

From *Nagari* to *Gacaca*: A Comparative Analysis of Minangkabau and Rwandan Customary Jurisdictions in Post-Crisis Land Reconciliation

Edi Kurniawan^{1*}, Syarif Bin Muhammadromli Samae², Mohd Aderi Che Noh³

¹ Universitas Islam Negeri Sulthan Thaha Saifuddin Jambi, Jambi, Indonesia

² Islamic Council of Yala Province, Thailand

³ Universiti Sains Islam Malaysia, Negeri Sembilan, Malaysia

*Correspondence: edikurniawan@uinjambi.ac.id

Received: 17-05-2026

Accepted: 07-08-2026

Published: 07-08-2026

Abstract: Post-crisis land disputes in pluralistic legal environments illuminate a significant disconnect between formal state processes and the customary mechanisms utilized by local populations. This inquiry addresses the scarcity of cross-regional comparative research by examining the *Nagari* system of the Minangkabau in Indonesia alongside the *Gacaca* jurisdictions of post-genocide Rwanda. The investigation evaluates the pathways through which each tradition reconciles property conflicts across philosophical, procedural, and policy dimensions. Utilizing document analysis of legal codes and scholarly literature, the research applies the triadic lens of legal pluralism, restorative justice, and *maqāṣid al-shari'ah*. Three primary conclusions emerge. First, both systems converge on a relational interpretation of justice rooted in community involvement. Second, their interaction with state law manifests in hierarchical, hybrid, and parallel patterns, each presenting specific structural implications. Finally, both systems navigate contemporary pressures from globalization, migration, and digitalization that challenge their institutional stability. This article proposes *Trans-Cultural Restorative Pluralism* (TCRP) as a framework to integrate Southeast Asian and Sub-Saharan African customary logic. This model provides a vocabulary for designing governance that utilizes customary justice as a functional asset rather than a secondary category.

Keywords: *Nagari*, *Gacaca*, legal pluralism, restorative justice, *maqāṣid al-shari'ah*, transitional justice.

INTRODUCTION

The international legal terrain has transitioned toward the recognition that no individual legal order possesses the authority to monopolize the settlement of disputes in diverse societies. Merry (1988) characterizes legal pluralism as the coexistence of multiple legal systems within a single social field, which expands the analytical scope for socio-legal study. Post-crisis environments accentuate this perspective, especially when land reconciliation serves as the focal point of social stability. In such settings, land is rarely a mere economic commodity; it functions as ancestral heritage, a spiritual anchor, and a marker of communal identity. Consequently, the legal void resulting from violence or institutional failure prompts communities to rely upon ancestral normative structures (Tamanaha, 2021; Unruh & Abdul-Jalil, 2021). Two instances exemplify this dynamic: the *Nagari* system in West Sumatra, Indonesia, and the *Gacaca* jurisdictions in Rwanda. Both institutions emerged as critical spaces where customary law managed the territorial and social consequences of upheaval.

The scholarly necessity of re-evaluating these systems stems from the failure of state-centric models to resolve historical grievances or collective trauma (Almeida, 2021; Mbazumutima, 2021). Ferrara (2026) suggests that the intersection of restorative, reparative, and historical justice theories has rendered the field of transitional justice inherently pluralistic, moving it past a singular liberal-legalist tradition. Concurrently, globalization and migration challenge the stability of customary institutions, necessitating the alignment of indigenous adjudication with formal legal frameworks (Khuan et al., 2025). For Indonesia, *ulayat* land disputes in West Sumatra highlight the constraints of state certification in pluralistic contexts (Nurdin, 2022; Tegnan, 2015). Rwanda, having concluded its *Gacaca* proceedings in 2012, provides an extensive empirical record that informs the design of transitional justice initiatives across Africa.

Three scholarly streams provide the foundation for this investigation. The initial stream involves the analytical framework of legal pluralism, which views custom, religion, and state law as overlapping normative systems that necessitate dialogue instead of hierarchical control. The second stream consists of restorative justice, defined as a process that engages stakeholders of a specific transgression to collectively address harms and obligations to facilitate healing. The final stream utilizes the *maqāṣid al-sharī'ah* approach, which applies a systems philosophy to evaluate legal structures based on their substantive role in protecting life, intellect, property, lineage, and religion. Hallaq similarly highlights that the Islamic legal tradition maintains inherent pluralism by acknowledging local customs and sustaining diverse juristic viewpoints. Within this triadic structure, research on the Nagari reveals that the *adat basandi syarak, syarak basandi Kitabullah* serves as a functioning philosophical guide. This system mediates between matrilineal custom, *farāid*, and national law through the authority of the *Kerapatan Adat Nagari* and its tripartite leadership comprising the *ninik mamak*, *alim ulama*, and *cadiak pandai*. Concurrently, studies on the Gacaca illustrate its transition from a local forum for minor quarrels into a national mechanism for reconciliation, drawing legitimacy from participatory truth-telling and public confession.

