

Integration Of Local Wisdom In Environmental Management: Environmental Ethics Perspective And Harmonization Of National Law

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Abstract.

Environmental damage that occurs in various countries today requires a new approach to environmental management, where conventional methods that rely on technology and modern laws have not been able to overcome the complexity of contemporary environmental problems. Indonesia as a country with cultural diversity has a wealth of traditional knowledge that has proven effective in preserving nature for centuries. This research aims to analyze how to integrate local wisdom into the national environmental management system through the perspective of environmental ethics and find a model for harmonizing national law with local values without eliminating legal certainty. The research method uses a normative juridical approach with statutory, conceptual, and philosophical analysis through literature study of primary, secondary, and tertiary legal materials with descriptive qualitative analysis and deductive reasoning. The results show that Indonesian local wisdom has advantages in applying the principles of sustainable environmental ethics through an ecocentric approach that recognizes the intrinsic value of nature, in contrast to modern approaches that tend to be anthropocentric. Harmonization between national law and customary law systems requires a legal pluralism approach that recognizes the coexistence of both systems to create synergies in environmental management. The implementation model of local wisdom integration must be adapted to the specific characteristics of each region through a bottom-up participatory methodology that places local communities as active subjects in the planning, implementation and evaluation of environmental policies to realize sustainable environmental management based on local cultural values.

Keywords: Local wisdom; environmental management; environmental ethics and legal harmonization.

I. INTRODUCTION

Environmental damage that occurs in various countries today requires new ways to manage the environment. Old methods that only rely on advanced technology and modern legal regulations have not been enough to overcome increasingly complex environmental problems (Handjajanti & Puspitasari, 2015). Indonesia as a country with diverse cultures has a wealth of traditional knowledge that has been proven to be successful in preserving nature. Various tribes in Indonesia have developed effective ways to manage the environment for centuries (Sufia et al., 2016). Indonesian society has long understood how to live in harmony with nature. They have management systems such as customary forests that may not be damaged, the subak irrigation system in Bali, and the sasi rules in Maluku that regulate when to take marine products (Tuhulele, 2013). All of these systems have proven their success in preserving nature for hundreds of years. Unfortunately, with the entry of modern culture and the demands of development, much of this traditional knowledge has begun to be ignored. Current state laws often do not pay attention to traditional ways of managing the environment, resulting in clashes between state regulations and customary rules. This problem becomes more complicated when we look at it from the perspective of environmental ethics. Environmental ethics questions whether a human-centered perspective is appropriate in managing nature.

On the contrary, environmental ethics offers a perspective that respects nature itself more, as has been practiced by traditional communities for a long time. The perspective of indigenous peoples who see nature as something valuable and must be respected is actually in line with the concept of modern environmental ethics. Therefore, there is a great opportunity to combine traditional knowledge with the formal laws that apply today. The integration of local wisdom values into environmental sector regulations is an urgent need to strengthen the effectiveness of environmental protection in Indonesia (Rahayu et al., 2022). This is in line with the sustainable development paradigm that recognizes the importance of socio-cultural

dimensions in environmental management. Combining national law with local wisdom is not an easy task. This process requires a deep understanding of the social, economic, and environmental conditions in each region. It cannot be done in the same way everywhere because each region has different characteristics. The success of combining these two systems is very important for Indonesia because most of Indonesia's territory is still managed by indigenous peoples who still hold fast to ancestral values in interacting with nature. This study aims to study how to incorporate local wisdom into the national environmental management system using an environmental ethics perspective. This study will also seek the right way to adjust national laws to local values without eliminating legal certainty.

II. METHODS

This study uses a normative legal research type that focuses on the construction of a norm system, where this type of research study includes legal principles, legal norms, legal systematics, harmony of positive law, and other legal sources relevant to the integration of local wisdom in environmental management. The types of approaches used consist of a statute approach, a conceptual approach, and a philosophical approach to describe the substance of the article. The statutory approach is carried out by examining the structure of norms in laws and regulations related to environmental management and the recognition of local wisdom in Indonesia. The conceptual approach is used to describe and analyze the concept of integrating local wisdom with the national legal system in the context of environmental management. While the philosophical approach is applied to analyze the dimensions of environmental ethics that underlie the harmonization between local wisdom values and positive legal norms. The author traces legal sources using a library research method that provides various information about local wisdom, environmental ethics, and legal harmonization contained in books, notes, literature, and legal articles that are related to the problems being solved.

