

Protection of the Customary Land of the Baduy Indigenous Peoples as One of the Supporting Factors for Local Food Security in the Banten region¹

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Abstract

The Baduy indigenous people as one of the ethnic groups in Indonesia have various unique and diverse cultural characteristics. The ethnic groups in Banten for hundreds of years have had their main livelihood, namely farming (ngahuma) and gardening to maintain survival in obtaining food so that this ngahuma is a form of food security for the Baduy indigenous people. Some of the Baduy's ulayat land is used for ngahuma and gardening. This study describes the exploitation of gold mining around the customary rights area in the Baduy area as well as legal protection efforts from the government for the abuse of the customary rights residential area of the Baduy Indigenous People. The long-term goal to be achieved from this research is to obtain an overview of the current condition of the customary lands of the Baduy people inside and outside the Baduy so that the government can take a stand, help maintain and prevent gold mining activities in the area of customary rights of Baduy from being disturbed. outsiders. The specific target to be achieved from this research is to ensure that the Baduy community can use food land for ngahuma and gardening to the maximum so that the food security of the Baduy indigenous peoples is maintained. This research uses normative juridical and sociological normative legal research methods. This research is descriptive analytical and uses primary data sources and secondary data sources. Descriptive in this study is a description of the

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situation, condition, condition, and reality of ulayat land or customary land in the Baduy community which is misused by irresponsible elements so that it has a major impact on the food security of the Baduy community.

I. Introduction

Indonesia is familiar with customary law communities, including customary land rights. Land has an important meaning, because by its nature land is the only object of wealth which, despite experiencing any circumstances, is still in its condition. One of them is the ulayat rights found in the Baduy Tribe which is a deposit from karuhun. The Baduy people use the language "ngasuh queen, keeping menak". According to the Indigenous Baduy community, the land they inhabit or inhabit is a common property to be used jointly under the knowledge of the Customary Chief or Puun. The Indigenous Baduy tribe consists of two groups, the first is the Indigenous Baduy Tribe who does not know land ownership and only knows the right to work on land so that if there is a transfer of rights to land ownership then this is a violation of the provisions of karuhun or "Tabu". The sanctions for violators are expelled from the Inner Baduy Tribe. While the second is the Outer Baduy Indigenous People who have progressed and accepted culture from outside, the Outer Baduy live and develop outside the Inner Baduy area led by a Village Head or called Jaro. The main livelihood of the Indigenous Baduy community for hundreds of years has been farming (ngahuma) as a livelihood to maintain survival in obtaining food so that this ngahuma is a form of food security for the Baduy indigenous people. Continuing from this, the Lebak Regency Government issued Regional Regulation Number 32 of 2002 concerning the Protection of the Ulayat Rights of the Baduy Indigenous People. Customary rights have been recognized by the constitution and internationally according to Law Number 39 of 1999 concerning Human Rights.²

Continuing from the above, the implementation of land registration in Article 19 of the UUPA provides juridical guarantees and technical guarantees in the sense of certainty of physical boundaries including land measurement and bookkeeping. Registration of land rights and transfer of rights, granting of certificates of proof of land rights that apply as strong tools and evidence should be realized for the implementation of legal protection and certainty of land rights. The existence of ulayat rights which are the original rights of the people of the Republic of Indonesia that have existed since time immemorial must be

²Eliana, "Kepastian Hukum Kepemilikan Tanah Ulayat Kaum Adat Baduy", dalam *Pamulang Law Review*, Volume 2 Issue 2, November 2019, Page. 111-118.

preserved together considering all the risks of progress of the times, of course, from now on we will begin to apply the restrictions consistently on any land that has received legal protection. . The customary lands of the indigenous people should not be taken and exploited in the name of development capital, but we will lose our heritage.³

Furthermore, Mursyid's father felt disturbed if there were mining around the Baduy area. Then also Syarip as a resident of Baduy admitted that his party did not agree with this. The Baduy tribe feels uneasy about the issue of mining exploitation around the customary land rights area in Baduy. The existence of gold mining will certainly bring some negative things, both forest and land damage, especially the ulayat rights area is included in the upstream area. This will certainly pose a continuous danger for the survival of the Baduy community. So the local government should take firm steps with these illegal gold miners. Mursyid's father said that he hoped that the Baduy customary rights area would not be used as a mining exploitation area because it could cause various kinds of mountain destruction and even forest destruction.⁴

