



Analysis of Bobango Traditional Sanctions in Wayaua Village: A Perspective of Restorative Justice and The Concept of Sulh

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Abstract

This study examines the Bobango traditional sanctions practiced in Wayaua Village, South Halmahera, through the lens of restorative justice principles and the Islamic concept of Sulh. Bobango represents a customary conflict resolution mechanism involving deliberation between perpetrators' families, victims' families, and traditional leaders to achieve reconciliation through compensatory fines. Using conceptual and reflective approaches, this research analyzes how Bobango embodies the fundamental characteristics of restorative justice, particularly through its participatory dimension (involving all affected parties in inclusive decision-making) and its restorative dimension (focusing on repairing harm rather than punishing offenders). The findings reveal that Bobango functions as an authentic form of indigenous restorative justice that has been empirically tested for centuries within Indonesian society. Furthermore, from an Islamic legal perspective, Bobango demonstrates perfect harmonization with Sharia principles, operating as a majlis sulh (peace council) where fines serve as *badal al-sulh* (legitimate compensation) and potentially as *ta'zir bi al-mal* (financial sanctions for communal benefit). This study concludes that Bobango represents both indigenous and Islamic restorative justice, proving that legal pluralism in Indonesia can function harmoniously when customary law, Islamic law, and national law mutually reinforce each other in realizing substantive justice for a pluralistic society.

Keywords: Bobango, Wayaua, traditional sanction, restorative justice, Sulh concept

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Introduction

Wayaua Village is one of the villages located in South East Bacan District, South Halmahera Regency, North Maluku Province, an area rich in local wisdom and cultural value systems that have been deeply rooted for centuries (Kahar et al., 2020). As a coastal village with an area of 98.5 km², Wayaua Village is inhabited by a community that still upholds traditions and customary laws in regulating their social life. Amidst the dynamics of national legal modernization, the people of Wayaua Village continue to maintain a customary-based conflict resolution mechanism known as the Bobango system (Abdullah, R.H., & Mutalib, A., 2019). This tradition has become an effective social control instrument in maintaining harmony and balance in community life, particularly in dealing with violations of customary norms related to honor, marriage, and inter-family relationships.

Bobango customary sanctions, as practiced in the traditions of the North Maluku community, take the form of fines or compensation that must be paid by the party who violates customary norms to the aggrieved party. In the context of Ternate society and surrounding areas, including South Halmahera, Bobango is often applied in cases such as elopement (*sicoho*) or violations of norms of decency involving two families (Kahar et al., 2020). The Bobango mechanism is not merely a material sanction but a restorative process involving deliberation between the perpetrator's family, the victim's family, and traditional leaders to achieve peace. This process emphasizes the restoration of broken social relationships, the restoration of the tarnished honor of the family, and the reintegration of the perpetrator into the community. Thus, Bobango reflects the philosophy of customary law, which prioritizes cosmic balance and social harmony over mere retribution or punishment.

However, the practice of Bobango customary sanctions in Wayaua Village faces serious challenges in the context of Indonesia's national criminal justice system, which is based on the Criminal Code (KUHP). The current formal criminal justice system tends to be rigid and retributive, focusing on punishment through imprisonment or fines, without providing adequate space for customary resolution mechanisms. When a violation of customary norms that has been resolved through Bobango also fulfills the elements of a criminal offense in the KUHP, such as theft, minor assault, or offensive behavior, a legal tension arises between the customary decision that has achieved peace and the state's legal demands for formal punishment. This dualism in the legal system creates uncertainty for indigenous peoples. On the one hand, they feel that justice has been achieved through customary deliberation; on the other hand, state law may still demand criminal accountability that ignores the results of the customary settlement.

The issue becomes even more complex when we consider the local community's perspective on the concept of "completion" in the settlement of cases. For the people of Wayaua Village, a case is considered complete when the Bobango customary ceremony has been performed, fines have been paid, apologies have been made and accepted, and both parties have reconciled in front of customary leaders and the community. This process not only resolves the material aspects of the violation, but also the spiritual and socio-psychological dimensions that are very important in the culture of the North Maluku community. Conversely, from the perspective of state law, the case is not yet considered resolved because it has not gone through a formal judicial process, there has been no final and binding decision by a judge, and there has been no execution of criminal

sanctions in accordance with the Criminal Code. This discrepancy in perception often causes frustration among indigenous peoples who feel that the state legal system does not respect and accommodate local wisdom values that have proven effective in maintaining social order for centuries.

