



The Urgency of Traditional Law for Students in the Environment College

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<http://dx.doi.org/10.18415/ijmmu.v11i4.5609>

Abstract

Customary law in the campus environment is not well known by name but is well developed through good habits. One of the sanctions imposed by customary law in the campus environment is shame because it is known that they do not follow existing customs. Not all universities in Indonesia have law faculties. The importance of customary law should be revived and introduced to the campus community even though it is not a law faculty. Customary law is also supported through provisions stipulated in the law seeing Article 18 B Paragraph 2 of the 1945 Constitution which is used as the juridical basis for the application of customary law in Indonesia. The importance of elements of customary law is carried out through initial meetings with familiarity activities and a kind of introduction to new student campus life. These activities include teaching that there are ways of appreciating, respecting, communicating with lecturers, communicating with friends, communicating with campus officials, before and after receiving lectures and so on. Customary law will make certain the customs that are carried out. Elements of customary law should be applied to good behavior applied on campus. This is to anticipate that customary law is not easily ignored by campus residents, especially students. Customary law will provide obedience values, human values, religious and a sense of empathy.

Keywords: *Habit; Obeyed; Campus; Students*

Introduction

Higher education is a society in which there is a need for high order. Order is established in order to maintain mutual kindness among fellow citizens within the university environment. University residents are usually pronounced as campus residents. Carrying out an educational life and forming future leaders is a big mandate for the Indonesian state. Through higher education there will be a lot of great work in forming students' personalities. The student personality that is formed is not only in the intellectual field but also prioritizes good behavior. Good behavior in this case can be described by following the rules and good habits on campus, one of which is through customary law.¹

¹ T Nazaruddin dkk., "BUKU AJAR: PENATAAN RUANG KEMUKIMAN BERBASIS KEARIFAN LOKAL DI ACEH," 2010.

Customary law is an unwritten rule or guideline for the majority of Indonesian people and is maintained in everyday life. Customs show the forms, attitudes, and actions of human change in traditional law communities to maintain the customs that apply in their regional environment. Customs are sometimes maintained because of the awareness of the people. Customs are maintained with sanctions or legal consequences so that they become customary law. The special feature of customary law is that it is not recorded or even though it is a rule that is not written down and codified systematically, but these rules are obeyed.²

Someone who is familiar with the customs of the campus environment and tries to follow and obey means being able to follow customary laws at the university. Customary law is closely related to the nature and behavior of campus residents. Citizens who obey and make efforts because there is encouragement from within themselves and also because there is information so they must respect the campus leaders in their area. The future of customary law in the campus environment will fade if the community ignores good habits and is indifferent to the moral sanctions they receive.³

Customary law in the campus environment is not well known but is well developed through good habits. One of the sanctions imposed by customary law in the campus environment is shame because it is known that they do not follow existing customs. Not all universities in Indonesia have law faculties. The law faculty makes customary law courses mandatory for students. In my view, customary law must not only be implemented by students, but also all campus residents should be familiar with customary law. Customary law is considered an obligation solely as a semester credit burden that is mandatory for students. The importance of customary law should be revived and introduced to the campus community even though it is not a law faculty.

Customary law is also supported through this provision, for example it can be seen in Article 18 B paragraph 2 which states that the 1945 Constitution (UUD45) recognizes and respects the unity of customary law communities and their traditional rights as long as they are still alive and in accordance with community development and principles. The Unitary State of the Republic of Indonesia, which is regulated by law. Looking at Article 18 B Paragraph 2 of the Constitution which is used as the juridical basis for the application of customary law in Indonesia, it can be said that all customary practices carried out by customary law communities are fully respected by the State, with note that customary practices continue to operate in accordance with societal developments and do not violate or conflict with the principles of the Unitary State of the Republic of Indonesia. So far, customary law has been recognized for its existence by the Unitary State of the Republic of Indonesia. The State also recognizes the existence of religion and all its teachings.

Through this article, we will discuss how urgent customary law is for students in the tertiary environment? and what are the obstacles to implementing customary law in a higher education environment? The benefits obtained from this discussion will provide an understanding that customary law is very important in the order of behavior, especially for students. The benefits gained from discussing obstacles to the implementation of customary law will give rise to new ways for students to recognize and understand customary law. Customary law will be a solution so that students can have good behavior and adapt to the wishes of their campus environment.

