

Synergy of Moral Values in Customary Law with the Philosophy of Natural Law

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<p>Article history Received: 21 June 2024 Revised: 10 July 2024 Accepted: 27 July 2024</p> <p>Key Words Legal Naturalism, Customary Law, Synergy.</p>	<p>Abstract In the context of ongoing modernization, which is marked by the dominance of legal positivism in Indonesia, it does not automatically stop the existence of customary law. The current reality is that customary law continues to exist. Indigenous peoples still adhere to the moral values contained in their customary laws. Customary law, with the moral values contained therein, can be seen as being in line with the flow of naturalism legal philosophy. Moral values in customary law also have strong roots in human relations with nature and the surrounding environment. Customary norms often regulate human interaction with nature, animals and other natural elements. The principles of justice, harmony and balance with nature are an integral part of customary law. This study aims to find the existence of customary law and the synergy between customary law and legal naturalism. The research method used is socio legal which studies the interaction between the legal system and society. The results of this study show that the existence of customary law in Indonesia still exists and the value of morality in customary law norms synergizes with the flow of legal naturalism.</p>
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1. Introduction

Customary law in Indonesia strongly reflects the nation's identity. This customary law represents the embodiment of the nation's soul, rich in cultural heritage, traditions, and values that have been deeply rooted in society for centuries. Customary law reflects the unique characteristics possessed by the Indonesian people.¹ This is evident from the diversity of ethnicities, cultures, and traditions that encompass the Indonesian archipelago. Each region in Indonesia has its own unique customary legal system, which highlights the diversity and complexity of the nation. Customary law contains values that are highly significant to Indonesian society. It carries moral principles, ethics, and wisdom that have stood the test of time. Customary law emphasizes the importance of harmonious relationships between humans and nature, as well as between individuals. Principles such as mutual cooperation, justice, and solidarity serve as strong foundations in customary law. The existence of customary law also reflects the sense of unity and diversity present within Indonesian society.² Despite the cultural and traditional differences in each region, customary law remains a means of connecting communities in the spirit of togetherness. Customary law strengthens social bonds and promotes tolerance and respect for differences. It also serves as a guardian and protector of the cultural identity of the Indonesian nation. Customary law communities preserve ancestral traditions, value local wisdom, and safeguard the sustainability of both culture and the environment. Customary law acts as a form of

¹ Surojo Wignjodipuro, *Pengantar dan Azas-Azas Hukum Adat*, (Jakarta: Gunung Agung, 1982), 1.

² Anto Sumarman, *Hukum Adat Perspektif Sekarang dan Mendatang*, (Yogyakarta: Adi Cita Karya Nusa, 2003), 3.

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protection for unique indigenous cultures and is an inseparable part of the nation's identity.

The existence of customary law communities in Indonesia reflects the continuity of a rich culture and local wisdom deeply rooted in moral values.³ These communities maintain a harmonious relationship with nature and the environment around them. In customary law communities, there is an understanding of the importance of preserving balance and sustainability within the ecosystems they inhabit. Values such as solidarity, mutual cooperation, and respect for others and nature form the ethical foundation of their lives. In practicing their customary norms, these communities emphasize the principles of justice, honesty, and balance. Customary law communities have a value system that respects equality, prioritizes the common good, and ensures that the needs and rights of all members are met. At the same time, they also respect social order and the diversity present within their community. Customary law communities also have strong social traditions, including customary institutions that play a role in enforcing rules and resolving disputes.⁴ These institutions typically involve respected and wise customary leaders, whose duty is to ensure the continuity of norms and moral principles within the community. The existence of customary law communities that remain committed to these moral values contributes greatly to Indonesia's social and cultural life. They enrich the nation's diversity, and their local wisdom serves as a source of inspiration for sustainable development and environmental preservation. The importance of protecting and preserving customary law communities and the moral values they uphold is a shared responsibility of the government and all Indonesian people. By understanding, respecting, and working together with these communities, we can strengthen cultural diversity, achieve social justice, and build a nation based on strong moral principles.⁵

