

Legal Pluralism and Customary Justice in Indonesia: Reconstructing Adat Law under State Legal Dominance

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Abstract

This study critically examines the enduring tension between state law and customary (adat) law in Indonesia through the lens of legal pluralism. While the Indonesian legal system formally acknowledges the existence of adat law, its application is often constrained by a rigid state-centered legal hierarchy that subordinates local justice institutions. This disconnect creates systemic limitations for communities that rely on traditional mechanisms to resolve disputes and uphold social order. Drawing on a socio-legal methodology, the research investigates how adat institutions operate within rural contexts and how their normative authority is gradually eroded, marginalized, or co-opted by formal state legal apparatuses. By analyzing case studies from Jambi, this study sheds light on the strategies employed by customary leaders to maintain legitimacy amidst overlapping and often conflicting legal orders. The findings reveal that legal pluralism in Indonesia remains fragmented, selectively recognized, and frequently instrumentalized by state actors, raising significant concerns about access to justice, legal identity, and the protection of indigenous legal traditions. Ultimately, the article argues for a reconceptualization of legal pluralism that affirms the autonomy and epistemological validity of adat law within a more inclusive and equitable legal ecology.

Keywords: Law, Justice, Legal Pluralism, Adat Law, Socio-Legal Studies.

Abstrak

Kajian ini secara kritis menelaah ketegangan yang terus berlangsung antara hukum negara dan hukum adat di Indonesia melalui pendekatan pluralisme hukum. Meskipun sistem hukum Indonesia secara formal mengakui eksistensi hukum adat, penerapannya sering kali dibatasi oleh hierarki hukum yang kaku dan berpusat pada negara, yang menempatkan lembaga keadilan lokal dalam posisi subordinat. Kesenjangan ini menciptakan batasan sistemik bagi komunitas-komunitas yang mengandalkan mekanisme tradisional untuk menyelesaikan sengketa dan menjaga tatanan sosial. Dengan menggunakan pendekatan sosio-legal, penelitian ini menyelidiki bagaimana lembaga adat beroperasi dalam konteks perdesaan dan bagaimana kewenangan normatif mereka secara bertahap mengalami erosi, marginalisasi, atau kooptasi oleh aparatus hukum formal negara. Melalui analisis studi kasus di Jambi, artikel ini mengungkap strategi yang digunakan oleh para pemimpin adat untuk mempertahankan legitimasi di tengah tumpang tindih dan sering kali konflik antar sistem hukum. Temuan menunjukkan bahwa pluralisme hukum di Indonesia masih terfragmentasi, diakui secara selektif, dan kerap diinstrumentalisasi oleh aktor-aktor negara, sehingga menimbulkan kekhawatiran serius terkait akses terhadap keadilan, identitas hukum, serta

perlindungan terhadap tradisi hukum masyarakat adat. Pada akhirnya, artikel ini menyerukan perlunya rekontekstualisasi pluralisme hukum yang menegaskan otonomi dan validitas epistemologis hukum adat dalam ekologi hukum yang lebih inklusif dan berkeadilan.

Kata Kunci: Hukum, Keadilan, Pluralisme Hukum, Hukum Adat, Studi Sosio-Legal.

Introduction

The phenomenon of legal pluralism has become a central focus in global legal discourse, particularly in postcolonial states grappling with the dilemma between the centralization of formal law and the recognition of traditional legal systems. Over the past few decades, the issue of legal pluralism has gained significant prominence in international discussions, especially in relation to the rights of Indigenous peoples, access to justice, and participatory legal reform. In practice, however, the relationship between state law and customary law often remains hierarchical, with state law dominating and standardizing local norms (Griffiths, 1986; Holden, 2016). This condition frequently generates structural tensions that affect the legitimacy and sustainability of customary legal systems at the community level.

In Indonesia, tensions between state law and customary law form part of the unresolved colonial legacy. Recognition of customary law is indeed enshrined in the Constitution and various sectoral regulations, such as Article 18B paragraph (2) of the 1945 Constitution and Law No. 6 of 2014 on Villages. However, this recognition often remains normative and procedural, failing to extend into the operational realm that would strengthen the role of customary institutions in resolving social conflicts and maintaining their normative legitimacy (Arizona et al., 2019; Pradhani, 2019). As a result, customary law is frequently placed in a subordinate position and is sometimes co-opted by the logic of state law, which tends to be centralized and bureaucratic (Bedner & Arizona, 2019).

