

Changes In Javanese Customary Law From The Perspectives Of Legal Sociology And Anthropology

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Info Article	Abstract
<p>Article History Received : 2023-07-01 Revised: 2023-07-08 Published: 2023-07-30</p> <p>Keywords: <i>Javanese Customary Law; Sociology of Law; Legal Anthropology; Social Change.</i></p>	<p>Javanese customary law is a dynamic value system that reflects the identity and local wisdom of the community. This article aims to analyze the meaning, original form, and transformation of Javanese customary law from the perspective of sociology and legal anthropology. The research methodology uses a qualitative approach with literature review. The results of the study indicate that Javanese customary law is flexible and able to adapt to changing times. However, significant transformations are currently occurring due to globalization, modernization, and interactions with the formal legal system. Striking changes are seen in the shift in social values related to gender equality, the repositioning of women's rights in inheritance and marriage practices, and the modernization of dispute resolution mechanisms. Sociologically, this phenomenon is a response to changes in social structure and urbanization. Anthropologically, these changes demonstrate the efforts of Javanese society to negotiate the preservation of tradition with the demands of modernity in order to maintain the relevance of collective identity in the global era.</p>

I. INTRODUCTION

Javanese customary law is a legal system that grew and developed organically within the cultural context of Javanese society, reflecting centuries-old social norms, values, and practices. As an integral part of daily life, customary law serves not only as a tool to regulate behavior but also as a reflection of the community's identity and local wisdom. A key characteristic of this law is its living nature, where it is continuously maintained through traditions and concrete practices within the community as an instrument to regulate interactions between individuals.

However, in recent decades, Javanese customary law has faced significant challenges that have triggered transformative change. Globalization, modernization, and intensive interaction with formal legal systems have challenged the sustainability of customary law, forcing communities to reflect on and adapt their practices to changing times.

Javanese society today is in a position where it must balance preserving its cultural heritage and adapting to the demands of modernity.

Social changes occurring in Javanese society have contributed to this transformation of

customary law. Shifting values, particularly regarding gender roles and individual rights, have altered society's perspective on norms previously considered sacred. Awareness of human rights and gender equality has led people to question legal practices deemed discriminatory, such as the unfair distribution of inheritance. In this context, customary law is no longer seen as static but as a dynamic entity that must adapt to evolving social needs.

Academically, this study utilizes two main perspectives: the sociology of law and the anthropology of law. From a sociological perspective, changes in customary law can be understood as a response to changes in social structures occurring within society (Sidharta, 2005). Communities that are increasingly urbanized and integrated with the outside world face new challenges that affect how they interact and conduct their daily lives. Customary law, which once functioned well in rural areas, must now adapt to new, complex realities (Utomo, 2010).

Meanwhile, a legal anthropology perspective provides insight into how customary law interacts with local culture and values, considering that law is not merely a norm but part of a society's collective identity

(Rahardjo, 2011). Through a comprehensive analysis of these two perspectives, we can delve deeper into how Javanese society strives to maintain a balance between tradition and modernity (Soekanto, 2016).

II. RESEARCH METHODS

This research employs a qualitative approach with library research. The data used in this article are sourced from secondary sources collected through a review of various literature, including textbooks, scientific journals, and academic papers relevant to the study. Data analysis was conducted descriptively and analytically to examine the dynamics of Javanese customary law through the tools of sociological and legal anthropological analysis.

A sociological perspective is used to understand how customary law responds to changes in social structure and societal interactions in the modern era. Meanwhile, a legal anthropology perspective is used to explore the relationship between legal norms and collective cultural identity and local values held by Javanese society. All collected data is then synthesized to answer the research questions regarding the definition, original form, and transformations occurring within the Javanese customary legal system.

III. RESULTS AND DISCUSSION

A. Research result

Document analysis and literature review indicate that Javanese customary law is an unwritten living legal system, yet it holds strong authority in regulating social order. The main characteristics identified are a deep emphasis on the values of harmony and respect for social hierarchy and ancestors (Sidharta, 2005). In its original form, this customary law encompasses various dimensions of life, from the marriage system involving sacred rituals such as proposals and gifts, to the management of communal land, which is viewed as a trust from ancestors (Utomo, 2010). These findings confirm that customary law functions as a social glue that maintains community stability through mechanisms of deliberation and consensus.

This research also identified a marked transformation in conflict resolution mechanisms and the structure of rights distribution within society. While previously Javanese society tended to avoid formal legal channels and prioritized the role of village elders for mediation, a trend is now emerging toward adopting modern administrative procedures. This phenomenon is evident in land matters, which now require written evidence, and in inheritance practices, which are beginning to undergo renegotiation for the sake of individual justice (Wibowo, 2019). These data indicate that while core customary values are still maintained, their implementation procedures have become increasingly at odds with the national legal system and the demands for transparency today.