The method implemented in this discussion is empirical normative juridical, namely based on discussions of journals, books, legal regulations on the application of customary law. The empirical method is to describe the characteristics in the field through one of the universities in Lampung.

² Takwim Azami, "Dinamika Perkembangan Dan Tantangan Implementasi Hukum Adat Di Indonesia," *QISTIE* 15, no. 1 (2022): 42–55.

³ Amisah Amisah dkk., "IDENTIFIKASI PEMBIDANGAN HUKUM ADAT DAN UNSUR-UNSUR DASAR YANG MENJADI LANDASAN HUKUM ADAT," *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 10, no. 5 (2023): 2545–51.

Discussion

1. The Urgency of Customary Law for Students in the Higher Education Environment

Students who come to campus certainly expect changes in themselves for the better. The success of the campus is to produce a generation that is ready for future challenges and is in control. A good campus community life must be formed, but it will not happen by itself without the role of the people themselves who build it. The formation of students' good character is not only formed and conveyed by teachers or lecturers in the campus environment. Students need the role of previous students who will inform new students about good habits. Providing understanding to new students today is very different from before.⁴

Old students must have better strategies to socialize good morals to new students. Challenges to existing obstacles will be explained in the second discussion. The increasingly modern era requires students to communicate more often using smartphones.

The urgency of customary law in forming student character will also provide success in student morale in communicating and socializing in the campus environment. For example :

- a. Respect Parents and Lecturers
- b. How to communicate with lecturers
- c. How to communicate with upperclassmen or previous generation students
- d. How to communicate with campus officials
- e. How to communicate with college leaders
- f. How to communicate with fellow friends
- g. How students dress
- h. How students behave well
- i. How students avoid bad and prohibited actions
- j. How students accept agreed moral sanctions

In the points mentioned above, there are many other points that live through habits on campus that are not all mentioned. At each campus, different good habits are cultivated. This is not only so that the university is good and its good name is maintained, but this understanding will be very useful for building student character both inside and outside the campus environment.

Customary law is a part of civil law which in its discussion will be closely related to the relationship between one person and another party. This relationship will give rise to rights and obligations. One party is obliged to provide a good attitude and obtain the right to receive good treatment from the other party and vice versa from the other party. There is a play on feelings when carrying out this customary law behavior. Customary law is a custom that is entrenched in the campus community. If bad habits develop in the campus environment, they will have a bad influence on the development of educating students for the next generation.

An example that can also be revealed in the discussion of the urgency of customary law is the habits of students when meeting their lecturers. This fact was explained in a legal learning session at one of the universities in Lampung. A lecturer shared his experience of now wanting to be met by students who had contacted his lecturer first to ask if he was on campus at that time. In fact, a lecturer is also a permanent campus structural officer and is always there if you want to be met, even without being contacted first. Experience as a student should be able to wait for the lecturer and wait in his room when

⁴ Dedi Sumanto, "Hukum Adat Di Indonesia Perspektif Sosiologi Dan Antropologi Hukum Islam," *JURIS (Jurnal Ilmiah Syariah)* 17, no. 2 (2018): 181–91.

there is a need and be able to try several times beforehand. If the student feels that he is still not successful, he can contact his secretary or communicate via telecommunications equipment.

This illustrates that good habits are needed in how to communicate with lecturers. Discussion of the urgency of customary law for students in the tertiary environment will be a future achievement on campus. The application of customary law is still included in the remaining learning sessions which are delivered directly from the lecturer or from previous students. The customs applied will become ordinary if they are not emphasized as an application of customary law in them.⁵

The good habits described as part of customary law are actually also informed by previous students when new students first enter campus. This submission is not conveyed as customary law but as appropriate information that should be followed. The distinguishing element is that there are sanctions if customary law can be called or applied in a higher education environment. These sanctions can be in the form of moral punishment for the offender.

Students are taught to have a better understanding of knowledge. When you first enter college, you are not immediately accepted to attend lectures. There are various stages that must be passed before studying. This stage includes taking part in the Introduction to New Student Campus Life (PKKMB). The sanction for not taking part in this activity is that you have to repeat it the following year, until when the student graduates you have to attach a PKKMB certificate. The name of this stage varies from one campus to another, but the purpose of its implementation is the same. These activities include teaching that there are ways to respect, respect, communicate with lecturers, communicate with friends, communicate with campus officials, before and after receiving lectures and so on.

