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## ***Sidikare as Kinship-Based Dispute Resolution of Sasak Muslim within the National and Islamic Law Framework***

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### **Abstract:**

The existence of *Sidikare* as a dispute resolution mechanism within the Sasak Muslim community in Lombok offers a more efficient, affordable, and culturally appropriate alternative to formal litigation. Emphasizing kinship-based mediation and communal dialogue, *Sidikare* reflects local values while avoiding unnecessary external intervention. This research aims to 1. examine *Sidikare* as a kinship-based dispute resolution mechanism practiced within the Sasak Muslim community while identifying it in the context of Indonesia's national legal system, 2. analyze how *Sidikare* functions as an effective alternative to formal legal mechanisms in resolving family-related conflicts, 3. explore the alignment between *Sidikare* and Islamic legal principles (*şuh<sup>h</sup>*, 'urf, maşlahah). It employs a normative and sociological legal approach with an empirical juridical methodology. Data were collected through non-participatory

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observation, unstructured interviews, and documentation in the village of Binneneman Mantang, Central Lombok. The findings reveal that *Sidikare* is not only effective in addressing communal conflicts but is also perceived by locals as embodying Islamic moral and ethical values, despite its non-formal status. While its legal power remains weak under national customary law politics, *Sidikare* fulfills the legal needs of the community by offering swift, harmonious, and non-adversarial dispute resolution. The study concludes by recommending the formal recognition and preservation of *Sidikare* as a complementary Islamic-local institution within Indonesia's plural legal landscape, especially amid modern legal demands.

**Keywords:**

*Sidikare*; Dispute resolution; Sasak community; National law

## **Introduction**

Dispute resolution in society often occurs not only through the formal legal system, but also through local wisdom inherited from generation to generation. In Indonesia, many regions, especially those that are still strong in traditions and customs, prefer dispute resolution that is more based on social and cultural aspects. *Sidikare*, as one of the longstanding traditions practiced in the interior of Mantang, Central Lombok, serves as a concrete example of community-based dispute resolution rooted in local wisdom. Residents in these areas tend to prefer *Sidikare* over formal legal procedures, which are often perceived as complicated, time-consuming, and costly. Despite its enduring presence and practical relevance, scholarly literature examining *Sidikare*, particularly in the context of its role and contribution to dispute resolution based on indigenous knowledge, remains limited.

Several previous studies have shown that dispute resolution methodologies based on local wisdom often prioritize deliberation, consensus, and mediation. An example can be seen from the conflict resolution system in Africa with the concept of *ubuntu*, which highlights human values in conflict resolution.<sup>1</sup> Meanwhile in Rwanda,

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<sup>1</sup> Ezra Chitando and Susan M Kilonzo, "Ubuntu, Peacebuilding, and Development in Africa: Reflections on the Promises and Challenges of a Popular Concept," in *The Palgrave Handbook of Religion, Peacebuilding, and Development in Africa*,

*the gacaca* system facilitates post-genocide reconciliation.<sup>2</sup> In the Philippines, *barangay* courts favor the resolution of conflicts through deliberation without formal court involvement.<sup>3</sup> Similarly, in India, traditional mechanisms such as *panchayats* prove that a local culture-based approach not only helps resolve conflicts but also strengthens social bonds.<sup>4</sup>

Studies in Indonesia, such as those conducted in Lampung and Batak, show that the patriarchal system and the primacy of male heirs are the basis of the decision-making process.<sup>5</sup> Another study in Kupang, on the Indonesia-Timor Leste border, revealed that deliberation and consensus as part of local wisdom are effective in resolving customary land conflicts without political intervention, replacing formal diplomatic approaches.<sup>6</sup> Another study also explains that in the context of urban societies, the integration of local wisdom, such as cultural values and community ethics, has helped alleviate conflicts arising from cultural and ethnic heterogeneity, building harmony in the midst of diversity.<sup>7</sup> A specific example of the role of the "Kuta reaper" in Pakpak culture shows that traditional leaders play a central role in resolving horizontal conflicts with the principle of

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ed. Susan M Kilonzo, Ezra Chitando, and Joram Tarusarira (Cham: Palgrave Macmillan, 2023), 737–51, [https://doi.org/10.1007/978-3-031-36829-5\\_41](https://doi.org/10.1007/978-3-031-36829-5_41).

<sup>2</sup> Phil Clark, *The Gacaca Trial, Post-Genocide Justice and Reconciliation in Rwanda: Justice without a Lawyer* (Cambridge: Cambridge University Press, 2010).

<sup>3</sup> S Red, *The Barangay Justice System in the Philippines: Is It an Effective Alternative to Improving Access to Justice for the Disadvantaged* (Falmer: University of Sussex, 2002).

<sup>4</sup> Sachin Warwantkar, "Nyaya Panchayat: Indigenous, Decentralised, Accessible, & Particularistic Mode of Dispute Resolution," *Vidya - a Journal of Gujarat University* 3, no. 1 (2024): 113–16, <https://doi.org/10.47413/vidya.v3i1.324>.

<sup>5</sup> Santoso Umar and Doris Rahmat, "Dispute Resolution Through Consensus Based on Local Wisdom," *Cognizance Journal of Multidisciplinary Studies* 3, no. 8 (2023): 1039–44, <https://doi.org/10.47760/cognizance.2023.v03i08.026>.