B. Discussion

Sociologically, the changes occurring in Javanese customary law are a concrete manifestation of society's adaptation to the highly dynamic transformation of social structures. Massive urbanization has transformed society from a community-based society (*gemeinschaft*) into a more functional, rational, and individualistic society (*gesellschaft*). This situation has led to personal, informal, and oral customary law sometimes being deemed inadequate to handle increasingly complex social interactions, especially when involving parties outside the customary community. As a result, society has naturally begun to shift and rely on the formal legal system for more rigid and written legal certainty (Soekanto, 2016).

A legal anthropology perspective explains this phenomenon as a process of negotiating cultural identity amidst the onslaught of globalization and modernity. Javanese society demonstrates a unique capacity for legal syncretism, where traditional values are harmoniously combined with universal humanitarian values and the principle of gender equality (Rahardjo, 2011). A significant example of this transformation is the increased bargaining power and recognition of women's rights within the family structure and customary inheritance distribution. This

indicates that Javanese culture is flexible and flexible in its response to change, as long as such change is deemed capable of maintaining social harmony within the community.

Javanese society also tends to filter outside influences selectively and judiciously. They adopt elements of modernity that provide administrative certainty—such as land certification or civil registration—but retain symbolic rituals as a means of maintaining spiritual bonds and collective spirituality. Practices such as slametan (sacred offerings), funeral ceremonies, or engagement ceremonies remain solemnly observed even though the legal procedures behind them have adopted national legal standards. This demonstrates that modernization does not necessarily mean the elimination of customs, but rather the strengthening of old values through new and more relevant methods.

The interaction between customary law, Islamic law, and national law in Java creates a unique and complementary system of legal pluralism. A thorough analysis reveals that these three systems do not negate or clash completely, but rather interact symbiotically in everyday community practices. For example, in the institution of marriage, Javanese society simultaneously implements religious law for spiritual validity, state administration for positive legal validity, and customary tradition for social and cultural validity (Sidharta, 2005). This pluralism demonstrates the extraordinary resilience of customary law because it is seen as an inseparable part of the community's way of life.

The success of Javanese customary law in remaining relevant and existing today lies in its "resilient" nature, namely its ability to flex with the currents of modernization without losing its traditional roots. The transformations occurring in customary practices are not seen as cultural obliteration, but rather as survival strategies to ensure customary law remains responsive to the rapidly changing needs of the times. Thus, customary law no longer stands as a static, ancient rule, but rather transforms into ethical norms that lend local color to the implementation of national law at the grassroots level.

Ultimately, the future challenge for Javanese customary law is how to maintain a balance between material-formal progress and the richness of local values that underpin the nation's identity. The tension between tradition and innovation is precisely the driving force behind customary law's continued renewal within the framework of local wisdom (Utomo, 2010). Through a deeper understanding from the perspectives of sociology and legal anthropology, it can be concluded that Javanese customary law will continue to survive as an effective instrument for maintaining social cohesion, as long as it is able to represent the justice desired by its supporting communities amidst inevitable global change.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Based on the analysis presented, it can be concluded that Javanese customary law is a dynamic legal system with extraordinary adaptability to changing times. Sociologically, the transformation of Javanese customary law is a response to the shift in societal structure from community-based communities to more rational and individualistic communities. This has resulted in a shift in dispute resolution mechanisms and the strengthening of individual rights, particularly in terms of gender equality in inheritance and marriage practices.

From a legal anthropology perspective, Javanese customary law is not seen as a rigid entity, but rather as part of a collective cultural identity that is continuously negotiated.

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Legal syncretism harmoniously combines traditional values, religious law, and national law. The resilience of customary law allows traditions to persist as ethical moral guidelines even as administrative procedures adopt modern standards. Thus, changes in Javanese customary law are not a setback, but rather a survival strategy to remain relevant in maintaining social cohesion amidst globalization.

B. Suggestion

The government and legal practitioners are expected to strengthen the harmonization of national law and Javanese customary law, particularly by recognizing customary mediation mechanisms as an effective alternative dispute resolution solution. Indigenous communities also need to uphold their cultural values as a moral foundation while remaining adaptive to modern principles of justice and human rights. Furthermore, future researchers are advised to conduct empirical field studies in specific regions of Java to capture the dynamics of customary law change in greater depth and diversity than literature alone.

LIST OF REFERENCES

- Rahardjo, S. (2011). *Hukum dan Masyarakat: Perspektif Antropologi Hukum*. Bandung: Penerbit Alumni.
- Sidharta, B. (2005). *Hukum Adat dalam Perspektif Sosiologi dan Antropologi*. Jakarta: Gramedia.
- Soekanto, S. (2016). *Pengantar Sosiologi Hukum*. Jakarta: RajaGrafindo Persada.
- Utomo, A. (2010). *Perubahan Sosial dan Hukum Adat: Studi Kasus di Jawa*. Yogyakarta: Penerbit Universitas Gadjah Mada.
- Wibowo, E. (2019). "Peran Gender dalam Hukum Adat: Studi Kasus di Jawa." *Jurnal Ilmu Hukum*, 14(1), 23-40