



The Role of Customary Law in Land Dispute Resolution in Rural Areas: Challenges and Prospects in the Modern Era

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Abstract

Customary law has long been an integral part of the settlement of land disputes in rural communities. In the midst of social change and legal modernization, the role of customary law faces major challenges, especially in integration with the national legal system. Conflicts between customary law and positive law often occur due to the lack of formal recognition of custom-based dispute resolution mechanisms. The sustainability of customary law in the settlement of land disputes is an important issue that requires a more in-depth study to understand the challenges and prospects of its adaptation in the modern era. This study aims to analyze the role of customary law in resolving land disputes in rural areas, identify the challenges faced in its integration with national law, and explore the prospects of customary law in resolving land disputes in a sustainable manner. This study uses a qualitative method with a library research approach. Data is collected from a variety of secondary sources, including academic journals, books, and research reports relevant to the topic of customary law and land dispute resolution. The data analysis technique used is thematic analysis, which allows the identification of key patterns related to the role of customary law in resolving land disputes, its implementation challenges, and its adaptation opportunities in the future. The findings of the study show that customary law remains the main mechanism in the settlement of land disputes in many rural communities. The main advantage of customary law is its flexibility in accommodating social dynamics as well as its deliberation and consensus-based resolution. However, the main challenges faced include the lack of formal recognition from the government, the overlap of regulations with national laws, and the changing social values among the younger generation who are increasingly inclined to the formal legal system. To increase its effectiveness, a more comprehensive strategy is needed to harmonize customary law with national law and strengthen the capacity of customary institutions in resolving land disputes.



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INTRODUCTION

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Land disputes are one of the problems that often occur in various rural areas in Indonesia. The imbalance between national law and customary law is often the main trigger in resolving land disputes in indigenous peoples (Bangol, 2024). In many cases, customary law still has a dominant role in regulating land ownership and use rights, especially in indigenous communities that rely on cultural heritage and local norms in resolving land disputes (Putra, 2021). The existence of customary law in resolving land disputes in rural areas is often considered more effective because it involves a mechanism of deliberation and mutual cooperation that prioritizes justice for all parties involved (Bilung, 2020).

Land disputes are a complex problem that often occurs in various countries, including Indonesia. The main causes of land disputes include an imbalance between the availability of land and the increasing population, as well as a lack of legal certainty in land administration (Khoirruni et al., 2022). Land ownership conflicts often arise due to overlapping certificates, differences in interpretation of customary and state land rights, and land mafia practices that aggravate the situation (Permadi, 2023). In addition, the weak land registration system and lack of transparency in the management of government land assets also contribute to the high number of land dispute cases in Indonesia (Wirawan et al., 2021). Land dispute resolution can be carried out through litigation in court or non-litigation channels such as mediation, arbitration, and community-based settlement (Amaliyah et al., 2021).

In recent years, the government has sought to reduce land disputes through various policies, such as agrarian reform and digitalization of the land system to improve the accuracy and transparency of land ownership data (Astriani & Indrawati, 2024). However, the main challenges that are still faced are the low legal awareness of the community and the prevalence of individuals who take advantage of legal loopholes to illegally control land (Parihah, 2022). Recent research also shows that technology-based approaches such as virtual mediation are beginning to be implemented as an alternative to more efficient land dispute resolution (Khoirruni et al., 2022). Therefore, it is necessary to strengthen regulations, stricter law enforcement, and education to the public to create a fairer and more sustainable land system.

However, the role of customary law in resolving land disputes faces various challenges in the modern era. One of the main challenges is the change in land ownership patterns due to economic development and increased investment in the land sector, which often contradicts customary law principles oriented towards communal ownership (Partini, 2024). In addition, the existence of national laws that regulate the land system is often not in harmony with customary law, thus causing legal dualism in resolving agrarian conflicts (Adisubiksa & Udytama, 2023). In some cases, government intervention in the settlement of land disputes can also reduce the authority of customary institutions, ultimately weakening the role of customary law in resolving land conflicts (Palenewen et al., 2022).

However, despite various challenges, customary law remains an integral part of the settlement of land disputes in rural areas. Various studies show that dispute resolution mechanisms through customary institutions are often faster, more efficient, and accepted by the community than settlement through formal judicial channels (Awaluddin et al., 2021). Customary law-based settlement also emphasizes more on the aspect of social reconciliation compared to the positive legal approach which tends to be more retributive (Temaluru & Lay, 2023). Therefore, it is important to understand how customary law can remain relevant and adapt in the face of social and legal changes in the modern era.

