



# Strengthening the Resilience of Coastal Communities through the Customary Law System: The Case of Wabula Customary Sea Governance

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**Abstract.** This study aims to examine how the customary law system, especially the governance of the Wabula customary sea based on the Buton Regent Regulation No. 13 of 2018, contributes to strengthening the resilience of coastal communities through sustainable management of marine resources. This study uses a qualitative case study approach involving field interviews, participant observations, document analysis, and literature review. The data were analyzed descriptively to explore the role of traditional institutions, such as Sarana Kadie Wabula, and the customary sanction system known as Kaombo in regulating the use of marine resources. These findings show that the Wabula community is effectively integrating customary law and local wisdom to impose seasonal prohibitions on the exploitation of marine resources, promoting ecological restoration. Legal recognition of customary governance enhances social legitimacy, community empowerment, conflict resolution, and sustainable conservation efforts. The Kaombo system fosters social cohesion and adapts to environmental changes and external pressures. In conclusion, customary law systems play an important role in increasing socio-ecological resilience in coastal areas. The implementation of Buton Regent Regulation No. 13 of 2018 not only guarantees the customary maritime rights of the Wabula people but also provides a valuable model for sustainable coastal governance based on local knowledge and legal traditions. The study offers practical insights for integrating customary governance within formal legal frameworks to support coastal resilience and sustainability.

**Keywords:** Customary Law System, Coastal Resilience, Local Wisdom, Marine Governance.

## 1 INTRODUCTION

Coastal areas are strategic spaces that have ecological, social, and economic functions that are very important for people's lives. Coastal communities generally depend directly on marine and coastal resources to meet their livelihoods, making them the most vulnerable group to various pressures, both natural such as climate change, sea level rise, and coastal disasters, as well as non-natural pressures such as resource exploitation, conflicts of interest, and weak coastal governance. In this context, coastal community resilience is a crucial issue that needs to be studied multidimensionally [1].

The resilience of coastal communities is determined not only by physical and economic factors, but also by the social and legal systems that govern people's relations with their environment. One of the systems that has long played a role in the management of coastal and marine resources in Indonesia is customary law. Indigenous law communities have local knowledge, values, and traditional rules that govern the sustainable use and protection of natural resources [2]. Constitutionally, the existence of customary law communities and their traditional rights has been recognized, but in practice this recognition has not been fully implemented effectively in state policies and laws [3].

Indonesia's coastal communities are in a very strategic and vulnerable position in the context of national development and natural resource governance. Geographically, Indonesia has more than 17,000 islands with a coastline length of about 108,000 km, making it the largest archipelago in the world. However, the objective condition of coastal communities actually shows serious structural inequalities. Data from the Central Statistics Agency note that the poverty rate of coastal communities is consistently higher than the national average. In 2022, the percentage of poor people in coastal areas reached around 12.36%, while the national average was in the range of 9.54%. This fact reflects that coastal communities are still in a socio-economically vulnerable condition, despite living in areas rich in marine resources [4].

Customary law plays an important role in maintaining the balance of coastal ecosystems through various local regulatory mechanisms, such as prohibitions on fishing in certain areas, restrictions on fishing gear, and timing of the use of marine resources. These practices have been proven to be able to maintain the sustainability of resources and at the same time strengthen the socio-ecological resilience of coastal communities. However, weak integration between customary law and state law often leads to the marginalization of the role of indigenous peoples in decision-making in coastal area management decisions.

From a legal perspective, the integration between customary law and state law is a form of legal pluralism, which allows various legal systems to coexist and complement each other. This approach is particularly relevant in the context of coastal land management and disaster mitigation, as customary law has strong flexibility and social legitimacy at the local level. Without adequate recognition and integration, state policies have the potential to be ineffective and even cause conflicts with local communities [5].

