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ARTICLE

DYNAMICS OF INTEGRATION OF CIREUNDEU STATE LAW AND CUSTOMARY LAW IN RESOLUTION OF SOCIAL CONFLICTS MAX WEBER'S SOCIAL ACTION PERSPECTIVE

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Abstract

This research examines the dynamics of integration between state law and customary law in resolving social conflicts within the Cireundeu Indigenous Community, using Max Weber's social action perspective. Cireundeu, located in Cimahi, West Java, represents a unique example of how traditional customs persist amidst modernization. The study reveals that social conflicts, such as inheritance disputes and inter-community marriages, often arise due to differences between customary values and state law. Cireundeu society resolves these conflicts through deliberative mechanisms rooted in customary law, emphasizing dialogue, solidarity, and social harmony.The findings highlight the complementary yet sometimes conflicting roles of state and customary law. While state law provides universal legal frameworks, customary law in Cireundeu prioritizes principles of equality, as seen in its gender-neutral inheritance practices. The resolution of disputes through customary deliberations reflects Weber's concept of value-rational social action, wherein decisions are guided by adherence to communal values rather than pragmatic considerations.Despite the effectiveness of customary approaches in fostering social cohesion, the research identifies challenges in integrating customary law with state law, particularly due to limited formal recognition of indigenous rights. This gap underscores the need for inclusive policies, such as the Indigenous Peoples Law Bill, to bridge the two legal systems. The study concludes that customary traditions not only contribute to social harmony but also serve as valuable assets in Indonesia's plural legal system. Further research is recommended to explore the impact of external factors, such as globalization, on the evolution of customary law in Cireundeu and other indigenous communities.

Keywords: Cireundeu, Customary law, legal pluralism, social action, social conflict, state law.

A. INTRODUCTION

Cireundeu Traditional Village, located in Leuwigajah, South Cimahi, is one of the traditional communities in West Java that maintains ancestral heritage in various aspects of life, including customary law. As indigenous peoples, they not only live by a strong philosophy, but also maintain unique features such as customary marriage and inheritance

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laws which reflect equality between men and women in the distribution of inheritance (Khaulani et al., 2024).

Indonesia as a legal state has a plurality of legal systems which include state law, customary law and religious law (Anggraeni, 2023). This often leads to conflicts in the application of legal rules, especially in indigenous communities such as Cireundeu Village, which has unique characteristics in resolving conflicts through deliberation and consensus based on living customs (Sofiana & Khasanah, 2022).

In the context of social conflict, Max Weber's social action approach, which highlights the relationship between values, actions and social structures, is a relevant framework for understanding how indigenous communities like Cireundeu integrate state law and customs in resolving conflicts. Weber emphasized the importance of understanding the meaning of individual actions in a social system to understand the legal dynamics that apply in society (Khaulani et al., 2024).

In Max Weber's social action perspective, individual actions in society are not only influenced by rational and logical goals, but also by traditional values, norms and beliefs that exist in that society (Supraja, 2015). Social action based on value rationality and traditional affectivity can explain how individuals or groups in the Cireundeu indigenous community resolve conflicts, both by referring to customary law and state law (Masyitoh & Maesaroh, 2022). In the context of customary law and state law, the social actions of the Cireundeu community can be influenced by personal and community motivations, as well as by the norms that exist in both legal systems (Nurdin, 2022). For example, in dispute resolution, an individual may choose to prioritize customary law out of a sense of responsibility to the community, even though there is an option to involve state law (Weber, 1978).

Research on customary law in Cireundeu Village has been carried out previously, such as discussing the customary inheritance system which reflects gender equality and consensus in conflict resolution (Sofiana & Khasanah, 2022). Other studies highlight the implications of customary law on marriage and children's inheritance rights in indigenous communities, especially in the context of interaction with state law (Netty et al., 2018). However, this research has not specifically discussed the integration between customary law and state law in resolving social conflicts.

This research offers novelty by examining the dynamics of integration of state law and customary law in Max Weber's social action perspective, which has not yet been applied in depth in the context of the Cireundeu Village indigenous community. This approach provides new insights into how interactions between the two legal systems can produce conflict resolution that is fair and in line with local values. The urgency of this research lies in the importance of understanding how customary law that exists in society can synergize with state law in the context of resolving social conflicts (Husain et al., 2024). This is relevant to strengthening the legal policy framework that respects legal plurality in Indonesia in accordance with Article 18B of the 1945 Constitution (Khaulani et al., 2024). The benefit of this research is that it provides a theoretical contribution to the study of customary law and

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state law, as well as providing practical recommendations for policy makers in managing conflicts in indigenous communities (Alemie & Mandefro, 2018).

