



Millennial Generation's Perception of Larwul Ngabal Customary Law on Dula Island Tual City

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Abstract

Indonesia is a plural society (plural society). This pluralism is marked by the diversity of ethnicity, religion, language and culture. Thus giving birth to the order of life and legal norms contained in the form of customary traditions. However, as time has progressed, many millennials do not understand customary law in their local area. In fact, this article discusses how the millennial generation perceives the customary law of Larwul Ngabal in Tual City. This study used a qualitative method, data were collected through direct observation and interviews with five layers of society consisting of the king, traditional leaders, educational leaders, the community and the millennial generation. All results of interviews and field notes were analyzed thematically using the technique analysis interactive assisted Milles & Hubberman model software VIVO 12.0. The research findings found two perceptions of millennials towards Larwul Ngabal customary law, namely, i) some millennials understand Larwul Ngabal's customary law properly and correctly, they always follow and comply with customary rules; ii) some millennials do not understand Larwul Ngabal's customary law, so they are indifferent and do not follow customary law rules. These two perceptions can be used as a reference for the government, traditional leaders and religious leaders to better introduce and convey to the millennial generation regarding the customary law of Larwul Ngabal on Dula Island, Tual City. So that the millennial generation can understand and implement the customary law of Larwul Ngabal and provide a good perception of this customary law.

INTRODUCTION

The Indonesian nation is a nation with a pluralistic society. This pluralism is characterized by ethnic, religious, linguistic and cultural diversity (Bully, 2020; Iswati, 2017; Manullang, 2019). Historically, this pluralism has existed since centuries ago and has become a cultural heritage to be very proud of. This diversity can certainly give hope to the community to grow and develop in bonds that are based on traditions and culture stipulated in customary law which at the same time

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become norms that need to be obeyed that regulate the order of people's lives, both individually and in groups (Sulisrudatin, 2014; Ufie, 2017).

These various variations gave birth to life systems and legal norms, both written and unwritten (Jayus, 2019). This tradition forms a legal behavior in the form of custom. According to Arliman, (2018); Sumanto, (2018); Aditya, (2019) customary law is one of the legal systems that is still recognized and valid in Indonesia. In various regions in Indonesia, such as Banyuasin and North Tapanuli, public awareness of law is still heavily influenced by customary law rules that grow and develop (Jafar & Ardha, 2022). Therefore the existence of customary law has an important role to regulate order and peace in society. It is undeniable that in some cases, people's obedience to customary law is often greater than (community's obedience to) written law (Aziz, 2018; Sumanto, 2018). Customary law is used as a means of settlement, if there is a dispute or conflict (Nafi et al., 2016).

In line with the process and dynamics of the development of science and the very fast level of population mobility, the existence of customary law is also affected, so that it experiences adjustments (Prayogi & Danial, 2016; Hatuwe et al., 2021). Usman, (2015); Hidayati, (2017) states that interactions between residents cause changes in values and shifts in various provisions in customary law, there are even missing customary law provisions. Under these conditions, customary law, which has unwritten, elastic and flexible characteristics, becomes vulnerable to shifting or changing from its initial value.

The absorption of customary law or customary law in written regulations is very important, because good law is one that is in accordance with the needs of the community (Arpin, 2019; Wijdan, 2021). This is because it has local wisdom values that are embraced and understood by the local community. Therefore, in the formation of laws and regulations, it must pay attention to the value of local wisdom adopted by the community, it certainly has a sense of justice, especially in that area. The development of national law must be preceded by knowledge and data collection regarding customary laws that are still alive and valid in the regions (Kurniasari, 2016). In this way, you will get insight into various kinds of legal culture in Indonesia, and at the same time you can find out which customary law is still effectively enforced and according to the times, as well as customary law which can be applied and treated as national law.

The Kei Islands of Southeast Maluku have a customary arrangement and cultural diversity (Tiwery, 2018; Rumkel, 2019). A series of community customs and cultures still function as a binder between one another. One part of the diversity of customs and culture that is still being maintained and preserved, in patterns of kinship ties is the customary law of Larwul Ngabal. Until now, customary law still exists and is an integral part of people's lives, so that it becomes a living law living law) (Rumkel, 2019; Sadewo, 2022). According to Tiwery, (2018) the customary law of Larwul Ngabal is used by the community as local wisdom values that are able to strengthen relationships with one another. As well as a rule or norm in resolving various conflicts related to the life of the local community.

