

Elaboration of Traditional Customary Law with Modern in the Indigenous Law Community of Ciptagelar Village

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Abstract

Kasepuhan Ciptagelar located in the Area of Mount Halimun Salak National Park, is a traditional village that is thick with customs and customary laws and does not close itself from the development of the times and technology, so that various innovations are born that are then used to support the needs of the people of Kasepuhan Ciptagelar. From this background then came the subject of how customary law in the Indigenous Law Society Kasepuhan Ciptagelar and how to elaborate between traditional and modern customs in Kasepuhan Ciptagelar. The purpose of this study is to find out, review and analyze customary laws used in the Kasepuhan Ciptagelar Indigenous Law Society and to review and analyze elaborations between traditional and modern customs in The Ciptagelar Kasepuhan. The method used in this study is to dig data through observations and interviews with informants and government ranks of Kasepuhan Ciptagelar in Sukabumi district, then the data that has been collected is analyzed qualitatively, then presented descriptively-analytical-prescriptive. The results of the study showed that the customary law that applies is the law of karma where indigenous peoples believe that if someone does something that violates the customary prohibition will be reciprocated to himself in the future. In terms of elaboration between traditional and modern habits that are the main key is that Indigenous Law Communities strongly believe that life requires a balance both in terms of nature and living things as well as customs with positive laws that apply, the Chairman of Adat Kasepuhan Ciptagelar strongly believes that by following technological developments and obeying the positive laws that exist will have a good impact on all existing Indigenous Law Communities can be in a positive way. economics or knowledge.

Keywords

Customary Law, Customs, Indigenous Peoples

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Introduction

Indonesia is a developing country whose society is plural with a very popular cultural diversity from sabang island to Merauke island. [Dirkareshza, Ibrahim, and Pradana \(2020\)](#) The variety of noble cultures and traditions that come from each tribe in the archipelago has different customs, moral values, languages and spiritual lives. [Ramadhan, Djono, and Suryani \(2018\)](#) Indonesia's unique plural culture is mandatory as a compliment to the people as well as a challenge to maintain and pass it on to the next generation. Racing on the current times, the pattern of people's lives is more advanced and up-to-date which results in less preservation of local culture that is to be passed on to the next generation. Today, society would prefer a modern life that is considered much more practical ([Nuraeni & Alfian, 2013](#)).

Kasepuhan Ciptagelar was born after the attack of the Sultanate of Banten with the territory of the Hindu Kingdom of Pakuan-Pajajaran on Hinduism about 600 years ago. Some nobles and their troops retreated scattered to (later) the area of Mount Halimun National Park - Salak (Gunung Halimun National Park - Salak / TNGHS) and colonized in Jasinga, Bayah, Cigudeg and Cisolok Districts, located in Kasepuhan Ciptagelar. [Abdulharis, Sarah, and Hendriatiningsih \(2007\)](#) Ciptagelar traditional village is one of the community villages in Banten Kidul, West Java which is still very well preserved cultural and customary heritage from its ancestors. Although it holds ancestral messages, this community does not reject the development of the times, where the technology in this village is very advanced and not inferior to the big cities out there. Ciptagelar village has several turbines that rely on the flow of river water currents to conduct electricity to each house. In order not to be left behind with various global information, Ciptagelar Village also has a tv station "CIGA TV" and radio (107.7 RSCFM) which is useful to provide up-to-date information to the public. Thus, the people of Ciptagelar still hold a Sundanese philosophy that reads *kudu can be the era, but the actions of my kabawa era*, which means it must be able to follow the times, but do not get carried away by the times. Thus Ciptagelar Village has its own uniqueness compared to other indigenous villages in sundanese lands such as the Baduy Tribe which strongly holds customs but is less open to the development of the times ([Nuraidah & Yumarni, 2021](#)).

Often indigenous peoples have the thought that they are ostracized and their culture has no privileges at all ([Lita et al., 2017](#)). However, this is different from the enactment of customary law in Ciptagelar Village. Considering that customary law is a law that reflects the personality and soul of the nation, it is believed that some customary law institutions are still relevant to be the material in shaping the Indonesian legal system ([Dewi, 2005](#)). Indigenous law communities in Ciptagelar Village do not forget how traditional customary law that has always been obeyed in writing or unwritten, but still balanced with national law.

