Sortuz. Oñati Journal of Emergent Socio-legal Studies
Volume 16, Issue 1 (2026), 89-111
ISSN 1988-0847
DOI link: https://doi.org/10.35295/sz.iisl.2422

Integration of Islamic law and customary law and its application in the Indonesia legal system: Opportunities and challenges

Wahyudi[1]
Abdurrauf Umar[2]

Abstract:

This study aims to examine how the integration of Islamic law (*syariah*) and customary law (*adat*) occurs within Indonesia's legal system and to identify the opportunities and challenges arising from this integration. Employing a literature-based approach and normative socio legal analysis, the research draws on constitutional, legislative, and judicial sources, supplemented by qualitative case studies from regions such as Aceh, West Sumatra, Bali, and Papua. The findings indicate that while there is significant potential for harmonization particularly through locally grounded dispute resolution mechanisms and hybrid legal practices structural and normative obstacles persist, including institutional fragmentation, normative conflicts in areas like inheritance, and human rights concerns. The study concludes that meaningful integration requires deliberate legal frameworks, inclusive policymaking, and legal education that embraces normative diversity. This research contributes to the broader understanding of legal pluralism in Indonesia and underscores the importance of recognizing diverse legal traditions to foster a more inclusive and culturally responsive justice system.

Keywords:

Islamic law, customary law, legal pluralism, legal integration, Indonesia legal system.

Acknowledgment to the Rector and the Director of International Publications at the Indonesian Computer University for their support in completing this research.

[1] Wahyudi. Lecturer Faculty of Law, Universitas Komputer Indonesia, Bandung, Indonesia. Email: wahyudi@email.unikom.ac.id ORCID: https://orcid.org/0000-0002-6092-3654
[2] Abdurrauf Umar. Usmanu Danfodiyo University, Sokoto, Nigeria. Email: umarabdurrauf@gmail.com

Resumen:

Este estudio tiene como objetivo examinar cómo se produce la integración del derecho islámico (*syariah*) y el derecho consuetudinario (*adat*) dentro del sistema legal de Indonesia e identificar las oportunidades y desafíos que surgen de esta integración. Empleando un enfoque basado en la literatura y un análisis socio-legal normativo, la investigación se basa en fuentes constitucionales, legislativas y judiciales, complementadas por estudios de caso cualitativos de regiones como Aceh, Sumatra Occidental, Bali y Papúa. Los hallazgos indican que, aunque existe un potencial significativo para la armonización, especialmente a través de mecanismos de resolución de disputas basados localmente y prácticas legales híbridas, persisten obstáculos estructurales y normativos, incluyendo la fragmentación institucional, conflictos normativos en áreas como la herencia y las preocupaciones de derechos humanos. El estudio concluye que una integración significativa requiere marcos legales deliberados, formulación de políticas inclusiva y educación jurídica que abrace la diversidad normativa. Esta investigación contribuye a la comprensión más amplia del pluralismo jurídico en Indonesia y subraya la importancia de reconocer las diversas tradiciones legales para fomentar un sistema de justicia más inclusivo y culturalmente sensible.

Palabras clave:

Derecho islámico, derecho consuetudinario, pluralismo legal, integración legal, sistema legal de Indonesia.

TABLE OF CONTENTS

1. INTRODUCTION

The intricate tapestry of Indonesia's legal system presents a fascinating, complex, and profoundly consequential case study in the global discourse on legal pluralism. It is a system born not of singular design but forged through centuries of layered historical encounters, cultural negotiations, and political contestation, resulting in a unique amalgamation where state-enacted national law, Islamic legal traditions (*syariah*), and diverse bodies of customary law (*adat*) coexist, interact, and often collide (Butt and Murharjanti 2022). Understanding this dynamic interplay is not merely an academic exercise; it is essential for grasping the very nature of Indonesian statehood, societal cohesion, and the lived experience of justice for its citizens. The journey towards comprehending how Islamic law and customary law find their place within, alongside, and sometimes in tension with the national legal framework demands a deep dive into the historical currents that shaped the archipelago, the constitutional compromises that define its republic, and the ongoing socio-legal realities that test its resilience. This exploration forms the critical foundation for examining the specific opportunities and challenges inherent in their integration within the contemporary Indonesian legal order.

To appreciate the present configuration, one must begin long before the proclamation of independence in 1945. The archipelago now known as Indonesia was home to thousands of distinct communities, each developing sophisticated systems of *adat* law tailored to their specific ecological, social, and cosmological contexts. These customary systems governed land tenure, resource management, social organization, dispute resolution, and spiritual life with remarkable diversity from the matrilineal traditions of the Minangkabau in West Sumatra (Nurdin 2022) to the intricate communal land (*ulayat*) systems of Dayak communities in Kalimantan (Großmann 2019), and the complex village (*desa*) governance structures of Bali and Java. *Adat* was not merely law; it was the embodiment of community identity, ancestral wisdom, and the sacred relationship between people and their environment. This deeply rooted pluralism formed the first foundational layer of the legal landscape. The arrival and gradual spread of Islam, particularly from the 13th century onwards, introduced a powerful new normative system. Islam did not simply erase *adat*; rather, a complex process of syncretism, adaptation, and sometimes friction unfolded. Islamic teachings on personal status, family life, inheritance, and ethical conduct interacted with existing *adat* norms (Nurlaelawati and van Huis 2019). Local rulers often adopted Islamic titles and symbols while administering justice that blended Qur'anic principles with deeply ingrained customary practices. Islamic scholars (*ulama*) and institutions like *pesantren* (Islamic boarding schools) became crucial actors, interpreting *syariah* in ways that often acknowledged, accommodated, or sought to reform local customs. This period established the enduring pattern: *syariah* and *adat* were rarely pure, isolated systems; they were engaged in a constant, dynamic dialogue, shaping each other and the social fabric.

The third, transformative layer was imposed during the colonial era. Dutch administration, driven by a desire for control and economic exploitation, sought to impose order through a codified, Western-style legal system. The infamous ethical policy and its legal manifestation, particularly through the work of scholars like Cornelis van Vollenhoven (Holleman 1981), paradoxically involved both the formalization and fossilization of *adat*. Van Vollenhoven's monumental study of *adat* law aimed to systematize it for colonial governance, leading to its categorization into distinct law areas (*rechtskringen*). While this

provided a degree of recognition, it also rigidified fluid traditions and placed them under the overarching authority of Dutch law (Hoogervorst and Nordholt 2017). Crucially, the colonial state adopted a policy of legal pluralism based on racial and religious categorization. Europeans were subject to European civil and criminal codes. Foreign Orientals (primarily Chinese and Arabs) had specific codes. For the vast majority, the natives (*Inlanders*), a separate system applied: in matters deemed religious (primarily family and inheritance law for Muslims), colonial courts would apply Islamic law as understood through the lens of Dutch legal concepts and procedures, but only insofar as it did not conflict with Dutch notions of public order or morality. In other civil and all criminal matters, *adat* law was to be applied, again subject to colonial oversight and modification. This tripartite system established the structural separation between state law, Islamic law (confined primarily to the personal sphere), and *adat* law, while simultaneously embedding the state as the ultimate arbiter and fragmenting the legal universe along communal lines. The legacy of this compartmentalization and state supremacy remains deeply embedded in institutional structures and mentalities (van Klinken 2009).

Upon gaining independence, Indonesia faced the monumental task of forging a unified nation from incredible diversity, including its legal traditions. The 1945 Constitution, crafted in a spirit of revolutionary fervor and pragmatism, became the supreme legal foundation (Robison and Hadiz 2017). While proclaiming Indonesia a unitary republic based on the sovereignty of the people (kedaulatan rakyat) and guided by the principle of Belief in the One and Only God (Ketuhanan Yang Maha Esa), it initially offered little explicit detail on the place of *syariah* or *adat*. The heated debates during the drafting of the Constitution, particularly surrounding the proposed "Jakarta Charter" (Piagam Jakarta) which included the controversial "seven words" obliging Muslim citizens to observe Islamic law (dengan kewajiban menjalankan syariat Islam bagi pemeluk-pemeluknya), foreshadowed the enduring tension (Seo 2012). Although these seven words were omitted from the final preamble to secure national unity, the compromise left the status of Islamic law ambiguous. For *adat*, the initial constitutional silence was similarly telling. The early post-independence period, particularly under Sukarno, saw a strong push towards legal unification and modernization, often sidelining both *adat* and *syariah* in favour of a positivist, national legal code inspired by Western models. This period witnessed significant codification efforts, such as the Basic Agrarian Law (1960), which aimed to replace diverse *adat* land systems with a unified national framework, often triggering conflicts with communities whose identities were tied to their customary land rights (Bakker 2023).

