

## ENFORCEMENT OF CUSTOMARY LAW AND NATIONAL LAW IN THE BADUY AND CITOREK INDIGENOUS COMMUNITIES

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### ABSTRACT

The purpose of this writing is to provide an explanation of the Baduy and Citorek customs, each of which has many unique cultural values and local wisdom in Indonesia. The Baduy people live in the interior of Banten, and the Sundanese people live in the mountains of Garut. Further study on the characteristics and benefits of each tradition. The Baduy customs are known for their principles of simple living and environmental conservation, while Citorek is famous for its terraced farming that is still practiced to this day. Although they come from various places, they share traditions and noble values that have been passed down from generation to generation. The study of Baduy and Citorek customs offers many lessons about Indonesia's cultural diversity and the importance of preserving heritage for future generations. By learning more about the characteristics of Baduy and Citorek, we can also see how the local community preserves their culture despite the advancing world. This shows that preserving original traditions and culture is very important in facing challenges in the modern era. Local wisdom, which is an important part of the identity of the Indonesian nation, can also be appreciated and absorbed by us. As a result, cultural wisdom such as the Baduy and Citorek customs must continue to be encouraged and supported so that future generations can enjoy their values and the richness of their traditions. A better understanding of local culture helps us appreciate the importance of preserving diversity as part of a rich and varied national identity. Indonesian culture has the ability to evolve and become a valuable heritage for future generations.

**Keywords:** *Baduy Indigenous Community, Citorek Community, Customary Law*

### INTRODUCTION

Baduy is a community located in the Banten region of Indonesia. They are known for their strong and deeply ingrained traditional way of life. Citorek, on the other hand, is a village within the Baduy area, also known for its highly conservative traditional lifestyle. Both communities have unique and fascinating cultures worth studying. The Baduy and Citorek people adhere to beliefs and customs that have been preserved and passed down through generations (Chairuman, 2024). They live simply and uphold ancestral values that have been handed down from generation to generation. The lives of the Baduy and Citorek communities stand in stark contrast to the modernization taking place around them, drawing the attention of researchers and tourists eager to gain a deeper understanding of traditional Indonesian culture.

The Baduy and Citorek communities are also known for their exceptional craftsmanship, producing beautiful and highly artistic handmade items. They use natural materials and traditional techniques passed down from generation to generation. In

addition, both communities are famous for their traditional music and dances, which reflect their daily lives and spiritual beliefs (Miharja, 2022). Visitors can witness sacred dance performances and mesmerizing traditional music, as well as purchase various handicrafts such as unique bamboo weavings and wood carvings. Moreover, tourists can learn more about the daily lives of the Citorek and Cikawung communities through various workshops organized by the local community. This experience not only offers new insights but also allows for a deeper appreciation of Indonesia's rich and vibrant cultural diversity.

Furthermore, visitors can taste a variety of delicious traditional Sundanese dishes such as nasi timbel, pepes ikan, and sate maranggi. These traditional foods not only delight the palate but also offer tourists a chance to savor the unique flavors of Sundanese cuisine. Visitors can interact directly with the local community when visiting Citorek and Cikawung, allowing them to understand the cultural values and local wisdom of the people. This opportunity not only enriches their knowledge but also strengthens the bond between tourists and the local community, creating unforgettable experiences for both sides. The diversity of culinary offerings in the region provides a distinct experience for tourists, with a wide array of local dishes to enjoy. Additionally, these culinary activities serve as a way to promote local tourism and support the economy of the community. As a result, culinary tourism in Citorek and Cikawung not only pleases the palate but also has a positive impact on tourism development and the welfare of the local community.

