

## COMPARISON OF THE DEPTH OF INDIGENOUS INTELLIGENCE WITH ARTIFICIAL INTELLIGENCE IN THE ENFORCEMENT OF CUSTOMARY LAW IN INDONESIA

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### Abstract

This paper discusses the comparison between the depth of indigenous intelligence and artificial intelligence (AI) in resolving customary law cases, with a focus on the Cambokh Sumbai practice in the Lampung indigenous community. Customary law is understood as a flexible, dynamic, and contextual system based on moral ethos and cultural values that are alive in community practices. The research method used a descriptive qualitative approach with normative juridical methods and case studies. The findings show that traditional leaders produce decisions that are quick but still socially accurate because they understand kinship relations, moral values, and the internal social dynamics of the community. In contrast, artificial intelligence has limitations in processing cultural variables that are not digitally documented, so that its reasoning is generalist and unable to penetrate the social context. In conclusion, customary law through the practice of Cambokh Sumbai is a tangible manifestation of substantive justice and the implementation of Pancasila values in the lives of indigenous peoples in Indonesia.

**Keywords:** Customary Law, Artificial Intelligence (AI), Cambokh Sumbai

## INTRODUCTION

"Law is a Norm". (Jimly Asshiddiqie, 2008). That's what Hanskelsen said about what the law is. In social life, of course, the entire legal community craves a safe, comfortable and peaceful life. Therefore, written norms were made and even unwritten norms were born and developed in society to limit the movement and reach of each legal subject so as not to go against the norms so as to create security, comfort and peace in the midst of social life. (Andra Bani Sagalane, 2025).

Customary law is not always as rigid as positive law, because precisely one of the peculiarities of customary law is its flexibility. Therefore, egoism is not a characteristic of customary law. Customary law can adjust when and where it needs to act. This proves the philosophy of customary law contained in the identity of every source of law, because in customary law there is no such thing as selfishness in its application.

If one or more subjects of customary law are conducting activities in a place that is not within the jurisdiction of their customary territory, but are involved in legal actions/matters/cases that fall within the scope of customary law provisions, customary law never imposes its will that the resolution of such legal actions must use the philosophy of customary law. Customary law always provides opportunities for other sources of law to apply customary legal philosophy in the resolution of legal cases, even if they are within the customary territorial jurisdiction. However, customary law also always allows for its provisions to be used by customary law communities to resolve legal cases that are outside the jurisdiction of their customary territory (Warjiyati, 2020).

Amidst the proliferation of other legal sources that constantly seek to exploit customary law philosophy for selfish purposes, customary law never does so. So that the hope of customary law that brings the outpouring of thoughts and consciences of elders and customary stakeholders to indigenous peoples and law enforcers is to absorb and use various legal sources as best as possible to uphold truth and justice in a case, including customary law if it is felt necessary.

Ethics play a very important role in customary law. Many customary decisions consider not only actions, but also intentions, context, and social relationships. The ethics of indigenous communities, for example; shame, embarrassment, and respect are key components of the parameters of justice in customary law (Lumbanraja, 2022). However, are these customary law decisions considered correct and appropriate from the perspective of the philosophy of customary law as a source of law? This is where the role of supporting tools comes in to identify them.

Customary law is flexible and takes into account local ethics and values. It is not a standard law like state regulations, but lives in community practices and agreements. Instead, its strength lies in its ability to adapt to local values, culture, and conditions. (Soepomo, 2003).

The following is a comparison table between Customary Law and Positive Law based on its nature, source, application, and relationship with ethics:

