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Philosophical Study of the Local Wisdom of “Guni Gelo” as Restorative Justice in Customary Law in Kangae District, Sikka Regency, NTT Province

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Abstract: The Issue of law is one that directly touches human life. One of the legal systems closely tied to humans since ancient times is customary law, which has developed orally. In Kangae District, Sikka Regency, there is a customary law term known as "Guni Gelo," which represents the local wisdom of the community. The aim of this study is to examine the philosophical values of the local wisdom "Guni Gelo" to ensure that it is properly implemented in accordance with the customary law that applies to the Sikka Regency community, specifically in Kangae District. The research methodology included several stages: initial observations, preparation of research instruments, instrument validation, data collection, verification of the validity of the collected data, and data analysis. The customary law of Guni Gelo is one of the local wisdom traditions in Kangae District, Sikka Regency, East Nusa Tenggara (NTT), which holds deep philosophical significance for its people. The philosophical value identified from the research results is the recognition of the inherent value of humanity itself.

Keyword: Local Wisdom, Guni Gelo, Restorative Justice, Customary Law, Law.

INTRODUCTION

Law is a set of rules established by authorized institutions to regulate social interactions with the aim of being obeyed by all members of society (Tawa, 2022). The concept of Indonesian law recognizes several types of law, one of which is customary law. The existence of customary law can be observed through customary courts and customary law mechanisms that are still maintained to resolve disputes and offenses that cannot be handled by the police, courts, or correctional institutions (Rosdiana, 2020). Customary law continues to be applied in Kangae District, Sikka Regency, East Nusa Tenggara Province. This customary law is known as “Guni Gelo”, which is a form of local wisdom in Sikka Regency.

Local wisdom is understood as local ideas that are wise, full of insight, and possess good values, which are embraced and followed by members of the community (Vickli et al., 2022).

Local wisdom is closely related to its environment; it is dynamic, flexible, open, and constantly adapts to the changes of the times (Sukron et al., 2020). In society, local wisdom can manifest in the form of culture (values, norms, ethics), beliefs, customs, customary law, and specific rules (Marthen, 2022). Local wisdom represents traditional views and knowledge that guide behavior and have been practiced from generation to generation to meet the needs and challenges of a society's life (Rahayu et al., 2022).

Guni Gelo, as a form of local wisdom in Sikka Regency, is a non-litigation method of resolving criminal cases of assault (bodily harm) through familial means, where the perpetrator compensates the victim with a material settlement. The term "Guni Gelo" comes from the Sikka language, with "Guni" meaning turmeric and "Gelo" meaning candlenut, commonly referred to in daily life as the cost of care.

The concept of Restorative Justice offers the restoration of relationships between the perpetrator and the victim directly in resolving conflicts (Taqiuddin, 2022). One principle of Restorative Justice is to resolve criminal cases outside the court, where the perpetrator (or their family) reconciles with the victim by providing sanctions for the perpetrator (Bambang et al., 2023). Essentially, Restorative Justice incorporates the values of local wisdom (Adriyanti, 2020). This is evident in regions that uphold the value of deliberation in resolving disputes, such as in Kangae District, Sikka Regency, through Guni Gelo.

However, Guni Gelo has not yet taken root across all of Kangae District or Sikka Regency as a whole. This practice is only implemented in certain villages, and the compensation amounts for victims vary from village to village within Sikka Regency. Additionally, some communities resolve their cases through state law or familial mediation, rather than using Guni Gelo, which is typically carried out at the victim's home. This suggests that Guni Gelo is gradually fading. Therefore, the fast, easy, flexible, and low-cost process of Guni Gelo should be preserved so that it can become a distinct identity for Kangae District and Sikka Regency.

METHOD

This study aims to explore and uncover the philosophical values embedded in the local wisdom of "Guni Gelo" as a form of restorative justice practiced by the community in Kangae District, Sikka Regency. The research also seeks to preserve and implement "Guni Gelo" as restorative justice, specifically in Kangae District and generally in Sikka Regency. The approach used in this study is qualitative descriptive research. The research will take place in Kangae District, Sikka Regency, which consists of five villages. These five villages serve as the research sites where the values of "Guni Gelo" customary law are practiced. The subjects of this research are:

- Village Heads: Leaders in the area and local policymakers.
- Customary Leaders: Individuals who deeply understand local customs, including the implementation of "Guni Gelo" as restorative justice.
- Community Leaders: People involved in carrying out "Guni Gelo" as restorative justice.
- Local Community: The target group for the implementation of "Guni Gelo" as restorative justice.

The research will be conducted from May to December 2024.