Kasmin Saelani as Chair of the Baduy Community Consensus Forum (WAMMBY) also asked the Ministry of Energy and Mineral Resources (ESDM) not to issue a mining permit in the customary rights area of the Baduy indigenous people because the location is in the sacred Salakadomas forest and a center for Baduy worship.⁵

Minister of Energy and Mineral Resources (ESDM) Arifin Tasrif will also immediately coordinate with Banten Governor Wahidin Halim regarding the illegal gold mining location in Gunung Liman, Lebak Regency, Banten. It is known that the Baduy community complained about the sacred forest being damaged by illegal gold miners in the Kasepuhan Cibarani customary area which is adjacent to the Baduy Tribe settlement, in Lebak Regency, Banten. Arifin Tasrif said that because this is still in the realm of customary land, of course we have to follow up with the existing regulations. Because we can't just give access to customary land to be managed informally. He also said that his party would immediately follow up on the report with the Governor of Banten. He will coordinate with the Governor of Banten regarding the next steps.⁶

³Eliana, "Kepastian Hukum Kepemilikan Tanah Ulayat Kaum Adat Baduy", dalam *Pamulang Law Review*, Volume 2 Issue 2, November 2019, Page. 111-118.

⁴Diungkapkan oleh Ayah Mursyid sebagai tokoh adat Baduy Dalam. Lihat dalam *Republika.co.id*, Isu Pertambangan di Lebak Resahkan Suku Baduy. Diakses pada Jumat, 1 oktober 2021 pukul 07.00 WIB. <https://nasional.republika.co.id/berita/m79flh/isu-pertambangan-di-lebak-resahkan-suku-baduy>

⁵Diungkapkan oleh Ketua Wadah Mufakat Masyarakat Baduy (WAMMBY) Kasmin Saelani. Lihat dalam *Republika.co.id*, Isu Pertambangan di Lebak Resahkan Suku Baduy. Diakses pada Jumat, 1 oktober 2021 pukul 07.00 WIB. <https://nasional.republika.co.id/berita/m79flh/isu-pertambangan-di-lebak-resahkan-suku-baduy>

⁶Diungkapkan oleh Menteri Energi dan Sumber Daya Mineral (ESDM) Arifin Tasrif. Lihat dalam *Republika.co.id*, Isu Pertambangan di Lebak Resahkan Suku Baduy. Diakses pada

Meanwhile, the General Chairperson of the Association of Oil and Gas and Renewable Energy Producing Regions (ADPMET), Ridwan Kamil suggested that the matter be reported to the police. He said that because Banten is also a neighbor to West Java, if it is illegal, it means that it is a violation of the law, so if it is a violation of the law, the coordination is with the police.⁷

Mount Liman is a forbidden mountain which is the upstream of the major rivers in Banten. Major rivers such as Ciujung, Ciliman, Cocarogol, and Cibeureum. The gurandil action that entered the forbidden forest is estimated to have settled there about four months ago. The illegal gold miners were then released by the police after receiving a warning. Following this, there is a video that has been widely circulated on social media showing the complaints of Baduy residents against the sacred forest being damaged by illegal gold miners. In the video, residents ask the government to take part in maintaining and taking a stand regarding illegal gold mining. In the video, it is revealed that they received a mandate from their ancestors, they are afraid that now the mountain is destroyed, Lebak is being destroyed, the rules are changed, now it is proven that Mount Liman wants to be really protected by the government. The proof of Mount Liman is that you are still alive, when you are guarded, I really don't know."⁸

2. Research Method

This research uses normative juridical and sociological normative legal research methods. This research is descriptive analytical and uses primary data sources and secondary data sources. Descriptive in this study is a description of the situation, condition, condition, and reality of ulayat/customary lands in the Baduy community which are increasingly being eroded so that it has a major impact on the food security of the Baduy community. Then analyze what the problem is in order to find a solution to the problem. Sources of data used in this study were obtained from Library Research (Library Research). Normative Jurisdiction in this study is a discussion of several existing regulations.⁹ Sociological Normative Research on law constructs law as a system of laws and