In addition to the legal aspect, the resilience of coastal communities is also closely related to the adaptive capacity of the community in dealing with environmental changes. Adaptive capacity includes the ability of local communities and institutions to learn, organize, and collaborate with various actors, including the government. Research shows that resilience will increase if coastal communities have strong institutions, access to resources, and space for participation in decision-making [6].

These vulnerabilities cannot be separated from the issue of marine resource governance which is often not on the side of local communities and the customary laws that live in them. In many cases, coastal and marine management policies tend to be oriented towards modern administrative and economic approaches, such as large-scale fisheries business licenses, top-down conservation areas, and coastal tourism development, without considering customary law systems that have long governed the sustainable use of marine space [7]. The absence of strong legal recognition of maritime customary rights often results in coastal indigenous peoples losing access to their own managed territories, ultimately weakening the social and economic resilience of these communities.

Empirically, conflicts in the management of marine resources in Indonesia continue to increase. Records from the Ministry of Maritime Affairs and Fisheries indicate hundreds of fisheries conflicts each year, mostly related to overlapping fishing areas between traditional fishers and large-scale fishers or corporations. These conflicts generally occur in areas that have long been customarily managed by customary law communities, but do not have formal recognition in the national legal system. From a legal perspective, this condition shows that there is a gap between state law and customary law as living law that is still not effectively integrated.

In the context of the Wabula customary law community in Buton Regency, Southeast Sulawesi, the practice of customary marine governance is a tangible form of the local legal system that regulates access, utilization, and protection of marine resources in a communal manner. Wabula's customary sea area is known as a marine customary space which is regulated through customary norms, fishing bans in certain zones, restrictions on fishing gear, and customary sanctions for violators. This system serves not only as a legal mechanism, but also as an instrument of socio-ecological resilience that maintains the sustainability of marine resources and the social solidarity of the community. Nevertheless, Wabula's customary law practice faces serious challenges due to weak formal recognition, especially when dealing with local government investment interests and sectoral policies [8].

Previous research has shown that customary law systems have a significant contribution to supporting the sustainable management of marine resources. Studies on customary marine tenure in the Asia-Pacific region show that recognition of customary-based marine ownership and management systems can reduce the level of overexploitation and conflicts between resource users. In Indonesia, practices such as sea sisi in Maluku and awig-awig in Lombok have been proven effective in maintaining fishery resource stocks and increasing community compliance with management rules. These findings reinforce the argument that customary law is not an outdated system, but rather an adaptive and contextual regulatory mechanism.

Statistical data also show an increasing ecological pressure on coastal areas. National data indicate that more than 30% of Indonesia's coral reefs are in a state of damage, mainly due to unsustainable fishing activities and degradation of the coastal environment. In addition, around 42 million Indonesians live in coastal areas and small

islands that are vulnerable to the impacts of climate change, such as abrasion, tidal floods, and sea level rise. This condition emphasizes that the resilience of coastal communities does not only depend on economic factors, but also on the strength of local legal systems that are able to regulate human relations with the marine environment in a sustainable manner [9].

From a legal perspective, the weak recognition of coastal customary law communities is still a fundamental problem. Although the Constitutional Court through Decision No. 35/PUU-X/2012 has affirmed the recognition of customary forests, the recognition of customary sea areas does not yet have equal legal certainty [10]. This leaves customary marine areas such as Wabula vulnerable to takeover by external interests without adequate legal protection mechanisms. As a result, indigenous peoples have lost control over the resources that have been the basis of their lives and social identities.

The urgency of this research is even stronger when it is associated with the need for national legal development that is responsive to legal pluralism. The integration of customary law into the national legal system is not only a matter of normative recognition, but also related to social justice and environmental sustainability. This research is important to show that the Wabula sea customary law system has the capacity as a legal instrument that is able to strengthen the resilience of coastal communities, both in the face of economic pressures, resource conflicts, and the impact of climate change [11].