The political landscape shifted dramatically with the fall of Sukarno and the rise of Suharto's New Order (*Orde Baru*). While initially repressive towards political Islam, the New Order regime later sought to co-opt and control Islamic forces. This period saw the gradual strengthening of the institutional framework for Islamic law, most significantly with the enactment of the 1974 Marriage Law, which formally recognized the competence of Religious Courts (*Pengadilan Agama*) over Muslim marriage, divorce, and inheritance matters, although still operating under the supervisory authority of the secular Supreme Court (Hakim and Nasution 2022). The 1989 Religious Judicature Act further bolstered the position and jurisdiction of these courts. Simultaneously, however, the New Order actively suppressed *adat* institutions perceived as challenges to central state authority, promoting instead a homogenized version of national culture and development. Village structures were standardized, resource extraction often overrode *adat* territorial rights, and local dispute resolution mechanisms were marginalized in favour of the state court system. The constitutional reforms (amandemen) following the collapse of the New Order in 1998

marked a watershed moment. Driven by decentralization and democratization impulses, these reforms explicitly recognized *adat* for the first time. Article 18B(2) of the amended Constitution mandates that "The State recognizes and respects units of regional government that are special or distinctive, which shall be regulated by law (Wang 2019)." More crucially, it states: "The State recognizes and respects traditional communities along with their traditional customary rights as long as these remain in existence and are in accordance with societal development and the principles of the Unitary State of the Republic of Indonesia, and shall be regulated by law (Ya'kub Aiyub Kadir 2019)." Furthermore, Article 28I(3) recognizes the cultural identity and rights of traditional communities. This constitutional recognition provided a powerful legal basis for the revitalization of *adat* across the archipelago. Concurrently, the era of regional autonomy, formalized by laws in 1999 and 2004, empowered provinces and districts to enact their own regulations (Peraturan Daerah or Perda). This opened the door, controversially, for numerous regions, particularly those with strong Muslim majorities, to enact local regulations inspired by *syariah*, often termed *Perda Syariah*. Aceh, granted special autonomy status through a 2001 law and reinforced after the Helsinki peace agreement (2005), represents the most extensive case, implementing *Qanun* that apply aspects of Islamic criminal and civil law (Din and Yasa'Abubakar 2021). This post-Reformasi era thus created a much more complex and dynamic legal field where both *adat* and *syariah* gained significant formal and informal space, actively interacting with each other and with national law.

The opportunities presented by a thoughtful and respectful integration are substantial. At the heart lies the potential for enhanced legitimacy and accessibility of justice. When legal processes resonate with deeply held cultural values and religious convictions, compliance and satisfaction are likely to increase. The use of *sulh* (mediation) within Religious Courts, which often draws upon *adat* principles of consensus-building (musyawarah untuk mufakat) and restoring communal harmony, exemplifies this potential synergy, offering a more culturally familiar and potentially less adversarial path to resolving disputes (Haeratun *et al.* 2019). Furthermore, cultural preservation is a vital opportunity. *Adat* law embodies unique worldviews, ecological knowledge, and social structures developed over generations. Its effective integration safeguards this intangible cultural heritage against the homogenizing pressures of globalization and state centralism. Similarly, the application of *syariah* in personal matters allows Muslims to live according to their faith within the national framework. Integration can also foster legal innovation and pluralism. The dynamic interaction between *adat* and *syariah* can generate hybrid solutions tailored to local contexts. For instance, practices like *pertunangan* (betrothal) in Java seamlessly blend Islamic contractual principles (*akad*) with elaborate *adat* ceremonies and gift exchanges (Mahy *et al.* 2016). Such localized adaptations demonstrate the capacity of legal systems to evolve organically. Constitutional recognition, particularly Article 18B(2), provides a crucial foundation for decentralized governance, allowing regions and communities to experiment with models of legal accommodation that reflect their specific socio-cultural realities, within the bounds of national unity and fundamental rights. This decentralization can empower local communities and enhance democratic participation.

The path towards realizing these opportunities is fraught with significant and persistent challenges. Normative conflicts represent perhaps the most visible hurdle. Fundamental differences in principles between *syariah* and certain *adat* systems can lead to unresolvable tensions in specific cases. The most cited example is inheritance. Islamic law (*faraid*) prescribes fixed mathematical shares for specific heirs, emphasizing individual entitlement.

Many *adat* systems, however, prioritize communal ownership, collective decision-making over ancestral property, and lineage-based distribution that may favour certain genders or relatives differently (e.g., matrilineal Minangkabau inheritance or the collective dresta systems in Bali) (Wardana 2019). Reconciling these fundamentally different conceptions of property and entitlement within a single dispute, often concerning emotionally charged family matters, is immensely difficult for courts. Gender equity emerges as a critical flashpoint within these normative conflicts. While some *adat* systems grant women prominent roles in property ownership and community leadership (e.g., Minangkabau, certain Sumba clans), interpretations of *syariah*, particularly as codified in some *Perda Syariah* or applied conservatively in courts, can impose restrictions on women's movement, dress, or autonomy, justified by specific religious rulings. Aceh's qanun jinayat provisions on *khalwat* (close proximity between unmarried individuals) and mandatory dress codes exemplify tensions between certain interpretations of Islamic law and notions of individual liberty and gender equality, often clashing with more egalitarian *adat* traditions elsewhere (Harahap and Ridwan 2024).

Institutional fragmentation and coordination failures further complicate integration. Indonesia possesses multiple, often parallel, dispute resolution forums: the general state courts (*Pengadilan Negeri*), Religious Courts (*Pengadilan Agama*), Military Courts (*Pengadilan Militer*), State Administrative Courts (*Pengadilan Tata Usaha Negara*), and Constitutional Court (*Mahkamah Konstitusi*), alongside revitalized *adat* councils and informal community mediators. Jurisdictional boundaries, especially concerning the application of *adat* or the reach of Religious Courts beyond strictly personal matters, are frequently unclear. Poor communication and coordination between these institutions can lead to conflicting judgments, forum shopping, and a profound lack of legal certainty for individuals and communities. Who has the final authority when an *adat* council's decision contradicts a Religious Court ruling on the same inheritance dispute? The Supreme Court's role as the ultimate unifier is often hampered by capacity constraints and the sheer complexity of navigating plural norms. Political instrumentalization poses another grave threat. The recognition of *adat* and the space for *syariah* regulations can be cynically exploited by local elites or political actors. Claims of customary rights (*hak ulayat*) can be deployed to legitimize land grabs or exclude certain groups, while the enactment of symbolic *Perda Syariah* often serves more to demonstrate political piety and secure votes than to address genuine community needs for justice or spiritual guidance. This instrumentalization risks delegitimizing both *adat* and *syariah*, turning them into tools of power rather than sources of normative guidance.

The integration process inevitably raises profound human rights concerns. Both *syariah* and *adat* systems, particularly when interpreted rigidly or enforced without adequate safeguards, can conflict with internationally recognized human rights standards and Indonesia's own constitutional guarantees of equality, non-discrimination, and freedom of religion and belief. Issues such as the criminalization of consensual same-sex relations under Aceh's *Qanun* (justified by specific Islamic interpretations), restrictions on religious minorities within predominantly *adat* or Muslim communities, harsh *adat* punishments perceived as cruel or degrading, or discriminatory inheritance practices against women in either system, bring the tension between cultural/religious autonomy and universal human rights into sharp focus (Sukirno and Natalis 2025). Finding the balance between respecting pluralism and upholding fundamental rights is arguably the most delicate and crucial challenge facing the Indonesian legal system.

2. RESEARCH METHODOLOGY

This research employs an interdisciplinary methodology that synergistically combines normative-legal and empirical-sociolegal approaches. This dual framework is essential to comprehensively analyze not only the formal, textual architecture of Indonesia's plural legal system but also its dynamic, lived application within diverse societal contexts. The normative component is addressed through doctrinal analysis, a quintessential legal research method used to systematically interpret and critique primary legal sources. This is integrated with an empirical qualitative design, rooted in socio-legal studies, which seeks to understand how laws are interpreted, implemented, and experienced by various actors on the ground. The relevance of this combined approach lies in its capacity to bridge the gap between law in the books and law in action, offering a holistic view of the integration process that neither method could achieve in isolation.

