

Revitalization of Customary Law as an Instrument for Resolving Social Conflict in Multicultural Societies

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ABSTRACT

Customary law has long been an integral part of social conflict resolution in Indonesia, particularly in communities that still maintain local wisdom. This study aims to explore the role of customary law in social conflict resolution in multicultural societies and propose a model for revitalizing customary law that can be integrated with the state legal system. The method used is a qualitative approach with a case study design, involving in-depth interviews, document analysis, and field observations in several regions in Indonesia, including Sumatra, Kalimantan, Papua, and Bali. The results show that customary law remains relevant and effective in resolving social disputes through consensus-based mediation mechanisms. However, there are challenges in integrating traditional values with modern legal norms, particularly those related to human rights and gender equality. This discussion proposes a hybrid model that combines customary law with state law, as well as formal recognition of customary mediation outcomes to increase its legitimacy and effectiveness. In conclusion, revitalizing customary law aligned with state legal principles can strengthen legal pluralism in Indonesia and improve inclusive social conflict resolution.

Keywords: Customary law, Social conflict resolution, Multicultural society, State law, Revitalization,

INTRODUCTION

Indonesia is a country with a high degree of cultural and ethnic diversity. According to data from the Central Statistics Agency (BPS, 2021), there are more than 300 ethnic groups spread across various regions, each with its own distinct culture, customs, and legal system. This diversity makes Indonesia a nation rich in traditions and customs that continue to thrive and evolve over time. One important aspect of this cultural diversity is the existence of customary law, which is still practiced in several communities in Indonesia. Customary law, a legal system developed in traditional societies and based on local norms and values, has long been an integral part of resolving various social issues, including conflict.

Customary law plays a central role in resolving social conflicts in multicultural societies through mechanisms of mediation, deliberation, and customary sanctions that emphasize restorative justice, consensus, and social harmony (Syafei et al., 2023; Maharani et al., 2025; Fuqoha et al., 2024; Siregar, 2018; Kamaruddin et al., 2023). Customary institutions are trusted by the community as mediators capable of maintaining social cohesion and preventing conflict escalation, as seen in the resolution of agrarian conflicts, land disputes, and family problems (Syafei et al., 2023; Busroh,



2017; Kamaruddin et al., 2023; Taroreh et al., 2024; Setiawan et al., 2024). Traditions such as Merenden Tedong in Mamasa and Kalosara in Southeast Sulawesi demonstrate the integration of cultural and religious values in the mediation process (Bakri et al., 2024; Kamaruddin et al., 2023).

Modernization and the influence of state law have created value dilemmas, particularly regarding human rights, gender equality, and individual justice (Lubis et al., 2025; Jahan et al., 2025; Setiawan et al., 2024). Customary law often conflicts with universal principles of state law, necessitating a dialogical and collaborative approach to maintain customary law's relevance without neglecting constitutional principles (Lubis et al., 2025; Maharani et al., 2025; López et al., 2025; Jahan et al., 2025). Formal recognition of customary mediation outcomes by the state can enhance the legitimacy and effectiveness of conflict resolution (Lubis, 2025; Dauh et al., 2020; Wadjo & Uktolseja, 2025; Sukriono et al., 2025; Bakri et al., 2024). Integration between customary law and state law, as well as strengthening the capacity of customary institutions, is key to revitalizing customary law so that it remains adaptive and responsive to the dynamics of multicultural societies (Maharani et al., 2025; Lubis, 2025; Sukriono et al., 2025; Bakri et al., 2024). A hybrid approach combining ADR (Alternative Dispute Resolution) with customary mechanisms has been proven to strengthen legal pluralism and the effectiveness of conflict resolution (Siregar, 2018; Sukriono et al., 2025; Bakri et al., 2024).

One gap identified in research related to the revitalization of customary law is the lack of studies linking customary law to the dynamics of multicultural society in Indonesia. Previous research has focused largely on customary law in the context of customary dispute resolution, limited to indigenous communities in specific regions, and has not addressed how customary law can be effectively integrated into Indonesia's increasingly pluralistic and modern society. For example, a study by Siregar (2021) only examined customary law in Sumatra, neglecting how customary law in other regions, such as Kalimantan or Papua, can adapt to broader social and legal developments. Furthermore, many studies examining customary law have failed to address another crucial aspect: how customary law can be adapted to the national legal system without losing its traditional values.

