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BIBLIOGRAPHY

Amar, A. R. (2013). *American Constitutionalism-Written, Unwritten, And Living*. *126*(6). https://harvardlawreview.org/forum/vol-126/american-constitutionalism-written-unwritten-and-living/

Andini, O. G. (2025). Membedah Living Law Dalam Kuhp 2023 Dari Perspektif Pemidanaan Dan Jenis Sanksi. *Jurnal Yuridis*, *11*(2), 349–373. https://doi.org/10.35586/jyur.v11i2.9348

Anthony, M. H. (2010). *Indigenous worldviews, knowledge, and research: The development of an Indigenous research paradigm*. *1*(1), 1–16.

Aqimuddin, E. A. (2024). Revisiting the history of colonialism and international law in Indonesia: The legacies of G. J. Resink. *Comparative Legal History*, *12*(2), 161–181. https://doi.org/10.1080/2049677X.2024.2419233

Asmawi, Fudhaili, A., Dahlan, A., Yunus, N. R., & Azizah. (2025). Living Law in Indonesia's New Criminal Code: Legal Controversies and its Relevance with the Urf. *Jurnal Hukum Islam*, *23*(2), 581–610. https://doi.org/10.28918/jhi.v23i2.07

Badan Pembinaan Hukum Nasional. (2015). Mekanisme pengakuan masyarakat hukum adat. *Badan Pembinaan Hukum Nasional, Kementerian Hukum Dan Hak Asasi Manusia Republik Indonesia.*

Barden, G., & Murphy, T. (2010). *Law and Justice in Community*. Oxford University Press. https://doi.org/10.1093/acprof:oso/9780199592685.001.0001

Benson, B. L. (2019). Customary Law. In A. Marciano & G. B. Ramello (Eds.), *Encyclopedia of Law and Economics* (pp. 514–523). Springer New York. https://doi.org/10.1007/978-1-4614-7753-2_515

Boodia-Canoo, N. S. (2020). Researching colonialism and colonial legacies from a legal perspective. *The Law Teacher*, *54*(4), 517–531. https://doi.org/10.1080/03069400.2020.1827822

Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, *3*(2), 77–101. https://doi.org/10.1191/1478088706qp063oa

Bunikowski, D. (2026). Legal pluralism, cultural ecology, and protection of sacred places. In F. Joy, P. Dillon, & D. Bunikowski, *Sacred Places in the Arctic and Beyond* (1st ed., pp. 226–245). Routledge. https://doi.org/10.4324/9781003593423-14

Coffey, D., Brady, P., Doyle, O., Hertogh, M., Barden, G., & Murphy, T. (2012). Custom and Living Law. *Jurisprudence*, *3*(1), 71–210. https://doi.org/10.1080/20403313.2012.11423536

UNIVERSITAS
GADJAH MADA
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Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Cornford, A. (2023). Principles of Criminal Law (1991). In C. Kennedy & L. Farmer, *Leading Works in Criminal Law* (1st ed., pp. 192–219). Routledge. https://doi.org/10.4324/9781003193982-10

Corrin, J. (2017). Legal Pluralism. In B. S. Turner (Ed.), *The Wiley-Blackwell Encyclopedia of Social Theory* (1st ed., pp. 1–3). Wiley. https://doi.org/10.1002/9781118430873.est0206

Crenshaw, K. (1991). Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color. *Stanford Law Review*, *43*(6), 1241. https://doi.org/10.2307/1229039

Davies, M. (2010). *Legal Pluralism*. Oxford University Press. https://doi.org/10.1093/oxfordhb/9780199542475.013.0034

Diala, A. C. (2017). The concept of living customary law: A critique. *The Journal of Legal Pluralism and Unofficial Law*, *49*(2), 143–165. https://doi.org/10.1080/07329113.2017.1331301

Duile, T. (2023). The Dialectics of *Adat*: Colonialism, the State, and Indigeneity in Indonesia. *Anthropological Forum*, *33*(1), 50–68. https://doi.org/10.1080/00664677.2023.2217476

Ehrlich, E. (1975). *Fundamental principles of the sociology of law*. Arno Press.