Jumat, 1 oktober 2021 pukul 07.00 WIB. <https://nasional.republika.co.id/berita/m79flh/isu-pertambangan-di-lebak-resahkan-suku-baduy>

⁷⁷ Diungkapkan oleh Ketua Umum Asosiasi Daerah Penghasil Migas dan Energi Terbarukan (ADPMET), Ridwan Kamil. Lihat dalam [Republika.co.id](https://nasional.republika.co.id/berita/m79flh/isu-pertambangan-di-lebak-resahkan-suku-baduy), Isu Pertambangan di Lebak Resahkan Suku Baduy. Diakses pada Jumat, 1 oktober 2021 pukul 07.00 WIB. <https://nasional.republika.co.id/berita/m79flh/isu-pertambangan-di-lebak-resahkan-suku-baduy>

⁸ Diungkapkan oleh salah satu tokoh adat Baduy, Ki Pulung. Lihat dalam [Republika.co.id](https://nasional.republika.co.id/berita/m79flh/isu-pertambangan-di-lebak-resahkan-suku-baduy), Isu Pertambangan di Lebak Resahkan Suku Baduy. Diakses pada Jumat, 1 oktober 2021 pukul 07.00 WIB. <https://nasional.republika.co.id/berita/m79flh/isu-pertambangan-di-lebak-resahkan-suku-baduy>

⁹Mukti Fajar dan Yulianto Achmad, *Dualisme Penelitian Hukum Normatif dan Empiris*, Pustaka Pelajar, Yogyakarta, 2010, hal. 48.

regulations that have existed so far and then constructed in a society's behavior. The analytical descriptive in this research is to try to describe the situation in Baduy systematically so that the data can be presented properly and according to the target.¹⁰

This study aims to obtain an overview of the current condition of the customary land of the Inner Baduy and Outer Baduy communities which are increasingly being eroded away, so that this has a negative impact on food land in the Baduy area, both huma, gardens, and others. Food security in the Baduy area is getting more and more threatened. This study also uses primary data sources and secondary data which are analyzed using qualitative methods, with data collection techniques from library studies and field studies to the Inner Baduy and Outer Baduy. Interviews and observations were conducted to obtain the necessary data. The data obtained through field research and literature study were analyzed in a qualitative normative manner to obtain clarity on the problems to be discussed.

3. Results and Discussion

A. Protection of the Customary Rights of the Baduy Indigenous People from Illegal Land and Land Use

The Baduy people live in Lebak, Banten. The government grants customary rights in the form of an area of 5,101.8 hectares.¹¹ The Lebak Regency Government and the Lebak DPRD in 2001 had issued Regional Regulation no. 32 of 2001 concerning the Protection of the Ulayat Rights of the Baduy Indigenous Peoples. Customary law is generally unwritten or unwritten but not all adat is law. There is a difference between ordinary customs and customary law. Only the sanctioned custom has a legal nature and is customary law. The sanction is in the form of a reaction from the legal community concerned.¹²

Baduy residents who are in Kanekes cannot own ulayat land because they place ulayat land as property of the village according to their customary rules. They use the land according to their needs such as for ngahuma, farming, and others. There are three types of Baduy ulayat land designations, namely apart from being a settlement, the land is used for fields and protected forests.¹³

Furthermore, regarding the legal protection of Baduy, that everyone has the right to recognition, guarantee of protection and fair legal certainty as well as equal treatment before the law as stated in Article 28 D paragraph (1) of the third amendment of the 1945 Constitution. Regarding the above, it is deemed important to be stipulated by the Lebak Regency Regional Regulation so that there is a clear regulation of the Baduy area so that outside Baduy people who

¹⁰Soerjono Soekanto, *Metodologi Research*, Andi Offset, Yogyakarta, 1998, hal. 3.

¹¹Soerjono Soekanto, *Hukum Adat Indonesia*, Jakarta: Rajawali Pers, 1983, Hal. 6.

¹²Soerjono Soekanto, *Hukum Adat Indonesia*, Jakarta: Rajawali Press, 1983, Hal. 16-17.

