

Article

Integration of Customary Law in Agrarian Law Development in the the Industrial Revolution 4.0 Era: Significance and Urgency

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Abstract

The Industrial Revolution 4.0 era recently offers automation systems across various aspects of life. This situation challenges Indonesia's land law rooted in customary law. This article aims to explore the role and relevance of customary law as the foundation of national agrarian law in the face of rapid Industry 4.0 growth. The findings indicate that customary law, as the cornerstone of the Basic Agrarian Law, is crucial not only as a source of norms and supplementary norms in national land law. Recognition of customary law remains pivotal to ensure the sustainability of indigenous communities, protect traditional land rights, and promote inclusive agrarian justice. The integration of customary law within Indonesia's national legal framework reflects a commitment to advancing agrarian justice and supporting the principles of the Unitary State of the Republic of Indonesia. Thus, customary law continues to be relevant as a foundation and principle for legislative formation, including agrarian law. A legal pluralism system recognizing customary law as an integral part of agrarian law holds significant potential in supporting comprehensive and inclusive agrarian justice in Indonesia, aligning with agrarian law policies aimed at safeguarding pluralistic rights of indigenous communities.

Keywords

Industrial Revolution 4.0, Customary Law, Agrarian Law, legal pluralism



INTRODUCTION

Agrarian Law is a set of rules governing land, land ownership, and land utilization, both written and unwritten. According to Utrecht, as cited by Budi Harsono, Agrarian Law, in a narrow term, is often referred to as "Land Law." Before enacting "Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles" (UUPA), Agrarian law in Indonesia was dualistic. It means there were two legal systems in place: customary law and Western land law, the latter being a legacy from the Dutch colonial period (Wiryani, 2018). Due to the existence of these two sets of regulations, the law in the agrarian sector is referred to as legal pluralism. Legal pluralism denotes the diversity of laws that are generally used to understand the legal reality prevailing in Indonesia. This concept was proposed by Werner Menski, who explains that pluralism in law reflects the global socio-legal reality (Pudjilianto & Handayani, 2022).

Customary law refers to the norms accepted and adhered to within the lives of the communities concerned (Hatta, 2005). Customary law can also be described as the customary norms prevailing within a particular community. For instance, "Batak Custom" refers to the manners or habitual behaviors of the Batak people. Indonesia is one of the countries that still utilizes customary law within its regulatory framework, as there are regions that steadfastly adhere to their customary laws. It presents a particular problem when disputes arise that intersect with national law.

In agrarian law, the land reform concept encompasses various forms and characteristics, depending on the era and country where the changes occur (Bakri, 2008). Unifying agrarian law, which is inherently pluralistic, can provide legal certainty and uniformity from Sabang to Merauke.

The Fourth Industrial Revolution has significantly impacted the legal system in Indonesia, including land law. The government has adjusted its legal system by incorporating elements from the legal systems of developed countries, as seen in the implementation of the Omnibus Law to simplify regulations and enhance investment opportunities (Suhaidi et al., 2023). Such technological utilization aligns with broader Industry 4.0 trends, which emphasize digitalization and artificial intelligence (AI) systems to improve productivity and efficiency across various sectors, including agriculture (Ane & Yasmin, 2019).

In land law, existing studies highlight the importance of leveraging technology to support the optimization of agrarian law reform implementation. The application of digital technology and online systems for data synchronization holds significant potential to enhance the monitoring and management of land ownership and land rights in Indonesia. This can lead to a more effective implementation of Indonesia's Agrarian Reform, aiming to ensure equitable land distribution among the population. Integrating digital systems into land management can streamline processes and increase transparency, potentially reducing incidents of individuals holding property rights beyond the stipulated limits (Sekarmadji et al., 2021).

One of the government's efforts to promote the optimization of information technology in land affairs is the introduction of Electronic Certificates. The Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency issued Regulation Number 1 of 2021 on Electronic Certificates, which took effect on January 12, 2021 (Permadi & Herlindah, 2023).

The implementation of Agrarian Electronic Certificates in Indonesia has had a significant impact on land ownership and management. These electronic certificates aim to modernize land registration and enhance public service access (Krismantoro, 2023; Subekti & Putranto, 2023). By utilizing blockchain technology and QR code validation, these certificates prevent forgery, illegal fees, and fraud, ensuring data authenticity and transparency in the land certification process (Kusuma et al., 2022).

