

Integration of Sunda Wiwitan Traditional Institutions in Environmental Legal System

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Abstract. *This study aims to analyze the role of customary institutions within the environmental legal system and to identify the gap between customary law values and local policies in achieving sustainable environmental governance. The research employs an empirical juridical method with a socio-legal approach, combining statutory and sociological approaches. Data were collected through in-depth interviews, field observations, and document analysis, and were qualitatively analyzed using an interactive model to examine the relationship between legal norms and social practices. The novelty of this study lies in emphasizing customary institutions as a form of living law that functions not only culturally but also possesses regulatory capacity in managing the environment based on local wisdom. The findings reveal that customary institutions play a significant role in maintaining environmental sustainability through social mechanisms and local values; however, they have not been optimally integrated into the formal legal system, resulting in normative and implementation gaps. Based on these findings, this study concludes that strengthening and integrating customary institutions into local environmental policies is a strategic step toward achieving inclusive, sustainable, and equitable environmental governance.*

Keywords: Customary Law; Environmental Governance; Indigenous Institutions; Local Policy; Sunda Wiwitan.

1. Introduction

Life collective man create One unity social that begins with desire for form pattern life family, form a family friendly in something structure society and ultimately arrive at the pattern modern life.. (Aprilianti & Kasmawati, 2020). Living customs and traditions in public no can so just deleted with development civilization, progress knowledge knowledge and technology as well as modern life, but on the other hand the process of progress of the times provides influence on customs habits in order to be able to adapt with demands developments of the times so that customs habit the still exist in the middle progress of the times.. (Soetoto, 2021). Indigenous peoples around the world play role crucial in guard sustainability environment live, with control the area containing 80% of diversity global life even though they only represent around 6.2% of world population.. (Reyes-García et al., 2022).

System knowledge traditional and practice management source Power natural they has proven effective in conservation environment and mitigation change climate. However, the existence and rights public customs often marginalized in the process of taking decision policy modern environment, especially when face to face with interest development economy and system centralized state law. Although instrument law international like United Nations Declaration on the Rights of Indigenous Peoples.. (UNDRIP) and ILO Convention 169 have give framework strong normative for protection rights public customs, including right on land, territory, resources power nature, and participation in taking decision, but its implementation in many countries is still face challenge complex structure.. (Eichler & Navarro, 2023).

Consistency between system state law and law customs can create governance framework a better environment inclusive, adaptive, and sustainable, but also creates challenge related fragmentation authority, uncertainty law, and disharmony policy.. (Curran, 2019). In various countries such as Canada, Australia, and several Nordic countries, integration law customs to in framework policy environment national has show results positive in form management source Power more nature sustainable and reduction conflict between public customs with government.. (Buana & Mamonto, 2023). Customary law is something living law, because He incarnate feeling real law from the people.. (Aprita & Hasyim, 2023). In Indonesia, the people Sunda Wiwitan customs is one of the community that has system beliefs and practices management a unique environment. Sunda Wiwitan, which is literally means "Original Sundanese", is system trust indigenous Sundanese society which emphasizes harmony between humans and nature through draft karuhun.. (ancestors) and kembanguh.. (provisions sacred customs).. (Salsabila, 2025).

Trust This arrange connection public with environment natural through a set rule customs that prohibit damage nature and regulate management source Power in a way sustainable.. (Sodikin, 2022). Sunda Wiwitan Community in the Regency Kuningan, especially in the Cigugur area, has tradition management forest the custom called Leuweung Leutik.. (forest) sacred little), which is not only functioning as place of religious ritual but also as means conservation natural.. (Murniputri, MS, 2018). System zoning forests and practices management environment based wisdom local that they run show effectiveness institutional customs in guard sustainability ecosystem. However, in the era of modernization and decentralization government, existence institutional Sunda Wiwitan customs face various challenge, start from lack of formal recognition in policy area until conflict interest with state regulations that tend to put forward paradigm development economy. This is seen from existence gap between regulation law positive with reality on the ground , where rights public customs often marginalized by policy development that places the state or actor external as holder control main on source Power natural.. (Kartiko et al., 2024).