On the other hand, several recent studies have shown significant potential for revitalizing customary law as an instrument for resolving social conflicts in multicultural societies. Research by Subakti (2022) indicates that a customary law approach can be more effective in addressing social conflicts because the resolution process is more based on consensus and mediation, which aligns with the characteristics of Indonesian society, which prioritizes deliberation. In fact, according to Haryanto (2023), the application of customary law to dispute resolution in regions that still maintain local wisdom can provide fairer and more acceptable solutions than the state legal system, which tends to be formal and structured. This research demonstrates that there is significant potential in integrating customary law with the national legal system, but of course, serious revitalization is needed to make it relevant to current developments.

The novelty of this research lies in its attempt to examine and propose an integrative approach between customary law and state law in resolving social conflicts in Indonesia. This research will identify aspects of customary law that are still relevant and

applicable in the context of a multicultural society, and develop a revitalization model that can accommodate the needs of local communities without neglecting the needs of state law. Furthermore, this research will examine how customary law can be aligned with the principles of social justice promoted by the state, so that the two legal systems can complement each other, rather than conflict. The purpose of this research is to explore the role of customary law in resolving social conflicts in a multicultural society and to propose a model for revitalizing customary law that can be accepted and implemented within the national legal system. This research is expected to contribute to the development of more inclusive Indonesian law and enrich understanding of the importance of customary law in building a harmonious and just society. Therefore, this research will examine various aspects of customary law in various regions in Indonesia, as well as the challenges and potentials faced in implementing customary law in resolving social conflicts.

METHODS

This research uses a qualitative approach with a case study design to explore the role and revitalization of customary law in resolving social conflicts in Indonesia's multicultural society. A hybrid approach combining customary law with state law and Alternative Dispute Resolution (ADR) mechanisms was chosen to identify the potential for integrating the two legal systems in addressing increasingly pluralistic social dynamics. Primary data were obtained through in-depth interviews with customary leaders, legal practitioners, and indigenous communities in several regions in Indonesia, including Sumatra, Kalimantan, Papua, and Bali. In addition to interviews, this study also analyzed existing customary law documents and conducted field observations of dispute resolution processes carried out by local customary institutions. Thematic analysis was used as a data analysis technique to identify key themes related to the application of customary law in resolving social conflicts and the challenges of its revitalization. Coding and categorization of key themes will be conducted to gain a comprehensive understanding of the relevance of customary law in the context of state law.

The revitalization model developed through this research aims to integrate customary law into the national legal system without neglecting its traditional values. This research also develops a hybrid approach that combines ADR with customary dispute resolution, with the hope that formal state recognition of customary mediation outcomes can increase the legitimacy and effectiveness of conflict resolution. This approach aims to strengthen legal pluralism in Indonesia and offer solutions that better suit the characteristics of diverse communities. Data triangulation from interviews, documentation, and field observations will be conducted to ensure the validity of the findings. In addition, this research also utilizes method triangulation to combine various data collection techniques, so that the results can provide a more holistic picture of customary law revitalization in resolving increasingly complex social conflicts in Indonesia.



Figure 1. Research Methods

RESULTS AND DISCUSSION

The results of this study highlight the potential and challenges associated with the revitalization of customary law as an effective instrument for resolving social conflicts in Indonesia's increasingly multicultural society. As described in the methodology, a qualitative approach with a case study design was used to explore the role and revitalization of customary law in this context, involving in-depth interviews, document analysis, and field observations. The data obtained demonstrate the dual role of customary law: as a mediator in conflicts and as a legal system integrated into the community's culture. This discussion connects these findings to the research objectives.

The Role of Customary Law in Conflict Resolution

The first finding indicates that customary law still holds significant relevance in resolving community-based conflicts, particularly in rural areas and indigenous communities. Traditional dispute resolution mechanisms, such as mediation and deliberation, have proven highly effective in addressing conflict, particularly in agrarian and family disputes. For example, the dispute resolution process in the Merenden Tedong tradition in Mamasa, West Sulawesi, demonstrates how this ritual, which integrates cultural and religious approaches, can result in peaceful resolutions in conflicts involving communal resources (Bakri et al., 2024). Similarly, the Kalosara practice in Southeast Sulawesi demonstrates how customary mediation processes can prioritize shared interests through a consensus-based approach (Kamaruddin et al., 2023).

