

A peer-reviewed journal published by Faculty of Law
Universitas Negeri Semarang, Indonesia. The title has been
indexed by [SCOPUS](#), [SINTA](#), [GARUDA](#), [BASE](#), [OneSearch](#).
ISSN 2654-8313 (Print) 2654-8305 (Online)
Online at <https://journal.unnes.ac.id/journals/JPHI/index>
DOI: <https://doi.org/10.15294/jphi.v9i2.46364>

Submitted	: March 24, 2026
Revised	: August 12, 2026
Accepted	: September 30, 2026
Published	: October 1, 2026
Available Online	: October 1, 2026

Community Legal Empowerment and Local Justice Practices: A Comparative Study of Indonesia, Bosnia and Herzegovina, India, Spain, and Iran

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Abstract

The relationship between formal justice systems and community-based justice remains critical to strengthening access to justice and legal empowerment across diverse socio-legal contexts. Penal culture, characterized by an emphasis on punishment, deterrence, and formal enforcement, may constrain community participation and limit restorative and participatory approaches to justice. This article examines how penal culture influences community legal empowerment and local justice practices through a comparative socio-legal analysis of Indonesia, Bosnia and Herzegovina, India, Spain, and Iran. The study focuses on three interrelated dimensions: legal education and awareness, community assistance and capacity building, and community-based mechanisms for preventing and resolving disputes. Using a comparative case-based approach, the study analyzes interactions between formal legal institutions and local justice practices, including customary dispute resolution, community mediation, legal aid, and paralegal initiatives. The findings reveal a common tension across the five jurisdictions between formal enforcement and community expectations of accessible, responsive, and legitimate justice, despite differences in legal traditions and socio-cultural contexts. Legal education, community assistance, and capacity building can strengthen community participation and improve the ability of local actors to navigate formal and informal justice mechanisms. The study argues that community legal empowerment requires a shift from predominantly punitive approaches toward participatory, restorative, and people-centred justice. By identifying common patterns and contextual differences, this comparative analysis contributes to socio-legal scholarship and provides practical insights for developing more inclusive community-based justice systems.

KEYWORDS *Legal Empowerment, Penal Culture, Community-Based Justice, Legal Education, Restorative Justice.*

Introduction

Access to justice is increasingly understood not merely as the ability to access courts, lawyers, or formal legal institutions, but as the capacity of individuals and communities to understand their legal rights, address justice problems, participate in legal processes, and obtain fair and meaningful outcomes.¹ Contemporary approaches to people-centred justice emphasize that justice systems should respond to the actual legal needs and capabilities of communities rather than rely exclusively on institutional and procedural mechanisms. Legal empowerment is therefore central to making the rule of law meaningful in everyday life because it enables people to participate actively in resolving legal problems and engaging with justice institutions.² From this perspective, strengthening community legal capacity requires not only access to legal services but also legal education, practical assistance, participation, and mechanisms that enable communities to prevent and resolve disputes.

Community-based justice provides an important avenue for translating legal empowerment into practice. In many societies, disputes are not exclusively resolved through courts but also through mediation, customary mechanisms, community organizations, local leaders, and other

¹ Cahya Wulandari, Sonny Saptioajie Wicaksono, and Umi Faridatul Khikmah. "Paralegal Existence in Providing Access to Justice for the Poor in Central Java." *Indonesian Journal of Criminal Law Studies* 4, no. 2 (2019): 199-206. <http://dx.doi.org/10.15294/ijcls.v4i2.21604>; Ridwan Arifin, et al. "The International Law Principle for People with Disabilities: Analyzing Access to Justice." *Unnes Law Journal* 7, no. 2 (2021): 371-404; Resty Shelya Pujiani, Mutia Azizah Aksan, and Maya Sinta. "Seeking Justice for Indonesian Children: The Juvenile Criminal Justice System in Indonesia in the Context of Criminal Justice Reform." *Indonesian Journal of Advocacy and Legal Services* 4, no. 2 (2022): 259-274. <https://doi.org/10.15294/ijals.v4i2.60033>

² See Organisation for Economic Co-operation and Development. *OECD Framework and Good Practice Principles for People-Centred Justice*. (Paris: OECD Publishing, 2021); Organisation for Economic Co-operation and Development. *Making Justice Systems More Effective and People Centred: Advancing a Responsive Rule of Law*. (Paris: OECD Publishing, 2025).

forms of informal or semi-formal dispute resolution.³ Such practices reflect legal pluralism, in which multiple normative orders coexist and interact within the same social environment.⁴ Community-based mechanisms may offer greater accessibility, lower costs, cultural relevance, and opportunities for dialogue and reconciliation.⁵ At the same time, their legitimacy depends on their ability to maintain procedural fairness, protect fundamental rights, and establish constructive relationships with formal justice institutions. The interaction between formal and community-based justice therefore becomes an important entry point for examining how communities can be empowered to participate meaningfully in justice processes.

This issue is particularly relevant when examined through the concept of penal culture. A predominantly punitive orientation tends to conceptualize justice through criminalization, deterrence, sanctions, and formal enforcement. Although punishment remains an important component of criminal justice, an excessive emphasis on punitive responses may restrict opportunities for prevention, dialogue, reconciliation, and community participation. Restorative justice offers an alternative orientation by emphasizing the harm caused by an offence, participation of victims and affected communities, accountability, and restoration of

³ Yasmina Putri, and Ahmadi Muqorrobin. "Climate Justice and Environmental Law: Reform or Reinforcement of Inequality". *Indonesian Climate Justice Review* 1, no. 2 (2024). <https://doi.org/10.65815/8wqsmv71>; Bao Chau, Benjamin Clarke, and Bambang Sugiharto. "Access to Legal Aid and Its Impact on Fair Trials in District Courts". *Indonesian Court and Justice Review* 1, no. 3 (2024). <https://doi.org/10.65815/q1ydm528>; Auliya Rochman, "The Role of Community Lawyers in Fighting Economic Inequality: Legal Services As a Path to Social Justice". *Lentera Masyarakat Hukum* 1, no. 3 (2024). <https://doi.org/10.65815/f15v5p79>

⁴ Sally Engle Merry, "Legal Pluralism." *Law & Society Review* 22, no. 5 (1988): 869–896. <https://doi.org/10.2307/3053638>; Brian Z. Tamanaha, "Understanding Legal Pluralism: Past to Present, Local to Global." *Sydney Law Review* 30, no. 3 (2008): 375–411. <https://doi.org/10.4324/9781315091891-17>

⁵ Karina Eunike, and Yezekiel Abharam Keanu. "Community-Based Legal Aid for Victims of Domestic Violence: A Case Study in Rural East Nusa Tenggara". *Lentera Masyarakat Hukum* 2, no. 4 (2025). <https://doi.org/10.65815/140kyd49>

relationships.⁶ The tension between punitive and restorative orientations is therefore significant for community engagement because communities can function not merely as recipients of legal enforcement but as active participants in preventing conflict, resolving disputes, and rebuilding social relationships.

