

THE INFLUENCE OF CUSTOMARY LAW IN SETTLEMENT OF SOCIAL PROBLEMS IN THE MIDDLE OF THE GLOBALIZATION ERA

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Abstract

The era of globalization brings great challenges to indigenous peoples, especially in their efforts to maintain traditional values amidst rapid social, economic and cultural changes. This article discusses the influence of customary law in resolving social problems in the era of globalization, including its role, challenges and relevance amidst modern dynamics. Customary law, which is rooted in local wisdom, has a crucial role in handling agrarian conflicts, preserving the environment, and strengthening the cultural identity of indigenous peoples. Nevertheless, customary law faces various challenges, such as modernization pressures, global cultural influences, and a lack of formal recognition by the state. These challenges often threaten the sustainability of customary law, especially in societies increasingly affected by cultural homogenization and shifting values. In this context, this article highlights the importance of formal recognition of customary law by the government and the need for education based on local wisdom to preserve traditional values. Through a collaborative approach between the government, indigenous communities and other parties, customary law can continue to be a relevant instrument in resolving social problems and maintaining cultural harmony amidst the challenges of globalization. Thus, customary law not only functions as a conflict resolution mechanism but also as a support for cultural identity and diversity in Indonesia.

Keywords: Customary Law, Social Issues, Globalization

A. INTRODUCTION

Customary law is a legal system that develops in a particular community, which is based on the customs, values and traditions that apply in that society (Anggraeni, 2023). In Indonesia, customary law has a very important role in regulating the social, cultural and economic life of indigenous peoples. However, developments over time, especially with the advent of the era of globalization, have had a significant impact on the existence and relevance of customary law. Globalization, which is characterized by advances in technology, information flows, and economic and cultural integration between countries, has influenced many aspects of life, including the legal system that applies in Indonesia (Trisnanti et al., 2025).

One of the big challenges faced by indigenous communities is how customary law adapts to rapid social changes due to globalization (Cosens et al., 2021). The shift in traditional values that occurs due to the influence of foreign culture, as well as the influence of the country's legal system, requires customary law to adapt in order to remain relevant in solving existing social problems. Several social problems, such as land disputes, conflicts between individuals or between groups, and other social problems, are often dealt with using

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customary law mechanisms (Mair & Seelos, 2021). However, the question is to what extent customary law is still effective in resolving these social problems, especially with the increasingly strong influence of state law and foreign culture. On the other hand, globalization also brings opportunities for customary law to develop further, especially with increasing awareness of the importance of cultural diversity and local values. Customary law can be an important instrument in maintaining social order, especially in areas that still maintain their traditions and cultural values (Buxbaum, 2024).

The purpose of writing this article is for readers to know that it is important to examine the extent of the influence of customary law in resolving social problems, as well as how customary law can adapt to the current of globalization. The theory used in this research is the Theory of Law and Social Change put forward by Eugen Ehrlich (1913). Eugen Ehrlich believes that law is something that lives in society and always adapts to existing social conditions. In this context, customary law can be seen as a legal system that developed together with indigenous communities. Customary law not only functions to resolve existing social problems, but can also adapt to social and cultural developments that arise as a result of globalization.

B. LITERATURE REVIEW

Customary law is a system of norms and rules that emerged from indigenous communities and has been passed down from generation to generation (Warjiyati et al., 2023). In the context of Indonesian society, customary law is an important component in resolving social problems. This system has a major role in maintaining social harmony, resolving conflicts, and preserving traditional values. However, in the era of globalization marked by technological advances, human movement, and economic integration, customary law faces major challenges. The influence of modern law and rapid social change often reduces the relevance of customary law in modern society.