Data Collection Techniques

The data collection techniques include:

- Interviews (Lead Researcher): A series of structured questions are asked, followed by deeper inquiries for further clarification. The purpose is to gather detailed information directly from informants. Interviews will be conducted face-to-face with village heads, customary leaders, community leaders, and residents of the five sample villages.
- Observation (Research Team Members): Researchers will observe the Guni Gelo phenomenon within the community, analyze it, and draw preliminary conclusions.

- Documentation (Lead Researcher and Team): Researchers will document events related to Guni Gelo through photographs or recorded interviews.

Data Validation Techniques

The techniques used for data validation include:

- Credibility Testing: Triangulation of sources and techniques. Source triangulation involves checking data from various sources and categorizing views that are similar, different, or specific. Technique triangulation checks data from the same source using different methods.
- Transferability Testing: Researchers must present a clear, detailed, systematic, and reliable research report so that the results can be applied elsewhere. If readers gain a clear understanding from the report, it indicates high transferability.
- Dependability Testing: Ensures that the researcher follows a systematic process and does not accept data without verification.
- Confirmability Testing: Ensures objectivity by obtaining consensus among multiple parties.

Data Analysis Technique

Data analysis involves descriptive sentences and is conducted using content analysis. The steps include:

1. Data Collection: Through interviews, document studies, and observations.
2. Data Reduction: Abstracting data by summarizing key points, processes, and important statements, organizing them into units, classifying them, and coding.
3. Data Presentation: Displaying reduced data in the form of tables, figures, and graphs.
4. Conclusion Drawing and Verification: Creating a summary aligned with the research questions.

RESULTS AND DISCUSSION

A Study of the Philosophical Values of Local Wisdom in the Customary Law "Guni Gelo" as Restorative Justice in Kangae Subdistrict, Sikka Regency

Philosophical Values

The term philosophical originates from the word philosophy. Etymologically, philosophy comes from the Greek words *phillien*, meaning "love," and *sophia*, meaning "wisdom." Thus, philosophy can be interpreted as the love of wisdom. Anyone who engages in philosophy seeks to become wise. In simple terms, philosophy refers to the realm of thought or thinking. To philosophize means to think. However, not all thinking is philosophical. Philosophizing is thinking deeply (radically) and earnestly, or examining and exploring the deepest meaning of an object of knowledge (Syukri, 2021).

Local Wisdom

Etymologically, local wisdom consists of two words: wisdom and local. Other terms for local wisdom include local knowledge, local intelligence, or indigenous knowledge. Local wisdom refers to the truths that have become tradition or customs within a region. It contains valuable life principles and should be continuously explored, developed, and preserved as a counterbalance to social and cultural changes and modernization. Local wisdom, as a product of past culture, provides a living guide that, though locally rooted, carries universal values.

Local wisdom is viewed as highly valuable and has its own unique benefits for societal life. It was developed out of the need to live in harmony with situations, conditions, capabilities, and the values upheld by the community. In other words, local wisdom becomes part of their way of life, offering wise solutions to the challenges they face. Thanks to this wisdom, communities

are able to sustain their lives, even thriving in a sustainable manner (Njatrijani, 2018). One form of local wisdom may be customary law that applies to a specific area, such as "Guni Gelo" in the Kangae Subdistrict of Sikka Regency, East Nusa Tenggara.

Guni Gelo

In the local Sikka language of Sikka Regency, East Nusa Tenggara, Guni means turmeric, and Gelo means candlenut. Turmeric (Guni) is used to heal wounds by crushing it and applying it to the injured part of the victim's body, a practice known as Geot Bohok in the customary law of Tana Du'en village, as explained by the local elder Petrus Piatu. Meanwhile, candlenut (Gelo) is used to treat swelling from physical trauma, referred to in the local custom as tena neuk bowo, according to Yohanis Manis, a customary leader from Kokowaor village. Guni Gelo is employed to resolve cases of assault in the community, where the perpetrator has caused physical injuries, such as wounds, fractures, bruises, or swelling on the victim's body.

This customary law of Guni Gelo is practiced in Kangae Subdistrict, Sikka Regency, as humans are considered dignified beings, referred to locally as *higi mitan here neran* ("humans of dignity"). As dignified beings, people must be respected and their humanity honored, which includes refraining from inflicting physical harm. Guni Gelo is a customary law resolved through family consensus or *megu wiit*. According to Lucia Dince Gego, the acting village head of Blatatatin, the *megu wiit* concept helps to eliminate the victim's desire for revenge, fostering a good relationship between the victim and the perpetrator, making them like brothers who care for one another. This sentiment is echoed by Remigius Rejang, a customary leader from Watumilok village, who stated that resolving cases through the Guni Gelo law strengthens the bond between the perpetrator and the victim, preventing future acts of revenge. This reflects the local proverb *Naruk sawe lalan ahan ali abo papa kewe*, meaning "the matter has been resolved, they can return safely without holding any grudge."

