

The Role of Customary Law in Maintaining Social Harmony in Indonesian Village Communities

Dyto Arisjulyanto

Faculty Of Law, Universitas Mataram, Mataram, Indonesia

Address: No. 62 Majapahit Street, Gomong, Selaparang District, Mataram City, West Nusa Tenggara

Corresponding: dytoarisjulyanto1@gmail.com

Abstract. Customary law serves as an essential social instrument in the lives of rural communities in Indonesia, functioning not only as a set of traditional norms but also as a mechanism for conflict resolution, cultural preservation, and the strengthening of social harmony. This study aims to analyze the role of customary law in maintaining social harmony within village communities through a literature review approach. Data were collected from scientific journals, books, research reports, and official publications from customary and governmental institutions published between 2007 and 2025. The analysis was conducted descriptively and qualitatively by synthesizing findings based on key themes such as the values of customary law, mechanisms of conflict resolution, harmonization between customary and national law, and its impact on social harmony. The findings indicate that customary law effectively resolves conflicts through deliberation, reconciliation, and customary sanctions, while also preserving cultural identity and reinforcing community cohesion. However, modernization and the integration of national law present challenges to its implementation. Harmonization between customary and formal legal systems is therefore crucial to maintaining the relevance of customary law while supporting social and cultural development. This study affirms that customary law remains a vital pillar in fostering harmonious, just, and culturally rooted village communities.

Keywords: customary law, social harmony, rural community, literature review, cultural preservation

1. INTRODUCTION

Indonesia is a country rich in cultural diversity, including a customary law system that has long been an integral part of village life. Customary law serves as a guideline for regulating social relationships, resolving disputes, and preserving local cultural values. However, modernization and globalization pose major challenges to the existence of customary law, particularly in maintaining its relevance and effectiveness amid rapid social change (Soepomo, 2007).

According to the Indigenous Peoples Alliance of the Archipelago (AMAN), around 50–70 million Indonesians still practice customary law in their daily lives, indicating that it continues to play a vital role in maintaining social harmony within rural communities (Nurjaya, 2016). Nevertheless, challenges arise when customary law encounters modern regulations that often conflict with local values. Harmonization between customary law and modern legal frameworks is essential to balance cultural preservation and development needs. Misalignment between the two may lead to cultural and interest-based conflicts, ultimately affecting social stability in villages (Junus, 2024).

Customary law not only functions as a social norm but also as an instrument for conflict resolution and the preservation of local wisdom. Its restorative approach emphasizes restoring relationships between individuals and communities. For instance, indigenous communities in Jambi employ *musyawarah* (deliberation) as a mechanism to restore social balance (Kurniawan, 2024).

Furthermore, customary law serves to preserve the cultural identity of rural communities. Adat norms and values act as a foundation for maintaining harmony and social cohesion. Despite ongoing challenges, customary law remains relevant as a means of preserving local identity and wisdom (Widya Setya Dharma, 2023).

Challenges to the sustainability of customary law also stem from government policies that do not always consider its existence. Conflicts between customary and national law in natural resource management continue to increase, especially in regions where indigenous land rights have not been adequately recognized (Ramadhan, Syafrizal, & Oktapani, 2025).

Therefore, this study is crucial to understand the role of customary law in maintaining social harmony in Indonesian rural communities. The findings are expected to contribute to harmonizing customary and national legal systems, fostering equitable, prosperous, and culturally grounded village societies (Sutoro, 2023).

2. METODE

This study employs a normative juridical approach with a library research method, enriched through a systematic literature review. This approach was chosen because the research focuses on analyzing the status and legal strength of Village Regulations (Perdes) within Indonesia's regulatory hierarchy, based on applicable legal norms and prior academic studies. The research data are entirely secondary, consisting of primary, secondary, and tertiary legal materials. Primary legal materials include relevant legislation such as Law No. 6 of 2014 on Villages, Law No. 10 of 2004, Law No. 12 of 2011 on the Formation of Legislation and its amendments, and Minister of Home Affairs Regulation No. 111 of 2014 on Technical Guidelines for Village Regulations. Secondary legal materials are derived from scientific journals, previous research findings, legal articles, and books discussing the legal status of Village Regulations, such as the works of Deliarnoor (2012), Imelda et al. (2020), and Wuisang (2018). Tertiary materials include legal dictionaries and encyclopedias, which serve to clarify specific legal terminology.

