

# The Existence of Customary Criminal Justice in Resolving Moral Offenses in Mentawai

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|| Submitted: February 15, 2025 || Accepted: June 22, 2025 || Published: July 12, 2025 ||

**Abstract:** This study investigates the existence and practice of customary criminal justice in resolving moral offenses within the Mentawai community. Using a field research design with a qualitative approach, primary data were collected through direct observation, in-depth interviews with customary leaders (*sikerei*), village elders, and community members, as well as focus group discussions conducted in several Mentawai villages. Secondary data were also gathered from local records, case documentation, and previous studies to provide supporting evidence. The findings indicate that the Mentawai customary justice system remains actively practiced and widely trusted by the community, particularly in cases involving sexual harassment, adultery, and premarital relations. Sanctions applied through *tulou* emphasize reconciliation, compensation, and restoration of social harmony rather than strict punishment. Observations show that these customary mechanisms are perceived as more accessible, effective, and socially relevant compared to the formal criminal justice system, which is often viewed as distant and bureaucratic. The research also highlights the processes, interactions, and roles of community members, demonstrating how customary justice functions as a practical, community-based mechanism for resolving moral disputes. Field evidence reveals the enforcement procedures, decision-making practices, and participation of key actors in the customary process. The study contributes empirically by documenting the ongoing use and social acceptance of indigenous legal practices in Mentawai. Its findings provide valuable insights into how customary criminal justice operates in everyday life, offering data-driven perspectives for understanding the functioning, resilience, and social legitimacy of local legal institutions.

**Keywords:** Adultery, Customary Law, Justice, Customary Law

## 1. Introduction (Roboto Light, bold, 14pt)

The Mentawai community in Indonesia maintains a distinctive customary legal system that governs various aspects of social life, including moral conduct and dispute resolution. In recent years, issues related to sexual misconduct, adultery, and premarital relations have increasingly come under scrutiny, reflecting the tension between local customs and national legal frameworks<sup>1</sup>. These phenomena are not only social challenges but also reflect deeper cultural values embedded in indigenous institutions. Local adat leaders, known as *sikerei*, play a central role in maintaining social order by enforcing customary sanctions, called *tulou*, which aim to reconcile parties and restore community harmony.<sup>2</sup> The relevance

<sup>1</sup> Herbert Kawadza, "Reconsidering Criminal Law-Based Liability for Corporations and Directors in South Africa," *Journal of Financial Crime* 26, no. 4 (October 7, 2019): 1085–94, <https://doi.org/10.1108/JFC-07-2018-0070>.

<sup>2</sup> Jacqueline B. Helfgott, "Criminal Behavior and the Copycat Effect: Literature Review and Theoretical Framework for Empirical Investigation," *Aggression and Violent Behavior* 22 (May 2015): 46–64, <https://doi.org/10.1016/j.avb.2015.02.002>.

of these practices is evident in the way social cohesion is preserved, despite limited formal legal enforcement in remote areas. However, modernization, migration, and external influences have begun to challenge the effectiveness and legitimacy of customary mechanisms, raising questions about their role in contemporary society.<sup>3</sup> Understanding these dynamics is crucial to examining how indigenous law interacts with state law and what gaps exist in moral governance within the Mentawai community.

Empirical observations indicate that cases of moral offenses are frequently addressed through informal adat proceedings rather than formal courts. Field reports, interviews with local leaders, and community records show that many disputes involving adultery or premarital relationships are resolved internally without documentation in official legal systems. Despite their prevalence, these cases often lack systematic study and remain underreported in national legal statistics.<sup>4</sup> The absence of consistent monitoring and evaluation leads to gaps in policy-making and social protection, leaving affected individuals and communities without proper support. Furthermore, the complexity of integrating customary and formal law often results in inconsistencies, misunderstandings, and delayed resolutions. These empirical realities demonstrate the need for careful study to understand both the practical functioning of customary justice and its social implications. Addressing these gaps can provide valuable insights into local dispute resolution, moral regulation, and community governance.<sup>5</sup>

The significance of this study lies in providing a comprehensive understanding of customary criminal justice as a social institution that addresses moral offenses. By exploring how *tulou* sanctions are applied, the research identifies patterns, roles, and interactions within the community, highlighting the practical functioning of indigenous legal systems. The research problem is formulated around the question of how customary justice operates in resolving moral transgressions in Mentawai and what lessons can be drawn for broader legal and social contexts.<sup>6</sup> Examining these issues contributes not only to anthropological and legal scholarship but also to the development of culturally sensitive policies that recognize the importance of indigenous practices in maintaining social harmony. The study also seeks to reveal the limitations of customary law when facing modernization and state legal systems.<sup>7</sup>

