

The Interaction of Customary Law (*Adat*), Islamic Law, and National Law in a Pluralistic Society

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ABSTRACT: Indonesia's legal system relies on three coexisting normative orders customary (*adat*), Islamic, and state law that interact continuously within a pluralistic society. This article examines the structural conditions determining whether these legal interactions result in coexistence, cooptation, or conflict. Employing normative juridical research with statutory, conceptual, comparative, and case approaches, the study analyzes key primary materials including the 1945 Constitution, the Compilation of Islamic Law, the 2023 Criminal Code, and judicial decisions alongside accredited legal literature. The discussion focuses on three main aspects: *adat* and Islamic interactions in family and inheritance law, particularly joint marital property; the incorporation of *adat* criminal norms as "living law" conditioned on regional regulations; and how state law selectively translates non-state legal norms. The study finds that Indonesian legal pluralism remains asymmetric: the state accommodates *adat* and religious law while retaining supreme authority over their administrative enforcement, leading to persistent legal uncertainty, forum shopping, and unequal protection across regions. It concludes that a coherent national legal policy on legal pluralism shifting away from fragmented sectoral accommodation is imperative to establish structural coherence and genuine legal certainty across the nation's diverse legal systems.

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I. INTRODUCTION

Indonesia is often described as a country whose legal system is inherently plural, reflecting a social reality in which customary (*adat*) law, Islamic law, and state law have coexisted, competed, and mutually transformed one another since long before the Republic's founding. This plurality is not incidental; it is a structural feature of Indonesian law traceable to the colonial administration's own division of the population into distinct legal categories, later reproduced-though not eliminated by the post-independence state's attempt to build a unified national legal system (Hariri & Babussalam, 2024). The result is a legal order in which state law, *adat* law, and Islamic law function as parallel, overlapping normative systems, none of which straightforwardly displaces the others, and each of which continues to shape citizens' everyday legal experience in matters ranging from land tenure to marriage, inheritance, and increasingly, criminal responsibility.

The scholarly study of this plurality has moved through several analytical stages. Early colonial and early post-independence *adat* law scholarship, following the tradition established by van Vollenhoven, treated *adat* law largely as an autonomous, self contained legal order to be documented and classified region by region. Contemporary legal pluralism scholarship, by contrast, emphasizes the interactive and relational character of these legal orders: *adat* law, Islamic law, and state law are best understood not as static, bounded systems but as continuously negotiated normative resources that individuals and communities draw upon strategically, depending on which forum, which set of norms, and which outcome best serves their immediate interests (Pradhani, 2021). This body of scholarship distinguishes weak legal pluralism, in which the state formally recognizes *adat* or religious law through legislation or judicial decision while retaining ultimate interpretive authority, from strong legal pluralism, in which semi autonomous social fields generate and enforce their own binding norms with only partial reference to the state (Pradhani, 2021).

Indonesia's agrarian law offers a paradigmatic illustration of this dynamic. The 1960 Basic Agrarian Law formally recognizes *hak ulayat*, the communal land rights of indigenous law communities, yet subjects that recognition to conditions of conformity with national interest and to further government regulation, producing decades of legal uncertainty over customary land that persists notwithstanding partial doctrinal correction by the Constitutional Court (Bedner & Arizona, 2020). This pattern formal recognition coupled with substantive conditionality recurs across the two other domains examined in this article: the accommodation of Islamic law in family and inheritance matters, and the recent incorporation of *adat* criminal norms into the national Criminal Code. In each domain, the state's gesture of recognition is real, but it is also selective, filtered through administrative and evidentiary requirements that determine which customary or religious claims the state legal apparatus will actually enforce (Sari, Lathifah, Sucita, & Putra, 2026).