**Table 1.** Comparison Table of Customary Law vs Positive Law

| Aspects                         | Customary Law   | Positive Law (State)  |
|---------------------------------|---|---|
| <b>Characteristic</b>           | Flexible, dynamic, contextual                                     | Rigid, formal, systematic   |
| <b>Legal Resources</b>          | Cultural values, customs, and ethics of the local community       | Laws, written regulations that are ratified by the state          |
| <b>Shape</b>                    | Unwritten (generally in the form of social practices)             | Written and codified in the legal system                          |
| <b>Law Enforcement</b>          | Indigenous leaders, community leaders                             | Police, prosecutors, judges in official institutions              |
| <b>Main objectives</b>          | Harmony, social justice, maintaining the balance of the community | Formal and national law enforcement                               |
| <b>Relationship with Ethics</b> | Very closely, decisions are often based on local moral values     | Less flexible, more on the legal-formal aspect                    |
| <b>Penalty</b>                  | Social (disgrace, fines, exclusion, customs)                      | Criminal, civil penalties (imprisonment, official fines, etc.)    |
| <b>Flexibility</b>              | High – adapts to the situation and the development of the times   | Low – has to go through a change in the law if you want to change |
| <b>Coverage</b>                 | Specific local/community  | National, applicable to all citizens                              |

The discussion above only compares Customary Law with Positive Law, not comparing it with other sources of law. However, customary law as a source of law in Indonesia must be enforced as it exists because it has a clear legal umbrella in our constitution, namely Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia which reads; (Hadikusuma, 2005)

*"The State recognizes and respects the units of customary law communities and their traditional rights as long as they are alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated in law."*

That is why customary law can coexist with positive law, as long as it does not conflict with national law and human rights and in some contexts, such as customary courts, ethical and deliberative approaches take precedence over legal formalities.

Customary law is a tool to support Pancasila as the national ideology so that Pancasila also embodies the ideals of the nation (Widiatama, 2020). Actually, that is the hope entrusted to him by customary laws throughout Indonesia. Therefore, there is a time when it can be reversed, where the position of customary law can actually be seen as an ideology or the foundation of the nation and the meaning of precepts in Pancasila actually becomes the nation's ideal. That is why we must not violate both, both customary law and Pancasila, but strangely lately people who violate the provisions of both often escape the trap of sanctions, and in fact those who violate the laws and regulations under them are charged with maximum sanctions.

Customary law is law that has grown and developed from the social and cultural values of Indonesian society (Susylawati, 2009). It lives in the daily practices of society, is passed down from generation to generation, and is flexible and contextual. Because it is sourced from local values that are upheld by the community, customary law reflects the spirit of mutual cooperation, deliberation, and social justice, and such are the values that are also contained in Pancasila. (Soepomo, 2003)

Customary law can be defined as unwritten rules that have developed from local traditions and customs within indigenous communities (Burhanudin, 2021). Therefore, it is flexible, contextual, and automatically becomes hereditary inheritance and continues to live in indigenous peoples which of course coexist closely with our daily lives and never die because the guidelines that are believed to be; "Whoever does not carry out the habit will be haunted by sin". So that customary law becomes part of the identity of the Indonesian people. (Soepomo, 2003).

Pancasila is the basis of the state as well as the ideology of the Indonesian nation which contains noble values and common ideals in the life of the nation and state. In its application, the values of Pancasila not only live in the constitutional level, but are also reflected in the social and cultural practices of the community. One of the concrete forms of these values is **customary law**, which develops from the traditions and local wisdom of the Indonesian nation.

Pancasila is not only the basis of the state, but also the nation's ideology which contains the collective outlook of life, goals, and ideals of the Indonesian nation (Irawan, 2023). Each precept in Pancasila reflects noble values that are the orientation in building the life of the nation and state, such as:

- a. The One Godhead: the religious and spiritual values of society
- b. A just and civilized humanity: respect for human dignity
- c. Indonesian Unity: the spirit of nationalism
- d. A people led by wisdom: the value of deliberation and democracy
- e. Social justice for all Indonesian people: the ultimate goal of shared welfare.