Legal education, community assistance, and capacity building are consequently important mechanisms for transforming community members from passive recipients of justice services into active legal actors. Legal empowerment involves more than disseminating legal information; it requires developing the practical capacity to identify legal problems, understand available remedies, seek assistance, participate in dispute resolution, and interact effectively with formal institutions. This principle is reflected in access-to-justice initiatives that combine legal literacy, legal aid, community outreach, and capacity development. In India, for example, the National Legal Services Authority combines free legal aid, legal awareness programmes, legal literacy, and Lok Adalats, while government legal-literacy programmes explicitly emphasize community empowerment and capacity building. These experiences demonstrate that community legal empowerment can be institutionalized through mechanisms that connect formal legal systems with local communities.

The selection of Indonesia, Bosnia and Herzegovina, India, Spain, and Iran is deliberate and is intended to provide *contextual variation rather than legal similarity*. Indonesia is selected as the primary context because of its legally pluralistic environment, where formal law interacts with *adat*, local wisdom, mediation, and other community-based mechanisms; recent studies demonstrate the continuing relevance of customary and non-litigation approaches to dispute resolution and community

⁶ John Braithwaite, *Restorative Justice and Responsive Regulation*. (New York: Oxford University Press, 2002); Howard Zehr, *The Little Book of Restorative Justice*. (Intercourse, PA: Good Books, 2002). See also Indah Sri Utari, Ridwan Arifin, and Sergi Fernandez Alejandro. "Gender-Based Violence and the Implementation of the Sexual Violence Crime Law in Indonesia". *The Indonesian Journal of Feminist Legal Studies* 1, no. 1 (2026): 1-32.

empowerment.⁷ India is included because it provides a strong example of institutionalized legal empowerment through legal aid, legal literacy, paralegal initiatives, and community-oriented dispute resolution mechanisms such as *Lok Adalats*. Bosnia and Herzegovina represents a post-conflict European context in which institutional justice is being strengthened alongside mediation and alternative dispute resolution; recent Council of Europe initiatives identify mediation and ADR as important mechanisms for improving efficiency and access to justice. These three cases therefore allow comparison across Southeast Asian, South Asian, and post-conflict European contexts.

Spain and Iran are included to broaden the comparative spectrum further. Spain represents a mature European legal system in which community-oriented justice mechanisms, mediation, legal assistance, and people-centred approaches operate within a highly institutionalized formal justice framework. It therefore provides a useful contrast to Indonesia and India, where plural and community-based mechanisms have a more visible role in everyday dispute resolution. Iran, in turn, provides a distinctive Middle Eastern context in which formal legal institutions coexist with culturally embedded settlement practices. Mediation and settlement (*solh* and *sazesh*) have long been incorporated into Iranian dispute resolution, including through formal institutional mechanisms such as Dispute Resolution Councils. Iran is therefore particularly relevant for examining how restorative, conciliatory, and community-oriented practices can operate within a legal system shaped by different religious, cultural, and institutional traditions. Taken together, the five contexts provide meaningful variation in legal tradition, institutional development, socio-cultural norms, and relationships between formal and informal justice.

Despite growing scholarship on access to justice, legal empowerment, restorative justice, and community-based dispute resolution, there remains a need to connect these dimensions more explicitly with practical

⁷ Didik Sukriono, et al. "Local Wisdom as Legal Dispute Settlement: How Indonesia's Communities Acknowledge Alternative Dispute Resolution?." *Legality: Jurnal Ilmiah Hukum* 33, no. 1 (2025): 261-285. <https://doi.org/10.22219/ljih.v33i1.39958>

community engagement. Existing approaches frequently examine legal empowerment as a policy or access-to-justice issue, while community engagement programmes may focus primarily on legal awareness without sufficiently addressing the relationship between punitive legal culture, local justice practices, and community capacity. This study addresses that gap by using the five jurisdictions not simply as separate country descriptions but as comparative contexts for identifying common challenges and context-specific strategies. Accordingly, this community engagement study aims to strengthen community legal empowerment through legal education, community assistance, and capacity building while examining how penal culture influences community-based justice practices. The comparative perspective seeks to identify transferable principles while recognizing that effective community justice must remain sensitive to local legal, cultural, and institutional conditions. Ultimately, the study contributes to the development of more participatory, restorative, and people-centred approaches to justice by positioning communities as active partners in improving access to and delivery of justice.

Methods

This community engagement employed a participatory and community-based approach to strengthen legal empowerment through legal education, community assistance, and capacity building. The program was designed to respond to community needs concerning access to justice, dispute resolution, legal awareness, and participation in local justice processes. The implementation consisted of four main stages: (1) identification of community legal needs and local justice practices; (2) delivery of legal education and awareness-raising activities; (3) community assistance and capacity building through participatory discussions, case-based learning, and problem-solving activities; and (4) evaluation of participants' understanding, participation, and ability to apply the knowledge gained in addressing community legal issues.

The activities emphasized active participation by community members, local leaders, and relevant legal practitioners, allowing local

knowledge and experiences to inform the development of appropriate justice mechanisms. Particular attention was given to the relationship between formal legal institutions and community-based justice practices, including mediation, customary dispute resolution, legal aid, and other locally recognized mechanisms.

To strengthen the analytical dimension of the program, the findings from the community engagement activities were contextualized through a comparative socio-legal review of community legal empowerment and community-based justice practices in Indonesia, Bosnia and Herzegovina, India, Spain, and Iran. The comparative analysis was used to identify common challenges, contextual differences, and transferable practices in legal education, community assistance, capacity building, and participatory justice. Program outcomes were assessed through participant feedback, observations, pre- and post-activity assessments where applicable, and qualitative evaluation of changes in legal awareness and community participation.

Results and Community Engagement Outcomes

I. Community Legal Needs and Initial Conditions

The initial community needs assessment demonstrated that the principal challenge was not simply the absence of knowledge about legal rules, but the limited capacity of community members to translate legal knowledge into practical action. Participants generally understood basic concepts of rights and obligations, yet they experienced difficulties in identifying whether everyday conflicts constituted legal problems, determining appropriate dispute-resolution mechanisms, accessing legal assistance, and understanding when a matter should be referred to formal legal institutions. These findings indicate that legal awareness should be understood as a multidimensional capacity rather than merely the ability to recall statutory provisions.

This finding is consistent with the concept of *legal empowerment*, which views communities as active legal actors capable of identifying,

articulating, and pursuing solutions to justice problems. The OECD's people-centred justice framework similarly emphasizes legal literacy, participation, empowerment, and the capacity of individuals and communities to make informed decisions concerning their justice problems.⁸ Thus, the initial condition identified in this programme should not be interpreted as community legal incapacity. Rather, communities possessed social knowledge, local networks, and informal mechanisms for managing disputes, but these resources were not sufficiently connected to formal legal knowledge and institutional support.

The findings also reflect the characteristics of legal pluralism, in which multiple normative orders operate simultaneously within the same social environment.⁹ Community members commonly referred to family members, community leaders, customary figures, or informal mediation before considering formal legal procedures. Such reliance on local mechanisms is not necessarily evidence of resistance to state law. Instead, it may reflect the accessibility, familiarity, social legitimacy, and relational character of community-based mechanisms. The challenge is therefore to develop a constructive relationship between formal law and local normative practices rather than assuming that formal justice should automatically displace community mechanisms.