The lack of research on customary customs or laws used in the Indigenous Village moved the author to be able to plunge directly into the region. In order to explore concrete information and data about customary laws implemented in the region. The number of articles and news about the elaboration of traditional customs and modernization in Ciptagelar Village is the main reason for the author to research into the region. Related to this, it becomes interesting to research how the elaboration carried out in the village to be an example for other indigenous peoples in Indonesia. The formulation of the problems arising from the background above to be examined by the team is how customary law applies to the Indigenous Peoples of Ciptagelar Village, as well as how the elaboration between Traditional and Modern customs imposed by indigenous peoples in Ciptagelar Village. The topic of discussion in this article, among others, is how customary law in the indigenous law community of Ciptagelar Village and the last how to elaborate between traditional and modern customs in Ciptagelar Village.

Research Method

Research methods used in the form of empirical legal research that examines the provisions of applicable law and what happens in reality in the community or research conducted on the actual circumstances that occur in the community, with the intention of finding facts that are used as research data which then the data is analyzed to identify problems that ultimately lead to the resolution of problems that are equipped with interviews ([Waluyo, 2002](#)).

Data collection techniques are carried out by means of documentation studies of secondary

data obtained. To complete the data, the author also conducted an interview with the Customary Chairman and a spokesman for Kasepuhan Ciptagelar in Sukabumi regency. Primary and secondary data that have been collected are analyzed qualitatively, then presented descriptively-analytical-prescriptively. Conclusion withdrawal techniques are carried out inductively.

Findings and Discussion

*This state of the art study is drawn from several examples of previous research as a guide to research conducted today. Examples taken in the form of Thesis, Thesis and journal have the research object of Ciptagelar Village. One of the Theses written by Ariya Diani Astika, Prof. Dr. Hartono, Dea., Dess; Dr. Slamet Suprayogi, M.Si in 2016 published in the repository of Gadjah Mada University with the title "Forest Environmental Management Study Based on Local Wisdom of Indigenous Peoples of Kasepuhan Ciptagelar, Gunung Halimun Salak National Park, West Java Province". This research shows that the forest environment in the Kasepuhan Ciptagelar region stores a wealth of natural resources in supporting ecosystems, hydrological systems, and living needs for the people living around it. The People of Kasepuhan Ciptagelar until now still hold firm customs in all aspects of life. Forest environmental management can not be separated from local wisdom and community mores. Forests are divided into 3 types, namely titipan forests, cover forests, and forests. The existence of forest type zoning according to this custom is a form of local wisdom in an effort to preserve the forest environment. The management of this forest environment also requires the role of many parties so that it involves *multistakeholders*. Forest environmental management strategies are realized into concrete programs that can answer problems in the forest environment of Kasepuhan Ciptagelar (Phoek & Tijlen, 2019).*

The journal entitled "A Challenge for Sustainable Electrification, Respecting the Local Tradition in Ciptagelar Village, West Java, Indonesia: Complementary Approach with a Private Company" was written by Tatsuro Satoa, Jun'ichiro Idea, M. Alhaqurahman Isab, Faisal Rahadianc, Tokihiko Fujimoto, Yukihiro Shimatani published in Elsevier ScienceDirect in 2017. The results of this study address the real issues related to the sustainability of PLTMH-based rural electrification in remote villages in West Java, Indonesia, which is very thick with the Sundanese tradition, where engineers and scientists need to conduct an objective evaluation of the risk of natural disasters, not only in the present but also in the future when the impact of climate change will be more severe. Therefore, identifying and solving various challenges in rural areas will help the stable progress of the Future Earth initiative, which aims to achieve 'transformation towards sustainability' and contribute significantly in realizing the SDGs (Sato et al., 2017).