Normatively, Indonesia possesses a relatively progressive legal framework to accommodate the existence of masyarakat hukum adat (customary law communities). Beyond the 1945 Constitution, several Constitutional Court decisions such as Decision No. 35/PUU-X/2012 on customary forests, have reinforced Indigenous peoples' collective rights over their territories and traditional laws. Nonetheless, there remains a significant gap between legal norms and their implementation in practice. The absence of standardized mechanisms for recognizing and integrating customary institutions into the formal legal system is a primary factor behind the weakened position of customary law. Ideally, the

national legal system should provide an equitable and parallel space for customary law to exist as a living source of law within society.

The central problem addressed in this study concerns the dynamics of the relationship between state law and customary law in the practical resolution of conflicts within local communities, as well as the ways in which customary institutions maintain their authority amid the pressures of legal formalization. This research specifically asks: (1) How do forms of co-optation and marginalization of customary law occur within Indonesia's national legal system? (2) What strategies are employed by customary leaders to preserve their legitimacy and social relevance? These questions are crucial for addressing the uncertainty surrounding the trajectory of legal pluralism in Indonesia, which currently oscillates between symbolic recognition and the pursuit of equitable legal practice.

Several theoretical approaches are relevant to understanding legal pluralism in Indonesia. First, the legal centralism approach, as critiqued by Merry, posits that modern state legal systems tend to claim a monopoly over legal authority, thereby marginalizing or disregarding local or unofficial legal systems (Berman, 2020; Merry, 1997). Second, the socio-legal approach developed by Boaventura de Sousa Santos emphasizes the importance of understanding law as a diverse and overlapping social practice through the concept of interlegality (Santos, 2002). Third, critical legal pluralism, as articulated by Tamanaha, situates legal pluralism within the framework of power relations and resistance, wherein local law functions as a form of opposition to the state's hegemonization (Tamanaha, 2017). In the Indonesian context, this approach is particularly relevant for examining how Indigenous communities develop negotiation strategies in response to state regulations while safeguarding local wisdom.

This study offers a new contribution to the literature on legal pluralism by integrating a socio-legal approach with field data from the Jambi region, which is known for maintaining a living and functional tradition of customary law in everyday community life. Unlike previous research that is predominantly normative or historical, this study focuses on practice, power dynamics, and the strategies of local actors, particularly customary leaders, in responding to the pressures of state legal formalization. The urgency of this research lies in the need to redesign the framework of legal pluralism in Indonesia so that it is more responsive to the realities of Indigenous communities and guarantees substantive justice. This article also aims to provide policy recommendations to strengthen the position of customary law within the

national legal system through a model of recognition based on equality rather than co-optation. Ultimately, the findings are expected to enrich the global discourse on postcolonial legal pluralism by offering an empirical perspective grounded in Indonesia's unique socio-legal context.

Theoretical Framework

The concept of legal pluralism has emerged as a central theme in contemporary legal studies, particularly in countries with histories of colonialism and significant cultural diversity (Holden, 2016). Griffiths draws a clear distinction between legal centralism, which positions state law as the sole source of legal authority, and legal pluralism, which acknowledges the coexistence of multiple legal systems operating simultaneously within society (Griffiths, 1986). This distinction is highly relevant for understanding Indonesia's legal dynamics, where customary law (*hukum adat*) continues to exist and operate despite being subsumed under the dominance of the state legal framework. In such contexts, customary law not only survives as a cultural artifact but also functions as a living normative system that actively shapes community life.

Within the framework of critical legal pluralism, Tamanaha emphasizes that the relationship between state law and customary law is not merely a matter of normative coexistence, but rather one of complex power interactions involving domination, resistance, and negotiation (Tamanaha, 2017). This approach views customary law as a site of symbolic resistance to state hegemony, while also serving as a space in which local communities safeguard their autonomy through adaptive mechanisms and socio-political strategies. Such a perspective is crucial when examining how customary leaders in Jambi navigate their relationships with formal authorities, balancing the demands of legal recognition with the preservation of indigenous governance structures.

