

The Importance of Customary Law in Guiding Indigenous Communities in General Elections an Islamic Legal Perspective

1 Reicer Sumarno
Siregar

1 Doctor of Law Program,
Faculty of Law, Universitas
Sumatera Utara; Sumatera
Utara, Indonesia

1 reicerssiregar@gmail.com
**Corresponding author's
email:**
reicerssiregar@gmail.com

Abstract

This article examines the importance of customary law in guiding indigenous communities during general elections by integrating an Islamic legal perspective. Customary law functions as a normative framework that regulates communal behavior, strengthens social cohesion, and preserves traditional decision-making mechanisms within indigenous societies. In the context of elections, these customary norms play a crucial role in shaping political participation, maintaining harmony, and preventing conflict. From the viewpoint of Islamic law, the principles of *'urf* (custom), *maslahah* (public interest), and justice provide strong legitimating grounds for recognizing and accommodating indigenous customs within electoral governance, as long as they do not contradict fundamental Islamic values. By analyzing the intersection between customary law and Islamic jurisprudence, this study highlights how both normative systems can work synergistically to promote ethical electoral conduct, empower indigenous communities, and reinforce democratic integrity. The findings suggest that integrating Islamic legal principles with customary practices offers a culturally rooted and religiously justified foundation for enhancing electoral participation and safeguarding communal rights in pluralistic societies.

Keyword :
customary law, general elections, Indigenous communities, political participation, local wisdom.

To Cite in APA Style:
Siregar, R. S. (2025). The Importance of Customary Law in Guiding Indigenous Communities in General Elections an Islamic Legal Perspective. WiShEL: Walisongo Journal of Sharia Economic Law, 1(1), 65-79.

Article history:
Received: 2 December 2025
Revised: 3 December 2025
Accepted: 6 December 2025
Available online: 8 December 2025

Introduction

General elections are a key pillar of modern democratic systems, placing the people as the highest authority. In the Indonesian context, elections are not only a mechanism for determining political leaders, but also a means of active participation by all elements of society in the process of national development. However, Indonesia's social (Doly 2020). Cultural and legal diversity presents its own challenges in conducting elections that are fair, honest and inclusive. One community group with unique characteristics is the indigenous community, namely communities that live according to traditional values, norms, and legal institutions that have been passed down from generation to generation.

The 2024 simultaneous general elections will be the biggest democratic event ever enjoyed by the Indonesian people (Carto, Murya, and Nurmantoro 2022). One of the voters is the indigenous community, and it is hoped that their participation will increase and be conducted with integrity (Sina Chandranegara, Bakhri, and Sahputra Umara 2020). Indigenous peoples have the same rights, status and obligations as other citizens. In the context of elections, indigenous peoples face several obstacles in exercising their right to vote. Voter registration, accessibility and recognition are major issues for indigenous peoples. Currently, everyone is faced with preparations for the 2029 simultaneous elections, which have the potential to create the same obstacles for indigenous peoples (Hafid 2020). This legal research was conducted using a qualitative approach, using primary legal sources in the form of legislation and other forms of policy, as well as secondary legal sources in the form of valid and relevant literature and other information. This research is expected to address the urgency and obstacles to the protection and fulfilment of the voting rights of indigenous peoples, as well as explain the important role of election organisers (KPU and Bawaslu) in protecting and fulfilling the voting rights of indigenous peoples in elections (Yasin 2022).

Customary law or unwritten law is based on the process of interaction within society, functioning as a pattern for organising and facilitating this process of interaction (Syarifuddin 2019) As a system of stabilised interactional expectancies, customary law continues to function effectively in regulating community life even though written law has, in its development, come to regulate most aspects of community life. In other words, customary law has a beneficial function in (legal) development because it formulates rules of conduct regarding the roles of indigenous communities and behaviours, with all their consequences, in a comprehensive manner, as well as patterns of dispute resolution that are sometimes symbolic in nature (Soetoto 2021).

As a result of research on customary law, these issues of Indonesian customary law are analysed using an interdisciplinary approach: sociological and anthropological jurisprudence. The researchers found various problems that occurred in the general elections, particularly the legislative elections (DPR, DPRD)

in the 2024 elections (Lubis and Siagian 2024). The problems that arose were pragmatism and political transactions, leading the researchers to find complex problems among the voting public.

