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**CUSTOMARY EXISTENCE OF SUMEDANG LARANG PADJAJARAN
KINGDOM IN INDONESIAN CONSTITUTION**

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Abstract

Indonesian Customary Law as part of the legal repertoire that has been in effect since the Indonesian nation existed is truly a very valuable scientific wealth because it is explored and rooted in the socio-culture of the people in Indonesia. The existence of customary law communities in Indonesia is protected by the 1945 Constitution. Customary law society is a society that grows and develops in the community environment. The formulation of the problem, how is the existence of customary law of the Sumedang Larang Kingdom in Indonesian state administration and what are the obstacles to the implementation of customary law of the Sumedang Larang Kingdom in Indonesian state administration. The approach used in this research is consensual and statutory approach. The research is juridical in nature using data from library research. Conclusion: The existence of customary law of the Kingdom of Sumedang Larang in the Indonesian state administration, that the Constitutional Rights of the 1945 Constitution is the main basis for the law that guarantees justice from the 1955 Sumedang District Court decision on the Peace Record and the Letter of Detention and Acceptance that has permanent legal force, is manifested by the Rukun Wargi Sumedang Association in Indigenous Peoples with the aims and objectives. Constraints on the implementation of customary law of the Sumedang Larang Kingdom in the Indonesian constitution reform of the development of customary law both in the rules and laws have not been integrated and have an impact on the division of the nation.

Keywords: Custom, Kingdom of Sumedang, State Administration

INTRODUCTION

Indonesian Customary Law is the original law of the Indonesian people which is very valuable rooted and extracted and grows from the life of the Indonesian people themselves (Lev, 2021). Customary Law is the original law of the Indonesian people (Judiasih & Fakhriah, 2018; Priambodo, 2018). The existence of customary law communities in Indonesia is protected by the 1945 Constitution of the Republic of Indonesia, which states, "The State recognises and respects units of local government

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that are special or special in nature which are regulated by law".(Hariyanto & Budianto, 2021; Uktolseja & Balik, 2020)

The Constitution recognises the existence of customary law, protected and maintained its existence in the Unitary State of the Republic of Indonesia (Anindyajati, 2017; Burhanudin, 2021). Giving recognition It is stated that: The State recognizes and respects the unity of customary law communities and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Republic of Indonesia, which are regulated by law (Lubis et al., 2024).

In the Indonesian legal system, customary law is an unwritten law, also known as customary law. However, there is written customary law which is customary law that is recorded (*Beschetegen Adat Recht*) and Customary Law is documented (*Documentereerd Adat Recht*) (Sulistiawan, 2023).

In law, there are customary law communities that grow and develop according to the social environment (Suryawati & Syaputri, 2021). In customary society, it is known that community life is communal in nature, that is, the person of the community must be in accordance with the interests of the customary community (Hasan et al., 2020; Ismi, 2012).

The principles of togetherness and mutual cooperation in fulfilling the public interest are the main characteristics of a customary law society (Sembiring, 2017; Sugarda, 2017). Hazairin states that: customary law is the absorption (sediment) of morality in society, and that customary rules are the rules of morality that have received recognition in society(Rustam, 2023).

When Europeans came to Indonesia, the culture of the Indonesian people was already high and had its own life and state administration in the form of rules called "Adat" (Pide, 2017). Although at that time Indonesia was not yet a unitary state like

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the Republic of Indonesia, but in various regions the lives of the people already had regular customary governance (Setyowati, 2023).

The joints of adat that apply to the Indonesian nation are 10 which are diverse but basically the same, for example:(Sembiring, 2017)

1. The principle of kinship.
2. Mutual assistance.
3. Deliberation and consensus and selflessness.

The principles mentioned above are generally the same throughout the country, although there are differences in the ways in which they are used and implemented. The term adat has different dialects in different regions of Indonesia, for example (Henley & Davidson, 2008):

- a. Gayo/Aceh: Odot
- b. Lampung: Hadat
- c. Java: Ngadat
- d. Bugis: Ade
- e. Halmahera: Adati.

The term Adat comes from the Arabic "Adah" which means habit, something that is often repeated. The term Adat was "absorbed" into Bahasa Indonesia and almost all regions in Indonesia use it.