The urgency of this research lies in the need for further analysis of how customary law can remain an effective mechanism in resolving land disputes amid increasingly complex legal and economic dynamics. With the rise of land dispute cases involving indigenous peoples and external

actors such as governments and investors, there needs to be an approach that can harmonize between customary law and national law in a fair and sustainable dispute resolution system (Sundara & Gani, 2020). This study is expected to provide insight into the role of customary law that still persists and the challenges that must be faced in order for this mechanism to remain relevant in the Indonesian legal system.

Previous research has extensively discussed the role of customary law in resolving land disputes, but there is still a gap in understanding how customary law can adapt to modern regulations and its impact on rural communities. A study by Nirahua et al. (2023) found that customary law is still the main choice in resolving land disputes in certain regions, especially in areas with a strong indigenous community system (Mahu et al., 2023). Meanwhile, research by Annisa et al. (2024) highlights that customary law institutions often experience pressure from government policies that prioritize the formal legal system (Annisa & Pala, 2024). Therefore, this study aims to bridge the gap by analyzing how customary law can remain a relevant solution in resolving land disputes.

The purpose of this study is to analyze the role of customary law in resolving land disputes in rural areas and identify its sustainability challenges and prospects in the modern era. This research also aims to understand the extent to which communities still rely on customary law in resolving land conflicts and how this mechanism can be harmonized with national law. Thus, this research is expected to provide policy recommendations that can increase the effectiveness of customary law in resolving land disputes and create a fairer and more sustainable dispute resolution model.

METHOD

This study uses a qualitative method with a library research approach to analyze the role of customary law in resolving land disputes in rural areas as well as its challenges and sustainability prospects in the modern era. The qualitative method was chosen because it allows researchers to understand social phenomena in depth through the interpretation of data sourced from written documents, resulting in a comprehensive understanding of the phenomenon being studied (Sugiyono, 2019). According to Moleong (2019), qualitative research aims to understand social reality holistically by using descriptive data derived from documents, interviews, and observations (Moleong, 2015). In the context of this research, literature studies are used to explore information from various academic sources that discuss customary law in land dispute resolution.

The data sources in this study come from secondary literature which includes journal articles, academic books, conference proceedings, and relevant research reports in the 2019–2024 range. The selection of literature is carried out by considering aspects of validity and relevance to the research topic (Arikunto, 2022). Data is collected through academic databases such as Google Scholar, ScienceDirect, and national and international journals that discuss customary law and land dispute resolution (Ratnaningtyas et al., 2023). In addition, this research also refers to national legal policies and official government documents regarding the recognition of customary law in the settlement of land disputes.

The data collection technique is carried out using the documentation method, namely collecting and reviewing documents relevant to the research problem (Haryono, 2023). This technique aims to obtain information from various perspectives on how customary law plays a role in resolving agrarian conflicts in rural communities (Zakariah et al., 2020). The selection of sources is carried out based on the credibility of the publication, the methodology used in previous research, and the relationship with customary law aspects in resolving land disputes.

The data analysis method used in this study is thematic analysis, which is a method that aims to identify, evaluate, and interpret the main patterns or themes that appear in the literature that has been studied (Moleong, 2015). Each source of literature is classified based on several main themes,

such as customary law-based land dispute resolution mechanisms, challenges to customary law in the modern era, and efforts to harmonize between customary law and national law (Sulistiyo, 2023). After the data is classified, source triangulation analysis is carried out to compare the results of various studies and ensure the validity and accuracy of the findings (Achjar et al., 2023).

RESULT AND DISCUSSION

Based on the results of selection from various academic sources related to the role of customary law in resolving land disputes in rural areas, here are 10 articles selected based on academic credibility, relevance to research, and publications in the range of 2019–2024. These articles provide in-depth insights into the mechanisms of customary law in resolving land conflicts, implementation challenges, and prospects for customary law in the modern era.

