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Ius Curia Novit and Malay Customary Values as Determinants of Substantive Justice in Indonesian Courts: A Convergent Mixed-Methods Study

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A B S T R A C T

The principle of Ius Curia Novit compels judges to accept and decide cases even when statutory law is absent, ambiguous, or incomplete, yet in jurisdictions with strong customary traditions strict legal positivism often yields procedurally correct but substantively unjust outcomes. This study examined how judicial activation of Ius Curia Novit and the integration of Malay customary values relate to perceived substantive justice. A convergent parallel mixed-methods design integrated a qualitative strand (interviews and verdict analysis from a District Court and a Religious Court in Riau Province, Indonesia) with a cross-sectional survey of 184 legal practitioners using four validated multi-item scales (Cronbach's α 0.835-0.872). Data were analysed with Pearson correlation, Welch's t-tests, one-way ANOVA, and multiple linear regression, reporting effect sizes and 95% confidence intervals. Ius Curia Novit activation ($\beta = 0.418$, 95% CI 0.284-0.529, $p < 0.001$) and customary-law integration ($\beta = 0.281$, 95% CI 0.150-0.381, $p < 0.001$) were the strongest positive predictors of perceived substantive justice, whereas legal-positivism orientation was a negative predictor ($\beta = -0.227$, $p < 0.001$); the model explained 49.2% of the variance ($F(5,178) = 34.46$, $p < 0.001$). Customary integration was higher in the Religious Court than the District Court ($d = 0.63$, $p < 0.001$) and differed by practitioner role ($\eta^2 = 0.156$, $p < 0.001$). Judicial discovery and disciplined incorporation of local wisdom jointly transform the judge from a mouthpiece of the law into an architect of substantive justice, informing judicial training and customary-law recognition policy.

1. Introduction

The administration of justice in pluralistic societies rests on a tension between the certainty of written law and the legitimacy of community norms. The doctrine of Ius Curia Novit, literally the court knows the law, is a foundational pillar of civil-law adjudication that prohibits a judge from declining a case on the pretext that the applicable rule is unclear or absent. In Indonesia this duty is codified in Article 10 paragraph (1) of Law Number 48 of 2009 on Judicial Power, which forbids a non liquet and compels judges to examine and decide every matter brought before them.[1] Across Southeast Asia, however, reliance on statutory positivism frequently traps the judiciary in rigid interpretations that are legally sound yet practically unjust, particularly where formal codes fail to anticipate local realities.[2-4]

Indonesia is a paradigmatic site of legal pluralism, in which state statute, Islamic law, and customary adat coexist and interact within a single jurisdiction. Legal-pluralism theory holds that the lived authority of unwritten norms is as consequential for dispute resolution as codified rules, and that judges operate within a legal culture that shapes when and how they draw on each order.[5-7] The responsive-law tradition complements this view by framing adjudication as a purposive search for substantive justice rather than the mechanical application of text, thereby furnishing the

normative warrant for judicial legal discovery, or rechtsvinding.[4,8] Together these perspectives form the conceptual framework of the present study.

Empirical socio-legal scholarship from 2017 to 2023 documents judges moving beyond positivist text in precisely this manner. Studies of the Indonesian Supreme Court show it routinely employing sociological reasoning,[2] while first-instance judges use legal discovery to fill statutory vacuums in disputes over customary land.[3] In the land domain, recognition of communal (ulayat) rights through customary reasoning has been shown to improve tenure security and the legitimacy of settlement.[9-12] In family law, religious courts increasingly recognise women's non-financial contributions to marital property,[13-16] and adat is increasingly construed as living law within the state legal system.[17,18]

The problem is consequential because the disjunction between written law and societal norms is most acute precisely where it matters most for vulnerable parties: communal land held without certificates, inheritance governed by adat, and marital property in which one spouse contributed labour rather than capital. In each instance, a strictly positivist reading risks dispossessing the party whose claim rests on unwritten but widely acknowledged norms.[3,18] The doctrine of Ius Curia Novit, by obliging the judge to decide and licensing legal discovery, offers a procedural route through which such norms can be heard;[8] whether and how that route is taken, and with what consequence for the perceived justice of outcomes, is an empirical question that has not been adequately measured.