Islamic law's relationship to Indonesian national law follows a distinctive historical trajectory shaped by the colonial era *receptie* theory, which held that Islamic law had legal force only insofar as it had been absorbed into local *adat*, and which was designed in part to limit the direct application of sharia within the colonial legal order. Post independence, this theory was progressively displaced by a *receptio a contrario* approach under which *adat* law was expected to conform to Islamic law wherever the population is predominantly Muslim, most visibly realized through the 1991 Compilation of Islamic Law (Kompilasi Hukum Islam, KHI), issued by presidential instruction as an authoritative reference for Religious Courts in matters of marriage, inheritance, and religious endowment. Notably, the KHI itself is not a pure codification of classical *fiqh*; it selectively incorporates customary legal concepts most prominently *harta bersama*, the marital joint property regime rooted in *adat* rather than classical Islamic jurisprudence illustrating that the interaction between Islamic law and *adat* law runs in both directions rather than proceeding uniformly from religious authority to customary practice (Darmawan, 2021).

Inheritance law provides the clearest empirical window into this three way interaction, because it is the domain in which *adat* law, Islamic law, and national civil law (the Indonesian Civil Code, KUHPerdata) most directly and most frequently compete for the same legal terrain. Indonesian citizens navigating inheritance disputes may find their case adjudicated under any of these three systems depending on their religion, ethnicity, choice of forum, and the specific relief sought, producing what scholars describe as normative tension between differing conceptions of justice, differing evidentiary procedures, and differing institutional authority most visibly between the Religious Courts, which apply Islamic inheritance law under the KHI, and the General Courts, which may apply either *adat* or civil inheritance law depending on the parties (Judiasih & Fakhriah, 2018). This tension does not merely produce inconvenience; it structurally enables forum shopping, in which parties select whichever legal forum and body of law is expected to yield the most favorable outcome, undermining the predictability that a unified legal system is meant to provide (Salas, Wardani, & Suroso, 2025).

A second, more recent site of *adat* state interaction concerns criminal law. The enactment of Law No. 1 of 2023 on the Criminal Code (KUHP Baru), which entered into force in January 2026, marks the first explicit statutory recognition of "living law" (*hukum yang hidup dalam masyarakat*) as a source of criminal liability within Indonesia's national criminal justice system, formally departing from the strict legality principle inherited from the Dutch colonial penal code. Article 2 of the new Criminal Code provides that living law understood to include *adat* criminal norms applies alongside statutory criminal provisions, provided its existence is confirmed through a regional regulation (*peraturan daerah*). This reform is frequently described as an act of legal decolonization, replacing an exclusively state centric conception of criminal legality with one that acknowledges the persistent normative authority of customary community sanctions (Butt, 2023). Yet the same conditionality identified in the agrarian and family law contexts reappears here:

living law is recognized in principle, but its legal effect depends on a formal administrative act regional regulation that not every customary community can obtain, again channeling substantive recognition through a state controlled procedural gate.

Given these parallel dynamics across three distinct legal domains, this article addresses two central research questions. First, how do *adat* law, Islamic law, and national law actually interact in contemporary Indonesian legal practice through coexistence, cooptation, or unresolved conflict in the specific domains of family and inheritance law and criminal law? Second, what structural pattern explains why state recognition of *adat* and Islamic law, despite being constitutionally and statutorily extensive, consistently remains conditional rather than self executing, and what policy framework could produce more coherent and predictable legal pluralism going forward? These questions matter because Indonesia's answer to them will shape not only doctrinal coherence but also the everyday legal certainty of citizens whose family, property, and now criminal-law obligations may be governed by more than one normative order at once.

The remainder of this article is organized as follows. Section II explains the normative juridical method and the statutory, conceptual, comparative, and case approaches used to analyze the interaction among the three legal orders. Section III presents the results and discussion in three parts directly answering the research questions above: the interaction of *adat* and Islamic law in family and inheritance law; the incorporation of *adat* criminal norms as living law in the new Criminal Code; and the underlying structural pattern of state mediated legal pluralism together with a proposed policy framework. Section IV concludes with the article's principal findings and their implications for Indonesian legal policy.

