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# Fulfillment of Human Rights for the Baduy Indigenous Community

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## Abstract

Fulfillment of Human Rights (HAM) in the Baduy, a complex community in Lebak, Banten, faces a variety of complex challenges, including preserving traditional values, utilizing modern technology, and addressing issues related to education, health, and rights. -right of expression. This research aims to analyze Human Rights (HAM) in Baduy society using secondary research methods based on library data. The results show that cultural isolation, legal tensions, modernization, and development, as well as discrimination and stereotypes, significantly affect population human rights. This research explores the concept of Human Rights (HAM) as a fundamental ethical principle that encourages individual interaction and communication, emphasizing its universal application in contemporary society. This study highlights the need for universal protection and intervention in various challenging situations, as Human Rights for Indigenous Peoples, especially Baduy Community. This research also explores the unique identity of the Baduy people in Indonesia, their adherence to traditional norms, and the role of the government in upholding their rights. Customary law is law derived from the norms of daily life and manifested by the culture of native Indonesians. The understanding of human rights of the Baduy indigenous people is unique and closely tied to culture and customs. The government has an important role in preserving the Baduy traditional community.

## Keywords

humant rights, indigenous people, Baduy

## 1 Introduction

Customary law is law derived from the norms of everyday life and manifested by the culture of indigenous Indonesians as an expression of a sense of justice in selfless relationships. Therefore, customary law in the territory of the Unitary State of the Republic of Indonesia is an original Indonesian law that has been determined from generation to generation by the Indonesian people based on their manifested value awareness. Article 18B Paragraph (2) of the 1945 Constitution of the Republic of Indonesia has recognised and respected the unity of customary law communities and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated by law. The existence of this regulation clarifies the status of customary law communities that have long been part of the Indonesian state (Muhlisin et al., 2017, p. 30).

The Baduy tribe is a community located in Kanekes Village, Leuwidamar District, Lebak Regency, Banten. All indigenous communities have their own customary laws, including customary criminal law, which is a subsystem of Baduy customary law. Baduy customary law has governed the Baduy community for many years from generation to generation and is still binding for them until today. Baduy customary law is one of the customary laws in Indonesia. Around 26,000 people live in the Baduy tribe which is divided into inner Baduy and outer Baduy. Like other customary law communities, they have a long-established customary law and their own customary government system (Muslih & Rayhan, 2023, p. 20).

According to Law No. 23/2014 on Regional Government and Law No. 6/2014 on Village, the government system of Baduy community is different from the common village government system in Indonesia. Baduy people continue to live their traditional life even though they are not affected by the advancement of technology and science. In other words, they have to take care of all aspects of their lives by themselves (Nurfalah et al., 2023, p. 68).

The Baduy use Sundanese and Indonesian as their daily language. Although the Baduy people have different beliefs, they are actually close to the Sundanese people. The Baduy tribe consists of three groups, which are as follows: Firstly, Dangka Baduy community has left their customary land. In addition, they are no longer related to the rules and beliefs of Baduy. Baduy Dangka people are also good at using technology and learning (Edwar et al., 2021, p. 63). This group usually works as tour guides, food place owners, and souvenir sellers. Second, the Outer Baduy community still lives in the customary land and still adheres to the Sunda Wiwitan religion. They begin to master learning and technology. The appearance of this group can distinguish them from each other (Nurfalah et al., 2023, p. 68). Outer Baduy usually wear dark clothes and headbands with blue patterns. They usually work as breeders and farmers. Third, Inner Baduy or known as Baduy Jero is the last descendant of the Baduy tribe. They still live in the traditional land and adhere to the Sunda Wiwitan religion. They usually wear white clothes. They do not know technology and do not study. They live very simply, even barefoot. This is a way to consistently get closer to the Almighty. They usually work as ranchers and farmers. Baduy Dangka and Baduy Luar protect Baduy Dalam. These two groups are responsible for collecting all information from Outer Baduy so that the customs of the Baduy Tribe can be maintained (Dadan Sunandar & Naf'an Tarihoran, 2022, p. 602).

However, modernisation and infrastructure development from outside is also a threat to human rights for Baduy community. If the development is done without considering the rights of indigenous people, their land, natural resources, and even their own existence can be threatened. This makes them more vulnerable to exploitation and marginalisation, especially when their needs and voices are ignored in the decision-making process related to land and natural resources in their area. Therefore, to ensure that human rights in the Baduy customary law community can be fulfilled without damaging the cultural values and traditions that have been their identity for centuries, a broad and sensitive approach is needed. One of the main challenges in this endeavour is to combine respect for local wisdom with the application of universal human rights principles.

