Local Wisdom in the Environmental Protection and Management

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Abstract: The paper analyses the urgency of local wisdom values in the environmental protection and management. The purpose of the study is to identify and explain the benefits of local wisdom that live and thrive in the society so that it can serve as a solution to the problems that arise in the environmental protection and management. In the study, the researcher does a juridical-normative analysis with conceptual and statute approaches. The paradigm of developmentalism has driven the development of Indonesia's national economy in tandem with the anthropocentrism paradigm. As a result, the growth that runs solely for the benefit of human regardless the interest of nature. The amendment of article number 33 of the Constitution of the Republic of Indonesia contains the synergy of national development with the preservation of the environment that comes from the environmental ethics. Local wisdom is explicitly regulated in Law number 32 of 2009 as the noble values prevail in the social custom to protect and manage the environment sustainably. The result of the analysis shows that there is a need for affirmative synergy law enforcement with local wisdom values in its efforts to protect and manage the environment optimally.

Keywords: local wisdom, environmental protection

1. Introduction

The abundant wealth of natural resources in the long term has result a mindset and actions of the community in managing the environment. Departing from the naturalism paradigm, the community's appreciation toward the environment is reflected in the archetypal life of Indonesian that comes from the noble values that have been shaped and became assets in its effort to protect and manage the environment. Each community has a value system contains environmental ethics and is considered to be a guidance in preserving its life where the human exists. The great values thrive in the society have been placed environment as an essential part of its life. It comes from the society tradition through various activities in protecting and managing the situation "in casu" the expression of gratitude for the abundance of natural resources. In the development, there is a change of society condition along with the increase of its population, and technological capability is used. Thus it affects the behaviour of society in addressing nature and its environment. Paradigm shift occurs toward the developmentalism and anthropocentrism paradigm. This can be demonstrated by the increasing need for land both for residence and production, including shifting society life order from agrarian to industrial. They cause severe problems in the environmental protection and management. Global environmental problems occur because they are rooted in the fundamental-philosophical mistakes in understanding or human's point of view about themselves, nature and their place in the whole ecosystem, so in its turn, it creates false attitudes and behaviours toward nature. This condition becomes the beginning from all environmental disaster that happened all along. According to Arne Naess, environmental crisis can only be overcome by making fundamental and radical changes in human point of view and their behavior toward nature. The main central error point of view is derived from the ethos of anthropocentrism. This ethic aspects of humanity as the centre of the universe and only human has value while nature and all its contents merely as a tool for human satisfaction interests and needs.
Ongoing development uses many economic approach or economic orientation, so it triggers an increasingly severe environmental crisis. Forests are cut down, and beaches are reclaimed, green land switches function, and thus it ignores people fundamental rights over their life. Bodley says that state-dominated development activities are have a centralistic character and merely oriented to the pursuit of economic growth, which in turn only leads to victims of development. It has been proven that development is taken by many victims including displacing and ignoring local culture variations that reflect indigenous people's ecological wisdom in the management and utilisation of natural resources. In its practice, the domination and usage of natural resources that dominated by the countries which are only pursuing their economic interests become the primary cause of environmental degradation. Besides, the environmental control and utilisation by the centralistic nations close the space for the community to participate in the management of the existing natural resources. For example, people's access to forests as a life resource as well as people's access to sea and coastal areas, people access to water resources, and the other natural resources have displaced and ignored the values of the local culture that reflect indigenous people's environmental wisdom in natural resources utilisation. In general, various factors which show local wisdom in societal culture are being left behind. Thus it is losing its substantive meaning. The local wisdom which is full of the great values should be understood creatively and contextually to be able to answer the latest issues and anticipate the people's problems related to the environment in the future.

