

ABSTRACT

REVITALIZATION OF TOBELO CUSTOMARY LAW VALUES IN RESOLVING DOMESTIC VIOLENCE: A STUDY ON WOMEN'S LEGAL CHOICES BASED ON RESTORATIVE JUSTICE IN NORTH HALMAHERA REGENCY.

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This study examines the application of Tobelo customary law in addressing domestic violence cases, analyzes women's legal choices, and formulates a model for revitalizing Tobelo customary values through a restorative justice framework in North Halmahera Regency.

The research employs a socio-legal method, combining normative juridical analysis with empirical inquiry. Field data were collected from twelve female survivors of domestic violence who experienced physical abuse, psychological abuse, household neglect, and infidelity, with case resolutions pursued through customary mechanisms, church/pastoral forums, and formal legal channels. The data were analyzed thematically and verified through the theoretical frameworks of living law, legal pluralism, and Kathleen Daly's restorative justice theory, which conceptualizes it as a spectrum of dialogic, reparative, and reconciliatory practices.

The findings reveal, first, that the implementation of Tobelo customary law in resolving domestic violence has not fully achieved substantive justice for women, due to the shifting meaning of Hibua Lamo, evolving gender norms, and entrenched social symbols that constrain women's legal capacity. Second, Tobelo women tend to prefer customary and religious mechanisms over formal state law in domestic violence resolution. Third, the revitalization of Tobelo customary law requires broader socio-legal reform, including strengthening adat council institutions, enhancing gender sensitivity, and mainstreaming restorative justice paradigms oriented toward victim recovery and empowerment. Developing a contextual and inclusive model for domestic violence resolution thus demands meaningful collaboration among adat institutions, state law enforcement, government authorities, and civil society actors. Such synergy not only reinforces legal pluralism rooted in local tradition but also repositions Hibua Lamo as a socio-legal space for reconciliation, recovery, and the advancement of women's rights within the community.

Keywords: Tobelo customary law; Domestic violence; Legal pluralism; Restorative justice; Hibua Lamo; Gender equality.

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INTISARI
REVITALISASI NILAI-NILAI HUKUM ADAT TOBELO DALAM
PENYELESAIAN KEKERASAN DALAM RUMAH TANGGA: KAJIAN
TERHADAP PILIHAN HUKUM PEREMPUAN BERBASIS RESTORATIVE
JUSTICE DI KABUPATEN HALMAHERA UTARA

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Penelitian ini mengkaji bagaimana penerapan hukum adat Tobelo dalam penyelesaian kasus kekerasan dalam rumah tangga, menganalisis pilihan-pilihan hukum perempuan, serta merumuskan model revitalisasi nilai-nilai adat Tobelo berbasis keadilan restoratif di Kabupaten Halmahera Utara.

Metode yang digunakan adalah penelitian *socio-legal* dengan pendekatan interdisipliner yang menggabungkan analisis yuridis normatif dan kajian empiris. Data lapangan diperoleh dari 12 perempuan korban kekerasan dalam rumah tangga yang mengalami kekerasan fisik, psikis, penelantaran rumah tangga, dan perselingkuhan, dengan jalur penyelesaian melalui mekanisme adat, gereja/pastoralia, maupun hukum formal. Data dianalisis secara tematik dan diverifikasi melalui kerangka teori *living law*, pluralisme hukum, serta teori keadilan restoratif oleh Kathleen Daly yang memandangnya sebagai spektrum praktik dialogis, reparatif, dan rekonsiliatif.

Hasil penelitian menunjukkan bahwa, pertama, hukum adat Tobelo dalam penyelesaian kekerasan dalam rumah tangga belum sepenuhnya mewujudkan keadilan substantif bagi perempuan, karena dipengaruhi pergeseran nilai *Hibua Lamo*, dinamika kesetaraan gender, dan simbol-simbol sosial yang membatasi kapasitas hukum perempuan. Kedua, terdapat kecenderungan perempuan Tobelo untuk lebih memilih mekanisme adat dan agama dibandingkan jalur hukum formal negara. Ketiga, revitalisasi hukum adat Tobelo memerlukan agenda reformasi sosial-hukum melalui penguatan kelembagaan dewan adat, peningkatan sensitivitas gender, serta pengarusutamaan paradigma keadilan restoratif berorientasi pemulihan dan pemberdayaan korban. Model penyelesaian kekerasan dalam rumah tangga yang kontekstual dan inklusif menuntut kolaborasi antara lembaga adat, aparat penegak hukum, pemerintah, dan masyarakat sipil. Sinergi ini memperkuat pluralisme hukum berbasis tradisi lokal sekaligus mereposisi *Hibua Lamo* sebagai rumah rekonsiliasi, pemulihan, dan penguatan hak perempuan dalam komunitas.

Kata Kunci: Hukum adat Tobelo; Kekerasan dalam rumah tangga; Pluralisme hukum; Keadilan restoratif; *Hibua Lamo*; Kesetaraan gender.

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