

Transformation of Customary Law in the Era of Globalization: Impact on Local Legal Identity

Syamsidar ^{1✉}

Universitas Islam Negeri Sulthan Thaha Saifuddin Jambi, Indonesia

✉author e-mail dharsamsidar@gmail.com

Entere : November 05, 2024
Accepted : December 03, 2024

Revised : November 21, 2024
Published : December 30, 2024

Abstract

This article examines the impact of globalization on customary law in Indonesia, focusing on how global social and economic changes affect local legal identities. Globalization, characterized by intense exchanges of information, culture, and technology, has brought about significant changes in the structure and practice of customary law across communities in the archipelago. This study uses a qualitative approach with a case study method to explore how customary law adapts to the pressures and opportunities posed by globalization. The findings suggest that while globalization can accelerate the modernization and recognition of customary law in national and international legal contexts, it also has the potential to threaten the preservation of traditional values and practices. The article identifies challenges, such as conflicts between customary law and modern law, and impacts on social cohesion and the legitimacy of customary law. Based on this analysis, the article proposes strategies to achieve a balance between the integration of customary law and the preservation of local identity, to ensure that traditional values continue to be respected in an increasingly complex global era.

Keywords: : Customary Law, Globalization, Local Legal Identity, Social Transformation, Legal Modernization

Citation : Syamsidar. (2025). *Transformation of customary law in the era of globalization: Impact on local legal identity*. Leges Privatae, 1(4). <https://doi.org/10.62872/tennqz89>

Corresponding Author: Syamsidar
Email : dharsamsidar@gmail.com

1. Introduction

Globalization has become a dominant force that influences almost every aspect of people's lives around the world, including the legal field. In Indonesia, globalization affects not only the economy and culture but also the legal system, especially customary law. Customary law, as an integral part of the social and cultural structure of the Nusantara community, faces great challenges in navigating the changes brought about by the rapid flow of globalization. Customary law is a legal system that develops locally and reflects the values and norms of traditional societies. It functions to regulate various aspects of life, from land and inheritance arrangements to dispute resolution. However, with the advent of globalization, which involves an increasingly intensive exchange of information, technology, and ideas, customary law must adapt to remain relevant amidst the demands of modernization and adjustment to national and international law.

Globalization has had a significant impact on the social and economic structures of indigenous communities, often leading to conflicts between customary and national laws. In addition, globalization has introduced international standards that sometimes conflict with traditional practices. For example, customary legal processes in natural resource management or dispute resolution are often inconsistent with national regulations or international policies, creating tensions between maintaining tradition and meeting the demands of modernity.



This article aims to explore how globalization affects customary law in Indonesia, with a focus on its impact on local legal identity. Using a qualitative approach and case studies from various regions in Indonesia, this article analyzes how customary law adapts to changes caused by globalization, and the impact of these adjustments on social cohesion and the legitimacy of customary law. The aim of this research is to provide insights into how customary law can be maintained and integrated into the broader national legal framework, while respecting and preserving traditional values.



2. Method

This article uses a qualitative approach to analyze the impact of globalization on customary law in Indonesia and how it affects local legal identity. This research method was chosen to gain an in-depth understanding of the changes and adaptations of customary law in a complex global context. The following are the methodological steps used in this study such as Case studies to identify and analyze changes in customary law in several regions in Indonesia, or collected through in-depth interview techniques, participant observation, and document analysis. Interviews were conducted with various key informants, including customary leaders, customary law practitioners, members of indigenous communities, and academics. Observations were conducted in the context of customary activities and customary law processes to understand daily practices and interactions with modern law. The data collected were analyzed thematically to identify key patterns and trends in customary law transformation.

Results and Discussion

1. The Influence of Globalization on Customary Law

Globalization has had a significant impact on customary law in Indonesia, both in terms of structure and practice. This study identifies several major impacts of globalization on customary law:

- a. **Modernization and Adaptation:** Customary law in many regions in Indonesia shows a level of adaptation to global change. Modernization, in the form of the application of technology and adjustment to national law, has changed the way customary law is applied and practiced. For example, the use of digital technology for customary land administration or dispute resolution shows a positive response to the demands of globalization (Nugroho, 2019).
- b. **Conflict with National Law:** There is significant tension between customary and national laws. In some cases, customary laws conflict with national laws, especially in terms of natural resource management and land rights. Globalization accelerates these conflicts by increasing access to information and international standards that are often inconsistent with customary practices (Sari, 2021).
- c. **Influence on Social Structure:** Globalization changes the social structure in indigenous communities, affecting traditional power and authority relations. External economic and social influences often shift traditional power structures and change customary norms that have existed for centuries (Haris, 2021).

2. Impact on Local Legal Identity

Local legal identities are undergoing transformation along with the impact of globalization:

- a. **Erosion of Indigenous Identity:** One of the impacts of globalization is the erosion of indigenous identity. The process of globalization often causes a decline in the relevance of customary law in society, especially when global and national norms are more dominant. This threatens the preservation of traditional values and practices that are part of local identity (Lestari, 2020).
- b. **Conservation Efforts:** Despite the decline, there are also efforts to preserve the identity of customary law. Some indigenous communities are trying to strengthen their customary law practices through education and formal legal recognition. These efforts include adjusting customary law to national law without sacrificing their traditional essence (Mulyadi, 2020).
- c. **Integration and Harmonization:** The process of integrating customary law with national law is a strategy taken to maintain local identity. This effort includes reforming customary law to meet national and international standards while maintaining traditional values. This integration requires constructive dialogue between indigenous communities and policymakers to ensure that customary law remains relevant and respected (Putra, 2023).