Amid the utilization of information technology developments in land law, it is intriguing to examine the position and application of customary law as one of Indonesia's legal systems within the national land law framework. It is crucial to consider the integration of customary law principles into the national land law framework is deemed necessary to promote agrarian justice and sustainability in land management in Indonesia (Damanik, 2023). Customary law also plays an essential role in resource governance and the protection of customary land rights, which are vital for the sustainability of customary law communities amidst modernization and globalization (Buana & Mamonto, 2023; Ibrahim & Saptomo, 2024). The integration of customary law and positive law in the land management system also plays a significant role in ensuring sustainability and justice in land ownership and management. For instance, customary legal systems often offer sustainable local solutions for farming communities, which can be effectively adapted and integrated into national regulations (Kurnia et al., 2022).

Therefore, this article will explore how the Industrial Revolution 4.0 is connected to the application of customary law in the land sector. This article aims to provide a deeper understanding of the position of customary law within the modern land law system in Indonesia amidst current digital technology developments.

METHODOLOGY

The method employed in this study is a literature review. In legal studies, the literature review method is a systematic process for investigating and analyzing relevant literature in a specific legal field. Researchers identify a research topic or question and then conduct a literature search from various sources such as journals, books, and legal documents. By applying systematic methods such as Related Theory and Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA), researchers can navigate the extensive landscape of legal literature, ensuring a comprehensive and structured analysis to answer specific research questions and make meaningful contributions to the field of legal studies (Chung & Kim, 2023).

RESULTS AND DISCUSSION

Legal Pluralism in Agrarian Law in Indonesia

Legal pluralism in agrarian law refers to the coexistence of diverse legal systems within a society, including state law and non-state norms such as customary law and community regulations (Puri, 2017). This concept recognizes cultural, ethnic, and religious diversity, allowing for the integration of various legal orders to provide justice and address the needs of diverse communities. In the context of agrarian law, legal pluralism acknowledges the importance of customary practices and local traditions alongside national legislation, creating a dynamic and responsive legal framework that respects historical rights and promotes social justice. By embracing legal diversity, agrarian law can adapt to evolving societal dynamics, ensuring inclusivity and fairness in land ownership, property rights, and dispute resolution processes.

Ideologically, customary law forms part of the foundation of national agrarian law, but this is not without challenges. The main issue lies within customary law, which is often unwritten, and its efficacy in addressing emerging issues in Indonesia's evolving society is questioned. To anticipate these challenges, Budi Harsono argues that the deficiencies in customary law have been addressed (Sodiki & Maladi, 2009).

Nevertheless, advancements in technology that can facilitate and enhance the performance of the National Land Agency (BPN) and benefit public interests should be considered. Thus, in cases of conflict between customary law and national agrarian law, national agrarian law principles generally prevail, especially in mandatory laws. The government can amend or create regulations to address these advancements and provide legal certainty (Fathoni, 2021).

In Land Legislation, there are four ways to obtain land rights: customary land rights, government allocation, statutory rights under the law, and land rights granted. Customary land rights, considered as ownership rights, are acquired through communal forest opening led by customary community leaders or tribal chiefs. Subsequently, these leaders allocate the opened land for agriculture, settlements, and other uses beneficial to the customary community.

The land utilized by customary communities generally has been passed down through generations, and they consider it as owned by their specific customs. Typically, such customary land is state-owned. Formerly known as "girik" land, it represents customary or other land not yet converted into formal rights under national legislation. Therefore, it is necessary to process the granting of rights for such land, which inevitably involves national law. However, to respect customary communities, the government imposes specific limitations so they can manage their land according to their customs. In conclusion, these lands are regulated by a variety of laws, including customary and national laws. In the future, customary law may still apply but will be significantly influenced by national law.

M. Yazid Fathoni (2020) explores the concept of land rights transfer based on positive law in Indonesia using a normative legal research method. This research identifies three types of laws related to land rights transfer in Indonesia: Civil Law (KUHPerdota), Customary Law, and the Basic Agrarian Law (UUPA) through Government Regulation No. 24 of 1997.