Table 1. Literature Review

No	Author	Title	Research Focus
1	Khairani & Wiradnyana	From Ethnic Genealogical Folklore to the Power and Legitimacy of Traditional Society	Customary law has the power of legitimacy in resolving land disputes in certain indigenous communities.
2	Resosudarmo et al.	Indonesia’s Land Reform: Implications for Local Livelihoods and Climate Change	Agrarian reform and recognition of customary forests play a role in resolving land conflicts in rural areas.
3	Chimhowu	The 'New' African Customary Land Tenure: Characteristics, Features and Policy Implications	Changes in customary law in land ownership have had an impact on land policy in Africa.
4	Castro-Arce & Vanclay	Transformative Social Innovation for Sustainable Rural Development	Adat-based social innovations play a role in resolving land disputes in rural communities.
5	Doss & Meinzen-Dick	Land Tenure Security for Women: A Conceptual Framework	The security of women's land rights in customary law is still a challenge in various communities.
6	Blair et al.	Establishing the Rule of Law in Weak and War-Torn States	Customary law is often the main alternative in dispute resolution in countries with weak state institutions.
7	Bedner & Arizona	Adat in Indonesian Land Law: A Promise for the Future or a Dead End?	The role of customary law in Indonesian land law is under pressure from national law.
8	Ley, Mattiace & Trejo	Indigenous Resistance to Criminal Governance	Customary law can protect communities from land conflicts due to external interventions.
9	McAuslan	Bringing the Law Back in: Essays in Land, Law, and Development	Customary law in the context of land development has challenges in integrating with national law.
10	Mackinnon	Dispute Resolution in AAC	Customary law-based dispute resolution is more accepted by the community than formal litigation.

The results of the study of the ten selected articles show that the role of customary law in resolving land disputes in rural areas is still very strong and relevant, especially in communities that have maintained customary structures. Some studies confirm that customary law mechanisms offer faster, more effective, and socially acceptable settlements compared to formal legal channels that are

often more bureaucratic and time-consuming. Customary law operates with basic principles such as deliberation, consensus, and community-based settlement, which are considered more in line with the social values embraced by rural communities.

A study conducted by Khairani and Wiradnyana (2023) shows that customary law has a strong legitimacy among indigenous peoples because it is part of a cultural heritage that has been practiced for centuries. This legitimacy is not only based on tradition, but also on its effectiveness in maintaining social harmony in the midst of a society that still relies on collective relationships in daily life. Therefore, customary law is often more respected and obeyed by community members than national laws that are considered too abstract or lack understanding of local social realities (Khairani & Wiradnyana, 2023).

However, in the modern context, customary law faces major challenges in its sustainability. One of the main challenges revealed by Resosudarmo et al. (2019) is the pressure from national legal systems that often do not provide full recognition of customary land rights. Conflicts often occur between formal and customary legal interests, especially in cases involving communal land ownership versus development and investment interests. Many indigenous communities have difficulty defending their rights to land because national law favors individual land certification systems, as opposed to the concept of communal ownership in customary law (Resosudarmo et al., 2019).

A study conducted by Chimhowu (2019) highlights the changes that have occurred in indigenous land tenure systems in Africa, where the influence of modern policies has begun to change land ownership and use patterns. This article shows that customary law tends to lose its authority as governments and international institutions intervene in land tenure regulations increasingly. This is also the case in Indonesia and several other countries in Southeast Asia, where customary law is increasingly excluded due to state regulations that are more supportive of the positive legal system. As a result, many indigenous communities lose their land rights because they do not have formal state-recognized certification (Chimhowu, 2019).

In addition to pressure from national law, customary law also faces challenges from social and economic changes. Castro-Arce and Vanclay (2020) show that modernization and changing economic patterns in rural communities have led to a shift in the way land is managed and inherited. Younger generations exposed to market economies and urbanization often no longer see customary law as a relevant system for resolving land disputes. They are more likely to seek solutions through formal legal channels, which are considered more compatible with the current world of work and economic systems (Castro-Arce & Vanclay, 2020).

On the other hand, customary law still has advantages in terms of inclusivity and social justice. Doss and Meinzen-Dick (2020) highlight how customary law can be more flexible in resolving land disputes with an approach that considers social aspects and familial relationships. In many cases, the settlement of land disputes through customary mechanisms not only focuses on formal legal aspects, but also considers broader social impacts, such as maintaining good relations between families and communities. This is different from the formal legal system which focuses more on legal certainty without considering social aspects in depth (Doss & Meinzen-Dick, 2020).

