

LEUIT AND CUSTOMARY VIOLATION IN BADUY (Case Study of *Leuit* Fire in Cisaban Baduy Village)^Ω

Rena Yulia, Aliyth Prakarsa, and Ahmad Fauzi
Faculty of Law Universitas Sultan Ageng Tirtayasa, Banten - Indonesia
E-mail: rena.yulia@gmail.com

Abstract

May 23, 2017, Kampung Cisaban Baduy Luar burned down. A total of 84 houses of Baduy residents and 200 *leuits* burned. The incident became interesting and important to study. The house should have been distant with *leuit* so when the house caught on fire, the *leuit* will not burn. This is an empirical research by using interview and observation for data collection, then presented descriptively. The results showed that the position of *leuit* with the village is not in accordance with customary law. At first *leuit* was built away from the village, then the house increased in number. Finally the *leuit* was built in not in accordance with customary law. As a result, there was a village fire that made *leuit* burned down. This is a natural reaction to the non-compliance of customary rules regarding *leuit* distance. However, this accident is deemed as disaster rather than customary sanction.

Keywords: food security, *leuit*, customary violations.

Abstrak

Pada tanggal 23 Mei 2017, Kampung Cisaban, Baduy Luar, mengalami kebakaran. Sejumlah 84 rumah warga Baduy dan 200-an ratusan *leuit* ikut terbakar. Kejadian tersebut menjadi menarik dan penting untuk dikaji, mengingat seharusnya rumah dengan *leuit* memiliki jarak yang jauh, sehingga ketika rumah kebakaran, *leuit* tidak akan turut terbakar. Metode penelitian dilakukan dengan empiris, dengan teknik pengumpulan data wawancara dan observasi yang kemudian disajikan secara deskriptif. Hasil penelitian menunjukkan bahwa jarak *leuit* dengan perkampungan tidak sesuai dengan aturan adat. Pada awalnya *leuit* dibangun jauh dari perkampungan, lalu rumah terus bertambah. Akhirnya jarak *leuit* dengan perkampungan menjadi tidak sesuai dengan hukum adat. Terjadilah kebakaran kampung yang membuat *leuit* ikut terbakar. Resiko tersebut merupakan reaksi alam atas tidak dipatuhinya aturan adat mengenai jarak *leuit*. Meski demikian, kebakaran *leuit*, tidaklah dianggap sanksi adat melainkan musibah semata.

Kata kunci: ketahanan pangan, *leuit*, pelanggaran adat.

Introduction

Owning *leuit* for all Baduy community as a customary law is good for food security. Rice stored in *leuit* lasts for long time. It means Baduy people would be economically independent without relying on other people or even government. Besides they are away from food shortage. Baduy agricultural products will be sold or stored for their own need. Yet, rice will be kept for their need. Generally, after harvesting, rice is dried and kept in storage known as *Leuit*. *Leuit* is made from woven bamboo and some logs and *kirai* (coconut husk) for its roof.

The rice is largely consumed for daily needs and preferred for traditional ceremony.¹

In Baduy tradition, rice should not be sold while other products such as banana, cassava, etc can be sold. Baduy traditional law prohibits them to sell their rice but allows them to buy rice.² Food availability in Baduy community is safe due to *leuit*. Most of the Baduy household have one *leuit* and the others

¹ Suparmini, Sriadi Setyawati, Dyah Respati Suryo Sumunar, "Pelestarian Lingkungan Masyarakat Baduy Berbasis Kearifan Lokal", *Jurnal Penelitian Humaniora*, Vol. 18, No.1, April 2013: pp. 8-22

² Interview result with Jaro Alim, Jaro Cikeusik, Baduy Dalam, May 6th 2017.

have two or more. Traditional community like Baduy still hold the ownership since they rely on food supply from their agricultural products.³

Each family at least has one *leuit*. Although the ownership is under individual name and not included as customary property, Baduy community cannot open their *leuit* without *pu-un* and *jaro* (leaders) permission. For example in Cikeusik, which consists of 81 houses and 131 families, have more than 250 *leuit*. Each family at least owns 2 until 5 *leuit* and even *puun* Cikeusik has 8 *leuit*.⁴ The location of *Leuit* have been considered by ancestor in such way, by determining the woods to use as *leuit's* building material, roof of *rumbia*/fiber, *leuit* architecture that can prevent it from rats/mice. This rule has existed for hundred years ago.