Fakhri, Mulyadi, Y., Iswadi, A. M., Hamrullah, Ikram, M., Harris, A., & Alif, M. (2019). *Rumah Peradaban Seko dan Rampi*. Balai Arkeologi Sulawesi Selatan. https://repositori.kemendikdasmen.go.id/18899/1/Rumah%20Peradaban%20Seko%20dan%20Rampi.pdf

Fanon, F., Philcox, R., Bhabha, H. K., Sartre, J.-P., & West, C. (2021). *The wretched of the earth* (60th anniversary edition). Grove Press.

Fasseur, C. (2007). *Colonial dilemma --- Van Vollenhoven and the struggle between adat law and Western law in Indonesia*.

Febrianty, Y., Ishwara, A. S. S., Priambada, B. S., & Hulwanullah, H. (2023). The Limitations of Living Law in Indonesian Criminal Law Reform: An Effort to Realize Justice. *Jurnal IUS Kajian Hukum Dan Keadilan*, *11*(2). https://doi.org/10.29303/ius.v11i2.1232

Filer, C. (2006). Custom, Law and Ideology in Papua New Guinea. *The Asia Pacific Journal of Anthropology*, *7*(1), 65–84. https://doi.org/10.1080/14442210600554499

Graham, M. (2023). *the law of obligation, aboriginal ethics: Australia becoming, australia dreaming*. 1–21.

Griffiths, J. (1986). What is Legal Pluralism? *The Journal of Legal Pluralism and Unofficial Law*, *18*(24), 1–55. https://doi.org/10.1080/07329113.1986.10756387

Günther, K. (2020). Normative legal pluralism: A critique. In J. L. Fabra-Zamora (Ed.), *Jurisprudence in a Globalized World*. Edward Elgar Publishing. https://doi.org/10.4337/9781788974424.00012

Hermanto, B., Putra, R. K., Nugroho, A. W., Hattori, M., Yusa, I. G., & Ardani, N. K. (2025). Questioning The Role Of Adat Criminal Law In Indonesia's Criminal

UNIVERSITAS
GADJAH MADA
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Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Code Reform: A Post-Kuhp 2023 Perspective. *Sriwijaya Crimen and Legal Studies*, 25–45. https://doi.org/10.28946/scls.v3i1.4727

Hertogh, M. (2020). Sociology of the living law: Exploring the other hemisphere of the legal world. In J. Přibáň (Ed.), *Research Handbook on the Sociology of Law*. Edward Elgar Publishing. https://doi.org/10.4337/9781789905182.00018

Hinz, M. O. (2011). Traditional Authorities: Custodians of Customary Law Development? In J. Fenrich, P. Galizzi, & T. E. Higgins (Eds.), *The Future of African Customary Law* (1st ed., pp. 153–169). Cambridge University Press. https://doi.org/10.1017/CBO9780511844294.008

Howe, G. (2025, August 13). *The Power Of Written Vs Unwritten Laws*. The Power Of Written Vs Unwritten Laws. https://lawshun.com/article/what-is-the-difference-between-written-law-and-unwritten-law?utm_source=chatgpt.com

Irianto, S. (Ed.). (2009). *Hukum yang bergerak: Tinjauan antropologi hukum*. Yayasan Obor Indonesia.

Iskandar, Y. C. (2024). Metamorfosis esensi hukum pidana adat dalam KUHP nasional. *Hukumonline.Com*. https://www.hukumonline.com/berita/a/metamorfosis-hakikat-hukum-pidana-adat-dalam-kuhp-nasional-lt6759cfa8a3e92/

Jayanuarto, R., Dimyati, K., Absori, A., Surbakti, N., & Damayanti, F. N. (2019). Psychological Analysis of customary Law as the Spirit for indigenous People of Bengkulu city indonesia. *Indian Journal of Public Health Research & Development*, *10*(9), 902. https://doi.org/10.5958/0976-5506.2019.02553.1

Kvale, S., & Brinkmann, S. (2009). *InterViews: Learning the craft of qualitative research interviewing* (2. ed). Sage.

LegalClarity. (2025, January 23). *What is the meaning of unwritten law in legal terms?* [Article]. LegalClarity. What Is the Meaning of Unwritten Law in Legal Terms? https://legalclarity.org/what-is-the-meaning-of-unwritten-law-in-legal-terms/?utm_source=chatgpt.com

Lembaga Badan Hukum Masyarakat. (2024). *Catatan kritis atas KUHP 2023: Tantangan integrasi hukum adat dan perlindungan HAM.* LBHM.

