

## THE DILEMMA OF THE BADUY LEGAL COMMUNITY FACING THE CHALLENGE OF TRADITIONAL VALUES AMIDST OF LEGAL AND GLOBALIZATION

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### ABSTRACT

*The Baduy Indigenous Community is reluctant to accept external influences, including technology and knowledge, which has led them to live in isolation from the advancements of time and modernization due to their customary norms that prohibit members from interacting with technology, including the internet. This research aims to understand the dilemma faced by the Baduy Indigenous Community in preserving their traditional values amid the dynamics of law and globalization. The method employed is qualitative descriptive research. Data collection is conducted through observation, documentation, and interviews with the Baduy community and local residents. The research findings indicate that, in facing the dynamics of law and global trends, the Outer Baduy community undergoes transformation and has adapted to communication technology and gradually accepted global influences. In contrast, the Inner Baduy tribe remains committed to tradition as the inheritors of their Indigenous Culture, thus rejecting change and globalization. However, they face challenges due to the growth of the tribe's members that is not proportionate to their arable land. Concerns about environmental changes and the impact of globalization have entrapped them in a dilemma. Therefore, it is important to recognize that culture is inherently dynamic and evolving.*

**KEYWORDS** Society, Law, Custom, Baduy, Globalization



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### INTRODUCTION

Indonesia is a country rich in cultural diversity due to its inhabitants consist of individuals and groups from various backgrounds with distinct cultural identities. Indonesia boasts over 1,128 cultural groups spread across its numerous islands, from Sabang to Merauke (Widiastuti, 2013).

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The vast array of cultures in Indonesia serves as a significant resource, but it also presents challenges in the modern era, particularly concerning the dwindling preservation of local cultures within society. The fear stemming from the degradation of a sense of national pride could potentially trigger social disintegration. Actually, the multitude of cultures in Indonesia constitutes a heritage that fosters strong pride and serves as the foundation for building a multicultural Indonesia, given the country's rich cultural tapestry.

Culture is a set of symbolic systems and meanings organized within a framework of understanding through which individuals make sense of their world, express their emotions, and form judgments. It is a pattern of meaning conveyed through history and expressed in symbolic forms via communication, devotion, and the acquisition of knowledge by individuals (Tasmuji et al., 2011). As culture comprises symbolic systems, it requires interpretation, translation, and understanding. Indonesia, being a country composed of numerous islands with cultural diversity, richness, ethnic groups, religions, races, local languages, and other elements, generally exhibits unique cultural characteristics in each region (Ngulwiyah et al., 2022).

Despite the plethora of cultures in Indonesia, some have been eroded over time, influenced by modern technology and global culture. Nevertheless, there are still societal groups committed to preserving their cultures and resisting outside influences. Some tribes rigorously uphold the traditions of their ancestors, including their belief systems and inherited customs, such as the Baduy tribe.

The Baduy tribe serves as an example of an ethnic group unaffected by modern culture, remaining steadfast in their adherence to traditional tribal norms and rejecting new cultural elements. The Baduy are Sundanese indigenous people residing in the Lebak Regency, Lauwidamar District, Kanekes Village, Banten Province. According to Perda No. 32 of 2001 concerning the Protection of the Customary Rights of the Baduy Community, the total area of Baduy territory is 5,101.85 hectares.

Though not isolated, the Baduy deliberately distance themselves from the outside world, eschewing modernization and maintaining their ancestral heritage and teachings, which emphasize the importance of preserving the balance and harmony of the universe. Their daily lifestyle reflects principles of simplicity, moderate pursuit of worldly needs, and adherence to traditional guidelines and norms filled with profound wisdom (Permana, 2012). Customary practices, culture, and traditions deeply color the life of the Baduy community.

The Baduy community consists of two groups, such as the Baduy dalam and the Baduy luar. The main differences lie in aspects of clothing color and culture. The Baduy luar live in areas where they have begun to integrate with external culture, characterized by wearing black or dark blue clothing and blue headbands or Baduy batik motifs. On the other hand, the Baduy Dalam continue to maintain their culture without adopting or adapting to external influences, as reflected in the black or white clothing and white headbands they wear. The significant difference between the cultures of the Baduy dalam and Baduy luar lies in the level of

adaptation. The character ingrained in the Inner Baduy community is the result of heritage passed down through culture and continued by their ancestors. Conversely, the Baduy luar have the ability to adapt to the demands of the times.

