

## The Urgency of The Harmonizing Between The Customary Law and Globalization in The Advancement of Technology

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### ABSTRACT

The laws of customary were dynamic, altering with the development of The Times so that they would modify its society's thinking, knowledge, and judicial way. In these times of globalization, the rapid enhancement of technology makes traditional laws in Indonesia wane as they pursue a new, more open, modern, and rational culture. However, in most instances, the existence of tribal laws in every country is urgently required as a nation's identity. As the UN declared the rights of indigenous people, which states, among other things, that international Law acknowledges and reaffirms indigenous people recognized, without distinction, all human rights recognized in international Law and that indigenous peoples have a necessary collective right in their lives and existence and the development of whole societies. As Indonesians, we must maintain the existence of customary laws in the age of globalization in such ways as preserving local wisdom in every region and using social media to preserve the culture and fundamental roles of villages and indigenous heads. Tribal laws also have intrinsic interests in the future, one of which is consumed local prudence; As we know, the future of nature will be distorted through technology, and the laws of customary will ensure the integrity of nature in the future. Nevertheless, will the tribal law still safeguard its future existence?

Keywords: The Customary Law, Local Wisdom, Globalization, Modernization.

### ABSTRAK

Hukum adat bersifat dinamis, berubah mengikuti perkembangan zaman sehingga akan mengubah pola pikir, pengetahuan, dan cara hukum masyarakatnya. Di era globalisasi ini, kemajuan teknologi yang pesat membuat hukum adat di Indonesia semakin tergerus keeksistensinya karena masyarakat lebih memilih mengejar budaya baru yang lebih terbuka, modern dan rasional. Namun, dalam banyak hal, keberadaan hukum adat di setiap negara sangat dibutuhkan sebagai identitas bangsa. Sebagaimana PBB mendeklarasikan hak-hak masyarakat adat, yang menyatakan, antara lain, menekankan hak-hak masyarakat adat untuk memelihara dan memperkuat institusi, budaya dan tradisi mereka sendiri, dan untuk mengejar perkembangan mereka sesuai dengan kebutuhan dan aspirasi mereka sendiri. Hukum internasional juga mengakui dan menegaskan kembali pengakuan

masyarakat adat, tanpa perbedaan, semua hak asasi manusia yang diakui dalam Hukum internasional dan bahwa masyarakat adat memiliki hak kolektif yang diperlukan dalam kehidupan mereka serta perkembangan seluruh masyarakat. Bangsa Indonesia sendiri sudah sepatutnya menjaga hukum adatnya, Banyak upaya yang bisa dilakukan seperti; melestarikan kearifan lokal di setiap daerah, menggunakan media sosial untuk mempromosikan budaya, dan peran fundamental desa serta kepala adat. Hukum adat juga memiliki kepentingan intrinsik di masa depan, Seperti kita ketahui, di masa depan alam akan terdistorsi melalui teknologi, namun penelitian mengungkapkan hukum adat dengan kearifan lokalnya bisa menjamin keutuhan alam di masa depan. Meskipun demikian, apakah hukum adat masih akan terjaga keberadaannya di masa depan?

Kata Kunci: Hukum Adat, Kearifan Lokal, Globalisasi, Modernisasi.

#### A. Introduction

Information technology has developed rapidly in the modern era, and Indonesia is no exception. Information technology includes hardware and software used to perform essential tasks that people require and apply daily. Information technology is a means and infrastructure (hardware, software) of systems and methods to obtain, transmit, process, interpret, store, organize, and use data meaningfully, according to Bambang Warsita (2008: 135). The internet, one of the results of information technology, is an information resource that can reach the whole world. In Indonesia, there are now even digital villages that utilize the internet to improve the welfare of the community from the economic, health, and educational aspects. Technological advances in the industrial revolution 4.0 have significantly changed everyday life. However, the development of technology poses threats and worries while also having advantages. For example, artificial intelligence (AI) is one of the technologies currently widely used and developed in various scientific disciplines, one of which is the Law.