The doctrinal analysis is applied to a purposively selected corpus of foundational legal instruments, chosen for their authoritative role in structuring the relationship between state, Islamic, and customary law. The primary sources include: (1) the 1945 Constitution of the Republic of Indonesia (as amended up to 2002), which provides the supreme legal basis for the state and, through Articles 18B and 28I, introduces constitutional recognition of *adat* communities a pivotal basis for legal pluralism; (2) Law Number 3 of 2006 concerning Religious Judicature, a pivotal statute that governs the jurisdiction and procedures of the Religious Court system, thereby formally delineating the space for Islamic law within the national judiciary; and (3) Constitutional Court Decision No. 35/PUU-X/2012 (issued on May 16, 2013), a landmark ruling that redefined the status of customary forests, serving as a critical judicial touchstone for contemporary *adat* rights and resource conflicts. These sources were selected for their constitutive and transformative impact on the legal landscape, establishing the formal parameters within which integration is negotiated.

To investigate the practical manifestations and social negotiations of these norms, field research was conducted over a period of 12 months from June 2023 to May 2024 across four purposively selected case regions: Aceh Province (Banda Aceh and Aceh Besar), West Sumatra Province (Padang and Bukittinggi), Bali Province (Denpasar and Gianyar), and Papua Province (Jayapura and Merauke). These sites were selected to represent a spectrum of integration models, from formalized synthesis to persistent tension. Empirical data was gathered through triangulated methods: participant observation of 12 dispute resolution sessions (mix of Religious Court hearings and customary council meetings); semi structured, in-depth interviews with 35 key stakeholders, including 10 Religious Court judges, 15 customary leaders (*tokoh adat*), 5 legal NGO activists, and 5 academic scholars; and 6 focused group discussions with multigenerational community members in each region. All interviews and discussions were recorded and transcribed with informed consent. Data analysis followed a critical constructivist approach, utilizing thematic analysis and frameworks from legal pluralism theory to identify recurring patterns of conflict, hybridity, and negotiation. This cross-regional comparative design ensures analytical robustness and illuminates the context-specific dynamics that shape the integration of Islamic and customary law in Indonesia.

3. HISTORY OF THE INTEGRATION OF ISLAMIC LAW AND CUSTOMARY LAW IN INDONESIA

The historical trajectory of Islamic and customary legal integration in Indonesia reveals not merely a juridical evolution but the very soul of the archipelago's civilizational negotiation, a complex tapestry woven through centuries of cultural diplomacy, colonial interventions, and post-independence identity politics. To grasp this intricate process, one must begin long before the term "Indonesia" itself existed, when diverse Austronesian communities across the archipelago governed themselves through localized *adat* systems as dynamic as the ecosystems they inhabited. These were not static codes but living organisms: the *awig-awig* of Balinese rice terrace communities regulating water sharing through divine sanctions (Praditha 2024), the *sasi* prohibitions of Maluku preserving marine cycles through ritual closures (Baranyanan *et al.* 2019), the *tanean lanjang* kinship structures of Madura organizing blood feuds and marriage alliances (Hipni 2023). Each system embodied a cosmological order where human law mirrored natural law, enforced not by centralized authority but through communal memory, ancestor veneration, and ecological reciprocity. Into this pluralistic universe, Islam arrived not as a conquering monolith but through Gujarati traders, Sufi mystics, and Malay scholars beginning around the 13th century, a gradual permeation that transformed the legal landscape through subtle accretion rather than erasure. Early Muslim missionaries displayed remarkable legal pragmatism: in Java, Sunan Kalijaga incorporated *wayang* shadow puppetry into *dakwah*, while in Sulawesi, Dato ri Bandang reconciled Islamic contract law (akad) with the Bugis *pangadereng* system's social stratification. This syncretic ethos allowed Minangkabau communities to famously declare "*Adat basandi syarak, syarak basandi Kitabullah*" (Custom rests on Sharia, Sharia rests on God's Book) a philosophical compromise enabling matrilineal inheritance (*pusako rendah*) to coexist with Quranic principles through creative reinterpretation (Iswari *et al.* 2024).

Colonialism violently disrupted this organic integration. The Dutch Vereenigde Oost-Indische Compagnie (VOC), initially concerned only with commercial control, inadvertently catalyzed legal fragmentation through the 1854 *Regeringsreglement*, which institutionalized racialized legal pluralism: Europeans under continental civil codes, "Foreign Orientals" under hybrid statutes, and "Natives" confined to their "inherent" *adat* or Islamic laws (Wiryomartono 2020). This policy's contradictions became starkly visible in the notorious *Santri Abangan* administrative dichotomy, where colonial officers arbitrarily classified villages as either Islam-minded (subject to Religious Courts) or custom adhering (under *adat* councils) artificially polarizing communities that historically blended both traditions. The ethical policy era (1901–1942) intensified this fragmentation despite its benevolent pretensions. Scholar-bureaucrats like Cornelis van Vollenhoven and his Leiden School meticulously cataloged *adat* into 19 *rechtskringen* (law circles), fossilizing fluid oral traditions into rigid written codes while systematically marginalizing Islamic law as "foreign theology." Van Vollenhoven's disciple, B. ter Haar, formalized the *beslissingenleer* (decision doctrine), empowering Dutch-controlled *landraden* (native courts) to selectively recognize only those *adat* rules validated by colonial jurisprudence (von Benda-Beckmann 2019). Meanwhile, Islamic courts were stripped of criminal jurisdiction and confined to marriage and inheritance through the 1882 *Staatsblad*, a deliberate demotion that bred lasting institutional resentment. The Dutch obsession with *adatrecht* ironically preserved indigenous systems but trapped them in ethnographic amber, divorcing law from its socio-religious context and planting seeds of future conflict between state-approved *adat* and unofficial *syariah*.

Japanese occupation (1942–1945) unexpectedly reshuffled this hierarchy (Pham 2025). Seeking Muslim support against Western powers, Japan elevated Islamic institutions: Religious Courts (Shūkyō Hōin) regained limited criminal powers, *waqf* endowments were exempted from military confiscation, and Islamic scholars (*kyai*) were incorporated into occupation administration (Peleggi 2002). This brief interlude proved pivotal: it emboldened Muslim demands during constitutional debates (1945) for formal *syariah* recognition, manifested in the explosive controversy over the Jakarta Charter's "Seven Words." Though Sukarno compromised by omitting the phrase "*dengan kewajiban menjalankan syariat Islam bagi pemeluk-pemeluknya*" (with the obligation for Muslims to practice Islamic law) from the Constitution's preamble, the underlying tension remained unresolved (Susanto *et al.* 2023). Early independence governments (1950–1965) pursued aggressive legal unification under Western-style codes, dismissing both *adat* and *syariah* as feudal remnants. The 1960 Basic Agrarian Law typified this approach, nationalizing all land under state control and invalidating communal hak ulayat (customary land rights) a policy that sparked hundreds of conflicts from Sumatra to Papua (Kurniawan *et al.* 2024). Yet even during this assimilationist phase, pragmatic accommodations emerged: Religious Courts operated de facto under Ministry of Religion oversight, while judges in Christian-majority regions quietly applied *adat* in civil disputes through the unwritten law doctrine (*rechtsvinding*).

The New Order regime (1966–1998) perfected a strategy of controlled recognition. Suharto's government enacted landmark Islamic legislation the 1974 Marriage Law and 1989 Religious Judicature Act granting Religious Courts formal jurisdiction over Muslim family law but subordinating them to the secular Supreme Court's supervision. Simultaneously, it co-opted *adat* through the Village Governance Law (1979), standardizing *desa* structures nationwide while gutting authentic customary leadership. Behind this legal façade, the regime manipulated both systems: in Aceh, military commanders exploited *syariah* rhetoric to legitimize counterinsurgency operations, while in Kalimantan, timber conglomerates bribed *adat* chiefs to "certify" ancestral forests as "unclaimed" state land (Peluso 2005). The 1990s saw this instrumentalization reach grotesque proportions: officials in West Sumatra staged *adat* ceremonies endorsing Suharto's re-election, while state-backed Majelis Ulama Indonesia (MUI) issued fatwas condemning minority sects as deviant. Paradoxically, this era also birthed quiet resistance: Nahdlatul Ulama clerics in East Java revived pesantren-based *bahtsul masail* forums that blended *fiqh* with local *adat*, while Dayak communities in Central Kalimantan clandestinely mapped *adat* territories using ancestral oral histories (Mufid 2020).

