

## Customary Law Perspectives on Preserving Baduy Ulayat Land: A Socio-Legal Study of Sustainability

Fathullah<sup>1</sup>, Robby Nurtresna<sup>2</sup>, Muhamad Wahyudin<sup>3</sup>, Mabsuti<sup>4</sup>, Saifun Nufus<sup>5</sup>

<sup>1</sup> Primagraha University, Indonesia; fathasyim@gmail.com

<sup>2</sup> Primagraha University, Indonesia; robbynurtresna7@gmail.com

<sup>3</sup> Primagraha University, Indonesia; wahyudinm177@gmail.com

<sup>4</sup> Primagraha University, Indonesia; ibnumarhas2@gmail.com

<sup>5</sup> Primagraha University, Indonesia; Saifunnufus2@gmail.com

Received: 26/02/2026

Revised: 14/03/2026

Accepted: 23/04/2026

### Abstract

This study investigates the pivotal role of customary law (*hukum adat*) in preserving *ulayat* (communal) land within the Baduy indigenous community of Indonesia, navigating the complexities of modern legal pluralism. Employing a qualitative socio-legal methodology, this research utilizes purposive sampling involving traditional authorities, specifically the *Puun* and *Jaro*. The findings reveal that Baduy land governance is a holistic integration of social, spiritual, and ecological dimensions, in which land is venerated as a sacred ancestral trust (*karuhun*) rather than a fungible economic commodity. Consequently, traditional norms strictly prohibit land alienation and individual certification. These protective mechanisms are enforced through a sophisticated hierarchical leadership structure in which the *Jaro* implements both preventive norms and restorative sanctions to maintain communal integrity. Despite formal recognition through regional regulations, this study identifies critical friction between national agrarian policies, external economic pressures, and indigenous autonomy. The research concludes that the Baduy model provides a resilient, sustainable paradigm for land governance. It advocates for a substantive harmonization between state legislation and customary frameworks to ensure the enduring protection of indigenous territorial rights against contemporary developmental encroachment.

### Keywords

Customary law; Ulayat land; Baduy community; Legal pluralism; Indigenous rights

### Corresponding Author

Fathullah

Primagraha University, Indonesia; fathasyim@gmail.com

## 1. INTRODUCTION

Indonesia is a country characterized by cultural diversity and multiple legal systems that coexist within a single rule-of-law framework (Riyadi, Prabowo, & Hakim, 2024). In this context, customary law plays a crucial role as a *living law* that evolves, is maintained, and is shaped by indigenous communities (Harniwati, 2024). One such community that has consistently preserved its legal system is the Baduy indigenous community in Lebak Regency, Banten Province.



For the Baduy people, ulayat land is not merely an economic asset but a collective living space with spiritual, social, and ecological dimensions. It is understood as communal property that cannot be freely traded, as customary rules bind it and have been passed down through generations (Guntur, 2023). From a customary law perspective, ulayat land embodies the community's collective identity and continuity. Thus, preserving ulayat land means safeguarding social structures, religious values, and the balance between humans and nature (Sembiring, 2018). Land disputes are complex problems and often require appropriate and fair resolution. (Panjaitan, Usnan, Holten, Putra, & Dr. Mahipal, 2024)

However, modernization, development, and the expansion of the national legal system often create tension between customary law and state law (Sitorus, Banke, Saragih, & Tjipto, 2025). Although Article 18B(2) of the 1945 Constitution recognizes and respects indigenous communities and their traditional rights as long as they remain alive and in accordance with societal development, its implementation still faces challenges, particularly in agrarian and land tenure issues (Presiden Republik Indonesia, 1945, vol. 18B). Management rights over customary land are a vital resource for the survival and well-being of the Baduy people, which requires strong constitutional protection. (Ahmad Taufik, Moh. Annand Ananda Saputra, & Ni'matul Huda, 2025)

Previous studies on customary law in Banten have largely focused on marriage customs and their integration with Islamic and national law (Bintarawati, 2024). One study shows that the Javanese *weton* calculation tradition in marriage is a form of *'urf* (custom) that persists in modern society, albeit with adaptations to align with Islamic values and contemporary social needs (Wahyudin, Syafe'i, & Ma'rifah, 2024). Similarly, research on the compatibility of Banten Javanese and Baduy marriage customs with Islamic law and statutory regulations highlights that such practices can harmonize with Islamic law through the concept of *'urf*, as long as they do not contradict sharia principles (Wahyudin, Ishom, & Syafuri, 2024). These studies emphasize the importance of cultural reconstruction to maintain relevance within national legal and religious frameworks. While customary law demonstrates adaptability through normative harmonization with state legislation, scholarly focus has largely centered on family and marriage law, leaving a critical research gap regarding the preservation of Baduy ulayat land, which involves complex intersections of collective rights, indigenous sovereignty, and agrarian legal conflicts. (Pertiwi & Jaman, 2025)

In customary law literature, two main perspectives emerge. The first argues that customary law should be fully integrated into the national legal system to ensure legal certainty (Lubis et al., 2025). The second maintains that customary law possesses normative autonomy and must be respected as an independent legal system (Maulana, Kakoe, Puwa, Sarjono, & Piyo, 2025). This debate is particularly relevant to the Baduy community, which consistently resists external interventions that may disrupt their customary order.

Based on this background, this study aims to analyze the Baduy customary law perspective on the preservation of ulayat land amid the dynamics of national law and modernization. It also seeks to identify effective forms of customary protection and examine the extent to which national law provides recognition and protection for Baduy communal land rights.

Theoretically, this research contributes to the development of customary and agrarian law studies, particularly regarding communal rights within a pluralistic legal system (Supraptiningsih, 2021). Practically, it is expected to offer insights for developing a harmonization model between customary and state law to ensure the sustainability of indigenous communal land rights while maintaining national legal certainty.