In the context of contemporary Indonesian criminal law development, the concept of *restorative justice* has begun to receive formal recognition through various laws and regulations, including National Police Regulation No. 8 of 2021 and Attorney General Regulation No. 15 of 2020 (Sihombing, P. S. A. J., Nita, S., & Gani, Y., 2025). Restorative justice is a paradigm for resolving criminal cases that emphasizes restoring the original conditions, involving victims and perpetrators in the mediation process, and achieving a fair settlement for all parties (Ismawansa, Syahrin, A., et al., 2025). The concept of restorative justice is not actually new to Indonesian society, as these values have long been alive and practiced in various customary law systems in the archipelago, including through a deliberative mechanism to reach consensus as reflected in the fourth principle of Pancasila (Sikumbang, A., & Sara, R., 2025). In other words, what is now being promoted as a "modern" approach in the criminal justice system is actually a reactivation of local wisdom that has long existed in Indonesia.

The urgency of this research lies in the importance of exploring, documenting, and analyzing dispute resolution models based on restorative justice that are rooted in Indonesian local wisdom, particularly the Bobango customary sanctions in Wayaua Village. Research on customary law practices that are in line with the principles of *restorative justice* in various indigenous communities in Indonesia shows that indigenous peoples have an important role in promoting the application of restorative justice. However, comprehensive studies that specifically address the Bobango tradition in the South Halmahera region, particularly in Wayaua Village, are still very limited. In fact, a deep understanding of the Bobango mechanism can make a significant contribution to national criminal law reform in integrating local wisdom values with the formal justice system. Furthermore, the exploration of Bobango can become an alternative model for case resolution that is more humane, efficient, and in line with the socio-cultural character of Indonesia's pluralistic society.

The religious dimension in the practice of Bobango is also an important aspect that needs to be studied, especially its relation to the concept of *Sulh* (peace) in Islamic law. *Sulh* is a concept of dispute resolution in Islam that encourages the achievement of security and harmony through peace, in which Islam strongly emphasizes the importance of avoiding disputes and seeking peaceful resolutions in various areas of conflict. Given that the majority of the people of Wayaua Village and South Halmahera are Muslim, the values of *Sulh* have been internalized in their customary law practices, including in the Bobango mechanism. *Sulh*, as an agreement to end quarrels or disputes, is carried out with the aim of maintaining affection, preventing division, and repairing broken relationships (Binti Che Adnan, N. N., 2024). The synchronization between the Bobango customary tradition and the principles of *Sulh* in Islamic law shows that the Wayaua community has developed a conflict resolution system that is not only in harmony with local wisdom but also in line with the teachings of their religion. This strengthens the social and spiritual legitimacy of the Bobango practice in the eyes of the local community.

Thus, this research has high academic and practical urgency in the context of legal pluralism in Indonesia. Academically, this research will enrich the field of criminal law by exploring authentic models of restorative justice from Indonesian local wisdom, while

also analyzing their compatibility with the religious values of the local community. Practically, the findings of this study are expected to provide input for policymakers in formulating regulations that are more accommodating to the customary law system, particularly in the implementation of the concept of restorative justice as mandated by the principle of " " in various current laws and regulations. Furthermore, this research is expected to bridge the tension between the formal criminal justice system and customary settlements, thereby creating a synergy that strengthens both state law and customary law in realizing substantive, equitable, and dignified justice for all Indonesian people.

Method

This research is a doctrinal (normative) legal study that relies entirely on the processing of secondary data through library research (Sonata, D., 2015; Bhat, P., 2020). Primary legal materials from authoritative literature on customary law, restorative justice, *fiqh jinayah*, and *ushul fiqh* are the main objects of study. In analyzing these sources, this study applies a conceptual approach to clearly unravel the doctrines contained in customary law and the concept of restorative justice, and to place them dialectically with the variables in the concept of *Sulh* (Zanghellini, A., 2017). Through this approach, the views of legal scholars and clerics are classified and analyzed to build a solid theoretical framework.

