

The Influence of Globalization on Customary Legal Systems: A Review from an Archipelago Perspective

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Abstract

This article examines the impact of globalization on customary law systems in the archipelago, focusing on changes that occur in the structure and practice of customary law amidst the flow of modernization. Globalization has brought various significant impacts on customary law, both in positive and negative aspects. This study uses literature study and case analysis methods to evaluate how customary law adapts to or is affected by global trends. The results show that globalization affects customary law in various ways: from adjustments to international legal practices to challenges in maintaining local cultural identity. The author also notes that although globalization brings opportunities for the protection and recognition of customary rights through international cooperation, this is often accompanied by pressure to align customary norms with global standards that may not always be in accordance with local values. This article suggests the need for a balanced approach between maintaining the richness of customary law and adapting to global developments to ensure the sustainability of customary law systems in the archipelago.

Keywords: Globalization, Customary law, Nusantara, Modernization, Cultural adaptation

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1. Introduction

Globalization has become a phenomenon that dominates various aspects of human life in the 21st century. This process not only affects the economy and technology, but also has a significant impact on culture, law, and social structures throughout the world. In the archipelago, which is rich in cultural diversity and customary legal systems, the influence of globalization poses complex challenges and opportunities for the customary legal system that has existed for a long time.

Customary law in the archipelago, with all its diversity, serves as the basis for regulating social, economic, and political life in various communities. Customary law is a product of local traditions and values that are regulated and accepted collectively by indigenous communities. This law plays an important role in maintaining social stability and cultural identity amidst ever-changing social dynamics.

However, globalization brings changes that affect almost all aspects of life. With the increase in global interaction, the introduction of international standards, and the development of communication technology, customary law is faced with new challenges. On the one hand, globalization opens up opportunities for the recognition and protection of customary rights through international cooperation and policy reform. On the other hand, globalization often creates pressure to adjust or even change customary norms to align with broader global



This adjustment process does not always go smoothly. Customary laws that previously functioned independently in local contexts now have to deal with international norms that may conflict with traditional values. For example, regulations regarding customary land rights often clash with national and international policies on control and management of natural resources. In addition, globalization also brings challenges in terms of preserving cultural identity and social justice for indigenous peoples.

This article aims to explore how globalization affects customary law systems in the archipelago with a focus on the changes, challenges, and adaptations that occur. Using a literature study approach and case analysis, this article will evaluate the impact of globalization on customary law, analyze how customary law adapts to global changes, and identify solutions that can help balance modernization and the preservation of local culture.



2. Method

This article aims to explore the influence of globalization on customary law systems in the archipelago using a qualitative approach and multidimensional analysis. This study uses a qualitative approach to gain an in-depth understanding of how globalization affects customary law in various regions of the archipelago. The case study method is used to examine specific cases in several regions in the archipelago that have rich and diverse customary law systems. Data were collected through various interview methods. The data collected were analyzed thematically to identify patterns, trends, and changes in customary law as a result of globalization.

3. Results and Discussion

This article examines the impact of globalization on customary law systems in the archipelago by highlighting the changes, challenges, and responses faced by customary law in various regions. Based on data analysis from various case studies and information sources, the following are the main results and discussions related to the impact of globalization on customary law:

Adaptation and Modernization in Customary Law

a. Modernization of Customary Processes

Globalization drives modernization in the implementation of customary law. In Bali, for example, customary law has adapted by incorporating digital technology in customary land administration and dispute resolution. The application of information technology systems facilitates data management and speeds up administrative processes, but also faces challenges in maintaining the integrity of traditional values (Widodo, 2023).

b. Adjustment to National and International Law

In areas such as Kalimantan, customary law is adapting to align with national laws regarding natural resource management. This involves revisions in customary practices to comply with international environmental regulations and labor rights. These adjustments are necessary to meet global standards and maintain the sustainability of natural resources (Haris, 2021).

Conflict and Tension between Customary Law and National Law

a. Tensions in Natural Resource Management

Globalization triggers tensions between customary law and national law, especially in the management of natural resources. In Papua, the exploitation of natural resources driven by global investment often conflicts with customary rights to land and resources. This tension results in social and legal conflicts between companies and indigenous communities, which complicates efforts to preserve customary law (Jamal, 2019).

b. Enforcement of Rights and Legal Recognition

In Sumatra, the shift in globalization emphasizes the need for recognition of customary rights within the national legal framework. Formal legal recognition of customary rights is often hampered by inconsistencies between customary practices and national regulations. Enforcing these rights is a major challenge, given the fundamental differences in approaches to customary law and modern law (Kusuma, 2021).

Influence on Identity and Social Structure

a. Erosion of Indigenous Identity

Globalization threatens customary legal identity by introducing external values and norms that often conflict with local traditions. In Toraja, modernization and urbanization affect customary rituals and traditional social structures, causing a decline in customary practices and changes in community structures (Rizal, 2022).

b. Efforts to Preserve and Strengthen Identity

Despite erosion, there are significant efforts by indigenous communities to preserve their identity. In Mataram, efforts to preserve customary law are carried out through education and promotion of local culture. Indigenous communities are active in strengthening their customary practices by integrating them into local policies that support cultural preservation (Marzuki, 2020).

Integration and Harmonization Strategy

a. Legal Reform and Integration

Throughout the archipelago, there have been various efforts to reform customary law so that it can be integrated with national and international law without sacrificing its traditional essence. This includes formulating policies that respect customary practices while meeting modern standards (Putra, 2023).

b. Dialogue and Collaboration

Dialogue between customary leaders, government, and the private sector is important to create harmonization between customary law and national law. This collaborative approach aims to create fair and inclusive policies that accommodate the needs and rights of indigenous communities while meeting the demands of globalization (Widodo, 2023).

Conclusions

This article assesses the impact of globalization on customary law systems in the archipelago by emphasizing the changes caused, the challenges faced, and the efforts made to preserve customary law in the modern era. Based on the research results, several key points can be concluded as follows:

Adaptation and Modernization of Customary Law

Globalization has driven adaptation and modernization in customary legal systems. In various regions, customary law has been integrated with modern technology and administrative systems to improve the efficiency and effectiveness of law enforcement. However, this process also faces challenges in maintaining consistency with traditional values and practices (Widodo, 2023).

Conflict and Tension

Tensions between customary law and national law are increasing with globalization, especially in terms of natural resource management and land rights. Cases in Papua and Kalimantan show that conflicts often arise between customary practices and modern regulations, which have an impact on social stability and the sustainability of customary law (Haris, 2021; Jamal, 2019).

Influence on Identity and Social Structure

Globalization threatens customary legal identity by introducing foreign values and norms that often conflict with local traditions. In some areas such as Toraja and Mataram, globalization affects social structures and customary rituals, causing a decline in customary practices and changes in community identity (Rizal, 2022; Marzuki, 2020).

Conservation and Harmonization Efforts

Various efforts have been made to preserve customary law while facing the demands of modernization. Preservation strategies include policy reform, dialogue between customary leaders and policy makers, and integration of customary law into the national legal framework while still respecting traditional values (Putra, 2023). Constructive dialogue and inclusive policies are needed to achieve fair and effective harmonization.

Recommendations for Policy

To address the negative impacts of globalization, it is important for government policies to consider the diversity of customary laws and provide space for sensitive adjustments to local values. Support for the preservation of customary laws must be accompanied by efforts to ensure that customary laws can function within the framework of national and international law without losing their essence (Mulyadi, 2020).

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