

## **Mechanism For Resolving Customary Violations in The Traditional Village Kasepuhan Sinar Resmi**

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### **Abstract**

Indigenous peoples who still exist have maintained local wisdom to be an inseparable part of daily life and become the basis for solutions to problems in their communities, one of which is the Sinar Resmi indigenous community. This study aims to analyze the mechanism for resolving customary violations in Kasepuhan Sinar Resmi. The method used in this research is qualitative with a descriptive-analytic approach. This study concludes that the Customary Chief led the settlement of everyday violations. In the Kasepuhan Sinar Resmi, if the community commits an offense, the impact will be felt by the community who commits the breach to their families. However, suppose it is unknown what kind of violation the violation was. In that case, it requires the assistance of the Customary Head/Abah or traditional healer to find out what violations have been committed, then cleans up. Kasepuhan Sinar Resmi itself still follows the positive law of Indonesia. If the offense cannot be resolved by conventional means, of course, positive Indonesian law will play a role in it.

**Keywords:** Customary System; Legal Settlement; Village; and Obedience.

### **INTRODUCTION**

As stated in the Indonesian legislation Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, Indonesia is a state of law. According to Fitzgerald, sources that give birth to the law can be categorized into two major groups, namely legal sources and social sources. According to the first source, it is a source of direction that can directly give birth or create law; therefore, these sources are recognized by the law itself. Meanwhile, according to the second source, it cannot get formal legal recognition. Consequently, it cannot be directly categorized as law (Ngutra, 2016).

At first, in the historical law school, the law developed from customs and habits, then jurisprudence. Law is part of social life which is a complex part of the experience and character of society. The only trustworthy source of all law comes from adat, which is proof of the existence of law. The diversity of legal forms did not evolve based on deliberate natural reflection or reasoned utility considerations but rather stemmed from people's beliefs who had the same inner feeling (Aulia, 2020). Therefore, Indonesia is a legal system that emerged as a result of the cultural efforts of the Indonesian people with national influence, namely a lawful procedure that includes all people who reach the boundaries of the unitary state of the Republic of Indonesia (Tauladani & Gofar, 2021).

Indigenous peoples in Indonesia are legal subjects recognized for their traditional rights and other rights, the recognition of customary law communities as regulated in-laws and regulations, namely the 1945 Constitution, the Decree of the People's Consultative Assembly, and the prevailing laws and regulations in Indonesia. According to Article 18 B paragraph (2) of the 1945 Constitution, the existence of customary law is regulated, namely: "The state recognizes and respects customary law community units and their traditional rights as long as they are still alive and following community development and the principles of the Unitary State of the Republic of Indonesia which are regulated in the Act."

Customary law is open and does not adhere to the "prae-existente regels" system, which means that it does not comply with a system of law violations determined beforehand. So, if there is an act or event that is not listed in writing, but the action or incident disturbs the balance of the indigenous peoples, and according to the community, the act or incident is an error. It is still an error that will cause reactions and corrections (Hadikusuma, 1989). The hallmark of a culture is the identity of a nation, which begins to form from the smallest scope ranging from families, villages, settlements to a broader scope such as urban or state (Mawaddahni, 2017b).

According to Soerjono Soekanto, customary law is an established law that arises in a society where the habit will have legal consequences. In contrast to mere tradition, customary law is actions that are repeated in the same form leading to "rechtsvaardige ordering der samenleving" (I Gede A. B. Wiranata, 2005). That is, customary law is all unwritten habits that grow and live in communities with legal consequences and are still living following the development of indigenous peoples. Regulations concerning Indigenous Law Communities are placed as part of the regulations concerning Regional Government. The term "Indigenous Law Community Units" is used in this regulation, although different times are used in other regulations, such as "Indigenous Peoples, Customary Law Communities, and Traditional Communities. Both the 1945 Constitution and various laws governing the recognition of Indigenous Peoples are the legal basis that can be used to promote the fulfillment of the fundamental rights and freedoms of indigenous peoples, where conditions that undermine recognition, respect, and protection can be eliminated (Sabardu, 2013).