¹³Eliana, "Kepastian Hukum Kepemilikan Tanah Ulayat Kaum Adat Baduy", dalam *Pamulang Law Review*, Volume 2 Issue 2, November 2019, Page. 111-118.

want to exploit the Baduy area cannot freely carry out their actions because they collide with these laws and regulations so that the Baduy community can be protected.¹⁴

The Baduy community or commonly called the Kanekes people are a group of Sundanese people whose lives are very traditional. They live in remote hill areas, in the forest areas of the rural areas of South Banten. In their life, the Baduy people still maintain the traditional nature of their ancestors, so it is not surprising that the nature in this area, and the people still have traditional characteristics.¹⁵

Continuing from the above, Article 18B paragraph 1 of the 1945 Constitution states that the state recognizes and respects special or special regional government units which are regulated by law. Thus the word "special" here has a broad scope,¹⁶ because it is possible to form regional governments with special autonomy (such as the Special Regions of Aceh and Irian Jaya).¹⁷

In connection with the above, it is also mentioned in Article 18B paragraph 2 of the 1945 Constitution in the 4th amendment which states that the state recognizes and respects customary law community units and their traditional rights as long as they are still alive and in accordance with state principles. Unitary Republic of Indonesia. The enactment of the law is very compatible with the basic principles of democratic values and good governance. Historically, an area was the forerunner of the formation of a political society and government in Indonesia long before this country was formed. An area is a local community organization that has territorial boundaries, is inhabited by a number of residents, and has its own customs. For this reason, the Baduy area which is located in Kanekes¹⁸ village is recognized by the State as an area or village and is given the authority to carry out life and the traditional rights of its ancestral rules¹⁹ on condition that it does not conflict with the basic principles of the State of Indonesia.²⁰

Actually, there are several regions that are given the authority to exercise their traditional rights, such as Law No. 11 of 2006 concerning the Government of Aceh, which was mentioned above. This law was made for the Government of

¹⁴Eliana, "Kepastian Hukum Kepemilikan Tanah Ulayat Kaum Adat Baduy", dalam *Pamulang Law Review*, Volume 2 Issue 2, November 2019, Page. 111-118.

¹⁵Johan Iskandar, *Ekologi Perladangan Indonesia*, Jakarta: Djambatan, 1992. Hal. 3.

¹⁶Bagir Manan, *Menyongsong Fajar Otonomi Daerah*, Pusat Studi Hukum Fakultas Hukum Universitas Islam Indonesia, Yogyakarta, 2001, hal. 15.

¹⁷Setya Retnani, *Sistem Pemerintahan Daerah di Indonesia*, Makalah, Kantor Menteri Negara Otonomi Daerah Republik Indonesia, 2000, hal. 1.

¹⁸Kusnaka Adimihardja, *Orang Baduy di Banten Selatan Manusia air Pemelihara Sungai*, Universitas Padjadjaran, Bandung, 2000, hal. 49.

¹⁹Muhamad Muslih, "Perbandingan Prosedur Perkawinan Adat Baduy dengan Kompilasi Hukum Islam", dalam *Kanun Jurnal Ilmu Hukum*, Vol. 21, No. 3 (Desember, 2019), pp. 437-458.

²⁰Rudy, *Hukum Pemerintahan Daerah Perspektif Konstitusionalisme Indonesia*, Indepth Publishing, Bandar Lampung, 2012, hal. 93.

Aceh as a regional government of a special or special nature which was ratified to follow up on the results of the peace agreement between the Government of the Republic of Indonesia and the Free Aceh Movement. Then the Qanun of the Province of Nanggroe Aceh Darussalam number 11 of 2002 concerning the Implementation of Islamic Shari'a in the Field of Aqidah, Worship, and Islamic Syiar; Qanun of Nanggroe Aceh Darussalam Province number 10 of 2002 concerning Islamic Sharia Courts; Regional Regulation of the Province of the Special Region of Aceh number 5 of 2000 concerning the Implementation of Islamic Shari'a.²¹ In addition, there is the Malinau District Regulation number 10 of 2012 concerning the Recognition and Protection of the Rights of Indigenous Peoples in Malinau District, Regional Regulation number 16 of 2008 concerning Dayak Indigenous Institutions in Central Kalimantan, and other regional regulations.²²