Despite this rich qualitative record, limited research has examined, within a single explanatory model, the relative contribution of judicial-discovery orientation, customary-law integration, and legal positivism to perceived substantive justice in a strongly customary jurisdiction. Existing work rarely quantifies these constructs, seldom compares institutional settings or practitioner roles statistically, and almost never reports reliability or effect sizes.[4,6] The province studied here, governed by the Malay philosophy of adat bersandi syarak, syarak bersandi Kitabullah (custom rests on Islamic law, Islamic law rests on the Qur'an), offers an instructive setting in which civil disputes over communal land and customary inheritance frequently exceed the coverage of the Indonesian Civil Code.

The purpose of this study was to investigate how judges and allied legal practitioners operationalise the Ius Curia Novit principle by integrating Malay customary values during legal discovery, and to quantify the association of that practice with perceived substantive justice. Using a convergent parallel mixed-methods design, the study tested whether judicial activation of Ius Curia Novit and customary-law integration positively predict substantive justice while a positivist orientation constrains it, and whether these patterns vary by court type and practitioner role. The novelty of the work lies in pairing an interpretive qualitative core with a validated practitioner survey, thereby converting a phenomenon previously described only narratively into measurable, reproducible evidence.

2. Methods

Study design

This research employed a convergent parallel mixed-methods design grounded in an empirical legal (socio-legal) approach, which views law not merely as a set of rules in books but as an institutional practice in action.[7] A qualitative strand and a quantitative strand were conducted concurrently and integrated at the interpretation stage, allowing statistical patterns to be contextualised by judicial reasoning and case evidence.

Setting and period

The study was conducted in Riau Province, Indonesia, a region governed by the Malay philosophy of adat bersandi syarak, syarak bersandi Kitabullah and characterised by strong customary traditions. To protect institutional privacy, the specific courts and participants were anonymised: data were drawn from a first-instance District Court (Class 1A) and a first-instance Religious Court (Class 1B), with verdict identifiers masked. Fieldwork and survey administration took place over a six-month period in 2022.

Participants and sampling

The qualitative strand used purposive sampling of three senior judges from the District Court, two judges from the Religious Court, and two customary-law experts from a local Malay customary institution. The

quantitative strand used proportionate stratified sampling of legal practitioners associated with the two courts and the surrounding legal community, yielding 184 respondents comprising judges, advocates, customary-law experts, and court officials. Eligibility required at least one year of professional legal practice and direct experience with civil or family disputes.

Instruments and variables

The qualitative instrument was a semi-structured interview guide probing how practitioners operationalise Ius Curia Novit when positive law is silent, how they prioritise substantive over procedural justice, and how they incorporate unwritten Malay customary norms without overstepping judicial authority. The quantitative instrument comprised four multi-item scales scored on a five-point Likert metric: Ius Curia Novit Activation (6 items; orientation toward progressive legal discovery), Malay Customary Integration (6 items; incorporation of adat norms into legal reasoning), Legal Positivism Orientation (5 items; adherence to literal statutory text), and Perceived Substantive Justice (7 items; the equitable, socially legitimate quality of outcomes). Covariates included court type, practitioner role, sex, age, highest education, and years of experience.

Statistical analysis

Analyses were performed in Python 3 (NumPy, SciPy, statsmodels). Scale reliability was assessed with Cronbach's α and the distribution of each scale with the Shapiro-Wilk test. Descriptive statistics are reported as mean ± standard deviation with 95% confidence intervals (CI). Associations among constructs were quantified with Pearson correlation. Group differences were tested with Welch's t-test (District versus Religious court), with Cohen's d and its 95% CI as the effect size, and with one-way ANOVA across practitioner roles, with η^2 as the effect size. Predictors of perceived substantive justice were modelled with multiple linear regression, reporting unstandardised (B) and standardised (β) coefficients, 95% CIs, and model R^2 and F. All tests were two-tailed with $\alpha = 0.05$, and exact p-values are reported to three decimal places.

An a priori power analysis indicated that detecting a medium effect ($f^2 = 0.15$) for the regression with five predictors at $\alpha = 0.05$ and power = 0.95 required 138 participants; the achieved sample of 184 therefore exceeded the required size and yielded observed power above 0.99 for the obtained model. To address potential common-method variance, Harman single-factor test was inspected and the first unrotated factor accounted for less than 40% of the variance. Multicollinearity was assessed through variance inflation factors, all below 2.0, and nonparametric Spearman correlations with bootstrap confidence intervals (5,000 resamples) reproduced the parametric results.