The novelty of this research lies in several important aspects :

1. Internal Perspective Approach (Insider's Legal Perspective): This study does not merely examine ulayat land from the standpoint of positive law or state policy, but positions Baduy customary law as an autonomous and living normative system. Ulayat land is analyzed in terms of value constructions, traditional leadership structures, and internal mechanisms of sanctions and legitimacy within the Baduy community. This approach differs from many previous studies that tend to adopt a normative-dogmatic perspective rooted in state law.
2. Ulayat Land as an Ecological and Spiritual System: Unlike modern agrarian approaches that emphasize ownership and certification, the Baduy community views land as a cosmological space imbued with religious significance and ecological balance. This study presents ulayat land not merely as a legal object, but as an ecological-spiritual system that shapes the social structure of indigenous society. This perspective contributes to an interdisciplinary dialogue between law, anthropology, and legal ecology.
3. Customary Law Resilience Model (Legal Resilience Model): This research offers an analysis of how Baduy customary law persists without radical transformation, unlike Javanese Banten marriage customs or the *weton* tradition in marriage planning (Wahyudin et al., 2024) While previous studies show that customs undergo reconstruction to align with national and Islamic law, the Baduy case demonstrates a model of normative resistance that consistently preserves the authenticity of customary rules. This opens a new discourse on the typology of relationships between customary and state law, whether through harmonization, adaptation, or resistance.
4. Implications for National Agrarian Policy: This study also underscores the practical urgency of addressing agrarian conflicts and recognizing indigenous peoples in Indonesia. By examining the Baduy system of ulayat land protection, this research offers a potential model for strengthening the recognition of communal rights that may be replicated in other indigenous communities.

Conceptually, this research enriches the discourse on legal pluralism, where more than one legal system coexists within a social space. In this context, Baduy customary law does not merely survive as a cultural symbol but also functions as an effective regulatory system governing the collective distribution, utilization, and protection of land. (Armansyah, Jaman, & Abidin, 2025)

Thus, this study not only addresses ulayat land as an object of agrarian law but also as a site of dialectics between tradition and modernity, between customary autonomy and state intervention, and between collective rights and the national legal system, giving this topic strong novelty and scholarly urgency for further study. While previous studies have explored Baduy marriage customs, research specifically addressing the internal normative resilience of *ulayat* land preservation remains scarce. Most existing literature focuses on state-centric legal certainty, neglecting the 'insider's perspective' of land as a cosmological space. Therefore, this study addresses two central questions: (1) How does Baduy customary law interpret and regulate *ulayat* land across social, spiritual, and ecological dimensions? Moreover, (2) How effective are customary mechanisms in maintaining land sustainability against modern agrarian interventions?

## **2. METHOD**

This study employs a qualitative approach using an empirical juridical (socio-legal) research design, which examines law not only as written norms but also as social practices living within society (*living law*) (Adiyaksa, Saputra, Pratama, & Febrianty, 2021). This approach is chosen to gain an in-depth understanding of how Baduy customary law functions in preserving ulayat land, both normatively and in its practical implementation in daily life.

The research subjects include members of the Baduy indigenous community, particularly customary leaders such as the *puun* and several *jaro*, community members, and other stakeholders directly related to the management and protection of ulayat land. Subjects are selected through purposive sampling, given that informants possess relevant knowledge, experience, and authority regarding the customary legal system under study. (Sumilih et al., 2025)

Operationalized through a systematic tripartite methodology, this study advances from a foundational theoretical review of customary jurisprudence, *ulayat* tenure, and legal pluralism, to rigorous empirical fieldwork within the Baduy enclave, deploying direct observation to elucidate the socio-spatial praxis of land management, concomitantly with in-depth interviews to excavate the underlying normative customary ethos, ultimately culminating in comprehensive analytical processing. (Wahyudin, Syafe'i, & Ishom, 2025)

The research instruments include interview guidelines, field notes, and documentation such as archives, regulations, and other relevant written sources (Nurpita, Cahyani, Zamsiswaya, & Rahman, 2026). This study is also supported by primary legal materials (laws and regulations related to indigenous peoples and agrarian issues), secondary legal materials (books, academic journals, and previous research), and tertiary legal materials as supporting references.

Data collection techniques consist of three main methods: in-depth interviews, limited participatory observation, and documentation studies. The collected data are analyzed using descriptive qualitative analysis, comprising the stages of data reduction, data presentation, and conclusion drawing (Mahardhika, Wahyudin, & Supriyatin, 2025). To ensure rigorous evidentiary validity, this study employs continuous methodological triangulation synthesizing interviews, empirical observations, and documentary evidence until data saturation is achieved to facilitate both an interpretative understanding of Baduy customary jurisprudence and a comparative analysis against the national legal framework, while concomitantly integrating Islamic law as a supplementary normative paradigm. (Wahyudin & Nugraha, 2025)

Through this approach and methodology, the study is expected to provide a comprehensive understanding of the role and effectiveness of customary law in preserving ulayat land among the Baduy community within the dynamics of legal pluralism in Indonesia. This study employs a qualitative socio-legal design. Fieldwork was conducted in Kanekes Village for an adequate period to ensure data depth. Primary data were gathered through in-depth interviews with 8 key informants, including 2 *Jaro* (customary administrators), 1 *Puun* (spiritual leader), and 5 community members, selected purposively. Ethical considerations were maintained through informed oral consent and anonymity. Data were analyzed using a thematic analysis approach, involving data reduction, categorization (social, spiritual, ecological), and conclusion drawing. Triangulation was performed by cross-referencing interview transcripts with field observations and documentation of regional land regulations.

### 3. FINDINGS AND DISCUSSION

#### 3.1. The Perspective of Baduy Customary Law in Regulating and Interpreting Ulayat Land as a Communal Right with Social, Spiritual, and Ecological Dimensions

From the perspective of Baduy customary law, ulayat land is not treated as an economic commodity that can be freely traded, but rather as an entity integrated into the community's collective life system (Pertwi & Jaman, 2025). Land is regarded as ancestral heritage (*karuhun*), sacred, and to be preserved for future generations. Therefore, the concept of ownership in Baduy society does not recognize individual property rights in the modern sense, but rather communal rights inherent to the

entire indigenous community (Pertiwi & Jaman, 2025). Individuals possess only limited usage rights, while ultimate control lies with the community and is governed by customary structures.