⁸ See OECD. *OECD Framework and Good Practice Principles for People-Centred Justice*; OECD. *Making Justice Systems More Effective and People Centred: Advancing a Responsive Rule of Law*.

⁹ See Merry, "Legal Pluralism." See also Tamanaha, "Understanding Legal Pluralism: Past to Present, Local to Global."

TABLE 1. Community Legal Needs and Initial Conditions

Dimension	Initial Condition	Analytical Interpretation	Community Implication
Legal awareness	Basic understanding of rights and obligations	Legal knowledge had not fully developed into practical legal capability	Need for contextual legal education
Access to justice	Reliance on local leaders and informal mechanisms	Local networks function as first points of legal assistance	Need to connect local actors with formal legal services
Dispute resolution	Preference for dialogue and local settlement	Reflects elements of legal pluralism and relational justice	Community mechanisms can complement formal justice
Perception of formal justice	Formal justice considered important but relatively complex	Institutional and procedural barriers may discourage early engagement	Need for accessible legal information and referral
Community capacity	Existing social networks and local knowledge	Community resources provide a foundation for empowerment	Need for structured capacity building

Source: Community needs assessment and engagement activities; analytical interpretation based on the legal empowerment and legal pluralism frameworks, analyzed by the Authors.

The assessment further identified several barriers to access to justice, including limited procedural knowledge, uncertainty about available legal services, perceived complexity of formal procedures, concerns about cost and duration, and preference for locally familiar dispute-resolution practices. These barriers are consistent with the broader understanding of access to justice as involving not merely formal availability of courts but the practical ability of individuals to identify and resolve justice problems. The OECD emphasizes that people-centred justice requires evidence concerning people's legal needs, legal capabilities, and justice outcomes rather than relying solely on institutional indicators.¹⁰

From the perspective of *access-to-justice theory*, therefore, the problem identified in the community was partly a capability gap. Formal legal institutions may be legally available, but availability does not automatically produce meaningful access when individuals lack the knowledge, resources, confidence, or institutional connections necessary to use them. The engagement programme consequently treated legal education and community assistance as mechanisms for reducing the distance between formal legal rights and their practical realization.

The Indonesian legal framework provides a normative basis for this orientation. Law No. 16 of 2011 on Legal Aid recognizes the state's responsibility to provide legal assistance as part of access to justice, particularly for poor persons, and links legal aid with equal legal protection and social justice. Accordingly, community legal empowerment should not be understood solely as a voluntary educational activity but as part of a broader effort to make legal rights practically accessible.

II. Implementation of Legal Education

The legal education component was designed as a participatory intervention rather than a conventional one-directional lecture. The programme addressed legal rights and obligations, access to justice, identification of legal problems, mediation, restorative justice, community-

¹⁰ See Organisation for Economic Co-operation and Development. *Toolkit for Access to Justice and People-Centred Justice Systems*. (Paris: OECD Publishing, 2025).

based dispute resolution, legal assistance, and institutional referral mechanisms. The materials were presented through interactive explanations, case-based discussions, questions and answers, and problem-solving exercises.

The choice of a participatory method was theoretically grounded in the *people-centred justice* approach. Legal empowerment is more likely to develop when communities are not merely informed about legal rules but are involved in identifying their own justice problems and discussing possible solutions. The OECD identifies empowerment, participation, and enhanced legal literacy as core components of people-centred justice. The educational intervention therefore sought to move participants from *knowing the law* toward *being able to use the law*.

TABLE 2. Legal Education and Community Assistance Activities

Activity	Main Content	Method	Analytical Purpose	Observed Outcome
Legal education	Rights, obligations, and access to justice	Interactive presentation	Strengthen basic legal literacy	Greater understanding of legal concepts
Legal problem identification	Recognizing legal issues and available remedies	Case-based learning	Develop practical legal capability	Improved recognition of legal problems
Dispute-resolution education	Mediation, negotiation, and restorative justice	Discussion and simulation	Introduce non-adversarial approaches	Broader understanding of justice options
Legal assistance orientation	Legal aid and available institutions	Practical explanation	Reduce institutional barriers	Improved knowledge of assistance pathways

Activity	Main Content	Method	Analytical Purpose	Observed Outcome
Referral education	Formal justice institutions and professional assistance	Case scenarios	Establish boundaries of community resolution	Greater awareness of when referral is required
Capacity building	Role of local community actors	Participatory training	Develop sustainable local capacity	Stronger role awareness among local actors

Source: Community engagement activities, edited and analyzed by the Authors

The case-based approach was particularly relevant because legal problems experienced by communities are often contextual and cannot be adequately addressed through abstract explanations of legal provisions. By discussing hypothetical and locally relevant scenarios, participants were able to connect legal rules with everyday situations. This reflects the broader concept of legal capability, whereby individuals need not become legal experts but should possess sufficient knowledge and confidence to identify legal problems, understand available options, and seek appropriate assistance.

The educational component also addressed the relationship between *punitive and restorative orientations*. Participants were introduced to the idea that justice does not necessarily require an immediate adversarial or punitive response to every conflict. Restorative justice shifts attention from punishment alone toward harm, responsibility, participation, and restoration.¹¹ This approach is increasingly reflected in Indonesia's legal policy. The Supreme Court issued PERMA No. 1 of 2024 on Guidelines

¹¹ See Braithwaite, *Restorative Justice and Responsive Regulation*; Zehr, *The Little Book of Restorative Justice*.

for Adjudicating Criminal Cases Based on Restorative Justice, explicitly framing restorative justice around participation of relevant parties and restoration rather than punishment alone.

The Indonesian experience therefore demonstrates an important analytical point: *the movement from a predominantly punitive orientation toward restorative justice does not necessarily require abandoning formal law*. Instead, restorative principles can be incorporated into formal legal institutions while simultaneously creating space for community participation. This provides an important foundation for the community engagement intervention.

III. Community Assistance and Capacity Building

Legal education alone does not necessarily produce legal empowerment. The subsequent community assistance activities were therefore designed to translate knowledge into practical capabilities. Participants were guided through case analysis, identification of legal issues, consideration of alternative dispute-resolution mechanisms, and recognition of circumstances requiring referral to legal professionals or formal institutions.

This approach reflects the distinction between *legal literacy* and *legal empowerment*. Legal literacy concerns understanding legal information, whereas legal empowerment requires the capacity to use that information to pursue justice. The OECD similarly emphasizes that people-centred justice requires individuals and communities to have the education, support, and capabilities necessary to make informed decisions and participate in justice processes.

TABLE 3. Community Assistance, Capacity Building, and Local Actors

Component	Activity	Role of Community Actors	Legal/ Analytical Significance
Case assistance	Guided analysis of legal problems	Identify issues and possible responses	Converts legal knowledge into practical capability
Community discussion	Discussion of dispute scenarios	Share local knowledge and experiences	Recognizes community knowledge as a legal resource
Capacity building	Training and participatory learning	Develop problem-identification and referral skills	Strengthens sustainable legal empowerment
Local facilitation	Dialogue and dispute prevention	Facilitate communication among parties	Supports participatory and restorative justice
Legal referral	Identification of cases requiring professional assistance	Connect affected persons with appropriate institutions	Bridges community and formal justice
Community networking	Links with legal professionals/ institutions	Establish communication and referral pathways	Strengthens institutional accessibility

Source: Synthesis of community assistance and capacity-building activities, edited and analyzed by the Authors.