However, gender issues are still a challenge in customary law. A study by Bedner and Arizona (2019) revealed that in many indigenous communities, women still experience limited access to land ownership rights. The patriarchal system that is still strong in customary law often puts women in a weaker position when it comes to inheritance and land management. Although there are some communities that have begun to accommodate women's rights in their customary law, further efforts are still needed to ensure that the customary law system can be more inclusive of the interests of all groups in society (Bedner & Arizona, 2019).

In the context of law and security, a study by Blair et al. (2019) shows that customary law is often the main mechanism for resolving conflicts in countries with weak national legal institutions. In many regions, customary law is more effective in resolving land disputes than the formal legal system, which is often slow and prone to corruption. Therefore, in some countries, governments are beginning to adopt a hybrid approach by integrating customary law into national legal systems as a way to improve efficiency and fairness in the settlement of land disputes (Blair et al., 2019).

However, not all customary laws function ideally. A study by Ley, Mattiace, and Trejo (2019) shows that in some regions, customary law can be abused by certain groups to maintain control over land and natural resources. In some cases, indigenous leaders use customary law to strengthen their position in the community, often in an unfair way towards other groups, especially women and minority groups. This shows that although customary law has many advantages, there is still a need for monitoring and reform mechanisms to keep the system fair and in accordance with human rights principles (Ley et al., 2019).

McAuslan (2019) in his study of land law and development shows that the sustainability of customary law depends on its ability to adapt to social changes and national policies. In some countries, the best approach is to adopt a dual legal system, where customary law remains recognized in the settlement of land disputes but remains within the broader national legal framework. This approach allows indigenous peoples to maintain their identity and dispute resolution mechanisms, while still providing broader legal protection at the national level (McAuslan, 2019).

Overall, the results of this study show that although customary law faces various challenges in the modern era, it still has strong relevance in resolving land disputes in rural communities. The main challenges facing customary law are the lack of formal recognition in the national legal system, social changes that change land ownership patterns, and pressure from external economic interests. However, the advantages of customary law in terms of social justice, inclusivity, and effectiveness in dispute resolution make it a top choice for many rural communities. Therefore, policies are needed that can accommodate customary law in the national legal system while maintaining the core values that make it effective in resolving land conflicts.

Discossion

Customary law has long been the main mechanism in resolving land disputes in rural communities. As a legal system based on local values, customary law plays an important role in maintaining social harmony and regulating the ownership and use of land in society. However, in the modern era, the challenge is increasing in maintaining its relevance and effectiveness. This study examines the role of customary law in resolving land disputes, the challenges faced in integrating with national law, and its sustainability prospects in the future.

The Role of Customary Law in Resolving Land Disputes in Rural Areas

Customary law is still the dominant system in resolving land disputes in rural areas. As part of a cultural heritage that has been passed down from generation to generation, customary law has proven to be effective in maintaining social balance and resolving conflicts peacefully. This system prioritizes deliberation and consensus compared to the country's legal approach based on formal regulations. In practice, the settlement of land disputes through customary law is usually led by customary stakeholders or community elders who have authority in the community. This process is carried out in the form of a meeting or mediation forum where the parties to the dispute are given the opportunity to submit their claims. The decisions taken are based on customary norms that have long been held by the community, so they are easier to accept than decisions produced by the country's legal system.

The advantage of customary law in resolving land disputes lies in the efficiency of time and cost. This process is faster than litigation in court, which is often time-consuming and costly. In addition, social legitimacy towards customary law is higher because people respect decisions made based on their own cultural values. The resulting decisions are also more oriented towards the restoration of social relationships, rather than simply determining who wins or loses. Thus, conflict resolution through customary law not only avoids divisions within the community but also strengthens social cohesion among citizens.

Nevertheless, customary law faces great challenges in dealing with the development of the times. One of the main challenges is the limited accessibility of state law in rural areas, which makes people still highly dependent on customary law in resolving land disputes. Studies show that most land dispute cases, around 65% to 80%, are still resolved through customary law mechanisms. This shows that customary law is still the main choice for the community because it is more trustworthy than the formal legal system. In addition, customary law is considered more flexible in dealing with various problems that arise in the community, especially those related to land ownership rights that are inherited from generation to generation.

However, in the modern era, customary law often clashes with land regulations set by the government. In the national legal system, land ownership must have official documents as proof of legality, while in customary law, land ownership can be based on a history of use or inheritance that is not recorded in the state legal system. These conflicts often create legal uncertainty, especially when customary lands are taken over by investors or used for development projects without the full consent of indigenous communities. This imbalance causes indigenous peoples to lose their rights to the land they claim under the customary system, but do not have the formal legal force to defend those rights.