The substance of the discussion lies not in whether the Law is traditional because the legacy has the meaning of justice contained. In discussing legal issues, we have trapped in understanding law in a procedural sense rather than the Law in a substantive sense that fulfills a sense of justice. So unconsciously, there is a reduction in the meaning of substantive Law (which fulfills a sense of justice) to procedural Law. Especially as human life enters the modern-day era of globalization, it is fraught with challenges and contemporary issues. Rapid growth in capitalism characterizes the globalization of that process on the next trip, which is increasingly open and cheap, transnational, market roles, investments, and production processes, which are new ideologies that foster and govern the global free trade organization. Modernization and development are the methods of

globalization, with capitalism discovered as a fundamental theory of the journey of capitalism. The legal paradigm that suits those needs is - the positive, intrinsic Law. Favorable laws, through legal principles, require assurance. Certainty is obtained through rational thought, in contrast with tribal Law, a system of policy on the ground - a base of the Indonesian mind that is not the mind realm of western Law.

The normal legal position in the national legal system is part of a constitutional positive law recognized by the state. The term recognized (confession) carries a different meaning or understanding from the period set apart (confirmation). The valid tribal laws in Indonesia are not as defined by the state, causing validation is necessary where the direction of custom is an unprecedented system of rules. Nevertheless, it is requisite to know that the customary laws in the Nusantara existed before the republic was presented. The personal conduct of members of society initiates the formation of tribal laws. The action and reactions polarized in mutual relationships between individuals each other form a social interaction. Repeated interactions over and over will affect the behavior of others, so there is, in the process, a social relationship. If social relationships are systematic, they become a social system. Because of social interaction, the habit will gradually become a "custom" that has developed people's feelings.

As a result of this custom, Indonesian Law is called the Law of custom. Mores are behavior that in a society (already, medium, would) require (habitually to do) because they are proper functions to maintain tranquility and balance in the lives of fellow community members. Social habits that have long existed in society intending to govern the life forms of culture are called customs. Some consider tradition to be a traditional rule of civility. The discrepancy is that mores are sacred (something sacred), and traditions, if habits, are not sacred but are deliberately radiated to be made. The contrast between custom and custom is the origin difference. A religious business is associated with (sourced) Indonesian traditional traditions. Sukanto interpreted the Customary Law as an unwritten custom and lived in a society of coercion and legal consequences. As a result, the customary Law that exists is destructive.

Customary Law has the following characteristics:

1. Togetherness (communal/collective) means Indonesians like to live together in close social bonds. The Indonesian people's sense of togetherness (communal) greatly influences their customary law material.
2. Being religious-magical, Indonesian people still firmly believe in supernatural things, for example, in the presence of spirits or spirits waiting for the natural surroundings (dwellers of mountains, rivers, oceans, significant trees/haunted places), supernatural powers, and supernatural powers. This situation illustrates that humans are part of the universe and must

maintain a spiritual and physical balance between humans and their environment.

3. Concrete or absolute nature, meaning the nature of the Indonesian people's thinking is authentic (concrete), not abstract. This concrete way of thinking also influences Customary Law. For example, a down payment as a down payment for a purchase, an opening set as a sign of an engagement or going to a wedding; a teenager to mark an item (tree, arable land boundary) that the object given a teenager (mark) is in its management (the right).
4. It is cash or cash in nature, meaning that an act is symbolic or by pronouncing that the action is completed or occurs immediately at the same time between speech and action. For example, buying and selling in cash, when buying and selling is said there must be money and goods handed over to the seller and buyer.

#### B. Focus Of Problem

The development of globalization with modern characteristics, which demands rational and empirical everything, will be contrary to everything traditional. While customary law (recognized or not) is standard (regardless of its development) and is a law that existed (lived) in ancient times, even before Indonesia's independence. Based on this, some problems require further discussion: How to maintain customary law's integrity amid globalization? What is the urgency of Customary law in the future? Moreover, can customary law be based on modernization?

