

Article

Political and Legal Position in the Mahmud Village Society

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Abstract: Mahmud Village, located in Bandung Regency, is one of the indigenous communities that continues to uphold its customary laws and traditions amidst the tide of modernization. This research aims to explore and analyze the political position and role of customary law within this community, with a focus on how customary norms and rules are implemented, maintained, and passed down amidst the dynamics of social change and interactions with state law. Using a qualitative ethnographic approach, data was collected through participant observation, in-depth interviews with customary leaders, community members, and government officials, and a review of relevant literature. The research results indicate that customary law holds a highly significant and respected position among the residents of Mahmud Village. The customary figure, known as the "Kuncen," holds the highest authority in enforcing customary law, leading traditional ceremonies, and resolving various disputes, ranging from marriage and inheritance matters, ceremonial procedures, to mediation mechanisms between residents. Although customary law has strong social power, its application is not entirely independent of the influence of state law, particularly in cases that intersect with criminal law or national legislation. These findings reveal a process of adaptation, where the Mahmud Village indigenous community strives to maintain traditional values while adapting customary rules to remain relevant to current demands. This research confirms that customary law functions not only as a social regulatory system but also as a bulwark of cultural identity and a vital instrument for the sustainability of indigenous communities. Therefore, understanding and recognizing customary law is crucial for maintaining harmony between local traditions and the national legal framework.

Keywords : Customary law, Mahmud Village, Modernization, Political position, State law

1. Background

Mahmud Village, located in Bandung Regency, is one of the areas with significant cultural and historical richness in Indonesia. Mahmud Village is an example of an indigenous community that still maintains its traditions, values, and customary laws. This village maintains local wisdom and traditions passed down through generations, despite being located amidst modern civilization. Customary law in Mahmud Village serves as the foundation for regulating various aspects of community life, including social, economic, and cultural aspects. The existence of this customary law reflects the identity and local wisdom that have been passed down through generations (Saputra, 2018). As a unique entity, Mahmud Village offers an interesting case study regarding the political dynamics and legal policies prevailing at the local level. Politically, the people of Mahmud Village respect the traditional leader (elder) more than the head of the local government, believing that the traditional leader is the best and provides them with greater value. Local leaders in Mahmud Village play a key role in directing policy and influencing community life. They are not only symbolic figures but also decision-makers with authority in various aspects of life, from social and economic to legal. The legal policies implemented are often a combination of national law and time-tested customary norms. Customary law in Mahmud Village holds a very important position and is respected by the entire community. Customary leaders, known as "Kuncen," have full authority to enforce customary law and resolve disputes within the community (Iskandar, 2020). This customary law not only

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serves as a guideline for social interaction but also serves as a symbol of cultural identity that distinguishes them from other communities (Hidayat, 2019).

Before the era of modernization and globalization, the people of Mahmud Village lived in simplicity, with customary law as the primary foundation for regulating their social and political lives. This customary law not only reflected local wisdom but also maintained harmony within the local community. However, developments have brought significant changes that require adjustments in the application of customary law and its interaction with national law. This study aims to explore how local leaders in Mahmud Village influence prevailing legal policies and compare these policies with national law. This research also seeks to understand the dynamics of power and influence wielded by local leaders in the context of an increasingly modern society. Using a comparative study approach, this paper will analyze various aspects of local leadership and the implementation of legal policies in Mahmud Village.

This research hopes to identify specific patterns that can serve as references for policymaking in other regions with similar characteristics. Furthermore, the findings are expected to contribute to the development of theories on local leadership and legal policy in Indonesia, particularly in the context of adapting customary law to changing times. This research has several primary objectives. First, to explore the role of local leaders in Mahmud Village in directing and influencing prevailing legal policy. Second, to analyze how legal policy in Mahmud Village compares to national law, particularly in terms of adapting and implementing customary law amidst modernization and globalization. Third, to understand the dynamics of power and influence wielded by local leaders in the context of an increasingly modern society.

Using a comparative study approach, this research seeks to identify specific patterns that can serve as references for policymaking in other regions with similar characteristics. Furthermore, this research aims to contribute to the development of theories on local leadership and legal policy in Indonesia, as well as to understand how customary law adapts to changing times .