After seeing the existing background, the researcher makes a problem formulation that needs to be answered related to How is the Fulfilment of Human Rights for the Baduy Customary Law Community?

## **2 Methods**

The method applied in this research, namely the normative juridical approach research method, is a legal research that uses secondary data sources, in the form of journals, books and regulations. The approach is carried out by emphasising and adhering to juridical aspects. Research conducted normatively is library research or 'literature study'. This normative approach will focus on juridical issues regarding legal rules related to the Fulfilment of Human Rights for Baduy Customary Law Community.

## **3 Formatting the Manuscript**

### **3.1 Human Rights**

Human rights are the basic principles that underlie the ethics of interacting and communicating with others. These human rights are universally recognised, apply to everyone, everywhere in the world, without exception, and cannot be denied by anyone. Human rights include various rights in human life, such as the right to life, liberty, and equality before the law and society. In the context of the modernisation era, the promotion and protection of human rights has become increasingly important. Human rights are not only moral guidelines in human relations, but also criteria for assessing social justice and equality in society. However, the implementation and protection of human rights in everyday life still face many significant challenges, including violence, harassment, and various forms of human rights violations. Therefore, it is important to understand the role of the state in protecting human rights. The state must endeavour to create laws that can provide fair and equitable conditions that allow everyone to exercise their human rights without fear of being abused or denied by others (Tumbel, 2020, pp. 6–8).

The 1945 Constitution of the Republic of Indonesia (UUD 1945) is the legal foundation that can provide guarantees and protection of human rights for all Indonesian people. Since the beginning of independence, the Constitution has been a solid legal foundation for the protection of the basic rights of citizens, and its long journey through several stages of amendments has further strengthened its

commitment to human rights. One of the most important milestones in the Constitution's history is the Second Amendment in 2000 and the Third Amendment in 2002, which significantly strengthened the guarantee and protection of human rights in Indonesia (Nadilla, 2019, p. 85).

One of the articles in this context is Article 28J of the 1945 Constitutional Amendment, which explicitly states that the state is obliged to respect, protect and realise the human rights and basic freedoms of every individual in self-determination. This provision indicates the state's obligation to ensure that everyone without exception enjoys their inherent rights as human beings. In addition, the 1945 Constitution also regulates other basic human rights that are essential for human life, such as the right to life, the right to justice, the right to religion and belief, the right to freedom of expression, and the right to live in peace. Education. This guarantee and protection of human rights applies not only to Indonesian citizens, but also to foreigners living in Indonesia, thereby ensuring the maintenance of the principles of justice and society regardless of national origin. Therefore, the 1945 Constitution is not only a guideline for the government in fulfilling its obligations, but also a bulwark for all people in the territory of Indonesia by guaranteeing maximum respect and protection of their human rights (Sabardi, 2013, pp. 184–186).

Human rights protection in Indonesia has been poor. However, given the circumstances, human rights are guaranteed and efforts have been made since Human Rights Law No. 39 came into force in 1999. This constitution is the basic framework that regulates the implementation of human rights based on the constitution, social laws and customs. Its implementation occurs through a series of legal and informal processes using cultural and social means. The existence of this law provides great hope for Indonesia as a country that upholds human rights. According to Human Rights Law Number 39 of 1999 of the Republic of Indonesia, also known as the Human Rights Law, human rights are defined as the rights of every human being from birth as a creation of God. Therefore, these rights must be respected, protected and safeguarded by the authorities through their laws. Human rights come from God the Creator and the authorities are responsible for protecting these rights through the laws they make. Article 3 of the Human Rights Law states that every human being is born with equal rights and freedoms, opinion and conscience, so that they can live in peace; a spirit of brotherhood in society, nation and state. Everyone has the right to dignity, protection and fair trial, as well as the right to the rule of law and equality before the law. In addition, everyone has the right to respect for human rights and fundamental freedoms without discrimination. In this context, the authorities have an important responsibility in the implementation and protection of human rights, because the protection of human rights is part of the duties and responsibilities of the authorities. This is clearly stated in Human Rights Law Number 39 of 1999. According to this law, the government is obliged to respect, protect, safeguard and promote human rights as stipulated in this law, other laws and international law. Civil justice adopted and ratified by the Republic of Indonesia (Muhlisin et al., 2017, p. 30).