Study previously show that Sunda Wiwitan people in Indonesia still fight for get confession rights civil full from the country, including confession on system law customs they in management source Power nature and environment life.. (Mahmudin et al., 2021). Conditions factual find that policy conservation in Indonesia tends to positioning the country as actor dominant, while role public customs in management environment often nature symbolic without authority strong decision.. (Arsyad et al., 2025). Findings empirical kind of This indicates that although there is confession to right biocultural public in instrument law international and national, its implementation at the Values level wisdom local the covers rule use land, annual ritual such as Seren Taun, as well as the social norms that regulate type permitted activities in customary areas.. (Deha et al., 2025).

Cirendeu Village, West Java shows How law customs play a role in protect identity and rights public customs in the middle challenge modernization, but need will support more policies strong still real.. (Fitri et al., 2025). Findings this relevant for describe possible situations similar in the Sunda Wiwitan community in the Regency Brass, brings out question about effectiveness policy local in respect and implement rights customs in governance environment. More further implementation policy environment at the level local often No involving public customs in a way meaningful in the planning, implementation, and monitoring processes. In fact, participation active public customs in governance environment No only is their fundamental rights as recognized in law international, but it is also an effective strategy for reach objective conservation and development sustainable.. (Dawson et al., 2021).

Literature about Sunda Wiwitan show that system trust This own connection close with management environment. Research Enjang AS and Muklish 2020 analyzing Sunda Wiwitan as system trust public customs Baduy in Banten, Indonesia, and shows that this religion is symbol main reach every side life and is representation collective from system trust public customs Baduy.. (As et al., 2020). Research they show that institutions traditional and ceremonial traditional represent three issue essential understanding and appreciation of religion.. (beliefs) in society customs Baduy as Sunda Wiwitan descendants; obedience and practice life daily public customs Baduy as member group social Sundanese tradition and symbolism existence and recognition to existence government and power outside institutions customs Baduy. Sodikin in his studies 2022 explains that the concept of Sunda Wiwitan in society Baduy relate with management environment, where the orientation, concepts, and practices of Sunda Wiwitan religion only intended for pikukuh.. (provisions) sacred customs) for the sake of prosperity living in the world.. (Cristianingsih et al., 2024).

Based on background the back that has been outlined, visible that existence public Sunda Wiwitan customs in governance environment in the Regency Brass is in a strategic position at a time vulnerable. In one side, society customs own system law customs and wisdom local functioning as mechanism management environment in a way sustainable. On the other hand, the policy local that should be become instrument recognition and protection rights public customs not yet fully capable accommodate values the in a way substantive. Condition this cause gap between applicable legal norms and practice management environment based customs in the field.

2. Research Methods

Study This use method study law with approach juridical empirical. (socio-legal) for analyze strengthening institutional Sunda Wiwitan customs in policy local governance environment life. Approach This chosen Because capable study relatedness between applicable legal norms with practice growing social in public custom. Research combine approach statute approach to examine relevant regulations, as well as approach sociological approach to understand implementation and dynamics institutional customs in the field. Subject study covering figure Sunda Wiwitan customs, administrators institutional customs, as well as apparatus government village and stakeholders policy local. Determination sample done with purposive sampling technique, namely choose informant in a way on purpose based on criteria certain relevant with objective research. The data used consists of on the primary data obtained through interview in-depth interviews and observations field, as well as secondary data in the form of regulation legislation, books and journals relevant scientific data. Data collection techniques are carried out through studies field and study bibliography. For ensure data validity, used technique triangulation sources and methods. Data analysis was carried out in a way qualitative with using an interactive model, which includes stage data reduction, data presentation, and data extraction conclusion. Selection technique analysis This based on his ability in interpret data in a in depth to identify gap between legal norms and practice social, as well as evaluate effectiveness policy local in support role institutional customs in management environment sustainable living.