The number of villages within the Baduy tribe in 2019 was 58, divided into 3 villages in Baduy Dalam and 55 villages in Baduy Luar. Villages within the Baduy Dalam territory are located to the south of Outer Baduy, stretching to the east, west, and north. The distance between these villages ranges from one to five kilometers, with footpaths following the contours of the hills. The boundary between Baduy Dalam and Luar in the north is marked by the Ciujung River, while in the west, there are Mount Pasir Angin and Kiara Lawang. This territorial boundary has been agreed upon by the Baduy community, especially regarding land use for agriculture. The Baduy community is divided into two major groups, namely the Baduy dalam and the Baduy luar. Baduy Dalam has an area of 1,975 hectares with a population of around 1,083 people scattered in three villages, while Baduy Luar has an area of 3,127 hectares with a population of around 10,089 people, or about 2,667 families.

The Baduy tribe is a community that aims to preserve the purity of their culture without being influenced by external cultures, enabling them to maintain traditions that have become an integral part of their role in society. Their lives are governed by extremely traditional customary norms and are far from modernity. Even though they appear to restrict the potential for development and improvement in the standard of living of the Baduy community, these customary norms are unwavering principles and guidelines for the Baduy people. The tradition serves as the basis for their survival amidst globalization and modernization, putting them in a dilemma.

The Baduy community is reluctant to accept outer influences, including in terms of technology and knowledge. This attitude has led the Baduy to lead an isolated life from the developments of the times and modernization, aiming to maintain the balance of nature and prevent unwanted disasters. On the other hand, customary norms prohibit members of the community from interacting with technology, including the internet.

Given this background, the author is interested in discussing it in a scientific work entitled "The Dilemma of the Baduy Customary Law Community: Facing the Challenges of Tradition Values Amidst Legal and Globalization." Research problems

The problem statement in this study, as described in the background, is

1. How do the Baduy customary law communities respond to the dynamics of law and globalization?
2. What is the concept of the Baduy customary law community in dealing with the dilemma between customary law and globalization?

This study aims to:

1. Determine how the Baduy customary law communities respond to the dynamics of law and globalization.
2. Determine the concept of the Baduy customary law community in dealing with the dilemma between customary law and globalization.

## **RESEARCH METHOD**

The approach in this study is descriptive-qualitative, with data collection conducted through observation, interviews, and literature studies. The collected data is analyzed using a qualitative approach through a series of steps, such as data collection, reduction, data presentation, and drawing conclusions or verification. Interviews are conducted with Baduy Luar's residents and local communities to better understand their lives, especially in maintaining the cultural values and traditions of the Baduy tribe.

## **RESULT AND DISCUSSION**

### **Baduy customary law community responds to the dynamics of law and globalization**

The Baduy customary law community responds to the dynamics of law and globalization. Geographically, Baduy's region is located between 6°27' and 6°30' North Latitude (NL) and 108°3' and 106°45' East Longitude (EL). Administratively, Baduy's region is part of Kanekes Village, Leuwidamar District, Lebak Regency, and Banten Province. Baduy community settlements are generally located along the Cijung River in the Kendeng-South Banten mountains. Its location is approximately 172 KM west of the capital Jakarta, 65 KM south of the capital of Banten Province, 38 KM south of Lebak Regency, and 17 KM south of Leuwidamar District (Bahrudin & Zurohman, 2021). The Baduy Dalam tribe, residing in Kanekes Village, lives separately from other tribes. In their daily interactions, they communicate using the Sundanese language, especially the Bantenese dialect. Nevertheless, some "Baduy Luar" groups are capable of speaking Indonesian when interacting with outsiders.

The Baduy Dalam tribe represents the Baduy community as an indigenous cultural heritage and the guardians of their ancestors' traditions. They demonstrate strong adherence to customs and traditions, as well as a commitment to preserving their culture and distancing themselves from external influences deemed detrimental. The Baduy Dalam is limited to three villages: Cibeo, Cikartawana, and Cikeusik.

Based on the above, the author will first explain its relevance to legal dynamics. Dynamics refer to movement, where in the context of social science, dynamics refer to continuous movement within society, resulting in changes in relevant societal patterns of life. Thus, cultural dynamics depict the ongoing transformation of cultural elements within a society. Culture is an intangible concept, as it involves all forms of human thought products that inevitably have meaning or value.

Culture consists of the entire system of ideas, actions, and works originating from humans in the context of community life that are accepted as belonging to individuals through the learning process. This definition of culture indicates that almost all human activities can be considered part of "culture" because only a few human activities in social life do not require acculturation through education. Culture is not innate but acquired through learning from the environment, including the natural and social environment. On the other hand, culture acts as a bridge between humans and the environment (Bahrudin & Zurohman, 2021).

However, speaking of the dynamics of the Baduy Customary Law tribe, essentially the Baduy community is reluctant to undergo changes due to the customary norms that bind them, although many are eager to adopt lifestyles from other regions. For example, they desire access to electricity facilities, and in response, the Baduy community begins to use solar-powered lights. Technological use also occurs, including the use of cell phones, and some of them even own vehicles placed outside the Baduy area. The changing cultural dynamics among the Baduy tribe members provide evidence that, despite being bound by customary traditions, they have an urge to change and enjoy the conveniences of life. Moreover, according to theory, culture has a dynamic nature; thus, it is a fact that human culture will continue to evolve and undergo changes.