Even the place to build *leuit* also has been considered in such way by Baduy ancestor. *Leuit* must be built at least 100 meters away outside of village. This is done to prevent any unexpected possibilities when there are fire in village. *Leuit* which is build far away from the village will not burn.⁵ Hence, Baduy people still have food stockpile. *Leuit* placement in such way shows the pattern of food security in Baduy community. The reason is simple, when there is fire, they still have food stocks. This hold in high philosophy which may possibly missed out in modern society today.

Yet, in May 23rd 2017, there was a fire in Baduy Luar, Cisaban village RT 02 RW 06 Kanekes, Leuwi damar, Lebak. They lost 84 houses and approximately 200 hundreds *leuit* burned down due to violation of *leuit* distance. *Leuit* which should be away from village becomes near. Narrow land *puleuit* Baduy traditional law which obligates the far distance of *leuit* being violated.

Accordingly, a study is worth conducting which concerns about customary sanction as a

customary reaction towards customary infringement related to *leuit* distance in Baduy. The purpose of this study is to study and explain customary sanction as a customary reaction towards customary violations done by Baduy community related to *leuit* distance in village which causes fire.

Research Methods

This is an empirical legal research specifically on sociology of law. The sociological research on law is not a norm in form of law as commonly understood but the law is constructed as a behavior of social community that is steady and institutionalized as well as socially legitimized.⁶ Sociological research on law observes how law exists in social community and what behavioral characteristics within a region in social life. Then it is presented and analyzed qualitatively and descriptively to elicit a whole conception of relation between the interests and value believed in the society.⁷ The behavior here is local wisdom in Baduy community related to the existence of *leuit* for rice storage. Some other behaviors are resisting on selling the yields, making *leuit* apart from home, and other behaviors to preserve food security of Baduy people.

Data comprise primary data as the main data source and secondary data or literature works. Method of data collection is done by interview and observation to Baduy. Interview and observation are conducted to find the social facts not only the existence of *leuit* but also to find more about the rule of distance from Baduy village. This employed qualitative analysis. It is to reveal the behavior that can reflect the applicable law.⁸ More specifically, it is the law in making *Leuit* with certain distance/far from village, and the effect of violating it.

Discussion

Leuit as a Realization of Food Security for Baduy People

³ Ali Khomsan and Winati Wigna, "Sosio-Budaya Pangan Suku Baduy (*Socio-Cultural Aspects Of Food Of Baduy Tribe*)", *Jurnal Gizi Dan Pangan*, Vol. 4 No. 2, July 2009, p. 66.

⁴ Interview result with Jaro Alim, Baduy May 6th 2017.

⁵ Behavior of Baduy people who cook inside their wood-staircase house (*rumah panggung*) that can cause spark, even though the possibility is low

⁶ Mukti Fajar and Yulianto Achmad, 2010, *Dualisme Penelitian Hukum Normatif dan Empiris*, Yogyakarta: Pustaka Pelajar, p. 48.

⁷ *Ibid*, p. 56.

⁸ *Ibid*, p. 57.

Baduy community people is an indigenous community that still firmly holds customary law and balances the harmony of natural environment. Typical, unpretentious, simple, mutual cooperation, obedient to customary law and ancestor's advice kind of lifestyle are applied in Baduy community. Law enforcement does not only keep its contents but also the natural balance.

Cultivating rice is the livelihood of Baduy people. The rice is only allowed to be grown on an unirrigated field called *huma*. Moreover the rice is prohibited to sell but must be well-stored for daily necessity. Beside *ngahuma*, cultivating rice, Baduy people also grow other plants; fruits such as Durian, Banana, Coconut, and Corn, some tubers like cassava, taro, and sweet potato. The seeds of the plants they got from the previous harvest that are replanted.⁹

The harvest produced by Baduy people especially rice are stored in a *leuit*. Jaro Alim said every married man is suggested to have *leuit* to avoid family hunger. Having *leuit* is not mandatory for each family, but only for those who can afford it. Due to its tradition, every married man will absolutely build *leuit* to store the harvest of the year. This tradition started from the legal awareness and how they obey the ancestral custom from the past.¹⁰

