

Local Wisdom and Role of Society in Spatial Planning in the Region

Ahyar, Eko Noer Kristiyanto*

Research and Development Agency of Law and Human Rights the ministry of law and human rights RI Jalan HR. Rasuna Said Kav. C-1, Jakarta 12920
Corresponding e-mail: [*ekomaung69@gmail.com](mailto:ekomaung69@gmail.com)

ABSTRACT

Before the rapid development of modern knowledge on spatial planning, the indigenous people of Indonesia had known spatial planning conception. Many discussions and research have been proven to be effective and in line with modern knowledge. We can perceive this traditional conception of spatial planning perspective and as part of the traditional knowledge. This study used normative perspective, tried to explain how the traditional knowledge can take part in spatial planning process in Indonesia. This research showed that in many regions, the local regulation has accommodated the traditional knowledge, where public participation have an important role in the process. This practice can be seen as an act to acknowledge the existence of indigenous society as has been expressed by the constitution.

Keywords: *traditional knowledge, spatial planning, local regulation*

1. PRELIMINARY

Spatial problems, both in the scope of macro and micro, now increasingly gain serious attention. It is a fact that the population and the increasing demand, both qualitatively and quantitatively. Likewise, more advanced technologies to meet human needs are increasing, but on the other hand, the available space or land still remains the same.¹In addition to the limited land, spatial planning is more complicated, because of the condition of the Indonesian economy. The condition is concerning, especially with regard to business people regarding the utilization of growing space that also caused by population growth, which impact on the growth of housing and residential district.²

In Article 33 paragraph (3) of the Act of 1945 stated that "*Earth and water, and the natural resources therein shall be controlled by the state and used for the welfare of the people*". Realization of this article is set forth in Article 2 paragraph (2) of Law Number 5 of 1960, on Basic Regulation of Agrarian (BAL), the state is authorized to regulate and organize the allocation, use, supply and maintenance of earth, water and space. Further, in Article 14 BAL, it is explained that to achieve the ideals of the nation, the Government is making an inventory of the General Plan, the allocation and use of land, water and space

for various purposes of life of the people and the state. In this regard, In Indonesia, it has been set by the Government Regulation Number 16 of 2004 on Land Use Administration and Law Number 26 Year 2007 on Spatial Planning.

The concept of spatial planning has undergone rapid development, both in theory and practice, even specifically taught in college. However, apparently long before the modern sciences related to the arrangement of the actual space, indigenous people of Indonesia had been familiar with the concepts of spatial planning. Various discussions and studies have proved that they are effective and in tune with modern science and the traditional concepts are still practiced by people, mainly indigenous in Indonesia.³ Although the practical knowledge or traditional knowledge is popularly known as local wisdom, local genius, local knowledge systems (SPL), indigenous knowledge, and other indigenous knowledge or local wisdom are in fact often desperate and marginalized, especially if the traditional society living in countries that implement top-down development approach or departed from the view outside the community, because the traditional wisdom is

¹Juniarso Achmad Ridwan and Sodik, Spatial Law: In the Regional Autonomy Policy Concept, (Bandung, Nuance, 2008), p. 21.

² Ibid.

³Various studies have addressed how local communities implement their concepts in spatial planning, such as

rural communities Kemadang Tanjungsari Gunung Kidul district, and the village community Kramas, Gianyar Bali, as well as the Village Community Paso, Baguala Teluk Ambon, see Muh. Aris Marfai, Introduction to Environmental Ethics and Local Wisdom, (Yogyakarta: Gadjah University Press, 2012).

often considered to less meet the demands of rationality and current development.⁴

The concepts of spatial style of this community is a local wisdom that should be able to support national development. Human proximity physically and emotionally, with the natural resources and environment interactions in a system, produces the process and the results of the interrelated processes that mutually benefit in the long period of time has resulted in knowledge⁵, which will eventually create local wisdom, mainly related to human attitude towards nature.⁶

The existence and role of the public in matters related to the determination of policy in the field of agrarian, including spatial planning, guaranteed in the BAL explanation, stating that customary law as the basis of the formation of the agrarian law.⁷ Speaking of customary law would not be separated from the existence of indigenous people of an area. The indigenous people in an area have perspectives, insights and concepts related to their environment, including the natural, soil, water, air and everything that can be defined as a space in the legislation in Indonesia.⁸ The perspective and the concept can be interpreted as part of the local wisdom. Local knowledge has a broader scope than just traditional knowledge. Local knowledge is a manifestation of the implementation and the articulation and a form of traditional knowledge that is understandable by humans or people who interact with the surrounding nature, so that local knowledge is a cultural knowledge possessed certain population groups, including management models of natural resources in a sustainably, such as how to maintain a relationship with nature through wise and responsible use.⁹ Thus, local knowledge is a

system that integrates knowledge, cultures and institutions and practices to manage natural resources.¹⁰