II. METHOD

This research uses normative juridical (doctrinal) legal research, appropriate for analyzing the internal structure, hierarchy, and substantive interaction of legal norms originating from different normative orders state legislation, Islamic legal instruments, and customary law-rather than for measuring their social or behavioral effects empirically (Hermawan, 2022). Because the research questions concern how these normative orders formally interact and why that interaction is structured as it is, a doctrinal design centered on primary and secondary legal materials is the most appropriate method, complemented by conceptual analysis of legal pluralism theory to interpret the doctrinal findings.

Four complementary approaches are combined within this normative framework. The statutory approach (*pendekatan perundang-undangan*) examines the hierarchy and substantive content of the 1945 Constitution, the 1960 Basic Agrarian Law, the 1974 Marriage Law, Presidential Instruction No. 1 of 1991 on the Compilation of Islamic Law, and Law No. 1 of 2023 on the new Criminal Code. The conceptual approach (*pendekatan konseptual*) draws on legal pluralism theory including the distinction between weak and strong legal pluralism, and the concept of interlegality, in which individuals and

communities actively navigate multiple coexisting normative orders-to interpret how the statutory materials structure the interaction among *adat*, Islamic, and national law (Pradhani, 2021). The comparative approach (*pendekatan komparatif*) is used narrowly, within the inheritance law discussion, to compare the substantive outcomes produced by Islamic inheritance law under the KHI, customary inheritance law, and civil inheritance law under the KUHPerdata when applied to materially similar family circumstances (Salas, Wardani, & Suroso, 2025). The case approach (*pendekatan kasus*) is used to examine Religious Court and Supreme Court decisions illustrating how judges resolve disputes at the intersection of these legal orders, and, for the criminal-law discussion, to examine early regional implementing regulations issued pursuant to Article 2 of the new Criminal Code.

Data for this research consist exclusively of secondary legal materials, classified into three tiers. Primary legal materials comprise binding legal instruments: the Constitution, statutes, Presidential Instructions with normative effect such as the KHI, and relevant court decisions. Secondary legal materials comprise scholarly commentary published in nationally accredited (Sinta) and internationally indexed (Scopus) law journals, providing doctrinal interpretation, comparative context, and documented case analysis. Tertiary legal materials comprise supporting reference works used only to clarify specialized terminology in Islamic jurisprudence and customary law. Materials were collected through systematic library and database research using search terms combining "*hukum adat*," "*hukum Islam*," "*kompilasi hukum Islam*," "*living law*," "*KUHP baru*," and "*legal pluralism*" in Indonesian and English, drawn from the Constitutional Court and Supreme Court repositories, Sinta indexed journal portals, and Scopus indexed publishers.

The collected materials were analyzed through qualitative descriptive analytical techniques in three stages. First, systematization identified how each legal order *adat*, Islamic, and national formally treats the same substantive subject matter (marital property, inheritance shares, criminal responsibility for customary offenses) in order to map areas of substantive convergence and divergence. Second, synchronization analysis identified the specific mechanisms such as the KHI's incorporation of *harta bersama*, or the new Criminal Code's regional regulation requirement for living law-through which state law formally channels or filters customary and religious norms. Third, evaluative interpretation assessed these mechanisms against legal pluralism theory and against the constitutional values of legal certainty and substantive justice, in order to explain why recognition in Indonesian law is consistently structured as conditional rather than self executing, and what a more coherent framework would require. This analytical sequence directly supports the article's two research questions by first describing how the three legal orders actually interact in practice, and then explaining the structural logic that produces the recurring pattern of conditional recognition observed across otherwise unrelated legal domains.