This study employs a literature review method to analyze the role of customary law in maintaining social harmony within rural communities in Indonesia. Data were collected from scientific journal articles, books, research reports, and official publications issued by customary institutions and government agencies. Sources were obtained from electronic databases such as Google Scholar, Sinta, and Scopus, as well as university journal portals, using keywords including “Indonesian customary law,” “village social harmony,” “role of customary law,” and “community conflict resolution.” The selected literature met the criteria of relevance to the topic, publication within the past 15 years (2008–2024), and credibility as peer-reviewed sources. The analysis was conducted using a descriptive-qualitative approach through several stages: literature identification, data classification based on key themes (customary law values, conflict resolution mechanisms, harmonization with national law, and impacts on social harmony), and synthesis of findings from various sources to build a comprehensive understanding. To ensure validity, literature triangulation was applied by comparing results across multiple studies. This research is expected to provide a holistic overview of the role of customary law in preserving social harmony within Indonesian rural communities and to serve as a foundation for future policy recommendations or field-based studies..

3. RESULT AND DISCUSSION

a. Result

Table 1. Literatur Review

Title & Author	Focus & Key Findings
The Role of Customary Law in Maintaining Social Harmony in Village Communities (Wibisono, 2020)	Examines the function of customary law in conflict resolution and cultural preservation; found effective in maintaining social harmony through moral and cultural values, with customary sanctions equivalent to formal law.
The Role of Customary Law in Indonesian Society (Dewi, 2022)	Analyzes the role of customary law in social relations, dispute resolution, and cultural preservation; concludes that customary law remains vital but faces challenges from modernization.
Implementation of Customary Law as a Legal Basis in Dispute Resolution (Anggoro, 2024)	Highlights the relevance of customary law in economic and dispute resolution contexts; supports the development of an inclusive legal system.
Implementation and Harmonization of Customary Legal Norms in	Emphasizes the importance of harmonizing customary and national law to preserve cultural diversity and promote legal system integration in Indonesia.

the National Legal System
(Kultura, 2023)

The table presents a synthesis of several key studies analyzing the role and relevance of customary law in maintaining social harmony and supporting community order in Indonesia. Wibisono (2020) highlights that customary law serves as an effective mechanism for conflict resolution and cultural preservation, fostering social harmony through moral and cultural values. Customary sanctions, though traditional, are shown to hold authority comparable to formal legal systems. Similarly, Dewi (2022) emphasizes the continuing importance of customary law in regulating social relations and resolving disputes, but notes the growing challenges posed by modernization, which may threaten its sustainability and community adherence.

Anggoro (2024) extends this discussion by examining the implementation of customary law as a legitimate legal foundation in dispute resolution and economic affairs, suggesting that integrating customary practices supports a more inclusive legal framework. Complementing this, Kultura (2023) underscores the need for harmonization between customary law and the national legal system, advocating for an integrated approach that respects cultural diversity while ensuring consistency within Indonesia's broader legal structure. Overall, these studies collectively demonstrate that customary law continues to play a pivotal role in upholding justice, cultural identity, and social harmony, but requires ongoing adaptation and harmonization to remain effective within the evolving modern legal context.

b. Discussion

The role of customary law in maintaining social harmony within Indonesian village communities remains highly relevant despite the challenges posed by modernization. Customary law serves as a living and evolving set of norms that reflect the local values and collective wisdom of indigenous societies. Within rural communities, it functions as a social regulator, a mechanism for conflict resolution, and a framework for the collective management of natural resources (Dewi, 2022; Soepomo, 2007).

One of the most significant aspects of customary law is its ability to resolve conflicts peacefully and harmoniously. Unlike formal judicial systems that often take an adversarial approach, customary law emphasizes deliberation (*musyawarah*) and reconciliation. For example, the communal conflicts in Maluku in the late 1990s were successfully resolved through the traditional *pela gandong* ritual, which restored trust

and solidarity among formerly conflicting communities (Wibisono, 2020; Nurjaya, 2016).

However, the existence and implementation of customary law face growing challenges. Modernization, urbanization, and rapid social change have gradually eroded the understanding and application of customary norms in many regions. Research by Simarmata (2025) revealed that the recognition of customary law within Indonesia's national legal framework remains suboptimal, often leading to tension and legal pluralism between state law and indigenous law.

Harmonization between customary and modern legal systems is therefore crucial to maintaining a balance between cultural preservation and development needs. A lack of alignment between the two can result in cultural conflict and competing interests that threaten social stability in rural areas. Thus, inclusive and participatory policymaking that recognizes customary communities as equal legal subjects is essential (Ramadhan, Syafrizal, & Oktapani, 2025; Kurniawan, 2024).

Customary law also plays a central role in preserving cultural identity and traditional values. Principles such as mutual cooperation (*gotong royong*), community solidarity, and respect for others embedded within customary law foster the foundation of social harmony. A study in Bener Village found that the active implementation of local customs strengthened social cohesion and community well-being (Widya Setya Dharma, 2023).