In connection with the above, Baduy until now only has the Lebak Regency Regional Regulation number 32 of 2001 concerning the Protection of the Baduy Community's Ulayat Rights and the Village Regulation concerning Baduy customary regulations, namely Kanekes Village Regulation number 1 of 2007 concerning Saba Culture and Protection of Tatar Indigenous Peoples. Kanekes (Baduy).²³ So at the Seba Baduy event which was held in May 2019, the Baduy community asked for a Customary Regulation to be made. The proposal for making this Customary Regional Regulation (Perda Adat) was submitted by Puun as the highest customary leader of the Kanekes people to the Governor of Banten Wahidin Halim at the Seba Baduy tradition event at the Banten State Museum on May 5, 2019. At this Seba Baduy event there were 1,037 Kanekes villagers or what is commonly known as the Baduy community, carry out the seba Baduy tradition, namely offering the harvest to the head of the local area as an expression of gratitude after a three-month fasting procession or commonly referred to as kawaluh. At the peak of this seba procession, the puun who is the highest customary leader of the Kanekes people is also delivered, namely first, to protect the environment in Banten Province properly. Then secondly, to be given legal protection for indigenous peoples and villages with a Customary Regulation. Then third, asking the government to continue to maintain unity and integrity. Then Wahidin Halim also stated that he would realize the making of this Traditional Village Regulation because Banten Province was allowed to make it so there was no need to wait for the Central Government because indeed

²¹Husni Jalil, T. Ahmad Yani, Mohd. Daud Yoesoef, Implementasi Otonomi Khusus Di Provinsi Aceh Berdasarkan Undang-Undang Nomor 11 Tahun 2006 (Special Autonomy Implementation in Province Aceh based on the act Number 11 of 2006)", dalam *Jurnal KANUN*, No. 51 (Edisi Agustus), 2010, 206 - 233, hal. 209.

²² Joanita Jalianery, "Kewenangan Lembaga Dewan Adat Dayak (DAD) dalam Melindungi Hak Atas Tanah Adat di Provinsi Kalimantan Tengah," dalam *Jurnal Hukum Acara Perdata ADHAPER*, Vol. 3, No. 1, 2017, 135-154, hal. 137.

²³Gunggung Senoaji, "Masyarakat Baduy, Hutan, dan Lingkungan (Baduy Community, Forest, and Environment)", dalam *Jurnal Wacana*, Universitas Bengkulu, Vol, 17, No., 2, Juli 2010, hal. 115.

a governor has an obligation to maintain the customs and culture of the Baduy community.²⁴

B. Regional Gazette of Lebak Regency Number: 65 of 2001 Series C Regional Regulation of Lebak Regency Number 32 of 2001 concerning Protection of the Ulayat Rights of the Baduy Community

The Lebak Regency Government has actually made efforts to overcome this problem, as evidenced by the Lebak Regency Regional Regulation Number 32 of 2001 concerning the Protection of the Ulayat Rights of the Baduy Community. In the regional regulation, there are actually many things that must be observed, because the regional regulation is still not yet effective.

Lebak Regency Regional Gazette Number: 65 of 2001 Series C Lebak Regency Regional Regulation Number 32 of 2001 concerning the Protection of the Ulayat Rights of the Baduy Community explains that in Chapter 1 General Provisions in Article 1 of this Regional Regulation, what is meant by: 1. Regional Government is Lebak Regency Government; 2. Regent is the Regent of Lebak; 3. Protection is a series of activities carried out by the Regional Government and the community in protecting the Baduy community structure from disturbing/destructive efforts originating from outside the Baduy community; 4. Ulayat rights are the authority which according to customary law is owned by certain customary law communities over certain areas which are the living environment of their citizens to take advantage of natural resources, including land, within that area, for their survival and livelihood, arising from relationships outwardly and inwardly hereditary and uninterrupted between the customary law community and the territory concerned; 5. Communal Land is a parcel of land on which there are customary rights of a certain customary law community; 6. Baduy people are people who live in Kanekes Village, Leuwidamar District, Lebak Regency, which have different cultural characteristics and customs from the general public; 7. Land use is every effort made by individuals or by certain groups of people/agencies related to the exploitation of land for agriculture, plantation and other natural product utilization; 8. Outside Baduy Community are people who live outside in Kanekes Village, Leuwidamar District, Lebak Regency; 9. PPNS is a Civil Servant Investigator in the Lebak Regency Government Environment whose appointment is determined in accordance with statutory regulations.²⁵