<sup>6</sup> Dominikus Rato and Aries Harianto, "Local Wisdom-Based Settlement on Customary Land Conflict in the Border Region Between the Unitary State of the Republic of Indonesia and the Democratic Republic of Timor Leste in Kupang District," *Journal of Law, Policy and Globalization* 120, no. 1 (2022): 33–43, <https://doi.org/10.7176/jlpg/120-05>.

<sup>7</sup> Ashadi L. Diab et al., "Accommodation of Local Wisdom in Conflict Resolution of Indonesia's Urban Society," *Cogent Social Sciences* 8, no. 1 (2022): 1–14, <https://doi.org/10.1080/23311886.2022.2153413>; Saprudin Saprudin, "Dampak Tradisi Begawe Merarik Terhadap Sosial Ekonomi Masyarakat Islam Sasak di Kota Mataram," *Nurani: Jurnal Kajian Syari'ah dan Masyarakat* 19, no. 1 (2019): 119–26, <https://doi.org/10.19109/nurani.v19i1.2778>.

deliberation.<sup>8</sup> Mediation based on local wisdom in civil disputes is also considered important to achieve a just solution and support family values and harmony, avoiding a win-lose oriented approach.<sup>9</sup>

Other studies have shown that local wisdom is able to provide a substantive and cultural foundation in the development of more contextual national law.<sup>10</sup> On the other hand, conflict resolution models based on Sasak cultural values, such as the concepts of *krama*, *sesenggak*, and *lelaqaq*, are able to create sustainable conflict transformation and avoid the potential for recurring conflicts.<sup>11</sup> The research further highlights the importance of empowering local values in resolving social conflicts, as mandated in Law No. 7 of 2012. This empowerment includes the actualization of values and the institutionalization of local

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<sup>8</sup> Toba Sastrawan Manik and Suharno Suharno, "Runggu or Local Wisdom-Based Conflict Resolution: The Role of the Pengituai Kuta," *Masyarakat, Kebudayaan dan Politik* 33, no. 4 (2020): 405-20, <https://doi.org/10.20473/mkp.v33i42020.413-420>.

<sup>9</sup> Denny Suwondo, "Mediating Civil Disputes Through Local Wisdom," *Jurnal Pembaharuan Hukum* 7, no. 1 (2020): 32, <https://doi.org/10.26532/jph.v7i1.11012>; Darmawan, Iman Jauhari, and Suhaimi, "Resolving Land Disputes Through Land Offices and Customary Institutions: Perspectives from National and Customary Law in Aceh," *El-Usrah: Jurnal Hukum Keluarga* 8, no. 1 (2025): 366-88, <https://doi.org/10.22373/tqcdmt70>; A Miranti et al., "Dispute Resolution Model for Granting Hareuta Peunulang through the Customary Court in Pidie Regency, Aceh Province," *Al-Ahkam* 32, no. 1 (2022): 1-16, <https://doi.org/10.21580/ahkam.2022.32.1.10932>.

<sup>10</sup> Rini Fidiyani and Andry Setiawan, "Utilizing the Local Wisdom Values in the Disputes Settlement of Social Media for Building National Laws in the Paradigm Post Truth," in *2nd International Conference on Indonesian Legal Studies (ICILS)*, vol. 363 (Dordrecht: Atlantis Press, 2019), 85-88, <https://doi.org/10.2991/icils-19.2019.15>; Ramdani Wahyu Sururie et al., "Co-Parenting Model in Resolving Child Custody Disputes in Urban Muslim Families," *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* 9, no. 1 (2024): 250-68, <https://doi.org/10.22373/petita.v9i1.277>; Sayuthi M. Amin et al., "Resolving Inheritance Conflicts and Their Legal Repercussions in Aceh: A Sociological and Anthropological Look at Peace Initiatives Using Customary Courts," *El-Usrah: Jurnal Hukum Keluarga* 8, no. 1 (2025): 166-89, <https://doi.org/10.22373/akx7xp17>.

<sup>11</sup> Muhammad Harfin Zuhdi, "Local Wisdom of the Sasak Tribe as a Model of Conflict Management in Lombok Communities," *Mabasan* 12, no. 1 (2018): 64-85, <https://doi.org/10.62107/mab.v12i1.34>; Zainal Arifin Haji Munir, "Wealth Distribution among Sasak Communities Through Inheritance: A Quest for Justice," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 3 (2023): 1627-43, <https://doi.org/10.22373/sjhk.v7i3.10835>; Jumarim, "The Practice of Adoption in the Sasak Community and Its Implications for Marriage Law in Indonesia," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 1 (2024): 445-67, <https://doi.org/10.22373/sjhk.v8i1.18581>.

wisdom at the prevention stage to post-conflict recovery.<sup>12</sup> In Javanese society, there are also local principles, such as the Javanese philosophy of life, as an alternative to non-litigation dispute resolution, especially in helping marginalized communities.<sup>13</sup> Then, another study highlights the mechanism based on local wisdom in Banyumas that synergizes with Pancasila values, such as the tradition of discussion and the principle of *ponco waliko*. This approach includes mediation, settlement conferences, and deliberation-based execution of judgments.<sup>14</sup>

The novelty of this research lies in its attempt to conceptualize *Sidikare* not merely as a cultural tradition but as a hybrid legal practice that embodies both local values and Islamic jurisprudence. It seeks to fill the academic gap by documenting *Sidikare* as an indigenous model of conflict resolution.