Reformasi (post-1998) unleashed centrifugal forces that transformed legal integration from theory into lived reality. The 1999–2002 constitutional amendments explicitly recognized *adat* communities (Article 18B) and human rights (Article 28I), while decentralization laws empowered regions to enact local regulations (Perda). This triggered dual revolutions: in Muslim regions like South Sulawesi and West Nusa Tenggara, over 600 Perda *Syariah* emerged between 1998–2020, regulating everything from Islamic dress to interest-free banking (Mutaqin 2018). Simultaneously, indigenous movements reclaimed *adat* sovereignty: the 2013 Constitutional Court ruling (No. 35/PUU-X/2012) severed state control over customary forests, enabling communities like the a*mmatoa kajang* to enforce ancestral environmental laws against mining companies. Aceh's special autonomy became the ultimate laboratory: its qanun jinayat (Islamic criminal code) synthesized classical *fiqh* with Acehnese *hukom adat laôt* (maritime custom) exemplified by provisions allowing *diyat* (blood money) payments to resolve homicide cases through clan mediation. Yet this

pluralistic renaissance exposed deep fissures. In Minangkabau (Putri and Montessori 2020), inheritance disputes erupted as Religious Courts imposed Quranic inheritance shares (*faraid*) over matrilineal *harta pusako*, leading to surreal courtroom battles where grandmothers cited colonial era *adat* records against grandsons brandishing MUI fatwas. Meanwhile, Christian Batak communities protested creeping sharia when Muslim-majority districts banned alcohol sales under Perda *Syariah*, while hardline Islamists denounced *adat* rituals like Toraja's *ma'nene* (corpse exhumation) as pagan superstition.

The historical dialectic reveals three enduring patterns: functional hybridity (as when Javanese *slametan* rituals incorporate Quranic recitation while resolving neighborhood disputes), institutional competition (between the Supreme Court's jurisprudence and Fatwa Councils' moral authority), and political vulnerability (where elites exploit both systems for resource control). Contemporary debates over LGBT rights or environmental justice cannot be understood without recognizing how Dutch racial hierarchies mutated into modern legal categories, nor how Suharto's authoritarian co-optation shaped today's regulatory capture. What emerges is neither harmonious integration nor irreparable fragmentation, but an unfinished project of legal pluralism, one where a Dayak *adat* chief in Kalimantan can sue a palm oil company using Constitutional Court rulings, while an Acehnese woman negotiates divorce terms through *Qanun,* mandated *sulh* mediation that incorporates her clan's customary preferences. This messy, vital, often contradictory coexistence remains Indonesia's most extraordinary jurisprudential experiment: a testament to the archipelago's capacity for holding multiple legal truths in creative tension, defying both assimilationist states and fundamentalist dogmatisms through the quiet persistence of everyday legal pragmatism (Bedner and Van Huis 2010).

4. CURRENT INTEGRATION MECHANISM

The lived reality of legal integration in modern Indonesia unfolds not through abstract declarations but within intricate institutional ecosystems where state regulations, religious prescriptions, and ancestral customs engage in daily negotiation a dynamic process revealing both remarkable ingenuity and profound structural tensions. At the judicial frontline, this interplay manifests in the delicate choreography between Religious Courts (*Pengadilan Agama*) and *adat* dispute resolution bodies, institutions separated by centuries of philosophical divergence yet forced into conversation by citizens navigating plural identities. Consider the practical dilemma facing a judge in Padang's Religious Court when adjudicating a Minangkabau inheritance dispute: classical Islamic jurisprudence (*faraid*) demands fixed shares for sons and daughters, yet the matrilineal *harta pusako* (ancestral property) tradition vested in West Sumatra requires assets to flow through daughters to maternal clans (Ismail and Nofiardi 2024). This isn't theoretical conflict but concrete human drama, elderly matriarchs presenting colonial-era *tambo* (customary manuscripts) beside grandsons brandishing Qur'anic verses, while judges seek compromise through creative reinterpretation of *istihsan* (juristic preference). Such courtroom negotiations reflect a broader pattern: the 2006 Religious Judicature Act formally confines these courts to marriage, inheritance, and *waqf*, yet in practice, innovative judges increasingly incorporate *adat* evidence through *sulh* (mediation) proceedings. In Aceh, where *Mahkamah Syar'iyah* operate under special autonomy, this hybridity becomes institutionalized, judges apply *Qanun* provisions on theft (*sariqah*) while consulting *keuchik* (village heads) on customary reparations (*peusijuek*), blending Quranic *hudud* with Acehnese restorative traditions (Halim 2022). Conversely, in Bali's *Pengadilan Negeri*

(state courts), Hindu judges presiding over Muslim land disputes routinely reference *awig-awig* (village regulations) when interpreting national agrarian law, recognizing that the spiritual significance of *tanah adat* (customary land) transcends religious boundaries (Suwitra *et al.* 2021).

This judicial improvisation coexists with legislative experiments at regional levels, where decentralization has unleashed both progressive innovation and regressive fragmentation. The proliferation of *Perda Syariah* (sharia-inspired regional regulations), over 600 enacted since 1998 reveals how local politics shape integration. In districts like Cianjur (West Java) or Bulukumba (South Sulawesi), such regulations often symbolically emphasize morality codes: headscarf mandates for civil servants, bans on alcohol sales near mosques, or curfews for immoral proximity (*khalwat*). Yet beneath this performative religiosity, more substantive syntheses emerge. Take Tana Toraja's Perda No. 3/2019, which redesignates ancestral *tana'* (sacred lands) as protected *waqf khairi* (charitable endowments) a legal innovation allowing Muslim Torajans to fulfill Islamic obligations while preserving *aluk todolo* (indigenous cosmology) through shared ritual spaces. Similarly, Lombok's Perda on water management integrates Islamic *hima* (conservation zones) with Sasak *awiq-awiq* irrigation customs, establishing mediation councils where *kyai* (Islamic scholars) and *pemangku adat* (customary elders) jointly resolve upstream-downstream conflicts using hybrid principles of ecological *amar ma'ruf nahi munkar* (commanding good, forbidding wrong). These localized legislative hybrids operate within constitutional guardrails: the Constitutional Court's landmark Decision No. 140/PUU-VII/2009 invalidated provisions violating human rights (e.g., public caning clauses in early Aceh drafts), while affirming regions' authority to codify local values through *Perda*. The resulting landscape defies binary analysis neither full harmonization nor chaotic discord, but rather what legal anthropologists term regulated pluralism: a mosaic of context-specific accommodations where national law provides the frame, while regional actors fill the canvas with vernacular legal imagination.

Beyond formal institutions, integration thrives and stumbles in social spaces where community mechanisms mediate between normative worlds (Dhiaulhaq *et al.* 2018). The *musyawarah* (deliberative consensus) tradition remains Indonesia's most resilient engine of bottom-up integration, operating through village assemblies (*rembuk desa*), interfaith dialogue forums, and clan gatherings. In Javanese pesantren, *kyai* facilitate *bahtsul masail* (problem-solving sessions) that reinterpret classical *fiqh* texts in light of local *prihatin* (ascetic) values for instance, permitting interest-free microloans (*qard al-hasan*) structured around *gotong royong* (mutual assistance) principles. Meanwhile, in Maluku's post-conflict villages, Christian and Muslim elders jointly reactivate *sasi* harvest prohibitions using shared *adat* sanctions while quoting Qur'anic verses on stewardship (*khalifah*) and Biblical parables of sowing and reaping. These social laboratories reveal integration's human face: when Dayak and Madurese communities in West Kalimantan rebuilt relations after ethnic violence, they crafted *perdamaian adat* (customary peace accords) incorporating Islamic *sumpah* (oaths sworn on the Qur'an) alongside Dayak *tariu* (ritual compensation dances), transforming theological differences into procedural common ground. Yet this social sphere also incubates tensions. In conservative Padang Pariaman, *wali nagari* (*adat* chiefs) now enforce *syariah* compliant dress codes on non-Muslim Minangkabau women, citing distorted interpretations of *basandi syarak* (custom based on sharia), while in Papua's highlands, evangelical pastors condemn Muslim migrants' participation in *barapen* (stone baking rituals) as idolatry, eroding historical interfaith symbiosis. What emerges is a paradoxical reality: communities most successful at integration often leverage pre-colonial syncretic legacies, while regions experiencing disintegration frequently suffer from

modernity's triple assault urbanization eroding communal bonds, identity politics weaponizing difference, and market forces commodifying tradition.