In customary law, there is no separation between substantive law and formal law. Substantive law refers to the content or substance of a legal regulation, while formal law relates to the procedures or methods of implementing that law. In customary law, these two aspects are integrated into a cohesive whole. Customary legal norms not only regulate actions or behavior but also provide explanations regarding the values and principles underlying those norms. Overall, customary law is a comprehensive and integral legal system. It encompasses various legal aspects, such as substantive and formal law, civil and criminal law, as well as administrative law and communal law. This holistic approach strengthens the close relationship between legal norms and the social, cultural, and moral values highly esteemed in customary law communities.⁶ Customary law, as a legal system that grows and develops within customary communities, has deep roots in traditions, local wisdom, and principles that involve the interaction between humans and nature. This concept aligns with the philosophy of natural law, which emphasizes sources of law derived from nature and the objective

³ Aries Isnandar, *Integrasi Proses Sosiologis Yuridis Dalam Masyarakat Sebagai Alternatif Penyelesaian Proses Pidana (Korelasi Antara Hukum Adat, Positivistik Dan Common Law)*, Universitas Soerjo, Ngawi, Media Soerjo, Vol. 19, No. 2, 2016, 8-9.

⁴ Lastuti Abubakar, *Revitalisasi Hukum Adat Sebagai Sumber Hukum Dalam Membangun Sistem Hukum Indonesia*, Hukum Universitas Padjadjaran, Bandung, Jurnal Dinamika Hukum, Vol. 13, No. 2, 2013, 321.

⁵ M. Koesnoe, *Hukum Adat Sebagai Suatu Model Hukum*, (Bandung : Penerbit CV. Mandar Maju, 1992), 1-10.

⁶ Dominikus Rato, *Realisme Hukum: Peradilan Adat dalam Perspektif Keadilan Sosial*, Universitas Jember, Jember, Jurnal Kajian Pembaharuan Hukum, Vol. 1, No. 2, 2021, 287.

realities surrounding us. In customary law, legal norms are not solely based on rules set by the government or state institutions but also emerge from experiences, local wisdom, and traditions that have existed in society for centuries. Customary law reflects a close relationship between humans and nature, where moral values, justice, and harmony with the environment are essential principles.

The philosophy of natural law also views law as an inherent part of the order of nature. Law is seen as a result of the interaction between humans and nature, reflecting the values present within it. From this perspective, customary law embodies the principles of natural law. It draws its roots from the traditions and local wisdom found in customary communities while considering the principles of nature and the harmonious relationship between humans and the environment. The connection between customary law and the philosophy of natural law provides a deeper understanding of the importance of viewing law as inseparable from the objective realities surrounding us. Customary law acknowledges and respects the knowledge embedded in local wisdom and traditions, while maintaining harmony with nature. In this respect, customary law offers insights that align with the philosophy of natural law in perceiving law as an integral part of the broader reality of nature. In the face of strong pressure from the positivist legal paradigm embraced by the Indonesian legal system, customary law communities firmly uphold and preserve their customary laws, which align with the philosophy of natural law. The positivist legal theory, rooted in the view that law is created by state authorities and must adhere to written regulations, has become dominant in modern Indonesian law. Positive law, consisting of laws, regulations, and court decisions, serves as the primary foundation for governing societal life.⁷

Currently, customary law communities refuse to forget or abandon their customary laws, which have been an integral part of their cultural heritage for centuries. These communities firmly believe that their customary laws have a close relationship with nature and the values passed down through generations.⁸ From the perspective of natural law, customary law is seen as a manifestation of natural wisdom and the relationship between humans and their environment. Customary law reflects a harmonious balance between humans and nature, as well as communal values and local wisdom that have guided these communities for centuries. Customary law communities not only maintain their customary laws but also actively strive to preserve them. They work to teach their customary laws to younger generations, practice them in daily life, and advocate for the recognition of customary law within the national legal system. In the face of the dominance of positive law, these communities find strength in their unity and solidarity. They form customary institutions, communities, and organizations to advocate for their rights and engage in dialogue with the government and legal institutions to obtain recognition and protection for their customary laws. This background serves as the foundation for this research, which aims to explore the existence of customary law amidst the significant influence of positivist legal theory. Additionally, the application of values within customary law demonstrates synergy

⁷ Asep Bambang Hermanto, *Ajaran Positivisme Hukum Di Indonesia: Kritik Dan Alternatif Solusinya*, Universitas Pancasila, Jakarta, Selisik, Vol. 2, No. 4, 2016, 108.

