

## Social Change of Traditional Communities in the Direction of Modernization in the Anthropological Approach to Law

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### ABSTRACT

The social change of the Dago Pojok Bandung Creative Village community is one way to preserve traditional villages as a creative village that adapts to the development of times in today's modern society. The empirical approach in the study of legal Anthropology which explains that traditional/modern society has a very large influence in the lives of social change in society to achieve progress. The Comparative Approach to Legal Anthropology explains that in traditional/modern societies a rule is needed that governs the lives of its people. The change of traditional society should be addressed to the good for the good of the next generation in social life through norms, behavior that avoids the deviations of traditional/modern social change.

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## 1. INTRODUCTION

Humans are social beings, where humans cannot live without other humans. Based on this relationship, humans must interact with other human beings by communicating or in other ways. This is what causes social changes in the community. Social change is changing that occur in social institutions in a society that affect their social systems, including values, social attitudes, and behavior patterns among groups

in society.<sup>1</sup> Indonesia is a sovereign country and has laws in carrying out a regulation.<sup>2</sup> In communities in developing countries known as the Third World, like Indonesia, new technological developments are experiencing rapid development as a consequence of catching up to developed countries, such as countries in Europe and America. Efforts to catch up are done through modernization efforts.<sup>3</sup>

Dago Pojok is a village located in Coblong District, Bandung City. Dago Pojok is a location that has recently been in the spotlight as one of the icons of Bandung City because of the existence of the Dago Pojok Creative Village. This Creative Village has walls decorated with murals along the way. The mural was a painting made by local residents and beautified by one of the artists from the City of Bandung. In addition, the village located in the corner of the city has places in the cultural field that are followed by the surrounding community. This began when an artist or artist from the Taboo Commodity, Rahmat Jabaril suggested the concept of creating a creative village that was colored by art that had a community personality.

The life of the traditional Dago Corner community before the existence of the Creative Village was very backward, slum, and far from culture and education. With the concept of a Creative Village, children, adolescents, and even adults participate in building their creativity for the sake of the creative village concept. Participating in the community indirectly adds to the experience and thinking of the community, which is increasingly advanced, giving rise to the desire of the community to move forward and change in the modern direction.

## 2. METHOD

To obtain complete and accurate (valid and reliable) data, certain methods are needed.<sup>4</sup> The approach method used in this study is an empirical approach and a comparative approach to legal anthropology. In this study, researchers used two legal anthropological approaches, namely an empirical approach and a comparative approach. An empirical approach is an approach that directly sees culture in its society and will be more relevant to the reality that exists in both traditional society and modern society.

In the Comparative approach, the unification of elements of traditional society and modern society is an effort to preserve creative water based on the applicable law in the community, because the people in Kampung Dago Corner are: Labor (320 people), entrepreneurs (175 people), as civil servants (60 people), so the people in Kampung Dago Corner Bandung must carry out the rules of living in a community without leaving the customs in traditional communities. The research population is the cultural arts association and the Creative Village of Dago Corner Bandung. Kampung Dago Pojok has open spaces with settlements below 10,000, the population is still rare 163 heads of families. Although it has a creative village nickname in preserving its culture. Primary legal material (literature study, literature related to this research). Secondary legal material consists of the results of research, scientific journals relating

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<sup>1</sup>[https://id.wikipedia.org/wiki/Perubahan\\_sosial](https://id.wikipedia.org/wiki/Perubahan_sosial)

<sup>2</sup> Julianto Jover Jotam Kalalo, Chyntia Novita Kalalo. (2018). Legal Protection Against Health Workers in Taking First Aid Medical Measures. *Musamus Law Review*, **1**(1), pp. 40-52

<sup>3</sup> Muzaini. (2014). Perkembangan Teknologi dan Perilaku Menyimpang Dalam Masyarakat Modern. *Jurnal Pembangunan Pendidikan, Fondasi dan Aplikasi*, **2**(1). pp. 48-58

<sup>4</sup> Soerjono Soekanto. (1986). *Metode Penelitian Hukum*, Cetakan II, Jakarta, pp.88.

to the object under study, as well as applicable laws and regulations. The researcher obtained sources through the interview/interview to the respondents needed to explore the data in Kampung Dago Corner Bandung, both initiators of creative activities, actors of activities and the city of Bandung. The incoming research data will be analyzed using an analysis of legal anthropological approaches both empirical and comparative.

