

## ***THE RELEVANCE AND ROLE OF CUSTOMARY LAW IN SOCIETY MODERN URBAN***

**Ulfa Hasanah**

University of Riau, Riau, Indonesia  
E-mail: ulfa.hasanah@lecturer.unri.ac.id

**Budiman Basarah**

College of Informatics and Computer Management Amik Riau, Riau,  
Indonesia

### **ABSTRACT**

Regularity in the interaction of national and state life in addition to being regulated and controlled by law must also pay attention to religious, ethical and moral values, customs and decency, and social values prevailing in society. But in practice the pattern of law enforcement hurts the sense of justice, because of the inequality of punishment received. This happens when law enforcement always defines law enforcement narrowly and does not explore the laws that live in society. National development policies towards customary law are now officially recognized by States of existence, but their use is limited. Customary Law is a law that truly lives in the conscience consciousness of the citizens of the community which is reflected in the pattern of its actions in accordance with its customs and socio-cultural patterns that do not conflict with national interests. But no less important is the need for further study and development whose implications are in the preparation of national laws and law enforcement efforts in force in Indonesia. Positive law can actually run effectively in society if it is able to run side by side with living law.

**Keywords:** *Relevance, Customary law, Modern urban society.*

### **A. Background**

Regularity in the interaction of national and state life in addition to being regulated and controlled by law must also pay attention to religious, ethical and moral values, customs and decency, and social values prevailing in society. Law is a reflection of the social rules that apply in a society, as known as *ubi societas ibi ius*. Mochtar Kusumaatmadja asserts that law is a mirror of the values that live in society. A law is called good if it conforms to the laws that live in society. Based on Article 1 paragraph (3) of the 1945 Constitution, it is affirmed that Indonesia is a State of Law, meaning that all actions in the framework of state administration must be based on law. From a sociological aspect, law comes from the values that live in society both written and unwritten. This unwritten law comes from the value of (Kusumaatmadja, 2002) local wisdom that is obeyed and obeyed for generations as customary law. Although its existence is not written, its existence is still recognized as the norm and has ties and sanctions. The existence of customary law is also affirmed in article 18 paragraph (2) of the 1945 Constitution that "Indonesia recognizes the existence of customary law and its traditional rights". Furthermore, in the realm of law enforcement, a Judge and/or Constitutional Judge must explore, follow, and understand the legal values and sense of justice that live in society.

Gustav Radburch stated that law basically has several goals, including to realize legal certainty, justice and expediency. When all these goals clash, what is put forward is the expediency aspect. But in practice the pattern of law enforcement hurts the sense of justice, because of the inequality of punishment received. This happens when law enforcement always defines law enforcement narrowly and does not explore the laws that live in society. For communities that still adhere to unwritten laws and customary rules, the approach to solving problems with customary law will be felt to provide more benefits of justice than national law. The laws that apply in societies appear different based on their social strata. Such phenomena of injustice in law enforcement almost occur in every corner of the Indonesian homeland. Actually, substantial justice can be obtained if law enforcement officials make a paradigm shift or understanding of the meaning and meaning of law enforcement without harming the sense of justice, such as making peace if the losses caused are not so great when compared to the verdict to be handed down and mediation at the investigation level by prioritizing peace through the approach of our nation's noble values, namely deliberation and consensus. (Faisal, 2010) (Sinaga, 2019)

The dynamics of the social structure of society as a result of continuous interaction brings consequences for the development of laws that develop in society. In general, in legal theory, it is known that law tends to lag behind the development of society. State law is defined as law, this perspective is thick with nuances of positivistic law as well as legal designations in the formal sense. In addition, the term law has also developed in a material sense, namely the rule of law that develops in society.

Humans are social creatures who have a need to interact with their environment. To carry out this function, man is given the gift of reason and mind, which in Islamic rules is referred to as khalifatullah. Today's reality we find that there have been significant changes in all areas. Globalization has swept the world, with this change the world seems to be without territorial or territorial boundaries because the joints of such changes have gone far beyond the realm of human privacy, relations between countries seem increasingly transparent. The impact of globalization requires that every social interaction involving the socio-cultural values of individuals or groups must have an impact on the life of their nation. The value of security, comfort and peace, as well as a prosperous and harmonious life that is everyone's dream must be an important aspect in undergoing change in this era of globalization, in fact to realize this goal is the responsibility of all mankind.