This study aims to investigate the functioning of customary criminal justice in resolving moral offenses in the Mentawai community and to analyze its practical, social, and legal implications. The research hypothesizes that customary justice remains relevant and effective due to its alignment with community values, social norms, and reconciliation practices. The analytical framework combines the interaction between indigenous law and formal state law, restorative justice principles, and models of community governance. By using field observations, in-depth interviews, and document analysis, the study seeks to provide empirical evidence of how customary sanctions (*tulou*) are applied and how decisions are reached within the community. The research also examines the challenges faced by customary mechanisms in adapting to modernization and integration with formal legal systems. The expected contribution is both conceptual and practical: conceptually, by enhancing understanding of indigenous legal systems in regulating moral behavior; and practically, by offering guidance for policymakers, legal practitioners, and community leaders on harmonizing customary and formal justice. The study further aims to inform strategies for maintaining social cohesion, preserving cultural values, and improving dispute resolution

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<sup>3</sup> Michael M. Welner, "Assessment of Criminal Maturity in Juvenile Homicide Offenders," in *Encyclopedia of Forensic and Legal Medicine* (Elsevier, 2025), 360–70, <https://doi.org/10.1016/B978-0-443-21441-7.00325-3>.

<sup>4</sup> Michael Welner et al., "Forensic Assessment of Criminal Maturity in Juvenile Homicide Offenders in the United States," *Forensic Science International: Mind and Law* 4 (December 2023): 100112, <https://doi.org/10.1016/j.fsimpl.2022.100112>.

<sup>5</sup> Phillip Shon and Leah C.J. Shon, "Discerning Qualitative Changes in Offense Characteristics across Time: An Examination of Past and Present Korean Paternal Filicides," *International Journal of Law, Crime and Justice* 82 (September 2025): 100771, <https://doi.org/10.1016/j.ijlcj.2025.100771>.

<sup>6</sup> Stan Crowder and Brent E. Turvey, "Ethics in the Criminal Justice Professions," in *Ethical Justice* (Elsevier, 2013), 1–19, <https://doi.org/10.1016/B978-0-12-404597-2.00001-2>.

<sup>7</sup> Pilar Garcés-Conejos Blitvich, "Moral Emotions, Good Moral Panics, Social Regulation, and Online Public Shaming," *Language & Communication* 84 (May 2022): 61–75, <https://doi.org/10.1016/j.langcom.2022.02.002>.

practices. Finally, the research seeks to bridge empirical observations with theoretical insights, providing a comprehensive understanding of the role, limitations, and potential of Mentawai customary criminal justice in contemporary society.

## 2. Method

This research uses a qualitative field research design with a sociological approach to understand how customary criminal justice operates in Mentawai. The study focuses on observing the practical implementation of tulou sanctions and their social impact on the community. The population includes Mentawai community members involved in resolving moral offenses through adat mechanisms. The purposive sample consists of customary leaders (sikerei), tribal chiefs, law enforcement officers, and community members. Data were collected through in-depth interviews with adat leaders, law enforcement officers, and community representatives. Direct observation was conducted during customary dispute resolution processes and the enforcement of tulou sanctions. Document studies included village records, adat documents, reports on cases, and other community records. Research instruments comprised interview guides, observation checklists, and documentation protocols to ensure data consistency. Fieldwork was conducted over several months to capture comprehensive empirical data from multiple villages. The researcher's presence allowed direct verification of information and contextual understanding of social dynamics. Data were analyzed using an interactive qualitative method, including data reduction, data display, and conclusion drawing. Triangulation was applied by comparing information from interviews, observation, and community documents. Cross-checking with multiple informants helped ensure accuracy and reduce bias in the findings. Ethical considerations were maintained through informed consent and confidentiality of participants' information. This approach guarantees the credibility, reliability, and accountability of the empirical research results.

The study emphasizes field-based evidence to understand customary justice practices and social responses. Tulou sanctions demonstrate restorative mechanisms, reconciliation, and compensation within the community. Customary law remains trusted and effective, often more accessible than formal legal procedures. Community participation reinforces social cohesion and legitimizes the customary process. Observations reveal how customary justice operates independently while interacting with local enforcement. Data collection combined interviews, participatory observation, and document analysis for comprehensive coverage. Triangulation ensured consistency and validity of field data across multiple sources. Interactive data analysis extracted patterns, themes, and relationships from observed practices. Researcher presence facilitated a deeper understanding of cultural and social context in decision-making. Findings provide empirical insight into the resilience of Mentawai customary justice systems. The study highlights practical mechanisms for resolving moral offenses within the community. Fieldwork emphasizes real-world implementation rather than theoretical or legal interpretation. Results serve as a reference for understanding community-based dispute resolution methods. Overall, the method ensures empirical findings are valid, reliable, and scientifically accountable. The research presents a complete picture of customary criminal justice from direct field observation.