### **3. RESULTS AND DISCUSSION**

#### **3.1. Social Change**

Social change can be said as a change of social symptoms that exist in society, from the individual to the more complex. Social change can be seen in terms of disruption of continuity between social units even though the situation is relatively small. These changes include structures, functions, values, norms, institutions, and all aspects that result from interactions between people, organizations or communities, including changes in terms of culture.<sup>5</sup>

According to Gillin, the notion of social change is a variation of the ways of life that have been accepted, both because of changes in geographical conditions, material culture, the composition of the population, ideology and because of the diffusion or new discoveries in society. Samuel Koenig put forward the Definition of Social Change, Social Change is modifications that occur in the patterns of human life. These modifications occur because of internal factors (from within) and external factors (from outside).

William F. Ogburn argues that the scope of social changes includes elements of culture, both in the form of material and immaterial, where the emphasis is on the great influence of material cultural elements on immaterial elements. Social change has characteristics that illustrate that a particular society experiences changes that are progressing. Talking about the characteristic traits of social change is the traditional change towards modernization in social change in society. As stated by the legal anthropologist Sir Henry Maine, there are 2 main groups of human society. The first is a traditional society which has not progressed, and the second is a modern society, namely progressive society. So the opinion according to the researcher is very suitable to be applied in research that discusses traditional society and modern society in the approach of legal anthropology through the social change of traditional society towards modern society.

#### **3.2. Traditional Society**

The traditional term comes from the word tradition or traditum which means something that is passed on from the past to the present. Something that is forwarded can be in the form of objects, behavior patterns, value systems and norms, expectations and ideals in society. The tradition is formed through the mind, imagination, and actions of all members of society which are then inherited from generation to generation. The form of something that is passed on (tradition) is the object of material, belief system, customs or customs and so forth.

Based on the description above, it can be said that traditional society is a society that maintains, maintains, and maintains traditions, customs, value systems, norm

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<sup>5</sup> Bagja Waluya. (2007). *Sosiologi : Menyelami Fenomena Sosial di Masyarakat*. Penerbit PT. Setia Purna Inves: Bandung, pp. 2

systems, and even a cultural system inherited from its predecessor. Therefore, traditional societies are often identified with rural communities and their communities tend to be modest, namely those who are relatively protected from modernization.

Traditional communities are people who uphold their ancestors and uphold their customs. In general, traditional communities are people who have the view that carrying out the heritage of their ancestors in the form of life values, norms, hopes, ideals, is an obligation, need, and pride. Carrying out ancestral traditions means preserving the harmony of society, but otherwise violating tradition can damage the harmony of society.<sup>6</sup>

However, there are also traditional people who can open themselves to new discoveries and towards modern society. This is later related to social change. So as an example, traditional societies have different characteristics from modern society among them:<sup>7</sup>

- a) Less oriented to change
- b) The use of technology is still simple or less advanced
- c) The level of education is still low
- d) There is very little communication with outside communities.

The traditional term comes from the Latin word "traditum" which means something that is passed on or passed down from one generation to the next. Something inherited can be:

1. The value system can be a belief, belief, religion, idea or idea
2. The way of life (by Emile Durkheim is referred to as social facts, that is, ways of thinking, feeling and acting by binding citizens)
3. Technology
4. Social institutions or institutions

So in traditional society, generally cultural elements that bring socio-cultural changes that are easily accepted by local people in the form of equipment that is easy to use and has benefits, and elements of culture that are easily adapted to the conditions of the community that are accepted and perceived big. But in reality, it is not so that there are people who respond to different changes, in the negative sense with the view that each culture has its own distinctiveness or privilege in a culture so in its mind it will not replace its culture with other cultures or eliminate cultural heritage and ancestors. In Indonesia, in addition to national law, customary laws are still inherent in traditional communities so that we have to have to admit that there is a local court in handling these customary cases.<sup>8</sup>

### 3.3. Modern Society

Modern society is a society that has undergone a transformation of science and technology, namely a society that is able to adapt to the situation and conditions of its time or live according to the constellation of its era. because the conditions and situations of each society are different, modernization (the process towards modern society) between people is different from one another, for example, the modernization

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<sup>6</sup>Akhmad Solihin. (2015). *Pengertian dan Ciri-Ciri Masyarakat Tradisional*, accessed on February 2, 2016.