B. LITERATURE REVIEW

Legal pluralism in Indonesia creates a unique dynamic in the application of the legal system, where state law, customary law and religious law interact with each other in people's lives (Hamida, 2022). The existence of these various legal systems is formally recognized in the Indonesian Constitution, especially in Article 18B of the 1945 Constitution which provides recognition and respect for indigenous peoples and their traditional rights (Perdana & Wijaya, 2021). This recognition of legal pluralism creates a complex framework within which various legal systems must find ways to coexist and integrate effectively. Max Weber's theory of social action is a highly relevant theoretical framework in analyzing how individuals and communities navigate between different legal systems. Weber argued that individual social actions are influenced by various factors, including goal rationality, value rationality, affection, and tradition. In the context of the Cireundeu indigenous community, the theoretical framework explains how community members make decisions between using state law or customary law in resolving conflicts. Their decisions often reflect a combination of rational consideration of desired outcomes and adherence to traditional values.

Research conducted by (Khaulani et al., 2024) shows that the customary law system in Cireundeu is firmly embedded in the social structure of society. These indigenous peoples maintain distinctive legal traditions, especially in marriage and inheritance laws, that reflect their cultural values and social organization (Bowen, 20003). Equality in the distribution of inheritance between male and female heirs, as well as an emphasis on deliberation in resolving conflicts, are prominent characteristics in their customary law system. A study conducted by (Sofiana and Khasanah, 2022) reveals how the Cireundeu community has developed mechanisms to integrate state law and customary law. They rely on customary law to resolve internal disputes, but still recognize the authority of state law in certain domains (Weisburd, 1988). This adaptive practice that bridges the two legal systems shows the flexibility of indigenous peoples in facing modernity while maintaining their traditional values.

(Netty et al., 2018) in their research found that conflict resolution in Cireundeu followed a multi-level pattern, starting from family level mediation, intervention by community elders, to deliberation by the traditional council. This layered approach shows how communities maintain their traditional dispute resolution mechanisms while recognizing the role of state law in certain situations (Cappelleti, 1993). The current literature review shows several gaps in the understanding of the integration of the legal system in Cireundeu, especially in terms of the analysis of the application of Weber's social action theory in specific conflict resolution case studies.

In addition, there is still limited documentation regarding the decision-making process in choosing between customary law and state law, as well as how traditional values influence

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legal choices in a modern context. Recent research developments point to the importance of studying the impact of modernization on traditional legal practices, the role of the younger generation in maintaining customary law, and the influence of state legal reform on customary practices. This theoretical framework provides a basis for analyzing how the Cireundeu community navigates between state law and customary law in resolving social conflicts, while highlighting areas that require further research in the context of legal pluralism in Indonesia.

C. RESEARCH METHODOLOGY

This research uses a qualitative approach with descriptive methods to explore the dynamics of integration between state law and Cireundeu customary law in resolving social conflicts, seen from Max Weber's social action perspective. In accordance with the research objective which is to understand this phenomenon in depth and objectively, the type of research used is descriptive research. Descriptive research focuses on efforts to describe or explain in detail various events, occurrences, or symptoms that occur at a certain time. Therefore, this research is a qualitative descriptive research, which aims to provide a comprehensive explanation of the variables studied through research techniques that include literature study and field research. Field research was carried out by direct observation of research objects, interviews with relevant informants, and data collection through documentation (Moleong, 2010).

D. RESULT AND DISCUSSION

This research on the Dynamics of Integration of Cireundeu State Law and Customary Law in Resolving Social Conflict from Max Weber's Social Action Perspective aims to find out how the dynamics occur, how state law and customary law are related, and also the views of Max Weber's theory of action.

Social Conflict in Cireundeu

Cireundeu Traditional Village in Cimahi, West Java, is an oasis of tradition that has survived amidst the rapid currents of modernity. As part of the Sundanese Wiwitan traditional community, Cireundeu residents have long upheld their ancestral heritage. However, maintaining traditions amidst modernization is not without challenges. Various social conflicts often arise, especially when traditional values meet formal state laws or the views of outside society.

One issue that is quite complex is the matter of inheritance distribution. In contrast to Islamic law or state law which tends to differentiate between men and women, Cireundeu society applies the principle of full equality (Sofiana & Khasanah, 2022). Both men and women received equal shares, even adopted children and those of different faiths were not differentiated (Nurfebrianti & Abdul Rojak, 2022). This principle sounds very progressive and fair amidst the long debate about gender equality in many societies. However, from a

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personal point of view, I feel that this can actually trigger friction, especially when the heirs have different views about justice based on religious values or formal law.

