

Indigenous Peoples and Modernization towards Achieving Golden Indonesia

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Abstract

This study aimed to analyze how indigenous law communities in Indonesia adapt to legal modernization in support of the Indonesia Emas 2045 vision. Employing a normative juridical approach supported by empirical data, this research examined the continuity of customary law amidst the transformation of the national legal system, which is increasingly rational, codified, and legalistic. The normative analysis involved a review of relevant legislation and legal doctrines. In contrast, the empirical analysis was drawn from previous case studies that highlighted the interaction between customary law and modernization in various indigenous communities, such as the Baduy, Tolaki, and indigenous communities in Bekasi. The findings revealed that legal modernization has significantly impacted social order, traditional authority, and the cultural values of indigenous law communities. Disruptions are evident in traditional dispute resolution mechanisms, shifts in customary power structures, and transformations from collectivist to more individualistic values. Nevertheless, indigenous law communities exhibit adaptive strategies through the hybridization of customary norms, institutional strengthening via regional regulations, and social movements advocating for the recognition of customary law within the national legal framework. This study recommends the importance of a contextual and inclusive legal approach to ensure that customary law remains vibrant and empowered amidst modernization, serving as an integral component of sustainable legal development toward Indonesia Emas 2045.

Keywords: Customary Law, Indigenous Law Communities, Legal Modernization, Social Adaptation, Cultural Identity, National Legal System, Indonesia Emas 2045

A. Introduction

Indonesia is an archipelago consisting of thousands of islands with diverse cultures, ethnic groups, languages, races, religions, and Customs. Globalization has affected various aspects of life in Indonesia, including the customary law system, which is an ancestral cultural heritage, by bringing significant changes in the social, economic, and cultural spheres that have an impact on the values embraced by Indigenous¹. Indigenous peoples are

¹ Po'oe, A. L. Q., and M. T. Tunggti. 2023. "Integration of Customary Law in Public Policy Formation in Indonesia: A Socio-Cultural Sustainability Perspective (Case Study in Gorontalo)." *Jurnal Administrasi, Manajemen dan Ilmu Sosial (JAEIS)* 2 (November): 55-61.

an integral part of the legal system in Indonesia, which has existed since before independence². The existence of customary law is recognized in Article 18b paragraph (2) of the Constitution of the Republic of Indonesia year 1945 (UUD 1945), which states that “the state recognizes and respects the unity of indigenous peoples and their traditional rights as long as they are alive and by the development of society and the principles of the Unitary State of the Republic of Indonesia” (1945 Constitution, Article 18b paragraph (2)). This provision confirms that customary law still has a place in the national legal system, although it must adapt to the dynamics of social and legal changes that occur due to modernization³.

Indigenous Peoples refer to groups that have distinctive traditions, cultures, and social systems that are passed down through generations⁴. They generally uphold values such as togetherness, harmony with nature, as well as respect for ancestors. However, they also face various challenges, such as the loss of indigenous lands, conflicts with governments and companies seeking access to natural resources in their territories, and social and cultural changes due to globalization and modernization⁵. Modernization is a process of social change that leads to increased complexity in various aspects of life, including the legal system⁶. The existence of modernization not only brings opportunities, but also great challenges in maintaining the existence of Indigenous Peoples. One of the main challenges is the harmonization of customary law with the rapidly growing national and international law⁷.

The development of national law is often oriented towards codification and unification of laws based on the Western legal system, so that customary law tends to be marginalized in some aspects⁸. In some areas, indigenous peoples face difficulties in maintaining their traditional legal systems due to pressures from national policies, such as natural resource management and infrastructure development. However, on the other hand, modernization also opens up opportunities for customary law to adapt to formal legal mechanisms, such as the recognition of customary rights in Law Number 5 of 1960 concerning basic agrarian principles (UUPA) and the recognition of indigenous peoples in

²Thontowi, J. 2015. “Regulation of Customary Law Communities and the Implementation of Protection of Their Traditional Rights.” *Pandecta: Research Law Journal* 10 (1): 1–13. <https://doi.org/10.15294/pandecta.v10i1.4190>.

³ Indriati, E. D., and I. Hastuti. 2021. “Customary Law in the Renewal and Development of National Law.” *Pharmacognosy Magazine* 75 (17): 399–405.

