

Elections in Baduy Land Harmonizing Democracy with Indigenous Wisdom

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Abstract

The 2019 election was a strategic moment in Indonesian democracy, particularly with the implementation of simultaneous elections encompassing the selection of the President and Vice President, as well as members of the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council. In the context of human rights, elections serve as a means of fulfilling the political rights of all citizens, including indigenous communities such as the Baduy. However, the electoral process within this indigenous community faced challenges stemming from differences between national law and customary law. Several key obstacles in organizing elections in the Baduy community included the rejection of electronic Identity Card registration, restrictions on election socialization and campaigning, the determination of polling station locations based on customary spiritual guidance, the prohibition of electricity usage during the voting process, and limited education affecting the recruitment of polling station officers. Efforts by electoral organizers, such as the General Election Commission, the Election Supervisory Agency, and the National Commission on Human Rights, to safeguard the political rights of indigenous communities were conducted through a deliberative approach with indigenous leaders. Several compromises were reached, including voter registration based on village records without requiring electronic Identity Card ownership, the distribution of polling stations across 12 locations to improve accessibility, and the use of emergency lighting for vote counting. Meanwhile, challenges in limited education affecting the recruitment of polling station officers recruitment were addressed through a hybrid system that included both Baduy Luar (Outer Baduy) community members and non-Baduy individuals to meet the required administrative and literacy standards. The implementation of the

2019 election in the Baduy indigenous community demonstrated that electoral law can be applied flexibly while still respecting indigenous values without disregarding the principles of inclusivity and non-discrimination. Through a dialogue-based and compromise-driven approach, the election was conducted smoothly, achieving a participation rate of 70%, an increase from the 2018 local election. This electoral model, which respects local wisdom, can serve as a reference for ensuring the political rights of other indigenous communities in Indonesia.

Keywords: 2019 Election, Baduy indigenous community, electoral law, political rights, customary law, discrimination, political participation.

Introduction

The Baduy people are a sub-ethnic group of the Sundanese who reside in Lebak Regency, Banten Province, maintaining a strong cultural identity and adherence to traditional customs.¹ They inhabit the Kanekes Village in Leuwidamar District, located within the Kendeng Mountains at an altitude of approximately 775 meters above sea level. Geographically, their settlements are dispersed across valleys surrounded by hills and small mountains.² The community consists of 66 villages, divided into three Baduy Dalam (Inner Baduy) villages, which remain highly secluded, and 63 Baduy Luar (Outer Baduy) villages, which are slightly more open to external influences. Due to the hilly terrain, inter-village access is only possible on foot.³

¹ Ayatullah Humaeni, Helmy Faizi Bahrul Ulumi, dan Yuyu Heryatun, "Peta Bahasa Masyarakat Banten," 2017, <http://repository.uinbanten.ac.id/6977/1/Peta%20Bahasa%20Full.pdf>.

² Titing Kartika dan Emron Edison, "Masyarakat Baduy Dalam Mempertahankan Adat Istiadat Di Era Digital," *Prosiding ISBI Bandung* 1, no. 1 (2019), <https://repository.stiepar.ac.id/file/dosen/946648730.pdf>.

³ Fariz Afriansyah, "Elite Dan Partisipasi Politik (Studi Atas Peran Elite Tradisional Suku Baduy Luar Dalam Mendorong Partisipasi Politik Pada Pilpres 2019 Di Desa Kanekes, Kabupaten Lebak)" (B.S. thesis, Fakultas Ilmu Sosial Dan Ilmu Politik Universitas Islam Negeri Syarif ..., 2021),

Administratively, the Baduy territory falls under the jurisdiction of Kanekes Village, Leuwidamar District, Lebak Regency, Banten. Their customary land is legally protected by Lebak Regency Regional Regulation No. 32 of 2001 and the Lebak Regent's Decree No. 590/Kep.233/HUku/2002, which designates the Baduy customary land at 5,101.85 hectares.⁴ This area comprises 3,000 hectares of protected forest that must be preserved, alongside 2,136.58 hectares allocated for settlements and agricultural land managed by the community.⁵

Kanekes Village is renowned for its pristine natural beauty and rich biodiversity. Geographically, the village borders several other villages: Bojong Menteng, Cisemut Raya, and Nayagati to the north; Luhur Jaya Village, Cigembong District, and Cibarani Village to the south; Hariang Village, Sobang District to the east; and Prakanbeusi and Kebon Cau Villages to the west.⁶ This uniqueness attracts many visitors from outside the region; however, entry into the Baduy territory requires permission from traditional leaders in Ciboleger. This aligns with the Baduy community's guiding philosophy: "Dongkap kudu

<https://repository.uinjkt.ac.id/dspace/handle/123456789/60488>.