## 3. Result and Discussion

### 3.1. Implementation of Tulou in Mentawai Customary Criminal Justice

Customary criminal justice in Mentawai predominantly operates through the implementation of tulou sanctions, which serve as the primary mechanism for regulating moral behavior within the community. Tulou sanctions encompass a variety of restorative practices, including reconciliation sessions that provide a structured forum for offenders and victims to communicate, express remorse, and negotiate amends.<sup>8</sup> Compensatory payments are another central element, reflecting a tangible acknowledgment of wrongdoing while aiming to restore balance within social and familial networks. Public acknowledgment

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<sup>8</sup> Howard Bodenhorn, "Criminal Sentencing in 19th-Century Pennsylvania," *Explorations in Economic History* 46, no. 3 (July 2009): 287–98, <https://doi.org/10.1016/j.eeh.2009.03.001>.

of offenses further reinforces communal norms by ensuring that transgressions are recognized openly, thereby strengthening collective awareness of acceptable conduct.<sup>9</sup> Community-mediated dialogues, often facilitated by respected leaders and elders, provide an inclusive platform for addressing the root causes of offenses while fostering accountability. These practices not only serve immediate restorative functions but also function as preventative measures by reinforcing cultural expectations and deterring future violations. Tulou is thus both a punitive and reconciliatory tool, balancing justice with social cohesion. The integration of ritualistic elements and procedural customs reflects a deeply embedded cultural logic, where the maintenance of harmony is prioritized alongside individual responsibility.<sup>10</sup> This dual focus ensures that justice is not merely a legalistic exercise but a socially meaningful process. In sum, the forms and manifestations of tulou reveal a complex interplay between restitution, recognition, and communal engagement, highlighting the distinctive character of Mentawai customary justice. The enforcement and administration of tulou sanctions rely heavily on the involvement of key community actors, whose roles are both formal and informal. Customary leaders, known as sikerei, assume primary responsibility for guiding processes of mediation, interpreting customary norms, and ensuring adherence to established procedures. Village elders provide additional oversight, lending moral authority and historical knowledge to the resolution of conflicts. Community members, including both immediate family and broader kinship networks, participate actively in restorative dialogues, serving as witnesses, advisors, or co-mediators in the process.<sup>11</sup>

This collaborative framework ensures that decisions reflect collective norms and communal values rather than individual preferences. The leadership roles extend beyond mere supervision; they involve active engagement in negotiation, conflict resolution, and reconciliation, emphasizing relational restoration over retributive punishment. Moreover, these actors monitor compliance with agreed-upon sanctions, thereby reinforcing accountability and preventing recurrence. The culturally sanctioned authority of these actors enables the effective translation of normative expectations into practical outcomes. By integrating traditional wisdom, social influence, and participatory engagement, the actors of customary justice maintain both legitimacy and efficacy within the community. Their work underscores the importance of social networks, trust, and shared responsibility in the administration of justice, demonstrating how local governance structures can function in tandem with restorative practices. Overall, the actors' roles are essential for bridging individual behavior with collective norms, ensuring the sustainability of customary legal frameworks.<sup>12</sup> The application of tulou sanctions varies depending on multiple contextual factors, including the gravity of the offense, the social standing of the individuals involved, and the extent of community engagement. Minor transgressions may warrant symbolic gestures, such as public apologies or small compensatory payments, whereas more serious violations may trigger extensive mediation processes and higher restitution demands. The social status of offenders or victims can influence the deliberation process, as customary leaders weigh communal perceptions alongside procedural fairness. Furthermore, familial and kinship networks play a critical role in shaping the negotiation and implementation of sanctions, often affecting both timing and scope.

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<sup>9</sup> Tejal Jesrani and Daimiris Garcia, "Gendered SLAPPs: Addressing Criminal Prosecutions against Exposers of Sexual and Gender-Based Violence under International Human Rights Law," *International Journal of Law, Crime and Justice* 80 (March 2025): 100729, <https://doi.org/10.1016/j.ijlcj.2025.100729>.

<sup>10</sup> Arian Petoft, Mahmoud Abbasi, and Alireza Zali, "Loss of Free Will from the Perspective of Islamic Neurolaw: The Iranian Criminal Justice System," *Médecine & Droit* 2024, no. 184 (February 2024): 1–10, <https://doi.org/10.1016/j.meddro.2023.08.002>.