<sup>7</sup> Roger dan Shoemaker. (2015). *Pengaruh Perubahan Sosial Terhadap Keluarga* oleh Dr.Euis Sunarti.

<sup>8</sup> Erni Dwita Silambi, Marlyn Jane Alputila, Syahrudin. (2018). Customary Justice Model Inresolving Indigenous Conflicts In Merauke Regency, Papua. *MusamusLaw Review*,1(1), pp. 63-72.

of ex-colonies (newly independent) whose people are still poor, ignorant and underdeveloped will emphasize more on mastering technology and Science.

So modernization here can be interpreted as a process of change from the "traditional" lifestyle of society to "modern" especially related to technology and social organizations. Modernization theory is built on evolutionary assumptions and concepts that social change is a linear/progressive, progressive and gradual movement, which takes society from a primitive stage to a more advanced state.

The term modern comes from the word "mode" which means "the present" (just now) so that society is declared modern if its citizens live with a system of values, ways of thinking, feeling and acting, new technology and social organizations, which are in accordance with the times now. An example of a community is an urban society.

Wilbert Moore argues that the concept of modernization is a comprehensive transformation of traditional or premodern society into a society that has a style of technology and social organization related to what exists in developed and prosperous economically and is relatively stable in terms of politics.

While the opinion of Soerjono Soekanto modernization is a form of directed social change that is based on a plan which is usually called social planning.

Modernization is the process of being modern. So that modernization can be interpreted as a way of life that suits the current situation, or the current context. If the way of life of society as inherited by the ancestors or generations of its predecessor, the community is called traditional society. For this reason, pressure in modern society is technology and social organization. Because it becomes modern synonymous with the city, so the change from traditional to modern will be synonymous with a change from the situation of rural communities to urban communities.

In his book entitled Introduction to Anthropology, Harsojo, defines the term modern as an attitude of mind that has a tendency to put something new before something traditional. The impact of this modern view is that there is a revolutionary attitude because of the desire to leave and at the same time replace customs and traditions that are not in accordance with the values of rationality and replace them with science and technology.

The definition of modern society is a society that prioritizes rationality with science and technology as its manifestation rather than everything that is traditional, customs, and so on.

In other words, there are some traditional aspects that support the formation of modern humans. The nature of openness possessed by modern humans includes traditional values, in the sense that if traditional values are seen as rational and in harmony with science and technology, the traditional values will be accepted as a positive thing for people's lives.

For this reason, the effect of modernization is a shift in value, this can be seen from the changes that occur in society. When there is a new element that attracts the heart, the community will slowly but surely follow the values of cognitive, social interaction, values, institutions and ideology. Because long-held cultural values have become so easily released, because of the harshness of modernity, modernity should be interpreted as meeting a number of elements in the earth, for example, whether bad, high or low, up below.

Thus it can be concluded by researchers that modern humans require changes in human nature both in themselves / society and from outside themselves / society. The researcher describes that a society can be called a traditional society when living with a value system, ways of thinking, feeling and acting, technology and institutions

or social institutions that are inherited and passed down for generations in traditional societies, for example traditional communities are village communities, likewise, modern society is a process of change from the style of life of traditional people to modern ones, especially related to technology and social organizations.

The society is declared modern if its citizens live with a system of values, ways of thinking, feeling and acting, new technology and social organizations, which are in accordance with the current constellation. Examples of modern society are urban society.

As also the opinion expressed by Koentjaraningrat which states that modernization is an attempt to live in accordance with the times and the current constellation of the world. And in Ogburn's and Nimkoff's opinion, modernization must direct society to be able to project themselves into a real and not imaginary future.

For this reason, the researchers concluded that the existence of the Kampung Kreatif Dago Corner Bandung is one way to preserve traditional villages in a traditional society, because the village is a characteristic that there are traditional communities that will make changes towards modern society by having a symbol as a creative village can adjust the development of times in today's modern society.

### **3.4. Social Change of Traditional Communities towards Modern Society**

Social change can be seen that has occurred in society by comparing conditions in two or more different time frames. Identify that within the community there is a certain change in both traditional and modern, although it is slow to work:

- 1) There are no people who stop developing, every society must change, only those who are sooner or later.
- 2) Changes that occur in certain social institutions will be followed by changes in other institutions.
- 3) Rapid social change will result in social disorganization.
- 4) Social disorganization will be followed by reorganization through various adaptations and accommodations.
- 5) Changes cannot be limited only to material or spiritual fields, both of which will be related.