The search results are based on secondary data collection consisting of primary, secondary, and tertiary legal materials. Primary legal materials use legal materials stipulated by state institutions such as Law Number 32 of 2009 concerning Environmental Protection and Management (UU PPLH), Law Number 5 of 2017 concerning Cultural Advancement, various regional regulations on local wisdom, and other relevant regulations. Secondary legal materials use environmental law books, legal articles from periodicals, scientific papers on local wisdom and environmental ethics, and previous research results. Tertiary legal materials use other materials that are relevant to the related problems to support primary and secondary legal materials, including legal dictionaries, encyclopedias, and other reference sources. The data analysis method uses a qualitative research method that emphasizes descriptive analysis of the substance being studied (Afrizal, 2019). The qualitative research method directs the author to be able to answer problems and analyze data that will produce analytical descriptive data. Then this article applies a deductive reasoning method consisting of major premises (general provisions on environmental management and local wisdom), minor (specific facts regarding the practice of integrating local wisdom into environmental law), and conclusions on specific facts (Dewata & Achmad, 2017), which are relevant to the problem of legal harmonization in this study.

III. RESULTS AND DISCUSSION

A. Local Wisdom as the Foundation of Sustainable Environmental Ethics

The local wisdom of Indonesian society has the advantage in applying the principles of environmental ethics long before this concept developed in modern academic discourse. Indigenous communities in various regions have built value systems that place nature not only as a resource that can be exploited, but as an entity that has intrinsic value and must be respected¹. For example, the concept of *tri hita karana* in Balinese culture emphasizes the balance between humans, nature, and God (Firmansyah *et al.*, 2017) or the *Dayak* tribe's philosophy that views the forest as a "mother" that must be protected and preserved. This belief system creates a strong social control mechanism in maintaining environmental sustainability, where every individual in society feels morally and spiritually responsible for maintaining harmony with nature. The concept of *tri hita karana*, meaning "three causes of happiness," is one of the most

concrete examples of how local wisdom integrates environmental ethics into everyday life. This philosophy consists of three main elements: a harmonious relationship with God (parhyangan), a harmonious relationship with fellow human beings (pawongan), and a harmonious relationship with the natural environment (palemahan). In practice, the palemahan concept teaches that humans must live in harmony with nature, not over-exploit, and always consider the impact of each action on the balance of the ecosystem. This is reflected in the subak agricultural system, which not only regulates irrigation, but also integrates spiritual aspects through certain rituals before planting and harvesting.

Environmental philosophy in local wisdom of Indonesia is also reflected in concepts such as "sasi" in Maluku, "awig-awig" in Lombok, and "repong damar" in Lampung (Mahbub, 2008). The sasi system is a form of traditional regulation that prohibits the extraction of certain natural resources at certain times to provide an opportunity for natural regeneration. This concept shows a deep understanding of the ecological cycle and the need for conservation that has existed in traditional communities for centuries. Likewise, the repong damar system in Lampung integrates natural forests with commercial crop cultivation, creating a sustainable agroforestry model that maintains biodiversity. The fundamental difference between the local wisdom approach and the modern approach lies in how to view the relationship between humans and nature. If the modern approach tends to be anthropocentric, placing humans at the center of all decisions, then local wisdom is more ecocentric, recognizing the rights of nature to remain sustainable. In practice, indigenous communities have strict rules about when to take natural resources, how much can be taken, and which areas must be left untouched. The rotation system in the use of agricultural land, the determination of forbidden forests that cannot be entered, and rituals before taking natural resources show how local wisdom has integrated spiritual, social, and ecological aspects into one harmonious whole. The spiritual dimension of local wisdom provides a moral strength that is lacking in modern, secular environmental management approaches.