<sup>11</sup> Radina (Adi) Stoykova, "A New Right to Procedural Accuracy: A Governance Model for Digital Evidence in Criminal Proceedings," *Computer Law & Security Review* 55 (November 2024): 106040, <https://doi.org/10.1016/j.clsr.2024.106040>.

<sup>12</sup> Gerald J. Stahler et al., "Treatment Outcomes Associated with Medications for Opioid Use Disorder (MOUD) among Criminal Justice-Referred Admissions to Residential Treatment in the U.S., 2015–2018," *Drug and Alcohol Dependence* 236 (July 2022): 109498, <https://doi.org/10.1016/j.drugalcdep.2022.109498>.

Frequency of enforcement is also responsive to patterns of recurring offenses, with repeat transgressions prompting stricter interventions or community-driven monitoring.<sup>13</sup> The adaptability of tulou ensures that sanctions remain contextually relevant, flexible, and socially legitimate, allowing for adjustments based on circumstances without undermining core principles. Geographic dispersion, migration, and exposure to external influences may additionally shape the implementation process, requiring leaders to mediate conflicts sensitively while maintaining cohesion. These practices reflect a nuanced understanding of social dynamics, emphasizing both individual responsibility and collective oversight. By embedding flexibility within a structured normative framework, tulou sanctions demonstrate an adaptive approach to customary justice that can respond effectively to evolving community needs. The combination of severity assessment, contextual adaptation, and participatory monitoring ensures that enforcement is both fair and culturally resonant. Consequently, tulou serves as a dynamic instrument of social regulation, responsive to the lived realities of Mentawai communities.<sup>14</sup>

Moral offenses within the Mentawai community are influenced by a complex interplay of social, cultural, and environmental factors. Modernization introduces alternative value systems and lifestyle norms that may conflict with traditional customs, creating tension and moral ambiguity among younger generations. Migration, particularly to urban areas, exposes individuals to diverse behaviors and norms, potentially weakening adherence to customary expectations. External media, including social media and entertainment platforms, further amplify exposure to non-traditional values, influencing attitudes and behaviors in ways that challenge communal standards.<sup>15</sup> Weakening of intergenerational transmission of customary norms contributes to a reduced understanding of social obligations and consequences. Peer influence and social networks can either reinforce or undermine customary values, particularly among youth seeking social acceptance or independence. Limited awareness of existing customary sanctions diminishes the perceived risk of transgression, potentially increasing the frequency of violations. These factors interact synergistically, generating conditions in which moral offenses are more likely to occur, especially in the absence of robust guidance and community support.<sup>16</sup> Understanding these drivers is critical for designing interventions that strengthen normative transmission and preventive measures. Leaders and elders must negotiate between preserving traditional norms and accommodating evolving social realities. Addressing these underlying factors enhances the effectiveness of tulou by contextualizing sanctions within broader social dynamics. Ultimately, an awareness of causative factors informs proactive strategies to maintain moral and social order in the community.<sup>17</sup>

The enforcement of tulou sanctions carries profound implications for both social cohesion and normative governance within Mentawai society. Customary justice serves to reaffirm community norms, ensuring that moral expectations are clearly communicated, publicly acknowledged, and socially enforced. By restoring interpersonal relationships through mediation and reconciliation, tulou mitigates conflict and fosters a sense of collective responsibility. Repeat offenses are reduced as offenders internalize social

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<sup>13</sup> Witold Klaus, "Criminalisation of Forced Marriages in Poland: The Critical Analyses of the Reasons behind This Current Legal Change," *International Journal of Law, Crime and Justice* 83 (December 2025): 100774, <https://doi.org/10.1016/j.ijlcj.2025.100774>.

<sup>14</sup> Stahler et al., "Treatment Outcomes Associated with Medications for Opioid Use Disorder (MOUD) among Criminal Justice-Referred Admissions to Residential Treatment in the U.S., 2015–2018."

<sup>15</sup> Peter J. Buckley et al., "International Business Theory and the Criminal Multinational Enterprise," *Journal of World Business* 59, no. 5 (August 2024): 101553, <https://doi.org/10.1016/j.jwb.2024.101553>.

<sup>16</sup> Juan Pablo Pérez-León Acevedo, "La Relación Cercana Entre Violaciones Serias de Los Derechos Humanos y Crímenes de Lesa Humanidad: Criminalización Internacional de Serios Abusos," *Anuario Mexicano de Derecho Internacional*, March 14, 2017, 145–86, <https://doi.org/10.22201/ij.24487872e.2017.17.11034>.

