



## **IMPLEMENTATION OF CUSTOMARY LAW PRACTICES IN THE CUSTOMARY COMMUNITY OF KAMPUNG NAGA, TASIKMALAYA, WEST JAVA: CHALLENGES OF MODERNIZATION AND PRESERVATION STRATEGIES**

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### **Abstract**

The Kampung Naga indigenous community in Tasikmalaya is one of the Sundanese indigenous communities that still maintains customary law practices and traditional leadership patterns amidst the currents of modernization and the penetration of state law. This study aims to describe the implementation of customary law practices in Kampung Naga, analyze the challenges of modernization to the sustainability of customary law, and explore preservation strategies developed by the community and customary leaders. The study uses a qualitative approach with descriptive methods, through participatory observation, in-depth interviews with kuncen, lebe, punduh, formal government officials, and residents, as well as documentation and literature studies. The results of the study indicate that the customary leadership structure in Kampung Naga—centered on the kuncen and assisted by lebe and punduh who have strong traditional authority and work side by side with the formal government structure (hamlet head, RW, RT) in a relatively harmonious manner. The practice of customary law is centered on the philosophy of pamali (matak kabadi) which functions as a mechanism of social control, environmental protection, and character formation of residents, especially the younger generation. Modernization presents challenges in the form of technological penetration, intensified tourism, and demands for adjustments to national laws. However, indigenous communities have developed selective adaptation strategies through internal regulation, the integration of Islamic values, and the strengthening of oral transmission of customs to the younger generation. This study recommends strengthening the recognition of customary law through state policy, developing multicultural education that is sensitive to the rights of indigenous peoples, and partnerships between the state and indigenous communities in preserving the culture and environment of Kampung Naga.

**Keywords:** *Customary Law, Naga Village, Pamali, Modernization, Preservation.*

### **INTRODUCTION**

Customary law communities are one of the important foundations of the formation of Indonesian society, because long before independence, customary communities already had their own rules, leadership structures, and dispute resolution mechanisms that functioned to maintain social order (Nurrohman & Gunawan, 2019). In these communities, customary norms not only regulate relationships between individuals, but also regulate human relationships with nature and with the Divine, so that customary law has interrelated social, ecological, and spiritual dimensions (Hadikusuma, 1980; Wulansari, 2010). In the development of the modern nation-state, the existence of customary law communities and their traditional rights was then strengthened in the 1945 Constitution of the Republic of Indonesia, specifically through Article 18B paragraph (2) which states that the state recognizes and respects customary law community units 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 (Ismail, 2014). Although constitutional recognition provides a normative basis for the protection of indigenous peoples, the reality on the ground demonstrates the dynamics and tensions between customary law and state law. On the one hand, the state promotes legal unification and uniform national development; on the other hand, indigenous peoples have value systems and rules that sometimes align with modern administrative logic, for example regarding land management,

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natural resources, and settlement spatial planning (Afdillah, 2014; Simamora et al., 2025). This situation raises questions: to what extent can customary law be maintained and integrated into the national legal system without losing its essence, and how indigenous peoples respond to the ever-strengthening currents of modernization in various aspects of life. Kampung Naga in Neglasari Village, Salawu District, Tasikmalaya Regency, is a Sundanese traditional community frequently referenced in discussions on local cultural resilience amidst modernization (Illiyani, 2017; Lestari & Fitriani, 2017). Surrounded by rice fields, rivers, and forests, the approximately 1.5-hectare village maintains traditional settlement patterns, stilt-house architecture, and various traditional ceremonies held regularly throughout the year (Illiyani, 2017; National Geographic Indonesia, 2018). One of the most prominent characteristics of Kampung Naga is the existence of a strong traditional leadership system with a central figure, the kuncen, and the implementation of customary law practices centered on the philosophy of pamali (abstentions) that effectively regulates community behavior and protects the environment. Amidst the current of modernization, Kampung Naga faces various pressures, ranging from the penetration of technology and digital media, increased tourist visits, to development policies coming from outside the community (Nuranisa et al., 2023; Siagian, 2025). Technological advances and access to information have opened up new opportunities in education and the economy, but they also have the potential to shift traditional lifestyles, particularly among the younger generation, who interact more intensively with the outside world (Nuranisa et al., 2023; Siregar et al., 2023). On the other hand, the government and tourism stakeholders view Kampung Naga as an attractive cultural tourism asset, leading to a push to improve accessibility and facilities, which is not always in line with the community's traditional conservation principles (Hermawan, 2022; Krajan, 2025). Previous studies have highlighted specific aspects of Kampung Naga life, such as traditional lifestyle choices amidst modernization (Illiyani, 2017), the cultural landscape and settlement layout (Nuranisa et al., 2023), and local wisdom and the community's socio-cultural dynamics (Lestari & Fitriani, 2017). Several other studies have focused on the influence of kuncen (headmasters) on citizens' political behavior, particularly in general elections (Maulida, 2016), and on the role of traditional leaders in maintaining civic commitment (Siregar et al., 2023). However, studies specifically linking the implementation of customary law practices, particularly the concept of pamali (bans), to the challenges of modernization and preservation strategies from the perspective of multicultural citizenship and indigenous peoples' rights are still relatively limited.

