



The Urgency of Integrating Local Wisdom Values in Regulations in the Environmental Sector

Mella Ismelina Farma Rahayu¹(✉), Anak Agung Sagung Laksmi Dewi²,
Rugun Romaida Hutabarat¹, and Ande Aditya Iman Ferrary³(✉)

¹ Tarumanagara University, Jakarta, Indonesia

² Warmadewa University, Denpasar, Indonesia

³ Ibn Khaldun Bogor University, Bogor, Indonesia

andeaditya.aaif@gmail.com

Abstract. The values of local knowledge in maintaining and conserving environmental functions, as well as their standards in laws and regulations, will be investigated in this study. Local wisdom, as we understand it, encompasses positive and institutionalized ideals in society and is utilized as a standard in attitude and action. However, it appears that many environmental policies and laws have not made the values of local knowledge the foundation for developing, Jakarta, Indonesia legal restrictions. As a result, the issue presented in this study is how to include local knowledge values into environmental protection and management standards. The study approach employed to analyse this topic is normative juridical using secondary data. Secondary data was gathered using library research data gathering methodologies and qualitative legal analysis. According to the findings of the study, local knowledge encompassing local values, wisdom, wisdom, ethics, and morality in safeguarding and sustaining environmental functions should be the foundation for developing laws and regulations concerning natural resources and the environment. This is because local wisdom reflects the legal attitudes of the community. Integrating local wisdom values into national law will result in national laws with Indonesian features, in which the values that underpin the law's validity match the peculiarities of the Indonesian legal culture.

Keywords: local wisdom · values · environment · environmental protection and management

1 Introduction

Local wisdom values abound throughout Indonesia and its varied civilizations. Local knowledge may be found in customary law, which serves as a guideline for the community that follows it. Similarly, local understanding on environmental protection and management evolves in tandem with human interaction patterns with their living environment. This is consistent with the definition of local wisdom in Article 1 Number 30 of Law No. 32 of 2009 for the Protection and Management of the Environment (UUPPLH),

© The Author(s) 2023

I. N. P. Budiarta et al. (Eds.): ICBLT 2022, ASSEHR 721, pp. 932–936, 2023.

https://doi.org/10.2991/978-2-494069-93-0_109

which defines local wisdom as the noble ideals utilized in community life to conserve and manage the environment sustainably. These noble principles apply to the community as a way of life in the context of environmental preservation and conservation.

Indonesian positive law originated from the nation's cultural values that grow and develop alongside its people. As emphasized by Esmi Warasih in his inaugural speech as Professor, "The application of a legal system that does not originate or grow from the content of society is a problem, especially in countries where there is a mismatch between the values that support the legal systems adopted from other countries with the values that members of the community themselves live.

The formation of laws in Indonesia that are Indonesian-centric brings great expectations for all of us, as stated by Sunarjati Hartono, who recommends several things in the context of the formation and development of Indonesian national law and must get attention, namely in the following matters:

- 1) National law must be a continuation (inclusive modernization) of customary law, with the understanding that national law must have the spirit of Pancasila. It means, the soul of the five precepts of Pancasila must be able to meet the needs of the Indonesian people in the present and as much as possible in the future;
- 2) Indonesian national law will not only revolve around the issue of choosing parts between customary law and western law, but must consist of new regulations in accordance to the requirements of its people which will have the capability to tackle futuristic crimes as well;
- 3) The formation of legal regulations is determined functionally. That is, newly formed law must have the capability to substantially meet the needs of the community. Furthermore, the rights or obligations created are also in accordance with the goal of achieving an impartial society prosperous in justice.

However, many laws and regulations, especially those relating to environmental protection and management, still have not been based on local wisdom. Here arise the need for regulation renewal related to harmonization and synchronization of legal materials with local wisdom values, paradigm, culture as well as legal awareness of the community in order to achieve laws following the demands and needs of the community that are sourced from the cultural values of the Indonesian nation. Based on the background described above, this research aims to know how to Integrate Local Wisdom Values Into the Norms of Environmental Protection and Management.

2 Method

The research approach method used is normative juridical with the use of secondary data. Secondary data was obtained through library research data collection techniques and qualitative juridical analysis.

3 Result and Discussion

3.1 Legal Development Politics

To fulfill the legal purpose ideal for Indonesia as a country, the integration of local wisdom values in environmental protection and management regulation is dependent on legal politics or fundamental legal policies from state administrators.

Legal politics plays an important role in defining the ideals, creation, application, and growth of law in Indonesia. This is consistent with Daniel S. Lev's belief that the most important factor in the process of law formation is conception and political power, namely that law is more or less always a political tool and that the place of law in the state is determined by political balance, the definition of power, political, economic, social, and so on.

The construction of a legal product is determined by politics. As a result, it is vital to comprehend the link between politics and law, as well as the cultural, economic, and social. Furthermore, according to Miriam Budiarmo, political power is defined as the ability to influence public policy (government) both in its formulation and its repercussions.

In addition to the political forces of political institutions, it is necessary to recognize groups concerned during the formation of a legal product, such as community leaders, scientific leaders, religious leaders, community organizations, and others who can contribute to and influence the formation of legal products.

Population engagement, both vocally and in writing, is required throughout the formulation of rules per legislation, including from the indigenous community. As a result, it is past time for Indonesian law development procedures to incorporate the values of local knowledge when designing laws and regulations in order to accomplish legal development in the contemporary period and attain justice for all of its people.

