

REVIEW ARTICLE

RECOGNIZING ADAT LAW: PROBLEMS AND CHALLENGES IN MODERN LAW SYSTEM IN INDONESIA

Ikhda Fitria

Law, Culture, and Society Forum, Denpasar Bali, Indonesia

E-mail: ikhdafitria@gmail.com

Adat law is a law that was born purely from the life of the Indonesian people, this law was born before Indonesia itself was born, regulated the lives of a group of individuals who are members of the community, and passed down from generation to generation. Its unwritten nature does not diminish its existence in the realm of Indonesian law, it is still respected and adhered by people called adat peoples, and its sanctions that are different from ordinary law also make this law unique. Its existence on Indonesian is also supported by the existence of a legal basis that strengthens its existence. This is adat law, a law that is considered as a law that greatly reflects Indonesian community.

Keywords: *Adat Law; Customary Law; Adat Sanction*

I. INTRODUCTION

Humans in carrying out life interactions need norms to regulate life Since born in the world, humans have mingled with other humans in an institutions called community.¹ Initially the relationship was only limited

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¹ Soerjono Soekanto, *Pokok-Pokok Sosiologi Hukum*, 1999, p. 1

to parents, and day by day the relationship will more wider. With the increasing extent of human relations, then guidelines were made to rules the community². Humans as social beings grow and develop by times along with other humans. Presenting communities with structures and functions played by humans as individuals belonging to these community groups.

As a regulator of interaction and various things in it, a rule is needed in the form of norms and values to become community rules in social relations. Like other process, which takes a long time, norms and values evolve into a law that binds all individuals in a community. Law that existed before the Indonesian state itself was officially born. Rules that were born from the real dynamics in community and become unwritten laws, but are able to present order and harmony in daily life of community. Born of the adat law.

The journey of the history of the enactment of law in Indonesia notes that many legal experts actually study adat law as a law that pure from Indonesian community life. Van Vollenhoven³, for example, said that if someone wants to get knowledge and information about the law that lives on this earth, precisely because of the diversity of its forms in the past and present, then the entire rule of the Indies (read: in Indonesia) is a source that is never old to learn. This statement contains the recognition that legal pluralism in the adat environment is unique, interesting and the characteristic of Indonesian community.⁴ Pluralism, in this context, refers to the intersection of multiple regulatory systems, which are distinct from one another. That is not to say, however, that individual normative and cultural orders are unitary and uncontested phenomena within themselves⁵.

The first thing that must be known in understanding adat law is that this legal system is different with the western legal system include all the concepts associated with it. If the state legal system (and the concept of the rule of law) is fully based on *Ancient Greece*, the adat law system stands above the historical roots of adat peoples that existed long before the concept of state law and state law itself was transplanted by Europeans through the colonialism in eastern and southern countries. including in the territory of Indonesia.⁶ This is in suitable with the basic concept stated by Van Vollenhoven, which states that adat law is a law

² Eka Susylawati, *Eksistensi Hukum Adat dalam Sistem Hukum di Indonesia*, 2009, p 126

³ Is a Dutch anthropologist who is famous for his work "Customary Law" in the Dutch East Indies so he was nicknamed "Father of Customary Law".

⁴ Lastuti Abubakar, *Revitalisasi Hukum Adat Sebagai Sumber Hukum dalam Membangun Sistem Hukum Indonesia*, 2013, p 320

⁵ L Lewis, *Judicial "Translation" and Contextualisation of Values: Rethinking The Development of Adat Law in Mayelane*, 2015. p 1127

⁶ Dewi Sulastri, *Pengantar Hukum Adat*, 2017, p 211

for indigenous Indonesians and is not based on regulations made by the Dutch government⁷.

II. ADAT LAW: THE ANCESTORS LAW

Before discussing about Adat law, maybe reader has question why I use words *adat*, not customary, and it is better if we first understand the meaning of adat itself. If the relationship with Adat law, the custom referred to here is *Adat Istiadat*. According to the book *Pengantar Ilmu Hukum* (read: Introduction to Adat Law) by Dewi Sulastri, Adat Istiadat is defined as a habit in a society which then becomes the norm that continues to live and develop. Understanding customs concerning attitudes and behavior of someone who is followed by others in a longtime process⁸.

