

Dalung Bojong in The Construction of a Hierarchical System of Regulations

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ABSTRACT: This article describes the elements arranged in the Bojong dalung inscription born in the XVI-XVII centuries. By using the study of legal texts on the Dalung Bojong Inscription and the study of concepts in legal science, a hierarchy of regulatory systems in the form of values, principles, and legal acts was found. Values are the basis for the birth of principles and principles are the basis for the birth of legal acts explicitly contained in eleven articles. The values of divinity, humanity, nationality, democracy, and justice are the basis of values that give birth to the consensualist principle, the principle of equality, the principle of protection, the principle of legal certainty, the principle of territoriality, and the principle of personality. These six principles became the basis for the birth of legal acts in the form of Participation (Article 5), Crimes Against the Body; Quarreling or fighting among people (article 2), Inciting a struggle (article 3), Crimes against property; theft by force/robbery (article 4), theft (article 10) and Crimes of disturbing public safety; Article 6,7 and Article 10 on gambling, drinking intoxicating beverages.

Keywords: Regulatory System, Values, Principles, Legal Acts.

INTRODUCTION

The Dalung Bojong inscription consists of 32 lines grouped into 11 regulatory articles and 1 closing article (Wijayati, 2017). Born in the XVI-XVII centuries, the Bojong inscription is expected to be able to become a solid foundation for the relationship between the people of Lampung and the sultanate of Banten, so that relations

between the two regions are guaranteed safe and orderly. One of the relations built between the two Banten and Lampung is an economic relationship whose security guarantee roles are entrusted to the customary *punyimbang* (traditional leaders who are inherited from generation to generation) in Lampung with the titles of prince, retainer, *ngabei*, and *radin*, until now

these titles are still used as traditional titles of Lampung (Hakiki et al., 2021). The customary *punyimbang* in the inscription as "*Kongkonan Kanjeng Sultan*".

The nuances of public law are very thickly contained in the Dalung Bojong Inscription, not only in the aspect of the power structure in the historical context, where the depiction of the responsibility of the courtier as a "*Government*" representing the Sultanate of Banten in Lampung will be closely related to the principle of accountability. The rights and obligations possessed by the subjects regulated in the Dalung Bojong inscription are related to constitutional aspects. When viewed from the criminal law aspect, the Dalung Bojong inscription reveals several acts and sanctions that a criminal law review can analyze.

The opening article in the Dalung Bojong Inscription explicitly narrates the agreement between the sultan's envoy and the courtier in Lampung, but when examined in detail, the meaning contained in Article 1 has a normative foundation about democracy and interconnection. The existence of the *kanjeng* envoy symbolizes democracy as a messenger representing the sultan and representing the people by bringing a mandate for the people of Lampung, which was first conveyed to Punggawa as the representative of the people of Lampung, who was also appointed by the Sultan. The command to consensus also illustrates the principle of Democracy that the sultan wrote in

Article 1 of the Dalung Bojong inscription. Finally, chapter 1 mentions: "Complement each other's shortcomings," where the meaning contained is very deep and fundamental to reflect the relationship between government and government (Alnoza, 2022).

The word "mutual" also reflects the principle of equality inherent in the conspiracies of the sultans and between the people. This means that it can be said that the existence of democracy, interconnectedness, and equality in Article 1 of the Dalung Bojong Inscription is the fundamental basis of the sultan in regulating the relationship of the people with the people, the people with the government or the government with the government.

The existence of article by article in the Dalung Bojong inscription by several previous researchers has been analyzed with various cases so that several relationship patterns born from the existence of Dalung Bojong are described, the research is directed at contextualizing the meaning of the Dalung Bojong inscription hermeneutic which has succeeded in identifying patterns of political relations, patterns of economic relations and patterns of cultural/religious relations (Anwar et al., 2020).

The identification of this relationship pattern is based on the results of research that has succeeded in documenting several agreements between Banten and Lampung. Banten, which is known as the center of local,

interlocal, and international trade economic destinations, sees Lampung as a spice granary that can provide benefits for Banten's economic destinations, which is also accompanied by efforts to spread Islam in Lampung by Sultan Maulana Hasanudin. To maintain economic and religious relations between Banten and Lampung, Sultan Hasanudin gave symbolic signs or evidence to the leaders of the Lampung region in the form of *dalung/tamra* (Hakiki et al., 2021).