3.2 Integration of Local Wisdom Values in Environmental Protection and Management Norms

If we examine the existing laws and regulations in Indonesia, there has been an acknowledgment of local wisdom in the constitution. This indicates that local wisdom plays a significant role in environmental protection and restoration.

Articles 18 B paragraph (2) and 28 I paragraph (3) of the 1945 Constitution provide the philosophical framework for recognizing local knowledge (UUD 1945). Articles 63 paragraph (1) letter t, 63 paragraph (2) letter n, and 63 paragraph (3) letter k of Law No. 32 of 2009 concerning Environmental Protection and Management provide further provisions on the recognition of the presence of local wisdom (UUPPLH). According to Law No. 32 of 2009, local knowledge is also one of the legal foundations guiding environmental preservation and management. This implies that natural resource and environmental legislation must be based on the concept of local wisdom.

Furthermore, the community can carry out space utilization activities in accordance with corporate governance, traditional values, or procedures contained in local wisdom, as stated in Article 8 letter c of Government Regulation No. 68 of 2010 concerning Forms and Procedures for Community Participation. Similarly, it is vital to employ local

wisdom when establishing a reclamation master plan, as described in Article 11 letter k of Presidential Regulation Number 122 of 2012 Concerning Reclamation in Coastal Areas and Small Islands.

Similarly, as emphasized in Article 3 letter g of the Regulation of the Minister of Home Affairs Number 33 of 2009 concerning Guidelines for Ecotourism Development in the Region, where local wisdom is one of the principles that must be considered in the development of ecotourism, namely by looking at the socio-cultural values found in the ecotourism area, local wisdom is one of the principles that must be considered in the development of ecotourism.

Local knowledge recognition regulations can also be established at the district government level. The Bali Provincial Regulation Number 3 of 2001 involving Pakraman Village and the Bali Provincial Regulation Number 9 of 2012 involving Subak are two examples of this, where the two Regional Regulations largely regulate Tri Hita Kirana-related local knowledge in Bali. Furthermore, West Java Governor Regulation Number 72 of 2018 concerning Geopark Area Development states that Geopark management is carried out with the active participation and empowerment of the local community (Article 5 paragraph (2)) and the Regional Government in order to foster public understanding and concern for the earth and the surrounding environment, as well as economic development of local communities.

Article 4 of Papua Province's Regional Regulation No. 6 of 2008 on Environmental Preservation emphasizes that the Regional Government must regard indigenous groups' rights while creating environmental conservation measures. This recognition implies accepting the current values of local wisdom. Furthermore, Maluku Province Regional Regulation Number 15 of 2014 concerning the Protection and Development of Environmental Management specifies the recognition of local knowledge in the formulation of environmental protection and management plans in Article 4 paragraph (3).

The preservation of regional culture is emphasized in Article 2 of the Regional Regulation of the Bangka Belitung Islands Province Number 3 of 2019. As a result, one of the legislative aims of regional culture preservation is to preserve regional socio-cultural values so that they may be exploited as social capital in regional development and nation building.

According to the criteria above, there appear to be efforts in Indonesia's positive legislation to codify the values of local knowledge. This suggests that recognizing the significance of local knowledge might serve as the foundation for designing customized environmental protection and management policies. Furthermore, while concluding a case, judges might employ the values of local knowledge as the foundation for legal discovery, making it jurisprudence.

Integrating local wisdom values into national law will result in regulations that are compatible with Indonesian characteristics, with the principles that support the law's validity being consistent with Indonesian legal culture characteristics.

4 Conclusion

Local wisdom must be recognized in environmental regulation since it includes good live desirable life qualities. In everyday life, all human actions have an impact on the

surrounding environment, both positively and negatively. In everyday life, all human actions have an impact on the surrounding environment, both positively and negatively. As a result, people must recognize that all actions must have a beneficial impact on the ecosystem by maintaining and protecting the nature's carrying capacity. In the values of local wisdom, a harmonious and balanced environment is needed as a determinant of the life of a nation. Ideally, while using the environment, one should also pay attention to its upkeep and preservation so that it may be handed on to future generations. Every use of the environment must have a purpose, achieving harmony and balance between humans and the environment; realizing Indonesian people as environmental components with responsibilities to protect the environment; ensuring the interests of current and future generations; achieving environmental function sustainability; wise resource use; and protecting Indonesia from external impacts that can cause environmental degradation. Based on this, it is vital to include local knowledge values into environmental protection and management policies.

References

- Esmi Warassih Pujirahayu, *Community Empowerment in Realizing Legal Goals (Law Enforcement Process and Justice Issues)*, Professor's Inaugural Speech Faculty of Law UNDIP, Semarang, 14 April 2001, pg. 12.
- Frenki, *Legal Politics and Its Role in Legal Development in Post-Reformation Indonesia*
- Daniel S. Lev, *Law and Politics in Indonesia Sustainability and Change*, LP3ES, Jakarta, 1990, pg. xi
- Miriam Budiardjo, *Fundamentals of Political Science*, 27th Edition, PT Gramedia Pustaka Utama, Jakarta, 2005, pg. 18

Open Access This chapter is licensed under the terms of the Creative Commons Attribution-NonCommercial 4.0 International License (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits any noncommercial use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