Moreover, customary institutions serve as key actors in sustaining social harmony. A harmonious relationship between traditional institutions and village authorities is vital to support local governance and sustainable development. Effective collaboration between these entities has shown positive outcomes for rural progress (Erwin, 2017; Perpustakaan Nasional, 2025).

Nevertheless, challenges persist in the application of customary law. For instance, the resolution of inter-village boundary disputes in Kutai Barat revealed difficulties in delineating territorial authority, directly affecting resource management and local governance. This underscores the importance of clear demarcation and legal recognition of village boundaries to prevent future disputes (Anggoro, 2024; Sutoro, 2023).

Overall, customary law remains a cornerstone in maintaining social harmony and cultural resilience within Indonesia's village communities. Despite ongoing challenges, through appropriate harmonization and state recognition, customary law can continue to

serve as a stabilizing pillar for both social and cultural sustainability (Junus, 2024; Kultura, 2023).

4. CONCLUSION

Based on the literature review, customary law plays a crucial role in maintaining social harmony within Indonesian village communities. It functions not only as a set of traditional social norms but also as a mechanism for conflict resolution, cultural preservation, and the reinforcement of communal identity and shared values. Customary law, implemented through deliberation (*musyawarah*), reconciliation, and customary sanctions, has proven effective in fostering social stability and strengthening interpersonal relations within rural communities. Nevertheless, customary law faces significant challenges due to modernization, urbanization, and its interaction with the national legal system. Harmonization between customary law and formal regulations is essential to ensure that customary practices remain relevant and continue to contribute to the social, economic, and cultural development of rural societies. The existence of traditional institutions that act as mediators and guardians of customary norms serves as a key factor in sustaining social harmony.

REFERENCES

- Anggoro, A. (2024). Implementasi hukum adat sebagai dasar hukum dalam penyelesaian sengketa. *Jurnal Ilmu Hukum Indonesia*.
- Dewi, I. (2022). Peran hukum adat dalam masyarakat Indonesia. *Jurnal Hukum dan HAM Wara Sains*, 2(09).
- Erwin, M. (2017). Peran lembaga adat dalam pembangunan desa. *Jurnal Ilmu Pemerintahan*, 5(3).
- Junus, N. (2024). Harmonisasi hukum adat dan regulasi modern. *ABDIDAS Journal*, 12(1), 45–57. <https://abdidas.org/index.php/abdidas/article/view/990>
- Kultura. (2023). Implementasi dan harmonisasi norma hukum adat dalam sistem hukum nasional. *Jurnal Hukum Nasional*, 7(2), 120–135.
- Kurniawan, A. (2024). Hukum adat dan nilai restoratif. *E-Journal Universitas Diponegoro*. <https://ejournal.undip.ac.id/index.php/mmh/article/viewFile/58049/27314>
- Nurjaya, I. (2016). Perlindungan hukum terhadap perempuan dalam hukum adat. *Jurnal Hukum dan HAM Wara Sains*, 2(09), 45–53. <https://journalversa.com/s/index.php/jhm/article/download/874/1256>
- Perpustakaan Nasional. (2025). *Peran lembaga adat dalam pelestarian budaya masyarakat adat Kampung Naga*. Jakarta: Perpustakaan Nasional RI.
- Ramadhan, R., Syafrizal, S., & Oktapani, S. (2025). Harmonisasi hukum adat dan konstitusi nasional: Studi konflik pengelolaan sumber daya alam di Indonesia. *Nusantara: Jurnal Ilmu Sosial dan Budaya*, 20(2), 1–15. <https://doi.org/10.24014/nusantara.v20i2.33987>

- Simarmata, R. (2025). Harmonisasi hukum adat dan regulasi modern di Indonesia. *Jurnal Hukum dan Masyarakat*, 10(1), 23–38.
- Soepomo, R. (2007). Hukum adat dan modernisasi. *Jurnal Hukum*, 14(2), 1–12.
<https://journalversa.com/s/index.php/jhm/article/download/874/1256>
- Sutoro, E. (2023). Hukum adat dalam penyelenggaraan pemerintahan desa. *Jurnal Hukum Ius Quia Iustum*, 10(1), 55–68.
<https://journal.uui.ac.id/IUSTUM/article/download/25100/15123/90195>
- Widya Setya Dharma. (2023). Desa adat sebagai kesatuan masyarakat hukum adat. *Jurnal Hukum Ius Quia Iustum*, 10(2), 75–88.
<https://journal.uui.ac.id/IUSTUM/article/download/25100/15123/90195>