Furthermore, Law Number 11 of 2005 which ratifies the International Covenant on Economic, Social and Cultural Rights is an important document that emphasises the rights of indigenous peoples, including the right not to be harmed, which is set out in Article 2. Paragraph (2), Article 2 Paragraph (3) and Article 3 of the Law. In addition, the right to culture and the right to participate are contained in Article 15, while the right to a healthy environment is described in Article 12. The right to culture is recognised and is one of the collective rights of indigenous peoples. legal companies in Indonesia. Law No. 12 of 2005 on the Recognition of the Universal Declaration of Human Rights and Human Rights expressly recognises the right to non-discrimination for all people, as mentioned in paragraph (1), chapter 2, and chapter 3. This law also regulates the right to enjoy all rights, including the right to land and natural resources, as stipulated in article 26. And the right of access is described in chapter 25. Furthermore, Law No. 40 of 2008 emphasises the elimination of discrimination based on race and ethnic origin. . Every citizen is entitled to equality in the realisation of civil, political, economic, social and cultural rights by complying with laws and regulations without distinction as to race or ethnic origin. Article 9 of this law confirms that all types of rights enshrined in Indonesian law, including various protections for indigenous peoples, must be granted. Therefore, this set of laws reflects Indonesia's commitment to upholding human rights values and endeavouring to provide equal and fair protection to all members of society, regardless of race, ethnic origin or other characteristics (Zuhdi, 2018, pp. 66–67).

### 3.2 The Uniqueness of the Baduy Tribe of Banten

Banten is one of the provinces in Indonesia that has high natural potential and biodiversity. One of the important community groups in Banten, especially in Lebak Regency, is the Baduy Tribe. This tribe is a Sundanese tribe that chooses to live alone in the Kendeng Mountains south of Banten which covers an area of around 5,101.8 hectares. The topography of this area is hilly with an average slope of 45 degrees and is

customary land. Its use is recognized by the government. The Baduy tribe strongly adheres to customary rules and norms in everyday life. They reject all forms of modernization and therefore there is no electricity, paved roads, formal education, health services or modern transportation in Baduy villages. Tourists can easily reach the village on foot through a road that divides the forest which is still guarded by the Inner Baduy and Outer Baduy communities (Rona, 2023, p. 219).

Baduy houses are built using the concept of "Lembur" or a village that reflects the identity and kinship of the community. This area consists of several villages divided into two large groups, namely Inner Baduy and Outer Baduy. The religion they believe in is known as "Sunda Wiwitan Religion" which basically comes from the belief in a power of Batara Tunggal who is considered omniscient and invisible but can be felt with the heart. The social life of the Baduy people is greatly influenced by strict customary rules and norms so that they form uniform behavior among them. The Baduy people also have a well-known leadership system where leaders hold extensive power and play an important role in maintaining their socio-cultural system. Formal education is not recognized in the Baduy tradition because they believe that education can damage nature and change the rules passed down by their ancestors. Baduy culture is a legacy that is passed down from generation to generation (Suidat et al., 2023, p. 616).

The uniqueness of the local wisdom of the Baduy tribe is reflected in the following important aspects:

1. Perspective of life

The Baduy people adhere to the Sunda Wiwitan belief which is not only a religion but also reflects their identity and origins as part of the Sundanese nation. In this belief, the Baduy people believe that their religion is an original religion that has been passed down from generation to generation. Sunda Wiwitan teaches respect for ancestral spirits and belief in Batara Tunggal who is considered the highest ruler in this concept (Suidat et al., 2023, p. 617).

One of the very important Baduy cultural traditions is the Kawalu tradition, which is a process of purification or self-purification which is considered a holy month for the Baduy people. This tradition is followed by the Inner Baduy and Outer Baduy people, where the people fast for three months, starting at 17.00. and ending at the same time the next day. This procession begins with cleaning houses, roads, villages and unnecessary buildings. During this time, the Baduy people have closed access to outsiders, including tourists and officials, so that they can concentrate on carrying out the solemnity of this tradition.

The Kawalu tradition also functions to strengthen the relationship between the Baduy people and the local government. This tradition is one of the nine major celebrations that still survive today despite rapid advances in technological and cultural developments outside the region. This confirms that the Baduy people still exist and respect the customary rules that have been passed down from generation to generation (Elis, Suryani Nani Sumarlina, Rangga, Saptia Mohamad Permana, 2024, p. 90).

