

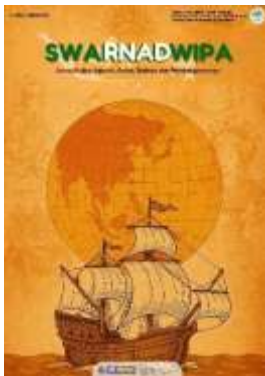
Legal History in Lampung Province: A Study Using Historical Methods

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Abstract

This research aims to examine the development of legal history in Lampung Province using historical methods as the primary approach. The study explores the dynamics of the legal system from the pre-colonial period, based on customary law, through the colonial period with the dominance of Western law, to the post-independence period, marked by the integration of national law with local values. Historical methods are used through heuristics, source criticism, interpretation, and historiography to produce an objective and systematic historical reconstruction. The results indicate that law in Lampung has undergone a process of acculturation between customary law, based on the values of *piil pesenggiri*, and the formal state legal system. Customary law functions not only as a traditional norm but also as a living law that regulates social interactions and resolves conflicts within society. This research confirms that the continuity of customary law within the national legal system reflects the importance of local wisdom in the development of inclusive and contextual law.

Keywords: Legal History; Customary Law; *Piil Pesenggiri*.

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INTRODUCTION

Legal history is an important field of study in understanding the dynamics of societal development, as law functions not only as a normative instrument but also as a reflection of social and cultural values. In the Indonesian context, legal plurality is a key characteristic, where state law coexists with customary law as a system of norms deeply rooted in society (Hamida, 2021).

Lampung Province boasts a rich and distinctive customary legal system, which developed long before the influence of colonialism. One of the main foundations of Lampung customary law is the philosophy of *piil pesenggiri*, which reflects the values of honor, social solidarity, openness, and mutual cooperation. These values serve not only as ethical guidelines but also as the basis for the formation of customary legal norms that govern community life (Utama, 2021).

In practice, Lampung customary law serves as living law, governing various aspects of life, such as marriage, inheritance, and conflict resolution. This demonstrates

that customary law is not merely a cultural heritage but also a dynamic legal system that adapts to changing times.

However, the arrival of Dutch colonialism brought significant changes through the implementation of a written and formal Western legal system. This situation gave rise to a legal dualism between customary law and colonial law. After Indonesian independence, efforts were made to integrate these various legal systems into the national legal framework, while still recognizing the existence of customary law as part of the nation's identity.

In the modern context, the interaction between customary law and state law has become increasingly complex, particularly amidst globalization and modernization. Therefore, a study of legal history in Lampung is crucial for understanding the process of change, continuity, and relevance of customary law within the current national legal system.

RESEARCH METHODS

This research uses historical methods as the primary approach to reconstruct the development of law in Lampung Province chronologically and analytically. Historical methods were chosen because they can reveal the dynamics of legal change over time based on reliable sources. The first stage is heuristic, namely the collection of relevant historical sources. The sources used include archives, legal documents, and scientific literature in the form of books and recent journal articles discussing Lampung customary law and the value of *piil pesenggiri*. Literature review is a crucial part of this stage to obtain comprehensive secondary data (Storey, 2026).

The second stage is source criticism, which consists of external and internal criticism. External criticism is conducted to assess the authenticity of the source, while internal criticism aims to test the credibility and validity of the source's content. This step is crucial to ensure that the data used has a high level of trustworthiness (Kuntowijoyo, 2013). The third stage is interpretation, namely the process of interpreting historical data by linking various verified facts. In this stage, an interdisciplinary approach is used that considers social, cultural, and legal aspects to understand the context of legal development in Lampung. Customary law is understood as a living and evolving value system within society. The final stage is historiography, which involves compiling research findings in a systematic and chronological scientific narrative. The writing is descriptive and analytical, aiming to provide a comprehensive overview of the history of law in Lampung Province.

RESULTS AND DISCUSSION

1. Lampung Customary Law in the Pre-Colonial Period: Structure, Values, and Social Function

Before the arrival of colonial influence, the Lampung people already had a customary legal system that functioned not only as a normative tool but also as an instrument for regulating social order and collective identity. Lampung customary law developed within a genealogical-territorial community framework divided into *saibatin* and *pepadun* groups, each with a strong and hierarchical customary leadership structure.