Lestarini, R. (2023). The Sociological Perspective on The Study of The Living Law: Is It a Part of Legal Discipline or Social Discipline? *Jurnal IUS Kajian Hukum Dan Keadilan*, *11*(3), 448–464. https://doi.org/10.29303/ius.v11i3.1270

Maarif, S. (2019). *Indigenous Religion Paradigm: Re-interpreting Religious Practices of Indigenous People*. INSTITUTE OF PHILOSOPHY UNIVERSITY OF TSUKUBA. https://doi.org/10.15068/00155157

Maliska, M. A. (2023). Ehrlich, Eugen. In G. Zanetti, M. Sellers, & S. Kirste (Eds.), *Handbook of the History of the Philosophy of Law and Social Philosophy* (Vol. 24, pp. 63–71). Springer Nature Switzerland. https://doi.org/10.1007/978-3-031-19550-1_8

Marzuki, R. (2026, January 19). *Tragedi maut tambang ilegal emas, empat orang tertimbun*. (https://harian.fajar.co.id/2026/01/19/tragedi-maut-tambang-ilegal-emas-empat-orang-tertimbun/).

UNIVERSITAS
GADJAH MADA
Misrecognition of Living Law of KUHP Of 2023: A Study of the Mo Manu Tradition of the Rampi Indigenous Community of North Luwu, South Sulawesi
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Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Masyhar, A., Aisy, R., Widyawati, A., Maskur, M. A., & Murtadho, A. (2025). Reclaiming the Unwritten: Living Law's Prospects under Indonesia's 2023 Penal Reform. *Jambe Law Journal*, *8*(1), 255–285. https://doi.org/10.22437/home.v8i1.502

Mutaqin, Z. Z. (2011). Indonesian Customary Law and European Colonialism: A Comparative Analysis on Adat Law. *Journal of East Asia and International Law*, *4*(2), 5–5. https://doi.org/10.14330/jeail.2011.4.2.05

Nayak (Lohariya), K. V. (2025). Indigenous women's evaluation of anti-Indigenous violence: An intersectional analysis. *AlterNative: An International Journal of Indigenous Peoples*, *21*(1), 42–53. https://doi.org/10.1177/11771801241309360

Neen, S. (2019). *Linda Tuhiwai-Smith's Decolonizing Methodologies: Research and Indigenous Peoples. A review. Ikatlong Bahagi*. 27–30.

Nelken, D. (2008). Eugen Ehrlich, Living Law, and Plural Legalities. *Theoretical Inquiries in Law*, *9*(2), 443–471. https://doi.org/10.2202/1565-3404.1193

NusantaraHebat.co.id. (2025, July 30). *Sosialisasi di Rampi, ini harapan Direktur Utama PT Kalla Arebama kepada masyarakat dan pemangku kepentingan.* https://nusantarahebat.co.id/2025/07/sosialisasi-di-rampi-ini-harapan-direktur-utama-pt-kalla-arebama-kepada-masyarakat-dan-pemangku-kepentingan/

Olsen, T. A. (2018). This Word is (Not?) Very Exciting: Considering Intersectionality in Indigenous Studies. *NORA - Nordic Journal of Feminist and Gender Research*, *26*(3), 182–196. https://doi.org/10.1080/08038740.2018.1493534

Osina, P. (2022). Eugen Ehrlich – Founder of Legal Sociology. *Pravnik*, *161*(5), 414–425.

Praditha, D. G. E., Ismelia Farma, R. M., I Ketut Sukewati Lanang Putra, P., Paul Atagamen Aidonojie, & Adelowo Stephen Asonibare. (2026). The Future of Bali's Kerauhan Tradition: Legal Pluralism, Reforms, and Conflict Adjudication Challenges. *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, *4*(1), 118–137. https://doi.org/10.53955/jsderi.v4i1.149

Prasada, D. K., Darma, M. W., Wibawa Putra, K. S., & Sulyantha, K. R. (2025). *Legal Certainty In Proving Verbal Sexual Harassment Cases: A Juridical Analysis Of Criminal Justice System In Indonesia*. *16*(2), 36–37.