In this article, the analysis carried out no longer looks at the aspects of values and patterns of relationships contained, but rather looks at the existence of Dalung Bojong inscriptions as a system of legal regulations or legal systems that will be hierarchically parsed by each element. These elements are basic elements of law, elements of legal norms/rules, and elements of community behavior / legal acts (Hamzah, 1995)

The basic elements of law are the philosophical basis for the existence of legal regulations; legal principles are also referred to as legal principles, while legal norms/rules are legal rules, and elements of community behavior / legal acts are *legal society*. The three elements are arranged hierarchically and are interrelated.

This article is based on research results that make Prasasti Dalung Bojong the main source of data and studies of legal texts as secondary sources to analyze it. The hierarchy of the regulatory system is explained by

using the doctrine of legal science to unravel the existence of values, principles, and deeds regulated in the Dalung Bojong Inscription. Some research results will also be a source to strengthen data regarding the history of the existence of the Dalung Bojong Inscription which is then strengthened by the results of interviews with holders of the Dalung Bojong inscription as well as the traditional balance of Bojong village, Sekampung Udik District, East Lampung.

RESEARCH METHODOLOGY

The type of research in this study is juridical, empirical, namely a type of sociological research, and can also be called field research (B. T. Putri & Zachariah, 2022). This type of research examines applicable legal provisions and what happens in society. Or with other words, namely research conducted on the actual situation or real conditions that occur in the community with the intention of knowing and finding the facts and data needed, after the required data is collected then the problem is identified and ultimately leads to this research including empirical research (Nasution, 2018), because it wants to know the form of legal protection against student victims of sexual violence as stated in Permendikbud no. 30 of 2021.

RESULT AND DISCUSSION

Governmentally Micheal Facoult;
Traces of Banten Sultanate Power on the Behavior of the Bojong People

Foucault's concept of power is viewed and identified as an attempt to make a connection between the practice of power and how power is produced. Foucault also identified the purpose of the practice of power and the subject of power, so his work explored discursive formations in these relationships capable of producing *knowledge* and truth. Such is Foucault's opinion about power, as quoted by M. Dzikie Aulia (Mohamad Dzikie Aulia Al Farauqi, 2022).

Foucault's concept of Power has a different understanding of the concept of Power that colors the political perspective from a Marxist or Weberian perspective. Foucault did not think of Power of Attorney as a relationship of ownership as property, acquisition, or privilege that could be held by a small group of people and that could be endangered. Power is also not understood to operate negatively through the repressive, coercive, and oppressive actions of institutions that have Power, including the state. Power is not a function of class domination based on economic domination or ideological manipulation. Power is not viewed negatively, but positively and productively. Power is not an institution or structure, and power is not possessed, but power is a term used to refer to complex strategic situations in society. According to Foucault, power should be seen as a diverse relationality and diffuse network of strategic scope (Micheal Foucault, 1997).

The existence of the Dalung Bojong inscription, in the historical concept, is described as a manifestation of the power of the Banten sultanate over the Lampung region, so the power gave birth to a pattern of relations which Mr. Hasanudin Waka mentioned as follows:

First, the pattern of political relations between the master and the master is controlled. As the ruler, Banten determines all decisions based on the Sultan's orders, both in the fields of shipping, trade, and violations. Politically, this regulation is more directed at the recognition of the power of the Banten Sultanate over the Lampung region, so that the right decision to make in the pepper trade system in the Lampung area is Banten. On the other hand, economically, the Sultan's actions reflected the profits that the Sultanate earned from the sale of Lampung pepper. In this case, the ruler of Banten acted as an intermediary for merchants. In addition, the price of pepper sold by farmers was already determined by the Sultan, whose price was not as high as the prevailing price in the market. The price determination that occurred had an impact on the pattern of economic relations established between the sultanate and the people of Lampung.

Second, the pattern of economic relations. As the center of trade between nations, Banten has an interest in Lampung as an area that produces many agricultural products to meet the needs of commodities in the field of

trade. On the other hand, Lampung also depends on Banten to meet their needs. This pattern of economic relations is packaged in the political relationship between the ruler and the dominated, resulting in a policy of forced cultivation and monopoly. This policy is made to maintain the stability of society and the existence of power. In connection with this social stability, the Sultanate of Banten became very rigid in its rules of violation for the people in its territory.

Third, the pattern of religious and cultural relations. In addition to the pattern of political and economic relations formed, socio-cultural contacts also occurred during the intermarriage between the acculturation of Banten and Lampung traditions.