The Journal of Regional Language and Literature Education published an article with the title "Mammalian in Kasepuhan Ciptagelar" written by Dewi Rahayu, Hana Rabiatal A, Imas Siti Fatimah, Nuke Virginia Yuanto in 2020. Based on the results of the study obtained 188 pamali classified into six, namely (1) do not trade rice; (2) women who are coming months are not allowed to participate in cooking in the kitchen imah gede; (3) may not build a wall house; (4) must wear a jacket for men; (5) must wear sides for women; (6) it is forbidden to speak while pounding rice; (7) Do not sell pumpkins (8) do not go out at night and go to the forest alone. All the bona flysns contained in the Kasepuhan Ciptagelar is one of the heritage of the ancestors in a down-tumurun that must be adhered to because it has been included in customary law. If a community in Kasepuhan Ciptagelar violates the cap mammal, then he will get customary punishment and punishment against himself from the ancestors (Rahayu, Fatimah, & Yuanto, 2020).

Thesis and Journal are related because of that it can be concluded that the research theme of elaboration of customary and modern law that will be raised by the author has a novelty that is different from existing scientific articles. The research topics raised by the authors focus on how the lifestyle of Indigenous Law Peoples located in Ciptagelar Village, and studying the elaboration of traditional circumstances to more modern Indigenous Law Communities.

Customary law in the indigenous law community of Ciptagelar Village

Article 18B paragraph (2) of the Constitution of the Republic of Indonesia 1945 (UUD NRI 1945) states that the State recognizes and respects the unity of indigenous peoples and their traditional rights throughout life and in accordance with the development of society and principles of the Unitary State of the Republic of Indonesia (NKRI), coupled with Article 28 I paragraph (3) that the

cultural identity and rights of traditional peoples are respected in accordance with the times and civilizations. [Rahman and Bramantyo \(2021\)](#) This shows that the existence of customary law and the rights of indigenous peoples in Indonesia has basically been recognized and respected by the State.

In Kasepuhan Ciptagelar there is no written customary law, but the applicable law is oral customary law. The enactment of customary law orally is done in a down-and-down manner that is regenerated from parent to child or offspring. If the law is violated by the community, it can be called by the term "pamali" which means there is an Indigenous Law there that should not be disturbed, for example; " *Pak hayang playing kaforest., "pamali barudak!* "It means that there is a Law behind it and it is explained orally for generations, and if a person has come out of customary norms then there will be a punishment for that person called the Law of Karma. Actually, the customary chairman of Kasepuhan Ciptagelar is designing laws or oral rules that apply in the community into Written Law. The substance of this Written Law is a rule of law that will later be agreed upon by the local government, such as in indigenous peoples Ciptagelar springs or *sirah cai* should not be disturbed, the same as the rules of the government that must be springs to be maintained and preserved. Research Team, "Results of Interview With Abah Ugi Head of Adat Kasepuhan Ciptagelar." Basically, the rule of law that applies in Kasepuhan Ciptagelar is the same as that applicable to the regions in general, such as government laws in accordance with the Law, Religious Law, Law agreed with the Government with Customs, Customary Law, Natural Law.

From the results of direct research to the people of Kasepuhan Ciptagelar, there are uniqueness and characteristics inherited by the ancestors of Kasepuhan Ciptagelar that have been done down and down. This is not only done by the Kasepuhan Ciptagelar Customary Law Society, but also applies to all visitors or outside communities who visit Kasepuhan Ciptagelar, namely about how to dress for every MHA Kasepuhan Ciptagelar and tourists who are datang. Men are obliged to use *Iket*, *Iket* is a type of head covering made of cloth and worn with certain techniques such as folded, narrowed, and concluded as the final binder ([Adimiharja, 1992](#)). For the people of Kasepuhan Ciptagelar it is believed that when entering the area *imah gede* must use *iket*. This is related to the habits of the ancestors since long ago, which has the intention that the *iket* as a binder or liaison of brotherhood, is also a characteristic for Sundanese men. Kasepuhan Ciptagelar is a Sundanese community that still holds customs firmly in everyday life. Therefore, it is not surprising that in Kasepuhan Ciptagelar women still use traditional clothing and traditional equipment. Traditional clothing that must be used by women is called by *side*. *Side* is a fabric without seams used as a replacement for pants. Sundanese women of yo time in their daily lives often use the *side* as an aurat cover.