Local knowledge must be on the communal ownership instead of individual.¹¹ Local knowledge has to be transparent and can be practiced by all ages in community. Local knowledge is also more applicable and pragmatic with a commonly understood philosophical foundation. Local knowledge concern on how to relate well with all natural resources.¹² Local knowledge is more holistic concerning the life of the microcosm and macrocosm. Local knowledge is a reflection of morality that is based on the principle of a taboo and can only be understood by the traditional framework. Local knowledge also has local properties of the reflection characteristics of the local community.¹³ The communal, social, and collective styles of local knowledge are in harmony with the principles of the BAL, and are also closely related to customary law. Related definition of local knowledge was contained in Law No. 32 of 2009 on the Protection and Environmental Management. It is explained that local knowledge is noble values applicable in the governance of public life to protect and manage the environment sustainably. Moreover, the recognition of local knowledge too is the will of the Constitution, as provided in Article 18B paragraph (2) of the 1945, Local knowledge is considered an integral part of the unity of indigenous people. Thus, as long as it is relevant and not in contrary to the current legislation then the government must consider it in the establishment of regulations in the area.

The previous explanation shows that the indigenous communities of indigenous peoples have a strategic role and position in regional autonomy, the legislation ensures their existence, including their right to participate in the policy-making process. Policies related to spatial planning often leads to the pros and cons as well as the problems. Although a formal procedural process is correct, but does it have fully accommodated the aspirations of indigenous communities?. Because theoretically, according to the sociological point of view, the law that can be accepted and implemented the community should not cause problems. This paper illustrated on the role of the community and their local knowledge in spatial planning, particularly in the regions.

2. RESEARCH METHODS

This study used a normative legal research method. Legal research methods are basically researching

⁴Nugraheni, Forest Conservation and Traditional Agriculture Society Pattern Baduy in Banten, Indonesia Studies Journal, Vol. 15, No. 1, March, 2005), p. 14-34.

⁵ Such knowledge includes various aspects of life such as housing arrangements, environmental management, agriculture, provision of food, health, and ways to adjust the pattern of life. Such knowledge is essential for the survival of their lives and is a form of adaptation to the environment that has lasted a long time for generations.

⁶Muh. Aris Marfai, Introduction to Environmental Ethics and Local Wisdom, (Yogyakarta: Gadjah University Press, 2012).

⁷ Muhammad Bakri, Right to Control Land By Country, (Malang: UB Press, 2011), hlm.68.

⁸ Space under the Act No. 26 of 2007 on Spatial Planning is a container that includes land space, sea space and air space, including space in the earth as a whole region, where human and living beings, operate, and maintain its survival.

⁹ Suhartini, Local Wisdom and Biodiversity Conservation (Yogyakarta: Gadjah Mada University Press, 2009)

¹⁰ Ibid.

¹¹Kerf, Environmental Ethics, Compass 2005, in view Muh. Aris Marfai, Introduction to Environmental Ethics and Local Wisdom, (Yogyakarta: Gadjah University Press, 2012).

¹² Ibid.

¹³ Ibid.

normative legal norms and principles of law,¹⁴ normative research will try to find a rule of law, principles of law, as well as legal doctrine to address the legal issues faced by,¹⁵ particularly related to theories. This study examines the issue by referring to the secondary data of literature study done on legal and non-legal materials related to the topic of the study. Secondary law in question is the doctrine, the teaching experts, the work of scientific experts, news and interviews related parties obtained from newspapers and websites that are relevant to the study.

The above data were collected through library research and online research. In this case, the author emphasized the context of how indigenous peoples concerned of spatial planning can be accommodated by the Indonesian national law. The writing focused in the context of the legal establishment that accommodated the participation and involvement of the community, including the community local knowledge. The study tried to explain how the role of local knowledge in accordance to laws and regulations related to spatial planning in Indonesia.

3. DISCUSSION

1. Local Wisdom Formation Related Legislation Spatial

In the dictionary sense, local wisdom consists of two words: wisdom and local. In the English-Indonesian dictionary John M. Echols and Hassan Syadily, local means local, while wisdom equals to wisdom. Generally the local wisdom can be understood as the local ideas that are wise, full of wisdom, good value, embedded and followed by members of the community.¹⁶ Local wisdom is found in the people, communities and individuals. Thus, the local wisdom and traditional knowledge are the views that the reference in the acts and has been practiced by generations to meet the needs and challenges in the life of a community. Local knowledge meaningfully functions in society both for preserving the natural and human resources, customs and culture, as well as benefiting for life.

¹⁴Bagir Manan, Applied Research on Legal Affairs, (paper, presented at the Workshop on Role of Academic In the preparation of legislation, BPHN, Jakarta, 9 to 11 November 1993), hlm.7. Soerjono Soekanto and Sri Mamudji stated that the normative legal research or legal research library is a legal research done by researching library materials or secondary data merely by way of examine the issue by referring to the secondary data view Soerjono Soekanto and Sri Mamudji, Legal Research Normative: A Brief Overview, (Jakarta: King Grafindo Persada, 2001).

¹⁵Peter Mahmud Marzuki, Legal Research, (Jakarta: Gold, 2010), p. 35.

¹⁶Sartini, Exploring the archipelago A Study of Local Wisdom philosophical, Journal of Philosophy, Vol 37, No. 2, August 2004.

