

Exploring the Social and Cultural Realities of Dispute Resolution in Multicultural Societies: A Legal Anthropological Perspective

Endriyani Lestari^{ID}

Universitas Airlangga, Surabaya, Indonesia

endriyani.lestari.fh-2026@student.unair.ac.id

Abstract

From the perspective of legal anthropology, multicultural societies can be interpreted in two ways: positively and negatively. The phenomenon this paper seeks to study is how social conflicts or disputes can arise at any time, given their universal nature. Meanwhile, culture is a representation of human thought within society, encompassing diverse innovations. The author sees that conflicts or disputes are inevitable when individuals are firm in their own right and do not heed the truth (opinions) of others. This phenomenon may occur in multicultural societies, both between individuals and between individuals and a certain ethnic group. Legal anthropology plays a significant role in exploring the norms and values that shape people's lives. Legal anthropology views society as a whole and an interrelated unit. In the previous study, the author cited research by Nader and Todd (1978), which categorized disputes into three stages: the complaint by one of the parties, negative reactions, and the final stage of dispute resolution, brought to court. In addition, this study argues that several alternative dispute resolution methods in a multicultural society can be adopted from a legal anthropological perspective, including intercultural mediation, dialogue forums, and restorative justice.

KEYWORDS

Multicultural society, Dispute resolution, Culture, and Legal anthropology.



Copyrights © Author(s). This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License. All writings published in this journal are personal views of the author and do not represent the views of this journal and the author's affiliated institutions.

Introduction

Society generally consists of individuals who are subject to applicable social norms. From this, it can be seen that human existence comprises two basic aspects: the individual aspect and the interaction aspect that arises in relationships among individuals in society.¹ Investigations of *conflict* and conflict-resolution culture in both tribal and civilized societies, as well as disputes between individuals within a group (intra-group conflict) and inter-group conflict, have been conducted by many social scientists using an anthropological approach.² Prof. H. Hilman Hadikusuma, S.H., gave the view that legal anthropology is the science (logos) of human beings (anthropos) related to law. The legal problem in question is not only law in the sense and form of behavior as a norm that repeatedly occurs, as in customary law or law in the sense and form of rules (rules, provisions, guidelines, regulations in a normative approach), but also legal problems seen in terms of intellectual, philosophy, and psychology that preceded the law, as well as alternative steps for resolving disputes that arise in society.³

The interpretation of the investigation generally states that disputes are social phenomena that are universal and inherent in people's lives and social relations between individuals and between individuals and groups, so it is impossible for a society to avoid conflicts in the dimension of social life. Therefore, conflict need not be seen as a pathological symptom arising from abnormal behavior or as an indication of a disorder in the dynamics of people's lives, because each community has the capacity to create its own norms and mechanisms to resolve disputes that arise in citizens' social relations. Efforts can focus on how the conflict is managed, controlled, and

¹ Syafruddin Makmur, "Budaya Hukum Dalam Masyarakat Multikultural," *SALAM: Jurnal Sosial Dan Budaya Syar-I* 2, no. 2 (2015): 383–410.

² Febrian Chandra, "Antropologi Hukum Dalam Masyarakat," *Adagium: Jurnal Ilmiah Hukum* 1, no. 1 (2023): 1–11, <https://ejournal.mejailmiah.com/index.php/adagium>.

³ Hilman Hadikusuma, *Antropologi Hukum Indonesia* (Bandung: PT. Alumni, 2010), 10.

settled wisely and peacefully, so as not to trigger violence, anarchy, or destructive disintegration that undermines the order of social relations in people's lives.⁴

From the perspective of legal anthropology, the phenomenon of disputes has two interpretations: negative and positive. The negative aspect indicates that the dispute causes division or disintegration of social life, weakens social cohesion, or damages the social relations system. Then, from a positive perspective, disputes are considered to maintain social integration, strengthen social ties, and help restore the balance of social relations between individuals and groups. The balance of the relationship in question will be realized if the parties to the dispute, the synergy, manage, control, and resolve disputes in a mature, wise, and peaceful manner, either with or without the involvement of third parties.⁵

In general, the occurrence of disputes in society originate from the following problems, namely: (1) The control, utilization and distribution of natural resources that support human life (*natural resource control and distribution*); (2) The territorial expansion of the boundaries of the life area of a community group (*territorial expansion*); (3) The economic activities of the community (*economic activities*); (4) Population density (4) (5) Laws and government policies; (6) Politics; and (7) Poverty.⁶ From the perspective of legal anthropology, disputes that occur in society can be

⁴ Yael Silver and Ayelet Shavit, "Communal Philosophy? A Possible Framework for Academia-Community Interaction," *Studies in History and Philosophy of Science* 112, no. July(2025):161–69, <https://www.sciencedirect.com/science/article/pii/S0039368125000755>.