Customary law plays an important role in regulating the lives of indigenous peoples, including shaping behaviour patterns, compliance mechanisms and conflict resolution within communities (Soetoto 2021). In the context of general elections, customary law often plays a significant role in directing political choices, maintaining social stability, and preventing horizontal conflicts. Although customary law is not explicitly regulated in national election regulations, its existence still influences political dynamics at the local level, especially in areas that still uphold customary structures and the authority of customary leaders.

On the other hand, the state has a constitutional obligation to guarantee democratic elections that are free from pressure and respect the political rights of every citizen. This requires harmonisation between customary law and national law so that local values within the community do not hinder the implementation of democratic principles, but rather strengthen the integrity of elections. Thus, it is important to examine in depth how customary law plays a role in guiding indigenous peoples in general elections, the extent to which this role makes a positive contribution, and the challenges that arise in the relationship between customary norms and national electoral law provisions.

This research seeks to provide a comprehensive understanding of the position of customary law in the dynamics of elections in Indonesia, while offering an academic perspective that can serve as a basis for policymakers in formulating election strategies that are more responsive to the cultural diversity of indigenous communities.

Literature Review

1. Customary Law as a Living Law

Customary law is recognized as a living legal system in Indonesia, as introduced by Cornelis van Vollenhoven and further developed by scholars such as Soepomo and Soerojo Wignjodipoero. It consists not only of legal norms but also encompasses social values, ethics, and traditional authority structures that shape the collective identity of Indigenous communities. Literature emphasizes that customary law functions as an effective mechanism of social control that maintains balance and harmony within the community (Wirjono Prodjodikoro 2000). In the political context, customary norms influence collective behavior, including decision-making and leadership selection through communal deliberation.

2. Indigenous Peoples and Political Rights within the Constitutional Framework

The Indonesian Constitution acknowledges Indigenous peoples in Article 18B(2) of the 1945 Constitution, recognizing their traditional rights as long as these remain consistent with national legal principles. Scholars argue that this constitutional acknowledgment also implies the protection of political rights for Indigenous communities, including participation in elections (Safitri, 2015). In the context of human rights, the political rights of Indigenous peoples especially the right to vote freely must not be diminished by state institutions or customary authorities.

3. Elections as an Inclusive Democratic Mechanism

Democratic elections require broad participation from all societal groups without discrimination. Electoral studies highlight the importance of accessibility, independence, and the absence of intimidation in ensuring the integrity of elections (Suwito 2021). Research conducted in Indigenous areas shows complex interactions between customary systems and the national electoral framework. In some cases, customary practices strengthen political participation, while in others, they may obscure individual voter independence due to the influence of traditional leadership.

4. The Role of Traditional Leaders and Customary Institutions in Local Politics

Traditional leaders often hold central authority within Indigenous communities, and their influence frequently extends into political affairs. Studies indicate that the recommendations or symbolic authority of traditional leaders may shape collective voting preferences in regional or legislative elections. This influence is rooted in traditional legitimacy rather than explicit political coercion. However, the literature also notes potential challenges, including the risk of misuse of customary authority for specific political interests.

5. Harmonizing Customary Law and National Electoral Law

Scholars on legal harmonization emphasize the need for integration between customary norms and national regulations to avoid normative conflicts (Asshiddiqie, 2006). In the context of elections, such harmonization is necessary to ensure that customary practices do not violate democratic principles such as the freedom to choose, ballot secrecy, and political equality. The literature underscores the relevance of *multicultural governance*, a model of governance that respects cultural diversity while maintaining compliance with the national legal system (Kymlicka, 1995).

6. Previous Studies on Customary Systems and Political Participation

Empirical studies on Indigenous communities in Indonesia reveal that customary practices often enhance political participation because they foster a sense of communal responsibility and internal mechanisms for maintaining order during elections. However, other studies suggest that certain customary practices may restrict individual voting autonomy. Thus, the literature highlights the need to balance respect for customary values with the protection of individual political rights.

7. 'Urf(Customary Practice) as a Source of Law in Islam

From a juridical perspective, Islam recognizes '*urf* (custom or habitual practice) as a legitimate source of law, provided that it does not contradict the principles of the Sharia. The well-known legal maxim "*al-'adah muhakkamah*" (custom is legally authoritative) affirms that customary practices may serve as a basis for legal judgment. In many contexts, customary norms function as instruments for maintaining social harmony and resolving disputes peacefully. The application of customary law in electoral processes can therefore be regarded as a form of '*urf sahīh* (valid and acceptable custom), as long as it does not violate the principles of freedom of choice, justice, or result in coercion that limits an individual's political decision-making.