Furthermore, to sharpen the analysis beyond a mere comparison of normative texts, this study uses a reflective approach (Kusumarasdyati, K., 2016). This approach is used as an instrument of philosophical contemplation to explore the substantive values or *ratio legis* behind customary law practices. With the reflective method, secondary data is not only read textually, but also interpreted deeply to find the axiological meeting point between the enforcement of humanistic customary law and the principles of restorative justice and the concept of *Sulh*. This qualitative analysis process culminates in a synthesis of ideas that proves the relevance of customary law values and Islamic transcendentalism in responding to contemporary legal dynamics.

Result and Discussion

The Bobango Tradition as Indigenous Restorative Justice

In order to understand the Bobango tradition theoretically, it is necessary to take a conceptual approach that links this local wisdom practice with the contemporary framework of restorative justice. Restorative justice focuses on repairing harm by empowering the injured party (victim) and the offending party (perpetrator) to participate in dialogue (Kirkwood, S., 2022), a characteristic that is surprisingly similar to the Bobango procession in Wayaua Village. This conceptual approach allows us to see that what has been practiced by the Wayaua community is not merely an irrelevant ancient tradition but rather a sophisticated justice system that is in line with developments in modern criminal law thinking (Halim, A., & Ismoyo, S., 2023). Reflective analysis of Bobango reveals that the indigenous communities of North Maluku have long developed humane conflict resolution mechanisms, long before the concept of restorative justice was popularized in Europe in the late 20th century (Garing, J. et al., 2023; Leiwakabessy, J., 2024). Thus, the study of Bobango is not merely an archaeological effort to excavate the past, but an exploration of a model of justice that has been empirically tested for centuries in the socio-cultural context of Indonesian society.

The participatory dimension in the Bobango tradition is the most fundamental aspect that distinguishes it from the conventional criminal justice system. Restorative justice is an inclusive, flexible, and participatory approach to crime that provides opportunities for all affected parties, namely the perpetrator, the victim, their families, and the community, to participate in addressing the crime and repairing the damage it has caused (Scholl, M., & Townsend, C., 2023). In the context of Bobango, this participation is realized through the active involvement of three main parties, namely the perpetrator's family, the victim's family, and traditional leaders as representatives of the community. The Bobango procession is never conducted unilaterally or behind closed doors, but rather through an open forum that allows each party to express their perspectives, feelings, and needs. The victim's family is given space to express their pain, disappointment, and demands for restoration of their honor, while the perpetrator's family is given the opportunity to express their remorse, explain the context of the act, and commit to correcting their mistakes. Traditional leaders act as facilitators who ensure that the process is fair, balanced, and in accordance with the communal values that are upheld.

The principles of inclusion and participation in restorative justice emphasize that victims, defendants, and community members all participate in the decision-making process, and this characteristic is perfectly reflected in the Bobango mechanism. What distinguishes Bobango from formal justice is its genuinely bottom-up, rather than top-down, democratic nature (Priyana, Y., Assayuti, A., & Romdoni, M., 2023). In the conventional criminal justice system, decisions regarding sanctions and the form of case resolution are entirely in the hands of judges as state officials, while victims and perpetrators only play a passive role in receiving the verdict (Badaru, B., 2023). In contrast, in Bobango, victims and perpetrators, together with their families and communities, are active subjects who jointly design the most appropriate solutions to restore the disturbed social balance. The decision-making process in Bobango is dialogical and consensual, without coercion, but rather persuasive; there is no domination of one party over another, but rather equality in voice; there are no decisions handed down from above, but rather agreements built from below through long and exhausting but meaningful deliberations.

The involvement of traditional leaders in the Bobango process has special significance in the context of restorative justice. The restorative justice framework uses capacity building, circle processes, and conferences to bring groups together in a respectful environment for dialogue, healing, accountability, and the creation of action plans (Halim, A., & Ismoyo, S., 2023). Traditional leaders in the Bobango tradition are not merely judges who decide cases, but facilitators who help the parties reach an agreement that satisfies all parties. They are guardians of communal values, neutral yet authoritative mediators, and architects of peace who design fair and proportional restitution mechanisms (Adila, A., & Alexandra, S., 2025). The presence of traditional leaders also ensures that the Bobango process does not deviate from the socio-cultural context of the Wayau community, that the sanctions imposed must be in accordance with the economic capacity of the perpetrator, must not exceed reasonable limits so as not to create new injustices, and must be acceptable to both parties and the wider community (Sukriono et al., 2025). Thus, traditional leaders in Bobango perform the same function as professional facilitators in modern restorative justice programs, but with the added advantage of having strong cultural legitimacy, a deep understanding of local social

dynamics, and the ability to read interpersonal nuances that cannot be understood by outsiders.