According to William F. Ogburn, argues that the scope of social changes including the elements of culture, both material and immaterial, which is emphasized is the great influence of the elements of material culture on the elements of immaterial. According to Samuel Koenig said that social change shows the modifications that occur in the patterns of human life.

According to JL.Gillin and JP. Gillin said social changes as a variation of the ways of life that have been accepted, either because of changes in geographical conditions, material culture, the composition of the population, ideology, or because of diffusion or new discoveries in society.

The community of Dago Pojok Creative Village Bandung experienced changes due to changes that were both internal and external. External factors include:

a. Influence of Culture Other communities:

The course of the influence of other people's cultures is as follows:

- 1) Diffusion (dissemination of cultural elements from other groups/groups in an intra-society diffusion society -, or from one community to another - diffusion between societies).

- 2) Acculturation (cultural contact), occurs when two or more groups with different cultures meet and interact intensively then between them occur mutually absorbing/borrowing cultural elements. Then the influence will flow from a society with a higher level of cultural progress, for example, influence modern life in the city and traditional life in the village.
  - 3) Assimilation (intermingling or cultural marriage) occurs when two / or more groups with different cultures interact intensively so that intermingling or fusion occurs between two or more groups forming a new group.
- b. War with other countries
  - c. Changes in the natural environment

Internal Factors:

- a. Changes in demographic aspects (increase or decrease in population)
- b. The conflict between groups in society
- c. The occurrence of social movements and/or rebellion (revolution)
- d. New discoveries (discovery, invention, innovation)

So it can be concluded that traditional communities (villages) turn into identical moderns into cities, with the variables proposed by Talcott Parsons having relationships based on feelings, actions, interactions, communication groups changing into special ones which are limited by the context of space and time. Even so according to the times, the people of Dago Pojok Bandung Creative Village have undergone a change from traditional society towards modern society.

For this reason, the researcher describes that social change is the process of developing social and cultural elements from time to time which results in significant differences in traditional (rural) and modern (urban) societies so that changes in modern society (cities) occur faster than traditional community (village). Thus, every human being in social life, both traditional society and modern society, will surely experience changes in both changes in values and social norms, patterns of organizational behavior, social institutions, layers of society, power and authority, social interactions between individuals to other individuals from a traditional society or modern society because the community is dynamic, so that the strong values and norms that can direct humans as traditional communities and modern society are needed to follow the social changes that occur rapidly adapted to the times in traditional social society and modern society with some progress that influences the behavior and patterns of behavior of the traditional community towards modern society.

In accordance with the times, Dago Pojok Bandung area experienced a social change in traditional society towards modernity, as the researchers explained that the traditional dago community in Bandung had experienced changes to modern society, can be seen from change and modern development. Houses in this area are seen as modern houses with permanent buildings made of brick and cement. But if viewed from the aspects of his social life, there are still strong remains of rural life (traditional society) although there are indeed prominent urban (modern society) characteristics that can be seen in the Dago Pojok Creative Village area, but more is a "continuum" or a shift between the two poles of rural character (traditional society) and urban character (modern society), encompassing physical and non-physical dimensions within the framework of value systems, religion, and activities related to the community economy by forming a creative village dago corner Bandung.

Thus it can be concluded that in the community social relations both desired and intentional with a specific purpose and is a change in the community which is the interests and needs of the people who follow the times. When associated with this research, the researcher can explain that generally traditional societies are collective, all activities are based on community interests, individual interests with group interests in the community, there is always a conflict between groups between the younger generation and the older generation in developing societies from the stage traditional towards modern. As can be seen in the research described by the researcher above.

So that in community conflicts/conflicts, young people who have not yet formed their personality are more likely to accept elements of foreign culture / western culture / modern culture or city / modern culture / big cities into traditional village/community communities, such conditions cause changes in the community, for example free association which violates customary norms, religious norms, moral violations, hedonic habits of city people / modern society, so that traditional values are increasingly displaced and replaced with modern values not only limited to formal and individual institutions in people's lives and bring implications for changes in socio-cultural societies that are accustomed to modern habits of behavior because they experience changes in traditional culture towards modern society, so that social changes in society can be seen from the development of technology as a means of changing cultural patterns in being traditional and modern society that brings modern culture in all aspects of the life of traditional communities often occurs when traditional societies change towards modern society.