Research Methodology

This study employs a normative juridical method using statutory, conceptual, and historical approaches to analyze the relationship between customary law, national electoral regulations, and democratic principles (Deassy J.A. Hehanussa 2023). The legal materials used consist of primary sources such as the 1945 Constitution, Law No. 7 of 2017 on General Elections, and relevant Constitutional Court decisions; secondary sources including literature on customary law, democratic theory, and Islamic legal perspectives on '*urf*; and tertiary sources such as legal encyclopedias and dictionaries. Data were collected through library research by examining legal documents, academic journals, and scholarly publications pertinent to the subject. The collected data were then analyzed using a prescriptive qualitative method to interpret customary norms and national laws, assess their compatibility with democratic principles, and formulate recommendations for harmonizing the role of customary law in guiding Indigenous communities during general elections.

Results and Discussion

1. The Position of Customary Law in the National Legal System

Customary law has an important position in the Indonesian legal system as part of living law recognised by the state. This recognition is reflected in Article 18B paragraph (2) of the 1945 Constitution, which states that the state recognises and respects customary law communities and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia (Asshiddiqie 2006). This recognition shows that customary law is not only a cultural heritage, but also a legal entity that has normative power in regulating social behaviour, including the political behaviour of indigenous peoples. In the context of elections, customary law often serves as a moral and social guideline for community members, thereby influencing how they assess candidates, determine their support, and maintain order during the democratic process (Arifin, Faridah, and Naefi 2019).

2. The Role of Traditional Leaders in Guiding Community Political Participation

Traditional leaders have strong social authority and often serve as central figures in guiding collective decisions within indigenous communities. Their influence in general elections is not only a manifestation of traditional power, but also a form of legitimate authority born of trust, integrity, and emotional closeness between traditional leaders and community members. In many cases, the guidance of traditional leaders helps to create political harmony, prevent conflict, and ensure that political participation is carried out in an orderly manner. However, this influence must remain within the corridor of national electoral law, which emphasises the principles of freedom, justice, and political equality. If the influence of traditional leaders turns into pressure or coercion regarding citizens' political choices, then such practices are contrary to the principles of democracy and individual political rights.

Customary law functions as an effective social control mechanism in maintaining social order during elections (Ternando, Alfarisi, and Rahman 2023). Many indigenous communities apply customary norms that prohibit conflict, incitement, manipulation of information, or money politics. These norms maintain community stability and create a peaceful and conducive electoral environment. In a number of regions, customary law is also used as a means of resolving political disputes through deliberation without escalating conflict. This shows that customary law has great potential in supporting peaceful elections and improving the quality of democracy at the local level.

Although customary law can strengthen political solidarity, it must not conflict with individual political rights as guaranteed in the 1945 Constitution and international human rights instruments. In some communities, collective political decisions such as supporting a particular candidate are often considered customary decisions that are binding on all members. Such practices have the potential to cause

normative conflicts between customary obligations and freedom of choice. Therefore, it must be emphasised that customary norms cannot limit the personal rights of citizens to freely determine their political choices. Harmonisation is key to ensuring that customary influences continue to make a positive contribution without violating democratic principles (Koho 2021).

Meanwhile, from an Islamic perspective, customs or '*urf* can be a source of law as long as they do not conflict with sharia. The principle of '*al-ādah muhakkamah*' affirms the legitimacy of customs in regulating social life. In the context of elections, customary values that promote deliberation, harmony, and moral leadership are in line with the principles of shura, '*adl* (justice), and *amanah* in Islam. However, Islam also emphasises the prohibition of coercion in determining choices. This reinforces that the role of customs in elections must be moral and persuasive, not coercive. The synergy between Islamic values and local customs can strengthen political ethics and prevent practices such as money politics, agitation, and abuse of traditional power (Tuhumury 2023).

Harmonisation is necessary so that customary law can run concurrently with national election regulations without causing normative conflicts. The state needs to accommodate customary values in the conduct of elections, for example through community-based political education or by involving customary leaders as partners in maintaining order. At the same time, the state must ensure that the basic principles of democracy freedom of choice, political equality, and voting secrecy remain guaranteed. This harmonisation is important to create an electoral system that is not only formally legal, but also socially and culturally legitimate.