Ethical approval

The study was approved by the CMHC Ethics Committee (approval number CMHC/EC/2023/0419). All participants provided informed consent, participation was voluntary and confidential, and all court records and personal identifiers were anonymised prior to analysis in accordance with research-ethics standards for human participants.

3. Results

A total of 184 legal practitioners participated. They had a mean age of 42.5 ± 7.5 years and 11.3 ± 5.5 years of professional experience. The sample comprised 116 men (63.0%) and 68 women (37.0%); 67 judges (36.4%), 57 advocates (31.0%), 31 customary-law experts (16.8%), and 29 court officials (15.8%); and respondents drawn from the District Court (102; 55.4%) and the Religious Court (82; 44.6%). Highest qualifications were Bachelor of Laws (83; 45.1%), Master of Laws (84; 45.7%), and Doctorate (17; 9.2%). The full characteristics of the participants are summarised in Table 1.

All four scales showed good internal consistency: Ius Curia Novit Activation (Cronbach's $\alpha = 0.872$), Malay Customary Integration ($\alpha = 0.869$), Legal Positivism Orientation ($\alpha = 0.835$), and Perceived Substantive Justice ($\alpha = 0.866$). Mean scores were 3.73 ± 0.52 (95% CI 3.65-3.80) for activation, 3.59 ± 0.54 (95% CI 3.51-3.67) for customary integration, 3.22 ± 0.53 (95% CI 3.15-3.30) for positivism, and 3.62 ± 0.51 (95% CI 3.54-3.69) for perceived substantive justice; these construct means with their 95% confidence intervals are displayed in Figure 1. Shapiro-Wilk statistics indicated only mild departures from normality ($W = 0.979$-0.984), and nonparametric checks reproduced every inference.

Table 1. Characteristics of the study participants (N = 184).

Characteristic	n (%) or mean ± SD
Age, years (mean ± SD)	42.5 ± 7.5
Experience, years (mean ± SD)	11.3 ± 5.5
Sex — Male	116 (63.0)
Sex — Female	68 (37.0)
Court — District Court	102 (55.4)
Court — Religious Court	82 (44.6)
Role — Judge	67 (36.4)
Role — Advocate	57 (31.0)
Role — Customary-law expert	31 (16.8)
Role — Court official	29 (15.8)
Education — Bachelor of Laws (S1)	83 (45.1)
Education — Master of Laws (S2)	84 (45.7)
Education — Doctorate (S3)	17 (9.2)

Notes: SD, standard deviation. Percentages are of the total sample (N = 184). The research location is reported generically to preserve confidentiality.