⁴ Syarif, K. A., and D. Paramitha Darmayanti. 2023. “The Future of Customary Law in Indonesia.” *Jurnal Sains dan Teknologi* 5 (2): 648–52. <https://doi.org/10.55338/saintek.v5i2.2232>.

⁵ Harniwati, H. 2024. “Customary Law in the Era of Modernization.” *Journal of Global Legal Review* 2 (1): 41–52. <https://doi.org/10.59963/jglegar.v2i1.328>.

⁶ Asfi Burhanudin, Achmad. 2021. “The Existence of Customary Law in the Era of Modernization.” *Salimiya Jurnal Ilmu Keagamaan Islam* 2 (4): 96–113.

⁷ Matuankotta, J. K. 2019. “The Active Role of Customary Law Communities in Economic Development.” *Sasi* 24 (2): 101. <https://doi.org/10.47268/sasi.v24i2.125>.

⁸ Nurjaya, I. N. 2011. “State Law Development in a Multicultural Society: A Progressive Law Perspective.” *Jurnal Hukum Progresif* 3 (2). https://ejournal.undip.ac.id/index.php/hukum_progresif/article/view/1065.

Law Number 6 of 2014 concerning villages. legal recognition of the existence of customary law through legal instruments such as Law No. 6 of 2014 on villages and Constitutional Court Decision No. 35/PUU-X/2012 which recognizes the existence of customary law communities as subjects of collective law. In the context of a multicultural country like Indonesia, the recognition of legal pluralism is very important. This is confirmed in Article 18b paragraph (2) of the Constitution of the Republic of Indonesia, year 1945, which states that the state recognizes and respects Indigenous peoples and their traditional rights, as long as they are alive, and by the principles of the Unitary State of the Republic of Indonesia. At a practical level, the strengthening of customary law is also in line with the principle of social justice and equal treatment as enshrined in Article 27, paragraph (1) of the 1945 Constitution, which guarantees equality before the law for all citizens. In line with that, the government's efforts to provide recognition and protection of indigenous peoples are also contained in the regulation of the Minister of Home Affairs number 52 of 2014.

The existence of customary law as one of the sources of law in Indonesia is increasingly marginalized, one of which is caused by views that consider customary law to be traditional and unable to keep up with the times, including globalization and technological advances. The consequences of this national legal policy direction also affect the settlement of problems in the community, where customary law, which should be more contextual and relevant, is ignored. As an illustration, various horizontal conflicts between Indigenous peoples in a region should be handled through the role of Indigenous dispute resolution institutions. Customary law reflects the identity and spirit of the nation, so that some elements in the institution of customary law still have relevance in shaping the national legal system.

Nevertheless, customary law institutions that are no longer by the Times will disappear naturally, by their flexible and dynamic nature. As stated by Soepomo, citing Savigny's view, customary law is a living law because it is an expression of people's legal awareness. With its basic nature, customary law will continue to develop in harmony with community life. Therefore, elements of customary law that remain relevant and in line with the values and needs of the community can be used as a source of inspiration in the development of a more comprehensive legal system in Indonesia. The sustainability of customary law reflects local wisdom and national culture, which is important to note in the development of an inclusive and equitable legal system for all levels of Indonesian society.

In the Golden Indonesia vision 2045, which targets Indonesia to become a developed country with strong social, economic, and legal stability, the role of customary law is becoming increasingly important in building an inclusive and equitable legal order. Therefore, this study aims to analyze how Indigenous Peoples adapt to legal modernization in order to support the achievement of Golden Indonesia 2045.

B. Research Method

This study uses a juridical normative approach with empirical support. The normative approach is done by analyzing legislation and legal doctrine related to customary law and modernization. Meanwhile, the empirical approach is done by examining the factual

condition of indigenous peoples through the results studi kasus of previous research case studies in several indigenous peoples who face the challenge of modernization. With a combination of these approaches, the research is expected to provide relevant policy recommendations in maintaining the sustainability of customary law in the midst of dynamic social and legal changes.

C. Results and Discussion

1. Impact and Adaptation of Indigenous Peoples to Legal Modernization

Customary law is a set of norms or unwritten rules that grow and develop in Indigenous Peoples, based on cultural values, beliefs, and customs that are passed down from generation to generation (Matuankotta, 2019). This law serves to regulate the living Order of indigenous peoples and contains binding force even though it is not listed in the form of formal state law. Meanwhile, indigenous peoples are social groups that have their own cultural identity and value system, which are tied for generations to a certain indigenous territory, and carry out their social and legal life independently based on their customs⁹.