Then it is further explained in Chapter 2 that the ulayat rights of the Baduy people, the first part concerning the Determination of the Territory of ulayat Rights Article 2, the ulayat rights of the Baduy people are limited to lands in the

²⁴Tony. (2019, Mei 07). *Seba Baduy Berikan Amanat Puun Kepada Gubernur Banten*. Retrieved Agustus 08, 2019, from REPUBLIKA.co.id: <https://nasional.republika.co.id/berita/nasional/daerah/pr4zt2440/seba-baduy-berikan-amanat-puun-kepada-gubernur-banten>

²⁵Diambil dari Lembaran Daerah Kabupaten Lebak Nomor: 65 Tahun 2001 Seri C Peraturan Daerah Kabupaten Lebak Nomor 32 Tahun 2001 Tentang Perlindungan Atas Hak Ulayat Masyarakat Baduy

Kanekes Village area, Leuwidamar District, Lebak Regency which are measured according to the reconstruction map and set forth in the Minutes as the basis for determining Regent's decision. Article 3 The area of customary rights of the Baduy Community is set forth in the basic map of land registration by including an appropriate cartographic sign. Article 4 All land use for the ulayat rights of the Baduy Community is fully handed over to the Baduy Community.²⁶

Then it is more clearly explained about the sanctions for violations, namely in Chapter IV concerning Criminal Provisions Article 9 (1) Every Outside Baduy Community who engages in activities to disturb, damage and use the customary land rights of the Baduy Community is threatened with imprisonment for a maximum of 6 (six) months or a fine. a maximum of IDR 5,000,000 (five million rupiah). (2) The criminal act as referred to in paragraph (1) is a violation.²⁷

Then further in chapter V regarding the provisions for investigation Article 10 (1) certain Civil Servant Officials within the Regional Government are given special authority as Investigators to carry out criminal investigations as referred to in Article 8. (2) The powers of investigators as referred to in paragraph (1) are : a. receive, seek, collect and examine information or reports regarding the said crime so that the information or report becomes complete and clear. b. researching, seeking and collecting information regarding an individual or entity regarding the truth of the act committed in connection with the criminal act. c. request information and evidence from individuals or entities in connection with the crime. d. examine books, records and other documents relating to the crime. e. conduct searches to obtain evidence of books, records and other documents, as well as confiscate such evidence. f. request the assistance of experts in the context of carrying out the task of investigating the crime. g. order to stop and or prohibit a person from leaving the room or place while the inspection is in progress and to check the identity of the person or the documents brought as referred to in letter e. h. photographing someone related to the crime. i. summon people to hear their statements and be examined as suspects or witnesses. j. stop the investigation. k. take other necessary actions for the smooth investigation of the crime according to the law that can be accounted for. (3) The investigator as referred to in paragraph (1) shall notify the commencement of the investigation and submit the results of the investigation to the Public Prosecutor in accordance with the provisions stipulated in Law Number 8 of 1981 concerning Criminal Procedure Code.²⁸

²⁶ Diambil dari Lembaran Daerah Kabupaten Lebak Nomor: 65 Tahun 2001 Seri C Peraturan Daerah Kabupaten Lebak Nomor 32 Tahun 2001 Tentang Perlindungan Atas Hak Ulayat Masyarakat Baduy

²⁷ Diambil dari Lembaran Daerah Kabupaten Lebak Nomor: 65 Tahun 2001 Seri C Peraturan Daerah Kabupaten Lebak Nomor 32 Tahun 2001 Tentang Perlindungan Atas Hak Ulayat Masyarakat Baduy

²⁸ Diambil dari Lembaran Daerah Kabupaten Lebak Nomor: 65 Tahun 2001 Seri C Peraturan Daerah Kabupaten Lebak Nomor 32 Tahun 2001 Tentang Perlindungan Atas Hak Ulayat Masyarakat Baduy