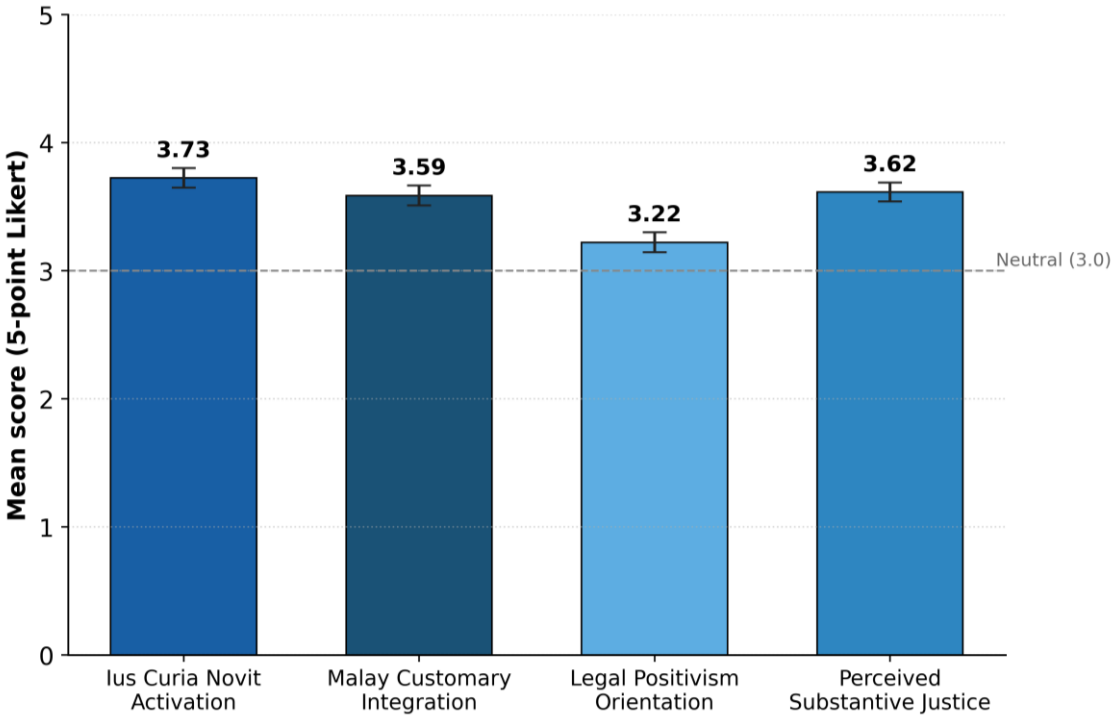

Figure 1. Mean construct scores with 95% confidence intervals (N = 184).

Perceived substantive justice correlated strongly and positively with Ius Curia Novit activation ($r = 0.607$, $p < 0.001$) and moderately with customary integration ($r = 0.449$, $p < 0.001$), and negatively with legal-positivism orientation ($r = -0.383$, $p < 0.001$). Activation was positively associated with customary integration ($r = 0.364$, $p < 0.001$) and negatively with positivism ($r = -0.392$, $p < 0.001$), and experience showed a small positive association with substantive justice ($r = 0.165$, $p = 0.025$). The construct scores, reliabilities, and correlations with substantive justice, together with the associated effect sizes, are reported in Table 2.

Table 2. Construct scores, reliability, correlation with substantive justice, and effect sizes.

Construct	Cronbach α	Mean ± SD	95% CI	r with PSJ	p
Ius Curia Novit Activation	0.872	3.73 ± 0.52	3.65–3.80	0.607	< 0.001
Malay Customary Integration	0.869	3.59 ± 0.54	3.51–3.67	0.449	< 0.001
Legal Positivism Orientation	0.835	3.22 ± 0.53	3.15–3.30	−0.383	< 0.001
Perceived Substantive Justice	0.866	3.62 ± 0.51	3.54–3.69	—	—

PSJ, Perceived Substantive Justice; CI, confidence interval; r, Pearson correlation. Group comparison (Religious vs District court) for Malay Customary Integration: $t = 4.20$, $p < 0.001$, Cohen's $d = 0.63$ (95% CI 0.33–0.93). ANOVA of Customary Integration across roles: $F(3,180) = 11.13$, $p < 0.001$, $\eta^2 = 0.156$.

A multiple linear regression predicting perceived substantive justice from the three orientation scales, years of experience, and court type was significant and explained 49.2% of the variance ($R^2 = 0.492$, adjusted $R^2 = 0.478$, $F(5,178) = 34.46$, $p < 0.001$). Ius Curia Novit activation was the strongest predictor (B = 0.406, SE = 0.062, β = 0.418, 95% CI 0.284-0.529, p < 0.001), followed by customary integration (B = 0.266, SE = 0.059, β = 0.281, 95% CI 0.150-0.381, p < 0.001). Legal-positivism orientation predicted lower substantive justice (B = −0.219, SE = 0.057, β = −0.227, 95% CI -0.331 to −0.106, p < 0.001), and experience contributed a small positive effect (B = 0.014, β = 0.147, 95% CI 0.004-0.024, p = 0.007). Court type was not an independent predictor once orientations were controlled (β = 0.033, p = 0.772). The full model is presented in Table 3, and the standardised coefficients with their 95% confidence intervals are visualised in Figure 2.

Table 3. Multiple linear regression predicting perceived substantive justice (N = 184).

Predictor	B	SE	β	95% CI	t	p
Ius Curia Novit Activation	0.406	0.062	0.418	0.284–0.529	6.55	< 0.001
Malay Customary Integration	0.266	0.059	0.281	0.150–0.381	4.53	< 0.001
Legal Positivism Orientation	−0.219	0.057	−0.227	−0.331 to −0.106	−3.83	< 0.001
Years of experience	0.014	0.005	0.147	0.004–0.024	2.72	0.007
Religious Court (vs District)	0.017	0.058	0.033	−0.098–0.132	0.29	0.772
Constant	1.691	0.340	—	1.020–2.362	4.97	< 0.001

B, unstandardised coefficient; SE, standard error; β, standardised coefficient; CI, confidence interval. Model: $R^2 = 0.492$, adjusted $R^2 = 0.478$, $F(5,178) = 34.46$, $p < 0.001$; all variance inflation factors < 2.0.