Various case studies show that customary law can be an effective instrument in strengthening the resilience of coastal communities. On Tomia Island, Wakatobi, for example, the Kawati customary law community applies customary rules in the conservation of Ole fish through a ban on fishing in spawning areas and regulating fishing gear. This practice has been proven to maintain the sustainability of the marine ecosystem while improving the welfare of the community. Similar cases are also found in Ghana's coastal communities, where customary law plays an important role in small-scale fisheries governance through the principles of deliberation, collective oversight, and sustainable management norms, although it still faces the challenge of integration with formal legal systems.

However, the challenge in strengthening the resilience of coastal communities is still quite large. Policy discontinuity, weak inter-institutional coordination, and lack of involvement of local communities in coastal planning and management are the main obstacles. Therefore, a more coherent and inclusive policy is needed, which not only focuses on a technocratic approach, but also recognizes and integrates indigenous knowledge and law as part of coastal development and risk mitigation strategies.

## 2 METHOD

This study uses socio-legal research methods with qualitative and quantitative approaches in a complementary manner to analyze the role of customary law systems in strengthening the resilience of coastal communities through a case study of Wabula customary marine governance in Buton Regency. The socio-legal approach was chosen because this research not only examines law as a written norm, but also as a social practice that lives and is carried out by the community, especially in the context of maritime customary law that develops dynamically in the lives of coastal communities [12].

Qualitatively, this study examines primary legal materials in the form of relevant laws and regulations, including Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands and its amendments, regional regulations that regulate the recognition of customary law communities and customary sea territories, as well as court decisions related to the recognition of indigenous peoples' rights [13]. In addition, this research also uses secondary legal materials in the form of reputable national and international scientific journals, legal textbooks, and the results of previous research that discuss customary law, marine resource management, and coastal community resilience.

Empirical qualitative data were obtained through in-depth interviews with indigenous leaders, local fishermen, and village or regional government officials who are directly involved in the management of the Wabula customary sea, as well as through observation of customary marine governance practices and social sanction mechanisms that apply in the community [14].

To strengthen the legal analysis and avoid normative bias, this study also utilizes quantitative data sourced from the Central Statistics Agency, especially data on the poverty level of coastal communities, the number of small fishing households, the level of economic dependence of communities on the fisheries sector, as well as data on the vulnerability of coastal areas to climate change and environmental degradation. The quantitative data are used concretely to describe the objective conditions of coastal communities in Wabula and similar areas, for example by

comparing the percentage of coastal poor with the national average, as well as by examining trends in socio-economic vulnerability over a certain period of time [15].

Data analysis was carried out in a descriptive-analytical manner by integrating normative and empirical findings. Legal data were analyzed through a systematic and contextual interpretive approach to assess the position of marine customary law in the national legal system, while qualitative field data were analyzed thematically to identify customary marine management patterns and their relationship with the social, economic, and ecological resilience of communities [16]. Quantitative data were analyzed through comparison and trend analysis to strengthen legal arguments regarding the urgency of recognizing and reinforcing customary marine law systems. This approach allows the research to provide a comprehensive picture of how Wabula customary sea law functions as a living legal instrument and as a mechanism for strengthening coastal community resilience in the face of development pressures and environmental change [1].

### 3 RESULT AND DISCUSSION

#### 3.1 The Influence of Customary Law on the Survival of Wabula Coastal Communities

The resilience of coastal communities is the result of complex interactions between social, ecological, and institutional systems that have historically developed within a region. In Wabula District, Buton Regency, the resilience of coastal communities cannot be separated from the role of customary law as the foundation of coastal and marine resource governance. Customary law in this region lives in the form of local norms that regulate the use of marine resources, social relations, and collective decision-making mechanisms, which empirically contribute to the adaptation strategies and resilience of coastal communities.

This adaptive approach is closely linked to conservation practices, coastal zone management, and mangrove governance, all of which aim to maintain ecological functions while sustaining community livelihoods. Environmental sustainability is therefore inseparable from the socio-economic sustainability of coastal communities. At the same time, customary law influences daily community practices derived from local wisdom and traditional beliefs passed down across generations. Local wisdom acts as a social control mechanism that aligns community behavior with environmental carrying capacity, while traditional beliefs strengthen compliance with customary norms.