The Minister of Home Affairs Regulation Number 52 of 2014 concerning Guidelines for Recognition and Protection of Indigenous Law Communities further stipulates how Governors and Regents/Mayors recognize and protect indigenous and tribal peoples in their territories. For example, Lebak Regency, Banten Province, is regulated by Regional Regulation Number 8 of 2015 concerning recognizing the protection and empowerment of the Kasepuhan customary law community. It is stated that Kasepuhan is one of the customary law communities in the Lebak Regency. The Kasepuhan people have inhabited the Lebak Regency and other places in Banten Province for a long time that cannot be identified.

Customary criminal law is different from criminal law in general, regulated in the Indonesian Criminal Code, which is State Law. Customary criminal law has specific characteristics and characteristics, including comprehensive and unifying, has open provisions, differentiates problems and corrective actions and reactions that are different from the Criminal Code (Wayan P Windia, 2016). Comprehensive and unifying means that customary criminal law does not distinguish between criminal offenses and civil violations. All are considered the same and will be examined and tried by customary judges as a unit case. The provisions are open, meaning that customary criminal law is not particular and is open to all possible violations. The benchmark is a sense of justice according to the legal awareness of the community following the development of circumstances, time, and place. Differentiating the problem means that when a violation occurs, it is not only the actions and consequences that are seen but also who the perpetrator is so that resolving the violation will be different depending on who the perpetrator is. The higher the level of the perpetrators of customary violations, the greater the customary sanctions (Kaplan & Albart, 2012; Sidiq, Sofro, & Achmad, 2020).

Furthermore, the characteristics of customary crime are judicial proceedings upon request, meaning that customary criminal law officers will intervene in the settlement of customary violations if there is a request from those concerned, except for customary violations that are detrimental and disrupt the balance of the general public such as riots, riots, and others. Finally, the reaction and corrective actions (customary sanctions) in customary criminal law are given to perpetrators of customary violations and can also be imposed on their families or relatives or the whole community. This is because the settlement of wrongdoing in customary law intends to restore the balance of disturbed indigenous peoples to normal. Indigenous peoples who feel their balance is disturbed will cause a reaction. The meaning of the reaction here is the sanction given to the disruptor of the credit to restore the balance of the disturbed customary law community (Mansur, 2018; PrawiraW, Maulida, & Achmad, 2021).

Bali is an example of a customary law community in Indonesia. Bali has already carried out the settlement of customary violations through the mechanism for resolving customary violations or what is known as the customary court. Customary courts are different from courts in general. This customary court is a form of legal pluralism in Indonesia, namely applying more than one legal system. Institutions or community organizations that are authorized to handle customary violations if the subak rules (awig-awig) are violated, then the subak organization itself has the authority to handle customary offenses. Likewise, if the rules (awig-awig) of the Seka, Dadya, Desa Pakraman, or Banjar Pakraman are violated, the respective organizations are authorized to handle it (Sidiq et al., 2021; Somantri, 2011).

Conflict resolution mechanisms through customary institutions usually do not require formal and complicated procedures that occur in court but are carried out. In awig-awig, the mechanism is called "*SARGAH WICARA AND PAMIDANDA*" for example, in Badung Village, the first thing to do is sort out problems (talk) because it will affect the form and mechanism for solving them, including two speeches: crimes or violations of law and problems which does not include crimes and violations of the law as in the dispute. For problems in the form of crimes or violations of the law, the Pakraman village, through the perjuru, will immediately act to solve the problem without waiting for the pasadok (report/complaint), but if they face a conflict or dispute, the prajuru only acts after the complaint (Rato, 2014).

Besides Bali in Indonesia, there are other traditional villages, one of which is the official Kasepuhan Sinar Resmi, one of the traditional villages in the province of West Java in Indonesia, which has its customary law that is different from other traditional villages. Based on the introduction that has been described above, the authors are interested in studying research on how the history of the formation of the Sinar Resmi traditional village and how the mechanism for resolving customary violations in the Kasepuhan of the Sinar Resmi Traditional Village.

## **METHOD**

This study uses a qualitative paradigm and a narrative method with a descriptive discussion strategy. This is done because the author describes and develops knowledge about customary violations in the Kasepuhan Sinar Resmi. This study of secondary data in books, scientific journals, and related data was conducted. This study hopes that it can contribute to efforts to reinterpret local wisdom in architecture and develop architectural ways of thinking about its sustainability.