3. Islamic Legal Perspective on Democracy and the Concept of *Hablam Minannas*

From an Islamic legal viewpoint, democratic participation is closely connected to the ethical principles governing the relationship among human beings, encapsulated in the concept of *hablum minannās* (the bond between humans). While Islamic law does not explicitly prescribe a specific form of state governance, it upholds fundamental values such as justice (*al-'adl*), consultation (*shūrā*), accountability (*mas'ūliyyah*), and public welfare (*maṣlahah āmmah*), all of which align with the philosophical foundations of modern democracy. These principles demonstrate that political engagement and collective decision-making processes are not only compatible with Islamic teachings but can also serve as instruments to fulfill religious obligations related to social justice and communal harmony.

Within this framework, *hablum minannās* plays a central role by emphasizing the moral duty of individuals to contribute positively to society, maintain fairness, and uphold the rights of others. Electoral participation, therefore, is understood not merely as a civic duty in a democratic system but as an ethical responsibility to support leaders and institutions that promote justice, prevent harm, and safeguard communal interests. Islamic jurists affirm that customs ('*urf*) and socio-political contexts may inform legal reasoning as long as they promote *maṣlahah* and do not

contradict essential religious principles. Consequently, when indigenous customary norms encourage peaceful participation, collective consensus, and the selection of leaders who embody integrity and social responsibility, these practices can be harmonized with Islamic legal principles (Darifah, Ahmad, and Suhartini 2021).

The integration of Islamic ethics with democratic mechanisms thus reinforces a value-based approach to elections, where political behavior is guided not only by legal rights but also by moral commitments to society. This synergy strengthens the legitimacy of democratic practices within Muslim communities and provides a culturally rooted ethical framework that encourages responsible participation, protects minority rights, and enhances social cohesion. Through this lens, democracy becomes not simply a political system but a manifestation of *hablum minannās*, reflecting the Islamic aspiration for justice, compassion, and the equitable treatment of all members of society.

4. The Importance of Customary Law in Guiding Indigenous Peoples in General Elections

General elections are a democratic process for directly electing representatives or government officials by the citizens of a country. General elections are an important mechanism in modern democratic systems that enable the people to participate in determining the country's leaders and policies. (Aspan 2022) The main purpose of elections is to give citizens the opportunity to express their views and elect leaders who will represent them in government. In general elections, eligible citizens have the right to cast their votes for the candidates or political parties of their choice. The results of the elections are then used to determine who will hold political office, whether at the local, regional, or national level. General elections aim to create a system of government based on the will of the people, uphold democratic principles, encourage citizen political participation, and ensure that elected leaders represent the interests and aspirations of the wider community. Fair, free, and transparent elections are essential to maintaining the integrity of a country's democracy.

The benchmark for a country that declares itself a democracy is the existence of general elections. The purpose of holding elections is to enable a safe and orderly transition of government, as well as to exercise the sovereignty of the people and the human rights of citizens. Indonesia has held 13 general elections, namely in 1955, 1971, 1977, 1982, 1987, 1992, 1997, 1999, 2004, 2009, 2014, 2019 and 2024. The 2024 elections and those held to date are considered the most democratic because they are conducted by an independent the Public Election commission (KPU). there is an independent supervisory committee; and there is an institution authorised to resolve election disputes. Elections are held to elect representatives of the people (DPR, provincial DPRD, city/regency DPRD) and regional representatives (DPD), as

well as to elect the President and Vice President directly. The legislative election system applied is a proportional system with an open list of candidates (open proportional system). Through this system, voters can directly determine their preferred candidates.

The principles of general elections (Pemilu), known as Luber Jurdil, form the basis for the implementation of general elections (Pemilu) in Indonesia. According to the Big Indonesian Dictionary, the word *asas* means a basis for thinking and expressing opinions, the basis of an organisation's ideals, and basic law. Furthermore, the principles of elections are explicitly formulated in legislation, both in laws and the constitution. According to Article 2 of Law No. 7 of 2017, the principles of elections are direct, public, free, confidential, honest, and fair, known as *luber* and *jurdil*. In the context of the implementation of elections in Indonesia, the principle of 'Luber', which stands for 'Direct, Public, Free and Confidential', has existed since the New Order era. Furthermore, in the reform era, the principle of "Jurdil" emerged, which stands for 'Honest and Fair' (Septiana Rizco Nurfaizi 2020).

