



Reconciling Local and Global Identities Challenges of Constitutional Law in the Era of Globalization

Siti Ngainnur Rohmah*, Brilliant Barra Ma'rifah

Institut Agama Islam Al-Zaytun Indramayu, Indonesia

*siti.ngainnur@iai-alzaytun.ac.id

Abstrak

Dalam era globalisasi yang semakin terhubung secara erat, tantangan hukum tatanegara dalam menyatukan identitas lokal dengan dinamika global menjadi semakin kompleks. Rekonsiliasi antara identitas lokal dan global menjadi sebuah isu yang mendesak dalam konteks pembentukan dan penerapan hukum tatanegara. Identitas lokal, yang sering kali menjadi penanda keberagaman budaya, adat istiadat, dan nilai-nilai historis suatu bangsa, sering kali bertentangan dengan arus globalisasi yang mengarah pada homogenisasi budaya dan harmonisasi hukum. Tujuan penelitian ini adalah mengetahui tantangan hukum tatanegara dalam menyatukan identitas lokal dengan dinamika global pada era globalisasi. Penelitian ini menggunakan metode Penelitian deskriptif kualitatif deduktif. Analisis data menggunakan analisis isi. Hasil penelitian ini yaitu dalam menghadapi tantangan globalisasi, Indonesia perlu memperkuat pengakuan dan perlindungan terhadap keberagaman budaya, termasuk hukum adat dan nilai-nilai lokal. Kolaborasi antara pemerintah dan masyarakat dianggap penting dalam merumuskan kebijakan yang mendukung pelestarian dan pengembangan budaya lokal. Penelitian menunjukkan bahwa dampak globalisasi memunculkan tantangan dalam mempertahankan nilai-nilai lokal tanpa mengorbankan relevansi dalam konteks global. Tantangan tersebut mencakup perubahan dalam sistem hukum tatanegara untuk menyatukan identitas lokal dengan standar internasional, serta perlunya mengakomodasi keberagaman budaya tanpa mengabaikan prinsip-prinsip universalitas dalam hak asasi manusia. Perlindungan terhadap hukum adat dianggap krusial dalam mempertahankan warisan budaya dan menghadapi dampak globalisasi. Untuk menjaga keberlanjutan budaya, diperlukan upaya konkret dalam memperkuat pengakuan hukum adat dan menghormati hak-hak adat. Pemerintah dan masyarakat perlu bekerja sama dalam merumuskan kebijakan yang mendukung pelestarian dan pengembangan budaya lokal, serta menjaga keberlangsungan nilai-nilai tradisional yang menjadi identitas Indonesia.

Kata Kunci: Identitas Lokal dan Global; Hukum Tatanegara; Globalisasi

Abstract

In an era of increasingly interconnected globalization, the constitutional law challenges of reconciling local identities with global dynamics are becoming more complex. Reconciliation between local and global identities has become an urgent issue in the context of the formation and implementation of constitutional law. Local identity, which often signifies a nation's cultural

diversity, customs, and historical values, frequently conflicts with the currents of globalization that lead to cultural homogenization and legal harmonization. The aim of this research is to understand the constitutional law challenges in uniting local identity with global dynamics in the era of globalization. This research uses a qualitative descriptive deductive method. Data analysis employs content analysis. The results of this research indicate that in facing the challenges of globalization, Indonesia needs to strengthen the recognition and protection of cultural diversity, including customary law and local values. Collaboration between the government and society is considered important in formulating policies that support the preservation and development of local culture. The research shows that the impact of globalization poses challenges in maintaining local values without sacrificing relevance in a global context. These challenges include changes in the constitutional law system to unite local identity with international standards, as well as the need to accommodate cultural diversity without neglecting the universal principles of human rights. The protection of customary law is deemed crucial in maintaining cultural heritage and facing the impacts of globalization. To sustain culture, concrete efforts are required to strengthen the recognition of customary law and respect indigenous rights. The government and society need to work together in formulating policies that support the preservation and development of local culture, as well as maintain the continuity of traditional values that form Indonesia's identity.