**Table 2.** Conformity of Customary Law Values with Pancasila

| <b>Sila Pancasila</b> | <b>Examples of Values in Customary Law</b>      |
|-----------------------|---|
| 1. Godhead            | A Sense of Spirituality                         |
| 2. Humanity           | Deliberation and social justice                 |
| 3. Persatuan          | Customary ties strengthen solidarity            |
| 4. Citizenship        | Decision-making through consensus               |
| 5. Social Justice     | Balanced distribution of rights and obligations |

As the nation's ideology, Pancasila is not just a normative document, but a **guideline for life** that must be translated into real-life practice. The ideals of the Indonesian nation are; A just, prosperous, united, sovereign and dignified society can only be achieved if the values of Pancasila are implemented consistently, including through the strengthening of customary law (Suryawan and Ambarwati, 2025). Because customary law is rooted in local values that are in harmony with Pancasila values, customary law functions as a supporting and strengthening tool for the implementation of Pancasila values at the

local and cultural levels. Thus, Pancasila is not only normative and philosophical, but also lives in real practice through customary law. (Soepomo, 2003)

Customary law is a concrete reflection of Pancasila values in people's lives. By supporting, practicing and preserving customary law, it means that we have maintained, practiced and realized the ideals of Pancasila as the nation's ideology.

Customary law also receives a transformation of the spirit of Pancasila so that if it is harmonized between the two, the meaning of the precepts in Pancasila for Customary Law is:

- a. The One Godhead: Customary law often reflects local religious values.
- b. Fair and Civilized Humanity: Customary law prioritizes harmony and protection of individual dignity.
- c. Indonesian Unity: Customary law upholds collective values and shared identity.
- d. A People's Led by Wisdom of Wisdom: The settlement of customary disputes relies heavily on deliberation.
- e. Social Justice: Emphasis on the balance of rights and obligations in indigenous communities.

Customary law is not only a traditional legal system, but also a living reflection of the values of Pancasila in society (Fadli, 2024). Therefore, the preservation and strengthening of customary law is an important part of efforts to ground Pancasila as the ideology and ideals of the Indonesian nation. Based on this, the role of customary law must be able to facilitate the application of Pancasila values culturally, bridge between state norms and local values and become a social foundation in resolving conflicts based on local wisdom.

## RESEARCH METHOD

This study uses a qualitative descriptive approach with normative juridical methods and case studies on *the legal practice of Cambokh Sumbai* in the indigenous people of Lampung. The data sources were obtained from literature studies and analyzed descriptive-comparatively. (A. Later Yusuf, 2014)

## RESULTS AND DISCUSSION

### Law Of Cambokh Sumbai Is Practiced In Lampung

In addition to being an autonomous province, Lampung is also a tribe that has its own indigenous people. Before becoming a province itself, the tribes and customary laws of the indigenous people of Lampung have been felt and carried out consistently by their indigenous people. Even though initially Lampung was part of the Province of South Sumatra (southern Sumatra) which currently all regions are autonomous as separate provinces, including; Jambi, South Sumatra, Bengkulu, Lampung and Bangka Belitung, but tribally, Lampung is a tribe far from the absence of Lampung Province.

Of the total 1,340 tribes in Indonesia, of course they have their own language, but only seven tribes have a scripted language, including one belonging to the Javanese, Sundanese and Balinese tribes (the difference is only found in the end of the letters), namely the Javanese tribe; "Ho no co ro ko do to so wo lo po dho jo yo nyo mo go bo tho ngo", then follow; "Ha na ca ka ra ka da da da sa wa pa dha ja ya nya ma ga ba tha nga", dan bali; "He ne ce re ke de te se we le pe dhe je ye nye me ge be the nge".

The second tribe that also has a script language is Batak, the third is the Bugis tribe, the fourth, fifth and sixth are the tribes on the island of Borneo and the seventh is the Lampung tribe, namely; "KA GA GA PA MA MA NA NA CA JA JA YA A LA LA SA WA HA GH".

As is known, script language is a writing system or a series of visual symbols used to present spoken language. Tribes that have their own script language means that they have a good and qualified scientific system in literature and culture. Culture is a positive habit that has been carried out continuously for decades with the intention of creating indigenous peoples with morals and morals. That is why acts of corruption are not properly called culture, because corruption is a bad habit, while culture must be a good thing. (Drafting Team, 2008)

It is true that defining the law associated with the purpose may be helpful, but when the law is interpreted to serve many purposes, of course such a definition will have its own difficulties. (Ade Saptomo, 2025 – p. 21)

In supporting the sustainability of a culture in their society, of course, tribe/customary leaders have ways to apply it, of course, including lawing and enforcing the law to the indigenous people. One of the famous Customary Laws in the Lampung Tribe is *Cambokh Sumbai*.