Concept of Customary Law

Customary law can be interpreted as social norms that are not written but are respected by indigenous peoples as guidelines for behavior (Hermawan et al., 2022). According to Van Vollenhoven, the entire code of conduct of a society that applies and has sanctions has not been codified. Customary law is law that is dynamic, develops from and for indigenous communities, and reflects local value systems that are rooted in local traditions and culture. This view highlights the flexibility of customary law in adapting to social change. Besides that, According to Prof. Dr. Soepomo customary law is unwritten law within unwritten regulations, including life rules which, although not stipulated by the authorities, are obeyed and supported by the community based on the belief that these regulations have the force of law. These laws reflect the values, traditions and practices unique to each indigenous community. The existence of customary law in Indonesia is recognized by the state, as stated in Article 18B paragraph (2) of the 1945 Constitution, which states that the state recognizes and respects the unity of customary law communities and their rights. According to Van Vollenhoven, this recognition is important to ensure that customary law can continue to function in resolving social conflicts and maintaining local values. However, implementation often depends on formal recognition by the government, which can limit the role of customary law at the local level.

Social Problems in the Era of Globalization

The era of globalization is characterized by accelerated communication, human movement, and large flows of information. This phenomenon not only produces positive impacts, such as increasing access to education and technology, but also raises social problems (Sari et al., 2024). Some of the main problems include agrarian conflicts,

environmental damage, changes in cultural values, and the marginalization of indigenous communities. According to Anthony Giddens (1990), globalization tends to shift local order and create cultural homogenization. This is supported by Castells (1996), who states that globalization produces network societies that often weaken local identities. This process creates tension between global and local norms, and challenges the sustainability of traditional values. On the other hand, Scholte (2005) emphasizes that globalization also creates opportunities to increase international collaboration in protecting the rights of indigenous peoples.

Another emerging social problem is economic inequality that affects indigenous peoples' access to resources. For example, the industrialization process often results in the eviction of land belonging to indigenous communities without fair compensation. The social conflicts that arise due to the marginalization of indigenous groups require special attention in the modern era. Apart from that, intercultural conflicts that occur due to global migration flows also have the potential to reduce social harmonization at the local level.

The Role of Customary Law in Resolving Social Problems

Customary law has a conflict resolution system that prioritizes deliberation and consensus (Oreng, 2024). For example, in the Dayak indigenous community in Kalimantan, customary law is used to resolve customary land disputes through dialogue between the disputing parties. This approach not only resolves conflicts, but also strengthens community solidarity. Research by Bravo (2019) shows that this approach is more effective than formal litigation processes in maintaining social harmony, especially in areas far from the reach of the national legal system. Also, many customary laws have strict provisions relating to the management of natural resources. For example, the local wisdom of indigenous communities in Papua is through *sasi*, namely a temporary ban on the use of certain resources to preserve the ecosystem. This approach reflects the sustainability values that have become part of local traditions. Research by Alfons and Aryo (2024) emphasizes that customary laws such as *sasi* are very relevant in facing the challenges of global environmental issues, such as deforestation and climate change. In some situations, customary law even forms the basis for modern environmental policymaking.

In the face of cultural homogenization caused by globalization, customary law functions as a guardian of local values. These values not only strengthen the identity of indigenous communities, but also contribute to national cultural diversity. Customary law plays a role in preserving traditions, rituals and language which are an inseparable part of the identity of indigenous peoples. Thus, customary law is not only socially relevant, but also contributes to global cultural diversity. In the era of globalization, meetings of different cultures often occur due to clashes between local and global values. Customary law can act as a link in creating intercultural dialogue, ensuring that traditional values are respected without ignoring the need for modernity. Research by Desi (2002) shows that the application of customary law in multicultural conflicts in several regions in Indonesia has succeeded in reducing conflict escalation by emphasizing the principles of harmony and inclusiveness.

Customary law has great potential in solving social problems in the era of globalization. As an integral part of Indonesia's cultural identity, customary law can be a solution based on local values to face global challenges (Satory et al., 2025). However, collaborative efforts are needed between indigenous communities, the government and other parties to maintain the sustainability of customary law. These steps include education about the values of customary law, formal recognition by the state, and integration of customary law with the national legal system. Further research on the integration of customary law with national law is also important to ensure its existence remains relevant and effective in resolving social problems.

In this way, customary law can continue to function as an element that supports social harmony and cultural sustainability in the global era.

C. RESEARCH METHODOLOGY

This research uses qualitative research methods. The qualitative research method is data collection by understanding the phenomena that occur where research is the key to data collection (Bazen et al., 2021). Denzin & Lincoln (1994) explain that qualitative research is research that is used to understand a phenomenon that is occurring using existing methods.