Firstly, according to Civil Law (KUHPerdota), the transfer of land rights is characterized by a consensual agreement, where ownership is considered transferred when the agreement is followed by delivery (levering). Secondly, under Customary Law, the transfer of land rights requires consent and concrete action, so mere agreement alone is insufficient as a basis for the transfer of rights. Thirdly, according to the Basic Agrarian Law (UUPA) through Government Regulation No. 24 of 1997, the transfer of land rights is deemed valid when registered according to the established procedures.

The transfer of land rights based on Customary Law holds a legitimate position in Indonesian positive law. However, if such transfer does not comply with the provisions of Civil Law (KUHPerdota) or Government Regulation No. 24 of 1997, its proof holds only as non-authentic evidence. So, the importance of integrating Customary Law and national law in the process of transferring land rights to ensure legal certainty and justice for all parties involved (Fathoni, 2020).

In this context, it is crucial to understand how various legal perspectives view the concept of land ownership. Zuman Malaka discusses the concept of land ownership from the perspectives of positive law or national law, customary law, and Islamic law to examine views on the concept of land ownership based on these three perspectives. This discussion serves as a legal comparison to broaden the concept of land ownership (Malaka, 2018).

The concept of land ownership in positive law in Indonesia is regulated in Article 33 paragraph (3) of the 1945 Constitution (UUD NRI) and the Basic Agrarian Law (UUPA) (Rosmidah, 2013). UUPA stipulates that the concept of land ownership has communal-religious elements, implying that Indonesian law views land as communal property given by God for the welfare of the community. Therefore, the state regulates the principle of the welfare state, granting authority to manage land, water, airspace, and natural resources contained therein for the prosperity of the people (Surono, 2013).

In the national land law, there are several types of land rights: state ownership rights, which are the rights of the Indonesian nation; public domain rights; customary community rights under civil and public law aspects; and individual rights, comprising direct and indirect individual land rights originating from national rights, endowments (wakaf), and land encumbrances known as mortgage rights (Harsono, 1992).

Meanwhile, in customary law, the concept of land ownership holds distinct characteristics reflecting local wisdom and the culture of the local community. Specifically, the concept of land ownership under customary law includes ulayat rights, which have been recognized by national law, namely

the Basic Agrarian Law (UUPA). Recognition is contingent upon the following conditions:

- a. Ulayat land will be recognized as long as it exists, but individual ownership rights will eventually prevail, leading to the extinction of ulayat land, meaning no new ulayat rights will be revived.
- b. Implementation must align with national interests and the unity of the nation, so it must not contradict other legal regulations.

Fundamentally, ulayat rights encompass the authority and obligations of a customary community related to its land and territorial scope. The subjects of ulayat rights are customary communities, which are legal associations based on shared residence, descent, ethnicity, clan, village, district, and similar affiliations. Juridically, the boundaries of customary communities are defined as groups bound by customary law as citizens of a legal union due to shared residence or descent. The objects of ulayat rights include land or territory; water bodies such as rivers, lakes, and coastal areas and their waters; living and wild plants; and animals within the scope of ulayat rights (An-Nabhani, 1996).

Meanwhile, from an Islamic perspective, everything in the heavens and on earth belongs to Allah Subhanahu Wa Ta'ala. Therefore, based on this philosophy, no law can be used to regulate land issues except the law of Allah. Allah, as the Creator, has also endowed humans with the intellect to manage the land and will hold them accountable on the Day of Judgment.

Islam applies individual ownership rights and common ownership rights with balanced recognition. Ownership in Islam is not absolute but bound by an obligation to realize the public interest (Sodiqin, 2012). It means everyone has the freedom to pursue ownership of something as their private property in a lawful manner that does not violate established principles. Limitations on individual ownership are based on its function. Thus, Islam does not recognize a capitalist system where ownership is unlimited. According to Islamic law, there are three forms of ownership: private ownership, public ownership, and state ownership.

A distinct concept in Islamic law regarding land is the absence of feudalistic or landlord systems, which contradict fair wealth distribution principles and hinder proper land utilization. Therefore, it becomes clear that agrarian law is pluralistic because it involves more than one governing law. From here, it is also evident that if the Islamic concept of land can be realized, every individual can possess land to utilize to the fullest. The concept of landlords, which is prohibited in Islam, can provide its own advantages for the people of Indonesia.