The restorative aspect of the Bobango tradition is at the heart of this justice mechanism. Restorative justice measures success based on how much harm is repaired or prevented, rather than on traditional measures of how much punishment is imposed (Nurtjahyo, L., 2011). From this perspective, the fines paid in the Bobango process cannot be understood solely as punishment in the retributive sense, but rather as restitution aimed at restoring the condition of the victim and their family. Bobango fines, which are usually in the form of cash, valuable items such as traditional fabrics, or a combination of both, serve as material compensation for the losses suffered by the victim. However, beyond the material aspect, the payment of Bobango fines has a very important symbolic dimension in that it represents the perpetrator's acknowledgment of the wrongdoing, sincere remorse, and commitment to restoring the tarnished honor of the victim's family. In other words, the Bobango fine is a tangible form of the perpetrator's responsibility that can be seen, felt, and assessed by the entire community as proof of the perpetrator's sincerity in correcting their mistake.

Restitution means repairing the damage that has been done and rebuilding relationships within the community, with the victim and the community at the center of the justice process (Utami, R., 2023). In the context of Bobango, the restitutive function of fines is clear: the money or goods given to the victim's family not only compensate for material losses (if any), but more importantly, restore the honor and dignity of the family that has been hurt. In the culture of North Maluku, which highly values the concept of family honor, violations of customary norms, especially those related to marriage, modesty, or inter-family relationships, are considered an insult to the entire family of the victim, not just to the individual victim alone. Therefore, the restoration sought by Bobango is holistic in nature, not only restoring the material losses of the individual victim but also restoring the collective honor of the victim's family in the eyes of the community. By accepting the Bobango fine, the victim's family symbolically declares that their honor has been restored, that they have accepted the perpetrator's admission of guilt, and that they are willing to forgive and continue living together in social harmony.

The dimension of restoration in Bobango also includes restoring cosmic balance and social harmony at the broader community level. The restorative justice process seeks to repair harm by involving the entire community in rehabilitating the perpetrator and holding them accountable for their behavior (Putra, R., & Martha, T., 2025). In the view of the Wayau indigenous community, any violation of norms not only creates tension between the two families involved but also disrupts the cosmic balance that must be maintained to ensure collective well-being. When someone commits a customary violation, they not only hurt the individual victim but also "hurt" the social order of the community as a whole (Anshari, A. et al., 2023). Therefore, the purpose of Bobango is not only to resolve interpersonal conflicts between perpetrators and victims but also to restore the disturbed social balance so that the community can function harmoniously again. The payment of Bobango fines, witnessed by all community members or at least community representatives through traditional leaders, serves as a social ritual that communicates to the entire community that the violation has been acknowledged, compensation has been paid, and social harmony has been restored. Thus, Bobango not only resolves conflicts at the micro level (between two families) but also at the macro level (in the context of the community as a whole).

The fundamental difference between Bobango sanctions and formal criminal sanctions lies in the philosophy behind them. Bobango aims to restore, not to hurt or seek revenge. Restorative justice views crime not as a depersonalized violation of the law, but as a wrongdoing against another person, focusing on the victims of crime, the harm they have suffered, and the perpetrators who caused that harm (Sukedi, M., & Nuarta, I., 2024). The conventional retributive criminal justice system is oriented towards punishing perpetrators through imprisonment or state fines, with the logic that the suffering experienced by perpetrators in prison will have a deterrent effect and satisfy the public's sense of justice (Ariyanti, V., 2019). However, this retributive approach often fails to meet the victims' needs for recognition, forgiveness, and recovery; namely, it fails to address the root causes of the offense and fails to reintegrate the perpetrator into society after serving their sentence (Rahman, K., 2022). In contrast, Bobango is designed with a different logic, namely that its main objective is to ensure that victims receive both material and symbolic restoration, perpetrators acknowledge their mistakes and take responsibility without having their existence destroyed, and the community can continue to live harmoniously. Fines in Bobango are not an instrument to hurt the perpetrator, but rather an instrument to restore the victim and the community.