In 1893 Snouck Hurgronje⁹ had introduced the term of *adat law* as a name to declare Indonesian people's law which was not codified.¹⁰

There are a number of differences regarding the definition of adat law, but in general, adat law is a law that is not written in the constitution, which overrides the rules of life, although not stipulated by the official institution in Indonesia, adat law are supported by the people based on their reliance that the regulation has the power law¹¹. Some adat laws that grow and develop in Indonesia include: religious adat law, overseas adat law, territorial adat law, and genealogical adat law. Each tribe or region can have its own adat law adapted to custom, character, and habits that grow and develop in that community. Thus adat law is local and very broad depending on where the customs and traditions of the community develop¹². During the colonial period, adat law was tolerated and even encouraged as a means of social control. However, its role in formal system is limited to small matters, which are permitted to be handled in indigenous courts according to custom.¹³

⁷ Surojo Wignjodipuro, *Pengantar dan Azas Asas Hukum Adat*, 1979, p 3

⁸ Dewi Sulastri. *Pengantar Hukum Adat*. 2015, p. 16

⁹ Christiaan Snouck Hurgronje was a Dutch scholar of Oriental and language culture, and Indigenous Affairs Advisor for the Dutch East Indies colonial government (now Indonesia)

¹⁰ A. Soehardi, *Pengantar Hukum Adat Indonesia*, 1954, p. 45

¹¹ Dewi Sulastri, *Pengantar Hukum Adat*, 2015, p. 26

¹² *Ibid*

¹³ Care, Jennifer Corrin, *Adat law in conflict: The status of Adat law and introduced law in post-colonial Solomon Islands*, 2010

A. The Characteristics of Adat Law

Holleman¹⁴ in his inauguration speech entitled *De Commune Trek in Indonesische Rechtsieven*, concluded four general characteristics of Indonesian Adat law, which must be seen as a unity namely *religio-magical*, *commun*, *kontan* (cash), and concrete nature¹⁵. *Religio magical* means that Adat law contains supernatural things such as supernatural beings, magic power, etc., and violation will cause disaster to the community. The nature of *comun* has the intention that in Adat law individual interests in law are always balanced with social interests. The *concrete* nature of objects in adat law must be clear and empirical. Concretely it is something visual, visible, even though it only resembles the desired object¹⁶.

And finally, it is the nature of *kontan* that the transaction issue must be submitted in cash. Usually in Indonesian society transactions are cash, cash means achievements and counter-achievements are carried out together at one time. The nature of cash implies that with a real act, symbolic act, or pronouncement, the intended legal action is completed at that time, together with when acting or pronouncing what is required by adat¹⁷. Sukanto also gave his opinion on the nature of Adat law, he said that Adat law as a complex of adat, which is mostly not written / booked, not codified and forced, has sanctions and has legal consequences¹⁸. With all of those characteristic explained by expert, we can see adat characteristic in Hilman Hadikusuma opinion, he stated the characteristic of Adat law as follows:

- 1) *Traditional*, the meaning is hereditary, valid and maintained by the community concerned.
- 2) *Religious*, meaning that the behavior of the law or legal rule is related to the reliance in the *gaib* (unseen) or based on divinity.
- 3) *Togetherness or Communal*, means prioritizing common interests, so that the interests are covered by common interests.
- 4) *Concrete or visual*, the meaning is clear, real, and tangible
- 5) Open and simple
- 6) Can change and adjust
- 7) Not codified
- 8) Deliberations to reach a joint decision.

¹⁴ Was a Dutch and South African academic, ethnologist, and jurist, best known for his research into the indigenous legal systems of the Dutch East Indies (now Indonesia) and South Africa

¹⁵ Sri Warjiyati, *Memahami Hukum Adat*, 2006, p 17

¹⁶ Imam Sudijat, *Hukum Adat Sketsa Adat*, 1981, p 37

¹⁷ *Ibid*

¹⁸ Sukamto, *Meninjau Hukum Adat Indonesia, Suatu Pengantar untuk Mempelajari Hukum Adat*, 1996

B. Concept of Adat Law Communities

Many terms are used to refer to adat law communities, such as the term *first people* among anthropologists and human rights defenders, *first nation* in America and Canada, *Indigenous Cultural Communities* in Philippines, *the original nation and native people* in Malaysia. While at the United Nations level, it has been agreed to use the term *Indigenous people* as stated in all documents that discuss one of the draft UN declarations, namely *the Draft of the United Nations Declaration on the Right of the Indigenous People*¹⁹. In Indonesia there are various terms about indigenous peoples. There are those who use the term unity of adat law communities, because it is emphasized in having the power to regulate and manage its citizens²⁰.