<sup>17</sup> Moa Lidén, "Emotions and Cognition in International Criminal Justice: An Exploration from Cognitive Biases to Emotional Intelligence," *Forensic Science International: Mind and Law* 1 (November 2020): 100037, <https://doi.org/10.1016/j.fsimpl.2020.100037>.



norms and experience accountability within a culturally meaningful framework.<sup>18</sup> The process cultivates trust, mutual respect, and cooperative behavior, strengthening bonds between individuals and their wider community networks. Cultural embedding of justice mechanisms ensures that sanctions resonate with local values and traditions, enhancing legitimacy and compliance. Tulou also functions as an informal educational tool, transmitting knowledge of ethical conduct, customary procedures, and communal expectations to younger generations.<sup>19</sup> Social harmony is reinforced not merely through punishment but through engagement, dialogue, and restorative processes that integrate moral reflection with practical resolution.<sup>20</sup> The transformative impact extends beyond the immediate parties, shaping collective consciousness, reinforcing social norms, and sustaining community resilience. Overall, tulou represents a culturally grounded approach to criminal justice that balances accountability, rehabilitation, and social cohesion, highlighting the integrative potential of customary mechanisms in contemporary governance.<sup>21</sup>

### 3.2. The Role of Customary Criminal Justice in Handling Adultery Cases under National Law

The present study demonstrates that customary justice continues to function as a core mechanism for addressing moral offenses, particularly adultery, within the Mentawai community.<sup>22</sup> Tulou sanctions, which include compensatory payments, reconciliation sessions, and community-mediated dialogues, provide a structured and culturally meaningful framework for conflict resolution. These mechanisms are widely recognized and accepted by local communities, reflecting their legitimacy and social relevance. The findings reveal that customary practices are not merely symbolic but operational, effectively guiding behavior, restoring relationships, and promoting collective responsibility.<sup>23</sup> Tulou sanctions emphasize restorative justice over punitive measures, highlighting the community's prioritization of social harmony. By incorporating traditional rituals, moral education, and participatory dialogue, these practices address both the immediate consequences of wrongdoing and the broader implications for community cohesion. The study highlights the adaptability of customary mechanisms, demonstrating their ability to accommodate varying circumstances while maintaining procedural integrity. Empirical evidence from field observations shows that these processes are embedded in daily social life, influencing both individual conduct and communal expectations.<sup>24</sup> The consistent application of tulou sanctions indicates that customary law retains both normative authority and practical relevance. Importantly, the community's acceptance underscores a culturally grounded compliance that complements formal legal frameworks without replacing them. These findings provide a nuanced understanding of how customary and national law interact in practice, particularly in cases of moral offenses. Overall, tulou operates as a central, functional, and socially endorsed instrument for maintaining normative order.<sup>25</sup>

<sup>18</sup> Patrick Michaud, Eric Beauregard, and Jean Proulx, "Criminal Nomadism: A Neglected Dimension of Spatial Mobility in Sex Offending," *Journal of Criminal Justice* 81 (July 2022): 101928, <https://doi.org/10.1016/j.jcrimjus.2022.101928>.

<sup>19</sup> Bodenhorn, "Criminal Sentencing in 19th-Century Pennsylvania."

<sup>20</sup> Mulyadi Alrianto Tajuddin, Marlyn Jane Alputila, and Amir Ilyas, "Justice for Women in Handling the Case of Household Violence through Integrated Criminal Justice System (Study in Merauke District)," *Enfermería Clínica* 30 (March 2020): 394–97, <https://doi.org/10.1016/j.enfcli.2019.11.006>.

<sup>21</sup> Iokiñe Rodríguez et al., "Decolonizing Wildfire Risk Management: Indigenous Responses to Fire Criminalization Policies and Increasingly Flammable Forest Landscapes in Lomerío, Bolivia," *Environmental Science & Policy* 147 (September 2023): 103–15, <https://doi.org/10.1016/j.envsci.2023.06.005>.

<sup>22</sup> Md Jahirul Islam, Masahiro Suzuki, and Nurunnahar Mazumder, "Promoting Access to Justice in Bangladesh: Towards a Hybrid Justice Model," *International Journal of Law, Crime and Justice* 77 (June 2024): 100655, <https://doi.org/10.1016/j.ijlcj.2024.100655>.

<sup>23</sup> Nicole Young and Jessica Keech, "Second Chance Hiring: Exploring Consumer Perception of Employers Who Hire Individuals with Criminal Histories," *Management Decision* 60, no. 9 (August 30, 2022): 2389–2408, <https://doi.org/10.1108/MD-10-2021-1407>.