The term adat is a custom embodied in the behavior of the community and maintained by the community. Therefore, adat is also called a normative custom that is maintained by the community, and carried out repeatedly if it is not carried out, the community will react. Adat is used from generation to generation while habits like to change and are not hereditary.

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According to Sunaryati Hartono: Customary Law is part of the Indonesian legal system that grows and occurs due to cultural patterns and the needs of the people living in the Indonesian archipelago, the rules adhered to by members of the community are laws that apply in the Indonesian archipelago and when foreign nations (including the Dutch) set foot in Indonesia."

The principles of togetherness and mutual cooperation in fulfilling the public interest are the main characteristics of a customary law community. As according to Hazairin: Customary law is the absorption (sediment) of morality in society, namely that customary rules are in the form of rules of morality that have actually received general recognition in that society.

More or less 20 (twenty years) ago the demand for reform echoed so loudly, this was a proactive attitude of a large part of the Indonesian people, especially among students, scholars, clerics, and academics, in line with the economic, political, socio-cultural and crisis of confidence.

The complex of problems is not only reform in the economic and political fields but also reform in the field of worldview. The reforms of the past twenty years have included the field of customary law of Tatar Sunda, which has been almost submerged. The trigger was none other than the new world order as "the fragility of the way of life as a sovereign nation". In the Articles of Association of the Rukun Warga Sumedang (RWS) Association:

The reform of the View of Life which is a question for Tatar Sunda now where to start the reform of the View of Life that suits the needs of the community that refers to Pancasila and the 1945 Constitution, and Bhineka Tunggal Ika.

Based on the various backgrounds above, the author wishes to examine the existence of the customary law of the Sumedang Larang Kingdom, the successor to

the Pajajaran Kingdom with the title: **The Existence of the Customary Kingdom of Sumedang Larang Padjajaran in the Indonesian State Administration.**

Problems, how is the existence of customary law of the Sumedang Larang Kingdom in Indonesian state administration and what are the obstacles to the implementation of customary law of the Sumedang Larang Kingdom in Indonesian state administration The type of research used is library research in the form of legislation, customary law, and custom. The research approach used is a conceptual approach, a legislative approach related to customary law.

RESEARCH METHOD

The research methodology to be employed in writing the journal on "Constitutional Rights Protection of Sumedang Larang Kingdom's Customary Law in Legislation" involves data collection from various sources. Initially, literature review will be conducted to gather information from primary and secondary sources related to the Sumedang Larang Kingdom's Customary Law and relevant legislation. Additionally, interviews with community leaders, government officials, legal experts, and other relevant stakeholders will be conducted to gain deeper insights into the issue. The collected data will then be analyzed using document analysis and qualitative approaches. This analysis will help in understanding the extent to which the constitutional rights protection of Sumedang Larang Kingdom's Customary Law is reflected in legislation. The results of the analysis will be interpreted within relevant historical, cultural, and political contexts, and conclusions drawn will be compiled into a research report following the standard format of academic journals

RESULTS, DISCUSSION AND ANALYSIS

- 1. Protection of the Constitutional Rights of the Customary Law of the Kingdom of Sumedang Larang in Legislation**

The existence of the Customary Law of the Kingdom of Sumedang Larang is recognised and its rights are guaranteed constitutionally in the 1945 Constitution. The 1945 State Constitution explains that: The Unitary State of the Republic of Indonesia is a State of Law. The State of Law stands on laws that guarantee justice to its citizens.

Justice is a condition for realising the happiness of life for its citizens. realising justice needs to be taught a sense of morality to every human being so that he becomes a good citizen. The rule of law reflects justice in the life of citizens.

The existence of the Customary Law of the Sumedang Larang Kingdom is contained in the 1945 Constitution before and after the amendment. Prior to the amendment of the 1945 Constitution, the existence of Masyarakat Hukum Adat was found in the Explanation of the 1945 Constitution regarding "people's legal alliances", which existed before the proclamation of the Republic of Indonesia.

The Explanation of the 1945 Constitution before the amendment stated. "Within the territory of the State of Indonesia there are approximately 250 (two hundred fifty) *zelfbesturende landchappen dan volksgemeenschappen*, such as villages in Java and Bali, negeri in Minangkabau, dusun and clans in Palembang and so on.