Like common building, *leuit* are also made from natural material like wood and bamboo, and sogo palm or sugar palm for the roof. They are located outside the housing. Each family there usually has one to three *leuit*. *Leuit* has a unique shape with 1.5 x 1.5 m or 2 x 2 m in width. Besides, it has a space underneath about 1 to 1.5 meters in height. Generally there are two kinds of *leuit*, the one with *geuleubeug* and the other without. The one with *geuleubeuk* is the *leuit* that has a circular flattened-wood with 30-50 cm for its diameters 30 cm under the floor of *leuit*. The function of the wooden disc is to avoid mice or other rodent animals entering the *leuit*. This kind of

leuit has a thinner body to the underside. Different from the previous *leuit*, the one without *geuleubeug* is smaller and the shape of its body is same from up to down. This kind of *leuit* is commonly found and built nowadays.¹¹

Practically, the custom of having *leuit* is intended to protect the rice as daily need and as the inheritance to the next generation. By doing so, all family will have sufficient rice stock. The rice plant in the *leuit* becomes wealth which can be used as inheritance to their heir. The rice plant stored in *leuit* can stand over hundred years and still safe to consume.¹²

Another interesting thing from *leuit* is the distance management of the *leuit* from the village. Knowledge about the position of the granary separate from the residents belongs to Baduy local wisdom as a disaster mitigation. There is no specific pattern of building *leuit*. The locations of *leuit* are on the other side of the river, behind the village forest, on the hillside, or at a distance of 10-20 meters from the last house. Furthermore, the same cases for house building, the *leuits* are also built on the top of pole which use stone river pedestal as the base. Instead of technically to prevent pole weathering, this way can also maintain the flexibility of the building in case of earthquake shocks preventing it from collapse.¹³

Sanctions imposed on Customary Violations of *Leuit* Distance

Traditionally, Indonesian people have its own rules known as customary law. This is certainly unwritten that was not officially endorsed by the state as well as the law. This indicates that the Indonesian people still hold convention of law that is the customary law itself and the sanctions for its violation. Thus, the position of customary law along with customary sanctions is still intact and firmly upheld by Indonesian society which should be a

⁹ Dadang Sukandar and Eddy S. Mudjajanto, "Kebiasaan dan Konsumsi Pangan Suku Baduy (*Food Habit and Consumption Of Baduy Tribe*)", *Jurnal Gizi dan Pangan*, Vol. 4 No. 2, July 2009, p. 53.

¹⁰ Interview result with Jaro Alim, Baduy May 6th 2017.

¹¹ Raden Cecep Eka Permana, Isman Pratama Nasution and Jajang Gunawijaya, "Kearifan Lokal tentang Mitigasi Bencana pada Masyarakat Baduy", *Makara, Sosial Humaniora*, Vol. 15, No. 1, July 2011, p. 72.

¹² The researcher has tasted rice that is aged for 20 years

¹³ *Ibid*, p. 73.

concern in terms of criminal law politics, especially the renewal of national criminal law, both material criminal law and formal criminal law.¹⁴

The existence of customary criminal law in the community is a life reflection to the community and in each region has different customary criminal law according to the existing customs which are unwritten and codified.¹⁵ A peaceful and harmonious life is also the essence of every human life. However, different interests of every person in society become a reason for potential conflict or clashes due to conflict of interests which disrupt the balance of the community order.¹⁶ The balance of social order must be restored to its original state (*restitutio in integrum*). In essence, "sanctions" are required to restore the balance of the social order which has been disturbed.¹⁷

Soepomo explained that customary punishment is a customary reaction from every balance disturbance that violates justice and obedience in society with its responsibility to restore such condition back to normal.¹⁸ Indonesian customary laws recognize customary institutes as the symbol of local culture used to solve lawsuit including court of justice and even punishment. More concretely, the case settlement through the institutes is done with deliberation principle to uphold law and, on the other side, eliminate further implication. The highest goal is a balance in a social harmony.¹⁹

The management of customary punishment causing disturbed balance of families or society, even though the cases are sometimes taken care of by government, is actually based on personal and/or related families approach, or taken care of by leader of relatives, local chief, village chief, the leader of organization and government.²⁰

Baduy does not have a written guidelines on restrictions in their custom. Yet, it does not mean that Baduy's elders do not recognize the restrictions in Baduy's tradition. The knowledge of customary restriction can be learned publicly by society from generation to generation based on oral tradition. Other violations including sexual act, lawsuit of land, dispute, and other unlawful act are also governed by Baduy's custom punishment law along with its court procedure, witness, and implementation.²¹

Customary violation of Baduy is derived from many kinds of act such as, an act that violates tradition with nature contact and an act that breaks tradition with humans. The violation of tradition to nature is done by conducting a custom ritual led by *puun* and *jaro*. The violation of tradition with humans is executed through meetings of families between the suspects of violation of custom, and then it is given to *baris kolot* for giving advises and custom penalty. In Baduy, some custom penalties are composed of custom vow, custom detention center, and benignity. Those penalties are conducted along with its conditions.