The role of local actors is particularly significant. Community leaders and other trusted representatives often possess social legitimacy that formal institutions may not easily reproduce. From a legal pluralism perspective, these actors operate within local normative structures and can mediate between state law and community expectations. However, empowerment should not mean transferring judicial authority to untrained community actors. Their role should be carefully defined as facilitation, legal awareness, early dispute identification, and referral.

This distinction is important because community-based justice may reproduce inequalities if local power relations are not addressed. A community mechanism can be accessible and culturally familiar while simultaneously disadvantaging women, children, minorities, economically weaker parties, or individuals with limited bargaining power. Therefore, the principle of procedural justice is important in which participation should be meaningful, parties should have an opportunity to be heard, and the process should be perceived as fair.¹²

The Indonesian framework for legal assistance reinforces the importance of institutional connection. Law No. 16 of 2011 establishes a legal-aid framework addressing legal assistance, beneficiaries, providers, procedures, and funding. The implication for community engagement is that community empowerment should not end with awareness raising; it should also create practical pathways through which community members can obtain professional assistance when local mechanisms are insufficient.

IV. Changes in Legal Awareness and Participation

The engagement activities indicated qualitative changes in participants' understanding of legal problems and justice mechanisms. Initially, legal problems were frequently framed around the question of whether a dispute should be taken to a formal institution. Following the educational and assistance activities, participants increasingly considered a

¹² Tom R. Tyler, *Why People Obey the Law*. (New Haven, CT: Yale University Press, 1990).

broader range of options, including prevention, dialogue, mediation, community settlement, legal assistance, and formal referral.

This change can be interpreted through *procedural justice theory*, which emphasizes the importance of participation, voice, neutrality, respect, and trust in the legitimacy of justice processes.¹³ (Tyler, 1990). When community members are able to understand and participate in the process of resolving their disputes, justice is not experienced merely as an externally imposed decision. Instead, participation itself can strengthen perceptions of legitimacy and fairness.

TABLE 4. Changes in Community Legal Awareness and Participation

Indicator	Initial Condition	Post-Engagement Condition	Theoretical Interpretation
Understanding of legal rights	General understanding	More specific and contextual understanding	Increased legal literacy
Identification of legal problems	Based mainly on social/personal perceptions	Greater ability to identify legal dimensions	Improved legal capability
Knowledge of justice mechanisms	Formal procedure or local settlement viewed as main options	Greater awareness of mediation, legal aid, and referral	Expanded access-to-justice pathways
Participation	Mostly responsive	More active questioning and case discussion	Increased procedural participation
Selection of mechanisms	Limited consideration of alternatives	Greater consideration of mediation,	Improved legal decision-making

¹³ Tyler, *Why People Obey the Law*

Indicator	Initial Condition	Post-Engagement Condition	Theoretical Interpretation
		settlement, and formal referral	
Restorative justice	Limited familiarity	Greater understanding of harm, dialogue, accountability, and restoration	Shift toward restorative orientation

Source: Qualitative assessment of community engagement activities, edited and analyzed by the Authors.

The observed changes should nevertheless be interpreted carefully. Without standardized pre-test and post-test measurements, the findings demonstrate qualitative evidence of change rather than statistically measured impact. For the final empirical version of the article, quantitative assessment should be added if available. Indicators could include participants' knowledge of legal rights, ability to identify legal problems, knowledge of mediation and legal aid, and ability to identify appropriate referral institutions.

The most important outcome was therefore not simply increased knowledge but a change in the way participants conceptualized justice. Justice increasingly appeared as a continuum extending from prevention and dialogue to mediation, restorative mechanisms, legal assistance, and formal adjudication. This is consistent with the people-centred justice framework, which emphasizes enabling people to manage legal problems, make informed decisions, participate in justice processes, and access appropriate support.

V. Development of Community-Based Justice Practices

The engagement programme identified mediation as an important mechanism for addressing everyday disputes because it provides opportunities for communication, negotiated settlement, and preservation of social relationships. In theoretical terms, mediation reflects a movement away from purely adjudicative justice toward participatory dispute resolution. Rather than determining a winner and a loser, mediation enables parties to participate in constructing a mutually acceptable solution.

The Indonesian legal system already recognizes mediation as part of formal dispute resolution. PERMA No. 1 of 2016 regulates mediation procedures in Indonesian courts and remains in force. This is significant for community engagement because it demonstrates that mediation does not necessarily represent a purely informal or extra-legal practice. Instead, mediation can constitute an institutional bridge between community preferences for dialogue and the formal justice system.

TABLE 5. Community-Based Justice Practices and Referral Pathways

Mechanism	Primary Function	Community Role	Legal Safeguard	Relationship with Formal Justice
Community mediation	Early resolution of interpersonal disputes	Facilitate dialogue and agreement	Voluntariness, fairness, absence of coercion	Complementary
Customary/local mechanisms	Resolve disputes using local norms	Mobilize local knowledge and social relationships	Consistency with fundamental rights and applicable law	Complementary, subject to legal boundaries
Restorative approach	Address harm and	Involve affected	Protection of victim and	Can complement

Mechanism	Primary Function	Community Role	Legal Safeguard	Relationship with Formal Justice
	restore relationships	parties and community	vulnerable parties	formal criminal justice
Legal assistance	Address complex or rights-sensitive cases	Identify persons requiring professional support	Professional legal standards	Direct connection to formal justice
Institutional referral	Serious offences, violence, coercion, or rights violations	Identify limitations of local mechanisms	Due process and rights protection	Essential formal intervention

Source: Synthesis of community engagement findings and applicable legal frameworks, edited and analyzed by the Authors.

The importance of clear legal boundaries emerged as a central finding. Community-based justice cannot be treated as universally preferable to formal justice. Its legitimacy depends upon the nature of the dispute, the relative power of the parties, voluntariness, protection of vulnerable persons, and compliance with applicable law. In this respect, community empowerment must be distinguished from community autonomy without safeguards.

The principle is particularly important in relation to restorative justice. Indonesia's legal development increasingly provides formal recognition of restorative approaches. PERMA No. 1 of 2024 establishes judicial guidance for criminal cases based on restorative justice, while restorative principles have also been incorporated into the juvenile justice framework through Law No. 11 of 2012. The Supreme Court describes restorative justice as involving relevant parties in seeking a fair resolution oriented toward restoration rather than retaliation. These developments

demonstrate that participatory and restorative justice can coexist with formal legal authority.

The comparative context further reinforces this interpretation. India provides an example of formal institutional support for legal empowerment through the Legal Services Authorities Act 1987, which establishes legal services authorities to provide free and competent legal services to weaker sections and to organize Lok Adalats to promote equal access to justice. Bosnia and Herzegovina is currently strengthening mediation and alternative dispute resolution through institutional cooperation involving the judiciary, Ministry of Justice, bar association, and mediation bodies, with the stated objective of improving access to justice. These examples demonstrate that community-oriented justice mechanisms can be connected to formal institutional structures rather than operating entirely outside them.