Keywords: *Local and Global Identity; Constitutional Law; Globalization.*

I. INTRODUCTION

The term "reconciliation" implies a process of balancing or mediating between two opposing forces, in this case, local and global identities. This reconciliation is crucial in the context of globalization, where the influx of foreign influences and values has the potential to erode local cultural identities. The title highlights the need for a harmonious coexistence between these two aspects, which is essential for preserving the integrity of local cultures and their relevance in the modern world. The phrase "Constitutional Law Challenges" emphasizes the legal and institutional framework that governs the relationship between the state and its citizens. In the era of globalization, this framework is tested by the influx of foreign influences and the need to adapt to ever-changing circumstances. The challenges posed by globalization require laws to evolve and become more inclusive, accommodating local cultural diversity while ensuring the protection of individual rights and the integrity of the state. ¹

In an era of increasingly interconnected globalization, the constitutional law challenges of reconciling local identities with global dynamics are becoming more complex. Reconciliation between local and global identities has become an urgent issue in the context of the formation and implementation of constitutional law. Local identity, which often signifies a nation's cultural diversity, customs, and historical values,

¹ Mubah, A. S. (2011). Strategi Meningkatkan Daya Tahan Budaya Lokal dalam Menghadapi Arus Globalisasi. *Journal Unair Tahun 2011, Volume 24, Nomer 4*, 302-308.

frequently conflicts with the currents of globalization that lead to cultural homogenization and legal harmonization.²

On one hand, local identity plays a crucial role in maintaining a nation's self-identity and protecting its unique cultural heritage. On the other hand, globalization has created pressure to unify these differences to create a more homogeneous global identity. The main challenge for constitutional law in the era of globalization is how to reconcile these two dynamics without sacrificing cultural diversity and local identity. One issue that arises in the reconciliation of local and global identities is how to align the constitutional law system with international standards that are increasingly permeating national legal structures. These standards often embody universal values that may conflict with the local values of a nation. For example, in the context of human rights, there is tension between the universal principles advocated by international organizations and local values that may have different perspectives on individual rights.³

Amid the tension between local and global identities, it is important for constitutional law to bridge this gap through appropriate reconciliation mechanisms. One approach that can be taken is to adopt an inclusive and flexible legal concept that can accommodate cultural diversity and local values without disregarding important international standards for maintaining global stability and justice. Additionally, collaboration among nations in addressing the challenges of constitutional law in the era of globalization becomes crucial. International cooperation can help develop a legal framework that respects and strengthens local identities while considering broader global interests. This involves the exchange of experiences, the establishment of joint regulations, and the development of dispute resolution mechanisms that recognize and respect cultural and national legal diversity.⁴

Thus, the reconciliation of local and global identities is a complex yet urgent journey in the development of constitutional law in the era of globalization. Through an inclusive, flexible, and collaborative approach, constitutional law can become an effective instrument in addressing these challenges and building a strong foundation for the harmonious continuity between local identities and global dynamics. From the explanation above, the author formulates the following research questions: "What are the constitutional law challenges in uniting local identity with global dynamics in the era of globalization? What solutions are offered to address the constitutional law challenges in uniting local identity with global dynamics in the era of globalization?"

² Mubah, A. S. (2011). Strategi Meningkatkan Daya Tahan Budaya Lokal dalam Menghadapi Arus Globalisasi.

³ Mubah, A. S. (2011). Strategi Meningkatkan Daya Tahan Budaya Lokal dalam Menghadapi Arus Globalisasi.

⁴ Tahara, T. (2022, Desember 21). Penguatan Nilai Budaya Lokal di Era Milenial

II. RESEARCH METHODOLOGY

A research method is required as a way to achieve the objective. A method is a scientific approach used in research to discover truth objectively, empirically, and systematically. Sugiyono states that a research method is "an effort to seek, develop, and test the truth of a science conducted using research methods."⁵ The researcher uses a descriptive qualitative deductive type of research, which involves a series of activities related to the method of literature data collection. The data sources referenced in this study include books and journal articles related to the constitutional law challenges in the era of globalization and other journal articles related to the title.

The researcher uses the documentation method to obtain data. Documentation involves collecting data from existing documents or records, such as transcripts, books, newspapers, articles, and others. The data obtained are presented in a descriptive qualitative and deductive manner. The data processing methodology used by the researcher is descriptive. A descriptive approach is a way to consistently, accurately, and precisely describe a specific field. The data analysis approach used by the researcher is content analysis, which involves analyzing and interpreting specific texts before they are critiqued. The researcher can use this content analysis method to examine ideas about the reconciliation of local and global identities and the constitutional law challenges in the era of globalization, so that the data and research findings can be presented factually.