The three patterns of relations born from the relationship between Banten and Lampung can be described as relations between the people and the government in the context of statehood. The pattern of relations that is born describes the duties and roles of the state and people in realizing sovereignty. Sovereignty comes from English, namely "*sovereignty*"; in French, it is called "*souverainete*," and in Italian, it is called "*sovranus*," which comes from the Latin "*superanus*," which means supreme or top (*supreme*). Sovereignty can also be used as a synonym for the term independence. Sovereignty is the highest power that determines the laws of a country. The concept of sovereignty means the highest governmental power in a country aimed at the interests of its citizens.

The Relevance of Local Wisdom Values as the Basis for Legal Expediency and Justice

Local wisdom can be interpreted as wise ideas, full of wisdom, and good value, which are embedded and followed by community members. In local wisdom, local cultural wisdom is also contained, so the essence of local wisdom is the value inherent in people's lives as a tradition that can be a potential energy for the development of a more civilized environment. Therefore, local wisdom is said to be a joint response to conditions that are felt together (Setia Budi, 2018).

Dalung Bojong is an inscription that formulates several forms of actions philosophically and contains values that became the foundation and basis for regulating the life of the people of Lampung at that time. These values are:

Divine and Religious Values

Based on the presentation, one of the research speakers in Bojong Village explained that the Bojong community makes religion a strong basis in every pose and traditional activity. Call it the marriage procession of the indigenous people of Lampung in Bojong, which still prioritizes religious values as the foundation of the marriage procession. This condition illustrates the existence of strong divine values, which are believed by the Bojong community.

Human Values

Human and national values (the value of unity and unity) also always underlie the activities carried out by the people of Bojong Lampung. As it is

known the Bojong community at that time (XV century), was not a kingdom or a unit of territory controlled by a king or queen, there were only small social units called *Kebuayaan*. In the Lampung region, at that time, each government was held by the Head of Kinship Customs. "*Kebuayaan* is a place where relatives who come from one blood relationship or descent gather. It was during this time that Banten came to Lampung to establish cooperative relations in increasing its economic activities, along with strengthening kinship relations and spreading Islam side by side with the presence of the Banten sultanate (Setia Budi, 2018).

National Values

The cooperative relationship between Lampung and Banten at that time became a tangible manifestation of the national value preserved by Banten and Lampung. From the economic cooperation relationship carried out, in the end, there was a marriage between Hasanuddin and the daughter of King Indrapura. From this marriage gave birth to a son named Pangeran Wetan. Previously, Fatahillah, the father of Sultan Hasanuddin, had first conducted a political marriage with the daughter of Minak Raja Jalan from Puggung Queen, named Putri Sinar Alam (Imron, n.d.).

The establishment of relations between two regions with two beliefs illustrates the existence of national values that give birth to unity and unity. Respect and appreciation are shown by the people of Bojong Lampung when welcoming the arrival of the Banten

Sultanate, even though the two regions have different beliefs. In fact, in the end, Banten was able to influence Lampung economically and governmentally, as evidenced by the inscriptions in Lampung, one of which was the Dalung Bojong inscription.

The Dalung Bojong inscription in Lampung can bring the diversity of different values closer to the unitary value that unites the Bojong people with the Banten sultanate.

Democratic Values

In the aspect of democratic values, the life of the Bojong people at that time was illustrated by the deliberative activities carried out by the people of Lampung in determining sanctions for violators of the contents of Bojong dalung. There was an equal position with the people and the sultanate when there was a violation. The Sultan firmly declares anyone who violates both the people and the sultan's *kongkonan kanjeng*. This is evident in chapters 2, 3, and 4 of Bojong.

The Value of Justice

The value of justice is a noble value that is the noble goal of the unitary state of the Republic of Indonesia. This value becomes the philosophical foundation of a country; therefore, the value of justice is an absolute requirement for the birth of the rule of law. Article 1 of the Dalung Bojong Inscription states that if there is a messenger *Kanjeng Sultandaknya* consensus based on the word of the sultan delivered by the messenger, it is appropriate for them to complement each other's shortcomings.

The word "mutual" also reflects the principle of equality inherent in the conspiracies of the sultans and between the people. This means that it can be said that the excesses of democracy, interconnectedness, and equality in Article 1 of the Dalung Bojong Inscription are the fundamental basis of the sultan in regulating the relationship of the people with the people, the people with the government or the government with the government.