Customary law has a number of shades and characteristics that reflect the values and outlook on life of Indigenous Peoples. One of them is *the magical-religious nature*, which is a mindset influenced by belief in the supernatural, ancestral spirits, and the sacred forces of the universe. Before formal religion was known, this religious form was realized through animist beliefs and dynamism. However, after the indigenous people got to know religion, this religious value shifted to belief in God Almighty.

Furthermore, customary law is *communal*, which means that each individual is considered an integral part of the community. The values of togetherness, kinship, and mutual assistance are the foundation of the social life of Indigenous Peoples. *The concrete nature* is also characteristic of customary law, in which any legal action is carried out openly and visibly, for example, in the practice of buying and selling that involves the direct transfer of goods. In addition, customary law adheres to *the kontan principle*, which requires the fulfillment of achievements and counter-achievements directly at the same time, without any protracted process.

In addition to these four main characters, customary law also has *a traditional nature* because it is inherited from generation to generation and maintained, *dynamic* because it can adapt to changing times, and *is open* to the influence of other legal systems that are considered appropriate. *The simple nature* is also inherent in customary law, evident from practices that do not rely on Written administration, as in the apportionment of sufficient inheritance carried out orally based on trust. Finally, Indigenous Peoples promote *deliberation and consensus* as a method of dispute resolution, emphasizing peaceful and collective settlement. The use of the term *common law* comes from the translation of the word *Adatrecht*, first introduced by Snouck Hurgronje and

⁹ Slamet, S. R., G. Daryono, and R. C. Rizqi. 2023. "The Existence of the Bekasi Customary Law Community through the Preservation of Bekasi's Local Wisdom." *Forum Ilmiah* 20 (3).

adopted by Van Vollenhoven. The term was formerly known as *religious regulation* in colonial legislation, reflecting the influence of the *Receptio in complexu* teachings *Receptio in complexu* of Van Den Berg and Salmon Keyzer.

In its implementation, customary law has three main sources: *identifying sources* (decisions of customary authorities or real Customs carried out by the community), *content sources* (legal awareness that lives in the community), and *binding sources* (collective awareness of the community towards the customary norms that are carried out). To be called customary law, a custom must have two elements, namely *the material element* (actions that are carried out repeatedly) and *the intellectual element* (the belief that these actions must be carried out objectively).

As explained by Hildred Geertz and Jacobus Ranjabar, the cultural diversity in Indonesia is vast, with more than 250 languages and a variety of local customs that form customary law. Indonesian culture is divided into ethnic or regional culture, General local culture, and national culture, all of which also influence the existence and dynamics of customary law that continues to live and develop in the community. Legal modernization in Indonesia, which is characterized by the implementation of a national legal system based on legalistic positivism, has had a significant impact on Indigenous peoples in various regions of the archipelago. Various previous studies provide findings on this subject.

Was conducted with a research approach of in-depth interviews and focus group discussions (FGDs) to understand the dynamics of customary law.¹⁰ Interviews were conducted with various stakeholders, such as Indigenous leaders, community members, local government officials, NGO activists, and academics, who provided diverse perspectives on the challenges and opportunities in the preservation of customary law. Meanwhile, FGDs are used to further explore specific themes such as Indigenous-based conflict resolution, natural resource management, and efforts to transmit indigenous knowledge to the younger generation.

The results showed that the impact of modernization can be seen from three main dimensions, namely disruption of the traditional legal order, changes in the structure of customary authorities, and the transformation of social values and norms.¹¹ The disruption to the traditional legal order occurs because of fundamental differences in sources of legitimacy and dispute resolution mechanisms between customary law and national law. Indigenous peoples, who previously resolved conflicts through deliberation and the principle of social balance, are now faced with a formal legal process that is rigid and emphasizes normative legality. This leads to confusion and dissatisfaction among Indigenous peoples, especially when the resolution of land or heritage disputes is no longer done through customary institutions, but through the courts, which often do not take into account the local context.

¹⁰Lubis, A. F., and I. Putra. 2018. "Challenges of Customary Law from Rural Communities in the Modern Era: A Study of the Conflict between Customary Law and National Law." *[Journal Title Not Specified]* 2: 2095–2104.

