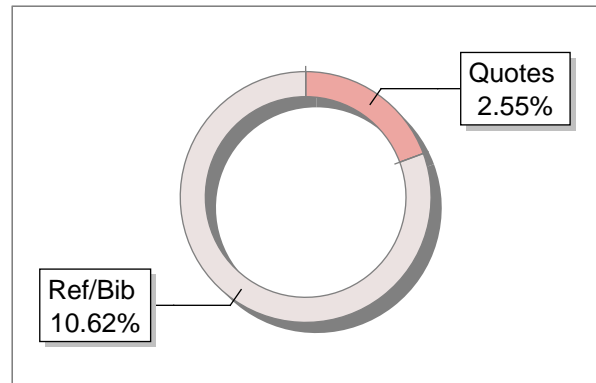
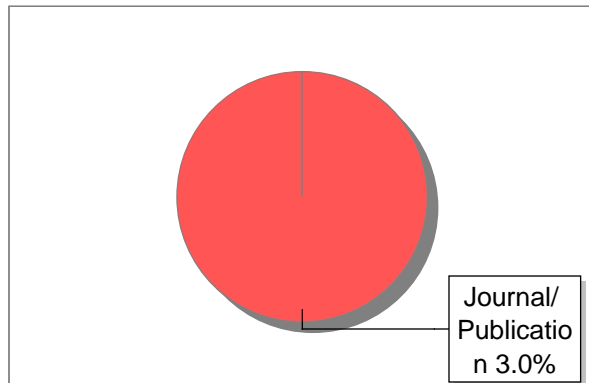
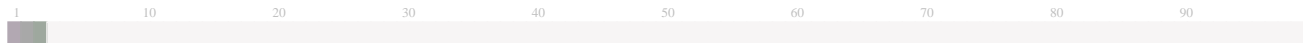


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THE EXISTENCE OF KUNTARA RAJA NITI BOOK IN THE VALUE SYSTEM OF LAMPUNG SOCIETY IN PEKON MARGA KAYA

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Abstract

The indigenous people of Lampung Pepadun in Pekon Marga Kaya have the principle of piil pesenggiri which is detailed as a customary law guideline as stated in the Book of Kuntara Raja Niti, but it needs to be further analyzed about its existence amid the many processes of cultural penetration and assimilation brought by migrants. This research uses a multidisciplinary approach by directing to socio-legal forms, therefore the process of obtaining data is carried out directly by interviews. As a result, the people of Lampung in Pekon Marga Kaya still adhere to the principle of piil pesenggiri and its derivatives that represent the contents of Kuntara Raja Niti. The existence of the Kuntara Raja Niti Book is known by the people of Lampung Marga Kaya, although not many people know its context. However, applying the pesenggiri piil is substantially like applying Kuntara Raja Niti as a way of life and behavior. Local governments must establish clear policies that protect the existence of indigenous peoples and their laws.

Keywords: *Piil Pesenggiri, Kuntara Raja Niti, Pepadun, Adat.*

INTRODUCTION

Marga Kaya is one of the villages (pekon) in Pringsewu Regency, Lampung province where there is still 'Kampung Tua', which is a term for an area that is still inhabited by indigenous people of Lampung for generations and adheres to its customs. The value of 'Kampung Tua' in its cultural relations is very high because it is the foundation of local cultural identity that still exists today as the basis of the character of the indigenous people of Lampung in Marga Kaya. Although according to regulations through Law Number 6 of 2014 concerning Villages, the principle of recognition and subsidiarity has been recognized as the basis for recognition of customary law communities, in Lampung itself, there has not been a single legal product that explicitly regulates the existence of indigenous peoples with various rights of origin.

The location of Pekon Marga Kaya is not far from the center of Pringsewu Regency, which is about 2.4 kilometers, so access to the center of local government is relatively close. Pringsewu Regency is located very strategically because it is a connecting road from West Lampung and Central Lampung, so even though it is a small city, it is always crowded and often experiences congestion due to the high volume of vehicles. The population in Pringsewu Regency is dominated by migrants from various regions, even since colonial

times there has been a process of transmigration or colonization from Java to Pringsewu since 1925 (Dewi et al, 2017). The increase in population did not make the original Lampung residents in Pringsewu Regency leave their home area in Pekon Marga Kaya.

As Kampung Tua, indigenous peoples in Pekon Marga Kaya must receive recognition from the government, as Syamsudin stated that customary law communities are often in a vulnerable or weak position. (Syamsudin, 2008) this is due to the lack of firm efforts to protect. The environment around Kampung Tua in Marga Kaya itself has been dominated by immigrants from Java, the existence of customary law that is not well maintained can be penetrated and will eliminate the traditional character of Lampung. To protect this, one of the traditional figures of Lampung in Marga Kaya, namely Datuk Bastari Nuh, holds the title of Suntan Pilihan, together with all traditional leaders in Marga Kaya, forming a Traditional Institution. According to Datuk Bastari Nuh who is an indigenous traditional leader, the regeneration process to preserve Lampung customs in Marga Kaya is very concerning, plus there have been no serious steps from the local government to encourage the preservation of this tradition. According to him, there has previously been assistance in making Adat heresy, but until now there is still no certainty about its status,

especially who is responsible for the maintenance costs (Interview on August 5, 2022, Marga Kaya).