These regions have an original structure, considered as special regions. The State of the Republic of Indonesia respects the position of special regions and all state regulations concerning the regions commemorate the rights of origin of these regions".

Post-amendment of the 1945 Constitution, the legal basis for the existence of Masyarakat Hukum Adat is placed in the body of the 1945 Constitution, as there is no longer an explanation in the post-amendment 1945 Constitution. Provisions regarding the basis of rights for indigenous peoples after the amendment are regulated in Article 18B paragraph (2) which states: "The State recognises and

respects the unity of customary law communities and their traditional rights as long as they are still alive, in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated by law."

Post-amendment of the 1945 Constitution provides a breath of fresh air towards the protection and fulfilment of citizens' rights. The existence of Chapter XA, which explicitly states the rights of citizens article by article, provides a juridical basis for the fulfilment of constitutional rights.

One of the constitutional rights regulated in Chapter Xa on Human Rights relates to the Rights of Indigenous Peoples. Article 28 paragraph (3) of the 1945 Constitution states "The cultural identity and rights of traditional communities shall be respected in line with the development of the times and civilization."

The Rukun Wargi Sumedang Association is a Community Organization with legal backing. This legal backing serves as a legal device that provides protection in the form of law.

Community Organisation (Ormas) is an organization established and formed by the community voluntarily based on common aspirations, will, needs, interests, activities, and goals to participate in development for the achievement of the objectives of the Unitary State of the Republic of Indonesia based on Pancasila.

The Rukun Wargi Sumedang Association is the result of the Sumedang District Court Judge's Decision written in the Peace Record dated 09-05-1955 (nine May in one thousand nine hundred and fifty-five years) number 29/1953.

Follow-up of the Peace Record was made a Letter of Acceptance and Acceptance on 17-05-1955 (seventeen May, one thousand nine hundred and fifty-five) in the Civil Court which has permanent legal force. Decisions for which no appeal or cassation has been filed.

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District Court decisions that are accepted by the litigants, peace verdicts, verdicts against which no *verzet* is filed or High Court appeals that are accepted by both parties and no cassation is requested.

One of the mandates of the judgment contained in the Letter of Acceptance is: "In order for the unity of the Sumedang family to be implemented, the establishment and operation of a family association of descendants of the Sumedang ancestors should be endeavored as soon as possible, in collaboration with the Prince of Sumedang Foundation towards the physical and mental welfare of the family".

The description and meaning of the mandate contained in the Letter of Pemaspan and acceptance are internationally, the regulation of the existence of customary law communities can be seen in the 169 Indigenous and Tribal Peoples Convention 1989 Article 1 point 1 (Rahman et al., 2011).

In legal science, there are two terms that are commonly used, namely indigenous peoples, the translation of indigenous peoples, and customary law communities, the translation of *rechtsgemeenschap*. The term adat law community is widely used in the study of customary law and agrarian law. Van Vollenhoven noted that there are two things that must be possessed by a community to be qualified as a customary law community, namely having a recognised customary ruler and property.

Perkumpulan Rukun Wargi Sumedang as customary ruler based on the unity of customary law communities to defend their constitutional rights. ("In order that the unity of the Sumedang family may be realized, it is necessary to endeavor earnestly for the establishment and operation of an association ...")

The decision of the Sumedang District Court on the Pemaspan and Admission on 17-05-1955 (seventeen May year one thousand nine hundred and fifty-five) is the unity of customary law communities has legal standing as a customary law community that has legal standing.

The protection of indigenous peoples to defend their constitutional rights if there are laws that harm their constitutional rights is stipulated in Law No. 24 Year 2003 on the Constitutional Court jo. Law No. 8/2011 on the amendment of Law No. 24/2003 (MK Law).

However, there are certain conditions that must be met in order for a customary law community unit to have legal standing to file a petition for judicial review of law in the Constitutional Court because not all customary law communities have legal standing in judicial review of laws.

The customary law of the Kingdom of Sumedang Larang Padjajaran is inheritance and legal certainty (.... family association of descendants of Sumedang ancestors who work together with the Pangeran Sumedang Foundation towards the physical and mental welfare of the family).