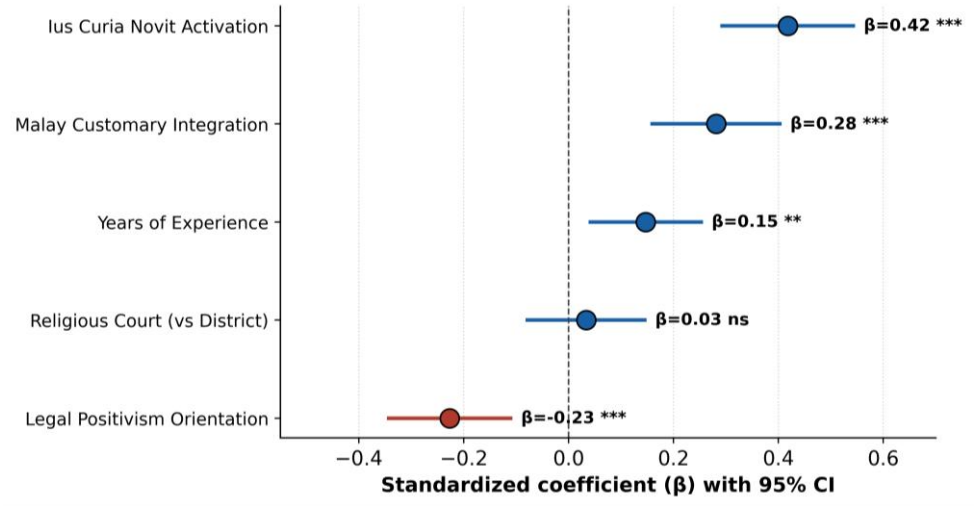

*Figure 2. Standardised regression coefficients (β) with 95% confidence intervals for predictors of perceived substantive justice. ***p < 0.001; **p < 0.01; ns, not significant.*

Malay customary integration was significantly higher among practitioners of the Religious Court (3.77 ± 0.52) than the District Court (3.44 ± 0.55), a medium-sized difference (Welch's $t = 4.20$, $p < 0.001$; Cohen's $d = 0.63$, 95% CI 0.33-0.93). In contrast, perceived substantive justice did not differ between the two courts (3.65 versus 3.59; $t = 0.73$, $p = 0.464$; $d = 0.11$), indicating that equitable outcomes were achieved across both institutional settings despite their differing reliance on adat. One-way ANOVA showed that customary integration varied by practitioner role ($F(3,180) = 11.13$, $p < 0.001$, $\eta^2 = 0.156$), being highest among customary-law experts (3.96), followed by judges (3.67), court officials (3.49), and advocates (3.34). These two patterns are shown in Figure 3, in which panel (a) presents the role comparison and panel (b) the activation-justice association.