## LITERATURE REVIEW

### Previous Studies

Previous studies related to the Baduy and Citorek Indigenous communities have extensively discussed environmental sustainability, customary law, and interactions with national law. Some of the key studies include:

1. Anwar (2016), Traditional Knowledge, Social Capital, and Indigenous Knowledge in Traditional Life (Case Study of the Sociological Descriptive Study of the Baduy Tribe)

This study focuses on how local wisdom and traditional knowledge of the Baduy Indigenous community play a vital role in maintaining the balance between humans and nature. Anwar provides an in-depth analysis of the close relationship between humans and ecosystems through local wisdom passed down from generation to generation. The researcher highlights how these traditions function as a strong social capital in addressing modernization challenges, serving as a valuable example of sustainable practices for global communities.

2. Mardha (2014), IPHPS Communal: Land Needs for Ngahuma Agriculture of the Baduy Community. This study examines the agricultural land needs of the Baduy community, particularly related to their traditional farming system known as *ngahuma*. Mardha explains how customary law-based land management is key to maintaining the availability of agricultural land and environmental conservation in the Baduy region. Using a customary law framework, the study explores the role of

adat (customary laws) in regulating sustainable land use and protecting Indigenous communities from the impacts of modernization and urban expansion.

3. Levi, Putri, & Tsania (2013), *Indigenous Peoples as the Inheritors of Customary Communal Rights*. Levi, Putri, and Tsania examine the importance of recognizing the communal traditional rights held by Indigenous communities such as the Baduy, within the context of national law. The study highlights how Indigenous land and natural resource rights are often neglected or clash with national law. Levi and their team analyze several cases where customary law conflicts with national regulations and how this affects the Baduy community in preserving their traditions and managing their natural resources.
4. Dwisvimiar (2022), *Communal Intellectual Property Concept of Traditional Cultural Expressions of Seren Taun in Kasepuhan Cisungsang, Lebak Regency*. Dwisvimiar explores the traditional cultural expressions of the Seren Taun ceremony in Kasepuhan Cisungsang. This research highlights the customary law aspects and protection of communal intellectual property related to traditional cultural expressions. Focusing on efforts to protect customary rights through national and international legal regulations, this study offers an important perspective on how customary law can be used as a protective mechanism in the era of globalization, while also preserving local wisdom.
5. Aim & Bunyamin (2023), *A Study of Law Enforcement in Indonesia to Create Peace in Indonesia's Multicultural Context in the 21st Century*. Aim and Bunyamin's study highlights the role of law enforcement in maintaining peace in multicultural Indonesia, including Indigenous areas like Baduy and Citorek. They discuss how customary law can coexist with national law to create social harmony in a diverse society. This study also analyzes how inclusive and fair law enforcement can help prevent conflicts between Indigenous communities and the central government.

## **RESEARCH METHODS**

This study uses qualitative methods with an ethnographic approach to understand the dynamics of customary and national law enforcement in the Baduy and Citorek Indigenous communities. Data were collected through participatory observation, in-depth interviews with traditional leaders and community members, and analysis of related documents such as regional regulations and laws applicable in these areas.

1. **Participatory Observation:** The researcher directly engaged in the lives of the Indigenous communities, both in Baduy and Citorek, to understand how customary law is applied in daily life. This observation also aimed to identify the differences between the implementation of customary law and national law in managing natural resources and resolving disputes.
2. **In-depth Interviews:** Interviews were conducted with traditional leaders, community members, and government officials involved in law enforcement in Indigenous areas. These interviews aimed to explore their understanding of the

role of customary law in protecting the rights of the community and how national law supports or limits customary practices.

3. Document Study: Legal documents, such as laws related to Indigenous communities, regional government policies, and environmental conservation regulations, were analyzed to understand the legal framework in place and how it affects law enforcement in the Baduy and Citorek regions.

The data collected from these methods were analyzed using a descriptive-analytical approach, in which the researcher attempts to understand how customary law and national law can coexist or conflict in Indigenous areas. This analysis aims to provide insights into efforts toward harmonious and sustainable law enforcement within Indigenous communities.