These cultural dimensions foster social solidarity, collective responsibility, and the capacity to endure crises and environmental change. Beyond the cultural sphere, customary law also influences governance structures by shaping interactions between local legal systems and formal state law. In this context, customary norms inform government policy either through formal recognition or through the incorporation of local practices into regulatory frameworks. This interaction reflects a condition of legal pluralism, where customary law and state law coexist and jointly shape coastal governance.

Overall, coastal community resilience emerges from the integration of customary law, environmental management, community practices, and governance. These elements reinforce one another, with customary law serving as the binding force that unites cultural values, ecological practices, and formal policies into an adaptive and locally rooted resilience system.

The results of the analysis indicate that customary law practices in Wabula align closely with international findings on sustainable coastal resource management. Coastal communities in Wabula apply spatial and temporal restrictions on marine resource use based on customary agreements. Field survey data show that approximately 78 percent of traditional fishers comply with customary rules regarding fishing zones and gear types, despite the absence of formal written regulations. This level of compliance contributes to resource sustainability, reduces overexploitation, and strengthens the economic resilience of fishing households.

Customary law in Wabula also functions as a community-based governance mechanism that reinforces social cohesion and adaptive capacity [1]. Questionnaire data indicate that more than 65 percent of respondents rely on customary forums for resolving conflicts over coastal space, rather than formal village government mechanisms. This demonstrates the strong social legitimacy of customary law within the local context.

Nevertheless, challenges remain in integrating customary law with the formal legal system. Although customary law continues to function effectively at the community level, only around 32 percent of customary rules are reflected in village or sub-district policies. This limitation reduces the ability of customary institutions to respond to external pressures such as coastal economic expansion and sectoral policy shifts.

In relation to climate change adaptation and coastal risk management, customary law plays an important role in shaping local adaptation strategies based on experiential knowledge. These strategies include adjusting fishing seasons, selecting safe boat mooring locations, and strengthening social solidarity during coastal disasters. Research data show that around 71 percent of coastal households in Wabula adjust their livelihoods seasonally in response to extreme weather by combining fishing and non-fishing activities.

However, the effectiveness of these customary-based adaptation strategies remains constrained by weak formal institutional support. Interview results indicate that more than 60 percent of indigenous stakeholders have not been systematically involved in coastal development planning, limiting the potential of customary law as a risk mitigation instrument.

Overall, the analysis confirms that customary law has a substantial influence on coastal community resilience in Wabula District through sustainable resource management, social cohesion, and adaptive capacity [17]. Without stronger integration into formal governance systems, however, this role remains vulnerable. Strengthening coastal resilience in Wabula therefore requires a collaborative governance approach that recognizes customary law as an integral component of coastal legal and policy frameworks.

### **3.2 Customary Governance Model in Maintaining Coastal Resources in Indigenous Peoples**

The customary governance model for coastal resource protection is rooted in the historical and cultural relationship between indigenous peoples and coastal areas as living spaces. Within this framework, the sea and coast are not viewed merely as economic assets, but as integral components of social, spiritual, and ecological systems. Customary governance adopts a holistic approach that integrates rules of resource use, moral values, and social mechanisms to maintain balance between ecosystem sustainability and community welfare.

Normatively, customary governance in Indonesia is grounded in constitutional recognition of indigenous law communities. However, this recognition remains largely declarative and has not been fully translated into operational coastal and marine management policies. As a result, a gap persists between formal legal recognition and the practical functioning of customary governance at the local level. Similar patterns are observed internationally, where inadequate recognition of customary coastal rights has exacerbated the negative impacts of extractive and development-oriented coastal policies.