- ⁴ Henry Arianto, "Perlindungan Hukum Terhadap Hak Ulayat Masyarakat Baduy Dalam," *Lex Publica* 1, no. 2 (2015): 153–64.
- ⁵ Edi Mulyadi dan Eki Furqon, "Sistem Pemerintahan Masyarakat Hukum Adat Baduy Dalam Kerangka Sistem Otonomi Daerah," *Ajudikasi: Jurnal Ilmu Hukum* 5, no. 2 (2021): 165–78.
- ⁶ Masykur Wahid, "Sunda Wiwitan Baduy: Agama Penjaga Alam Lindung di Desa Kanekes Banten," *el Harakah: Jurnal Budaya Islam* 13, no. 2 (2011): 150–68.

katembong tarang, balik kudu katembong pundak," meaning that one must seek permission upon arrival and bid farewell when departing.⁷

The Baduy community deeply upholds their customary values and traditions, where their way of life is governed by hukum adat (customary law) under the leadership of the Puun, the highest authority in their society. The Puun holds the power to establish policies and ensure the continuity of Sunda Wiwitan, the indigenous belief system of the Baduy.⁸ One visible manifestation of their commitment to tradition is their reserved attitude toward outsiders. They tend to maintain a respectful distance and refrain from answering detailed inquiries, often expressing their humility with the phrase "teu wasa" when engaging in conversations with unfamiliar individuals.⁹

The settlement patterns of the Baduy are composed of small, dispersed villages, with distances between them reaching several kilometers. Access to each village is limited to narrow footpaths traversing hills and valleys, preserving the natural landscape. Their environment is characterized by cool air, pristine rivers flowing through the Kendeng Mountains, and an ecosystem that remains undisturbed throughout the year. For centuries, the Baduy have maintained a harmonious relationship with nature, evident in their strict adherence to sustainable practices. They do not indiscriminately cut down trees,

⁷ Nur Setiawan, Rina Mardiana, dan Soeryo Adiwibowo, "Ekologi Budaya dan Ekospiritualitas Komunitas Adat Baduy Menghadapi Modernisasi: Studi Ekologi Budaya dan Ekospiritualitas di Desa Kanekes, Kabupaten Lebak, Banten," *Focus* 4, no. 2 (2023): 107–20.

⁸ Otom Mustomi, "Perubahan tatanan budaya hukum pada masyarakat adat Suku Baduy Provinsi Banten," *Jurnal Penelitian Hukum e-ISSN 2579* (2017): 8561.

⁹ Berliana Putri Yuono, "Adat Istiadat Masyarakat Baduy," *Jurnal Sitakara* 9, no. 1 (2024), <https://jurnal.univpgri-palembang.ac.id/index.php/sitakara/article/view/14756>.

viewing the natural world as an ancestral heritage that must be preserved for future generations.

As one of Indonesia's oldest indigenous communities, the Baduy remain steadfast in upholding their inherited laws, passed down through generations and governed by the Puun. Their existence remains largely untouched by modernization, even amid globalization. This unwavering commitment is reflected in their principle, "teu bisa, baheula tikolot kitu, kudu kitu bae," which means that the ancestral rules must be followed exactly as they were passed down, without modification.