A customary law community unit can be said to be *de facto* still alive (actual existence), whether territorial, genealogical, or functional, at least containing elements: (i) the existence of a community whose people have in-group feelings; (ii) the existence of customary government institutions (iii) the existence of property and/or customary objects; and (iv) the existence of customary law norms. Especially in the territorial customary law community unit, there is also an element (v) the existence of a certain area.

Yayasan Pangeran Sumedang is: The decision of the Judge of the Sumedang District Court written in the Peace Record dated 09-05-1955 number 29/1953 where one of the contents, namely: "It is a joint statement of the members of the Ancestral Descendants of Sumedang who agree to jointly establish a foundation.

The purpose is to continue in the footsteps of the ancestors in assisting the descendants who need such assistance in seeking knowledge that is useful for society

in general and for the family in particular, giving donations to those who are unable to live alone and other social and economic work within the limits of strength ".

Yayasan Pangeran Sumedang (YPS) is an inheritance management organisation that manages the assets of the Sumedang Larang Padjajaran Kingdom. Mandatory Government Affairs that are not related to Basic Services as referred to in Article 11 paragraph (2) include: a. labour; b. women's empowerment and child protection; c. food; d. health and safety;

e. environment; f. population administration and civil registration; g. community and village empowerment; h. population control and family planning; i. transportation; j. communication and informatics; k. cooperatives, small and medium enterprises; l. investment; m. youth and sports; n. statistics; o. coding; p. culture; q. libraries; and archives.

The decision” The meaning of a final decision in a Constitutional Court (MK) decision means that the decision immediately obtains permanent legal force from the time it is pronounced and there are no legal remedies.

The meaning of a binding decision in the Constitutional Court Decision is that the decision does not only apply to the parties but to all Indonesian people ". Sumedang District Court in 1955 is The Constitution of the Rukun Warga Sumedang (RWS) Association and the Pangeran Sumedang Foundation (YPS) as the embodiment of the Customary Law of the Kingdom of Sumedang Larang Padjajaran which aims ".... towards the physical and mental welfare of the family".

Then from that, to form an Indonesian State Government that protects all Indonesian people and all Indonesian blood spills, and to promote general welfare, educate the nation's life, and participate in implementing world order, based on independence, lasting peace and social justice, then compile the Indonesian National Independence in an Indonesian State Constitution,

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The Rukun Wargi Sumedang Association in the rules of implementation of the customary law of the Kingdom of Sumedang Larang Padjajaran is inseparable from the origin of the The state recognises and respects the unity of customary law communities and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia.

Carry out morality activities to protect, maintain the assets of the Sumedang Larang Padjajaran Kingdom in the form of ancestral tombs, sacred objects and cultivate the land to be more productive with Kasumedangan customary values and customs in each kemandalaan, Rurukan and Kabuyutan with Jagabaya protection.

Inventorying the values, manuscripts (wawacan), books, manuscripts, art and culture of Sumedang Larang, Sunda with Kasumedangan customs and carrying out religious, ritual and very spiritual in the community by providing guidance, lighting and education at the Prabu Geusan Ulun Museum.

Considering: a. that the State promotes Indonesian National Culture in the midst of world civilisation and makes Culture an investment to build the future and civilisation of the nation for the realisation of national goals as mandated by the 1945 Constitution; b. that the diversity of regional Cultures is the wealth and identity of the nation which is indispensable for advancing Indonesian National Culture amid the dynamics of world development;

c. that in order to advance the National Culture of Indonesia, strategic steps are needed in the form of Cultural Advancement efforts through Protection, Development, Utilisation, and Promotion. Development in order to realise an Indonesian society that is politically sovereign, economically independent, and has a personality in Culture;

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d. that so far there has been no adequate legislation as a guideline in the Promotion of Indonesian National Culture as a whole and integrated; e. that based on the considerations referred to in letters a, b, c, and d it is necessary to form a Law on the Promotion of Culture.