The same thing was conveyed by Anjas Jaya as Suntan Tuan Mulia one of the young figures of Lampung in Marga Kaya, the interest of the new generation in Lampung culture continues to decline, even the values that should be held are not internalized properly. Although the people of Lampung, especially Pepadun Pubiyan in Pekon Marga Kaya, have a law book that has been their guide for generations, namely the Kuntara Raja Niti Book (Interview on 5 A 2022, Marga Kaya). This book is part of an ancient book that still exists and is used by traditional leaders of Pepadun-Pubiyan in Pekon Marga Kaya. The existence of ancient books such as Kuntara Raja Niti is sometimes only treated as antiques because of their rarity (Pudjiastuti, 1996).

The Kuntara Raja Niti Book that still exists by the people of Lampung in Marga Kaya needs attention because according to Datuk Bastari Nuh it is still a guideline to this day, so there needs to be further critical evidence about how this long-standing regulation still exists. This existence reinforces the understanding that the relationship between culture and law to create order is still an important postulate in the development of the legal system as the idea of M. Friedman (Friedman, 1969), and it is a fact that law does not live in an empty space (Warassih, 2016) but is strongly influenced by various non-legal elements (Scholten, 2002).

There are not many studies on the Kuntara Raja Niti Book, Eko Wahyuningsih's study of the fragments which are expected to be able to provide comprehensive intrinsic value does not provide a complete understanding (Wahyuningsih, 2013). Another study was conducted by Fitri and Eni who tried to photograph from an Islamic perspective, but only focused on Islamic values in *piil pesenggiri* (Yasin & Juhro, 2019), Citra and Karsiwan's study also photographed from an Islamic perspective, but has a broader scope than *piil pesenggiri* (Ayyuhda & Karsiwan, 2020). What's more, no one has yet reconstructed Kita Kuntara Raja Niti in terms of legal pluralism.

What is meant is the construction of the existence of Kitab Kuntara Raja Niti in the value system of the Lampung people in Marga Kaya, especially its position in the social system. The legal pluralism approach is perhaps the most

qualified to analyze this. Legal pluralism can simply be interpreted as a situation when there are two or more legal systems that exist today (Sumardjono, 2018). In the legal pluralism approach, the concept of law is not dichotomous by the state law system, folk law system, and religious law, but rather the interaction and coexistence of various legal systems in society (Salim, 2016). Likewise, with the existence of the Kuntara Raja Niti Book, its implementation in the community is an important focus to prove. At least, the understanding of the indigenous people of Lampung towards Kuntara Raja Niti is represented in the basic philosophy of their lives, namely *Piil Pesenggiri* and also the Islamic religious values contained there (Ayyuhda & Karsiwan, 2020a).

The best postulates and ideas in the development of Customary Law need to be supported by more valid data, the existence of the Kuntara Raja Niti Book is nothing but a starting point to understand the regional legal system more effectively and efficiently by public awareness or using Soerjono Soekanto's language, namely institutionalized law (Soekanto, 2003). This discussion led to the urgency of studying the existence of the Book of Kuntara Raja Niti in the customary law community of Lampung Pepadun Pubiyan Telu, a Tribe in Pekon Marga Kaya.

METHOD

Legal research methods are very dynamic, multidisciplinary-based research is one of the most effective methods because of shooting from various sides. Legal research is indeed normative (Marzuki, 2010), but this normative aspect is not only framed in the construction of legislation. The multidisciplinary approach is one of the most capable forms, especially in the scope of legal and socio-legal pluralism (Ahmad Zuhdi, 2012). This legal research is an empirical study through interviews to produce qualitative data, analysis carried out narrative-descriptive then the prescriptive aspect is raised.

RESULTS AND DISCUSSION

History of the Indigenous Peoples of Lampung Pepadun Pekon Marga Kaya

The history and origin of the Lampung people are still confused because it is not known exactly

when the Lampung people were formed. The people of Lampung, especially the Pubiyan tribe, believe in the myth that they come from the descendants of the God Swambahan and Widodari Simuhun who descended Si Jawa (Ratu Majapahit), Si Pasundan (Ratu Pajajaran) and Si Lampung (Ratu Balau) (Part of the Project for the Study and Development of Lampung Cultural Values, n.d.: 4). The term Lampung has many meanings, ranging from 'floating on water', broad (*lappung*: Tapanuli language).

The most interesting genealogy of Lampung is taken from the idea of Hilman Hadikusuma who quoted from Kuntara Raja Niti. According to him, the Lampung people came from Pagaruyung (West Sumatra), this was later developed also by research from Thawalib Padang Panjang in 1938 which found Cindur Mato folklore about the flight of the Pagaruyung people after losing to an Indian attack and one of them through the Kerui river spread across the Sekala Bekhak plateau and formed the Lampung tribe (Part of the Project for the Study and Development of Lampung Cultural Values, n.d.:8).