Taken together, the findings support a complementary justice model. Under this model, communities are empowered to prevent conflicts, identify legal problems, facilitate dialogue, and use appropriate community-based mechanisms, while formal legal institutions provide authoritative intervention, professional legal assistance, and safeguards when disputes exceed the capacity or legitimacy of local resolution. This model is more consistent with legal empowerment than either extreme of complete reliance on formal punishment or complete reliance on informal community mechanisms. Therefore, the framework can be expressed as:

Legal Education → Legal Awareness → Community Assistance → Capacity Building → Community Participation → Community-Based Justice → Appropriate Referral → People-Centred and Restorative Justice

Within this framework, *penal culture functions as a structural factor that can either constrain or facilitate community empowerment*. A strongly punitive orientation may narrow the perceived range of legitimate justice responses, whereas a restorative and participatory orientation creates greater space for community involvement. However, the findings do not suggest

that punishment should be eliminated. Rather, they indicate that punishment should operate within a broader justice framework in which prevention, restoration, participation, and access to appropriate legal assistance are also recognized.

The principal contribution of the community engagement intervention is therefore the establishment of a practical connection between legal education and institutional justice. Community members are not positioned merely as recipients of legal information or subjects of enforcement, but as participants capable of identifying legal problems, selecting appropriate pathways, engaging in dialogue, and seeking formal assistance when necessary. Such an approach is consistent with the contemporary people-centred justice paradigm, which treats empowerment, legal literacy, participation, and access to appropriate support as essential components of effective justice systems.¹⁴

Comparative Discussion

The findings from the Indonesian community engagement programme become more analytically meaningful when situated within a broader comparative framework. Rather than treating Indonesia, Bosnia and Herzegovina, India, Spain, and Iran as five separate country studies, this section compares them thematically across the relationship between penal culture, legal education, community assistance, capacity building, and community-based justice. The comparison is designed to identify both convergent principles and contextual differences in how communities interact with formal legal institutions.

The five jurisdictions were selected because they represent substantially different legal, historical, institutional, and socio-cultural settings while sharing a common challenge: *how to make justice more accessible and responsive to communities*. Indonesia provides the primary empirical setting and represents a legally plural environment in which

¹⁴ See OECD. *OECD Framework and Good Practice Principles for People-Centred Justice*, OECD. *Making Justice Systems More Effective and People Centred: Advancing a Responsive Rule of Law*.

formal law interacts with customary and community-based mechanisms. Bosnia and Herzegovina represents a post-conflict and institutionally complex European setting in which mediation and access-to-justice reforms are being strengthened. India provides an important example of institutionalized legal aid and community-oriented dispute settlement through the Legal Services Authorities system and *Lok Adalats*. Spain represents a highly formalized European justice system in which mediation and restorative justice have increasingly been integrated into formal justice policy. Iran offers a contrasting context in which formal legal institutions coexist with culturally embedded reconciliation, mediation, and community-based dispute-resolution practices. The comparison therefore does not assume that one jurisdiction provides a universally transferable model. Instead, it asks what institutional and community-level principles can travel across legal contexts and what elements remain dependent on particular legal traditions, institutional capacities, and social structures.

I. Community Legal Needs and Initial Conditions

A central comparative finding is that all five jurisdictions contain a tension between formal justice systems oriented toward authoritative adjudication and emerging or established mechanisms that emphasize dialogue, reconciliation, restoration, or negotiated settlement. The difference lies less in whether restorative practices exist than in where they are located, how formally they are recognized, and how closely they are connected to the formal justice system.

In Indonesia, the tension between punitive and restorative orientations is particularly visible. Formal criminal law retains a significant punitive function, but recent legal developments increasingly recognize restorative principles. PERMA No. 1 of 2024, for example, expressly identifies restoration, strengthening victims' rights and interests, offender responsibility, proportionality of punishment as a last resort, consensus, transparency, and accountability as principles for adjudicating criminal cases through restorative justice. Importantly, the regulation does not

eliminate criminal responsibility; rather, it creates a regulated space in which restoration can influence the handling of appropriate criminal cases.

Spain demonstrates a similar movement, although within a more highly formalized institutional environment. The Spanish justice system has traditionally retained a retributive orientation in criminal proceedings, while restorative justice and mediation have developed as complementary mechanisms. The Ministry of Justice defines restorative justice in terms of the voluntary participation of affected persons, qualified facilitation, victim participation, offender responsibility, and community involvement. Organic Law 1/2025 subsequently introduced a specific provision on restorative justice into the Spanish criminal procedural framework.

India provides a somewhat different configuration. Rather than limiting consensual settlement to informal community practices, the Legal Services Authorities Act 1987 institutionalizes legal services *and Lok Adalats* within a statutory framework. The Act establishes legal services authorities to provide free and competent legal services to weaker sections and organizes Lok Adalats to promote justice on an equal-opportunity basis. It also provides for pre-litigation conciliation and settlement. The Indian experience therefore demonstrates how community-oriented dispute resolution can be incorporated into formal institutional structures without eliminating the authority of the state justice system.

In Bosnia and Herzegovina, mediation and alternative dispute resolution are also being developed as mechanisms to improve access to justice and judicial efficiency. Recent initiatives involving the High Judicial and Prosecutorial Council, Ministry of Justice, Bar Association, Association of Mediators, and courts have focused on strengthening mediation referrals, quality standards, and the use of ADR within the judiciary. This illustrates a model in which restorative or consensual mechanisms are strengthened through institutional reform rather than primarily through community autonomy.

Iran presents a particularly interesting contrast. Research on Iranian justice practices identifies a continuing interaction between formal judicial processes and informal or community-based reconciliation. Penal mediation has been examined in relation to Article 82 of the Criminal Procedure Code, including the use of mediation for certain categories of

offences. Studies of community-based dispute resolution in Iran also identify the role of local mediators and respected community figures in facilitating reconciliation. At the same time, recent research indicates that restorative justice in Iran continues to face institutional and resource-related constraints, particularly in juvenile justice.

TABLE 6. Penal Culture and Restorative Orientation across Five Jurisdictions

Jurisdiction	Dominant Formal Orientation	Restorative/ Participatory Development	Institutional Location	Comparative Significance
Indonesia	Significant punitive orientation	Increasing recognition of restorative justice and mediation	Courts, legal aid, community mechanisms	Transition from punitive dominance toward complementary justice
Bosnia and Herzegovina	Formal adjudication within a complex institutional system	Increasing use of mediation and ADR	Courts, mediation institutions, justice-sector reform	Institutional strengthening of ADR
India	Formal adjudication combined with statutory legal services	Strong institutional role for <i>Lok Adalats</i> and conciliation	Legal Services Authorities and courts	Community-oriented settlement embedded in formal institutions
Spain	Traditionally retributive criminal procedure	Increasing formal recognition of restorative justice	Courts and qualified mediation/ restorative services	Professionalized and formalized restorative justice

Jurisdiction	Dominant Formal Orientation	Restorative/ Participatory Development	Institutional Location	Comparative Significance
Iran	Strong formal judicial structure	Mediation, reconciliation, and informal justice mechanisms	Courts, mediation mechanisms, community actors	Coexistence of formal law and culturally embedded reconciliation

Source: Comparative synthesis based on legal frameworks and literature discussed in this section, analyzed by the Authors.

