Shifting from Legal Pluralism to Legal Syncretism in Multi-Cultural Indonesia

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Abstract

This study proposes legal syncretism as a new approach to strengthening the Indonesian legal system. Given the fact that Indonesia is a multi-cultural, multi-lingual, and multi-ethnic society and a nation of more than seventeen thousand islands, making it the world's largest island country, one would think that legal pluralism is the panacea for legal issues faced by the Indonesian population.

However, after several decades of existence, legal pluralism seems to be creating more confusion than solutions. This study discusses the implementation of legal syncretism as a replacement for legal pluralism. This is a socio-legal research drawing on primary and secondary data.

The study has found that despite having a rich culture originating from more than 1,300 distinct native ethnic groups, much of the Indonesian legal system is still built on foreign and colonial principles.

Keywords: Legal syncretism, legal pluralism, legal system, traditional communities, *pancasila*, unity in diversity

Introduction

Article 1 section 3 of the Indonesian 1945 Constitution (UUD 45) stipulates that "Indonesia is a rule-of-law country" on the one hand, but on the other hand the same constitution acknowledges the existence of customary and religious rights through Article 18B section 2. On an archipelago of more than 1340 ethnic groups spread throughout 33 provinces (2010 Census), setting up an all-inclusive document meant to be the foundation of the state's legal system at the dawn of independence was no easy task. Consequently, the 1945 Constitution of the then newly formed Republic, through these two articles (article 1 sect. 3, and article 18b sect. 2) set the stage for a pluralistic legal system: one based on the Western legal tradition and the other driven by the *adat* principles. Legal pluralism is the recourse to many legal systems or legal practices in seeking justice. It enables the individuals to opt for any alternative that best fits their situation in seeking justice (Griffiths, 1996).

Since their independence, many postcolonial nations are caught in between weak and sometimes contradicting legal systems as they try to introduce a rather strange Western legal tradition into a social field dominated by either traditional or religion or sometimes both as the case of Indonesia. This seems not to be working out, and therefore a new approach has to be considered. This study argues that legal syncretism is the ideal alternative.

A quick look at *Bhinneka Tunggal Ika* (*unity in diversity*), which is the national motto of Indonesia in accordance with the Article 36 A of the 1945 Constitution, suffices to understand why legal syncretism is a suitable legal theory for the Indonesian legal system. Indonesia is constituted of more than one thousand ethnic groups scattered throughout more than seventeen islands (BPS 2010). This shows that legal syncretism seems to be a good fit for Indonesia as shall be explained in this study. When Indonesia fully gained independence from the Dutch on August 17, 1945, syncretism was used by its 'founding fathers' to prevent the newly formed country from breaking into a 'thousand little countries' as there were secession threats throughout the archipelago. Because there was no mention of syncretism in the 1945 Constitution or any formal document at the state level, it is hard to produce any definition from a legal standpoint. However, the Oxford Dictionary defines syncretism as the amalgamation or attempted amalgamation of different religions, cultures, or schools of thought. Syncretism entered the Indonesian national movement for independence during a youth congress in 1928 when the slogan 'one country, one people, one language' was pronounced. Consequently, the then soon-to-be national language—*Bahasa Indonesia* became a widespread, practical, neutral language and therefore the unifying medium (Cribb, 1999).

Another major sign of the existence of syncretism within the Indonesian socio-political environment is *Pancasila* or the five principles proposed by President Sukarno shortly before the Declaration of Independence in August 1945. Today, these five principles are embodied in the Indonesian 1945 Constitution. Despite the impacts of modernization and the implementation of Western legal tradition, both religion and customs (*adat*) still play a crucial role in nearly all aspects of life of a vast majority of the Indonesian people as they rely on Islamic and customary laws in their everyday activities. Both Islamic and customary laws cover relatively every aspect of life in Indonesia i.e., inheritance, land acquisition (Tegnan, 2015), marriage and divorce (Warman et al., 2018), etc. These issues are deeply rooted in the history of the nation and might be foreign to the inherited Western legal tradition. Hence, legal syncretism is important as it advocates the combination of religious and customary norms and values as the foundation of the law.