Socially, the Baduy community prioritizes strong kinship bonds, both within their own villages and with the Baduy Luar (Outer Baduy). However, interactions with the outside world, especially with those beyond Kanekes Village, are strictly regulated. Certain customs and prohibitions remain deeply embedded, particularly in Baduy Dalam (Inner Baduy) villages such as Cikeusik, Cibeo, and Cikartawana. Visitors, for instance, are strictly prohibited from taking personal photographs, as this violates their customs. Moreover, interactions with outsiders are limited not only due to cultural restrictions but also due to linguistic barriers. The dialect of the Baduy's Sundanese language is archaic and differs significantly from contemporary Sundanese, making it difficult for non-Baduy individuals to understand.

The presence of general elections in Baduy territory presents an intriguing phenomenon. Although they possess constitutional political rights, the democratic system imposed by the state often conflicts with

their deeply rooted customs.¹⁰ Significant challenges arise regarding their participation, ranging from administrative aspects such as electronic ID card ownership to fundamental philosophical differences, as the Baduy tend to remain passive in choosing leaders. Given these complexities, this study examines the extent of the Baduy community's engagement in elections and the measures taken by electoral organizers to ensure their political rights are upheld while respecting their traditions.¹¹

Based on this discussion, the study seeks to analyze the following key questions: How do the government and election organizers ensure indigenous community participation without violating customary law? and How can national regulations adapt to the diverse social systems of indigenous communities?

Method

This study employs a qualitative approach using the case study method. Data collection techniques include direct observation, in-depth interviews with indigenous leaders and the Baduy community, and a review of legal documents and related regulations.¹² Observations were conducted to understand the daily lives of the Baduy people in relation to the modern political system and their responses to the electoral process. In-depth interviews were carried out with key figures, including the Puun (traditional leader), residents of both Baduy Dalam (Inner Baduy) and Baduy Luar (Outer Baduy), as well as election organizers in

¹⁰ Dinda Chairani, "Partisipasi Politik Masyarakat Adat Baduy dalam Pemilihan Umum," *De Cive: Jurnal Penelitian Pendidikan Pancasila dan Kewarganegaraan* 2, no. 8 (2022): 322–27.

¹¹ Ali Thaufan Dwi Saputra, "Menyelisik Kepercayaan Masyarakat Sunda Wiwitan Badui Dalam di Kanekes Lebak Banten," *Ushuluna* 3, no. 2 (2017): 123–38.

¹² Zainuddin Ali, *Metode penelitian hukum* (Sinar Grafika, 2021).

Lebak Regency, to gain insights into the challenges and dynamics of their political participation. Additionally, document analysis covered regional regulations, election reports, and government policies related to the implementation of elections in indigenous communities. Data analysis was performed using a descriptive-qualitative approach, interpreting data obtained through interviews, observations, and document reviews to understand the Baduy community's involvement in elections.¹³ This approach allows for an in-depth exploration of the interaction between customary law and the national democratic system, providing a comprehensive understanding of the extent to which the Baduy people can participate in elections without compromising their cultural values and traditions.

Analysis and Discussion

The 2019 election was a strategic moment in Indonesia's democratic system, particularly with the implementation of simultaneous elections to select the President and Vice President, as well as members of the People's Representative Council, the Regional Representative Council, the Provincial Regional People's Representative Council, and the Regency/Municipal Regional People's Representative Council. In the context of human rights, elections serve as a mechanism to fulfill political rights, including the right to participate in government, the right to vote and be elected, and the right to equal access to public services. These rights are guaranteed under Article 28D

¹³ Saputra Adiwijaya dkk., *Buku Ajar Metode Penelitian Kualitatif* (PT. Sonpedia Publishing Indonesia, 2024).

of the 1945 Constitution, Law No. 39 of 1999 on Human Rights, and Article 25 of the International Covenant on Civil and Political Rights. However, in practice, discrimination often occurs both directly and indirectly, particularly against indigenous communities such as the Baduy people.

One of the main challenges in ensuring the constitutional rights of the Baduy community is the difference in governance systems, where the national system follows state laws while the indigenous system adheres to customary laws and traditions. This challenge is evident in various aspects, including the requirement of an electronic identity card for voter registration. The Baduy Dalam (Inner Baduy) community tends to reject ID cards, believing that administrative identity has no relevance to their way of life. Nevertheless, efforts were made by election officials to directly approach residents and ensure they were recorded in the voter list.