The story of the Lampung lineage from Kuntara Raja Niti was also explained by Datuk Bastari Nuh. According to him, at the beginning the people of Lampung came from Kun Tunggal who had a child named Khuh Tunggal, then Khuh Tunggal sent down a child named Setungau, then Semite had a child named Umpu Sekhunting who later became king in Sekala Bekhak with his royal name called Pemanggilan but was attacked by pirates. Umpu Sekhunting with his five children fled and each of them scattered to various regions in Lampung at this time and became the forerunner of the Lampung people (interview August 5, 2022, Marga Kaya).

The history of Pringsewu Regency cannot be separated from Pekon Marga Kaya and the Lampung Pubiyan tribal community that inhabited it from the beginning. Historical records show the people of Lampung Pubiyan began to occupy Pekon Marga Kaya around 1738 (Rani, 2018), this is in line with the narration of Datuk Bastari Nuh who said that before the Lampung Pubiyan tribal community lived in Pekon Marga Kaya, they used to occupy the Wates area close to Gading Rejo. This migration is none other than the soil factor that is considered better, let alone the location on the banks of the Way Tebu River.

As the name 'Marga Kaya', the Lampung Pubiyan tribe originally owned a large area of land stretching from Pekon Marga Kaya, Pringsewu, to Wates. The extent of this area is none other than influenced by the population density in Lampung of only 5 people per square kilometer (Budianto, 2020). The extent of this land is also supported by its soil fertility, thus encouraging the prosperity of the community, especially for growing spices and rice fields.

The people of Lampung, in general, are accustomed to various types of differences, this is contained in the expression "*sang bumi ruwa jurai*" which means all two in unity (Pudjiastuti, 1996: 14). From this principle, it can be seen that the people of Lampung basically accept all forms of differences, but the construction of unity or looking for similarities in differences is put forward. This is one of the characteristics of an open society, where the people of Lampung have long been known as an open society. This openness was then used by the Dutch Government to encourage an increase in spice production from the 1800s to the 1900s, even recorded in the 1930s pepper exports from Lampung had reached 60% worldwide (Budianto, 2020).

This openness is also supported by the basic values or principles of the Lampung community, namely *piil pesenggiri* where *piil* means a sense or stance that is maintained, while *pesenggiri* is the value of self-esteem, in realizing this *piil pesenggiri* there are 5 (five) main elements, namely (Pudjiastuti, 1996: 20): a) *pesenggiri*, which means never backing down or not being outdone in attitude and behavior; b) *juluk adek*, which is fond of good names and honorable titles; c) *nemul nyimah*, i.e. like to receive and give in an atmosphere of joy and sorrow; d) *nengah nyapur*, that is, sociable and deliberate; and e) *saikai sambayan*, i.e. like to help and work together.

Because the principle of *piil pesenggiri* is basically to encourage openness, therefore making Lampung one of the destinations of the transmigration program since the colonial era is a profitable thing. The residents of Bagelen Village from Karasidenan Kedu were the first pioneers by the Colonial government to be included in the migration program to Lampung with the aim of Gedongtataan (Halwi, Balai, Nilai, & Bandung, 2014). This first transmigration in the Colonial era

which was first carried out in 1902 is known as 'colonization' (Sudarno, 2020). After the era of Dutch Colonialism, in the era of Japanese Colonialism, there was also a process of transmigration from Java to Lampung, but in contrast to Dutch colonial transmigration involving families, in transmigration carried out by Japanese colonials, only rights were given to young and strong individuals (Halwi et al., 2014). This was done of course due to Japanese colonial interests in *Romusha*.

The transmigration process was then continued in the era of the Republic of Indonesia, especially for labor needs in the opening of new land in the Lampung region. Transmigration from Javanese society with Javanese cultural system to Lampung region with Lampung cultural system has created renewal in its activities or created heterogeneous cultural conditions. Sometimes the two societies of different cultures have their ways or conditions, so it is difficult to unite, but in the process of social and cultural interaction, heterogeneity is created to understand and respect each other (Halwi et al., 2014), this form of understanding is meant by differences there is unity. One of the strategies is to synergize *piil pesenggiri* as local wisdom with the values of Pancasila and Islam to provide understanding to indigenous people and migrants that these basic value has 'common ground' and can coexist to complement each other (Kesuma & Ciciria, 2018).

Transmigration to Lampung then penetrated not only centered in Gedongtataan but also other areas including Pekon Marga Kaya. The term Pringsewu itself comes from the dense bamboo trees that must be cut around Marga Kaya to open new residential areas (Rani, 2018). Pringsewu, which was originally a village established in 1925, was part of the Pagelaran sub-district, but in 1964 it officially became the Pringsewu sub-district and part of the South Lampung Level II Regency (www.pringsewukab.go.id, n.d.). After becoming a subdistrict, Pringsewu then officially became Pringsewu Regency in 2009 ([Www.pringsewukab.go.id](http://www.pringsewukab.go.id), n.d.-b).