The first pathway emphasizes integrated management, which requires cross-sectoral and cross-regional coordination to address land–sea interactions as a single ecosystem. This approach is essential in responding to climate change impacts such as sea-level rise and coastal ecosystem degradation. The second pathway focuses on sustainability practices, which operationalize ecological and socio-economic balance through climate adaptation and biodiversity conservation, ensuring the continuity of coastal livelihoods [7].

The third pathway highlights community participation as a central element of governance. Local participation enhances policy legitimacy and ensures that management strategies reflect local needs and knowledge. This participation is strengthened through participatory and reflective approaches that position communities not merely as policy objects, but as active agents and knowledge producers. The fourth pathway underscores the importance of traditional knowledge systems, particularly customary-based water and coastal governance practices that have been socially and ecologically tested over time. These systems are closely linked to the revitalization of indigenous authority and identity in coastal management.

Together, these pathways demonstrate that effective and sustainable coastal governance can only be achieved through the integration of integrated management, sustainability practices, community participation, and traditional knowledge. Such integration produces governance systems that are adaptive to environmental change and socially just by placing indigenous communities at the center of coastal management [15].

Empirical experiences support the effectiveness of customary governance models. In Maluku, long-standing customary marine tenure systems regulate access, zoning, and timing of coastal resource use and have successfully prevented overexploitation. Similar patterns are observed in Bali and Lombok, where indigenous villages manage coastal spaces through zoning arrangements and community-based tourism partnerships. These cases demonstrate the adaptive capacity of customary governance in responding to modern economic dynamics while maintaining sustainability.

International experiences further illustrate this point. In Australia, indigenous peoples play a central role in marine protected area planning through collaborative governance arrangements that formally recognize indigenous authority. In Canada, indigenous principles such as reciprocity, collective responsibility, and communal ownership align closely with socio-ecological resilience in fisheries management.

Despite these successes, customary governance continues to face challenges under state-dominated conservation regimes. When customary systems are not substantively recognized, conservation policies risk undermining indigenous livelihoods and social structures. Conversely, experiences from island states show that legal reforms allowing space for customary processes can bridge customary law and state law constructively.

Overall, the effectiveness of customary governance depends heavily on the extent to which formal legal systems provide space for recognition, protection, and collaboration. Comparative studies demonstrate that revitalizing customary governance requires recognizing indigenous peoples as rights-bearing subjects with real authority, supported by decentralization and local capacity building.

Based on this analysis, several policy implications emerge. First, legal recognition of customary coastal territories must be operational rather than merely normative. Second, coastal governance should adopt collaborative models that position indigenous peoples as primary managers, with the state acting as facilitator and guarantor of rights. Third, integration of customary governance into coastal policy must be accompanied by institutional capacity strengthening, including financial support, technical assistance, and meaningful access to decision-making. Finally, future research should develop quantitative indicators of customary-based coastal resilience to measure the concrete contributions of customary law to ecosystem sustainability and community welfare.

#### 4 CONCLUSION

The Wabula maritime customary law system plays an important role in strengthening the resilience of coastal communities through sustainable management of marine resources, strengthening social cohesion, and increasing the adaptive capacity of communities to environmental and socio-economic pressures. Customary governance practices carried out by the Wabula community, including the regulation of space and time for sea use and customary sanction mechanisms, have proven to be effective in maintaining ecosystem sustainability and fishermen's livelihood stability. However, the effectiveness of customary law still faces limitations due to weak integration with the formal legal system and the lack of operational recognition in coastal management policies. Based on these findings, this study recommends strengthening legal recognition of coastal customary territories and institutions through sectoral policies that give real authority to indigenous peoples in coastal governance. Local governments need to develop collaborative governance models that systematically involve customary institutions in planning and decision-making, as well as support the strengthening of customary institutional capacity through funding, technical assistance, and the development of customary-based coastal resilience indicators. This effort is important to ensure that customary law is not only recognized normatively, but functions effectively as a legal and policy instrument in strengthening the resilience and sustainability of coastal communities.

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