## LITERATURE REVIEW

### A. Customary Leadership Systems and Authority Theory

In organizational studies and political science, a system is understood as a set of interdependent elements that work in an integrated manner to achieve specific goals (McLeod Jr., 2008; Gordon B. Davis in Soufitri, 2023). In the context of community leadership, a leadership system encompasses formal structures, power relations, decision-making mechanisms, and the legitimacy underlying community members' obedience to the leader. Weber (1947) classified authority into three ideal types: traditional, charismatic, and legal-rational. Traditional authority rests on belief in long-standing customs and traditions; charismatic authority rests on the extraordinary qualities of a leader; while legal-rational authority is based on formal, impersonally recognized rules.

In indigenous communities like Kampung Naga, traditional authority holds a dominant position because traditional leaders are usually determined based on lineage and the continuity of ancestral traditions (Subhan, 2011; Maulida, 2016). Research on Kampung Naga shows that the kuncen functions not only as a traditional leader who leads ritual ceremonies, but also as a moral reference and authoritative figure in social and political affairs, influencing residents' political preferences in general elections (Maulida, 2016). This demonstrates a combination of traditional and charismatic authority: lineage provides the basis for legitimacy, while the kuncen's personal capacity strengthens residents' trust and obedience.

Previous research has highlighted the existence of customary institutions consisting of the Kuncen, Lebe, and Punduh, which perform distinct but complementary functions (Lestari & Fitriani, 2017; Siregar et al., 2023). The Kuncen leads traditional ceremonies and maintains the continuity of traditions; it primarily deals with Islamic religious matters; while the Punduh handles social affairs and mutual cooperation. This structure creates a strong and adaptive collective leadership system, as the burden of managing community life does not rest solely on a single figure but is shared based on each individual's area of expertise.

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## B. Customary Law, Taboos, and Modernization

Customary law in Indonesia has long been recognized as a living source of law, as it develops from repeated social practices and is internalized as a moral obligation by the community (Hadikusuma, 1980; Wulansari, 2010). In Sundanese traditional society, the term *pamali* is often used to refer to prohibitions or taboos that have social and spiritual consequences if violated (Illiyani, 2017; Kurniati, 2019). *Pamali* is not merely a myth, but rather an instrument of social control that teaches citizens to be careful in their actions, maintain good manners, and respect nature.

Research in Kampung Naga revealed that taboos include prohibitions related to: the use of impolite language or behavior, excessive exploitation of natural resources, changes to residential spatial planning without customary permission, and the use of technology deemed disruptive to the balance of the cosmos (Illiyani, 2017; Hermawan, 2022; Ramadha et al., 2023). Sanctions for violating taboos can include reprimands, ostracism, or in some cases, expulsion from the community, and residents believe that serious violations can also invite illness or disaster as a form of "punishment" from a higher power (Ramadha et al., 2023).