The people of Lampung Pepadun Pubiyan in Marga Kaya are very open to the presence of transmigration migrants, especially from Java. Coexistence according to their respective customs has run harmoniously, there are no disputes or social conflicts between migrant tribes and local

communities. According to Anjas, when he was a child, there was a conflict with immigrants but it was resolved customarily (interview, August 5, 2022, Marga Kaya). The principle of Lampung society with *the piil pesenggiri* puts self-esteem in the highest position, so as long as their self-esteem is not injured, harmonization and peace must be maintained (Kurniadi, Legionosuko, & Poespitohadi, 2019). Even in the principle of *piil pesenggiri* there is an obligation to respect each other (*nengah nyapur*) and help (*sakai sambayan*) with each other to build civilization.



Figure 1. Piil Pesenggiri Relationship in Realizing Harmonization between Lampung Indigenous People and Immigrant Communities

Following the form of the picture above, it can be seen that the relationship between the original Lampung community and the immigrant community is based on the principle *sang bumi ruwa jurai*. In this context, this principle encourages the openness of the people of Lampung itself toward migrants. Both natives and immigrants have the same goal about realizing the concept of harmonious living as the goal of the *sang bumi ruwa jurai*. Likewise, in the understanding of immigrant culture, the majority of whom are from Java, know the principle of harmony which means togetherness (Koesnoe, 1992: 9). In addition, this harmonization construction is also supported by the principle of the people of the archipelago, namely 'where the earth is stepped on, where the sky is upheld' providing an understanding from the beginning that migrants should adjust to local customs, not the other way around.

The increasing number of migrants (transmigrants) to Lampung is increasing day by day, causing an imbalance in the number of residents with migrants. Indigenous peoples are worried that their rights will be threatened,

especially about diminishing customary lands and triggering symptoms of social tension (Budianto, 2020). This concern had arisen after Indonesia became independent in 1945 until in January 1956 a Customary Congress was held in Palembang and continued in March 1957 in Bukit Tinggi which essentially demanded the government to stop the transmigration program to Lampung (Budianto, Mustofa, & Hasanah, 2022). Local communities feel that the government is more concerned about the transmigration program for land clearing than also focusing on the development of local communities themselves.

On the one hand, more migrants in the Lampung region automatically bring greater cultural and social penetration. As in Pringsewu itself, politically, the majority of the population who come from immigrants descended from immigrants is very influential in the political constellation. Thus, regional leaders do not come from indigenous communities but from migrants. Like the current Regent of Pringsewu, Hi. Sujadi Saddat is an immigrant from Java not from the original Lampung community (Www.pringsewukab.go.id, n.d.-a). The increasing number of migrants can indeed be feared to lead to tensions because the penetration of culture brought by migrants is feared to threaten the existence of indigenous culture. However, based on the narration of Datuk Bastari Nuh and Anjas Jaya so far, there has been no conflict involving elements of cultural identity. If observed, culturally, the basic values believed by the original Lampung people and the majority of Javanese immigrants both neutralize these tensions.

In Marga Kaya itself, there is no significant form of tension between the migrant community and the local community. They can coexist together, even though they are culturally different. Transmigrants in Pringsewu are dominated by Javanese society, where the concept of Javanese life is also known as the principle of 'harmony', which is a state of harmony without disputes and conflicts, calm and peaceful (Suseno, 1985: 39-81). The concept of harmony is actually in harmony with the *piil pesenggiri* where fellow humans must live to take care of each other, take care of each other, and also respect each other. The principle of maintaining honor is also known in Javanese society, namely *sadumuk bathuk sayari bumi* where

self-esteem is maintained until death (Sochadha, 2014).

The principle of *piil pesenggiri* is not merely self-esteem or only seeing cultural superiority that will lead to various kinds of tensions. However, *piil pesenggiri* itself is the basis for realizing harmonious relations by neutralizing various unprincipled tensions. Likewise, the idea of *sadumuk bathuk sayari bumi* is not limited to cultural egocentric, but rather an effort to appreciate principles and honor in social life to be able to achieve harmony. In indigenous communities, the establishment of custom is nothing but the establishment of harmonization and balance in society (Isdiyanto, 2019).



Figure 2. Penetration Patterns as the Beginning of Tension Are Then Neutralized into Shared Identity

In the previous explanation, it can be seen that Pancasila and Islam become 'meeting points' in avoiding various estrangements. However, if observed more deeply, the neutralization factor of various tensions is not only at the meeting point or the existence of common understanding. The encouragement of each culture that is equally open and the existence of a philosophical system in the state (*bhineka tunggal ika*) is one of the determinants to avoid tension due to penetration. Another side that is no less important is the position of the state that has coercive authority in realizing a system of order and peace along with all its instruments is also an important factor.