The five values obtained based on studies of the text of the Dalung Bojong Inscription and the results of interviews with traditional *punyimbang* and family members of the holders of the Dalung Bojong Inscription Syah, can be categorized by researchers as local cultural values or local wisdom which are actually local ideas that are wise, full of wisdom, good value, which are embedded and followed by community members. In local wisdom, local cultural wisdom is also contained, so the essence of local wisdom is the value inherent in people's lives as a tradition that can be a potential energy for the development of a more civilized environment. Therefore, local wisdom is said to be a joint response to conditions that are felt together (Setia Budi, 2018).

Dalung Bojong as an inscription that requires the values of the life of the people of Lampung in the reading of the law of the people of Lampung is considered as a rule of law that must be obeyed and implemented, but in the context of governance that regulates public relations and the current

government, its relevance must be assessed to the philosophy of the Indonesian nation at large which will also involve sociological and juridical relevance to then become a concept of value that generally applies to state life in Indonesia.

Discussing the relevance will be related to 3 standards: Relevance of philosophical, sociological, and juridical relevance. Philosophical relevance is based on reconsideration as the highest positive value, meaning that philosophy here interprets the value of local wisdom contained therein as being in accordance with the ideals of national law, which is a fundamental normative principle for the state (Franz Magniz Suseno, 2003). Sociological relevance is based on society's acceptance, and juridical relevance is attached to the formal requirements for enacting a rule of law. These three relevant values will birth three values that become the basis for enacting and ensuring the effectiveness of a rule of law.

In the sociological relevance review, the acceptance of a value as part of the value rules carried out by the community must also meet 2 provisions which Sudikno Metrokusumo referred to as Power Theory (Macht Theory) and Recognition Theory (*Anerkennung Theory*). The theory of force (*machtstheorie*) of law has the power to apply sociologically when imposed by the ruler, regardless of whether it is accepted or not by the citizens of society. The Theory of Recognition (*anerkennungstheorie*) law has

sociological force if it is accepted and recognized by the citizens of society (Sudikno Mertokusumo, 2007). In the research to be carried out, the value relevance analysis will emphasize only two relevances, namely philosophical and sociological relevance.

Elements of Legal Principles as a Manifestation of the Value of Local Wisdom Dalung Bojong Inscription

Based on the existence of these values, researchers have conducted an analysis using a legal approach so that the ten values give birth to several legal principles. The principles of the law are:

The principle of consensualism applies to the law because there is an intention to agree to or not do actions stipulated in consensus or agreement. Consensualism comes from the word consensus which is interpreted as agreement or consensus. In the perspective of legal science, agreement or agreement is the basis for the birth of legal acts.

The twelve articles in the Dalung Bojong inscription were essentially born because of the consensus or agreement of the Banten sultanate with the people of Lampung as a cooperation partner for spice suppliers that would strengthen the economy of the Banten sultanate (Hakiki et al, 2021). To strengthen the economic agreement made by the Banten sultanate in Lampung, symbolic signs or evidence were given to the traditional leaders of Lampung in the form of dalung or inscriptions.

Hasanudin Waka reported that the dealing Bojong inscription is a hereditary

family inheritance obtained from his parents, namely the late Mr. Rusydi. As the eldest son, Hasanudin Waka is the son who is entitled to receive *pusako* two from his father, who is also the eldest son of his father's name, also inherited from his father Muhammad Yusuf Kriyo Singo Dwangso, from Haji Ibrahim, from Gajah Dalom. In their genealogy, it is said by Kyai Hasanudin Waka that their father to the descendants of their great-grandfather had the title Pangiran Betaro Rajo.

The form of agreement that symbolizes the principle of consensualism between Banten and Lampung is expressed in copper plates manifested in orders and prohibitions that can and cannot be done by the people of Lampung. Each article also emphasizes that every action, if not done based on the word *Kanjeng Sultan*, violates the sultan's rules that have been agreed upon jointly with courtiers from Lampung traditional leaders and *Kanjeng Sultan* envoys. This is repeatedly confirmed by primary sources of research, where the Dalung Bojong inscription is a manifestation of an agreement between the ruler and the controlled population. It describes the political relationship between the two regions, namely Banten and Lampung.

Several forms of agreement that the researcher managed to identify from eleven articles of the Dalung Bojong Inscription are manifestations of the implementation of the principle of consensualism in the form of legal acts. The agreement that is born will have an

impact on legal consequences if the subjects who are bound by the agreement do not do or violate it. This condition manifests that every agreement that has been made and agreed will apply as law or law to those who agree.