As a form of culture born in the millennial era or the current of globalization, popular culture is certainly familiar to the ears of modern urban people. Popular culture in this era is an experiential culture born because of the culture of consumption with the carrying capacity of information media based on information technology that is all new and sophisticated. If art created by the community is able to survive on the will of the nation / people with its traditions, just as art with popular themes will survive on the will of the nation with its popular ideology, then popular art that was born later will also be able to survive on the will of the media that utilizes technological advances and sophisticated and easily accessible internet-based information. The emergence of media and consumption has shifted social ties that were originally related to ethics and morals, replaced by aesthetic ties. This condition makes humans unable to decipher the function of media as a means of expressing ideas from ideas and even human feelings, but currently it is the media that regulates ideas and regulates human feelings. Martin Buber stated that there had been misunderstandings among people. Man does not stand with his fellow man as a good friend figure but stands as a strange figure. This means that they are in the same place but do not have sensitivity to their surroundings, this is attributed to civic indifference. This fact illustrates that people's behavior patterns in meeting their needs have changed drastically. Consumption of goods and services is no longer a necessity but is desire-oriented. (Octavian, 2020)

## **B. Research methods**

This research uses an empirical juridical approach that aims to look more deeply at legal norms. This research is supported by primary data and secondary data obtained through literature review. Data analysis and critical analysis are needed so that the data can be interpreted, and find problems that need to be solved. If necessary, it will revise the relevant legislation. According to Chatterjee, this is done to open up space for researchers to criticize, improve and provide suggestions for revision or cancellation and changes to weak and ineffective laws. In this context, related to the legal rules, this (Moleong, 2019)(Chatterjee, 1997) study will analyze the urgency of *Itsbat Nikah* as one of the alternatives in registering marriage to the identity rights of children in North Aceh.

## **C. Discussion**

### **1. The nature of customary law as living law;**

Mason C. Hoadley (2006) in his writing asserts that the existence of customary law as the living law of the Indonesian nation is increasingly marginalized. Customary law, which initially became a living and developed law and was obeyed as a value solution to the problems of Indonesian people's lives, is increasingly losing its existence. Today, there can be found various complexities of problems faced by indigenous peoples in Indonesia, especially when customary law clashes with positive law. Such as indigenous peoples on Rempang Island, Batam City, where the traditional rights of the community must be faced with state legal means under the pretext of state strategic projects sourced from foreign investment funds. The development of the Indonesian Legal System, which tends to prefer the model of the civil law system from western countries and Indonesian legal politics that leads to the codification and unification of law, accelerates the loss of the existence of customary law and its institutions. (Mason C Hoadley, 2006) (Aditya, 2019)

As an important element in the formation of national law, the existence of customary law as one of the sources of law in Indonesia is slowly disappearing. Customary law is considered primitive, traditional, backward, and ancient, and relevant to modern times. State politics, law, and policies tend to override customary law as suggestions for solving problems in society. From many cases, we can see that horizontal conflicts between indigenous peoples and various parties are actually resolved through the role of customary settlement institutions. (Aditya, 2019)

Indonesian independence on August 17, 1945 was a momentum for Indonesia in the establishment of the Indonesian legal system, as an effort to replace the Dutch legal system in force in Indonesia. Customary law as the original law of Indonesia can be used as a material source in the process of forming Indonesian law after independence. Djodjodigono said that *bumiputra* customary law materially as a legal reality that lives and is obeyed among the Indonesian people, must be the basis of state law even though it has not been formally coordinated. (Djojodigono, 1961)

Djojodigono said the assumption that Indonesian customary law is ancient and frozen is because Indonesian people are still frozen and maintain ancient beliefs. So the answer to this assumption is the need for the implementation of popular education as a way to transform a frozen society into a dynamic one. The fact is that each positive law has its own individuality according to the circumstances of society, even legal scholars are unknowingly unaware that modern states, such as the Anglo Saxon states, also use custom as a legal system further. Djodjodigono argues that customary law is a legal reality in which principles that apply in public relations are found. (Djojodigono, 1961)