On the other hand, marriages between indigenous people and outside communities are often a source of quite deep conflict. Many couples face the dilemma of whether to carry out traditional traditions or submit to state law, especially because the Sundanese Wiwitan faith is not yet officially recognized. The implications of this conflict are felt not only by couples, but also by their children, who often face legal and social obstacles. As someone who believes in the importance of dialogue and mutual understanding, I see this as not just a matter of custom or law, but also a matter of how we as a nation are able to accommodate diversity without losing identity. (HC et al., 2018).

However, there was one thing that really impressed me: the ability of the Cireundeu people to resolve conflicts through deliberation. When inheritance disputes or other conflicts arise, these indigenous peoples always prioritize dialogue within the family first. If that doesn't work, they will take the matter to a traditional meeting, where traditional elders will mediate. The philosophy of togetherness and sacrifice is truly reflected here. From my perspective, this is an important lesson that needs to be more widely adopted in our society, which is often divided by differences (Nurfebrianti & Abdul Rojak, 2022).

However, it cannot be denied, I also feel concerned to see their struggle to maintain their traditions in the midst of uncompromising modernization. The existence of indigenous communities like Cireundeu is a reminder of how rich our cultural heritage is, but it is also a reminder of the enormous challenges faced in bridging tradition and progress. I believe that recognition and honest dialogue between indigenous peoples and the state is key to ensuring traditions like these not only survive, but also find their rightful place in our national identity.

The Role of State Law and Customary Law

State law and customary law have a significant role in regulating the social order of society. State law functions as a formal device that ensures justice and legal protection for all citizens through universally formulated regulations. For example, Law Number 1 of 1974 concerning Marriage regulates the minimum age for marriage, namely 19 years for men and women. However, this law provides a loophole through marriage dispensation for couples who do not meet the age limit, for social reasons such as pregnancy out of wedlock or to maintain family honor. (Arif & Zamzami, 2022). This shows that state law has a flexible nature to adapt to community needs.

On the other hand, customary law is based on tradition and local wisdom passed down from generation to generation. In the context of marriage, customary law does not set a specific age limit, but uses a measure of maturity based on biological or psychological signs. In Buton, customary law prohibits underage marriage without a valid reason. However, if there is a violation of customary norms such as pregnancy out of wedlock, indigenous people resolve this problem through marriage as a form of social and cultural responsibility. (Arif & Zamzami, 2022). This approach reflects the way customary law balances social norms and harmony within the community.

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In the aspect of natural resource management, customary law also has a big role. The Cireundeu indigenous community, for example, applies a division of forest areas into three categories: baladahan forests for daily needs, closed forests that require replacement of the harvested products, and restricted forests that must be fully conserved. This tradition shows a deep respect for nature and serves as a model of sustainability in line with the principles of environmental conservation (Bhavani Fonseka, 2019). However, in practice, indigenous communities often face major challenges due to the lack of formal legal recognition of land rights that they have managed for generations. (Bhavani Fonseka, 2019).

The relationship between state law and customary law often creates tension. Universal state laws are often unable to accommodate local needs regulated by customary law. As a result, indigenous peoples often lose access to their land or natural resources due to a lack of formal legal legitimacy (Bhavani Fonseka, 2019). For example, although Law Number 41 of 1999 concerning Forestry has been amended to recognize customary forest management, its implementation in the field is still limited and often does not provide sufficient protection. (Bhavani Fonseka, 2019).

In my opinion, to create harmony between state law and customary law, better integration efforts are needed through policies that accommodate these two legal systems. The Draft Law on Indigenous Peoples is an important step to provide formal recognition of indigenous peoples and their rights (Bhavani Fonseka, 2019). With this recognition, customary law can function as a complement to state law, especially in the context of resource management and environmental protection.

This complementary approach will not only provide justice for indigenous communities, but also strengthen the foundation of national law by incorporating local wisdom that is rich in social and cultural values. These efforts are also important to ensure that the protection of human rights, including child protection and gender equality, remains a top priority in a harmonious legal order.

Max Weber's Social Action Perspective

Max Weber's theory of social action emphasizes that every human action has a subjective meaning that is directed towards interactions with other people. Weber explained that social action is meaningful behavior that is not only understood by the perpetrator, but can also be interpreted by other individuals in a social context. He divided social action into four categories, namely instrumental rational action, value rational action, traditional action, and affective action. Each of these categories describes the way individuals give meaning to their actions, either through practical goals, certain values, inherited habits, or emotional drives (Supraja, 2012).