Linguistically, the people of Lampung are divided into 2 (two) dialects, namely dialect 'A' or Fire and dialect 'O' or Nyow. Dialect A is usually used by the Lampung Saibatin Tribe, while dialect O is usually used by the Lampung Pepadun Tribe. However, interestingly in the Lampung Marga Kaya Community which is included in the Pubiyan Telu Tribe, they are the Lampung Pepadun Tribe but use dialect A. According to Hilman Hadikusuma, the Pepadun people who use dialect A are Pubiyan Telu Tribe and Buay Lima

(Wahyuningsih, 2013: 2). According to Datuk Bastari Nuh himself, the division of the two dialects is irrelevant, because, in fact, each region in Lampung has its vocabulary forms that are not found or different from other regions, even including in terms of pronunciation. He shared his sadness when helping his grandson with his schoolwork, it turned out that the pronunciation he did was blamed by his teacher who 'only' referred to the manual. According to him, Lampung language education in schools has come out of the context it should be, even those who teach it are not native Lampung people so there are many mistakes (*interview, Bastari Nuh, August 5, 2022, Marga Kaya*).

The Value System of the Indigenous Peoples of Lampung in the Book of Kuntara Raja Niti

Value has various concepts, not only interpreted formally but also materially. Max Scheler places value more emotionally than rationally, meaning that through value feelings manifest in 'apriori emotions' attached to concrete aspects but the concept does not require an experimental priori (Parmono, 1993). The value construction built by Max Scheler seems to represent the metaphysical side of a value, but the basis of Western thought construction is still very attached to the aspect of subjectivity. Unlike the concept of Indonesian society which is more cosmological thinking, this view focuses not on subjectivity but on the side of existence and order of the entire universe by not focusing on the subjective view.

Placing value in the local community system cannot be separated from the belief system aspect of its transcendental aspect. The cosmological view is indeed more representative of the traditional way of thinking of natural philosophy, with humans as part of the microcosmos and the universe as the macro cosmos. Likewise, in the view of the people of Lampung, the transcendental aspect influenced by the existence of Islam as the background cannot be negated. Transcendental or religious values in the indigenous people of Lampung are also reflected in the social system and daily behavior. Likewise, in the Book of Kuntara Raja Niti, the construction of values in it cannot be separated from the basis of Islam as the religion of the people of Lampung (Citra Ayuhda and Karsiwan, 2020b). Even some provisions such as Article 39 and Article 46 of the Kuntara Raja

Niti Book explicitly mention the term Islam directly (Tegak, 1979). The religious or transcendental view in Lampung society has been a characteristic of Lampung society since before the entry of Islam. These values will also continue to evolve by the evolution of civilization in the Lampung community itself (Kania, 2013).

In general, the people of Lampung have a basic value construction as mentioned earlier, namely *piil pesengiri* which then gave birth to various kinds of values or norms within the indigenous people of Lampung (Wahyuningsih, 2013: 83). The relationship between *piil pesenggiri* and Kuntara Raja Niti is nicely described by Eko Wahyuningsih in the study of Kuntara Raja Niti manuscript fragments as the basis for the principle of this rule, this is even evidenced in the construction of *piil pesenggiri* which is also written in the book Kuntara Raja Niti (Wahyuningsih, 2013).

According to Datuk Bastari Nuh, *piil pesenggiri* comes from two terms, namely *piil* which means self-esteem and *pesenggiri* is authority, so what is meant by the construction of *piil pesenggiri* is the principle for Lampung people in maintaining self-esteem and authority. Interestingly, Datuk Bastari Nuh placed the *piil pesenggiri* in the concept of abstinence in carrying out these behaviors, as he said:

"The principle of Lampung people must have self-esteem (piil) and maintain authority (pesenggiri) so that in this context piil pesenggiri can be interpreted as abstinence from doing, saying, doing according to what lowers self-esteem and removes dignity or prestige" (interview, August 5, 2022, Marga Kaya)

This form of abstinence can be seen in the Book of Kuntara Raja Niti, such as the provisions of Article 24 which mention 5 (five) cases in the *piil*, or prudence in cases that can damage the order of the community or village as mentioned in Article 26 of the book *a quo*.

The Kuntara Raja Niti version of Sutan Tegak found in Pekon Marga Kaya has a difference in the number of articles with Kuntara Raja Niti researched by Eko Wahyuningsih. In the Sutan Tegak version, there are 254 articles, while in the version researched by Eko Wahyuningsih there are 236 articles (Wahyuningsih, 2013: 1). In the book studied by Eko Wahyuningsih is only limited to fragments or fragments of manuscripts, not the manuscript as a whole so that the forms of differences between the two cannot be known.

According to Datuk Bastari Nuh, the Book of Kuntara Raja Niti is still the guideline for the Lampung people, especially by the Lampung Pubiyan Telu Tribe in Pekon Marga Kaya. This book has become a custom or guideline for the life of the Lampung Pubiyan Indigenous people in Marga Kaya. The word Adat itself according to Bastari Nuh comes from the word Adab which means one's ethics, so the existence of this Adat is to be a refinement of the ahlak of the Lampung Pubiyan Indigenous people in Marga Kaya. According to Datuk Bastari Nuh, the Book of Kuntara Raja Niti regulates many aspects of people's lives as he stated:

"Kuntara Raja Niti has arranged many things, such as relations between Lampung people, Lampung people with migrants, relations with kingdoms/leaders and in essence this book provides guidelines so that people's lives can be orderly and harmonious, according to the spirit of unity and unity. The principle of harmony to realize unity and unity is stated in the expression of the earth swamp jurai" (interview, August 5, 2022, Marga Kaya).