⁵ A. Sahetapy, "Mengenali Sangketa Dan Budaya Penyelesaian Sangketa Dalam Masyarakat Multikultural: Perspektif Antropologi Hukum," *Legal Pluralisme* 1, no. 1 (2011): 99–107, <http://jurnal.uniyap.ac.id/jurnal/index.php/Hukum/article/view/41/38>.

⁶ Said Ahmad and Sarhan Lubis, "Sengketa Tanah Wakaf Dipersyerkatan Muhammadiyah Dan Strategi Penyelesaiannya," *EduYustisia* 4, no. 1 (2025): 31–41, <http://jurnal.umsu.ac.id/index.php/ey/index>.

classified into at least 3 (three types, namely: (1) conflict of interests; (2) conflict of values; and (3) conflict *of norms*.⁷

Based on research conducted by Nader and Todd (1978), the nature of disputes that arise in society in general must meet several stages, such as: (1) disputes begin with the emergence of grievances from one party against the other party (individual or group), because the complaining party feels that his rights are violated, treated unnaturally, rude, trampled on his self-esteem, hurt his heart, and others. Initial conditions like this are called the *pre-conflict stage* which tends to lead to monadic confrontations; (2) In the second stage, if the other party shows a negative reaction in the form of a hostile attitude to the emergence of complaints from the first party, then this condition escalates to a conflict *stage*, so that the confrontation between the parties takes place in a diadic (*dyadic*) manner; (3) In the third stage, if then the conflict between the parties is shown and brought to the public arena (society), and then processed into a case of problems in a certain dispute settlement institution by involving a third party, then the situation has escalated to a dispute (*dispute stage*), and the nature of the confrontation between the disputing parties becomes triadic (*triadic*).⁸

Law has a mutualistic relationship with society, as it is a social instrument that enables its implementation to the fullest. Based on the opinion of Emile Durkheim, the correlation between law and society can be seen from two angles, namely:⁹

- i. A society with mechanical solidarity that is based on the pattern of togetherness among its members, so that the law has repressive characteristics that are useful for maintaining this togetherness.

⁷ Sunita Sah, "Policy Solutions to Conflicts of Interest : The Value of Professional Norms," *Behavioural Public Policy* 1, no. 2 (2017): 177–89, <https://doi.org/10.1017/bpp.2016.9>.

⁸ Laura Nader and Harry F. Todd Jr, *The Disputing Process: Law in Ten Societies* (New York: Columbia University, 1978), 10-15.

⁹ Makmur, "Budaya Hukum Dalam Masyarakat Multikultural."

- ii. A society with organic solidarity based on the individualism and independence of its participants, so that it gives rise to a restitutive pattern that is only useful to protect the sustainability of people's lives.

When looking at the existing reality, the dynamics of the law in Indonesia are not in line with those of society. This is due to the incompatibility between the values chosen by the authorities and deliberately presented for the modern legal system and the values lived by traditional societies, resulting in people being reluctant to accept the modern economic system and in it being meaningless for society. Guidelines and tools to ask questions about the function of law are closely related to the influence of legal culture. The laws below are not sufficient to serve as social control alone, but the law is expected to move society to develop in line with the new system, which is called the realization of the expected orientation. In this regard, legal awareness from the community is needed as a link between the rules of law and community behavior. Such a situation results in the law not being properly implemented in society because it is not in harmony with the community's views, values, and attitudes. The dynamics in Indonesia are evident in the nation's social structure, which is not in line with modern laws adopted by the authorities, resulting in a significant gap in their implementation.

Based on the above explanation, research into the social and cultural realities of dispute resolution in multicultural communities from the perspective of legal anthropology is needed, given the heterogeneity of communities with conflicting interests and the dispute-resolution mechanisms used. The research formulation in this study is to answer related problems: (i) factors or disputes in the social reality of multicultural societies; and (ii) alternative dispute resolution that can be adopted by multicultural societies in the face of complex and controversial disputes.

Methods

This study employs a qualitative approach to gain a clear understanding of the phenomenon of legal-cultural transition and social reality in a multicultural society. The qualitative approach was chosen because it is well-suited to exploring social change, cultural values, and people's views on the law. The data in this study were obtained conceptually and from laws and regulations that are directly related to dispute resolution. In addressing the formulation of the problem for this paper, it begins with an interpretation of the problem behind the title, followed by various legal events associated with legal materials. In this case, the author uses perspective research by interpreting the background of the problem behind the title, along with various legal events that are then concretized through legal materials.

Result and Discussion

1. Factors or Dispute in the Social Reality of Multicultural Societies

A dispute arises between the parties to an agreement due to a default by one of them.¹⁰ In addition, Takdir Rahmadi revealed that conflict or dispute is a situation in which people experience factual disputes with each other, as well as disputes that exist only in their perceptions.¹¹ Thus, a dispute is one that occurs between two or more parties who hold differing perceptions, and it can arise from a default by the parties or by one of the parties to the

¹⁰ Nurnaningsih Amriani, *Mediasi Alternatif Penyelesaian Sengketa Di Pengadilan* (Jakarta: PT Raja Grafindo Persada, 2012), 12-13.