2. Theoretical Study

This research is supported by several relevant theories in understanding the dynamics of politics and legal policies in Mahmud Village:

Charismatic Leadership Theory: This theory explains that local leaders often gain legitimacy through their charisma and personal influence. (Leadership, n.d.) In the context of Kampung Mahmud, local leaders play an important role not only as formal leaders but also as figures respected and followed by the community. Charismatic leaders demonstrate a vision that differs from the current situation, take innovative actions, and are able to inspire emotionally.

Transformational Leadership Theory: Based on the ideas of Max Weber and James MacGregor Burns, this theory states that transformational leaders are able to inspire and motivate their followers to achieve common goals. Transformational leaders inspire trust, admiration, and loyalty from followers. (Leadership, n.d.) In the context of Kampung Mahmud, local leaders are expected to be able to lead the community in facing changes and the challenges of modernization.

Legal Pluralism Theory: Focusing on the existence and interaction of various legal systems within a society, this theory emphasizes that formal and informal law can function side by side, influence each other, and create complex dynamics within society. (Benda-Beckmann & Turner, 2018) This study examines how customary law in Mahmud Village functions alongside national law.

Social Cohesion Theory: This theory uses the concept of "system" to describe harmonious coordination between institutions. Each institution in society has a specific function and works together to maintain stability and balance. (Arif, 2020) In the context of Mahmud Village, customary law plays a crucial role in maintaining social cohesion and harmony within the community.

Modernization Theory: An approach to studying development in developing countries, this theory refers to the process of change that occurs when a society moves from traditional conditions to more modern and industrial conditions. (Triwahyuni, 2015) This study examines how customary law in Mahmud Village adapts to changing times without losing local identity and values.

Using these theories, this study seeks to provide a comprehensive understanding of the role of local leaders and the dynamics of legal policy in Mahmud Village. It is hoped that this research will provide new insights into how customary law and modernization can adapt to each other and contribute to the development of local leadership theory and legal policy in Indonesia.

3. Research Methods

This research uses a qualitative approach with a comparative study method to explore the role of local leaders and legal policy in Mahmud Village. This approach was chosen because it provides a deep understanding of the social, political, and legal dynamics occurring at the local level, as well as how customary and national laws interact and adapt in the context of modernization. This research is descriptive qualitative, aiming to describe the phenomena occurring in Mahmud Village in detail and in depth. This research focuses on how local leaders influence legal policy and how these policies compare to national law.

Quoting Bogdan and Taylor in Ratna (Adi, 2020), qualitative methods produce descriptive data in the form of words, both spoken and written. This research places greater emphasis on descriptive results. The subjects of this study were the indigenous people of Mahmud Village, specifically community leaders who are considered elders in this village, namely a 70-year-old Traditional Leader as one of the 7th descendants of Eyang Dalem Abdul Manaf, and several general residents of Mahmud Village. The selection of subjects was carried out sequentially, starting with determining key informants who have in-depth knowledge of the life and traditions of the local community. This research was conducted in Mahmud Hamlet, RW 04, Mekarrahayu Village, Margaasih District, Bandung Regency. The research took place on Tuesday, July 2, 2024, and was conducted in several stages to collect the necessary data. The location was chosen based on the strong cultural heritage and customary law still practiced in the village.

The population of this study encompassed the entire community of Mahmud Village, with a primary focus on local leaders, community figures, and individuals involved in the process of creating and implementing legal policies. The research sample was selected purposively, selecting informants deemed to possess in-depth and relevant knowledge of the research topic. Key informants included the village head, members of traditional institutions, and several residents active in social and legal activities in the village. The research instruments used included open-ended interviews, observations, and literature review. Interviews were conducted using an open-ended interview guide, which allowed informants to express their opinions and perspectives freely. Observations were conducted to gather data that could not be captured through interviews. Literature review was conducted to obtain secondary data from written sources relevant to the research material.

The research began with a preparatory phase, which involved gathering initial information about Kampung Mahmud and identifying key informants. The next stage was data collection, conducted through interviews, observation, and literature review. Interviews were conducted using a pre-designed interview guide, but remained open to further exploration based on informant responses. Participatory observation was conducted by living and interacting directly with the Kampung Mahmud community to understand the prevailing social and legal dynamics. Literature review was conducted to obtain secondary data from written sources relevant to the research material on law and policy. After data collection, the next stage is data analysis. Data obtained from interviews, observations, and documents are analyzed thematically to identify key patterns and themes related to the role of local leaders and legal policy. The analysis is conducted iteratively, continuously checking and verifying findings from various data sources. To ensure the validity and reliability of the research, various techniques were used, including source and method triangulation, member checking, and an audit trail. Triangulation was conducted by collecting data from multiple sources and using various data collection methods. Member checking involved soliciting feedback from informants on the research findings to ensure the accuracy and credibility of the data. An audit trail was conducted by documenting in detail every step and decision made during the research process.