This research was conducted in three ways, namely: (1) participant observation, (2) in-depth interviews, and (3) document use—participatory observation technique. Participants act as active observers by watching and following the activities carried out, taking notes, and conducting questions and answers with informants, then proceeding with a careful analysis of what has been observed—open or in-depth interviews, which give informants the freedom to share their views freely. Then the interview technique is carried out by conducting interviews with resource persons related to the research being studied. Such interviews allow the researcher to ask in-depth questions. Therefore, to complete the data of this study, primarily to obtain accurate data about this research, the researcher conducted interviews with informants. In this study, the interviews used are in-depth interviews or unstructured interviews.

## **RESULTS AND DISCUSSION**

### ***Overview of the Indigenous Peoples of Kasepuhan Sinar Resmi***

In West Java Province, there are eight traditional villages, namely Cikondang Village in Bandung, Kuta Village in Ciamis, Mahmud Village in Bandung, Gede Kasepuhan Ciptagelar Village in Sukabumi, Dukuh Village in Garut, Naga Village in Tasikmalaya, Pulo Village in Garut, Urug Village in Bogor ([Somantri, 2011](#)). The traditional village still maintains its traditions for hundreds or even thousands of years from generation to generation.

In the southernmost part of West Java, entering the Ciletuh Palabuhan Ratu Geopark area, Sukabumi Regency, there is a traditional village area that shows the local wisdom of West Java culture. This traditional village borders the province of Banten, so it is often referred to as part of the Banten Kidul custom. In this traditional village, there are at least three Kasepuhan areas, namely the traditional village of Kasepuhan Sinar Resmi (in Sirnaresmi Village), Kasepuhan Cipta Mulya and Kasepuhan Cipta Gelar.

It is called kasepuhan because this village has a leadership model that comes from the customs and habits of parents or elders. The word kasepuhan itself comes from the old word with the prefix 'ka-' and the suffix '-an', which in Sundanese means 'old fashioned' or 'old.' Literally, kasepuhan can be interpreted as a place where elders or elders live ([Rahmawati & Gentini, 2008](#)).

The Sinar Resmi Adat village with the traditional elder Asep Nugraha, as Abah Asep, is the 10th descendant of the founder of kasepuhan, which began in the 16th century. Abah Asep's leadership "manages Compliance, obeys the rules and looks after each other." According to [Haba \(2010\)](#), the Kasepuhan indigenous people have no desire to own their land. They only cultivate and utilize the existing land, then move to find a new place if they feel it is necessary. The course of history has proven that. In the past, this indigenous community often moved from place to place even though it was still in the area around Mount Halimun, between the provinces of West Java and Banten today.

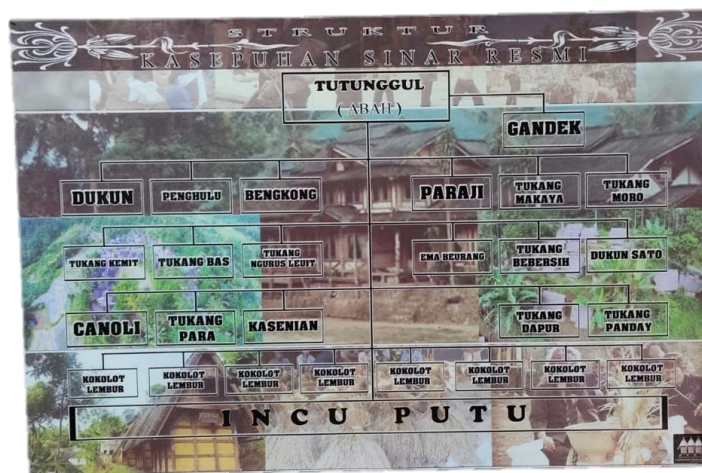
Administratively, Sirnaresmi Village is located in Cisolok District, Sukabumi Regency. Sirnaresmi village is located at an altitude that varies between 300-600 meters above sea level (asl) with the shape of the earth's surface, which is hilly and mountainous and has a slope of 25-45 degrees. Most of the residents of the Sinar Resmi traditional village in Sirnaresmi Village are farming communities, working as farmers and farm laborers in the fields or the fields or what is called "huma," of whom there are also those who have side jobs such as craftsmen, tappers for sap, bedog carver (machete) and blacksmiths.