Burke (1729-1797) asserts that only societies respecting their own traditions are able to survive while the rationalist and innovative fury of revolutions are doomed to failure. Burke suggests drawing lessons from experience and popular wisdom and favors a constitution derived from traditions and improved over the years. Some of Burke's ideas were repeated by Albert Venn Dicey (1835-1922) and were proven true in the case of the constitution and freedoms of the British: the fundamental rights of English did not come out of a piece of legislation or imperishable official statements, but from the decisions of the courts in ordinary cases. In a transitional Indonesia, legal syncretism will be of importance, as it will help promote the Indonesian customs along with their institutions while preserving the principles of the rule of law. It will also help restore the trust in the justice system by enhancing the Indonesian people's participation in law-making and law enforcement processes. As mentioned earlier, the aim of this study is to propose legal syncretism as an alternative to legal pluralism in Indonesia. It seeks to explain what legal syncretism is, how it differs from legal pluralism and how the Indonesia legal system can benefit from it. The study will begin with a literature review of legal pluralism and legal syncretism.

Review of Literature

Legal Pluralism

The meaning of legal pluralism has largely been discussed among legal, sociology and anthropology scholars and a common definition is still hard to reach. Barber (2006) who asserts that in the 1970s and 1980s a group of academics emerged who described themselves as 'legal pluralists'. Barber argues that legal pluralism theorists insisted on the significance of rules that were outside the traditional boundaries of 'law' as conventionally understood; norms that were not found in cases or statutes. To Barber, a legal system can contain multiple rules of recognition that lead to the system containing multiple, unranked legal sources.

Massimo La Torre (1999) on the other hand, claims that the term pluralism may be seen as an achievement of the evolution, of the *making* of a strange body of rules and principles called Community Law. To Massimo, legal pluralism means a multiplication and differentiation of the sources of law or—said differently—of the various arguments, which justify a certain course of action or a specific legal decision.

Another form of legal pluralism is the *radical pluralism* advocated by Nico Krisch (2011). In fact, Krisch argues that *radical pluralism* allows for the actors involved in a conflict to find ways to bracket them and work around them in a pragmatic, largely consensual fashion. Macdonald (1998) thinks that legal pluralism is an approach to law and legal theory that offers most hope for understanding the role of diverse normative regimes not connected to the State and conceiving them in a language and vocabulary that does not presuppose the state as the standard case. Macdonald's definition is concerned more with the judicatory aspect of legal pluralism and less preoccupied with the source laws that make up those 'normative regimes'.

Legal pluralism also involves conflict resolution and reconciliation processes as observed by Ruth S. Meinzen-Dick and Rajendra Pradhan (2001). In fact, these authors are less concerned with defining legal pluralism, but rather they focus on the advantages it brings. They argue that legal pluralism calls for more attention to the negotiation processes. They claim that without effective negotiating forums, conflicts can escalate, but with effective means of negotiating, various stakeholders can adapt to changing conditions. This view of legal pluralism is also advocated by Sally Engle (1998) in her *popular justice*. Sally argues that *popular justice* refers to systems for handling cases that are less bureaucratic rather than more, less closely connected to the state rather than more, less reliant on legal experts and more on lay people, less inclined to rely on legal forms of discourse and more on the discourses of the world outside the legal system, and less focused on rules and consistency.

It can be inferred from what precedes, that the definition of legal pluralism varies from one legal pluralist to another, which may help increase the confusing aspect of the theory.

Legal Syncretism

Charles Steward and Rosalind (1994) argue that syncretism on semantic grounds could most plausibly derive from the Ancient Greek prefix *syn*, 'with', and *krasis*, 'mixture' which combined in words such as *syngkrasis*, 'a mixing together, compound', or *idiosyngkrasia*, meaning '(peculiar, individual) temperament' (Ashcroft, 1989).