The Rukun Wargi Sumedang Association realises the election of Rama (King), Ratu, Resi, Papayung Wargi, Papayung Nagara, Papayung Nilai Kearipan Lokal, Pini Sepuh, Sepuh, Pupuhu (Chairman) by way of deliberation and consensus that benefits and maslahat in the Special Deliberation Meeting as the parent of the order of the Sumedang Larang Padjajaran Kingdom in the Articles of Association of the Rukun Wargi Sumedang Association Article 37 (1).

The Special Deliberation Meeting is the highest deliberation forum organised by 2 (two) institutions, namely Yayasan Pangeran Sumedang (YPS) and Rukun Wargi Sumedang (RWS) and other institutions formed in accordance with the laws and regulations of the Unitary Republic of Indonesia.

Only 2 (two) official and legally valid institutions since 1955 and 1956 represent the Kingdom of Sumedang Larang as the successor of Padjajaran, namely: Yayasan Pangeran Sumedang which manages/manages the Prince Soeria Atmadja Waqf and Sumedang Larang royal assets, and Rukun Wargi Sumedang which manages the Sumedang Ancestral Descendants Like 2 (two) sides of one coin.

In the Law what is meant by: a. Culture is everything related to copyright, taste, karsa, and the work of society. b. Indonesian National Culture is the overall process and results of inter-cultural interactions that live and develop in Indonesia. c. Cultural Advancement is an effort to increase cultural resilience and the contribution of Indonesian culture in the midst of world civilisation through the Protection, Development, Utilisation, and Development of Culture. d. Protection is an effort to maintain the sustainability of Culture carried out by means of inventory, security,

maintenance, rescue, and publication. e. Development is an effort to revive the Cultural ecosystem and improve, enrich, and disseminate Culture.

In Sumedang City, the names of Rama (King), Ratu, Resi of the Sumedang Larang Padjajaran Kingdom are still used: street names, the name of the IPP (main government centre) room of Sumedang Regency, company names, codes, associations, hermitages and so on.

Yayasan Pangeran Sumedang is the manager of the assets of the Sumedang Larang Padjajaran Kingdom which are scattered in the Tatar Sunda region (Sunda Kecil Sunda Besar). In particular, Sumedang Regency which exists to this day as Tanah Dalem, Tanah Pangeran, and Tanah Kerajaan (Kaprabon) or also called Eigendom Verponding land which is one of the products of land law during the Dutch colonial era in Indonesia which states a person's ownership of land.

In view of the provisions of Article 1 and Article 2, the implementation of hak ulayat and similar rights of customary law communities, to the extent that they still exist in reality, shall be in such a way that it is in accordance with the national and State interests, which are based on national unity, and shall not conflict with other laws and higher regulations.

1. Constraints on the Implementation of Customary Law of the Sumedang Larang Kingdom in the Indonesian Constitution

Human Resources Aspect

In relation to the Customary Law of the Sumedang Larang Kingdom, the Government, the Community, traditional leaders, and legal experts have not been able to distinguish the understanding of Culture, Customary Law, Customs, and Customs. The awareness of the Government, the community, traditional leaders, and legal experts only sees the good and bad norms of customs and cultural customs as a

moral obligation, while awareness of the current law in modern times is due to the compelling nature of the law.

Thus, the legal compliance of the Government, society, traditional leaders, and modern legal experts is not upheld by the rules of law, but rather due to the fear of sanctions or threats given by the law. The customary law of the Kingdom of Sumedang Larang Padjajaran as unwritten legal regulations (from the form of law) that grow and develop is only maintained by means of current legal awareness. "The state promotes Indonesian national culture in the midst of world civilisation by guaranteeing the freedom of the community to maintain and develop its cultural values". The customary law of the Sumedang Larang Kingdom has unwritten rules and grows, so the customary law of the Sumedang Larang Padjajaran Kingdom has the ability to adjust and be elastic culturally, customs and traditions in Sumedang Regency.

Regulatory and Legal Aspects of Ulayat (Adat)

Customary Law in the 1945 Constitution does not provide a definition of customary law communities directly. However, there are articles that recognise the existence of indigenous peoples. customary law. This has emerged since the second amendment to the 1945 Constitution in 2000, with the addition of Article 18 and the emergence of a special chapter on Human Rights (Abdurrahman, 2015).