III. RESULT AND DISCUSSION

The Interaction of Adat and Islamic Law in Family and Inheritance Law

Family and inheritance law is the domain in which the interaction of *adat* law, Islamic law, and national civil law is most institutionally visible, because Indonesia maintains parallel court systems—the Religious Courts (*Pengadilan Agama*), with jurisdiction over marriage, inheritance, and endowment matters for Muslim citizens, and the General Courts (*Pengadilan Negeri*), which may apply *adat* or civil law depending on the parties and the nature of the dispute. The Compilation of Islamic Law (KHI), issued through Presidential Instruction No. 1 of 1991, was designed to unify the previously fragmented and often inconsistent application of Islamic family and inheritance law across Religious Courts by providing judges with a single authoritative reference. Yet close doctrinal analysis of the KHI's substantive provisions reveals that it is not a straightforward codification of classical Islamic jurisprudence (*fiqh*); it selectively incorporates concepts drawn from Indonesian customary law and from the influence of local '*urf*' (custom recognized within Islamic legal reasoning itself), most significantly the doctrine of *harta bersama*, or joint marital property acquired during marriage, which has no direct basis in classical *fiqh* but is deeply rooted in Indonesian *adat* conceptions of marriage as a union of two family economic units (Darmawan, 2021).

This selective incorporation illustrates what legal pluralism scholars describe as cooptation: rather than *adat* norms and Islamic norms existing as wholly separate systems in tension with one another, state law in this case through the KHI absorbs specific customary concepts into an ostensibly religious legal instrument, blurring the boundary between the two normative orders and producing a genuinely hybrid body of law (Harahap, 2019). Comparative analysis of Islamic marriage law provisions across different regions of Indonesia confirms that this hybridization is neither uniform nor complete: in some regions, particularly those with strong matrilineal *adat* traditions such as parts of West Sumatra, local custom continues to shape the practical application of KHI provisions in ways not fully anticipated by the national text, producing regionally variable outcomes even where the same formal legal instrument nominally applies (Harahap, 2019).

Inheritance law demonstrates the same dynamic in more acute form, precisely because the three legal orders offer materially different distributive principles for the same underlying event—the death of a family member and the transfer of that person's property. Islamic inheritance law under the KHI applies fixed shares (*fara'id*) derived from Qur'anic prescription, generally allocating male heirs a larger proportionate share than female heirs of the same degree of kinship, on the doctrinal rationale that male heirs bear greater financial responsibility within the family structure. Customary inheritance law, by contrast, varies substantially by ethnic group and kinship system—patrilineal (as among the Batak), matrilineal (as among the Minangkabau), or bilateral/parental (as among the Javanese and many other groups) with correspondingly different rules on

which relatives inherit and in what proportion, oriented less toward fixed numerical shares than toward maintaining family and clan cohesion. The Indonesian Civil Code (*KUHPerdata*), applicable primarily to non Muslim citizens of European or Chinese descent under Indonesia's continuing, if narrowing, colonial era legal stratification, applies a third distinct distributive logic based on formally equal shares among heirs of the same degree regardless of gender (Judiasih & Fakhriah, 2018).

The practical consequence of this three way divergence is a persistent structural incentive for forum shopping: heirs anticipating a more favorable distribution under one system than another have a documented tendency to frame their claims, or to select the forum in which they file a claim, strategically litigating in the General Court under a customary law theory where that is expected to produce a more favorable outcome, or in the Religious Court under Islamic inheritance law where that is expected to be more favorable, notwithstanding that all parties may be of the same religion and ethnicity (Salas, Wardani, & Suroso, 2025). Empirical review of Supreme Court and Religious Court decisions confirms that judges themselves do not apply a fully uniform interlegal methodology in resolving these cases; some decisions explicitly harmonize Islamic and customary principles for instance, by recognizing *harta bersama* as a preliminary step before applying KHI based *faraid* distribution to the deceased's separate share-while other decisions apply one legal order to the exclusion of the other, producing inconsistent jurisprudence across similar fact patterns (Judiasih & Fakhriah, 2018).