The concept of reintegrating perpetrators into the community is another important aspect that demonstrates the restorative character of the Bobango tradition. After the Bobango procession is complete, the fine has been paid, and forgiveness has been accepted, the perpetrator is not ostracized or exiled from the community as happens in the formal penal system through imprisonment. Instead, the perpetrator is welcomed back as a legitimate member of the community with the understanding that they have fulfilled their obligations, shown sincere remorse, and committed to not repeating their mistake. This reintegration is particularly important in the context of small, close-knit village communities, where individuals cannot live in isolation from the community. Bobango allows perpetrators to pay off their social debts and start their lives again with a clean slate, without the permanent stigma that often attaches to former prisoners in the formal justice system. Thus, Bobango focuses not only on the past, namely the mistakes that have been made, and the present, namely the recovery that is currently underway, but also on the future, namely a harmonious life together after the conflict has been resolved. Restorative justice has strong roots in the peace practices of indigenous communities in Indonesia and many other indigenous communities around the world (Hasibuan, L., 2022). This recognition leads us to the important conclusion that the Bobango tradition in Wayaua Village is an authentic form of indigenous restorative justice, not an imitation or adaptation of European or American models (Emilson, N. et al., 2022). The Wayaua community developed its own restorative justice system based on its local values, experiences, and needs long before the term restorative justice appeared in European and American academic literature. Furthermore, Bobango shows that Indonesian local wisdom has made a significant contribution to the global knowledge base on conflict resolution and criminal justice. The restorative justice models currently being developed in various countries, including victim-offender mediation, family group conferencing, and sentencing circles, are essentially variations of principles that have long been practiced by indigenous communities around the world (Ismail, D. et al., 2023), including through the Bobango mechanism in North Maluku.

Thus, it can be concluded that the Bobango tradition in Wayaua Village is a form of indigenous restorative justice that has been empirically tested and has the fundamental

characteristics of contemporary restorative justice. Bobango fulfills the principle of participation through the active involvement of victims, perpetrators, and community leaders in an inclusive and democratic decision-making process, fulfills the principle of restoration through a restitution mechanism that not only compensates for material losses but also restores the victim's honor, the social balance of the community, and paves the way for the reintegration of the perpetrator, and fulfills the principle of humanism by treating all parties with dignity and avoiding destructive sanctions or permanent stigmatization. As an indigenous restorative justice system, Bobango proves that Indonesian society has a tradition of humanistic and effective justice, a cultural heritage that should be preserved, studied in depth, and integrated into the national legal system as an alternative to the currently dominant retributive approach. The recognition of Bobango as indigenous restorative justice also paves the way for a more productive dialogue between state law and customary law, where the two are no longer seen as conflicting systems but rather as systems that can complement each other in realizing substantive justice for Indonesia's pluralistic society.

The Bobango Tradition in the Perspective of Sulh (Islamic Law)

An analysis of the Bobango tradition cannot be separated from the religious context of the Wayaua Village community, the majority of whom adhere to Islam. *Sulh* is a consensual dispute resolution based on compromise between the demands of the conflicting parties and is one of the methods of dispute resolution institutionalized in Islamic law along with *qadā'* (adjudication) and *tahkīm* (arbitration) (Muhammad, A. et al., 2023). In this context, the Bobango procession, which involves deliberations between the perpetrator's family, the victim's family, and traditional leaders, has very strong structural and functional similarities with the concept of *majlis sulh* (peace council) in Islamic legal tradition. In classical Islamic thought and tradition, *sulh* means the peaceful resolution of disputes through negotiation with good intentions, conciliation or mediation, peacebuilding, and even extending to compromise in action (Dosari, A., & George, M., 2023). Thus, the practice of Bobango can be understood as a local manifestation of the principles of *sulh* that have been internalized in the lives of the Muslim community of North Maluku, where Islamic values synergize with local wisdom to create a humane and effective mechanism for conflict resolution.