The indigenous people in an area have perspectives, insights and concepts related to their environment. The perspectives and concepts can be interpreted as part of local wisdom. Local knowledge has a broader scope than just traditional knowledge. Local knowledge is a manifestation of the implementation of articulation and a form of traditional knowledge that is understandable by humans or people who interact with the surrounding nature. Thus, local knowledge is a cultural knowledge possessed by certain population groups, involving management models of natural resources sustainably, including how to maintain a relationship with nature through wise and responsible use.¹⁷ Thus, local knowledge is a system that integrates knowledge, cultures and institutions and practices to manage natural resources.¹⁸

Local knowledge can be divided into two, that the social and ecological wisdom.¹⁹ Social wisdom emphasizes the establishment of social beings to become wiser and more prudent.²⁰ Ecological wisdom is the human guidance to be wise in interacting with the natural environment biophysical and supernatural. Local knowledge in ecology considers that human beings are part of nature.²¹ So, in this case, the wisdom associated with the configuration space is included in the ecological wisdom. Local wisdom in the context of spatial planning is very important because the principles of the Law on Spatial Planning in tune with the concepts of local wisdom. Functionally local wisdom is associated with harmony, balance and sustainability.²²

Speaking of local knowledge, it will be very closely related to the natives, local, or indigenous peoples. Efforts to achieve the enforcement of human rights (HAM) to indigenous peoples carried by the State is to provide legal protection for indigenous peoples as mandated in the constitution. Constitutional basis for the protection, recognition, and respect for indigenous and tribal peoples contained in Article 18, Article 18 B (2) of the Act of 1945 : "The State recognizes and respects units of indigenous and tribal peoples and their traditional rights as long as they live and in accordance with the development of society and the principles of the Republic of Indonesia, which is regulated by law. The existence of the people in the constitution is set also in Article 18B paragraph (3), Article 28 paragraph (3), and Article 32 paragraph (1) and (2) 1945.

The community and local wisdom known to some local wisdom archipelago include, among others: *Alam Takambang jadi Guru* (Minangkabau), *Banjar Sari*

¹⁷ Suhartini, Local Wisdom and Biodiversity Conservation (Yogyakarta: Gadjah Mada University, 2009).

¹⁸ Ibid.

¹⁹ Wayan Suja, Original Bali Local Wisdom Science, (Surabaya: Paramita, 2010).

²⁰ Ibid.

²¹ Ibid.

²² I Wayan Geriya, Concepts and Strategies Revitalization of Local Wisdom, (Denpasar: UPT Udayana University Publishers, 2007).

(Jakarta), *Nyabuk Gunung* (Sunda), *Bersih Desa* (Java), *hamemayu Hayuning Bawono* (Yogyakarta), *Karah* (Surabaya) *Tri Hita Karana* (Bali), *Awig Awig* (Bali and NTT), *Kassi Kassi* (Napier) and *Sasi* (Maluku).²³

Local wisdoms are considered well-proven from their existence, and the indigenous communities were able to balance the natural conditions and ecosystems. The local wisdom inherent in the existence and life of local people, so it is appropriate to be called the wisdom of indigenous peoples in Indonesia. Indigenous peoples living with their local knowledge, therefore if the state is serious in protecting the indigenous peoples, it must also protect and preserve their local wisdom.

The discussion about the legal protection of indigenous peoples would have to depart from the rights of indigenous peoples in relation to the recognition and regulation in national law. Therefore, the first thing to do is determine the position and status of the indigenous people themselves as legal subjects that have the customary rights within the framework of the Republic of Indonesia.²⁴ Whether the state recognizes and respects or not the existence of the indigenous peoples with all the traditional rights attached to it. Also, how the national political law protect the rights of indigenous peoples by the 1945 Constitution.²⁵

Spatial is a system of spatial planning processes, space utilization, and the control of the utilization of space.²⁶ Understanding Spatial Planning itself contains a very broad sense, namely that is a form of spatial structure and pattern of spaces.²⁷ In the previous legislation, it is stated that "the layout is a form of structural and spatial use either planned or not."²⁸ While the room, the room itself is: "the container includes the land, sea, air space as a single

²³Nyoman Wijana, *Environmental Management*, (Yogyakarta: Plantaxia, 2016), p. 3.

²⁴The maximum legal protection in terms of both material and spiritual over the political implementation of development should be emphasized. It is hoped that no more violations of the rights of indigenous peoples both in the economic, political, legal, and social and cultural. Because the offense is also often lead to conflict between indigenous peoples, both with local government, central government and private parties.

²⁵Dr. Wicipto Setiadi, SH, MH, welcome the opening of the Head of the National Legal Development Agency Directions Seminar On Legal Protection for Indigenous People in National Legal Systems, Malang, May 12th, 2011.

²⁶ Article 1 (5) of Law Number 26 Year 2007 on Spatial Planning (Official Gazette of the Republic of Indonesia Year 2007 Number 68).

²⁷ Law Number 26 Year 2007 on Spatial Planning (Official Gazette of the Republic of Indonesia Year 2007 Number 68).

²⁸ Article 1 of Law No. 24 of 1992 on Spatial Planning (Official Gazette of the Republic of Indonesia Year 1992 Number 115).

region where humans and other creatures live, conduct activities and maintain its survival."²⁹

In this regard, the general explanation of Act No. 26 of 2007 on Spatial Planning is stated as follows.