A significant scholarly gap remains despite this extensive literature. First, comparative studies on customary adjudication remain predominantly intra-regional or focused on dialogue with Western traditions, which often reinforces analytical hierarchies that overlook South-South exchange. Second, a systematic comparison between Southeast Asian and Sub-Saharan African customary frameworks, specifically concerning post-crisis land conflict resolution, is infrequent. While the comparison between Indonesia and South Africa by Khuan et al. (2025) provides an exception, it does not address the post-crisis elements central to both the Nagari and Gacaca. Third, the simultaneous application of legal pluralism, restorative justice, and *maqāṣid al-sharī'ah* to analyze indigenous systems across continents remains rare. This omission leaves unexamined the question of whether a consistent restorative logic exists outside the cultural specificities of the Nagari and Gacaca.

This investigation focuses on the mechanisms through which the Nagari and Gacaca resolve land-related disputes in post-crisis conditions, addressing three interrelated inquiries. First, the study examines the philosophical convergence of these systems in prioritizing the restoration of social bonds over retributive punishment. Second, it scrutinizes the specific pathways through which procedural mechanisms

and modes of institutional integration with the state negotiate the persistent tension between customary autonomy and formal legal stability. Third, the analysis identifies transnational policy implications for the design of pluralistic justice architectures in contemporary governance. The objective involves identifying universal principles alongside culturally specific configurations to formulate a theoretical framework for hybrid institutional design. The uniqueness of this research lies in its cross-continental scope, the simultaneous application of three theoretical frameworks (legal pluralism, restorative justice, and *maqāṣid al-sharī'ah*) and the proposal of the Trans-Cultural Restorative Pluralism (TCRP) model, which links philosophical origins, procedural tactics, and institutional adaptation within a single analytical structure.

The central scholarly assertion posits that the Nagari and Gacaca, despite distinct geographical, religious, and historical origins, manifest a shared restorative logic that contests the implicit assumptions of Eurocentric transitional justice scholarship. This tradition frequently treats retributive formality as the default standard for legitimate justice (Ferrara, 2026; Webber et al., 2020). By emphasizing community involvement, deliberative transparency, and the moral authority of culturally grounded legitimacy, indigenous justice architectures function not as marginal alternatives but as foundational elements of sustainable post-crisis stability. The subsequent methodological design seeks to evaluate and operationalize this assertion through systematic comparative analysis, ensuring that the integration of customary law with state structures respects the cultural sovereignty of the Sama-Bajau and similar indigenous groups within the broader legal landscape.

METHOD

This investigation utilized a qualitative comparative design featuring a multiple case study methodology (Yin, 2009), facilitating a rigorous examination of two customary law systems situated in divergent post-crisis environments. The Nagari and Gacaca cases were purposively selected because of their functional alignment as mechanisms for land dispute resolution, despite significant contextual variations in religion, demography, and conflict history. Yin (2009) characterizes case study research as an empirical investigation into contemporary phenomena within real-world contexts, particularly when the distinction between the subject and its environment remains unclear. This condition accurately describes the situation of customary law within the legal landscapes of Indonesia and Rwanda. This comparative design deliberately avoids assumptions of equivalence by approaching each case as a distinct historical formation while extracting analytical categories suitable for wider application.

Data acquisition involved systematic document analysis following the procedural framework established by Bowen (2009), which treats documents as stable and contextually rich resources. The research corpus includes customary court rulings, international institutional reports, and peer-reviewed academic literature. Specific official publications include regional regulations from West Sumatra and decisions issued by the *Kerapatan Adat Nagari*, as well as the Organic Laws on Gacaca and reports from the Rwandan National Service of Gacaca Jurisdictions. Selection criteria for these sources prioritized thematic relevance, institutional authority, and

diversity of perspective. Bowen (2009) emphasizes that document analysis supports triangulation and theory development when records are appraised against their production context, a principle maintained throughout this investigation.

Data examination followed the six-phase thematic analysis protocol established by Braun and Clarke (2006), comprising data familiarization, initial code generation, theme identification, thematic review, theme definition, and reporting. The analytical framework combined inductive coding for organic theme emergence with deductive coding informed by legal pluralism, restorative justice, and *maqāṣid al-sharī'ah*. Coding proceeded through iterative cycles, refining categorical boundaries as the comparative reading advanced. This procedure identified recurring patterns of convergence and divergence between the Nagari and Gacaca across philosophical foundations, procedural mechanisms, and institutional integration with the state.