These activities are only accepted as a means and are not mandatory if elements of customary law are not included in them. Customary law will ensure that things are implemented, but if they are not implemented then there is a moral burden there. Customary law will provide values of obedience, human values, religion and a sense of empathy.

Students are considered to feel what other people feel on campus and outside campus is a value of empathy. Through customary law, students are directed to have good morals and behave well towards each other. The value of compliance with customary law will also strengthen mutual respect. Students are required to have high morals, by obeying whatever is mandated to them in their behavior to obey and follow. Obedience is carried out with fear that if it is not carried out, moral punishment through shame will apply.

Religious values are beliefs about fear of God. Students who adhere to religious values will be afraid that God's sanctions will apply. Fear of God will provide a strong line for the behavior of students who are obedient in worship, when carrying out the mandate they will be serious in carrying out God's commands and stay away from his prohibitions. Stay away from prohibitions against doing evil and bad behavior. The implementation of customary law and religious values have something in common, namely, carrying out its commands and avoiding its prohibitions.

In essence, humans are the same, the only difference is devotion to Allah, the Almighty God. Therefore, religion must be the main basis for developing the concept of multiculturalism. Religious multiculturalism is a suitable name for the socio-cultural building of Indonesian society, and not a secular one.

The Principles of Belief in One Almighty God, there are elements that involve the relationship between humans and God, which in Islam is called *hablu min Allah*. In dealing with Allah, a Muslim

⁵ SHI Kamaruddin dan M SI Kamaruddin, "DIMENSI SILA 'KETUHANAN YANG MAHA ESA' DALAM PERSPEKTIF HAM ISLAM," *IN RIGHT: Jurnal Agama dan Hak Azasi Manusia* 3, no. 1 (2013).

occupies the position of a servant, so that obedience and love in service are visible. In this way, there is an attachment which then gives birth to commitment (the dimension of faith). That is why the basic ideology of the Indonesian Nation, Pancasila, survives and hopefully the collective consciousness as children of the Nation will continue to maintain Pancasila, because apart from being a meeting point for diversity, bringing together differences for harmony in the life of the Nation, Pancasila, which consists of five precepts, is in accordance with the nature of human creation.

Another example of the application of customary law is the custom implemented by the Student Executive Board (BEM) of the Faculty of Law at one of the universities in Lampung. At the beginning of the lecture, new students are provided with faculty-level training facilities for 2 (two) days which is also part of the familiarity between new and old students. After undergoing this training, they are officially recognized and given validation through the use of red clothes, usually called Daily Service Clothes (PDH). The PDH is used on the specified days each week. Apart from that, it is used when there are certain events and activities. This agreement was implemented at the beginning of the first generation. This enforcement is a moral sanction and customary law that is carried out continuously. The implementation of the debriefing of new students at the faculty level will provide a lot of additional understanding from the previous PKKMB regarding attitudes and behavior that adapt to the faculty environment.⁶

Basically, humans create their culture or social environment as an adaptation to their physical and biological environment. Habits, practices and traditions to continue to live and develop are passed down from one generation to another in a particular society. The role of previous students is very important in transmitting good habits to new students through PKKMB and faculty provision by applying moral sanctions for wearing PDH clothes.

These groups or ethnic groups do not realize where this inherited wisdom comes from. Subsequent generations are conditioned to accept these "truths" about life around them, because certain norms and values have been established by previous generations. However, whether certain norms and values of a region or ethnic group can be accepted or not depends on the perception, knowledge and beliefs of the people concerned. In general, individuals tend to accept and believe what their culture says.⁷

Students are required to understand their new environment to form good personal character from various teachings. Teachings in lectures are not just what you get from lecturers but are more often sought by the students themselves from their interactions, both with each other and with previous students or what is usually referred to as "upper class". For example, Lampung culture is known for joining one another and hanging out with each other. For example, through "Nengah Nyappur are the attitudes and values of the Lampung traditional community in interacting by opening themselves to the general public. "The aim of Nengah Nyappur is to be knowledgeable, participate in everything that is positive - both in relationships and community activities that can bring progress and always be able to adapt to developments in the times." The implementation of student associations on campus will adapt to the culture of the region.⁸

Character is composed of three interrelated parts, namely: moral knowing (moral knowledge), moral feeling (moral feelings), and moral behavior (moral behavior). Good character consists of knowledge of goodness (knowing the good), desire for goodness (desiring the good), and doing good

⁶ Iswati Iswati, "Urgensi Pendidikan Multikultural Sebagai Upaya Meningkatkan Apresiasi Siswa Terhadap Kearifan Budaya Lokal," *Elementary: Jurnal Ilmiah Pendidikan Dasar* 3, no. 1 (2017): 15–29.