¹¹ Takdir Rahmadi, *Mediasi Penyelesaian Sengketa Melalui Pendekatan Mufakat* (Jakarta: PT Raja Grafindo Persada, 2011), 11.

agreement. The following are some theories about the causes of disputes, including:¹²

a. Public Relations Theory

This theory emphasizes the existence of distrust and group rivalry in society. The adherents of this theory provide solutions to conflicts by improving communication and mutual understanding between groups in conflict, as well as by fostering tolerance so that people can better accept each other's diversity in society.

b. Principle Negotiation Theory

This theory explains that conflicts arise from differences between the parties. Proponents of this theory argue that in order for a conflict to be resolved, the perpetrator must be able to separate his personal feelings from problems and be able to negotiate based on interests and not on a fixed position.

c. Identity Theory

This theory explains that conflict occurs when a group feels its identity is threatened by another party. Believers in identity theory propose that conflict resolution is achieved through workshops and dialogues between representatives of groups experiencing conflict, with the aim of identifying the threats and concerns they feel and building empathy and reconciliation. The end goal is to reach a mutual agreement that recognizes the essential identity of all parties.

d. Intercultural Misunderstanding Theory

The theory of intercultural misunderstanding explains that conflicts arise from communication incompatibility between people from different cultural backgrounds. For this reason, dialogue between people who experience conflict is needed to get to know and

¹² Yunimar, "MEDIASI SEBAGAI SALAH SATU CARA DALAM PENYELESAIAN SENGKETA PERDATA DI LUAR PENGADILAN," *NORMATIVE JURNAL ILMIAH HUKUM* 10, no. 1 (2022): 96–113.

understand other people's cultures, reducing the stereotypes they hold towards other parties.

e. Transformation Theory

This theory explains that conflicts can occur due to the problems of inequality and injustice, as well as gaps that are manifested in various aspects of people's lives, both social, economic, and political. Adherents of this theory argue that conflict resolution can be carried out through several efforts, such as changes in the structure and framework that cause 4 inequality, improvement of relationships, and long-term attitudes of the parties to the conflict, as well as the development of processes and systems to realize empowerment, justice, reconciliation, and recognition of their respective existence.

f. The Theory of Human Needs or Interests

In essence, this theory reveals that conflicts can occur because human needs or interests cannot be met or feel hindered by other people or parties. Human needs and interests can be divided into three types, namely substantive, procedural, and psychological. Substantive interests concern human needs for material things such as money, clothing, food, board or housing, and assets. Procedural interests concern the order of society, while psychological interests pertain to non-material concerns such as appreciation and empathy.

Interaction, dependence, or reciprocity among group members is also understood as a dynamic. Its form is a society in which an individual constantly interacts with others in the group. Dynamic community life is an undeniable characteristic. Society is formed to protect personal property rights, maintain social rules, and impose consequences on those who violate

them. The development of modern society always demands adjustment and reconstruction within the framework of positive legal thinking.¹³

In the developing period, there is an era relationship between culture and humans. Humans cannot be separated from culture, because it is society that shapes that culture. In addition, culture will continue to adapt in line with humans' will to expand and develop it. Therefore, public discussions often state that transformation is a sign of survival. An integral social science approach can help overcome the fragmentation of modern science by integrating religious values with scientific innovation.¹⁴

Hefner's perspective says that Indonesia is a "classical locus" (the best place/reference) for the concept of a pluralistic society, not an exaggeration. This is reflected in the heterogeneity that Indonesia has as a unique nation where only a number of regions in the world are granted privileges. The study of a nation's diversity is known as the concept of multiculturalism. Many experts have stated that multiculturalism is essentially a framework for harmony amid cultural diversity that grows alongside the equality of different cultures. This harmony requires each individual to respect the cultures of others who live in their community. In a multicultural society, every individual and society has a need for recognition (politics of recognition), which demands the creation of certain social rewards. Multiculturalism can be interpreted as diversity or as differences between one culture and another.¹⁵

According to Bhiku Parekh in Azra, a multicultural society is one consisting of several kinds of cultural communities, each with its own advantages, slightly different conceptions of the world, a system of meanings, values, forms of social organization, history, customs, and

¹³ Roibin, "BEBERAPA FAKTOR SOSIO-ANTROPOLOGIS YANG MENDORONG PERLUNYA REFORMULASI PEMIKIRAN HUKUM DALAM ISLAM," *ISLAMICA* 3, no. 1 (2008): 16–25.

¹⁴ Mokhammad Yahya and Rois Imron Rosi, *Ilmu Sosial Integral: Perspektif Islam & Sains* (Malang: Pustaka Peradaban, 2023), 103.