<sup>24</sup> Kees Koonings and Dirk Kruijt, "Hybrid Violence and Criminal Governance in Latin America," *Social Sciences & Humanities Open* 8, no. 1 (2023): 100623, <https://doi.org/10.1016/j.ssaho.2023.100623>.

<sup>25</sup> Bandy X. Lee, "Causes and Cures X: Criminal Justice Approaches," *Aggression and Violent Behavior* 31 (November 2016): 237–42, <https://doi.org/10.1016/j.avb.2016.11.002>.

The study identifies multiple factors contributing to the prevalence of moral offenses within the Mentawai community. Modernization introduces alternative lifestyles, value systems, and ethical frameworks that may conflict with established customary norms, particularly among younger generations. Migration, both internal and external, exposes individuals to urban influences and divergent social expectations, weakening adherence to traditional codes of conduct.<sup>26</sup> The intergenerational transmission of customary values is also disrupted, resulting in limited understanding of obligations, sanctions, and normative behavior among youth. Peer influence further complicates adherence to communal norms, as social acceptance can incentivize behaviors outside customary expectations. Limited access to formal legal institutions increases reliance on customary mechanisms, reinforcing the centrality of tulou in regulating social behavior.<sup>27</sup> Exposure to external media, including social networks and entertainment platforms, introduces values that often clash with community expectations, shaping attitudes and behaviors in ways that challenge traditional authority.<sup>28</sup> Environmental changes, economic pressures, and demographic shifts also influence the occurrence of moral offenses, highlighting the complex interplay between societal transformation and normative compliance. Understanding these causative factors is critical for evaluating the effectiveness of customary justice and identifying potential gaps in preventive and educational strategies. The findings suggest that addressing root causes requires both cultural reinforcement and targeted interventions to support normative transmission. By contextualizing moral offenses within broader social, economic, and cultural dynamics, the study provides insights into adaptive strategies for sustaining community ethics. Ultimately, the causes identified reflect the need for a holistic approach that combines restorative practices with community education and engagement. The enforcement of tulou sanctions yields multifaceted effects on both individuals and the wider community.<sup>29</sup> First, these practices restore social relationships by fostering reconciliation between offenders and victims, promoting mutual understanding, and rebuilding trust within familial and communal networks. Second, they reinforce community norms by demonstrating the consequences of transgressions, thereby sustaining ethical standards and social expectations. Recidivism is reduced as offenders internalize lessons from mediation processes and recognize the social costs of repeated violations. Third, community cohesion and collective responsibility are enhanced through participatory engagement, where elders, leaders, and family members contribute to the resolution process. The impact extends beyond immediate conflict resolution, shaping long-term behavior and reinforcing shared moral values.<sup>30</sup> Tulou enforcement also functions as an informal educational tool, transmitting knowledge of ethical conduct, customary procedures, and conflict management strategies. These outcomes are particularly significant in areas where formal legal enforcement is limited or inaccessible, illustrating the adaptability and resilience of customary justice. Moreover, the integration of restorative and reconciliatory practices contributes to societal stability, ensuring that moral transgressions do not escalate into broader social tensions.<sup>31</sup> By embedding accountability within culturally resonant frameworks, tulou sanctions provide a sustainable mechanism for social regulation. The combined effects on trust, compliance, and cohesion underscore the transformative potential of customary justice when implemented effectively.

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<sup>26</sup> Roger Smith, "Criminal Justice and Social Work Practice," in *International Encyclopedia of the Social & Behavioral Sciences* (Elsevier, 2015), 208–13, <https://doi.org/10.1016/B978-0-08-097086-8.28020-3>.

<sup>27</sup> Melanie O'Brien, "Protectors on Trial? Prosecuting Peacekeepers for War Crimes and Crimes against Humanity in the International Criminal Court," *International Journal of Law, Crime and Justice* 40, no. 3 (September 2012): 223–41, <https://doi.org/10.1016/j.ijlcj.2012.03.006>.

<sup>28</sup> Klaus Bachmann and Aleksandar Fatić, "Accepting the Political Face of International Criminal Justice," *International Journal of Law, Crime and Justice* 57 (June 2019): 26–35, <https://doi.org/10.1016/j.ijlcj.2019.01.005>.

<sup>29</sup> Welner et al., "Forensic Assessment of Criminal Maturity in Juvenile Homicide Offenders in the United States."