Pratama, A. A., & Saputra, R. (2022). *Seko dan Rampi, jantung Sulawesi yang terancam tambang*. https://mongabay.co.id/2022/12/02/seko-dan-rampi-jantung-sulawesi-yang-terancam-tambang/

Purwandiny, D. A., Jullyan, R. E., Satriawan, A. A., & Malie, A. M. (2025). Limitasi Living Law Sebagai Asas Legalitas Materil Dalam Pembaruan Hukum Pidana. *Jurnal IUS Kajian Hukum Dan Keadilan*, *13*(3), 779–790. https://doi.org/10.29303/ius.v13i3.1773

Putri, N. S. (2021). *Memikirkan Kembali Unsur "Hukum Yang Hidup Dalam Masyarakat" Dalam Pasal 2 Rkuhp Ditinjau Perspektif Asas Legalitas. 01*(1).

UNIVERSITAS
GADJAH MADA
Misrecognition of Living Law of KUHP Of 2023: A Study of the Mo Manu Tradition of the Rampi Indigenous Community of North Luwu, South Sulawesi
Widya Lestari, Dr. Samsul Maarif, M.A; Dr. Nella Sumika Putri, M.H
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Qureshi, A. H. (2023). *Law Reforms around the World: Perspectives from National and International Law* (1st ed.). Routledge. https://doi.org/10.4324/9781003329688

Rannu, D. A., & Adhari, A. (2025). Multiplicity Of Crimes In Indonesian Law: Regulation And Determination Of Concursus Realis. *Jurnal Al-Dustur*, *8*(1), 1–13. https://doi.org/10.30863/aldustur.v8i1.8633

Rudy, ., Perdana, R., & Wijaya, R. (2021). The Recognition of Customary Rights by Indonesian Constitutional Court. *Academic Journal of Interdisciplinary Studies*, *10*(3), 308. https://doi.org/10.36941/ajis-2021-0086

Saputri, N. E., & Kusdarini, E. (2021). Kontribusi Sistem Hukum Eropa Kontinental Terhadap Pembangunan Sistem Hukum Nasional Di Indonesia. *Masalah-Masalah Hukum*, *50*(4), 363–372. https://doi.org/10.14710/mmh.50.4.2021.363-372

Seidman, I. (2006). *Interviewing as qualitative research: A guide for researchers in education and the social sciences* (Sixth edition). Teachers College Press.

Seinecke, R. (2024). Der Rechtsbegriff des lebenden Rechts: Zugleich eine Besprechung von Eugen Ehrlich, Grundlegung der Soziologie des Rechts, 5. Aufl., neu bearbeitet von Manfred Rehbinder, Berlin: Duncker & Humblot 2022, 599 Seiten, ISBN 978-3-428-18443-9, 119,90€. *Zeitschrift Für Rechtssoziologie*, *44*(1), 241–276. https://doi.org/10.1515/zfrs-2024-2003

Sihotang, A. P., Arifin, Z., & Mac Thi Hoai Thuong. (2025). The Philosophy and Essence of Ustomary Law in Southeast Asia: A Comparison of Indonesia, Vietnam, Thailand. *Jurnal IUS Kajian Hukum Dan Keadilan*, *13*(1), 55–74. https://doi.org/10.29303/ius.v13i1.1647

Simanjuntak, J. E., Panggabean, M. L., Pieris, J., & Widiarty, W. S. (2025). Customary Law and Multiple Legal Systems in Criminal Justice: Indonesia's Penal Reform Experience. *Architecture Image Studies*, *6*(3), 1864–1880. https://doi.org/10.62754/ais.v6i3.528

Simon Thomas, M. (2017). The Effects of Formal Legal Pluralism on Indigenous Authorities in the Ecuadorian Highlands. *The Journal of Latin American and Caribbean Anthropology*, *22*(1), 46–61. https://doi.org/10.1111/jlca.12214

Smandych, R. (2013). Colonialism, settler colonialism, and law: Settler revolutions and the dispossession of Indigenous peoples through law in the long nineteenth century. *Settler Colonial Studies*, *3*(1), 82–101. https://doi.org/10.1080/18380743.2013.761937

Smith, L. T. (2022). *Decolonizing methodologies: Research and indigenous peoples* (Third edition). Bloomsbury Academic.

