset distribution, but also involves emotional aspects, power relations, a sense of justice, and recognition in the family. In many cases, inheritance conflicts reflect the accumulation of latent conflicts that have lasted for a long time, such as jealousy between siblings, inequality in parental treatment, or unresolved past traumas. The perspective of family psychology is important to understand why inheritance conflicts are often difficult to resolve even after they have gone through a formal legal process. Unfortunately, legal studies in Indonesia still tend to place inherited land conflicts in a purely normative or juridical framework, focusing on laws and regulations, court decisions, and legal procedures. This approach often ignores the psychological and social factors that influence the attitudes and behaviors of the parties to the conflict. As a result, conflict resolution through litigation often does not touch the root of the problem and actually exacerbates family conflicts.

A court ruling may provide legal certainty, but it is not always able to restore family relationships or create substantive justice. Departing from these conditions, a more holistic and interdisciplinary approach is needed in resolving inherited land conflicts. The integration between customary criminal law and family psychology is a relevant alternative to answer these challenges. Customary criminal law, with its restorative and communal values, has the potential to create conflict resolution that is not only oriented towards sanctions, but also on the restoration of social relations. Meanwhile, the family psychology approach can help understand the emotional dynamics and power relations in the family, so that the conflict resolution process can be carried out in a more empathetic and sustainable manner. In the context of the enactment of the new Criminal Code, the study of the relevance of customary criminal law and family psychology has become increasingly important. The new Criminal Code not only shifts the criminal law paradigm from retributive to restorative, but also opens up space for local values and customary wisdom to contribute to the national legal system. Therefore, this study seeks to



examine the extent to which customary criminal law and family psychology can play a synergistic role in resolving inherited land conflicts, as well as how relevant they are in the national criminal law framework after the enactment of the new Criminal Code.

This research aims to analyze the relevance of customary criminal law in resolving inherited land conflicts in the new Criminal Code era, examine the role of family psychology in conflict dynamics and resolution, and formulate an integrative model for resolving inherited land conflicts by combining customary criminal law approaches and family psychology. Theoretically, this research is expected to enrich the study of criminal law and customary law with an interdisciplinary approach that integrates the perspective of family psychology. Practically, this research is expected to provide recommendations for law enforcement officials, customary institutions, and communities in resolving inherited land conflicts in a more fair, humane, and sustainable manner. In terms of policy, this research is expected to be a consideration in the development of criminal law policies that are responsive to local values and social dynamics of society.

2. Literature review and hypothesis development

Inherited land conflicts are one of the most complex forms of agrarian disputes because they involve not only legal aspects of ownership, but also family relationships, cultural values, and psychological dynamics between family members. Various studies in the last five years have shown that inherited land disputes are generally triggered by unclear status of land rights, unfair distribution of inheritance, and disregard for family agreements or applicable customary norms. Studies that analyze court decisions, both in public and religious courts, show that conflicts often continue to the litigation stage due to the failure of internal family settlement mechanisms and customary-based settlements at the community level.

A number of studies confirm that legal pluralism in Indonesia, which includes customary law, Islamic law, and national law, is often a source of conflict in the distribution of inherited land. The difference in the norms and principles of inheritance distribution causes each party to feel that they have strong legal legitimacy over their claims. In this context, customary law still plays an important role, especially in societies that have strong kinship structures, such as patrilineal or matrilineal societies. Recent studies have shown that the settlement of inheritance disputes through customary mechanisms, such as family deliberations or customary courts, tends to be more acceptable to the parties because it emphasizes communal justice and the restoration of social relations rather than mere formal legal certainty. On the other hand, the development of national criminal law, especially with the enactment of the new Criminal Code, opens up a wider space for recognition of *living law* and customary law as part of the national legal system.

