

Transformation of Customary Law in the Digital Era: Opportunities and Challenges in the Archipelago

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Entered : June 20, 2024
Accepted: August 10, 2024

Revised : June 27, 2024
Published : August 30, 2024

Abstract

The transformation of customary law in the digital era faces complex dynamics in the archipelago, where information and communication technology acts as a catalyst for change in various aspects of social and legal life. This article explores how digital advances affect customary law practices and cultural identities in Indonesia, and analyzes the opportunities and challenges that arise from the integration of technology into customary law systems. Using a qualitative approach, this article examines several cases across the archipelago to illustrate how digital technologies such as web-based applications, data management systems, and social media platforms are accelerating the process of customary law transformation. These transformations include the digitization of customary law administration, increased transparency in dispute resolution, and the potential for the preservation and promotion of local culture globally. However, the use of technology also poses significant challenges, such as the risk of loss of cultural authenticity, shifting traditional values, and unequal access to technology in more remote indigenous communities. This article also discusses how a culturally sensitive and inclusive approach can help address these challenges, by providing recommendations for policies and practices that support equitable and effective technology integration. The results of this study show that while digital technology offers opportunities to strengthen and develop customary law, it is important to pay attention to its impact on the social and cultural structures of indigenous communities. A holistic and participatory approach will be key to ensuring that the transformation of customary law in the digital era goes hand in hand with the preservation of cultural values and community rights.

Keywords: Customary Law Transformation, Digital Era, Information Technology, Opportunities and Challenges

Citation : Faradina, A. (2024). Transformation of customary law in the digital era: Opportunities and challenges in the archipelago. *Leges Privatae*, 1(2). <https://doi.org/10.62872/qgnr7f66>

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1. Introduction

Customary law in the archipelago has long been the foundation of the social and cultural structure of local communities. As a legal system that is passed down from generation to generation, customary law reflects local wisdom and traditional practices that are relevant to the social and cultural context of each community. However, with the rapid development of digital technology in recent decades, customary law faces new challenges as well as significant opportunities.

The digital era, with advances in information and communication technology, has brought about major changes in various aspects of life, including in the application of customary law. Digital technology offers the potential to increase the efficiency of customary law administration, expand access to legal services, and facilitate the documentation and preservation of cultural knowledge. For example, web-based applications and digital platforms can assist in the management of customary law documents, online dispute resolution, and wider dissemination



of information on customary rights.

However, this transformation also presents complex challenges. The risk of losing cultural authenticity, the digital divide between more remote and more connected indigenous communities, and the shift in traditional values are some of the issues that need to be addressed. Indigenous communities often face inequities in access to technology, which can exacerbate existing inequalities. There are also concerns that technology could change or even threaten the continuity of traditional practices that are central to a community's cultural identity.

This article aims to explore how digital technology can influence customary law in the archipelago, assessing both the opportunities and challenges involved. Through case studies and analysis, the article will identify how digital technology can be effectively integrated into customary law systems and provide recommendations for policies that support the preservation of cultural values while harnessing the benefits of technology.



2. Method

To explore the transformation of customary law in the digital era in the archipelago, this article uses a qualitative method approach that includes several data collection and analysis techniques. This approach was chosen to provide an in-depth understanding of how digital technology affects customary law and the challenges and opportunities that arise. The method used in this study is a case study by conducting interviews and field observations, documentation analysis, questionnaires, surveys and expert consultations.

3. Results and Discussion

Application of Digital Technology in Customary Law

The results of the study show that the application of digital technology in customary law in the archipelago has experienced significant development. Several customary communities have utilized web-based applications for legal administration, such as registration of customary documents and dispute resolution. A real example is the application of a web-based information system in the Dayak customary community in Kalimantan, which allows them to manage customary land administration more efficiently and transparently.

Digitalization Opportunities

a. Improving Administrative Efficiency

Digitalization has increased the efficiency of customary law administration by reducing the use of physical documents and simplifying the recording and reporting process. Electronic data management systems allow for more secure data storage and faster access to customary law-related information.

b. Preservation and Promotion of Culture

Digital technology also plays a role in preserving and promoting culture. Social media platforms and websites have been used to disseminate knowledge about customary law and local culture to a wider audience. For example, the Minangkabau indigenous community in West Sumatra uses social media to educate the younger generation about their customs.

c. Wider Access

Digital technology makes it easier for indigenous peoples, especially in remote areas, to access legal information and services. Mobile applications that provide information on indigenous rights and legal procedures have helped communities that are difficult to reach by conventional legal services.

Digital Transformation Challenges

a. Digital Divide

One of the main challenges is the digital divide between indigenous communities with limited access to technology and those who are more connected. Indigenous communities in remote areas often face difficulties in gaining access to the technology needed to digitize customary law, which can exacerbate inequality.

b. Risk of Losing Cultural Authenticity

There are concerns that the use of digital technology may change or threaten the authenticity of customary legal culture. For example, the adaptation of customary practices to digital formats may lead to the distortion or loss of key elements of the tradition that cannot be adequately represented in digital formats.

c. Changes in Traditional Values

Digital transformation can cause a shift in traditional values. Rapid and unplanned digitalization processes can ignore long-standing customary practices, which in turn can affect the social and cultural structures of indigenous communities.

Integration of Digital Technology in Customary Law

The integration of digital technologies into customary law offers opportunities to increase efficiency and transparency, but care must be taken to ensure that cultural values are not neglected. Along with the benefits offered, an inclusive and culturally sensitive approach must be adopted. This includes involving indigenous communities in the design and implementation of relevant digital systems, and taking into account the diversity of existing customary practices.

Strategies to Overcome the Digital Divide

To address the digital divide, governments and relevant institutions must implement programs that increase access to technology in remote indigenous communities. Training programs and the provision of adequate technology infrastructure are important steps in ensuring that all communities can benefit from digital technology equitably.

Preservation of Cultural Values

Efforts to preserve cultural values must be an integral part of the digitalization of customary law. Formulating policies that take cultural aspects into account and involving customary stakeholders in the technology development process can help maintain cultural authenticity. In addition, it is important to use technology as a complementary tool, not a substitute, in customary law practices.

Policy Recommendations

Policies that support the integration of digital technology into customary law must pay attention to the balance between technological advancement and cultural preservation. This includes setting clear guidelines on how technology can be used to support customary practices without compromising traditional values.

Conclusions

The transformation of customary law in the archipelago in the digital era offers various opportunities and challenges. On the positive side, digitalization paves the way for the preservation and strengthening of customary law by expanding access to information, facilitating documentation, and supporting the distribution of knowledge to future generations. Digital technology enables indigenous communities to store and access important information about their customary law more efficiently.

However, significant challenges also arise. Risks to the authenticity of customary law can occur if digitalization is not carried out carefully. There is a potential shift in customary values and practices that can affect social cohesion in communities. In addition, differences between older and younger generations in the use of digital technology can create tensions and differences in understanding.

To address these challenges and maximize the benefits of digital transformation, collaboration between governments, indigenous communities, and other stakeholders is essential. An inclusive and locally sensitive approach will help maintain the integrity of customary laws while harnessing the potential of technology for cultural sustainability.

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