Indigenous peoples believe that nature has a spirit or soul that must be respected, so that acts of destroying nature are considered spiritual violations that will bring curses or disasters. This belief creates a very effective internal control system, because each individual feels supervised not only by society but also by a higher spiritual power. Unlike modern approaches that rely on external punishment in the form of legal sanctions or fines, the local wisdom system creates an intrinsic motivation to protect the environment. The transformation of values in local wisdom also occurs through the informal education system that takes place in families and communities. Children are taught from an early age to respect nature through folk tales, traditional rituals, and direct experience in interacting with the environment. This learning method is more effective in forming pro-environmental character and behavior compared to formal environmental education which is often theoretical and separate from everyday life. The integration of practical knowledge, moral values, and spiritual dimensions in one learning system makes local wisdom have extraordinary resilience in facing changes in the times. The success of the local wisdom system in preserving the environment can be seen from various real examples in the field. Traditionally managed customary forests in Sumatra show higher levels of biodiversity compared to forests managed in a modern way¹³. The subak system in Bali has not only succeeded in maintaining agricultural productivity for centuries, but has also created a balanced ecosystem between agricultural land, irrigation systems, and the social life of the community.

Likewise, the sasi tradition in Maluku has succeeded in preserving marine resources through a system of closing and opening the harvest season which is regulated based on the natural cycle and the needs of marine biota regeneration. Recent studies have shown that areas that still apply local wisdom systems have lower levels of environmental degradation compared to areas that have fully adopted modern management systems. This proves that local wisdom is not only a cultural heritage that needs to be preserved because of its historical value, but also a management system that has proven to be effective and relevant to be applied in the context of contemporary environmental challenges. The advantage of local wisdom lies in its holistic and adaptive approach, able to adjust to changing environmental conditions while maintaining the basic principles of conservation and sustainability.

B. Harmonization of National Law with Customary Legal Systems in Environmental Management

Harmonization between national law and customary law systems requires an approach that not only looks at formal legal aspects, but also understands the philosophical values underlying both legal systems. Indonesian national law, which largely adopts the European continental legal system, often conflicts with the logic of customary law which is more flexible and contextual (Rahmat, 2018). The national legal system tends to be universal, hierarchical, and prioritizes legal certainty through clear codification, while customary law is particularistic, egalitarian, and prioritizes substantive justice based on communal values that live in society. The most striking difference is seen in the concept of land ownership, where national law adheres to the principle of absolute individual ownership with the right to transfer freely, while customary law views land as shared property that has social and spiritual functions, so it cannot be traded carelessly without the consent of the community (Siombo, 2011). In the context of natural resource management, national law often gives exclusive authority to the state or parties with official permits, while customary law recognizes the communal rights of indigenous peoples to manage natural resources in their customary territories based on rules and value systems that have been passed down from generation to generation. This conflict creates complex problems in environmental management practices, where indigenous peoples are often considered to be breaking the law when they implement their traditional management systems, even though these systems have proven effective in preserving the environment for hundreds or even thousands of years.

The harmonization process requires formal recognition of the existence and validity of the customary legal system within the national legal framework through a legal pluralism approach that recognizes the coexistence of various legal systems within one state territory. This does not mean creating a separate legal system or creating legal dualism that has the potential to cause jurisdictional conflicts, but creating an integrative mechanism that allows both legal systems to work synergistically in achieving environmental conservation goals while still respecting national legal sovereignty (Suhendrina *et al.*, 2023). *This approach requires a reformulation of the concept of a state of law that not only recognizes the supremacy of national law, but also provides space for the application of customary law in certain areas, especially in terms of environmental management. The experience of several countries shows that legal harmonization can be carried out through various models, ranging from a constitutional model that recognizes customary rights in the constitution as fundamental rights of citizens, an institutional model through the establishment of special courts or customary courts that have the competence to resolve disputes based on customary law, to a legislative model through the integration of customary norms into applicable laws and regulations in the form of exceptions or special treatment for indigenous peoples.*