Syncretism as explained above means the combination of different systems of philosophical or religious beliefs or practices. Syncretism refers to the borrowing or the integration of one or many systems into another by a process of selection and unification. Therefore, legal syncretism refers to the harmonious selection and fusion of different norms, values and formal and informal rules disseminated within a given society into a uniform system of law (Isra & Tegnan, 2021). It is this definition of syncretism that gives birth to the theory of legal system. In his work, Gebeye (2021) proposes legal syncretism as a new and better theoretical framework with which to capture and explain the transformation of African constitutionalism from precolonial times to the present, as well as all the attendant constitutional designs and practices. Legal syncretism has also been studied by Kitromilides (2016) who claims that legal humanism/syncretism was breaking the ground for the emergence of a new sense of history and for an understanding of the past which, through its cultural ramifications, was leading up to the principles of individual judgement and independent thinking.

Legal syncretism is the working together of distinct systems of law within a holistic legal scheme so that the result is greater than the sum of their individual effects or capabilities. It is a concept that allows for every voice to be heard and every concern to be taken care of within a single and harmonious yet eclectic legal system. Legal Syncretism is opposed to two concepts: legal pluralism and colonial legacy of law. The former is opposed to for its lack of a clear definition of what the law is, which makes it evasive: lacking honesty or straightforwardness. It requires people to be cleverly skillful and cunning seeking justice. The theory itself does not give a clear definition of the law. In fact most proponents of legal pluralism if not all claim that is what the people think is law, that all social control mechanisms are laws, thus the law is everywhere. This is not confusing and misleading and needs to be addressed.

Research Methodology

This study involves empirical research. It aims at investigating the issue of hybrid justice systems, therefore, the use of empirical data is required–through the use of the *people-based approach.* It consists of gathering primary information through direct interactions with people and processes by mean of survey and questionnaires, courts observation as well as interviews with legal scholars, politicians, parliament members, legal practitioners, activists, traditional and religious leaders, law enforcement agencies, Non-Governmental Organizations and students. The research also uses the *text-based approach* which is based on acquiring secondary information through textbooks, articles, newspapers, audio tapes, and reports. The use of both methods (*people-based* and *text-based*) as data collection techniques is essential and efficient to this research because it allows for a closer look at the subject matters of its inquiry. To better understand and deal with the issues raised in this study, comparative empirical and normative research was conducted in key Indonesian regions (West Sumatra, North Sumatra, and the Bali Province) between September 2014 and February 2015. A total of 150 respondentss were involved in this study.

Findings

Legal Syncretism Promotes Tradition, Religion, and the Rule of Law

Article 18B sec. 2 of the 1945 Constitution stipulates that “the State recognizes and respects traditional communities along with their traditional customary rights as long as these remain in existence and are in accordance with the societal development and the principles of the Unitary State of the Republic of Indonesia, and shall be regulated by law". This constitutional provision as stated at the outset of this study marks to set the stage for a modern type of legal pluralism in Indonesia. However, two criticisms may be raised against the above-mentioned provision.

First, the fact that the state recognizes and respects traditional communities along with their traditional customary rights does not mean that customs are the mainspring of the law in Indonesia. The recognition and respect of traditional communities along with their traditional customary rights signify that certain traditional communities exist in Indonesia and that they are entitled to certain traditional rights such as the right to use communal land, forests, water for building and agriculture purposes, and the right to run their villages (*desa, nagari*). Customary law on the other hand did not very much preoccupy the State. In fact, there is no mention of customary law within the 1945 Constitution of Indonesia. Article 24, section 2 of the 1945 Constitution specifies that: the judicial power shall be implemented by a Supreme Court and judicial bodies underneath it in the form of public courts, religious affairs courts, military tribunals, and state administrative courts, and by a Constitutional Court. There is no mention of a customary court

among the five courts enumerated in this provision. The same provision in section 3 goes on to say that other institutions whose functions have a relation with the judicial powers shall be regulated by law. However, this provision does not say in a plain legal language what those institutions are.

Nevertheless, whatever those institutions are, the provision seems to expose them to the discretion of whoever has power. Similarly, Article 7 section 1 of Law No. 12 / 2012 on legislative bodies makes no room for customary institutions throughout Indonesia.