The people of Lampung have the principle of *nemui nyimah* which is part of the cultural strategy in realizing a harmonious and united life. The concept of *nemui nyimah* itself is a peaceful, friendly and open life (Dasrun Hidayat, 2014). On the other hand, *nemui nyimah* also means an attitude that likes to accept and greet both in an atmosphere of joy and sorrow (Pudjiastuti, 1996). The openness and tolerance of the people of Lampung are very high, it is important to understand that the view of the people of Lampung recognizing the immigrant community as equal to the original Lampung people is not an easy thing, even this high tolerance is seen by the existence of various regional names that use non-Lampung languages such as Pringsewu (Dasrun Hidayat, 2014).



Figure 3. Piil Pesenggiri became the basis of Kuntara Raja Niti as a guideline for the social order of the people of Lampung

Here, the position of *nemui nyimah* is none other than the *social identity* of the people of Lampung who are part of *local wisdom*. Identity here is a special inherent characteristic, thus distinguishing it from others. This identity formation process is strongly influenced by various aspects, from internal personal to external factors that are related through social space and then form identity patterns (Irianingsih, Sudardi, & Rais, 2018).

The construction of *nemui nyimah* also appears in various conflict resolution resolutions in Lampung, especially if tensions arise with migrant communities. The case of the conflict in Balinuraga in 2012 is perhaps one of the most relevant examples of how the people of Lampung tried to contain conflicts until escalation peaked in 2012 (Latifa Faristin, Sugeng Hariyadi, 2013). As a form of *local wisdom*, *nemui nyimah* construction has succeeded in incorporating various principles of moderation, including religious insight, peace, and multiculturalism, into harmony which is understandably immanent in the cultural system of the Lampung community (Syahputra & Ruslan, 2021). Tolerance here means that people have a reluctant attitude, and respect even though they have different views or principles (Masduki, 2017).

If *piil pesenggiri* is an honorary identity, then *nemui nyimah* is a system for realizing harmonization. However, here the Lampung Indigenous people highly uphold honor. To maintain this authority and honor is done with the *juluk adek*. Everyone in Lampung society has an honor represented through their title as a big name

(*juluk adek*) (Ratnaningsih, 2019). Through this degree, one must also be required to be innovative. According to Fachruddin, *the juluk adek* is more of an innovative attitude where someone must do continuous cleaning. The word *juluk* means a new name given to a child who can formulate his goals, while *adek* is a new name or title given to a person who has been able to achieve his goals (Fachruddin, 2007). This understanding is in line with the meaning of *juluk adek* which means the necessity to strive to improve perfection in life (success) and also be orderly and have manners as best as possible (Fajarwati & Wahyudi, 2017).

The honor and authority of the people of Lampung is represented by a title that is their pride, this is a marker in social life and daily association. In obeying community life, in Lampung society, a cultural strategy is known in the form of *nengab nyapur*, namely everyone in Lampung society likes to live amid a society full of diversity and plurality (Citra Ayuhda and Karsiwan, 2020b). The concept of *nengab nyapur* itself can then be expanded because the relationship of associating in society becomes more complex, for example, if *nengab nyapur* is included as an effort to resolve social conflicts, then like hanging out here can also be in the form of also prioritizing deliberation in solving problems (Budianto, 2020). Fachruddin himself interpreted *nengab nyapur* as more aggressive, namely a competitive culture, according to him the word *nengab* in Lampung language itself has three kinds of meanings, they are hard work, skill, and competition, while the word *nyapur* means tolerance so that the word *nengab nyapur* can be understood as hard work to find as much as possible to meet the needs of people's lives so that common welfare is realized (Fachruddin, 2007). To be able to realize this competitive culture, this egalitarian attitude is important, therefore *nengab nyapur* can also mean a principle of equality (Pahrudin & Hidayat, 2007).

Furthermore, in maintaining self-esteem (*piil*), honor (*pesenggiri*), open (*nemui nyimab*), working hard (*juluk adek*) to social life (*nengab nyapur*) it must be based on an attitude to help each other (*sakai sambayan*). The wisdom of *sakai sambayan* is the same as the culture of gotong royong which has been widely known by the people of Indonesia. In Lampung society, *sakai sambayan* becomes a necessity and part of *piil pesenggiri*, meaning that

every individual in the community has social obligations in addition to personal obligations and this is done selflessly (Pahrudin & Hidayat, 2007). According to Datuk Bastari Nuh, *sakai sambayan* is basically contained in the articles of Kuntara Raja Niti. Bastari Nuh gives meaning to *sakai sambayan* broadly, namely as a condition of society that helps each other, fosters, fills, or instills services (interview, August 5, 2022, Marga Kaya).