The primary foundation of Lampung customary law is the *piil pesenggiri* philosophy, which embodies four core values: *juluk adek* (self-respect and honor), *nemui nyimah* (friendliness and openness), *nengah nyappur* (adaptability within society), and *sakai sambayan* (mutual cooperation). These values are not only ethical but also

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normative, as they serve as the basis for the formation of customary legal regulations that bind the community.

From a legal anthropology perspective, the Lampung customary law system can be categorized as living law, meaning law that lives and develops within the social practices of the community (Putri & Hasan, 2025). This law is not codified in writing, but is passed down orally through tradition and social practice. Nevertheless, its effectiveness is unquestioned, supported by strong social legitimacy and moral sanctions.

The customary law enforcement structure is implemented by customary institutions led by traditional figures (*penyimbang*). They serve as mediators, judges, and guardians of customary values. Dispute resolution is carried out through deliberation, emphasizing the principle of restorative justice, namely the restoration of social relations between disputing parties. Sanctions are not solely punitive but also aim to restore social balance.

Furthermore, Lampung customary law also regulates various aspects of life, such as the marriage system, inheritance, customary land ownership, and procedures for conducting traditional ceremonies. In this regard, customary law functions as a comprehensive system, integrating legal, social, cultural, and religious aspects into one.

2. Colonial Period: Legal Dualism and Colonial Legal Politics

The arrival of Dutch colonial rule brought fundamental changes to the legal system in Lampung. The colonial government introduced a Western legal system characterized by written rules, rationality, and bureaucratic structures, which differed significantly from customary law that was flexible and contextual in nature. This difference lay not only in form and structure but also in the underlying legal worldview. Western law emphasized legal certainty, while customary law prioritized social justice and communal balance (Zaki, et.al. 2025).

One of the most important policies in colonial legal politics was the implementation of the *receptie theory*, which stipulated that customary law would be recognized as long as it did not conflict with colonial law. In practice, this policy created a legal hierarchy in which Western law occupied a dominant position, while customary law became subordinate. This legal policy was not merely administrative but also ideological, as it implicitly positioned Western law as a symbol of modernity and progress, while customary law was viewed as a traditional system that needed to be controlled.

This legal dualism generated various implications. On the one hand, indigenous communities continued to apply customary law in their daily lives, particularly in matters of family, marriage, and social relations. On the other hand, in administrative, economic, and governmental affairs, they were required to adhere to colonial law. This condition created tension between two legal systems that differed epistemologically and culturally, and also gave rise to practices of “forum shopping,” in which individuals chose the legal system most advantageous to their interests (Maskun, Henry, & Sumargono, 2021).

Furthermore, this dualism reinforced social stratification within colonial society. The colonial legal system classified the population into several groups Europeans, Foreign Orientals, and indigenous peoples each subject to different legal regimes. This classification not only reflected legal discrimination but also strengthened colonial dominance over local communities. In the context of Lampung, it limited indigenous people's access to formal justice provided by the colonial government.

Colonialism also brought changes to the social structure of Lampung society. The intervention of the colonial government in customary affairs, including the appointment

of pro-colonial traditional leaders, led to a shift in authority within the community. The legitimacy of traditional leaders, which had previously been based on communal consensus, was gradually replaced by administrative legitimacy granted by the colonial state. This weakened the role of customary institutions as enforcers of traditional law.

Such intervention also altered the relationship between indigenous communities and authority. Whereas customary law had previously functioned as an autonomous mechanism for regulating social life, during the colonial period it became part of the colonial control system. In many cases, customary law was reduced to an administrative instrument used to facilitate the governance of indigenous populations.

Nevertheless, Lampung customary law demonstrated strong resilience. In many cases, communities continued to uphold customary practices as a form of resistance to colonial domination. This resistance was not always overt but often manifested in everyday practices that remained grounded in customary norms. This indicates that customary law functioned not only as a normative system but also as a symbol of identity and cultural resistance.

Moreover, this resilience can be explained through the concept of *living law*, whereby the law that lives within society possesses a strength that cannot easily be replaced by formal legal systems. Despite colonial efforts to control and limit the scope of customary law, in practice it remained the primary reference for regulating social life.