⁸ Husen Alting, *Dinamika Hukum dalam Pengakuan dan Perlindungan Hak Masyarakat Hukum Adat Atas Tanah* (Yogyakarta: Laksbang Pressindo, 2010), 30.

with the philosophy of natural law, making it an intriguing subject for research and analysis

2. Method

The type of research used is Socio-Legal, which refers to an approach that combines social science and law to study the interaction between the legal system and society.⁹ In this context, the research employs a literature review as a method for collecting relevant data and information. The literature review method involves searching, collecting, and analyzing sources related to the research topic from literature, journal articles, books, research reports, and other sources. In the context of Socio-Legal legal research, utilizing the literature review method can provide a broad insight into theories, approaches, and research related to the topic. This can assist researchers in constructing a theoretical framework, understanding the relevant legal and social contexts, and identifying issues that need to be explored further.¹⁰

3. Results and Discussion

3.1. Existence of Customary Law Communities Amidst the Positivist Legal Paradigm Embraced by Indonesia

In 1883, a researcher named Snouck Hurgronje introduced the term "customary law" for the first time in his book titled "De Atjehnese." In this book, Snouck Hurgronje introduced the term "Adatrecht," which refers to customary law applicable to the indigenous population, specifically the native Indonesians, as well as foreign Easterners during the Dutch East Indies period. Snouck Hurgronje was a Dutch orientalist and ethnographer who was interested in the culture and society of the Dutch East Indies, particularly in Aceh.¹¹ In his research, he observed and analyzed the legal system implemented in Aceh society and realized that the local community had norms and regulations that differed from the Dutch colonial law. By using the term "Adatrecht," Snouck Hurgronje aimed to highlight the importance of customary law as an integral part of the life of indigenous Indonesians. He acknowledged that the local community had a legal system that existed before the arrival of Dutch colonizers and that this customary law also applied to foreign Easterners residing in the area. The concept of customary law introduced by Snouck Hurgronje became significant in recognizing the diversity of law and culture in Indonesia. The term "Adatrecht" acknowledged the legacy of customary law that remains relevant and plays a role in Indonesian society. Since then, the term "customary law" has continued to be used and developed in the context of Indonesian law. The government and legal institutions in Indonesia recognize the importance of customary law as part of the officially recognized national legal system, alongside the positive law enacted by the state.

The formation of customary law begins with the personal behavior of community members when they interact with one another. Repeated interactions form social interactions, which then shape social systems. In the process of social interaction, individual behavior can influence the behavior of others. Over time, habits formed from

⁹ Sulistyowati Irianto, Jan Michiel Otto, Sebastiaan Pompe, Adriaan W. Bedner, Jacqueline Vel, Suzan Stoter, Julia Arnscheidt, *Kajian Sosio Legal*, (Denpasar : Pustaka Larasan, 2012), 5.

¹⁰ Dominikus Rato, *Op Cit*, 289.

¹¹ Soerjono Soekanto, *Hukum Adat Indonesia*, (Jakarta : Penerbit Rajawali, 1990), 10-15.

these interactions become "customs," which are reflected in the feelings and norms of the community. Customs are then adopted by the group as rules that all members must follow. These customs evolve into "customary law," which regulates the behavior and actions of community members within the legal context of the community. In the context of customary law, customs hold legal value that is recognized and respected by the community. Customary law serves as a guide for community members in regulating and resolving conflicts, maintaining social order, and enforcing discipline in daily life.¹² After Indonesia gained independence, the state firmly acknowledged and respected the existence of customary law and indigenous communities. The legal basis for this can be found in Article 18B Paragraph (2) of the 1945 Constitution, which states that the state sincerely respects and recognizes the unity of customary law communities and their traditional rights.¹³ However, this recognition and respect remain subject to conditions that are relevant to societal development and the principles of the Unitary State of the Republic of Indonesia, as stipulated by law. In this context, the recognition of customary law and indigenous communities represents the state's genuine effort to protect and advocate for the traditional rights inherited by indigenous peoples over generations. This approach aligns with the principle of the Unitary State of the Republic of Indonesia, which emphasizes the importance of national unity while still acknowledging and protecting the diversity of legal systems and cultures within the country.