The existence of Customary Law reflects the personality and soul of the nation, so that several customary law institutions are certainly still believed to be relevant as material in shaping the Indonesian legal system. Conversely, customary law whose existence is impossible to maintain will become extinct over time, in accordance with the flexible and dynamic nature of customary law. Von Savigny (Soepomo: 2003) asserts that Customary Law is a living law, incarnated in the sense of people's law, where according to its essence, customary law continues to grow and develop along

with life itself. In line with Savigny's views, van Vollenhoven said that customary law has changed over time, indicating that customary law has evolved with the times. (Ratna Winahyu Lestari Dewi, 2005) (Soepomo, 2003) (Soepomo, 2003)

During the Dutch colonial rule, customary law was officially recognized as the original law of Indonesia which was equal and equal to European law. Article 131 paragraph (6) of ISIS states that "the law of the Indonesian nation is a positive law for the Indonesian nation". The meaning of Indonesian law is customary law. That is, the provisions of Article 131 paragraph (6) are evidence of recognition as well as the legal basis that customary law is a positive law that lives for the Indonesian nation. This statement was later affirmed in the General Explanation of the 1945 Constitution number 1 which stated that "..... The Basic Law is a written basic law, while in addition to the Basic Law, the enactment of an unwritten basic law is a basic rule that arises and is maintained in the practice of state administration even though it is not written". This is sufficient to prove that customary law is centralized in the preparation of national legal rules whose existence and enforceability have been recognized as law long before Indonesia became independent. There was a dilemma in which the General Explanation of the 1945 Constitution was deleted. The issue of customary law is then regulated in Article 18B paragraph (2) of the 1945 Constitution which states that "The State recognizes and respects the unity of indigenous peoples and their traditional rights as long as they are alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are stipulated in law". According to this article, the recognized customary law is the customary law that is still alive, clear in the material and scope of its indigenous people. Based on the formulation of Article 18B paragraph (2), it can be understood that the 1945 Constitution prioritizes written law over unwritten law. Artinya, recognition of customary law that is still alive in the community in an area must be carried out with regulations in laws and regulations (written) and in line with the principles of the Unitary State of the Republic of Indonesia.

## **2. Globalization and Modern Society;**

Man is a perfect being equipped with reason. For this reason, humans are given the mandate by Allah SWT as khalifatullah who plays a role in maintaining and maintaining the universe. The developments taking place in the world are proof of man's role in playing his intelligence. Reason leads people to change, want to get out of trouble, want to live better, safer, and master science. Technological progress is something that cannot be avoided in this life, because technological progress will go according to the progress of science. Mastery of technology is currently used as a benchmark for the success or progress of a country. Countries with a high level of mastery of technology (high technology) become the category of gaju countries, while countries with limited technological progress are often referred to as failed states. (Ngafifi, 2014)

The development of the world accompanied by advances in science and technology has brought changes to human civilization. Jobs that initially required relative physical contact were replaced with electronic devices or sophisticated machines. This phenomenon is able to reposition the capabilities of the human mind or brain in various fields of science and human activity. This means that these developments and advances are legitimately recognized as means that bring convenience to the life of mankind. When viewed from other aspects, that technology can bring negative effects and even misery to human life. Just as there is silence, loneliness and alienation, even anti-social seeds emerge such as waning solidarity, waning togetherness, and fading friendship. Conditions like this make people seem to be imprisoned with their own facilities.

At the beginning of its appearance, technology developed slowly. Along with the development of the level of culture and human civilization, technology also develops in tandem. In fact, the more advanced the level of human civilization and culture, the more developed the technology. Technology is developing rapidly, covering various spheres of human life. It is currently

a difficult condition to separate human life from technology considering that technology has become an important part of human needs. The beginning of technological developments that were previously part of science or dependent on science, now science can also depend on technology. For example, with the rapid development of computer technology and space satellites, new knowledge is gained from the work of the two technology products. ( Ngafifi , 2014)