This perspective indicates that ulayat land is not merely a legal object, but part of a value system that shapes the social identity of the Baduy people. Socially, ulayat land functions as a foundation that regulates relationships among individuals, families, and groups within the indigenous community (Y. S. Putri, Effendi, & Anwar, 2025). The distribution of land use is carried out collectively, taking into account shared needs and social balance, thereby preventing the accumulation of ownership by certain individuals. In this way, ulayat land serves as an instrument of social integration, maintaining cohesion and solidarity. The Baduy community views land as a collective right (*communal ownership*) rather than an individual asset. In an interview, Jaro Saija emphasized: '*Land is a mandate from ancestors that must not be traded; its use is only for survival, not for profit*'. Socially, this ensures equitable distribution; spiritually, it maintains cosmic balance; and ecologically, it functions as a conservation system.

Furthermore, in the spiritual dimension, land holds a highly sacred position as it is closely related to the Sunda Wiwitan belief system. In the cosmology of the Baduy community, humans, nature, and spiritual forces exist in an inseparable unity (Krisnawaty, Gojali, Arfandi, Mahipal, & Asrun, 2025). Land is viewed as a medium connecting humans to ancestors and supernatural forces, so every action involving land must consider its moral and spiritual aspects. Violations of customary land rules are not only breaches of social norms but also disruptions of cosmological balance that may result in spiritual consequences for both individuals and the community (Wahyudin, 2024). Within this framework, customary law functions as both a behavioral regulatory tool and a balancing mechanism between humanity and nature, manifested through traditional prohibitions on land-use conversion, restricted land clearing, and the rejection of ecologically disruptive modern technologies (Suwarno & Febryano, 2025). These principles demonstrate that the Baduy community possesses strong local knowledge in environmental conservation.

From an ecological standpoint, the Baduy community manages *ulayat* land as an essential ecosystem through customary practices centered on sustainability over exploitation, specifically through the preservation of protected forests (*leuweung kolot*), regulated agricultural expansion, and the adherence to traditional farming methodologies (Imlabla, Silaya, Sahureka, Tjoa, & Parera, n.d). Compliance with ancestral rules in the division of forest zones (such as *leuweung kolot*) shows that customary law has a stronger binding force than formal regulations in terms of nature conservation (Krisnawaty, Gojali, Arfandi, Mahipal, & Asrun, 2025b). Thus, ulayat land functions not only as a source of livelihood but also as a mechanism for environmental conservation passed down through generations. More broadly, the Baduy customary law perspective reflects the integration of normative, social, spiritual, and ecological aspects within a unified legal system (Romdoni, Sari, Fathurokhman, &

Malik, 2025). Customary law is inherently internalized within daily life, where adherence is driven not merely by formal sanctions but by a profound collective consciousness and the belief that preserving *ulayat* land is fundamental to maintaining the ontological balance of existence.

From this perspective, as reflected in the views of Jaro Saija, a customary leader, and Humer, a trader who interacts directly with the Baduy community, *ulayat* land is understood not only as a physical space but also as an entity encompassing interconnected social, spiritual, and ecological dimensions.

a. Social Dimension

The leadership of Jaro Saija underscores that the Baduy *ulayat* land is not merely a living space but an operational foundation integrating social, spiritual, and ecological dimensions into an inseparable customary order. Sociologically, the land functions as an instrument for maintaining collective order and justice, where individual usage rights are constrained by a communal ownership framework that prohibits absolute private property and land accumulation to prevent social inequality. Complementing this view, Humer's observations reveal that the absence of individual ownership fosters solidarity and shared responsibility, with any transgressions resolved through restorative deliberation to maintain harmony. Consequently, *ulayat* land regulation serves a dual role as an equitable distribution system and a social binder, mitigating internal agrarian conflicts by reinforcing communal values.

b. Spiritual Dimension

In Baduy cosmology, *ulayat* land is conceptualized as a sacred ancestral mandate (*karuhun*), in which physical space is an integral part of a cosmic order that connects humanity, nature, and spiritual forces. Jaro Saija emphasizes that adherence to customary norms is not merely social obedience but a manifestation of spiritual reverence that prohibits land exploitation and the desecration of sacred areas to maintain cosmic equilibrium. Transgressions against *ulayat* land are believed to disrupt this spiritual balance, potentially triggering natural disasters or social disharmony; thus, dispute resolution is oriented toward restoring the harmony between humanity and the divine. Humer's observations reinforce that this transcendental awareness serves as the primary foundation for the Baduy community's disciplined consistency in shielding *ulayat* land from external pressures and modern exploitation.

c. Ecological Dimension

Within the Baduy customary legal framework, the ecological dimension is inherently integrated as an environmental protection mechanism that treats *ulayat* land not as a commodity for exploitation but as transgenerational heritage to be preserved. Jaro Saija emphasizes that customary norms, such as prohibitions on deforestation, chemical use, and modern technological intervention, serve as concrete protective measures to maintain ecosystem carrying capacity and cosmic balance. Environmental

degradation is perceived as a systemic threat that disrupts not only the ecology but also the community's social and spiritual fabric. Echoing this, Humer observes that this disciplined ecological awareness fosters a sustainable land management model that successfully harmonizes human needs with nature conservation, offering a resilient alternative to often exploitative modern land management paradigms.