To provide a robust analytical framework, this study employs two main theoretical perspectives. The first is functionalism as developed by Bronislaw K. Malinowski, which views cultural practices as functional responses to basic human and societal needs.<sup>15</sup> From this lens, *Sidikare* operates as a cultural mechanism aimed at sustaining social order and preventing the disintegration of kinship structures. The second is the decision theory (*beslissingenleer*) formulated by B. Ter Haar, which emphasizes the role of decision-making by customary authorities in the formation of living law (*living law*). This theory is particularly relevant in understanding how *Sidikare*'s decisions are legitimized and internalized within the Sasak community, even without codification.<sup>16</sup>

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<sup>12</sup> Mohammad Jamin, "Social Conflict Resolution through the Empowerment of Local Wisdom," *Yustisia* 9, no. 1 (2020): 1-20, <https://doi.org/10.20961/yustisia.v9i1.39430>.

<sup>13</sup> Didik Sukriono et al., "Local Wisdom as Legal Dispute Settlement: How Indonesia's Communities Acknowledge Alternative Dispute Resolution?," *Legality: Jurnal Ilmiah Hukum* 33, no. 1 (2025): 261-85, <https://doi.org/10.22219/ljh.v33i1.39958>.

<sup>14</sup> Muhammad Taufiq, Sarsiti, and Rindha Widyaningsih, "Forms and Mechanisms of Law Dispute Resolution Using the Principle of Pancasila Based on Local Wisdom," *Jurnal Dinamika Hukum* 16, no. 1 (2016): 24-30, <https://doi.org/10.20884/1.jdh.2016.16.1.399>.

<sup>15</sup> T.O. Ihromi, *Principles of Cultural Anthropology* (Jakarta: Yayasan Obor Indonesia, 2006).

<sup>16</sup> Wignjodipoero and Soerojo, *Introduction and Principles of Customary Law* (Jakarta: PT Jakarta, 1986).

This research has several objectives. *First*, it examines *Sidikare* as a kinship-based dispute resolution mechanism practiced within the Sasak Muslim community and its position within Indonesian formal legal systems. *Second*, it evaluates its effectiveness in resolving family-related conflicts, especially in terms of accessibility, procedural flexibility, and community trust. *Third*, it explores the alignment between *Sidikare* and Islamic legal principles (*sulh*, *'urf*, *maṣlahah*), and assesses its legitimacy and adaptability within the framework of shariyah.

### **Method**

This research adopts an empirical juridical approach that combines normative legal analysis and sociological fieldwork.<sup>17</sup> The study was conducted in Pedaleman Hamlet, Mantang Village, Central Lombok Regency, West Nusa Tenggara, Indonesia, a rural area where the *Sidikare* tradition, a kinship-based dispute resolution institution, is still actively practiced. The location was selected purposively due to its continuing use of *Sidikare* in handling familial and community conflicts outside formal legal channels.

Field data collection was carried out over a two-month period, from August to September 2022, through three main techniques. *First*, non-participatory observation was conducted during five *Sidikare* sessions involving various types of disputes, such as family quarrels, inheritance issues, and land boundary disagreements.<sup>18</sup> The researcher observed without intervening in the process, noting procedural structures, communication patterns, and cultural norms guiding each session. *Second*, unstructured interviews were conducted with twelve key informants, consisting of three *pengulu adat* (customary leaders), two Islamic clerics (*ustadz*), four community elders, two former disputants, and one village official.<sup>19</sup> These interviews aimed to reveal the historical development of *Sidikare*, the community's perception of its legitimacy, and its compatibility with Islamic values and state legal norms. While full transcripts are not included, selected quotes and

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<sup>17</sup> Soerjono Seokanto, *Pengantar Penelitian Hukum Empiris* (Jakarta: UI Press, 1982), 10-11.

<sup>18</sup> John W. Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (Los Angeles: SAGE Publications, 2014), 190.

<sup>19</sup> Lexy J. Moleong, *Metode Penelitian Kualitatif* (Bandung: Remaja Rosdakarya, 2014), 186-88.

paraphrased responses are incorporated in the findings. *Third*, documentation techniques were used to gather relevant data, including available written *Sidikare* agreements, local customary laws (*awiq-awiq*), and administrative reports of dispute cases handled by village authorities over the past five years.<sup>20</sup>

## Results and Discussion

### ***Sidikare as a Kinship System in Dispute Resolution within the National Legal System***

Human beings, as inherently social creatures, cannot be separated from interaction with others, which is reflected in the dynamics of their social relationships. Among these, familial bonds are the most fundamental and intimate. Within the nuclear family, such relationships become deeply meaningful as individuals develop strong emotional and social ties with one another. In Lombok, Sasak people refer to this kinship network as *sekurenan*, a term that encapsulates their cultural perception and understanding of familial relations. Meanwhile, the Balinese community residing in Lombok also uses the term *sekurenan*, but in a broader context encompassing daily life and economic matters. Among Balinese in Bali itself, however, this kinship concept has evolved into the notion of *Sidikare*, which initially referred to genealogical ties but has expanded over time to encompass territorial and institutionalized relationships used for resolving familial disputes.<sup>21</sup>

Regional (territorial) alliances are formed based on shared residence within a common geographical area. As such, territorial unity among indigenous communities creates a collective identity rooted in a specific locality. In addition to *sekurenan*, the broader form of kinship based on territorial bonds is called *sorohan*. This kinship classification is evidenced by the mention of various levels within the structure. For instance, terms like *papuq baloq* (referring to grandparents or ancestors in the upper lineage), *anak semeton* (lateral lineage), and *papuq bai* (extended upper lineage) signify generational and relational distinctions.<sup>22</sup>

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<sup>20</sup> Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif dan R&D* (Bandung: Penerbit Alfabeta, 2013).