The space includes land, sea and air space, including the space in the earth, as a place of human and living beings to operate, and maintain the continuity of life, basically the availability is not unlimited. In this regard, and to realize the national spatial safe, comfortable, productive, and sustainable based Archipelago and National Security, this legislation mandates the need for spatial planning to harmonize the natural environment and the built environment, which can realize the integration in the use natural resources and made resources, and to receive protection against preventive function space and negative impact on the environment due to the use of space.

Therefore, it is clear that the arrangement of the space contains a very broad dimension of the activities. Therefore, it is not surprising that many found the existence of various related laws and regulations. When problems related to spatial planning is put in the context of the State Law of Welfare, as adopted by the Republic of Indonesia, it can be said that the spatial planning policies as stipulated in Law No. 24 of 1992 is highly relevant to understanding the State Law of Welfare.³⁰ It can be seen in the general explanation of item 1 of the law, stating that Space of the Republic of Indonesia, both as a unitary which includes land, sea and air space, including space in the earth and natural resources, is a gift of God the Almighty to the people of Indonesia to be grateful for, protected and sustainably managed for the greatest prosperity of the people following the mandate contained in Article 33 paragraph (3) of the 1945 Constitution, as well as the meaning contained in the Pancasila, the state philosophy and foundations.

Orientation of spatial planning is to realize the national space that is safe, comfortable, productive, and sustainable based on the insight of the archipelago and national resilience.³¹ Another important thing to note is that Law No. 26 of 2007 on Spatial Planning requires protection function space and prevention of negative impacts on the environment due to the use of space.³² This objective is aligned with the concept of local wisdom.

2. Public Participation in Spatial Planning

Participation can be interpreted as an opt-in, participating in an activity, ranging from planning to evaluation. Public participation in the process of

²⁹ Ibid., Article 1 (1).

³⁰ Apart from the preamble to weigh in Law No. 26 of 2007 which states that Act No. 24 of 1992 is not in accordance with the needs of the spatial arrangement.

³¹ Maria Sumardjono, *setting SDA In Indonesia*, Antara Explicit and Implicit, (Yogyakarta: Gadjah Mada University, 2011).

³² Article 3 of Law No. 26 Year 2007 on Spatial Planning (Official Gazette of the Republic of Indonesia Year 2007 Number 68).

establishing laws and regulations can be categorized as political participation.³³ Political participation is defined as the activities of private citizens to influence decision-making by the government.³⁴

Community participation is defined as community participation, either individually or in groups, an active part in determining public policy or legislation. Participation is a space for people to negotiate the policy formulation process, especially with a direct impact on people's lives.³⁵ In addition to giving space for the public to know early on what implications the formation of legislation, participation is necessary to ensure that public interests are not ignored by forming rules.³⁶ Especially that essentially all regulations established order of life aim at the realization that benefit people's interests.³⁷

Basically the concept of public participation is not a standard but simply "a means to an end", so it is not an end in itself.³⁸ The real goal is "significant impact" on the process of governance in the broadest sense, especially with regard to the management of public resources. In the concept of participatory democracy, humans are able to align their personal with social interests. The alignment of the two kinds of interests can be realized if the decision making process to provide greater opportunities for them to express their interests and views. The decision making process which provides a space for stakeholders to participate, so the difference between the interest groups and the other one can be communicated.³⁹

According Koesnadi Hardjosoemantri, main ideas underlying the need for community participation can be expressed as follows.⁴⁰

1) Giving Information to Government

Community participation will mainly be able to increase the knowledge about a certain aspect derived from specialized knowledge society itself. Participation of the community is needed to provide input to the government

on issues that can be caused by a government plan with various consequences. Information obtained from the public will add to the information and input to the decision making process undertaken by the government. It will ultimately improve the quality of the decision.

2) Improving Public Willingness To Accept Decision

Someone who has the opportunity to participate in the decision-making process, would tend to show acceptance and conform with the decision.

3) Assist Legal Protection

When a final decision is made by taking into account the objections raised by the public during the decision-making process, then in many cases there will be no need to apply to the court.

In theory, it does require active community participation, especially in the era of regional autonomy, as now, the independence and self-determination is very important. Society as the original inhabitants of the territory is expected to determine the direction and policies for their own welfare. However, the direction and the policy should be in harmony with the national policies, better programs and regulations. By law, public participation is guaranteed and must be accommodated in the establishment of the regulation. There are at least six of the Acts related to public / community participation, namely:

- 1) Law Number 26 Year 2007 on Spatial Planning
- 2) Act No. 14 of 2008 on Public Information;
- 3) Law No. 32 of 2009 on the Protection and Environmental Management;
- 4) Law Number 12 Year 2011 on the Establishment of Legislation;
- 5) Act No. 6 of 2014 on the Village;
- 6) Act No. 23 of 2014 on Regional Government.