In Indonesia, the implementation of legal harmonization has begun to be seen, although it is still limited, such as in the Sasi system in Maluku, which is a traditional way for indigenous peoples to protect natural resources by imposing a ban on taking natural products at certain times to provide opportunities for natural regeneration, the Subak system in Bali which regulates irrigation management and sustainable agriculture, and various regional regulations in Papua that recognize the customary rights of indigenous peoples to land and natural resources (Erliyana, 2022). However, implementations like this are still sporadic and have not been well-systematized throughout Indonesia, so a comprehensive national legal framework is still needed to provide legal certainty for the application of local wisdom in environmental management. Harmonization between national law and customary law in environmental management faces fundamental challenges due to differences in the sources of legitimacy of the two legal systems. National law derives its power from the formal and hierarchical authority of the state, while customary law is derived from community agreements and traditions that have been passed down from generation to generation. This difference concerns not only procedural aspects, but also perspectives on the relationship between humans and nature—where national law tends to position humans as the rulers of nature, while customary law views humans as an integral part of nature that must live in harmony. To overcome this gap, a paradigm transformation is needed in the national legal system that integrates local wisdom values, not just formally recognizing the existence of customary law. This requires recognition of customary institutions as partners

who have legitimacy in natural resource management, as well as comprehensive legal education for law enforcers to understand the philosophy and practical application of local wisdom.

C. Implementation Model of Local Wisdom Integration in Environmental Management Policy

The implementation of local wisdom integration in environmental management policies requires a model that can be adjusted to the specific characteristics of each region, considering the social, cultural, and ecological diversity that exists in Indonesia. The implementation model cannot be applied uniformly throughout the archipelago, but must consider the unique local context in each region. The first step in implementation is to conduct an inventory and documentation of local wisdom that is still alive and relevant to environmental management. This process must involve traditional figures, local communities, and academics to ensure that understanding of local wisdom is not only textual but also contextual and operational. Once the inventory is done, the next step is to identify the points of intersection between local wisdom and existing environmental management policies. Not all aspects of local wisdom can or need to be integrated into formal policies, nor do all formal policies need to be changed to accommodate local wisdom. What is needed is to identify areas where integration can provide significant added value to the effectiveness of environmental management.

For example, in conservation area management, a traditional zoning system that divides areas based on their ecological and spiritual functions can be adopted to strengthen the existing formal zoning system. In water resource management, traditional irrigation regulation systems can be integrated with modern management systems to improve efficiency and sustainability. The most effective implementation model is a participatory model that places local communities as active subjects in the planning, implementation, and evaluation processes of policies. This requires a paradigm shift from the dominant top-down approach to a more democratic and inclusive bottom-up approach. Customary institutions must be empowered to become government partners in environmental management, not just as policy objects. To support this implementation model, a monitoring and evaluation system is needed that can measure not only conventional environmental indicators, but also social and cultural indicators that reflect the sustainability of the local wisdom system itself. The success of implementation is not only measured by improving environmental quality, but also by strengthening the capacity of local communities in managing the environment and maintaining the continuity of ecologically valuable traditions.

IV. CONCLUSION

The results of this study validate that the integration of local wisdom in environmental management is an urgent need that obtains a solid philosophical justification through the perspective of environmental ethics. Local traditions of Indonesian society have proven their superiority in applying the foundations of sustainable environmental ethics through an ecocentric approach that recognizes nature as an entity with intrinsic value, in contrast to the contemporary approach that tends to be anthropocentric. Traditional mechanisms such as *tri hita karana* in Bali, the *sasi* tradition in Maluku, and the *subak* system have verified their efficiency in maintaining the sustainability of the ecosystem for centuries through a solid social and spiritual control system. Synchronization between national legislation and customary law systems requires a legal pluralism strategy that affirms the coexistence of both systems to generate synergy in environmental management, rather than creating a potentially conflictual dualism.

The implementation pattern of local wisdom integration must be aligned with the unique characteristics of each region through a bottom-up participatory methodology that places local communities as proactive subjects in the design, execution, and evaluation of environmental policies. The success of integration is not only measured through conventional environmental indicators, but also from strengthening the capabilities of local communities and the continuity of ecologically valuable traditions. To realize efficient integration, a reformulation of the concept of a legal state is needed that provides space for the operationalization of customary law in environmental management, empowerment of customary institutions as government partners, and a paradigm transformation from a technocratic approach to a holistic and adaptive methodology.

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