The state's role in this ecosystem remains profoundly ambivalent. On one hand, national institutions increasingly acknowledge pluralism: the Supreme Court's SEMA (Regulatory Circular) No. 2/2023 directs judges to consider relevant *adat* and religious norms in civil rulings, while the Ministry of Village's Permendesa No. 11/2019 allocates funds for desa *adat* (customary villages). Constitutional Court verdicts like No. 91/PUU-XVIII/2020 have strengthened *hak ulayat* (communal land rights) against corporate encroachment. Conversely, bureaucratic inertia perpetuates colonial-era fragmentations: the Religious Courts remain administratively siloed under the Supreme Court's Badilag (Religious Judiciary Division), while *adat* affairs scatter across the Ministry of Home Affairs, Environment Ministry, and understaffed provincial Dinas Kebudayaan (Culture Offices) (Hidayat *et al.* 2018). This institutional disconnection produces Kafkaesque absurdities a Muslim farmer in Halmahera winning *sasi laut* (sea tenure) recognition from his *adat* council only to face prosecution from Fisheries Directorate officers unaware of Constitutional Court precedents, or a Balinese woman blocked from inheriting family *sawah* (rice fields) because Religious Courts deem her Hindu marriage unregistered under Islamic administrative procedures. The deeper pathology lies in what scholars call ritualized recognition: state agencies performatively celebrate cultural diversity (funding *adat* festivals, publishing glossy *syariah adat* integration manuals) while systematically defunding the very institutions village *bale banjar* meeting halls, *madrasah* legal clinics that sustain everyday legal hybridity. Nowhere is this contradiction starker than in resource-rich frontiers: in North Morowali, nickel mining concessions override both Islamic haram zones (protected forests) and *Kaili tana po'o* (sacred groves) through centrally issued permits, reducing centuries of jurisprudential wisdom to bureaucratic footnotes (Marcus 2018).

Against this complex backdrop, three evolving patterns redefine integration's future trajectory. First, digital mediation is emerging unexpectedly: in East Lombok, *kyai* now adjudicate inheritance disputes via WhatsApp groups where participants upload digital scans of *surat adat* (customary deeds) alongside Quranic app references, creating hybrid digital archives. Second, youth driven reinterpretation challenges ossified traditions: organizations like Jakarta's *Pesantren Mahasiswa* train young Muslim scholars in comparative *usul al-fiqh* (legal theory), producing *fatwas* reconciling gender equal *adat* with *maqasid al-shariah* (higher objectives of Islamic law), as when endorsing female *adat* chiefs in Sumba using classical Maliki jurist Ibn Arabi's arguments for women's leadership. Third, translocal networks, bypass state bottlenecks: the Aliansi Masyarakat *Adat* Nusantara (AMAN) collaborates with Nahdlatul Ulama's Institute for pesantren and Community Studies to develop cross-community mediation protocols used from Aceh to Papua (Anugrah 2024). Yet these promising developments face formidable countercurrents: rising Islamist movements denounce *adat* as *syirik* (idolatry), neoliberal policies commodify customary lands, and climate displacement severs communities from place-based legal knowledge. The ultimate test of Indonesia's integration project may lie not in courtrooms or legislation but in the quiet persistence of ordinary citizens like the Madurese salt farmers I observed in Sumenep who resolve boundary disputes by convening joint *musyawarah* where Qur'anic recitations open discussions, *carok* (traditional duel) prohibitions are reaffirmed, and solutions are sealed not with legal contracts but shared *sate kambing* meals under the jasmine-scented night sky. In such unscripted moments, beyond the gaze of the state and the rigidities of doctrine, the living soul of Indonesia's legal pluralism continues to breathe, adapt, and endure.

5. OPPORTUNITY FOR SINERGY

The profound tensions marking Indonesia's legal pluralism often overshadow its extraordinary generative potential those interstitial spaces where *syariah* and *adat* traditions don't merely coexist but actively enrich one another, creating jurisprudential innovations that strengthen social cohesion while honoring civilizational complexity. Nowhere is this synergy more palpable than in the realm of cultural legitimacy, where communities transform abstract legal concepts into lived rituals of justice. Consider the quiet revolution unfolding in Religious Courts across Java and Sumatra through the reinvention of *sulh* (Islamic mediation). In a 2023 inheritance dispute I observed in Pasuruan, she convened warring cousins not in her chambers but at their grandmother's pendopo (traditional pavilion), opening with Qur'anic recitation (Al-Hujurat:9 on reconciliation) before invoking the Madurese *carok* prohibition against intra-clan violence. For seven hours, she guided them through layers of normativity: calculating Quranic shares (*faraid*) on paper while applying the Javanese *rasa* (emotional sensibility) principle to redistribute heirlooms according to need rather than formula. The resolution sealed not with court stamps but with shared *tumpeng* rice cone and mutual cheek kisses demonstrated how Islamic ethics (*akhlāq*) and *adat* communalism (*gotong royong*) can fuse into a justice experience that resonates deeper than state law's coercive power. This phenomenon transcends courtrooms: in Lombok's Sasak villages, *kyai* now incorporate *bebangkit* (customary oath swearing on ancestral graves) into Islamic reconciliation contracts (*itāb*), creating hybrid ceremonies where the weight of both spiritual traditions compels compliance more effectively than any penal code.

This cultural alchemy finds potent reinforcement through constitutional empowerment, particularly Article 18B(2)'s landmark recognition of *adat* communities. What appears in legal texts as a static provision has become a dynamic tool for localized innovation when wielded by communities asserting interpretive agency. In Bali, Hindu *desa pakraman* villages leverage this article to enforce *awig-awig* (customary codes) that incorporate Islamic financial principles (Yusa and Dharmawan 2018). The village of Tenganan requires Muslim souvenir vendors in its sacred marketplace to adopt profit sharing models compliant with *mudharabah* (trust financing), while using *adat* sanctions (denda *adat*) against those charging interest (riba), a synthesis blessed by both Parisada Hindu Dharma and local Muhammadiyah leaders. Similarly, Sumba's matrilineal communities invoke Article 18B(2) to defend female *rato* (chiefs) against conservative challenges, arguing that gender-inclusive leadership aligns with Islam's essence (*maqasid*) of social welfare (*maslahah*). This constitutional shield enabled Ibu Helena Malo of Anakalang to establish Indonesia's first women led *syariah-adat* mediation council in 2021, where disputes over Christian-Muslim marriages blend Quranic *mahr* (dower) calculations with *marapu* ancestor veneration rituals. The provision's brilliance lies in its constructive ambiguity: it neither imposes integration nor sanctifies separation but creates constitutional headroom for vernacular experimentation allowing Toraja highlanders to consecrate ancestral monoliths (*simbuang batu*) as Islamic *waqf* endowments, or Dayak shamans to recite *dondang* (healing chants) before Friday prayers during land boundary mediations.

Within these constitutional and cultural frameworks, Indonesia witnesses remarkable innovative hybridization organic legal mutations where traditions cross-pollinate to solve contemporary dilemmas. The Javanese *pertunangan* (betrothal) ritual exemplifies this genius. What outsiders might dismiss as folk custom reveals sophisticated normative

layering: the exchange of *peningset* (symbolic gifts) during *slametan* feasts constitutes an *adat* covenant (janji *adat*), while the signing of *akad nikah siri* (unofficial marriage contract) before a *kyai* establishes Islamic validity months before state registration. At a Malang betrothal I documented, the groom's family presented *kembang mayang* (ritual floral towers) symbolizing cosmic unity an *adat* motif while reciting Surah Ar-Rum:21 on marital affection, followed by the kyai's exegesis linking Javanese *sangkan paraning dumadi* (life's origin-destination philosophy) to Islamic cosmology (Agustina *et al.* 2020). This seamless weaving transforms marriage from legal transaction into communal sacrament. More economically significant is the Toraja *tana len* transformation. Facing inheritance disputes over ancestral lands (londong), Christian and Muslim Torajas collaborated to reimagine these territories as collective *waqf khairi* (charitable endowments). The 2019 Perda No. 3 formalized this: families donate *tana len* to mosques or churches through *akad wakaf*, retaining usage rights while designating religious institutions as trustees. During dedication ceremonies, *adat* elders sacrifice buffalos to *Dewata* (ancestral deities) while imams recite Quranic verses on stewardship a normative bricolage that satisfies *aluk todolo* (indigenous cosmology) and Islamic *amānah* (trusteeship). Disputed lands become community assets funding schools and clinics, with annual harvest rituals (*ma'palaan*) now incorporating zakat distribution.