So, Islamic law acts as a balancing force between customary law and national law by providing the perspective that above state ownership lies the ultimate ownership, which is the ownership of Allah SWT. Therefore, land managed by the state or customary law must be based on the interests of the community and used as effectively as possible, as they will be held accountable on the Day of Judgment. Among these three laws governing land, only national law can evolve dynamically and keep pace with the times.

Reformasi has resulted in fundamental changes in national development regulations in the economic sector. Agrarian law addresses land issues and their use, closely related to economic discussions. Economic politics encompass policies, development implementation, and strategies as fundamental principles of economic democracy that prioritize the interests of the broader society and the prosperity of the people. Land, as the foundation of agriculture, must be prioritized based on its use and utilization to support agricultural growth, including the involvement of small entrepreneurs, medium-sized businesses, and cooperatives (Hatta, 2005). There are three key factors determining a country's economy: land wealth, international position, and human resources. Therefore, agrarian law plays a crucial role in future economic growth.

Muhammad Bakri (2008) argues that the enactment of UUPA has ended legal pluralism in land affairs by creating legal unification through the establishment of national land law based on customary law. Article 5 of UUPA states that agrarian law applicable to land, water, and airspace is customary law as long as it does not contradict national and state interests, based on national unity, Indonesian socialism, and regulations stipulated in this law and other legislation, while respecting elements grounded in religious law (Bakri, 2008).

This signifies legal unification in Indonesia, particularly in agrarian law, due to overlapping between national and customary regulations. Such overlaps can lead to conflicts between indigenous communities and the government. Therefore, legal unification is implemented without disregarding customary and religious laws, which are characteristics of the Indonesian nation.

However, pluralism in agrarian law indicates a condition termed "weak legal pluralism" (Mahfud M.D, 2011). This view is based on the premise that the interaction between national agrarian law and customary law in land affairs should not be seen as competition but as complementary relationships. National agrarian law tends to be static to maintain norms and order in a less dynamic or rigid society. Conversely, customary law is dynamic as it is rooted in community contexts (Andiko, 2011).

In the context of national agrarian law, the weakness of customary law is remarked by the enactment of UUPA and various implementing regulations as positive law in the form of national written law. On the other hand, customary law is generally unwritten law specific to each area where it applies. Provisions in agrarian law intersect with sectoral regulations on natural resources and environmental management provisions. Therefore, policies in the formation and implementation of law must employ a pluralistic legal approach. National mining policies, predominantly under modern subsystems, must integrate the values of local wisdom and traditional social values of indigenous communities.

This pluralistic legal approach is crucial to ensure that diverse interests and values are accommodated fairly within the national legal framework. Recognition of customary law not only acknowledges the traditional rights of Indigenous communities but also ensures that national policies do not disregard local wisdom proven to be sustainable and adaptive to the local environment.

The enactment of Law Number 4 of 2009 concerning Mineral and Coal Mining has resulted in conflicts and disputes in the mining sector. Furthermore, this law is seen as an example of the marginalization of customary law. Wahyu Nugroho (2019) argues that in mining management policies, national law holds a stronger position than customary land law, following the constitution. Normatively, agrarian resources are owned by the state and used for the prosperity of the Indonesian people. The concept of “state ownership” can be interpreted as public authority, meaning that state ownership is a legal relationship between the state and agrarian resources, which is a public relationship. State authority over resources includes all land, water, and airspace within Indonesian territory without exception (Nugroho, 2019).

This state authority creates a legal relationship between the state and legal subjects who control natural resources while obligating the state to use these resources solely for the prosperity of the people. Legal pluralism, reflecting legal diversity, is bound by the nation-state through a national legal system that interacts with various societal and cultural conditions.

Non-renewable natural resources such as coal must be utilized as efficiently and effectively as possible to ensure their longer-term use. This means that if natural resources like coal are solely managed by indigenous communities, it would contravene the Constitution of the Republic of Indonesia of 1945. The management of natural resources must be conducted wisely and integrated with national law to ensure that their utilization truly serves the interests of the people.