3. Results and Discussion

3.1. Existence and role institutional Sunda Wiwitan customs in governance practices environment live in the Regency Brass

Existence institutional Sunda Wiwitan customs in the Regency Kuningan, especially in Cigugur, shows that community customs still endure as entity socio-legal living in the midst system law national. Data shows that amount Sunda Wiwitan adherents relatively small compared to population overall, but in a way

institutional remain solid and functional in arrange life social as well as relation ecological society. This is strengthen findings in study public custom which states that strength community customs no solely determined by quantity, but by cohesion values, legitimacy social and sustainability institutional (Wulandari et al., 2019). Institutional Sunda Wiwitan customs Cigugur own structure an orderly and hierarchical organization, which reflects governance system traditional Sundanese. With Thus, the existence of Sunda Wiwitan No only nature cultural, but also has dimensions normative as system arrangement social based law customs.

In a way institutional, structure Sunda Wiwitan customs are hierarchical and functional show existence system clear authority in taking decisions, including in management environment. The role of Great Elders, Traditional Pupuhu, to device customs other reflect distribution systematic and effective functions. Findings This in line with literature law customs that emphasize that institutional customs play a role as capable living *law* arrange behavior public in a way more contextual compared to formal law. However thus, research This find that although own strong internal legitimacy, institutional this not yet fully integrated in system law formal environment at the level local, so that create gap between state legal norms and practice customs.

From the perspective ecological , governance practices environment run by the Sunda Wiwitan community show principle strong sustainability, as reflected in draft Tri Tangtu cosmology and system zoning forest customs. (Leuweung Larangan, Leuweungludean, and Leuweung Garapan). Practice this no only functioning as mechanism conservation, but also as instrument control social based spiritual values. Findings This strengthen studies latest which states that wisdom local public customs own contribution significant in support management environment sustainable, especially in context change climate and degradation environment. With Thus, institutional Sunda Wiwitan customs can viewed as an alternative model of governance environment based community and values local.

However thus, research this also identifies existence limitations structural, especially related Not yet optimally confession law to institutional customs in policy local. Condition This show existence *research gap* between confession normative to public customs in regulations national with implementation at the level local. In the context of this, the findings study confirm that strengthening institutional customs No only need legitimacy social, but also support formal law through inclusive policies.

In a way theoretical, research This contribute in strengthen socio-legal approach with show that law customs still relevant as system normative in governance environment. Meanwhile in a way practical, results study this give base for

government area for integrate institutional Sunda Wiwitan customs to in policy environment local, for example through confession in regulation village or policy area based public customs. With thus, institutional Sunda Wiwitan customs no only functioning as inheritance culture, but also as actor strategic in realizing governance sustainable and equitable environment.

3.2. Recognition and protection right public Sunda Wiwitan customs in policy local related to governance environment in the Regency Brass

Discussion about right traditional become important Because is one of the element from definition public traditional. Existing traditional rights in definition right traditional This different with definition right traditional that exists in The 1945 Constitution of the Republic of Indonesia. Traditional rights interpreted as right right special or special characteristics that are attached to and owned by a community public on existence similarities origin. (genealogy), similarities of territory and objects customs other rights on land customary, river, forest, and practiced in its people. There are several coverage from rights traditional unity public law custo, namely first, rights control and management land as well as source Power nature that exists in environment society law customs said second, the right to use to carry out arrangement to self alone based on law customs as well as existence rules customs that have been agreed upon by all public law customs in a way together third, the right for operate existence management or institutional customs that include in coverage right for arrange self themselves and fourth, the right to identity culture, system belief. (religion), wisdom traditional as well as Language original (Sihotang, 2023).