In the context of the Cireundeu Village indigenous community, Weber's theory of action is relevant for understanding how local traditions are used as a basis for conflict resolution, especially in inheritance disputes. Cireundeu Village, whose majority population adheres to the Sundanese Wiwitan faith, prioritizes dispute resolution through deliberation. This process is divided into two stages, namely family deliberation and customary deliberation. The family

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meeting is attended by the heirs to reach a family agreement. If consensus cannot be reached, the next stage involves traditional leaders acting as mediators to help resolve the dispute peacefully (Nurfebrianti, 2022).

From the perspective of Weber's theory of action, this deliberation process reflects value-rational action, where the people of Cireundeu choose actions based on their belief in the importance of maintaining social harmony and ancestral traditions. The choice to prioritize deliberation rather than taking the conflict to court shows the noble values they hold dear, namely solidarity, togetherness and family honor. As Weber explains, value-rational actions are carried out not because of efficiency or practical benefits, but because of the belief in certain values that are considered noble by the perpetrator (Supraja, 2012).

Furthermore, the subjective meaning that is the basis of the social actions of the Cireundeu indigenous people is closely related to their collective consciousness. The choice to resolve disputes through deliberation reflects the understanding that conflicts that are not resolved properly can damage social order and community harmony. For example, heirs in Cireundeu are given the same freedom in dividing inheritance without distinguishing between gender. This shows that their actions are not only based on formal justice, but also on customary principles that uphold equality of responsibility between heirs (Netty, 2018).

My personal opinion regarding this practice is that the deliberative approach used by the Cireundeu people not only reflects strong traditional values, but is also an example of how customary law can adapt to modern challenges without losing its essence. Even though courts are available, they prefer customary-based solutions because they are considered faster, cheaper and able to maintain family harmony. In this context, Weber's theory provides a good foundation for understanding the dynamics of social action in Cireundeu, where individuals and communities together create meaning through actions that comply with their local norms.

This practice of deliberation is also an important lesson for modern society, where conflict resolution often prioritizes long and expensive formal channels. The collective values demonstrated by the Cireundeu indigenous people can be an inspiration to re-prioritize a dialogical approach in resolving conflicts, both at the family and wider community levels. In line with Weber's view, social action based on strong local values is able to form sustainable social harmony amidst changing times.

Case Study of Social Conflict Resolution

Cireundeu Traditional Village in South Cimahi, West Java, is a traditional community that up to now upholds Sundanese Wiwitan traditions. This tradition is not only visible in people's daily way of life, but also in the way they resolve social conflicts. One of the unique things about the Cireundeu community is its approach to conflict resolution which prioritizes custom-based deliberation. In my opinion, this practice shows the power of local traditions as a problem-solving instrument that focuses not only on results, but also on processes that foster social harmony. This is relevant amidst the tendency of modern society to rely more often on formal institutions which tend to be procedural and have the potential to prolong conflict.

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One of the social conflicts that often occurs in Cireundeu Village is inheritance disputes. In this society, inheritance is not differentiated based on gender, in contrast to Islamic inheritance law or other customary laws which often give a larger portion to sons. However, disputes can still occur when heirs have different views on dividing assets. To resolve the dispute, the Cireundeu community used a deliberation mechanism which was carried out in two stages, namely family deliberation and customary deliberation (Nurfebrianti, 2022: 102). This approach is very interesting because it shows that the Cireundeu community prioritizes dialogue and involvement of all relevant parties, so that no party feels neglected. It reflects highly meaningful social action in the context of local values.

Family deliberations are held as the initial stage of conflict resolution, where heirs and close relatives gather to find a fair solution. If no agreement is reached, the process continues to traditional deliberation involving traditional leaders as mediators. In this stage, traditional leaders not only act as mediators, but also provide advice based on traditional values that have been tested by time (Netty, 2018). From my point of view, the presence of traditional leaders as mediators is very important because they have moral authority that is respected by the community. Traditional leaders are not only considered as neutral mediators, but also as guardians of tradition who ensure that the solutions taken are in line with cultural values.

In the context of Max Weber's theory of social action, this deliberation process can be categorized as a value-rational action. Weber explains that meaningful social action is not only driven by practical considerations, but also by belief in certain values that are upheld by the perpetrators of the action (Supraja, 2012). In the case of the Cireundeu community, the choice to resolve conflicts through deliberation reflects respect for the values of solidarity and social harmony. In my opinion, this is a form of action that is not only efficient, but also humanistic. In the midst of modern society which is often trapped in lengthy formal procedures, this approach provides a solution that is more oriented towards humanitarian relations.