Modernization and globalization test the resilience of this type of customary law. On the one hand, modernization brings values of rationality and individualism that often conflict with the logic of collectivity and customary spirituality. On the other hand, customary law has the ability to adapt by incorporating new elements without abandoning its core principles (Simamora et al., 2025; Murni et al., 2021). Studies of customary law transformation show that many customary communities choose a strategy of "selective modernization," namely, accepting technologies or policies that benefit the community but rejecting those deemed threatening the customary order (Nuranisa et al., 2023; Krajan, 2025). This pattern is also evident in Kampung Naga, as will be described in the results and discussion sections.

## C. Multicultural Citizenship

The theory of multicultural citizenship is highly relevant for understanding the position of indigenous communities like Kampung Naga within the pluralistic Indonesian nation-state. Kymlicka (1995, 2007) begins with a critique of the classical liberal model of citizenship, which tends to treat all citizens as "equal" in a formal sense, while ignoring the reality that cultural minority groups emerge from historically and structurally unequal positions compared to the majority. In this context, granting solely individual rights without recognizing the collective dimension of cultural identity is deemed insufficient to guarantee substantive justice for minority groups, including indigenous communities.

Kymlicka then distinguishes several types of groups within a multicultural state, including national minorities and ethnic groups. Indigenous communities are generally classified as national minorities because they have a long history of ties to a particular territory and once had their own political and legal systems before being integrated into the modern state. Unlike immigrant groups who voluntarily move and are expected to integrate into the majority culture, indigenous communities are seen as entitled to certain forms of collective protection, such as cultural autonomy, recognition of customary institutions, and land rights, to ensure the continuity of their identity and way of life.

Within the framework of multicultural citizenship, Kymlicka (1995) emphasized the need for group-differentiated rights, or rights that explicitly distinguish minority groups from other citizens, not to discriminate, but to "equalize" their position amidst the dominance of the majority culture. These rights include: the right to manage one's own educational institutions by incorporating local languages and cultures, the right to adequate political representation, and the right to maintain traditional social institutions such as customary councils and customary legal systems as long as they do not violate human rights. In other words, a just state from a multicultural perspective is not a state that is culturally neutral, but rather a state that actively protects cultural diversity through pro-minority policies.

Several studies in Indonesia have attempted to contextualize Kymlicka's ideas with the situation of indigenous peoples in the archipelago. Afdillah (2014), for example, shows that the constitutional recognition of indigenous peoples in Article 18B paragraph (2) and Article 28I paragraph (3) of the 1945 Constitution of the Republic of Indonesia can be read as a gateway to the implementation of a multicultural citizenship model in Indonesia. However, he also highlights that this recognition is conditional and its implementation at the regulatory and sectoral policy level is often weak, so that the collective rights of indigenous peoples remain vulnerable to being ignored when faced with development projects, natural resource exploitation, or short-term political interests.

Other studies emphasize that the recognition of indigenous peoples and their customary laws does not automatically mean recognition of their capacity as equal political subjects. In many cases, indigenous peoples are

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positioned as policy objects, rather than dialogue partners with a voice in the formulation of policies concerning their lands, forests, and identities (Ismail, 2014; Al-Albab, 2015). However, following Kymlicka, a crucial element of multicultural citizenship is the ability of minority groups to participate meaningfully in the public sphere, both through formal representation mechanisms and through the recognition of their traditional institutions as legitimate political actors.

In the context of indigenous communities in Indonesia, including Kampung Naga, the implementation of multicultural citizenship requires several things. First, substantial recognition of collective rights to customary land and territories, not merely symbolic recognition that can easily be displaced by business permits or development projects. Second, recognition of customary leadership institutions—such as the village head and the Kampung Naga customary institution—as official partners of the local government in decision-making concerning spatial planning, tourism, and natural resource management. Third, integration of local wisdom and customary legal values into the curriculum and civic education practices so that young people, both from indigenous and non-indigenous communities, understand their rights and responsibilities in a pluralistic society.

Multicultural citizenship also demands the protection of the cultural identity of indigenous communities amidst modernization and the penetration of global values. In the case of Kampung Naga, this means the state and local governments need to ensure that tourism, infrastructure, and technology development do not erode customary living spaces and customary legal practices such as taboos, but rather are directed towards strengthening cultural sustainability and community well-being (Nuranisa et al., 2023; Hermawan, 2022). Thus, the theory of multicultural citizenship provides a strong normative foundation for assessing the extent to which state policies align with the principle of respect for indigenous communities and serves as an important reference in formulating strategies for preserving Kampung Naga's customary law in the modern era.