Several recent studies highlight that the recognition of customary criminal law in the new Criminal Code has the potential to strengthen conflict resolution mechanisms based on local wisdom, including in cases that intersect with inherited land conflicts. However, most studies still place customary criminal law only in the context of customary crimes, without directly linking it to civil conflicts with a social criminal dimension, such as inheritance land disputes that trigger violence, fraud, or unlawful land possession. In addition to the legal aspect, inherited land conflicts also have a significant psychological dimension. The family psychology literature in the last five years shows that inheritance conflicts are often influenced by perceptions of injustice, poor communication between family members, and emotional dynamics that have accumulated over time.

Family psychology research confirms that inheritance is not only seen as a division of economic assets, but also a symbol of recognition, affection, and status in the family. When the division of inheritance is considered unfair, the conflicts that arise often develop into prolonged conflicts that damage family relationships and are even inherited between generations. However, legal studies in Indonesia are still relatively minimal that integrate the perspective of family psychology in analyzing the settlement of inherited land conflicts. Most legal research tends to be normative or empirical juridical with a focus on laws and regulations and court decisions, without exploring the psychological factors that influence the attitudes and behaviors of the parties to the conflict. In fact, the effectiveness of conflict resolution,



especially through customary and restorative mechanisms, is greatly influenced by the family's psychological condition, such as readiness to reconcile, level of trust, and communication skills between family members.

Based on this description, it can be concluded that there is a significant research gap, namely the absence of a comprehensive study that integrates customary criminal law and family psychology in resolving inherited land conflicts, especially in the context of the enactment of the new Criminal Code. Previous studies have generally stood partially, between the study of customary law, the study of inheritance conflict, and the study of family psychology, without building a holistic interdisciplinary approach. Therefore, this study is important to examine the extent to which the relevance of customary criminal law and family psychological dynamics can complement each other in creating a just, restorative, and sustainable model for resolving inherited land conflicts. Based on the literature review, the hypothesis development in this study is directed at the assumption that customary criminal law still has strong relevance in resolving inherited land conflicts, especially when supported by an understanding of family psychology. Thus, the main hypothesis in this study is that the relevance of customary criminal law has a significant effect on the effectiveness of resolving inherited land conflicts in the new Criminal Code era. In addition, it is also assumed that family psychology, especially the perception of justice and communication patterns between family members, influences the intensity of conflict and moderates the effectiveness of the application of customary criminal law in resolving inheritance land disputes.

3. Methodology

This study uses normative legal research methods with a statutory *approach*, a conceptual *approach*, and a legal sociological approach. The legislative approach is carried out by examining the provisions in the New Criminal Code that regulate the recognition of the law that lives in society. A conceptual approach is used to analyze the concepts of customary criminal law, inherited land conflicts, and family psychology. Meanwhile, a legal sociological approach is used to understand the social reality of inherited land conflicts and the role of customary criminal law in society. The legal materials used consist of primary legal materials and secondary legal materials. Primary legal materials include relevant laws and regulations, especially the National Criminal Code. Secondary legal materials include books, scientific journals, and research results related to customary criminal law, agrarian conflicts, and family psychology. The analysis of legal materials was carried out qualitatively using a descriptive-analytical method.

4. Results and discussion

4.1. Inheritance Land Conflict and Family Psychological Dynamics

The conflict of inherited land cannot be separated from the dynamics of family psychology. Family psychology views conflict as the result of complex interactions between individuals in the family system. Conflict is also a natural part of relationship dynamics within the household. Conflict that is well resolved can lead to growth and the building of stronger relationships. However, conflicts that are not resolved or lead to violence can cause rifts in family relationships and negatively impact the psychological well-being of family members. Therefore, resolving inheritance conflicts requires an approach that not only emphasizes formal legal aspects, but also considers the psychological conditions and emotional relationships of the parties. According to Bowen, the family is an emotional system that affects each other.