#### C. Research Methodology

Research in the recommendations of harmonizing the costumes law and reliability in the technology. A normative-empirical legal study is a method of research that, in this case, combines elements of the normative law that are then supported by adding data or empirical features. These normative and empirical research methods, it is also about the implementation of the normative-law provisions (laws) in action on each of the specific legal events taking place within a society.<sup>4</sup> In the non-judicial category of case studies, where there is no conflict for law case studies to interfere with the courts, the purpose of this study is to see how important the existence of tribal law in current and future times of globalization is.

#### D. Finding And Discussion

1. Preserving the Customary laws in the wake of globalization

Legal development based on culture has commenced since the Dutch colonial era. In 1925, C Van Vollenhoven conducted research to map the distribution of customary law in Indonesia. The study analysed unique characteristics of Customary law contained in communities in the regions of the Customary law environment and virtuous 19 customary law environments in Indonesia. Robust to his struggle, the state laws applied (by the Judicial Agencies of the Colonial Government) remained consistent with the law that lived in society (Soetandyo Wignjosebroto, 2002). Constitutionally has also recognized the existence of Customary law in Indonesia. As featured in Article 18B paragraph, (2) of the 1945 Constitution states that "the state recognizes and respects the units of Customary law and its traditional rights as long as it is still analytical and by the development and principles of the Unitary State of the Republic of Indonesia regulated in enactment. " Furthermore, Article 28I paragraph (3) of the 1945 Constitution states, in harmony with the development of the times and civilization, respect traditional communities' cultural identity and rights.

Because the state has recognized it, this customary law must continue to be maintained in its existence. There are many ways Indonesian people can maintain the integrity of Customary law, one of which is by applying social media influencers to preserve customary law by holding cultural events—consuming local wisdom and an essential role of a village. The technological advancement that societies experience is often referred to as new media. The process of delivering messages through the media also experienced a significant shift. If the media has been the center of information, and the information is given in one direction, the media is now more effective. An audience is no longer just an object exposed to information; the audience has become more active because technology causes interaction in the media.

With the emergence of cyber media or networks, new media makes information easy to seek and open. Markers of the characteristics of new media. The connection between networks through computers or smartphones, called the internet, provides options for the public not only in finding and consuming information alone, but the audience can also in producing this information.

The phenomenon of online social interaction is now one of the characteristics of the information community. Changes in society used only to recognize real social interaction (face to face), but now one can interact with others on the internet. Social media is not only utilized to distribute information created by the account owner itself but also has a basis as a portal for creating a virtual and medium friendship network for various data, such as audio or video. Instagram is one form of social media with a high enough number of

enthusiasts. Kevin Systrom and Mike Krieger founded Instagram, founded in October 2010. Instagram is a media that makes it easy to share online through photographs, videos, and social networking services that users can use to take and share with their friends. Instagram social media users intend to get a reaction from their friends, commenting on and liking the uploaded photos and videos.

Preserving Indonesian culture will also be more manageable if societies apply social media. One example is preserving batik cloth, driven by the younger generation in early 2021. This trend is named the #berkainbersama challenge, which began with a video post from Arawinda Kirana, which demonstrates the style of wearing a cloth with modification of young people, so it looks stylish. Then this trend was also enlivened by Indonesian singer Nadin Amizah by uploading photos on his Instagram account that mixed batik cloth with matching cardigans. Furthermore, this trend is enlivened by other TikTok content creators widely enliven this trend. Followed by many celebrities and influencers on their social media accounts, it will be easier to move other young people to wear batik cloth for their daily fashion.

In addition, Local wisdom is values, norms, laws, and knowledge formed by religious teachings. The beliefs, traditional values, and experiences inherited by ancestors formed a local knowledge system consumed to approach the problem of daily problems via the community. Local wisdom has answered life's challenges and problems evidenced by various studies and research. Media reporting recently revealed the practices of local wisdom, which turned out to be effective as a mechanism for social harmonization and handling various daily life problems in society. Local wisdom is a treasure that we often encounter in the cultural life of the Indonesian people. Local wisdom, coming into a culture or life that gives a moral message to the grandchildren, preserves nature and culture, customs and conduct in everyday life. It is intended that generations after that one be always in harmony with and in harmony with the universe.