The integrity of the findings relied on the four criteria identified by Lincoln and Guba (1985): credibility, transferability, dependability, and confirmability. Credibility was strengthened via source triangulation across legal texts, ethnographic accounts, and policy reports, supplemented by peer debriefing with customary law specialists in Indonesian and African academic institutions. Transferability was supported through detailed contextual descriptions of both cases, enabling an assessment of applicability in other post-crisis settings. Dependability and confirmability were maintained through an audit trail documenting coding decisions and analytical memos. Sustained reflexivity regarding the positionality of the researchers as scholars within Islamic intellectual traditions formed an essential component of the validation process.

The ethical framework of this inquiry aligns with decolonial research principles established by Smith (2021), who asserts that investigations involving indigenous knowledge systems must shift away from extractive methodologies toward reciprocal and culturally accountable engagement. While this investigation utilizes secondary documentary sources instead of direct fieldwork, three specific ethical commitments guide the analysis: the explicit recognition of customary knowledge holders as the primary authors of their normative traditions; a sustained focus on primary scholarship authored by Indonesian and Rwandan academics to avoid total reliance on Western interpretations; and the avoidance of analytical structures that position customary systems as subordinate to Western legal standards. These commitments adhere to international research ethics that prioritize decolonial epistemologies in cross-cultural study, bolstering the moral legitimacy and academic integrity of the findings regarding the *Nagari* and *Gacaca* institutions.

RESULT

This section details the empirical findings derived from the comparative analysis of the *Nagari* and *Gacaca* systems. The presentation follows three interconnected layers. The first layer examines the philosophical foundations of each system to identify the perceived purpose of justice within each tradition. The second layer transitions from values to practice, evaluating the ways in which these foundational commitments define the procedural mechanisms utilized and the methods used to fulfill the requirements of the modern state. Finally, the third layer evaluates the

contributions of this juxtaposition to transnational scholarship on legal pluralism and the formulation of post-crisis governance. These layers function cumulatively to support the assertion that these two systems, despite their geographical and religious differences, maintain a recognizable architecture of restorative legality.

1. Philosophical Foundations of Nagari and Gacaca

The *Nagari* framework maintains a continuous equilibrium between individual claims to property and the collective welfare of the community. Within the Minangkabau social structure, *ulayat* land represents an ancestral legacy exempt from commercial alienation, a stance reinforced by the foundational maxim *adat basandi syarak, syarak basandi Kitabullah*. This principle dictates that customary norms and Islamic tenets serve as concurrent authorities for the resolution of land-related disagreements (Nurdin, 2022; Tegnan, 2015; von Benda-Beckmann & von Benda-Beckmann, 2013). Deliberative functions reside within the *Tigo Tungku Sajarangan*, a tripartite leadership consisting of the *ninik mamak* as custodians of custom, the *alim ulama* who oversee the application of *shari'ah*, and the *cadiak pandai* who provide intellectual oversight. The integration of these perspectives provides the requisite legitimacy across the customary, religious, and civic spheres of Minangkabau governance (Elimartati et al., 2025). Since the process ensures the inclusion of all relevant stakeholders, the resulting consensus facilitates voluntary compliance rather than coerced enforcement, positioning adjudication as a ritual of communal healing rather than a mere administrative transaction.

The Gacaca framework attains a comparable objective through a distinct evolutionary trajectory. Preceding the contemporary formation of the Rwandan state, Gacaca functioned as a localized practice for mediating community disputes in open settings, where elders and community members adjudicated matters collectively. Following the 1994 genocide, the state revitalized this traditional practice, institutionalizing it via Organic Law No. 40/2000 and subsequently refining the structure through Organic Law No. 16/2004 into a tiered hierarchy of cell, sector, and appeal jurisdictions. By its official conclusion in 2012, the system processed approximately two million cases across more than twelve thousand tribunals. This institutional effort prioritized the articulation of public truth, the accountability of perpetrators, and the gradual healing of social fractures resulting from the conflict. The ethical foundation of this initiative rests upon *ubuntu*, a relational philosophy emphasizing that individual identity is inextricably linked to the community.

A comparative analysis of these narratives reveals a profound consensus regarding the fundamental objective of justice, irrespective of divergent contexts. Both the Nagari and Gacaca models identify the restoration of social equilibrium as the primary goal of legal work, deriving legitimacy from active community engagement rather than state coercion. Decisions rendered in public forums ensure that accountability functions as a collective responsibility. This orientation remains crucial in the period following a crisis, when the perceived reliability of formal institutions frequently suffers from significant erosion and necessitates alternative pathways for societal stabilization. The spiritual dimensions (Islamic principles within the Minangkabau tradition and *ubuntu* in Rwanda) provide an additional layer of moral commitment exceeding statutory requirements. Consequently, these two distinct

traditions converge on the realization that sustainable peace requires the repair of social relations rather than merely concluding administrative protocols.