The recognition of customary law and indigenous communities is a tangible effort by the state to achieve social justice and strengthen Indonesia's identity and cultural continuity. By respecting and advocating for the traditional rights of indigenous peoples, the state helps build a strong foundation to preserve legal and cultural diversity as the nation's wealth. The existence of customary law communities amidst the positivist legal paradigm embraced by Indonesia is a complex and challenging condition. Legal positivism, which emphasizes the importance of laws formally established by the state, can threaten or disregard the existence and rights of customary law communities. However, these communities continue to fight to preserve their identity, culture, and customary laws. One of the challenges they face is the lack of formal recognition of customary law by the national legal system. Formal recognition is crucial because it provides a strong legal foundation for customary law communities to sustain and develop their legal systems. Without adequate recognition, the traditional rights of customary law communities may be ignored or disrespected. The conflict between customary law norms and national law norms presents a significant challenge to the existence of indigenous legal communities. These two legal systems often conflict with each other and are difficult to reconcile. When customary law norms are not recognized or conflict with national law, indigenous communities may face legal uncertainty, oppression, and injustice. Customary law norms refer to the rules applied and respected by the indigenous communities of a particular region or community. These norms have existed for generations and are shaped by cultural values, traditions,

¹² Suriyaman Mustari Pide. *Hukum Adat : Dahulu, Kini, dan Akan Datang*, (Jakarta : Penerbit Kencana Prenada Media,2017), 1-4

¹³ Winardi, *Eksistensi Dan Kedudukan Hukum Adat Dalam Pergumulan Politik Hukum Nasional*, STKIP PGRI, Jombang, *Widya Yuridika*, Vol. 3, No. 1, 2020, 100-101.

beliefs, and experiences inherent in indigenous societies. Customary law norms are often unwritten and orally transmitted, making them difficult to clearly identify.¹⁴

National law norms, on the other hand, are a set of rules established by the government of a country to regulate relationships between individuals within society. National law norms are usually codified in written legislation, with formal procedures for their enactment. These norms are based on a positivist legal system, which prioritizes the supremacy of written laws created by the state. When customary law norms and national law norms clash, indigenous communities often face complex challenges. One of the main obstacles is legal uncertainty. Indigenous people may struggle to determine which set of rules to follow, as they are confronted with two different legal systems that often contradict one another. When the government does not recognize or disregards customary law norms, indigenous people may face difficulties in making legal decisions and taking lawful actions. National law norms, rooted in positivist legal theory, emphasize the supremacy of written law established by the state. This perspective views law as a product of state policy that must be followed by all citizens equally. Conversely, customary law norms are derived from the traditions, culture, and beliefs that are deeply embedded within indigenous communities. Customary law tends to be flexible, adapting to local needs and, in many cases, remains undocumented in written form. This divergence in legal perspective often leads to tension between customary law and national law. Governments frequently prioritize national law and may either ignore or reject the recognition of customary law norms, leading to an imbalance of power between indigenous communities and the official legal framework.

Indigenous communities that still adhere to unwritten customary laws, such as traditional rules, often find that resolving disputes through customary law offers greater benefits in terms of justice than through national law. One of the main reasons is that customary law is often more closely aligned with the cultural values, traditions, and beliefs ingrained in these communities. Traditional rules are shaped by generations of experience and take into account local social, economic, and political dynamics. As a result, when communities face issues involving conflict or violations, customary law is seen as a more accurate and contextually appropriate solution. Additionally, customary law is more adaptable to the needs and interests of the community it serves, providing a level of flexibility that national law often lacks.¹⁵

Customary laws can be adapted to the changing times and social dynamics within the community. This flexibility allows for more precise and just resolutions for the parties involved. Beyond the benefit of justice, resolving disputes through customary law also offers other advantages, one of which is its accessibility to the community. Dispute resolution processes through customary law are often closer and more familiar to the people because customary rules are an integral part of their daily lives. The community feels more comfortable and familiar with resolutions involving customary leaders, customary institutions, or existing customary mechanisms. Research conducted by Widnyana (1993) in Bali revealed that the extension of customary law in

¹⁴ Anto Soemaman, *Hukum Adat Perspektif Sekarang dan Mendatang*, (Yogyakarta: Mitra Gama Widya, 2003), 11.