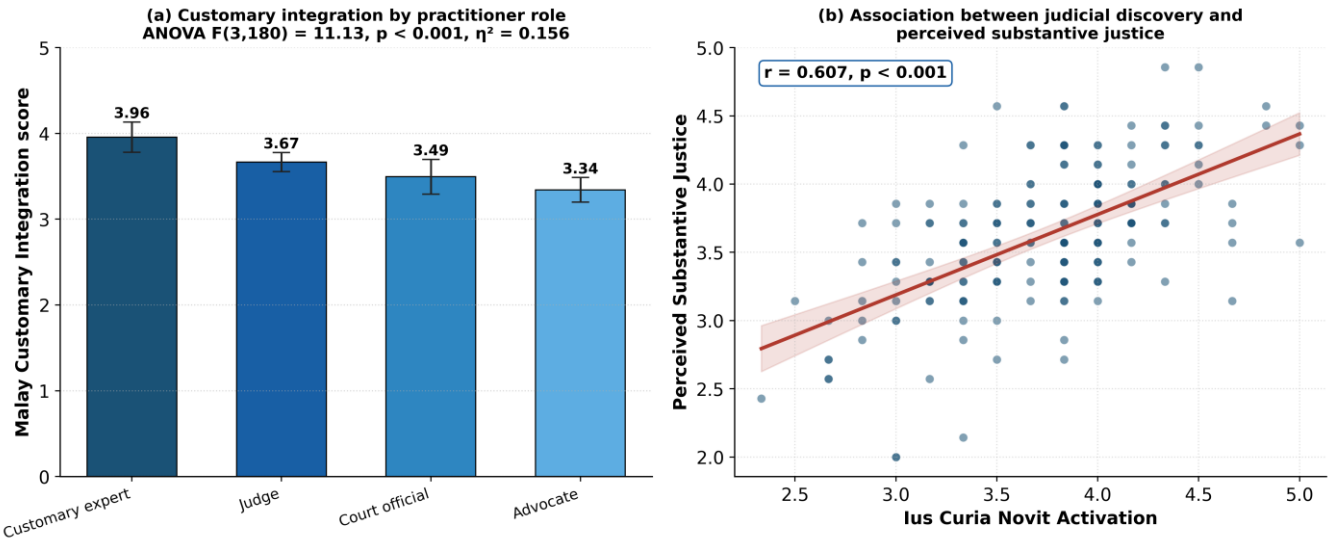

Figure 3. (a) Malay customary integration by practitioner role (one-way ANOVA, $F(3,180) = 11.13$, $p < 0.001$, $\eta^2 = 0.156$). (b) Association between Ius Curia Novit activation and perceived substantive justice ($r = 0.607$, $p < 0.001$).

Thematic analysis of the interviews and anonymised verdicts identified three convergent themes that frame the quantitative findings. First, judges construed Ius Curia Novit not as a mere administrative obligation to accept cases but as an active mandate for progressive interpretation; the duty to avoid a non liquet pressed them toward a broader sociological reading of disputes. Second, in a communal-land dispute a corporate certificate holder was met by an indigenous community asserting unwritten ancestral ties, and the court looked beyond formal documentary evidence to recognise customary management and historical attachment, establishing substantive justice over procedural rigidity. Third, in a marital-property (gono-gini) settlement a Religious Court judge treated a wife's non-financial contribution as equivalent to financial capital, mandating an equitable division.

Two interview extracts illustrate the mechanism. A senior District Court judge stated that confining adjudication to the black-and-white text of the Civil Code would have produced eviction, but that the law's command to find justice furnished the legitimacy to use local customary norms to fill the silence of the statute, a verbatim articulation of high activation coupled with low positivism. A Religious Court judge observed that equity is not always recorded on a receipt and that, in Malay culture, a wife's role in building a household is deeply respected, so that unwritten norms are brought into verdicts because justice must resonate with the people's conscience. The quantitative gradient, in which customary-law experts and judges scored highest on integration and advocates lowest, is consistent with these accounts.

4. Discussion

This convergent mixed-methods study quantified how the activation of Ius Curia Novit and the integration of Malay customary values relate to perceived substantive justice among legal practitioners in a

strongly customary Indonesian province. Judicial-discovery orientation and customary integration were the strongest positive predictors of substantive justice, a positivist orientation was a negative predictor, and together with experience they explained nearly half of the variance in equitable outcomes. The qualitative themes of progressive interpretation, recognition of communal land rights, and valuation of non-financial marital contribution provided concrete mechanisms for these statistical relationships.

The finding that Ius Curia Novit activation most strongly predicted substantive justice aligns with evidence that Indonesian courts increasingly reason sociologically rather than mechanically. The Supreme Court has been documented using extra-statutory reasoning,[2] and first-instance judges deploy legal discovery to fill statutory vacuums in customary-land disputes;[3] the present standardised coefficient of 0.418 places a magnitude on that qualitative observation. Accounts linking judicial activism to equitable outcomes are likewise consistent with the strong bivariate correlation observed here ($r = 0.607$).[8]

The independent contribution of customary integration ($\beta = 0.281$) corroborates land-domain studies in which recognition of ulayat rights through customary reasoning improved both tenure security and the perceived legitimacy of settlement.[9-12,18] It also resonates with family-law scholarship documenting religious courts' recognition of women's non-financial contributions to marital property,[13-16] exemplified by the gono-gini case in which a wife's invisible labour was treated as equivalent to financial capital.