A community leader interviewed at *Kerapatan Adat Nagari* (a village government in West Sumatra) complain about being stripped of their power (Bujang, 2014). Speaking on behalf of his organization, Fauzi Bahar, the then leader of the *Minangkabau Custom and Environment Institute* (LKAAM-Sumbar) claimed that the supervision of *gotong-royong* (community gathering for social work such as streets and public facilities cleaning) by the police instead of traditional leaders (the *datuak*) is the proof of their loss of power in the eyes of both the local government as well as the community (Fauzi Bahar, Interview: 2015).

Many of the traditional leaders interviewed claimed that they lost much of their power and the respect of their community members. They also claimed that *adat* law has only been adopted in Administrative Law but is still applied in Criminal Law. Some of the respondents complained that they only have control over matters of little significance such as customary and family affairs, petty thefts, and small-scale land-related conflicts. The following is the list of the eighteen cases (Aceh Custom Council - MAA) under the jurisdiction of the provincial customary court of Aceh according to the *Qanun* (*Qanun* is the traditional provincial legislation that regulates the traditional administration as well as the local community.

In reality, this is the list of crimes over which the State allows adat courts to have jurisdiction over. The *Minangkabau Undang-Undang 20* has a pretty similar list of petty crimes over which the State has granted jurisdiction under law No. 9 Chapter 6 Article 13:

1. domestic disputes.
2. conflicts between families.
3. disputes between community members.
4. Sexual intercourse between unmarried individuals;
5. disputes over property rights;
6. petty domestic thefts;
7. inheritance disputes;
8. petty thefts;
9. theft of cattle;
10. infringement on custom regarding cattle, agriculture, and forestry;
11. maritime disputes (small-scale fishing disputes);
12. traditional market disputes;
13. petty mistreatments;
14. small scale forest fire;
15. slander;
16. environment pollution;
17. intimidation; and
18. other disputes that violate custom.

This crime list is identical to that of the *Minangkabau Undang- Undang 20* (*Undang-Undang* 20 (Law Number 20) which could be considered the *Minangkabau* Criminal Code. It existed before the Dutch occupation of West Sumatra and continues to be used today by the *Minangkabau adat* community. None of the above deals with large-scale crimes such as corruption (which is one of the widespread crimes in Indonesia), robbery, illegal land and forest grabbing (by both the state and the investors), scams, swindling, homicide, terrorism, and narcotics which really affect the lives of a significant number of the population if not all. Customary law is not as highly regarded today as it was under the Dutch colonial administration. Legal syncretism which aims at championing *adat* law will help improve the Indonesian legal system especially the Criminal Law which seems too ‘westernized’. In fact,

adat law is not even mentioned in the Indonesian Criminal Code or *Kitap Undang- Undang Hukum Pidana* (KUHP). Many of the Indonesian provinces have had a customary criminal law long before the arrival of the Dutch. The written *Minangkabau Undang-Undang 20* is an example. Such laws, if taken seriously, could be so much more beneficial to the Indonesian legal system, especially in the Criminal Law. *Adat* plays an essential role in the lives of Indonesian people. Therefore, customary law along with customary courts must be treated accordingly. The following table and chart justify this assertion.