To absorb and transform local knowledge into the formal legal system, the most logical thing is to accommodate it in the local legislation. Local Government regulations require their participation in their the establishment, as well as Law Public Disclosure which requires the involvement and participation at the local level, including the local regulations referred to in the Act of the Establishment Regulation Legislation.⁴¹

³³Halim Hamzah and Kemal Redindo, *Practical Ways to Develop and Design Regional Regulation*, (Jakarta: Kencana Prenada Media Group, 2009), p. 108.

³⁴ Samuel Huntington and Joan Nelson, *Political Participation in Developing Countries*, (Jakarta: Rineka Copyright, 1994).

³⁵Saldi Isra, *Shifting Function Legislation*, (Jakarta: PT. King Grafindo Persada, 2010), p. 282-283.

³⁶ Ibid.

³⁷Pataniari Siahaan, *Political Establishment Law Amendment Act Post 1945*, (Jakarta: Konpress, 2012), p. 35.

³⁸ Mas Achmad Santosa, *Good Governance and Environmental Law*, (Jakarta: ICEL, 2001), hlm.48.

³⁹ Mas Achmad Santosa and Arielle HP, *Public Participation in Environmental Management*, (Jakarta: WALHI and Institute Foundation, 1933).

⁴⁰Abdul Gofur Anshori and Sobirin Malian, *Indonesian Law Building Inauguration Speech Professor of Law*, (Yogyakarta: kresi Total Media, 2008), see also the *rechtsvinding Journal* Volume 4, August, 2015, p. 299-300.

⁴¹Referring to the fact that the preparation of a draft regulation made so far, public or community involvement is definitely a must, although not a legal obligation. If there is any involvement of the public, it is likely to result from the approach and sometimes "pressure" from the public - both the NGOs and the communities involved directly against the regulation. However, in this public involvement there is still no guarantee what the aspirations of the community will be written in the final product regulation can be implemented. The legislative drafting is more emphasis on the technical process, and not on the substance so that the benefit brought by the law is not

The formation process of the law of a country cannot be separated from the "lawless way" of the nation.⁴² This will be influenced by the politics of this nation's laws, especially the authorities. Political law contains the policy direction that will be applied to establish the purpose and content of a regulation-law.⁴³ In this context, also the community participation in Law Number 26 Year 2007 is specifically regulated in Chapter VIII contains about Rights, Liabilities and Role of Civil Society.

In the arrangement of space, everyone is entitled to:⁴⁴

- 1) know the layout plan;
- 2) enjoy the value of space as a result of spatial planning;
- 3) obtain adequate reimbursement for losses incurred as a result of the implementation of development activities in accordance with the spatial plan;
- 4) appealed to the authorities to development that is not in accordance with the spatial planning in the region;
- 5) filed cancellation of licenses and termination of development that does not comply with the spatial plan to the authorities; and
- 6) filed a lawsuit for damages to the government and / or permit holder if development activities are not in accordance with the spatial plan result in losses.

Later in the implementation of spatial planning done by government, participation society is needed, through:⁴⁵

- 1) participation in the preparation of spatial planning is a process for determining the structure and pattern of spaces that includes the preparation and adoption of spatial planning;
- 2) participation in the utilization of space, is the attempt to realize the structure and pattern of spaces in accordance with the spatial planning through the preparation and implementation of programs and financing;
- 3) participation in controlling the use of space, is the attempt to realize the orderly layout.

Technically, the public participation in spatial planning can be seen through the Government Regulation Number 68 Year 2010 on the Forms and Procedures for Public Role in Spatial Planning. In the government regulation

necessarily beneficial. Parties are supposed to be involved even excluded as an indicator of the onset of a conflict.

⁴²Anis Ibrahim, *Legislation and Democracy* (Malang: In-Trans Publishing, 2008), p. 82.

⁴³Mahfud MD, *Political Law in Indonesia*, (Jakarta: PT. King Grafindo Persada, 2009), p. 1.

⁴⁴ Chapter VIII, Article 60, Law No. 26 of 2007 on Spatial Planning (Official Gazette of the Republic of Indonesia Year 2007 Number 68).

⁴⁵ Chapter VIII, Article 65 of Law No. 26 Year 2007 on Spatial Planning (Official Gazette of the Republic of Indonesia Year 2007 Number 68).

mentioned, the public role in spatial planning is determined on the following stages.⁴⁶

- 1) spatial planning;
- 2) utilization of space; and
- 3) control space utilization.

The community's role in spatial planning includes:⁴⁷

1. Giving feedback on:
 - a) preparation of spatial planning;
 - b) identifying the potential and problems of development or areas;
 - c) formulating conceptions of spatial planning; and / or
 - d) determination of spatial planning.
2. Through the cooperation with the government, local government, and / or fellow community element in spatial planning.

Government and / or regional governments in spatial planning to actively involve the community. Where communities are directly affected by the activities of spatial planning, which has the expertise in the field of spatial planning, and / or whose main activity in the field of spatial planning.