Sulaiman, J. A., Supusepa, R., & Makaruku, S. (2023). *Penyelesaian Kasus Pelecehan Seksual Di Kepulauan Kei Maluku Tenggara (Suatu Kejian Hukum Adat)*. *1*(2), 353–362.

Tamanaha, B. Z. (2012). The History and Elements of the Rule of Law. *SSRN Electronic Journal*. https://doi.org/10.2139/ssrn.2255262

UNIVERSITAS
GADJAH MADA
Misrecognition of Living Law of KUHP Of 2023: A Study of the Mo Manu Tradition of the Rampi Indigenous Community of North Luwu, South Sulawesi
Widya Lestari, Dr. Samsul Maarif, M.A; Dr. Nella Sumika Putri, M.H
Universitas Gadjah Mada, 2026 | Diunduh dari http://etd.repository.ugm.ac.id/

Tamanha, B. Z. (2000). A Non-Essentialist Version of Legal Pluralism. *Journal of Law and Society*, *27*(2), 296–321. https://doi.org/10.1111/1467-6478.00155

Tanahkita.id. (2015). *Wabub Indah Mendukung Perencanaan Penggunaan Lahan Berkelanjutan dan Pengakuan Masyarakat Adat Rampi*. https://jkpp.org/wabub-indah-mendukung-perencanaan-penggunaan-lahan-berkelanjutan-dan-pengakuan-masyarakat-adat-rampi/

Thambinathan, V., & Kinsella, E. A. (2021). Decolonizing Methodologies in Qualitative Research: Creating Spaces for Transformative Praxis. *International Journal of Qualitative Methods*, *20*, 16094069211014766. https://doi.org/10.1177/16094069211014766

Turner, B. S., & Possamai, A. (2015). Introduction: Legal Pluralism and Shari'a. In A. Possamai, J. T. Richardson, & B. S. Turner (Eds.), *The Sociology of Shari'a: Case Studies from around the World* (Vol. 1, pp. 1–13). Springer International Publishing. https://doi.org/10.1007/978-3-319-09605-6_1

Undang-Undang Republik Indonesia Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana (KUHP) (2023). https://peraturan.bpk.go.id/Details/234935/uu-no-1-tahun-2023

Utama, T. S. J. (2021). Between adat law and living law: An illusion of customary law incorporation into Indonesia penal system. *The Journal of Legal Pluralism and Unofficial Law*, *53*(2), 269–289. https://doi.org/10.1080/07329113.2021.1945222

Van-vollenhoven, C. (1981). *Van Vollenhoven on Indonesian Adat law: Selections from "Het Adatrecht van Nederlandsch-Indië", volume I, 1918 ; volume II, 1931*. M. Nijhoff.

Vlekke, B. H. M. (1959). *Nusantara a history of Indonesia*.

Von Benda-Beckmann, K. (2019). Anachronism, Agency, and the Contextualisation of Adat: Van Vollenhoven's Analyses in Light of Struggles Over Resources. *The Asia Pacific Journal of Anthropology*, *20*(5), 397–415. https://doi.org/10.1080/14442213.2019.1670242

Wibianto, M. Y., Hartiwiningsih, H., & Gusti Ayu Ketut Rachmi Handayani, I. (2025). Real Justice, Real Impact with the Prosecutors in Action. *Journal of Human Rights, Culture and Legal System*, *5*(3), 1015–1041. https://doi.org/10.53955/jhcls.v5i3.804

Wilson, S. (2001). *What Is an Indigenous Research Methodology? 25*(2). https://www.researchgate.net/publication/234754037_What_Is_an_Indigenous_Research_Methodology

Winduo, S. E. (2013). *Transitions and Transformations: Literature, Politics, and Culture*. University of Papua New Guinea Press.

Yoserwan, Y. (2023). Eksistensi Hukum Pidana Adat Dalam Hukum Pidana Nasional Setelah Pengesahan Kuhp Baru. *UNES Law Review*, *5*(4), 1999–2013. https://doi.org/10.31933/unesrev.v5i4.577