

Legal Empowerment in Baduy Migrant, Lebak-Banten

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Abstract— Baduy Migrants / mualaff, including Dangka Baduy, no longer follow Sunda Wiwitan teaching's. They must leave the Inner Baduy / Outer Baduy, and marginalized due to loss of place to live and access to natural resources in Kanekes Village. Currently there are new settlements in Bojongmenteng Village, Lembah Barokah Village, there are 50 units of house from waqaf with 40 family residents under YASMUI and 40 units of houses at Landeuh Villages, large mosque and 37 families who have deepening monotheism & Shari'a Islam by a team from at-Taubah 60 Foundation that try to make that place to be a religious tourist destination. This article is an outcome of community service. They are still pursuing jobs in the agricultural sector, and require skills in processing crops, services, culinary, and tour guides. The introduction of the field of Environmental Law given that Landeuh Village was established on a hillside with potential landslide potential, while the Tourism Law material aimed at supporting the vision of Kampung Landeuh as a religious tourism and micro business opportunity. A special, simple, innocent and shy approach to personal remembering is needed so as to provide a set of cooking utensils collectively to start a micro business.

Keywords: *Baduy Migrant/ mualaf, legal empowerment*

I. INTRODUCTION

Technological advancements have blurred the relation between human and nature. Nature used to fulfill human needs and human used to depend their life on the nature itself. In this era, the role of nature seems to be forgotten, basic human needs such as food and medicine can be easily obtained with current technology. Technology not only changed the way

human lives but also how humans interact with each other. Local civilization can be easily infused by foreign culture therefore changing and sometimes demolish those civilization. The communication and interaction between humans happen with the purpose to fulfill their needs, including psychological, spiritual and material needs. As the time passed, certain civilizations have transformed and became a developing or even developed civilization whilst the others chose to live in a sustainable and modest civilizations.

The Baduy is a Sundanese community that live in the Ulayat land area of 5.108 hectare in a secluded society that still adhere to their customary law in West Java. The Baduy belief in *dasasila* that rules the way they live. These rules including the prohibition to kill, steal, lie, drunk, polygamy, eat after sunset, use perfume, sleep tightly, entertain with dance, music or song and use jewelry. Senoaji [1] The Baduy are usually called *Urang Rawayan* or *Urang Kanekes* by the local people. The Baduy believes in *Sunda Wiwitan* even though their villages are surrounded with other villages that most residences are moslem. For decades they live side by side in peace without any conflict.

In 1970, a new community that populated by *Baduy Luar* immigrant that lived in Kanekes Village, mainly Cihandam and Cibengkung sub village was formed. [1] They are called *Orang Dangka* or *Dangka People*. Now the Baduy Luar community are scattered in 63 villages. This immigrant usually moved because they have violated the customary law such as divorced in the *Baduy Dalam*. Another violation will cause severe punishment, such as Baduy people that no longer belief in Sunda Wiwitan will be expelled from both *Baduy Luar* and *Baduy*

Dalam. Sometimes these people form a Moslem community and build their own village.[2]

The relation and interaction that have been formed have changed their perception, effect their mindset, value and culture. In 2009, Baduy Luar were already populated by 2.667 families or 10.089 resident while Baduy Dalam were populated in the area of 1.975 ha with 281 families or 1.083 resident. Baduy Dalam residence in 3 villages, Cibeo, Cikeusik and Ciketawarna. [2]. Baduy Dalam resident will keep growing and causing *Urang Penamping* to migrate. This migration can already be seen in the number of villages growth in the last decades. Creative and new ways of living will be needed for them to survive.

As Kanekes Village's resident, *Urang Tangtu* and *Penamping's*, their access to natural resources are protected by the governer. In 19 August 1968, the governer of West Java issued a "*Surat Keputusan Gubernur Kepala daerah Tingkat I Jawa Barat No:203/B.V/Pem/SK/1968 Penetapan Status Hutan 'Larangan' Desa Kanekes Daerah Baduy Sebagai Hutan Lindung Mutlak dalam Kawasan Hak Ulayat Adat Provinsi Jawa Barat*" a decree about the determination of banned forest in Kanekes Village, Baduy Area as protected forest in Ulayat Right Area, West Java. In April 1986, the governer issued another decree, "*Surat Keputusan Gubernur Kepala Daerah Tingkat I Jawa Barat No:140/Kep.526-Pemdes/1986*". All these decree and are supported by government with the issued of "*Peraturan Daerah Kabupaten Lebak No. 13 Tahun 1990 tentang Pembinaan dan Pengembangan Lembaga Adat Masyarakat Baduy di Kabupaten Daerah Tingkat II Lebak*", *Government Ragulation Number 32 of 2001 concerning the protection of the ulayat rights of the Baduy community.* and *Sheets of Lebak District Number 65 of 2001 Series C.*

With all the protection and privileges given by the government especially on natural resources to the Baduy, this arose several questions. These questions include, will the Baduy that have been expelled or Baduy migrant have the same right towards natural resources especially in the Baduy Luar area and the legal empowerment of the Baduy migran.