Inheritance conflict is seen as the result of unresolved emotional tensions in the family system. Concepts such as *sibling rivalry*, *triangulation*, and *differentiation of self* It is very relevant in explaining why inheritance conflicts are easy to occur and difficult to resolve. Each of these forms of communication plays a role in shaping relationship patterns, supporting family functions, and influencing the emotional well-being of each member. In the family context, communication includes the exchange of information and feelings between family members that reflect the dynamics of relationships and family structure (Retnoningias & D., 2024). Family communication involves different types of interactions, from everyday discussions to in-depth conversations about values, expectations, and feelings. This includes



communication between spouses, between parents and children, and between siblings. Each of these forms of communication plays a role in shaping relationship patterns, supporting family functions, and influencing the emotional well-being of each member.

Emotional relationships between family members, past relationship histories, and different perceptions of justice are often the main triggers of conflict. When inheritance is considered unfair, emotional conflicts can develop into open conflicts that have an impact on the fracture of family relationships. Therefore, understanding and developing effective communication within the family is key to creating a harmonious and supportive environment for all its members. A strong support system within the household is also an important factor in the dynamics of family relationships. Emotional, social, and practical support between family members can help cope with stress, conflict, and other difficulties that arise in daily life. Thus, the development and maintenance of a healthy support system is an important aspect in maintaining the psychological well-being of the family (Halimatussyadiah, 2024).

4.2. Customary Criminal Law as a Conflict Control Mechanism

Customary criminal law basically aims to restore balance and harmony in society. Customary sanctions are not only repressive, but also restorative with an emphasis on moral responsibility, apology, and the restoration of social relations. In the context of inherited land conflicts, customary criminal law provides space for dialogue and deliberation involving families and indigenous communities. This mechanism is in line with the family psychology approach that emphasizes the importance of communication, reconciliation, and relationship restoration (Retnoningias & D., 2024).

Customary criminal law is an integral part of the legal system that lives in a plural and multicultural Indonesian society. Conceptually, customary criminal law is social rules that apply for generations in certain indigenous communities that regulate behavior and relationships between community members and sanction violations of norms that threaten social balance. This term is often also called customary violation law, whose existence is based on the customs and cultural values of the community, rather than on formal written regulations as in the Criminal Code (KUHP). Customary criminal law reflects local characteristics that are unwritten, dynamic, and adapted to the context of the life of the people of each region so that sanctions and settlement mechanisms vary according to local traditions (Law, 2024). The role of customary criminal law in conflict control lies in its function as a mechanism for resolving community internal disputes in a restorative and familial manner.

The customary law approach emphasizes the restoration of social balance after conflict, not just the punishment of perpetrators. The settlement mechanism is often carried out through deliberation and consensus involving traditional leaders, families, victims, and perpetrators, so that the resulting verdict not only restores social relations but also maintains community harmony. A concrete example of the implementation of this mechanism can be seen in the settlement of criminal acts such as persecution and adultery in certain communities in Nias, where traditional leaders as mediators set sanctions in the form of deliberation, fines, and customary obligations that reflect the local values of their communities (Raharjo, 2010).

The characteristics of customary criminal law as a conflict control mechanism are also rooted in the principle of restorative justice. This system does not solely prioritize retributive crimes as is common in national criminal law, but rather emphasizes the healing of social relations between perpetrators and victims. In many customary practices, conflict resolution not only looks at aspects of the act, but also the background of the perpetrator and the social conditions behind the conflict, so customary sanctions tend to be adaptive, proportionate, and educational to violators. This approach is relevant to creating long-term peace and reducing the likelihood of recurrent conflicts within communities (Fathurokhman, 2023).

Historically and constitutionally, the existence of customary law has been recognized in the Indonesian national legal system. Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia



expressly states that 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 the principles of the Unitary State of the Republic of Indonesia, which are regulated in law. This article provides a constitutional basis for the existence of customary law, including customary criminal law, although in practice its implementation and regulation still faces normative and juridical challenges. This recognition is then also reflected in the development of living law in the new Criminal Code (KUHP) which will come into effect in 2026, where customary law is recognized as one of the sources of norms in determining criminal liability as long as it is in accordance with constitutional principles and social values of the community (Christians, 2025). However, despite constitutional recognition, the challenges of integration between customary criminal law and the national criminal law system remain real.