The modernization process is characterized by technological developments that spread to all corners of the world both in developed and developing countries as well as Indonesia. According to Abraham (1991: 55-56) modernization is distinguished from economic modernization and social modernization. Economic modernization is defined as the occurrence of economic progress characterized by increased consumption and living standards, the use of relevant technologies to support economic progress, greater capital intensity, and rational bureaucratic organization. An important factor in economic modernization is the expansion of scientific knowledge and the improvement of technological innovation, aspects of educational and economic specialization, as well as the adequacy of capital and raw materials to support the production and consumption of goods. While in a social modernization consists of political and psychological aspects. In social modernization there are changes in the system model, institutional elements and status in the structure of society develop. Furthermore, Abraham emphasized that the main elements of social modernization are the occurrence of planned social change, the emergence of secularism, the occurrence of behavior change, high education costs, the occurrence of a knowledge revolution that occurs through the expansion of means of communication, instruments of social relations, and contractual imperatives, structural differentiation and role specialization. ( Muzaini, 2014) (Muzaini, 2014)

In its development, technology is able to show its phenomenon in society as impersonal and has autonomy to turn every area of human life into a technical realm, meaning that technology that was originally expected as a means of human control actually turns into a means of human control. It is important to know that every technological development always promises convenience, efficiency, and increased productivity. Indeed, at first technology was created to make it easier for humans to meet all their needs. The promise of convenience of this technology can be described as follows: ( Ngafifi , 2014)

**a. The promise of change;**

A new discovery inevitably brings about changes in society. This change will have consequences for society, namely in the form of having to adapt to these new discoveries. The presence of technology as an aspect of new inventions has certainly changed the pattern of daily activities of individual humans. For example, the presence of television at home will cause several changes such as, scheduling a new agenda with the existence of television, namely the schedule of watching certain programs that previously did not exist. In addition, related to the arrangement of furniture at home will be adjusted to the new layout.

**b. The promise of progress;**

Considered a symbol of progress, the existence of technology becomes a differentiator in society that is able to access technology, then it will be considered little or even more advanced than others. Even further there has been a change in lifestyle in society, where technology is part of current trends and becomes a separate lifestyle for humans.

**c. Promise of comfort;**

In essence, a technological advancement provides convenience for humans. Like a mobile phone, in order to be able to communicate with relatives both at home and abroad we will be facilitated by the existence of mobile phones. Likewise, in an economic transaction, with ATM (Automated Teller Machine) facilities we can get various convenience facilities such as taking money, paying bills, buying credit, buying transportation vehicle tickets, and other needs. Even today these features can be connected via mobile phones by utilizing internet facilities.

**d. Promise of increased productivity;**

Several companies today utilize technology for reasons of efficiency and increased productivity. The role of humans began to be replaced through the use of technology, so that companies can save financing and budget. In addition, the existence of technology can be used as a control tool to evaluate a person's performance. As well as the existence of fingerprint technology (attendance system by utilizing fingerprints) for example, it will be able to control the level of employee attendance in the office.

**e. promise of speed;**

Various jobs can be completed quickly through the use of technology. Computer devices help speed up several jobs like, bookkeeping, sending documents, creating and sending letters or files. In addition, many other jobs can be completed quickly and any difficulties will be solved with technology.

**f. The promise of popularity.**

The use of appropriate technology can support human activities more vigorously, effectively, and efficiently. Nowadays it is very easy for humans to appear on the glass screen with internet intermediaries. Like the use of Youtube features can make it easier for humans to style, exist, promote face and appearance only armed with a camera. What a difficult thing to do in the past, now this is the reality before us. This further strengthens the opinion that we can do anything with technology. We can make a profit, at the same time we can also make a lot of losses.

Technological progress with various developments affects the characteristics of human life. The living conditions of modern society are different from the living conditions of traditional society. This change in living conditions reveals new symptoms in society. Regardless of the type of change, whether planned or unplanned, will have implications for changes in people's lifestyles and behaviors. Some of the important changes that occurred as a result of modernization according to M. Francis Abraham are as follows: ( Muzaini, 2014)

a. systematic change;

Technological progress has implications for systematic changes in human life, namely changes in the behavior of modern society. It is called systematic because these changes bring about changes in human behavior and perception of life. An example is the separation of work and household, this leads to individualization and isolation of the nuclear family. In addition, there was a change from an agricultural and handicraft economic system to a modern industrial system. An increasingly open and flexible system of social stratification, as well as open social mobility based on merit, makes the family or household lose its function, both as an educational function, a communication function, as well as a social and protection function.

b. functional changes;

Modernization results in functional changes in work. This change has the effect of changing the functions carried out by families, clans, tribes, castes, religions or communities, abolishing traditional control mechanisms that are informal by families, local groups (regions) or group leaders. These changes result in the emergence of crimes such as corruption, mark ups, or mismanagement in business. In addition, there was also the occurrence of "women's emancipation". It changed socialization patterns and value orientations that helped women to break out of the shackles of tradition, and further played a role in political mobilization to push women into well-paid and prestigious jobs. These changes do not all have a positive impact from the social aspect and even tend to plunge society into deviant social behavior, such as placing women in work positions as drivers, parking attendants, coolies or jobs that were once considered unfit for women.

c. Change in attitude.