Within the discourse of Baduy customary law, *ulayat* land is conceptualized as a communal right embodying an ontological integration of social, spiritual, and ecological dimensions within an unfragmented order. Jaro Saija's perspective underscores that *ulayat* land management transcends mere normative formality, functioning as an operational foundation that sustains comprehensive sociocultural stability. In the social dimension, the land serves as an instrument of distributive justice, mitigating agrarian conflicts by reinforcing communal solidarity. In contrast, in the spiritual dimension, it is positioned as a sacred ancestral trust, where its use manifests profound reverence for customary norms that maintain a sustainable cosmic equilibrium (Pertwi & Jaman, 2025). Meanwhile, in the ecological dimension, *ulayat* land serves as part of an environmental protection system that ensures the sustainability of natural resources through various customary prohibitions and restrictions.

Corroborated by Humer's external validation of the Baduy customary framework's robust integration of social, spiritual, and ecological dimensions, the conceptualization of *ulayat* land transcending mere pecuniary or spatial utility to function as a nexus of cultural identity, social cohesion, spiritual practice, and environmental stewardship constitutes a holistic paradigm of communal governance that serves as a profound jurisprudential archetype for international legal frameworks seeking to reconcile human exigencies with ecological inviolability and foundational existential values.

### **3.2. Mechanisms and Effectiveness of Baduy Customary Law in Preserving Ulayat Land Amid Modernization and External Interventions**

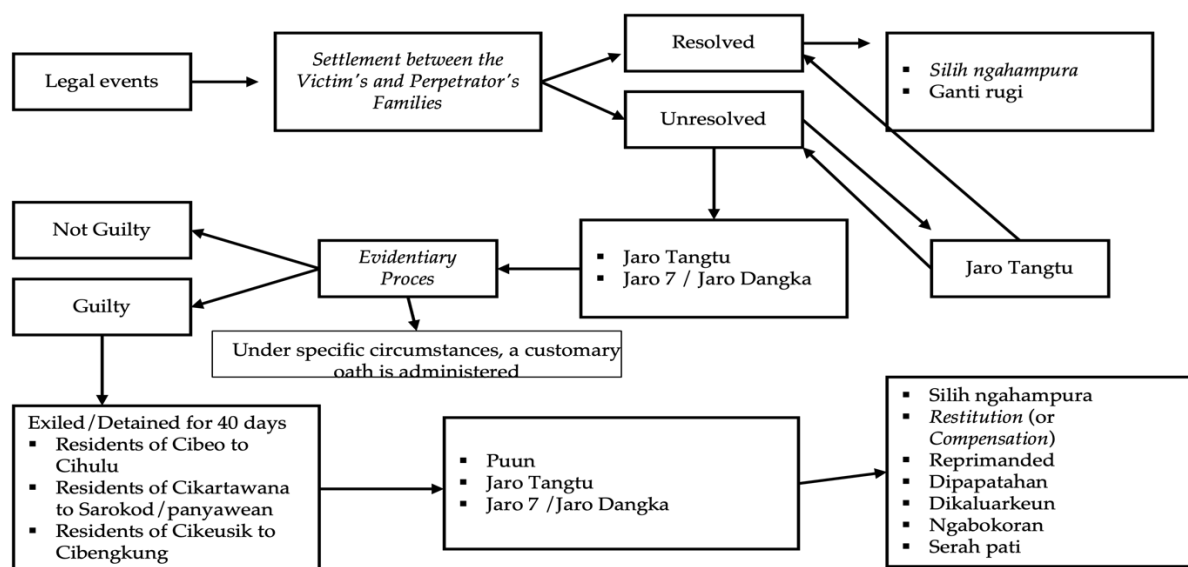
The mechanism for protecting *ulayat* land within the Baduy community is built upon a structured, layered customary institutional system with strong legitimacy in social life (Abdurahman, Sujana, Azis, Istiqamah, & Nabillah, 2024). The customary leadership structure, with the *Puun* as the supreme authority and the *Jaro* as the operational executor, transcends mere administrative functions by embedding moral and spiritual dimensions into the management and protection of *ulayat* land as an ancestral trust maintained through collective adherence to inherited norms.

From the perspective of living law theory, as proposed by Eugen Ehrlich, effective law is law that lives and is obeyed in social practices, rather than merely law written in formal regulations (Ehrlich, 1962). In the Baduy community, customary law related to *ulayat* land represents a concrete manifestation of this concept, as customary norms are not only known but are also internalized and consistently practiced in daily life (Efrianto, 2024). Jaro Saija emphasizes that the prohibitions against

buying and selling land, destroying forests, and altering land functions are not merely normative rules, but form part of the community's living consciousness that cannot be violated. The centralism of state law often creates tension with the living law of the Baduy people, especially regarding land ownership, which is communal and sacred (Salsabila & Fidiyani, 2025). This is reinforced by Humer's view, which observes that the Baduy community's compliance with customary law arises from strong collective awareness, rather than from pressure or coercion by the state's formal legal system.

Thus, the effectiveness of Baduy customary law lies in its deep internalization, making the law truly alive in social practice. The effectiveness of these mechanisms aligns with Eugen Ehrlich's 'living law' theory, where law is obeyed through deep value internalization rather than state coercion. However, tension persists between the Baduy communal system and the state's preference for individual certification. Strengthening customary institutions is essential to bridge this gap, ensuring that formal recognition (e.g., Regional Regulation No. 32/2001) translates into practical protection against external land conversion.