This condition places the soil as an essential part. The land is not only a place to produce food but also the basis of social life. Land tenure will affect how the community creates food self-sufficiency. The concept of self-reliance is reflected in the rice cropping pattern, which prioritizes food production to meet its needs. Achieving food self-sufficiency requires an equitable and fair land tenure structure. On average, the agricultural business units in the Sinar Resmi traditional village community are tiny. This has an impact on their status in the use of agricultural land. Community status in management may differ according to their ability to access land. The proportion of smallholder farmers is more significant, but the area owned by some is still tiny. Most of the people of Sinar Resmi village own less than 0.25 hectares of land ([Suidat, Winarsih, & Said, 2021](#)).

The indigenous people of Kasepuhan Sinar Resmi geographically live around the Mount Halimun Salak National Park Area. With the development of the Kasepuhan era, it still maintains the existing customs from previous times. Regarding the historical background of the Kasepuhan Sinar Resmi, it can be related to the existence of the Padjadjaran kingdom and the existence of the Siliwangi king ([Pudjiastuti, Hidayat, & Fadli, 2021](#)). In addition, the Kasepuhan Sinar Resmi is also a part of the Banten Kidul traditional union, along with other Kasepuhan scattered in various areas in the provinces of Banten and West Java.

Abah Asep Nugraha or often called Abah is the current head of the Kasepuhan Sinar Resmi. Abah, as the customary head, has the highest position in the structure of the traditional institution at Kasepuhan Sinar Resmi. The concept of Sara, Nagara, and Mokaha is used in Sundanese traditional institutions. Sara is a religious affairs leader led by a spiritual leader, namely the ustadz, who has the task of leading prayers in every conventional event and is also responsible for the religious affairs of indigenous peoples. Nagara is a state affair, cooperation between non-customary institutions and foreign affairs, led by people who have expertise in diplomatic relations if there are problems between institutions. Mokaha is a matter of customs, welfare, and agriculture led directly by the Customary Head. These institutional concepts are interrelated in carrying out the assigned tasks.

In carrying out his leadership in the Kasepuhan Sinar Resmi, Abah has a conventional apparatus. These traditional instruments have their respective duties, and according to their nature, it is hereditary. If the traditional device can no longer carry out their duties, they can reduce their position to their family. The following is attached to the institutional structure owned by Kasepuhan Sinar Resmi:



**Figure 1.** The structure of Kasepuhan Sinar Resmi  
(Source: Abah Asep Nugraha's House, 2021)

**Explanation:**

1. Tutunggal is Abah who is the head or traditional chairman of Kasepuhan, led by Abah Asep Nugraha. Abah is in the highest position in the Kasepuhan structure and has employees to help with his duties, in addition to helping Abah also, other employees participate in prospering the harmony of Kasepuhan;
2. Gandek, his father's aide or bodyguard. Gandek has the task of guarding and accompanying Abah when he travels. So, if Abah travels to complete his needs outside, Gandek must come and escort Abah;
3. Dukun (The shaman) must treat Abah and the indigenous people who have been struck by a disaster that is not a medical illness. In addition, the Dukun's job is that if you are traveling out, the shaman must wait at the big house (Abah's house) and temporarily replace Abah's duties;
4. Panghulu has to send prayers in every activity in Kasepuhan. Among them, if there is an event in kasepuhan for the person who takes care of the slaughter of the animal, it is handed over to the panghulu, taking care of the deceased and the salvation event, then the task of the panghulu is to send and lead the prayer;
5. Bengkong is divided into two. Namely, there is bengkong for women, and it is bengkong for men. His job is as a circumcision maker for children. So if there are children from Kasepuhan residents who will hold a circumcision ceremony, then Bengkong will help the process;
6. Paraji have a duty to help or assist people who give birth traditionally (Midwife Kasepuhan). So if there is a kasepuhan community who is about to give birth, then they can receive assistance from the paraji;
7. Tukang Makaya has duties and responsibilities to take care of agriculture, for example, people who take care of all affairs in Huma Abah, namely Makaya craftsmen;
8. Tukang Moro has to hunt. For example, if there is an event in kasepuhan that require raw materials such as fish, then it is the moro craftsman who is obliged to carry out his duties, namely hunting in the forest;