The mechanism for resolving cases using Guni Gelo is generally uniform across villages in Kangae Subdistrict. The process starts at the neighborhood (RT) level and progresses to the village level if necessary. If both the perpetrator and victim are from the same RT, the victim reports the incident to the RT head, who then facilitates the resolution by inviting a village elder to mediate. This mediation process is witnessed by community members and can take place at the RT head's or the victim's home, depending on mutual agreement. If the perpetrator and victim are from different RTs, the case is brought to the RW (hamlet) level. Similarly, if they are from different hamlets, the case moves to the hamlet level, and if they are from different villages, the case is resolved at the village of the victim, following the victim's village customary law.

In all cases, customary leaders must remain impartial and independent, without influence from external parties, to maintain the integrity of the customary law. If elders are subject to bribery, the customary norms would be undermined. The term for a customary leader in this context is *Tua Gahu Manu Beban*, as noted by Remigius Rejang, a customary leader from Watumilok village.

While most villages in Kangae Subdistrict follow this process, Blatatatin village is an exception. According to the acting village head, villagers in Blatatatin tend to report cases directly to the police rather than resolving them within the village. However, the police often return the case to the village to be settled according to Guni Gelo customary law. The acting village head acknowledged that the people in her village are not yet familiar with the proper process for resolving such cases within the village, which is an issue that needs to be addressed. Each village in Kangae Subdistrict has its own Guni Gelo law, which shares the same fundamental purpose: restoring the dignity of a person who has been physically harmed. Compensation is given in the form of goods or money, with the amount varying from village to village. For example, in Meken Detun village, customary elder Pederikus explained that the

required compensation, known as *bahar leman bahar lohor*, includes a horse valued at around 7 million rupiahs and a payment of 2.5-3 million rupiahs. In Kokowaor village, customary elder Yohanis Manis described the compensation as *riwa bahar rua, berat ha heak ha*, meaning two dowries—one heavy and one light, which consists of one horse and a sum of money. In Tana Duen village, the term *bahar rua ringgi ha* is used, which also involves a horse and an unspecified amount of money.

In contrast, Watumilok village has a slightly different practice. According to customary elder Remigius Rejang, if the victim's injury involves bloodshed, the perpetrator must provide compensation known as *apet etan hori mein* ("healing the wound") by giving one young chicken and a sum of up to 2.5 million rupiahs. This amount may vary between villages, as each village has its own specific customs regarding *Guni Gelo*. However, *Guni Gelo* cannot be imposed by government officials, such as the village head or RT/RW leaders, when they punish community members, as such actions are considered a form of discipline rather than customary law. When officials administer physical punishment, the community member can heal their own wounds using a local remedy called *lami hait* (hot coconut milk applied to the skin to treat injuries from the punishment).

Restorative Justice

According to the Indonesian National Police Regulation No. 8 of 2021 on Handling Criminal Acts Based on Restorative Justice, Article 1, Paragraph 3, Restorative Justice is the resolution of criminal acts involving the perpetrator, victim, the perpetrator's family, the victim's family, community leaders, religious leaders, traditional leaders, or stakeholders working together to find a fair resolution through reconciliation, emphasizing restoration to the original state.

In the Attorney General's Regulation No. 15 of 2020, Article 5, Paragraph 1 states that a criminal act can be legally closed and prosecution halted based on restorative justice if the following conditions are met: a. The suspect has committed a crime for the first time; b. The crime is only punishable by a fine or imprisonment for no more than 5 years; and c. The crime involves evidence or losses not exceeding IDR 2,500,000. This category of crime is classified as a petty crime (*Tipiring*). Examples of petty crimes include minor insults, minor theft, minor assault, minor vandalism, and minor embezzlement, among others.

When discussing restorative justice, there are several important points to consider: First, restorative justice emphasizes encouraging the perpetrator to think about and provide solutions (take responsibility) for the crime committed against the victim. Second, the first party to consider when a crime occurs is the victim, as they directly experience the consequences of the crime. Third, the perpetrator and the victim can sit together to discuss the steps to restore the issues (*restitutio in integrum*). Fourth, the state or government must ensure that the recovery process for the victim proceeds according to a mutual agreement between the perpetrator and the victim, preventing prolonged conflict. Fifth, the community is an inseparable part of implementing restorative justice between the perpetrator and the victim. The community plays a crucial role in encouraging and supporting problem resolution, emphasizing restoration or reparation for the harm caused by the perpetrator's actions. (Satria, 2018).