III. RESULTS AND DISCUSSION

3.1 Local and Global Identity

As a nation, we possess a highly diverse and abundant cultural repertoire. This national culture functions as both a capital and an identity, serving as the "main passport" in interactions with other nations. Through culture, we are recognized and introduce ourselves to other nations, and their recognition of our cultural values allows us to interact and position ourselves on equal footing with them. However, the process of interacting with "the other" also brings in new values that sometimes conflict with long-accepted ones. In this context, national cultural values function as a bulwark. Although we have strong cultural capital and identity, the materialistic and hedonistic tendencies in society make our national values and character feel increasingly faded. This raises questions about how we manage our cultural system and mechanisms within the context of our nationhood, as well as other related cultural questions. The penetration of various external values, through diverse modern means, as a result of globalization, has given a distinctive color to the cultural life of the nation. The flow of globalization from the center to the periphery has led to situations where culture becomes backward and may even

⁵ Sugiyono. (2022). *Metode Penelitian Kuantitatif Kualitatif*. Bandung: Alfabeta

experience deterioration. Cultural lag particularly affects communities in developing countries on the periphery, which strive toward modernity while facing a flood of information. New cultural symbols are often misinterpreted, while advanced technology has rapidly changed communication patterns. Human knowledge and experience are influenced by the fast and even flow of information, which can reach wide areas. Visual communication is starting to replace the role of oral language, while utilitarian, materialistic, and hedonistic attitudes increasingly dominate.⁶ The impact is the fragmentation and dislocation of societal worldviews, posing challenges and threats to the nation's values, character, and identity. The continuous process of cultural encounters, interactions, and assimilation requires a flexible cultural system within the context of nationhood. Openness to change and innovation becomes key to maintaining continuity. Therefore, wise strategies are needed to design and implement steps that strengthen national identity in the face of global dynamics.⁷

Awareness of the marginalization of local values triggers the need to collectively redefine cultural identity. However, retreating into local cultural "enclosures" can create a paradox when interpreted as neglecting the future in favor of the past. This process, if not properly directed, can lead to an exclusive ethnonationalistic spirit. Therefore, the focus should be on the essence of humans as beings aware of their duties in facing reality together with others. In this context, maintaining and strengthening local and translocal cultural systems becomes important. The intersection between the need for an independent local identity and integration into the global reality becomes imperative. The goal is to create an environment that allows individuals to appreciate local values and interact with others with broader awareness. In this regard, policies that respect cultural diversity and encourage public participation are key. Awareness of local wisdom as part of cultural identity must be enhanced to keep national values relevant in the era of globalization.⁸

As a diverse nation, Indonesia has two cultural systems that need to be maintained, developed, and strengthened: the national cultural system and the local ethnic cultural system. The national cultural system is still evolving to this day. This system applies to all Indonesians but is also separate from the specificities of any local ethnic culture. The cultural values formed within the national cultural system tend to look to the future. In

⁶ Tahara, T. (2022, Desember 21). Penguatan Nilai Budaya Lokal di Era Milenial. From FKIP Universitas Muslim Buton: <https://fkip.umubuton.ac.id/2022/12/21/penguatan-nilai-budaya-lokal-di-era-milenial>.

⁷ Gorga, A. K., Sitorus, S., Vigopang, G. C., & Sally, J. N. (2023). Dampak Globalisasi Terhadap Keberanjutan Hukum Adat Di Indonesia. *Civilia: Jurnal Kajian Hukum dan Pendidikan Kewarganegaraan*, Maret 2023. Vol. 2 No. 2,.

⁸ Gorga, A. K., Sitorus, S., Vigopang, G. C., & Sally, J. N. (2023). Dampak Globalisasi Terhadap Keberanjutan Hukum Adat Di Indonesia.

fact, these values largely arise when local ethnic cultures interact, influence each other, and exchange similar values among themselves. Therefore, certain local cultural values can become part of the translocal/national culture because they are integrated with other values, most of which originate from the old cultural traditions within various local ethnic cultural systems.

