

# 2014

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**Rule of Law and Justice in East Asia**

Challenges in Transition to a Multicultural Society

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**Hankuk University of Foreign Studies,  
The Law Research Institute**

Conference Co-Host Institutions:

**Korea Association of Legal Philosophy  
Ewha Institute for Biomedical Law and Ethics**

## Session: Dispute Resolution

Chair: Prof. Jeong-Oh KIM  
Date & Time: Aug. 21st (Thu.), 11:10-12:30  
Place: LSB Room 701

### List of Abstracts

Bayu Sujadmiko (Lecturer, University of Lampung, Indonesia; Kanazawa University, Japan), **“Balinese vs Lampungnese: Measuring ADR applicability to resolve ethnic conflict in Indonesia”**

Ferry Fathurokhman (Lecturer & Researcher, Faculty of Law, Sultan Ageng Tirtayasa University, Indonesia), **“Community Policing: an Alternative Dispute Resolution”**

Fang le (Professor, Law School, Nanjing Normal University, China), **“Dispute Resolution and the Good Life”**

# Community Policing: an Alternative Dispute Resolution

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## Abstract

Like most of East Asian Countries, modern law had been introduced and implemented in Southeast Asian Countries, particularly Indonesia, since the end of nineteenth century through colonization. Previously the people of the archipelago (which later called as Indonesia) were accustomed to resolve conflict with *adat* law, a customary law-like system. *Adat* law tends to resolve conflict in a holistic way, to restore harmony of the society. This means that *adat* law has more communal character rather than individual. However, the modern law that introduced to Indonesia has made *adat* law withered. The method of dispute settlement has been changed since then which means that the society should use the new system and value which they were not familiar with. In the context of modern law, a crime is crime, law enforcement should be enforced. However in practical level the implementation of modern law (the court) usually leaves several social problems, mostly in misdemeanor cases. The value of communitarian and individualism is competing in this system. There is incompleteness in modern law which abandons communal values.

For hundreds years, Indonesian people usually tend to resolve conflict with *musyawarah*. Indonesia's typical mechanism that exists within *adat* law to settle a conflict, rather than file the case to the court. The court, for Indonesian people, would be the last resort that should be used only if *musyawarah* failed to mediate the conflict. A study research reveals that the indigenous practice such *adat* law has been reviving in its modern form. The form is community policing, an effort to empower community member to have police function within its community. This article will discuss a successful community policing in Lasem, one of sub district in Indonesia. The research found that the results of dispute settlement are more promising if compared to traditional justice system. Several cases have been resolved. Reconciliation, redress, apology and forgiveness emerge in this type of dispute settlement. Criminal law and criminology scholars perhaps would name this dispute settlement as restorative justice whilst Indonesian people simply call this as *musyawarah*.

**Keywords:** Community Policing, *Musyawarah*, Indonesia.

Communal

equality before the law //

→ Nobilem bona sine lege. →

Europe abuse of power <sup>126</sup> = a football