Recognition and protection right public most productive custom when built on three foothold mutually exclusive theories complement. First, legal pluralism, in in practice confirm that state law does not exclusive There is a living and regulating system of customary norms behavior collective public custom. Approach pluralism law demand policy local confess existence rule customs as a legitimate and interactive normative arena in a way dynamic with formal rules of the state without confession kind of That happen overlapping norms, conflicts, or marginalization right customs (Turmudzi, May 2025). Second, the perspective *law in action versus law in the books* emphasize difference between written norms. (local regulations, regulations) national and field practice formal recognition in regulations not yet of course come true become protection real when mechanism implementation, capacity bureaucracy and access public against the legal process weak. *Socio-legal* studies in Indonesia show that this gap often happen regulation there is, but its effectiveness depends on the design participation, mechanism verification of customary areas, and local politics. (Bayo et al., 2023). Third, theory recognition of study right basic collective demand that confession law must nature substantive namely granting status, access and capacity institutional for

community customs for manage source power, not just declarative. Recognition substantive covers right over customary/ ulayat areas, rights participation in planning space and protection to criminalization on practice customs. Recent studies confirm that confession symbolic without giving authority real precisely reproduce vulnerability public customs (Wibisana et al., 2024).

In many area confession to existence community customs Already enter in discourse policies and some regulation area, but the process of verifying customary areas, registration organization customs and empowerment institutional local Not yet systematic so that confession often nature declarative. In the context of Sunda Wiwitan, this reflected in the obstacles administrative for believers for claim right customary/space custom. Conception pluralism demand recognition that gives room law operational for law custom , not just confession identity (Rafi Drajat, 2024). Regulations existing areas Not yet always followed by the instrument implementation. (guidelines technical, SOP verification, budget for facilitation registration of customary territories) so protection real to practice management based customs. (prohibited zones, conservative rituals) have not guaranteed. This shows failure operationalize confession substantive required by the theory confession (Farina et al., 2024).

Interest development. (agriculture intensive, infrastructure, extractive) and weak coordination inter-device area cause pressure against customary areas. Customary law that does not have clear administrative status easy eroded by policy sectoral. This confirms the need harmonization rule accommodating area right customary law in a way specific (Mardhiya, 2024). Sundanese Wiwitan Community risky lost control management ecological if mechanism verification and registration of customary areas No strengthened without that, the effort litigation or advocacy law difficult produce protection effective (Azaria et al., 2024). Protection environment based customs. (prohibited zones, traditions) conservative) requires recognition status that gives legal access to the licensing process environment and spatial planning (Chandra, 2025).

Based on study, practice of Sunda Wiwitan contain land use and ritual regulations. (Seren Taun, prohibitions certain to utilization land) that functions as mechanism conservation traditional. However, there are a number of pattern problematic in realm policy local Brass:

1. Unclear administrative status believers trust so that access administrative. (permits, recognition) organization customs, recording of customary areas) is hampered;
2. Regulation area tend nature technocratic No in a way explicit integrating customary norms to in spatial planning and management area conservation;

3. Participation public customs in the policy process nature procedural, not substantive aspirations customs often only heard, not decided. Findings similar reflected in the study case public West Javanese customs and studies implementation regional regulations recognition that shows the gap between written norms and protection real.

Framework pluralism and law in action, problems tree in Kuningan can formulated as failure institutional for convert confession normative become right operational. (clarification of customary area boundaries, access licensing, protection law to practice customs), and asymmetry power in spatial planning where the mechanism planning no ensure representation equivalent public customs so that policy development/agrarian can erode right customary law. Theory of recognition confirm that without giving capacity institutional. (e.g. role) institution customs in licensing, deliberation forum official binding), recognition still rhetoric. Empirical studies in Indonesia support claim This lost right operation often stemming from the lack of mechanism verification of customary areas and weaknesses regional regulations in tie sectoral practices. (Krisnantoro, 2022).

Based on analysis theoretical and empirical, policy local in the Regency Brass need directed at strengthening recognition and protection public Sunda Wiwitan customs through a number of step strategic. First, it is necessary adoption approach pluralistic in regulation areas and directions technically which explicit confess existence law Sunda Wiwitan customs, including mechanism verification of customary areas as well as giving room for law customs for regulate certain uses. Second, recognition the must nature substantive, no just declarative, through registration of customary areas in a way participatory, determination right customary law that provides access law on source Power nature, as well as provision instrument protection to criminalization practice custom, in line with theory recognition that emphasizes status, resources power and capacity institutional. Third, integration wisdom local need realized in spatial planning policies and AMDAL documents, with obligatory rule technical licensing accommodate customary norms that maintain balance ecology, such as no-go zones harvest and conservation rituals, in order to minimize conflict of norms and enrichment policy based proof local. Fourth, strengthening capacity participatory public customs must done through facilitate meeting forums official who gives authority taking decision to representative customs in planning villages and districts, as well as through customary paralegal and extension training law for expand and strengthen access justice for public customs.