However, the current rapid development of globalization, not only the customary law of Larwul Ngabal, the regional language of origin is sometimes not understood and understood by the Kei people, especially the millennial generation. Many social changes have occurred where the millennial generation does not understand customary law due to lack of socialization from indigenous peoples or local government (Tohir, 2022).

Discussions related to customary law in Indonesia have not been widely studied by previous researchers. Based on Scopus data search using keywords customary law, Larwul Ngabal in figure 1 below.

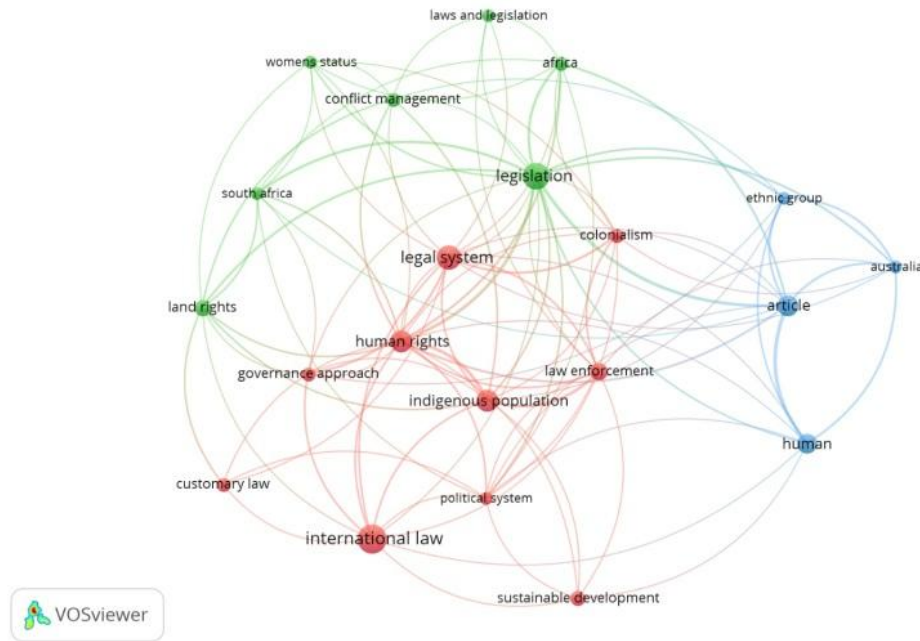


Fig 1. A number of keyword referring to the customary law of Larwul Ngabal by world researchers (Scopus database)

Furthermore, if you look at the same literature based on a search for authors who studied related to Larwul Ngabal's customary law, only one document was found with four people author From Indonesia. As shown in figure 2 below.

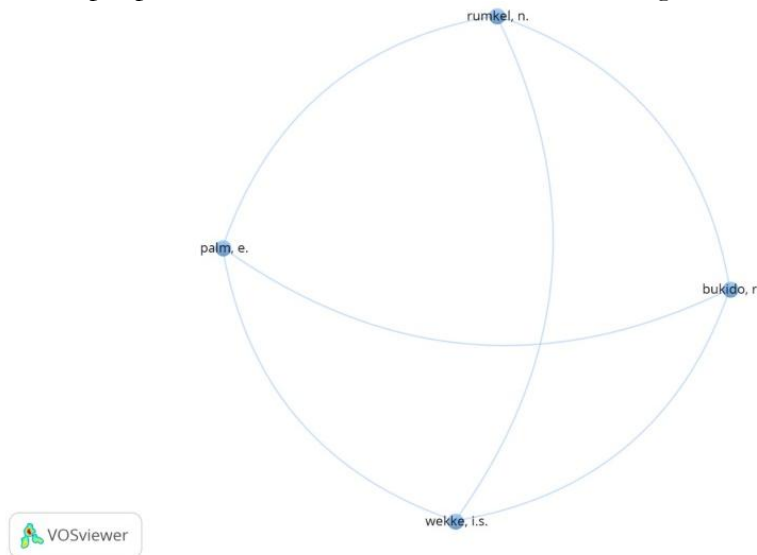


Fig 2. Research regarding the title of the article on customary law Larwul Ngabal by world researchers (Scopus database)

It is precisely this research that is important to carry out, because it can be used as a reference by the government, traditional leaders and religious leaders to better introduce and convey to the millennial generation regarding the customary law of Larwul Ngabal on Dula Island, Tual City. So that the millennial generation

can understand and implement the customary law of Larwul Ngabal and provide a good perception of this customary law.