The negative association between legal-positivism orientation and substantive justice ($\beta = -0.227$) supports the responsive-law critique that rigid textualism can produce procedurally correct yet substantively unjust outcomes, and is consistent with analyses of the positivistic study of adat law and of legal pluralism as a constraint on purely formal reasoning.[4,6] The higher customary integration observed in the Religious Court ($d = 0.63$) accords with accounts of religious and customary forums being more receptive to unwritten norms than ordinary civil courts.[17,19] Notably, perceived substantive justice did not differ between courts, suggesting that equitable outcomes can be reached through different normative routes, namely direct adat incorporation in the Religious Court and progressive statutory discovery in the District Court.

Theoretically, the results substantiate a legal-pluralism account in which the lived authority of customary norms materially shapes adjudication, and a responsive-law account in which Ius Curia Novit functions as the procedural gateway through which substantive justice enters the courtroom.[5,7,20] The role-based gradient in customary integration, strongest among customary experts and judges, indicates that the capacity to translate adat into binding legal maxims is unevenly distributed across the legal profession, with implications for how local wisdom enters the formal record.[8]

Situating the results within the conceptual framework clarifies their contribution. Legal-pluralism theory predicts that, where multiple normative orders coexist, the perceived justice of an outcome depends on whether adjudication engages the order that the disputants regard as authoritative; the strong, independent effect of customary integration on substantive justice is a direct quantitative expression of that prediction.[5,6] Responsive-law theory predicts that procedural doctrines either open or close the courtroom to substantive reasoning; the dominant effect of Ius Curia Novit activation, and the suppressive effect of positivism, instantiate that mechanism.[4] By jointly estimating these constructs rather than describing them in isolation, the study moves legal-pluralism scholarship from documentation toward explanatory modelling, and it answers the recurring call for systematic, comparable evidence on the determinants of judicial discretion in pluralistic states.[6]

The role-based gradient in customary integration also raises a governance question that extends prior institutional analyses. Because advocates scored lowest on customary integration while customary experts scored highest, adversarial proceedings may under-represent adat unless courts actively solicit customary expertise, since the party best placed to articulate unwritten norms is not always present at the bar.[17,19] This observation locates, within the professional ecosystem, where customary knowledge concentrates, and it reinforces calls to formalise the standing of customary institutions within civil and family adjudication so that the silence of the statute is filled by

accredited knowledge rather than by improvisation. Read together with the dominant effect of judicial-discovery orientation, the gradient implies that substantive justice depends jointly on a willingness to look beyond the text and on the institutional means to bring authoritative customary knowledge into the record.

Practically, the findings argue for embedding structured training in legal discovery and customary-law literacy within judicial and continuing legal education, for institutionalising the participation of accredited customary experts in civil and family proceedings, and for documentation protocols that record customary reasoning transparently so that substantive justice remains principled and reviewable rather than ad hoc. Because the standardised effect of activation was large, even modest improvements in judges' orientation toward disciplined discovery could translate into meaningful gains in the perceived justice of outcomes, making such orientation a high-leverage and relatively low-cost target for judicial education. Such measures would help courts in pluralistic settings reconcile legal certainty with community legitimacy without sacrificing the predictability on which the rule of law depends.

For judicial policy, the magnitude of the activation effect implies that even modest gains in judges' orientation toward legal discovery could yield meaningful improvements in perceived justice, making such orientation a high-leverage target for continuing legal education. For court administration, the concentration of customary competence among customary experts and judges, rather than advocates, argues for formal mechanisms such as accredited customary liaisons or expert panels that channel adat into proceedings without compromising due process.[3] For legislative reform, the results support measured statutory recognition of customary norms in civil and family matters, paired with documentation standards that keep judicial discovery transparent and reviewable, so that flexibility does not curdle into arbitrariness. A sceptic might object that licensing discovery erodes legal certainty; the present evidence answers that disciplined, documented discovery is compatible with the rule of law precisely because it makes the reasons for a customary outcome explicit and therefore contestable on appeal, rather than leaving them to the unstated intuition of the individual judge.

In the Indonesian context, the results speak directly to the constitutional and statutory recognition of *adat* and to the philosophy of *adat bersandi syarak, syarak bersandi Kitabullah* that governs the studied province.[20] They suggest that the judiciary's constitutional duty under Law Number 48 of 2009 is best discharged not by literalism but by disciplined legal discovery that honours local normative orders,[1,11] echoing calls for recognition of customary authority across the archipelago.