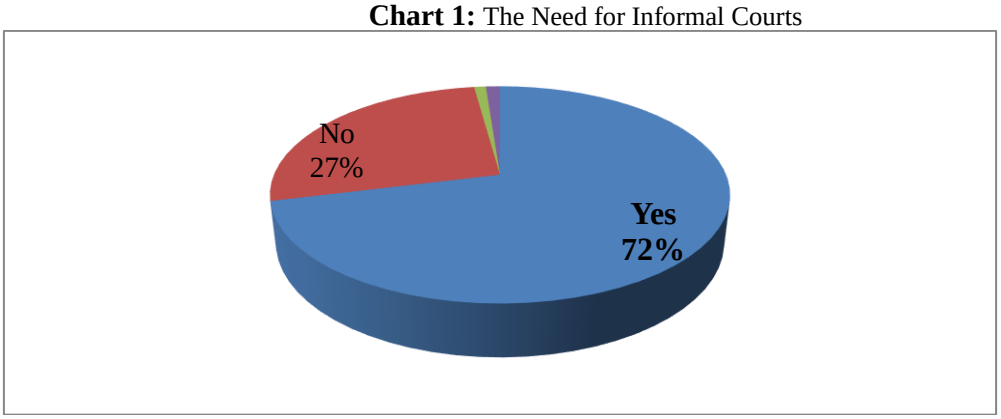
Table 1: The Need for Informal Courts

Age of Respondent	Type of answer, Gender & Number of Respondent							
	Yes		No		Maybe		Other	
	Sex of Resp.		Sex of Resp.		Sex of Resp.		Sex of Resp.	
	M	F	M	F	M	F	M	F
18-28	75	58	26	25				
29-39	19	18	6	10	1		1	
40-50	15	8		11			1	1
51-61	15	2	2			1		
62-72	5							
Total	129	86	34	46	1	1	2	1
%Male/ Female	78	64	20	34	0.6	0.7	1	0.7
Combined %	72		27		0.6		1	

Source: Data collected from 5 different locations (Aceh, Bali, Batam, Medan, and West Sumatera).

The above table and chart show that 72% out of the 166 males and 134 females surveyed think that informal courts are needed besides state courts. It can be inferred from this data that a considerable number of the Indonesian population believes that informal courts are necessary and very useful. The following chart is the illustration of the table above:

Chart 1: The Need for Informal Courts



Source: Authors

The second criticism against the constitutional provision is that it sets the stage for the subordination of *adat* law to state law. The fact that traditional communities along with their traditional customary rights 'shall be regulated by law' proves nothing but the triumph of state law over customary law, where both should not only be granted equal status but also interpenetrated to form a strong and consistent legal system. National law, as some *datuak* believe, should comply with *adat* law and not the other way around. They argue that the Western legal system could have been advantageous to Indonesia if it respected local people's

rights and customs (Ismail, 2015). They claim that as long as these rights are truly respected, there is no violation of any law including the rule of law and human rights (LKAAM, 2015).

Legal syncretism offers this approach. Building a legal system based on foreign ideas is a denial of the *adat* rights of more than one thousand ethnic groups co-existing on more than seventeen thousand islands that make up the Indonesian archipelago (BPS, 2010). By no means does this imply that the legal system of modern Indonesia is exclusively made up of foreign ideas and that it completely ignores the *adat* law. Instead, it is argued that the inherited colonial legal system did not take its roots in *tradition (adat*) and that today these *adat* laws are not so respected as they were during colonialism.

Legal syncretism guarantees the rule of law as it promotes public interest rather than private interest. With legal syncretism, the law will be certain and predictable as it will no longer fall upon the individuals out of the blue. A syncretic legal system will guarantee equality of all citizens before the law as customary laws sometimes considered discriminative to the female sex, as well as the youths, mingle with national law to form one uniform law.

Role of Legal Syncretism in Boosting Trust in Government Institutions

Legal Syncretism champions *adat* law upon which a great majority of the Indonesian people rely. As explained earlier, legal syncretism will entrust religious and local *adat* community leaders (*Pimpinan Masyarakat adat*) with the task of collecting local maxims and customs which they would convey to their local DPRD. This, in turn, would change them into formal laws. The whole process would change from informal to formal, from unofficial to official. In so doing, people would have the sense of having a say in the law-making process which would most certainly increase the trust in the Parliament. They would be more likely to say ‘our laws’ instead of ‘their laws’. In line with this, Tamanaha argues that ‘law may be perceived as alien or inscrutable; it is sometimes written in a language different from the vernacular of groups within the society; or it may be seen as corrupt or incompetent or inefficient or prohibitively expensive; or it may be seen as a tool of the elite; or it may be dominated by a particular ethnic or religious subgroup in the society; or it may be stained by a history of oppressive authoritarian rule or by the use of the law by political or economic elites as a means of economic predation. When a combination of these conditions holds, a substantial proportion of the populace will not identify with the state law—they will not see it as their law, serving their needs (Tamanaha, 2011).

Similarly, people would have less mistrust in the judiciary as it is the branch of their government that applies "their laws". As stated earlier, a great majority of the Indonesian people rely on *adat* in their everyday lives. Therefore, by making *adat* the foundation of the law, the trust in the judiciary will increase. The following data explain this statement.

