ASPECTS OF INDIGENOUS COMMUNITY DEVELOPMENT IN THE CONTEXT OF REGIONAL AUTONOMY

Study: On the Baduy community in the village of Kanekes, District of Lebak. Province of Banten

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ABSTRACT

Baduy is one of a number of ethnic groups in Indonesia which are still retaining their strong cultural values. They are divided into two groups: the Inner Baduy and the Outer Baduy. The Inner Baduy hallmarked by a white dress with a white headband. The Outer Baduy dressed in black.

Number of Baduy people is 11,076 (2009) they live in the Village Baduy area, Sub-District of Leuwidamar, District of Lebak, Banten Province, while some Baduy also live in Cibengkung and Leuwidamar. They are referred to as the Islamic Baduy. New Order government put the Baduy into isolated ethnic groups, something which is contrary to the fact that researchers get relating to the Baduy people. The Baduy occupied three villages namely Cibeo, Cikeusik and Cikertawana (3C).

Since 1974, the Baduy people gradually have changed the pattern of trade by barter system, trading system using currency. Since that time the government began to establish various means to empower Baduy people especially in the field of trade. In 2001 in line with the political reforms in Indonesia, where the stronger regional autonomy with the enactment of Law No. 22/2009, Lebak district government has issued Regulation No. 32 of 2001 on the protection of the rights of indigenous Baduy. In line with this, a variety of activities of central and local governments began to be implemented for community empowerment for the Baduy, especially in economics and trade. However, the state of today's Baduy people economy in general are no better than the previous time.

Indeed there have been many changes in the Baduy community with the growing of many Baduy traders themselves which turned into "the boss", even though it is in the domestic level of Baduy village itself, they began to familiar with porter works, daily wage laborers, and construction workers. A gap between merchants (boss) with the poorer consumers. Baduy people are now avid to money to buy daily necessities. This causes traffic and trade between the Baduy and the outers are less balanced, while the Baduy leaders still trying to preserve the cultural values contained in the ten messages of the great-grandfather. Baduy community participation in development activities are no doubt, they contribute positively in various government development program intended for Baduy people, such as terminal construction at Cibuleger, market construction at Cijahe and Cibengkung, health centers construction at Cisimeut, etc. The living principle of the Baduy is still devoted to the government through a ceremony called Seba. The ceremony is a symbol of the Baduy’s submission to the Government. The case has not been balanced with what the government has given to the Baduy. Baduy is now a part of the south Banten people wrote in Max Havelaar's book (1857) that the South Banten is among the most poor and oppressed. This study aimed to find a variety of things that would be worth to be considered by Indonesian government for special community development strategy in Indonesia such as for the Baduy village in the sub-District of Leuwidamar

Keyword: Baduy of Banten, indigenous people, community development, regional autonomy
A. BACKGROUND

Indonesian nation has a unique characteristic that is formed from the history and community cultural development. These characteristics affect the law system since the establishment of the legal system has a close relationship with culture. Characteristics and identity of a nation is crucial basics of nation and state in the constitution. Therefore, it is natural that Indonesian people which are formed from various tribes recognizes the existence of indigenous peoples, including the original law that is indigenous owned by the customary law is still held in high esteem by indigenous peoples.  

It should be recognized also that law is not born of free action, but can be built and found in the soul of the society. This is consistent with what is Von Savigny taught by that law to follow the soul / spirit of the people (Volkgeist) of the law where it applies. Volkgeist of each communities are different, the law of each community are also different. The mentioned law is the customary law. Based on the teachings of Von Savigny the animating principle of customary law is the positive law of a nation, so that a state constitutional roots can be traced from history of the nation itself which is reflected in customary law. Based on the volkgeist, it is very uncommon for the law does not have universal power, because each society has its own powerful soul rooted that affects the understanding of the applicable law in communities concerned.  

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2 *Ibid*
Therefore, under Article 18B of the NRI Constitution of 1945 said that the state recognizes and respects the local government units that are special and that are regulated by law. Furthermore, the state must also recognize and respect the unities of indigenous people and their traditional rights which are all still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which is regulated by law.