The Existence of the Book of Kuntara Raja Niti by the People of Lampung Pepadun in Marga Kaya

The existence of indigenous peoples was more accommodated before entering the era of the Republic of Indonesia, especially in the Dutch Colonial era. The Governor-General of the Dutch East Indies in 1906 issued many *ordinances* or laws that highlighted the strength of customary law and village government. There are 5 (five) important points regulated in the *ordinance*, such as: a) the appointment and dismissal of village officials (except the Village Head) is left to customary customs; b) decisions are based on deliberation (collegial collective) according to customary custom; c) the use of village *rodi* power according to local customs; d) the village head always asks for the considerations of his government members in deciding; and e) in matters concerning important aspects, the village is prohibited from deciding itself without consensus with villagers (village forum) (Maschab, 2013: 54). This provision confirms the autonomy of villages or Indigenous peoples has a strong position in determining the direction of government. For the Lampung region itself, village strengthening was only enacted in 1922 through the Bumiputra Village Ordinance Number August 26, 1922. Although only to provide a legal basis for the existing situation, in the state system this becomes very important in the process of recognition and subsidiarity, although on the other hand, the negative impact is that there is a process of annexing the status of villages into part of the Dutch East Indies legally-formally so that the ability to control village government or traditional communities is more accommodated (Maschab, 2013:56).

After entering the independence era, the existence of indigenous peoples began to be systematically eroded through regulatory policies. The enactment of Emergency Law No. 1 of 1951 concerning Temporary Measures to Organize the

Unity of Power Structure and Procedure of Civil Courts serves to annul the existence of local judicial institutions such as village courts and customary courts. This will certainly erode the existence of customary institutions that previously had the power to adjudicate. It is conceivable that if there is no institution to enforce customary law, it is difficult for this customary law to be able to enforce. After that, Law Number 5 of 1979 concerning Villages emerged, one of which aims to strategize or co-opt the state over villages while homogenizing the form of village government throughout Indonesia (Maschab, 2013: 115).

After the emergence of Law Number 6 of 2014 concerning Villages, the position of traditional communities and indigenous peoples is indeed more accommodated, especially since the recognition of authority is based on the right of origin and local authority at the village level. However, the existence of indigenous peoples themselves is sometimes still often weak and marginalized. The existence of traditional indigenous peoples is a historical and factual reality that cannot be negated by the government (Sugiswati, 2012).

From the perspective of national law, recognition of constitutional recognition is regulated in Article 18B paragraph (2) of the 1945 Constitution which can be said to be conditional recognition where recognition will be given by the state if the customary law is still alive and does not conflict with the development of society or the principle of a unitary state. Recognition is a process to formalize the material side of Customary Law into part of national law (positive law) (Gunawan, 2021). In general, the idea of recognition is not just limited to acknowledging but rearranging the relationship between indigenous peoples and the state in a structure that better represents the interests of indigenous peoples because historically the existence of traditional communities existed long before the emergence of the state (Dahlan, 2019). According to Maria Sumardjono, the consequence of Article 18B paragraph (2) of the 1945 NRI Constitution lies also in the procedure for its determination which is *declaratory* only, not constitutive. The point is that the existence of Customary Law Peoples (MHA) already exists whether there are or are no rules. In contrast to the *constitutive* determination, which means that the government

creates a customary law community. In *declaratory* determinations, the determination does not have to be in the form of Regional Regulations but can be in the form of Regional Head Decrees (Sumardjono, 2020).

Recognition should actively encourage the protection of indigenous peoples' traditional rights, but the application of the principle of recognition is not immediate. Recognition cannot be interpreted as the state is required to be active in protecting the rights of traditional communities, but there needs to be a determination procedure (principle of subsidiarity) from the authorities on the rights of traditional communities. Like the recognition of Customary Villages, as mentioned in Article 96, Law Number 6 of 2014 requires a determination from either the Central or Regional Governments. Referring to this regulation, legal politics towards the existence of indigenous peoples' traditional rights depend heavily on the government, not indigenous peoples as rights owners.

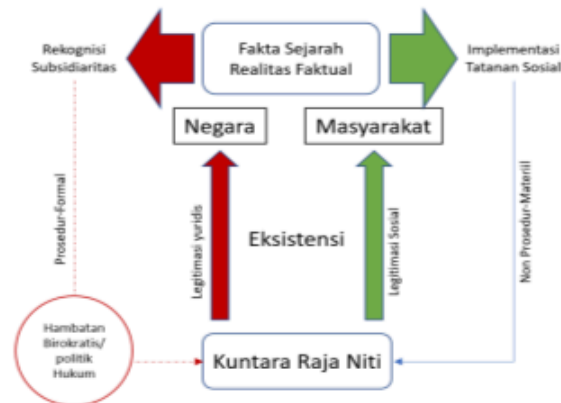


Figure 4. Problems of Procedure for Determining the Right of Origin of King Niti Kuntara faced by the Indigenous Peoples of Lampung Pepadun