Then in the chapter on Other Provisions in Article 11 In order to avoid disputes and confusion over the customary rights of the Baduy Community from individual interests and as a form of recognition of the rights of the Indigenous Law Community, the effort to certify the Baduy area is not allowed. Article 12 The Decree of the Regent concerning the detailed boundaries of the customary rights area of the Baduy Community must have been stipulated no later than one year after the promulgation of this Regional Regulation.²⁹

From the description it is clearly stated that any Outside Baduy Community who engages in activities to disturb, damage and use the customary land rights of the Baduy Community is threatened with imprisonment for a maximum of 6 (six) months or a fine of a maximum of Rp. 5,000,000 (five million rupiah). It seems that this has not been implemented effectively, apart from the lack of firmness from the government, the support from various parties is still not optimal. If necessary, the amount of fines should be increased in order to avoid violations.

C. Food Land, Customary Land of the Baduy Indigenous Peoples as One of the Supporting Factors for Local Food Security in Banten Province

Food security when viewed from the side of the definition is a condition where everyone has access to food and a healthy and decent life for both his family and the environment.³⁰

In Positive Indonesian law it is also stated that the Food Law no. 7 of 1996³¹ states that food security is a condition of meeting food needs for households which is reflected in the availability of sufficient food, both in quantity and quality, safe, equitable and affordable.³²

Food security is a condition when all people at all times have physical and economic access to obtain their consumption needs for a healthy and productive life. A more complete understanding of food security also means a condition when all people at all times physically, socially and economically have access to sufficient, safe and nutritious food to meet their consumption needs and according to their food preferences for a good and healthy life. . The state is obliged to realize the availability, affordability, and fulfillment of food consumption that is sufficient, safe, quality, nutritionally balanced both at the national and regional levels to individuals evenly throughout the territory of the

²⁹ Diambil dari Lembaran Daerah Kabupaten Lebak Nomor: 65 Tahun 2001 Seri C Peraturan Daerah Kabupaten Lebak Nomor 32 Tahun 2001 Tentang Perlindungan Atas Hak Ulayat Masyarakat Baduy

³⁰ Heri Suharyanto, Ketahanan Pangan, *Jurnal Sosial Humaniora*, Vol. 4, No. 2, November 2011, hal 186-187. Diakses pada tanggal 13 Maret 2019.

³¹ Undang-Undang Negara Republik Indonesia Nomor 7 Tahun 1996 tentang Pangan. Kantor Menteri Negara Pangan RI.

³² Palmawati Tahir, Muhamad Muslih, dan Rani Sri Agustina, "MUI Halal Certification On Milkfish Satay As An Effort To Support National Food Security", dalam *Legal Standing Jurnal Ilmu Hukum*, Vol. 4, No.1, Maret 2020 (233-246), Hal. 237. DOI : 10.24269/ls.v4i1.2670 <http://journal.umpo.ac.id/index.php/LS/article/view/2670>

Unitary State of the Republic of Indonesia at all times by utilizing local resources, institutions and culture. The government is obliged to respect, protect, and fulfill the food needs of the population to live a quality life. The government has taken various ways to improve food security, most of which are focused on increasing food self-sufficiency. To achieve all of this, not only natural resources are needed, but also human resources capable of processing the wealth of these natural resources. Humans need food that comes from plants (primary agriculture) as well as livestock and fish (secondary agriculture) which are highly dependent on resources, namely sun, soil, water, and air. The process of primary and secondary agricultural activities in the form of food production activities, both on farm (raw material production activities/farming) and off farm (food processing/agro-industrial activities). Dependence on rice, has caused us to neglect other foods such as tubers. (canna, sweet potato, cassava, etc.), sago and various grains and nuts that are rich in protein. So diversification is also important to explore the potential of local food.³³

