

Customary Law Challenges in the Ru-Ketu Tradition within Indonesia's Rule of Law Framework

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Abstract

Purpose: This study explores the role of the *Ru-Ketu* tradition within the framework of Indonesian law, focusing on the gap between its function as a living law and its declaratory status within the national legal system.

Research Methodology: The research adopts an empirical legal method with a socio-legal approach in Sabu Raijua Regency, and the data were analyzed qualitatively through categorization and thematic interpretation of primary and secondary data.

Results: The findings indicate that *Ru-Ketu* possesses a clear normative structure as an effective mechanism of social regulation in the Sabu society. However, its recognition at the national level remains largely declarative and is hindered by the dominance of positivist legal epistemology, internal religious dynamics, and folklorization risk.

Conclusions: This study concludes that a more inclusive and dialogic legal approach is needed to bridge the gap between customary and state law. Such an approach should go beyond symbolic recognition toward substantive integration, enabling customary law like *Ru-Ketu* to function as living law within Indonesia's plural legal system while maintaining its social legitimacy and normative role.

Limitations: This study is limited to Sabu Raijua Regency; therefore, the findings are context-specific and reflect local socio-cultural conditions, and may not be fully generalizable to other customary law settings in Indonesia.

Contributions: This study contributes to the discourse on legal pluralism by highlighting the discrepancy between formal recognition and substantive function and promoting a more substantive integration of living law into Indonesia's national legal system.

Keywords: Customary Law, Legal Pluralism, Living Law, *Ru-Ketu*

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1. Introduction

Indonesia is known as a nation rich in cultural diversity and customary laws that are alive within its communities. Each ethnic community in the archipelago has unique traditions and cultural symbols, as well as a set of social rules that function as norms of life within the community, known as customary laws (Aprilianti & Kasmawati, 2022). Customary law is not merely a traditional legacy but also serves as a guide for values and social order that influences how communities interpret various life events, including birth, interpersonal relationships, and death (Shartika, Barus, & Rosmalinda, 2024). As part

of Indonesia's intangible cultural heritage, customary law occupies a complex position in the national legal system, which is codified and based on the modern rule of law. Indonesia applies the concept of legal pluralism, namely the coexistence of the state legal system, religious law, and customary law, which continue to interact in the community's social life ([Hariri & Babussalam, 2024](#)). On the one hand, the state recognizes the existence of customary law in the practice of community life; however, on the other hand, national law still holds a dominant position as the main reference in the administration of formal law.

In the context of the Sabu society in Sabu Raijua Regency, East Nusa Tenggara, there is a meaningful traditional custom called *Ru-Ketu*. This tradition is carried out when a member of the Sabu community dies abroad, and the family attempts to bring the deceased's body and personal symbols back to their homeland. However, *Ru-Ketu* cannot be understood solely as a process of returning the body or belongings to the earth. Moreover, *Ru-Ketu* is a cultural ritual that represents an existential "call to return," namely, the restoration of the relationship between the deceased and their origins, between the soul and the land, and between the individual and their community ([Narwadan, Lubis, & Abd Hakim, 2025](#)).

However, like many other customary practices, *Ru-Ketu* faces significant challenges in the modern era, both from internal community dynamics, such as changes in meaning and implementation due to the influence of majority religions, such as Christianity, and from the national legal structure that emphasizes the principles of universality, certainty, and hierarchy of formal rules. The interaction between customary law, which lives in social practice, and written state law often results in normative tension because the customary law is difficult to integrate fully into the formal system without losing its identity ([Ramadhani, 2024](#)).

The phenomenon of legal pluralism shows that although customary law philosophically and anthropologically still exists in social practices, its existence continues to face obstacles in the implementation of formal laws. For example, obstacles to the substantial recognition of customary law in national regulations, the potential for subordination to state legal norms, and legal uncertainty are structural challenges that often arise in contemporary studies of customary law in Indonesia ([Sumaya, 2025](#)). Thus, there is a lack of empirical analysis that explicitly examines *Ru-Ketu* as a customary law practice with its own normative structure. Furthermore, little research has examined the gap between the state's formal, declaratory recognition and the substantive functioning of customary law as a tangible social regulatory system in existential human events such as death.