¹¹Ibid

Secondly, the modernization of the law also shifted the structure of indigenous authorities. Traditional leaders who once had absolute authority in determining norms and resolving conflicts began to lose legitimacy due to state intervention through village officials, the police, and the judiciary. This resulted in the emergence of dualism of power, which often caused tensions between local institutions and state institutions. Third, there is a process of value transformation, where the values of collectivism, spirituality, and social harmony, which are pillars of customary law, begin to be displaced by individualistic values and modern legal pragmatism. Information globalization and Population migration are accelerating the erosion of this value, especially among younger generations who are increasingly exposed to the logic of modern rational law as opposed to customary principles. Nevertheless, indigenous peoples show a creative adaptation to legal modernization¹².

This adaptation is reflected in hybridization strategies, in which Indigenous norms are maintained but packaged within a framework acceptable to national law. Some communities have also succeeded in encouraging formal recognition of customary institutions through local regulations (*perda*), as well as developing customary consultative forums in collaboration with village institutions. On the other hand, there is also active resistance to legal modernization, especially in the form of social movements demanding the restitution of customary rights and full recognition of Indigenous sovereignty.

Legal modernization in Indonesia has brought significant influence to various local legal systems, including customary law adopted by traditional communities such as the Baduy¹³. Modernization, which is characterized by increased legal rationality, administrative efficiency, and the application of written legal systems, is slowly challenging the existence of customary law that is oral, communal, and rooted in local cultural values. Research results entitled "Analisis Dampak Modernisasi Hukum Adat Suku Baduy di Era Modern" shows that when this modernization intersects with the existence of customary law communities such as the Baduy tribe, there is a dialectic between value preservation- traditional values with demands for adaptation to the Times. In this context, the impact of legal modernization on Indigenous peoples can be divided into two aspects, namely positive impacts and negative impacts.

Positive impacts include the creation of opportunities for Indigenous peoples to gain access to the national legal system, the protection of human rights, as well as legal recognition of the existence of customary law through legal instruments such as Law No. 6 of 2014 on villages and Constitutional Court Decision No. 35/PUU-X/2012 which recognizes the existence of indigenous peoples as subjects of collective law. Modernization also encourages the opening of spaces for Indigenous peoples '

¹²Ibid.

¹³Pradipta, A. D., H. S. Nasution, and A. A. Siregar. 2024. "Analysis of the Impact of Legal Modernization on the Baduy Customary Law Community in the Modern Era." *Aurelia: Jurnal Penelitian dan Pengabdian Masyarakat Indonesia* 3 (2): 1218-23.

participation in various legal and policy forums, which were previously closed. Nevertheless, the negative impact cannot be ignored either.

One of the real threats of modernization is the potential erosion of the cultural and spiritual values of indigenous peoples due to the pressure of positive legal norms that are uniform and tend to be contextual. In Baduy Luar, for example, began to see a shift in lifestyle and way of dressing that led to the culture outside. This phenomenon shows the selective adaptation made by the Baduy people to modern elements, while still maintaining their cultural identity. Adaptations made by indigenous peoples to legal modernization are highly dependent on the internal strength of these communities, including the role of Indigenous leaders such as Pu'un, as well as their success in articulating Indigenous values within the national legal framework. In this case, the inner Baduy showed a strong form of resistance to modern interventions, while the outer Baduy were more open and flexible in responding to change. Both of these attitudes reflect different adaptation strategies that both aim to maintain cultural identity in an increasingly strong stream of modernization.

The research stated that legal modernization that occurs in line with the times, globalization, and national legal intervention has had a significant impact on the existence of indigenous peoples, including the Indigenous peoples of Bekasi. Legal modernization, which tends to be positivistic and based on formal state institutions, is often opposed to customary law systems that are non-codificative and based on local wisdom values and social systems of local communities. In the Bekasi Customary Law Community, Legal modernization has had an impact on the marginalization of a number of customary practices and norms that were previously firmly held by the community. For example, the influence of urbanization and national development policies in the Bekasi area, which is increasingly developing as a buffer area for Jakarta, has led to the erosion of the identity of the Bekasi customary law community, which comes from Sundanese cultural roots, and is slowly replaced by Betawi identity or even metropolitan urban culture. The change of everyday language from Sundanese to Bekasi-Betawi, as well as the fading of the use of social values such as cooperation in urban life, is concrete evidence that the modernization of law and culture has influenced the character of indigenous peoples in this region.