2. Procedural Mechanisms and Institutional Integration

The *Nagari* framework operationalizes its values through *musyawarah* designed to produce *mufakat*. Within this system, a dispute typically commences with an initial identification by the *ninik mamak*, followed by fact finding sessions utilizing testimonies from both parties and community witnesses. This process leads to an open forum where the *alim ulama* offer perspectives derived from *shari'ah* while the *cadiak pandai* provide reasoned analysis (Elimartati et al., 2025; Tegnan, 2015). Since these deliberations are transparent and involve various community strata, the resulting *mufakat* carries substantial customary and moral authority, ensuring compliance without the necessity for state coercion. This approach reconfigures potential adversarial conflicts into collaborative efforts for social stability.

The *Gacaca* model utilizes a procedural logic comparable in structure, although it functions on a much larger scale. These courts placed community members at the core of legal resolution by appointing *inyangamugayo*, or judges of integrity, who were selected based on local reputation rather than formal legal education (Clark, 2010; Ingelaere, 2016). Participation involves not only attendance but also active roles in verifying testimonies and shaping judicial outcomes. Research examining nearly two million cases from the period between 2002 and 2012 demonstrates that these tribunals successfully categorized offenders into planners versus those involved in property crimes, ensuring proportional responses (Nyseth Brehm et al., 2014). By drawing on collective memory, the system reduces the risk of factual manipulation prevalent in environments affected by crisis, utilizing indigenous knowledge to resolve evidentiary hurdles that formal mechanisms often find difficult to manage (Sullo, 2018).

While the operational magnitude of these procedural systems differs significantly, both confront the fundamental structural challenge of aligning customary autonomy with the legal predictability demanded by contemporary state institutions. In the Indonesian context, this alignment proceeds through the formal acknowledgment of the *Kerapatan Adat Nagari* within regional statutes, further bolstered by the 2014 Village Law which facilitated the return to the *nagari* as a foundational administrative unit. Rwanda addressed this issue via Organic Laws No. 40/2000 and No. 16/2004, which incorporated specific appeal protocols into the judicial design to ensure that designated case categories transitioned to conventional state authorities. Within both jurisdictions, successful integration relies upon reciprocal recognition: the state acknowledges the cultural authority of customary law, while indigenous institutions implement essential procedural safeguards to protect fundamental rights. These dynamics of interaction manifest in three distinct patterns (hierarchical, hybrid, and parallel) which the subsequent analysis details in Matrix Table 1.

Matrix Table 1. Models of Customary Law and State Law Integration

Model	Operational Characteristics	Nagari / Gacaca Context	Structural Challenge
Hierarchical	Customary law acts as first instance; formal state appeal follows.	Rwanda: Gacaca cases directed to state courts for final review under Organic Law No. 16/2004 (Government of Rwanda, 2004; Clark, 2010).	Risk of procedural standardisation diluting traditional logic.
Hybrid	Integrated procedures with shared authority and resources.	Indonesia: Formal recognition of <i>Kerapatan Adat Nagari</i> under the 2014 Village Law framework (Tegnan, 2015; Vel & Bedner, 2015).	Requires sustained multidisciplinary coordination.
Parallel	Independent operation with minimal coordination.	Traditional <i>ulayat</i> tenure standing alongside individualistic state certification (Nurdin, 2022; von Benda-Beckmann & von Benda-Beckmann, 2013).	Persistent jurisdictional conflicts and legal uncertainty.

3. Transnational Implications and Policy Innovation

The significance of the *Nagari* and *Gacaca* institutional patterns reaches outside the boundaries of these specific cases, informing wider debates on legal pluralism and indigenous governance. This comparison suggests that legal pluralism functions as a set of interactive processes capable of generating institutional synergies rather than representing a passive coexistence of normative sources (Tamanaha, 2021). The integration of restorative principles within these systems demonstrates that customary frameworks possess the capacity to pivot from a retributive focus toward a relational orientation (Mokgoro, 1998; Zehr, 2015). Three specific dimensions of integration emerge: normative harmonization through substantive value alignment, procedural adaptation by renewing deliberative mechanisms, and institutional establishment through coordination forums involving customary, religious, and state actors. These dimensions align with transnational legal scholarship that advocates for contextual sensitivity alongside rigorous normative standards (Ferrara, 2026; Webber et al., 2020), providing a functional basis for the formulation of pluralistic legal architectures.