**Chart 1. flow of Case Resolution in Baduy Customary Law**



Furthermore, within the framework of legal pluralism as explained by John Griffiths, the existence of Baduy customary law demonstrates that more than one legal system can coexist within a single social space (Griffiths, 1986). On the one hand, state law provides room for individual ownership through land certification mechanisms; on the other hand, the Baduy community continues to maintain a communal ownership system based on customary law (Pertiwi & Jaman, 2025). Mass land certification policies often create normative tensions with the communal principles of customary land, risking the erosion of indigenous communities' sovereignty over their living space. (Yogatiyana & Hidayatullah, 2022)

The Baduy people consciously uphold customary law as the most legitimate system aligned with their core values, where Jaro Saija's rejection of individual land ownership to preserve social equilibrium is reinforced by Humer's observation of the community's resilient capacity to mitigate external influences, ensuring that customary law remains the primary defensive instinct for protecting their ancestral territory against cultural disintegration amidst modernization. (Yunita Yunita, Raden Rahma Restu Maulida, Naufalia Putri, Dede Nadien Rahmadini, & Desi Hermawati, 2024)

The mechanism for protecting *ulayat* land in the Baduy community also operates through complementary preventive and repressive approaches. Preventively, customary values are instilled from an early age through processes of socialization within families and communities (Barlian, 2024, p. 32). Jaro Saija emphasizes that customary education serves as the primary preventive pillar in protecting *ulayat* land, fostering individual awareness before transgressions occur, thereby minimizing potential conflict from the outset. Repressively, any violations are resolved through customary deliberation using a restorative approach that perceives distortions of *ulayat* land not merely as individual wrongdoing but as disruptions to the community's social and spiritual equilibrium.

Consequently, conflict resolution is oriented toward restoring harmony, in which the community's adherence to customary *pikukuh* transcends mere legal obedience, evolving into a manifestation of spiritual consciousness that maintains the balance between humanity and ancestral land (Murdiana, Sudiono, Kosim, & E.P., 2021). The Baduy customary legal system, through the *pikukuh* principle, has proven effective in mitigating climate change by maintaining the forest ecosystem as a sustainable water reserve (Permata, 2025). In this regard, Humer notes that social and moral sanctions within the Baduy community are highly effective, as they deter without prolonging conflict.

The effectiveness of Baduy customary law becomes even more evident in its ability to withstand the pressures of modernization and external intervention. Amid the currents of globalization and the development of the market economy, the Baduy community consistently rejects land commodification and maintains a communal ownership system (Abdurahman et al., 2024). Evidenced by the prohibition of land alienation, the repudiation of individual tenure certification, and the rigorous enforcement of environmental interdictions, Jaro Saija's assertion that land transcends mere economic utility is corroborated by Humer's observation that the Baduy community's profound jurisprudential resilience to external transformation is unequivocally anchored in their steadfast integration of social, spiritual, and ecological imperatives into daily praxis.

This resilience indicates that Baduy customary law possesses strong adaptive capacity, derived not only from institutional structures but also from collective awareness and the community's trust in customary values. Compliance with customary law is not based solely on the threat of sanctions, but on

the belief that violations of ulayat land will affect the overall balance of life, both socially and spiritually. (Fathurokhman, 2016)

As a tangible manifestation of 'living law,' Baduy customary law demonstrates its efficacy within Indonesia's legal pluralism through collective legitimacy and value internalization rather than mere formal legal instruments. Its success in sustainably preserving *ulayat* land is rooted in the profound integration of social and spiritual dimensions within community practice. Consequently, the Baduy customary law model serves not only as a resilient system for ancestral land protection but also as a relevant alternative paradigm for formulating national natural resource protection frameworks that are more equitable, community-based, and inherently value-oriented. (Maulida, 2025)

### **3.3. The Relationship Between Baduy Customary Law and National Law in the Protection of Ulayat Land**

The relationship between Baduy customary law and national law in the context of ulayat land protection reflects concrete legal pluralism in Indonesia. Within the Indonesian legal system, customary law is recognized not only as cultural heritage but also as a source of values with strong social legitimacy (Sumaya, 2026). This positions customary law particularly within the Baduy community as an integral part of the national legal framework.

The discussion of the mechanisms and effectiveness of Baduy customary law in maintaining ulayat land cannot be separated from the broader relationship between customary law and national law within Indonesia's plural legal reality (Mulyadi, 2017). In the Baduy community, customary law is not merely a set of traditional norms but a living law actively practiced, obeyed, and consistently implemented in everyday life (R. A. Putri, Hamamy, & Banirossa, 2025). This body of law serves as the primary foundation for safeguarding ulayat land from the pressures of modernization and external intervention.

Mechanistically, the protection of ulayat land in the Baduy community is carried out through a strong and hierarchical customary leadership system (Susanti, Sapriya, & Supriatna, 2025). Customary leaders, such as the Jaro, play strategic roles in supervising, regulating, and enforcing customary norms related to land use and protection. In this regard, Jaro Saija, as a prominent Baduy customary figure, emphasizes that ulayat land is not individually owned but is an ancestral trust that must be collectively safeguarded and cannot be traded. This principle acts as a primary defense against external interests, including economic expansion, development, and investment that may threaten the sustainability of customary territories.

The efficacy of Baduy customary law in safeguarding *ulayat* land stems from its integration of preventive mechanisms, including stringent land management norms and repressive-restorative approaches centered on the principle of *silih ngahampura* (mutual forgiveness) to restore social harmony.

As Humer argues, the potency of this legal system lies not in formal sanctions but in its sociological legitimacy and profound collective consciousness, manifesting a resilient 'living law' capable of enduring modern pressures. In contrast to state law, which often operates through formalistic, top-down structures, Baduy customary law operates internally through robust social control and voluntary compliance, deeply rooted in the community's own awareness (Armansyah et al., 2025). Strengthening regulations and customary institutions is essential to harmonize laws and protect the collective rights of the Baduy people. (Suprianto, Setiady, Triyunarti, & Maman, 2026)

From the perspective of legal pluralism, the Baduy community's success in preserving ulayat land indicates that customary law and national law should not be positioned in opposition but rather in synergy (Aryanta, 2026). As previously discussed, Baduy customary law carries strong social legitimacy, while national law provides formal legitimacy. The integration of both is essential to creating effective protection of ulayat land. Recognition of customary law within the national legal system, such as in the Criminal Code reform, that accommodates living law, marks an important step toward a more responsive and contextual legal system.

