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The Simbur Cahaya Bangkahulu Constitutional Law as a Source of Indonesian Law: A Review of Local Wisdom and a Study of National Legal Education

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Abstract

The Simbur Cahaya Bangkahulu Constitutional Law was enacted in Bengkulu in 1862 during the reign of assistant resident J. Walland. This law was originally named Piagem Ratu Sinuhun (1639-1650) which was drafted together with ministers and Islamic Religious Figure (Ulama). Some of its contents are taken from the Javanese law which is called Simboer Tjahaja Karta Ampat Bitjara Lima. This study used qualitative research by combining library research and field research. For data collection techniques, in this case it has been analyzed from various available sources or other information related to the study of the concept of local wisdom in the community and as a source of legal education in Islamic higher education research institutions. Based on the results of research that has been done, this law was named the Sindang Marga Law during the reign of Sultan Palembang Darussalam Abdurrahman and changed to the Simbur Cahaya Law during the reign of the Dutch East Indies. When compared between the criminal law of the Criminal Code (Dutch Heritage) with Islamic law, customary law and law of Majapahit kingdom, it turns out that the law we use does not pay attention to the interests and material rights or personal property rights of the victim. Meanwhile, the crime in the Simbur Cahaya Bangkahulu Law requires the perpetrator or the convicted person to return the loss to the victim. So that values in customary law that are still relevant and more just should be used as a source of national law.

Keywords: *Simbur Cahaya Bangkahulu; Local Wisdom; Indonesian Law*

Introduction

The Simbur Cahaya Bangkahulu Constitutional Law (*Oendang-oendang Simboer Thahaja Bangkahoeloe*-written in an old written style of Indonesian language) was enacted in Bengkulu on February 21, 1862 during the reign of Assistant Resident J. Walland who ruled since 1861 to 1865 (Sirajuddin et al, 2021). This law is opposed by the community because it is not in accordance with the traditional customs of life in the Bengkulu region. Therefore, it raises anxiety, especially the indigenous leaders. Since the implementation of the UUSC (it stands for Undang-Undang Simbur Cahaya/ the Simbur Cahaya Law) Bangkahulu means the division of clans and the implementation of colonial justice,

so the indigenous justice system is no longer valid. With the non-applicability of the indigenous judicial system, the indigenous heads can no longer be judges or prosecutors in court cases. Thus, they also lose the income that is usually obtained through fines in customary court proceedings. The implementation of the judicial system according to the Dutch colonial legal system has had an impact on the traditional life of the indigenous chiefs. Those who have never been ensnared by the law are no longer immune to the law, so many are stumbled by the Dutch colonial law (Setiyanto, 2016). This policy was continued by A. Pruys Van der Hoeven (1865-1870) accompanied by the abolition of the existing kingdoms in the Bengkulu area, namely the *Lemau River, Itam River, Silebar* and *Anak Sungai Kingdoms*, which began in 1861 to 1870. Dutch efforts to enact the Law -The Simbur Cahaya Law can be accepted after first making improvements to the articles contained in the law. This was the defeat of the Dutch government in participating in regulating traditional life in Bengkulu (Hapriwijaya, 1990).

The implementation of the Cahaya Simbur Bangkahulu Law and the implementation of the *hoofd van belastingenen* (head tax) system triggered the Bintunan incident (1873) with the involvement of indigenous leaders and religious leaders in the Afdeling Lais area, especially in Bintuhan. This head tax came into effect throughout the Bengkulu region in early 1873 by Resident Assistant H.C. Humme (1872-1873), which was then succeeded by his successor, namely Assistant Resident H. Van Amstel (1873-1873).