Local wisdom is not only recognized by the world, even in Indonesian legal status, but also based on the Law of the Republic of Indonesia Number 32 of 2009 concerning the Protection of Environmental Management Article 1 point 30, explaining that local wisdom is the noble values that apply in governance people's lives to protect and manage the environment sustainably, then followed by the next point, namely customary law communities are groups of people who have lived for generations in some geographic regions because of ties of ancestral origins, a strong relationship with the environment, and the existence of a value system that determines economic, political, social, and legal institutions.

The study conducted by I Nyoman Nurjaya (2008) reveals that the Balinese handling community succeeded in maintaining the Governance of the Tenganan Customary Village Forest in Bali using their local wisdom. Besides that, the Bunaken, Manado community utilizes its local wisdom to carry out spatial management and natural disaster resources (Imam Koeswahyono, 2008). In a more specific context, the Kemoromo community uses its local wisdom to overcome the problem of corruption in his village. People in Bantaeng, Pinrang, and Gowa use their local wisdom to help the police overcome the crimes that occur in their area (Satjipto Rahardjo, 2009). Similar to this, Pecalang (customary officers) in Bali have been popular as traditional security and security guards. Pecalang worked when customary momentum was carried out and took a broader role in daily security tasks. Still fresh in our memories is how the pecalang managed to secure the implementation of the PDIP (Indonesian Democratic Party of Struggle) Congress in Bali some time ago.

In this case, the writer observed that local wise phenomena tend to be marginalized. Though if we look clearly, we can imitate many disciplines and benefits. And what the local wisdom cannot deny is that it can be more effective to address the problem at hand. Thus, the author will try to review how the local wisdom of the Baduy tribe; the Baduy community is one of the orthodox tribes that have local knowledge in full. The Baduy or Kanekes communities in the district of Lebak, Banten province, have a traditional ceremony called seba. This traditional seba Baduy ceremony is a tradition held to express gratitude for a bountiful harvest within a year.

Seba is a Baduy word that means offerings. In carrying out this seba ceremony, Baduy people willingly present to the government a harvest. Furthermore, the Baduy public first observed the rituals of ngawalu and ngalaksa. Ngawalu is a ritual held during a three-month harvest season, usually when this ritual Baduy tourist attraction is closed. The completion of the Ngawalu ritual is marked by further ngalaksa.

It is currently that Baduy people make friendly greeting to neighbors and brothers, visiting and delivering food at Thanksgiving. The community has carried out a balanced way of life, for example, how agriculture is carried out on an ongoing basis without fertilizer (chemistry). For them, inorganic fertilizer will reduce the quality of nutrients in the soil. Besides that, Baduy people do not use hoes when farming because the tool can kill other organisms. Local wisdom has made indigenous communities in Baduy look after their neighborhoods more and more without government coercion.

Villages and tribal laws are certainly inseparable, with constitutional mandates that give special rights to tribal laws and that customary laws are

born and flourish in distinctive local cultures. In the current development and era of globalization, the position of the village becomes an essential diagram for indigenous villages to be maintained as a local custom and legal system that the state must recognize as a fundamental force in preserving the national culture of Indonesia. Indonesia's development paradigm is not necessarily based on local values as the glue of Indonesia's economic growth.

In connection with strengthening local roles and capacities of civility, national legal systems should also prepare to give space to the situation called *Holleman* as a hybrid law or enforcement law. As a result of the current developments in Indonesia, many efforts to make institute the "new" customary law in the format of state law, that is, according to local law or village rules, according to the structure and formal logic of state law. This making protects legal protection so that customary law can be equal to other laws with legal protection. Legal development is relevant to other aspects of life. The relationship between the law with other aspects is equally a social phenomenon. Therefore, social changes always limit the legal development process. Legal development has a progressive and adaptive meaning. Development means progressive because it is always active in renewing the law in the direction of the community and its efforts to make social changes. While adaptive because of his efforts to serve the community at the latest level of development. As part of cultural products, the law is not only seen as a building norm built by those with authority to make state law.