¹⁵ Azyumardi Azra, *Pancasila Dan Identitas Nasional Indonesia: Perspektif Multikulturalisme* (Jakarta: Rineka Cipta, 2006), 62.

traditions. The possibility of disputes in a multicultural society is very high if it responds to differences as a sense of separation and creates a sense of belonging (others are not part of us). A society that has lived for thousands of years in a multicultural state is not immune to friction arising from ethnic, cultural, religious, social, political, and economic conflicts. The long experience of living with differences is not enough to instill pride in them or to view them as a national wealth.¹⁶

The social and cultural area certainly has many aspects that must be interpreted, such as symbols, institutions, language, and myths. To interpret these aspects, steps are needed, namely by way of the structuralist approach, by assessing how these elements correlate and form a complex system or structure. Structuralism is an approach in the social sciences, language, and the humanities that emphasizes the structures and systems embedded in language and culture. In the field of social sciences, structuralism was developed by anthropologist Claude Levi-Strauss who emphasized the study of the structure and myth of kinship in society. Meanwhile, in linguistics, Ferdinand de Saussure is known as the father of structuralism for developing theories of the relationship between signs and meaning in language. Structuralism also affects developments in other fields such as philosophy, literature, and psychology.¹⁷

In addition to the structuralist approach in social science, another approach is also needed: the functionalist approach. The functionalist approach is a social science and architecture perspective that focuses on the functions or roles of a structure, institution, or system in society. This approach assesses society as a system composed of parts that interact to

¹⁶ Mahdayeni and Muhammad Roihan Alhaddad Ahmad Syukri Saleh, "MANUSIA DAN KEBUDAYAAN (MANUSIA DAN SEJARAH KEBUDAYAAN, MANUSIA DALAM KEANEKARAGAMAN BUDAYA DAN PERADABAN, MANUSIA DAN SUMBER PENGHIDUPAN)," *TADBIR : Jurnal Manajemen Pendidikan Islam* 7, no. 2 (2019): 154–65.

¹⁷ Khairul Fahmi Aziz et al., "PENGUNAAN TEORI FUNGSIONAL STRUKTURALISME DALAM TRADISI TEDAK SITEN," *PKn Progresif: Jurnal Pemikiran Dan Penelitian Kewarganegaraan* 18, no. 1 (2023): 15–25.

achieve orientation and meet needs. In general, functionalism is an approach that emphasizes the fulfillment of needs and the performance of functions in both the physical and social spheres.

The sub-discipline of anthropology known as legal anthropology examines the "cross-cultural social order" using an interdisciplinary approach. The orientation of this subdiscipline is to solve fundamental problems concerning how law arises and is applied across various cultures. Legal anthropology sees law as a social process influenced by culture, including formal state laws. This study is very important in Indonesia, a country with extraordinary cultural diversity and a customary legal system that works in tandem with positive laws.¹⁸

So far, there is a broad preference that limits the scope of legal anthropology to the problems of disputes that occur in a society, including the patterns of disputes, the community's reaction, and the ways of resolving them. At first, this took the form of submitting reports on legal norms in a simple society, compiled from government officials and missionaries. Therefore, the problems that are the center of attention are closely related to the social control institutions in a particular society. There is a view from Leopold Pospisil regarding the characteristics of law expressed in his book, "Anthropology of Law: A Comparative Theory." Nowadays, the characteristics he put forward are considered sufficient to represent the law and distinguish it from other socio-cultural phenomena.

Studying legal anthropology means seeing the reality that actually occurs in society, namely, the reality of legal life. The lessons that can be learned from legal anthropology stem from cultural diversity, which can foster awareness of the realities of law and culture. Legal diversity should not be interpreted as a conflict of law, but as a treasure of legal interests that can strengthen and renew local laws. In addition, it creates an attitude of

¹⁸ Ahmad Isman Affandi, "Nilai Tradisi Dalam Kebudayaan Hukum Mengenai Upacara Adat Nyanggring Di Lamongan," *Rampai Jurnal Hukum* 3, no. 1 (2024): 18–24.

respect and tolerance when different views, personalities, and, of course, differentiated laws.¹⁹

2. Alternative Dispute Resolution that can be adopted by Multicultural Societies in the face of Complex and Controversial Disputes

There is a view from Ihromi that explains that, in essence, legal anthropology is a branch of cultural anthropology. Therefore, dispute resolution in the study of legal anthropology concerns interpreting how society upholds values and beliefs through a series of social controls, one of which is law. In other words, the way of community culture in resolving disputes that occur in daily life.²⁰ Meanwhile, the understanding of state and customary law in Indonesia is a pluralistic, functional relationship, in which customary law is a living law and a source of reference in the development of positive law. This correlation is governed by the basic constitution, which recognizes the existence of customary law as long as it remains alive and aligned with societal dynamics and the principles of the state.²¹

Very general dispute cases are used to explore community law in the anthropological study of law. This is because law is not limited to being a product of a group or individual with the authority to form the rule of law, nor is it an institution isolated from other cultural aspects, but rather the result of social relationships in people's lives. Therefore, law emerges as a typical reality that prioritizes expression, community social behavior, and dispute resolution, and is the law that actually applies in society.²² The rule

¹⁹ Rizky Ananda Prayoga, "LEGAL ANTHROPOLOGY: THEORETICAL STUDIES, SCOPE, AND DEVELOPMENT FROM A CULTURAL AND SOCIAL NORM PERSPECTIVE," *As-Sais : Jurnal Hukum Tata Negara / Siyasah* 9, no. 2 (2025): 64–75.