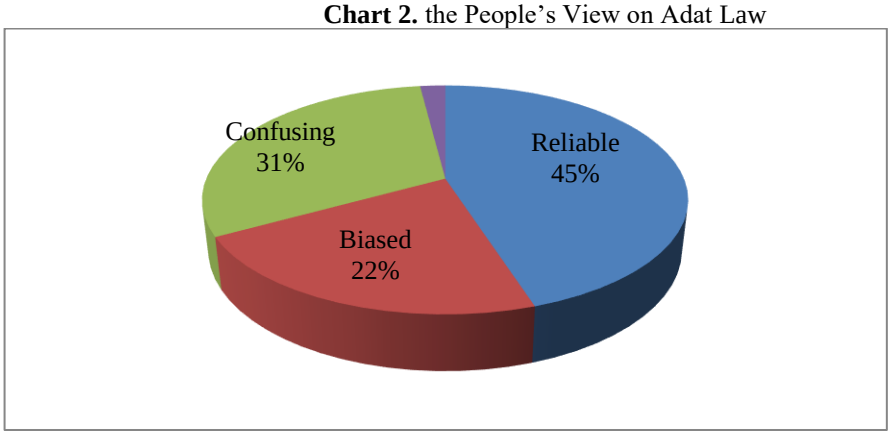
Table 2: People’s View on the *Adat* Law

Age of Respondent	Type of answer, Gender & Number of Respondent							
	Reliable		Biased		Confusing		No idea	
	Sex of Resp.		Sex of Resp.		Sex of Resp.		Sex of Resp.	
	M	F	M	F	M	F	M	F
18-28	44	29	20	22	35	32	2	
29-39	16	6	6	9	3	13	2	
40-50	12	5	7	1	2	6	1	2
51-61	17	1		1		1		
62-72	5							
Total	94	41	33	33	40	52	5	2
%Male/ Female	57	31	20	25	24	39	3	2
Combined %	45		22		31		2	

Source: Data collected from 5 different locations (Aceh, Bali, Batam, Medan, and West Sumatera).

The above table is illustrated by the following chart:

Chart 2. the People's View on Adat Law



Source: primary data collected from 5 different locations (Aceh, Bali, Batam, Medan, and West Sumatera).

The study reveals that out of the 300 respondents, 45% think that *adat* law is reliable, 31% feel that it is confusing, and 22% find it biased. This simply means that by championing the *adat* law, chances are that the Indonesian people will grow confident about their legal system as it reflects their legal tradition. Chances are that they will grow confident in the judiciary as it is brought down to their level. Under legal syncretism, the law will no longer be unfamiliar or confusing to the Indonesian people. In fact, as shown, 51% of the respondents believe that the Indonesian legal system is confusing. Legal syncretism would promote informal courts that operate in accordance with a coherent and uniform national legal scheme. In so doing, everyone will be entitled to justice as it will make courts accessible and affordable to every citizen regardless of their social status.

In a country like Indonesia, which is made up of more than seventeen thousand islands populated by over one thousand ethnic groups, the need for such informal courts is more than crucial as previously shown. Furthermore, under a syncretic legal system, crimes will be dealt with more efficiently. The criminal is the one who violates habits and customs−the "folk-ways" of the community where he lives. These customs and folkways must be so important in the eyes of the community as to make their violation a serious affair. Such a violation is evil regardless of whether the motives are selfish or unselfish, good or bad (Darrow, 1922).

Serious crimes like corruption will be best dealt with under the *adat* law. Although Indonesia is made up of more than a thousand ethnic groups scattered throughout more than seventeen thousand islands, it is important to note that the Indonesian people rely on both the Almighty God (*Tuhan yang Maha Esa*) and each other in living their everyday lives. In the nation's philosophy, there is no such thing as atheism and individualism as opposed to Western philosophy.