The customary prohibition aimed at all residents of Kasepuhan Ciptagelar among them is not allowed to trade rice is also one of the uniqueness of Kasepuhan Ciptagelar. Indigenous peoples of Kasepuhan Ciptagelar assess that rice comes from the land and is a staple or source of life of the Ciptagelar people, as well as humans who are believed to come from the essence of the soil. Thus, the people of Ciptagelar are not allowed to trade rice / rice because it is the same as selling their lives or selling their own lives. All kinds of technology in Kasepuhan Ciptagelar has been largely developed and developed with the times. But uniquely, there is one thing that should not be disturbed by the development of the times and technology, namely all things related to Rice. Starting from how to grow to process rice into rice or into other materials. Because according to customary rules that have been in force down - down, rice processing must use traditional ways and should not be collaborated with the world of technology.

In terms of civil law, especially in the division of inheritances, in the Kasepuhan Ciptagelar does not recognize the patrilineal and matrilineal lines but adheres to the lineage of the Typical Mixed Kasepuhan Ciptagelar. Since 1368 in Kasepuhan Ciptagelar there are 8 derivatives that then breed to 30,000 people. The division of heirs is left to each family which is then led by 'Rendangan' (the oldest person in the family). If there are problems in the internal family, the 8 derivatives were examined first and then called the head of his family or 'rendangan'nya. This also applies if there is an inheritance dispute, the problem is returned to the head of 'rendangan' to be communicated first. If they have not reached an agreement, the two descendants of the head of the *rendangan* come to Abah who is brought by the *Overtime Elder* (Representative of Abah in each village). [Undiana et al. \(2021\)](#) Research Team, "Results of Interview With Abah Ugi Head of Adat Kasepuhan Ciptagelar."

Like it if a Customary Head (Abah) will be passed down by a male lineage. Cabinets or Village Devices (*Rorokan*) which men will follow a lineage that is male and so will women. Then, when

outside Abah and Rorokan known as Baris Kolot, Baris Kolot is those who are holders of deposits and tasks of the Elders and have very complex and very many tasks. The pattern of division of the inheritance of the Kolot line is based on the descendants that are spoken. In the case of inheritance must intersect also with the disputes that usually occur in it. In the order of the Indigenous Peoples of Kasepuhan Ciptagelar does not bring disputes or inheritance problems into the realm of Kasepuhan Ciptagelar, disputes that occur are often resolved familiarly so that there are no disputes. Research Team, Results of Interview With Abah Ugi Head of Adat Kasepuhan Ciptagelar."

Elaborasi antara kebiasaan tradisional dan modern yang ada di Desa Ciptagelar.

The Constitution of the Republic of Indonesia in 1945 (Uud NRI 1945), explained that Indonesia is a country that places recognition of customary law and state law as a prevailing legal system. This is stipulated in Article 18 B paragraph (2) of the 1945 NRI Constitution: "The State recognizes and respects the unity of indigenous peoples and their traditional rights as long as they are alive and in accordance with the development of the people and principles of the Unitary State of the Republic of Indonesia stipulated in the law". Dewi (2005) The meaning of recognition is recognized in the law. The meaning of kaha recognition in Article 18 B paragraph (2) of the 1945 NRI Constitution is as a subject of law and its traditional rights including customary law (Atmaja, 2014). Over time the community experiences the process of acculturation through incoming information and also contact with outside communities. Mindfulness and communication competence of indigenous peoples in interacting with outside communities also increased along with the number of visitors who came to Ciptagelar. Mindfulness is self-adjustment and being transparent with intentions, motivations, sociocultural identities, and issues of personal identity security vulnerabilities and also about interpersonal alignment that spans processes with respect to other people who are culturally distinct and offers undivided attention, acceptance, and affirmation of identity (Ting-Toomey, 2017).

Elaboration of the customary legal order that applies in kasepuhan Ciptagelar does not close itself to technological and legal developments that exist outside the elders. But with the development of the era of the people kasepuhan Ciptagelar has a mindset such as "*kudu can run the era, but the actions of my kabawaera*", apabila it translates to "must be able to keep up with the times, but do not get carried away" which means having to balance between the times that are being lived with what are ancestral values that must be maintained and embraced. The development of technology began during the leadership of Abah Anom (Father of Abah Ugi who was also the previous Customary Chairman). The use of this technology is filtered based on which can be used for modern technology and can be followed by indigenous peoples and which cannot be implemented by indigenous peoples. One example is electrical energy, by making microhydro in 1988 and also the inclusion of modern technology for electricity in the area in 1985-1988. The manufacture of Electrical Energy is done independently with the help of using generator sets so as to make turbines with 3,000 watts of power for the Cipta Rasa area (the area before Cipta Gelar Village) by using wood base materials.