From the above explanation, the community can provide input in the planning phase to provide input. The indigenous people who understand the spatial concept based on local wisdom obviously are included in the parties to be involved as the indigenous people meet the requirements as parties who understand and experts on governance space based on the perspective of local wisdom.⁴⁸

While local knowledge related editorial explicitly contained in Article 9 paragraph (3) and (4), which states: The role of the community in the form of space utilization include:⁴⁹

- 1) input on policy space utilization;
- 2) cooperation with the government, local government, and / or fellow community elements in the utilization of space;
- 3) utilize the space activities in accordance with the local knowledge and spatial planning that has been set;
- 4) increase efficiency, effectiveness, and harmony in the utilization of land, sea, air space, and the space inside the earth by taking into account local knowledge and in accordance with the provisions of laws and regulations;

⁴⁶ Chapter II, Article 5 of Government Regulation No. 68 Year 2010 on the Forms and Procedures Role of Civil Society in Spatial Planning.

⁴⁷ *Ibid.*, Chapter II, Article 6.

⁴⁸ Rule turned out to ensure that anyone, not necessarily practitioners / academics who understand the layout of modern science but whoever the person as long as the expert in the field of spatial planning, in this context, the expert-based knowledge that holding on local wisdom was included.

⁴⁹ *Ibid.*, Article 9.

- 5) activity to maintain defense and security interests as well as maintain and improve the preservation of the environment and natural resources; and
- 6) investment activities in utilization.

The formulation of paragraph (3) which states that "in accordance with the local knowledge and spatial planning" showed that the spatial planning regulations have given recognition to the indigenous communities. So that the existence of local knowledge will be stronger because the use of space not only should be in accordance with the existing spatial plan but also must be adjusted to the local wisdom. Spatial Plan here is the Spatial Plan of the center for synergy and harmony with the Regional Spatial Plan. In accordance with Law Number 26 of 2007, the space mapping was conducted in phases and complementary in accordance with the administrative authority, in the form RTRWN (Plan National Spatial), RTRW Province (Spatial Plan Province), and RTRW District / City (Spatial Planning District / City)

3. Integrating Local Wisdom in Spatial Through Community Participation

In the procedure of spatial planning, regulations at central or regional level should be synergistic and comprehensive. The aim of spatial planning is the implementation of environmentally sound space utilization as well as the achievement of quality space utilization.⁵⁰

Emphasis should be done for the preservation of local wisdom, to make traditional norms and cultural traditions as a charge in the legislation. However, it needs deeper study involving cross-disciplines, such as social sciences, law, and culture to see the potential of local knowledge in each area.⁵¹

Efforts to harmonize local knowledge of aspects of spatial planning can be in community involvement. For example, the involvement of traditional leaders in the dissemination of legislation in the field of spatial planning. Traditional leaders should know and understand the local wisdom in an area. In addition, the dissemination of information to the provisions of regional culture and heritage preservation is another important factor in the harmonization process. Thus, the spatial planning regulation to consider local wisdom can effectively be utilized by all parties. Utilization of traditional forums or social organizations in the framework of the public consultation process as well as effective in the context of harmonization of local wisdom with coaching aspect.⁵²

Harmonization of local wisdom in the implementation of spatial planning can also be done by maintaining, protecting, and restoring the function of the area that has the values of the cultural heritage of history, local

knowledge, science, and culture; and encourage social life and diversity of arts and cultural activities. It is in a broad sense, including through the provision of space and facilities so as to elevate the functional value, economy, art, culture and history. In addition, the development will be conducted through a public-private partnership system of institutional, legal and effective urban management and professional at buildings or preservation of existing conservation. Here, the involvement of traditional leaders is also indispensable as a learning process of the local wisdom that exist in a local area. Of spatial planning and local knowledge is well-aligned. At the local level, local knowledge is key to the strengthen the spatial planning. Law on Spatial Planning has authorized the Provincial Government and City/Regency to plan the arrangement of their respective territories in accordance with the potential resources, characteristics, and culture (local wisdom) of each region. UUPR mandates the importance of the aspect of local wisdom contained in the culture system of spatial planning. The government needs to continue to make some efforts at various levels of spatial planning to maintain and preserve the values of local wisdom as local knowledge is the key to the strengthening of spatial planning. Law on Spatial Planning has authorized the Provincial Government and City / Regency to plan the arrangement of their respective territories in accordance with the potential resources, characteristics, and culture (local wisdom) of each region.

In the process of drafting the spatial plans, the role of the community should be involved in the whole process, starting from the preparation stage to the stage of the establishment of a spatial plan. The implementation of spatial planning begins with the identification of the potential and problems of development that not only focus on the present but also the future, while considering the potential and the culture of each region.⁵³

The use of space that is not in accordance with the Spatial (Spatial Planning) can cause a negative impact and that is not only against the socio-economic circumstances but also unordered space change could cause flooding, landslides and ground water quality.⁵⁴

Other problems are related to the Indonesian government system, where the current changes with the distributed power from central government to the regions in various development activities in the form of regional autonomy system.⁵⁵ The concept of regional autonomy region has discretion to manage and exploit the potential of its resources, particularly in land use in the area. Autonomy is important to strengthen the culture and democratic values such as tolerance, freedom of speech,

⁵⁰BPHN, Development Trend of National Law On Spatial Law, Jakarta, BPHN, 1996, p. 4.

⁵¹ Imam S. Ernawi, Paper presented at the National Seminar on " Urban Culture, Urban Future: Harmonization of Spatial Planning and Cultural Potential To Optimize the City ".