⁷ Husnul Khotimah, "Penerapan Pancasila Perspektif Islam," *Tahdzib Al-Akhlaq: Jurnal Pendidikan Islam* 3, no. 2 (2020): 81–101.

⁸ Masitoh Masitoh, "Mengingat Dan Mendekatkan Kembali Nilai-Nilai Kearifan Lokal (Piiil Pesenggiri) Sebagai Dasar Pendidikan Harmoni Pada Masyarakat Suku Lampung," *Edukasi Lingua Sastra* 17, no. 2 (2019): 64–81.

(doing the good).⁹ In this case, habituation in thinking (habits of the mind), and habituation in actions (habits of the heart), and habituation in action (habit of the action) are needed. Each person is thought to have different characteristics of learning outcomes, because they experience the learning process in different environments. So, it can be related that environmental dominance has a strong influence on character education.

2. Challenges and Obstacles to Implementing Customary Law for Students in the Higher Education Environment

Customs are customs which contain the meaning of customary rules which have been in force since ancient times until now and do not change easily. Social change generally manifests itself in the form of changes that give rise to social consequences. This social consequence is such that changes occur in the form of structures and relationships that are different from the original.

Customary law can live supported by old residents who preserve it and inform new campus residents. For example, in the manner of dressing, passing each other and the behavior of greeting and greeting residents. This attitude requires the value of obedience which is inherent in humans and is brought from their respective family environments. Customary law is very much needed in the order of life in higher education. Rules that must be enforced and constantly reminded will be very different if implemented through customary law. Through customary law, attitudes and behavior will grow naturally.¹⁰

Customary law in the campus environment is also a form of law enforcement so that its implementation can be more orderly. Soerjono Soekanto, for example, came to the conclusion that the good and bad of law enforcement in a country is influenced by five important factors. First, legal factors or statutory regulations. Second, the factor of law enforcement officers, namely the parties involved in the process of making and implementing laws related to mental issues. Third, the facilities or facilities that support the law enforcement process. Fourth, community factors, namely the social environment in which the law applies and is applied which is related to awareness and compliance with the law which is reflected in people's behavior. Fifth, cultural factors, namely the results of work, creativity and feelings that are based on human intention in social life. Neglect of cultural values that emphasize local wisdom has given rise to many negative excesses in society. Good cultural values in the campus environment can become part of customary law with good behavior passed down from generation to generation that can be followed.¹¹

Universities that are able to revive customary law in their environment will certainly help to regulate the behavior of residents within them. Behaviors that are maintained include: doing bad things to others, cheating at work, and ignoring responsibilities. If this is written on paper in the initial agreement to become a student or campus resident, it could be forgotten. This behavior will be avoided if it is alive and becomes a moral burden on the campus environment. Good behavior can also be obtained from students who have first been admitted to campus. Old students are expected to be able to transmit discipline and order to their younger classmates on campus.

Regardless of the regional and era context, it really influences the emergence of a concept, especially customary law. The tendency for uniformity of various ethnic groups in the higher education environment will place certain ethnic groups which are the majority as elements who have the right to

⁹ Muhammad Ali Ramdhani, "Lingkungan pendidikan dalam implementasi pendidikan karakter," *Jurnal pendidikan universitas garut* 8, no. 1 (2014): 28–37.

¹⁰ I Gede AB Wiranata dan MH Sh, *Hukum Adat Indonesia Perkembangan dari masa ke masa* (Citra Aditya Bakti, 2005).

¹¹ Maharidawan Putra, "Hukum Dan Perubahan Sosial (Tinjauan Terhadap Modernisasi Dari Aspek Kemajuan Teknologi)," *MORALITY: Jurnal Ilmu Hukum* 4, no. 1 (2018): 47–59.