Moreover, the relationship between Baduy customary law and national law in the protection of ulayat land highlights the need for a legal approach that is not only normative but also sociological (Nisa & Asriyani, 2025). A formalistic approach that emphasizes certification and individual ownership often conflicts with the communal ownership concept of indigenous communities. The protection of customary rights is an integral part of fulfilling human rights for indigenous communities, enabling them to maintain their cultural identity and traditional way of life (Rayhan, Widjaya, Sulistya, & Sopandi, 2025). Therefore, concrete measures are required in the form of policies that explicitly recognize and protect ulayat rights, strengthen customary institutions, and provide space for customary law to operate effectively within the national legal system. (Rubi, Syamsudin, Maulana, Yulrisnanda, & Saripudin, 2024)

In conclusion, the mechanisms and effectiveness of Baduy customary law in maintaining ulayat land provide clear evidence that living law plays a crucial role in Indonesia's plural legal system. Customary law functions not only as a tool of social control but also as a protective instrument that maintains balance between humans, nature, and cultural values (Irawan, Damanik, & Marpaung, 2025). Therefore, strengthening the synergy between customary law and national law is a strategic step to ensure that the protection of ulayat land is not merely normative, but also practical and sustainable amid the dynamics of modernization. The existence of Baduy customary land has been formally and legally recognized through Regional Regulations; however, challenges in the field continue to arise due to external party interventions and land conversion. (Rona, 2023)

#### 4. CONCLUSION

This study concludes that Baduy customary law is a holistic regulatory system that effectively preserves *ulayat* land by integrating social, spiritual, and ecological values. The 'living law' of the Baduy demonstrates high resilience, yet it remains vulnerable to legal formalism and economic pressures. To ensure sustainability, the state must move beyond symbolic recognition toward a 'substantive harmonization' that respects communal rights without forcing individual certification. Future agrarian policies should adopt this holistic model as a reference for community-based natural resource protection.

#### REFERENCES

- Abdurahman, D., Sujana, A. M., Azis, I., N. S., & Nabillah, A. (2024). *Konversi Agama Dan Dampaknya Terhadap Perubahan Sosial Masyarakat Baduy di Banten, Indonesia*. Yogyakarta.
- Adiyaksa, A. F., Saputra, R. P., Pratama, Y. D., & Febrianty, Y. (2021). Peran Sosiologi Hukum dalam Penguatan Penegakan Hukum Berbasis Masyarakat. *PALAR: Pakuan Law Review*, 00(00), 1–10. <https://doi.org/10.33751/palar.00000>
- Ahmad Taufik, Moh. Annand Ananda Saputra, & Ni'matul Huda. (2025). Politik Hukum Hak Pengelolaan Atas Tanah Ulayat dalam Rangka Perlindungan dan Pemanfaatan Hak Masyarakat Hukum Adat. *Jurnal Sosial Humaniora Dan Pendidikan*, 4(1), 184–204. <https://doi.org/10.55606/inovasi.v4i1.4230>
- Armansyah, Jaman, U. B., & Abidin, Z. (2025). *Ekologi Leuit dan Keadilan Lingkungan: Membangun Hukum dari Kearifan Lokal Sunda* (Y. Priyana, Ed.). Sukabumi: Arunika Aksa Karya.
- Aryanta, I. W. A. (2026). *Konflik Hukum Adat & Negara: Pergulatan Hukum, Budaya, dan Wisata Pantai Melasti*. Denpasar: Dharma Pustaka Utama.
- Barlian, E. (2024). *Baduy di Tengah Modernisasi*. Yogyakarta: Deepublish Digital Publisher.
- Bintarawati, F. (2024). *Hukum Adat di Indonesia* (A. Tajrid & R. M. L. F. Permonoputri, Eds.). Semarang: Lawwana.
- Efrianto, G. (2024). *Hukum Adat Dalam Masyarakat Samin dan Baduy* (1st ed.). Malang: Literasi Nusantara Abadi.
- Ehrlich, E. (1962). *Fundamental Principles of the Sociology of Law*. Cambridge: Harvard University Press.
- Fathurokhman, F. (2016). *Hukum Pidana Adat Baduy*. Depok: INCA.
- Griffiths, J. (1986). *What is Legal Pluralism?* *Journal of Legal Pluralism and Unofficial Law*. Los Angeles: Foundation for the Journal of Legal Pluralism.
- Guntur, I. G. N. (2023). Ragam pengakuan formal terhadap penguasaan tanah adat di Indonesia. *Tunas Agraria*, 6(2), 93–109. <https://doi.org/10.31292/jta.v6i2.215>