This research uses a literature study and observation approach because it collects data from books, journals, the internet or other written literature. Literature study is a method of collecting data by searching for information through books and other literature with the aim of developing theories (Arikunto 2006). The data collection technique carried out by researchers is data collection using library studies through books, journals, dissertations, theses, research reports, papers, seminar reports or conclusions, official writings published by the government or other institutions, data digital or internet, and other literature. Apart from that, data collection carried out by researchers was interviews with students at UIN Sunan Gunung Djati Bandung regarding their views on the problems that researchers were exploring. Next, the researcher carried out an analysis using previously available data. After that, the researcher explains the information by drawing conclusions to take action. Finally, the presentation of qualitative data is presented in the form of narrative text, data that has been researched and interpreted in the form of words or sentences in describing the facts in the field to draw conclusions.

D. RESULTS AND DISCUSSION

Understanding Customary Law

The word *adat* in the Big Indonesian Dictionary means rules (actions) that have been commonly followed or carried out since time immemorial and have become a habit. Custom is also a cultural concept which consists of cultural values, norms, laws and rules which are related to each other to form a system. Custom can also be defined as a habit or tradition of the life of a native population which consists of cultural values, norms, laws and rules which many experts participate in providing a definition of customary law. One of them, Moch Koesnoe, stated that the first concept of associating customary law with primitive law is that there is a view of how inappropriate customary law is to be used as a law that leads to modern life. Second, customary law is the same as customary law, namely the law that lives in daily legal practice in a form that is relatively constant throughout time regarding legal issues that exist in society. The third understanding, seeing customary law in the sense as followed by Snock Hurgronje who states that law has legal consequences, then followed by Van Vollenhoven states that custom has sanctions and according to Ter Haar, customary law emphasizes the interests of juridical cultivation. Meanwhile, the fourth understanding sees customary law not as a law that lives in our nation's society. In this sense, customary law as belonging to groups within the original Indonesian people, is desired to become law for Indonesia, meaning Indonesian national law.

According to Van Vollenhoven, customary law is a general rule for positive behavior, where certain situations have sanctions (which are referred to as laws) and other situations are not codified (which are referred to as customs). In a seminar on Customary Law in Yogyakarta in 1975, Soepomo defined customary law as original Indonesian law and not written in Indonesian legislation which contains values based on religious elements. According to him, the term "customary law" is used as a synonym for law that is not written

in statutory regulations (*non statutory law*), namely laws that exist as conventions outside legislation customary rules that are maintained in social life, both in cities and in villages.

Customary law arises from the polarization of actions and reactions in social interactions. There is continuous interaction that influences how other people behave to form social relationships. If social interaction develops systematically, social relationships will develop into a social system. As time goes by, habits become customs that have become attached to people's feelings. Then, community groups make customs a law that must be obeyed by all their citizens. So this customary law must be accepted and implemented/obey by the community concerned.

Characteristics and Characteristics of Customary Law

Magical (Religious).

This characteristic is defined as a way of thinking that is based on the principles of religiosity, such as people's beliefs about the existence of sacred sexual relations. Before the emergence of religion, indigenous peoples developed illogical ways of thinking, such as animism (where every object has a soul or spirit), dynamism (where objects around us move), and belief in other supernatural things. Because of this characteristic, people must always maintain a balance between the outer world (real world) and the inner world (unseen world). After indigenous peoples became familiar with religion, this religious nature was manifested in the form of belief in Almighty God.

Communal (Togetherness)

Based on the view of each individual's customary law, members of society are an inseparable part of society as a whole. Community members relate to each other with the values of togetherness, kinship, mutual assistance and mutual cooperation.

Concrete (Visual)

"Concrete" means clear, tangible, tangible, and visual. Visual nature means that it can be seen, is visible, is open, or is not hidden. This shows that every legal relationship that occurs in society is carried out openly rather than secretly. Like buying and selling, which always indicates a real action, namely the transfer of the object of the agreement. This is different from law in the West, which differentiates between movable and immovable objects, where in a sale and purchase agreement, responsibility for an item remains with the seller.