Local wisdom actually forms the foundation for shaping the nation's identity on a translocal (national) level. This local wisdom provides roots for the national culture. Local ethnic cultures often serve as sources or inspirations for new innovations, such as in language, art, social structures, technology, and more, which are then expressed in cross-cultural life. Therefore, efforts to uncover local wisdom are essentially efforts to find and solidify national identity, which may be eroded by the inevitable processes of cultural exchange, acculturation, and transformation. Seeking a new national identity based on local wisdom is important for uniting the nation's culture on the foundation of diverse identities across the archipelago. The goal is to achieve cultural awareness that values meaningful life, not just material wealth. Thus, the hope is that all citizens will have adequate cultural depth in facing global challenges.

Globalization offers opportunities for developed countries like the United States, Europe, and Japan to compete globally in various fields such as the economy, society, culture, politics, military security, science, and technology. However, for Indonesia, as a third-world country rich in natural, human, and cultural resources, globalization brings both opportunities and challenges that need to be approached with caution. Some challenges arising in the era of globalization include liberalization, Westernization, internationalization, and universalization. Other challenges include national security, the decline of national identity, and the risk of extremist influences that can distort the mindset of Indonesian youth, making them vulnerable to irresponsible interests and increasing the risk of division.⁹

To mitigate the negative effects of globalization, it is important to strengthen traditional and local values that form the identity and glue of a society.¹⁰ If a society can firmly maintain these values, they will not be affected by the impacts of globalization. However, Indonesia currently faces challenges in applying and implementing the values of Pancasila. Pancasila is the foundational value and ideology underlying the nation's life and governance for the Indonesian people.¹¹

⁹ Aprinta, G. (2023). Globalisasi Budaya, Homogenisasi dan Pengaruhnya terhadap Identitas Budaya. *Jurnal Janaloka*, Vol. 1, No. 2, Desember 2023, 72.

¹⁰ Keller, Suzanne, 2006. *Globalization and Local Identity*. Ekistic; Jan-Dec 2006; 73, 436-441; ProQuest Research Library pg.41

¹¹ Maftuh, Bunyamin. 2008. Internalisasi Nilai-Nilai Pancasila Dan Nasionalisme Melalui Pedidikan Kewarganegaraan. *Educationist* Vol. II No.2 Juli 2008

Some of the challenges faced include: first, the implementation of Pancasila values not being fully realized in daily life, as noted by Maftuh, who states that the application of Pancasila values is only symbolic. Second, the influence of foreign cultures and values affecting Indonesian society, especially the youth, leading to changes in attitudes and behaviors that are not aligned with local cultural values. Third, the decline in nationalism, particularly among the youth, as local values shift. Fourth, the emergence of religious ideologies that prioritize universalism over the unity of the Indonesian state, often rejecting democratic principles and spreading mostly among university students. Fifth, the suboptimal role of formal and non-formal educational institutions in introducing and internalizing the values of Pancasila and nationalism to the Indonesian public.¹²

In the context of Western European countries, there is a correlation between globalization, a country's political and economic conditions, and the perception of national identity by its inhabitants. This is reflected in the strong sense of national pride and loyalty among the populations of these countries. Research conducted by Antonsich shows that despite the inhabitants of this region coming from various cultural backgrounds and different areas, each with multiple identities, national identity remains the most dominant in the era of globalization. This finding contrasts with previous research by Scholte cited in Antonsich's (2009) study.¹³ Scholte argued that globalization allows individuals to have multiple identities and enhances the experience of dual identities. Although national identity remains relevant among these various identities, it is no longer the most dominant. National identity refers to a person's citizenship status, generally influenced by their place of birth and the environment where they were raised by their family. In the era of globalization, advancements in transportation make national identity more dynamic. A person can adopt a new national identity through migration between countries, immigration, or the process of naturalization. National identity serves as a marker distinguishing one citizen from another and is an important part of social identity that signifies an individual's membership in a national community, usually carrying strong emotional ties to their homeland.¹⁴

National identity is considered something enduring and authentic, unlike other identities such as gender, social class, and religion, which are more situational and context-dependent. Although it initially emerges from nothing, national identity may change or even disappear over time. Currently, people tend to seek ideologies that better align with the conditions of globalization, such as cosmopolitanism, which is seen as

¹² Maftuh, Bunyamin. 2008. Internalisasi Nilai-Nilai Pancasila Dan Nasionalisme Melalui Pedidikan Kewarganegaraan. *Educationist* Vol. II No.2 Juli 2008

¹³ Antonsich, M. (2009). National Identities In The Age Of Globalisation: The Case Of Western Europe. *National Identities*, 11:3 DOI: 10.1080/14608940903081085, 281-299.