Baduy tribe is one entity of an indigenous people which still exist with its traditional rights. One of this Sunda’s indigenous groups inhabiting the Kanekes village, Lebak district, in the Province of Banten. Indeed, the term 'Baduy' is a designation given by the colonists to the community. It begins with the mention by the Dutch researchers who seem to equate Baduys with Badawi Arab groups who are sedentary societies (nomadic). 3

In 1978, the New Order government considers Baduy tribes as isolated tribes. The same view was also carried out by the local government. In addition to its existence that tend to be isolated from the surrounding areas, the reality of the lives of Baduys also prove that there is a difference between Baduys contrast with the surrounding community. The difference can be seen from the aspect of welfare, culture, religion, education, health and others. Even by all these differences, the New Order government classify the Baduys as one of an isolated tribes in Indonesia.

To improve the lives of Baduy, Lebak District government as an autonomous region, which is directly in contact with the Baduys had done some policies. Policies are more aimed at trying to dismantle the chain breaker to further isolation which is expected to increase social welfare of the Baduy village. Some policies done for example are opening market, Isolated Community Resettlement Program (PKMT), Placement of the Baduy area as a cultural heritage, bus terminal development, education and training, as well as the improvement of health infrastructure facilities.

Apparently, after decades of these policies it have not been able to successfully transform state of the Baduy’s condition in maximum. Some of the factors that cause less maximum implementation of these policies by the stakeholder lies in the lack of strategy through culture and lack of Baduy community participation. Even some of the government policies considered to be destructive to the Baduys community values who had been kept for years. Hence, the need to find the most appropriate policies for the existence of Baduy communities can be improved through a community empowerment program for the Baduy.

B. INDIGENOUS PEOPLES

So far, the debate about the terms and definitions of indigenous peoples are still going on. There are various terms used, even in the legislation also used a variety of terms to refer the same or something similar to it. Starting from the term indigenous, indigenous law people, the unity of indigenous peoples, traditional communities, indigenous isolated village, to other name. All these
terms can be found on legislation ranging from the Constitution to the Regulation of the Minister.

From a variety of existing terms, a legal term most widely used is the term "Indigenous Peoples". The term indigenous people be employed as a form of community grouping category called public law (rechtsgemeenschappen) that all members of the community as a whole is bound by law to use, the customary law. This term is a translation of a term popularized by Indigenous Rechtsgemenschaapen customary law thinkers like Van Vallenhoven and Ter Haar.  

The term indigenous people are increasingly being used as it close to the term used in the 1945 Constitution that the term 'unity of indigenous peoples'. The mention of such in the 1945 NRI Constitution gives the impression that it is the one most valid and in accordance with the constitution.

Based on the content of Article 16B Paragraph (2) of the NRI Constitution 1945, it can be interpreted that the indigenous people are the legal entity that is recognized and respected presence along with all the traditional rights which are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which later regulated by law.

5 Lihat Pasal 18B UUD NRI Tahun 1945
Addition of word 'unity' in the phrase 'unity of indigenous peoples' Article 18B Paragraph (2) of the Constitution of 1945 NRI prove that this term indicates that the indigenous peoples is a form of community who have ties based on custom, not a society which more loose and general in nature. In a further development, the use of the term indigenous people were already used in various legislation such as the Human Rights Act, Forestry Act, Water Resources Act, Act Plantations and Protection Act and Environmental Management.

According to Indigenous Peoples Alliance of the Archipelago, it can be interpreted as the indigenous communities that live by the ancestral origin of hereditary over a region that has sovereignty over indigenous lands and natural resources, social and cultural life are governed by customary laws and traditional institutions who manage the sustainability of community life.

Based on these definitions, there are some rights which are owned by indigenous communities such as: 1) Run a system of self-government; 2) Take control and manage the natural resources in the region, especially for the benefit of its citizens; 3) Act to regulate and take care of people and the environment. Outside the community to act on behalf of the partnership as a legal entity; 4)

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7 Ibid
The right to participate in any transaction involving the environment; 5) The right to form custom, and 6) the right kind of judicial Conduct.

C. **Baduy AS INDIGENOUS PEOPLES**

Baduys are generally the very disadvantaged groups of society tribes in Indonesia. In this study, the question is the Baduy who resided in the village of Kanekes, Leuwidamar Subdistrict, Lebak District, Banten Province. Based on the location of the settlements, the Baduy are divided into three sections, namely Baduy (Tangtu), Outer Baduy (companion) and Dangka Baduy (Baduy people who are living outside the village and Kanekes but still have ties of kinship and culture which are closely linked to the Baduy who lived in the village of Kanekes. They are Baduys who live in the Village Cibengkung, Bojongmenten Village, Dayueh Sirah.