## **RESULTS AND DISCUSSION**

### **National Law in the Baduy and Citorek Indigenous Communities**

In the Baduy and Citorek Indigenous communities, national law plays an important role in ensuring the continuity of the Baduy people's way of life. Despite having a strong customary law system, the Baduy people must also adhere to the national laws of Indonesia. This ensures that the activities carried out by the Baduy community remain in compliance with existing regulations, preventing conflicts with the central government or other related parties. Additionally, national law provides protection and guarantees for the rights of the Baduy people in preserving their culture and traditions. Law enforcement in the Baduy and Citorek Indigenous communities plays a central role in preserving the continuity of the Indigenous people's way of life and the conservation of their culture and environment. The interaction between national and customary law has created a legal framework that allows Indigenous communities to maintain their traditions while adhering to state regulations.

In an interview with Mr. Raden, the Chief of the Baduy Indigenous Community, it was observed that although customary law is highly respected, the Baduy people still strive to comply with national law with the hope that there will be respect for their customs. Mr. Raden stated, "We follow national law, but we request that our customs be respected." This underscores the importance of an inclusive approach to law enforcement in Indigenous areas, where the government and Indigenous communities must work together to achieve a balance between local traditions and national interests.

As expressed by Levi et al. (2013), the collaboration between customary and national law allows the Baduy Indigenous community to continue protecting their cultural heritage without disregarding the laws of Indonesia. However, according to the researcher's perspective, achieving this harmony is not always easy. In many cases, conflicts arise when development projects supported by national law clash with customary principles, such as land management and environmental conservation. From an academic perspective, this suggests that national law should be more flexible and adaptive to local

values, so that development processes do not undermine Indigenous traditions and the environment, which are central to the community's way of life.

Similar views emerged from an interview with Mr. Muhajir, a traditional leader from Citorek, who emphasized the importance of customary law in the management of terraced farming. He stated that customary law plays a role in maintaining the fertility of the land and the sustainability of natural resources in Citorek. "Our customary law regulates how the land should be managed so that it remains fertile and can continue to be used by future generations," he said. According to the researcher's view, this demonstrates that customary law, in the context of natural resource management, is often more sustainable than modern exploitative approaches. Therefore, it is important for the government to recognize and promote the role of customary law in maintaining ecosystem balance in Indigenous areas.

The researcher believes that the government plays a crucial role in creating policies that support the rights of Indigenous communities. The government must actively engage in supporting effective dialogue and collaboration between Indigenous communities and law enforcement agencies. According to Dwisvimiar (2022), good collaboration between law enforcement officers and Indigenous communities is necessary to ensure that the laws implemented reflect not only national regulations but also respect local values. This approach is further emphasized by Mr. Raden, who stated that dialogue between the Indigenous community and the government is often less than optimal, resulting in decisions that sometimes harm the Indigenous community. In this context, the researcher stresses the need for a more in-depth consultation process, where Indigenous communities are involved from the early stages of policy planning, especially those related to natural resource management and infrastructure development.

Additionally, the researcher's perspective on the importance of intensified education and outreach related to the protection of Indigenous rights is highly relevant. According to Thontowi (2015), the government must increase efforts to raise public awareness and support for the protection of Indigenous rights. This aligns with the interview with Mr. Muhajir, who emphasized the importance of involving Indigenous communities in decision-making processes. "We always strive to discuss matters to ensure that decisions do not disrupt the balance of nature and our customs," he explained. The researcher supports this view, arguing that the greater the involvement of Indigenous communities in decision-making processes, the less likely conflicts will arise between customary and national law. Active participation of Indigenous communities in policymaking is key to creating inclusive and fair policies.

From an academic perspective, the researcher also highlights that consistent and fair law enforcement, as mentioned by Muhammad and Tiara (2024), will provide legal certainty for Indigenous communities in carrying out their daily lives. This legal certainty is not only related to land rights but also to the right to manage their natural resources according to customary principles. The researcher adds that in addition to providing legal protection, it is important to strengthen the capacity of Indigenous communities in

sustainable natural resource management. This capacity-building can be achieved through empowerment programs that not only improve the economic well-being of Indigenous communities but also ensure the sustainability of their ecosystems and local culture.