The fundamental change as a result of modernization is the differentiation of social systems and the progressive transformation of attitudes. Attitude transformations that describe modernization such as:

- 1) belief in the welfare of science and technology,
- 2) optimism towards the goals of innovation and change;
- 3) progress- and performance-oriented tendencies;
- 4) rationality and emphasis on material values;
- 5) leadership efficiency and use of time;
- 6) productivity and rational drive to maximize profits;
- 7) openness to new experiences and willingness to accept risks;
- 8) high educational aspirations; and
- 9) greater empathy and great individualism.

This overall attitude is very progressive and is rated as a modern personality trait syndrome. In contrast, traditional attitudes are based only on experiences stacked on tradition, whereas traditional values of a social nature are foreign and lagging behind. For this Abraham explains that society loses its grip on the past based on traditional values as a social value system of personality and undermines loyalty to ancestors and encourages all capitalization of goods or services. This system leads to social revolutions, that is, increased hope, radicalism, activism, and various ideological movements.

### **3. the relevance and role of customary law in the future;**

Where there is a society there is law, then adagium is known in the legal world. On that basis, it is also understandable that customary law has been known and known for its existence since ancient times, which originated from interactions between individuals in community life. This consistency of interaction between individuals then becomes a "habit". Any habit that if done repeatedly by members of the community will slowly become a rule that comes to be known as "adat". In subsequent developments in community interaction, this recurring habit was recognized and accepted as a rule (adat) that had value and was upheld and obeyed by the supporting community. So it can be said that the existence of customary law has actually been institutionalized in people's lives. ( Soepomo, 2003) ( Hadikusuma, 2014)

The ideas contained in the living theory of law include statements that in the process of determining laws and regulations, it is necessary to pay attention to legal values and norms that live and are applied in society. The existence of customary law as Indonesia's living law is becoming an increasingly abandoned term. Customary law is actually a living law that is a solution to various problems of Indonesian life. Today, however, in its empirical reality, customary law often clashes or clashes with positive law. An example is the issue of indigenous peoples' rights that collides with the legitimate interests of investors. In line with the above understanding, Van Vollenhoven argues that customary law in the past was very different in legal content, tradition shows development. Given the importance of customary law's contribution to the development of human life, efforts are needed to restore customary rights and make them part of the source of national law formation. In the formation of national law, it must be sensitive to social development, and it must be adapted to the real situation and conditions of society. (Arman & Daria, 2022a) (Sulastriyono & Intaning Pradhani, 2018)

If observed, in the administration of government, Indonesia implements laws that are pluralism, pluralism is shown by the application and recognition of three different laws, namely Western law, religious law and customary law. In reality, there are still many activities and problem solving in the community that still use customary law. With a vast expanse of territory, in Indonesia there are also various patterns of customary law which are mostly not in the form of written norms, but are still recognized and obeyed by the community. ( Updated, 2019)

The law basically follows the development of existing societies and folk traditions. Customary law is a moral value in a society and is a truth recognized in that society. However, in its development, practices within indigenous peoples often raise the question of whether customary law

can still be used to regulate people's daily activities and to overcome problems that arise within indigenous peoples. This arises because in Indonesia there are also legal rules made by law-making bodies or institutions and other laws and regulations. However, it constitutionally has binding force despite differences in form and aspect. (Arman & Daria, 2022a)

The position and role of customary law in efforts to develop national law in Indonesia is still a problem. The existence of customary law that has been officially recognized by the state of its existence but its use is limited, so it is still a constitutional problem. The enforceability and binding force of customary law requires the involvement of national legal policies to provide direction in the context of the increasing demands of globalization, as no single legal system is perfect and each has its own strengths and weaknesses. This is in line with Sajipto Raharjo's statement that from the beginning the law can never satisfy human desires as a binding tool between perfect "right" and "wrong" actions, sometimes it can also give birth to injustice. (Rustina, 2017).