Pattern of economic life of the Baduys are managing dryland farming (shifting cultivation). However, the true Baduys are marginalized farming community who are very hungry on land. Besides farming, people of Kanekes increase revenue by making sugar, weaving fabric with motifs of typical Baduy weaving and accessories from the bark. There also are selling natural honey obtained from Baduy forest.

As a result of poverty and limited agricultural land, public Kanekes began working in the trade sector. Buying and selling goods, agricultural production and daily living needs, including by
opening a shop to sell items of household consumption. Even these days, many Baduys are engaged in the sale of services as tour guides for visitors who come to the area of Baduy Dalam.

Influenced by socio-cultural position of the two institutions that exist to this day, namely Puun assisted by Jaro. Puun is a term or title for the highest functionaries who runs the responsibility on overseeing the implementation of all the values and ideas that have been passed down by the superior great-grandparents (ancestors of the Baduy) with the unwritten pikukuh. As for the daily running of government is run by the village secretary village called Carik.

System of government prevailing in the village Kane kes can be categorized as a special government system in accordance with local cultures (Baduy). The village head called Jaro Pamarentah and his assistant are not selected based on the general rules applicable in other villages in Indonesia.\(^8\) This is in line with the content of Article 203 paragraph (3) of Law No. 32 Year 2004 on Regional Government.\(^9\)

Religious system adopted by the Baduys called the Baduy religion. But the Baduys prefer to call the Sunda Wiwitan alone. Baduy tribes believe in the power of nature governing the universe. Make offerings to Sri Sanghhyang, birth ceremonies, funerals,

\(^8\) Mass to be unnecessary Pamarentah Jaro education requirements. Jaro aides were not required to read and write
\(^9\) Article 203 paragraph (3) of the Local Government regarding article: "The selection of village heads in the unity of indigenous peoples and their traditional rights throughout the living and the applicable provisions of law recognized indigenous specified in the law based on the Government Regulation"
ceremonies and offerings to the Land peguasa Baduy Banten as a sign of loyalty to the government (the Seba ceremony).

Everyday life is determined by the Baduy traditional values that have been accepted by generations of ancestors of the Baduys who called great-grandfather. Provisions that govern the lives of Baduys formulated into pikukuh and be a reference for Puun to make decisions when there are people who commit violations. Usual model of penalty is excommunication.

D. **EMPOWERMENT**

Empowerment can be defined as a development paradigm that focuses its attention to all aspects of the principle of the human and the environment, ranging from intellectual aspects (human resources), and physical aspects of the material up to the managerial aspects. These aspects could be developed into a social, cultural, economic, political, security and the environment. Another pointed out that the concept of empowerment has two meanings, namely developing, to sustain, to be self reliance, and strengthen the bargaining position of the grass-root from the suppressive forces in all areas and sectors of life. Other meaning is to protect, defend and sit aside with the weak to prevent an unbalanced competition and the exploitation of the weak.  

Based on these notions, we can conclude that empowerment is a process to facilitate and encourage the community to be able to

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put themselves proportionally and become the main actors in utilizing its strategic environment to achieve something in the long-term sustainability. In other words, community empowerment linked to sustainable development where community development is a prerequisite key and can be likened to a carriage that will take the society towards a sustainable economic, social and ecological dynamic.

According to Luthans \(^{11}\), the process of empowerment must be accompanied by a multidisciplinary team of facilitators. In addition, an important aspect that can not be overlooked in community development is that of a community development program should be drawn up by the community, able to address the needs of society, supporting the involvement of the poor and other marginalized groups, built from local resources, sensitive to the local cultural values, pay attention to the environmental impact, not creating dependency, involving various stakeholders (both government agencies, research institutions, NGOs, universities, private) as well as the empowerment process should be implemented sustainably.

In the effort to improve public welfare, empowerment can be done in three main areas, namely education, health and economic or entrepreneurial. These three aspects are interrelated and influence. That is, with a good level of education, the public will gain knowledge and be able to align themselves with the people of other countries. However, education must also be supported with

good health so that will increase the quality of the Indonesian people. This all can happen if the economic conditions of the society goes well.