The peculiarities of customary law that are unwritten, local and often culturally based make it difficult to harmonize with the principles of national law that are more formal, systematic, and written. Some studies have highlighted a conflict of norms between customary law and national law, especially when customary sanctions conflict with universal principles of human rights or the principle of legality in positive criminal law. Legal uncertainty and lack of formal standards in the application of customary sanctions can give rise to normative debates about the legitimacy of customary jurisdiction as well as the need for clear technical arrangements to ensure the harmonization of the two legal systems. From a practical perspective, the use of customary criminal law as a conflict control mechanism has proven effective in many communities, especially in misdemeanor or interpersonal disputes that do not require formal litigation processes.

Customary criminal law allows for faster, low-cost, and more acceptable settlement by the community because the process is participatory and accommodating. The integration of customary law principles in the resolution of criminal conflicts also contributes to the establishment of a justice system that is more inclusive and responsive to local needs, while respecting the cultural and social values of indigenous peoples. However, efforts to strengthen the position of customary criminal law in the national legal system still require more comprehensive regulations and collaborative mechanisms between customary institutions and state law enforcement officials to avoid the dualism of the contradictory legal system (Rustamaji et al., 2025). Thus, customary criminal law plays an important role as an important mechanism in controlling conflicts in indigenous peoples in Indonesia through restorative approaches, deliberation, and restoration of social balance. Its existence which is recognized by the constitution and integrated in the development of the national criminal law system is the basis for the sustainability of this practice as part of Indonesian legal pluralism. Despite the challenges of harmonization and formal recognition, the potential of customary criminal law in resolving conflicts peacefully and with dignity is not only relevant in the local context but can also be an alternative model in the reform of national criminal law that is more contextual and humane (Nur Sri Maryam DM, 2024).

4.3. The Relevance of Customary Criminal Law in the New Criminal Code Framework

The New Criminal Code recognizes the existence of the law that lives in society as one of the sources of criminal law. This recognition provides a juridical basis for the application of customary criminal law in conflict resolution, as long as it does not conflict with the values of Pancasila, human rights, and public order. The relevance of customary criminal law in the era of the New Criminal Code lies in its ability to accommodate local values and restorative approaches. In inheritance land conflicts that are loaded with aspects of family psychology, this approach is considered more effective than conventional penalization approaches.

The relevance of customary criminal law in the context of Indonesia's national criminal law reform has become an important issue after the enactment of Law Number 1 of 2023 concerning the Criminal Code (New Criminal Code) which came into effect on January 2, 2026. This law not only replaces the Dutch colonial legacy of the Criminal Code (*Wetboek van Strafrecht*) but also introduces the concept of living law or "law that lives in society" as a source of criminal law recognized by the state through the provisions of Article 2 of Law No. 1/2023 concerning the Criminal Code. This recognition means that



customary norms living in society can be the basis for consideration of criminalization as long as these norms are not written in the Criminal Code and are in accordance with the values of Pancasila, the 1945 Constitution, human rights, and general legal principles recognized by the people of nations. Thus, the New Criminal Code accommodates the existence of customary criminal law as part of Indonesia's legal pluralism, while bridging the void of the law (*right vacuum*) which has occurred when acts are considered to violate community values but are not regulated in the formal Criminal Code (Firyalfatin, 2025).

Historically, customary law has long been part of the Indonesian legal system through recognition in the constitution (Article 18B paragraph (2) of the 1945 Constitution) which states that the state recognizes and respects the unity of customary law communities and their rights of origin as long as they are alive and in accordance with the development of society. Customary criminal law is a part of customary law that reflects cultural, moral, and social balance values in certain indigenous communities, which aims to maintain social order and harmonization of people's lives. These customary rules are often in the form of social sanctions, customary fines, or customary obligations that are restorative, rather than purely retributive as in Western criminal law. The practice of resolving customary offenses, including penal mediation or the restoration of social balance, has long been applied in various communities (e.g. the Tengger Tribe or Pepakem Cirebon) as an effective conflict resolution mechanism and firmly rooted in community values (Astuti, 2015).