2. Method

The paper mainly examines from the normative legal view. The research comes from the arrangement of local wisdom in the environmental protection and management. The paper also discusses some regulations that have been mandated by the constitution which aim for the people's highest prosperity and the existence of local wisdom within the local community culture. The research approaches used are conceptual, and statute approaches the concept, policy and the activities implementation law in the environmental scope. Through the procedure, it is expected to explain objectively on the issues in this research. Normative legal research is a literature legal research. Thus the legal sources of the research include the primary legal material that is the legal material contained in the legislation on local wisdom in the environmental protection and management as well as within the local community culture. The secondary legal material that is a legal material explains the primary legal material, such as a draft bill, research result and the point of view of legal experts. Tertiary legal material that is a legal material provides guidance on primary and secondary legal materials, such as dictionary and encyclopedia. The method of collecting legal material is by identifying the collected legal materials, and then it processed systematically as an informative legal material in analysing the legal research problem.

3. Findings and Discussion

3.1 Local Wisdom in Positive Law

Etymologically, local wisdom consists of two words of wisdom and local. Local means regional and wisdom equal with prudence. In other words, local wisdom can be understood as local ideas, values, the point of views which have a wise characteristic, full of knowledge, have a good value that embedded and followed by its community members. Local wisdom is a local ideas which have a wise characteristic, full of wisdom, have a good value that embeded and followed by its community members. Meanwhile, according to a framework issued by the Social Welfare Ministry, local wisdom is defined as a view of life and knowledge as well as the various life strategies in the form of people's activities in answering multiple problems regarding in the fulfilment of their needs.
Indonesia is a multi-ethnic country, religion, race, and class. "de facto" of the diversity Bhinneka Tunggal Ika reflects the nation’s cultural diversity under the auspices of Unitary State of The Republic of Indonesia. The territory stretching from Sabang to Merauke has abundant natural and cultural resources with various characteristics. Based on Article 1 paragraph 30 of Law number 32 of 2009 concerning Environmental protection and management, "local wisdom is a noble value prevailing in society's life to protect and manage the environment sustainably." Textually in the law, there is no rigid statement about the environmental management implementation through the local wisdom principles as a consequence of the legal pluralism in Indonesia. Concerning the local wisdom legality in the environmental conservation and management, it has been regulated in the following legislation.

(1) In the Article 18B paragraph 2, 1945 Constitution of the Republic of Indonesia says "The state acknowledges and respects the unity of indigenous and tribal people as well as its traditional rights for a lifetime and following the social development and the principles of Unitary State Republic of Indonesia. It is also has been set up within the constitution", and also emphasised in the Article 28 I paragraph 3 of 1945 Constitution of Indonesian Republic states that "cultural identity and traditional society rights are respected in harmony with its time and its civilisation development." (2) In the Article 6 of the Law number 31 of 2004 jo. Number 45 of 2009 concerning fisheries, states that the management for fishing and fish cultivation should consider the common law and local wisdom as well as pay attention to the community participation. (3) In the Article 2 paragraph 9 of Law number 32 concerning local government, emphasised that the state acknowledges and respects the unity of indigenous and tribal people along with their traditional rights for a lifetime and it is under the social development and the principle of Unitary State Republic of Indonesia. (4) Law number 12 of 2005 concerning International covenant on civil and political rights. The law ratifying International contract concerning civil and political right admits the right for not being discriminated as regulated in the article 2 (1) and 3. The right to enjoy and utilize all kind of rights including land and natural resources is regulated by the article 26, the right to possess a lifestyle related to the use of land and natural resources are regulated by the article 27, and the right to participate is regulated by the article 25. (5) Law number 32 of 2009 concerning Protection and Management of Environment. The article 63 paragraph (1), (2) n, and (3) k state that in regard of the protection and management of environment, Government’s duties and authorities shall be to make and implement policies on the procedures of recognition of the customs of indigenous people, local wisdom, and indigenous rights in regard of the protection and management of environment. In addition, one of the expectations of PPLH is local wisdom. (6) The Decree of Constitutional Court Number 35/PUU-X/2012 in the case of review of Law Number 41 of 2009 concerning Forestry stating that customary forest is an area belongs to indigenous people brings wide implication in the recognition effort of the existing local wisdom and the right of usual law community.