¹⁴ Syarifah A., S., & Kusuma, A. (2016). Globalisasi Sebagai Tantangan Identitas Nasional bagi Mahasiswa Surabaya. *Global & Policy* Vol.4, No.2, Juli-Desember 2016, 64.

potentially replacing nationalism. However, from a territorial perspective, national identity remains the primary form of territorial identity. Changes and shifts in identity occur alongside advancements in technology, culture, and human thought. This requires people to adapt and align their lives, including their behavior and social order. For example, several informants in the research noted shifts in the behavior, attitudes, and characteristics of Indonesian society from the past to the present. One example is the response to a call from Anies Baswedan, the former Minister of Education and Culture, about the importance of parents accompanying their children to school on the first day. This is seen as an indication of changes in Indonesian societal behavior, which tends to overlook close family relationships, especially in large cities.

3.2 Constitutional Law Challenges in Uniting Local Identity with Global Dynamics in the Era of Globalization

Indonesia, as an archipelago nation with thousands of islands, boasts a rich diversity of cultures, ethnicities, languages, and customs, along with various religions. Local wisdom is crucial for preserving the culture, identity, and livelihood of indigenous communities in Indonesia. Indonesian culture is continuously evolving, particularly due to the swift influence of globalization that penetrates the national culture, which fundamentally originates from local cultures in every region of Indonesia. However, various aspects of life in Indonesia, including the customary law system—a rich and diverse cultural heritage—have been influenced by globalization. The impact of globalization is evident in significant social, economic, and cultural changes, which ultimately affect customary law and the values upheld by indigenous communities.¹⁵

Although customary law is often seen as an ancestral heritage that tends to be fixed in the past and deemed less relevant to modern life influenced by globalization, this is not entirely true. While customary law has traditional attributes, its existence remains important in the context of indigenous community life amidst globalization. Some Indonesian legislation also recognizes and adopts aspects of customary law. In the era of globalization, the influx of foreign cultures into Indonesia poses a serious threat to the continuity of local cultures. This influence spreads rapidly and has a broad impact on the cultural system of society. The cultural impact of globalization can be both positive and negative. The strong influence of foreign cultures has led to cultural shock, where society finds it difficult to resist various external cultural influences, resulting in an imbalance in social life.¹⁶

¹⁵ Suryadi, S. (2020). *Dampak Globalisasi terhadap Keberlanjutan Hukum Adat di Indonesia*. Jakarta: Pustaka Utama.

¹⁶ Ermawan, D. (2017). Pengaruh Globalisasi terhadap Eksistensi Kebudayaan Daerah di Indonesia. *Jurnal Kajian Lemhanas RI*, Edisi 32, Desember 2017., 7.

Customary law in Indonesia faces significant challenges in maintaining and promoting the sustainability of local cultures in the era of globalization. Globalization is generally understood as a process towards a global society, driven by technological advancements, particularly in communication and transportation, and closely related to the development of capitalism. The process of globalization, especially in the context of capitalism, brings ideas of modernization and development, which are essentially ideas of social change. The impact of globalization on the sustainability of customary law in Indonesia becomes more complex as indigenous communities increasingly interact with the outside world. Significant social, economic, and cultural changes brought about by globalization have influenced customary law and the value system of indigenous communities. This can threaten the sustainability of customary law, create new challenges in preserving cultural heritage, and cause conflicts between tradition and modernity. In the midst of globalization, customary law in Indonesia faces significant challenges in maintaining its relevance. The influence of foreign cultures, modern legal systems, and global values have brought complex impacts on the lives of indigenous communities, altering the dynamics and implementation of customary law and affecting its position and sustainability in Indonesia.¹⁷

The influence of foreign cultures, modernization, and the implementation of national laws based on positive law have caused some customary legal practices to be displaced and threatened. Additionally, globalization also brings new challenges in protecting and recognizing the rights of indigenous communities in an increasingly interconnected global context. The impact of globalization on customary law can be seen through the changes in values and norms within society. The influence of global cultures entering Indonesia has altered the community's perception of traditional values that form the basis of customary law.