Customary law is a flexible law that lives among society along with its change and development. The occurred disruption can threaten the life of society which can be responded by collective act.²² The fire of *leuit* on July 2017 is an impact of customary violation to *leuit*'s distance with its village in Cisaban, outer Baduy. The distance of *leuit* is no longer compatible

¹⁴ Rahmat Hi. Abdulah, "Urgensi Hukum Adat dalam Pembaharuan Hukum Pidana Nasional", *Fiat Justisia Jurnal Ilmu Hukum* Vol. 9 No. 2, April-June 2015, p. 172.

¹⁵ Fery Kurniawan, "Hukum Pidana Adat sebagai Sumber Pembaharuan Hukum Pidana Nasional", *Eduka, Jurnal Pendidikan Hukum dan Bisnis*, Vol 2 No. 2, August 2016, p. 21.

¹⁶ Beniharmoni Harefa, "Peradilan Adat Nias dan Keadilan Restoratif", *Jurnal Komunikasi Hukum*, Universitas Pendidikan Ganesha Singaraja, Vol. 3 No. 1, February 2017, p. 44.

¹⁷ *Ibid*, p. 45.

¹⁸ Putu Rizky Sitraputra, "Implementasi Nilai-Nilai Agama Hindu terhadap Penyelesaian Tindak Pidana Adat di Bali", *Udayana Master Law Journal*, Vol. 4 No. 4, December 2015, p. 654 - 660.

¹⁹ Ali Abubakar, "Urgensi Penyelesaian Kasus Pidana dengan Hukum Adat", *Madania*, Vol. XVIII No. 1, June 2014, p. 56-57.

²⁰ Fery Kurniawan, *op.cit*, p. 26.

²¹ Ferry Fathurokhman, "Hukum Pidana Adat Baduy dan Relevansinya dalam Pembaharuan Hukum Pidana", *Jurnal Law Reform*, Vol. 5 No.1, April 2010, p. 7.

²² Sudaryanto and Riyanto, "Eksistensi Delik Adat di Lingkungan Masyarakat Sentolo, Kabupaten Kulonprogo", *Mimbar Hukum*, Vol. 28 No. 1 February 2016. p. 53.

with its custom law due to the distance of *leuit* has to save its rice plant from its village.

Ayah Mursyid²³ said that the location of *leuit* close to the villages in Cisaban is caused by the limited area. Limited area is caused by the growth of inhabitant without area expansion. Cisaban village is a blossoming village. It caused the distance of *leuit* close to villages, so the *leuit* got burn when the villages burned down. The food supplies for dozens of years are vanished.²⁴

Based on the data in the scene, fire happened because the distance between *leuit* and village is close enough and it breaks the customary law stating that *leuit* must far away from villages. However, Ayah Mursyid said, it is not a violation of the customary law which has to be given the customary penalty.²⁵ Can the fire accident of *leuit* be said as the customary penalty considering the penalty was imposed by nature rather than customary institution?

Ayah Mursyid said that the *leuit* fire is not customary penalty but disaster that must be accepted. It is not a punishment to break customary law but it caused by carelessness in living life.²⁶ In this case, the infraction of distance between *leuit* and village is a problem to be well-solved, not with the fire that raises new problem. In principle, the value embraced by the community is problem settlement without any other subsequent potential problems.

In line with what is said by Koesno, in the practice of customary law there is no problem that cannot be solved and the purpose is to achieve safety, peacefulness, prosperity, either between the parties or the entire villagers. By this purpose, each problem is well and comprehensibly settled for present and future.²⁷

Concerning about *leuit* that has no space with the villages, it cannot be solved by punishment because the condition in the village is not possible to build *leuit* far from the villages

whereas the villagers must have *leuit*. There is no solution for it but to build *leuit* close to the villages. The burning of *leuit* also becomes the consequences to take as a result of carelessness. Customary apparatus can only give advice so that the villagers can be more careful when they cook or do other activities to avoid fire.