Studies on customary law and legal pluralism in Indonesia show an increasingly intensive effort to understand how local norms continue to coexist with the formal legal system in a modern state governed by the rule of law. Several studies have discussed legal pluralism as a condition of coexistence between state, religious, and customary laws, as well as the various normative challenges that arise in the process of harmonizing these legal systems ([Hariri & Babussalam, 2024](#)). This approach illustrates that, even though Indonesia has a codified national legal system, customary law continues to function as a source of norms in social practice and experiences dynamics when confronted with formal law ([Disantara, 2021](#)). Meanwhile, research on death rituals in local communities has predominantly been conducted from anthropological and theological perspectives, with an emphasis on symbolic, religious, and cultural identity dimensions ([Moru, 2022](#)). Studies on the *Ru-Ketu* tradition among the Sabu people have generally positioned it as a cultural and spiritual practice without explicitly analyzing it as a customary law practice that contains normative structures, social obligations, and mechanisms of legitimacy ([Pa, 2023](#)).

In addition, contemporary legal studies have highlighted living law in Indonesia's national legal system, particularly in the context of customary norms recognized by the Supreme Court of Indonesia in the reform of national criminal law ([Negara & Lindayani, 2025](#)). Other studies have examined the application of the concept of *living law* in legislation, such as the new Criminal Code, which places the existence of customary law at the community level as an important element in addressing contemporary legal issues ([Tamam & Putra, 2025](#)).

This study makes an important contribution to the discourse on legal pluralism in three main aspects. First, the novelty of the subject matter, which uses Ru-Ketu as the locus of legal analysis rather than merely as a cultural object. Second, the novelty of a perspective that integrates the theory of living law and the socio-legal approach to interpret traditional rituals as socially autonomous legal phenomena. Third, this study offers a conceptual contribution in the form of a framework for understanding the challenges and opportunities of harmonizing customary law amid the dominance of positivist epistemology and the risk of folklorisation. Thus, this study advocates a shift from symbolic recognition toward a more inclusive dialogic integration within the framework of Indonesia's rule of law, which is sensitive to the cultural realities. Finally, this study addresses two main questions: (1) how the Ru-Ketu tradition is positioned within Indonesia's legal system, and (2) what legal challenges it faces within the rule of law framework.

2. Literature Review and Hypotheses Development

2.1 Literature Review

Studies on legal pluralism in Indonesia and globally reveal significant conceptual developments, emphasizing the coexistence and interaction of various normative systems within a single social space. Recent literature conceptualizes legal pluralism as a condition in which state law interacts, whether competitively, cooperatively, or complementarily, with customary and religious law, which together shape the distribution of authority and law enforcement practices within society ([Suartina, 2020](#)). In the Indonesian context, while the constitutional recognition of customary law communities has been accommodated, its implementation tends to be conditional and procedural, thereby creating both opportunities for empowerment and avenues for state control ([Bedner & Arizona, 2019](#)). Previous research has consistently shown a gap between the formal recognition of customary law and its operational integration into administrative and judicial systems. Studies such as that conducted by Van der Muur confirm that although formal recognition is granted through regulatory instruments and bureaucratic mechanisms, this process often marginalizes local epistemologies. Consequently, dispute resolution continues to occur through informal mechanisms that hold strong social legitimacy at the community level ([Van der Muur, 2018](#)). Simultaneously, the "living law" approach asserts that customary law retains a living and effective normative authority, even in the face of the dominance of a positivist legal framework that seeks to codify or instrumentalize local norms ([Tamam & Putra, 2025](#)).

However, there is a tendency toward structural bias in the literature. Research focus remains dominated by areas such as land rights, natural resource management and village governance ([Hariri & Babussalam, 2024](#); [Disantara, 2021](#)). Consequently, customary legal practices embedded in more complex social relationships, such as death rituals, have not yet received adequate analytical attention. In this context, customary law is not merely a formal structure but also functions as a socially binding normative system in everyday life. Studies on death rituals, such as *Ru-Ketu*, have thus far been dominated by anthropological and theological perspectives. Research by [Moru \(2022\)](#); [Pa \(2023\)](#), for example, tends to position *Ru-Ketu* as a cultural expression, a symbol of identity, or a spiritual practice, without explicitly examining its legal dimensions. This creates inconsistency in the literature: on the one hand, customary law is declaratively recognized as part of the national legal system; on the other hand, practices containing normative structures, social obligations, and mechanisms of legitimation, such as *Ru-Ketu*, are reduced to mere traditions or the private sphere, rather than as a system of social regulation possessing coercive force.