These integration dimensions face significant pressure from external forces that redefine the operational conditions for customary systems. The *Nagari* and *Gacaca* encounter challenges from globalization, which encourages the individualization of property, as well as migration and digitalization, which affect community cohesion and the nature of participation (Anaifo et al., 2023; Asaaga, 2021). Effective adaptation requires initiatives in three linked areas: the creation of customary rights documentation compatible with national land information systems (Nurdin, 2022; von Benda-Beckmann & von Benda-Beckmann, 2013), the reinforcement of authority

through training in procedural standards and human rights principles (Ingelaere, 2016), and the strategic use of digital communication to increase access without diminishing the face-to-face deliberation essential for traditional legitimacy. Such efforts must avoid total homogenization, remaining instead grounded in the cultural adaptability that permits customary systems to evolve while preserving their recognizable identity (Smith, 2021). These pathways reposition indigenous governance from a marginal alternative into a recognized component of sustainable stability within pluralistic societies.

While the preceding analysis examined the survival of customary frameworks under contemporary pressures, this final phase explores their potential to define future post-crisis governance. Three strategic pathways emerge from this comparative study. The initial pathway involves the formulation of reconciliation protocols rooted in customary law, which facilitates adaptation across diverse conflict settings while maintaining the integrity of specific cultural norms (Almeida, 2021; Mbazumutima, 2021). The second pathway entails the creation of transnational research networks to support continuous exchange among customary practitioners, academics, and policymakers, specifically prioritizing South to South dialogues (Asaaga, 2021; Khuan et al., 2025; Webber et al., 2020). Finally, the integration of indigenous perspectives into formal legal curricula and professional development equips future practitioners for engagement within pluralistic legal environments (Vel & Bedner, 2015). These interconnected routes facilitate institutional reforms that respect traditional legal legacies, such as the marine *ulayat* rights of the *Sama-Bajau* or the terrestrial claims of the *Nagari*, while meeting international standards. This approach repositions customary justice from a marginal status to a central component of sustainable governance.

DISCUSSION

The comparative assessment of the *Nagari* and *Gacaca* frameworks offers direct responses to the foundational inquiries of this investigation. These systems manifest a profound convergence regarding the objective of justice, a consistent logic in dispute processing, and a shared utility for the formulation of post-crisis legal governance. This analysis identifies four primary implications. The first relates to the theoretical interpretation of legal pluralism. The second involves the *Trans-Cultural Restorative Pluralism* (TCRP) model. The third addresses the practical formulation of policy. The fourth examines the tension between universal human rights and cultural particularism which arises when indigenous justice serves as a recognized source of law. The discussion concludes with an evaluation of research limitations and the future scholarly agenda.

The initial implication suggests a perspective on legal pluralism that deviates from conventional textbook definitions. While pluralism often appears as a fixed state where multiple legal orders occupy a single territory, the *Nagari* and *Gacaca* cases demonstrate a more dynamic reality. Each system preserves its normative identity through continuous negotiation with state and religious authorities. This viewpoint corresponds with the assertion by Tamanaha (2021) that pluralism represents a process of interaction among legal systems. It also aligns with the observation by Webber et al. (2020) regarding the evolution of comparative law toward an

interactional focus. The Indonesian case of legalizing *adat* law illustrates the conditional nature of such interactions. Similarly, the Rwandan experience shows that a state possesses the power to revitalize a customary practice while maintaining its internal logic. Pluralism, in these instances, signifies an ongoing relationship rather than a static arrangement.

The second implication constitutes the specific scholarly contribution of this inquiry. The Trans-Cultural Restorative Pluralism (TCRP) framework functions as an approach to legal pluralism that prioritizes restorative objectives over jurisdictional boundaries. This model maintains three specific commitments. First, justice serves the purpose of repairing social bonds, a priority evident in both the Nagari and Gacaca traditions. Second, legitimacy originates from the community undergoing reconciliation, necessitating transparent and participatory deliberation. Third, a viable normative structure incorporates the spiritual and ethical authorities utilized by the population, such as *ubuntu* in Rwanda or the *adat basandi syarak, syarak basandi Kitabullah* principle in West Sumatra. Within this structure, the *maqāṣid al-sharī'ah* lens evaluates the substantive justice of customary outcomes by focusing on the protection of life, intellect, lineage, property, and religion (Auda, 2008; Hallaq, 2009; Kamali, 2012). Recent scientometric analysis confirms the recognition of *maqāṣid* research across hundreds of peer-reviewed publications, establishing TCRP within established scholarly discourse (Mohammed, 2024). The innovation of TCRP involves its cross-regional dialogue, positioning the *maqāṣid* framework alongside *ubuntu* and other indigenous ethical traditions to foster a comprehensive legal architecture.