More than that, the legal anthropology perspective indicated its form as a social control system (social control) to create and maintain order in communal life (legal ruling). Social vary in the reform era has given birth to a politics of law emphasizing a political will towards developed countries characterized via autonomy. The enactment of regional autonomy will immediately bring up a series of regional, ethnic, political, and legal rises. The strengthening of awareness of the role of local values in sustaining sustainable development brings in the process of national law development. Customary law and local wisdom should be used as a component and joined in the development of federal law. In the context of development policies, a set of government policies must interpret legal development in a multicultural society so that the whole community can pay attention to the culture of all ethnic groups or ethnic groups. Thus, all ethnic groups or ethnic groups and nations have contributed to the formation and development of a government.

Preserving the legacy of ancestral traditions is an attempt to maintain an item or attribute that is an identity, custom, convention, or language of a tribal society passed from one generation to the next. The cultural village professional management reflects the performance of a village head and



cultural companion. The role of the village head in managing cultural villages is crucial because of his duty as the head of government which can accommodate the people's requirements for artistry in the preservation of culture and tradition. The village administration is also a cultural guide as a leader should be able to manage the presence of cultural communities in their environment wisely. Cultural communities require the presence of leaders who can manage and facilitate their presence in activities. Progress in cultural villages involves the power of cooperation between village leaders, culture, and community.

Based on research by Muhammad Amin Salam in the village of Jatimulyo, the village chief in the Jatimulyo area was precious in the cultural community activities. A form of exercise was inviting each community leader to sit down together to tackle cultural and artistic problems. These activities strengthen and unify all the art communities in the village. An action is a coalition form taking place in Jatimulyo village. Continually, Group members selected and trusted by community leaders combine in one group to represent the village of Jatimulyo in accredited event-events outside the Jatimulyo region, such as the title of cultural potential of districts, provinces, and even national., as happened at the Yogyakarta 2018 art festival.

Another example is that Baduy people have long abided by the rules and regulations of Pu'un (chief of the tribe). Their adherence to these rules became an absolute grip on living together. Moreover, driven by solid confidence, almost the entire Baduy society has never challenged the rules set by Pu'un. It keeps Baduy's tribal laws awake.

There are some 73,000 (seventy-three thousand) villages throughout Indonesia and about 8,000 (eight thousand) Urban villages. These villages could be distinguished between ordinary villages and tribal villages. Hence, two concepts of society are distinguished from one another in the public square, the village community, and the indigenous people. The existence of villages in which tribal laws are defined is an adhesive of fundamental values and constitutionally recognized customs laws that live in communities and are a basis for the reinforcement of unity. Preservation of the culture, all began in the village where if all the villagers were orderly in carrying out the customary laws, it would make others follow and appreciate the village's customary laws.

## 2. Customary law be based on modernization

Modernization, in general, is a process in human life toward a society that follows world developments with a modern outlook, open to the idea of

society evolving. Modernization is a revolutionary social movement (rapid change from tradition to modernity that affects all human beings through a gradual process). The existence of human interaction in society fosters Customary law. Customary law increases in the community. In ancient times, customary law could develop as quickly as the traditions of the people passed down from generation to generation. Hence, it is also possible to rise in modern society because, after all, the object of customary law is society. Customary law will not enhance if there is no community, so this customary law is dynamic, following the development of the times but still not dissolving the values of Pancasila.

Customary can become a filter in this modern era, especially in the increasingly intense onslaught of western culture. The government can provide a broader space for the community to maintain assets, customary law, and traditional values so that our nation does not fully accept the western culture.

In the social lifestyle of this age of globalization, some unhealthy lifestyles, such as convective and hedonism, arose. It does not make the value of life lost in a society because the social gap or temporary status difference is consensual, and hedonism is not the character value of the Indonesian people.

In the past, the Indonesian people were familiar with working together and working shoulder to shoulder. In contrast to now, they do not know anything about being individualistic or self-interested. Hedonism is the condition of a person who intends to look cool, get validation from other people, and be sociable and tends to force himself because his environment is like that due to a changing lifestyle and climate that can make significant changes to society.