The relevance of customary criminal law is increasingly evident in the formation of the New Criminal Code because the recognition of living law provides space for customary law to contribute to the renewal of national criminal law. According to several studies, customary law can be a source of inspiration or model in formulating new criminal norms that better reflect the values and interests of Indonesian society, especially in terms of extrajudicial case resolution, penal mediation, or customary sanctions that are restorative in nature. This approach is in line with the spirit of the New Criminal Code which places the principle of restorative justice as part of the criminal law enforcement paradigm. Thus, the recognition of customary law is expected to increase the acceptability of law at the local level and reduce the tension between formal law and social norms living in society.

In the order of the New Criminal Code, the regulation of customary criminal law is carried out with technical provisions that stipulate that customary criminal acts apply in areas where customary norms live (*in loco*), and only apply as long as they are not regulated in the Criminal Code and must be in line with the principles of the modern legal state that upholds human rights and Pancasila. Further provisions regarding the procedures for determining and applying living laws are regulated through Government Regulations and Regional Regulations as operational guidelines so that there is no ambiguity in implementation. Sanctions related to customary criminal law, according to the provisions of the Criminal Code, are prioritized in the form of local customary obligations which are equivalent to fines and can be replaced by social work or supervision penalties if not implemented. This kind of arrangement opens up opportunities for customary criminal law to operate formally in accordance with state regulations, but with limitations and guarantees of integration with the principles of national law (W & et al, 2023).

However, the relevance of customary criminal law within the framework of the New Criminal Code also presents a number of normative and practical challenges. One of the main challenges is the unclarity of what criteria are meant by "laws that live in society", so that it has the potential to cause legal uncertainty and interpretation problems in judicial institutions. In addition, the recognition of customary law that is very diverse among indigenous communities also has the potential to trigger inequality in law enforcement, especially if certain customary norms are considered discriminatory or contrary to human rights and constitutional values. Other challenges that need to be overcome are the official involvement of customary institutions in the process of determining customary law as a criminal basis, as well as the need for judges and law enforcement officials to provide knowledge of customary knowledge to avoid abuse or arbitrary interpretation. Therefore, the establishment of implementing regulations such as Government Regulations and Regional Regulations is very important to provide



clear guidelines on the implementation of customary law norms in the New Criminal Code (Weriansyah et al., n.d.).

Overall, the recognition of customary criminal law in the New Criminal Code is a form of respect for the pluralism of Indonesian law and efforts to decolonize the national criminal law system, which has been more dominant based on Western criminal law. The integration of living law makes a significant contribution to aligning national law with the socio-cultural reality of the community, while accommodating the need for more restorative and participatory conflict resolution (Ramadhani, 2024). Although not without challenges, this step reflects the state's efforts to maintain local wisdom as part of a dynamic national legal identity that is responsive to community values. In the future, the implementation of the New Criminal Code will require synergy between formal norms and customary norms as well as strengthening the capacity of legal institutions to ensure that the recognition of customary criminal law runs fairly, consistently, and in accordance with the principles of the rule of law (Firyalfatin, 2025).

4.4. Integration of Customary Criminal Law and Family Psychology

The integration of customary criminal law and family psychology provides a new paradigm in resolving inherited land conflicts. This approach places the family as the primary subject of conflict resolution with the aim of restoring relationships and preventing conflicts from recurring. Within the framework of the New Criminal Code, this integration can be the basis for the development of a more humanistic and contextual criminal law enforcement policy. Family psychology views the family as an emotional system that affects each other. Criminal acts, especially those involving children or occurring within the family scope, not only have legal impacts, but also psychological impacts such as trauma, social stigma, guilt, and dysfunction in family relationships. The family psychology approach emphasizes the importance of emotional support, communication, and family involvement in the legal settlement process so that psychological recovery can be achieved optimally (Huda, 2020).