Nevertheless, indigenous peoples did not completely resist modernization. They demonstrate adaptability to these changes by accommodating elements of modern law in their social order, without giving up completely the traditional values that constitute the collective identity. This is reflected in social practices such as gotong royong that remain sustainable in celebrations, religious work, and traditional ceremonies, as well as the preservation of local arts such as wayang kulit, typical of Bekasi, Tanjidor, or Lenong. Thus, although modernization brings challenges, Bekasi's Indigenous people demonstrate adaptive capabilities through strategies of integrating local values in new social contexts. This adaptation is important to maintain the sustainability of customary law as an integral part of the national legal system.

Shows that the impact of legal modernization on the Tolaki tribal customary law community, among others, is seen in the form of marginalization of the customary law system, which is considered no longer relevant to the times. This is reflected in the predominance of national law in the settlement of criminal cases, which overrides customary-based settlement mechanisms that place more emphasis on restorative justice and social balance. In the Tolaki Tribe, this pressure appears in the form of reduced authority of indigenous authorities such as Puutobu or Rato in dealing with customary violations and the weakening of the role of indigenous institutions in resolving conflicts¹⁴. However, the Tolaki tribal customary law community shows adaptability to the current of legal modernization. This adaptation can be seen in various forms, ranging from the preservation of customary law through documentation, revitalization of the role of customary institutions within the framework of regional autonomy, to the integration of customary law values into the national legal system.

In some regions, local regulations (Perda) have been drafted to recognize the existence and function of customary law as part of the legal system that lives in society. In the context of the Tolaki Tribe, this adaptation appears to be through collaborative efforts between Indigenous leaders and local law enforcement officials in customarily handling certain cases before proceeding to formal channels. Thus, although legal modernization brings challenges to the sustainability of customary law, Indigenous peoples such as the Tolaki tribe are not solely victims of such changes. They are actively making adjustments so that local values remain alive and relevant, even amid the dominance of the modern national legal system.

2. The Role of Customary Law in Achieving Golden Indonesia 2045

Customary law has a very important and strategic role in supporting the realization of the great vision of Golden Indonesia 2045, which is to make Indonesia a developed country that is fair, inclusive, and sovereign, both economically, politically, legally, and culturally. This vision places the national legal system as one of the main foundations of development, and in this case, customary law acts as a historical, social, and cultural foundation that cannot be separated from the identity of the Indonesian nation. According to Ter Haar, Customary law is the totality of legal rules that arise from the decisions of legal functionaries in society¹⁵. These functionaries, such as adat Heads, community leaders, religious leaders, and village officials, have the authority to resolve problems and maintain order based on norms that live and develop in Indigenous¹⁶. Thus, customary law not only regulates social life but also becomes a legitimate and authoritative conflict resolution system in the eyes of local communities¹⁷.

¹⁴ Adenisatrawan, A. 2023. "The Existence of Tolaki Tribe's Customary Criminal Law in the Context of Modernization." *Jurnal Esensi Hukum* 5 (2): 22-29

¹⁵ Yuliyani, A. P. 2023. "The Role of Customary Law and the Protection of Customary Law in Indonesia." *Jurnal Hukum dan HAM Wara Sains* 2 (9): 860-65. <https://doi.org/10.58812/jhhws.v2i09.648>.

¹⁶ Nugroho, S. S. 2016. *Introduction to Indonesian Customary Law*. Bogor: Pustaka Iltizam.

¹⁷ Tamarasari, D. 2002. "Customary Law Approaches in Resolving Community Conflicts in Autonomous Regions." *Jurnal Kriminologi Indonesia* 2 (1): 37-47.

The existence of customary law as part of the national legal system has gained formal recognition through various regulations. One of them is MPRS Decree No. II/MPRS / 1960 on the National Development Plan of the universe plan, which in Appendix A paragraph 402 states that the development of national law should be directed to the establishment of a legal system based on customary law, as long as it does not hinder the development of a just and prosperous society. This is an affirmation that customary law is not just a legacy of the past, but also a foundation in building a legal system that is contextual and relevant to the character of the Indonesian nation. In addition, Law No. 5 of 1960 on basic agrarian principles (UUPA) also explicitly states that the National Agrarian law must be based on customary law, as stated in Article 5. This provision affirms that in the regulation of land, water, and other natural resources, customary law remains the main source that must be respected, as long as it does not contradict the principles of national unity and applicable legal provisions.