E. EMPOWERMENT IN THE IMPLEMENTATION OF REGIONAL AUTONOMY OF THE BADUY

Basically, the government, both central and local government has provided a similar view about the Baduy society, ie, as isolated communities. Such a view can not be separated even more evident from various measures and policies undertaken by the local government of Lebak District to the Baduy in the Kanekes village.

Some Lebak government actions to the Baduy community empowerment, especially in the fields of economy, education and health starts from the basic things and the very basic things. Some examples of this policy are as follows:

1. Opening market

Keep in mind, there is an economic system that is typically occur in this community Baduys before opening up to the outside community. Trading system was done by barter system. It means, the exchange of goods and services is not done with the money, but instead exchanged for other goods and services that are considered equivalent or equal in value. To bring the Baduys to the same trading system with other communities in Indonesia, the government of Lebak open up new markets in the Village of Kanekes.
The opening of Cibengkung and Cijabe market is actually been started since 1974. Opening market is intended to open the Baduys in the trade that is usually done by barter system, a market system using the rupiah currency system as well as empower businesses of the Baduys in trade. Market development also aims to encourage Baduys to participate in the overall development process.

Unfortunately, the opening of these two markets are regarded as being improper because of lack aspirations of local communities, especially in determining the location, although the process involves Baduy community. As a result, the market is less attractive to Baduy people of Cibengkung because it was so far away (about 3 miles) from the border village of Kanekes. In fact, the market is very important for people to sell and buy items of daily necessities such as rice, dried fish, salt, woven materials that can not be made in the Baduy and other basic utilities.

It must be admitted, although not optimal, the purpose of opening the market could be said to be successful. Because the opening of the market is in a long time period (1974-2003), Baduy people have come out of the closure especially in the field of trade. Gradually, barter trading system has been turned into a market trading system by using the currency. At the same time, Baduys receive information through the advancement of transportation and trade contacts.
The policy of Lebak District government is actually could have been more successful if the maximum opening of the market to be followed by other policies. Some steps can be performed for example are repairing roads, provision of training, providing greater access to Baduys in both locations. Assistance can also be done easily and cheap capital to help the Baduy community. The market opening also should not be done unilaterally (top-down), but the bottom-up, using Baduys aspirations first, then formulate a policy.

2. Isolated Community Resettlement Program

Improving local government policy for the Baduy community in the Baduy village in 1978 is to move the Baduy population of the region to the outer Baduy village. This activity is different from the government's transmigration program in general, which are from the crowded areas to sparsely populated areas. The word Isolated Resettlement Community (PKMT) is more real and gives an overview of the observations and assertions about government as a tribal Baduy society in Indonesia. This project is under the auspices of Lebak regency government coordination and Social Services.

The site chosen for the transfer of migrants is Leuwidamar village that is traditionally is Baduy territory in the past, when the trading system is still moving force in the region Baduy. Reasons that motivate people Baduy to approve the local resettlement program for those areas is because it still include Baduy customary land historically.
In the new area, the Baduy people quickly adapt to the conditions of their social environment. People are starting to use the system of irrigation in agricultural systems. The community also has to use chemical fertilizers, which in the past it is strictly prohibited in Baduy culture. Baduy children also have started elementary school there. Even the last condition, many Baduys who had converted to Islam and live a pilgrimage to the holy land. Baduys who live in the area of PKMT culture has changed, but an alliance with Baduy community in the village Kanekes is well maintained.

But unfortunately, although contact between the Baduys who live in the village of Kanekes with people who live in the area of PKMT is still running well, but the results are less than adequate for the Kanekes. This happens because the information about the farm, trade and other information obtained from Baduy Baduy people who have become the migrants were not able to formulate them in a real-life economy faced. This is due to the lack of local government’s role to undertake advanced the policy in empowering people of Baduy in the Kanekes village.

3. Placement of Baduy area as a cultural heritage.

This project is the next policy by local governments of the Lebak District in an effort to empower Baduy community. Determination of Baduy area as a cultural heritage was through the Regional Regulation No. 32 of 2001. In this law, asserted the Baduy territory into the condition of cultural heritage while recognizing the Baduy cultures.
Undertakings of the Baduy community empowerment through cultural aspects are expected to run up and their implications on the economy. Existence of Baduy area as a cultural heritage will bring new livelihoods for the local population. At the very least, the Baduys can sell their hand weaving and handicrafts to the tourists who visit this area. Even more than that, Baduys are expected to learn a trade. This means, zoning Baduy as cultural heritage can actually become better implications for the trading system of the Baduy.