Advancements in technology and communication are inevitable aspects of life as science progresses. The impact of technological advancements is significant and supports daily human activities. The same phenomenon occurs in the Baduy tribe community, where the use of modern technology is considered a violation of traditional rules that are not allowed. Previously, the Baduy community lived simply without using modern tools for farming, cooking, or lighting. However, nowadays, some of them have adopted communication technology such as cell phones, radios, and solar-powered lighting. Although the use of cell phones was previously prohibited according to tradition, these rules are beginning to relax as they are deemed useful in situations such as contacting family or midwives during medical emergencies.

The advancement of communication technology also affects the culture and customary norms that have long been guiding the actions of the Baduy tribe. When communication technology devices are introduced in the Baduy tribe's area, more individuals violate customary rules or even weaken customary norms. Especially with the development of increasingly sophisticated communication technology, the opportunity to easily adopt modern elements increases.

This global influence has a significant impact on human life, especially for the Baduy Luar community, which is now beginning to experience and emulate modern culture. Essentially, this global influence is slowly being openly accepted by the Baduy community and applied to their daily routines. In this context, the Baduy community has easier access to information, communication, and interaction with new cultural elements, including elements of modern culture. Therefore, this process of cultural interaction slowly but surely leads to a shift from traditional culture towards a new culture, which can manifest as cultural acculturation or assimilation.

Government policies become factors influencing the dynamics of law within the Baduy community, which essentially tend to uphold traditional elements and reject foreign cultural elements. An example can be seen in the field of health, where Baduy tribe healing traditions tend to use traditional medicines. Although in recent years the government has started sending midwives and introducing programs such as family planning (KB) and integrated health services (Posyandu), some people still choose to use traditional medicine. Nevertheless, the main obstacle is that midwives are not allowed to reside in the Baduy area, so medical

services become limited when assistance is needed, such as during childbirth. This shows that cultural changes occur continuously because culture is dynamic.

**The concept of the Baduy customary law community in dealing with the dilemma between customary law and the tide of globalization.**

The Baduy Dalam is a part of the Baduy community's way of life that reflects the original cultural heritage and the mandate of their ancestors. They demonstrate a high level of obedience and communal awareness by upholding their customs and traditions and rejecting negative foreign cultural influences. The evidence supporting this assumption is the designation of the Baduy Dalam area, which is limited to three villages: Cibeo, Cikartawana, and Cikeusik, with strict legal boundaries that bind all aspects of life within them, including territorial boundaries and cubic volumes under the authority of these three villages.

Then, the Baduy Luar is a part of the Baduy community that plays a special role as a bridge to the outside world, acting as protectors, guardians, and filters. They participate in national activities to show that they are part of the same tribe and have rights and obligations equal to other Indonesian citizens (Law et al., 2021). The Baduy tribe strongly adheres to PIKUKUH KARUHUN, a doctrine that regulates various aspects of life as a mandate from their ancestors. Ngahuma, or the practice of cultivating rice, is one of the pillars of the Baduy tribe's Wiwitan tradition and therefore must be carried out by all Baduy indigenous people without exception in all conditions.

Ngahuma becomes a customary obligation that must be consistently performed, even until the end of life. Despite the fact that the Baduy area has many residents, which can lead to the shrinking availability of land, even though only a few ngahuma activities must still be carried out and cannot be neglected, even until the end of time, according to the customary law, it is mandatory, coercive, and must be done as part of the Wiwitan customary order. Based on that customary law, it is mandatory for all members of the Baduy tribe to ngahuma, which means planting rice in the fields.

On the other hand, the challenge they face is that the land they own remains unchanged in size, but the population continues to increase. This forces them to change their farming system. In the past, they used to practice shifting cultivation by moving locations every few years and giving at least 5 years for the land to recover before they returned to cultivate it. However, in the current situation, because the land is becoming more limited, the time gap between moving farming locations has been reduced to just one year, and in some areas, agricultural land is worked on continuously.

The impact of these changes is a decrease in soil fertility, resulting in low harvest yields. In fact, there have been crop failures in recent years. As a result, their rice needs are not met, so in recent years, they have been forced to buy rice from outside or receive rice assistance from the government, such as the rice for the poor (raskin) program.

Currently, the Baduy tribe is facing a dilemma where the number of tribe members is increasing but their agricultural land remains the same. Although they have the responsibility to cultivate rice fields (ngahuma), the question is whether

this customary law will continue to be obeyed without change, or will it slowly be modified or even violated? According to experts, when a law or customary norm is no longer in line with the needs of society, there is a possibility that the law will be ignored or changed. The same thing happens with the Baduy tribe, where the obligation of ngahuma pushes the Outer Baduy community to buy land outside their customary land.