Voter registration, or *coklit*, also posed challenges. Given the limited direct interaction with the Baduy community, especially the Baduy Dalam, election officials had to involve the Jaro Pamarentah as an intermediary between the government and the indigenous population. Additionally, the determination of polling station locations sparked debate. Initially, a customary spiritual vision (*wangsit*) suggested that all 27 polling stations be placed in a single location. However, after deliberation among various stakeholders, it was agreed that polling stations would be distributed across 12 locations in the Baduy Luar (Outer Baduy) area to improve accessibility for voters. This decision aimed to balance local wisdom with voter convenience.

Moreover, customary laws prohibiting electricity use posed challenges for lighting during vote counting. As a solution, it was agreed that polling stations could use emergency lamps, ensuring the vote-

counting process could proceed effectively. In terms of recruiting polling station officers, the requirement for a minimum high school education posed difficulties, as most Baduy residents do not have formal education. To address this, the Lebak Election Commission implemented a composition that combined polling station officers from the Baduy Luar community with non-Baduy personnel to ensure administrative tasks could be handled properly.

Election outreach in the Baduy community also faced restrictions due to customary laws prohibiting campaign activities, whether through direct meetings, printed media, or campaign materials. Consequently, election information dissemination was limited to village offices, focusing only on the election date and voting procedures. The Baduy people's leadership selection principle differs from that of the general public, as they do not actively choose leaders but rather follow the election outcome as determined by the larger society.

On election day, all 27 polling stations across 12 locations in Kanekes Village successfully conducted voting without significant obstacles. Although challenges remained in providing lighting and accessing polling station locations—since transportation was prohibited due to customary laws requiring all travel to be on foot—the election proceeded smoothly. The Baduy community's electoral participation also increased compared to the 2018 regional elections. Out of 6,946 registered voters, 4,794 exercised their voting rights, resulting in a 70% participation rate, significantly higher than the 38% recorded in the 2018 Lebak regional elections.

Overall, the implementation of the 2019 election in the Baduy indigenous community demonstrates how a deliberative approach can serve as an effective solution to ensuring the constitutional rights of indigenous peoples without undermining their cultural values. The efforts undertaken by the General Election Commission, the Election Supervisory Agency, the National Commission on Human Rights, and local governments successfully created a balance between the fulfillment of political rights and respect for local customs and traditions. Although the Baduy Dalam community chose not to actively participate in the election, they did not experience any coercion or discrimination throughout the process. This election model, which respects local wisdom, can serve as an example for other regions in addressing voters from indigenous groups with unique social and political systems.

In the conduct of the 2019 election in the Baduy indigenous community, several electoral principles and regulations faced challenges due to the customary laws that the community continues to uphold. Normatively, Indonesia's electoral laws are based on Article 28D (3) of the 1945 Constitution, which guarantees that every citizen has equal rights in governance, including the right to vote and be elected. Additionally, Law No. 7 of 2017 on Elections details the procedures for conducting elections that must adhere to the principles of direct, general, free, confidential, honest, and fair elections. However, in practice, several aspects of election implementation in the Baduy community encountered obstacles due to differences between national law and customary law.

One of the main challenges in ensuring the constitutional rights of the Baduy indigenous community is the difference in governance systems, with the national system adhering to state regulations and the

indigenous system strictly following customary traditions. This challenge is evident in various aspects, including the requirement of an electronic identity card as an administrative prerequisite for voting. Under Law No. 7 of 2017, one of the conditions for voter registration is the possession of an electronic identity card or completion of population data recording. However, within the Baduy indigenous community, particularly among the Baduy Dalam, there is resistance to e-ID Card registration due to customary beliefs. They perceive administrative identity documents as irrelevant to their traditional way of life. Consequently, many Baduy Dalam residents are, in an administrative sense, ineligible to vote, despite being Indonesian citizens with voting rights.

From an electoral law perspective, this administrative requirement is designed to ensure the validity of voter data and prevent potential electoral fraud. However, for the Baduy Dalam community, this requirement is seen as an intervention into traditions that they have upheld for generations. As a solution, the government and the General Election Commission of Lebak Regency adopted a special approach by allowing these individuals to be included in the Final Voter List based on village population records, even if they did not possess an e-ID Card.