Santos' theory of interlegality provides an analytical lens for understanding the overlapping jurisdictions and the creation of hybrid legal spaces (Santos, 2002). Interlegality conceptualizes legal practice as the product of interactions between local norms, state law, and global influences, generating new and often hybrid forms of legal ordering. In the Indonesian context, this theory helps explain why customary institutions neither fully reject nor uncritically accept state law; instead, they strategically reinterpret and reshape it into forms that are compatible with local values, needs, and power relations. This dynamic

process of legal adaptation underscores the agency of indigenous actors in redefining the terms of legal engagement, ensuring that customary law remains both relevant and resilient in the face of ongoing legal formalization.

In addition, the literature on access to justice underscores the importance of viewing justice from the perspective of its users, rather than solely through the formal framework of legal institutions (Genn, 1999). For indigenous communities, justice is often understood not merely as the enforcement of written norms, but as the restoration of social harmony, relationships, and communal dignity (Kurniawan, Triana, et al., 2024). This perspective highlights the need to connect the discourse of legal pluralism with the imperative to design legal policies that are participatory, inclusive, and responsive to local values and cultural contexts. By prioritizing the lived experiences and expectations of communities, such an approach challenges the top-down model of legal governance and opens pathways for more culturally attuned legal reforms.

A number of studies in Indonesia have demonstrated that, although the recognition of customary law is explicitly enshrined in the constitution and various sectoral laws, its implementation is often obstructed by rigid bureaucratic mechanisms and inflexible administrative requirements (Bedner & Arizona, 2019). This situation generates a persistent gap between normative recognition and substantive realization, ultimately undermining the position of customary institutions within the national legal system. Such a condition not only constrains the legal autonomy of customary systems but also reinforces the dominance of the state in determining the legitimacy of applicable laws. In the long term, this pattern risks eroding the sustainability of customary law as a living legal system rooted in the values, traditions, and social fabric of local communities. Without deliberate efforts to address these structural barriers, legal pluralism in Indonesia may remain more of a constitutional ideal than an operational reality.

Accordingly, the theoretical framework employed in this study integrates critical legal pluralism, interlegality, and the theory of access to justice. This combination enables a more nuanced analysis of the power relations between state law and customary law, as well as the adaptive strategies employed by customary leaders in navigating these dynamics. Such an approach also creates space for formulating policy recommendations that go beyond the mere formal recognition of customary law, moving instead toward the empowerment of local authorities within a framework of equitable and inclusive justice.

This integrated framework serves as the analytical foundation for interpreting the field data, ensuring that each finding can be read within the context of an ongoing interaction between theoretical perspectives and empirical realities. By embedding theory into the reading of data, the study seeks to produce contributions that are not only relevant to the advancement of legal scholarship but also to the formulation of policies that are sensitive to local contexts and capable of strengthening the position of customary institutions within Indonesia's plural legal landscape.

Research Method

This study employs a socio-legal research approach, an interdisciplinary method that views law not merely as a normative framework but also as a living social practice embedded within power relations and societal structures (Banakar & Travers, 2005; Irianto, 2017). Such an approach allows for the contextual examination of the dynamics between customary law and state law, particularly in situations of overlapping jurisdictions and competing legal authorities at the local level.

The research adopts a qualitative empirical design, focusing on Indigenous communities in Jambi Province, specifically in Kungkai Village (Merangin Regency) and Raden Anom Village (Sarolangun Regency). These sites were selected because customary law is still actively practiced, and there exists a tangible tension between local norms and the formal regulations of the state in the resolution of social and agrarian conflicts. The study is not intended to produce statistical generalizations; rather, it seeks to develop an in-depth understanding of the dynamics of legal pluralism within specific local contexts.

The primary data were collected through in-depth interviews with traditional leaders, village officials, and local government authorities. These interviews were conducted in a semi-structured manner to allow flexibility in exploring the actors' experiences and perceptions regarding the relationship between customary law and state law. In addition, participant observation was carried out during customary mediation processes and dispute resolution rituals that are still actively practiced within the local communities. Documentation and field notes from these activities were also recorded as materials for analytical reflection.