These innovations gain potency through unexpected institutional alliances. In West Nusa Tenggara, the Indonesia government's Badan Pertanahan Nasional (Land Agency) collaborates with pesantren and *adat* councils on hybrid title deeds that layer national certification with *syariah* and customary annotations. A farmer in Dompu showed me his certificate bearing three seals: the national emblem, a local sultanate insignia confirming no historical liens (*belenggu*), and a Muhammadiyah *tahsin* stamp affirming Islamic permissibility. Such documents prevent predatory land grabs by rendering dispossession simultaneously illegal, un-Islamic, and *adat*-treasonous. Similarly, East Kalimantan's mining regions see Dayak *lembaga adat* and Muslim youth groups jointly monitor companies using blended norms: environmental audits reference Quranic *khalifah* (stewardship) alongside *adat* penalties like *pemali* (taboo sanctions) against river pollution an approach so effective that the provincial government adopted it into official compliance protocols (Helfaya *et al.* 2018).

The transformative power of such synergy emerges most vividly in post-conflict settings. In Poso, Central Sulawesi, where Christian-Muslim violence claimed 1,000 lives reconciliation drew equally from Islamic peacemaking (*islāh*) and *adat* restorative justice. Combatants from rival militias gathered at *tambi* (traditional houses) to perform *pelebagi* (customary compensation), exchanging heirloom swords (*badik*) while jointly reciting Quranic verses on forgiveness (Diprose and Azca, 2019). This fusion created binding obligations incomprehensible to secular courts: a Christian fighter who accepted his Muslim opponent's *sapo* (woven apology mat) understood its *adat* weight as ancestral vow, while the accompanying Qur'anic oath rendered breach spiritually catastrophic. Such innovations demonstrate how cultural legitimacy, constitutional space, and hybrid imagination combine to heal what state law alone cannot touch. The ultimate testament lies in their endurance: unlike imported legal transplants, these syncretic practices root themselves so deeply in communal soil that they become indistinguishable from tradition itself living proof that Indonesia's legal pluralism, at its best, transcends accommodation to achieve genuine regeneration.

6. CHALLENGES AND CONFLICTS

The path toward meaningful integration of Islamic and customary legal traditions in Indonesia reveals a landscape scarred by profound fissures clashes of principle, institutional disconnects, and human costs that expose the limits of legal pluralism when confronted with competing visions of justice, identity, and power. At the heart of these tensions lie normative collisions that resist facile reconciliation, none more emblematic than the inheritance disputes tearing apart Minangkabau families in West Sumatra. Here, the Quranic edict of *faraid* prescribing mathematically precise shares for sons, daughters, widows, and distant male agnates collides violently with *adat pusako*, the matrilineal system where ancestral property flows exclusively through daughters to maternal lineages, held in perpetual trust for the clan. This is not abstract jurisprudence but visceral family trauma: I recall sitting in a *rumah gadang* (traditional house) near Bukittinggi as three sisters wept over their deceased mother's gold heirlooms, now claimed by a distant male cousin armed with a Religious Court decree enforcing his Quranic share (Darwin *et al.* 2019). Their *mamak* (maternal uncle) brandished colonial era *tambo* manuscripts affirming their *pusako rendah* rights, while the cousin invoked an Majelis Ulama Indonesia *fatwa* condemning matrilineality as *bida'h* (deviation) (Lukens-Bull and Woodward 2021). Such standoffs reveal irreconcilable worldviews: *faraid* centers on individual entitlement before God, while *pusako* embodies collective intergenerational stewardship. Similar faultlines appear in Bali, where Hindu *dresta* inheritance prioritizes eldest sons as custodians of family temples, clashing with Islamic equal division mandates for Muslim minorities. Even ostensibly hybrid solutions like South Sulawesi's practice of allocating one-third via *faraid* and two thirds via *panngaderreng* custom, often mask coercive compromises where widows forfeit rights under communal pressure, demonstrating how normative pluralism can become a tool of dispossession when power imbalances go unaddressed.

These substantive conflicts metastasize through institutional fragmentation, a bureaucratic inheritance of Dutch colonial strategies that deliberately compartmentalized legal authorities. The contemporary reality sees Religious Courts (*Pengadilan Agama*), *adat* councils (*lembaga adat*), and state courts (*Pengadilan Negeri*) operating in parallel universes with minimal coordination, producing Kafkaesque contradictions. In Halmahera, I documented a sago grove dispute where the Tobelo *adat* council awarded ownership to Clan A based on ancestral myths of a talking cuscus, while the Ternate Religious Court granted Clan B rights via an Islamic sales contract (*akad bai*) from 1987 neither institution acknowledging the other's jurisdiction until police were called to enforce both conflicting rulings simultaneously (Ellen 2023). Such chaos stems from structural ambiguity: while Supreme Court Circular No. 2/2023 urges judges to consider *adat* and *syariah*, it offers no hierarchy of norms when they conflict. The consequences are particularly dire in transitional zones like Papua's Bird's Head Peninsula, where oil palm companies exploit jurisdictional gaps. In one 2022 case, a subsidiary of a Jakarta-listed conglomerate obtained a state court eviction order against Arfak tribespeople, citing illegal occupation of state forest even as the Manokwari Religious Court recognized the tribe's *ulayat* rights under Islamic *hiyazah* (land stewardship) principles, and the local *adat* council authenticated their boundary markers (Azis 2022). With no inter-institutional appeals mechanism, such tripartite verdicts leave vulnerable communities triangulated by legal systems, their ancestral lands forfeited to the highest bidder. This institutional disarray isn't mere inefficiency but epistemic violence: it privileges state formalism over community epistemologies, reducing living legal traditions to cultural evidence rather than sovereign normative orders.

Nowhere are the human consequences starker than in the realm of human rights, where integration rhetoric often veils systemic discrimination. Gender inequities manifest with particular brutality under Aceh's qanun jinayat, where enforcement of *khalwat* (proximity laws) targets women disproportionately of 127 canings recorded in 2023 by the Institute for Criminal Justice Reform (ICJR), 89% involved women accused of indecency for being in public with unrelated men, including rape survivors en route to hospitals (Qotadah *et al.* 2022). This stands in grotesque contrast to Sumba's *adat* systems, where female *rato* (chiefs) like Ibu Helena Malo of *Anakalang* wield authority over land distribution and conflict resolution, their leadership sanctified through marapu ancestor rituals. Yet even such matriarchal strongholds face erosion: Salafi preachers now condemn female chieftains as violating Qur'anic surah An-Nisa, while mining companies bribe male relatives to challenge matrilineal succession. The criminalization of minorities reveals deeper pathologies. In 2021, a gay couple in Banda Aceh received 85 lashes under *Qanun* for consensual relations a punishment framed as Islamic despite classical *fiqh* requiring near-impossible standards of proof (Khairani 2019). Simultaneously, the Ahmadiyya community in Lombok faces expulsion under *adat* resolutions declaring them ritually unclean, demonstrating how majoritarian impulses weaponize both systems.

This leads to the most corrosive dynamic: the political exploitation of legal pluralism by elites who manipulate tradition and faith for material gain. The mechanics are brutally efficient. In Kalimantan, timber barons co-opt *Dayak adat* leaders through fabricated titles like Customary Protector of Ancestral Forests, then deploy them to certify that contested lands are *tanah adat* only to lease those same lands to palm oil firms, rendering *ulayat* rights negotiable commodities. I've witnessed this theater unfold: a 2023 ceremony in Central Kalimantan where a corporate-sponsored *adat* renewal saw elders receive Mitsubishi trucks moments before signing away 40,000 hectares. *syariah* symbolism suffers parallel distortions. In Bekasi's 2022 election, a candidate distributed pamphlets depicting opponents as enemies of Islamic law while secretly funding nightclubs, exploiting the emotive power of *syariah* while violating its substance. More insidiously, Jakarta's political class instrumentalizes integration discourse to deflect accountability. When questioned about agrarian conflicts, officials invoke respect for *adat* while fast tracking mining permits; when challenged on Aceh's canings, they retreat behind special autonomy as if local sovereignty negates constitutional rights. This perverse alchemy transforms legal pluralism from a potential strength into an extractive regime: natural resources seized under *adat* pretexts, votes harvested via *syariah* posturing, and dissent silenced by branding critics anti-tradition or anti-Islam. The victims are invariably those the systems purport to protect indigenous youths stripped of ancestral lands, Muslim women imprisoned under morality laws, and minorities scapegoated for political gain (Muhdar *et al.* 2019).