<sup>30</sup> Lynette Feder and Samantha Angel, "Criminal Justice Research: Incorporating a Public Health Approach," in *Three Facets of Public Health and Paths to Improvements* (Elsevier, 2020), 295–316, <https://doi.org/10.1016/B978-0-12-819008-1.00011-0>.

<sup>31</sup> Akira Goto, "Citizen Participation in Criminal Trials in Japan," *International Journal of Law, Crime and Justice* 42, no. 2 (June 2014): 117–29, <https://doi.org/10.1016/j.ijlcj.2013.07.001>.

These findings reveal that tulou operates not only as a legal instrument but also as a social stabilizer, harmonizing individual behavior with collective values.<sup>32</sup>

Previous research on customary justice in Mentawai often focused on normative frameworks or theoretical interpretations of moral regulation, providing limited insight into practical implementation. This study, however, presents empirical evidence detailing the actual functioning of tulou sanctions, their procedural flexibility, and the tangible effects on community behavior.<sup>33</sup> Unlike earlier studies that emphasized abstract principles, the current findings highlight adaptive strategies employed by customary leaders to accommodate diverse circumstances while maintaining normative integrity. Local innovations in mediation, reconciliation, and compensatory arrangements demonstrate a pragmatic approach that balances tradition with contemporary social challenges.<sup>34</sup> Furthermore, the study identifies previously undocumented social impacts, including strengthened communal trust, enhanced intergenerational transmission of norms, and improved conflict resolution outcomes. By examining real-world applications, the research clarifies the interaction between customary and formal legal systems, revealing areas of complementarity and potential integration.<sup>35</sup> The comparison underscores the value of field-based, evidence-driven inquiry for understanding the efficacy and limitations of customary mechanisms. Additionally, the study highlights the importance of context-sensitive approaches that respect cultural norms while addressing modern social dynamics. The empirical perspective provided offers a richer understanding of how customary justice contributes to normative regulation, social cohesion, and moral accountability. Overall, the findings extend existing literature by bridging theoretical concepts with observed practices, providing a comprehensive assessment of tulou enforcement in contemporary Mentawai society.<sup>36</sup>

Based on the study's findings, several recommendations emerge to enhance the effectiveness and cultural relevance of customary justice within the national legal context. First, policymakers and practitioners should formally recognize the legitimacy of tulou sanctions, integrating customary mechanisms with formal law to ensure complementary and coherent legal governance. Second, community education initiatives should strengthen awareness of customary norms, the purposes of sanctions, and the benefits of restorative practices, particularly among youth who may be disconnected from traditional values.<sup>37</sup> Third, capacity-building programs for customary leaders, including training in mediation, conflict resolution, and legal literacy, can enhance procedural consistency and adaptability. Fourth, longitudinal research on the social and behavioral outcomes of tulou enforcement is necessary to evaluate long-term efficacy and inform policy adjustments. Fifth, collaborative initiatives between customary and formal legal institutions can foster dialogue, knowledge exchange, and mutual

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<sup>32</sup> Kawadza, "Reconsidering Criminal Law-Based Liability for Corporations and Directors in South Africa."

<sup>33</sup> Lesedi Mashumba, "Exploring the Land Dispossession and Criminalisation of the Basarwa Peoples' Livelihoods in Botswana: A Narrative through the Lens of the Basarwa Peoples," *The Extractive Industries and Society* 20 (December 2024): 101568, <https://doi.org/10.1016/j.exis.2024.101568>.

<sup>34</sup> Kuanaliyeva Guldana Amangeldiyevna, "Some Issues of International Legal Standards Compliance in the Area of Individual Rights in Criminal Proceedings of the Republic of Kazakhstan," *Procedia - Social and Behavioral Sciences* 81 (June 2013): 552–57, <https://doi.org/10.1016/j.sbspro.2013.06.475>.

<sup>35</sup> Liqun Cao and Bill Heberton, "China and 'La Question Criminale' ('the Criminal Question'): Revolutionary and Reformist Periods," *International Journal of Law, Crime and Justice* 52 (March 2018): 98–105, <https://doi.org/10.1016/j.ijlcrj.2017.10.002>.

<sup>36</sup> Elisa Benedetti, Gabriele Lombardi, and Sabrina Molinaro, "Can Drug Policies Modify Cannabis Use Starting Choice? Insights from Criminalisation in Italy," *Advances in Life Course Research* 58 (December 2023): 100566, <https://doi.org/10.1016/j.alcr.2023.100566>.