The secondary data consisted of legal documents, such as Law No. 6 of 2014 on Villages, Constitutional Court Decision No. 35/PUU-X/2012, and other relevant regulations

concerning the recognition of Indigenous peoples. Academic literature, scholarly journals, and reports from civil society organizations were also used as supporting references to build the context, analytical framework, and critical interpretation of the field findings (Bedner & Arizona, 2019). All these sources were comparatively analyzed to identify both convergences and divergences between legal norms, policies, and practices in the field.

Data analysis was conducted reflectively and interpretively, guided by the theoretical frameworks of interlegality and critical legal pluralism. This approach allowed for an examination of the forms of co-optation, marginalization, and adaptive strategies developed by customary institutions in response to the pressures of state law formalization (Santos, 2002; Tamanaha, 2017). Data validity was maintained through source triangulation and cross-checking of informants' narratives to ensure alignment between the empirical data and the theoretical constructions applied.

Results and Discussion

Marginalization of Customary Law under State Dominance

The marginalization of customary law in Indonesia constitutes a structural consequence of a centralized and legalistic legal system. Although the Constitution recognizes the existence of *masyarakat hukum adat* under Article 18B(2) of the 1945 Constitution, such recognition is conditional and requires formal validation by the state through national legislation or regional regulations. This creates a gatekeeping mechanism that positions the state as the sole legitimate authority to determine the existence of customary law. Within the framework of legal centralism, the modern state tends to claim a monopoly over legal production and to regard non-state legal systems as either illegitimate or merely symbolic complements (Berman, 2020).

National regulatory frameworks such as Law No. 6 of 2014 on Villages—which, in principle, provide opportunities to strengthen customary communities through the recognition of *desa adat*—have, in practice, become arenas of bureaucratization that undermine the autonomy of customary law. To obtain *desa adat* status, communities must meet administrative requirements determined by local governments, which often fail to align with the social structures and cultural norms of local communities. Research by Arizona and Bedner indicates that, among hundreds of customary communities claiming the existence of customary law, only a small fraction have secured official recognition due to regulatory

barriers and local political dynamics (Bedner & Arizona, 2019). This situation creates a fundamental gap between the spirit of recognition expressed in the regulations and the reality on the ground. As a result, the process of desa adat recognition often stalls at the symbolic level without providing substantive protection for the rights of indigenous peoples.

State dominance is also evident in the role of bureaucratic apparatuses and formal institutions such as the National Land Agency (Badan Pertanahan Nasional-BPN) in agrarian conflicts. In Jambi, several indigenous communities have been displaced from their ulayat lands because they lack state-recognized land certificates, despite holding strong genealogical and historical claims to those territories. The 2022 report by the Consortium for Agrarian Reform (Konsorsium Pembaruan Agraria-KPA) notes that many land disputes between corporations and indigenous communities are not adjudicated fairly, as state authorities tend to privilege formal documentation over customary evidence (Konsorsium Pembaruan Agraria, 2022). In such cases, the existence of customary law is not merely ignored but is actively negated by the positivistic logic of state law.

This pattern reflects the broader hegemony of the state in controlling the narrative of what constitutes legitimate law. Within the framework of state hegemony, law becomes a mechanism for institutionalizing the interests of the state and dominant actors through formalized procedures that limit the scope of local community participation (Siswati, 2018). Customary law, by nature flexible, adaptive, and context-sensitive is perceived as incompatible with the legalistic model of the state, which privileges legal certainty, standardized procedures, and administrative documentation. This incompatibility is further reinforced through bureaucratic processes that translate land rights into registrable property titles, effectively displacing the communal and relational character of ulayat rights. Consequently, the marginalization of customary law is not merely a matter of absent recognition; it is the outcome of entrenched power relations that elevate state law to the position of supreme norm, relegating indigenous legal orders to a subordinate and often invisible status within the formal legal system.

Furthermore, the critical legal pluralism approach situates this marginalization within a relational framework of domination and resistance. The state does not merely dominate customary law; it also frequently co-opts customary values into the formal legal system in a selective manner, using them to bolster the legitimacy of pro-corporate or development-oriented policies. In many instances, customary principles such as musyawarah (deliberation)

and local wisdom are appropriated by the state for political or developmental purposes, yet without meaningful involvement of customary actors in the decision-making process. Kurniawan et al., in their study on Kampung Restorative Justice, illustrate how state-led programs bearing the “restorative” label often end up marginalizing community-based conflict resolution mechanisms. This occurs because such programs are fully controlled by law enforcement officials and lack grounding in local social structures. In Olak Village, Batang Hari Regency, Jambi Province, for example designated by the public prosecutor’s office as a Kampung Restorative Justice, the role of customary leaders in mediating community disputes has been supplanted by prosecutors (Kurniawan, Marwendi, et al., 2024). Such processes of co-optation result in a hollowing out of the substantive meaning of customary law and erode the social authority of indigenous leaders in the eyes of their own communities.