From the perspective of legal pluralism, this condition illustrates that Lampung society during the colonial period existed within a plural legal system, where customary law and colonial law interacted dynamically. This interaction was not always conflictual but also produced new forms of adaptation, in which communities combined elements of both legal systems. In addition, colonial influence had long-term impacts on the development of law in Indonesia, including in Lampung. Many Western legal structures and concepts introduced during the colonial period continue to persist today, such as the judicial system, legal codification, and legal bureaucracy. This demonstrates that colonialism left not only political and economic legacies but also enduring legal influences on the national legal system.

Thus, the colonial period can be understood as a crucial phase in the legal history of Lampung, marked by conflict, adaptation, and transformation. Customary law was not entirely replaced by colonial law but underwent a complex process of negotiation. Its persistence as a living law highlights the resilience of local legal systems and their ability to adapt to change, while also serving as a symbol of identity and resistance against external domination.

3. Post-Independence Period: Integration and Legal Pluralism

After Indonesia gained independence, the government faced a major challenge in constructing a national legal system capable of accommodating existing legal diversity. The Indonesian Constitution, particularly Article 18B of the 1945 Constitution, recognizes the existence of customary law communities along with their traditional rights. This recognition indicates that the state does not abolish local legal systems but instead seeks to integrate them into a broader national legal framework.

In the context of Lampung, customary law continues to be recognized and practiced in everyday life. The value of *piil pesenggiri* remains a foundational principle in maintaining social harmony, particularly in regulating kinship relations, resolving conflicts, and preserving individual and collective dignity. This demonstrates that customary law functions not only as a legal norm but also as a social ethical system that internalizes cultural values in daily life.

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However, the integration of customary law and national law has not always been harmonious. One of the main challenges lies in the difference in paradigms between customary law, which is communal in nature, and national law, which tends to be individualistic. Customary law prioritizes collective interests, whereas national law emphasizes individual rights formally protected by the state. This difference often creates tension in practice, particularly when conflicts of interest arise between customary communities and individuals.

In the field of land law, for instance, the concept of *ulayat* (communal land rights) often clashes with the land certification system regulated by the state through agrarian law. From a customary perspective, *ulayat* land is considered collective property that cannot be freely traded, whereas under national law, land can be individually owned and transferred based on formal certification. Such conflicts frequently lead to disputes between customary communities and external parties, including the government and investors. Therefore, a legal approach that is not only normative but also contextual and sensitive to local values is required (Asnawi, et.al, 2024).

In addition to land issues, conflicts between customary and national law also arise in family law, such as marriage and inheritance. In some cases, customary practices that maintain patriarchal structures may conflict with principles of gender equality guaranteed by national law and human rights instruments. This indicates that the integration of customary law into the national legal system also requires processes of selection and adjustment to align with modern principles of justice.

On the other hand, customary law has undergone significant transformation. Social change, education, and interaction with the national legal system have encouraged reinterpretation of customary norms. Some practices considered no longer relevant or inconsistent with modern values have been abandoned or adapted. This process demonstrates that customary law is not static but dynamic and responsive to societal change.

This transformation is also evident in how customary communities utilize state law to strengthen their position. For example, they increasingly use formal legal instruments to advocate for recognition of *ulayat* land rights or to protect community interests. This reflects an adaptive strategy in which customary law and state law are not always in opposition but can complement each other. From the perspective of legal pluralism theory, this condition illustrates that Indonesian society, including Lampung, lives within a plural legal system where multiple legal orders interact dynamically. Legal pluralism is not only a social reality but also a challenge in formulating fair and inclusive legal policies.

Furthermore, the state has begun to develop policies accommodating customary law, such as recognizing indigenous communities in legislation and strengthening the role of customary institutions at the local level. In several regions, including Lampung, customary institutions are given space to participate in dispute resolution based on local wisdom. This reflects a shift from a centralized approach toward a more decentralized and participatory model of legal governance. Nevertheless, future challenges remain significant, particularly in ensuring that recognition of customary law is not merely symbolic but effectively implemented in practice. Synergy among the government, customary communities, and academics is essential to develop models of legal integration that not only acknowledge diversity but also achieve substantive justice.

Thus, the post-independence period can be understood as a crucial phase of negotiation between customary law and national law. Lampung customary law has not

only persisted but also transformed and adapted in response to social, political, and legal changes. The success of integrating customary law into the national legal system largely depends on the ability of all stakeholders to understand and appreciate legal pluralism as a strength rather than a barrier.