Customary law plays a fundamental role in shaping the political attitudes and collective behavior of Indigenous communities, particularly in the context of general elections (Setyowati 2023). As a normative system that predates national legislation, customary law provides ethical guidance, social cohesion, and communal legitimacy. For many Indigenous groups, decision-making processes related to political participation are inseparable from the values, symbols, and leadership structures embedded within their *adat* traditions. Thus, the incorporation of customary law into electoral practices is not merely a cultural expression but a mechanism that strengthens community harmony and prevents internal conflicts that may arise from political competition.

In many Indigenous communities across Indonesia, political choices are often influenced by collective deliberations guided by traditional leaders such as *tetua adat*, *raja adat*, or council elders (Helmi, Pujiyono, and Zada 2022). Their moral authority provides a framework for evaluating candidates not solely on political promises but on ethical qualities aligned with the community's worldview, such as honesty, kinship loyalty, and social responsibility. This customary framework encourages a communal approach to politics that emphasizes consensus, unity, and social stability. As a result, customary norms can act as an informal but powerful regulatory mechanism that directs community members toward peaceful and organized participation in elections (Djasmani 2011).

The relevance of customary law in elections also lies in its function as a social control system that mitigates the disruptive influence of external political pressures, including vote-buying, identity-based manipulation, and elite intimidation. Customary sanctions (*sanksi adat*), although non-state in nature, often carry strong moral force capable of deterring behaviors that threaten communal integrity. When aligned with democratic principles, these sanctions help uphold ethical electoral practices by fostering responsibility and discouraging divisive political actions. Thus, customary law complements the formal electoral legal framework by reinforcing moral accountability at the grassroots level (Helmi, Pujiyono, and Zada 2022).

From a broader perspective, integrating customary law into the democratic process strengthens the inclusivity and cultural legitimacy of elections. Indigenous peoples, who may feel distant from state institutions, often view *adat* as their primary legal and moral reference. When electoral outreach and regulation acknowledge and collaborate with *adat* structures, the democratic process becomes more accessible and culturally resonant. This integration ensures that elections do not merely function as procedural exercises but become meaningful participatory events rooted in Indigenous identity and communal values.

Finally, recognizing the role of customary law in elections is essential for balancing cultural rights with national democratic objectives. While the state must safeguard the principles of freedom, equality, and political autonomy, it should also respect Indigenous mechanisms that promote collective decision-making and social harmony. The challenge lies in aligning these customary practices with constitutional guarantees, ensuring that *adat*-based guidance does not lead to coercion or the suppression of individual political rights. When properly harmonized, customary law can serve as a cultural bridge that enriches democratic participation while preserving the longstanding traditions that sustain Indigenous communities (Sudaryanto 2016).

Customary law holds a central and enduring significance in guiding Indigenous communities as they navigate the complexities of political participation within modern electoral systems (Putra 2021). For many Indigenous groups, customary law is not merely a set of cultural rituals or inherited traditions but a living normative order that shapes their worldview, regulates communal behavior, and defines social responsibilities. Within the context of general elections, these customary norms offer a culturally embedded guide for determining proper conduct, making political choices, and preserving social harmony. Elections, for Indigenous communities, are not simply political events; they are communal moments where identity, solidarity, and customary authority intersect with the broader democratic framework established by the state. Therefore, acknowledging the importance of customary law is crucial for understanding the distinctive ways in which Indigenous peoples interpret and participate in national democratic processes.

In many Indigenous societies, political decisions, including voting preferences, are deeply intertwined with communal deliberations that take place within structures such as *musyawarah adat*, village councils, or meetings led by customary elders. These processes place emphasis on dialogue, consensus-building, and moral evaluation rather than on individual political competition. Traditional leaders, who command cultural legitimacy and moral authority, often act as mediators and guides, helping community members examine candidates' character, integrity, and social commitments. Unlike modern political campaigning, which may rely on persuasive rhetoric or material incentives, the customary framework evaluates political choices based on long-standing cultural values that prioritize loyalty to the community, justice, and respect for ancestral heritage. This culturally grounded approach helps

Indigenous communities avoid factionalism and reduces the risk of political conflict that could fracture familial or clan-based relationships (Pamungkas and Arifin 2019).