Food is everything that comes from biological and water sources, both processed and unprocessed or its derivative products intended as food or drink for humans, including food additives, and other materials used in the process of preparing, processing, and or making food. or drinks (Law No. 7 of 1996 on food). The new law no. 18 of 2012 states that the condition of the fulfillment of food for the state to individuals, which is reflected in the availability of sufficient food, both in quantity and quality, safe, diverse, nutritious, equitable and affordable and does not conflict with religion, belief and culture of the community, in order to live a healthy life. , active, and productive in a sustainable manner. The concept of "food security" began to be discussed in the 1970s, while "food sovereignty" began to be discussed in 1992 or more than 30 years after that because in 1992 food security was stable and could be said to be bad in the era of 1970 to 1992. The direction of the Food and Agriculture policy for 2005–2025 is (i) to create a competitive nation, namely efficiency, modernization, and value added agriculture to be able to compete in local and international markets for strengthening food security, (ii) to realize a safe, peaceful, and sustainable Indonesia. Unity is a food security system directed at maintaining national food security and independence by developing domestic production capabilities supported by food security institutions that are able to ensure the fulfillment of sufficient food needs at the household level, both in quantity, quality, safety, and at affordable prices. supported by diverse local food sources in accordance with local diversity (Law No. 17 of 2007 concerning RPJPN 2005-2025).³⁴

Then furthermore, food security according to Article 1 paragraph 17 of Law Number 7 of 1996 concerning Food that food security is a condition of

³³ Muslih, Muhamad, Ketahanan Pangan dan Halal Food dalam Hukum Islam, Tangerang: CV Media Edukasi Indonesia, Cet. 1, Maret 2020. Hal 5.

³⁴ Muslih, Muhamad, Ketahanan Pangan dan Halal Food dalam Hukum Islam, Tangerang: CV Media Edukasi Indonesia, Cet. 1, Maret 2020. Hal 27.

fulfilling food for households which is reflected in the availability of food that is quite good in quantity, quality, safe and equitable and affordable.³⁵

Continuing from the above, related to the food security of the Baduy community, in their life activities they hold *pikukuh* firmly and strictly. Because if you leave it, bad luck will continue to follow it, therefore Baduy people will always follow the *pikukuh* which has been passed down from generation to generation.³⁶

The arable land for agriculture for Baduy residents has been measured in detail so that it can be adjusted based on the comparison of the area of arable land with the number of heads of families. The importance of the meaning of land for human life is because human life cannot be separated from the soil at all. They live on land and obtain food by utilizing the land. Baduy residents themselves make maximum use of the land because they do agriculture with soil media, either *ngahuma*, farming, or planting crops.³⁷

4. Conclusion

The science of ethnicity and culture in Indonesia will strengthen the unity and integrity of the nation. Traditional science also produces a pattern of knowledge that can support the advancement of modern technology. Life in Baduy is very simple but they can live in peace, serenity, and there are rarely conflicts because they can adhere to the customary rules of their ancestors. This can be a mirror for other communities in Indonesia. This will also have a positive impact on preserving the culture of the Unitary Republic of Indonesia, which is unique as the nation's identity and is diverse in culture with its motto *Bhinneka Tunggal Ika*.

The exploitation of gold mining around the customary rights area in the Baduy area must be a joint concern because it will have a negative impact on the balance of life in Baduy. All parties must jointly seek legal protection for the relevant government in a directed and targeted manner regarding the abuse of the customary rights of the Baduy community so that the Baduy community can use food land for *ngahuma* and gardening to the maximum so that the food security of the Baduy indigenous peoples is maintained. Improvements from the *perda* side by considering increasing the number of fines and improvements in terms of the firmness of the policy makers must also be increased. Officers who carry out supervision in the Baduy area must also pay more attention to facilities, salaries, as well as facilities and infrastructure.

Acknowledgments

³⁵Rita Hanafie, *Penyediaan Pangan Yang Aman dan Berkelanjutan Guna Mendukung Tercapainya Ketahanan Pangan, J-SEP Vol. 4, No. 3, November 2010*, hal 39.

³⁶Erwinantu, *Saba Baduy*, Jakarta: PT Gramedia Pustaka Utama, 2012, hal. 83- 85.

³⁷G. Kartasapoetra, *Hukum Tanah Jaminan UUPA Bagi Keberhasila Pendayagynaan Tanah*, Jakarta: PT Rineka Cipta, 1991, hal.1.

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