9. Tukang Kemit has the task of waiting and guarding the abah's house (the person in charge of security). The kemit artisans also have the task of taking care of the needs needed by imah gedes, for example, taking care of the needs of firewood;
10. Tukang Bas is a material handyman in Kasepuhan who has the task of constructing buildings needed by fathers in the Kasepuhan area;
11. Tukang Ngurus Leuit has to take care of the entry and exit of rice into the leuit (rice barn) owned by Abah. If there is damage to the leuit, then he has the authority to repair it;
12. Ema Beurang is the ema (mother) of the paraji, and her job is the same as the paraji, namely helping people who give birth. Even though her duties are the same as parajis, ema rage is also significant in terms of helping the kasepuhan community who need childbirth;
13. Tukang Bebeureusih has to clean the big house environment, namely the father's house. The cleaners are responsible for the cleanliness of the big house environment, both inside and outside the big house;
14. Dukun Sato has almost the same task as the panghulu, namely slaughtering the animals in the big house. In addition, if the Kasepuhan Customary Community owns an animal, it must be licensed and must know a sato shaman;
15. Canoli is the person in charge of managing the availability of rice owned by Imah Gede. In addition, if there is an event in Kasepuhan, as an example in the Seren Taun event, it is the canoli who is in charge of distributing the food;
16. Tukang Para is a person who looks after the para or the roof of the abah's house, which contains traditional cakes from Kasepuhan for ceremonies in Kasepuhan. Examples of food are typical kasepuhan lunkhead;
17. Tukang Kasenian is a person who has to take care of kasenian entertainment events at the house of abah or imah big. For example, taking care of the kasenian stage in front of the big imah. Kasenians in Kasepuhan are very diverse, for example: Dogdog Lojor, Wayang Golek, Debus, Ngalaes, Jipeng, etc;
18. Tukang Dapur worker must clean and manage the affairs of the home kitchen at the big house, such as cooking for Abah and his family as well as guests or the community if there is a shortage of food;
19. Tukang Panday had the task of making tools such as hoes, machetes, knives, or agricultural tools needed by their father. The tools made by the Panday artisans will later be used for the benefit of the kasepuhan;
20. Kokolot lembur is the head of the hamlet. Usually, the overtime kokolot is referred to as abah's right hand or father's representative. The overtime kokolot has many duties. For example, if there is an announcement or big news from the father, the overtime kokolot is in charge of delivering the announcement to the incu putu. Kokolot overtime is also required to attend events held in Kasepuhan;
21. Incu putu which is a community that lives in Kasepuhan. Incu putu is a kasepuhan community that is obedient and obedient to the rules and customs of the kasepuhan (Interview with Erik, 2021).

### ***The Existence of Indigenous Peoples of Kasepuhan Sinar Resmi***

Based on the results of a study conducted by [Kusdiwanggo \(2016\)](#) of traditional villages on the island of Java, it was found that the main problem faced by almost all traditional villages, namely changing hands of land, which is their traditional territory to outsiders. On the island of Java, to this day, several communities that are loyal to the rules of their respective ancestors still survive ([Setiawan, Fauzi, & Bachriadi, 2010](#)). To protect the Indigenous Law Communities, the Minister of Home Affairs Regulation Number 52 of 2014 concerning

Guidelines for Recognition and Protection of Indigenous Law Communities has been issued, further regulating how Governors and Regents/Mayors recognize and protect indigenous and tribal peoples in their territories. Furthermore, in the provisions of Article 3 of the LoGA regarding ulayat rights and similar rights, this has only been followed up with the issuance of the Regulation of the State Minister of Agrarian Affairs/Head of the National Land Agency Number 5 of 1999 concerning Guidelines for the Settlement of Indigenous Rights Issues for Indigenous Peoples.