According to Hazairin in Danito Darwis, it was explained that adat law in its rounds of all matters relating to legal issues referred to as legal communities is any group of people from our nation who are subject to the unity of applicable law.²¹

Adat peoples are an autonomous community unit, they regulate their living systems both legal, political, and economic, which are born and develop together with the community itself. The existence of adat peoples in Indonesia has been stated by scholars in adat law, including Van VallenHoven, saying that in the archipelago, which is now called multicultural, there are 19 customary law areas (*rechtsringen*), namely, Aceh; Gayo Alas, Batak, and Nias; Minangkabau; South Sumatra; Malay; Bangka Belitung; Borneo; Minahasa; Gorontalo; Tanah Toraja; South Sulawesi; Ternate Islands; Maluku; West Irian; Timor Islands; Bali and Lombok; Central Java, East Java, Madura; Solo, Yogyakarta; and West Java, Jakarta.²²

Every adat community is led by an adat leader, the duties of an adat leader include: completing actions to treat land; such as regulating land use; selling; pledging; agreements regarding land; in accordance with adat law; law enforcement, namely supervision and legal guidance; as a judge of village peace; Maintain inner and outer balance; interference in the field of marriage; and carry out their duties in a democratic and family manner.²³

According to Ter Haar's decision theory (*beslissingenleer*), identification of various types of adat peoples based on genealogical, territorial, and genelogical and territorial.

¹⁹ Fifik Wiryanti, *Reformasi Hak Ulayat, Pengaturan Hak-hak Masyarakat Adat dalam Pengelolaan Sumber Daya Alam*, 2009. p 10

²⁰ Afdillah Ismi Chandra. *Dekonstruksi Pengertian Kesatuan Masyarakat Hukum Adat dalam Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, 2008

²¹ Danito Darwis, *Landasan Hukum Adat Minangkabau*, 1990, p. 53

²² www.plengdut.com, 2018

²³ Bawa Ragawino. *Pengantar dan Asas Asas Hukum Adat Indonesia*, pp 33 - 34

C. Geneological Law Fellowship

That is based on blood ties or hereditary. The Geneological Law Fellowship is divided into three types²⁴:

- 1) The patrilineal kinship system is a kinship system that draws bloodlines from the male line (father), this system is adopted in Tapanuli, Lampung, Bali and other traffic.
- 2) The matrilineal kinship system, which is a kinship system that draws bloodlines from the female line (mother), is adopted in West Sumatra.
- 3) Parental kinship system, namely the kinship system that draws bloodlines from the male (father) and female (mother) lines, this system is adopted by Javanese, Madura, South Sumatra and others

D. Territorial Law Fellowship

That is based on a particular area or region. There are three kinds of territorial alliances namely²⁵:

- 1) Village Alliance, people who are bound in the same village
- 2) Regional Communities, in which there are several villages, each of which has its own arrangement.
- 3) The union, namely if several adjacent legal alliances enter into an agreement to maintain joint interests, such as waterways, irrigation, form a joint management. For example: Muslim Union in Batak.

E. Geneological and Territorial Law Fellowship

That is a combination of geneological and territorial fellowship, for example in Sumba, Seram. Buru, Minangkabau and Renjang.

Van Valloven in the *Adat Staatrechts* legal theory considers that the formal order of adat peoples is guaranteed by *Rechtsgemeenschap* as a legal entity, the scope of the problem concerns the extent of his power in terms of space and people, and *ulayat*²⁶ rights. Also other questions, are regarding the structure and functions and positions and functionaries of the government, police, judiciary, and statutory regulations.²⁷

Recognition of the existence of adat peoples is a concept of limited recognition, that adat peoples are recognized as long as they do not

²⁴ Ni Nyoman Sukerti, *Gender dalam Hukum Adat*, p 5

²⁵ Bawa Ragawino. *Pengantar dan Asas Asas Hukum Adat Indonesia*, pp 33 - 34

²⁶ Ulayat rights are the rights of indigenous peoples over all agrarian resources within the territory of the customary law community concerned. Thus the object of customary rights includes all agrarian resources (earth, water and natural resources contained in it), see Ilyas Ismail, *The Structure and Recognition of Customary Rights to the Land / Hak Ulayat on Indonesia's Agrarian National Legal System*, 2010, p 50.