2. Agriculture

According to the Sunda Wiwitan belief, farming is not only an economic activity but also a religious obligation that must be carried out with full devotion. The Baduy people still apply several restrictions in the agricultural sector, such as a ban on the use of modern rice seeds, inorganic fertilizers, and industrial pesticides. They are also prohibited from trading their crops. Although it seems strict, these rules have a positive impact, especially in maintaining environmental sustainability. Avoiding synthetic chemicals keeps the rice and rice ecosystems balanced and reduces the risk of environmental pollution (Mirajiani & Widi, 2022, pp. 1–5).

3. How to dress

The Baduy tribe's customs reflect simplicity and highly respected cultural values. Their clothes are made from local materials, with dominant colors of white and black. The clothes of the Inner Baduy people are different from the clothes of the Outer Baduy people. The Inner Baduy wear white clothes, not machine-sewn, as a symbol of purity and are not influenced by outside culture. The Outer Baduy tribe wears black or dark blue clothes with typical Baduy batik patterns. White symbolizes purity and honesty, while black symbolizes darkness before light. These two colors have deep meaning for the Baduy tribe, namely their love for nature and the uniqueness of their culture (Latif et al., 2023, p. 20).

4. Appointment of tribal leaders

In the traditional Baduy government, the position of Pu'un or tribal leader plays a very important and respected role. Pu'un has great authority in determining the direction of life in the Baduy community and the community always obeys all orders and prohibitions. The process of eliminating Pu'un occurs through two channels, namely the birth channel and the spiritual channel. In the birth process, the Pu'un candidate is selected based on his ancestors, or is selected

by the previous Pu'un through traditional deliberation. On the spiritual path, candidates are tested by fortune tellers or astrologers through special rituals in places believed to have spiritual power. Fortune is responsible for ensuring the integrity of Poon's heart in the future, his loyalty to his grandfather's wishes, and the proper transmission of customs.

5. Mutual cooperation system Repug Dugdug is a form of mutual cooperation typical of the Baduy community that takes place spontaneously and without limits. This activity is carried out to help people in need, either in the form of energy, materials, or both, depending on the needs that exist. A real example of this activity is death in the Baduy community. The community participates together in funerals, ceremonies and burials and supports their relatives. This mutual cooperation reflects strong solidarity.

### 3.3 Tourism and Economic Development of the Baduy Tribe

The Baduy Tribe as one of the indigenous communities in Banten Province, is an indigenous tribe located in Lebak Regency, Banten Province. The Baduy community still adheres to existing customs, so that efforts must be made for the Baduy tribe with the aim of improving welfare. The Baduy tribe is located in Lebak Regency, Banten Province, precisely in Kanekes Village. The Baduy tribe located in Kanekes Village has several very large potentials that can be maximized, namely Tourism, Micro, Small and Medium Enterprises (MSMEs) and natural resources or crops in the Baduy community, especially related to agriculture.

The tourism potential in the Baduy tribe is very large and has become one of the national and international tourist destinations, with very charming and beautiful natural tourism, as well as cultural tourism that is rich in tradition and uniqueness. The potential for MSMEs of the Baduy tribe is also very large by selling various kinds of typical crafts such as woven cloth, jarog bags, scarves, shawls and several other interesting items. The potential of natural resources or crops produced by the Baduy community include rice, ginger, kencur, durian, honey and sugar from the palm. However, the Potential of Village Community Economic Resources in the Baduy tribe of Kanekes village has not been well organized by the village government, so that these potentials have not been optimized properly and the results of these potentials are not included as Village Income (Mutaqien et al., 2022, pp. 74–75).

The potentials in the Baduy tribe should be managed by the traditional village according to the mandate of Law Number 6 of 2014 concerning Villages and Government Regulation Number 11 of 2021 concerning Village-Owned Enterprises, and it is hoped that the traditional village will establish a Village-Owned Enterprise (BUMDes) which runs a business in the economic and/or public service sectors in accordance with the provisions of laws and regulations, so that the results of BUMDes can be used for Business Development, Village Development, village community empowerment, and providing assistance to the poor through grants, social assistance, and revolving fund activities stipulated in the Village Revenue and Expenditure Budget (Sugiwa, 2016, p. 142).