From a socio-legal perspective, the debate has moved beyond whether pluralism exists to how it is governed, including the institutional design of recognition, the politics of cultural identity, and the risk of folklorization or commodification when traditions are framed primarily as cultural assets rather than normative systems ([Benda-Beckmann & Turner, 2018](#)). Comparative work on cultural commodification and folklorization warns that state-led cultural promotion can reduce complex practices into performative symbols, potentially weakening their regulatory function and internal legitimacy ([Storey, 2009](#)). For *Ru-Ketu*, this body of work suggests that the central issue is not the absence of customary norms but the mismatch between *Ru-Ketu*'s normative structure and the operational logic of a codified state legal system, compounded by internal religious dynamics and cultural policy pressures ([Hamida, 2022](#)).

This research gap is crucial because it overlooks how customary law operates as a living law in the context of human existence. Therefore, this study aims to fill this gap by positioning Ru-Ketu not merely as an object of cultural preservation but as a locus of independent legal analysis. Through a socio-legal approach, this study demonstrates that Ru-Ketu possesses a structure of authority, procedural stages, and tangible social consequences for violators, which ontologically fulfill the elements of a legal system. By capitalizing on the momentum of national legal reform, particularly through Law No. 1 of 2023 (the National Criminal Code), which incorporates the concept of “living law in society,” this study offers innovative contributions in three key areas: (1) novelty in subject matter through an examination of Ru-Ketu, (2) novelty of perspective through the integration of living law theory into the analysis of death rituals, and (3) conceptual contributions regarding the challenges of legal harmonization amid the dominance of positivist epistemology and the risk of folklorization. Thus, this study not only bridges the theoretical debate on legal pluralism with local empirical realities but also challenges the dominance of formalistic approaches and promotes a shift toward a more substantive dialogical integration of customary law within the framework of Indonesia’s rule of law.

2.2 Hypotheses Development/Research Propositions

Based on a review of the literature and the theoretical frameworks of legal pluralism and living law, this study proposes several key propositions that guide data analysis.

1. The Ru-Ketu tradition functions as a form of living law with a clear normative structure (authority, standard procedures, and collective obligations) and serves as an effective mechanism for regulating behavior within Sabu society
2. There is a significant gap between the declaratory constitutional recognition of customary law and the operational integration of the Ru-Ketu tradition into Indonesia’s national legal system
3. The dominance of positivist legal epistemology within Indonesia’s rule of law framework tends to marginalize the Ru-Ketu tradition into a mere cultural symbol (folklorization) and weakens its regulatory function as a binding system of norms
4. The dynamics of religious transformation and cultural promotion policies influence the reinterpretation of the meaning of the Ru-Ketu tradition, creating a space for negotiation between customary obligations and religious teachings

3. Methodology

This study employs an empirical legal research design with a socio-legal approach, which conceptualizes law not merely as a set of normative rules codified in legislation, but as a social reality that is practiced, interpreted, and internalized in everyday life (law in action) (Soekanto, 2019). Within this framework, the Ru-Ketu tradition is analyzed as a manifestation of living law situated at the intersection of customary law, religious norms, and state law within Indonesia’s plural legal system (Hariri & Babussalam, 2024). This study adopts a descriptive-analytical approach aimed at systematically describing the practice of Ru-Ketu as it occurs within the Sabu community, while also analyzing its normative structure, social meaning, and the legal challenges arising from its interaction with the national legal system (Ibrahim, 2020). The number of informants was flexibly determined within a range of 10–15 people, guided by the principle of data saturation, the point at which data collection no longer yields significant new information and has revealed recurring patterns (Saunders et al., 2018). The informant criteria included traditional leaders (*Mene*), family members who had performed the ritual, religious leaders (Christian and *Jingitiu*), and local government representatives or local legal practitioners, to obtain a comprehensive perspective on the normative, social, and institutional dimensions of the *Ru-Ketu* practice.