- Harniwati. (2024). Hukum Adat di Era Modernisasi. *Journal of Global Legal Review*, 2(1), 41–52. <https://doi.org/10.59963/jglegar.v2i1.328>
- Imlabla, W., Silaya, T. M., Sahureka, M., Tjoa, M., & Parera, E. (n.d.). *Sosiologi Kehutanan: Pengertian, Ruang Lingkup, dan Dinamika Masyarakat Desa Hutan* (M. Sari, Ed.). Padang: Get Press Indonesia.
- Irawan, M., Damanik, M. J., & Marpaung, R. (2025). Proses Perbuatan Hukum Adat Sebagai Sumber Hukum Dalam Membangun Sistem Hukum Indonesia. *Jurnal Rectum*, 7(1), 64–70. <https://doi.org/10.46930/jurnalrectum.v7i1.5327>
- Krisnawaty, F., Gojali, M. M., Arfandi, A. M., Mahipal, & Asrun, A. M. (2025a). Mengenal Keunikan Masyarakat Adat Suku Baduy Dalam Menjaga Kelestarian Alam Pada Konteks Hukum Lingkungan. *Jurnal Sosial Dan Sains (SOSAINS)*, 5(6), 1713–1722. <https://doi.org/10.59188/jurnalsosains.v5i6.32226>
- Krisnawaty, F., Gojali, M. M., Arfandi, A. M., Mahipal, M., & Asrun, A. M. (2025b). Mengenal Keunikan Masyarakat Adat Suku Baduy dalam Menjaga Kelestarian Alam pada Konteks Hukum Lingkungan. *Jurnal Sosial Dan Sains*, 5(6), 1713–1722. <https://doi.org/10.59188/jurnalsosains.v5i6.32226>
- Lubis, I., Siregar, T., Indah, D., Lubis, S., Adawiyah, R., & Lubis, A. H. (2025). Integrasi Hukum Adat dalam Sistem Hukum Agraria Nasional : Tantangan dan Solusi dalam Pengakuan Hak Ulayat. *Tunas Agraria*, 8(2), 143–158. <https://doi.org/10.31292/jta.v8i2.401>
- Mahardhika, B. N., Wahyudin, M., & Supriyatin, E. (2025). Juridical and Managerial Review of Fiduciary Guarantee Execution in Murabahah Contracts Based on DSN-MUI Fatwa No. 68 of 2008 at Bank Syariah Indonesia. *Formosa Journal of Sustainable Research (FJSR)*, 4(7), 1363–1376. <https://doi.org/10.55927/fjsr.v4i7.492>
- Maulana, Moh., Kakoe, S., Puwa, S. I., Sarjono, A., & Piyo, S. (2025). Kedudukan Self-Determination Dalam Konteks Otonomi dan Pengakuan Identitas Kultural Masyarakat Adat di Indonesia. *Jurnal Hukum Bisnis (J-Kumbis)*, 3(1), 53–70. <https://doi.org/10.37606/j-kumbis.v3i1.286>
- Maulida, G. (2025). Korelasi Hukum Adat dan Restorative Justice : Membangun Keadilan Berbasis Kearifan Lokal di Indonesia. *Pikukuh: Jurnal Hukum Dan Kearifan Lokal*, 2(1), 20–28. <https://doi.org/10.62870/pkh.v1i1.29382>
- Mulyadi, L. (2017). *Eksistensi, Dinamika dan Pelindungan Hukum Terhadap Hak Atas Tanah Ulayat Masyarakat Adat di Indonesia* (1st ed.). Bandung: Alumni.
- Murdiana, E., Sudiono, T., Kosim, N., & E.P., D. (2021). Kesadaran Hukum Masyarakat Baduy Banten Pada Pikukuh Adat, Dan Moderasi Hukum. *Istinbath: Jurnal Hukum*, 18(1), 124–141. <https://doi.org/10.32332/istinbath.v18i1.3383>
- Nisa, A. C., & Asriyani, A. (2025). Dinamika Agraria Nasional dan Sengketa Tanah Adat dalam

- Perspektif Hukum Kontemporer. *Jimat: Jurnal Ilmiah Multidisplin Amsir*, 3(2), 173–180.  
<https://doi.org/10.62861/jimat%20amsir.v3i2.630>
- Nurpita, F., Cahyani, M., Zamsiswaya, & Rahman, L. A. (2026). Teknik Penelitian Kualitatif. *Didaktik : Jurnal Ilmiah PGSD FKIP Universitas Mandiri*, 12(1), 180–191.  
<https://doi.org/10.36989/didaktik.v12i01.10693>
- Panjaitan, R. A., Usnan, A., Holten, V. M., Putra, A. A., & Dr. Mahipal, S. H., M. H. (2024). Penyelesaian Kasus Sengketa Transaksi Bisnis Jual Beli Tanah Berdasarkan Hukum Syariah. *Interdisciplinary Explorations in Research Journal*, 2(2), 1154–1172. <https://doi.org/10.62976/ierj.v2i2.616>
- Permata, J. P. (2025). Pertanian Berkelanjutan Suku Baduy dalam Menghadapi Perubahan Iklim: Analisis Pastel. *Bina: Jurnal Pembangunan Daerah*, 4(1), 64–85.  
<https://doi.org/10.62389/bina.v4i1.125>
- Pertiwi, E., & Jaman, U. B. (2025). *Masa Depan Hak Ulayat: Harmonisasi Hukum Adat dan Kebijakan Agraria Nasional* (Y. Priyana, Ed.). Sukabumi: Arunika Aksa Karya.
- Presiden Republik Indonesia. *Undang-Undang Dasar Negara Republik Indonesia tahun 1945*. , (1945). BPHN.
- Putri, R. A., Hamamy, H., & Banirossa, U. El. (2025). Eksistensi Hukum Adat Baduy Dalam Menjaga Harmonisasi Komunal Melalui Praktik Silih Hampura. *Pikukuh: Jurnal Hukum Dan Kearifan Lokal*, 2(2), 109–121. <https://doi.org/10.62870/pkh.v2i2.33608> Eksistensi
- Putri, Y. S., Effendi, N., & Anwar, H. (2025). Eksistensi Pikukuh pada Komunitas Baduy Tangtu dalam Menghadapi Tantangan Modernisasi. *Umbara : Indonesian Journal of Anthropology*, 10(1), 55–70.  
<https://doi.org/10.24198/umbara.v10i1.60879>
- Rayhan, A., Widjaya, R. I., Sulistya, A. P., & Sopandi, M. A. (2025). Fulfillment of Human Rights for the Baduy Indigenous Community. *Digital Press Social Sciences and Humanities*, 12, 00017.  
<https://doi.org/10.29037/digitalpress.412483>
- Riyadi, I., Prabowo, E. A., & Hakim, D. (2024). Peran Bhinneka Tunggal Ika Dalam Keberagaman Adat Budaya di Indonesia. *Jaksa: Jurnal Kajian Ilmu Hukum Dan Politik*, 2(3), 34–49.  
<https://doi.org/10.51903/jaksa.v2i3.1870>
- Romdoni, M., Sari, M., Fathurokhman, F., & Malik, M. F. (2025). Antara Tradisi dan Kodifikasi : Mengevaluasi Ketentuan Perzinaan bagi Pelaku yang Telah Menikah dalam Perspektif Hukum Adat Baduy dan KUHP Baru Indonesia. *Proceedings Series on Social Sciences & Humanities*, 27, 98–106. Proceedings of Seminar Nasional “Membentuk Model Ideal Peradilan Pidana Adat dalam Sistem Hukum Nasional.” <https://doi.org/10.30595/pssh.v27i.1831>
- Rona, W. (2023). Perlindungan Hukum Terhadap Hak Ulayat Masyarakat Adat Baduy Ditinjau Dari Peraturan Daerah Kabupaten Lebak Nomor 32 Tahun 2001 Tentang Perlindungan Atas Hak