The comparison suggests that the relevant policy question is not whether a justice system should choose punishment **or** restoration. A more useful question is how a justice system can determine when punishment is necessary, when restoration is appropriate, and how communities can participate without weakening legal safeguards. This finding is consistent with restorative justice theory, which does not necessarily reject formal criminal responsibility but seeks to broaden the objectives of justice to include repair of harm, accountability, participation, and restoration of relationships.¹⁵

For Indonesia, this comparative perspective reinforces the argument that community legal empowerment should not be framed as opposition to formal criminal law. Instead, empowerment can contribute to a more differentiated justice system in which punitive intervention remains available for serious offences while community participation, mediation, and restorative mechanisms are strengthened for cases where they are legally and ethically appropriate.

¹⁵ See Braithwaite, *Restorative Justice and Responsive Regulation*; Zehr, *The Little Book of Restorative Justice*.

II. Legal Education as a Mechanism of Empowerment

The second comparative dimension concerns legal education. Across the five jurisdictions, legal empowerment cannot be reduced to the dissemination of legal information. The more significant issue is whether communities have the capacity to recognize legal problems, understand available remedies, obtain assistance, and navigate institutions.

In Indonesia, the community engagement programme demonstrated that participants initially possessed general legal awareness but faced difficulties translating that awareness into practical action. This finding supports Golub's conception of legal empowerment, which emphasizes strengthening the capacity of disadvantaged groups to use law as an instrument for pursuing their interests rather than focusing exclusively on strengthening legal institutions.¹⁶

India offers one of the clearest institutional examples. The Legal Services Authorities Act 1987 establishes a national and subnational structure for legal services and includes provisions concerning district and taluk legal services authorities, legal services eligibility, Lok Adalats, and pre-litigation conciliation. The model is important because legal education, legal aid, and dispute settlement are connected within the same institutional architecture. Legal empowerment is consequently not treated solely as a community education activity but as a pathway connecting knowledge to assistance and resolution.

Bosnia and Herzegovina similarly demonstrates the importance of institutional linkage. The Ministry of Justice provides free legal aid that includes legal information, advice, assistance in preparing submissions, representation, and assistance in peaceful dispute resolution through mediation. The existence of such a framework indicates that legal

¹⁶ Stephen Golub, "Beyond Rule of Law Orthodoxy: The Legal Empowerment Alternative." Rule of Law Series: Democracy and Rule of Law Project Working Paper no. 41. (Washington, DC: Carnegie Endowment for International Peace, 2003); Stephen Golub, "Legal Empowerment: Impact and Implications for the Development Community and the World Bank." In *The World Bank Legal Review: Law, Equity, and Development*, vol. 2, 167–184. (Washington, DC: World Bank, 2006).

empowerment requires an institutional pathway through which awareness can be converted into actual access to professional assistance.

Spain provides another model in which legal assistance is strongly institutionalized. Law 1/1996 regulates the right to free legal assistance and includes pre-litigation legal advice and orientation. This is important from the perspective of people-centred justice because assistance can occur **before** a dispute becomes fully judicialized. In addition, Spain maintains a public and informative Register of Mediators and Mediation Institutions, facilitating access to qualified mediation services.

Iran illustrates a more mixed model in which institutional legal assistance can coexist with community-based mechanisms. UNHCR's legal-support programme in Iran, for example, combines free legal advice and assistance with dispute-settlement committees that use mediation and advice to resolve disputes among refugees. This illustrates how legal empowerment can operate through hybrid structures involving legal professionals, community-level mechanisms, and institutional referral.

TABLE 7. Legal Education and Empowerment Mechanisms

Dimension	Indonesia	Bosnia and Herzegovina	India	Spain	Iran
Legal literacy	Community education and legal awareness programmes	Legal information through legal aid structures	Legal services and awareness through legal-services institutions	Formal legal advice and orientation	Legal assistance combined with community-level support
Legal aid	Statutory framework under Law No. 16/2011	Free legal aid framework	Legal Services Authorities Act 1987	Law 1/1996	Institutional and NGO/UN-supported legal assistance

Dimension	Indonesia	Bosnia and Herzegovina	India	Spain	Iran
Community education	Participatory legal education	Institutional and justice-sector initiatives	Legal services and paralegal/community outreach	Professionalized legal assistance	Community and vulnerable-group assistance
Paralegal/local actors	Community leaders and facilitators	Legal-aid and mediation actors	Legal Services Authorities and paralegal volunteers	Professional mediators and legal professionals	Lawyers, mediators, social workers, community actors
Main empowerment pathway	Education → assistance → referral	Information → legal aid → mediation/formal justice	Legal aid → <i>Lok Adalat</i> /conciliation → formal justice	Advice → mediation/restorative process → formal justice	Legal advice → mediation → institutional referral

Source: Comparative synthesis of legal-aid and justice-access mechanisms, analyzed by the Authots.

The comparative lesson is that legal education is most effective when it is connected to *assistance and referral*. Knowledge without access to a lawyer, mediator, legal-aid provider, or appropriate institution may leave communities better informed but still unable to act. Conversely, legal assistance without legal literacy may create dependence on professionals. A sustainable empowerment model therefore requires both.

III. Community Assistance and Capacity Building

The five jurisdictions also reveal different understandings of community assistance. In the Indonesian programme, community assistance involved case discussion, guided identification of legal problems, explanation of dispute-resolution options, and referral to formal

institutions. The intervention therefore sought to build capacity rather than create permanent dependency on external legal experts.

India provides an especially relevant comparison because its legal-services framework connects institutional legal assistance with mechanisms designed to make justice more accessible. The Legal Services Authorities Act establishes central, state, district, and taluk-level structures, while Lok Adalats provide a forum for settlement. This institutional density creates multiple entry points into the justice system.

Bosnia and Herzegovina similarly demonstrates the importance of institutional capacity building. Current justice-sector initiatives are not focused solely on expanding mediation in the abstract; they involve judges, justice institutions, lawyers, mediators, and professional bodies and address practical obstacles to referrals and the quality of mediation. The implication is that ADR requires trained institutional actors and functioning referral systems rather than merely a legal authorization to mediate.

Spain places considerable emphasis on professionalization. Mediators must meet educational and training requirements, while mediation institutions facilitate access to professional mediators. This differs from the Indonesian and Iranian contexts, where community legitimacy may play a more prominent role in informal dispute resolution. Professionalization has the advantage of procedural consistency, but it may also create greater distance from local social relationships.

Iran demonstrates the continuing significance of intermediary actors. Research identifies local mediators and respected community figures as participants in informal dispute resolution, while recent research on juvenile restorative justice emphasizes the role of social workers in empowerment, awareness raising, mediation, networking, and trust building. The Iranian case therefore reinforces the importance of intermediary capacity, while simultaneously illustrating the need to address resource and institutional constraints.

The comparison suggests that capacity building should occur at two levels: community capacity and institutional capacity. Community actors need sufficient knowledge to identify problems and initiate appropriate responses, while formal institutions need sufficient capacity to receive referrals, provide professional assistance, and maintain safeguards.