²⁰ Myaskur and Tri Wahyudiono, "Aspek Hukum Penyelesaian Sengketa Tanah Adat," *Islamic Law: Jurnal Siyasah* 9, no. 2 (2024): 97–110.

²¹ Muhammad Sya'ban Siregar et al., "Penyelesaian Sengketa Dalam Perspektif Antropologi Hukum," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 4, no. 4 (2026): 382–94.

²² I Nyoman Nurjaya, "MEMAHAMI KEDUDUKAN DAN KAPASITAS HUKUM ADAT DALAM POLITIK PEMBANGUNAN HUKUM NASIONAL," *PERSPEKTIF* XVI, no. 4 (2011): 236–43.

of law essentially has two basic properties: regulating and enforcing community behavior to create conditions for order and peace in living together. The next question that arises is whether legal provisions can be used as an instrument to protect a multicultural society.

Disputes in multicultural societies are conflicts that occur between different cultural groups. Differences in religion, culture, ethnicity, language, and other factors are the causes of these conflicts. Disputes in multicultural societies undermine coexistence. Dispute resolution in a multicultural society can be complex and controversial, especially when cultural and religious values are highly important to the groups involved. Therefore, dispute resolution in a multicultural society must be conducted with an approach that actively involves all parties in considering each group's cultural and social perspectives.²³

In the face of complex and controversial disputes in a multicultural society, Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution provides several options for resolving disputes.²⁴ Some of these alternatives include mediation, where the parties to the conflict receive assistance from a mediator to reach an agreement accepted by all. The mediator in this case can facilitate dialogue between the parties to the conflict and help identify the underlying issues.²⁵ The second is arbitration, in which the parties to the conflict submit the dispute to the mutually agreed-upon arbitrator. The decision taken by the arbitrator is final and binding for all parties involved. Third, through consultation, the consulting party can provide the client with an opinion based on the client's needs and

²³ Syamsu Adriyan Sahidin, "PERAN HUKUM DALAM MENGATASI KONFLIK SOSIAL DI MASYARAKAT MULTIKULTURAL," *Legal System Journal*, 2024, 42–50, <https://doi.org/10.70656/ljs.vii2.313>.

²⁴ Rifqani Nur Fauziah Hanif, "Arbitrase Dan Alternatif Penyelesaian Sengketa," [djkn.kemenkeu.go.id](https://www.djkn.kemenkeu.go.id/kpknl-manado/baca-artikel/13628/Arbitrase-Dan-Alternatif-Penyelesaian-Sengketa.html), 2020, <https://www.djkn.kemenkeu.go.id/kpknl-manado/baca-artikel/13628/Arbitrase-Dan-Alternatif-Penyelesaian-Sengketa.html>.

²⁵ Alda Christa Ivanda and Martika Dini Syaputri, "MEDIASI SEBAGAI ALTERNATIF PENYELESAIAN SENGKETA BISNIS DI INDONESIA," *Jurnal Yustitia* 9, no. 3 (2023): 208–19.

requirements. The fourth is negotiation, in which the parties to the conflict seek to reach an agreement through bargaining. Negotiations can be carried out directly or through a trusted mediator. Fifth, with conciliation, the conciliator can take the initiative in drafting and formulating settlement measures for the parties to the dispute. Sixth, in litigation, the parties to the conflict seek the court's help to resolve the dispute. However, litigation can be an expensive and time-consuming alternative.

In addition to negotiation and ease of bargaining between legal systems, it can also take the form of open conflicts, such as customary law provisions that prohibit marriage between close relatives, as opposed to Islamic law, which allows it with certain specifications. The same applies to civil inheritance rules that operate on an individual basis, sometimes contradicting customary law, which recognizes a collective system. This kind of dispute often leads to community options or court decisions that must take into account a number of aspects. Thus, if the legal system functions properly, individual rights will be maintained, the crime rate will be minimal, and public trust in the judiciary will increase.²⁶

Rules that have become prevalent in people's lives are usually known as norms. The function of norms is to provide the community with guidelines on how individuals should behave in society, which actions should be carried out, and which should be avoided. The norms in question include:²⁷

- a. Religious norms, which are the rules of life that arise from God, containing commandments, prohibitions, and encouragements accompanied by sanctions or punishments for violators. This norm has a dominant impact on people's lives, both in relation to religious issues and to their morals and behaviors.

²⁶ Fauzul Kabir, "Hukum Keluarga Dalam Masyarakat Multikultural: Tinjauan Sosiologis Atas Keberagaman Sistem Hukum Di Indonesia," *SUMBULA Jurnal Studi Keagamaan, Sosial, Dan Budaya* 11, no. 2 (2026): 641–59.