II. LEGAL EMPOWERMENT IN BADUY MIGRANT

A. *Baduy Migrant Profile*

Baduy Migrant/Mualaf village is an endowment by the generous FMMB that create at-Taubah 60 Foundation. This foundation is fostering Landeuh Village. In the 2 ha area, they have built 40 housing. Spiritual Foundation also fostering Ukhuwah Islamiyah (YASMUI) that have built 50 housings in Lembah Barokah village.

These two villages use different fostering method. Landeuh village emphasize Moslem's value such as Shari'a and Tauhid and also education. While in Lembah Barokah village, they emphasize the assurance of land's right. Each land and building that used are individual endowment and shown in the house's wall. This village are located in Bojong Menteng, Leuwidamar sub-district, Lebak district, Banten.

The majority of Bojongmenteng resident work as farmers and carpenters in the land owned by Tangerang / Jakarta resident. The customary law that applies to Kanekes resident firmly forbid the modernization. In Baduy Dalam, there are no electricity, pavement and another modern facility. The resident lives simply and sustainably with the ascetic value. In facing this progingessing global era, they act as a survivor.[3]

The interaction between Baduy and other civilization has become more intense caused by the tourism industry that makes Baduy as a tourist destination. This interaction slowly changes the mindset, attitude and the social life of the Baduy. Marriage between the Baduy and non- Baduy and convert religion are some examples of how the tourism industry has affected the Baduy. Social changes that happen also come with serious consequences on their fellowship as the Baduy and the right for natural resources.

In the former times, Moslem used to form their own villages in Cihandam and Cibengkung.[2] The Moslem Baduy population has increased significantly but this growth were not followed by the economic condition. By this reason, people are forming Mualaf Baduy village that give them residence so they can survive.

B. Legal Aspect

The other consequences from this technology development can be seen in the changes of the ancestor value that affect their culture. For this reason, empowerment is needed to avoid the negative impact from globalization.[2 Basic principles that stated in Article 18B (2) UUD 1945 firmly stated the country acknowledge and honor unity in customary law based on their customary right and corresponding with the development of society and the principles of NKRI as stated in the Constitution. In Article 28I (3) UUD 1945, stated the cultural identity and the right of traditional society is honored with harmony in the civilization’s development.

Another related laws are Agrarian Regulation and Forestry Regulation. In the Orde Baru era, the government was supporting the investor and overlook traditional society. But in that era, the Baduy were protected by law and regulation from the government.

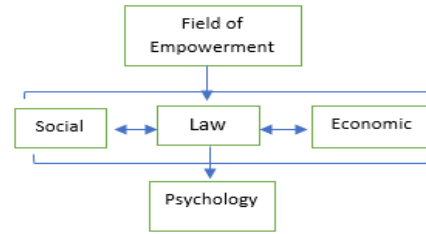
Unfortunately, in the last decades, there was legal harassment that happened. The situation and reality of the law are very alarming [4] Legal sovereignty in Indonesia is getting worse because the culture is not used as the foundation for national law [4] The countries are not developing properly. The legal system, politic, and economy that have been built don’t have the cultural value.[4]

As the general bearer of traditional culture, the Baduy found their identity by placing themselves in the proper and precise side of society [5]. On the other hand, a modernization that influences them have rationalized their economic understanding based on the calculation of profit and loss that does not provide a place for normative orientations and the rationality of individualist human egoism with a comparative measure of weak strength. [5]

Sunda Wiwitan as the Baduy’s religion is the core of their ethnical identity. As long as their land is enough to provide they will always maintain their identity. [6]. With this viewpoint, it is safe to conclude for someone to be considered as a Baduy is not based on their religion only, but also their identity.