It is different from Jaro Saija²⁸ who said that the distance of *leuit* is a violation of customary law. It is considered as a violation of the customary law because according to customary law the *leuit* distance should be far from the villages. It means the close distance of *leuit* to the villages is customary law violation. Concerning the customary violation on *leuit* distance, the custom apparatus through Jaro has imposed sanction in the form of reprimand in the form of oral censure by local leader then delivered to the villagers who have *leuit* near their house.

The reprimand, nonetheless, cannot be implemented since inadequate area while each family is obliged to have *leuit*. The limited area forced villagers to build *leuit* close to the villages.²⁹ The burned *leuit* was considered as disaster due to carelessness as well as punishment from nature for not abiding the customary law related to the distance of *leuit*.³⁰

According to the observation in the field, Baduy customary law community are obedient to the customary law. Still, in the case of customary violation of *leuit* distance, several causal factors of non-compliance with rule are: *firstly*, the obligation to build *leuit* with very limited land as no expansion of area. It has to be acknowledged that it cannot be carelessly done to do land clearing since it should follow the applicable customary rules. *Secondly*, people decreased understanding about *leuit* distance with village as mitigation if fire occurs (houses of Baduy community are easily burned). *Thirdly*, customary administrators are not strict enough in enforcing the customary law about *leuit* distance, whether it is violated or not. *Fourthly*, outsiders, who come and go, bring

²³ Figure in Baduy Dalam

²⁴ Interview with Ayah Mursyid, Wednesday, September 20th 2017.

²⁵ Interview with Ayah Mursyid, Wednesday, September 20th 2017.

²⁶ Interview with Ayah Mursyid, Wednesday, September 20th 2017.

²⁷ Ali Abubakar, *loc.cit.*

²⁸ Jaro is a term for village in Baduy.

²⁹ Interview with Jaro Saija, August 17th 2017, Baduy Luar.

³⁰ Interview with Jaro Saija, August 17th 2017, Baduy Luar.

new perspective or give distraction to Baduy people (especially the youths) in obeying the customary law to its philosophy. For instance, the obligation of having *leuit*, they have *leuit*, but do not the distance rules. On the other hand, they fulfill the obligation by having *leuit* yet ignoring the rule.

Customary rules on *leuit* is a great rule in terms of building a food security for Baduy people. The presence of customary law on *leuit* distance with village is intended to rescue rice stock from any unexpected disaster. If there is a fire, the people are safe from food shortage. In other words, violating the *leuit* might cause disadvantageous fire.

The customary law here is not only about customary law communities but customary offenses is also seen as a disadvantageous behavior materially for individual and magically harm the balance of nature which will bring impact on other people.³¹

Furthermore, the customary sanction can be in form of anything depending on customary law community itself. Basically, custom sanction is a reaction to the custom violation done by the community. Customary reaction or community reaction is all the custom reactions to the behavior for neutralizing the law violation, and the purpose is to recover the balances, however, the balance of the world, the balances in the real life of the community, the balances among community groups and individuals.³² Nevertheless, according to Van Vollen Hoven³³, customary violence can be in form of minor violation. In this written context, it is only a violation towards the distance of village and *leuit* yet endanger community.

Conclusion

Customary sanction in Baduy, in this case, is a violation of *leuit* distance which is

divided to two type. *First*, it is a custom sanction imposed by customary administrator in the form of reprimand from Jaro to the head of villagers and citizens who have *leuit* near village. *Second*, custom sanction from nature, in the form of fire. Some Baduy believes that fire is a natural reaction for their disobedience on the *leuit* distance and some other perceived as a disaster.

Suggestion

Customary administrators should impose an clear sanction about violation of distance between *leuit* and the village to prevent the village from fire and to achieve the purpose of customary law.

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³¹ Lilik Mulyadi, "Eksistensi Hukum Pidana Adat di Indonesia: Pengkajian Asas, Norma, Teori, Praktik dan Prosedurnya", *Litigasi*, Vol. 17 No. 2, 2016, p. 3300.

³² Karolus Kopong Medan, "Peradilan Berbasis Harmoni dalam Guyub Budaya Lamaholot-Flores", *Jurnal Dinamika Hukum*, Vol. 12 No. 2, May 2012, p. 211-212.

³³ M. Misbahul Mujib, "Eksistensi Delik Adat dalam Kontestasi Hukum Pidana Indonesia", *SUPREMASI HUKUM*, Vol. 2 No. 2, December 2013, p. 480.

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