Study of the Philosophical Values of Local Wisdom of the Customary Law "Guni Gelo" as Restorative Justice in Kangae District, Sikka Regency

The local wisdom of the customary law "Guni Gelo" holds profound meaning for the humanitarian values of the community in Kangae District, Sikka Regency. The *Guni Gelo* customary law highly respects human dignity. Therefore, if an assault occurs causing physical harm to the victim, it must be resolved with a humanitarian element, namely kinship and brotherhood towards the perpetrator by imposing customary law *Guni Gelo* in the form of customary compensation. After going through the customary law process of *Guni Gelo*, the

perpetrator and victim will become brothers again, with no grudges between them or their extended families.

If the victim reports to the police, it can have negative consequences for the perpetrator, even if the victim seeks justice. The negative impact arises from the psychological aspect of the perpetrator, especially if the police come to their home. The perpetrator could be labeled a criminal. Additionally, if this issue is escalated to the court, it will require a significant amount of time and financial resources. The subsequent impact could lead to prolonged conflict between the perpetrator and the victim. These are the aspects that the Guni Gelo customary law seeks to avoid, prioritizing humanitarian considerations, including the humanity of the perpetrator. The humanity of the perpetrator is also valued and upheld for the common good of the community in Kangae District, Sikka Regency.

There is a customary adage in Sikka language often used by customary leaders in Sikka Regency: "Naruk gete tena kesik, naruk kesik tena potat" (Big problems are minimized, small problems are eliminated). This suggests that issues occurring within a community should ideally be resolved amicably as soon as possible without creating new problems, as the community needs peace to navigate their increasingly complex lives.

The Guni Gelo customary law, in the perspective of national law, carries the same meaning as Restorative Justice. This can be seen from the resolution process, which involves sitting together, agreeing to resolve the issues faced by both the perpetrator and the victim. They meet as a family with customary leaders, village officials, and the community, then impose sanctions on the perpetrator to restore the humanity of the victim who has been harmed. The sanctions imposed are customary sanctions known as Guni Gelo.

Efforts to Preserve "Guni Gelo" as Local Wisdom in Kangae District, Sikka Regency

The Guni Gelo customary law needs to be culturally ingrained and preserved within the community in Kangae District, Sikka Regency. There are still some community members who do not understand this, leading them to report acts of violence, such as physical assault, directly to the police. This has occurred in Blatatatin village, as stated by the Head of Blatatatin Village. Several preservation efforts are needed to ensure that the local wisdom of the Guni Gelo customary law does not disappear:

1. **Role of the Local Government:** The local government of Sikka Regency plays a crucial role in preserving the Guni Gelo customary law by socializing it to the community through lower levels, such as the district and village levels. Village heads are at the forefront of preserving the Guni Gelo customary law in their respective villages. This ensures that community members understand it well, and if issues arise, they do not need to report them directly to the police as experienced by the community in Blatatatin village.
2. **Involvement of Academics:** Academics also have a role in preserving the local wisdom of the Guni Gelo customary law by including it as a sub-topic in customary law courses at the Faculty of Law at Nusa Nipa University. Law students can learn about and study it in depth in customary law courses. Additionally, academics can engage in community service, one of the tri-dharma responsibilities of higher education, in various villages in Sikka Regency.

CONCLUSION

The conclusion must be linked to the title and answer the research formulation or objectives. Do not make statements that are not adequately supported by your findings. Write down improvements made to industrial engineering or science in general. Don't create further discussion, repeat abstracts, or simply list research findings. Don't use bullet points, use paragraph sentences instead.

The Guni Gelo customary law is a form of local wisdom in Kangae District, Sikka Regency, NTT, that holds profound philosophical values for its community. The philosophical values

discovered through research include a deep respect for human dignity. The dignity of individuals, whether they are perpetrators or victims in a case of abuse, is highly valued and upheld in cases resolved through Guni Gelo customary law. This is evident when the perpetrator acknowledges the victim's humanity by providing Guni Gelo as compensation. Similarly, the humanity of the perpetrator is respected when they willingly accept the customary sanctions imposed upon them. Thus, the appreciation given to the perpetrator signifies that the case is resolved in a familial manner, embodying a spirit of brotherhood without lingering resentment that could lead to prolonged conflict.

The Guni Gelo customary law needs to be preserved in everyday life, and local government and academics play a significant role in promoting it within the community of Sikka Regency. Local government authorities, down to the village level, can socialize and develop the Guni Gelo customary law in their respective villages. Academics can incorporate it into their responsibilities as part of the Tridarma of higher education.

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