Long before the Dutch came to Indonesia, Indonesians had their own laws, which were, and still are, called customary laws. Different from the current national laws and the laws that were used by the Dutch, these laws have never been written. No one knows for sure who created these laws, and today they’re known as folk laws or customary laws.

According to Widodo Dwiputro, Law Professor at Mataram University, customary laws are taken from customs of the community. These customs become stronger as time goes by, and then turn into laws that are remembered and agreed upon by society. To validate them and make them official, these customary laws are religiously or magically made sacred. Budi Hartono, Customary Laws leader of Bentek Village, Lombok, explains that customary laws existed long before the modern day widespread religions in Indonesia, such as Islam, Christianity, Hinduism, and Buddhism.

Because customary laws are born out of traditions in society, people do not feel burdened. If they violate these laws, they feel odd or strange because these laws have been part of their life. Usually, these laws are obeyed more strictly than the national laws. In enforcing customary laws, there are no special people in charge, such as police officers (who also serve as a reminder not to commit crimes). Obedience seems to come internally, from within society. The people in charge of controlling these laws are the customary laws leaders where the laws are applied (this is not their sole job, but an obligation they fulfill as necessary).

Although customary laws are not written, the laws are officially recognized by the central government in the Indonesian Constitution. In 2000, The Indonesian House of Representatives amended the constitution related to the communities that have traditions of customary laws. This matter is found in section 28B verse 2 in the chapter on local government. The second mention is in section 28L verse 3 in the chapter on human rights. In section 28B verse 2 it is stated that, “The government recognizes and respects elements of customary laws in local communities and traditional customary laws as long as they are in line with community development and the principles of the Republic of Indonesia, which are arranged in the constitution.” In section 28L verse 3 it is written that, “Cultural identity and the right of traditional community is respected as long as it is in harmony with the development of the era and the civilization.”

The 1960 constitution (number 5) also lays out the main rights of the customary law communities and their rights regarding agrarianism. “Agrarian laws that are applied on the earth and in space are customary laws, [and these are honored] as long as they do not clash with national needs, which are based on the unity of the nation, Indonesian socialism and the rules that are written in the constitution (UUPA), and elements that are based on the religious
laws.” Before, the indigenous forest was managed as a national forest, but now indigenous forests are managed independently. In arranging these laws, the government created its own team that consists of experts who learned about customary laws, such as those pertaining to indigenous forest regulations, which ban people from cutting down trees.

In Lombok, West Nusa Tenggara, customary laws are not always the same, and not centralized. Every district, sub-district, village and even sub-village level might have different customary laws. Customary laws are used by Sasak Buddhists that inhabit Dusun Baru Murmas in Bentek Village, Gangga. According to Suryadi, the head of Dusun Baru Murmas, the inhabitants of this place believe that they are the descendants of the soldiers of Maja Pahit, whose descendants came to hide from the Kingdom of Demak, one of the Islamic kingdoms in Nusantara at the time that the Islamic Kingdom was trying to convert everyone on neighboring Java Island. That’s why it happens that everyone in Bentek village is Buddhist. There are two sects of Buddhism here. The classic one is Buddhhayana, and the later one is called Teravadha. Both sects are fully compatible in terms of their teachings; what makes them different is only their system of organization and hierarchies.

Because of how customary laws are accommodated, the governmental system is also different from other places. The leader of the sub-village or village usually manages affairs that pertain to the relationship between the sub-village/village and central government. There are three positions, which include customary laws leader I, customary laws leader II, and customary laws leader III. Usually people who become customary laws leaders (‘tau lokaq’) are respected and religious.

Customary laws, or rules, that are applied in this village are known as Awik-awik. There are three types of customary laws in Dusun Baru Murmas. The first is Tapsile, the second is Krame, and the third is Nirgame/Game. Customary laws that belong to the Tapsile are concerned with the relationship between humans and other humans, and between humans and nature. Some Awik-awik include Dugang Ampah-Ampah, Luput Lintangan, and Biwih Imut-imut.

**Dugang Ampah-Ampah** is a law applied if a man elopes with his bride in the presence/knowledge of the bride’s family. This behavior is regarded as harassment and disrespectful to the bride’s family. Typically, in Sasak culture, men are expected to bravely elope with their brides in secret to show their true love. Another example is **Luput Lintangan** or ‘wrong touch.’ This law is related to sexual harassment, particularly for women or girls. In addition, there are laws about verbal abuse, such as swearing or spreading rumors. These laws are called **Bibir Imut-imut** or Gawepati.

Besides maintaining the relationships between humans and other humans, **Awik-awik** manages the relations between humans and nature. In **Awik-awik**, the forest that is located around Dusun Baru Murmas is protected, referred to as indigenous forest. The indigenous forest is very important for the local community, and it is not merely related to environmental issues. The indigenous forest is also home to their ancestors. It is forbidden to cut down any tree in this forest. The area of the indigenous forest is about 5.5 hectares. Twice a year, in April and August
the community gathers in this indigenous forest to pray and hold a ceremony for God and their ancestors. It is clear that the relationship between the community where customary laws are found and nature is not subject to object. Instead humans and nature are seen as subject to subject, or in other words in a relationship in which their positions are equal.

Consequences of violating customary law usually include the payment of a fine or punishment in the form of social isolation. These consequences depend on how severe the violation is. In the past, people who violated the laws had to pay seven *keti* or seven *laksa kepeng bolong* (old currency). Now it has been changed to *rupiah*, Indonesia’s national currency. If the violation happens more than once, the fine or consequences are doubled. In other villages, such as in Gili Trawangan and Gili Indah, one of the social sanctions that violators might face are called *tepeluah*. If someone is caught stealing, they will be escorted and shamed in public before being banned from returning to the village.

During the trial, there is no limit to the number of witnesses. The trial has to be attended by both families of the parties involved, and usually both families are called after a report is made by the customary laws leader. The trial is led by three *tau lokaq* or customary law leaders. It is usually held in the village hall or on one of the leaders’ *berugaq* (traditional Sasak gazebo), and the trial is viewed by the community. Because the trial is open to the public, it makes the accused ashamed of what they’ve done, while simultaneously serving as a lesson or warning for others in the community. The trials do not take long; in most cases, they only last one or two hours.

The second type of customary law is *Krame*. This type of customary law arranges general issues such as weddings. Besides *nikahang* (Sasak wedding), the community of Dusun Baru Murmas still use *Adat Nyompoq*. In these customary laws, parents become matchmakers for their children.

The last type is called *Nirgame* or *Game*. These customary laws are related to religion and ceremonies such as *Buang Awu* and the death ceremony. *Buang Awu* is a ceremony for a baby that has just lost its placenta. This ceremony aims to clean and purify the baby.

Customary laws in Dusun Baru alive in the heart of its community. Dusun Baru inhabitants feel the customary laws are the laws that they’ve made, and the laws that have been agreed upon together because they have been passed down from their ancestors’ customs and made sacred by religion and ceremony. The respect that inhabitants have for these laws is clear when considering how few violations there are in a year. Customary laws leader III, Budi Hartono states that sometimes in a year there are no violations. The community where these customary laws exist in Gangga, especially at Dusun Murmas, is seriously trying to stick to the customary proverb “*Titi, Tata, Tertib*”. *Titi* means to be careful about yourself, *tata* means to focus on yourself first, then on others, and *tertib* means to follow the rules or *Awik-awik* that exist in the society.