If it is written in Indonesian, then *Cambokh Sumbai* means to be happy to the woman's family. That is, the husband after marriage no longer lives at the house of his biological parents so that he can

continue to devote himself and take care of his parents, but instead lives at the house of his wife's biological parents.

In fact, in the custom of the indigenous people of Lampung, in fact, when a boy is married, he has to take his wife out of the house of his wife's parents, instead of the man entering and living together in the house of his wife's parents. This is intended so that the husband and wife must prioritize serving the husband's parents as well as said by Islamic Law that a woman who has been married must follow her husband, which then if connected with the Lampung Customary Law (Suryantoro, 2021), the wife participates in serving with her husband to take care of her husband's house and parents.

Then who takes care of the wife's parents? Of course, the brother and younger brother of the wife. Then the Lampung customary law also provides another alternative if the husband and wife do not live with the husband's parents because there may be a brother or younger brother and their wives in the house who have also taken care of the house and the husband's parents, namely the husband and wife are allowed not to live with the husband's parents. but not in the way that he ended up living at the house of his wife's parents. Because according to customary arrangements, they should live in an independent house located not far from the house of the husband's parents.

If the husband does not follow these provisions by preferring to stay at the house of his wife's parents rather than his own parents, then he is subject to customary sanctions, namely he does not receive an inheritance from his parents. If he does not accept the sanction applied by his brother to him and makes a protest or complaint to the chief, then the customary head has the right not to grant his protest or complaint.

### **How Does the Depth of Artificial Intelligence Respond to Customary Matters, Especially *Cambokh Sumbai*?**

Customary law in Indonesia includes; It is not written systematically because it is more alive in community practices, then sourced from the cultural and ethical values of the local community, and flexible and dynamic (can adapt to changes in times and community needs). Then, if there is a dispute in customary law, in this case the *Cambokh Sumbai* case, it can be submitted to the customary head for trial, not to be submitted to the State Judiciary. The difference between the consideration of the customary head and the state judicial judge in adjudicating lies in the rules and sources of the law. (Soepomo, 2003)

A judge when adjudicating a case will definitely refer to the Law on Procedural Law and various laws and regulations related to the subject matter (Putra and Hadiati, 2023). In that case, it is true that artificial intelligence can absorb cases and then the case is matched with previously existing cases that have been stored in the database of internet sites and then studied extensively and then results in a decision. But the decision was only widespread, not deep. It is still necessary for the conscience of judges and other law enforcers if they want to deepen the case so that it results in a great decision.

Technically, the limitations of artificial intelligence in resolving customary disputes are mainly due to the absence of an adequate cultural database. AI works based on statistical patterns from available data. When customary values are not systematically documented, a data sparsity problem occurs, making AI unable to perform contextual reasoning (Sudirwo, 2025). Furthermore, social relations such as kinship status, shame, concepts of honor, and family history cannot be translated into digital variables that can be processed by machines. Legal-technology research shows that AI is only capable of case similarity reasoning but not value-based reasoning, which is the core of customary law. Therefore, AI decisions tend to be general and unable to penetrate the depth of social context as done by customary leaders.

Likewise, the customary head in adjudicating customary dispute cases really does not use legal references such as judicial judges, but uses considerations of customary culture, customary doctrines, instincts and conscience considering that the customary head is also a real witness to the daily life of each indigenous people. Meanwhile, Artificial Intelligence (AI) does not coexist with the indigenous peoples who are in the case. In contrast to the traditional heads who live and coexist with them, including with the families who are in litigation, so that the depth of his judgment cannot be doubted. Then he will decide things deeply, not expanding or expanding unlike Artificial Intelligence is definitely not able to absorb the customary matter deeply.

We know that positive laws (Laws and Regulations) tend to be rigid, they must be in accordance with the article. Customary law, on the other hand, is flexible, taking into account substantive justice and social ethics, for example: in customary cases, dispute resolution emphasizes deliberation and peace, rather than formal punishment. (Soepomo, 2003).