<sup>21</sup> Ahmad Amin, *Customs of the West Nusa Tenggara District* (Jakarta: Ministry of Education and Culture of the Republic of Indonesia, 1997).

<sup>22</sup> Amin, *Customs of the West Nusa Tenggara District*.

The strength of this kinship system is prominently displayed in traditional ceremonies, particularly weddings, where relatives gather from distant regions. Their involvement extends beyond ceremonial participation to include collective decision-making. This aligns with the meaning of *Sidikare* itself, expressed in the local proverb: *sak jaok te empuh, sak rapet te pesopok* (distant relatives are called to come closer, and close relatives are united). Another Sasak phrase—*awur, awar-awar, adik becongun rampak penaber*—describes *Sidikare* as a binding force and a communal “antidote” capable of resolving societal issues through unity and cooperation.<sup>23</sup>

In the Lombok context, *Sidikare* can be interpreted in two ways. *First*, it is understood as a process of gathering and uniting both distant and close relatives (e.g., *awur, awar-awar*) during traditional events, which simultaneously serve as moments for informal dispute resolution. This practice is particularly prevalent in Central Lombok. *Second*, the term derives from *sidi* (bond) and *kare* or *upakare* (rule/ceremony), signifying a ritual gathering between extended and immediate family aimed at strengthening communal solidarity, not only during ceremonies but also in addressing shared life challenges. Disputes and conflicts are thus resolved collectively through the activation of the *Sidikare* community, which functions as a culturally embedded mediation platform. In this sense, *Sidikare* goes beyond being a kinship-based ritual; it serves as a coordination mechanism that maintains communal harmony and acts as a grassroots path to justice.<sup>24</sup> In a more specific context, *Sidikare* is one of existing customary courts in Lombok with a very thick kinship system, namely “*Sidikare*”. It is a dispute resolution mechanism based on kinship that resolves disputes within the scope of one family and its descendants and is enforced in the area of origin of the extended family

This tradition embodies universal values such as mutual cooperation (*gotong royong*), collective ownership, consensus-based authority, and deliberative governance.<sup>25</sup> These principles qualify *Sidikare* as a local institution for dispute resolution and customary justice. As a local institution, *Sidikare* does not possess a formal

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<sup>23</sup> Mamiq Sadar, Mantang Village Community, *interview*, August 25, 2022.

<sup>24</sup> Lalu Agung Purnama, Ustadz in Pedaleman Hamlet, *interview*, August 23, 2022.

<sup>25</sup> Baiq Ratna Mulhimmah and Nisfawati Laili Jalilah, *Alternatif Penyelesaian Sengketa Berbasis Kearifan Lokal* (Lombok Barat: CV. Alfa Press Creative, 2023).

bureaucratic structure like state institutions. Instead, it operates under the leadership of customary figures known as *pengulu adat* or kinship elders. These leaders are respected within the community for their wisdom, lineage, and social standing. They are responsible for organizing *Sidikare* sessions, mediating disputes, and ensuring that resolutions align with cultural and Islamic values. There is no permanent headquarters or official office; meetings are typically held at the home of an elder, a community hall, or a mosque, depending on the nature of the case. While *Sidikare* has no fixed schedule, assemblies are convened whenever conflicts arise, making it a flexible yet deeply rooted mechanism within the community's social fabric.

This practice reflects the living norm – *volksgeist* – of the Sasak people, guiding daily interactions and reinforcing social order. Beyond its legal function, *Sidikare* also fulfills educational roles. Customary leaders act as mediators to maintain public order and deliver justice that meets cultural expectations.<sup>26</sup> A relevant case occurred in August 2021 in Pedaleman Hamlet, involving a boundary dispute between two brothers stemming from unclear inheritance lines. Rather than escalating the matter to formal litigation, the issue was brought before the *Sidikare* assembly. Elder leaders and the *pengulu adat* facilitated deliberations with the extended family and local witnesses. Relying on oral testimonies and historical land-use patterns, the conflict was resolved peacefully through consensus.

The case demonstrates how *Sidikare* serves as a customary justice mechanism that upholds communal values and satisfies the community's sense of justice. Beyond its juridical role, *Sidikare* also educates individuals in manners, conflict resolution, dress, and community ethics. This educational process, locally known as *Tate Tertib Tabsile Lan Wahyat Jatmike*, reflects the philosophy of living an orderly, disciplined, and steadfast life; grounded in a profound understanding of the essence of existence; and ultimately achieving inner nobility and subtle spiritual guidance akin to divine inspiration, as described by L. Azan Nurfakah:

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<sup>26</sup> Mulhimmah and Jalilah.