In this context, the researcher argues that collaboration between the government, Indigenous communities, and non-governmental organizations must continue to be strengthened. This collaboration will provide significant benefits for the preservation of culture and the environment in Indigenous areas, as highlighted by Satria (2024). Indonesia, with its cultural diversity, has great potential to serve as an example for other countries in balancing tradition and modernization. The researcher asserts that if this collaboration works well, the sustainability of culture and the environment in Indigenous areas like Baduy and Citorek can be preserved for future generations.

Overall, based on the researcher's perspective, law enforcement in the Baduy and Citorek Indigenous areas is not only important for protecting the rights of Indigenous communities but can also serve as a model for other regions in terms of cultural and environmental conservation. A well-managed combination of customary and national law will create harmony that supports the sustainability of Indigenous communities amid modernization. Therefore, this research makes a significant contribution to understanding how customary and national laws can work synergistically to create a sustainable and just life for Indigenous communities in Indonesia.

### **Challenges Faced by Law Enforcement in Enforcing Law in Traditional Communities**

The challenges faced by law enforcement in enforcing the law in traditional communities can be complex, given the differences between customary law systems and the positive laws that apply in general. This can lead to conflict and tension between Indigenous communities and law enforcement officers, thus requiring a wise and fair approach to law enforcement in traditional communities. Furthermore, a deep understanding of the cultural values and traditions of Indigenous communities is key to ensuring a fair and just legal process (Aim & Bunyamin, 2023). Therefore, efforts to create harmony between law enforcement officers and Indigenous communities should be continuously enhanced to ensure the survival and continuity of Indigenous traditions amidst ongoing changes. These efforts include:

1. Investigating the root causes of tensions between Indigenous communities and law enforcement agencies, as well as the importance of finding fair and appropriate approaches to law enforcement in traditional communities.
2. Analyzing the role of cultural values and traditions in shaping the legal process within Indigenous communities, highlighting the importance of understanding these aspects to ensure justice and fairness.
3. Discussing efforts to foster harmony between law enforcement officers and Indigenous communities, emphasizing the need for continuous improvements to maintain the continuity and sustainability of traditional practices amid modern changes.

4. Examining specific cases or examples where conflicts have arisen between Indigenous communities and legal authorities, illustrating the challenges faced in balancing traditional customs with modern legal systems.
5. Delving into initiatives or programs aimed at promoting collaboration and mutual respect between law enforcement and Indigenous groups, showcasing successful strategies in building positive relationships through community policing efforts.

In Indonesia, there are conflicts between Indigenous groups and mining companies that threaten their traditional land rights. This underscores the importance of finding solutions that respect local customs while still adhering to national law. For example, security force training programs that educate on the culture and traditions of Indigenous communities can help prevent conflicts that could harm both parties. However, if not implemented properly, such programs can exacerbate the relationship between law enforcement and Indigenous groups, as has occurred in some conflicts in Indonesia.

Therefore, it is important for the government and companies to involve Indigenous communities in the decision-making process related to the management of natural resources in their territories. This way, conflicts can be avoided, and the traditional rights of Indigenous communities can remain protected (Larasati, n.d.). Additionally, open and transparent dialogue between all parties must be maintained to ensure that issues are resolved wisely and fairly.

Collaborative efforts between government authorities and local leaders to ensure compliance with national and customary law can create a harmonious environment and minimize future conflict. Moreover, it is essential to involve Indigenous communities in the decision-making process related to land and natural resources, which are vital to their lives. This approach can create a balance between the state's interests and those of Indigenous communities, resulting in mutually beneficial cooperation for all parties. With good cooperation between the government and local leaders in implementing national and customary law, the potential for future conflict can be minimized (Eki, 2021). Involving Indigenous communities in decisions related to land and natural resources is also essential to creating a harmonious environment. Thus, a balance between the country's interests and Indigenous communities' needs can be achieved, fostering mutually beneficial cooperation for all.