Cash (cash)

This characteristic shows that an action is always carried out in a completely concrete environment, especially when it comes to fulfilling achievements. that the fulfillment of achievement is always followed by the fulfillment of the opposite achievement. At the same time, achievements and counter-achievements are carried out simultaneously.

Customary law states that everything that happens before and after cash consideration has no legal consequences; the legal action was completed at that time. Apart from the four (four) patterns of customary law mentioned above, customary law also has additional characteristics, such as the following:

1. Traditional This characteristic shows that traditional communities are hereditary from the time of their ancestors to their descendants and their traditions are still valid and maintained by the community concerned. These rules that have been handed down from generation to generation have the noble privilege of being a respected heirloom, therefore they must be maintained continuously. The traditional style which is still maintained today can be seen in the Batak community where marriage within the same clan is not permitted.
2. The dynamics of Customary Law can change according to circumstances of time and place. Every development in the legal community will always adapt according to developments that occur.

3. Open Customary law has an open nature. This means that customary law can accept other legal systems as long as the community concerned considers that the other legal system is appropriate or appropriate
4. Simple This means that the customary law community is simple, uncomplicated, unadministered, unwritten, easy to understand, and implemented based on mutual trust. This can be seen in transactions that are only carried out verbally, including in the case of inheritance distribution, which is rarely done in writing.
5. Deliberation and Consensus This means that customary law communities prioritize deliberation and consensus. In resolving disputes, harmonious and peaceful resolution through deliberation and consensus is always prioritized. Customary law communities have the habit of determining their votes through deliberation and consensus to find solutions to all problems in customary law communities.

The use of the word customary law comes from the translation of the word *Adatrecht* which was originally proposed by a figure named Snouck Hurgronje which was ultimately used by Van Vollenhoven. The term previously used in legislation was religious regulations (*Godsdienstige Wetten*) because it was influenced by the teachings of *Receptio in complexu* from Van Den Berg and Salmon Keyzer (Jimly Assiddiqie. 2011). Before 1927 customary law developed in Indonesian society. However, after 1927 customary law was considered as part of the implementation of the Dutch government's legal policy. According to sources, customary law is divided into 3 forms, namely:

- 1) Identifying Source According to Ter Haar, the identifying source of customary law is the decision of the traditional ruler. Meanwhile, Mohammad Kosnoe stated that the source of recognition of customary law is legal relations in society which are carried out in real ways, whether at the level of behavior once or repeatedly.
- 2) Source of Content The source of content of customary law is a source that comes from the legal awareness that lives in indigenous communities
- 3) Binding source The binding source of customary law comes from the legal awareness of the members of the indigenous community concerned. This can arise as a feeling of shame if you violate customary law because of the value system of the indigenous community concerned or because of other efforts that will befall the person concerned if they do not comply with existing laws. Then, there are two elements of customary law, namely:
 - a) Material elements, namely a habit or repeated action that forms a series of the same actions.
 - b) Intellectual element. namely a habit that must be carried out based on the belief that it is done objectively.

According to Hildred Geertz's book, *Various Cultures and Communities in Indonesia*, Indonesia has more than 250 different languages and has unique local cultural characteristics in each region. Religion, traditions, ancestral heritage and customs form Indonesia's local culture. Jacobus Ranjabar stated in Abidin that there are three cultural groups in Indonesia because of its diversity. Each group has unique characteristics. Among them is ethnic culture or regional culture, which means the culture owned by a local or regional community. Second, general local culture is a culture that depends on spatial aspects, which is usually local or regional culture brought by each immigrant or non-local resident who occupies city spaces. However, there is a dominant culture that is developing, namely the local culture that exists and occupies the city or place. Meanwhile, the third national culture is a culture that occurs as a result of the accumulation of all cultures originating from all regions in the archipelago.

Rapid globalization causes foreign cultural influences to enter Indonesia, which can endanger local culture. Even the cultural system and people's lives are being influenced quickly. The impact can be positive or negative. As a result, due to various influences entering Indonesian territory, there is an imbalance in social life. In the era of globalization, introducing and promoting local culture faces many challenges. Globalization will bring significant social, economic and cultural changes, which in turn will affect the laws and structure of society.