The Simbur Cahaya Bangkahulu Law created by Resident Assistant J. Walland overhauled the indigenous justice system to become a colonial justice system, as well as a motivation for the involvement of indigenous leaders in the Afdeling Lais area in the Bintunan incident (1873). This colonial trial had a profound impact on the traditional life of the local indigenous chiefs. They did not only lose their traditional power, but also lost additional livelihoods. The factors mentioned above became the motivational trigger for the involvement of the traditional political elite in the Bintunan incident (1873). Meanwhile, the religious elites who were not directly affected were motivated after joining the traditional political elites (Hapriwijaya, 1990). So, from 1862 to 1910 there was a codification and amendment of the Bengkulu UUSC. However, as there are many customs that have not been accommodated in the Bangkahulu UUSC such as engagement, running away girls or randa, indecisive rules, marriage, divorce, problems between men and women, transfer of property, the rules for dividing inheritance have not been accommodated in the Bangkahulu UUSC, so that a law of Institutional customary was made in each *onderafdeeling* such as the City of Bengkulen, *Onderafdeeling* Lais, *Onderafdeeling* Seluma, *Onderafdeeling* Manna, *Onderafdeeling* Lebong, *Onderafdeeling* Redjang, *Onderafdeeling* Kaur, *Onderafdeeling* Mukomuko and *Onderafdeeling* Krui (Hoesin, 1993).

According to Yamin, the existence of the UUSC becomes a reference for legal changes due to changes in time and place, it will result in discrepancies when there is no new ijtihad (Sirajuddin et al, 2021). Hasbi Ash Shiddieqy has also expressed a similar view. He is of the view that there must be fiqh in accordance with the personality of the Indonesian people (Yasir & Bendadeh, 2021). He also explained that Islamic law must be able to answer new problems, especially in all branches of muamalah, for which there is no legal stipulation. He must be able to be present and be able to participate in shaping the steps of community life. Mujthids are required to have a high sensitivity to goodness, and creativity that can be accounted for to formulate new fiqh alternatives that are in accordance with the situation and conditions of the people they face. To solve this problem, Hasbi suggested the need for collective work, through a permanent institution with several expert members from various scientific specializations. According to this, this effort will produce legal products that are relatively better than if only carried out by individuals or groups of people with similar expertise. The reasoning used by Hasbi with the idea of Indonesian fiqh is a belief that the principles of Islamic law provide wide space and movement for the development and new ijtihad (Sirajuddin, 2009). The foundations of Islamic law that have been established and stable, such as ijma', qiyas, *maslahat mursalah*, and *urf* are the principles of legal change (Adil, 2014).

The enactment of UUSC in Bengkulu related to the interests of the colonial nation in addition to the motivation to extract economic benefits (gold) from the colony (glory), it is also to carry out a religious mission (gospel) which was completely different from the religion of most of the Indonesian people. Among the efforts made to realize the religious mission, it is to contrast customary law with Islamic law. Among the efforts made by the colonial nation in spreading their religious mission, it was to enter and interfere with the laws of the colonized nation. Islamic law as a living law and applied by society when it was influenced even gradually removed. This fact can be interpreted from the rules issued by them. At least, there are two regulations that have been clearly finalized in order to hinder the progress of Islamic law. The first is the provision of Article 163 IS (*Indische Staatsregeling*) and the second is Article 131 of a similar provision. In the first provision, namely Article 163 IS they divide the Indonesian population into three groups. The division into these three groups also has an impact on the legal field that applies to each of them.

The hidden meaning behind the implementation of this theory was that the colonial nation was confronted at that time with three legal concepts, each of which had its own character. The three concepts referred to are Islamic law, Western law, and customary law. Dealing with these three concepts, it is certain that the colonial nation will enact laws that are more favorable to them. And the more favorable law was handed down to customary law. If the law applied solely is the law of the colonial nation, of course the level of hatred and hostility towards them will be even greater. Therefore, to avoid this negative side, they incorporate customary law which does support their mission. Thus, it is true that customary law was intended by the colonial nation to paralyze the institutionalization of Islamic law which leads to the achievement of their colonial mission. Because the legal politics carried out by the colonial nation always refers to and protects their interests in the colonized country. That interest is not only in the economic sphere with its material benefits but also in the legal field.

The Receptio a Contrario Hazairin & Sajuti Thalib's theory is said to be a breaking theory because this theory expresses an opinion that is completely opposite to the receptive theory of Christian Snouck Hurgronje above. In this theory, it is Islamic law which is under customary law and must be of the same spirit as customary law. In other words, Islamic law can only apply if it has been legalized by customary law (Buzama, 2012).

The Dutch government also attempted to establish a new village government system by enacting the Simbur Cahaya Law and the division of clans. This method is carried out by the Dutch in order to regulate all aspects of life, both positive and negative impacts. The enactment of UUSC in Bengkulu was met with mixed reactions (Hapriwijaya, 1990).