The presence of customary norms in electoral behavior also serves as an informal regulatory mechanism that reinforces ethical conduct and minimizes the influence of destructive political practices. In numerous instances, customary sanctions ranging from social ostracism to symbolic penalties create a moral deterrent against acts such as vote-buying, intimidation, or manipulation by external political actors. These sanctions may not have the force of state law, yet their impact is often far more potent within Indigenous communities, where social reputation and honor carry profound meaning. Customary law thus complements the national electoral framework by embedding moral expectations within everyday communal life, promoting a culture of integrity, and strengthening local resilience against corrupt electoral practices. Such alignment between adat-based ethics and democratic values demonstrates how Indigenous legal traditions can serve as guardians of fair and responsible political participation.

Furthermore, the integration of customary law into electoral governance enhances the cultural legitimacy of elections for Indigenous peoples. In many remote or marginalized Indigenous areas, the state's legal institutions such as election supervisory bodies, political party officials, or law enforcement may be perceived as distant, inaccessible, or disconnected from local priorities. Customary institutions, by contrast, represent familiar systems of authority rooted in the lived experiences of the community. When the electoral process is communicated, negotiated, or socially reinforced through customary structures, it becomes more comprehensible and culturally resonant. This connection fosters greater trust in the electoral system and encourages higher rates of participation, thereby strengthening overall democratic inclusiveness. Elections become not only state-driven political events but communal engagements supported by Indigenous identity and collective aspirations.

At the same time, the involvement of customary law in elections raises important questions regarding the balance between collective cultural authority and individual political autonomy (Stella 2023). While customary norms encourage unity and prevent internal division, they may also exert subtle pressures on individuals to conform to communal decisions, potentially limiting the freedom to choose candidates independently. Such tensions highlight the need for a nuanced approach that respects Indigenous traditions while upholding constitutional guarantees of free political expression. The state must therefore adopt a dialogical and culturally sensitive framework that neither undermines customary authority nor allows it to become a tool for coercion. Strengthening education, democratic awareness, and collaboration between customary leaders and electoral institutions can help ensure that adat-based guidance supports rather than restricts individual political rights.

From a broader socio-legal perspective, recognizing the role of customary law in shaping electoral participation contributes to the development of a pluralistic democratic system that values cultural diversity as part of the nation's political fabric. Indigenous law, with its emphasis on harmony, communal responsibility, and moral judgment, offers valuable insights that can enrich Indonesia's democratic culture.

Rather than perceiving customary law as a remnant of the past, it should be understood as a dynamic and adaptive source of community wisdom capable of responding to contemporary political challenges. By integrating customary perspectives into electoral regulation and political education, the state promotes a more inclusive and culturally grounded democracy one that reflects the plurality of Indonesia's peoples and respects the unique contributions of Indigenous communities.

In conclusion, customary law plays a multidimensional role in guiding Indigenous communities during general elections, influencing political behavior, strengthening ethical norms, enhancing democratic legitimacy, and fostering community cohesion. Its presence demonstrates that democracy in multicultural societies cannot rely solely on formal legal mechanisms but must also engage with the cultural and normative systems that shape everyday life. The challenge lies in harmonizing these two spheres modern state law and ancestral customary law so that both can contribute meaningfully to a just, participatory, and culturally respectful electoral process. When this balance is achieved, the democratic system becomes stronger, more inclusive, and more reflective of the diverse identities that constitute Indonesia's national unity.

Conclusion

In conclusion, customary law is an important foundation for ensuring that indigenous peoples participate actively and with dignity in elections. In addition, religious values must also be present in elections and in the realisation of a democratic climate. The recognition and application of customary law by state institutions and indigenous communities will strengthen the integrity of the democratic process and protect the political rights of indigenous peoples from various social and legal obstacles. Customary law and religious law holds a vital and enduring role in guiding Indigenous communities within the context of general elections. Its influence extends beyond cultural symbolism, functioning as a normative system that shapes political behavior, reinforces communal values, and strengthens the moral foundation of democratic participation. Through mechanisms such as communal deliberation, moral guidance from traditional leaders, and the application of customary norms, Indigenous communities are able to engage in electoral processes in ways that maintain social harmony and uphold ethical political conduct. Customary law complements national electoral regulations by providing culturally grounded frameworks of responsibility, integrity, and social control that often exceed the effectiveness of formal legal mechanisms at the grassroots level. However, the integration of customary law into electoral participation also presents challenges concerning the balance between collective decision-making and individual political freedoms. While customary guidance promotes unity and mitigates conflict, it may inadvertently limit personal autonomy if not carefully aligned with