The integration of these two approaches is clearly seen in the settlement of minor criminal cases and children's cases facing the law. Through customary mechanisms and family psychology principles, case resolution can be done through dialogue, apology, compensation, and family building. This approach has been proven to be able to reduce psychological trauma, strengthen the moral responsibility of the perpetrator, and restore family and community relationships (Anwar & Dkk, 2025). Thus, the integration of customary criminal law and family psychology provides a more humanistic, contextual, and social recovery-oriented model of justice. This approach is relevant to be developed in the Indonesian criminal justice system, especially in the context of strengthening restorative justice rooted in cultural values and family psychological well-being.

The integration of customary criminal law and family psychology is a relevant interdisciplinary approach in resolving complex and multidimensional inheritance land conflicts. Inherited land conflicts are not only related to violations of legal norms, but are also influenced by the dynamics of family relationships, emotions, perceptions of justice, and cultural values that live in society. Therefore, conflict resolution that relies solely on a formal legal approach is often unable to touch the root of the problem and has the potential to prolong the conflict. The integration of these two approaches allows for a more comprehensive, fair, and sustainable conflict resolution. Customary criminal law is basically oriented towards restoring social balance and community harmony. In practice, customary criminal law does not solely emphasize the imposition of sanctions, but rather prioritizes deliberation, peace, and collective responsibility. These principles are in line with the paradigm of restorative justice that has developed in modern criminal law, including in the framework of the new Criminal Code that recognizes living *law*.

In the context of inherited land conflicts, customary criminal law provides space for conflict resolution through family mechanisms and indigenous communities that take into account local values and the



substantive sense of justice of the parties. Meanwhile, family psychology provides an important perspective in understanding the emotional and relational background that underlies inheritance conflicts. Inheritance disputes are often influenced by psychological factors such as jealousy between siblings, feelings of disrespect, past trauma, and ineffective communication in the family. Family psychology helps identify patterns of interaction and power dynamics in the family that can exacerbate or mitigate conflict. By understanding the psychological condition of the parties, the conflict resolution process can be directed in a more empathetic and responsive manner to the emotional needs of the family.

The integration of customary criminal law and family psychology is important because the success of resolving inherited land conflicts is highly dependent on the acceptance of the parties to the outcome of the settlement. Customary mechanisms that do not pay attention to the psychological condition of the family risk failing to create sustainable peace, while psychological approaches without a foundation in legal norms can lose legitimacy and legal certainty. Therefore, the synergy between the two allows for the creation of a conflict resolution that is not only legally valid, but also socially and emotionally accepted by family members. In practice, this integration can be realized through a customary deliberation mechanism facilitated by traditional leaders or mediators who understand the dynamics of family psychology.

Mediators play the role not only of enforcers of customary norms, but also of communication facilitators who help the parties express their interests, feelings, and expectations openly. This approach is in line with the principles of restorative justice that emphasize dialogue, confession, and the restoration of social relationships. Thus, inheritance land conflicts are not solely resolved through the determination of right or wrong parties, but through efforts to reconcile and restore family harmony. In the era of the enactment of the new Criminal Code, the integration of customary criminal law and family psychology has gained stronger normative relevance. The recognition of the laws that live in the community provides a legal basis for the application of customary values in conflict resolution, while the family psychology approach enriches the process with an understanding of the human aspects of the parties to the conflict. Therefore, this integration is not only an alternative to resolving inherited land conflicts, but also a potential model to be developed in the criminal and non-litigation justice system in Indonesia.