The Bangkahulu UUSC includes regulations concerning state administrative law (such as in the Chapter on Clan Rules and Rules for Dusun & Farming) and criminal law (in the Customary Punishment Chapter). Material law (content of norms) and formal law (procedures for enforcing material law; nowadays it is known as court procedure law) have not been systematically arranged in the UUSC. For development, the Bangkahulu UUSC can be utilized (or actualized) for the study of customary criminal law. Thus, it can simply be said that the UUSC text can be analyzed (or actualized) in accordance with the current legal field (civil law, public law, material law, and formal law; so that it can be used by observers of customary law and legal practitioners in Indonesia.

This paper examines the articles in the Simbur Cahaya Bangkahulu Law, some of which are still relevant as an effort to maintain order and benefit in society within the framework of the Unitary State of the Republic of Indonesia. This also highlights the urgency of customary law as an inspiration and source of national law so that the customary rules that still apply in the community are preserved. This study is considered important because it can be a study of Indonesian legal education that analyzes from a historical perspective, the urgency of the implementation of the law, as well as the important role played by Bengkulu traditional law in terms of contextualization of local legal civilization. Therefore, the results

of this study are very important to be known by students at Islamic Religious Colleges (PTKI) in Indonesia, especially in Bengkulu Province as a reference source in terms of sharpening analytical criticism in the legal field and related to increasing the understanding of PTKI students, especially in the field of Sharia. Lastly, Law as the next generation who does not forget the role and meaning of historical roots and local wisdom in the context of facing a golden Indonesia in 2045.

Research Method

This research is a type of qualitative research by combining library research and field research. In relation to library research, this study functions to record all findings regarding matters relating to this research. In general, in every discussion of research obtained in the literature and sources, or the latest analysis regarding the application of the Law of Lighting during colonialism in the Bengkulu region. To get all these needs, it is produced through literature studies, books, articles, or journals related to the discussion to be studied, using data from various references, then collected by reading (text reading), reviewing, studying, and note the literature related to the issues discussed in this scientific article (Bashori, Yolanda & Wulandari, 2020). For data collection techniques, in this case the researcher has analyzed from various available sources or various other information related to the study of the concept of local wisdom in the community and as a source of legal education in Islamic higher education institutions. As for the field study method in this research study, it was carried out by observing and observing direct conditions that occurred in the field (Hakim, Aryati & Kurniawan, 2020; Astari & Jono, 2022). Therefore, the researcher made direct observations on the local customs and wisdom of the Bengkulu people as research subjects which were considered to be able to strengthen the results of research analysis obtained from the previous literature study process (Hakim, Abidin & Adnan, 2020).

Findings and Discussion

The Creation Process of the Bangkahulu UUSC

Attempts to write customary law in Bengkulu can be traced in the magazine "Het Regt in Netherlands Indie" (Law in the Dutch East Indies) published in 1849 which recorded regulations that were considered applicable to government courts and were enforced as articles of law. In 1854 Mr. S. Keyzer urged that there be a writing or recitation of the "Law Bumiputra and Adat". The writing of customary law for the Java region does not experience difficulties, because the existing materials are quite available (Saptomo, 2010).

In late November 1855, Keyzer wrote a brochure on the necessity and possibility of a legal writing for the Java region. Keyzer considers existing law as an Islamic law that has been reduced, but he suggests the benefits of taking materials from jurisprudence, as well as the necessity to override the form of European law books (Emizola, 2018). Thus, holding the equality of European law and Bumiputra law must be thrown away. This would jeopardize life in the Dutch East Indies, yet establishing equality of all original laws is very necessary and must be accompanied by writing, because Islamic law is the same as original law, namely customary law.

After 1848, J. F. R. S Van De Bossche and J. Walland, two government officials tried to carry out legal recitations in the Bumiputra court environment, namely regarding Palembang, Bengkulu and Lampung. In 1852 Van den Bossche received an assignment from the Resident of Palembang to plan a writing of customary law for Palembang and in 1854 the given task was completed, and the design was called Simbur Cahaya (Aiman, 2020). The resident approved the draft and sent it to various civil service officials as a “guideline”. Twenty years later Van den Berg explained that the "Simbur Cahaya" contained only the old Palembang laws collected by Van den Bossche.