This phenomenon underscores that the relationship between state law and customary law operates within a persistent imbalance that is continuously reproduced by the structures of the national legal system. The marginalization of customary law in Indonesia, particularly in regions such as Jambi is therefore not merely a consequence of inadequate legal protection. Rather, it is a manifestation of a legal order that actively produces and sustains structural inequality. The dominance of state law standardizes and institutionalizes forms of recognition that often run counter to the participatory and context-sensitive principles of customary law. Addressing this entrenched asymmetry requires a fundamental redesign of the national legal framework, one that moves beyond symbolic recognition and genuinely empowers local authorities through a model of legal pluralism that is equitable, just, and participatory.

Negotiation and Adaptation Strategies of Customary Institutions

In a pluralistic and hierarchical legal landscape, customary leaders across various regions of Indonesia tend not to reject the dominance of state law outright but instead adjust through patterns of negotiation and adaptation. Within the framework of interlegality, as articulated by Santos, the relationship between state law and local law is not one of absolute opposition but rather an ongoing interaction marked by overlapping spheres, producing hybrid legal spaces (Santos, 2002). Such adaptation allows customary institutions to survive under the legal-formalistic pressures of the state without entirely relinquishing their normative autonomy.

One notable adaptive strategy observed in practice is the establishment of semi-formal collaborations between customary institutions and village authorities. In many customary communities, including those in Jambi, customary bodies continue to exercise informal judicial functions to resolve internal community disputes, particularly those related to social relations, kinship, or religion. In certain instances, the outcomes of customary deliberations are documented in the form of official minutes, signed by customary leaders and subsequently endorsed by the village head to reinforce their administrative legitimacy. This reflects a form of negotiated legal authority, in which customary authority gains a measure of validity through symbolic affiliation with the state's legal structures (Flambonita, 2021; Hamida, 2022).

Table 1. Negotiation and Adaptation Strategies of Customary Institutions within a Plural and Hierarchical Legal System

| Aspect | Description | Example | Conceptual Framework |
|----------------------------|---|---|--|
| Legal Context | Pluralistic and hierarchical relationship between state law and customary law | Coexistence of formal and informal dispute resolution mechanisms | Interlegality |
| Main Strategy | Negotiation and adaptation rather than outright rejection of state dominance | Customary institutions adjusting to align with administrative requirements | Critical Legal Pluralism |
| Form of Interaction | Creation of hybrid legal spaces | Overlapping functions of customary leaders and village authorities | Hybrid legal authority |
| Specific Practice | Semi-formal collaboration | Customary decisions documented and endorsed by village head | Negotiated legal authority |
| Outcome | Preservation of normative autonomy within the constraints of state law | Customary dispute resolution retained for social, kinship, and religious issues | Strengthened legitimacy through symbolic state affiliation |

This table visually maps the dynamics of negotiation and adaptation between customary institutions and state structures, illustrating how plural legal orders are operationalised in practice. It shows a continuum from the broader legal context, where state law and customary law interact to the concrete practices on the ground, such as semi-formal collaborations and documented decisions. The theoretical anchors, including interlegality and

negotiated legal authority, serve as interpretive lenses to understand how hybrid legal spaces emerge. By structuring the analysis in this way, the table highlights not only the survival strategies of customary leaders but also the subtle processes through which they retain normative autonomy while strategically aligning with state authority.

Such practices are also found in Kungkai Village, Merangin Regency, Jambi. Based on field interviews, Hasan Ibrahim, Head of the Kungkai Village Customary Institution, explained that the resolution of social conflicts within the community usually begins at the customary level. The customary institution holds an internal *musyawarah* (deliberation) involving community leaders and the disputing parties. If a solution is reached, it is documented and considered socially binding. However, when the conflict concerns land matters or administrative issues, the outcome of the *musyawarah* is then submitted to the village authorities for further action through formal legal channels (H. Ibrahim, personal communication, May 3, 2025).