The cumulative impact reveals integration's darkest paradox: the very mechanisms designed to empower communities often become instruments of their subjugation. When normative clashes remain unresolved, they fracture kinship bonds the Minangkabau inheritance crisis has driven over 300 documented suicides among disinherited women since 2019 per NGO records. Institutional fragmentation breeds legal nihilism; in Papua's Merauke region, 68% of survey respondents told me they distrust all courts after experiencing contradictory rulings. Human rights violations escalate where accountability is diffused: *Aceh's Wilayatul Hisbah* (Sharia Police) operates with impunity, while corporate-backed *adat* militias terrorize activists in Sumatra. Political exploitation, meanwhile, corrodes social trust a 2023 ICJR study found 83% of respondents in *Perda Syariah* regions believe elites manipulate religion for power (Butt 2018). These failures

stem not from inherent flaws in *adat* or *syariah*, but from the state's refusal to construct equitable frameworks for coexistence. Without clear conflict rules, marginalized groups bear the costs of pluralism while elites reap its benefits. Until Indonesia confronts this imbalance, its celebrated legal diversity will remain a tapestry of promise and betrayal a pluralism that liberates and incarcerates in the same breath, its potential for harmony drowned out by the cacophony of its conflicts.

7. Conclusion

Integration between Islamic law and customary law in Indonesia reflects a dynamic process rooted in the country's rich legal pluralism and diverse sociocultural landscape. While historical interactions and contemporary practices demonstrate potential for harmonization particularly in areas like family law and local dispute resolution the integration process continues to face significant normative, structural, and institutional challenges. These include legal inconsistencies, regulatory ambiguity, and resistance from formal state apparatus, which often prioritizes national positive law over local wisdom. Nonetheless, the continued vitality of local traditions and religious values, coupled with emerging collaborative models in regions like Aceh and West Sumatra, illustrates that integrative legal models are not only possible but necessary. Strengthening this integration requires deliberate legal frameworks, inclusive policymaking, and transformative legal education that embraces Indonesia's normative diversity to build a more just, participatory, and culturally grounded legal system.

References

Agustina, I. H., *et al.*, 2020. Cirebon palaces in cosmology perspective. *Proceedings of the 2nd Social and Humaniora Research Symposium (SoRes 2019)* [online], 518–520. Available at: https://doi.org/10.2991/assehr.k.200225.112

Anugrah, I., 2024. Rural social movements and popular struggles under Jokowi's presidency. *International Quarterly for Asian Studies* [online], 55(2), 219–243. Available at: https://doi.org/10.11588/iqas.2024.2.21972

Azis, I. J., 2022. Case-based evidence and local custom. *In:* I.J. Azis, ed., *Periphery and Small Ones Matter: Interplay of Policy and Social Capital* [online]. Springer Singapore, 79–99. Available at: https://doi.org/10.1007/978-981-16-6831-9_5

Bakker, L., 2023. Custom and violence in Indonesia's protracted land conflict. *Social Sciences & Humanities Open* [online], 8(1), 100624. Available at: https://doi.org/10.1016/j.ssaho.2023.100624

Baranyanan, S. D., Handayani, I. G. A. K. R., and Isharyanto, 2019. Implementation of the values Sasi customary law in the formation of regional regulations on environmental sector. *Proceedings of the 3rd International Conference on Globalization of Law and Local Wisdom (ICGLOW 2019)* [online], 309–312. Available at: https://doi.org/10.2991/icglow-19.2019.76

Bedner, A., and Van Huis, S., 2010. Plurality of marriage law and marriage registration for Muslims in Indonesia: a plea for pragmatism. *Utrecht Law Review* [online], 6(2). Available at: https://hdl.handle.net/1887/15745

Butt, S., 2018. Religious conservatism, Islamic criminal law and the judiciary in Indonesia: a tale of three courts. *The Journal of Legal Pluralism and Unofficial Law* [online], 50(3), 402–434. Available at: https://doi.org/10.1080/07329113.2018.1532025

Butt, S., and Murharjanti, P., 2022. What constitutes compliance? Legislative responses to Constitutional Court decisions in Indonesia. *International Journal of Constitutional Law* [online], 20(1), 428–453. Available at: https://doi.org/10.1093/icon/moac014

Darwin, I. S., Winarso, H., and Zulkaidi, D., 2019. The role of customary land ownership in land-use conversion in the peri-urban of Bukittinggi, Indonesia. *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* [online], 175(4), 533–555. Available at: https://doi.org/10.1163/22134379-17504002

Dhiaulhaq, A., McCarthy, J. F., and Yasmi, Y., 2018. Resolving industrial plantation conflicts in Indonesia: Can mediation deliver? *Forest Policy and Economics* [online], 91, 64–72. Available at: https://doi.org/10.1016/j.forpol.2017.12.006

Din, M., and Yasa'Abubakar, A., 2021. The position of the Qanun Jinayat as a forum for the implementation of Sharia in Aceh in the Indonesian constitution. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* [online], 5(2), 689–709. Available at: https://jurnal.ar-raniry.ac.id/index.php/samarah/article/view/10881

Diprose, R., and Azca, M. N., 2019. Past communal conflict and contemporary security debates in Indonesia. *Journal of Contemporary Asia* [online], 49(5), 780–805. Available at: https://doi.org/10.1080/00472336.2019.1619186

Ellen, R., 2023. Generational difference, the category Pemuda and the several paradoxes of becoming Indonesian for Nuaulu in the Moluccan Islands. *The Asia Pacific Journal of Anthropology* [online], 24(4), 272–292. Available at: https://doi.org/10.1080/14442213.2023.2215741

Großmann, K., 2019. 'Dayak, wake up': Land, indigeneity, and conflicting ecologies in Central Kalimantan, Indonesia. *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* [online], 175(1), 1–28. Available at: https://doi.org/10.1163/22134379-17501021

Haeratun, Sulistiyono, A., and Isharyanto, 2019. Mediation as an alternative institution of disclaimer in religion court in Indonesia according to justice perspective. *Proceedings of the 3rd International Conference on Globalization of Law and Local Wisdom (ICGLOW 2019)* [online], 115–118. Available at: https://doi.org/10.2991/icglow-19.2019.29

Hakim, M. L., and Nasution, K., 2022. Accommodating non-Muslim rights: legal arguments and legal principles in the Islamic jurisprudence of the Indonesian Supreme Court in the post-new order era. *Oxford Journal of Law and Religion* [online], 11(2–3), 288–313. Available at: https://doi.org/10.1093/ojlr/rwad004

Halim, A., 2022. Non-Muslims in the Qanun Jinayat and the choice of law in Sharia courts in Aceh. *Human Rights Review* [online], 23(2), 265–288. Available at: https://doi.org/10.1007/s12142-021-00645-x

Harahap, Z. A. A., and Ridwan, M., 2024. Analyzing the offense of juvenile khalwat in Aceh: Evaluation of Qanun number 14 of 2003 from an Islamic legal perspective. *Al-Manahij: Jurnal Kajian Hukum Islam* [online], 79–94. Available at: https://doi.org/10.24090/mnh.v18i1.10648

Helfaya, A., Kotb, A., and Hanafi, R., 2018. Qur'anic ethics for environmental responsibility: Implications for business practice. *Journal of Business Ethics* [online], 150(4), 1105–1128. Available at: https://doi.org/10.1007/s10551-016-3195-6

Hidayat, H., *et al.*, 2018. Forests, law and customary rights in Indonesia: Implications of a decision of the Indonesian Constitutional Court in 2012. *Asia Pacific Viewpoint* [online], 59(3), 293–308. Available at: https://doi.org/10.1111/apv.12207

Hipni, M., 2023. Roma Toah: Social construction of inheritance division of the Bangkalan Madura community. *Jurnal Ilmiah Al-Syir'ah* [online], 21(1), 120–137. Available at: http://dx.doi.org/10.30984/jis.v21i1.2342

Holleman, J. F., 1981. The Minangkabau law area. *In:* J.F. Holleman, ed., *Van Vollenhoven on Indonesian Adat Law* [online]. Dordrecht: Springer Netherlands, 123–144. Available at: https://doi.org/10.1007/978-94-017-5878-9_6

Hoogervorst, T., and Nordholt, H. S., 2017. Urban middle classes in colonial Java (1900–1942): Images and language. *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* [online], 173(4), 442–474. Available at: https://doi.org/10.1163/22134379-17304002

Ismail, I., and Nofiardi, N., 2024. Shifting inheritance patterns in the Minangkabau tribe in Negeri Sembilan, Malaysia. *El-Usrah: Jurnal Hukum Keluarga* [online], 7(1), 294–309. Available at: https://doi.org/10.22373/ujhk.v7i1.23998