Studies related to customary law in Indonesia are always interesting to study because they relate to the social life of the Indonesian people. In general according [Rismawati, \(2015\)](#); [Aulia, \(2018\)](#) law is a human problem and not merely a matter of regulation, but law exists for humans, not the other way around. The same thing was stated by Eugen Ehrlich, who said that law is not an intellectual concept but is the reality of the relationship between humans themselves and is a relationship between humans ([Nuryadi & SH, 2016](#)).

[Marsinah, \(2018\)](#) argues that legal norms originate from social reality. The facts that give birth to law concern social life in society. Then make people aware of their needs (opinion of necessity) and it is this awareness that causes the emergence of the law directly or living law (living law). Sources of knowledge about law are modern legal documents such as contracts, direct observations on life, trade, cultural customs, habits and utilization of all aspects of life in the form of associations.

Whereas custom as meant by Lawrence Friedman is a legal substance ([Purba, 2017](#); [Prasetia & Paramartha, 2020](#)). Adat is an integral part of people's lives in the Kei Islands, Southeast Maluku. The customary law of Larwul Ngabal is a guide for progress in a civilization which expresses rejection of social chaos and arbitrariness of power. So as to create a more harmonious order and balance in people's lives.

The debate about customary law in a society remains quite an interesting study, even though there has not been a shift in understanding, especially among the younger generation ([Hakim, 2017](#); [Utomo & Sutopo, 2020](#)). The younger generation tends not to study customary law, they don't even know the law. Views like this are inseparable from the influence of globalization among the younger generation who like to try new things and leave old cultures passed down by their ancestors. Meanwhile, the older generation group is still consistent and maintains the old cultures that have been produced by the community which are still relevant to what is happening now.

The Kei people have long had customary basic rules, namely Larwul Ngabal ([Yusuf et al., 2021](#); [Rado & Alputila, 2022](#)). [Latuserimala & Ubra, \(2021\)](#) state that the customary law of Larwul Ngabal for the Kei people is the highest established customary law order and has a very strategic position. This is due to the values that live and develop from the earth's content of the land of the Kei Islands and their implementation has been agreed upon. Therefore, the customary law of Larwul Ngabal is binding on all Kei Islands people from time to time and from generation to generation ([Fahrudin, 2016](#)).

[Warawarin et al., \(2017\)](#); [Ayu, \(2017\)](#) states that the customary law of Larwul Ngabal consists of seven articles and originates from the first local customary law, Nevnev law which regulates human life and consists of four articles (articles 1, 2, 3, 4); second, Hanilit law, which regulates decency or morals and consists of two articles (articles 5, 6); and third, the Hawear Balwirin law, which regulates rights and social justice, which consists of one article (article 7). Theoretically, it can be said that the people of the Kei Islands know about the existence of customary law which has been passed down from generation to generation from their ancestors. Therefore, the strengthening of the values in the customary law of Larwul Ngabal which has been explained is a guide for local government officials and law enforcement officials in carrying out their duties, especially in the Kei Islands,

Southeast Maluku. So this can be done with good policies at the Regional Government together with the Regency or City Regional People's Representative Council (DPRD) to issue Regional Regulations (Perda).

The study of regional regulations based on customary law to become Regional Regulations is very interesting and important to do. Recently, the terms customary law, customary law community, local law (local law) and local wisdom (local wisdom) has frequently appeared (Konradus, 2018; Ulil, 2019). The three terms are conceptually quite different, but the authors in various legal studies, especially customary law and the socio-legal approach, appear to be mixed up. In some foreign literature, such as in America, Australia and England, the use of the term local law is a regional regulation passed by the state governments that is general in nature. Strictly speaking in these countries separate local law from customary law (customary law) (Nurhardianto 2015; Ramadhan 2018; Berkel et al., 2022).

The main feature of local law is that regional regulations are passed by the legislature and local government as a result of the aspirations of various ethnic groups and certain cultural and religious values. The confusion between the use of the terms customary law and local law was found in several studies. In that study, it was argued that customary law is local law, while local wisdom is part of customary law. Even though it is very clear, the concept of local law was originally used by legal anthropologists who explained about the reality of local politics trying to accommodate the will of some people to make regional regulations with the spirit of customary law through the mechanisms of legislative institutions in various regions.