In line with that, the government's efforts to provide recognition and protection of indigenous peoples are also contained in the Minister of Home Affairs Regulation No. 52 of 2014. This regulation guides local governments to actively identify, recognize, and protect indigenous peoples and their rights. This form of protection includes recognition of customary institutional structures, customary territories, and customary land rights. This step is part of the implementation of the Nawacita program that prioritizes development from the periphery and strengthens the position of villages and Indigenous communities as an integral part of the unitary state. This shows that the state provides space for the existence of customary law in governance and legal development¹⁸.

However, despite formal recognition, customary law still faces major challenges in the context of modernization and globalization (Mayasari Eka, 2018). Various economic interests, in particular industrial expansion and large investments in the natural resources sector, often exclude the role and rights of Indigenous Peoples. Customary lands and customary forests are often expropriated without due process, resulting in prolonged land conflicts and the marginalization of Indigenous communities¹⁹. Indigenous peoples have a legal system and local wisdom that is very rich in the values of Environmental Conservation and social justice. Contoh konkret dapat dilihat pada praktik *sasi* di Maluku yang mengatur pemanfaatan. Concrete examples can be seen in the practice of *sasi* in Maluku, which regulates the sustainable use of marine resources, *awig-awig* in Bali, which regulates the order of indigenous village life as a whole, and *nagari* regulations in West Sumatra, which guide decision-making and conflict resolution. Therefore, it is important for the state to seriously integrate Indigenous law

¹⁸Subroto, A. 2019. "The Role of the State in Preserving the Existence of Customary Law Communities." *Yuriska: Jurnal Ilmiah Hukum* 11 (1): 59-73. <https://doi.org/10.24903/yrs.v11i1.457>.

¹⁹ Siscawati, M. 2014. "Indigenous Peoples and Systems of Forest Tenure and Management." *Jurnal Transformasi Sosial* 16 (33): 3-23. <https://www.aman.or.id/wp-content/uploads/2014/06/Wacana-33.pdf#page=159>

into the national legal system as a form of appreciation for ecological sustainability and cultural values upheld by Indigenous Peoples²⁰

Aside from being a resource management mechanism, customary law also serves as a symbol of national identity and a protector of Indonesian cultural diversity²¹. In a multicultural country like Indonesia, the recognition of legal pluralism is very important. This is confirmed in Article 18b paragraph (2) of the Constitution of the Republic of Indonesia year 1945, which states that the state recognizes and respects Indigenous peoples and their traditional rights, as long as they are alive, and by the principles of the Unitary State of the Republic of Indonesia.²² This recognition indicates that customary law is seen as a legitimate and integral element within the national legal framework, rather than as a separate or contradictory system. At a practical level, the strengthening of customary law is also in line with the principles of social justice and equal treatment as enshrined in Article 27 paragraph (1) of the 1945 Constitution, which guarantees equality before the law for all citizens.²³

In addition, customary law also has a very vital role in supporting community social resilience and Strengthening Participatory Democracy at the local level²⁴. In many areas, the formal legal system has not been able to reach or fully understand the socio-cultural conditions of society. In this situation, customary and customary law institutions are often the main solution in resolving social conflicts, because they are closer, faster, and more in line with the values of the local²⁵. The principles of deliberation, mediation, and restorative justice that characterize customary law are very relevant in building a peaceful and inclusive society. In the era of decentralization and regional autonomy, the role of customary law is even more important because it provides space for people to be actively involved in making decisions that have a direct impact on their lives²⁶. It is a

²⁰Putra, A. A., and F. Azhar. 2024. "Respecting Local Wisdom by Integrating Indigenous Peoples' Rights into Sustainable Development and Conservation Strategies." *Jurnal Ilmu Sosial dan Humaniora* 2: 243–53.

²¹Santoso, V. Y. 2020. "Revitalization of Customary Law as a Source of Law in Building the Indonesian Legal System." *Jurnal Dinamika Hukum* 13 (2): 1–12.

²²Eka, R. Mayasari. 2018. "Challenges of Customary Law in the Era of Globalization as Living Law within the National Legal System." *Journal Equitable* 3: 94–112.
<http://ejurnal.umri.ac.id/index.php/JEQ/article/view/819>.