The factors that could pose a threat to regional culture due to the introduction of western values which are not necessarily in accordance with Indonesian customs include the following:

Lack of public self-awareness

Public awareness in maintaining and preserving regional culture in this modern era is increasingly rare. This happens because of the development of people's mindsets who are more interested in foreign culture which is considered more practical, new and less complicated and in accordance with current developments or known as updates to new cultures that enter, such as the entry of Korean culture in the form of broadcasts on national television, which tends to show the lifestyle of its actresses which tends to be hedonistic and free. This is then adopted without filtering whether the culture is appropriate or not, which results in a lack of awareness to maintain local cultural heritage so that it is increasingly eroded by the progress of the times.

Lack of cultural communication

The ability to communicate is very important in maintaining the cultural values adhered to. Because if there is a misunderstanding in communication, it can lead to disputes between tribes which will have the impact of weakening the resilience of the nation's culture so that it is easy to cause prejudice towards other cultures if there is poor communication.

Lack of cultural learning

It is very important to introduce learning about culture from an early age through learning and education embedded in the curriculum. However, in reality, nowadays, learning about regional culture is often considered less important and is rarely studied in the education curriculum in this modern era. In fact, by studying regional culture, you can build national culture and get to know its cultural history so that it is not easily colonized by foreign cultures. By studying culture, people will be able to learn how to adapt or adjust to local culture amidst the onslaught of foreign culture which is sometimes inappropriate and even contrary to Indonesian cultural values and norms.

Customary Law as the Basis of National Law

Customary law is part of Indonesian culture because every society has its own laws (Ubi Societas Ubi Ius). This is because each society has its own characteristics and culture and characteristics, as can be seen in the culture of certain societies in Western Europe, where their nations have customary law.

Likewise, customary law in Indonesia continues to grow and develop and becomes a defense for the Indonesian traditional community, arising from real life needs, ways of life and outlook on life, all of which become one culture of the community where customary law applies. MPRS Decree No. II/MPRS/1960 in the attachment to Paragraph 402 has established customary law as the principles of national legal development which constitute political lines in the legal field. The basic sounds are as follows:

- 1) Principles for developing national law so that it is in accordance with state policies based on customary law which does not hinder the development of a just and prosperous society.

- 2) In the effort towards homogeneity in the legal field, attention must be paid to the realities of life in Indonesia.
- 3) In improving marriage law and inheritance law, it is necessary to pay attention to religious, customary and other factors.

Based on MPRS Decree No.II/MPRS/1960, the position and role of customary law in developing national law becomes clearer, as long as it does not hinder the development of a just and prosperous society which is its basis. This is very appropriate because MPRS regulations are part of Indonesian culture. Morals and daily habits of Indonesian people can lead to a law. Customary laws can become law for the Indonesian people if they are implemented, obeyed and maintained. According to Van Vollenhoven in his book *Het Adatstrecht van Nederlandch Indie Volume III*, there are 19 legal circles, each of which shows its own characteristics and characteristics. Therefore, customary law which is used as the basis or basis for developing national law must meet the following requirements:

- 1) Customary law cannot conflict with national and state interests based on national unity.
- 2) Customary law cannot conflict with Indonesia's philosophy of Pancasila.
- 3) Customary law cannot conflict with written regulations (Laws)
- 4) Customary law that is free from the characteristics of feudalism, capitalism, and human exploitation of humans.
- 5) Customary law cannot conflict with religious elements.

Thus, customary law can be used as a basis for building national law; however, it must be a clean customary law and meet the above terms and conditions. Because of the above conditions, we are required to carry out a careful and thorough re-examination of the entire complex that lives and develops in people's daily lives. To fulfill the above requirements, customary law has special characteristics, one of which is that it is unwritten law, so there is no legislative body that establishes new regulations for every change in circumstances or legal needs. As a people's law that regulates its own life which is constantly changing and developing, customary law also always undergoes continuous changes through decisions or resolutions issued by the community as a result of meetings and words in the form of people's deliberations. In every development that occurs, customary law always has a place in the legal and customary system. As a result, these things cannot be accepted and used since the progress of the times in the era of globalization and modernization, because there are no revolutionary efforts and they are left behind by the sophistication of the times in this digital era which is all practical and realistic.