The Lampung Regional Government has never issued a form of determination related to traditional rights or the determination of existing villages. In fact, in Lampung there are many 'Old Villages' that still maintain the original traditions of Lampung from generation to generation so if they are not really preserved and protected regulatively it will have an impact on the existence of Lampung customs in the future. In terms of regulation, in various laws, indigenous peoples have been recognized (recognition), but the real obstacle is not from the central government but

from regional governments that have not recognized it through regional policies or regulations (subsidiarity) (Nurhidayah, 2017). Likewise, for the indigenous people of Lampung in Marga Kaya, according to Datuk Bastari Nuh, to his knowledge there has never been a determination related to strengthening their institutions as customary institutions in Pekon Marga Kaya. Efforts to encourage development then began with the initiative of the Lampung Indigenous people in Pekon Marga Kaya by forming a Customary Institution which is expected to become an institutional forum for the Lampung Pepadun Indigenous people in Pekon Marga Kaya.

Overall, the existence of Lampung Customs is still embedded in the community, and understanding of *piil pesenggiri* remains the basis for guidelines that are still obeyed. According to Anjas, basically, in general, the understanding of the community and youth towards the Lampung customs is still strong. Pekon Marga Kaya includes Kampung Tua so that traditional elements are still thick in life and social institutions. In general knowledge of Adat, the younger generation in Pekon Marga Kaya is still following, especially on how to implement the *piil pesenggiri* (interview, August 5, 2022, Marga Kaya).

Regarding the knowledge of the Book of Kuntara Raja Niti, according to Anjas, the people of Lampung Pepadun Marga Kaya know but cannot be said because they may not all have the opportunity to read it in detail. Anjas continued. the construction in Kuntara Raja Niti in the form of *piil pesenggiri* has become the basis of community life by the people of Lampung in Pekon Marga Kaya. Every Lampung person in Marga Kaya must have experienced non-formal education or organically related customs, the principle is to uphold the *piil pesenggiri*. Various living procedures of the people of Lampung to this day are still based on the principle of *piil pesenggiri* so implementing guidelines based on this principle is nothing but the embodiment of the implementation of Kuntara Raja Niti.

The necessity of maintaining *piil* is exemplified in the provisions of Article 24 of the Kuntara Raja Niti Code, where it states: 1) The King maintains the dignity (*piil*) of women; 2) the leader (*counterweight*) maintains the self-esteem (*piil*) of the girl; 3) The mother maintains self-esteem (*piil*) over money or possessions; 4) girls maintain self-

esteem (*piil*) with their speech; and 5) the boy maintains the self-esteem (*piil*) of his behavior. If you pay attention, the scope in this rule is very broad and on target according to its capacity. The placement of guarding women/girls is a major concern because in Lampung society a girl or woman is a representation of honor that must be maintained by all elements.

In addition, what is interesting in Kuntara Raja Niti is that there is a basic method for judging, this is stated in Article 29 which states "*Makhi jenong jerma pannai ya ngejalankon Tilik Tinnai lima pekakba: 1) khasa-khasa; 2) habak-babak; 3) kikha-kikha; 4) immang-immang; 5) ungai julung*" or in Indonesian as translated by Datuk Bastari Nuh, namely "*Just said by a clever person, he assessed 5 (five) things: 1) emotions; 2) cleverness; 3) approx; 4) consider; 5) tug-of-war*". These five aspects are very important because they are the basis of the Lampung people's method of seeing and judging things. Similar concepts also appear in other places, such as there is *raso jo pareso* used by the Minangkabau community (Prasetya, 2016), *villages, kala, patra* used by Balinese people (Boediarto, 2002: 16) and *ngono yo ngono neng ojo ngono* in Javanese society (Hardianto, 2020).

CONCLUSION

History as part of empirical facts in the past has witnessed how the formation of the identity of the indigenous people of Lampung Pepadun in Pekon Marga Kaya, so that this aspect of origin cannot be negated. The people of Lampung Marga Kaya have a *piil pesenggiri* as part of the guidelines for life as well as neutralizing against various forms of cultural and social tensions to create harmony and harmony between indigenous people and migrants.

Piil pesenggiri as the principle of the values of the people of Lampung was then translated more applicatively through the Book of Kuntara Raja Niti which until now has become a guide for the Customary Counterweight in Pekon Marga Kaya. The people of Lampung have a simpler view regarding Kuntara Raja Niti which is translated as *piil pesenggiri*, so avoiding taboos and maintaining self-esteem has implemented the provisions in Kuntara Raja Niti.

As an Old Village, the indigenous people in Pekon Marga Kaya still uphold Kuntara Raja Niti and *Piil Pesenggiri* with various traditional derivatives. This maintained existence is the result

of the community's efforts to continue to maintain the customs that have been declining, even to maintain this existence, traditional leaders then formed Customary Institutions.

Unfortunately, the Lampung Regional Government both at the provincial and regency levels in Lampung does not legitimize Lampung culture more positively, other than because its social institutions are still running there is a law book that still exists today, namely Kuntara Raja Niti. Provincial and District Governments should determine the existence of indigenous peoples through legal products in the form of regional regulations.

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