constitutional principles. Thus, harmonization between state law and Indigenous customary norms becomes essential for ensuring that democratic participation remains free, fair, and culturally respectful. Ultimately, recognizing and integrating customary law within the electoral process not only strengthens democratic legitimacy among Indigenous peoples but also enriches the broader democratic landscape through the accommodation of cultural pluralism and legal diversity. To strengthen the constructive role of customary law and religious law in elections, the government needs to enhance cooperation between election organisers, customary leaders and religious figures, particularly in voter education and conflict prevention. Legal guidelines must clarify the limits of customary authority so that communal practices do not undermine individual political freedoms. Efforts to raise awareness of democracy among indigenous communities need to be expanded through capacity-building programmes that are sensitive to culture and religious values. Finally, the state should adopt a pluralistic legal approach by recognising customary law as a complementary partner to national electoral law, so that the democratic process becomes more inclusive and rooted in local culture.

Orcid	Scopus ID
Author 1  https://orcid.org/0009-0005-6004-1247	Author 1 -

References

Arifin, Ridwan, Siti Faridah, and Muhammad Naefi. 2019. "Misdemeanor of Corruption Within the Scope of International Law and the Legal Consequences." *Journal of Indonesian Legal Studies* 4 (2): 299–314. <https://doi.org/10.15294/jils.v4i2.29687>.

Aspan, Zulkifli. 2022. "Konstitusionalisasi Tanggung Jawab Negara Terhadap Pelestarian Fungsi Lingkungan Hidup." *Amanna Gappa* 30 (2): 149–55.

Asshiddiqie, Jimly. 2006. "Gagasan Negara Hukum Indonesia." *Jurnal Konstitusi*, 1–17. <https://doi.org/10.14375/np.9782725625973>.

Carto, Carto, Adnan Murya, and Muh. Aripin Nurmantoro. 2022. "Analisis Penegakan Hukum Pemilu Dan Pemilihan (Study Penanganan Pelanggaran Di Bawaslu Kabupaten Indramayu)." *Yustitia* 8 (1): 97–106. <https://doi.org/10.31943/yustitia.v8i1.153>.

Darifah, Udung Hari, Nurwadjah Ahmad, and Andewi Suhartini. 2021. "Perkembangan Teologi Islam Klasik Dan Modern." *J-KIP (Jurnal Keguruan Dan Ilmu Pendidikan)* 2 (3): 265. <https://doi.org/10.25157/j-kip.v2i3.6521>.

Deassy J.A. Hehanussa, Margie Gladies et.al. 2023. *Metode Penelitian Hukum*. Edited by Elan Jaelani. *Jurnal Widina Bhakti Persada*. Vol. 4. Bandung: Widina Bhakti Persada Bandung. <https://medium.com/@arifwicaksanaa/pengertian-use-case-a7e576e1b6bf%0Ahttps://doi.org/10.1016/j.biteb.2021.100642>.

Djasmani, H Yacob. 2011. "Hukum Sebagai Alat Rekayasa Sosial Dalam Praktek Berhukum Di Indonesia." *Masalah-Masalah Hukum* 40 (3): 365–74. <https://doi.org/10.14710/mmh.40.3.2011.365-374>.

Doly, Denico. 2020. "Penegakan Hukum Kampanye Hitam (Black Campaign) Di Media Sosial: Pembelajaran Pemilihan Umum Presiden Tahun 2019." *Kajian* 25 (1): 1–18.

Hafid, Irwan. 2020. "Kebijakan Kriminal Dalam Mengatasi Kampanye Hitam (Black Campaign) Di Media Sosial." *Jurnal Bawaslu Provinsi Kepulauan Riau* 2 (1): 74–94. <https://doi.org/10.55108/jbk.v2i1.233>.

Helmi, Muhammad Ishar, Pujiyono Pujiyono, and Khamami Zada. 2022. "Existence of Customary Law in Indonesian Criminal Law." *Jurnal Cita Hukum* 10 (3): 565–86. <https://doi.org/10.15408/jch.v10i3.29829>.