Village-Owned Enterprises or abbreviated as BUMDes, in accordance with Government Regulation of the Republic of Indonesia No. 11 of 2021 in Article 1 Number 1 is a Legal Entity established by the village and/or together with villages to manage businesses, utilize assets, develop investment and productivity, provide services, and/or provide other types of businesses for the greatest possible welfare of the village community. In this case, BUMDes in villages and customary villages are expected to be able to carry out activities that can improve the economy for the customary village community (Wahyuningsih et al., 2023, p. 10)(Amaliyah, 2018, p. 315).

BUMDes aims to:

1. Carry out economic business activities through business management, as well as developing investment and productivity of the economy and village potential;
2. Carry out public service activities through the provision of goods and/or services and the fulfillment of general needs of the Village community and Manage the Village Food Barn;
3. Obtain profits or net profits for increasing the original income of the Village and developing the greatest possible benefits of the economic resources of the village community;
4. Utilization of Village Assets to create added value for village assets; and
5. Develop a digital economic ecosystem in the village.

With the existence of BUMDes, it is hoped that the potential of Village Economic Resources in the Baduy tribe can be managed and maximized so that it can improve the economy of the Baduy tribe, and the results of BUMDes can be used for the benefit of the Baduy tribe, both for APBDES income, public facilities and other things related to community welfare.



### 3.4 Fulfillment of Baduy Tribe's Human Rights

As part of Indonesian citizens, in the Right to be involved in politics/elections, the Baduy tribe is allowed to participate/implement candidates and be elected as candidates, although the opportunity to be involved in politics is wide open, but until now there have been no candidates from the original Baduy tribe to participate in the election. The Baduy people also need what is called legal certainty related to recognition and guarantees by the state so that their existence is not threatened due to political interests from a particular party. In 2019, the Baduy people through Jaro are the Head of Hamlet/Village in organizing village government affairs, implementing development, fostering community life, and security and order. Jaro has a dual role. On the one hand, Jaro is part of the traditional institution under Puun who is responsible for maintaining traditions and customary laws that are deeply rooted in the Baduy community. On the other hand, Jaro is the position of a village head where in the formal government structure it is under the government above it, namely the sub-district, regional government, and central government. One form of the influence of customary structures on the way the Baduy people do politics is the existence of customary values in the form of Lunang or Milu Kanu Meunang (follow the winner), namely the attitude of accepting and obeying government regulations regardless of who the candidate or party is that wins the electoral contest. Although the customary structure in the Baduy tribe plays a very important role in constructing the way the Baduy indigenous people do politics, they are given the freedom of political rights to choose candidates or parties. There are no prohibitions, coercion or sanctions from customary institutions for the Baduy people who decide to come or not to come to the TPS (Sari et al., 2023, p. 5).

The openness of the outer Baduy community to the era of modernization can make a change in the lives of its people, namely using technology, for example cellphones, which are tools for communicating with anyone, having social media so that its reach is wider throughout Indonesia or the world and or using transportation to go to further places and so on. Some of the important rights of indigenous peoples in the midst of modernization include:

1. *Rights to Land and Natural Resources*. This is as stated in the 1945 Constitution Article 33 paragraph (3) which states, the earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. Land ownership is divided into various rights in accordance with Law No. 5 of 1960 concerning Basic Agrarian Regulations (UUPA). The grouping is based on individuals or legal entities, namely ownership rights, business use rights, building use rights, usage rights, rental rights, land clearing rights, rights to collect forest products, and other rights that are not included in the rights stipulated by law and temporary rights, because in the Baduy community there are still many of these things that occur (Haris et al., 2024, pp. 1994–1995).
2. *The Right to Cultural Identity*. The rights of indigenous peoples to maintain, develop, and continue their culture, language, and traditions must be recognized by the local government. Modernization can pose a threat to the erosion of the cultural identity of indigenous peoples, such as the use of technology that influences traditional languages or damages their cultural heritage (Haris et al., 2024, pp. 1994–1995).
3. *Participation in Decision Making*. Indigenous peoples have the right to participate in decision-making that affects their lives in accordance with Human Rights (HAM), including in development planning and management of natural resources in their territories. Effective participation ensures that the needs and interests of indigenous peoples are taken into account. Efforts to formulate policies by the government that support the recognition of indigenous peoples. The government is considered necessary to formulate a strong and inclusive legal basis to protect the rights and sustainability of indigenous peoples' lives (Tumbel, 2020, pp. 6–8).
4. *Protection Against Violence and Discrimination*. Indigenous peoples are often vulnerable to violence, discrimination, and other human rights violations due to cultural differences with modern human culture compared to indigenous peoples who are still closely tied to their ancient culture. Strong legal protection is needed to prevent and respond to such crimes, as well as to provide justice to victims such as from the police or government to protect their rights. It is important for the state to formally recognize the rights of indigenous peoples and enact laws that protect their rights. This includes rights to land, natural resources, cultural identity, and protection against violence and discrimination (Tumbel, 2020, pp. 6–8).
5. *Access to Education and Health Services*. Indigenous peoples must have equal access to quality education and health services that are appropriate to their culture. This involves providing education that reflects the cultural values and traditions of indigenous peoples, and ensuring that