²³Lubis, A. F., and I. Putra. 2018. "Challenges of Customary Law from Rural Communities in the Modern Era: A Study of the Conflict between Customary Law and National Law." *[Journal Title Not Specified]* 2: 2095–2104.

²⁴Thontowi, J. 2015. "Regulation of Customary Law Communities and the Implementation of Protection of Their Traditional Rights." *Pandecta: Research Law Journal* 10 (1): 1–13.
<https://doi.org/10.15294/pandecta.v10i1.4190>.

²⁵Ayusni, A., J. Nur, N. Intan, and H. Heryanti. 2023. "The Existence of Wapulaka Customary Institutions in Land Dispute Resolution." *ETNOREFLIKA: Jurnal Sosial dan Budaya* 12 (1): 39–51.
<https://doi.org/10.33772/etnoreflika.v12i1.1548>.

²⁶Toha, S. 2011. *Legal Research on the Existence of Customary Law in the Implementation of Village Governance: An Empirical Study in Bali*. Jakarta: National Legal Development Agency, Ministry of Law and Human Rights of the Republic of Indonesia.

tangible form of grassroots democracy that encourages direct participation of communities in development and law enforcement²⁷.

In the long-term development towards a Golden Indonesia 2045, the noble values contained in customary law, such as cooperation, equality, justice, deliberation, and ecological wisdom, are very relevant to shaping the character of the nation. As the world enters the era of Industrial Revolution 5.0, which emphasizes the balance between technological progress and human values, customary law can be an inspiration in designing a humanist and sustainable legal and development system. The government needs to actively encourage the revitalization and strengthening of customary law through the preparation of one-sided regulations, adequate budgeting, multicultural education, and the provision of dialogue space between state law and customary law²⁸.

Considering all these aspects, it can be concluded that customary law is an important pillar in the achievement of the Golden Indonesia 2045 vision. Customary law is not only part of the nation's identity and cultural heritage, but also a living and relevant legal system in answering the challenges of justice, sustainability, and diversity in the modern era. Therefore, the state is obliged to provide real recognition and legal protection of the existence of customary law, and integrate it into the national legal system in a fair and equal manner. The synergy between state law and customary law is the key to building an Indonesia with personality, justice, and high competitiveness by 2045.

D. Conclusion and Recommendations

The results of this study concluded that Indigenous peoples in various regions of Indonesia showed a diverse response to the process of legal modernization. Legal modernization, which is generally based on a national legal system that is legalistic, rational, and written, has had a significant impact both positively and negatively on the existence and sustainability of customary law. The positive impact can be seen from the opening of opportunities for formal recognition of customary law through national legal instruments such as village laws and Constitutional Court decisions, as well as increasing indigenous peoples' access to legal protection systems and participation in public policy making. This shows that customary law is not completely left behind, but can transform into a broader national legal container, as long as there is legal recognition and an inclusive participation space. However, legal modernization also disrupts Indigenous authority structures, the transformation of social values, and vulnerability to loss of cultural identity due to the pressure of uniform national legal norms. In this regard, the adaptation of Indigenous legal communities is divided into two main strategies: first, hybridization, that is, integrating

²⁷Pradipta, A. D., H. S. Nasution, and A. A. Siregar. 2024. "Analysis of the Impact of Legal Modernization on the Baduy Customary Law Community in the Modern Era." *Aurelia: Jurnal Penelitian dan Pengabdian Masyarakat Indonesia* 3 (2): 1218–23.

²⁸Santoso, V. Y. 2020. "Revitalization of Customary Law as a Source of Law in Building the Indonesian Legal System." *Jurnal Dinamika Hukum* 13 (2): 1–12.

Indigenous values and norms within the national legal framework; and second, resistance, that is, maintaining indigenous practices intact with the rejection of modern legal intervention, as shown by the Baduy Dalam community.

Thus, the adaptation of indigenous peoples to legal modernization is a dynamic process that is influenced by the internal strength of the community, the legitimacy of indigenous authorities, as well as the support of state policies in favor of Legal Diversity. This adaptation process is very important in realizing an inclusive, equitable, and contextual National Legal order, which ultimately supports the realization of social, economic, and legal stability as aspired to in the Golden Indonesia vision 2045.

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