In the application of legal pluralism, it is crucial to prioritize the needs and interests of various stakeholders. Customary law must be harmonized with national law, and both should operate in tandem. For instance, the Minister of Home Affairs Decree has tailored local needs, such as Religious Legal Entities having land ownership rights within their jurisdictions. It ensures that the land becomes the patrimony of Religious Legal Entities and is protected from claims by other parties, thereby preserving the cultural integrity of a region, as seen in Bali.

An example of its implementation is observed in the Minister of Home Affairs Decree or the Head of the National Land Agency Number SK 520.1/2252 dated July 27, 2000, where temples throughout Indonesia can become Religious Legal Entities with ownership rights over the land where the temples are situated. Regulations regarding the use of temple land in Pelaba Pura in the Adat Village of Denpasar utilize national law, local legal products, and customary law through the “awig-awig” of the Adat Village of Denpasar as a concrete manifestation of legal pluralism in agrarian matters (Hartana & Udiani, 2020). This illustrates that customary law not only complements national agrarian law but also provides a basis for adapting and evolving national law to contemporary developments. The flexibility between these systems creates legal diversity that enriches legislation while preserving national identity.

Thus, customary law and national law should complement each other within established boundaries. For example, in customary villages, the authority granted is not absolute but authorized by law. Granting absolute authority could potentially lead to abuse or rebellion in the future.

This aligns with Wandu Subroto's view (2022). He posits that legal pluralism has the potential to foster equitable legal development. Customary land law may face challenges if it conflicts with the maximum national land law codified in legislation. However, the application of customary law in Indonesia's land sector does not inherently contradict national law. Therefore, it is unfair to consider customary law outdated. Customary law can impart unique characteristics to agrarian regulations (Subroto, 2022).

This means that as long as customary law does not conflict with national law, it is valid for use. Customary law serves as a benchmark in lawmaking in Indonesia, upholding the nation's identity steeped in noble values. Although younger generations may perceive customary law as antiquated, it has played a significant role in shaping previous legislation, endowing Indonesia with distinctive characteristics and traits. National law incorporates elements that adapt to contemporary developments to coordinate new events.

The direction of land law policy aims to construct a more responsive legal paradigm, meaning national land law does not overlook indigenous rights. Fundamentally, agrarian law in Indonesia has recognized the rights of indigenous people and their customary communities. Therefore, it would be inaccurate to say that national law is "beginning" to recognize these rights, as it has already been established (Murni & Nelson, 2023).

In the context of human rights and public interests, Ginting (2012) asserts that legal pluralism and the harmonization of laws in Indonesia are crucial for the direction of national agrarian law policy (Ginting, 2012). One government effort regarding customary rights is not merely to maintain their existence, as customary rights are inevitably eroded due to population growth and societal development. It has been evidenced on Java Island, where customary rights have nearly vanished due to widespread development.

The indigenous communities, in the future, may choose to abandon their customs and become more subject to national law. However, as long as ancestral lands and Indigenous communities persist, the government must continue to respect their presence by granting the Indigenous communities certain degrees of autonomy in managing their lands within specific limits. Indeed, customary rights in Indonesia have been significantly diminished by globalization and could disappear, as seen on Java Island. It differs from Bali, Papua, and others, where cultural traditions and customs remain strong and resilient.

The Industrial Revolution 4.0 and Its Impact on Indonesian Agrarian Law

The Fourth Industrial Revolution has significantly impacted various sectors, including the legal system in Indonesia. The adoption of digital technology, automation, and artificial intelligence has prompted the Indonesian government to adjust regulations to address new challenges and opportunities. Modernizing

regulations has been one of the government's responses, as reflected in the Omnibus Law. This law aims to streamline regulations, enhance efficiency, and create a more conducive investment climate. Additionally, the digitalization of legal administration, such as by the National Land Agency (BPN), accelerates the process of land certificate management and reduces the potential for corruption through digital systems. The government has also incorporated elements from advanced legal systems to strengthen domestic regulations, particularly in the fields of flexible and competitive investment and labor laws. The implementation of the Omnibus Law and other regulatory reforms reflects the government's efforts to create a more dynamic legal environment that meets the needs of the digital era, while attracting more investment and enhancing Indonesia's economic competitiveness globally (Suhaidi et al., 2023).