Data were collected using three primary techniques within the “law in action” framework, which emphasizes the importance of understanding the law as it is practised in social life (Halperin, 2011). First, participant observation was employed to directly capture the performance of the Ru-Ketu ritual, enabling the researcher to understand the dynamics of the practice and the alignment between norms and social reality (Kawulich, 2005). Second, semi-structured in-depth interviews were used to explore meaning, authority structures, and informants’ normative experiences in a more flexible yet still focused manner (Kallio, Pietilä, Johnson, & Kangasniemi, 2016). Third, a documentary study was conducted

on national legal regulations, including Law No. 1 of 2023, and academic literature relevant to legal pluralism and the concept of living law.

To ensure the credibility and validity of the data, this study employed three forms of triangulation: source, methodological, and temporal triangulation. Source triangulation was conducted by comparing information across groups of informants; methodological triangulation was conducted by confirming interview results through field observations; and temporal triangulation was conducted by collecting data at different times to ensure the consistency of the findings ([Creswell & Miller, 2000](#)); ([Denzin, 2017](#)). This approach aims to ensure that the data obtained are not only internally valid but also reflect a stable and reliable social reality.

Data analysis was conducted qualitatively using the proposed interactive model, which comprises four main stages. The first stage is data reduction, which involves selecting and simplifying data relevant to the research focus. The second stage is data display in the form of descriptive narratives and thematic categorization to facilitate pattern identification. The third stage is thematic categorization and interpretation, in which data are analyzed based on key themes, such as the normative structure of Ru-Ketu and the challenges of its integration into the national legal system. The final stage is drawing conclusions and verification, which is conducted iteratively by re-examining the analysis results against the field data to ensure the validity of the interpretation. Through this procedure, the research is expected to produce findings that are not only descriptive but also possess analytical strength in explaining the position of Ru-Ketu as a living law within the framework of Indonesian Legal Pluralism.

4. Results and Discussion

4.1 *The Position of the Ru-Ketu Tradition in the Context of the Indonesian Legal System*

4.1.1 *Constitutional Recognition and Plural Legal Context*

Within the framework of the Indonesian legal system, law is understood not only as written norms established by the state but also as a living social reality within society. The Indonesian Constitution recognizes the existence of customary law communities and their traditional rights, provided they remain alive and in harmony with societal development and the principles of the Unitary State of the Republic of Indonesia. This recognition positions customary law as part of the national legal system, although it is not fully integrated into administrative and judicial practices. This condition is in line with the framework of legal pluralism in Indonesia, where local norms (such as customary law) continue to coexist with state law and religious law in the same social space, even though their formal structures have not been fully integrated into the national legal system ([Hariri & Babussalam, 2024](#)).

4.1.2 *Ru-Ketu as a Normative System of Social Regulation*

In this context, the *Ru-Ketu* tradition among the Sabu people can be positioned as a concrete manifestation of living law, namely, norms that are not only written down or codified but also grow, are lived, and are practiced in the network of everyday social relations within the community. *Ru-Ketu* is not merely a cultural expression or spiritual ritual, but a social practice that embodies a tangible normative structure: traditional authorities who lead and determine the course of the ritual, standard procedural steps passed down through generations, collective obligations of families and communities, and social consequences for violations of customary norms. Given these characteristics, *Ru-Ketu* serves as an effective mechanism for regulating social behavior, even though it is not backed by formal state sanction. Its normative legitimacy stems from collective consciousness, respect for ancestors, and a sense of communal identity ([Christinawati, 2024](#)).

4.1.3 *Social Legitimacy and the Limits of Positivist Law*

This finding highlights the limitations of the positivist legal approach, which tends to define the law solely as written norms established by the state. In the practice of *Ru-Ketu*, legal norms do not stem from formal legislation but rather from a social consensus that is internalized within the community's cultural practices and social relations. From a socio-legal perspective, the characteristics of *Ru-Ketu* show that this practice functions as a customary law mechanism that regulates social relations, maintains community order, and builds normative legitimacy outside state law. This shows that legal

norms do not always originate from or depend solely on state authority but also on social consensus internalized in the community's cultural practices ([Narwadan et al., 2025](#)).