In Cikakal Girang village that located in Baduy Ulayat Land, the resident are no longer believed in Sunda Wiwitan but have converted to Moslem. This

village has changed through religion and education.[7]



C. Field Of Empowerment

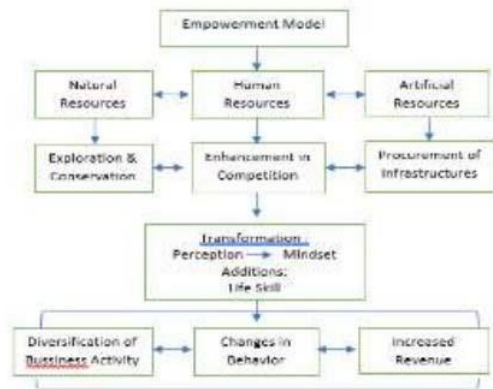
The empowerment that will be applied to Baduy migran should focus on human resources, teaching them the ability to use and utilize natural resources. To empower human resources, it is necessary to explore the human and natural resources surrounding them. Baduy migran in Landeuh village and Lembah Barokah have the obligation to conserve natural resources so the use is sustainable. By increasing the quality of human resources, artificial resources can be developed independently. If the development will need a large fund, this will be at-Taubah 60 Foundation or YASMUI Foundation.

The increased quality of human resources will make a change in the insight and mindset of society. The skill will be compatible with each individual potential. With this step, there is hope to see changes in Baduy migran society especially in the economic condition. Microbusiness that existed expected to grow to Macro sized business. The step can be seen in his diagram:

For the empowering field can be divided into social, law, economy and psychology. In the law field, national law and Islamic law can be taught. Islamic law covers the relationship between human and each other also human with God. This empowerment should affect mutually to another field.

Based on UNDP, *Commission on Legal Empowerment of The Poor* the empowerment included :

- i. Access to justice and rules
- ii. Rights to ownership and legal resources
- iii. Labor rights
- iv. Entrepreneurship; micro, small and medium business



III. STAGE OF LEGAL EMPOWERMENT

For all the facts and reasons stated, in March-June 2019, the law empowerment has been given to Landeuh Village. This education was focused on the environment and tourist law to increase their capacity. New knowledge and skills have been taught so they can contribute positively when managing natural resources. Managing tourist destination potential, agriculture and plantation, local foods, culture and ancestor heritage are some studies that were taught. With the diverse field, each individual can contribute and take part in managing their own society based on their skills.

The vision of making Baduy's Muslim Village (Kampung Mualaf Baduy) as a religious tourism destination is a brilliant idea considering that the world / tourism industry is not much influenced by fluctuations in currency exchange rates so that the relatively potential *income* to be acquired is safe and more measurable compared to the manufacturing sector which is heavily influenced by fluctuations currency exchange rates and various obstacles that surround the world of manufacturing.

However, in order for a religious tourist destination to have great appeal for both local and foreign tourists, there must be a specific things whether it's from nature, resources, and food natural conditions, facilities, culinary, cultural customs, and infrastructure as well as the safety and comfort of

visitors, all of that does not only aim to give satisfaction to local and international travelers. More importantly, the offerings provided by managers, the community, and the relevant government are able to foster loyalty to *customers* in this case local or international travelers or tourists to come back together with their family, friends and their best friends.

The knowledge of entrepreneurship is very important, meaning that in business practices often occur with each other run over and over each other because in carrying out the business, the factor that always faces is uncertainty. Therefore the residents of Landeuh Village who intend to run micro and small business activities must be brave enough to take *risk*- based based on intuition, *judgment*, authority, *experience* and insight [8] Where business actors can provide comfort to *stakeholders* (*customers*) and are able to exercise control over every factor that influences their business [8].

If this can be realized, the results achieved will be like snowball rolling which will increasingly grow and make a positive impact on a sustainable basis for the people of Landeuh Village and Bojongmenteng Village in particular as well as residents of the Lebak district in general. Such as the formation of new jobs, the maintenance of the distribution of goods and services around the location of the Landeuh and surrounding villages until the formation of a life atmosphere that can give meaning to all parties because the main motive for the construction of Landeuh Village is based on noble spiritual motives.

Landeuh Village residents belong to a group of people who live in a simple and shy way so special approaches are needed to foster mutual trust between those who intend to provide assistance with them, for example praying in congregation, eating together (*ngariung*), creativity games for children with just provide souvenir and gifts, help with work tools, educational scholarships, as well as training / workshop training, skills upgrading, micro-business work, and also religious- based arts performances, etc.