Restrictions on election campaigns and public outreach also posed significant challenges. According to Article 267 of Law No. 7 of 2017, election campaigns are an essential part of the democratic process, allowing candidates to convey their vision, mission, and political programs to voters. Campaigns can be conducted through various media, including print, electronic, and face-to-face meetings. However,

the customary laws of the Baduy community prohibit all forms of political campaigning that could lead to conflicts or divisions among residents.

In practice, election campaigns in the Baduy community are only permitted in the form of technical socialization regarding voting procedures, which is conducted by election organizers. Campaign materials such as banners, billboards, posters, and brochures are not allowed to be distributed within the Baduy territory, whether in the Inner Baduy or Outer Baduy areas. This restriction conflicts with the principles of transparency and access to electoral information as outlined in national election laws. However, such limitations are regarded as a necessary measure to respect local wisdom, which prioritizes social harmony and peace.

The determination of polling station locations also posed a challenge in conducting elections in the Baduy community. According to Article 349 of Law No. 7 of 2017 on Elections, polling stations must be easily accessible to voters and meet adequate facility standards. However, within the Baduy context, the placement of polling stations is influenced not only by geographical factors but also by customary regulations. Initially, a spiritual vision (*wangsit*) from an indigenous leader suggested that all polling stations be located at a single site, which directly contradicted the principle of accessibility in elections. After deliberation, an agreement was reached to distribute polling stations across 12 locations while ensuring reasonable proximity for voters.

Furthermore, under Baduy customary law, residents are prohibited from using vehicles, requiring them to travel on foot to polling stations. This restriction presents accessibility challenges, especially for voters residing in remote areas. Under normal circumstances, the government or election organizers could provide

transportation facilities to assist voters in reaching polling stations. However, in the case of the Baduy community, customary laws limit such external interventions.

The lack of adequate lighting at polling stations also emerged as a significant challenge. According to Article 38(3) of Law No. 7 of 2017, the vote-counting process must be conducted in a well-lit location to ensure transparency and accuracy. However, Baduy customary laws prohibit the use of electricity within their territory, restricting lighting at polling stations to oil lamps, kerosene lanterns, or bonfires. This limitation created technical difficulties in the vote-counting process, particularly when it extended into nighttime hours.

As a solution, the government and the General Election Commission of Lebak Regency engaged in discussions with indigenous leaders and obtained permission to use emergency lamps at each polling station. While the lighting remained suboptimal, this solution allowed the voting and vote-counting processes to proceed without significantly violating customary laws.

Regarding the recruitment of polling station officers, Article 72(h) of Law No. 7 of 2017 stipulates that members of the polling station committee must have at least a high school diploma or an equivalent educational qualification. However, most Baduy community members lack formal education and are generally unable to read, write, or perform arithmetic (*calistung*). This requirement posed a significant barrier to recruiting election officers from the indigenous community.

To address this issue, the General Election Commission of Lebak Regency implemented a mixed composition system in appointing polling station officers. Key positions, such as the head of the polling station committee and administrative officers, were filled by individuals from outside the Baduy community. Meanwhile, other positions were assigned to members of the Outer Baduy community who possessed basic literacy skills. This approach enabled the participation of indigenous residents in election administration while ensuring compliance with national legal standards regarding election officers' qualifications.

Conclusion

Based on the analysis above, it can be concluded that several electoral law principles faced obstacles in their implementation within the Baduy indigenous community due to the strong adherence to customary laws. The primary challenges included administrative voter requirements, restrictions on election campaigns, the determination of polling station locations, lighting during the vote-counting process, and the recruitment of polling station officers. However, these challenges did not necessarily result in violations of the constitutional rights of indigenous communities, as various approaches were implemented to accommodate their needs. A deliberative approach and respect for customary laws have proven to be key solutions in ensuring the Baduy community's political participation in elections without violating national laws. The success of the 2019 election in the Baduy community demonstrates that electoral laws can be implemented with flexibility while maintaining the principles of inclusivity and non-discrimination. This model can serve as a reference for conducting elections in other indigenous communities with unique social and political systems.

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