*“Tate Tertib Tabsile Lan Wahyat Jatmike* means that everything must be conducted in order, properly regulated, according to provisions, and reflective of our identity”<sup>27</sup>

This sociological fact shows that the existence of customary justice is still lasting, and for some circles, it is considered an alternative to the weakness or inadequacy of the state judiciary in providing justice for villagers.<sup>28</sup> In addition, the settlement of disputes or cases in the lives of indigenous peoples by utilizing local wisdom through local and informal institutional mechanisms is seen as more effective than state courts that are formal and procedural.<sup>29</sup> Another important reason is that customary settlement is easier and cheaper because it is based on deliberation, as well as compliance with customary norms born from the community.

For indigenous peoples living in customary villages, the existence of customary courts is very important and strategic. The availability of this institution provides easy access for the community to access justice and thus becomes highly recognized within the community. Unfortunately, this does not get recognition in the politics of judicial power.<sup>30</sup> Although Judicial Law No. 48 of 2009, in Article 5 requires judges and constitutional judges in deciding cases to pay attention to the values and sense of justice that exist in society. Moreover, Supreme Court Decision No. 436K/Sip/1970 gave birth to a method that peace decisions through customary mechanisms are not binding on district court judges and are only a guideline. This means that when the judge doesn't want it, he can deviate from it. Thus,

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<sup>27</sup> L. Azan Nurfakah, Pedaleman Hamlet Village Community, *interview*, September 24, 2022.

<sup>28</sup> Supriyadi, “Customary Law and Indigenous Peoples in the National Legal System,” *Merdeka Law Journal* 5, no. 1 (2024): 92–103, <https://doi.org/10.26905/mlj.v5i1.14315>.

<sup>29</sup> Mohammad Jamin, *The Existence of Customary Courts (Villages) Based on Village Law* (Surakarta: UNS Press, 2016).

<sup>30</sup> I Gede Agus Kurniawan, “The Enforcement of Progressive Law: Optimizing Alternative Dispute Resolution as the Implementation of Pancasila Values,” *International Conference Towards Humanity Justice for Law Enforcement and Dispute Settlement* 1, no. 1 (2022): 1–11, <https://journal.undiknas.ac.id/index.php/icfh/article/view/3927>; Firman Muntaqo et al., “The Transformation of Land Law in Indonesia: From Commodification to Maqāṣid and Social Justice,” *Al-Ahkam* 35, no. 2 (2025): 287–312, <https://doi.org/10.21580/ahkam.2025.35.2.25605>.

customary courts are generally equated with alternative dispute resolution institutions regulated in Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution.

As a consequence of the customary justice position as an alternative dispute resolution, the settlement procedure is also the same as other types of alternative dispute resolution. Article 60, paragraph 2 of Law No. 48 of 2009 concerning the judiciary emphasizes that the settlement of disputes as a result is outlined in a written agreement.

This comes into irony considering that while *Sidikare* reflects a strong local legitimacy in the field, its formal recognition in the national legal system remains limited. Over the past five years, local customary leaders have mediated dozens of disputes each year, including inheritance conflicts, land boundary issues, and even family estrangement—without escalation to formal courts. For instance, according to records and interviews conducted in 2021–2022, none of the parties who resolved their disputes through *Sidikare* chose to bring the case further to litigation, even when they had the option to do so. This demonstrates that the community continues to place high trust in *Sidikare*, viewing it as a just, effective, and culturally appropriate mechanism for dispute resolution.

### **Effectiveness of *Sidikare* as an Alternative to Family-Based Dispute Resolution**

Unlike court processes that often lead to hostility and division, *Sidikare* promotes harmony, respect, and collective responsibility by involving family members and customary leaders in a deliberative and restorative process. A concrete example of *Sidikare* in action occurred in August 2021, when a boundary dispute between two brothers over an inherited land escalated into verbal conflict. The case was brought to the local *pengulu adat* (customary leader), who initiated a *Sidikare* session. The meeting was held at the house of a respected elder and attended by extended family, religious leaders, and neighbors. The dispute was resolved peacefully through mutual acknowledgment, testimonies from older family members, and consultation with customary norms.

"We could've gone to court, but that would shame the family. In *Sidikare*, we speak from the heart and seek peace, not victory."<sup>31</sup>

In most observed cases, *Sidikare* prioritizes reconciliation and collective consensus over punitive measures. This mechanism aligns with both Islamic legal ethics and local values. The emphasis is not on legalistic procedures but on maintaining kinship bonds and community harmony. The sessions are informal but structured, usually starting with opening prayers, a statement of the problem, testimonies, and ending with mutual agreement.<sup>32</sup>

*Sidikare*'s effectiveness lies in its adaptability. There is no formal institution or building. Sessions are convened whenever a dispute arises, typically in the homes of respected elders or in community gathering spaces. The system is led by recognized figures such as *pengulu adat* or religious leaders whose decisions are respected due to moral authority rather than coercive power.