Furthermore, involving Indigenous communities in decision-making can enhance their sense of ownership and responsibility for the surrounding environment. This will promote awareness of the importance of environmental preservation and the sustainability of natural resources for collective survival. Consequently, not only will mutually beneficial cooperation be achieved, but environmental sustainability will also be maintained for future generations. Therefore, it is crucial for the government and local leaders to continue communicating and working together with Indigenous communities in efforts to preserve harmony and environmental sustainability. Decision-making that involves Indigenous communities can also strengthen the relationship between the government and local communities. With the active involvement of Indigenous

communities in the decision-making process, mutual trust and respect will develop between both parties (Ulum, n.d.). This will reinforce existing relationships and have a positive impact on environmental protection for a better future. Hence, cooperation between the government, Indigenous communities, and local leaders becomes the key to ensuring environmental sustainability for future generations.

## **CONCLUSION**

From the explanation above, it can be concluded that the active involvement of Indigenous communities in the decision-making process regarding the environment is an essential step in ensuring environmental sustainability. Collaboration between the government, Indigenous communities, and local leaders is the key to creating harmonious relationships and bringing positive impacts for a better future. Therefore, joint efforts to preserve the environment must continue to be encouraged in order to provide benefits for future generations. The active involvement of Indigenous communities can also raise awareness about the importance of protecting the environment and strengthen the sustainability of natural resources. Furthermore, good cooperation between the government, Indigenous communities, and local leaders can reduce conflicts and create a conducive environment for sustainable development. Thus, collaboration in environmental preservation is not only crucial for the present but also for ensuring a better future for future generations.

Therefore, it is important for all parties to continue working together to conserve the environment and natural resources. By involving Indigenous communities and strengthening cooperation between various stakeholders, we can create a sustainable and healthy environment for future generations. Concrete steps such as optimizing natural resource management, supporting environmental initiatives, and strengthening regulations related to environmental protection must continue to be pursued for the survival of this planet. All parties must actively participate in safeguarding environmental sustainability for a better future for all. With strong cooperation between Indigenous communities and other stakeholders, we can achieve shared goals in preserving the environment and natural resources. Through efforts such as more efficient natural resource management, support for environmental initiatives, and stricter enforcement of regulations, we can create a sustainable environment for future generations. It is essential for all parties to take an active role in protecting environmental sustainability for a better future for all living beings on this Earth.

In the context of the Baduy and Citorek Indigenous regions, law enforcement is crucial to ensure the sustainability of the environment and natural resources. With recommendations to strengthen law enforcement in these areas, it is expected to provide better protection for the environment and the Indigenous communities living there. Efforts such as increasing forest patrols, monitoring illegal activities, and imposing strict sanctions on environmental violators can be the initial steps in preserving the Baduy and Citorek Indigenous areas. In this way, the sustainability of the environment and the

livelihood of the Indigenous communities in these regions can be ensured for future generations. Through these steps, it is hoped that the existence of forests and the traditional way of life in the Baduy and Citorek Indigenous areas can be preserved. Additionally, stricter law enforcement is expected to reduce negative environmental impacts and provide better protection for the Indigenous communities. As a result, future generations will be able to continue enjoying the preservation of nature and the traditional way of life in these regions.

Furthermore, the active participation of all parties, including both the government and the community, is also crucial in maintaining the sustainability of the environment and the livelihood of Indigenous communities in these areas. Good collaboration among all parties can ensure that efforts to preserve the environment and local culture can continue successfully. With strong awareness and commitment, it is hoped that the Baduy and Citorek Indigenous regions can remain examples of success in maintaining harmony between humans and nature. Moreover, education and outreach on the importance of environmental and cultural preservation must continue to be enhanced so that the community can better understand and support the conservation efforts being undertaken.

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