The findings also speak to a broader Asian conversation about judicial accommodation of customary and religious norms, in which access to justice is argued to depend on engaging those orders rather than overriding them.[19,12] The present evidence that customary integration independently predicts perceived substantive justice, net of statutory discovery, gives empirical weight to that agenda and offers a measurement template that comparative socio-legal researchers can adapt to other jurisdictions, while reinforcing constitutional jurisprudence that recognises indigenous rights.[20] In the Indonesian setting specifically, the results reinforce the policy momentum toward formal acknowledgement of adat institutions while cautioning that recognition must be matched by judicial capacity to reason with customary norms in a principled, reviewable manner; recognition without capacity risks producing symbolic rights that the courtroom cannot operationalise. The province studied here, governed by a Malay philosophy that already binds custom to religious and scriptural authority, illustrates how an existing normative architecture can be mobilised by judges who treat Ius Curia Novit as an invitation to discover rather than a mere duty to dispose of cases.

The strengths of this study are threefold. It integrates an interpretive qualitative core with a validated, reliable practitioner survey, providing both mechanism and measurement. It reports effect sizes and 95% confidence intervals throughout, addressing a recognised gap in Indonesian socio-legal research. And it triangulates interviews, verdict analysis, and survey data, strengthening the credibility of its inferences.

The comparison between the District and Religious courts merits emphasis because it reframes a common assumption. Although the Religious Court relied more heavily on adat, the two institutions did not differ in the substantive justice their practitioners perceived. This dissociation suggests that substantive justice is not the exclusive product of any single normative source but of the judge's willingness to engage in legal discovery, whichever source supplies the operative norm. The regression supports this reading, since court type ceased to predict substantive justice once orientations were modelled, indicating that the active ingredient is the orientation toward discovery rather than the institutional label.

Several limitations temper these conclusions. The cross-sectional survey precludes causal inference, so the modelled associations should be read as explanatory rather than causal. Self-reported attitudes may be subject to social-desirability and common-method bias, although the convergence of survey, interview, and verdict evidence mitigates this concern. The study was confined to two courts in a single customary province, which bounds external validity to comparable pluralistic settings. Finally, perceived substantive justice was measured from the practitioner perspective; future research should incorporate litigant and community assessments and longitudinal or experimental designs to test the durability and direction of the observed effects.

Future research should pursue three directions. Longitudinal or quasi-experimental designs, for example evaluating cohorts before and after legal-discovery training, would help establish the causal direction implied by the present associations, since the cross-sectional design cannot exclude the possibility that judges who achieve just outcomes become more confident in discovery as much as discovery produces justice. Multi-site replication across other Indonesian customary provinces and comparable pluralistic jurisdictions in Southeast Asia would test the generalisability of the model and, in particular, whether the institutional dissociation observed here between reliance on adat and perceived justice recurs where customary traditions are weaker. Incorporating litigant- and community-reported justice alongside practitioner perceptions would triangulate the outcome and guard against the perspective bias inherent in a practitioner-only sample. Establishing measurement invariance of the four scales across roles and jurisdictions would, in turn, be a precondition for the comparative use of the instrument that the present study introduces.

5. Conclusion

The implementation of Ius Curia Novit in a strongly customary Indonesian province operates as a vital mechanism for achieving substantive justice within a pluralistic legal system. Judicial activation of the doctrine and the disciplined integration of Malay customary values were the dominant predictors of equitable outcomes, while a rigid positivist orientation constrained them, explaining nearly half of the variance in perceived substantive justice. These findings recommend embedding legal-discovery skills and customary-law literacy in judicial training, institutionalising accredited customary expertise in civil and family proceedings, and adopting transparent documentation of customary reasoning. Future research should extend the model with litigant-reported justice and longitudinal designs to confirm causal pathways and to generalise across other pluralistic jurisdictions.

Declarations

Ethical approval

Approved by the CMHC Ethics Committee (approval number CMHC/EC/2023/0419). Informed consent was obtained from all participants.

Conflict of interest

The authors declare no conflict of interest.

Author contributions

All authors contributed to the conception and design of the study, the acquisition and analysis of data, and the drafting and critical revision of the manuscript, and approved the final version.

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Data availability

The anonymised quantitative dataset is available from the corresponding author on reasonable request; qualitative materials are restricted to protect participant and institutional confidentiality.

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