The Regional Government researches and determines customary rights by involving experts on customary law, customary law communities in the area concerned, non-governmental organizations, and agencies that manage natural resources. The basis of land registration by affixing a cartographic sign and, if possible, describing its boundaries and recording it in the land register, for which the existence of ulayat land is regulated in a regional regulation (Article 5 and Article 6 of the Regulation of the State Minister of Agrarian Affairs/Head of the National Land Agency Number 5 of 1999). Regarding Guidelines for the Settlement of Indigenous Peoples' Ulayat Rights Issues, it is unfortunate that this regulation was revoked).

The distribution of land tenure among farming households in rural areas will shape the pattern of land tenure. Land tenure is when the area of land controlled refers to effective control (not actual land ownership) based on property rights, holding, renting, and profit-sharing (Setiawan et al., 2010). According to Setiawan et al. (2010), tenants are farmer households that control other people's land with fixed rent, while cultivators are landowners by households in rent and profit-sharing.

The forms of land tenure that developed in the Sirna Resmi Custom village community are ownership, lease, sakap, and pawn. Communities can also manage communal land used as fields or gardens as a source of household food. In managing fields and rice fields, it is regulated in the Kasepuhan Sinar Resmi custom. The pattern of land tenure is related to local food institutions in building household self-reliance. In the Kasepuhan community, local food institutions play a significant role in realizing the family economy. This can be seen from the significant role of leuit for the community. Leuit is not only a place to store agricultural products but also as household food security.

The agricultural business process also pays attention to the role of women. Agricultural activities provide balanced tasks to women so that their role in development is quite significant. Local communities also determine the direction of sustainable self-reliance. Local communities traditionally have regulations that protect the environment to protect resources from damage. In a year, the Kasepuhan community only has a harvest cycle once. This farming pattern departs from the traditional view that land is associated with a valued mother, which can only give birth once a year. However, in times of famine, the people of Kasepuhan can survive the condition of food shortages.

The ability to survive in such a harvest cycle indicates a mechanism for developing a food sovereignty system. Currently, the people of Kasepuhan Sinar Official residing in the official Sinar Village are in the Mount Halimun-Salak National Park Area (called TNGHS). Most of the forest in the south of Mount Halimun is considered a customary community forest. Therefore, the history of land tenure in the Sinar Resmi village community cannot be separated from the existence of TNGHS as the manager of the area at this time. According to Setiawan et al. (2010), land ownership/land ownership status is defined as land controlled or owned by individuals, groups of people, or



institutions/organizations. These ownership rights are generally formally proven by a land ownership certificate issued by the government. If there is no land certificate, at least the owner has a girig number, or the ownership status is recognized based on a separate agreement.

The management of agricultural land, especially lowland rice farming, is not necessarily agricultural production with high enough agricultural yields due to extensive land ownership. In modern farming, sometimes farmers do not have to own their land but can cultivate it in other ways (Hermanto, Al Muchtar, & Sumaatmadja). The pattern of land tenure in the Kasepuhan Sinar Official community is generally communal land tenure. Agricultural land and forests, which are the guarantor of community livelihoods, are customary lands.

Most of the agricultural land and forests (mainly) are within the TNGHS area. Other agricultural lands are outside the area but are owned by adat. Only a few are individual property. Individual ownership is mainly in the form of land near the main road, far from the center of kasepuhan. One of the general characteristics of the basic structure of agriculture in Sirnaresmi Village is that the average farming unit is minimal, namely 0.19 hectares per household, and the number of small farmers is around 1,316 households. The proportion of farms owning more than 1 hectare is only 4 percent. The following table shows the distribution of land assets in Sirnaresmi Village:

**Table 1.** *Number and Percentage of Households by Land Ownership Area in Sirna Resmi Village in 2019*

Land Area Category	Amount	Percentage
Large	221	13,37
Currently	190	12,36
Narrow	448	29,14
Raisin tuna	678	44,12
<b>Amount</b>	<b>1537</b>	<b>100</b>

Source: Sirnaresmi Village, 2019

Based on Table 1, it can be seen that land ownership in Sirnaresmi Village is minimal. As many as 44.12 percent are people who are homeless. This can impact the status of the community in the exploitation of agricultural land. Community status in management can differ according to the access a person has to land resources.