This study also addressed ethical aspects, including obtaining informant consent before conducting interviews, maintaining the confidentiality of informants' personal information, and ensuring that participation in the study was voluntary. All informants

were informed of the purpose of the study and their right to withdraw at any time without negative consequences. By using this research method, it is hoped that this research can provide a comprehensive and in-depth understanding of the role of local legal leaders and policies in Mahmud Village, as well as how customary and national laws can interact and adapt in the context of modernization.

4. Results and Discussion

This research reveals several key findings regarding the role of local legal leaders and policy in Mahmud Village. Interviews with traditional leaders and several other community members revealed that local leaders play a central role in the formulation and implementation of legal policies in the village. Traditional leaders, as direct descendants of the village founders, wield significant authority in directing policy and maintaining customary legal traditions.

This research shows that local leaders in Mahmud Village play a crucial role in directing legal policy and maintaining social harmony. The strong and authoritative leadership of figures such as traditional figures demonstrates the importance of charisma and traditional legitimacy in the local leadership system. These findings align with the theory of charismatic leadership, in which leaders gain legitimacy through personal influence, innovative actions, and emotional inspiration. Customary law in Mahmud Village remains the primary foundation of community life, despite the influence of national law. This finding supports the theory of legal pluralism, which states that multiple legal systems can function side by side within a single society.

Customary law and national law in Mahmud Village complement each other, with the community adopting elements of national law that are considered relevant without abandoning traditional values. The power dynamics in Mahmud Village also demonstrate that local leaders function not only as formal figures but also as agents of change capable of guiding the community in facing the challenges of modernization. Transformational leadership theory explains how leaders such as traditional figures can inspire and motivate communities to adapt to changing times. Local leaders in Mahmud Village, such as traditional leaders, play a central role in directing legal policy and maintaining social harmony. As direct descendants of the village founders, traditional leaders wield significant authority and are respected for their charisma and knowledge of local traditions. These findings indicate that local leaders are not merely symbolic figures, but rather guardians of tradition and key decision-makers in local customary and legal matters. Local leaders also serve as mediators in resolving disputes among residents, using an approach based on customary values to maintain social harmony. Legal policies in Mahmud Village are greatly influenced by customary values that have been passed down from generation to generation. (Rosyadi, 2011). Customary law is still highly respected and practiced in daily life. The enforcement of customary law in Mahmud Village emphasizes restorative justice, which aims to restore social harmony rather than punish violators. Local wisdom values such as mutual cooperation, deliberation, and respect for nature remain strong and serve as the foundation for policymaking and the enforcement of customary law. These values are applied not only in daily life but also in local legal policies, creating a harmonious and orderly social environment. (Sukmayadi, 2018) Customary law in Mahmud Village interacts with Indonesian national law (positive law). Despite potential differences between customary and national law, indigenous communities have established dispute resolution mechanisms based on dialogue and deliberation.

5. Conclusion and Suggestions

This study aims to explore the role of local leaders in Mahmud Village in directing applicable legal policies and comparing these policies with national law. Furthermore, this study seeks to understand the dynamics of power and influence wielded by local leaders in the context of an increasingly modern society. Local leaders in Mahmud Village play a key role in directing legal policies and maintaining social harmony. Customary law remains a primary foundation in community life, with dynamic interactions between customary law and national law. Local leaders such as the Traditional Figures demonstrate how charisma, traditional legitimacy, and the ability to adapt to changing times are crucial factors in local leadership systems. These findings provide valuable insights for the development of

theories on local leadership and legal policy in Indonesia, as well as providing a reference for policymaking in other regions with similar characteristics. Customary law in Mahmud Village is not entirely independent of state law, particularly in cases related to criminal law. The indigenous people of Mahmud Village continue to strive to adapt their customary law to remain relevant to current developments without losing the values and essence of their traditions. This research emphasizes the important role of local leaders in maintaining and implementing local wisdom values in legal policy. It demonstrates that local wisdom can serve as a strong foundation for achieving social justice and harmony in society and makes a significant contribution to understanding how local wisdom can be applied in legal policy to achieve these goals.

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