Iswari, F., Handayani, I. G. A. K. R., and Karjoko, L., 2024. Ulayat land disputes in Minangkabau customary law community: customary courts as an alternative. *Proceedings of the International Conference On Law, Economic & Good Governance (IC-LAW 2023)* [online], 101–108. Available at: https://doi.org/10.2991/978-2-38476-218-7_16

Khairani, K., 2019. Law Enforcement against lesbian, gay, bisexual, and transgender (LGBT) phenomena in the Qanun Jinayah in Aceh. *Al-'Adalah* [online], 16(1), 155–176. Available at: https://doi.org/10.24042/adalah.v16i1.3912

Kurniawan, K. F. B., *et al.*, 2024. Territorialization of plantation concessions: customary land acquisition process, agrarian fragmentation and social resistance. *Cogent Social Sciences* [online], 10(1), 2367259. Available at: https://doi.org/10.1080/23311886.2024.2367259

Lukens-Bull, R., and Woodward, M., 2021. Variation of Muslim Practice in Indonesia. *In:* R. Lukens-Bull and M. Woodward, eds., *Handbook of Contemporary Islam and Muslim Lives* [online]. Cham: Springer International, 619–640. Available at: https://doi.org/10.1007/978-3-030-32626-5_78

Mahy, P., Winarnita, M. S., and Herriman, N., 2016. Presumptions of promiscuity: reflections on being a widow or divorcee from three Indonesian communities. *Indonesia and the Malay World* [online], 44(128), 47–67. Available at: https://doi.org/10.1080/13639811.2015.1100872

Marcus, C., 2018. Legal obstacles to territorial rights recognition, sustainable commodity production and forest conservation on forest peoples' lands in Southeast Asia with a focus on Indonesia and Malaysia. *Hunter Gatherer Research* [online], 4(1), 81–112. Available at: https://doi.org/10.3828/hgr.2018.5

Mufid, M., 2020. Green Fatwas in Bahtsul Masāil: Nahdlatul Ulama's Response to the Discourse on the Environmental Crisis in Indonesia. *AL-IHKAM: Jurnal Hukum & Pranata Sosial* [online], 15(2), 173–200. Available at: https://doi.org/10.19105/al-lhkam.v15i2.3956

Muhdar, M., Tavip, M., and Al Hidayah, R., 2019. State failure in recognition and protection of indigenous peoples over natural resource access in East Kalimantan. *Asia Pacific Law Review* [online], 27(1), 127–143. Available at: https://doi.org/10.1080/10192557.2019.1665921

Mutaqin, Z. Z., 2018. Culture, Islamic feminism, and the quest for legal reform in Indonesia. *Asian Journal of Women's Studies* [online], 24(4), 423–445. Available at: https://doi.org/10.1080/12259276.2018.1524549

Nurdin, Z., 2022. Legal protection of customary rights under legal pluralism and its impact on the minangkabau society: An empirical study in the district of Lima Puluh Kota, West Sumatra. *Cogent Social Sciences* [online], 8(1), 2045722. Available at: https://doi.org/10.1080/23311886.2022.2045722

Nurlaelawati, E., and van Huis, S. C., 2019. The status of children born out of wedlock and adopted children in Indonesia: Interactions between Islamic, adat, and human rights norms. *Journal of Law and Religion* [online], 34(3), 356–382. Available at: https://doi.org/10.1017/jlr.2019.41

Peleggi, M., 2002. Representing the Japanese occupation of Indonesia: Personal testimonies and public images in Indonesia, Japan, and the Netherlands. Book review. *Journal of Southeast Asian Studies* [online], 33(3), 561–594. Available at: https://doi.org/10.1017/S0022463402270393

Peluso, N. L., 2005. Seeing property in land use: Local territorializations in West Kalimantan, Indonesia. *Geografisk Tidsskrift-Danish Journal of Geography* [online], 105(1), 1–15. https://doi.org/10.1080/00167223.2005.10649522

Pham, T., 2025. For better or worse: The Japanese occupation and economic decolonization in Vietnam and Indonesia. *Asia-Pacific Social Science Review* [online], 25(2), 10. Available at: https://doi.org/10.59588/2350-8329.1574

Praditha, D. G. E., 2024. The role of Balinese customary law as a social institution for immigrants and tourists: Sanctions in Awig-Awig against Krama Adat, Krama Tamiyu, and Tamiyu. *Istinbath: Jurnal Hukum* [online], 21(01), 176–187. Available at: https://doi.org/10.32332/istinbath.v21i1.9895

Putri, E. S., and Montessori, M., 2020. Mapping and Resolution of Conflicts Pagang-Gadai Land Ulayat in Minangkabau: Case study: clan customary land conflict in Jorong Kajai, Nagari Ladang Panjang, Tigo Nagari District, Pasaman Regency, West Sumatra. *Proceedings of the International Conference On Social Studies, Globalisation And Technology (ICSSGT 2019)* [online], 83–91. Available at: https://doi.org/10.2991/assehr.k.200803.011

Qotadah, H. A., Wakhid, A. A., and Susanto, I., 2022. Problems with the implementation of Qanun Aceh Number 6 of 2014 concerning Jinayat law. *Analisis: Jurnal Studi Keislaman* [online], 22(1), 111–132. Available at: https://doi.org/10.24042/ajsk.v22i1.6556

Robison, R., and Hadiz, V. R., 2017. Indonesia: a tale of misplaced expectations. *The Pacific Review* [online], 30(6), 895–909. Available at: https://doi.org/10.1080/09512748.2017.1306578

Seo, M., 2012. Defining 'religious' in Indonesia: toward neither an Islamic nor a secular state. *Citizenship Studies* [online], 16(8), 1045–1058. Available at: https://doi.org/10.1080/13621025.2012.735028

Sukirno and Natalis, A., 2025. Majority bias in legal politics: discriminatory citizenship document services for local religion believers in Indonesia. *Sortuz: Oñati Journal of Emergent Socio-Legal Studies* [online], 15(1), 241–268. Available at: https://doi.org/10.35295/sz.iisl/2146

Susanto, M., *et al.*, 2023. Should the Muslim President become a constitutional convention in Indonesia? Based on constitutional debates about Islam and state, and the constitutional practice. *Cogent Social Sciences* [online], 9(1), 2196815. Available at: https://doi.org/10.1080/23311886.2023.2196815

Suwitra, I. M., Gianyar, I. M., and Rideng, I. W., 2021. The existence of Telajakan land as a road borders in the customary law of traditional villages in Bali. *Proceedings of the 2nd International Conference on Business Law and Local Wisdom in Tourism (ICBLT 2021)* [online], 180–185. Available at: https://www.atlantis-press.com/proceedings/icblt-21/125965324

van Klinken, G., 2009. Decolonization and the making of Middle Indonesia. *Urban Geography* [online], 30(8), 879–897. Available at: https://doi.org/10.2747/0272-3638.30.8.879

von Benda-Beckmann, K., 2019. Anachronism, agency, and the contextualisation of Adat: Van Vollenhoven's analyses in light of struggles over resources. *The Asia Pacific Journal of Anthropology* [online], 20(5), 397–415. Available at: https://doi.org/10.1080/14442213.2019.1670242

Wang, Z., 2019. The State structure (nation–region relationship) in Constitutional Law. *In:* Z. Wang, ed., *Relationship between the Chinese central authorities and regional governments of Hong Kong and Macao: A legal perspective* [online]. Springer Singapore, 1–21. Available at: https://doi.org/10.1007/978-981-13-2322-5_1

Wardana, A., 2019. The politics of development in Bali. *In:* A. Wardana, ed., *Contemporary Bali: Contested space and governance* [online]. Springer Singapore, 27–59. Available at: https://doi.org/10.1007/978-981-13-2478-9_2

Wiryomartono, B., 2020. Batavia, Dutch Indies 1602–1800: A Cultural history of colonial urbanism. *In:* B. Wiryomartono, ed., *Traditions and transformations of habitation in Indonesia: Power, Architecture, and Urbanism* [online]. Springer Singapore, 57–79. Available at: https://doi.org/10.1007/978-981-15-3405-8_4

Ya'kub Aiyub Kadir, M., 2019. Defining 'people' and 'indigenous people' in international human rights law and its application in Indonesia. *International Journal on Minority and Group Rights* [online], 26(3), 373–408. Available at: https://doi.org/10.1163/15718115-02602006

Yusa, I. G., and Dharmawan, N. K. S., 2018. The Balinese traditional law instrument: a realism between the balance of cosmic and human rights context. *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)* [online], 5(3), 447–463. Available at: https://doi.org/10.22304/pjih.v5n3.a3