As stated by the main source of this research (Mr. Hasanudin WAKA), the Dalung Bojong Inscription is a treaty that was born as evidence of the power of the Banten sultanate in Lampung to give the power of the sovereignty of the Banten sultanate over Lampung, this Dalung Bojong inscription was created. On the basis of the speaker's narration, it was further emphasized that the obedience of the people of Lampung was a condition of the agreement contained in the articles written in the Inscription. This condition is in line with the basic meaning of *Facta Sun Servanda*.

The principle of Equality is a general principle known in law. The principle of *equality* is defined as the principle of equality, and this principle is also implied in all articles of Dalung Bojong. This is evidenced by the absence of any distinction on the enactment of the rules contained in the Dalung Bojong inscription for the people of Lampung at that time. This also proves the general nature of the provisions contained in the Dalung Bojong inscription.

All the articles contained in the inscription are implicitly based on the principle of equality or Equality. This principle places the parties as subjects who have equal rights to justice and

benefit. When viewed with the principles in constitutional law, the principle of equality here is closely related to the meaning of *equality before the law* or equality before the law.

Protection Principle: This principle is the basis for the existence of the rule of law, which aims to provide protection for the community. The dalung inscription as a rule of law is also seen as a welfare social policy, so articles were born that substantially regulate the behavior of the people of Lampung, whose essence aims to provide protection.

The principle of Legal Certainty, the establishment and enactment of the rule of law is certainly a manifestation of the legal certainty of the power of the Banten sultanate in Lampung.

The principle of territoriality is a principle that looks at the enactment of law seen from its jurisdiction. In the general provisions of the Indonesian Criminal Code, it is explained that if Indonesian citizens and foreign nationals/non-citizens commit crimes or violations of law in Indonesia, they will be subject to sanctions based on Indonesian law. If we look at the existence of the article in the Dalung Bojong inscription, it appears that the territorial principle is implied in it, this is as seen in chapters 8 and 9.

The principle of Personality is a principle based on the subject of the perpetrator; if the perpetrator is a *kanjeng suktan* people in Lampung, the sultan's kanjeng envoy and a courtier, then the subject is subject to the

provisions of the Banten sultanate and subject to the provisions in the Dalung Bojong inscription. Some chapters in the Dalung Bojong Inscription implicitly describe the principles of personality 5, 6, and 7.

From the description that has been described the existence of principles in the Dalung Bojong Inscription, the researcher succeeded in categorizing these principles into general principles and special principles which the researchers briefly describe as follows:

No	Basic Forms of Law	Legal Principles Category/ Group
1	The Principle of Consensualism (chapters 1 to 11 of Dalung Bojong Inscription)	Special principles in the law of treaties. This principle is also implied in Article 1338 of the Civil Code
2	The Pacta Sun Servanda Principle (chapters 1 to 11 of the Dalung Bojong Inscription)	
3	Equality Principle (Article 1 Dalung Bojong Inscription)	The Principle in Constitutional Law is Equality Before The Law
4	Principle of Protection (articles 1 to 11 of Dalung Bojong Inscription)	General Law Principles that can be the basis for protection from the birth of legal regulations
5	Principle of Legal Certainty (articles 1 to 11 of Dalung Bojong Inscription)	General Law Principles that can be the basis of legal certainty
6	The Principle of Territoriality (Articles 8 and 9)	General Law Principles but explicitly stipulated in the General Provisions of the Criminal Code articles 2 to 7

The Form of Legal Deeds in the Dalung Bojong Inscription

In the legal system hierarchy that describes the value structure that gives birth to legal principles and legal principles become the basis for the birth of legal norms or legal rules, then in the next hierarchy legal norms / legal rules will unravel all forms of legal acts. The Dalung Bojong inscription as a form of legal rule outlines several forms of legal acts that researchers will describe based on the perspective of criminal law. Criminal Law Acts contained in the inscription.

a. Inclusion (Article 5)

- b. Crimes against the body; Quarreling or fighting among the people (article 2), Inciting a struggle (article 3)
- c. Crimes against property; Theft by Violence / Robbery (Article 4), Theft (Article 10)

The crime of interfering with public safety; Article 6,7 and Article 10 on gambling and drinking intoxicating beverages.

CONCLUSION

Based on the study of the text in the Dalung Bojong Inscription and primary data from the holders of the

Dalung Bojong Inscription, it can be concluded that the dalung bojong inscription has elements that are arranged hierarchically and systematically. These elements are the five values on which the six principles and ten legal acts are born in the twelve Articles contained in the inscription. The five values on the Bojong inscription mirror indigenous peoples' local culture and are relevant in the context of legal development because, philosophically, these five values are the basis for the enactment of law in realizing legal justice.

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