¹⁵ Erlina Maria Christn Sinaga, *Politik Legislasi Hukum Tidak Tertulis Dalam Pembangunan Hukum Nasional*, Pusat Penelitian dan Pengkajian Perkara, dan Pengelolaan Perpustakaan Mahkamah Konstitusi Republik Indonesia, Jakarta, *Rechtsvinding*, Vol. 8, No. 1, 2019, 3.

Indonesia, particularly in Bali, holds significant strength. The study identified four types of customary offenses (*delik adat*) recognized in Bali:¹⁶

1. Customary offenses related to morality: These involve violations of honor, morality, and ethical norms highly valued by the Balinese society. Examples of such offenses include adultery, indecent acts, or actions that are considered to damage the good image and honor of individuals or families.
2. Customary offenses related to property: These offenses concern violations of property rights or ownership as recognized in Balinese customary traditions. Examples include theft, fraud, or embezzlement of property.
3. Customary offenses that infringe personal interests: These involve violations of individual rights within the Balinese community. Examples include insults, physical abuse, or actions that cause personal harm.
4. Customary offenses due to negligence or failure to fulfill obligations: These offenses relate to the failure to carry out duties or responsibilities expected of individuals in the Balinese customary society. Examples include neglecting customary tasks, ignoring social obligations, or failing to keep promises.

This research demonstrates that Balinese customary law encompasses not only social and cultural aspects but also includes dimensions of morality, ownership, personal interests, and obligations. It highlights the richness and complexity of customary law that remains relevant and respected by the Balinese people. Additionally, research conducted by Sudiyat (2000) in the Dayak, Seram, Buru, and Maluku communities also found that customary law exists in the form of specific offenses. These customary offenses fall under the category of serious crimes and have significant implications for individuals and the community if violated, such as betrayal, pregnancy outside of marriage, insulting a customary leader, and abducting a woman. These findings reflect the enduring relevance of customary law across different regions in Indonesia, with each community preserving its legal system that governs morality, property, personal rights, and social responsibilities. Customary law not only plays a vital role in maintaining social order but also serves as a mechanism for justice that resonates with the cultural values and traditions of indigenous communities.¹⁷

The research findings by Widnyana (1993) in Bali and Sudiyat (2000) in the Dayak, Seram, Buru, and Maluku regions provide a clear illustration that the existence of customary law in Indonesia remains strong and relevant, even amidst the application of written laws based on legal positivism. Despite being unwritten, customary law is still firmly upheld by indigenous communities across Indonesia. This demonstrates that customary law holds a significant position and role in maintaining social justice and harmony within these communities. The continued existence of customary law cannot be overlooked, especially when conflicts arise between customary law norms and national legal norms. The enduring strength of customary law in Indonesia reveals that indigenous communities still recognize the authority and applicability of their traditional legal systems in resolving disputes and maintaining social order within their communities. Even with the enforcement of national law based on positivist legal

¹⁶ Murtir Jeddawi, Abdul Rahman, *Identifikasi Hukum Adat Yang Masih Berlaku Dalam Penyelesaian Persoalan Sosial Di Desa Kawo Kabupaten Lombok Tengah*, Institut Pemerintahan Dalam negeri, Jakarta, Jurnal Kostituen, Vol 2, No. 2 2020, 93-94.

¹⁷ *Ibid.*

theories, customary law remains a crucial foundation in determining justice and resolving issues that arise in indigenous societies. In this context, it is essential to acknowledge and respect the existence of customary law in Indonesia while seeking ways to build harmony and balance between customary and national laws. Collaborative efforts between national legal institutions and indigenous communities are necessary to ensure the protection of the rights and interests of indigenous people, while also preserving the cultural heritage and traditions they hold dear.