"This is how Islam teaches us, to resolve conflicts through forgiveness and wisdom, not punishment"<sup>33</sup>

The pattern of dispute resolution with the principle of deliberation in the customary court is also known to the Lombok Sasak tribe through the mechanism of *gundem* or *sangkep*. This is a deliberation by leaders, both village government heads, traditional elders, and local religious leaders, to resolve problems or conflicts that occur through the decision-making process. The term *begundem* is often used by the people of Bayan, North Lombok, while the term *sangkep* is often used by the people of Lombok in general. These two terms are the highest apparatus in the *krame hut*, namely customary institutions with members, both formal leaders (heads of village governments with their

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<sup>31</sup> Lalu Sandra, Village Elder in Pedaleman Hamlet, *Interview*, August 27, 2022.

<sup>32</sup> Abdullah Idrus, *Dispute Resolution through Local Institutional Mechanisms* (Yogyakarta: Idea, 2008).

<sup>33</sup> Lalu Agung Purnama, Ustadz in Pedaleman Hamlet, *Interview*, August 23, 2022.

apparatus), and non-formal figures (religious leaders/village heads, and traditional leaders).<sup>34</sup>

People involved in the *Sidikare* customary institution are traditional leaders called *pengelingsir* (customary elders) who serve as key figures in mediating and resolving disputes. Historically, the *Sidikare* system emerged as an internal mechanism to address disputes within extended families or kinship groups. However, in its current development, *Sidikare* has evolved into a more inclusive system. While it remains deeply rooted in kinship values, its scope is no longer limited to family-related disputes. In contemporary practice, *Sidikare* sessions also receive complainants from outside the familial circle—such as neighbors, fellow villagers, or other community members—especially when the dispute affects communal harmony or involves inter-household tensions.

"At first, *Sidikare* was mainly for family problems. But now, even if the person is not part of the family, we still help to solve it, especially if the issue disturbs the peace of the villagers"<sup>35</sup>

This transformation reflects the dynamic role of *Sidikare* not only as a family-based institution, but also as a broader community-based resolution mechanism that upholds social cohesion and customary justice within the Sasak society. Furthermore, *Sidikare* is also extended to other areas in the place or area where a Sasak-born lives due to marriage, duty, and other reasons for moving.

Generally, this tradition operates within the context of social life where close familial ties are central. The community strongly believes that solving problems through a kinship-based approach helps to preserve interpersonal and interfamily relationships. This method of deliberation intentionally avoids the involvement of external or formal legal mechanisms, which are often seen as impersonal and potentially escalating the conflict. Therefore, *Sidikare* is held in high regard as a tradition that aligns with communal values and cultural harmony. As

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<sup>34</sup> Idrus, *Dispute Resolution through Local Institutional Mechanisms*; Lalu Nurul Yaqin et al., "The Influence of Sasak Vowels on English Pronunciation: A Study of the Ngeno-Ngene Dialect," *Jurnal Ilmiah Peuradeun* 13, no. 1 (2025): 293–318, <https://doi.org/10.26811/peuradeun.v13i1.1177>.

<sup>35</sup> Lalu Sendra, Village Elder in Pedaleman Hamlet, *Interview*, August 27, 2022.

a customary institution, *Sidikare* is recognized by the local community as a legitimate and trusted alternative for dispute resolution. Decisions made within this system are widely perceived as just, as they consider social values, mutual respect, and collective consensus.<sup>36</sup> This approach aligns with the principles enshrined in Indonesian law, which acknowledges the existence of customary law (*hukum adat*) and the importance of deliberation (*musyawarah*) in resolving disputes.

For example, in July 2021, a land boundary dispute occurred between two cousins in Pedaleman Hamlet. The conflict, initially fueled by unclear inheritance boundaries, led to growing tensions between the families. Rather than taking the matter to court, the issue was brought before the *Sidikare* forum. A deliberation was held in the house of a respected elder, attended by family members, village leaders, and community elders. After hearing testimonies from both sides and tracing the genealogy and land usage history, the elders facilitated a mutual agreement. The resolution included redefining the boundary and placing traditional markers agreed upon by both parties. The decision was not only accepted but also formalized through community acknowledgment, ensuring lasting peace between the families involved. This case illustrates how *Sidikare* operates as a culturally embedded, community-based mechanism that not only solves the problem but restores social harmony – an aspect that formal legal processes often lack.

Apart from being an institution for resolving customary disputes, *Sidikare* also has a basic meaning as a secondary need because it functions as an educational medium in instilling customary values and norms, both customary norms in behaving politely, how to communicate, dress up, and enforcing procedures in handling conflicts.<sup>37</sup> This aligns with Malinowski's theory of functionalism, which asserts that culture must fulfill the needs of its people, including biological needs such as food and reproduction, instrumental needs such as legal and educational structures, and integrative needs such as religion and art. In the context of *Sidikare*, this relevance is evident in how the institution not only addresses instrumental needs through

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<sup>36</sup> Mamiq Sadar, Mantang Village Community, *interview*, August 25, 2022.