In this case, living law is not merely an abstract academic concept but is evident in practices such as *Ru-Ketu*, which are understood and obeyed by the community because these norms reflect a sense of local justice and moral bonds between community members ([Mandala & Herman, 2025](#)). When customary provisions are denied, the value system is disrupted, as well as the social structure that supports mutual trust and community order. Therefore, *Ru-Ketu* operates as an effective and meaningful social regulatory tool, as well as an empirical evidence that customary law has strong normative legitimacy and social relevance, even though it is not produced by the national legislative process ([Dawi, Alkadrie, Sitorus, & Septinawati, 2025](#)).

4.1.4 *Ru-Ketu within the Dynamics of Legal Pluralism*

Local norms, such as customary law, continue to function as a reference for behavior and a source of social legitimacy, even though they are not yet fully integrated into the codified national legal system. This situation shows that the validity of law in Indonesia is not solely determined by its existence in regulatory texts but also by the community's acceptance, understanding, and compliance with the norms that exist within the community. From a socio-legal perspective, the characteristics of *Ru-Ketu* clearly show how customary practices function as a legal mechanism that regulates social relations, distributes roles and responsibilities, and maintains community order through legitimacy derived from the collective consciousness. *Ru-Ketu* works as a normative device that frames the way the community interprets death, manages interfamily relationships, and maintains the continuity of ancestral values. Thus, this practice affirms that legal norms do not always originate from or depend solely on state authority but also on social consensus internalized in cultural practices, rituals, and communal ethics.

Within this framework, living law does not remain an abstract academic concept but finds its empirical form in practices such as *Ru-Ketu*, which are understood and obeyed not because of the threat of formal sanctions but because they represent a sense of local justice, family honor, and moral bonds between community members ([Fatmawati, 2023](#)). When the customary provisions in *Ru-Ketu* are violated, not only is the symbolic value system disrupted, but also the network of social relations that supports mutual trust, solidarity, and community balance ([Ramadhan & Boemiya, 2024](#)). In this context, customary violations are understood as a disruption of the order of communal life, not merely as individual deviations ([Fabra-Zamora, 2022](#)). Therefore, *Ru-Ketu* operates as an effective and meaningful tool for social regulation because it regulates behavior, shapes obligations, and maintains order through culturally recognized mechanisms. This practice is also empirical evidence that customary law has strong normative legitimacy and social relevance, even though it was not born out of a national legislative process. In this space, *Ru-Ketu* demonstrates that law can exist, function, and be obeyed outside the formal framework of the state while still playing a central role in establishing order, justice, and dignity in the community's social life.

4.1.5 *Tension Between Declarative Recognition and Operational Reality*

The *Ru-Ketu* tradition clearly shows how customary law lives, works, and gains legitimacy in the social space of the Sabu society. It functions not only as a cultural expression or spiritual ritual but also as a practice of customary law that frames social relations, organizes collective obligations, and maintains communal order and balance. From a living law perspective, *Ru-Ketu* shows that law does not always operate through state instruments but also through local norms that are internalized as part of the moral consciousness and identity of the community. However, when this practice is confronted with the construction of a modern legal state that emphasizes formal legality, normative certainty, and codification, an ambiguous space emerges that places *Ru-Ketu* in a vulnerable position ([Fitria, 2020](#)).

The state's recognition of customary law, which is still declarative in nature and not accompanied by adequate operational mechanisms, has the potential to reduce *Ru-Ketu* to a mere cultural symbol, losing its legal dimension as a system of social regulation ([Schmit, 2008](#)). This situation reflects the face of Indonesian legal pluralism, which is not yet fully equal, where customary law is often positioned on the periphery of the national legal structure ([Zuliyah et al., 2023](#)). Therefore, positioning *Ru-Ketu* within

the framework of Indonesia's rule of law requires a change in perspective, from an approach that views customary practices as remnants of tradition to one that recognizes them as a living and meaningful source of norms. A rule of law rooted in social reality not only regulates but also listens to and learns from the ways in which communities build order, justice and dignity. Within this framework, *Ru-Ketu* is not only an object of cultural preservation but also a subject of legal reflection, a mirror of how Indonesian law can develop into a more inclusive, dialogical, and humane system.