Moch Kosnoe's opinion above also answers that customary law is rigid, difficult to develop, difficult to adapt to the times. In accordance with the opinion of Moch Kosnoe who stated that "customary law is a living law", where it embodies the real legal feelings of the people. In accordance with its own nature, customary law continues to experience growth and development like life itself. In the subchapter of MPRS Decree No. II/MPRS/1960, it is stated that in efforts to homogeneity in the legal field, attention must be paid to the realities of life in Indonesia. This means that the reflected and reflected feelings of justice must be used as a guide for implementing the realization of homogeneity in the legal field. This further realizes society's sense of justice in a concrete way, where as far as possible we as part of the Indonesian nation must prioritize the cultural values of our own nation, although it does not rule out the possibility that foreign institutions from the West do not conflict with the state philosophy, namely Pancasila as the personality of the Indonesian nation. in general.

Regarding the position of customary law and its role in developing national law, the seminar on Customary Law and National Legal Development which was held on 15-17

January 1975, organized by BPHN in collaboration with the Faculty of Law, Gajah Mada University concluded as follows:

- 1) Customary law is one of the important legal sources for obtaining materials for the development of national law which leads to legal unification which will be carried out through the creation of statutory regulations without ignoring customary law and the role of the courts as well as legal development.
- 2) The taking of materials from customary law in the preparation of national law is basically as follows:
 - The use of customary law concepts and principles to formulate legal norms that meet the needs of present and future society in the context of developing a just and prosperous society.
 - Development of traditional legal institutions that are modernized and adapted to the needs of the times without eliminating the distinctive characteristics of the Indonesian nation's personality.
 - Incorporating customary law concepts and principles into legal institutions from foreign law which are used to enrich and develop national law so that it does not conflict with Pancasila and the 1945 Constitution.

From the results of the discussion above, our task as part of the Indonesian nation is to prepare legal values that truly live in society in accordance with the demands of the times towards the formation of national law as a modern law that can be parallel to existing laws. advanced from countries that have been successful in implementing justice in their countries.

Customary Law in the Era of Modernization

According to Iman Sudiyat, in relation to modernization, he said that classical-modern customary law which is ingrained in the souls of the Indonesian people is actually used as the main capital for the formation and development of national law. Customary law, which was previously considered primitive, static, arational and so on in many aspects, turns out to be more advanced than Western law, English law and Dutch law, as its concrete (real/empirical) nature makes it more elastic, encouraging and always refreshing, more agile in responding to the challenges of nature and the times. The absence of a strict distinction or separation between public law and private law can free it from traps that hinder its progress, the social function for individuals can educate people to live and behave in a proportional manner, land ownership which is vital for community members can be a strong push to preserve and fostering productivity for the sake of happiness in living together and prioritizing common interests without ignoring individual interests.

In the traditional law community environment, they really maintain the cultural diversity of local wisdom. Customary law communities have traditions, norms and legal systems that have been passed down from generation to generation. They play an important role in protecting and maintaining the sustainability of the natural environment, maintaining social relations, and maintaining unique traditional values. Indigenous communities have unique skills in managing natural resources and ecosystems. They enforce existing rules to maintain balance between humans and nature. Apart from that, customary law communities also have a dispute resolution system that is based on deliberation and restorative (Sahara and Susanto, 2023). However, the existence of customary law communities is often faced with the challenges of modernization, urbanization and social change that can threaten their lives. The importance of control for the government and society at large is to respect, maintain and protect and preserve the rights of indigenous peoples by providing their participation in decision making that affects their areas of life. Social change, technology and globalization can have a significant influence on the existence of customary law communities. The

following are some of the impacts caused by the introduction of modernization in customary law communities:

Social change.

Social changes such as urbanization, migration and shifts in cultural values can affect the lifestyle, mindset and interactions of customary law communities. The pressure to adapt to modern norms can change the way of thinking and viewing traditional practices that were previously strong to become weak and loose with new values in social changes that can threaten the existence and sustainability of customary law communities.

Technological changes.

Technological progress and development can have both positive and negative impacts on customary law communities. On the one hand, technology provides speed and information convenience and makes it possible to introduce their cultural heritage into the daily lives of indigenous peoples. However, on the other hand, the changes provided can influence lifestyle, economic, social, cultural and value systems which can disrupt existing customary habits and practices.