METHODS

This study used a qualitative method which was carried out on Dula Island, Tual City (Murniyetti et al, 2016; Ekawiyani & Nurman, 2020; Engkizar et al., 2021). Data was taken in two forms, namely primary data obtained directly from observations and interviews with five layers of society consisting of the king, traditional leaders, educational leaders, the community and the millennial generation. According to Engkizar et al., (2018); Syafril et al., (2021) the selection of informants must meet four criteria, namely being active in the field being researched, having competence related to the problem being studied, being willing to take the time to provide information to researchers, and being honest in providing information in accordance with the facts that occur in the field. As for the secondary data obtained through searches as scientific literature and relevant research results. While the technique used in selecting informants is using techniques purposive sampling namely directly determine a number of informants who were chosen deliberately with certain considerations in accordance with the research objectives.

All results of interviews and field notes were analyzed thematically using the technique analysis interactive assisted Milles & Hubberman model software NVIVO 12.0 (Zamawe, 2015; Marshall, 2020; Saprun, 2020). Discussion of research results can be done by using themes or main reviews according to the issues and problems discussed. This means that this article was written using the method and steps as the author has described above.

RESULT AND DISCUSSION

The results of this study clearly found two millennial perceptions of Larwul Ngabal customary law, namely, i) some millennials understand Larwul Ngabal customary law properly and correctly, they always follow and comply with customary rules; ii) some millennials do not understand Larwul Ngabal's customary law, so they are indifferent and do not follow customary law rules. In order to make the findings of this study more interesting, the authors will present them in the form of an image as shown below.

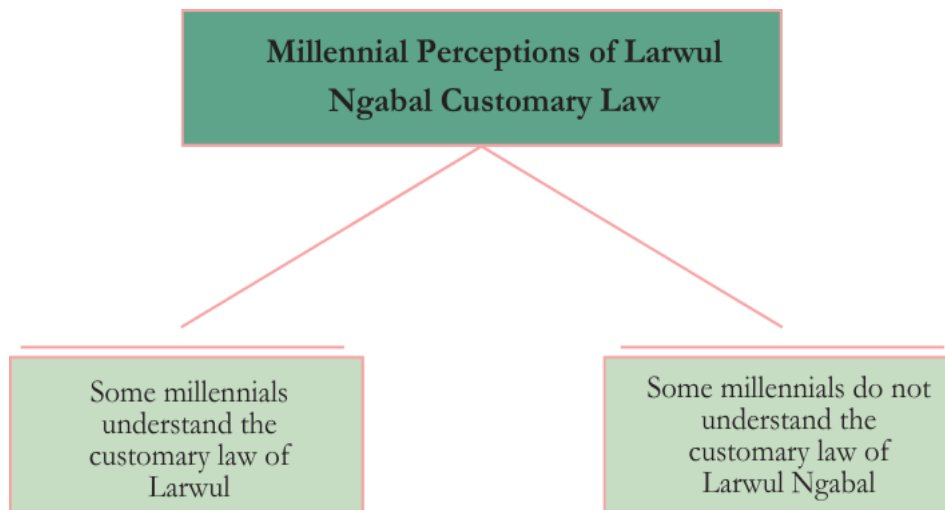


Fig 3. Millennial Perceptions of Larwul Ngabal Customary Law

Next, the author will describe excerpts from interviews with informants based on millennial perceptions of the customary law of Larwul Ngabal above. The description of the interview shown is a brief statement from the informant when the interview was conducted.

First theme that is, some millennials understand the customary law of Larwul Ngabal properly and correctly, they always follow and comply with what is customary rules. This first perception is expressed by several ethnic groups that occupy the city of Tual, namely the Arab, Chinese, Makassar Bugis, Buton, Javanese and Sundanese ethnic groups. This ethnic group has long occupied or domiciled in Tual City since the 18th century. So that with the length of time they have lived in the city of Tual, their understanding, attitudes, views and knowledge of the traditions and customary laws of Larwul Ngabal in the city of Tual are good, as stated in the quotation from the informant.

"That it is their obedience that what belongs to someone remains his, and what is ours will be ours. As stated in the customary law of Larwul Ngabal, hira ini fo hira ini itdd fo itdd(I-Arab Ethnicity), the existence of ethnic Chinese in the city of Tual is almost the same as the presence of ethnic Arabs around the 18th century. The purpose of their arrival was solely for trading and when trading they felt comfortable for their survival in the Kei archipelago so they did not return to their home country of China or China . They also mingle with the local community by intermarrying between Chinese men and Kei women which often happens like that, and rarely happens, Kei women marry Kei men, because this is their tradition (I-Chinese Ethnicity)

As explained by an ethnic Arab informant, the arrival of ethnic Arabs in the city of Tual was more or less in the 17th century with the main mission being to trade while spreading Islam. So that many of them are married to the Kei people.