## METHOD

This study uses a descriptive qualitative approach because the focus of the study is to deeply understand the customary law practices, leadership patterns, and experiences of the Kampung Naga indigenous community in facing modernization, rather than measuring variables statistically (Creswell, 2014; Moleong, 2017). The qualitative approach allows researchers to capture the meanings, values, and subjective interpretations held by indigenous communities regarding taboos, customary leadership, and their relationship with the state, thus in accordance with the character of this complex socio-cultural phenomenon (Emzir, 2014; Sugiyono, 2015). The research was conducted in Kampung Naga, Neglasari Village, Salawu District, Tasikmalaya Regency, West Java, which was chosen purposively because it is known as a Sundanese indigenous community that still strongly maintains traditions, traditional settlement spatial planning, and customary rules in daily life (Illiyani, 2017; Nuranisa et al., 2023). The research period lasted approximately three months, covering the preparation and preparation of instruments, field data collection through observation and interviews, and data analysis.

The primary data sources were the words and actions of informants obtained through interviews, observations, and documentation studies, while written documents and literature served as secondary data that enriched the analysis (Moleong, 2017; Emzir, 2014). Key informants consisted of kuncen, lebe, punduh, other traditional figures, hamlet heads, and RW–RT administrators, plus several ordinary residents from various age groups to capture the varying perspectives of the older and younger generations. Informants were selected using a purposive sampling technique, namely selecting people who were considered to be most knowledgeable about customary regulations and the dynamics of social change, followed by snowball sampling to find additional informants based on recommendations from previous informants (Sugiyono, 2015; Creswell, 2014).

Data collection was conducted using three main techniques. First, structured and semi-structured in-depth interviews were used to explore in detail the informants' views on customary leadership structures, the implementation of taboos, relations with formal government, and the influence of modernization on customary life (Creswell, 2014). Second, participant observation was conducted by observing residents' daily activities, mutual cooperation practices, traditional ceremonies, and interactions between customary institutions and village government institutions, allowing researchers to observe how customary law is implemented in real practice (Bogdan & Biklen, 2017; Illiyani, 2017). Third, a documentation study utilized village archives, photographs, records of customary activities, and literature related to Kampung Naga and customary law to supplement and verify the field data (Creswell, 2014; Lestari & Fitriani, 2017). Data analysis was conducted interactively following the Miles and Huberman model, which includes data reduction, data presentation, and conclusion drawing/verification (Miles et al., 2014). In the data reduction stage, researchers selected, grouped, and focused on data directly related to the research objectives, such as descriptions of traditional leadership structures, examples of the implementation of

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taboos, and forms of adaptation to modernization (Group D2, 2024). The data were then presented in the form of narrative descriptions, simple tables, and representative quotes from informants to facilitate reading of patterns and themes (Miles et al., 2014). The final stage was conclusion drawing and verification, which was carried out repeatedly by comparing field findings with the theoretical framework of traditional leadership, customary law, and multicultural citizenship (Kymlicka, 1995; Afdillah, 2014).

Data validity was maintained through source triangulation (comparing information from traditional leaders, village officials, and ordinary residents), technical triangulation (comparing interview results, observations, and documentation), and member checking, which involved reconfirming the interview summary and preliminary interpretations with several key informants (Moleong, 2017; Sugiyono, 2015). These steps were crucial to ensure that the researcher's interpretation of customary law practices and conservation strategies in Kampung Naga truly reflected the perspectives of the indigenous community, not merely the assumptions of researchers from outside the community (Siregar et al., 2023).

## RESULTS AND DISCUSSION

### A. Implementation of Customary Law Practices in the Kampung Naga Indigenous Community

The research findings show that customary law practices in Kampung Naga are centered on the concept of *pamali* or *matak kabadi*, which serves as the primary normative foundation for regulating the daily lives of indigenous communities. For residents, *pamali* is understood as ancestral mandates and testaments containing social and spiritual consequences if violated; simply by using the word "*pamali*," an action deemed inappropriate can be immediately stopped without the need for lengthy rational explanations. This concept encompasses three dimensions: mandate (a message that must be upheld), will (a legacy of values entrusted to them by ancestors), and consequences (consequences for violators), so that customary law not only regulates behavior but also instills moral awareness and a sense of collective responsibility.