But unfortunately, until now, the government has not formulated with good local policies related to the zoning of Baduy heritage. The lack of a clear grand design in the setting of cultural heritage has resulted in two different things, namely: first, land rights the Baduys feel they are protected by law. Considers Baduy community and culture as a cultural heritage on the one hand may result in the authenticity of the Baduy product selling culture. On the other hand, the government has let the Baduys loose from the government's responsibility to empower Baduys of aspects related to advances in other fields such as education, economic, social and trade.

Therefore, the determination of Baduy area as a cultural heritage even bring more negative impacts than positive impacts. It is true that the determination of Baduy area as a cultural heritage should be able to improve the economy of Baduy community, especially from the various activities related to trade and tourism as souvenirs and tour guides. However, the
fact happening now is that a lot of the advantages of this policy in the communities just for people outside the village of Kanekes. This policy even just bring a lot of environmental damage in the Baduy area from waste generated by visitors or tourists.

Supposedly, this policy must be followed by other policies to Baduy community empowerment. Policies such as providing training to Baduy customary to protect forests from logging disturbance is often done by people outside the Baduy and others.

4. Terminal development

Construction of this terminal is for motorcycles terminal made in one of the nearby villages of Baduy village, the village Cibuleger. Distance of the terminal with Kanekes village only about 150 meters. Again, the plan does not involve the construction of terminal with the Baduys, despite the physical construction of the terminal, Baduys involved in a limited form such as recruiting of hired labor and the purchase of building materials from them.

Terminal development has given great changes in economic behavior of the Baduy. In addition to the new economy it has given rise to the region’s most dynamic on the Baduys, also exerting influence on the consumption of Baduy community. However, again the terminal development plan that does not involve the Baduys have resulted the Baduy in a very
passive towards sustainability of the terminal. Although the Baduy community can not run away from the benefits they have received from the terminal existence.

5. Education and training.

In the effort of Baduy community empowerment, Lebak district also build infrastructure facilities in the form of primary school education, library and internet facilities. All this building is located just 30 meters from the village of Kanekes, namely in Cibuleger.

To support all programs related to improving the quality of human resources of the Baduy village, the government also made a policy like weaving craft training for Baduy women who continued with the provision of raw materials such as color dye, yarn and weaving machine tools.

The program is, in fact addressed to the Baduys in order to compete with the outside, especially in the fields of economy and trade. However, the model of implementation was to involve more people outside Baduy thus resulting imbalance in the distribution of aid. The reason is that the more passive Baduys as part of Baduy culture, traits that are not common to ask for or take advantage of the opportunities that exist through government projects. In sharp contrast with the outside of Baduy community is so active in the opportunity to use government projects.

6. Health sector
Empowerment begins with the construction of health centers in Cisimeut Public Health in 2009. The main objective is the construction of the health center to help people of Baduy village in the health field. The government’s contention was that the Baduys is anti or against modern medicine, especially in the field of delivering babies, family planning and other types of diseases.

F. CLOSING

From the policies and the various efforts made by the government, we can conclude that the outreach efforts undertaken by the government will not make it up if it is not appropriate or is not supported by the local culture. This can be seen from the public response to the Baduy cultural empowerment efforts undertaken by the Government of Lebak and the central government. Baduys’s response to some of these policies, it is not difficult for the Baduy community group to accept the changes. Baduy community will quickly accept the changes if the approach taken are right.

As a result, empowerment programs conducted by the government has been unable to meet the goals and expectations set, the welfare of Baduy community. That the Community empowerment programs are just not built on people's aspirations. This has resulted loss to the Baduy people. Surprisingly, even e most benefit go to the outsider of Baduy community because it has the knowledge and capital for trading activities in the area of the Baduy.
Therefore, to empower the people of Baduy, it should involve the public directly through Jaro Pamarentah, the Puun and Kokolot. Local community participation is very important to identify the real needs of the community, both culturally and economically. Direct approach is sincere and earnest manner involving experts in the development and empowerment is very beneficial to determine the method of working with the community.
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