### **Does Indigenous Intelligence Have a Deeper Response to Resolve Customary Cases, Especially Cambokh Sumbai?**

The decision of the customary leader in resolving customary disputes is not only based on an assessment of the actions that occurred, but also includes an assessment of social relations, motives, the personal character of the disputing parties, and the history of family interactions within the customary community. This approach makes the customary leader's reasoning process holistic, because he or she not only considers the outward facts, but also reads the inner dynamics and social structures that influence these actions. This kind of reasoning is only possible for someone who lives and grows up in the same social structure, knows the patterns of interfamily relationships, understands the social reputation of each party, and knows the social impact that will arise from every decision made. This is a form of cultural depth that is the main strength of traditional leaders and cannot be replicated by logical reasoning mechanisms formulated in the form of algorithms.

In contrast, artificial intelligence, despite its ability to process large amounts of data and produce rapid outputs, lacks the ability to understand implicit social values. AI operates based on statistical patterns from digital data, so all of its reasoning depends on the quality and completeness of the available data (Kushariyadi et al., 2024). In customary disputes such as Cambokh Sumbai, most values and norms are not documented in the form of formal data. Many aspects of customary justice, such as shame, honor, family obligations, past conflict history, or moral reputation, cannot be translated into numerical parameters that can be processed by machines. Furthermore, AI lacks social intuition, does not experience daily life in indigenous communities, and does not understand the emotional context and social background that determine substantive justice in indigenous societies. Thus, although AI is capable of making assessments based on general patterns, it cannot achieve the same level of depth of analysis as indigenous leaders.

Customary leaders also have a moral standing that no technology can possess. As figures who live daily with their communities, customary leaders act not only as enforcers of rules, but also as guardians of social harmony. Each of their decisions is considered not only to resolve current disputes, but also to ensure long-term balance within the indigenous community. Considerations such as the social impact on extended families, the prospects for intergenerational relationships, the stability of clans, and the possibility of further conflict are crucial aspects of traditional reasoning (Furziah, 2023). AI is unable to predict or understand these social dimensions because its reasoning is not based on life experience, but rather on pattern calculations. Therefore, the depth of indigenous intelligence in resolving disputes, including the Cambokh Sumbai issue, is not only a matter of knowledge, but also a matter of cultural sensitivity, moral authority, and emotional involvement that artificial intelligence does not possess.

These considerations can be decided quickly by the customary head and even by their fellow indigenous people so that they have an impact on a wise action in carrying out daily life in the association of indigenous peoples because those who are the judges are indeed themselves who have grown up and know well how the environment lives.

### **CONCLUSION**

The decisions made by traditional leaders in resolving customary disputes reflect a depth of reasoning based on values, experience, and socio-cultural understanding that cannot be replicated by artificial intelligence. Traditional leaders consider kinship relations, family history, moral ethos, and the long-term social impact on community harmony. This wisdom-based approach makes customary decisions not only quick, but also socially accurate and substantively fair. In contrast, artificial intelligence is not yet capable of interpreting non-digital variables such as social reputation, shame, kinship obligations, or the emotional context that is at the heart of customary justice. AI remains dependent on limited data structures, so its reasoning is generalist and unable to capture the complexity of values and culture that exist in Lampung's indigenous communities.

In the case of Cambokh Sumbai, indigenous wisdom proved to be more adequate for ensuring social balance and maintaining family structures in accordance with the values inherited from ancestors. This practice of customary dispute resolution also shows that customary law is the most authentic manifestation of the implementation of Pancasila values, especially social justice, deliberation, and respect for human dignity. Thus, the depth of customary wisdom remains the main pillar in the resolution of customary disputes that cannot be replaced by any technology, including artificial intelligence.