4.1.6 Toward a Dialogical Integration of Customary Law

This dynamic is increasingly relevant in the context of recent developments in Indonesian law, particularly with the inclusion of the concept of "living law in society" in Law No. 1 of 2023 on the Criminal Code (KUHP). This accommodation indicates a shift in the national legal paradigm that is beginning to open space for the existence of customary norms as a source of law ([Faisal & Anwar, 2024](#)). However, this recognition is still conceptual and has not been fully followed by institutional instruments capable of bridging customary law practices at the local level in the region. In this context, *Ru-Ketu* can be read as a concrete example of how living law works in society, while also revealing the limitations of the state in translating normative recognition into substantive protections.

Therefore, positioning *Ru-Ketu* within the framework of the Indonesian legal system requires a shift in perspective from an approach that is solely oriented towards formal legality to a more reflective and contextual approach. The state needs to view *Ru-Ketu* as a customary legal practice that serves to maintain social cohesion, preserve cultural identity, and regulate interpersonal relationships in existential moments such as death. This approach is in line with the perspective of legal pluralism, which places state, customary, and religious laws in a dialogical relationship rather than a purely hierarchical one ([Christinawati, 2024](#)). Thus, *Ru-Ketu* can be positioned as a meeting point between law and culture and between local norms and state structures. It is not an anomaly in the national legal system but rather a reflection of the complexity of Indonesian law as a pluralistic state. Placing *Ru-Ketu* within the framework of the rule of law means recognizing that justice and social order do not always arise from the text of the law but also from the practices of communities that uphold values, dignity, and human relations.

4.2 Legal Challenges Facing The Ru-Ketu Tradition in the Modern Era

4.2.1 Structural Gap Between Recognition and Operationalization

The *Ru-Ketu*, as a practice of customary law in Sabu society, faces significant challenges when situated within the framework of a modern rule-of-law state based on the principles of legality, codification, and legal certainty. The modern legal system constructs law as a valid formal norm because it is established by state authorities, whereas *Ru-Ketu* operates through social legitimacy derived from collective memory, customary authority, and moral consciousness passed down through generations. Although customary law is constitutionally recognized, this recognition remains declaratory in nature and has not yet been accompanied by effective operational mechanisms in practice. Consequently, a gap exists between formal recognition and the continuity of customary law practices within the state's legal system. This highlights the limitations of a formalistic approach to understanding legal validity, which tends to overlook the social dimensions of norms that are alive within society ([Fitria, 2020](#)); ([Zuliyah et al., 2023](#)).

4.2.2 Asymmetrical Power in Legal Pluralism

Within the framework of legal pluralism, this situation reveals an unequal relationship between state and customary law. Customary norms are recognized, but their validity remains within the orbit of state legitimacy, meaning that they are valid if they do not conflict with positive law and are granted administrative tolerance. This relationship indicates a structural imbalance: state law acts as the center of authority, whereas customary law functions as a normative system whose continuity depends on external recognition.

This places *Ru-Ketu* in an ambivalent position. Within the social space of the Sabu community, it is legitimate, meaningful and morally binding. It builds solidarity, reinforces identity, and maintains continuity in the relationships between families, ancestors, and homelands. However, when entering the

institutional space of the state, *Ru-Ketu* does not have a strong procedural footing that guarantees the substantive recognition of its normative structure. This ambivalence creates an ongoing space for negotiation between the demands of modern legal certainty and the need to maintain the integrity of customary values as a living law. In this context, the legal challenge to *Ru-Ketu* is not only technical-administrative in nature, but also epistemological: how does the legal state understand, interpret, and recognize forms of law that do not originate from codification but from social life itself?