IV. Formal Justice and Community-Based Justice

The strongest comparative finding concerns the relationship between community-based mechanisms and formal institutions. Across the five jurisdictions, the most sustainable model is neither complete informal autonomy nor complete dependence on formal adjudication. Instead, effective access to justice is increasingly organized through a continuum of mechanisms: *Community → Local Mechanism → Legal Assistance/Referral → Formal Institution*. *This continuum is visible in different forms across all five jurisdictions.*

In Indonesia, community members may initially seek assistance from local leaders or community networks. Mediation and local dispute resolution can address appropriate conflicts, while more serious or legally complex matters require legal assistance or formal referral. The formal legal system itself recognizes mediation through PERMA No. 1 of 2016, which regulates mediation in Indonesian courts. Restorative justice is additionally recognized through PERMA No. 1 of 2024, although its application is subject to legal boundaries, including situations involving refusal to reconcile or power imbalances.

India institutionalizes this continuum through legal services authorities and Lok Adalats. The model connects legal assistance with pre-litigation conciliation and settlement, thereby creating a pathway between individual legal needs and formal justice institutions. This is particularly significant because it demonstrates that community-oriented settlement mechanisms can be legally embedded without becoming detached from state authority.

Bosnia and Herzegovina is moving toward a similar institutional connection. Current reform initiatives focus specifically on improving court referrals to mediation and developing quality standards for ADR. The community-to-formal-justice relationship is therefore increasingly structured through institutional referral rather than informal settlement alone.

Spain represents the most professionalized version of this continuum. Mediation is provided through qualified mediators and registered institutions, while free legal assistance includes pre-litigation advice.

Restorative justice has also received a more explicit statutory basis through Organic Law 1/2025. The Spanish model demonstrates how community-oriented principles can be incorporated into a highly formalized legal system without relying heavily on customary institutions.

Iran illustrates the opposite direction of institutional interaction: community and culturally embedded mechanisms remain important sources of reconciliation, while formal law provides a framework for certain forms of mediation and restorative intervention. Research on Iranian informal justice emphasizes the role of community elders and local mediators, while Article 82 of the Criminal Procedure Code has been associated with penal mediation for specified offences.

TABLE 8. Formal–Community Justice Continuum

Jurisdiction	Community/ Local Mechanism	Intermediate Assistance	Formal Institution	Dominant Relationship
Indonesia	Community mediation, local/customary practices	Legal aid, facilitators, referral	Courts and justice institutions	Complementary and increasingly regulated
Bosnia and Herzegovina	Mediation/ADR	Mediators, legal aid	Courts and justice institutions	Institutionally integrated ADR
India	Lok Adalat, community-oriented settlement	Legal Services Authorities	Courts and statutory legal-services system	Highly institutionalized community-oriented justice
Spain	Mediation/restorative processes	Qualified mediators and legal aid	Courts and formal justice institutions	Professionalized integration

Jurisdiction	Community/ Local Mechanism	Intermediate Assistance	Formal Institution	Dominant Relationship
Iran	Community mediation, reconciliation	Lawyers, social workers, dispute- settlement bodies	Courts and judicial institutions	Hybrid formal- informal interaction

Source: Comparative synthesis, edited and analyzed by the Authors

The comparative evidence therefore supports a bridging model of justice. Community-based justice is most effective when it does not operate as an isolated parallel system but is connected to professional assistance and formal institutions. Such connection protects communities from two opposite risks: the excessive formalization of minor disputes and the insufficient protection of rights within informal processes.

V. Contextual Differences across Five Jurisdictions

Although common principles can be identified, the comparison also demonstrates why a single community-justice model cannot simply be transferred from one jurisdiction to another. The operation of legal empowerment depends on legal tradition, institutional capacity, historical experience, social norms, and the degree to which community mechanisms are formally recognized.

TABLE 9. Contextual Factors Shaping Community Legal Empowerment

Factor	Indonesia	Bosnia and Herzegovina	India	Spain	Iran
Legal tradition	Civil-law influenced, legally plural	Complex post-socialist/post-conflict European framework	Common-law influenced, plural normative orders	Civil-law and European legal framework	Civil-law and Islamic legal influences
Historical context	Colonial legacy and continuing local/adat norms	War, state reconstruction, and institutional complexity	Colonial legacy, constitutional pluralism, social diversity	European integration and institutional formalization	Islamic Revolution and continuing interaction of formal and customary norms
Community role	Strong local/community networks	Increasingly mediated through formal institutions	Significant through legal-services and settlement structures	More professionally mediated	Strong role for reconciliation and local mediation
Formalization	Mixed	Increasing formalization of ADR	High institutionalization	High professionalization	Mixed/hybrid
Main challenge	Connecting local knowledge with formal justice	Institutional coordination and ADR uptake	Scale, inequality, and access	Maintaining accessibility within professionalized systems	Balancing formal authority and community reconciliation

Factor	Indonesia	Bosnia and Herzegovina	India	Spain	Iran
Key lesson	Empowerment through bridging	Institutional coordination	Integrated legal aid and settlement	Professionalized restorative access	Hybrid formal–informal pathways

Source: Comparative analytical synthesis, edited and analyzed by the Authors.

The first contextual difference concerns *legal tradition*. Legal pluralism is particularly relevant to Indonesia and India because multiple normative orders can coexist with state law. Indonesia's *adat* mechanisms and India's diverse customary, religious, and statutory traditions illustrate how formal law interacts with socially embedded norms. Iran also presents an important hybrid environment in which formal legal institutions coexist with culturally embedded reconciliation practices. By contrast, Spain's and Bosnia and Herzegovina's contemporary justice reforms are more strongly structured through formal European legal and institutional frameworks, although community participation and ADR remain relevant.

The second difference concerns *institutional capacity and formalization*. Spain's mediation system illustrates a high degree of professionalization, including formal registration and training requirements for mediators. Bosnia and Herzegovina is also strengthening institutional coordination among courts, justice institutions, lawyers, and mediators. In these contexts, community empowerment is more likely to occur through professional intermediaries.

Indonesia and Iran demonstrate a stronger coexistence between formal institutions and socially embedded mechanisms. In Indonesia, this is visible in the continuing relevance of local dispute-resolution practices alongside statutory mediation and restorative justice. In Iran, community-based mediation and reconciliation remain significant alongside formal judicial mechanisms.

The third difference is *the meaning of community itself*. Community cannot be treated as a homogeneous or inherently just entity. Local

mechanisms may improve accessibility and social legitimacy, but they can also reproduce local power inequalities. This is why community-based justice requires procedural safeguards, particularly where disputes involve vulnerable parties or significant power imbalances. Indonesia's PERMA No. 1 of 2024 provides a useful example by excluding the application of its restorative framework where a power relationship exists between the parties.

Thus, contextual adaptation is not a secondary consideration but a core principle of community legal empowerment. What should be transferred between jurisdictions is not a specific institution such as *Lok Adalat*, *adat* mediation, Spanish professional mediation, or Iranian community reconciliation. What should be transferred are the underlying principles of accessibility, participation, assistance, capacity, referral, and procedural safeguards.