"represent the community" in this case in the Lampung region. Even though in reality it can give rise to primordial attitudes that prioritize the interests of a particular group or community of society.

The development of civilization, advances in science and technology and modern life cannot simply eliminate the customs that live in society, especially the campus environment. The process of progress over time influences customs, so they must be able to adapt to the demands and developments of the times so that customs continue to exist amidst the progress of the times. The development of civilization will be the second discussion on the challenges and obstacles to customary law in the higher education environment.¹²

The application of customary law in higher education in the application of familiarity is an unwritten rule that has been passed down from generation to generation by previous students until now. We can see this culture from the continuity of the law faculty's customs that have been implemented. Friendly activities train new law faculty students to become leaders, train self-confidence, learn to solve problems, hone organizational skills and serve as a means of self-development. Apart from that, familiarity activities aim to get to know and understand each other and build kinship and solidarity. Helping new students to explain how to interact with campus officials, lecturers, colleagues, seniors so that they are able to understand good habits that new students can apply in the future.

The achievement of this implementation is the value of compliance with good habits in behavior in the campus environment. The challenges and obstacles experienced at this time in the implementation of customary law for students in tertiary institutions are:

- a. Different understanding between parents and universities
- b. The proposal submitted above is not difficult to get approval and requires several evaluations of the proposal letter
- c. There were several students who did not get permission from their parents to take part in this friendly event
- d. Some students do not have the enthusiasm to participate in friendly activities
- e. Problems in fees to carry out law faculty friendly events
- f. There are conditions that are less conducive to carrying out these activities
- g. Lack of medical personnel at friendly events to treat sick students due to familiarity at the faculty level

Barriers and obstacles to the implementation of customary law in higher education are a lack of understanding of the importance of customary law in the campus environment for both students and other campus residents such as lecturers, campus officers, security forces and other parties. The government, university leaders, students and all campus residents ignore the importance of customary law and do not yet know its overall positive impact. There must be an understanding provided by customary law experts regarding the urgency of implementing customary law in the tertiary environment.¹³

Of course, this will not happen if you get full support from universities. Implementation through friendly activities or other activities that can apply customary law will contribute knowledge and good attitudes to students in the campus environment. Apart from that, if we observe it from year to year, student behavior is now difficult to control because of the large influence of external organizations which also pose challenges to the implementation of customary law at the tertiary level.¹⁴

¹² Soerjono Soekanto, "Faktor-faktor yang mempengaruhi penegakan hukum," 2004.

¹³ Natangsa Surbakti, "Dampak Negatif Pengabaian Nilai Kultural Dalam Penegakan Hukum," 2012.

¹⁴ Iswati, "Urgensi Pendidikan Multikultural Sebagai Upaya Meningkatkan Apresiasi Siswa Terhadap Kearifan Budaya Lokal."

Conclusion

The importance of elements of customary law is implemented through initial meetings with friendly activities and a kind of introduction to campus life for new students. These activities include teaching that there are ways to respect, respect, communicate with lecturers, communicate with friends, communicate with campus officials, before and after receiving lectures and so on. These activities are only accepted as a means and are not mandatory if elements of customary law are not included in them so that there is no feeling wrong if they are not implemented. Customary law will create certainty in the habits that are implemented. Elements of customary law should be applied to good behavior implemented on campus. This is to anticipate that customary law is not easily ignored by campus residents, especially students. Customary law will provide values of obedience, human values, religion and a sense of empathy.

Barriers and obstacles to the implementation of customary law in higher education are a lack of understanding of the importance of customary law in the campus environment for both students and other campus residents such as lecturers, campus officers, security forces and other parties. The government, university leaders, students and all campus residents ignore the importance of customary law and do not yet know its overall positive impact.

Suggestions

The discussion regarding the urgency of customary law for students in the tertiary environment is that support from the government and higher education leaders is needed for the implementation. The introduction of customary law will help establish habits that contain moral sanctions for those who do not implement them. This facility is also provided for the government and university leaders to provide public lectures on customary law so that all students are able to become familiar with customs. Students will be able to organize which attitudes must be implemented and which are prohibited so as to avoid moral sanctions that are enforced even though they are not in writing. Students who have graduated and are ready to work also continue to have good behavior because they are familiar with customary law and are able to adapt to the environment of their area of residence.

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