In addition, modernization and social change have changed people's perspective on customary law. The younger generation tends to prefer the country's legal path because it is considered to provide more legal certainty and has stronger power in resolving conflicts. The authority of indigenous leaders in resolving disputes has also begun to weaken due to the influence of national laws that are increasingly dominant. This is a challenge for customary law to remain relevant and accepted by all levels of society.

With the various challenges faced, customary law needs to adapt in order to survive in the midst of a modernized legal system. Integration with state law is a necessary step to ensure that the settlement of land disputes through customary law still has recognized legal force. If custom-based dispute resolution mechanisms can be formally recognized and combined with national legal principles, then this system will remain an effective solution in resolving land conflicts in rural areas without eliminating long-established cultural values in society.

Challenges in the Implementation of Customary Law in the Modern Era

Although customary law still has a significant role in resolving land disputes in rural areas, the modernization and development of the national legal system has brought various challenges that hinder the effectiveness and sustainability of these customary mechanisms. One of the main challenges faced is the lack of recognition of customary law in the national legal system. Although in some countries customary law has been given space in land regulation, in practice decisions taken by customary institutions often do not have binding legal force. In many cases, when there is a conflict of interest between indigenous peoples and external parties such as companies or governments, customary law decisions are often considered invalid by the formal legal system. This makes it difficult for indigenous peoples to maintain their rights to land that they have long controlled and managed based on hereditary traditions.

One clear example of this challenge is the conflict between customary law and state regulations related to land ownership. In the national legal system, land ownership must be supported by an official document such as a title certificate issued by the government. In contrast, in customary law systems, land ownership is often based on hereditary inheritance, community management, or collective recognition in the absence of official documents that can be recognized in the country's legal system. These differences lead to legal uncertainty that often harms indigenous peoples, especially when their land is exposed to large-scale development or investment projects. In many cases, land that has been customarily managed for generations is suddenly claimed by another party with an official certificate, leaving indigenous peoples deprived of their land rights without adequate legal protection.

In addition to regulatory issues, modernization and social change also pose major challenges to the sustainability of customary law. The shift in values in indigenous communities has led to a decrease in the authority of indigenous leaders in resolving land disputes. The younger generation, who are increasingly exposed to the country's legal system, tend to prefer a more formal dispute resolution mechanism compared to the customary approach. This has led to a diminishing role of customary law in resolving conflicts, as the authority of customary elders is no longer considered as strong as before. In addition, the emergence of the concept of individualism in modern society has also begun to shift the principles of communal-based land ownership that have long been part of customary law. Many individuals are now more interested in owning land in their own name than the system of collective ownership commonly applied in customary law.

Another challenge faced is the intervention of external parties, such as companies and governments, in the management of customary lands. In recent decades, the expansion of development projects, plantations, and exploitation of natural resources has increasingly threatened the existence of indigenous lands. In many cases, large companies enter customary territories by obtaining permission from the government, without taking into account the rights of indigenous peoples who have managed the land for generations. When indigenous peoples try to defend their rights through customary law mechanisms, often the decisions taken by indigenous institutions are not recognized by outsiders, so the community does not have sufficient legal protection to defend their land.

In addition, many local governments are more in favor of investment and economic development than the protection of indigenous peoples' rights. This has led to an increasing number of cases where customary lands are diverted for industrial purposes without adequate consultation with indigenous communities. The absence of strong legal protection mechanisms for indigenous peoples further exacerbates this situation, as they do not have adequate access to the country's legal system that can protect their rights.

From the various challenges faced, it is clear that customary law is in an increasingly pressing position in the midst of the development of modern law. Without efforts to harmonize customary law and national law, it will be increasingly difficult for indigenous peoples to defend their rights to land. In the future, efforts are needed to strengthen the recognition of customary law in the national legal system, as well as create a dispute resolution mechanism that can accommodate the interests of indigenous peoples without sacrificing legal certainty for all parties. If there is no clear solution, then the sustainability of customary law as a mechanism for resolving land disputes in rural areas will continue to face greater challenges.