²⁷ I Gede Yusa. *Eksistensi Kedudukan Hukum (Legal Standing) desa Pakraman sebagai Pemohon dalam Pengujian Undang-Undang di Mahkamah Konstitusi*. 2011. pp 48-49

conflict with state interests and not opposite with the of legislation²⁸. The consequence of the concept of such recognition, as a direct derivative of the concept of the rule of law, is that if there is the existence of adat peoples and their rights and interests that are contrary to the rules of state positive law in legislation, the rights and interests of adat peoples can be ignored²⁹. This often leads to conflicts between adat peoples and other parties such as the State. This conflict stems from the contradiction of interests among those who are based on normative order and legal systems that are mutually different from one another, namely between adat law used by adat peoples and positive laws used by the government.

But even so, the state still respects the existence of adat law and its adat peoples, as much as possible the state will make policies that benefit both parties, both the state as the holder of power, and the adat peoples.

III. THE CONCEPT OF ADAT JUSTICE AND ADAT SANCTIONS

In the traditional cosmic mind of Indonesia, what is important is the importance of creating a balance between the empirical and the unseen world, between the whole human group and individuals, between alliances and friends of society³⁰. All actions that interfere with the balance constitute a violation of law and the legal officer is obliged to take necessary measures to restore the legal balance of reality, adat law is a balancing tool for shock in community due to offense violations, serves to maintain harmony, resolve conflicts, maintain solidarity in community, as a reflection of the ideals, morals, religion and morality of society and their nature which is not *prae-existence*.³¹ And also traditional society believes that humans are part of the *macro cosmos* (universe), which is not separate from God Almighty as the creator of all things, including the creator of balance. Its existence in a position of interconnection, influencing and being in a state of harmony or balance, therefore a violation of the balance must be sanctioned and return something that is violated to balance³².

In the context of Indonesia, dispute resolution mechanisms are developed among traditional communities that can function well, mostly among those who have traditional values and prioritize common interests over individual interests. This important point drives the idea that the

²⁸ Dewi Sulastrri, *Pengantar Hukum Adat*, 2015

²⁹ *Ibid*

³⁰ Imanuel, Gerald Liem, *Penerapan Hukum Pidana Adat dalam Hukum Indonesia*, 2013, p 123

³¹ *Ibid*.

³² *Ibid*.

traditional dispute resolution institutions should be studied more intensely to develop better conflict resolution mechanisms to address social conflicts³³. According to Ter Haar's view, there is a violation of offense if there is a one-way disturbance (*eenzijdig*) on balance and every one-sided collision of goods in the material life of a person, or rather than a large number of people (a bunch), such a reaction whose nature and size is determined by customary law is a customary reaction (adat reaction) because of the reaction where balance can and must be restored (mostly by way of payment of violations in the form of goods or money)³⁴. So according to Ter Haar's understanding, to be called an offense this act must result in a shock in the balance of society. And this shock does not only occur when the legal regulations in a society are violated, but also if the norms of decency, politeness, and religion in a society are violated. Settlement of violations of adat acts is not based on *retributive* views but as a means of resolving conflicts, maintaining conditions of harmony among members of the community, and maintaining solidarity. In a broader dimension the sanction is also to restore the cosmic balance³⁵

In modern society, courts are a common institution for dispute resolution. Through the court, disputes will be examined using formal law as a standard. The judges who preside in a case will apply these norms and determine which party is in conflict and which is wrong.

Dispute resolution in court often places disputing parties on the opposite side, where one party wins while the other loses. But this sometimes creates disturbed relationships between parties in disputes, which makes it almost impossible for them to build good relationships in the future³⁶. Adat law puts forward the settlement of disputes or community problems with the principle of harmony or balance of the community itself. If modern law prioritizes dispute resolution in high-cost and complicated courts, in adat law it is enough to bring together the parties to the dispute and continue to study according to adat law by the adat leader, then the punishment or adat sanction is decided according to the perpetrator. In some communities, actions to resolve disputes in court are considered *taboo* and dangerous for long-term interpersonal relations.

Handling cases with adat law systems like this is faster, cheaper and more efficient. Compared with litigation settlement that tends to be long and expensive, and sometimes decisions that are taken are far from justice because the judge decides subjective and is often partial and

³³ Novri Susan. *Peran Pranata Adat dalam Pencegahan/Penghentian Konflik antara Kelompok Masyarakat*, Badan Pembinaan Hukum Nasional, 2014. p. 38-39.

³⁴ Made Widnyana, *Kapita Selekta Hukum Pidana Adat*, 1993. p. 5.