- Ulayat Masyarakat Baduy. *Prosiding Seminar Nasional Komunikasi, Administrasi Negara Dan Hukum*, 1(1), 215–220. <https://doi.org/10.30656/senaskah.v1i1.27>
- Rubi, S., Maulana, M. C. R., Yulrisnanda, M. F., & Saripudin, A. (2024). Dinamika Hukum Dalam Pengaturan Masyarakat Hukum Adat Ditinjau Dari Sistem Hukum Nasional. *Iuris Studia: Jurnal Kajian Hukum*, 5(2012), 861–869. <https://doi.org/10.55357/is.v5i3.768>
- Salsabila, Z. R., & Fidiyani, R. (2025). Perolehan Keadilan Hukum Tanah Adat Baduy Atas Dominasi Dari Sentralisme Hukum Negara. *Nomos: Jurnal Penelitian Ilmu Hukum*, 5(2). <https://doi.org/10.56393/nomos.v5i2.3239>
- Sembiring, J. (2018). *Dinamika Pengaturan dan Permasalahan Tanah Ulayat* (Tim STPN Press, Ed.). Yogyakarta: STPN Press.
- Sitorus, R., Banke, R., Saragih, J. Z. F., & Tjipto, F. X. (2025). Dinamika Pembentukan Hukum Nasional Indonesia. *PaKMas (Jurnal Pengabdian Kepada Masyarakat)*, 5(2), 644–656. <https://doi.org/10.54259/pakmas.v5i2.4313>
- Sumaya, P. S. (2026). Hukum Adat Sebagai Sumber Hukum Di Indonesia: Kajian Historis Dan Kontemporer. *Journal of Law Review*, 5(1), 26–37. <https://doi.org/10.55098/jolr.v5i1.178>
- Sumilih, D. A., Jaya, A., Fitriyaningsih, A. D. R., Nugrohowardhani, R. L. K. R., Irawan, E. P., Dirna, F. C., ... Kurniasih, U. (2025). *Metode Penelitian Kualitatif* (A. Juasa & S. Nurhaliza, Eds.). Yogyakarta: Star Digital Publishing.
- Supraptiningsih, U. (2021). *Kedudukan Hukum Tanah Kas Desa Dalam Sistem Hukum Tanah Nasional* (1st ed.). Jakarta: Kencana Prenada Media.
- Suprianto, Y., Setiady, T., Triyunarti, W., & Maman, A. (2026). Relasi Antara Das Sollen Dan Das Sein Dalam Penerapan Hukum Adat Masyarakat Baduy: Kajian Tentang Harmonisasi Hukum Positif Dan Nilai Lokal. *Nusantara: Jurnal Ilmu Pengetahuan Sosial*, 13(1), 46–54.
- Susanti, E., Sapriya, & Supriatna, E. (2025). Sistem Organisasi Sosial dan Kemasyarakatan Suku Baduy. *Pendas: Jurnal Ilmiah Pendidikan Dasar*, 10(1), 45–52. <https://doi.org/10.23969/jp.v10i01.21533>
- Suwarno, E., & Febryano, I. G. (2025). *Sosiologi Kehutanan: Pengelolaan Hutan Berbasis Masyarakat Dan Keadilan Sosial* (1st ed.; S. E. Pradini, Ed.). Indramayu: Adab Indonesia.
- Wahyudin, M. (2024). *Budaya Banten & Kearifan Lokal* (1st ed.; P. Sahuri & Ruhani, Eds.). Depok: Gemala Media.
- Wahyudin, M., Ishom, M., & Syafuri, B. (2024). Kompatibilitas Adat Perkawinan Jawa Banten terhadap Hukum Islam dan Uu No 16 Tahun 2019 Jo.UU No 1 Tahun 1974 tentang Perkawinan. *Qonuni: Jurnal Hukum Dan Pengkajian Islam*, 3(1), 70–87.
- Wahyudin, M., & Nugraha, G. G. (2025). Islamic Legal Analysis of Equal Distribution of Inheritance Between Male and Female Children in Kadubeureum. *Formosa Journal of Sustainable Research*

(FJSR), 4(6), 1121–1128. <https://doi.org/10.55927/fjsr.v4i6.376>

Wahyudin, M., Syafe'i, Z., & Ishom, M. (2025). Challenges in Enforcing Surrogate Agreements and the Role of Surrogate Mothers in Indonesia. *Pena Justisia: Media Komunikasi Dan Kajian Hukum*, 24(1), 5054–5067. <https://doi.org/10.31941/pj.v24i2.6512>

Wahyudin, M., Syafe'i, Z., & Ma'rifah, N. (2024). The Dynamics of Javanese Weton Calculation in Wedding Planning. *Jurnal Multidisiplin Madani (Mudima)*, 4(8), 1271–1285. <https://doi.org/10.55927/mudima.v4i8.11102>

Yogatiyana, N., & Hidayatullah, M. A. (2022). Eksistensi Hak Tanah Ulayat Masyarakat Adat dalam Hukum Tanah di Indonesia. *Anwarul*, 2(4), 323–333. <https://doi.org/10.58578/anwarul.v2i4.505>

Yunita Yunita, Raden Rahma Restu Maulida, Naufalia Putri, Dede Nadien Rahmadini, & Desi Hermawati. (2024). Pelestarian Adat Istiadat Masyarakat Baduy di Era Modernisasi. *Aliansi: Jurnal Hukum, Pendidikan Dan Sosial Humaniora*, 2(1), 88–96. <https://doi.org/10.62383/aliansi.v2i1.681>