<sup>37</sup> L. Azan Nurfakah, Pedaleman Hamlet Village Community, *interview*, September 24, 2022.

dispute resolution and education but also serves integrative functions by reinforcing communal identity and shared cultural values.<sup>38</sup>

According to history, *Sidikare*, as an institution or customary institution in dispute resolution, was formed since the influence of the Selaparang and Pejanggik kingdoms in Lombok. In Mantang, Central Lombok, the existence of the *Sidikare* institution is believed to have been established since Mantang Village was established. Based on historical accounts from Mantang Village, the area was originally known as "Samar Katon," meaning "a vague palace," before the name was officially changed in 1895. To this day, the village continues to uphold its traditional kinship system.<sup>39</sup> The existence of *Sidikare* clearly began to appear on the surface as a forum for kinship-based social bonds, starting around 1967, which coincided with the end of the old order or the beginning of the new order.<sup>40</sup>

Dispute resolution within *Sidikare* generally shares similarities with other customary law systems, particularly in the absence of standardized written regulations. Instead, the procedures are typically adapted to the local wisdom and cultural values of each community. The process begins when the aggrieved party submits a complaint—either directly or through an intermediary—to the management or head of *Sidikare*. Subsequently, the involved parties are summoned to participate in deliberations where they receive advice and guidance. If a consensus is reached during the deliberation, the resolution may be formalized in the form of a written agreement. The dispute resolution process concludes with the recitation of a prayer, symbolizing closure and spiritual affirmation. Decisions rendered through *Sidikare* deliberations are considered final and binding on all parties involved. However, if an agreement is not reached, the resolution process may continue by involving higher customary leaders or other dispute resolution institutions recognized within the community. In some cases, disputing parties may resort to state courts as a last resort. Nevertheless, efforts to resolve conflicts through customary means are prioritized to preserve social harmony and uphold cultural values.<sup>41</sup>

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<sup>38</sup> Ihromi, *Principles of Cultural Anthropology*.

<sup>39</sup> Mamiq Sadar, Mantang Village Community, *interview*, August 25, 2022.

<sup>40</sup> Lalu Sendra, Village Elder in Pedaleman Hamlet, *Interview*, September 15, 2022.

<sup>41</sup> Bac Ratna Moolhimma & Nisfawati Laili Jalilah, *Alternative Dispute Resolution Based on Local Wisdom* (West Lombok: Alfa Press, 2023).

This pattern of dispute resolution in a simple society suggests that the importance of learning dispute resolution does not always have to end in the courthouse, but can also be resolved through local institutions. This resonates with what L.M. Friedman understood as the framework of legal culture. It is clear that the goal of seeking justice by creating order and balance in society is very effective if it involves the legal culture in the region. The state's recognition of the existence of customary justice is also contained in the order of Law No. 6 of 2016 concerning Villages in article 103 letters d, e, f, and g, which state that the settlement of customary disputes is based on customary law by prioritizing deliberation and in accordance, with the law with the aim of maintaining security and peace.

As an organized system, the system is a manifestation of the form of law in a simple society described by experts. Malinowski, for example, in his research on Melanesian society, concluded that law is an aspect of simple societal life that is also part of the social order and is inseparable from its own institutions.<sup>42</sup> This means that *Sidikare*, as a system and organization within society, exists as a simple form of law capable of providing protection for its community. More importantly, *Sidikare* not only functions to regulate behavior and resolve conflicts but also embodies the collective values and norms that sustain social cohesion, cultural identity, and communal harmony. By integrating customary practices with social enforcement mechanisms, *Sidikare* ensures that justice is accessible, culturally relevant, and responsive to the needs of its members, thereby reinforcing both social stability and the continuity of traditional legal systems.

However, it is more common in cases of domestic conflicts such as domestic violence, economic problems, infidelity, and others. This problem is all solved by sitting cross-legged with the system as a dispute resolution medium. This custom has been passed down from generation to generation and is now increasingly neatly formed in a mutually agreed structure.

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<sup>42</sup> Rato and Harianto, "Local Wisdom-Based Settlement on Customary Land Conflict in the Border Region Between the Unitary State of the Republic of Indonesia and the Democratic Republic of Timor Leste in Kupang District."

### ***Sidikare Principles within Islamic (Legal) Teaching***

Although *Sidikare* originates as a customary institution within the Sasak community, its underlying principles and operational mechanisms exhibit strong compatibility with the core values and objectives of Islamic law (*shari'ah*). Far from being an isolated cultural construct, *Sidikare* reflects a localized embodiment of Islamic legal ethics, especially in the domain of conflict resolution. Islamic jurisprudence not only recognizes the legitimacy of non-formal mechanisms for dispute settlement but also encourages reconciliation (*ṣulḥ*), validates local customs (*'urf*), and prioritizes public benefit (*maṣlahah*), all of which serve as the normative foundation upon which *Sidikare* is situated.<sup>43</sup>

One of the primary legal bases for alternative dispute resolution in Islam is the principle of *ṣulḥ*. The Qur'an explicitly affirms the virtue of reconciliation in interpersonal disputes: "And reconciliation is better" (*as-Ṣulḥu Khayr*, Q.S. al-Nisā': 128). The Prophet Muhammad consistently encouraged amicable resolution of disputes among his companions, noting that conciliation restores social harmony and strengthens bonds among the believers.<sup>44</sup> In Islamic legal theory, *ṣulḥ* is particularly emphasized in family disputes, including inheritance conflicts, marital discord, and intra-clan tensions, all of which also constitute the main types of cases addressed by *Sidikare*.