The relationship between humans and the environment, among others, humans get the elements needed in their lives from the environment. The higher the human culture, the more diverse the necessities of

life, the greater the need for human life taken from the environment, the greater the human's attention to the environment. The attention and influence of humans on the environment is increasing along with technological advancements. The environment in Indonesia includes land, water and air in the territory of the Republic of Indonesia which functions as an environmental medium and is where we live, life and breathe.

Healthy environmental media will give birth to a healthy and dynamic generation of Indonesian people (now and future generations). To maintain that all elements of the environment can run in a balanced manner then make a set of rules that govern human behavior about what should be done or not to the Environment. The aim is that the creation of a harmonious relationship between man and the environment, the controlled use of natural resources wisely, the realization of Indonesian people as Trustees of the environment, the implementation of sustainable development for the benefit of present and future generations.

Presented to the residents of Kampung Landeuh, Muslims are people who have a certain which stands on a foundation that is based on religious guidance and is based on Islamic morals.[9] The specialty of converts is based on what is stated in Surah Ali Imran (3): 195, namely:

"So their Lord allowed their prayers: Verily I did not waste the deeds of those who charity between them, both men and women because some of you become part of the others. And those who emigrated and were driven out of their homes, and they will certainly have them in heaven, which rivers flow beneath them as a reward beside Allah. And Allah on his side is a good reward."

The promise of entering paradise for converts as confirmed in QS Ali Imran (3): 195 above is a consolation and good news for them as

converts considering that since the two-sentence creed pledges many things can happen, such as breaking up with relatives, nuclear families, losing employment, as well as assets because Baduy people are communal in their control of natural resources and do not recognize private property rights. So that the various difficulties faced are treated by God's

promise as their God. Various things that need to be lived and planted in the heart include:

1. QS Ar-Rad (13): 11
 "...Indeed, Allah will not change the condition of a people until they change what is in themselves."
2. QS An-Nisa (4): 126
 "...And to Allah belongs whatever is in the heavens and whatever is on the earth."
3. QS Al-Baqarah (2): 255
 "...To Him belongs whatever is in the heavens and whatever is on the earth."
4. QS Al-Ahzab (33): 35
 "Indeed, the Muslim men and Muslim women, the believing men and believing women, the obedient men and obedient women, the truthful men and truthful women, the patient men and patient women, the humble men and humble women, the charitable men and charitable women, the fasting men and fasting women, the men who guard their private parts and the women who do so, and the men who remember Allah often and the women who do so - for them Allah has prepared forgiveness and a great reward."
5. QS An-Nahl (16): 97
 "Whoever does righteousness, whether male or female, while he is a believer - We will surely cause him to live a good life, and We will surely give them their reward [in the Hereafter] according to the best of what they used to do."
6. QS Al-Mujadillah (58): 11
 "Allah will raise those who have believed among you and those who were given knowledge, by degrees. And Allah is Acquainted with what you do."
7. QS An-Nissa (4): 29
 "O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent. And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful."

In addition to understanding and deepening the teachings of Islamic religion, the team also provided legal awareness in the tourism sector, focusing on the development of the tourism, fisheries, and mining sectors, in order to achieve legal support in the form of efforts to develop community legal awareness and civil apparatus. country. Changes in legal culture are increasingly farther from the roots of national culture, formerly known as a civilized nation, polite, friendly, and humble, now known to a nation full of anger, radicals and fundamentalists and justifies any means to achieve goals, to lose teak self.

In order to minimize such obstacles and obstacles, stability in all fields is needed to achieve conformity of elements in culture and society so that the interests of citizens are fulfilled. The provisions of the important provisions regarding tourism which are regulated through Law No. 10 of 2009 concerning Tourism mandates that tourism must uphold religious norms and cultural values (Article 5 Paragraph A), uphold Human Rights and adhere to the world tourism code of ethics and international world agreements (Article 5 Paragraphs B and G), and guarantee protection the law of every Tourist (Article 20 Paragraph B).

The management of Yayasan at-Taubah

60 needs to strengthen cooperation with various parties to build synergies so that the achievement of the Vision of Kampung Landeuh is accelerated as a tourism religion. Therefore, it is necessary to establish cooperation with various campuses to conduct research and community service activities there. According to Edmond Chand, the law must be a consumer perspective which means that the law must [10] Paying attention to the human target

- a. Touching the needs of the whole person (physical, psychological and belonging)
- b. Fulfilling the demands of the people's needs in general and
- c. responding to cases "individually

Regarding this, intellectuals can be avoided from becoming *La Trahison Des Clercs (The Betrayal of the Intellectuals)*, said Julien Benda, who defended oppressive social structures / ruling elites by betraying or prostituting their intellectuals. And it only acts as a formulator thinker and defender defender of the rule of law that strengthens economic dependence, or

experiences enlightenment so as to be able to utilize the law for the poor.