²⁷ Mia Amalia, *Antropologi Hukum* (Cianjur: UNSUR PRESS, 2017), 87.

- b. Moral norms are the rules of life that are judged as the voice of human conscience, which is recognized and realized by everyone as a guideline in every action. The result of commands and prohibitions. Moral norms depend on the individual and the content of his heart, because his conscience determines his actions.
- c. Norms of politeness are rules of life that arise from association with fellow humans. Norms of politeness serve as a foothold that regulates human behavior towards others and objects in their environment.
- d. Legal norms are coercive regulations that determine human behavior in the community, made by the legislature, and violations of these regulations result in certain actions, namely, punishment.

From a legal anthropological perspective, dispute resolution in a multicultural society needs to be carried out with attention to the cultural and social perspectives of each group involved in the conflict. This is important because in a multicultural society, each group has distinct cultural and legal values, and no group should feel neglected or unappreciated in the dispute-resolution process. Some alternative dispute resolution methods of a multicultural society that can be adopted from the perspective of legal anthropology include:²⁸

a. Intercultural Mediation

Intercultural mediation is a dispute resolution process that involves a mediator who understands the cultural and legal values of each group involved in the dispute. In intercultural mediation, the mediator will seek a solution that is acceptable to all parties by considering the cultural and social perspectives of each group.

b. Forum Dialog

²⁸ Gatot Teguh Arifyanto and Andi Hakim Lubis, "Perspektif Antropologi Hukum Dalam Penyelesaian Sengketa Masyarakat Melayu," *Socius: Jurnal Penelitian* 1, no. 5 (2023): 40–47.

Forums are open discussion processes between groups involved in disputes, aimed at finding a solution acceptable to all parties. In forums, each group will have the opportunity to express their views and interests.

c. Restorative Justice

Restorative justice is a dispute resolution approach that emphasizes restoring relationships between the parties involved in the conflict. In restorative justice, the parties involved in the dispute will be required to participate in repairing the relationship between them and the damage caused by the dispute.

In choosing the right dispute resolution alternative, a multicultural society must consider the interests and needs of all parties involved in the conflict. It is important to ensure that all parties feel valued and recognized, and that the dispute resolution is fair and does not harm one party. In addition, legal anthropology plays an important role in facilitating the resolution of disputes involving different cultural and legal values.²⁹ Litigation is a dispute resolution process in court, where all parties to the dispute face each other to defend their rights before the court. The result of dispute resolution through litigation is a decision that imposes a win-lose outcome. This process involves the disclosure of information and evidence related to the disputes being heard. The purpose is to avoid unexpected problems in the future. The dispute is resolved under the auspices of the judiciary. Article 22 of the 1945 Constitution states that the judicial system is under the authority of the Supreme Court and the judiciary is subordinate to it.³⁰

These judicial bodies include the general court, religious court, state administrative court, military court and constitutional court. There are

²⁹ M Ya and Aiyub Kadir, "Penyelesaian Konflik Berbasis Desa Di Indonesia (Studi Kasus Di Desa Yosorejo, Jawa Tengah) M. Ya'kub Aiyub Kadir*," *PADJADJARAN Jurnal Ilmu Hukum* 4, no. 1 (2017): 161–80.

³⁰ Fahmi Ihsan Margolang et al., "HARMONI MULTIKULTUTRAL : KERAGAMAN DALAM PENYELESAIAN SENGKETA DI ASEAN, UNI EROPA DAN LIGA ARAB," *Jurnal El-Qanuniy: Jurnal Ilmu-Ilmu Kesyarahan Dan Pranata Sosial* 10, no. 1 (2024): 153–69.

various types of dispute resolution through litigation. Types of litigation cases, such as:

- 1) On land acquisition
- 2) Banking
- 3) Civil disputes
- 4) Corporate crime (fraud)
- 5) Settlement of false accusations or custody of children (facilitated by religious courts)

The process of resolving disputes through judicial channels or litigation is often referred to as *ultimum remedium*. So, litigation is the final means of dispute resolution. The result of litigation has binding legal force on the parties involved in the dispute. Each community, especially a multicultural community, recognizes the need for a correctional institution because its demands are shaped by a range of social organizations across various fields of life. So far, it has been understood that a social institution is a set of rules within the community.³¹

There are a number of aspects of multiculturalism in culture, known as social stratification since human birth, which consist of the upper and lower classes. These two groups have an important role because they can determine the fate of humans. This is what the law seeks to regulate to maintain order and peace in society, in accordance with the social stratification that exists in the community, to control the nature of the multiculturalism that exists.³²

³¹ Mas Subagyo Eko Prasetyo et al., "RESOLVING INTERCULTURAL AND ETHNIC CONFLICTS IN INDONESIA," in *Proceeding 1st International Conference on Multidisciplinary Studi*, vol. 1, 2023, 154–61.