Globalization

Globalization brings increasingly intensive flows of information, communication and trade between countries and cultures. This can have an impact on the existence of customary law. The existence of cultural exchange and the dominance of foreign cultural values leads to a decline in the importance and recognition of customary law.

Indigenous law communities face various challenges in efforts to maintain their local wisdom during the era of modernization that has entered the twenty-first century. In customary law communities, rapid and pervasive social change can change their lifestyle patterns, systems, values and social relations through the application of more dominant modern norms. Due to broader cultural assimilation, local wisdom is lost and traditional law communities no longer exist. In addition, customary law faces major challenges due to globalization. Uniform cultural adoption from around the world can consistently change the values of traditional practices. What is more important is the conflict between customary law and formal law enforced by the state. Often the position of customary law is not taken into account and does not recognize customary law, so that customary law communities face many challenges in protecting and defending their rights from all discrimination and injustice. and inequality before the law can hinder and threaten local wisdom relating to customary law communities.

The Government's Role in Maintaining Customary Law

To Maintain Local Wisdom in the Modern Era, the government has a very important role in supporting the existence of customary law as a way to maintain local wisdom in the contemporary era. Communities face complex challenges to maintain their cultural identity in an era of increasing complexity and rapid change. Consequently, the government is responsible for protecting and promoting customary law as part of the nation's cultural heritage. The rights of indigenous peoples must be recognized, respected and protected by the government. The government can also play another important role, namely providing customary law communities with a strong legal basis so that they can carry out their customs without fear of discrimination or neglect. The government can offer facilities to communicate and assist indigenous peoples and other parties involved in conflict and environmental change. The government is also responsible for encouraging education and raising awareness about local wisdom. This can be achieved through inclusive and culturally sensitive education programs. The government can also help the wider community understand and respect customary law. This can be achieved through improving the quality of education

through better school curricula, training teachers and other teaching staff, and developing educational resources that integrate local wisdom into learning.

To maintain and maintain local culture, the younger generation who receive adequate education can do many things, such as studying local culture by everyone, understanding and studying the values contained in traditions and culture, gaining insight and historical knowledge about other people's cultures. , and instilling values in the younger generation to be proud of their own culture.

E. CONCLUSION

Customary law is an unwritten rule that grows and develops in people's lives, including cultural values, norms and traditional rules. According to experts such as Van Vollenhoven and Soepomo, customary law is original Indonesian law which is not written but is still binding and functions as a convention in social interactions. Customary law also has sanctions that originate from the community's awareness and value system. Customary law has several main characteristics, including:

- 1) Religious: Rooted in the principles of belief and spirituality of society.
- 2) Communal: Prioritizes togetherness, mutual cooperation and solidarity.
- 3) Concrete: Implemented in a real and transparent manner.
- 4) Traditional: Hand-in-hand and respected as an ancestral heritage.
- 5) Dynamic: Flexible to changes in time and place.
- 6) Deliberation and Consensus: Conflict resolution through peaceful dialogue.

Customary law has been recognized as one of the foundations for the formation of national law. Based on MPRS Decree No. II/MPRS/1960, customary law is used as a guide as long as it does not conflict with Pancasila, written law, and is free from the characteristics of feudalism and capitalism. The unification of national law using customary law aims to create social justice that is relevant to local values. Modernization brings major changes to customary law communities, and creates challenges such as:

- 1) Social Change: Urbanization and shifting cultural values weaken the power of customary law.
- 2) Technology: While technology makes communication easier, it can also replace customary practices with more modern systems.
- 3) Globalization: The entry of foreign cultures threatens the existence of customary law through the assimilation of dominant values.

The government plays an important role in protecting customary law, including providing legal recognition, supporting cultural education, and encouraging the preservation of traditions through a curriculum that integrates local values. The government is also expected to create an environment that supports indigenous communities to maintain their local wisdom. Customary law is a valuable heritage and needs to be maintained amidst the current of modernization. Through collaboration between society, government and education, customary law can remain relevant, develop and contribute to the formation of modern and just national law.

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