Prospects for Sustainability of Customary Law and Integration with National Law

Despite the various challenges, customary law still has sustainability prospects in rural land dispute resolution, especially if there are concrete steps to harmonize it with the national legal

system. Along with the increasing complexity of land issues due to development expansion and globalization, customary law needs to be more formally recognized in national regulations to remain relevant in the practice of resolving land disputes.

One of the main steps that can be taken to strengthen customary law is the recognition of the status of customary law in national regulations. The government needs to issue regulations that recognize the results of customary institutions' decisions in resolving land disputes as part of a valid and binding legal system. Today, many decisions taken by indigenous leaders are not recognized by state courts, so when there is a dispute involving an external party, the decision often does not have the legal force that can be used to enforce justice for indigenous peoples. With clear regulations, decisions resulting from customary mechanisms can be used as a reference in the national justice system, thus providing stronger legal protection for indigenous peoples in defending their land rights.

In addition, increasing the capacity of customary institutions is a key factor in maintaining the sustainability of customary law. In practice, not all indigenous leaders have a sufficient understanding of modern legal principles that can be used to strengthen their position in more complex negotiations or disputes. Therefore, a training program is needed for customary institutions so that they have skills in mediation, negotiation, and understanding of legal aspects that can support their decisions in the eyes of state law. With a stronger capacity, customary institutions will be better prepared to face modern challenges and be able to maintain their relevance as one of the effective land dispute resolution systems.

Alignment between customary law and state law is also urgent to be carried out so that these two systems can complement each other, not contradict each other. One way that can be done is to implement a custom-based mediation mechanism that has national legal legitimacy. This means that before a land dispute is resolved in a state court, the disputing parties can first go through a mediation process led by a customary institution. The results of this mediation can then be confirmed by the national justice system so that it has binding legal force. In this way, customary law can still play a role as the main mechanism in resolving land disputes, but with stronger legality guarantees from the state.

Collaboration between customary institutions and the government is also an important factor in ensuring the sustainability of customary law in the modern era. The government and customary stakeholders need to sit together to develop land policies that can respect the rights of indigenous peoples without hindering the national development process. If the government only focuses on development and investment without considering the rights of indigenous peoples, land conflicts will continue to occur and indigenous peoples will increasingly lose control of their land. On the other hand, if customary law can be integrated into national policy, then the balance between development and indigenous peoples' rights can be maintained.

One of the innovations that can be applied in maintaining the sustainability of customary law is the digitization and documentation of customary land rights. One of the main obstacles faced by indigenous peoples in defending their land is the lack of legal evidence that can be used in the country's legal system. Many customary lands are inherited from generation to generation without any written documents officially recognized by the state. Therefore, a digital-based documentation system can help record and archive customary land ownership so that it can be used as valid evidence in dispute cases. With a more modern record-keeping system, indigenous peoples no longer rely solely on oral testimony or traditional documents that are easily debated in the national legal system.

In a broader context, the sustainability of customary law depends on how the system can adapt to the times without losing the core values that make it unique. If customary law continues to insist on maintaining the old method without innovation in its procedures and settlement mechanisms, then its role will be increasingly shifted by a more modern national legal system that

has greater legal power. Therefore, there needs to be a balance between maintaining traditional values and adopting new approaches that allow customary law to remain relevant and recognized on a broader scale.

With these steps, customary law can continue to serve as a fair and sustainable land dispute resolution system. A good integration between customary law and national law will create a solution that not only benefits indigenous peoples but also provides greater legal certainty in land management in the modern era.

Policy Recommendations to Improve the Effectiveness of Customary Law in Land Dispute Resolution

Based on the above analysis, some policy recommendations that can be applied to improve the effectiveness of customary law in land dispute resolution include:

1. Legalization of Customary Law Decisions in Land Disputes

The government needs to issue regulations that give legal force to the decisions of customary institutions, so that the results of dispute resolution can be recognized in the national legal system.

2. Hybrid Mechanism between Customary Law and National Law

A customary-based mediation mechanism involving elements of the government and customary institutions has been established, so that dispute resolution can be harmonized with formal law.

3. Provision of Access to Legal Education for Indigenous Peoples

Indigenous peoples need to be given an understanding of their legal rights in the national system so that they can more easily fight for land rights in a more effective way.

4. Documentation of Customary-Based Land Rights in the National System

Land registration based on indigenous communities must begin to be digitized so that it has legitimacy and can be maintained in case of disputes with outside parties.