The forms of taboos identified include prohibitions related to etiquette, consumption, spatial planning, and environmental management. In the social realm, residents are prohibited from using harsh language, consuming alcohol, or committing acts of violence, as these are considered to tarnish the community's dignity and disrespect its ancestors. In the ecological realm, there are prohibitions against cutting down trees in forbidden forests, taking wood even if a tree has fallen, and changing the layout of a house without customary permission. Sacred and forbidden forest areas are strictly guarded as undisturbed spaces, thus maintaining their sustainability (Hermawan, 2022). These prohibitions can be interpreted as a form of local ecological law that aligns with modern conservation principles, but is couched in customary language and beliefs.

The enforcement of taboos is supported by a robust and gradual system of customary sanctions. Initial violations are usually met with reprimands and advice from the *kuncen* (guardian) or other customary leaders, while repeated violations and cases deemed serious can result in social ostracism, and in extreme situations, perpetrators can be asked to leave the village, thereby losing the right to participate in customary activities and ceremonies. Community narratives about taboo violators who subsequently suffer illness or disaster shape the perception that customary law has a "supernatural" dimension that cannot be underestimated, so that community compliance is driven not only by fear of social sanctions but also by spiritual beliefs. From a legal anthropology perspective, this demonstrates strong internalized control, where shame and respect for ancestors serve as effective behavioral control mechanisms (Hadikusuma, 1980; Wulansari, 2010).

The customary institutional structure reinforces the implementation of customary law. The *Kuncen* holds the highest authority as guardian of custom and leader of ritual ceremonies, the *Lebe* manages Islamic religious affairs and serves as a liaison between religious and customary norms, while the *Punduh* handles social affairs and mutual cooperation (Lestari & Fitriani, 2017). In many cases, decisions regarding the implementation of taboos and the resolution of violations are made through internal deliberations led by the *Kuncen*, so that traditional and charismatic authority, as stated by Weber (1947), appears dominant in the administration of customary law (Maulida, 2016).

The transmission of customary law and taboos to the younger generation is primarily through oral tradition and direct practice in daily life. Young informants explained that they learned about taboos from parental advice, teachings from caretakers, and involvement in religious studies, traditional ceremonies, and oral arts activities such as *terebang*. Traditional ceremonies related to the life cycle—for example, birth, marriage, and death—become a vehicle for learning values for the younger generation, so that customary law does not stop at the conceptual level, but lives as practice and experience (Lestari & Fitriani, 2017). This pattern demonstrates that in Kampung Naga,

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customary law is a "living law" that is continuously reproduced through intergenerational social interaction, not simply a static legacy of the past.

## B. Modernization Challenges and Conservation Strategies

The implementation of customary law in Kampung Naga coincides with the influx of modernization through education, technology, and tourism, resulting in the community facing a number of challenges. The younger generation is increasingly accustomed to smartphones, the internet, and social media, especially as some of them are educated outside the village, making exposure to global values and modern lifestyles inevitable (Nuranisa et al., 2023). Potential gaps arise when the younger generation's references and aspirations begin to shift from customary values to modern, individualistic ones, which could weaken adherence to taboos if not balanced by strengthening customary education.

Cultural tourism presents both opportunities and risks. Kampung Naga is popular with tourists due to its unique settlements, stilt-house architecture, and traditional practices. Many residents work as tour guides, craft sellers, and managers of supporting facilities around the village. While this generates income and expands social networks, the influx of tourists has the potential to disrupt the sacredness of traditional spaces, encourage the commodification of culture, and increase environmental pressure if not properly managed (Hermawan, 2022; Nuranisa et al., 2023). The tendency of tourists to capture every corner of the village, for example, could conflict with the sacred boundaries maintained by the indigenous community.