Today direct oppression by man against man no longer occurs as it did in the time of Karl Marx. Modern society today is oppressed by a technological system that is so massively developed and grips human life from all aspects. This condition gives birth to technological rationality. Marcuse in his book *One-Dimensional Man* asserts that technological rationality is that everything is considered rational if it can be used, manipulated, and utilized mathematically and economically. Furthermore, Marcuse in Hardiman (1993: 67-68) said that in maintaining his power, the ruler must be able to move the goods produced by industrial corporations. This means that science and technology have robbed man of freedom at its roots. (Alhamdi, 2017)

Modern society or other designations are industrial societies which according to have the characteristics: (Alhamdi, 2017)

1. Rationalization; that modern society prioritizes something acceptable to common sense without considering beyond common sense. This is in line with the phrase Rene Descartes, the French philosopher, which reads *cogito ergo sum* (I think, then I exist).
2. Commercialization; that everything must be commercially valuable, meaning that all segments of life must have their own marketability.
3. Monetization; This is related to commercialization. That everything should be measured by money. The commercialization process requires a monetization process, which is a concrete form of the process that occurs in the form of money.

In this process, the force and binding force of the law become important. The enforceability of this law is interpreted as legal independence as a means of controlling community interaction. Regarding legal independence, Hubert Rottleuthner stated that legal independence is rooted in the process and mechanism of legal understanding and legal decision-making that can ensure the creation of justice. While Charles Sampford asserted that legal independence is created when the creation of ideal legal conditions for society, namely conditions in which the law is able to satisfy all parties. (Hamid, 2019)

Ideal legal conditions that are able to satisfy all parties can be started from efforts to build national legal consensus through recognition and protection of the enactment of legal systems other than state law in the form of customary law, religious law and other local rules or values that really grow and develop in society. This is an effort to foster and strengthen the integration of multicultural nations through responsive law, namely laws containing values, principles, norms, institutions, and traditions that grow and develop in society. For the future concept, it is hoped that there will be a guarantee of legal certainty related to the legitimacy of the implementation of customary law both related to customary rights, management of indigenous peoples' rights, and matters concerning life interactions.

Culture is the wealth of the nation as a form of thought and behavior of human life that is important for the understanding and development of history, science, and culture in the life of society, nation, and state so that it needs to be preserved and managed appropriately through efforts



to protect, develop, and utilize to advance national culture for the greatest welfare of society. To preserve customs and culture, the State is responsible for the protection, development and utilization arrangements that need to be managed by the government and local governments by increasing community participation to protect, develop and utilize cultural preservation by changing the paradigm of indigenous and cultural preservation, a balance of ideological, academic, ecological and economic aspects is needed to improve community welfare. Customary law will always exist and live in society. Customary law is a law that truly lives in the consciousness of the heart, the conscience of the people which is reflected in the pattern of its actions in accordance with its customs and socio-cultural patterns in accordance with national interests. (Son & Darminto, 2020) (Arman & Daria, 2022)

That in society there is a difference between written law as in legislation and customary law. This is a mistake, because customary law itself is part of positive national law, because it is a resource in the formation and renewal of national law. National laws that are not based on customary law do not have a strong sociological basis to bind and are not effectively adhered to, resulting in a degradation of legal authority and its enforcement apparatus. (Aprian & Hanafiah, 2022)

#### **D. Closing**

National development policies towards customary law are now officially recognized by States of existence, but their use is limited. Customary Law is a law that truly lives in the conscience consciousness of the citizens of the community which is reflected in the pattern of its actions in accordance with its customs and socio-cultural patterns that do not conflict with national interests. But no less important is the need for further study and development whose implications are in the preparation of national laws and law enforcement efforts in force in Indonesia. Positive law can actually run effectively in society if it is able to run side by side with living law as a law that is more accepted and obeyed by the community. This is in line with Moechtar Kusumaatmadja's statement which affirms that positive national laws imposed must not exceed or contradict the values or ideals of the law accepted by society in everyday life.