In a way concise, recognition and protection Sunda Wiwitan rights in Kuningan requires transformation from confession normative become confession operationalized substantive through device law pluralistic local mechanisms verification participatory and integration wisdom local to in spatial planning and

policy environment. A socio-legal approach that connects theory pluralism, law-in-action, and theory confession give runway analytical for assess and formulate policy reforms that are capable of ensure sustainability ecological at a time justice law for public customs.

3.3. Compliance between policy local in the Regency Brass with values law Sunda Wiwitan customs in realizing governance a fair and sustainable environment .

Problem suitability between policy local with values law Sunda Wiwitan customs in the Regency Brass is issue crucial in context pluralism Indonesian law. The Karuhun Urang. (AKUR) Sundanese Wiwitan Indigenous Community in Cigugur, Kuningan, to moment This face various challenge related confession law customs and protection of customary territories. Pluralism theory law become runway main in analyze interaction between state law and law customs. Pluralism law understand that law customs No stand Alone but interact in a way dynamic with law national and international (Pradhani , 2021).

Draft *Semi-Autonomous Social Field*. (SASF) of Sally Falk Moore explain that public customs is a semi-autonomous social region that has ability produce rule Alone However still influenced by the system more laws broad. In the context of Kuningan, the AKUR Sunda Wiwitan community can viewed as an interacting SASF with system law regional and national (Turmudzi , 2025). Theory of justice ecological emphasize importance fair distribution on access and control to source Power nature, as well as confession to rights public customs in management environment. Justice ecological covers three dimensions main, namely justice demanding distributive distribution benefits and burdens environment in a way fair, justice procedures that guarantee participation public customs in taking decisions, and justice respectful recognition identity, knowledge, and systems mark traditional. (Nugroho, 2019).

In line with that, theory confession law in construction constitutional confirm that confession to public law customs no just formality administrative, but rather fulfillment right constitutional as guaranteed in Article 18B paragraph. (2) of the 1945 Constitution, so that confession the nature declarative and non-declarative depends on the will of the state (Akmal et al., 2025). In perspective development sustainable, balance between aspect economic, social and environmental become prerequisite main, with wisdom local public customs viewed as important capital in guard sustainability intergenerational. However, in In practice, the AKUR Sunda Wiwitan community in the Regency Brass precisely face rejection confession as public law customs by the Government Regency Brass through the Regent's Decree Brass Number 189/3426/DPMD dated December 29, 2020, with reason No fulfillment of five criteria as arranged in Minister of Home Affairs Regulation Number 52 of 2014, namely history public customs, customary areas, law customs,

property wealth and/ or object customs, as well as institutional system government customs. Rejection this cause consequence Serious in the form of conflict agrarian, loss of legal standing of the community customs in maintain land communal , as well as weakening institutions social and cultural AKUR Sunda Wiwitan (Farakhiyah & Irfan, 2019).

Condition the reflect weakness implementation principle pluralism law at the level local, where the government area Still tend apply approach centralistic and legalistic which ignores existence law customs as living law, even though Decision Court Constitution Number 35/PUU-X/2012 in particular firm state that confession public customs nature declarative, not constitutive. Consequences unclear legal status land customs in system administration land national, AKUR Sunda Wiwitan community face dispute room life marked by individual claims to land communal which is customs No may traded (Lazira, 2017). Uncertainty territorial this impact directly to the weakening ability public customs in maintain practice management environment based sustainable communal, because without certainty law, land customs become prone to to exploitation and conversion land. With Thus, there are significant gap between policy government area with legal norms living customs in the AKUR Sunda Wiwitan community, so that revitalization law customs in governance and resolution dispute environment need support structural from substantive state policy, not just confession symbolic, as well as review return instrument administrative like Minister of Home Affairs Regulation Number 52 of 2014 which is proven create obstacle bureaucratic and neglectful diversity characteristics public customs in Indonesia (Sinaga et al., 2025).