Koho, Intan Rachmina. 2021. "Oligarki Dalam Demokrasi Indonesia." *Lensa* 15 (1): 60–73. <https://doi.org/10.58872/lensa.v15i1.6>.

Lubis, Andi Hakim, and Fahrizal S Siagian. 2024. *Tindak Pidana Pemilu Di Indonesia*. Medan: Pustaka Pratama Edukasia. www.pustakapratama.com.

Pamungkas, Aisyah Dara, and Ridwan Arifin. 2019. "Demokrasi Dan Kampanye Hitam Dalam Penyelenggaraan Pemilihan Umum Di Indonesia (Analisis Atas Black Campaign Dan Negative Campaign)." *DIKTUM: Jurnal Syariah Dan Hukum* 17 (1): 16–30. <https://doi.org/10.35905/diktum.v17i1.641>.

Putra, Dedisyah. 2021. "Tradisi Markobar Dalam Pernikahan Adat Mandailing Dalam Perspektif Hukum Islam." *El-Ahli : Jurnal Hukum Keluarga Islam* 1 (2): 18–34. <https://doi.org/10.56874/el-ahli.v1i2.311>.

Septiana Rizco Nurfaizi. 2020. "Kepala Negara Dalam Sistem Ketatanegaraan Indonesia Perspektif Siyasah Islam." *DIKTUM: Jurnal Syariah Dan Hukum* 18 (2): 233–47. <https://doi.org/10.35905/diktum.v18i2.1409>.

Setyowati, Retno Kus. 2023. "Pengakuan Negara Terhadap Masyarakat Hukum Adat." *Binamulia Hukum* 12 (1): 131–42. <https://doi.org/10.37893/jbh.v12i1.601>.

Sina Chandranegara, Ibnu, Syaiful Bakhri, and Nanda Sahputra Umara. 2020. "Optimalisasi Pembatasan Dana Kampanye Pemilihan Umum Kepala Daerah Sebagai Pencegahan Investasi Politik Yang Koruptif." *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 32 (1): 30. <https://doi.org/10.22146/jmh.47512>.

Soetoto, Erwin Owan Hermansyah. 2021. *Buku Ajar Hukum Adat*. Malang: Madza Media.

Stella, Stella. 2023. "Pengaruh Hukum Adat Dalam Penyelesaian Sengketa Adat Di Pengadilan Hukum Adat." *Jurnal Hukum Dan HAM Wara Sains* 2 (09): 894–903. <https://doi.org/10.58812/jhhws.v2i09.658>.

Sudaryanto, Agus. 2016. "Eksistensi Delik Adat Di Lingkungan Masyarakat Sentolo, Kabupaten Kulonprogo Yogyakarta *." *Mimbar Hukum* 28 (1): 46–60. <https://www.ojs.unr.ac.id/index.php/yustitia/article/download/398/345>.

Suwito, Siti Ngainnur Rohmah. 2021. "Democratic Practices in Indonesia's Multi-Party Election System During the Old Order Period." *STAATSRECHT: Indonesian Constitutional Law Journal* 5 (1): 90–114. <https://doi.org/https://journal.uinjkt.ac.id/index.php/staatsrech/article/view/20753>.

Syarifuddin, La. 2019. "Sistem Hukum Adat Terhadap Upaya Penyelesaian Perkara Pidana." *Risalah Hukum* 15 (2): 1–10.

Ternando, Albi, M.s Alfarisi, and Rahman Rahman. 2023. "Implementasi Hukum Adat Sebagai Penanganan Restorative Justice Dalam Membangun Sistem Alternative Penyelesaian Hukum Pidana Di Indonesia." *Legalitas: Jurnal Hukum* 15 (2): 204. <https://doi.org/10.33087/legalitas.v15i2.506>.

Tuhumury, Carolina. 2023. "Law as a Supreme System and Social Control Tool." *International Journal of Multicultural and Multireligious Understanding* 10 (6): 424. <https://doi.org/10.18415/ijmmu.v10i6.4797>.

Wirjono Prodjodikoro. 2000. *Azas-Azas Hukum Perjanjian*. Bandung: Mandar Maju.

Yasin, Rahman 2022. "Penegakan Hak Politik Pemilih Dalam Pemilu Serentak 2024 Berdasarkan Konstitusi." *Jurnal Bawaslu Provinsi Kepulauan Riau* 4 (2): 186–99. <https://doi.org/10.55108/jbk.v4i2.194>.