3.2. Synergy Between Customary Law and the Natural Law Philosophy in the Application of Moral Values

The philosophy of natural law is an approach in legal philosophy that posits that law is rooted in natural or inherent sources. Adherents of natural law believe that moral principles or truths inherent in the universe form the foundation of legal systems. In the context of natural law, law is viewed as an objective entity that can be discovered and understood through observation and study of nature and human life. Proponents of this philosophy argue that law has universal characteristics and is not solely dependent on human decisions. Natural law emphasizes the importance of understanding the relationship between law and morality, asserting that good law must align with moral principles found in the natural world. Therefore, adherents of natural law consider just and true laws as those that reflect objective and universal moral values. Natural law philosophy encompasses various schools of thought, such as ethical naturalism, which emphasizes ethical values as the basis of law, and rational naturalism, which emphasizes reason and intellect as the sources of law.¹⁸ Although natural law emphasizes the natural qualities of law, it also recognizes the role and importance of human interpretation in understanding and applying it. Proponents of natural law do not deny the role of judges or law enforcers in interpreting and implementing the law however, they believe that such interpretations should be grounded in natural moral principles.¹⁹ It is important to note that natural law is only one approach in legal philosophy, alongside other perspectives such as legal positivism, constructivism, and utilitarianism. Each approach offers its own views and arguments regarding the origin and nature of law.

According to natural law theory, humans inherently possess moral principles that serve as an important foundation for the existence of law. If a law is not based on moral principles, it cannot be considered legitimate. This perspective relates closely to customary law, where values embedded in customs and traditions are based on moral principles. In customary law communities, morality plays a central role in maintaining peaceful and harmonious living. Through moral principles, customary communities preserve their respective traditions and customs. In this context, morality becomes a crucial benchmark in determining the existence of law and influences customary law. Laws that contradict moral principles are inconsistent with the values upheld in customary communities and, therefore, are considered illegitimate. Morality serves as a pillar supporting the existence of customary law, as it ensures that communities maintain their traditions and customs in a way that fosters collective peace and well-

¹⁸ Selika Aprita & Rio Adhitya, *Filsafat hukum*, (Jakarta : PT Raja Grafindo Persada, 2020), 101.

¹⁹ Sofi Rahma Dewi, *Relasi Hukum Dan Moral Dalam Sistem Penegakan Etika Penyelenggara Pemilihan Umum Di Indonesia*, Hakim Ad Hoc Pengadilan HAM Tingkat Pertama, Makassar, *Acta Law Journal*, Vol. 1, No. 1, 2022, 41.

being. Through moral values, customary communities preserve harmony and create a peaceful and prosperous environment for all members. This synergy between natural law and customary law emphasizes that law, when grounded in universal moral values, not only maintains order but also ensures justice within indigenous communities, further supporting their way of life and cultural heritage.

The moral principles embedded within customary values serve as a crucial instrument in the growth and development of legal naturalism within indigenous legal communities. Legal naturalism emphasizes that the source of law derives from nature and objective reality, while also recognizing the existence of inherent moral principles in human beings.²⁰ In indigenous legal communities, moral and ethical values form the foundation of customary law, influencing the understanding and application of customary law in everyday life. These communities deeply respect and uphold the moral principles found in their traditional values. In line with the natural law perspective, the moral values in indigenous legal communities also involve the interaction between humans and nature, fostering harmonious relationships between people and their environment. These moral principles act as a guide for maintaining ecological balance, respecting nature, and living in accordance with the wisdom of local traditions. Legal naturalism thrives in such communities because both concepts are complementary. Natural law recognizes morality as a source of law, while indigenous legal communities ground their customary values in high moral principles. Together, these views reflect the interconnectedness of humans with nature and the importance of morality in the administration of law. The alignment between natural law and customary law demonstrates that both frameworks share common values: moral integrity and a strong connection to nature. In indigenous societies, this relationship highlights the importance of maintaining cultural traditions while adhering to principles that promote justice, balance, and sustainability. As such, natural law can flourish in these communities by drawing upon the moral compass already present in their customary practices.

The moral principles embedded in customary law reflect the ethical values and behavioral norms upheld by indigenous communities in Indonesia. These principles serve as a guide for daily life and influence legal actions within the context of customary law. The key moral principles found in customary law in Indonesia include:²¹

1. Harmony with Nature.

This principle emphasizes the importance of maintaining ecological balance and living in harmony with the natural environment. Indigenous communities strive to coexist peacefully with nature, treating the environment with respect. For example, the Lindu people in Central Sulawesi, who inhabit the Lore Lindu National Park, implement forest use zoning to maintain environmental harmony.