Regulations regarding the existence of customary law communities can be found in Article 18B paragraph (2) and Article 28I paragraph (3). Article 18B paragraph (2) is in the Regional Government Chapter, while Article 28I paragraph (3) is in the Human Rights Chapter. The full rules of both articles: Article 18 B paragraph (2).

The State recognises and respects the units of customary law communities and their traditional rights as long as they are still alive and in accordance with the

development of society and the principles of the Unitary State of the Republic of Indonesia, as regulated by law.

Article 28I paragraph (3) of the 1945 Constitution: The cultural identity and rights of traditional communities are respected in line with the development of the times and civilisation. Thus, the state 'recognises' and 'respects' the existence of customary law communities but with 4 (four) juridical requirements, namely:

- a. As long as they still exist,
- b. In accordance with the development of the times and civilisation,
- c. In accordance with the principles of the unitary state of the Republic of Indonesia, and
- d. Set out in law.

Based on the four requirements stipulated in the Constitution, the four can be referred to as constitutional requirements. It cannot be denied that the Basic Agrarian Law is one of the founders of the concept and regulatory material regarding the recognition of customary law communities.

The birth of the Basic Agrarian Law was due to the existence of legal dualism in the recognition of indigenous peoples. The birth of the Basic Agrarian Law was due to the existence of legal dualism in the regulation of national land law, namely the existence of lands subject to Western law and the existence of lands subject to customary law.

To eliminate this dualism in Indonesian land law, the Basic Agrarian Law was enacted to create a national land law. Substantially, the Basic Agrarian Law was made in order to further implement Article 33 paragraph (3) of the 1945 Constitution. The Basic Agrarian Law was not presented to regulate the existence of customary law communities.

The mention of customary law communities in the The Basic Agrarian Law relates to their position as subjects entitled to receive power from the State in the context of exercising the state's right to control and having customary rights. Provisions regarding this will be further regulated in a government regulation.

Customary Law of Sumedang Larang Kingdom in Sumedang Regency Regional Regulation. "Adat Istiadat is an object of cultural promotion in the form of customs based on certain values and carried out by community groups continuously and passed on to the next generation." This is only an effort to increase cultural resilience and the contribution of Indonesian culture in the midst of world civilisation through the Protection, Development, Utilisation and Development of Culture. It should make the Codification of Customary Law not the essence of Cultural Deterrence.

Educational Aspect

Preservation and development are 2 (two) different things, preservation is maintaining or maintaining the permanence of the order while development is something that is made and implemented better, more advanced and developed again so that it is much better than the situation in the previous period.

The preservation and development of the values of the customary law of the Sumedang Larang Padjajaran Kingdom in the community in Sumedang Regency means that the values of inheritance and inheritance of Sumedang Ancestors are more distinguished and maintained or maintained, maintained their permanence and implemented so that these values are more preserved again.

While in relation to development, cultural values which are inheritance / inheritance bring more changes in a good direction for the continuity of the life of the customary law community of the Sumedang Larang Padjajaran Kingdom in the future.

CONCLUSION

1. Protection of Constitutional Rights of Customary Law of Sumedang Larang Kingdom in Legislation. The existence of the Customary Law of the Sumedang Larang Kingdom is recognised and its rights are guaranteed constitutionally in the 1945 Constitution. The 1945 State Constitution explains that: The Unitary State of the Republic of Indonesia is a State of Law. The State of Law stands on the law that guarantees justice to its citizens. The existence of Customary Law of the Sumedang Larang Kingdom is contained in the 1945 Constitution before and after the amendment. Before the amendment of the 1945 Constitution, the existence of Customary Law Communities was found in the Explanation section of the 1945 Constitution regarding "people's legal alliances", which existed before the proclamation of the Republic of Indonesia.
2. Constraints on the Implementation of Customary Law of the Sumedang Larang Kingdom in the Indonesian Constitution, namely aspects of human resources, the community, traditional leaders and legal experts have not been able to distinguish the understanding of Culture, Customary Law, Customs and Customs. Aspects of Regulations and Laws in Ulayat (Customary) Customary Law in the 1945 Constitution does not provide a definition of indigenous peoples directly. Education aspect, lack of education on customary law of Sumedang Larang Padjajaran Kingdom in schools and communities.

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