health services are accessible without discrimination against certain ethnic groups (Fitri, 2023, p. 246).

6. *Natural Resource Management*. Modernization often accelerates the exploitation of natural resources in indigenous peoples' territories, such as forests or agricultural land. Modern technology has enabled greater access to these resources, which can change indigenous peoples' ways of life and traditions. Modernization is often accompanied by rapid economic growth, which leads to increased demand for natural resources. Indigenous peoples' territories are often rich in natural resources that are targeted by industries such as mining, plantations, or forestry. Development and investment policies driven by the government or the private sector such as entrepreneurs can trigger the exploitation of natural resources in indigenous peoples' territories. This can be in the form of infrastructure development such as highways, dams, or other large industrial projects that require the acquisition of land and natural resources.

The presence of modernization certainly has an impact on people's lives, both directly and indirectly. Society is always changing, and change is something that cannot be avoided from within society, although there are differences between the changes experienced by one society and another. In the economy, the Baduy people are said to be very independent by utilizing the crops they grow to sell to tourists, or residents who live around the Baduy village and are also willing to go to cities such as Serang and Cilegon to sell their crops/plants so that the income of the Baduy people is more than enough. The Baduy people are currently very good at meeting economic needs by making skills and creativity from crafts that can be made into goods that have a selling price little by little increased in improving their economy such as clothes, bags, etc. The Baduy people are farmers. They meet their needs from the results of their gardens, rice fields, and fields. Sometimes they take wood from the forest. Baduy society in implementing a shifting cultivation system with interactive cultivation with Baduy people and the social life of the Baduy community also has great power and authority, so that the leaders below them and the Baduy community are subject to and obedient to them.

The Baduy people are called marginalized because they are in and confined in a territory with the worst infrastructure in all areas inhabited by the people of Java. They are called neglected because they do not receive adequate medical treatment like the people of Java in other areas, do not wear footwear, do not use any vehicles as transportation, preferring to walk, and also some of their people are still illiterate. The Baduy people are said to be less cared for because there are so many sociologists, anthropologists, theologians and so on on the island of Java, especially in Jakarta, but do not apply their knowledge to pay attention to their underdeveloped brothers and sisters, namely the Baduy people.

The Baduy tribe who are marginalized, neglected, and less cared for need humanitarian assistance so that they can get out of these three things and also so that their human rights can be fulfilled. Humanitarian assistance can be provided by the Government. Food as one of the basic rights and a human right that continues to be debated because it is related to so many entangled issues, by adopting the opinion of Mutaqin in the writing of Gusti Nur A. Shabia, it is said that the right to food and nutrition is a right that is realized when every man, woman, and child, individually or in a community with others, has physical and economic access at all times to adequate food, or when they have the means to obtain food. This right to food and nutrition is a right that is born as a basic human need as a living being and is a binding obligation that is confirmed by international law. From the definition above, it can be criticized that the right to food and nutrition pays attention to three basic elements, namely (Wulansary & Putri, 2023, pp. 20–22):

1. Must pay attention to fulfillment at every level of gender, age, class, without exception;
2. Must pay attention to access to food at the individual and collective levels, because the phenomenon of hunger and malnutrition or stunting in newborns does not only occur individually, but can be found at the household level to collectively in a community unit;
3. Emphasizes that access to Food also pays attention to the means to obtain it and when we talk about means, we will also talk about ownership and control.

### 3.5 The Role of Government in Fulfilling the Rights of the Baduy Tribe

The elements stated above are closely related to the State's obligation to carry out its role in building food security, food sovereignty and food independence. The term food security is used as a general term globally. It is used in many international instruments such as conventions, agreements, protocols and treaties. Simply put, food security is enough food for people to eat and is produced from a sustainable food system. FAO describes food security as a situation that exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences



for an active and healthy life, thus indigenous communities such as the Baduy tribe need sufficient food/food needs to meet their daily needs.