³² Andini Rahayu Putri, "Peran Hukum Dalam Mengatasi Konflik Sosial Di Masyarakat Multikultural," *Legal System Journal* 2, no. 1 (2025): 38–44.

Conclusion

Social disputes can arise when they are interpreted negatively; in this case, they stem from grievances held by one of the warring parties. There are several theories that believe that social disputes can occur, such as the theory of cultural misunderstandings, the theory of human interests or needs, the theory of identity, the theory of negotiation principles, and the theory of relations between communities. In traditional local societies, dispute resolution relies on folk law to revitalize social relations through win-win solutions. In a heterogeneous society, religion, culture, ethnicity, language, and other factors may be causes of such conflicts. The impact of the author's findings is more directed toward the negative aspects of a harmonious survival plan.

The main complexity lies in resolving conflicts and disputes, especially when they involve cultural and religious values. The legal basis the author finds is Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, which outlines several stages of dispute resolution. Meanwhile, from the perspective of legal anthropology, settlement is carried out by considering the disputing parties' problems in a balanced manner, without harming either party. Dispute resolution in a multicultural society should be carried out with the interests and needs of all parties involved in the conflict in mind. This needs to be done so that the settlement can end fairly and without harming any party.

References

- Affandi, Ahmad Isman. "Nilai Tradisi Dalam Kebudayaan Hukum Mengenai Upacara Adat Nyanggring Di Lamongan." *Rampai Jurnal Hukum* 3, no. 1 (2024): 18–24.
- Ahmad, Said, and Sarhan Lubis. "Sengketa Tanah Wakaf Dipersyerkatkan Muhammadiyah Dan Strategi Penyelesaiannya." *EduYustisia* 4, no. 1 (2025): 31–41. <http://jurnal.umsu.ac.id/index.php/ey/index>.
- Amalia, Mia. *Antropologi Hukum*. Cianjur: UNSUR PRESS, 2017.
- Amriani, Nurnaningsih. *Mediasi Alternatif Penyelesaian Sengketa Di Pengadilan*. Jakarta: PT Raja Grafindo Persada, 2012.
- Arifyanto, Gatot Teguh, and Andi Hakim Lubis. "Perspektif Antropologi Hukum Dalam Penyelesaian Sengketa Masyarakat Melayu." *Socius: Jurnal Penelitian* 1, no. 5 (2023): 40–47.
- Aziz, Khairul Fahmi, Latifah Dwi Manganti, Sofiana Nur Adida, M. Malik Fajar B, Nurcholisah Ramadhanti, and Marchelia Nindya Fadhilah. "PENGUNAAN TEORI FUNGSIONAL STRUKTURALISME DALAM TRADISI TEDAK SITEN." *PKn Progresif: Jurnal Pemikiran Dan Penelitian Kewarganegaraan* 18, no. 1 (2023): 15–25.
- Azra, Azyumardi. *Pancasila Dan Identitas Nasional Indonesia: Perspektif Multikulturalisme*. Jakarta: Rineka Cipta, 2006.
- Chandra, Febrian. "Antropologi Hukum Dalam Masyarakat." *Adagium: Jurnal Ilmiah Hukum* 1, no. 1 (2023): 1–11. <https://ejournal.mejailmiah.com/index.php/adagium>.
- Hadikusuma, Hilman. *Antropologi Hukum Indonesia*. Bandung: PT. Alumni, 2010.
- Hanif, Rifqani Nur Fauziah. "Arbitrase Dan Alternatif Penyelesaian Sengketa." [djkn.kemenkeu.go.id](https://www.djkn.kemenkeu.go.id/kpknl-manado/baca-artikel/13628/Arbitrase-Dan-Alternatif-Penyelesaian-Sengketa.html), 2020. <https://www.djkn.kemenkeu.go.id/kpknl-manado/baca-artikel/13628/Arbitrase-Dan-Alternatif-Penyelesaian-Sengketa.html>.
- Ivanda, Alda Christa, and Martika Dini Syaputri. "MEDIASI SEBAGAI ALTERNATIF PENYELESAIAN SENGKETA BISNIS DI INDONESIA." *Jurnal Yustitia* 9, no. 3 (2023): 208–19.
- Kabir, Fauzul. "Hukum Keluarga Dalam Masyarakat Multikultural: Tinjauan Sosiologis Atas Keberagaman Sistem Hukum Di Indonesia."

SUMBULA Jurnal Studi Keagamaan, Sosial, Dan Budaya 11, no. 2 (2026): 641–59.

Mahdayeni, and Muhammad Roihan Alhaddad Ahmad Syukri Saleh. "MANUSIA DAN KEBUDAYAAN (MANUSIA DAN SEJARAH KEBUDAYAAN, MANUSIA DALAM KEANEKARAGAMAN BUDAYA DAN PERADABAN, MANUSIA DAN SUMBER PENGHIDUPAN)." *TADBIR : Jurnal Manajemen Pendidikan Islam* 7, no. 2 (2019): 154–65.