4.2.3 *Epistemological Tension: Positivism vs. Living Law*

Epistemologically, law in the modern positivist tradition is understood as a set of norms formulated by state authorities, codified in regulatory texts, and enforced through formal apparatus. In this framework, knowledge of the law is obtained through reading written regulations and systematic doctrinal constructions. Conversely, from the perspective of legal pluralism and living law, law is understood as a social reality produced from practices, collective experiences, and the normative consciousness of communities. Knowledge of the law is not only found in texts but also in rituals, symbols, kinship structures, and patterns of repeated social interaction.

In the context of *Ru-Ketu*, this epistemological dimension is vital. *Ru-Ketu* was not born out of a legislative process, is not codified in articles, and is not accompanied by formal state sanctions. However, it has a structure of authority, a sequence of procedures, collective obligations, and social consequences that are understood and obeyed by the community members. This means that from an ontological perspective, namely the question of "what exists" as *Ru-Ketu* law, it fulfills the elements of a living and effective normative order. It regulates behavior, shapes social expectations, and creates an order. Thus, classifying *Ru-Ketu* as "not law" simply because it is not codified means narrowing the ontology of law to one form of existence, namely state law.

However, when the ontology of state law dominates the public policy space, customary laws such as *Ru-Ketu* tend to be placed as secondary entities recognized as cultural values but are not always treated as normative systems with regulatory power. The dominance of positivistic legal epistemology makes it easier for the state to interpret the law in written texts than in social practices. Consequently, there is a conceptual gap between how communities understand the law and how the state defines it. The biggest challenge in this context is not only at the regulatory level but also at the level of perspective. Indonesia, as a country based on the principles of democracy and respect for diversity, could develop a more inclusive legal epistemology, namely, recognizing that law can exist in various forms. Within this framework, *Ru-Ketu* is no longer positioned as a remnant of pre-modern tradition but rather as an expression of living law, whose existence enriches the plural structure of the national legal system.

4.2.4 *Reduction of Customary Norms into Cultural Symbols*

The next challenge arises from the tendency of modern law to view death rituals as a private or cultural domain rather than as a normative practice that contains a structure of obligations and social legitimacy. *Ru-Ketu* contains a hierarchy of authority, standard stages of the procession, collective family obligations, and social consequences for violating customs. However, from a positive law perspective, this normative dimension is often not recognized as "law" in a formal sense. The recent debate on the recognition of living law in the reform of Indonesian criminal law shows that the recognition of living law in society is still overshadowed by concerns about jurisdictional conflicts and the need for strict derivative regulations (Faisal & Anwar, 2024). As a result, customary laws such as *Ru-Ketu* have the potential to experience a reduction in meaning, from a living system of norms to merely a symbolic expression of culture.

4.2.5 *Internal Transformation: Religious and Authority Dynamics*

Another important dimension is the religious dynamics and transformation of social authority within the Sabu community itself. The encounter between local traditions and Christian teachings, for example, reveals a negotiation of meaning and even contestation of legitimacy regarding traditional death rites. Studies on mourning rituals in West Sabu show that ritual spaces can become liminal arenas where acceptance and resistance to traditional practices occur simultaneously (Lukas, Lattu, Tampake, & Ludji, 2024). In the context of *Ru-Ketu*, the shift of authority from traditional leaders to religious leaders

or other institutional figures has the potential to affect the binding power of customary norms. The legal challenge is not only external but also internal: how to ensure the continued legitimacy of customs in a society whose values and authority structures are constantly changing.

4.2.6 Risk of Folklorization and Cultural Commodification

In addition, *Ru-Ketu* faces the risk of folklorization in the context of cultural promotion. When traditions are elevated as cultural identities or tourism assets, they may gain public visibility, but at the same time, lose their normative power as a system of social regulation. National laws on cultural promotion do provide protection for intangible cultural heritage, but such protection does not always guarantee the strengthening of communities' rights to interpret and practice their traditions. Traditions can be preserved as symbols, but they are not always protected as norms that bind social relationships. The legal challenges faced by *Ru-Ketu* in the modern era are not merely a matter of formal recognition but rather a matter of harmonizing values and structures. *Ru-Ketu* exists in the collective consciousness as a mandate from ancestors and a mechanism for maintaining solidarity. However, when confronted with a state legal system that demands procedural certainty and uniform standards, this tradition finds itself in a space of continuous negotiation. The biggest challenge lies in how the Indonesian legal system can move from symbolic to substantive recognition, namely, by providing a space for dialogue that allows customary laws, such as *Ru-Ketu*, to remain alive, dignified, and relevant in the modern legal system.