As happened in the life of the creative village community dago corner of Bandung. Then there will be new symptoms in a society that is oriented towards progress towards technology, the purpose of innovation and changes in attitude in traditional societies, because traditional attitudes are based on experiences piled on tradition, on the contrary, modern society emphasizes material values, use time, openness to new experiences, individualism, so that the creative village of Dago Corner Bandung is described as a representation and integration of social change in traditional society towards modernity, which researchers can describe in their research through the development of creative dago corner villages as individual creative cities, as stated by Cooley as the following:

"Something that has an important meaning in social life is what is referred to as" subjective awareness "and this is an acknowledgment of the active and creative nature of the individual. Subjective awareness, individual feelings, sentiments, and ideas are factors that encourage people to take the initiative or end their actions towards others. "

For this reason, the researcher concludes that in the social change of traditional society towards modernization in legal anthropology we can analyze it in an empirical approach and comparative approach to legal anthropology as the researchers describe below. :

1) Empirical Approach

Traditional societies change towards modern society will have an effect on real life, because traditional societies have different characteristics than modern society. In legal Anthropology, as stated by Sir Henry Maine, which divides the two main groups of people, namely traditional and modern society, where in this case traditional societies tend not to like to change, even so, changes remain even though they are slow compared to modern society. In this case, traditional/ village communities whose customs have undergone changes due to cultural influences

from outside the village that have entered even though their customs are still firmly binding on people's lives.

Realities that occur in traditional and modern societies have an influence on the community concerned, where social facts result in people having to adjust to social changes that occur in the community both traditional and modern in their lives to achieve progress in various fields.

## 2) Comparative approach

Conflicts within the community must be resolved in accordance with the applicable legal regulations in traditional society and modern society. In traditional societies, it is said that if a conflict occurs in the community, it is resolved by the Customary Chair that is adjusted to the prevailing customary regulations.

In modern society, regulations to solve problems that occur in society use regulations that have been made by the state. Legal protection in protecting the preservation of creative villages and corners, the researchers described as follows:

Changes in society include social values, behavior patterns, organizations, social institutions, power and authority and social interaction in traditional societies changing towards modern society, related to the existence of increasingly advanced technology which will certainly influence social values, behavior patterns and social interaction in the lives of modern society.

For this reason, legal protection in traditional societies and in modern society will be able to protect their communities in avoiding irregularities in social change. So that a rule is needed to regulate the lives of traditional people and modern society in social change in the community concerning all changes in the social system, social values, attitudes, social interactions and behavioral patterns in traditional societies and modern communities that follow the times. As revealed by William F. Ogburn, emphasizing on technological conditions that influence and change patterns of interaction, the introduction of technology is not value-free tends to cause conflicts and therefore bring problems in society. This, can be seen from various deviant behaviors in modern society that need watch out so as not to threaten the lives of modern society, so that an urban community that is organized, orderly, comfortable, and hopes for a better future, as the embodiment of the creative village of Dago Corner Bandung that reflects its indigenous culture but follows the changes of traditional society towards modern society which reflects the adaptation between traditional culture and modern culture in community life in a creative village dago corner of Bandung.

## **4. CONCLUSION**

Communities always experience changes in both rapid changes and slow changes. Changes in society can occur from the forms of the social life of traditional communities and modern society. In the life of modern society, we can see the pattern of life and behavior of some people that appear to be different from the patterns of life and behavior commonly carried out by most traditional community members in general. Likewise, modern living conditions are prone to the emergence of deviant behaviors due to open information systems, individual freedoms, hedonic lifestyles, and traditional societies and modern society can understand social changes in society, the researchers use approaches in legal anthropology, namely the empirical approach

and a comparative approach in analyzing the creative village of dago Corner Bandung based on the study of legal anthropology.

The change of traditional society towards modern society should be addressed properly for the good of the nation's next generation in social life through norms, behavior that avoids social changes in society, both traditional and modern society and understands some approaches in legal anthropology. problems that occur in the social change of traditional society towards modern society well in accordance with the development of society and in accordance with applicable laws in the community, both traditional and modern society, as researchers have described in the above research.

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