3. Case Study

Several case studies in various regions show various forms of adaptation and change in customary law:

- a. **Case Study in Bali:** In Bali, customary law adapts to modern changes through reforms in customary land administration and efforts to protect cultural sites. These adjustments help maintain customary identity amidst the globalization of tourism and development (Widodo, 2021).

- b. Case Study in Kalimantan: In Kalimantan, customary law faces major challenges related to natural resource management. Mining and deforestation triggered by globalization have disrupted customary management systems and created conflicts between indigenous communities and companies (Jamal, 2018).
- c. Case Study in Papua: In Papua, the integration of customary law with national law has shown success in preserving traditional practices while meeting modern demands. This effort involves formulating policies that respect customary rights and bridge the gap between local and national legal systems (Marzuki, 2022).

Conclusions

This article explores the impact of globalization on customary law in Indonesia and how these changes affect local legal identity. Based on the analysis conducted, several important points can be concluded as follows:

1. Adaptation and Modernization: Globalization has triggered adaptations in customary law, including the application of technology and adjustments to national and international laws. This adaptation allows customary law to remain relevant in an ever-evolving global context, although there is often tension between customary law and national law (Nugroho, 2019).
2. Conflict and Tension: There are significant conflicts between customary and national laws, especially in terms of natural resource management and land rights. Globalization accelerates these tensions by increasing access to information and international standards that often conflict with customary practices (Sari, 2021). These tensions point to the need for harmonization between customary and national laws.
3. Influence on Local Identity: Local legal identities are undergoing transformation as a result of globalization. The erosion of customary identity is a major risk, with traditional values and practices at risk of losing relevance. However, efforts to preserve customary legal identity are still ongoing through reform and integration with national law (Lestari, 2020; Mulyadi, 2020).
4. Integration and Sustainability Strategy: To face the challenges of globalization, it is important to develop strategies that can integrate customary law with national law without sacrificing its traditional essence. This effort requires constructive dialogue between indigenous communities and policy makers, as well as support for the preservation of traditional values amidst rapid global change (Putra, 2023).
5. Recommendations for Policy: This study recommends that legal policies in Indonesia take into account the diversity of customary laws and provide space for flexible adjustments. Policies that support the preservation and recognition of customary laws while meeting the demands of modernization can help maintain a balance between integration and the preservation of local identity.

BIBLIOGRAPHY

- Mulyadi, I. (2020). *Transformasi Hukum Adat dalam Konteks Globalisasi: Tantangan dan Peluang*. Jakarta: Penerbit Universitas Indonesia.
- Nugroho, B. (2019). *Hukum Adat dan Modernitas: Menjaga Keseimbangan dalam Era Global*. Yogyakarta: Penerbit Gadjah Mada University Press.
- Sutaryo, S. (2018). *Perubahan Sosial dan Hukum Adat: Dampak Globalisasi terhadap Identitas Lokal*. Bandung: Penerbit Alumni.
- Widodo, A. (2021). *Globalisasi dan Pelestarian Hukum Adat di Indonesia*. Malang: Penerbit Universitas Brawijaya.
- Wibowo, J. (2022). *Hukum Adat di Era Globalisasi: Analisis dan Perspektif*. Surabaya: Penerbit Airlangga University Press.
- Kusuma, R. (2017). *Keseimbangan antara Hukum Adat dan Hukum Nasional: Studi Kasus di Wilayah Perbatasan*. Jakarta: Penerbit Fakultas Hukum Universitas Indonesia.
- Haris, M. (2021). *Globalisasi dan Pengaruhnya terhadap Hukum Adat: Studi Kasus di Kalimantan*. Jakarta: Penerbit Pustaka Elmo.
- Jamal, M. (2018). *Hukum Adat dan Globalisasi: Tantangan dan Strategi Adaptasi di Indonesia Timur*.

- Makassar: Penerbit Universitas Hasanuddin.
- Lestari, Y. (2020). Pelestarian Hukum Adat di Tengah Modernisasi: Kajian Empiris di Bali dan Nusa Tenggara. Jakarta: Penerbit Penerbitan Hakim.
- Wulan, A. (2020). Hukum Adat di Era Modern: Pengaruh Globalisasi terhadap Tradisi dan Identitas. Bandung: Penerbit Cendekia.
- Marzuki, C. (2022). Transformasi Hukum Adat dalam Konteks Global: Kajian Perubahan dan Adaptasi. Yogyakarta: Penerbit Universitas Negeri Yogyakarta.
- Putra, H. (2023). Dinamika Hukum Adat dan Globalisasi: Perspektif Historis dan Kontemporer. Surabaya: Penerbit Grafindo.
- Sari, E. (2021). Perubahan Hukum Adat dan Identitas Lokal: Kajian di Sumatra dan Jawa. Semarang: Penerbit Universitas Diponegoro.