5. Conclusions

5.1 Conclusion

This study confirms that the *Ru-Ketu* tradition represents a manifestation of living law characterized by a structured normative system, including customary authority, procedural rules, and collective obligations that bind the Sabu community. Its effectiveness as a mechanism of social regulation is not based on formal state coercion, but on social legitimacy rooted in shared moral consciousness and ancestral respect. However, a gap persists between constitutional recognition of customary law and its substantive integration into Indonesia's legal system, as positivist legal epistemology tends to marginalize *Ru-Ketu* into a cultural symbol and obscure its normative function. Theoretically, this study contributes to legal pluralism by demonstrating that death rituals function as normative systems regulating social relations, extending living law theory to existential domains beyond conventional legal settings. It shows how local norms persist amid modern legal structures, religious dynamics, and processes of folklorization, and therefore calls for a shift from symbolic recognition toward substantive and dialogical integration within the national legal framework.

Practically and in terms of policy, this study highlights the need for stronger engagement between legal actors, customary institutions, and religious leaders to balance legal certainty with customary values through continuous dialogue. The government is urged to move beyond formal recognition toward operational integration of living law within administrative and judicial systems, in line with Law No. 1 of 2023, while ensuring that customary practices are not reduced to cultural or touristic symbols but are protected as autonomous systems of social regulation.

5.2 Research Limitations

This study has several limitations that should be acknowledged. First, it is context-specific, focusing only on Sabu Raijua Regency; therefore, the findings cannot be generalized to all customary law practices in Indonesia, and variations of *Ru-Ketu* among the Sabu diaspora outside the region were not examined in depth. Second, the socio-legal qualitative approach based on interviews and observations provides an in-depth understanding of *Ru-Ketu's* meaning and normative structure, but does not comparatively test the effectiveness of customary law integration into public policy or formal judicial systems. Third, the study primarily emphasizes normative and epistemological dimensions of the relationship between customary and state law, while economic-political aspects such as local power relations, cultural budgeting, and administrative interventions are not explored. Fourth, religious dynamics influencing the transformation of *Ru-Ketu* are discussed within a general framework of value pluralism, without an in-depth theological or sociological analysis. These limitations indicate the need for further multidisciplinary research with broader scope and comparative perspectives.

5.3 Suggestions and Directions for Future Research

Based on the findings and limitations of this study, several directions for future research are proposed. Further studies should expand the geographical scope by comparing *Ru-Ketu* practices in the Sabu region of origin and diaspora communities in urban settings to understand how living law adapts to modern administrative contexts. In addition, research is needed to examine the mechanisms of integrating customary law into judicial practice and regional policy, particularly in light of Law No. 1 of 2023 on the Criminal Code, through normative-empirical studies on its implementation. Interdisciplinary approaches involving legal anthropology, sociology of religion, and public policy are also recommended to better understand the transformation of customary authority under processes of modernization and religious value change. Furthermore, future research should address the risk of folklorization within cultural policy frameworks and assess how cultural preservation can sustain the normative and autonomous dimensions of Indigenous law. Finally, the development of a conceptual framework for the dialogical harmonization of customary and state law is needed, including institutional or normative mediation models that ensure customary law remains effective alongside modern legal principles. Overall, such research directions will move studies on *Ru-Ketu* beyond cultural documentation toward a stronger conceptual foundation for inclusive and context-sensitive legal reform in Indonesia.

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Author Contributions

CMDB contributed to conceptualization, research design, supervision, and manuscript drafting. MRR contributed to data collection, fieldwork, and initial analysis. YMYJ contributed to literature review, theoretical framework development, and validation. RM contributed to data analysis and interpretation of findings. JE contributed to methodology refinement, editing, and manuscript revision. MH contributed to project administration, coordination, and final manuscript approval. All authors have read and approved the final manuscript and agree to be accountable for all aspects of the work.

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