The British tried to write customary law for the Bengkulu area in 1779 for the Rejang customary law. However, this effort was discontinued or failed because after the Dutch takeover of Bengkulu there were no old books or archives that explained the customary law that had been recorded by the British.

The Dutch became interested in influencing customary law in Bengkulu in 1856, precisely on September 16, 1856, where Andre Wilteus, planned to use limited customary law for Rejang, under the name Sindang Merdika Rule (Kristian, 2019). Andree Wilteus's efforts could not go according to plan, because at the meeting on May 31, 1859, when the Sindang Merdika Rules agreement was about to be signed between the Dutch and traditional leaders in Rejang, the chairman of the kutei was not present even though several Depati were present. Because the chairman of Kutei was not present, the meeting was postponed. Until July 5, 1859, but the Sindang Merdika law was not accepted by the Depatis (Sirajuddin, et al, 2021).

This meeting was postponed, on the advice of Controller Pruys van der Hoeven to the expedition commander of the Dutch army, who stated that the agreement with Depati alone was not strong enough to be obeyed by all the people (Siddiq, 1996). The use of the Sindang Merdika Rule was a Dutch attempt to include a customary law community found in the Palembang area.

Lais residents who come from the descendants of Bermani, Tubqai, Jurukalang, Selupu formed a new village which is usually called a hamlet. They here begin to live together with other descendants and form a new community, not related to one custom. Most of them live along the river even the name of the village is called by the name of the river, and the title of their leader is different, but the meaning remains the same; as in 1850, in Lais several hamlet heads were found, called Depati and Pembarap or Depati Pembarap, who had the task of solving hamlet problems. This term was very difficult for the Dutch government, because of the different designations for the same task. To equate these positions, one must look at the customary law in the Lais area (Hapdiwijaya, 1990).

The business of writing customary law in Bengkulu was started by Assistant Resident J. A. W. van Ophuijsen in 1857 and then this practice was continued later by Assistant Resident J. Walland from Pelembang (Puspita & Arizon, 2022). The real purpose was to equalize the title of Depati, for that in a meeting on January 11, 1862, which was attended by all Depati Lais. The meeting decided that Onderafdeeling Lais was divided into 5 clans. In carrying out this decision, the Lais area which originally consisted of 5 districts was renamed with clans, namely:

1. Kerkap District became the Semitul Clan;
2. Palik District became the Jurukalang Bermani Clan;
3. Bintunan District becomes the Jurukalang Serangai clan;
4. The districts of Air Padang and Air Besi became the Tubai Serangai clans;
5. Lais District became the Bermani Clan.

According to Soekanto (1996), the clans are a community that does not have kinship relations and is an amalgamation of several small organizations with one government agency. The relationship between the planned hamlet in government administration and the official law (government). This is part of the Dutch government's plan. The change of the hamlet into an institutional structure according to the traditional model, namely a combination of clans, tribes (Jamil, 2019).

In addition, Walland in the same year also started writing customary law – such as the one in Palembang made by Van Bossche which consisted of 99 articles – for Central Bengkulu which was named the Simbur Cahaya Law which consisted of three parts (Wulandari & Marzuki, 2019):

1. Clan Rules;
2. Rules of the village and farming;
3. Customary punishment.

The change from district to clan and the application of the Simbur Cahaya Act for the Lais and surrounding areas in accordance with the decision of the Bengkulu Resident Assistant dated January 14, 1862, No. 74 (Rahmana, 2018). The district da di Lais was formed during the British rule, namely in the 18th century, aiming to facilitate the collection of agricultural produce along the coast. Meanwhile, the Dutch intention to change this district apart from eliminating everything made by the British in Bengkulu, also wanted to equate the village government system in the Palembang Residency. With the hope of being able to further assist the Dutch government in economic exploitation, especially pepper and coffee in this area.

The Simbur Cahaya Bangkahulu Act was ratified on February 21, 1862, during the Assistant Resident J. Walland by notifying the government in a letter dated September 20, 1862, but with a message from the head of the governor-general on August 6, 1864, No. 46. He was informed that it was not necessary to get permission from the government. With this answer, the government agreed as evident in its decree dated October 28, 1867, No. 53. Then with a letter dated April 1, 1868, No. 845. Assistant Resident Bangkahulu (replacement of Mr. Walland) answered the letter of the governor-general by declaring that the Act of Simbur Cahaya which was enacted on February 21, 1862, by Mr. Walland was not made by consensus of the heads of the people and is not in accordance with local customs. Bengkulu.