One of Indonesia's government efforts to optimize information technology in the field of land administration is through the introduction of Electronic Certificates. The Minister of Agrarian and Spatial Planning/Head of the National Land Agency issued Regulation No. 1 of 2021 concerning Electronic Certificates, effective from January 12, 2021. This regulation is seen as a turning point in the reform of land governance and security of land rights in Indonesia. The use of digital land certificates can enhance legal certainty by streamlining registration procedures and resolving disputes. These digital certificates have the potential to transform the current negative publication system into a positive publication system to demonstrate ownership of land rights (Permadi & Herlindah, 2023).

The implementation of Electronic Certificates aims to modernize land registration and improve public service access. With electronic certificates, the administration of land ownership processes is expected to become more efficient and transparent. While reducing the risk of forgery and conflicts related to land rights. This initiative is part of broader agrarian reforms focusing on the use of digital technology to enhance land management and supervision in Indonesia (Krisnantoro, 2023; Subekti & Putranto, 2023).

Furthermore, the use of information technology can also be implemented through the utilization of blockchain technology and QR code validation on Electronic Certificates in Indonesia. This plays a crucial role in preventing forgery, illegal levies, and fraud related to land ownership. The Blockchain, with its decentralized and transparent nature, securely records every transaction or change to land certificates, ensuring they cannot be altered. Digitally verified QR codes also ensure the authenticity of data on each certificate, enhancing transparency and trust in the land certification process.

Integration of Customary Law in the Development of Agrarian Law in the Industrial Revolution 4.0 era

Amidst rapid digital transformation in the Industrial Revolution 4.0 era, the role of customary law in the development of agrarian law in Indonesia remains significant. Customary law continues to hold considerable importance in agrarian reform in Indonesia, as it has been an inseparable part of the legal framework and history of the country. Recognition of customary law is crucial to ensure the

sustainability of indigenous communities, protect traditional land rights, and promote inclusive agrarian justice. Despite efforts to regulate customary land in the form of individually owned land rights under regulations, the existence of customary law is still recognized and integrated into the national legal system (Wala, 2023). Indigenous Law Communities (ILCs), as part of the Customary Law System, are recognized for their existence and implementation within the National Land Law (NLL). The Basic Agrarian Law (UUPA) mentions that customary law functions as a primary source in the development of the NLL, albeit with the condition that customary law still exists and aligns with national and state interests (Joesoef, 2020).

The political landscape in Indonesia also emphasizes the need to protect the rights of indigenous communities, as stated in Law Number 5 of 1960 concerning Basic Agrarian Principles (Suartining & Djaja, 2023; Wala, 2023). This is in line with the direction of agrarian law policy in Indonesia aimed at preserving pluralistic customary rights, which is a crucial step aligned with constitutional mandates. The Indonesian Constitution, particularly Article 18B paragraph (2), explicitly recognizes and respects Indigenous community units along with their traditional rights as long as they are alive and following the development of society and the principles of the Unitary State of the Republic of Indonesia. This policy is also highly relevant given the need for legal certainty in land ownership and use (Murni & Nelson, 2023).

Furthermore, in terms of implementation, customary law often plays a crucial role in resolving land disputes by accommodating cultural diversity and existing legal systems. Amidst this complexity of diversity, customary law serves as a strong foundation in determining land ownership and use based on local values and traditions of the local community. The involvement of customary law in resolving land disputes also enriches a more inclusive agrarian legal framework accessible to various groups within the society, who are not always covered by formal law.

This technology modernizes the way land registration and management reduce administrative costs and enhances efficiency in public land services. Therefore, the implementation of blockchain technology and QR code validation on Electronic Certificates represents a progressive step supporting the government's vision to create a more transparent and accountable legal environment in the field of land administration (Kusuma et al., 2022).

The potential application of information technology in the land sector is extensive. Digital technology and online systems can synchronize data, greatly enhancing the supervision and management of land ownership and rights in Indonesia. The use of this technology can support more effective Agrarian Reform, aimed primarily at ensuring fair land distribution among the population. Integrating digital systems into land management can streamline administrative processes and increase transparency, thereby reducing incidents of property ownership exceeding prescribed limits. Thus, the use of digital technology in land systems not only improves data efficiency and accuracy but

also supports the social and economic goals of agrarian reform in Indonesia (Sekarmadji et al., 2021).