Abah Ugi as the customary chairman of the Ciptagelar Kasepuhan explained that the Ciptagelar Elders will not punish acts against the law or criminal acts against the indigenous people. "*Theupstream ka hukum, nunjang kanagara*", if there is a violation that occurs will be classified according to his actions such as criminal, civil or civil Islam, Abah Ugi will hand over his people who violate the law to the authorities and even demand to be tried as fairly as possible. Ketentuan law that applies in the Kasepuhan Ciptagelar does not know pidana or civil, but if there are actions that violate the norm then will be exposed to karma. Interestingly, if someone commits an act of murder, then the punishment is carried out by returning to nature, namely social punishment by being ostracized by the community. As a parable that the person feels like he died even though he is alive. Back kept there is the fact "*mytiles kadepna, legok ku tapakna, calaka ku amal amal amalana*" which means, the only thing is returned to his deeds and hukum and Uu-undang only straighten out so as to agree not to make mistakes.

Penulis reveals what kind of social structure is used by the indigenous law society Kasepuhan Ciptagelar. Functional nature looks at functions and systems, interdependence, has their own functions and cannot be replaced and run well if each function is balanced, such as an organism if something is damaged then everything will be damaged, these functions are created because they happen by themselves and the system is not created by humans but this is needed by society. Sudjana (2020) This functional theory itself is highly implemented in MHA Kasepuhan Ciptagelar,

where they believe that life needs a balance between bad - good, light - dark, north - south to customs - modernization. MHA Kasepuhan Ciptagelar strongly upholds and adheres to all customs in the environment, be it the law of karma or prohibition of customs or inheritance laws that are explained orally from generation to generation. However, this does not make MHA Kasepuhan Ciptagelar close themselves with positive laws that apply around and the development of the times that continue to advance rapidly from year to year. Although in terms of geography on a mountain and in the forest, MHA Kasepuhan Ciptagelar is able to absorb all the knowledge and information that exists. This ability is thanks to the advice of his ancestors that "*mun teu nyaho kudu nyaho*" which means if you can not be able to, the advice triggers the creativity of MHA Ciptagelar to stay forward and not be left behind like other MHA in Indonesia.

In essence, the elaboration of traditional customary law with modern implemented in Kasepuhan Ciptagelar because the entire MHA strongly upholds balance, both in terms of nature with the subject of living things to the rules that apply in its environment. MHA Kasepuhan Ciptagelar believes that if a person violates existing customary law will be punished himself through the law of karma but if there is an act against the positive law that occurs and is considered the customary chairman needs to be followed up then the customary chairman will submit it to the authorities to be processed in accordance with the positive law applicable in Indonesia.

Conclusion

In Kasepuhan Ciptagelar there is no written customary law, but the applicable law is oral customary law. The legal form that is believed to be the law of karma where a person violates the applicable customary provisions will get a bad impact in the future. There are several customary restrictions that must be obeyed by MHA and tourists who come. Should not sell rice, dress code while in Kasepuhan, men must use *iket* and women must use *samping* and prohibited to use all kinds of technology in terms of processing rice and rice.

Elaborasi traditional customary law with modern implemented in Kasepuhan Ciptagelar because the entire MHA strongly upholds balance, both in terms of nature with the subject of living things to the rules that apply in the environment. MHA Kasepuhan Ciptagelar believes that if a person violates existing customary law will be punished himself through the law of karma but if there is an act against the positive law that occurs and is considered the customary chairman needs to be followed up then the customary chairman will submit it to the authorities to be processed in accordance with the positive law applicable in Indonesia.

Suggestion

Kasepuhan Ciptagelar is one example of Indigenous Villages for Indigenous Law Communities in Indonesia which is still closed to the times, technological progress and modernization and positive laws of a national nature. As well as a reflection of indigenous villages that can open themselves to the environment, think widely in order to be better known by the wider community.

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