³⁵ Novri Susan. *Peran Pranata Adat dalam Pencegahan/Penghentian Konflik antara Kelompok Masyarakat*, Badan Pembinaan Hukum Nasional, 2014. p 125

³⁶ Ari Siswanto, *How Adat Law Breaks The Cycle Of Vengeance: The Epkeret Tradition In Southern Buru*, 2018. p 360

biased³⁷. In traditional communities, the situation might be different. Traditional societies are generally characterized by relationships that emphasize togetherness, so that the need for community integrity is preserved and is also considered important because it reflects what Putnam calls *social capital bonding*³⁸.

The existence of the adat sanction in the community is a reflection of the life of the community and in each region that has their own adat sanctions which differs according to the customs in the area. An example of the application of adat sanction is to the residents of the *Tengger*³⁹ Tribe, who live on the slopes of Mount Bromo, they have their own way of dealing with crimes that occur in their tribes. In this case, an example can be taken from the research conducted by Joni Iswanto, in his thesis entitled "*Process of Settling Criminal Actions According to Tengger Tribe in 2003*", he stated that the Tengger Tribe in resolving criminal acts or any actions that caused shock or riots in Tengger were carried out in the traditional way⁴⁰.

Application of adat law in the form of sanctions in the form of fines, expulsion from the village, and expelling from the community. The community believes that the sanction has the same force as the law in the criminal law system (KUHP), because the sanction is an agreement that has been established by previous traditional leaders. The adat leaders are incorporated into a customary institution both formal and non-formal⁴¹.

As explained by Van Voolenhoven in "*Adat Recht Chapter XI (Adatstrafrecht van Indonesiers)*" page 745, It has explained the main differences between the criminal law system (KUHP) and the traditional criminal law system, namely:

- 1) A basic point of: criminal code system is that only a human can be convicted. Legal alliances in Indonesia such as villages, relatives or relatives do not have criminal responsibility for offenses committed by their citizens. But keep in mind, too, that the flow of tribal thoughts in Indonesia is different. In some regions in Indonesia, such as the land of Gayo, Nias, Minangkabau, South Sumatra, Kalimantan, Gorontalo, Ambon, Bali, Lombok and Timor often have a different system. Briefly the criminal law system adheres to *individual responsibility, strict liability and vicarious liability*.

³⁷ Pendastaren Tarigan, *Spirit Hukum*, 2012

³⁸ Robert D. Putnam, *Bowling Alone*, Simon & Schuster, New York, 2000. p.39

³⁹ Is a community of people living in the highlands around the mountain of Bromo-Tengger-Semeru, East Java, Indonesia

⁴⁰ Galuh Faradhilah Yuni Astuti, *Relevansi Hukum Pidana Adat Dalam Pembaharuan Hukum Pidana di Indonesia*, 2015. p 197

⁴¹ Imanuel, Gerald Liem, *Penerapan Hukum Pidana Adat dalam Hukum Indonesia*, 2013. p 122

- 2) In adat law, the element of error in the form of intentional or negligence is not an absolute requirement and sometimes there are certain offenses in adat sanction law which do not require proof of intentional or negligent.
- 3) In adat sanction anyone who participates in opposing the rules of adat law is required to participate in fulfilling the required to restore legal balance. So everyone who participates in committing a crime or fighting offense must take responsibility. It does not matter whether it is only as an actor to help or the main actor⁴².

In addition there are also further differences between adat law and ordinary law explained by Nyoman Serikat Putra Jaya, namely:

- 1) The Criminal Code System is based on *prerequisites regels* (violations of previously defined law or legality principle), while customary criminal law does not recognize *prae-existente regels*.
- 2) Western legal systems distinguish between criminal law and civil law, while customary law does not distinguish between criminal law and civil law.
- 3) The Criminal Code is intellectualistic and rationalistic, while the customary criminal law is based on the subject of the cosmic mind and prioritizes harmony between the world of birth and the occult world, between the whole human group and one person, between the alliance and members of the community⁴³.

IV. DEVELOPMENT OF ADAT LAW IN INDONESIAN JURISPRUDENCE

What is the function of law? This is a system of rules and institutions that support civil society, which facilitates orderly interaction and that resolves disputes or conflicts that arise regardless of the rules⁴⁴. It also allows people in the community, through the official institution, to determine the boundaries of what can and cannot be done in their collective interest. Laws can be made in various ways, can be negotiated, forced or evolved⁴⁵. Studying the juridical aspects of the basis of the enactment of customary law means learning the legal basis for the entry into force of customary law in Indonesia⁴⁶. Based on historical facts, it can be divided into two periods, the colonial era, namely the Dutch and

⁴² Van Voolenhoven, *Adat Recht Bab XI (Adatstrafrecht van Indonesiers)*, p. 745

⁴³ Nyoman Serikat Putra Jaya, *Kapita Selekta Hukum Pidana*, 2001, p. 158-160

⁴⁴ When there was conflict in interaction, the legal institutions must step in to resolve such disputes fairly in accordance with established rules of dispute resolution.