Unlike the Baduy Dalam community in the past, where one family could cultivate 1 hectare of land, now 4 to 6 families have to share the Inner Baduy customary land. The impact is significant and saddening due to the decreasing harvest yields and frequent crop failures due to the decreasing soil fertility. Nevertheless, their customary law remains firm and does not allow Baduy Dalam residents to farm outside their customary land.

Farming (ngahuma) becomes the main responsibility bound to each family, especially in the Inner Baduy community, particularly in Cibeo Village, which has allocated 4 hectares of empowerment land around Kadujangkung due to the situation and needs.

Efforts to seek alternative livelihoods to increase income are also limited, including the prohibition of open trading in their settlement areas. These conflicts and tensions raise serious concerns about their future, unless there are solutions from the government and changes in attitude from the Baduy community itself. The name "Baduy Dalam," which previously reflected food self-sufficiency and "prosperous Baduy" through their customary choices, is no longer suitable for the current situation.

Actually, this dilemma situation has begun to emerge since 2015. The customary leaders began actively negotiating the need for additional land to meet their needs. These discussions were held at various events, both related to Baduy conservation and involving government agencies. At the SEBA GEDE event on May 28, 2017, at the Multatuli Pendopo, Lebak Regency, representatives from Jaro Saija and Tanggungan openly and clearly proposed an official request to the local and central government for the addition of 1000 hectares of land to their customary land area. Based on the above analysis, there are several aspects that need to be considered in the main analysis related to the dilemma faced by the Baduy tribe, especially in the context of the NGAHUMA OBLIGATION IN THE BADUY TRIBE:

1. The demand for fertile agricultural land is increasing along with the growth of the population and families.
2. The availability of vacant land outside customary land is increasingly difficult to find, especially within customary land that cannot be expanded.
3. The narrower land used for cultivation means limited harvest yields.
4. The shorter fallow period (bera) of the land results in decreased fertility.
5. Costs for cultivating agricultural land (HUMA) increase while income decreases due to declining soil fertility and a lack of land, coupled with unpredictable weather factors.
6. The need for food increases while income decreases due to population growth, and there is a prohibition on trading for Baduy Dalam residents.

The fear of natural changes and the development of the times has a massive impact on the Baduy tribe, which shoves them into a dilemma situation. The situation feels like an insurmountable one, where progress and decline both afflict them.

The main factor in basic life needs, especially food, is increasing, but it is increasingly difficult to fulfill due to greater competition. At the same time, the land that can produce agricultural products in the customary land area is getting narrower and experiencing a decline in fertility. On the other hand, the firmness, limitations, and inflexibility of customary law also contribute to the dilemmas and problems faced by them. Coupled with the influences of modernization and globalization through advances in communication technology that are escalating and penetrating their territory.

The complexity of the issues of life and existence they face has brought them into a difficult situation to make decisions. Against their will, they were eventually forced to engage in the dynamic process of cultural mixing and the adoption of globalization. Even though they realize that change will happen slowly but surely, it will still damage their social structure and cultural heritage. Unconsciously, step by step, their customary law principles are gradually being displaced by positive law and the influence of globalization (Misno et al., 2021).

According to the author's analysis, we understand that the number of needs for land continues to escalate in line with the growth of population and family. Hence, one way to answer the dilemma of the Baduy customary law community in facing the dilemma between customary law and globalization is that the government must immediately provide additional land for the Baduy customary law community so they can still maintain their lives and preserve their culture.

### **Conclusion**

Based on the analysis of the issues in this study, it is concluded that, facing the dynamics of law and the tide of globalization, the Baduy community has undergone significant changes. That transformation is more evident in the Baduy Luar community, which has become accustomed to communication technology and gradually accepts global influences in their daily routines. That affects the ease of access to information, communication, and interaction with new cultural elements, including elements of modern culture. However, the Baduy Dalam tribe remains committed to tradition as the heirs of the original culture and rejects changes in norms and social structures because culture and tradition still form the core of Baduy community life. Although the community is reluctant to adopt changes due to binding customary norms, the attitude is reflected in the behavior of the Baduy Dalam community, which strictly adheres to PIKUKUH KARUHUN, a principle that obliges them to perform hereditary duties, including the obligation to farm. Otherwise, they face challenges of customary law and global impacts due to the growth of tribe members that is disproportionate to the fixed agricultural land. They feel the need for additional land to meet their needs. Concerns about environmental changes and the passage of time also trap them in a difficult dilemma. As a recommendation that can be given, it is hoped the Baduy community will remain steadfast in preserving local culture that has a positive impact on community relations with the environment. However, it is important for them to also accept the



fact that culture is inherently dynamic and evolving. Hence, in reality, they need to make decisions to adopt external cultural elements that are considered beneficial or support the improvement of the quality of life for the community.

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