Values law Sunda Wiwitan customs in management environment reflected in a way strong in principles, philosophy, and practice social life in the midst ACCURATE community. The fundamental principle of caring for time, caring for time is emphasized attitude adaptive Sunda Wiwitan people to development of the times without release values sublime tradition, so that deny assumption that public customs nature closed and anti-modernity. Principle This own close relevance with draft development sustainable, because put modernization and preservation environment in balanced relationship; ACCURATE society is basically No reject development, but demanding that development the honor rights customs and maintaining sustainability ecological. Balance is also reflected in philosophy Tri Tangtu which emphasizes harmonization between humans, nature, and God, with put man as an integral part of ecosystem, not as ruler natural (Saringendyanti et al., 2018).

System ownership communal This proven contribute significant to conservation environment, because law customs functioning as mechanism regulations ecologically effective in control utilization source Power natural (Jaenong et al., 2025). In addition, ritual and ceremonial practices customs like *Seren Taun*

represent spiritual relationship of the Sunda Wiwitan people with natural at a time play a role as instrument control social in guard balance ecology and transmit values wisdom environment from generation to generation (Sutarno , 2023). Mismatch policy local Regency Brass with mark law AKUR Sunda Wiwitan customs can analyzed through dimensions normative constitutional and justice ecological interdependence related. In terms of normative, rejection confession public law AKUR Sunda Wiwitan customs contradictory with the mandate of Article 18B paragraph. (2) of the 1945 Constitution which requires the state to acknowledge and respect unity public law customs along with rights traditionally, where recognition the should implemented in a way substantive and not just symbolic (Azami, 2022).

Mismatch This the more real when associated with Decision Court Constitution Number 35/PUU-X/2012 which confirms that existence public law customs nature declarative and non-declarative depends on state recognition; however in practice policies in the Regency Brass precisely valid paradigm constitutive which makes formal recognition as prerequisite existence public customs. From the perspective justice distributive, absence formal recognition has been cause AKUR community lost access and control to source Power nature which is historical is part from right customary law they, so that violate principle fair distribution on benefits and burdens utilization source Power natural (Pratama et al., 2025).

Injustice This manifested in disappearance control on land customs consequence individual claims facilitated by the system administration state land, marginalization public customs in taking decision management source power, as well as absence mechanism compensation and *benefit sharing* when the customary area utilized for interest development. In addition, from side justice procedural, decision-making process decision related confession public law customs and management source Power natural Not yet involving participation meaningful AKUR society, so that ignore principle involvement active affected parties in every policies that affect life they (Pebrian & Yulianingrum, 2023). Ultimately, the rejection of the status of society law customs are also form injustice recognition. (recognition injustice), because deny identity collective, system value and existence social the AKUR Sunda Wiwitan community, which has resulted in the loss of price self collective as well as erosion identity culture as community living and sustainable customs (Fatahillah et al., 2023).

4. Conclusion

Institutional Sunda Wiwitan customs Cigugur is organized institutions with structure leadership, system values and mechanisms taking clear decisions, and proven effective in arrange connection humans and nature through zoning forest customs, practices agriculture sustainable, and pikukuh norms as well as taboos

that contribute real to conservation environment and resilience ecology. However, recognition and protection from government areas, especially Regency Kuningan, still limited so that impact on weakness guarantee right over customary areas, sources Power nature, as well as the governance system they have run, at once put public customs in position prone to to conflict and marginalization. In addition, there are gap between policy local with values law Sunda Wiwitan customs, where fundamental principles such as balance of God, humans and nature (Tri Tangtu/Tri Panca Tunggal), sacredness nature and justice ecological Not yet integrated in a way substantive, so that policy tend nature administrative and technocratic. Therefore that, is necessary step strategic in the form of recognition and protection formal law as well as integration values law customs to in policy area as effort realizing governance sustainable and equitable environment ecological.

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