5. Strengthening the Government's Role in Protecting Customary Lands

The government needs to be more active in protecting customary lands from land grabbing by corporations or individuals who want to control land in illegal ways.

CONCLUSION

Customary law still plays an important role in resolving land disputes in rural areas because of its deliberation-based approach and social justice. This mechanism is more accepted by the public than the formal legal system which tends to be rigid and oriented towards legal evidence. However, the main challenges of customary law are the lack of formal recognition from the state, the overlap of regulations with national laws, and social changes that make the younger generation prefer the formal legal route.

To ensure its sustainability, customary law needs to be harmonized with national law through regulations that recognize the decisions of customary institutions as part of a legitimate dispute resolution system. Documentation and digitization of customary land rights are also a solution to increase the legal validity of indigenous peoples' land ownership. In addition, more inclusive customary law reforms, especially related to women's land ownership rights, must continue to be encouraged. With collaboration between governments, indigenous communities, and legal institutions, customary law can remain relevant and function effectively in resolving land disputes in the modern era.

REFERENCE

Achjar, K. A. H., Rusliyadi, M., Zaenurrosyid, A., Rumata, N. A., Nirwana, I., & Abadi, A. (2023). *Metode*

- Penelitian Kualitatif: Panduan Praktis untuk Analisis Data Kualitatif dan Studi Kasus.* PT. Sonpedia Publishing Indonesia.
- Adisubiksa, N. Y., & Udytama, I. W. W. W. (2023). PERANAN DESA ADAT DALAM PENYELESAIAN SENGKETA TANAH LABA PURA SAMUAN TIGA, DESA ADAT BEDULU, KECAMATAN BLAHBATUH, KABUPATEN GIANYAR. *Jurnal Hukum Mahasiswa*, 3(1), 586–597.
- Amaliyah, A., Ma'ruf, M. A., Sary, N., & Bitu, S. G. (2021). Reforma Agraria dan Penanganan Sengketa Tanah. *HERMENEUTIKA: Jurnal Ilmu Hukum*, 5(1).
- Annisa, L. H., & Pala, A. (2024). Rancangan Simulasi Sistem Dinamis Proyeksi Pertumbuhan Penduduk dan Penyusutan Lahan Sawah Terhadap Produksi Pangan di Kabupaten Bantul. *Journal of Agribusiness Science and Rural Development*, 4(1), 1–12.
- Arikunto, S. (2022). *Prosedur penelitian suatu pendekatan praktek*. Jakarta: Rineka Cipta.
- Astriani, B. A., & Indrawati, S. (2024). *Sengketa Tanah dalam Perspektif Hukum Agraria di Indonesia*. Yayasan Tri Edukasi Ilmiah.
- Awaluddin, A., Lahae, K., & Ratnawati, R. (2021). Peran Lembaga Adat Patowonua dalam Menyelesaikan Sengketa Tanah pada Masyarakat Tolaki-Mekongga. *DIVERSI: Jurnal Hukum*, 7(2), 301–321.
- Bangol, D. W. (2024). PENYELESAIAN SENGKETA TANAH MELALUI LEMBAGA ADAT (STUDI KASUS DI DESA TANAMON KECAMATAN SINONSAYANG KABUPATEN MINAHASA SELATAN). *LEX PRIVATUM*, 14(3).
- Bedner, A., & Arizona, Y. (2019). Adat in Indonesian land law: a promise for the future or a dead end? *The Asia Pacific Journal of Anthropology*, 20(5), 416–434.
- Bilung, N. (2020). Peranan Tokoh Adat dalam Penyelesaian Sengketa Tanah Ulayat di Desa Long Temuyat Kecamatan Kayan Hulu Kabupaten Malinau Provinsi Kalimantan Utara. *E-Journal Ilmu Pemerintahan*, 8(4), 15–28.
- Blair, R. A., Karim, S. M., & Morse, B. S. (2019). Establishing the rule of law in weak and war-torn states: Evidence from a field experiment with the Liberian National Police. *American Political Science Review*, 113(3), 641–657.
- Castro-Arce, K., & Vanclay, F. (2020). Transformative social innovation for sustainable rural development: An analytical framework to assist community-based initiatives. *Journal of Rural Studies*, 74, 45–54.
- Chimhowu, A. (2019). The 'new'African customary land tenure. Characteristic, features and policy implications of a new paradigm. *Land Use Policy*, 81, 897–903.
- Doss, C., & Meinzen-Dick, R. (2020). Land tenure security for women: A conceptual framework. *Land Use Policy*, 99, 105080.
- Haryono, E. (2023). Metodologi penelitian kualitatif di perguruan tinggi keagamaan Islam. *An-Nuur*, 13(2).
- Khairani, L., & Wiradnyana, K. (2023). From Ethnic Genealogical Folklore to the Power and Legitimacy of Traditional Society. *Eduvest-Journal of Universal Studies*, 3(6), 1098–1115.
- Khoirruni, A., Agustiwi, A., & Bidari, A. S. (2022). Problematika dan Penyelesaian Sengketa Tanah Melalui Mediasi Berbasis Virtual di Indonesia. *Jurnal Ilmiah Hospitality*, 11(1), 347–354.
- Ley, S., Mattiace, S., & Trejo, G. (2019). Indigenous resistance to criminal governance: Why regional ethnic autonomy institutions protect communities from narco rule in Mexico. *Latin American Research Review*, 54(1), 181–200.
- Mahu, M. R., Nirahua, S. E. M., & Salmon, H. (2023). Eksistensi Lembaga Adat Dalam Penyelesaian Sengketa Pertanahan. *BAMETI Customary Law Review*, 1(2), 120–141.
- McAuslan, P. (2019). *Bringing the law back in: Essays in land, law and development*. Routledge.
- Moleong, L. J. (2015). *Metodologi penelitian kualitatif*. PT Remaja Rosdakarya.
- Palenewen, J. Y., Tanati, D., & Solossa, M. (2022). Peranan Kepala Kampung Dalam Penyelesaian Sengketa Tanah Adat Di Kampung Lugom Distrik Yugungwi Kabupaten Lanny Jaya. *BULLET: Jurnal Multidisiplin Ilmu*, 1(06), 1351–1357.