Those who are loyal to mankind are justice, truth and ratio. So that it can act populist, *going to the people as the only route to salvation*. By influencing social change to *modernizing the elite* [10]

In essence, development is not neutral and is often used for strong interests and ignores the interests of the weak and poor so that legal intellectuals do not only advocate in the field of legal substance and also develop legal functions as a means of community *empowerment*. It is seen that it is necessary to continually find and generate legal awareness of the community, especially marginalized groups to prevent various social problems in people's lives. Public law awareness is very strategic and important because it is related to legal activity, legal awareness is actually an awareness or values contained in human beings about the law that exists or is expected. In short, legal awareness is the perception of a person or society about legal awareness [10]

Community legal awareness is not static and always follows the times. Therefore, various efforts are needed to maintain the level of legal awareness in such a way and for that, legal academics have inherent obligations as outlined in the tri dharma of higher education through education and training, research and community service. The magnitude of the desire of academics to fulfill these 3 fields in synergy and to show the morality and integrity of each person who pursues the profession as a legal scholar. Considering the fact in the field is still quite large, the percentage of community members who need assistance and support in fulfilling the demands of life needs as a community and citizens because the poor do not or lack access to justice.

They are villagers who are mostly in remote areas of customary law communities, as well as fishermen who often experience conflicts of economic and environmental interests. If the 1945 constitution recognizes the existence of indigenous peoples, but in the course of development of this country, they are neglected and often oppressed by policies. pro- investor government policies. Examples of cases of Suku Anak Dalam in Riau, Dayak in Kalimantan, Asmat in Papua and so on [11]. So it is necessary to fight for a condition in Indonesia that makes the law work for everyone [12]

Baduy community is a group of people who cling to the traditions of their ancestors from generation to generation and also uphold the values of the local wisdom of their people. The Baduy community does not recognize the formal education or school system because of the customary prohibition that considers schools to be able to make someone smart. But smart people will only destroy nature and change customary rules [1]. The environment of the Baduy community is a forest whose management is managed wisely for environmental conservation as a provider of food and economic needs because the Baduy people depend heavily on the sustainability of the forest. The customary law community has many terms in its mention, among others, anthropologists and human rights defenders usually use the term *first people*. In the USA and Canada they use the word *first nation*. In the Philippines and Malaysia they use the word *indigenous cultural communities* [13]

The Inner Baduy Tribe upholds the principle of mutual cooperation in any work. For example, among men when building houses they work together. While in the women's field the spirit of mutual cooperation can be seen, when the rice pounding event, commonly called long mortar. [14]. Customary law is a typical legal system that is religious, communal, cash and concrete [15] So it is necessary to fight for a condition in Indonesia that makes the law work for everyone.

The basic religion of the Baduy people is respect for the spirit of ancestors and trust in one power, namely Batara Tunggal. Orientation, concepts and religious activities are aimed at *pikukuh* so that people can live according to the plot in the welfare of life in the world [16] There are some scholars who doubt the ability of customary law to become the basis or foundation of national law. This opinion is based on the opinion and argument that customary law is an ancient law, and is often called primitive law, which is only suitable for use in underdeveloped communities [17]

IV. CONCLUSIONS

1. Baduy's migrant in Landeuh Villages and Lembah Barokah in Bojongmenteng Village have lost their access to the Kanekes Village's natural resources

because they have given up ethnic identity as characters *Urang Kanekes*, in the form of obedience to teachings *Sunda Wiwitan, Dasa Sila (Pikukuh)* their ancestors experienced marginalization considering that *Urang Kanekes* did not recognize the concept of private property rights over natural resources, all of resources were communally shared rights *Urang Tangtu / Inner Baduy*. The exclusion of Sunda Wiwitan teachings can be seen in Cicakal Girang village that builds a residence in Tanah Ulayat (Ulayat Land) despite the fact that they are an obedient Moslem.

2. The weak bargaining position of the residents of Landeuh and Barokah Villages requires a special approach by relying on the teachings of Islam in order to build motivation and strengthen the faith because they are converts with minimal life skills due to low educational attitudes. To need to be empowered both national law and natural law that have an impact on social and economic aspects that require the support of a psychological approach as an effort to provide access to justice and rules, ownership of natural resources in the form of land and shelter, protection of workers / laborers and entrepreneurship in the MSME sector.

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