This pattern demonstrates, in direct response to the first research question, that the interaction between *adat* and Islamic law in family and inheritance matters is neither simple coexistence nor simple hierarchy, but a form of structural hybridization mediated by the state through the KHI, combined with a persistent, unresolved procedural pluralism at the level of court jurisdiction and applicable law. The state does not merely permit *adat* and Islamic law to operate side by side; it actively reshapes both through selective incorporation and through the institutional architecture of parallel court systems, producing outcomes that are substantively hybrid but procedurally uncertain for the citizens who must navigate them.

Adat Criminal Law as "Living Law" in the New Criminal Code

The second major site of *adat* state interaction examined in this article is criminal law, historically the domain in which Indonesia's legal system has been most strictly state-centric, governed since colonial times by the principle of legality (*nullum delictum sine lege*) under which no act is criminal, and no punishment may be imposed, except pursuant to prior written statutory law. This strict legality principle, inherited from the *Dutch Wetboek van Strafrecht*, structurally excluded *adat* criminal norms uncoded, community specific, and often enforced through customary sanctions such as restitution, ritual purification, or communal labor rather than state administered punishment from formal recognition within the national criminal justice system, notwithstanding their continued vitality in many Indonesian communities (Butt, 2023).

Law No. 1 of 2023 on the Criminal Code, which entered into force on 2 January 2026, represents a deliberate legislative departure from this exclusively state centric model. Article 2 of the new Code explicitly provides that living law (*hukum yang hidup dalam masyarakat*) understood to encompass *adat* criminal norms concerning conduct not otherwise regulated by the Code remains applicable within the areas where such law exists, subject to the condition that its existence, scope, and applicable sanctions are confirmed through a regional regulation (*peraturan daerah*) issued by the relevant provincial or district government. Comparative doctrinal analysis situates this reform as an act of legal indigenization and, simultaneously, of democratization, since it formally subjects the recognition of *adat* criminal law to a regionally accountable legislative process rather than leaving it either wholly excluded, as under the colonial code, or wholly unregulated and subject to arbitrary local enforcement (Butt, 2023).

Doctrinal commentary on this reform, however, identifies a significant internal tension that mirrors the conditional recognition pattern observed in the family law and agrarian law domains discussed above. On one hand, Article 2's recognition of living law can be read as an expansion of the legality principle itself, incorporating customary normative sources into the formal boundaries of criminal legality rather than treating them as external to it (Yanto & Hikmah, 2023). On the other hand, the same provision imposes a documentary and procedural threshold formalization through regional regulation that determines which customary communities' criminal norms actually gain enforceable legal status, replicating, within the criminal law domain, the same evidentiary gatekeeping that has long constrained *adat* recognition in land and family law (Yoserwan, 2023). Communities whose customary institutions have been weakened by administrative reorganization, out migration, or the absence of documented customary legal codes face a structural disadvantage in satisfying this requirement, even where their living law norms remain socially operative.

A further complication concerns the relationship between living law recognition and the constitutional guarantee of legal certainty. Because living law by definition is not exhaustively codified prior to its regional regulation confirmation, critics have argued that Article 2 creates interpretive latitude that could, in the absence of clear substantive limits, permit regional governments to criminalize conduct including religious or moral conduct not otherwise proscribed by national law under the guise of customary recognition, raising concerns about both legal predictability and potential conflict with constitutionally protected rights (Dawi, Alkadrie, Sitorus, & Septinawati, 2025). Comparative analysis situates Indonesia's approach relative to jurisdictions such as the Netherlands, which historically also grappled with the codification of customary and religious normative pluralism within a unified criminal code, suggesting that the core challenge reconciling the formal certainty demanded by the legality principle with the inherently uncoded, evolving character of living customary norms is not unique to

Indonesia but is acutely sharpened by the scale and diversity of Indonesia's *adat* communities (Dawi, Alkadrie, Sitorus, & Septinawati, 2025).