3.2 Local Wisdom in Social Local Culture

Local wisdom is a conceptual idea of living in society, growing and developing continuously in social awareness and regulating its life. Islam brings the ilahiyah (deity) and insaniyah (human) mission on Earth. It is important to make Islamic universal values as a way of life in order to bring humanity values in social life. Therefore, it is also important to widely appreciate the ethical foundation such as the concept of al-’adalah (justice), al-hurriyyah (independence), as-syura (democracy), al-musawah (equality), al-ukhuwwah (brotherhood), and at-tasamuh (tolerance). Such perspective is highly relevant with the context of “modern people” life. It is in line with the UN Universal Declaration of Human Rights highly respecting the value of humanity, justice and right and political equality.
The existing of Islam and its agile and persistent preachers can hold the good wisdom as a part of its teaching. Therefore, the society is comfortable with Islam and accept Islam as their religion. Islamic preachers usually have the ability to combine local wisdom as a part of Islamic tradition, since they hold to ushuliyah doctrine (a doctrine to considerate law formulation to be a fiqh law). The touch of Islamic teaching that can be seen in various Indonesian local rituals and traditions signs the success of Islamic preaching as Rahmatan Lil Alamin. The blending process between local tradition and Islam within Islamic society is adapted to the circumstances, customs, cultures and social values. Such interaction can be conducted based on human thinking and action pattern whose thought is enlightened by the spirit which brings culture and good wisdom and becomes guidance for the society. However, disagreements still occur among the societies because some of them wish for Islam in Indonesia similar to that of Arabic. The facts show that Muslims conduct local rituals and traditions in all over Indonesia, not only in Java island. The blending process of local tradition, Hindu-Buddha and Islam in Islamic social and religious life is inseparable from the role of Walisongo (nine saints of Islam). They taught Islam using preach media adjusted to the conditions, customs, cultures and values in the society. Walisongo taught Indonesian society a transformative religious tradition (tahawwuli wa taghyiri). In the process of Islamization, not only asked people to accept Islam, but they also changed the social structure to fairer, more humane and local tradition based one.

Local wisdom can be found in the following regions. (1) Papua, it has a belief of tea aro neweak lako (nature is me). Erstberg and Grasberg Mountain are believed as a mother head and the land part as the land of human life. Therefore, it is essential to utilise natural resources carefully. (2) Searawai, Bengkulu, it has a belief of celako kumali. The environment sustainability derives from their beliefs, a taboo value in their agriculture system and tanjak tradition. (3) Dayak Kenyah, East Borneo, has the tradition of tana’ulen. The forest territory belongs to the customary community. Therefore, its custom rule regulates the land management. (4) The community of Undau Mau, West Borneo. They develop environmental wisdom for their settlement arrangement pattern by classifying and using the forest. They run shifting cultivation with the fallow period, but refuse the use of modern technology and only employ the simple and environment-friendly technology. (5) The community of Kesepuhan Pancer Pengawinan, Dukuh Village, West Java. They acknowledge traditional ceremony, myth, taboo and carefully utilise the forest. They are allowed to exploit it as permitted by the elders. (6) The society of Bali and Lombok has awig-awig. By realising the importance of local wisdom, it is needed to exploit local wisdom values and use them for developing civilised society.

4. Conclusion

It is worth noting that, in general, particular local society inherit its culture so it will have local wisdom as their living norm. Transformative religious tradition is not only giving a provision for the community but also giving the effort to change its social structure to be fairer, more humane and local wisdom-based under local tradition. The life pattern of Indonesian people with various cultures and religions plays a vital role in exploiting and maintaining local wisdom values to protect and manage the environment. The religious life of the society also contributes to the process of achieving physically and spiritually wealthy life under their religion. The condition cannot be achieved in a short time. It is a process involving human thought and effort, which considers the importance of building local wisdom values in daily life and also maintaining the existing legal norms.
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