**Table 2.** *Land Use in the Sirna Resmi Village*

Usage Type	Large (KM <sup>2</sup> )	Percentage
Rice Farming	3,0	6,10
Agriculture Not Paddy Field	3,94	8,02
Non-Farm	42,23	85,88
<b>Amount</b>	<b>49,17</b>	<b>100</b>

Source: Cisolok District in Figures, 2019

Based on Table 2, it can be seen that the area of rice fields in Sirnaresmi Village reaches 300 hectares or about 6.1 percent of the total village area. This is because most of the area, namely 81 percent of the area, is made into a national park. The rice fields in Sinar Resmi Village show that most of the village land is used for rice fields. The types of rice fields that are managed are mostly rainfed rice fields. The topography of the village also causes this. According to customary regulations in the community, farmers in this village differ from other areas by only planting rice once a year. In addition to planting rice, farmers use the fields to

plant secondary crops or fish for paddy fields during the dry season. In addition to planting rice, farmers take advantage of the fertility of the land to plant cardamom (kapol), which is relatively expensive for medicinal purposes. In addition, the community also uses hardwood plants as a source of income.

In Kasepuhan Sinar Resmi Village, land ownership can be in the form of kasepuhan or communal land. This land is usually used as a community's huma (field). In this case, community members have the right to control as land managers, whereas community members have the right to work on communal land. If not able to be carried out by one family, this cultivating right can be transferred to other community members with a profit-sharing system (sakap), but these lands cannot be traded and follow customary rules in their management pattern. Communities who participate in clearing land in Huma are regulated by customary law. Namely, they can own Huma as agricultural land, but the land cannot be sold. The land can be inherited by the family who wants to manage it. If it cannot manage, then another party can use the land. Through human rights management, people who do not own land will have access to vital production resources to improve the socio-economic status of indigenous families in the Sinar Resmi Traditional Village.

### ***Mechanism of Settlement of Customary Violations at Kasepuhan Sinar Resmi***

According to [Roberts \(1981\)](#), there are several solutions to problems that occur in society, including ignoring, avoiding accusations, pressure, negotiation, mediation, arbitration, and adjudication. This problem-solving model solves issues in modern culture and traditional society.

The philosophy of life in the indigenous people of Kasepuhan Sinar Resmi (Incu Putu) is a marriage pancer that unites humans with one another, which means that between humans and their essence as humans must be humans be related to each other, which eels become a basis in daily actions. A day called self-understanding (self-study). In society, one must be careful in every word and deed to fellow human beings. Self-recitation is the pillar of the life relationship of the Kasepuhan Sinar Resmi community, namely in the will/intentions, words, and behavior (determination, speech, jeung lampah). The pillars must correspond to each other. In speaking and acting, one must always be polite and careful so as not to disturb the feelings of others (saur kedah is measured, nyabda kedah is diuger) ([Mawaddahni, 2017a](#)).

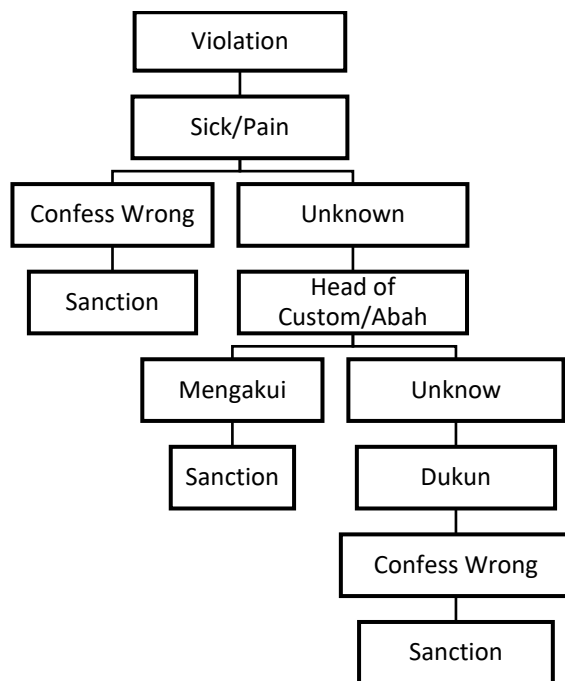
Settlement of customary violations, namely the territory through the usual everyday approach in the familiar environment, involves settling disputes with traditional mechanisms and tight arrangements ([Abdurrahman, 2010](#)). Usually, the resolution of daily violations is led by a customary institution led by the Customary Head. If there is a violation in the Kasepuhan Sinar Resmi, it is more towards honesty, whose impact can be felt by the individual and his family. In the customary regulations regarding the settlement of routine violations in Kampung Kasepuhan Sinar Resmi, there are no rules regarding this matter. There will be no settlement of violations if the offense is not recognized and reported to Abah as the Customary Head. So, if the infringement is identified and the act has been carried out, the violation is complete.