Empirical assessment of the reform's implementation to date, still in its early stages given the Code's 2026 entry into force, indicates that few regions have yet issued the regional regulations Article 2 requires, meaning that in practice living law recognition remains largely aspirational outside those communities such as certain Balinese, Papuan, and Nias customary jurisdictions whose customary institutions were already relatively well documented and administratively engaged prior to the Code's enactment (Yoserwan, 2024). This uneven early implementation reinforces the broader structural observation running through this article: formal legal recognition of *adat* norms, whether in land law, family law, or now criminal law, does not translate uniformly into substantive legal effect, because the administrative and evidentiary channel through which that recognition must pass systematically favors already well organized and well documented communities over others.

In direct response to the first research question as applied to criminal law, the interaction between *adat* and state law in this domain can be characterized as conditional incorporation: the new Criminal Code does not treat *adat* criminal norms as an autonomous, self executing source of law, nor does it exclude them entirely as the colonial code did; instead, it creates a state controlled gateway regional regulation through which customary norms may enter the formal criminal justice system, with all the administrative and political contingency that gateway implies.

Interlegality and the Structural Pattern of State Mediated Legal Pluralism

Read together, the family law and criminal law case studies presented above reveal a structural pattern that extends across otherwise unrelated domains of Indonesian law: the state consistently accommodates *adat* and Islamic law through formal recognition, while simultaneously retaining control over the specific administrative, evidentiary, or procedural conditions under which that recognition produces enforceable legal effect. This pattern is best understood through the concept of interlegality, describing a condition in which individuals and communities live within an overlapping space of multiple legal orders and must actively select, interpret, or combine norms from among them, rather than being governed straightforwardly by a single, uncontested body of law (Pradhani, 2021). Interlegality, on this account, is not merely a descriptive label for legal complexity; it identifies *adat* and Islamic law's normative agency in shaping outcomes communities and individuals are not passive recipients of whatever the state permits, but active participants who press customary and religious claims into the available legal channels, reshaping those channels in the process, as the KHI's absorption of *harta bersama* illustrates (Ramstedt, 2014).

This dynamic can usefully be described as asymmetric legal pluralism: Indonesia's Constitution and major statutes formally acknowledge the coexistence of *adat* law, Islamic law, and state law, satisfying the definitional threshold of what legal-pluralism

scholarship terms weak legal pluralism, in which the state itself is the source of recognition (Isra, Ferdi, & Tegan, 2025). Yet the asymmetry lies in the fact that state law alone determines the terms of translation between normative orders: state law, through the KHI, decides which customary concepts are absorbed into Islamic family law; state law, through Article 2 of the new Criminal Code, sets the procedural threshold regional regulation through which *adat* criminal norms gain enforceability; and state law, through the Basic Agrarian Law and Constitutional Court jurisprudence, determined the evidentiary criteria an indigenous community must satisfy for its land rights to be recognized (Wiratraman, 2025). Comparative anthropological scholarship describes this translation process as one in which the state renders customary and religious claims administratively legible only by stripping away precisely the features non documentary continuity, collective decision making, evolving normative content that distinguished those claims from state law's own categories in the first place (Ramstedt, 2017).

The consequences of this asymmetric structure are threefold and recur across the domains examined in this article. First, legal uncertainty: because recognition is conditional on administrative or judicial confirmation that is neither automatic nor uniformly available, citizens cannot reliably predict which body of *adat*, Islamic, or national law will govern their situation, a problem visible in the inconsistent judicial harmonization of Islamic and customary inheritance principles noted above (Salas, Wardani, & Suroso, 2025). Second, forum shopping: where multiple legal orders offer materially different outcomes for the same claim, and the applicable order depends partly on procedural choices available to the parties, individuals rationally select whichever forum and body of law serves their interest, a pattern documented wherever Indonesia's legal pluralism structure permits parallel jurisdiction (Sari, Lathifah, Sucita, & Putra, 2026). Third, uneven protection across regions: because the administrative gateways through which *adat* and Islamic norms gain state recognition regional regulation, KHI consistent Religious Court doctrine, Constitutional Court evidentiary criteria are neither mandatory nor uniformly resourced, well organized, well documented communities obtain recognition more readily than others, producing uneven outcomes even under formally identical national law (Rwa Jayantiari, Suka Arjawa, Rebeiro, & Audrey Paquita, 2024; Drawi, Arba, & Putro, 2024).