The conceptualization of Bobango as a *majlis sulh* has a strong foundation in Islamic legal theory and practice. In Bedouin Arab law, *sulh* can signify the resolution of tribal feuds, and in modern Arabic usage, the term is applied to agreements. In general, *sulh* reflects the meaning of conflict resolution through negotiation in which both parties select respected individuals to mediate the conflict, a ceasefire is declared, a settlement is reached while maintaining the honor and status of both parties, and a public ritual is performed (Sabri, M., & Hamid, N., 2021). The structural elements mentioned in the definition of *sulh*, namely the selection of respected mediators (traditional leaders), a ceasefire, a settlement that preserves the honor of both parties, and public rituals, are all present in the Bobango tradition. The customary deliberations led by traditional leaders in Wayaua Village function exactly like the *majlis sulh* in Islamic tradition, as an open forum where disputing parties meet to reach a peaceful agreement that is acceptable to all parties. The legitimacy of traditional leaders in Wayaua society, rooted in religious and cultural authority, makes them ideal representatives to lead the *sulh* process, similar to the role of *qādī* or *hakam* in the context of classical Islamic law.

Citing authoritative traditions regarding the potentially disruptive effects of adjudication, Islamic legal scholars instruct disputing parties and *qādī* to first consider reconciliation to resolve conflicts, whereby a *qādī* may opt for *sulh* as an alternative to formal court proceedings (Saifuddin, S. et al., 2024). This principle is reflected in the Bobango practice in Wayaua Village, where, when a customary norm is violated, the first step taken is not to bring the case to a formal court or state authority, but to hold a customary deliberation to reach an amicable settlement. This approach is in line with the philosophy of Islamic law, which prioritizes peace (*sulh*) over adjudication (*qadā'*) in many cases, because *sulh* is considered more capable of maintaining social harmony, preserving interpersonal relationships, and preventing divisions within the Muslim community (Kurniawan, A., 2022). *Sulh* is the preferred outcome and process in any form of dispute resolution, and arbitration is preferred over adjudication in Islamic jurisprudence. In tribal and Islamic cultures, the overall goal in conflict resolution is collectivity (Muhammad, A. et al., 2023). Thus, the priority given by the Wayaua community to Bobango customary settlement before involving the formal court system reflects Islamic values that prioritize peace and communal solidarity.

The fines paid in the Bobango procession can be conceptualized as *badal al-sulh* (peace compensation), which is valid according to Islamic law. *Badal al-sulh* means compensation agreed upon according to Sharia law that must be paid by the offender to the guardian in the form of cash, goods, or movable or immovable property (Saifuddin, S. et al., 2024; Muhammad, R., 2021). In Islamic jurisprudence, particularly in the context of *qisas* and *diyat*, the concept of *badal al-sulh* refers to compensation paid by the perpetrator or their family to the victim or the victim's family as part of a peace agreement that stops more severe punishment (Aziz, N., & Hussin, N., 2016). *Badal al-sulh* is a discussion or compromise between the victim and the perpetrator to settle the case outside the predetermined *qisas* or *diyat* channels (Syasya, N., 2020). In the context of Bobango, fines paid in the form of cash, valuable items such as traditional fabrics, or a combination of both, function exactly like *badal al-sulh*. That is, compensation agreed upon through deliberation to end disputes and restore damaged relationships. Importantly, this payment is not merely a unilateral sanction, but rather the result of a negotiation process in which both parties actively participate in determining the form and amount of compensation that is fair and acceptable.

The *Sharia* legitimacy of *badal al-sulh* in the Bobango tradition is reinforced by the fact that Islam provides broad flexibility in determining the form of compensation in the context of *sulh* (Aziz, N., & Hussin, N., 2016). The majority of scholars divide *sulh* into several types, one of which is *sulh al-mu'awadah*, where the plaintiff agrees to accept an alternative solution (*iwad*) in lieu of their rights or allegations, and this type of *sulh* involves an agreed replacement for the disputed subject (Hamid, N, et al., 2019). In Bobango, the fine paid can be understood as *iwad* (compensation) received by the victim's family as compensation for the offense committed. Flexibility in determining the form of *iwad*, whether in the form of money, goods, or a combination of both, allows for adjustments to the economic conditions of the perpetrator and the needs of the victim, so that the principle of justice is maintained without creating new injustices (Aziz, N., & Hussin, N., 2016). Furthermore, the concept of *iwad* in *sulh al-mu'awadah* recognizes that not all losses can be assessed materially because the honor and dignity that have been harmed in the violation of customary norms require a form of compensation that also

includes symbolic and social dimensions, which are provided by the Bobango ritual as a whole.