In addition, with the besluit Gouverneur Generaal dated 23 April 1869 No. 3 is determined. That the decision was still stipulated in the decision of October 28, 1867, No. 53, meaning that with the action of Mr. J. Walland regarding this matter, the Bangkahulu Light Simbur Law has been approved by the government.

But regarding the name of the Simbur Cahaya Law, it is taken from the name of the law book originating from the land of Java, namely Simbur Cahaya Karta Ampat Bitjara Lima (Puspitasari & Arizon, 2022). This law, according to a tembo (historical) expert, the name Praetorius must have been suggested by the Javanese who in ancient times migrated to the Komering region, therefore in several articles there are the words Javanese, Sanskrit and Kawi (Sirajuddin et al. al, 2021).

In addition to colonial efforts to codify the law, there are also in several places in Bengkulu's uluan land the original law from Minangkabau as a deposit or heirloom object, meaning that it is not made a rule in society. Meanwhile, regarding statistical data at the time of the application of the light bulb law in Bengkulu, it is described in the following tables (Puspitasari & Arizon, 2022; Hapriwijaya, 2017).

Bengkulu Resident Names

No	Years	Names	Positions
1	1861-1865	J. Walland	Ast. Resident
2	1865-1870	A. Pruys van der Hoeven	Ast. Resident
3	1870-1872	W. K. L. van Hogendrop	Ast. Resident
4	1872-1873	H. C. Humme	Ast. Resident
5	1873	H. van Amstel	Ast. Resident
6	1873-1877	P. F. Laging Tobias	Ast. Resident
7	1877-1878	A. G. G. Peltzer	Ast. Resident
8	1878-1882	van Zutphen	Resident
9	1882-1883	D. Heyting	Resident
10	1883-1889	W. F. Sikman	Resident
11	1889-1892	K. F. H. van Langen	Resident
12	1892-1901	J. F. H. schultz van Vlissingen	Resident
13	1904-1906	van Loghen	Resident
14	1906-1909	C. van de Velde	Resident
15	1909-1912	O. L. Helfrich	Resident

16	1912-1915	L. Knappert	Resident
17	1915-1920	L. C. Westenenk	Resident
18	1920-1924	M. C. Roos van Raadshooven	Resident
19	1924	P. A. Tellings	Resident

Population of Benkoelen

No	Years	Benkoe-loen	Mocomoco	Lais	Ommelanden	Selo-ma	Manna	Kaoer	Kroe	Enggano	Total
1.	1862	6.107	16.707	10.558	24.157	17.605	18.896	6.443	15.079	-	116.229
2.	1863	6.083	16.933	11.001	23.188	15.825	19.532	6.439	15.206	-	113.571
3.	1864	6.393	16.689	11.336	22.598	17.067	19.532	6.323	15.476	5.000	120.414
4.	1865	6.702	16.689	11.595	25.016	17.529	20.199	6.566	15.771	5.000	125.067

Population of Benkoelen

No.	Tahun	Benkoelen	Mocо-moco	Lais	Ommelande	Selоma	Manna	Caor en oeloe loewas	Croe	Pasmah oeloe Manna	Eiland Enggano	Total
1.	1866	6.915	16.177	11.442	21.776	19.896	19.054	14.558	15.655	4.500	5.000	134.973
2.	1867	6.914	16.528	11.318	22.024	20.298	20.507	15.321	15.522	4.500	6.000	138.962
3.	1868	6.924	16.555	11.719	22.455	20.560	20.598	12.203	15.640	4.499	6.000	137.153
4.	1869	6.858	16.640	11.985	23.709	20.578	21.355	11.517	15.632	4.500	6.000	138.774
5.	1870	6.807	15.640	12.020	24.534	20.792	22.251	17.015	10.949	4.499	6.000	140.507
6.	1871	6.513	15.422	11.457	23.231	20.802	21.551	9.759	15.263	2.886	6.000	132.884
7.	1872	6.700	17.783	11.536	23.311	21.665	22.348	10.116	17.828	2.836	6.000	142.123