The third implication involves policy design, where the three integration models illustrated in Matrix Table 1 gain practical significance. Every model entails distinct structural costs. The hierarchical model provides procedural predictability while potentially steering customary practices toward standardized state norms, a trend evident in the Rwandan context following Organic Law No. 16/2004. The hybrid model, exemplified by the Indonesian *Kerapatan Adat Nagari* under the 2014 Village Law, allocates authority between customary and state institutions yet necessitates continuous, complex coordination. The parallel model maintains customary autonomy although it often leaves jurisdictional issues unresolved, creating legal ambiguity for individuals navigating both systems. These observations suggest that no single model is universally superior; rather, policy frameworks must align with the specific environment. In settings characterized by fragile state institutions and low public trust, a hybrid arrangement emphasizing robust customary authority often generates more sustainable legitimacy than a hierarchical structure. Scholarly research regarding hybrid courts in post-conflict states supports this conclusion, asserting that the legitimacy of such arrangements depends on whether local participants serve as co-creators of the design instead of passive recipients of external models.

The fourth implication examines the challenge customary justice presents regarding the friction between universal human rights and local normative particularism. The *Gacaca* tribunals encountered rigorous critique for their operational speed, which frequently restricted the due process protections mandated by universalist criteria (Waldorf, 2016). Similarly, the *mato oput* tradition in northern Uganda, though often cited as a reconciliation model, reinforces gendered power

structures that limit the involvement of women (Fosu & Gordon, 2025). The Colombian Special Jurisdiction for Peace attempts to mediate this conflict through dialogical protocols that empower indigenous participants to influence remedial outcomes (Gutiérrez-Rodríguez, 2024). Evidence from these instances implies that resolving this ideological conflict necessitates the intentional development of procedures where diverse standards interact. Basic procedural requirements from human rights law exist alongside the substantive deliberative customs of traditional systems, ensuring that neither paradigm suppresses the other. TCRP formalizes these arrangements, transitioning the selection of applicable standards into a deliberate element of the institutional design rather than leaving it as an unresolved implementation difficulty.

Collectively, these four implications support a unified assertion. The comparative study of the *Nagari* and *Gacaca* indicates that effective post-crisis legal governance involves the deliberate design of institutional relationships instead of a binary selection between customary and state systems. While the selection of an integration model remains significant, the core dedication to relational healing, community legitimacy, and ethical orientation provides the necessary grounding for social practice. *Trans-Cultural Restorative Pluralism* (TCRP) functions as a lexicon for this design process, with the analyzed cases providing substantive evidence for its application. This research suggests that scholarly divisions between Islamic legal traditions, African indigenous justice, and transitional justice must become increasingly porous. Furthermore, policy initiatives for post-crisis governance treat customary structures, such as the marine *ulayat* rights of the *Sama-Bajau* or the terrestrial legacy of the *Minangkabau*, as functional assets instead of obstacles requiring administrative management.

This investigation acknowledges specific constraints that define the future research agenda. Because the findings rely on document analysis rather than ethnographic inquiry, the potential disparity between the formal rhetoric of customary systems and their practical execution remains unexamined here. Future field studies in West Sumatra and Rwanda will test the TCRP framework against the lived experiences of disputants, particularly those with limited representation in customary forums. Expanding this comparison to a third case will strengthen the identified patterns. Potential candidates include the Acholi *mato oput* in northern Uganda, given its documented challenges, or the state-indigenous dialogues within the Colombian Special Jurisdiction for Peace. Subsequent inquiries also need to investigate the gendered dimensions of indigenous adjudication and the impact of digitalization on community participation. Such efforts will refine TCRP from a preliminary framework into a comprehensive research program.

CONCLUSION

This investigation evaluates the *Nagari* system of the Minangkabau alongside the *Gacaca* jurisdictions of post-genocide Rwanda, yielding three primary findings that address the foundational inquiries of the study. The two frameworks converge on a relational interpretation of justice, where the repair of social bonds, community involvement in deliberation, and the authority of ethical anchors like *adat basandi syarak* and *ubuntu* carry more weight than formal retributive sanctions. Their

integration with state legal structures manifests in three identifiable patterns described as hierarchical, hybrid, and parallel, each involving specific structural trade-offs. Both systems currently navigate pressures from globalization, migration, and digitalization that challenge their ability to evolve while maintaining cultural integrity. The principal scholarly contribution involves the *Trans-Cultural Restorative Pluralism* (TCRP) framework, which analyzes Southeast Asian and Sub-Saharan African customary justice as a unified discourse, positioning restorative objectives and community legitimacy as the core design principles for pluralistic legal architectures.

The implications of this research operate across three distinct levels. Regarding legal theory, the comparison supports a view of pluralism as a continuous negotiation among legal orders rather than a static condition. For policy development, the three integration models offer a lexicon that allows the architects of post-crisis governance to make deliberate choices instead of relying on improvisation. In terms of practice, the recognition of customary institutions as functional assets, rather than residual or informal remnants, facilitates institutional reforms that respect indigenous legal traditions while meeting international requirements. Ultimately, the *Nagari* and *Gacaca* cases demonstrate that sustainable stability in plural societies depends not on a binary choice between customary and state law, but on the meticulous design of their interaction, with restorative purposes serving as the foundational element. Within this context, evaluating outcomes through the lens of *maqāṣid al-sharī'ah* ensures that customary adjudication remains oriented toward the substantive protection of life, property, and communal well-being.