⁴⁵ Warren B Chick, '*Customary internet-ional law*': *Creating a body of customary law for cyberspace. Part 1: Developing rules for transitioning custom into law*, 2006. p 6

⁴⁶ Saragih, *Pengantar Hukum Adat Indonesia*, Bandung: Tarsito, 1984, p 15

Japanese colonial times in Indonesia, and the era of Indonesian independence until now.

A. Jurisprudence in The Colonial Period

Adat law has existed since the Dutch era occupied Indonesia, then was replaced by Japanese occupation. In those days the legal basis used was called *the Reglement of Het Beleid der Regering van Netherlands Indie*, which meant the rule of government policy in the Dutch East Indies, then in Japan named *Dai Nippon*, namely *Osamu Sirei* Article 3 which stated that the previous regulation remained before, in this means the rules of the Dutch era.

Provisions that existed at that time were the provisions of the new Article 75 RR, which in 1925 was promulgated in Stb Number 415 Jo 577 took effect from 1 January 1926 and was included in article 131 IS (*Indische Staatregeling*). This provision is an improvement from the old article 75 paragraph 3 RR 1854 Stb No. 2 of 1854 and Stb No. 2 Jo 1 1855.⁴⁷ Between article 131 IS and the old article 75 old RR has several differences in provisions.

B. The Legal Basis for Adat Law and Its Development Since 1945

With the proclamation of Indonesian independence on August 17, 1945 Colonial power ended in Indonesia. In this case we can see, political power can be ended with a decree. But no in cultural power and legal power, that cannot be ended with a decree. Legal power, for example, takes a long time to end. Therefore, a transitional rule is needed that bridges between the old rules and the prospective new rules⁴⁸.

This can be likened to riding a bus that is running fast, then suddenly dismissed. Will definitely cause chaos in it. Likewise in the law, if the colonial law which at that time was being used, was immediately replaced with the new law of Indonesia itself, it would cause chaos and legal emptiness, then the transitional rules were made. But the existence of this regulation also does not reduce the sovereignty of the Republic of Indonesia itself in its legal arrangements⁴⁹. The provisions used as the basis for the entry into force of customary law at this time are:

1) Provisions of the 1945 Constitution

One of the results of the amendments 1945 Constitution is Article 18 B paragraph (2) and Article 28 I paragraph (3) which are related to the existence and rights of adat peoples. Article 18 paragraph (2) "*The State recognizes and respects customary law community units along with their traditional rights insofar as they are alive and in*

⁴⁷ Dewi Sulastri, *Pengantar Hukum Adat*, 2015. p 170

⁴⁸ Mahadi, *Uraian Singkat Hukum Adat*, 2013, pp 80-81

⁴⁹ *Ibid*

accordance with the development of society and the principle of the unitary state of the Republic of Indonesia regulated in law". further Article 28 I Paragraph (3) "Cultural identity and rights of traditional communities are respected in accordance with the development of the times and civilizations."

- 2) Law number 1 of 1951 The law on temporary measures to organize structural units, powers, and civil court events article 1 paragraph 2 of the law drrt 2 of 1951
- 3) Law number 5 Concerning the Basic Agrarian Law
- 4) Law number 41 of 1999 concerning The Main Forestry Law
- 5) Government Regulation number 21 of 1971 concerning HPH and the Right to Collect Forest Products
- 6) Law number 4 of 2004 which replaces Law number 14 of 1970 concerning the Basic Provisions of Judicial Power
- 7) Law number 1 of 1974 concerning Marriage
- 8) Government regulation number 24 of 1997 concerning Land Registration
- 9) Law number 31 of 2004 concerning Fisheries
- 10) Law number 2001 concerning Oil and Gas

V. CONCLUSION

Adat law is still alive and sustainable in Indonesia even though now the era has entered globalization era, this is because the values contained in the adat law have been imbued, respected and believed to exist. People will feel guilty if they violate adat law even though the law is not written or codified. The existence of adat peoples as a framework for adat law also been recognized by the Indonesian government as the official institution of the state through Laws and Provisions

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