Number of Convicted Indigenous Heads in Residentie Benkoelen Assistant

Years	Number punished
1862	14 individuals
1863	24 individuals
1864	2 individuals (discard law)
1865	1 individuals (discard law)
1866	19 individuals
1867	28 individuals
1868	17 individuals
1869	14 individuals
1870	14 individuals
1871	5 individuals

Number of Khadi, Imam, and Hajj in Bengkulu in 1855-1870

Names	1862	1863	1864	1865	1866	1867	1868	1869	1870
Khadi				38				40	40
Imam				138				212	212
Haji				30				44	44

Contents and Values of the Simbur Cahaya Bangkahulu Law (Bengkulu Province) as a Source of National Law

UUSC Bangkahulu which consists of three chapters 138 articles, namely Chapter I Clan Rules (24 Articles) Chapter II Hamlet and Farming Rules (15 articles) and Chapter III Legal Customs (99 articles) can be adopted into criminal and civil law according to the expected needs. Since the Simbur Cahaya Bangkahulu Law which regulates relations between citizens and between citizens and the government – in the legal science doctrine, it is known as the field of private law (civil relations; relations between citizens) and public law (legal relations between citizens and the state or rulers) several articles in Inheritance law, ulayat rights, liens, leases for office benefits, right to withdraw profits, usufructuary rights, lease rights and agreements are still relevant today.

Some positive law inventories that accommodate the application of customary law are:

1) Article 5 of Law Number 1960 concerning Basic Regulations on Agrarian Principles (hereinafter abbreviated to UUPA State Gazette Year 1960 Number 104; Supplement to State Gazette Number 2034). In Article 5 of the LoGA it is formulated that the agrarian law over earth, water and space is customary law, if it does not conflict with national and state interests, which is based on national unity, with Indonesian Socialism and with the regulations contained in the Law. this and with other laws and regulations, everything by heeding the elements that rely on religious law. In the explanation of Article 5 of the LoGA it is emphasized that customary law is used as the basis of the new agaria law (see also General Elucidation III Number I of the LoGA).
2) Article 27 of Law Number 14 of 1970 concerning Basic Provisions of Judicial Power (State Gazette of the Republic of Indonesia of 1970 Number 74; Supplement to the State Gazette of the Republic of Indonesia Number 2951). In Article 27 of Law Number 14 of 1970 concerning the Basic Provisions of Judicial Power, it is stated that judges, as law and justice enforcers, are obliged to explore, follow, and understand the legal values that live in society.
3) Article 37 of Law Number 1 of 1974 concerning Marriage (State Gazette of the Republic of Indonesia of 1974 Number 1; Supplement to the State Gazette of the Republic of Indonesia Number 3919). In Article 37 of Law Number 1 of 1974 concerning Marriage, the issue of marital property is regulated with the formula that if the marriage is dissolved due to divorce, the joint

property is regulated according to their respective laws (Rodliyah, 2014). In the explanation of Article 37 of Law Number 1974 concerning Marriage, it is stated that what is meant by "the law" is respectively religious law, customary law, and other laws.