Not only is an Indonesian dependent on God as well his family and fellow citizens, but he is also, most importantly accountable to them. These principles are embodied in a national concept known as *Pancasila* (Pancasila is a national concept first promoted by President Sukarno on June 1, 1945. It comprises five principles: a belief in the One and Only God, Nationalism, Humanitarianism, Democracy, and Social Justice) which is referred to in the preamble of the 1945 Constitution of the Republic of Indonesia. Indonesian society is communal; it is based on the principles of togetherness, oneness, and family *(asas bersamaan, kesatuan dan kekeluargaan*) (1945 Constitution, Art. 28c sec. 1). What affects one community member also affects the community as a whole. *Adat* is what reminds them of their identity, and it is what keeps them united as a community, and as a people. Whoever through their actions infringes on *adat* commits a serious crime because they have put themselves in a state of war with the rest of the community by destroying the cohesion and the unity. Every crime destroys the peace and unity of a community but the impacts of corruption are far more

destructive. Hobbes (reference) points this out when he argues that robbery and embezzlement of the public treasury or revenues is a greater crime than the robbing or defrauding of a private man, because to rob the public is to rob many at once (Hobbes,1909).

Corruption is a serious crime because it violates *adat*− the unity and all the beliefs and principles upon which the Indonesian society relies. Therefore, it should be dealt with accordingly. Custom as stated above is what really unites a people. By the same token, customary law represents the general will of the people. Custom is about the common good and general interest of the people. State law regulates the actions of the citizen while customary law is more concerned with the behavior of the Man. State law is more oriented towards corporal punishment while customary law is pre-occupied with the perfection of Man's morals. Norms and customs are practices that laws did not or could not or did not want to establish. There is a difference between laws and norms−that laws regulate the actions of a citizen, and that norms regulate the actions of humans as Montesquieu puts it (Montesquieu, 1949). The violation of customs triggers public outrage than the violation of civil law. Crimes that usually affect the integrity of a community are crimes that affect customs and traditional values. As corruption affects the integrity of the community as a whole, it implicitly violates these principles, and must therefore be dealt with accordingly.

Legal Syncretism Promotes Diversity and Unity

So long as several men gathered together consider themselves as a single body, they have a single will also, which is directed to their common conservation and the general welfare. All the mechanisms of the state are strong and simple, and its maxims are clear and luminous; there is no tangle of contradictory interests; the common good is obvious everywhere, and all that is required to perceive it is good sense (Rousseau,1895). With legal syncretism, customary laws and maxims of every region will be selected by those knowledgeable of these customs and maxims before they are handed over to the state legislature. Rather than staffing the Parliament with individuals who never really fight for anyone but their personal interest as well as that of their political party, legal syncretism sets out to provide a holistic analysis of the legal system. Its result is unity in diversity embedded in the Article 36A of the Indonesian 1945 Constitution which says: 'the national coat of arms shall be the Pancasila eagle (*Garuda Pancasila*) with the motto Unity in Diversity (*Bhinneka tunggal ika*).

Conclusions

The concept of legal pluralism has been touted by many socio-legal scholars as a key concept in the analysis of law. Yet, after almost twenty years of such claims, there has been little progress in the development of the concept. Despite these confident pronouncements and the apparent unanimity that underlie them, however, the concept gives rise to complex unresolved problems. The Indonesian political and legal systems have always worked and will continue to work on syncretic bases. The Indonesian fundamental law, the 1945 Constitution provides several examples of syncretism i.e. *Pancasila* or the five principles, *Bhinneka Tunggal Ika* (unity in diversity), which is the national motto of Indonesia, and the *asas kesatuan, bersamaan, dan kekeluargaan* (the oneness, togetherness and family principles).

These national ideologies were used by Indonesia's 'founding fathers' at the dawn of independence to get everyone at the discussion table to prevent the newly formed country from falling apart. The national language−*Bahasa Indonesia*, a product of syncretism became a unifying medium. However, syncretism in Indonesia only took place in culture and somehow in politics. The legal field is yet to be syncretized and it is the goal that legal syncretism theory intends to achieve. Legal syncretism will preserve and empower customs along with their institutions while satisfying the principles of the rule of law at the same time.

It will also help improve the collaboration between Parliament and customary institutions, which could also amplify the people's participation in law enforcement and lawmaking processes. Legal syncretism will restore the faith in the Judiciary, as well as

legislative bodies. This research provides ample evidence and justification to introduce legal syncretism that embodies traditions, religion and customs in a unified legal system.

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