Makmur, Syafruddin. "Budaya Hukum Dalam Masyarakat Multikultural." *SALAM: Jurnal Sosial Dan Budaya Syar-I* 2, no. 2 (2015): 383–410.

Margolang, Fahmi Ihsan, Rahma Zahrani, Syara Sapriliyani, and Taufik Mushlih. "HARMONI MULTIKULTUTRAL: KERAGAMAN DALAM PENYELESAIAN SENGKETA DI ASEAN, UNI EROPA DAN LIGA ARAB." *Jurnal El-Qanuniy: Jurnal Ilmu-Ilmu Kesyariahan Dan Pranata Sosial* 10, no. 1 (2024): 153–69.

Myaskur, and Tri Wahyudiono. "Aspek Hukum Penyelesaian Sengketa Tanah Adat." *Islamic Law: Jurnal Siyasa* 9, no. 2 (2024): 97–110.

Nader, Laura, and Harry F. Todd Jr. *The Disputing Process: Law in Ten Societies*. New York: Columbia University, 1978.

Nurjaya, I Nyoman. "MEMAHAMI KEDUDUKAN DAN KAPASITAS HUKUM ADAT DALAM POLITIK PEMBANGUNAN HUKUM NASIONAL." *PERSPEKTIF* XVI, no. 4 (2011): 236–43.

Prasetyo, Mas Subagyo Eko, Mas Rara Tri Retno Herryani, Siti Mastoah, Giyarni, and Siti Aisyah Prasetyo. "RESOLVING INTERCULTURAL AND ETHNIC CONFLICTS IN INDONESIA." In *Proceeding 1st International Conference on Multidisciplinary Studi*, 1:154–61, 2023.

Prayoga, Rizky Ananda. "LEGAL ANTHROPOLOGY: THEORETICAL STUDIES, SCOPE, AND DEVELOPMENT FROM A CULTURAL AND SOCIAL NORM PERSPECTIVE." *As-Sais : Jurnal Hukum Tata Negara / Siyasa* 9, no. 2 (2025): 64–75.

Putri, Andini Rahayu. "Peran Hukum Dalam Mengatasi Konflik Sosial Di Masyarakat Multikultural." *Legal System Journal* 2, no. 1 (2025): 38–44.

Rahmadi, Takdir. *Mediasi Penyelesaian Sengketa Melalui Pendekatan Mufakat*. Jakarta: PT Raja Grafindo Persada, 2011.

Roibin. "BEBERAPA FAKTOR SOSIO-ANTROPOLOGIS YANG MENDORONG PERLUNYA REFORMULASI PEMIKIRAN HUKUM

DALAM ISLAM.” *ISLAMICA* 3, no. 1 (2008): 16–25.

Sah, Sunita. “Policy Solutions to Conflicts of Interest : The Value of Professional Norms.” *Behavioural Public Policy* 1, no. 2 (2017): 177–89. <https://doi.org/10.1017/bpp.2016.9>.

Sahetapy, A. “Mengenal Sangketa Dan Budaya Penyelesaian Sangketa Dalam Masyarakat Multikultural: Perspektif Antropologi Hukum.” *Legal Pluralisme* 1, no. 1 (2011): 99–107. <http://jurnal.uniyap.ac.id/jurnal/index.php/Hukum/article/view/41/38>.

Sahidin, Syamsu Adriyan. “PERAN HUKUM DALAM MENGATASI KONFLIK SOSIAL DI MASYARAKAT MULTIKULTURAL.” *Legal System Journal*, 2024, 42–50. <https://doi.org/10.70656/ljs.v1i2.313>.

Silver, Yael, and Ayelet Shavit. “Communal Philosophy? A Possible Framework for Academia-Community Interaction.” *Studies in History and Philosophy of Science* 112, no. July (2025): 161–69. <https://www.sciencedirect.com/science/article/pii/S0039368125000755>.

Siregar, Muhammad Sya’ban, Nurhayati, Azhari Akmal Tarigan, and Mhd Nur Husein Daulay. “Penyelesaian Sengketa Dalam Perspektif Antropologi Hukum.” *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 4, no. 4 (2026): 382–94.

Ya, M, and Aiyub Kadir. “Penyelesaian Konflik Berbasis Desa Di Indonesia (Studi Kasus Di Desa Yosorejo, Jawa Tengah) M. Ya’kub Aiyub Kadir*.” *PADJADJARAN Jurnal Ilmu Hukum* 4, no. 1 (2017): 161–80.

Yahya, Mokhammad, and Rois Imron Rosi. *Ilmu Sosial Integral: Perspektif Islam & Sains*. Malang: Pustaka Peradaban, 2023.

Yunimar. “MEDIASI SEBAGAI SALAH SATU CARA DALAM PENYELESAIAN SENGKETA PERDATA DI LUAR PENGADILAN.” *NORMATIVE JURNAL ILMIAH HUKUM* 10, no. 1 (2022): 96–113.