Furthermore, Islamic jurisprudence recognizes *'urf*, commonly accepted social customs and traditions, as a valid secondary source of law, provided they do not contradict the Qur'an and Sunnah.<sup>45</sup> In the Sasak context, *Sidikare* may be categorized as a form of *'urf sahih* (sound custom), due to its widespread communal acceptance, moral foundation, and effectiveness in conflict resolution. The decisions made through *Sidikare* are not arbitrary but guided by ethical considerations rooted in communal values, kinship responsibilities, and religious consciousness. This aligns with Islamic legal maxims such as *al-'ādah*

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<sup>43</sup> Wahbah Al-Zuhayli, *Al-Fiqh Al-Islami Wa Adillatuhu*, vol. 6 (Damascus: Dar al-Fikr, 1985), 533–537.

<sup>44</sup> Muhammad ibn Isma'il Al-Bukhari, *Kitab Al-Sulh: Sahih Al-Bukhari* (Jakarta: Asy-Syariah, 1998).

<sup>45</sup> Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Cambridge: Islamic Texts Society, 2003), 274–277.

*muḥakkamah* (custom is authoritative), which further legitimizes the function of *Sidikare* as a tool for achieving social justice.<sup>46</sup>

The third principle that supports the Islamic legitimacy of *Sidikare* is *maṣlahah*, the promotion of public interest and prevention of harm. In the classical Islamic legal tradition, scholars such as al-Ghazali and al-Shatibi emphasized that the purpose of shari'ah is to preserve five essential objectives: religion, life, intellect, lineage, and property. *Sidikare*, as a community-based mechanism, fulfills several of these objectives by preserving family lineage (*an-nasl*), resolving conflicts without physical or psychological harm, and maintaining social cohesion.<sup>47</sup> Through its emphasis on non-confrontational dialogue, forgiveness, and collective responsibility, *Sidikare* avoids the adversarial character of formal litigation and instead encourages healing and reintegration, an approach that echoes modern restorative justice models and the *maqāṣid*-based outlook in contemporary Islamic legal discourse.<sup>48</sup>

Moreover, the procedural characteristics of *Sidikare*, such as reliance on elder wisdom (*tokoh adat*), collective deliberation (*musyawarah*), and non-coercive enforcement mechanisms, closely resemble the traditional practices of Islamic arbitration (*tahkīm*). While formal Islamic courts (*qadā*) function within state legal structures, *tahkīm* has historically operated at the communal level, resolving disputes through neutral mediators with the consent of the parties involved. In this regard, *Sidikare* functions as a form of localized *tahkīm*, where the legitimacy of decision-makers is grounded in moral authority and community trust rather than state sanction.

Importantly, the integration of Islamic principles within *Sidikare* is not merely theoretical. In practice, many Sasak Muslim elders and community leaders explicitly invoke Islamic values when making decisions. Informants interviewed in Pedaleman Village, for instance, often cite verses of the Qur'an and prophetic traditions to reinforce the moral authority of their rulings.<sup>49</sup> This indicates that *Sidikare* is not seen

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<sup>46</sup> Abd al-Karim Zaydan, *Al-Wajiz Fi Ushul Al-Fiqh* (Beirut: Mu'assasah al-Risalah, 1999), 314–316.

<sup>47</sup> Ahmad Al-Raysuni, *Nazariyyat Al-Maqashid 'inda Al-Imam Al-Shathibi* (Beirut: Dar al-Jil, 1992), 119–122.

<sup>48</sup> Jasser Auda, *Maqashid Al-Shariah as Philosophy of Islamic Law: A System Approach* (London: International Institute of Islamic Thought, 2008), 45–50.

<sup>49</sup> Mamiq Sadar, Mantang Village Community, *interview*, August 25, 2022.

as separate from religion but as part of the community's effort to embody Islamic ethics within a culturally meaningful framework.

*Sidikare* exemplifies the dynamic interaction between Islamic legal thought and local custom. Rather than viewing *Sidikare* as external to Islamic law, it is more relevant to interpret it as a contextual application of Islamic legal principles within the specific socio-cultural milieu of Sasak society. This perspective challenges static and formalistic conceptions of shari'ah and affirms the relevance of indigenous knowledge in enriching the diversity of Islamic legal expressions across the Muslim world.

### Conclusion

*Sidikare*, as a traditional legal institution located in the interior of Mantang, Central Lombok, has proven to be effective as a form of alternative dispute resolution for the Sasak community. With an approach rooted in local traditions and values, *Sidikare* offers a more efficient, cheap, and satisfying conflict resolution process compared to formal litigation mechanisms. *Sidikare* not only meets the legal needs of the community but also serves as an educational tool to instill normative and ethical values in social interactions. Juridically, the existence of *Sidikare* is recognized within the framework of national law, based on several laws and regulations that respect customary rights and customary law. However, there are still challenges of formal recognition in the national legal system despite the fact that *Sidikare* still stands as an institution that provides the sense of justice sought by the community. *Sidikare*'s strength lies in its ability to resolve conflicts peacefully through deliberation and consensus, which strengthens social ties in society. This research has several limitations. First, the main focus is on *Sidikare* as a dispute resolution institution in the Mantang Interior, so generalization to other areas may not be entirely appropriate. Second, although this study uses various data collection methods, there is still a possibility of subjectivity in the interpretation of the results that can be influenced by the researcher's point of view. One of the most important suggestions for future research on local wisdom-based dispute resolution practices, such as *Sidikare*, is to conduct comparative studies. With this focus, research can gain deeper and more systematic insights into how dispute resolution practices in different regions function, as well as explore the factors that affect their effectiveness.

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