In the process of adaptation, the Arab ethnicity went well and smoothly by complying with and obeying the customary law of Larwul Ngabal, in fact, it has become their way of life, the things that have been stipulated in the customary law of Larwul Ngabal. In terms of cooperation and helping or in the Kei language it is called Judgment orylin they still carry out well, for example in terms of marriage and death. Then the family or keep carrying out Judgment orylin to the grieving family, from the first day to the sixtieth day of the death anniversary, and it is specifically carried outylin in the form of donationsJaw which (home points) or implemented individually.

Then it was also explained by informants from ethnic Chinese that the existence of ethnic Chinese in Tual city was almost the same as the presence of ethnic Arabs around the 18th century. The purpose of their arrival was solely for trading and when trading they felt comfortable for their survival in the Kei archipelago. In the process of adapting to the Kei community environment, generally ethnic Chinese are affiliated with the Catholic religion, and a little bit of Protestantism and recently only a few of them have embraced Islam, the Chinese tend to be closed and not open in mingling with other ethnicities, but they strictly adhere to the customary regulations in the customary law of Larwul Ngabal.

Furthermore, according to an ethnic Bugis Makassar informant, their presence in the city of Tual (Kei Islands) has been quite a long time, even more than that of the Arab and Chinese ethnicities. Their presence apart from wanting to trade, their other mission is to broadcast Islam after they embraced Islam in the area of South Sulawesi and went to wander all the way to the eastern islands to the Kei islands. The advantage of the Bugis ethnicity is that they are not only centered on the city of Tual, but they spread to remote areas in villages and hamlets which they think can make a living.

According to an informant from the Buton ethnicity, their presence in Tual City is different from that of the Chinese, Arab and Bugis Makassar ethnicities. Because their presence in Kei was to trade but didn't stay at that time. They did not settle down, but they only sold their goods and bought local people's products and then sold them in Java. Butonese superiority namely they are very active in doing business, so that almost 50% of the market in Tual city is dominated by ethnic Butonese. They are quite patient, tenacious and steadfast in facing life's challenges. In implementing the Larwul Ngabal customary law, the Butonese continue to carry out and comply with the Larwul Ngabal customary law so that there are no conflicts between the Buton ethnicity and other ethnic groups or within themselves so that they live in peace, peace and prosperity.

Furthermore, the Javanese, Madurese and Sundanese ethnic groups stated that most of their presence was due to the civil and military assignments assigned to the city of Tual in the experience of state security, so that they continued to carry out their duties in Kei. After transportation in Kei ran smoothly, several ethnic Javanese and Sundanese arrived with the mission of trading as hawkers. While the Madurese are engaged in collecting marine products such as sea cucumbers, lola and yapen-yapen in the Kei Islands and its surroundings and they also have a Sundanese community, a Javanese community and a Madurese community. In the process of adaptation, they have also had many marriages, so they can understand the kei cultural traditions in the customary law of Larwul Ngabal well.

Second theme that is, some millennials do not understand Larwul Ngabal's customary law, so they are indifferent and do not follow customary law rules. These

millennials are newcomers to the Kei Islands or less than ten years old, so the adaptation process is still in the adjustment stage and their views are not too deep on the customary law of Larwul Ngabal. Tual City as the capital of the Kei Islands where the society is plural (plural society) who inhabit it. In the city of Tual there are several ethnicities, tribes, and several religions such as Arab, Chinese, Makassar Bugis, Toraja and Buton, Javanese, Madurese, Sundanese and other mixed tribes, each of which has a different perception according to knowledge, views, and attitudes in interacting with local communities while domiciled.

CONCLUSION

This research has succeeded in finding two millennial perceptions of the customary law of Larwul Ngabal in Tual City, Indonesia. This perception is that some millennials understand the customary law of Larwul Ngabal properly and correctly, they always follow and comply with what is customary rules; some millennials do not understand Larwul Ngabal's customary law, so they are indifferent and do not follow customary law rules. These two perceptions can be used as a reference for the government, traditional leaders and religious leaders to better introduce and convey to the millennial generation regarding the customary law of Larwul Ngabal on Dula Island, Tual City. So that the millennial generation can understand and implement the customary law of Larwul Ngabal and provide a good perception of this customary law.

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DECLARATIONS

Author contribution

Yunus Rahawarin: data curation, **Pieter Jacob Pelupessy:** writing-original draft preparation, conceptualization, **Rais Rahman Haulusy:** methodology, visualization, **Johanis Talaperuw:** editing, analysis.

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The data and the grammatical structure in this article have been validated and verified by English language experts and no AI-generated sentences are included in this article.

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