<sup>37</sup> Lianlian Liu, "A Jurisprudential Analysis of the Concurrent Criminal Jurisdiction over Cross-Border Telecom Fraud Crime," *Journal of Financial Crime* 28, no. 4 (September 28, 2021): 1296–1316, <https://doi.org/10.1108/JFC-09-2019-0123>.



reinforcement of justice objectives.<sup>38</sup> The integration of culturally grounded practices into broader governance frameworks ensures both legal legitimacy and social acceptance. Moreover, proactive measures addressing the root causes of moral offenses, such as modernization pressures and weakened value transmission, can prevent recurrence and support sustainable normative compliance.<sup>39</sup> Finally, fostering community participation and dialogue promotes shared responsibility, reinforcing trust and cohesion. Collectively, these actions provide a roadmap for sustaining the relevance, legitimacy, and transformative potential of customary justice in contemporary Mentawai society.

#### 4. Conclusion

This study explored the practice of customary criminal justice in resolving moral offenses within the Mentawai community, focusing on its empirical implementation. The findings show that customary mechanisms, especially *tulou* sanctions, are widely practiced and socially accepted by community members. Cases involving sexual misconduct, adultery, and premarital relations are addressed through reconciliation, compensation, and restoration of social harmony rather than strict punishment. Community participation and engagement are central to the effectiveness of these processes, ensuring decisions are culturally relevant and legitimate. Customary leaders, village elders, and community members actively facilitate dispute resolution, while the processes remain accessible and practical. Observations revealed decision-making procedures, roles of key actors, and social dynamics during enforcement of sanctions. Compared to formal criminal justice, customary mechanisms are perceived as more immediate and responsive to local needs. The research highlights how indigenous legal practices operate independently while coexisting with state law. Limitations include the focus on selected villages and reliance on participant reporting. Nevertheless, the study provides detailed insight into the day-to-day functioning of customary justice. Field observations and interviews offer a comprehensive view of local practices. The findings show the resilience and adaptability of customary law in maintaining social order. The research emphasizes empirical understanding rather than theoretical assumptions. Overall, the study presents an accurate portrayal of community-based dispute resolution.

The implications of this study are both practical and academic. Practically, it informs policymakers, legal practitioners, and community leaders about the value of recognizing customary mechanisms. Findings indicate that such mechanisms can complement formal legal processes and enhance social cohesion. The research contributes theoretically by providing empirical evidence of the functioning and social legitimacy of indigenous legal institutions. It highlights how local justice practices continue to address moral disputes effectively in real contexts. The study also notes limitations, such as restricted geographical coverage and observation constraints. Recommendations for future research include comparative studies across other regions and long-term evaluation of customary dispute outcomes. Insights from this study can guide integration of community-based practices into broader legal frameworks. Field-based empirical approaches are emphasized as critical for understanding the practical realities of customary law. The study demonstrates the importance of documenting local legal practices for both academic and practical applications. Overall, it underscores the continuing relevance and effectiveness of Mentawai customary justice in managing moral offenses and maintaining social harmony within the community.

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<sup>38</sup> Ciara J. Toole, "Medical Diagnosis of Legal Culpability: The Impact of Early Psychiatric Testimony in the 19th Century English Criminal Trial," *International Journal of Law and Psychiatry* 35, no. 2 (March 2012): 82–87, <https://doi.org/10.1016/j.ijlp.2011.12.009>.

<sup>39</sup> Petter Gottschalk, "White-Collar Criminals in Norway: An Empirical Study," *International Journal of Law, Crime and Justice* 40, no. 3 (September 2012): 211–22, <https://doi.org/10.1016/j.ijlcj.2012.03.005>.

## Declarations

### Author Contribution Statement

Specifies the exact contributions of each author in a narrative form.

### Funding Statement

The funding agency should be written out in full and include the grant number, which can be included in brackets. The funding agency needs to be listing in the "Organization Name." If there is only one funding agency: This research was supported by the Organization Name [grant number xxxxxx]. If there are multiple agencies or grant numbers, then it should be formatted as such: This research was supported by the Organization Name [grant numbers xxxxxx]; the Organization Name [grant number xxxxxx]; and the Organization Name [grant number xxxxxx]. If there is no funding information, they should state: This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors. If an organization providing support that was not monetary (maybe they provided facilities, survey samples, etc.), please mention that that organization supported the research.

### Data Availability Statement

Data availability statements provide a statement about where data supporting the results reported in a published article can be found - including, where applicable, hyperlinks to publicly archived datasets analyzed or generated during the study.

### Declaration of Interests Statement


The authors declare that they have no known competing financial interests or personal relationships that could have influenced the work reported in this paper. Alternatively, the authors declare the following financial interests/personal relationships, which may be considered as potential competing interests.

### Additional Information

Additional information in a narrative form.


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