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## REFERENCES

- Asshiddiqie, J. (2008). *Pengantar ilmu hukum tata negara*. Mahkamah Agung RI.
- Badan Pengembangan dan Pembinaan Bahasa. (2025). *Hukum adat*. KBBI Daring. <https://kbbi.kemdikbud.go.id/>
- Burhanudin, A. A. (2021). Eksistensi hukum adat di era modernisasi. *Salimiya: Jurnal Studi Ilmu Keagamaan Islam*, 2(4), 96–113.
- Fadli, M. (2024). Pengakuan dan perlindungan negara terhadap hukum adat dalam mendorong kepatuhan hukum berbasis nilai-nilai budaya lokal di Indonesia. *Majalah Hukum Nasional*, 54(2), 283–314.
- Furziah, F. (2023). Pengaruh dinamika sosial-ekonomi terhadap resolusi konflik pembagian warisan: Tantangan dan solusi. *Islamitsch Familierecht Journal*, 4(2), 100–117.
- Hadikusuma, H. (2005). Kedudukan hukum adat dalam sistem hukum nasional. *Jurnal Hukum & Pembangunan*, 35(1), 1–15.
- Irawan, A. D., Adibah, L. N., & Toniek, D. I. V. (2023). Pancasila sebagai ideologi yang khas dan identitas bangsa Indonesia. *PACIVIC: Jurnal Pendidikan Pancasila dan Kewarganegaraan*, 3(1), 11–21.
- Kushariyadi, K., Apriyanto, H., Herdiana, Y., Asy'ari, F. H., Judijanto, L., Pasrun, Y. P., & Mardikawati, B. (2024). *Artificial intelligence: Dinamika perkembangan AI beserta penerapannya*. PT. Sonpedia Publishing Indonesia.
- Lumbanraja, B. (2022). Budaya malu, budaya bersalah dan kesadaran hukum sebagai nilai vital bagi mahasiswa hukum demi kepentingan bersama (bonum commune) menurut etika hukum Thomas Aquinas. *Fiat Iustitia: Jurnal Hukum*, 309–325.
- Nurdin, A. (2021). Peran hukum adat dalam pembentukan peraturan desa. *Prosiding Seminar Nasional Hukum dan Masyarakat*. <https://proceeding.unhas.ac.id/snhm2021/nurdin.pdf>
- Putra, R. H., & Hadiati, M. (2023). Analisis dasar pertimbangan hakim dan akibat hukum dalam menolak gugatan cerai yang tidak dapat diterima (Niet Ontvankelijke Verklaard) di pengadilan dilihat dari perspektif hukum acara perdata. *UNES Law Review*, 6(2), 4843–4856.
- Sagalane, A. B. (2025). *Kajian hukum perjanjian kredit*. Afanin Media Utama.
- Saptomo, A. (2010). Revitalisasi hukum adat dalam sistem hukum nasional. Dalam *Prosiding Seminar Nasional Hukum Adat dan Kearifan Lokal*. UI Press.
- Saptomo, A. (2025). *Budaya hukum & kearifan lokal*. Karya Ilmu Bermanfaat.
- Soepomo. (2003). *Hukum adat dalam tata hukum Indonesia*. Pradnya Paramita.
- Suryantoro, D. D., & Rofiq, A. (2021). Nikah dalam pandangan hukum islam. *Ahsana Media: Jurnal Pemikiran, Pendidikan dan Penelitian Ke-Islaman*, 7(02), 38–45.
- Suryawan, R. F., & Ambarwati, R. (2025). Penerapan Pancasila dalam kehidupan bernegara. *Pendidikan Pancasila dan Kewarganegaraan (PPKn)-XI*, 49.
- Susylawati, E. (2009). Eksistensi hukum adat dalam sistem hukum di Indonesia. *Al-Ihkam: Jurnal Hukum & Pranata Sosial*, 4(1), 124–140.
- Tim Penyusun. (2008). *Kamus besar bahasa indonesia* (Edisi ke-4). Balai Pustaka.
- Warjiyati, S. (2020). *Ilmu hukum adat*. Deepublish.
- Widiatama, W., Mahmud, H., & Suparwi, S. (2020). Ideologi Pancasila sebagai dasar membangun negara hukum indonesia. *Jurnal USM Law Review*, 3(2), 310–327.
- Yusuf, P. (2014). *Metode penelitian kuantitatif, kualitatif & penelitian gabungan*. Kencana.