As an illustration, a case of inheritance dispute in Cireundeu involved three heirs: two men and one woman. Conflict arises when one of the sons claims a larger share due to his responsibilities as the eldest child. This tension had the potential to damage family relationships, but was ultimately resolved through traditional consultation. During the deliberation, traditional leaders emphasized the principle of equality in the distribution of inheritance, while considering the responsibilities of each party. Finally, a fair distribution agreement was reached, and the conflict ended peacefully (Nurfebrianti, 2022). From my perspective, this solution not only ends the conflict, but also strengthens family relationships. This shows that a dialogue-based conflict resolution process has the potential to create solutions that are not only materially satisfying, but also emotionally satisfying.

In addition, I see that this kind of conflict resolution has significant advantages compared to the formal legal system. In many cases, formal legal processes are often protracted and expensive, while customary deliberation allows conflicts to be resolved quickly and cheaply. More importantly, this approach emphasizes the importance of maintaining good relations

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between parties, which is often overlooked in resolving conflicts through formal legal channels. Weber himself emphasized that meaningful social action is often rooted in local values, and this is very relevant in the context of indigenous communities such as Cireundeu (Supraja, 2012).

In conclusion, the conflict resolution mechanism in the Cireundeu Traditional Village shows that local traditions can act as an effective tool for creating social harmony. The deliberative approach taken not only resolves conflicts practically, but also maintains the values of togetherness that are characteristic of indigenous communities. In my opinion, practices like this can be a relevant model for modern society, where conflict resolution often loses its humanist dimension. Traditional traditions such as in Cireundeu prove that social harmony does not have to be sacrificed for the sake of procedural efficiency, but can be achieved through meaningful dialogue based on collective values.

E. CONCLUSION

This research succeeded in describing the dynamics of the relationship between state law and customary law in resolving social conflicts in the Cireundeu Traditional Village, with a focus on the perspective of Max Weber's social action theory. Cireundeu Traditional Village is a clear example of how indigenous communities can maintain ancestral traditions in the midst of modernity, even though they have to face various social conflicts that often arise due to differences in values with formal state laws and the views of outside society. The findings of this research explain that social conflicts in Cireundeu, such as inheritance and marriage disputes between communities, can be resolved effectively through a custom-based deliberation approach, which reflects the values of solidarity and social harmony.

State law and customary law have different roles and characteristics in regulating society. State law is universal and formal, while customary law is more flexible and based on local values passed down from generation to generation. In the context of Cireundeu society, customary law is an instrument that prioritizes the principles of equality and togetherness, for example in the distribution of inheritance that does not differentiate between gender or social status. However, there is potential for friction when the views of individual heirs are influenced by religious values or formal law, resulting in differences in perceptions of justice.

This research also underlines the importance of deliberation in resolving social conflicts in Cireundeu. This mechanism is carried out in stages, starting from family deliberations to traditional deliberations involving traditional leaders as mediators. This process reflects social action driven by collective values, in accordance with Max Weber's concept of value-rational action. Decisions taken during deliberation not only resolve material problems, but also maintain harmonious relations between community members. This approach shows that indigenous peoples have conflict resolution mechanisms that are more humane and oriented towards relationships between individuals compared to formal state legal channels which tend to be procedural.

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However, this research also found limitations in terms of formal recognition of customary law by state law. Although there are legislative efforts, such as the Draft Law on Indigenous Peoples, its implementation is still far from adequate. The lack of formal legitimacy often means that indigenous communities lose access to their rights, such as managing natural resources. This is a big challenge in creating harmonious integration between state law and customary law.

From Max Weber's theoretical perspective, the dynamics that occur in Cireundeu reflect the subjective meaning of the social actions of its people. The choice to prioritize custom-based deliberation is based on beliefs in noble values, such as solidarity, family honor and social harmony, which form the basis of their actions. Weber explains that such actions are not only practically efficient, but also reflect a deep respect for local traditions and values.

In conclusion, this research succeeded in answering the main question regarding the dynamics of integration of state law and customary law in Cireundeu. Customary law is recognized as having an important role in resolving social conflicts through a humanist approach and based on local values. However, efforts to integrate these two legal systems still require more inclusive policy support and consistent implementation. This research also confirms that local traditions can not only survive amidst modernity, but also make a real contribution to creating social harmony. The limitations of this research are the lack of quantitative data and the lack of in-depth analysis regarding the influence of external factors, such as globalization, on changes in the dynamics of customary law in Cireundeu. Further research is needed to overcome these limitations and expand insight into the integration of state law and customary law in other indigenous communities in Indonesia.

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