⁵² Ibid.

⁵³ *Ibid.*

⁵⁴ IPB Research Report, 2010, as cited in BPHN Final Research Report 2016.

⁵⁵Autonomy implies its own settings (selfregelling), self-government (selfbestuur). Autonomy has the meaning of independence, autonomy has the principles of justice and respect for indigenous rights, see Ade Saptomo, Law and Local Wisdom, (Jakarta: Grasindo, 2010), p. 1.

respect the opinions, open communication and understanding of diversity in society.⁵⁶ Those things are important to protect and guarantee the rights of citizens in the struggle between the ideal value, instrumental value, and its social, economic, cultural, including nature.⁵⁷ Over time, the problems arising in the implementation of regional autonomy, including issues related to spatial planning, in the name of development and autonomy of the ongoing massive construction in the area, but in fact in many ways it was also revealed their opposition from the public, when it should be building it for the community.⁵⁸ Inappropriate development damaging the environment and spatial abuse is often a trigger, something that should not happen because the actual regulations, restrictions, and reference of spatial planning is already clear, including accommodating the aspirations of the people.⁵⁹

In the context of the participation, involvement of the community is absolutely necessary, because they fully understand the area where they live, and they will be affected by the arrangement of space. Their thinking and local wisdom need to be formulated in the form of a formal regulation.

Along with the development of globalization, the cultural aspect is also progressing quite rapidly because it is an important part of science and its relation to human social relations. Because of the close relationship between the potential of cultural and spatial planning, it is necessary to accommodate local cultural values / customs into positive law, i.e. into the spatial planning regulation.⁶⁰ Efforts to accommodate local wisdom in the regulation of spatial namely through the adoption process, adaptation.

⁵⁶Rusdianto Sesung, Regional Autonomy Law, Refika Aditama, Bandung, 2013, p. 31.

⁵⁷ Ibid.

⁵⁸With such conditions, controlling the use of space to be very important by the government, especially the local government in an effort to optimize land use in accordance with environmental carrying capacity each. Weak development control mechanism is one of the obstacles in implementing the spatial planning in the area. Spatial planning has not been a guide in policymaking, especially in the planning of development activities are carried out every year rarely pay attention to spatial planning to determine the exact location of development.

⁵⁹ In some cases, it is evident that local knowledge is not adhered to the detriment of development, such as what happened in Bandung, regulation should refer to the concept of Sunda oriented watershed protection (Watershed) in the development of construction, eventually pollution and flooding, interviews Indra Perwira, Padjadjaran University lecturer and member DPKLTS.

⁶⁰ Imam S. Ernawi, Paper presented at the National Seminar on "Urban Culture, Urban Future: Harmonization of Spatial Planning and Cultural Potential To Optimize City".

Adoption means to accommodate what is contained in the local wisdom completely or directly into the regulation without any intervening spatial arrangement of various things or aspects. For example, in Nusa Penida, Bali, local religious beliefs become a reference for environmental conservation efforts. The local culture, including religious beliefs and behavior, is an important aspect in the form of the creation of a good relationship between the communities or a community with nature. Therefore, as an example of the adoption process associated with the local wisdom, in Coral Keckeran, for example, there is a local land use regulation that governs the physical development must not be carried out within a radius of 0.5 km from Pura Dhang heaven. Naming the area is another example, which is part of the adoption process, where naming the area using the names of naming zoning that was used. For example, in Solo, Yogyakarta, the names of a region (village or neighborhood) adopted from the names of zonation: *kauman* (area of Islamic boarding schools), *kepatihan* (the area of *patih*), and *Jagalan* (the area of slaughtering cattle from the past). Next accommodation process that can be done by adapting or adjusting the local wisdom that can include changes to adjust and produce a better planning. Land related customary rights can be an example of the adaptation process. For example, the Baduy in Banten, they live hereditary over certain areas and establish areas of life. Baduy are bound by customary legal order of Baduy and all community members must comply with customary law. Land related customary rights has become part of their lives. They live by taking advantage of the natural resources on these lands.⁶¹

Through the process of adaptation, the government recognizes and establishes some areas in Banten, for example, Kanekes village as customary indigenous law Baduy community, through some local regulations, such as:⁶²

- a. Lebak Regency Regulation Number 32 of 2001 on the Protection of Land Rights Baduy community;
- b. Regional Regulation Number 31 of 2001 on Spatial Planning Lebak;
- c. Lebak Regent Decree Number 590 / Kep.233 / Huk / 2002 on the Establishment of Boundaries Details Indigenous Communal Land Kanekes Beduin Village, District Leuwidamar, Lebak.

With the legal provisions and the adaptation process, to date communal land Baduy maintains its existence, including cultural values that is still be preserved, so that local knowledge can be synchronized with the process of adaptation into spatial planning regulations. With cultural diversity that continues through the adaptation process is a continuous function of creativity, culture that has lost its existence can be built back to be developed. In fact, this also applies to the new cultural perspective or, where there will be a process of adaptation or adjustment of the existing conditions.

⁶¹ Ibid.

⁶² Ibid.