Another important aspect that needs to be analyzed is the possibility of categorizing Bobango's fine as *ta'zir bi al-mal* (financial punishment) (Akramov, M., 2024). *Ta'zir* is the third category in Islamic criminal law, which refers to violations mentioned in the Quran or hadith, but neither the Quran nor the hadith specify the punishment, so in cases of *ta'zir*, the punishment is at the discretion of the state, the ruler, or the qadi acting on behalf of the ruler (Rofiq, A. et al., 2021). The Prophet Muhammad SAW once imposed financial sanctions as *ta'zir* punishment, and this has been recognized by the Islamic criminal law system (Syarbaini, A., 2023). Types of *ta'zir* punishment include property-related penalties such as fines or the destruction of tools needed to commit prohibited acts (Edwar, A., 2021). In this context, if part of the Bobango fine, especially that which is not given directly to the victim's family but goes to the village treasury or mosque, can be categorized as *ta'zir bi al-mal*, which has two functions: first, as a sanction that deters the perpetrator, and second, as a contribution to the public interest (*maslahah 'ammah*) of the village community.

Ta'zir includes punishments such as imprisonment, fines, confiscation of property, public reprimands, and exile. The use of fines as a form of *ta'zir* has a strong theological and historical basis in Islam, as there are various precedents during the time of the Prophet Muhammad and the Khulafa ar-Rasyidin which show that financial fines can be used as an instrument of punishment for certain violations that do not fall under the category of hudud or qisas (Sufrizal, S. et al., 2023). (Syarbaini, A., 2023). In the Bobango tradition, if part of the fine is used for communal purposes such as mosque maintenance, public facility construction, or socio-religious activities, then the fine not only serves as individual compensation (*badal al-sulh*) but also as a social sanction (*ta'zir*) that communicates to the entire community that violating norms has consequences not only for the interpersonal relationship between the perpetrator and the victim, but also for the perpetrator's relationship with the community as a whole. This dual function enriches the meaning of Bobango fines and makes them more comprehensive in dealing with various dimensions of norm violations.

Scholars generally permit the use of *ta'zir bi al-mal* in certain situations, provided that the sanctions are not excessive, arbitrary, and are intended for the common good (Syarbaini, A., 2023; Marasabessy, R., 2020). Fines are imposed by deducting or setting aside a portion of the perpetrator's money or property as a substitute for physical punishment, and fines are used with caution so as not to exploit the perpetrator (Marasabessy, R., 2020). In Bobango practice, the amount of the fine is determined through deliberation involving traditional leaders, the perpetrator's family, and the victim's family, so that there is a *check and balance* mechanism to ensure that the fine imposed is proportional to the offense committed and in accordance with the perpetrator's economic capacity. This mechanism is in line with the principles of Sharia law, which prohibits imposing burdens that exceed one's capacity (*taklif ma la yuthaq*) and prioritizes substantive justice (Huda, M. et al., 2024). Furthermore, the fact that part or all of the fines can be used for public purposes shows that Bobango is not merely a mechanism for resolving private conflicts, but also an instrument for strengthening social cohesion and communal solidarity, which are highly valued in Islamic ethics.

The harmony between the Bobango customary tradition and the principles of Islamic law is evident when we analyze the objectives and substance of both systems.

Islam strongly encourages the practice of *sulh* because it emphasizes efforts to build peace through action, and ending conflict and fostering peace and harmony between individuals and the wider community remains the main objective of Islamic law. The Quran itself explicitly commands Muslims to reconcile disputing parties. This command applies not only to conflicts between individuals but also to conflicts on a broader scale and has become the basis for the development of various dispute resolution mechanisms in the Islamic legal tradition (Saifnazarov, I. et al., 2025). The Bobango tradition in Wayaua Village, with its emphasis on deliberation, compromise, and reconciliation, implements this commandment of the Quran in a concrete and practical manner. There is no fundamental contradiction between Wayaua customs and Islamic law; on the contrary, Bobango is a local manifestation of universal Islamic values.

This harmony is also evident in the procedural and substantive aspects of Bobango. Legal debates about *sulh* during the formative period of Islamic law show how legal scholars struggled to balance competing ethical and religious ideals, namely between the ideals of reconciliation and compromise and the ideals of truth and justice. In Bobango practice, this balance is maintained through the active role of traditional leaders who ensure that the agreement reached is not only beneficial to one party but fair to all parties, does not violate the principles of Sharia, and does not sacrifice truth for the sake of achieving a false peace. Traditional leaders in the Bobango tradition perform a function similar to that of a *qadi* in the Islamic judicial system: they are *guardians of justice* who ensure that the *sulh* process is not abused to perpetuate injustice or ignore the rights of victims. Thus, Bobango is not merely a pragmatic accommodation between custom and Sharia, but rather an organic synthesis in which Islamic values have been truly internalized in the structure and practice of customary law, creating a system of justice that is authentic, legitimate, and effective in the socio-cultural context of Wayaua society.