4) Article 111 Paragraphs (1) and (2) of Law Number 22 of 1999 concerning Regional Government (State Gazette of the Republic of Indonesia of 1999 Number 60; Supplement to the State Gazette of the Republic of Indonesia). In Article 111 paragraph (1) it is stated that further regulations regarding villages are stipulated in a Regency Regional Regulation, in accordance with the general guidelines stipulated by the Government in this law (Indonesia & General, 1999). In article 111 paragraph (2) it is stated that the Regional Regulation, as referred to in paragraph (1), is obliged to recognize and respect the rights, origins and customs of the village.
5) Article 6 and Article 7 of the Law of the Republic of Indonesia Number 44 concerning the Implementation of the Privileges of the Aceh Regional Province (State Gazette of the Republic of Indonesia of 1999 Number 172; Supplement to the State Gazette Number 3893). In this law, what is meant by adat is a rule or action based on Islamic law which is commonly obeyed, respected, and glorified from a long time ago which is the basis of life (Abidin, 2021). In Article 6 of this law, it is stated that regions can establish various policies to empower, preserve, and develop adat in their territories that are inspired and in accordance with Islamic law. Article 7 of this law states that regions can establish customary institutions and recognize existing customary institutions according to their respective positions in the Province, Regency/City, District, Settlement, and Kelurahan/Village, or Gampung.
6) Law of the Republic of Indonesia Number 6 of 2014 concerning Villages. Article 6 paragraph 1 states that the Village consists of Villages and Traditional Villages. Article 8 paragraph 2 states that the formation of the Village as referred to in paragraph (1) shall be stipulated by a Regency/City Regional Regulation considering the initiatives of the Village community, origins, customs, socio-cultural conditions of the Village community, as well as the capacity and potential of the Village (Abdi, 2015). In the explanation, it is stated that the Traditional Village is in principle a legacy of local community governance organizations that are maintained for generations which are still recognized and fought for by the leaders and the Traditional Village community so that they can function to develop local welfare and socio-cultural identity. Traditional Villages have origin rights that are more dominant than Village origin rights since the Traditional Village was born as an original community that exists in the community. Traditional Village is a customary law community unit which historically has territorial boundaries and cultural identity formed on a territorial basis which is authorized to regulate and manage the interests of the Village community based on origin rights. The implementation of these customary law community units already exists and lives in the territory of the Unitary State of the Republic of Indonesia, such as huta/nagori in North Sumatra, gampong in Aceh, nagari in Minangkabau, clans in southern Sumatra, tiuh or pekon in Lampung, pakraman villages/villages. adat in Bali, lembang in Toraja, banua and wanua in Kalimantan, and the land in Maluku.

Conclusion

The Bangkahulu UUSC includes provisions on criminal aspects (in the Customary Punishment Chapter), state administrative law (as in the Clan Rules Chapter, and the Rules for the Payment of Fines). UUSC for legal studies can simply be said that the UUSC text can be actualized in accordance with the current legal field (civil law, public law, material law, and formal law) so that it can be utilized by observers of customary law and legal practitioners in Bengkulu Province.

Meanwhile, regarding the contents of the Bangkahulu UUSC, namely: (a) Clan regulations. Marga is the content of the country, people, or rulers. Here the duties and obligations of the citizens and the authorities are regulated reciprocally; (b) Village and farming regulations. This regulation contains matters relating to the order and security of the hamlet, such as protecting the people from the bondage

system, protecting the fields from the dangers of livestock disturbance, and fire disturbances; (c) Punishment rules. This regulation contains matters relating to debts of goods or gardens which are commonly called pawns, as well as the need for a handover sign from the sand or proatin.

It gives a complete picture of the rules of everyday life in terms of law, ethics, and governance. In other words, the UUCB is also needed to maintain the security and stability of the life of the general public. Thus, this UUCB has an important role as a guide for people's lives in carrying out customary regulations, such as the obligations of the sandy, proatin, lebai penghulu, people, traders and laborers to their citizens as well as the obligations of citizens to the community and the environment.

1) The position of customary law in the legal system is the same as the legal position in general, the difference is that customary law only applies to Indonesians. Customary law plays a role in creating order in society. This fact must be addressed by the legislature in forming laws and must be able and obliged to accommodate applicable customary law because customary law is one of the legal awareness that lives in society (living law).
2) It must be admitted that the rules made by the colonial were basically for the sake of colonialism because the fact that the customary criminal law that lived in society did not really pay attention to it. It cannot be ignored that in customary criminal law there are rules that reflect high moral values that apply universally to all people in Indonesia. Therefore, customary law is necessary to find a place for the formation of a national Criminal Code in the future or at least customary law whose provisions only apply to local communities whose arrangements can be submitted to the regional government to be then set forth in regional regulations.

Areas of customary law that are still relevant in overcoming current problems include neutral legal fields such as family and inheritance law, land rights namely ulayat, right to gain office, right to withdraw the proceeds of usufructuary rights, and related transactions. with land such as, lease rights, betel nut agreements, leases and guarantees in the transfer of rights related to land. These things are important to be studied in every law study at the Syari'ah faculty at PTKI, especially in the internal environment of UIN Fatmawati Sukarno Bengkulu as a study of sources of law and local wisdom that has a significant and influential impact on applicable national legal regulations, because a study like this also has a relationship with the analytical study abilities of the students of the Syari'ah and law faculties at PTKI as the successor to a more established academic relay from a scientific point of view in welcoming Indonesia's golden 2045.

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