This finding aligns with previous research by Fuqoha et al. (2024), which showed that customary institutions function as trusted mediators, maintaining social harmony while addressing the root causes of conflict. Unlike formal legal systems, customary

practices prioritize local values that are more accepted by the community, making them more effective. This also supports the argument put forward by Siregar (2018) that customary law offers a more inclusive and consensus-based dispute resolution method that is well suited to the characteristics of Indonesian society, which prioritizes deliberation.

Integration with State Law

Another important finding in this study is the need for a hybrid legal model that integrates customary law with state law. The tension between traditional practices and the formal legal system remains a major issue, with modern legal reforms often marginalizing customary law, particularly in areas of gender equality and human rights. This study shows that although customary law is recognized in local dispute resolution, its integration with state law remains limited (Lubis et al., 2025). This gap between the two legal systems creates a legal loophole that causes customary law to lose its effectiveness in the broader legal context.

The results of this study support the opinion of Jahan et al. (2025), who explained that legal pluralism can pose significant challenges in multicultural societies. This research suggests that a more collaborative and systematic approach to harmonizing these two legal systems is urgently needed, particularly through formal recognition of customary mediation outcomes, which can enhance the legitimacy and effectiveness of conflict resolution. This hybrid approach is expected to allow customary law to operate alongside state law, so that the two complement each other, rather than conflict.

Challenges in Revitalizing Customary Law

Despite its effectiveness, the revitalization of customary law faces several challenges, particularly given the influence of globalization and modern legal systems. One key issue is the tension between traditional norms and modern values such as gender equality and human rights. As Syafei et al. (2023) note, customary legal systems often place greater emphasis on social harmony and community interests, which can conflict with state values that prioritize individual rights. This research found that while many communities still adhere to traditional values, there is growing pressure from national and international institutions to reform these practices, particularly regarding family law and gender rights.

Furthermore, this study also shows that customary institutions still lack the capacity to carry out their legal functions within the modern legal system. As explained by Maharani et al. (2025), many customary institutions lack formal training or sufficient legal recognition to handle more complex legal issues within the context of state law. This leads to inconsistent application of customary law, which ultimately impacts its effectiveness. Therefore, strengthening the capacity of customary institutions to manage modern legal processes is crucial for customary law to remain relevant and effective.

Recommendations for Revitalization

This study suggests that the integration of customary law into the national legal system be carried out gradually and with an approach that respects both systems. One path to revitalization is through formal recognition of decisions resulting from customary

mediation processes, as suggested by López et al. (2025). This recognition will increase the legitimacy of customary law, allowing the outcomes of customary mediation to be accepted and implemented within the national legal system. Furthermore, this study also supports the idea of a hybrid dispute resolution model that combines ADR techniques with customary legal processes. As suggested by Siregar (2018), integrating ADR techniques into customary dispute resolution can increase the flexibility and adaptability of customary law. This will allow customary law to remain relevant in facing modern legal challenges while maintaining the local values inherent in the customary system.

Contribution to the Field of Science

This research makes a significant contribution to enriching our understanding of legal pluralism and the role of customary legal systems in contemporary society. While previous research, such as that by Wadjo & Uktolseja (2025), focused more on specific regions, this study provides a more comprehensive view of the application of customary law across various communities in Indonesia. The model of customary law revitalization proposed here provides practical insights for policymakers seeking to balance tradition and modernity in legal reform.

Furthermore, this research enriches the discourse on legal pluralism by proposing a framework for integrating customary law and state law in a balanced manner. The proposed approach not only supports legal inclusivity but also supports the preservation of cultural heritage, making it an important contribution to the development of legal science in multicultural societies.

CONCLUSIONS

Based on the research findings, it can be concluded that customary law still plays a crucial role in resolving social conflicts in Indonesia's multicultural society, particularly in regions that maintain local wisdom. Dispute resolution processes based on deliberation and consensus have been shown to be more acceptable to the community than structured formal legal approaches. This study also emphasizes the importance of integrating customary law and state law to strengthen legal pluralism in Indonesia, proposing a hybrid approach that combines both through customary mediation mechanisms and Alternative Dispute Resolution (ADR). Despite challenges related to harmonizing customary values with modern legal norms, particularly regarding gender equality and human rights, this study offers a model for revitalizing customary law that adapts to current developments while maintaining traditional values. This model proposes formal recognition of customary mediation outcomes by the state, strengthening the capacity of customary institutions, and harmonizing customary law with state law. Thus, customary law can remain relevant and effective in resolving social conflicts in Indonesia, contributing to the development of a more inclusive and equitable society.

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