5. Conclusion

5.1. Conclusion

Based on conceptual studies, literature reviews, and results and discussions that have been conducted, it can be concluded that inherited land conflicts are complex and multidimensional legal issues, because they are not only related to the juridical aspects of land ownership, but also touch on social, cultural, and psychological dimensions in family relations. The settlement of inherited land conflicts, which have tended to be oriented towards a formal and litigative legal approach, has often not been able to provide substantive justice and the restoration of family relations as a whole. In this context, customary criminal law shows its relevance as an instrument for conflict resolution rooted in local values, deliberation, and communal justice, which are in line with the needs of indigenous peoples and local communities. The enactment of the new Criminal Code (KUHP) provides normative legitimacy to the existence of the law that lives in society, including customary criminal law.

This recognition opens up space for the application of customary values in resolving inherited land conflicts that have a social criminal dimension, such as illegal land possession or fraud between family members. With a restorative approach, customary criminal law not only functions as a means of enforcing norms, but also as a mechanism for restoring social relations and family harmony. Therefore, customary criminal law has great potential to complement the national legal system in resolving inherited land conflicts in a more just and sustainable manner. In addition to the legal aspect, this study emphasizes that family psychology is a key factor in understanding and resolving inherited land conflicts. The perception of justice, communication patterns, power relations, and emotional dynamics between family members greatly affect the intensity of conflicts and the success of the resolution



process. Without an understanding of these psychological aspects, conflict resolution is only formal and does not touch the root of the problem. Therefore, the integration between customary criminal law and family psychology approaches is essential to create a model for resolving inherited land conflicts that not only provide legal certainty, but also restore familial relationships and prevent future recurrence of conflicts.

5.2. Limitations

This research has several limitations that need to be considered. First, this research is focused on a conceptual and normative study of the relevance of customary criminal law and family psychology in resolving inherited land conflicts, so that it has not fully described the variation of empirical practices throughout Indonesia that have a diversity of customary and cultural systems. Second, the discussion of family psychology in this study is still theoretical and conceptual, with reference to the literature on social and family psychology, without involving clinical or experimental psychological measurements of the parties to the conflict. Third, this study limits its discussion to inherited land conflicts that have a social criminal dimension and family conflicts, without examining in depth the technical aspects of land law such as land registration, certification, or land administration policies. Fourth, the analysis of the implementation of the new Criminal Code in this study is still prospective and normative, considering that its application in judicial practice and the resolution of social conflicts still needs time to be evaluated empirically.

5.3. Suggestions

Based on the conclusions and limitations of the study, it is suggested that further research can develop this study through an empirical approach by involving case studies of inherited land conflicts in certain areas that have strong customary law systems. A qualitative approach through interviews with indigenous leaders, law enforcement officials, and family members involved in conflicts will provide a more comprehensive picture of the effectiveness of the application of customary criminal law and the dynamics of family psychology in practice. In addition, it is suggested that policymakers and law enforcement officials can consider the integration of customary criminal law approaches and family psychology in conflict resolution mechanisms, particularly through penal mediation and restorative justice approaches accommodated in the new Criminal Code.

The involvement of mediators who have cross-disciplinary understanding, including aspects of customary law and family psychology, is considered important to improve the quality of resolving inherited land conflicts. For communities and customary institutions, it is recommended to strengthen the role of family deliberation and customary institutions as a means of resolving inherited land conflicts before taking the litigation route. Strengthening the capacity of customary institutions in understanding the development of national law, including the new Criminal Code, is also important so that conflict resolution remains in line with human rights principles and universal justice values. Thus, the settlement of inherited land conflicts is expected to be carried out in a more humane, fair, and sustainable manner, and be able to maintain family harmony and social order of the community.

Acknowledgments

The author would like to thank all parties who have provided support and contributions in writing this proceedings. Thanks are extended to the seminar committee and academic partners for the opportunity given so that this article can be presented and published in a scientific proceeding. The author also expresses his appreciation to the reviewers and editors for their input, suggestions, and constructive evaluations that are very helpful in improving this manuscript. Hopefully this paper can contribute to scientific development, especially in the study of customary criminal law and the resolution of inherited land conflicts in Indonesia.

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