- Parihah, V. S. (2022). Penyelesaian Sengketa Tanah Dengan Hak Guna Usaha Dalam Penertiban Tanah Terlantar. *Administrative Law and Governance Journal*, 5(3), 205–215.
- Partini, N. N. T. (2024). Peran Hukum Adat dalam Penegakan Hukum dan Penyelesaian Sengketa. *Virtue Jurisprudence*, 2(2), 192–201.
- Permadi, I. P. (2023). Potensi Sengketa Hak Atas Tanah Di Indonesia. *Justisi*, 9(2), 201–216.
- Putra, R. P. W. (2021). *PERAN KEPALA DESA DALAM PENYELESAIAN SENGKETA PEMBAGIAN TANAH WARISAN (Studi Kasus di Desa Wringinanom)*. UNIVERSITAS BHAYANGKARA SURABAYA.
- Ratnaningtyas, E. M., Saputra, E., Suliwati, D., Nugroho, B. T. A., Aminy, M. H., Saputra, N., & Jahja, A. S. (2023). Metodologi penelitian kualitatif. *No. Januari. Aceh: Yayasan Penerbit Muhammad Zaini*.
- Resosudarmo, I. A. P., Tacconi, L., Sloan, S., Hamdani, F. A. U., Alviya, I., & Muttaqin, M. Z. (2019). Indonesia's land reform: Implications for local livelihoods and climate change. *Forest Policy and Economics*, 108, 101903.
- Sugiyono. (2019). *Metode Penelitian*. CV Alfabeta.
- Sulistiyo, U. (2023). *Metode penelitian kualitatif*. PT Salim Media Indonesia.
- Sundara, K., & Gani, A. (2020). Peran tu'a ulayat warloka dalam penyelesaian sengketa tanah. *CIVICUS: Pendidikan-Penelitian-Pengabdian Pendidikan Pancasila Dan Kewarganegaraan*, 8(1), 16–22.
- Temaluru, H. M., & Lay, B. P. (2023). Peran Hukum Kepemilikan dan Penguasaan Hak Atas Tanah dalam Penyelesaian Sengketa Tanah di Desa Boneana. *Jurnal Ilmiah Dan Karya Mahasiswa*, 1(3), 292–307.
- Zakariah, M. A., Afriani, V., & Zakariah, K. H. M. (2020). *METODOLOGI PENELITIAN KUALITATIF, KUANTITATIF, ACTION RESEARCH, RESEARCH AND DEVELOPMENT (R n D)*. Yayasan Pondok Pesantren Al Mawaddah Warrahmah Kolaka.