4. Contemporary Era: Revitalization, Challenges, and the Relevance of Customary Law

Entering the era of globalization, Lampung customary law faces increasingly complex structural and cultural challenges. Modernization, urbanization, and the penetration of global culture have brought significant changes to people's mindsets and behavior, particularly among the younger generation. In this context, there is a noticeable shift in orientation from local values toward more individualistic and pragmatic modern values. As a result, customary law, which once served as the primary guide in social life, has begun to experience marginalization, especially in urban areas.

This phenomenon aligns with global studies highlighting the declining role of customary law in modern societies, where state law tends to dominate the public sphere through more structured formal legal systems. In Lampung, this condition is reflected in the decreasing use of customary mechanisms in conflict resolution, as well as the declining understanding among younger generations of *piil pesenggiri* as a foundational ethical and legal principle.

Nevertheless, amid these challenges, various efforts to revitalize customary law have emerged, initiated by local governments, academics, and indigenous communities themselves. This revitalization is not only aimed at preserving cultural heritage but also at strengthening the position of customary law within the national legal system. One concrete form of revitalization is the integration of *piil pesenggiri* values into formal education systems, particularly through character education. Research indicates that the internalization of local values in education can enhance cultural awareness and strengthen the social identity of younger generations (Meihan, 2023).

In addition, strengthening customary institutions has become a strategic step in maintaining the existence of customary law. Local governments have begun issuing regulations that recognize the role of customary institutions in dispute resolution and the management of social life. This aligns with constitutional mandates recognizing the existence of customary law communities and their traditional rights. In practice, customary institutions act as mediators in social conflicts, particularly those related to family issues, land disputes, and inter-community relations.

Within the framework of modern law, Lampung customary law is also increasingly positioned as part of alternative dispute resolution (ADR) mechanisms. This approach is considered more effective in resolving local conflicts because it emphasizes deliberation, consensus, and restorative justice. These principles align with global trends in modern legal systems that increasingly adopt restorative approaches as alternatives to retributive justice systems. In this regard, Lampung customary law holds a distinct advantage, as it has long embodied these values in its dispute resolution practices.

Furthermore, technological advancements and digitalization open new opportunities for preserving customary law. Digital documentation of norms,

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practices, and rituals represents an important step in safeguarding the continuity of traditional knowledge. Digitalization serves not only as an archival tool but also as an educational medium for younger generations who are more familiar with technology. Several initiatives have been undertaken through academic research and digital publications that systematically document Lampung customary law.

However, digitalization also presents new challenges, particularly regarding the authenticity and authority of customary knowledge. Transforming customary law into digital forms risks diminishing its social context and symbolic meaning. Therefore, culturally sensitive approaches are essential in the digitalization process.

From a global perspective, Lampung customary law also holds potential to contribute to international discourse on indigenous law. In recent decades, there has been growing attention to the role of customary law in sustainable development, environmental protection, and the strengthening of indigenous rights. Values such as mutual cooperation, social balance, and respect for nature embedded in *piil pesenggiri* are consistent with the principles of sustainable development.

On the other hand, a key challenge moving forward is how to integrate customary law into the national legal system without losing its fundamental characteristics as a living law. Excessive codification may reduce its flexibility, while insufficient formal recognition may weaken its position within the legal system. Therefore, a legal pluralism approach is necessary—one that allows for the equal coexistence of customary law and state law.

In conclusion, Lampung customary law in the contemporary era not only faces challenges but also possesses significant opportunities to evolve as a relevant and adaptive legal system. The revitalization of customary law should be understood as a dynamic process involving multiple actors and approaches, including education, policy, and technological innovation. In this context, Lampung customary law is no longer merely viewed as a legacy of the past, but as a source of values and solutions for addressing the complexities of modern life.

CONCLUSION

The legal history of Lampung Province demonstrates a complex and ongoing dynamic from pre-colonial times to the contemporary era. Customary law, based on the values of *piil pesenggiri*, served as a primary foundation for Lampung society before colonial influence. During the colonial period, legal dualism arose due to the implementation of Western legal systems, which placed customary law in a subordinate position. However, customary law persisted as the living law governing social life. After independence, efforts to integrate customary law into the national legal system demonstrated its crucial role in maintaining cultural identity and social harmony. Despite facing various challenges in the modern era, Lampung customary law remains relevant and adaptable to changing times. Therefore, understanding local legal history is crucial for developing a national legal system that is inclusive, contextual, and based on local wisdom.

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