Addressing this structural asymmetry does not require abandoning Indonesia's constitutional commitment to legal pluralism, which remains both socially realistic and normatively defensible given the country's genuine cultural, religious, and customary diversity. It requires instead a more coherent and consistent national legal policy on pluralism itself, rather than the current pattern of ad hoc, sector-specific accommodation developed independently in agrarian law, family law, and now criminal law, each with its own distinct evidentiary and procedural threshold (Masyithoh & Suteki, 2019). Such a policy could usefully standardize, across sectors, the criteria and procedural pathway through which customary or religious norms gain formal recognition potentially building

on the relatively well developed evidentiary framework the Constitutional Court has articulated for indigenous law communities so that the threshold for recognition does not vary unpredictably depending on whether the underlying claim concerns land, marriage, inheritance, or now criminal responsibility. It would also require dedicated capacity building support, particularly for *adat* communities and local government units least equipped to complete the administrative steps documentation, regional regulation drafting that current law makes a precondition for recognition, so that the benefits of legal pluralism are not systematically concentrated among already well resourced communities.

In direct response to the second research question, then, the structural pattern explaining Indonesia's conditional, sector specific recognition of *adat* and Islamic law is the state's retained monopoly over the administrative and evidentiary channels of legal translation between normative orders a pattern of asymmetric legal pluralism rather than a genuine plural legal equilibrium. A coherent national legal pluralism policy, standardizing recognition procedures across sectors and building administrative capacity within customary communities, represents the most promising path toward converting Indonesia's extensive but fragmented formal accommodation of *adat* and Islamic law into more predictable, substantively realized legal pluralism.

IV. CONCLUSION

This article has examined how customary (*adat*) law, Islamic law, and national law interact within Indonesia's pluralistic legal system, focusing on family and inheritance law and, more recently, criminal law, and has sought to explain the structural pattern underlying that interaction. The analysis shows that the relationship among these three legal orders cannot be reduced to either simple coexistence or a clear hierarchy. In family and inheritance law, the Compilation of Islamic Law functions as a genuinely hybrid instrument that selectively absorbs customary concepts such as joint marital property, while the persistence of parallel Religious and General Court jurisdictions continues to generate forum shopping and inconsistent outcomes across materially similar disputes. In criminal law, the new Criminal Code's recognition of living law marks a significant doctrinal departure from a century of strict colonial derived legality, yet conditions that recognition on a regional regulation requirement that, in practice, privileges already well-organized customary communities over others.

Across both domains, and consistent with earlier findings in Indonesian agrarian law, the same structural pattern recurs: the state formally recognizes *adat* and Islamic law as legitimate normative orders, satisfying a weak form of legal pluralism, while retaining exclusive control over the administrative, evidentiary, and procedural conditions that determine whether that recognition translates into enforceable legal effect. This asymmetry not an inherent incompatibility among the three legal orders themselves is the principal source of the legal uncertainty, forum shopping, and uneven regional protection documented throughout this article.

Resolving this asymmetry does not require Indonesia to abandon legal pluralism as a constitutional and social reality; it requires a more coherent, cross sectoral national policy that standardizes recognition procedures across agrarian, family, and criminal law, rather than continuing to develop them independently and inconsistently sector by sector, and that provides meaningful administrative capacity building support to the customary and religious communities least equipped to navigate current recognition requirements. Future research combining this normative juridical analysis with empirical, socio legal fieldwork particularly tracking the early implementation of Article 2 of the new Criminal Code across diverse regions would usefully test whether such a coherent policy framework can, in practice, reduce the legal uncertainty this article has identified.

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