REFERENCES

- Aberdeen, T. (2013). Yin, R. K. (2009). Case study research: Design and methods (4th Ed.). Thousand Oaks, CA: Sage. The Canadian Journal of Action Research, 14(1), 69–71. <https://doi.org/10.33524/cjar.v14i1.73>
- Almeida, B. (2021). The law and its limits: Land grievances, wicked problems, and transitional justice in Timor-Leste. *International Journal of Transitional Justice*, 15(1), 128–147. <https://doi.org/10.1093/ijtj/ijaa030>
- Anafo, D., Ayamga, A., & Domanban, P. B. (2023). Custom, modernity, and stability of land rights in Ghana: An empirico-legal review. *Cogent Social Sciences*, 9(1), 2209366. <https://doi.org/10.1080/23311886.2023.2209366>
- Asaaga, F. A. (2021). Building on "traditional" land dispute resolution mechanisms in rural Ghana: Adaptive or anachronistic? *Land*, 10(2), 143. <https://doi.org/10.3390/land10020143>
- Auda, J. (2008). *Maqāṣid al-Sharī'ah as philosophy of Islamic law: A systems approach*. International Institute of Islamic Thought. <https://doi.org/10.2307/j.ctvkc67tg>
- Bowen, G. A. (2009). Document analysis as a qualitative research method. *Qualitative Research Journal*, 9(2), 27–40. <https://doi.org/10.3316/QRJ0902027>
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77–101. <https://doi.org/10.1191/1478088706qp0630a>
- Clark, P. (2010). *The Gacaca courts, post-genocide justice and reconciliation in Rwanda: Justice without lawyers*. Cambridge University Press. <https://doi.org/10.1017/cbo9780511761584>

- Elimartati, Warman, A. B., Firdaus, Hayati, R. F., Kasmidin, & Asmara, M. (2025). From custodians to bystanders: Tigo Tungku Sajarangan's responses to unregistered marriages practices in Minangkabau. *Al-Ahwal: Jurnal Hukum Keluarga Islam*, 18(1), 47–64. <https://doi.org/10.14421/ahwal.2025.18103>
- Ferrara, A. (2026). Reconceptualising transitional justice as a pluralistic theory of justice. *Social & Legal Studies*. Advance online publication. <https://doi.org/10.1177/09646639261422354>
- Fosu, R., & Gordon, E. (2025). The gendered politics of the 'local turn' in peacebuilding: Acholi traditional justice and gender in post-conflict Uganda. *Disasters*, 49(2), e12677. <https://doi.org/10.1111/disa.12677>
- Government of Rwanda. (2001). *Organic Law No. 40/2000 of 26/01/2001 setting up Gacaca jurisdictions and organising prosecutions for offences constituting the crime of genocide or crimes against humanity, committed between October 1, 1990 and December 31, 1994*. Official Gazette of the Republic of Rwanda.
- Government of Rwanda. (2004). *Organic Law No. 16/2004 of 19/06/2004 establishing the organisation, competence and functioning of Gacaca courts charged with prosecuting and trying the perpetrators of the crime of genocide and other crimes against humanity, committed between October 1, 1990 and December 31, 1994*. Official Gazette of the Republic of Rwanda.
- Gutiérrez-Rodríguez, C. A. (2024). Beyond liberal justice? Decolonising Colombian transitional justice through victims' participation and indigenous rights. *The International Journal of Human Rights*, 28(10), 1569–1591. <https://doi.org/10.1080/13642987.2024.2354168>
- Hallaq, W. B. (2009). *An introduction to Islamic law*. Cambridge University Press. ISBN 978-0-521-67873-5, <https://doi.org/10.1080/00210862.2014.1000627>
- Hallaq, W. B. (2009). *Shari'a: Theory, practice, transformations*. Cambridge University Press. Pp. ix + 614. \$130 (cloth), \$65 (paperback). *Journal of Near Eastern Studies*, 71(2), 408–409. <https://doi.org/10.1086/666913>
- Ingelaere, B. (2016). *Inside Rwanda's Gacaca courts: Seeking justice after genocide*. University of Wisconsin Press. <https://doi.org/10.2307/jj.36032571>
- Kamali, M. H. (2012). *Maqasid al-Shari'ah, ijtihad and civilization renewal*. International Institute of Islamic Thought, 1–46. <https://doi.org/10.2307/j.ctvkc6797.4>
- Khuan, H., Muhtar, M. H., Ahmad, Putri, V. S., & Arief, S. A. (2025). Customary law in modern legal systems: Lessons from Indonesia and South Africa. *Novum Jus*, 19(2), 77–103. <https://doi.org/10.14718/NovumJus.2025.19.2.3>
- Lincoln, Y. S., & Guba, E. G. (1985). *Naturalistic inquiry*. International Journal of Intercultural Relations, 9(4), 438–439. Sage Publications. [https://doi.org/10.1016/0147-1767\(85\)90062-8](https://doi.org/10.1016/0147-1767(85)90062-8)
- Mbazumutima, T. (2021). Land restitution in postconflict Burundi. *International Journal of Transitional Justice*, 15(1), 66–85. <https://doi.org/10.1093/ijtj/ijaa031>
- Merry, S. E. (1988). Legal pluralism. *Law & Society Review*, 22(5), 869–896. <https://doi.org/10.2307/3053638>
- Mohammed, T. A. S. (2024). A scientometric study of maqasid al-shariah research: Trending issues, hotspot research, and co-citation analysis. *Frontiers in Research Metrics and Analytics*, 9, 1439407. <https://doi.org/10.3389/frma.2024.1439407>