The government has repeatedly provided charitable assistance to the Baduy community. The Ministry of Social Affairs, for example, in 2012 provided assistance to 200 Baduy children in the form of mentoring and savings of Rp1.5 million each per year to gain access to health at health centers and midwives. The Indonesian Ministry of Social Affairs has also provided assistance for building houses for 314 victims of the 2009 fire worth Rp3 billion. From the Ministry of Education, around 20 thousand children of the Baduy tribe, both Inner Baduy and Outer Baduy, received package education. The role of the local government as a dynamic agent can mobilize community participation, both individuals and institutions or organizations that care about culture if there are problems in the management and preservation process. The government is present as a provider of intensive and effective guidance and direction to indigenous communities, guidance is carried out through extension teams or certain agencies to provide training in the Baduy Tribe Traditional Village to encourage and maintain the dynamics of various government programs. The Lebak Regency Government in its role as a dynamic agent is marked by the existence of Pokdarwis (Tourism Awareness Group) and Kompepar (Tourism Driving Group) which assist the government in building the world of tourism. The role of the local government as a facilitator of both facilities and infrastructure as an effort to facilitate access for the community and foreign and domestic tourists who want to visit the Baduy Tribe Traditional Village by shortening the travel time to reach tourist attractions. In order to maintain the culture in the Baduy Tribe Traditional Village so that it continues to be carried out, the Lebak Regency Government should be able to provide funds and deploy employees or the Head of the Culture and Tourism Division of the Lebak Regency Culture, Tourism, Youth and Sports Office to directly see the routine events held in the Baduy Tribe Traditional Village (Prabowo et al., 2023, pp. 15–20).

The role of the Regional Government as a stimulator can build tourist objects and attractions, the Culture Office can prepare strategies that will be implemented in the context of developing tourist attractions. Here the government can involve and cooperate with the Baduy indigenous community, by building facilities such as places to sell (canteens) so as to generate benefits for the community and the government. The government also provides guidance to the Baduy indigenous community who are empowered at tourist attractions, the community is invited and manages tourist attractions so that they remain sustainable and attract visitors. On the other hand, the government involves investors and companies in managing tourism in the Baduy tribe area.

## 4 Conclusions

Customary law is a law that originates from the norms of daily life and is manifested by the culture of indigenous Indonesians as an expression of a sense of justice in self-interested relationships. Therefore, customary law in the territory of the Unitary State of the Republic of Indonesia is the original law of Indonesia that has been established from generation to generation by the Indonesian people based on their manifested awareness of values. The understanding of human rights of the Baduy indigenous people is very unique and is closely tied to their cultural values and customs. The government has a very important role in preserving the Baduy indigenous people through legal recognition, developing inclusive policies, and strengthening indigenous community institutions. Thus, the diversity of Indonesian culture can be maintained and the balance between development and environmental preservation can be realized.

Suggestions for the Government: 1) *Strengthening Regulations*. Strengthening legal protection of the customary rights of the Baduy indigenous people. Establishing customary protected areas as part of conservation areas. Creating clear regulations on access and utilization of natural resources in the Baduy customary area, 2) *Sustainable Development*. Encourage development that is oriented towards empowering indigenous communities, not just economic growth. Support sustainable local economic development, such as culture-based ecotourism. Increase access to basic infrastructure without disrupting Baduy cultural values, 3) *Education and Training*. Provide formal and non-formal education that is appropriate to the needs and culture of the Baduy community. Provide life skills and entrepreneurship training for the younger generation of Baduy. Increase the capacity of government officials in understanding and responding to the needs of indigenous communities, 4) *Dialogue and Participation*. Establish open and sustainable communication with the Baduy customary community. Provide space for indigenous communities to participate in decision-making related to development in their area. For the Baduy Customary Community: 1) *Institutional Strengthening*. Strengthen customary institutions as a forum for collective decision-making. Increase the capacity of customary leadership in facing the challenges of

globalization, 2) *Economic Diversification*. Develop local products based on natural resources and culture. Increase market access for local indigenous community products, 3) *Cultural Preservation*. Documenting and preserving traditional knowledge and indigenous languages. Instilling indigenous values to the younger generation.

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