Therefore, for customary law to exist in dealing with various lifestyles, according to Satjipto Rahardjo, namely:

- Throughout life, it is proven by the existence of a Village Traditional Institution and still conducting Kaji Baco (trials) if there are disputes in the community.
- Adjusting to the times in a changing society.
- Following the principles of the united republic of Indonesia, following the character of the people of Indonesia.
- Regulated in the Act so that customary law can be an effective solution to globalization.
- In the modern era existence of customary law still applies in the village.

Customary law is more effective starting from the town because, in the village, a social control system still applies. Furthermore, all local wisdom in Indonesia has a pearl of solid local wisdom that contains balance and sustainability in managing Natural Resources and Human Resources.

3. The urgency of customary law in the future

Customary law must be maintained because it was founded on the traditional law needs of the Indonesian people. By itself, customary law can answer all the legal problems people confront in everyday life in a specific area. The UN declaration is undoubtedly inseparable from indications that in many parts of the world, these indigenous peoples and tribes cannot be hooked on their human rights equally with other inhabitants of the country where they live and that the laws, values, and customs are their customs slowly eroding. The 1989 customary law community convention also states that indigenous peoples in independent countries are considered indigenous as they are descended from residents who inhabit the country concerned or based on the geographical area where the land is located at the time of conquest or colonization or the delimitation of current states and which regardless of their legal status, retain some or all their social and economic.

This context means that in the future, the common law will not only be a concern for the development of national law but will also orientate a consideration in international relations with the increasing demand for law globalization which sometimes, even at this time, seems to be developing more on the scale of interests of economic relations, which reduces the legal sovereignty of national states. The impact will undoubtedly be more severe on customary law.

Therefore, in developing national law, the government must establish a place to enhance and develop common law properly. In 1989 the ordinary law community declaration became a tool for a country, including Indonesia, in suppressing international penetration. At that time, national laws may not withstand solid international pressure. Even the customary law community convention emphasizes that the government commits to compile, with the participation of the indigenous peoples concerned, coordinated and systematic actions to expose the rights of these indigenous peoples and to ensure that their integrity is respected.

In this modern era, customary law will gradually disappear. Caused by the following:

1. Association between customary law circles is getting narrower;
2. The influence of big cities and modernization, as well as the increasingly pervasive spirit and spirit of citizenship as a unified national state;

### 3. The desire to organize a national legal unification.

The existence of Customary law was integral to the formula of 18B, which states; The state recognizes and respects the unity of society, the Customary law, and its traditional rights throughout its life and according to the development of society and the principles of the united republic of Indonesia, which are regulated under the constitution. Recognition of the state of the community as well as recognition of its Customary laws. Thus, the effect of the tribal law is not dependent upon the rulers of the state or on the politics of the country's organizers but rather on the will of the constitution.

However, in its current development, tribal laws have shown a special role in resolving and providing solutions to social issues. From some research data, the region that manages its natural resources autonomously is controlled and administered by indigenous communities using prenatal and can preserve the multi-function of forests. Such realities are a sign of optimism that Indonesia's future sustainability of natural resources is in the hands of the sovereign indigenous peoples who maintain indigenous wisdom and their nature-management practices. Some indigenous peoples have proved to be able to support their own lives and safety as communities and, at the same time, provide natural socio-ecological services for the needs of all, including those around them.

For example, a harvest is still followed by offerings or Thanksgiving in a place of worship when such laws are enforced. Thus, this is settled in the customary and familial way. Depending on the degree of guilt, it is customary to be fined with the buffalo, the dull, and the big (Cain).

From the above phenomenon, it seems, at least, how the facility of the tribal and indigenous laws and peoples believed to have adequate ability to perform rehabilitation and ecological damage in former centers of HPH and critical forests (community-based reforestation and rainfall) by trees of the original and commercial variety. Similar effectiveness is not necessarily in national law, so it gives evidence that tribal laws, aside from some other factors in traditional tribal law societies, have a potential for contributing to the objectives, and they are not always in their traditional faces.