Law Number 26 Year 2007 on Spatial Planning (UUPR) has authorized the Provincial Government and City / Regency to plan the arrangement of their respective territories in accordance with the potential resources, characteristics, and culture (local wisdom) of each region. UUPR mandates the importance of the aspect of local wisdom contained in the culture system of spatial planning. The government needs to continue to make some efforts at various levels of spatial planning in order to maintain and preserve the values of local wisdom in the context of spatial planning.⁶³

The spatial planning and local knowledge is well-aligned. At the local level, local knowledge is the key to the strengthening of spatial planning. Because of the close relationship between culture and the city, where the city is a form of physical and spatial manifestation on the articulation of culture, efforts to accommodate cultural aspects into spatial planning needs to be considered properly. In order to harmonize, maintain,⁶⁴ Operationalization of policies and strategies for the preservation and development of local wisdom should be pursued in a more integrated and sustainable synergy between the cultural aspects as well as aspects of other strategic through the mainstreaming of the principles and cultural values of the area in the process of spatial planning at the level of central government, provinces, counties and municipalities in accordance with the spirit of decentralization and regional autonomy.

4. CONCLUSION

The Community and local wisdom are acknowledged in the arrangement of space, even their role are explicitly accommodated in legislation. In the technical level, local wisdom should be formulated in the form of local legislation level, even in some areas have local regulations and actually accommodate the local wisdom. Efforts should be made to accommodate local wisdom into local legislation by adoption and adaptation. In the process of drafting the spatial plans, the role of the community should be involved in the whole process, starting from the preparation stage to the stage of the establishment of a spatial plan. Active participation is the key so that the public can play a real and not just a procedural role in the establishment of regulations in the area. Through this stage of participation, indigenous communities will also be accommodated properly, participation in the formation of local regulations is guaranteed by the Act. Local regulations that accommodate local wisdom can be an indicator and a legal basis to show that customary law community unit still exists.

BIBLIOGRAPHY

A. Book

⁶³ Ibid.

⁶⁴ Ibid.

Anshori, Abdul Gofur and Sobirin Malian, Indonesian Law Building Inauguration Speech Professor of Law, (Yogyakarta: kresi Total Media, 2008)

Bakri Muhammad, Right to Control Land By Country, (Malang: UB Press, 2011)

Geriya, I Wayan, Concepts and Strategies Revitalization of Local Wisdom, (Denpasar: UPT Udayana University Publishers, 2007)

Halim, Hamzah and Kemal Redindo, Practical Ways to Develop and Design Regional Regulation, (Jakarta: Kencana Prenada Media Group, 2009)

Huntington, Samuel and Joan Nelson, Political Participation in Developing Countries, (Jakarta: Rineka Copyright, 1994)

Ibrahim, Anis, Legislation and Democracy (Malang: In-Trans Publishing, 2008)

Isra, Saldi, Shifting Function Legislation, (Jakarta: PT. King Grafindo Persada, 2010)

Sumardjono, Maria, setting SDA in Indonesia, Antara Explicit and Implicit, (Yogyakarta: Gadjah Mada University, 2011)

Marzuki, Peter Mahmud, Legal Research, (Jakarta: Kencana, 2010)

Marfai, Muh Aris, Introduction to Environmental Ethics and Local Wisdom, (Yogyakarta: Gadjah Mada University Press, 2012)

MD, Mahfud, Political Law in Indonesia, (Jakarta: PT. King Grafindo Persada, 2009),

Juniarso, and Achmad Ridwan Sodik, Spatial Law: In a Policy Concept of Autonomy, (Bandung: Nuance, 2008)

Santosa, Mas Achmad, Good Governance and Environmental Law, (Jakarta: ICEL, 2001)

Santosa, Mas Achmad and Arielle HP, Public Participation in Environmental Management, (Jakarta: WALHI and Institute Foundation, 1933)

Saptomo, Ade, Law and Local Wisdom, (Jakarta: Grasindo, 2010)

Sesung, Rusdianto, Regional Autonomy Law, (Bandung: Refika Aditama, 2013)

Siahaan, Pataniari, Political Establishment Law Amendment Act 1945 post, (Jakarta: Konpress, 2012)

Soekanto, Soerjono and Sri Mamudji, Normative Legal Research: A Brief Overview, (Jakarta: King Grafindo Persada, 2001)

Suhartini, Local Wisdom and Biodiversity Conservation (Yogyakarta: Gadjah Mada University, 2009)

Suja, Wayan, Bali Asli Local Wisdom Science, (Surabaya: Paramita, 2010)

Wijana Nyoman, Environmental Management, (Yogyakarta: Plantaxia, 2016)

B. Journals / Articles / Website

Nugraheni, Forest Conservation and Traditional Agriculture Society Pattern Baduy in Banten, Indonesia Studies Journal Vol. 15 No. 1 March (2005)

Sartini, Exploring the archipelago A Study of Local Wisdom philosophical, Journal of Philosophy, Volume 37, Number 2, August (2004)

C. Regulation

Constitution of the Republic of Indonesia Year 1945

Law No. 26 Year 2007 on Spatial Planning

Government Regulation No. 68 Year 2010 on the
Forms and Procedures Role of Civil Society in Spatial
Planning