Thus, it can be concluded that the Bobango tradition in Wayaua Village is a concrete implementation of the principles of *sulh* in Islamic law that has been adapted to the local context of the North Maluku community. Bobango, as a *majlis sulh*, provides a forum for reconciliation and compromise as commanded by the Quran. Fines in Bobango as *badal al-sulh* are compensation that is valid according to Sharia law to end disputes and restore relationships. The aspect of *ta'zir bi al-mal* in Bobango, where fines are also used for communal interests, has a deterrent effect and supports the public interest in accordance with the principles of Islamic law. Overall, Bobango implements the Quran's command to reconcile disputing parties without contradicting Islamic law. The harmonization between custom and Sharia in the Bobango tradition shows that Islam as a religion of *rahmatan lil 'alamin* (mercy for the universe) does not eliminate or reject good local wisdom, but rather provides a framework of values that strengthens, purifies, and legitimizes local practices that are in line with *maqasid al-syariah* (the objectives of Sharia). In this context, Bobango is not only *indigenous restorative justice*, but also authentic *Islamic restorative justice*, a model of conflict resolution rooted in the Indonesian land of " " (unity in diversity) but fully in line with the universal values of Islam that prioritize peace, justice, and the preservation of human dignity.

Conclusion

Based on an in-depth analysis of the Bobango tradition in Wayaua Village from a restorative justice perspective, it can be concluded that Bobango is an authentic and *sophisticated* form of *indigenous restorative justice*. This tradition fulfills all the

fundamental principles of contemporary restorative justice, particularly in terms of participation and restoration. Participatory in nature, Bobango involves victims, perpetrators, their families, and traditional leaders in an inclusive, democratic, and dialogical decision-making process, reflecting the principle of *inclusive decision-making* that is at the heart of restorative justice. Unlike the formal criminal justice system, which treats victims and perpetrators as passive objects, Bobango treats them as active subjects who jointly devise restorative solutions. Substantively, fines in Bobango serve as restitution that restores the material and symbolic losses of victims, restores the tarnished honor of families, and restores cosmic balance and social harmony in the community, rather than merely being an instrument to hurt or take revenge on perpetrators. The Bobango mechanism also facilitates the reintegration of perpetrators into the community after they have fulfilled their obligations, avoiding the permanent stigmatization that is often the result of formal punishment systems. Thus, Bobango proves that long before the concept of *restorative justice* was popularized in Europe and America, Indonesian society had developed a humanistic, effective, and recovery-oriented justice system.

From the perspective of *Sulh* (Islamic law), the Bobango tradition also demonstrates perfect harmony between customary law and Islamic law without any fundamental conflict. Bobango can be conceptualized as *a majlis sulh* that implements the Quranic command to reconcile disputing parties (*fa aslihu bainahuma*), where customary deliberations are led by customary leaders who function as mediators, similar to the role of *qadi* or *hakam* in classical Islamic legal tradition. The fines paid in the Bobango procession are *badal al-sulh*, which are valid according to Sharia as mutually agreed compensation (*iwad*) to end disputes and restore damaged relationships. When part of the fine goes to the village or mosque treasury for communal purposes, it can be categorized as *ta'zir bi al-mal*, which deters the perpetrator while supporting the public interest (*maslahah 'ammah*), a form of financial sanction permitted in Islamic law on condition that it is proportional and not excessive. This harmonization shows that Islam as *rahmatan lil 'alamin* does not eliminate good local wisdom, but rather provides a value framework that strengthens and legitimizes local practices that are in line with *maqasid al-syariah*. Thus, the Bobango tradition is not only *indigenous restorative justice* but also authentic *Islamic restorative justice*, an organic synthesis between local wisdom and universal Islamic values that prioritize peace, justice, restoration of relationships, and preservation of human dignity. The Bobango model proves that legal pluralism in Indonesia can function harmoniously when customary law, Islamic law, and national law recognize and reinforce each other in realizing substantive justice for society.

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