Facing these challenges, the Kampung Naga community developed a selective adaptation strategy and a relatively consistent preservation strategy. In terms of technology, residents apply the principle of "binah cari, binah pangan," which means adapting to the place: when outside the village, especially the younger generation, the use of gadgets and electricity is permitted for educational and work purposes; however, when returning to the customary area, they are required to comply with customary rules that limit the use of electricity and modern devices (National Geographic Indonesia, 2018). Thus, modernization is not completely rejected, but is filtered so as not to damage the spatial order and values held by the community.

In the context of tourism, the presence of local tour guides who understand customary boundaries and the role of the kuncen (guardian) in controlling guest behavior is a crucial element of conservation strategies. Guides explain to visitors the rules to be followed, areas that are and are not permitted to be accessed, and the sacred meaning of certain locations, ensuring that interactions with tourists remain within customary norms (Hermawan, 2022). This demonstrates that communities are not passively responding to tourism but are actively managing and minimizing its negative impacts, relying on customary authority.

In terms of relations with the state, challenges arise because many of Kampung Naga's customary rules and institutional structures are still oral, not yet enshrined in formal regional regulations or strong recognition of customary territory. The hamlet head acknowledged that "customary and government structures themselves do not exist (in writing)," meaning that if development or natural resource exploitation policies are insensitive to customary law, the community's position could become vulnerable (Ismail, 2014). From a multicultural citizenship perspective, this situation demonstrates that symbolic recognition of indigenous communities is not enough; substantive recognition is needed in the form of protection of customary law, land rights, and the involvement of customary institutions as official partners in decision-making (Kymlicka, 1995; Afdillah, 2014; Al-Albab, 2015).

Conservation strategies emerging from the community include: strengthening the position of the kuncen and customary institutions as primary references in customary and environmental matters; consistently enforcing taboos despite pressures of modernization; and emphasizing customary and religious-based character education, especially for the younger generation (Group D2, 2024; Siregar et al., 2023). Externally, opportunities for strengthening preservation can come from local government policies recognizing Kampung Naga as a cultural and environmental area that must be protected, as well as the development of civic education programs that incorporate the local wisdom of indigenous communities as learning materials (Afdillah, 2014; Lestari & Fitriani, 2017).

Overall, the implementation of customary law practices in Kampung Naga and its preservation strategies amidst modernization demonstrate that indigenous communities are not simply attempting to maintain traditions statically, but are continually negotiating with change while maintaining core customary values. Within the framework of multicultural citizenship, the experience of Kampung Naga underscores the importance of recognizing and protecting the collective rights of indigenous communities so they can practice customary law, develop adaptation strategies, and participate as equal citizens in a pluralistic nation.

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## CONCLUSION

Customary law practices in Kampung Naga remain vibrant and serve as a strong foundation for the social, moral, and ecological governance of the indigenous community, despite the community's ongoing modernization and integration with the state legal system. Customary law, grounded in the concept of pamali (matak kabadi), not only contains prohibitions that must be obeyed, but also internalizes the values of mandates, wills, and consequences, thus creating an effective social control mechanism through a sense of shame, respect for ancestors, and belief in the spiritual consequences for violators. The practice of pamali has been shown to contribute to environmental conservation—particularly through the protection of forbidden and sacred forests—and maintains community social cohesion, thus being understood as a form of living law relevant to the challenges of the times.

The leadership structure in Naga Village places the kuncen as the highest customary leader, supported by the lebe and punduh, and works alongside formal leadership (hamlet heads, RW, RT) that are part of the Neglasari Village government system. The legitimacy of customary leadership is genealogical and traditional, but the selection of formal leaders also reflects mechanisms of deliberation and community participation, thus achieving integration between traditional and legal-rational authority in local practice. Modernization through education, technology, and tourism does pose challenges to the sustainability of customary law, but the community responds not with total rejection but through selective adaptation strategies. Younger generations utilize technology and education outside the village, but when within the customary territory they remain bound by taboos and traditional lifestyles. While tourism is managed through local guides and the supervision of the kuncen to prevent the sacredness of customary space. Within the framework of multicultural citizenship, the experience of Kampung Naga emphasizes the importance of substantive state recognition of the collective rights of indigenous peoples—including the recognition of customary institutions, the protection of customary territories, and the integration of local wisdom in education—so that indigenous communities can continue to preserve customary law while participating as equal citizens in a pluralistic nation.

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