VI. Transferable Lessons for Community Legal Empowerment

The comparative analysis demonstrates that the most transferable lesson is not a particular dispute-resolution mechanism but a process of empowerment. Across the five jurisdictions, effective community-oriented justice tends to develop when legal education is connected to assistance, capacity building, participation, community-based mechanisms, and formal referral.

This can be conceptualized as a Community Legal Empowerment Continuum: *Legal Education* → *Legal Awareness* → *Community Assistance* → *Capacity Building* → *Participation* → *Community-Based Justice* → *Referral* → *Access to Justice*.

Each stage performs a distinct function. *First*, legal education creates the minimum knowledge necessary for communities to recognize rights, obligations, and legal problems. *Second*, community assistance translates that knowledge into practical guidance. *Third*, capacity building enables local actors to continue supporting community members beyond a single intervention. *Fourth*, participation gives community members a meaningful role in identifying and resolving justice problems. *Fifth*,

community-based justice provides accessible mechanisms such as mediation, dialogue, and restorative processes. *Sixth*, referral mechanisms establish boundaries by connecting cases requiring professional or authoritative intervention to formal institutions.

TABLE 10. Transferable Principles for Community Legal Empowerment

Stage	Core Principle	Community Function	Institutional Function	Transferability
Legal education	Legal literacy	Understand rights and legal problems	Provide accessible information	High
Assistance	Practical guidance	Seek appropriate remedies	Provide legal advice and support	High
Capacity building	Sustainable capability	Develop local problem-solving capacity	Train and support intermediaries	High
Participation	Voice and agency	Participate in justice processes	Ensure fair and meaningful participation	High
Community-based justice	Accessibility and restoration	Mediate, negotiate, prevent escalation	Recognize and regulate appropriate mechanisms	Context-dependent
Referral	Safeguards and institutional connection	Identify cases beyond local capacity	Receive and process referrals	High

Stage	Core Principle	Community Function	Institutional Function	Transferability
Access to justice	Effective remedy	Navigate available justice pathways	Ensure accessible and accountable institutions	High

Source: Authors' synthesis based on the comparative analysis.

The first transferable principle is therefore integration rather than substitution. Community-based justice should complement, rather than automatically replace, formal justice. India's Lok Adalat model, Spain's professional mediation framework, Bosnia and Herzegovina's court-linked ADR initiatives, Indonesia's court mediation and restorative justice frameworks, and Iran's interaction between formal and community-based reconciliation all demonstrate different forms of this principle.

The second principle is legal empowerment through capability rather than information alone. Legal education should be connected to assistance, referral, and opportunities for participation. This is particularly relevant to the Indonesian programme because the community engagement findings demonstrated that participants needed not only knowledge of law but also the ability to determine which justice mechanism was appropriate.

The third principle is institutional bridging. Community actors should not be expected to perform the functions of lawyers, judges, prosecutors, or other professionals. Their role is better understood as an intermediary function: identifying problems, facilitating communication, providing basic legal information, supporting prevention, and connecting individuals to appropriate professional services.

The fourth principle is context-sensitive restorative justice. Restorative justice should not be treated as a universal replacement for punishment. The comparative evidence demonstrates that restorative mechanisms are shaped by national legal frameworks and institutional arrangements. Spain has moved toward formal statutory recognition, Indonesia has developed judicial guidelines, India embeds consensual settlement in a statutory legal-services structure, Bosnia and Herzegovina

emphasizes institutional ADR development, and Iran combines formal and community-oriented reconciliation mechanisms.

Finally, the comparison identifies safeguards as a condition of genuine empowerment. A justice mechanism is not necessarily empowering merely because it is local, inexpensive, or consensual. Genuine empowerment requires informed participation, voluntariness, access to assistance, protection of vulnerable parties, and a clear route to formal justice where necessary. This is particularly important when local power structures may influence the outcome of disputes.

The comparative analysis consequently supports a broader understanding of community legal empowerment as a bridging strategy between communities and justice institutions. The central objective is not to create a separate community justice system but to strengthen communities' ability to recognize legal problems, participate in appropriate processes, use accessible mechanisms, and obtain professional or formal intervention when required.

For Indonesia, this comparative insight strengthens the central argument of this article: addressing the effects of penal culture requires more than reducing punitive responses. It requires building the community's capacity to participate in justice. Legal education, assistance, capacity building, and community participation can create institutional pathways through which communities move from being passive recipients of legal enforcement toward becoming active participants in prevention, dispute resolution, and access to justice.

Conclusion

This study concludes that penal culture remains an important structural factor shaping how communities perceive, access, and participate in justice in Indonesia. The findings indicate that a predominantly punitive orientation may limit community participation when legal processes are perceived as distant, complex, or focused primarily on sanctioning rather than resolving the underlying causes of disputes. Community legal empowerment can therefore function as a bridge between formal justice

and local justice practices by strengthening legal awareness, practical legal knowledge, and the capacity of communities to identify and address legal problems. The community engagement experience further demonstrates that legal education is most effective when combined with community assistance, case-based discussion, capacity building, and accessible referral mechanisms. The comparative analysis of Indonesia, Bosnia and Herzegovina, India, Spain, and Iran also indicates that restorative and community-based approaches can complement formal justice, although their implementation must remain sensitive to different legal traditions, institutional capacities, cultural contexts, and safeguards against unequal power relations.

These findings have several implications for community engagement and justice policy. Legal education programmes should move beyond the transfer of legal information toward practical, participatory, and problem-oriented learning; community assistance should provide clear pathways from legal awareness to professional advice and formal referral; and capacity building should strengthen both community actors and justice institutions. Policymakers should expand people-centred and restorative justice mechanisms while ensuring clear legal safeguards and accountability. Legal practitioners and legal aid institutions should strengthen outreach, early assistance, mediation, and referral services, while universities can contribute through sustained community legal education, clinical legal programmes, and partnerships with local organizations. Local governments and community organizations should support trained community facilitators and locally appropriate dispute-resolution mechanisms that remain connected to formal justice institutions. Therefore, community legal empowerment should be understood not as a substitute for formal justice, but as a complementary strategy that enables communities to participate more meaningfully in preventing disputes, resolving appropriate conflicts, protecting rights, and accessing justice.

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Declaration of Conflicting Interests

The authors state that there is no conflict of interest in the publication of this article.

Funding Information

None.

Acknowledgment

The authors would like to express their sincere gratitude to all individuals, community members, legal practitioners, and institutional partners who contributed to the development of this study. The authors also appreciate the support and constructive insights provided by colleagues and academic peers throughout the research and writing process. Their contributions were valuable in strengthening the comparative analysis of community legal empowerment, penal culture, and community-based justice practices across Indonesia, Bosnia and Herzegovina, India, Spain, and Iran.

Generative AI Statement

During the preparation of this manuscript, the authors used generative artificial intelligence (AI) tools solely to assist with language refinement, grammar correction, and improvement of academic expression. The AI tools were not used to generate research data, conduct data analysis, determine research findings, or formulate the study's substantive conclusions. All content was critically reviewed, verified, and revised by the authors, who take full responsibility for the accuracy, originality, and integrity of the manuscript.

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