Based on interviews, there are several examples of violations in Kasepuhan Sinar Resmi, namely:

1. Selling the rice harvest. This act is a serious offense. Because huma can only be consumed, without being traded, if someone trades and trades the rice harvest, then that person will feel the consequences directly, namely an illness that usually does not go away even though he has been treated;

2. Grind the rice using a machine. At Sinar Resmi Kasepuhan, the existing rice is milled traditionally using a mortar;
3. If you are harvesting rice, you must and must make a pilgrimage to the tomb of your family/ancestor. If not, the person will feel the consequences directly, namely an illness that usually doesn't go away even after treatment;
4. If someone is negligent in his duties in the traditional structure of the Kasepuhan Sinar Resmi institution in the conventional system, this is a violation.

***Mechanism of Settlement of Customary Violations in Kasepuhan Sinar Resmi***



**Figure 2.** *Mechanism of Settlement of Customary Violations in Kasepuhan Sinar Resmi*  
(Source: Interview with Mr. Erik)

***Explanation:***

1. A person commits an offense either intentionally or unintentionally, which according to customary rules is a violation;
2. The person suffers from an incurable disease. Even though he went to the doctor, the condition did not disappear. This pain seems to come from the city guard (occult) or the Kasepuhan ancestor
3. If someone who violates the act realizes and admits that he is guilty, he will be punished. The sanction is in the form of fulfilling the violation that has been violated by the person or apologizing to the ancestors. After that, the pain he suffered will heal as he realizes his actions;
4. If a person has not admitted his actions or has not found a bright spot for what he did wrong, then he must go to Abah as the Customary Head to find a bright spot. If, after consulting with Abah, the fault is found, then he will be penalized. The sanction is in the form of fulfilling the violation that has been violated by the person or apologizing to the ancestors. After that, the pain he suffered will heal as he realizes his actions;
5. If the consultation with Abah still does not find a clear spot regarding what mistake he has made, then with the help of a shaman, a calculation is carried out since when the disease has been suffered. After the process results and the mistakes he has made have been found, he will then carry out sanctions.

Kasepuhan Sinar Resmi still follows the positive law in Indonesia. However, if there is a severe violation, a clean-up will be carried out in Kasepuhan and still follow the rules and regulations in Indonesia. However, it is believed that every native citizen has the honesty to commit a disgraceful act, such as stealing. There is no punishment for the actual habitual culprit, even if this happens. Usually, there will be sores or pain associated with excruciating pain that seems to be coming from the city guards (occult). Apart from imprisonment for ordinary theft as regulated by article 362 of the Criminal Code, which in principle is the last resort for law enforcement (ultimate remediation) (Tanjung, 2021).

## CONCLUSION

In violation of customary law itself has its characteristics. In the Sinar Resmi Kasepuhan, if there is a violation of the Kasepuhan customs, it can be felt by the individual himself and his family, the consequences of committing the breach, such as pain in the body. If the offense is realized and then cleaned, the pain caused by the violation has been erased. However, suppose it is unknown what kind of violation the breach was. In that case, it requires the assistance of the Customary Head/Abah or traditional healer to find out what violations have been committed, then cleans up. Kasepuhan Sinar Resmi itself still follows the positive law of Indonesia. If the breach cannot be resolved by traditional means, of course, positive Indonesian law will play a role in it.

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