3.3 Solutions to the Challenges of Constitutional Law in Uniting Local Identity with Global Dynamics in the Era of Globalization

In the face of the significant impact of globalization, the issue of the sustainability of customary law in Indonesia is becoming increasingly prominent. However, it is important to understand the crucial role of customary law in preserving cultural diversity, identity, and the livelihoods of indigenous communities. The Indonesian nation is known for values such as politeness, mutual respect, and the spirit of gotong-royong (mutual cooperation). These values are strengths for Indonesia as a country rich in ethnic, religious, and cultural diversity. To address the impact of globalization, efforts are needed to strengthen the recognition of customary law, respect indigenous rights, and involve

¹⁷ Suryadi, S. (2020). Dampak Globalisasi terhadap Keberlanjutan Hukum Adat di Indonesia. Jakarta: Pustaka Utama.

indigenous communities in decision-making processes that affect their lives. Therefore, understanding the impact of globalization on customary law in Indonesia becomes very important. The rich cultural heritage, which is significant for Indonesia's diversity, must be preserved by continually advocating for the protection, recognition, and sustainability of customary law.¹⁸

Several steps can be taken to ensure the continuity of local cultures. One is to study traditional cultures individually, examine the values contained within them, and broaden horizons by learning about cultures from other regions. Additionally, it is important to instill these values in the younger generation so that they take pride in the cultural heritage of the Nusantara and to create platforms or institutions that support the talents and creativity of the younger generation in the field of culture. Local cultures need legal protection that involves all elements of society. Culture is considered a work that contains ideas, traditions, values, and behaviors that enrich the nation's wealth. Without strong legal protection, there is a risk of local cultures being marginalized as they are considered outdated. Therefore, local regulations (perda) must be developed to regulate the preservation of culture by all parties. Public concern is essential to maintain cultural preservation. However, these efforts have not yet been visibly realized, while threats to cultural continuity are becoming more evident. Policymakers play an important role in this regard, where the executive and legislative branches need to collaborate in formulating local regulations that guarantee cultural preservation. In these regulations, it is important to arrange for the patent rights of ancestral cultural works so that they are not claimed by others.

IV. CONCLUSIONS

The constitutional law challenges in uniting local identity with global dynamics in the era of globalization include the need for changes in the constitutional legal system to integrate local identity with international standards and the necessity to accommodate cultural diversity without neglecting the principles of universality in human rights. The influence of foreign cultures, modern legal systems, and global values has had complex impacts on indigenous communities, altering the dynamics and implementation of customary law and affecting the position and sustainability of customary law in Indonesia. The impact of foreign cultures, modernization, and the application of national laws based on positive law has caused some customary legal practices to be displaced and threatened. Additionally, globalization presents new challenges in protecting and recognizing the rights of indigenous communities in an increasingly interconnected

¹⁸ Putra, R. C., & Halim, H. (2023). Peran Dan Tantangan Hukum Adat Dalam Era Globalisasi: Perspektif Keberlanjutan Budaya Lokal. *Jurnal Hukum* Vol. 20, No. 2, 879-880.

global context. The effects of globalization on customary law can be seen in the changes in societal values and norms. The influx of global cultures into Indonesia has altered public perceptions of the traditional values that form the foundation of customary law.

In facing the challenges of globalization, Indonesia needs to strengthen the recognition and protection of cultural diversity, including customary law and local values. Globalization has complex effects on the cultural life and customary law in Indonesia, presenting threats to the sustainability of regional cultures. To maintain cultural continuity, concrete efforts are required to strengthen the recognition of customary law, respect indigenous rights, and involve indigenous communities in decision-making processes that affect their lives. The government and society must work together to formulate policies that support the preservation and development of local cultures and sustain the traditional values that constitute Indonesia's identity. In these regulations, it is important to establish patent rights for ancestral cultural works to prevent them from being claimed by others. Thus, Indonesia can continue to maintain cultural diversity as one of the nation's riches in the face of globalization dynamics.

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