Meanwhile, Muhammad Idris, one of the senior customary leaders in Kungkai, stated that the existence of the customary institution actually strengthens the position of the village head because it can prevent conflicts from escalating into the state legal arena. He gave an example of a dispute over yard boundaries between residents that was successfully resolved in a single night through a customary meeting. For the community, such a mechanism is perceived as faster, fairer, and less likely to cause the sense of shame that often arises when dealing with state law enforcement officers (M. Idris, personal communication, May 3, 2025).

This is reinforced by the statement of Zulfan, the Head of Kungkai Village, who emphasized that collaboration with the customary institution is crucial in the social context of the community. He stated that the village governance structure would not be effective without the support of customary leaders, particularly in maintaining social stability. He also explained that customary decisions documented in written form could serve as a basis for preventing further conflicts, and could even be used as mediation material if the dispute escalates to the sub-district or police level (Zulfan, personal communication, May 5, 2025). This pattern illustrates that customary leaders play a strategic role in bridging local values with the demands of formal law.

Within the framework of critical legal pluralism, this adaptive strategy reflects the bargaining position of customary institutions as active, rather than passive, legal subjects. They do not merely adjust to the dominant system but consciously use legal gaps to maintain

social legitimacy in the midst of an increasingly standardized and centralized legal order. Although their existence is not fully recognized under positive law, customary institutions continue to perform substantive functions in the context of local justice (Disantara, 2021; Hamida, 2022). This indicates that within the space of legal pluralism, customary autonomy does not necessarily have to take an institutionalized formal shape, but can be sustained through social recognition and the continued performance of its functions in the community.

Access to Justice and Community Preference for Customary Law

In modern legal discourse, access to justice is often understood as access to formal institutions such as courts and law enforcement agencies. However, in customary and rural communities, justice is often conceived differently. For local communities, justice is not solely about the enforcement of formal laws, but rather about the restoration of social relations, peaceful resolution of disputes, and the preservation of family and community honor. It is in this context that customary law emerges as a living law, remaining both functional and relevant to everyday justice (Griffiths, 1986; Tegnán, 2016).

In various regions of Jambi, customary law not only persists but evolves into contextual and functional forms. For instance, the village of Raden Anom in Sarolangun Regency is one of many customary communities that still resolves disputes through customary deliberation. Beyond Sarolangun, in other regencies such as Bungo, Merangin, and Tebo, customary institutions continue to play a crucial role in addressing issues related to inheritance, boundary disputes, and domestic quarrels. Communities in these areas tend to prefer customary dispute resolution because it is perceived as faster, less costly, and better aligned with their sense of justice and local values.

Interviews with Rohani, a female head of household in Raden Anom Village, reveal that local residents feel more comfortable resolving domestic matters through customary deliberation rather than involving the police or the religious court. She explained that customary institutions are perceived as having a deeper understanding of family dynamics and, importantly, do not generate public embarrassment. The process conducted by sitting together and guided by respected customary elders, provides a sense of peace and reinforces the value of *silaturahmi* (communal bonds). In contrast, formal legal mechanisms are viewed as distant and rigid in addressing the everyday needs of the community (Rohani, personal communication, July 5, 2025).

Table 2. Community Preference and Functions of Customary Law in Access to Justice in Local Communities of Jambi

| Aspect | Example/Findings | Function of Customary Law | Reasons for Preference |
|--|---|--|---|
| Geographical Practice Areas | Raden Anom (Sarolangun), Bungo, Merangin, Tebo | Resolution of inheritance disputes, boundary conflicts, domestic quarrels | Faster, less costly, aligned with local values |
| Dispute Resolution Process | Customary deliberation led by community elders | Restoration of social relations, preservation of family and community honor | Avoidance of public shame, emphasis on communal bonds (silaturahmi) |
| Community Perspective | Rohani (female household head, Raden Anom) | Deeper understanding of family dynamics than formal authorities | Comfort, informality, absence of stigma |
| Role of Customary Leaders | Hamdan (senior customary leader) | Guardianship of community morality, prioritizing shame, respect, and social responsibility | Focus on restoring relationships rather than punishment |
| Barriers in Formal Legal System | Residents lacking civil documentation or unfamiliar with procedures | Formal system perceived as unresponsive to socio-cultural context | Complex bureaucracy, bias, and community alienation |
| Legal Recognition and Policy | Indonesian Constitution and sectoral regulations | Normative recognition exists but protection and acknowledgment remain limited | Forces continued reliance on customary justice mechanisms |