- Mokgoro, Y. (1998). Ubuntu and the law in South Africa. *Potchefstroom Electronic Law Journal*, 1(1), 16–32. <https://doi.org/10.17159/1727-3781/1998/v1i1a2897>
- Muharremi, R. (2022). Hybrid courts and transitional justice. In O. P. Richmond & G. Visoka (Eds.), *The Palgrave encyclopedia of peace and conflict studies*. Palgrave Macmillan, 542-550. https://doi.org/10.1007/978-3-030-77954-2_35
- Nurdin, Z. (2022). Legal protection of customary rights under legal pluralism and its impact on the Minangkabau society: An empirical study in the district of Lima Puluh Kota, West Sumatra. *Cogent Social Sciences*, 8(1), 2045722. <https://doi.org/10.1080/23311886.2022.2045722>
- Nyseth Brehm, H., Uggen, C., & Gasanabo, J.-D. (2014). Genocide, justice, and Rwanda's Gacaca courts. *Journal of Contemporary Criminal Justice*, 30(3), 333–352. <https://doi.org/10.1177/1043986214536660>
- Smith, L. T. (2021). *Decolonizing methodologies: Research and indigenous peoples* (3rd ed.). Zed Books / Bloomsbury Publishing. <https://doi.org/10.5040/9781350225282>
- Sullo, P. (2018). *Beyond genocide: Transitional justice and Gacaca courts in Rwanda – The search for truth, justice and reconciliation*. T.M.C. Asser Press / Springer. <https://doi.org/10.1007/978-94-6265-240-8>
- Tamanaha, B. Z. (2021). *Legal pluralism explained: History, theory, consequences*. Oxford University Press. <https://doi.org/10.1093/oso/9780190861551.001.0001>
- Tegnan, H. (2015). Legal pluralism and land administration in West Sumatra: The implementation of the regulations of both local and Nagari governments on communal land tenure. *The Journal of Legal Pluralism and Unofficial Law*, 47(2), 312–323. <https://doi.org/10.1080/07329113.2015.1072386>
- Unruh, J. D., & Abdul-Jalil, M. A. (2021). Housing, land and property rights in transitional justice. *International Journal of Transitional Justice*, 15(1), 1–6. <https://doi.org/10.1093/ijtj/ijab004>
- Vel, J. A. C., & Bedner, A. W. (2015). Decentralisation and village governance in Indonesia: The return to the nagari and the 2014 Village Law. *The Journal of Legal Pluralism and Unofficial Law*, 47(3), 493–507. <https://doi.org/10.1080/07329113.2015.1109379>
- von Benda-Beckmann, F., & von Benda-Beckmann, K. (2013). *Political and legal transformations of an Indonesian polity: The Nagari from colonisation to decentralisation*. Cambridge University Press. <https://doi.org/10.1017/cbo9781139839082>
- Waldorf, L. (2016). Local transitional justice – customary law, healing rituals, and everyday justice. An Introduction to Transitional Justice, 157–176. <https://doi.org/10.4324/9781315672649-8>
- Webber, J., Napoleon, V., Fournier, M., & Borrow, J. (2020). Sally Engle Merry, legal pluralism, and the radicalization of comparative law. *Law & Society Review*, 54(4), 846–857. <https://doi.org/10.1111/lasr.12518>
- Yin, R. K. (2009). Case study research: Design and methods (4th Ed.). Thousand Oaks, CA: Sage. *The Canadian Journal of Action Research*, 14(1), 69–71. <https://doi.org/10.33524/cjar.v14i1.73>
- Zehr, H. (2015). Reflections on lenses. *Restorative Justice*, 3(3), 460–467. <https://doi.org/10.1080/20504721.2015.1109370>