#### **Bibliography**

- Aditya, Z. F. (2019). ROMANTICISM OF THE LEGAL SYSTEM IN INDONESIA: A STUDY OF THE CONTRIBUTION OF CUSTOMARY LAW AND ISLAMIC LAW TO THE DEVELOPMENT OF LAW IN INDONESIA. *Journal of Rechts Vinding: Media for the Development of National Law* , 8(1). <https://doi.org/10.33331/rechtsvinding.v8i1.305>
- Al-Hamdi, R. (2017). WHEN SCHOOLS BECOME PRISONS: DISMANTLING THE EDUCATIONAL DILEMMAS OF MODERN SOCIETY. *Journal of Society & Media*, 1(1). <https://doi.org/10.26740/jsm.v1n1.p11-34>
- Apriani, N., & Hanafiah, N. S. (2022). Examining the existence of customary law on Indonesian positive law in the perspective of sociological jurisprudence. *Lex Generalis Law Journal*, 3(3). <https://doi.org/10.56370/jhlg.v3i3.226>
- Arman, Z., & Daria, D. (2022a). Establish customary law as a source of law in the development of the Indonesian legal system. *TERAJU*, 4(01), <https://doi.org/10.35961/teraju.v4i01.423>
- Djojodigono, M. M. (1961). *Principles of the College of Customary Law 1960/1961 (Volume 2)*. Jajasan Badan Publisher Gadjah Mada.
- Faisal. (2010). *Breaking Through Legal Positivism* : Vol. Hornbill Education,.
- Hadikusuma, H. (2014). *Introduction to Indonesian Customary Law (Revised Edition): Vol. (4th ed.)*. Mandar Forward.
- Hamid, K. A. (2019). Choice of Customary Law in Dispute Resolution in Tanah Papua. *JlHK*, 1(1). <https://doi.org/10.46924/jlhk.v1i1.121>

- Kusumaatmadja, M. (2002). *Legal Concepts in Development: Vol. Center for Wawasan Nusantara Study : Bandung Alumni*.
- Mahardika, A. G. (2019). Constitutional Conventions in the National Legal System in Indonesia After the Reformation Era. *Journal of Rechtsvinding*, 8.
- Mason C Hoadley. (2006). Leiden Heritage: Legal Concepts in Indonesia (Review). *Journal of Social Problems in Southeast Asia*, 21(1).
- Muzaini, M. (2014). THE DEVELOPMENT OF TECHNOLOGY AND DEVIANT BEHAVIOR IN MODERN SOCIETY. *Journal of Educational Development: Foundations and Applications*, 2(1). <https://doi.org/10.21831/jppfa.v2i1.2617>
- Ngafifi, M. (2014). TECHNOLOGICAL ADVANCES AND HUMAN LIFE PATTERNS IN A SOCIAL CULTURAL PERSPECTIVE. *Journal of Educational Development: Foundations and Applications*, 2(1). <https://doi.org/10.21831/jppfa.v2i1.2616>
- Oktaviana, R. (2020). The concept of consumerism of modern society in the study of Herbert Marcuse. *Jaqfi: Journal of Aqidah and Islamic Philosophy*, 5(1). <https://doi.org/10.15575/jaqfi.v5i1.6267>
- Son, F., & Darminto, C. (2020). Local government policy in protecting the cultural identity and traditional rights of the customary law community of Batang Hari Regency. *JISIP (Journal of Social Sciences and Education)*, 4(3). <https://doi.org/10.36312/jisip.v4i3.1175>
- Ratna Winahyu Lestari Dewi. (2005). The Role of Customary Law in the Development and Development of the National Criminal Code. *Journal of Perspectives*, X(3).
- Rustina, R. (2017). Implementation of gender equality and justice in the family. *Musawa: Journal of Gender Studies*, 9(2), 283–308.
- Sinaga, E. (2019). THE POLITICS OF LEGAL LEGISLATION IS NOT WRITTEN IN THE DEVELOPMENT OF NATIONAL LAW. *Journal of Rechts Vinding: National Legal Development Media*, 8(1). <https://doi.org/10.33331/rechtsvinding.v8i1.306>
- Soepomo. (2003). Chapter on Customary Law. *Pradnya Paramita*.
- Sulastriyono, S., & Intaning Pradhani, S. (2018). Djodjodigoeno's customary law thinking, and its relevance today. *Pulpit of Law - Faculty of Law, Universitas Gadjah Mada*, 30(3). <https://doi.org/10.22146/jmh.36956>