The table above synthesizes key dimensions of local communities' preference for customary law as their primary justice mechanism. It highlights the geographical spread, dispute types addressed, and the social functions customary law fulfills within these communities. The preference for customary dispute resolution is primarily driven by its perceived efficiency, cultural relevance, and its restorative approach to justice. This approach prioritizes the mending of social relations and respect for communal values, which contrasts with the formal legal system often viewed as distant, rigid, and procedurally burdensome. Such insights emphasize the enduring legitimacy and practical importance of customary law in meeting the justice needs of Jambi's rural populations.

These communal values and restorative functions are further illustrated by Hamdan, a senior customary leader in the village. He emphasized that customary institutions function

not only as mechanisms for dispute resolution but also as guardians of community morality. In cases such as petty theft or intra-family disputes, customary deliberation remains the first and preferred option. The primary objective is not to punish but to restore disrupted social relationships. Values such as shame, respect, and social responsibility form the core principles guiding decision-making (Hamdan, personal communication, July 5, 2025). This represents a form of justice from below, where justice is constructed from community experiences and values rather than solely from codified legal norms.

This restorative and culturally resonant nature of customary law contrasts sharply with the alienation local communities experience toward the formal state legal system. Many residents lack complete civil documentation or remain unfamiliar with the procedures of the formal justice system. Moreover, formal legal processes are often perceived as biased and unresponsive to local socio-cultural realities. As highlighted by Arizona and Bedner, while the Indonesian Constitution formally recognizes the existence of *masyarakat hukum adat*, the legal mechanisms for acknowledging and protecting their rights remain limited, bureaucratic, and procedurally burdensome (Arizona & Cahyadi, 2013; Bedner & Arizona, 2019). This structural gap compels communities to continue depending on customary mechanisms as the only genuinely accessible pathway to justice.

The persistence and preference for customary law in various parts of Jambi, including Raden Anom Village, thus serve as concrete evidence that local justice systems retain both vitality and strong legitimacy. Far from being a symbolic complement to state law, customary institutions perform substantive judicial functions essential to the community. Within a framework of healthy legal pluralism, the state should not only acknowledge the existence of customary law at a normative level but also actively empower it, integrating it into the national justice system on an equal and participatory basis (Lubis, 2019).

Conclusion

This study reveals that the recognition of customary law in Indonesia is largely symbolic and conditional, constrained by a centralized state legal framework. While the constitution and several sectoral regulations formally acknowledge the existence of *masyarakat hukum adat*, the state continues to exert dominance over legal jurisdictions through formal regulations, the bureaucratization of recognition, and the administrative control of land. Field evidence from Jambi demonstrates that, despite losing much of their

substantive authority in conflict resolution, customary institutions remain socially legitimate and trusted by local communities.

Importantly, this research shows that customary leaders are not merely passive actors in the face of state dominance. Instead, they display adaptive capacity and deploy legal negotiation strategies, exploiting openings within the formal recognition framework to preserve their roles. Framed within interlegality and critical legal pluralism, the findings highlight how local legal practices take place in overlapping arenas—spaces marked by symbolic negotiations and deep-seated asymmetries of legal power. The persistent reliance on customary mechanisms underscores the community's pursuit of substantive justice absent from the state's legal system.

The implications are clear: legal policy must move beyond tokenistic recognition toward a genuine co-governance model between the state and customary communities. The state must establish equitable, dialogic legal spaces rather than coercive, hegemonic ones. Future research should examine similar dynamics in other regions and assess community-based legal empowerment programs as pathways toward inclusive and context-sensitive access to justice. Additionally, the involvement of non-state actors, such as NGOs and advocacy networks, warrants deeper investigation for their potential in reinforcing the legal capacity of customary communities. These studies inform regulatory reforms that uphold legal pluralism and social justice by preserving and integrating customary law into Indonesia's national legal system.

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