In many cases, resolving land disputes through court proceedings can incur significant financial expenses, with legal costs sometimes exceeding the actual value of the disputed property. In this context, mediation emerges as an effective and efficient alternative strategy for land dispute resolution outside the courts. The role of customary law in mediation is crucial, as customary law often serves as a strong foundation in determining land ownership and use based on local values and traditions of the local community. This process not only tends to be cheaper and faster but also promotes peaceful and win-win resolutions where the interests of both parties can be accommodated. Moreover, mediation involving customary law can maintain good relationships between disputing parties, which are often strained in adversarial court processes. Therefore, recognizing and wisely utilizing customary law can optimize efforts for fair and sustainable land dispute resolution tailored to the diverse local contexts in Indonesia (Riski et al., 2023).

Thus, integrating the principles of customary law within the national land law framework in Indonesia is a crucial step to promote agrarian justice and sustainability in land management. These principles embody rich values of local wisdom and long-standing experiences in natural resource management, including land. By acknowledging and incorporating these principles into national law, the government can better ensure the protection of Indigenous community rights, sustainable land management practices, and a land certification process that respects the existing social and cultural contexts within communities (Damanik, 2023).

Furthermore, customary law continues to play a vital role in natural resource governance and the protection of indigenous land rights, which are critical for the sustainability of indigenous legal communities amidst modernization and globalization. Customary law, rooted in inherited local values and traditions, offers unique and effective mechanisms for regulating the sustainable use and exploitation of natural resources. In resource governance contexts, customary law often imposes stricter and more specific rules compared to state law, particularly concerning conservation and the rotational use of land to prevent environmental degradation. This is essential for maintaining ecosystem balance and ensuring the sustainability of natural resources that are vital to the livelihoods of indigenous communities (Buana & Mamonto, 2023; Ibrahim & Saptomo, 2024).

The integration of customary law and positive law within land management systems represents a strategic step toward ensuring sustainability and fairness in land ownership and management. Customary law, which evolves organically from the values and traditions of local communities, often offers more relevant and sustainable solutions for local communities. Existing studies suggest that customary law provides tested mechanisms for resource management that are effective in maintaining ecological and social balance over time. This system is often more flexible and adaptable to local environmental and socio-economic

conditions. For example, in farming communities, customary law typically includes sustainable land management practices such as crop rotation, soil and water conservation, and fair distribution of yields among community members. These practices not only ensure the sustainability of natural resources but also foster social cohesion and justice in benefit distribution. Thus, customary law offers sustainable local solutions for farming communities that can be well-adapted and integrated into national regulations (Kurnia et al., 2022).

CONCLUSION

Customary law plays a crucial role in the development of agrarian law in Indonesia, particularly in the contexts of agrarian reform and social justice. Despite facing digital transformation in the era of the Fourth Industrial Revolution, recognition of customary law remains essential to ensure the sustainability of indigenous communities, protect traditional land rights, and promote inclusive agrarian justice. The integration of customary law into the national legal system, as mandated by the Basic Agrarian Law and Indonesia's constitution, reflects a commitment to promoting inclusive agrarian justice and supporting the principles of the Unitary State of the Republic of Indonesia. Customary law has also proven effective in resolving land disputes and governing natural resources by providing sustainable solutions aligned with local values and traditions. This aligns with Indonesia's agrarian law policies aimed at preserving pluralistic indigenous rights, a critical step in accordance with constitutional mandates. The political landscape in Indonesia underscores the need to protect indigenous rights, as stated in Law Number 5 of 1960 on Basic Agrarian Principles. Thus, integrating customary law into the national legal framework not only supports the sustainability of indigenous communities but also promotes comprehensive and inclusive agrarian justice for all parties involved in Indonesia's national land system. By integrating customary law principles into the national legal framework, Indonesia can strengthen sustainable land management and ensure that the interests of all societal groups are fairly and sustainably accommodated amidst the dynamics of globalization and modernization.

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