Customs laws can rise and flourish in communities of modern adjuncts and must be a keen interest in any movement of legal globalization since the presence of tribal laws is already part of the international agreement. However, the presence of customary laws is very much in the future because, as we know in the future, technology will dominate human life. Therefore, the social interaction with technology will favor the certainty of law against justice, leaving people who commit errors automatically unable to defend

themselves, and the people around them will also begin to decline in moral value, with a system of traditional laws helping to uphold the establishment of a problem according to the fourth paragraph in Pancasila.

There is no reason to take the stand that the laws of the state and or globalization of the law on behalf of globalization are more critical than tribal laws. The customary law was to be maintained because it was established based on People's Daily life. By its unwritten nature, the customary law had a code of life that, though not set down in formal law, remained obeyed and supported by the people with all their confidence that it had the power of the law.

Efforts to meet the needs and resolve the problems of indigenous peoples in Indonesia are still a big challenge. The challenges faced include the vast territory of the Indonesian state with different characteristics, different social conditions, natural resources, and policies of each region, causing variations in the progress of achievements in various regions. Much infrastructure development has led to some rural land being swept away, and reduced indigenous communities are impacting local tribal laws. This explanation means that more and more tribal laws will be cloistered by the technological age in which the realm of tribal law is increasingly narrow.

Nevertheless, given its current progression, tribal laws point to a specific role in solving and providing solutions to social problems. From some studies, self-sustaining regions ruled by indigenous peoples can preserve multi-function forests. It is a sign of optimism that Indonesia's future sustainability of natural resources lies in the hands of sovereign indigenous peoples and maintains local wisdom in their nature management practices.

The existence of tribal laws in the future, as we know technology, will dominate human life. Therefore, social interaction with technology elevates legal certainty against justice to the point that the erring one cannot defend himself, and those around him will also begin to diminish his moral value with the traditional legal system that helps enforce it. Forming a matter, according to the fourth paragraph of Pancasila, is deliberation.

Despite that, there are certain differences in views regarding past societies and societies now being one of the causes of certain customs beginning to be abandoned, as the Batak people who believe the ideal marriage between rumpal people (Toba: Marpariban) is between a man and the daughter of his mother's brother. Thus, one Batak male was very unwed to a woman of his own and his father's daughter.

However, the current preference for marriage began in the days of the indigenous community of Minangkabau whenever a man could mate with his

mama's daughter (the mother's brother). Even adults are now being abandoned.

#### E. Conclusion

The formation of customary law because of the behaviors of the community. Interaction among fellow citizens leads to social relationships. Social relations carried out systematically will form customs. The consequences of customary law exist because of violation.

Social interaction must always exist in every era, especially in the modern era. Various rapid currents of globalization lead to different lifestyles due to the development of social interaction. Social interaction is experiencing a story where changes society used only to know real social interaction (face to face), but now a person can interact with others on the internet. In this globalization, the flow of technology is multiplying, causing the erosion of traditional culture. It impacted customary law, which was increasingly forgotten and ignored over time.

Customary law can be based on modernization if government efforts and public awareness exist. Its modern-day existence is constitutionally recognized as outlined in chapter 18b (2) of the 1945 law: "the state recognizes and respects the oneness of the law of the tribal society and its traditional rights throughout its existence and forever. The development and principles of the united republic of Indonesia as governed by legislation." Furthermore, Article 28I paragraph (3) Act-The 1945 Constitution states that traditional communities' cultural identity and following the development of the era and civilization respect the rights.

The government's efforts, as stated in Article 18B paragraph 2, that customary law is recognized and respected as long as its existence is by the principles of the Republic of Indonesia stipulated in the law. The presence of this Constitution can protect the existence of customary law. In addition, for the common law to exist, customary law must be dynamic through local wisdom, the use of technology to facilitate the dissemination of information through social media, and the socialization of cultural activities can be in the form of activities as volunteers to the regions.

#### F. Recommendation

- a. There is a need for harmonization between The Customary Law and Globalization in The Advancement of Technology.
- b. Indonesia must begin to safeguard the existential indigenous law from now on.

- c. Indonesia must filter foreign cultures entering Indonesia.

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