2. Honor and Respect

This principle underscores the significance of respecting and honoring others, including elders, ancestors, and community leaders. Maintaining mutual respect and protecting the dignity of all members is highly valued. An example is

²⁰ Nurasih, *Filsafat Hukum Barat Barat Dan Alirannya*, (Medan : CV Pusdikra Mitra Jaya, 2021), 16.

²¹ <http://pskl.menlhk.go.id/berita/281-masyarakat-adat-kearifan-lokal-yang-menjaga-hutan.html>. Diakses pada tanggal 14/06/2023 Pukul 14.33 WIB.

the *awig-awig* customary law practiced by the *desa pakraman* (customary villages) in Bali, which emphasizes respect within the community.

3. Social Justice

Social justice is a key principle that highlights fairness, equity, and equal treatment for all members of the community. Indigenous communities believe that every individual has the right to be treated fairly and equally. Social justice is a foundational principle in resolving conflicts and ensuring equal rights and opportunities for everyone. This principle is evident in the Dayak Kalis customs in Kalimantan, where various forms of customary laws, such as *adat saut*, *satanga'bar*, *pati nyawa*, and *adat kampung*, are applied to those who commit criminal offenses.

4. Cultural Sustainability

This principle emphasizes the importance of preserving and maintaining the culture, traditions, and heritage of indigenous communities. Indigenous people believe that their culture is a valuable inheritance that must be protected. This principle encourages efforts to maintain, develop, and pass down traditions, languages, arts, and indigenous knowledge to future generations. Cultural sustainability also helps strengthen the identity and pride of indigenous communities. For instance, the *butang* or *nupu* tradition, a form of customary law among the Dayak Mualang in West Kalimantan, is applied in traditional wedding ceremonies to ensure the preservation of cultural practices.

Moral values play a crucial role as instruments that align with the principles of the natural law philosophy. Customary law is rooted in tradition, local wisdom, and the interaction between humans and nature, while the philosophy of natural law emphasizes the moral principles that underlie legal systems. The moral values in customary law lead to the perspective that human life must exist in harmony with both nature and fellow human beings. The moral principles within customary law reflect the understanding of indigenous communities regarding the importance of maintaining ecological balance, treating the environment with respect, and living in accordance with human nature.

From the perspective of the philosophy of natural law, there is a compatibility between the moral values in customary law and the moral principles upheld by this philosophy. The natural law school posits that human beings inherently possess moral principles. Therefore, when laws are not based on moral principles, they cannot be regarded as true law. In this context, the moral values within customary law serve as instruments that collaborate with the principles of the natural law philosophy. These moral values affirm that customary law must reflect the moral principles believed in by indigenous communities. If customary law does not align with these moral principles, it can no longer be considered valid law. Thus, the moral values within customary law strengthen the principles of the philosophy of natural law. Both concepts complement each other and work in tandem to uphold justice, balance, and harmony in human interactions with nature and one another. Through this synergy, customary law, in relation to the philosophy of natural law, can provide a strong ethical foundation for conducting social and legal life with dignity within indigenous communities.

4. Conclusion

Customary law holds a strong and significant position within indigenous communities in Indonesia. Although unwritten, customary law is firmly upheld and

recognized as a means of maintaining social justice and harmony within the community. The existence of customary law cannot be overlooked, especially in conflicts with national law. Indigenous communities respect the authority of customary law in resolving disputes and maintaining social order, despite the application of national law. It is crucial to recognize and respect customary law, as well as to foster harmony between customary law and national law. Collaboration between national legal institutions and indigenous communities is essential to protect the rights and interests of these communities while preserving their cultural and traditional sustainability.

Moral values play an important role in customary law and collaborate with the philosophy of natural law. Customary law is rooted in tradition, local wisdom, and the interaction between humans and nature, while the philosophy of natural law emphasizes moral principles as the foundation of law. In customary law, moral values reflect the indigenous community's understanding of the importance of maintaining ecological balance, respecting the environment, and living in harmony with human nature. The moral principles within customary law align with the philosophy of natural law, which holds that law must be based on the moral principles inherent in humanity. Thus, the moral values in customary law strengthen the principles of natural law and help uphold justice, balance, and harmony in human interactions with nature and one another.

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