

The Actualization of Kemalik as a Legal Document of Local Wisdom in the Environmental Law Enforcement of the Sade Indigenous Community

Yulias Erwin * 

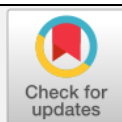
University of Muhammadiyah Mataram, West Nusa Tenggara Province, 83115, Indonesia

* Corresponding Author: yulias@ummat.ac.id

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ABSTRACT

Environmental protection requires robust legal instruments grounded in sound philosophical principles. While environmental laws must be carefully formulated and enforced, their implementation often overlooks the significance of customary law and local knowledge. Existing studies have primarily focused on statutory environmental regulations but have not sufficiently examined the role of customary legal frameworks, such as Kemalik in the Sade Indigenous Community, in environmental conservation. This study investigates how the Sade people in Rambitan Village, Pujut Subdistrict, Central Lombok Regency, West Nusa Tenggara Province, utilize Kemalik as a customary legal system for environmental protection. A normative-empirical legal analysis was employed, combining a review of environmental laws with an empirical field investigation. The normative approach examines existing environmental regulations, while the empirical method involves in-depth interviews with indigenous leaders to assess the practical implementation and effectiveness of Kemalik in environmental stewardship. The findings indicate that Kemalik is not formally integrated into official environmental legislation despite its cultural and ecological significance. This legal disconnect reduces its effectiveness in preventing and mitigating environmental degradation, particularly in the Kiyangan customary forest. Moreover, most local government programs fail to incorporate indigenous environmental values, resulting in ineffective conservation outcomes. This study highlights the need to integrate customary and statutory legal frameworks to enhance environmental governance. It advocates for formally recognizing and incorporating indigenous knowledge into national environmental policies, fostering a more inclusive and

comprehensive legal framework for sustainable environmental management.

Keywords: *Environmental Legislation; Kemalik; Local Wisdom; Philosophical Principles*

1. Introduction

Indonesia's rich cultural heritage is reflected in the various forms of local wisdom passed down by indigenous communities. Local wisdom serves as a cultural identity and is crucial in regulating social life, including environmental protection. One such form of local wisdom that continues to be preserved by Indigenous communities is *Kemalik*, a customary law that helps the Sade Indigenous Community in Lombok maintain environmental balance.

The Sade Indigenous Community in Central Lombok upholds a system of values and norms encapsulated in *Kemalik*. Beyond being a mere cultural symbol, *Kemalik* functions as a binding customary law governing social and environmental aspects of community life. Regarding environmental law, *Kemalik* provides regulations concerning nature conservation, the responsible use of natural resources, and equitable mechanisms for resolving environmental disputes.

However, many forms of local wisdom are becoming marginalized due to increasing environmental exploitation driven by tourism development, urbanization, and changing consumption patterns. The challenges of integrating customary law with national legal frameworks often hinder the enforcement of environmental laws based on local wisdom. Therefore, a strategic approach to strengthening Indigenous communities' responsibility in environmental conservation is to formally recognize *Kemalik* as a legally acknowledged regulation within the national legal system.

The absence of effective environmental laws that regulate human behavior towards nature has led to environmental degradation and declining ecological quality. Several factors influence behaviors that contribute to environmental deterioration, including economic, political, and value-based factors. The pursuit of profit drives the economic factor through the excessive exploitation of natural resources. In contrast, the political factor concerns governance systems that fail to support environmental rehabilitation due to budget constraints. The value-based factor highlights that human life is inherently connected to ethical principles that shape thought processes, which are reflected in human actions. In Indonesia, several traditions and values emphasize environmental harmony. Additionally, religious teachings advocate for respecting and preserving nature (Mooy et al., 2023).

In recent decades, the government has focused on developing infrastructure to support business and economic growth. Consequently, environmental components have been altered, leading to water, air, noise, and visual pollution, waste management issues, ecological decline, environmental disasters, historical and archaeological site damage, and land-use conflicts (Rahardjo, 2013).

While infrastructure development—whether on a large or small scale—undeniably promotes economic growth by creating investment opportunities, jobs, and business prospects, it also induces environmental changes that ultimately result in ecological degradation. Every form of development inevitably has positive and negative consequences, making it imperative for the state to establish an ideal legal framework to mitigate the risks of severe environmental degradation.

Despite multiple legislative efforts to regulate environmental protection and management, their effectiveness remains questionable. Environmental exploitation by corporations and other destructive entities continues unchecked, rendering national laws seemingly ineffective. Consequently, indigenous communities and environmental advocates have begun incorporating customary laws into formal legal frameworks to reinforce environmental governance. Including indigenous local wisdom in environmental protection and law enforcement is essential to maximize conservation efforts (Wahanisa & Adiyatma, 2021). Indigenous legal values, policies, and compliance with unwritten laws have effectively safeguarded local ecosystems.

Each region in Indonesia possesses its customary laws as a manifestation of local wisdom, which continues to thrive. This is particularly evident in the Sasak ethnic group, specifically the Sade Indigenous Community in Rembitan Village, Pujut Subdistrict, Central Lombok Regency. This community actively preserves its local wisdom as an informal regulatory framework to curb excessive resource exploitation and ensure environmental sustainability.

Most indigenous communities in Central Lombok exhibit a strong commitment to environmental conservation. This is evident in the widely respected customary phrase "*aik meneng, empaq bau, tunjung tilah*". This phrase symbolizes nature's role in maintaining environmental balance through the sustainable use and development of land. It presents an interesting illustration: the pond's ecosystem must remain intact when one catches fish from a pond covered with lotus flowers. To maintain this ecological and psychological equilibrium, individuals must adhere to the principles of *aik meneng* (ensuring water clarity), *tunjung tilah* (preserving lotus flowers), and *empaq bau* (securing the fish). This commitment can serve as a guiding principle for environmental conservation.

Indonesia's environmental laws predominantly adopt a regulatory approach based on written legal frameworks, while the role of customary law in environmental governance remains largely unrecognized in formal policies (Rubi et al., 2024; Sarare et al., 2024). Although previous studies have examined the role of local wisdom in environmental protection, there remains a gap in understanding how customary legal mechanisms, such as *Kemalik*, can be effectively integrated into the national legal system. Further research is needed to assess how customary law can be formally recognized within the national legal framework to enhance environmental law enforcement.

This study aims to analyze the existence of *Kemalik* as a customary legal system within the Sade Indigenous Community and its role in environmental protection, management, and law enforcement. Additionally, this study examines how *Kemalik* can be actualized and integrated into the formal legal system to enhance the effectiveness of environmental protection and management policies.

2. Literature Review

2.1. Previous Studies

Previous studies have widely explored the role of customary law and local wisdom in environmental conservation, highlighting various indigenous approaches to sustainable resource management. Prihastuty and Wahanisa examined the relationship between environmental conservation and the self-regulation of Indigenous communities as an embodiment of local wisdom (Prihastuty & Wahanisa, 2016). Their findings indicate that customary law persists because it serves a meaningful purpose and imposes an obligation to adhere to it. The natural environment sustains the Samin community, and as a result, they

actively protect it. The principle of *gotong royong* (cooperation) is deeply ingrained within the community, fostering a collective effort to preserve nature.

Furthermore, the Samin people self-regulate to comply with customary laws and maintain their traditional wisdom. This study, conducted through observational methods, highlights the community's intrinsic motivation to sustain its environmental values. The Samin people are expected to continue to uphold their long-standing local wisdom. Additionally, the study suggests that the government should respect and preserve such traditions by safeguarding their rights and encouraging other communities to integrate local wisdom as part of the nation's cultural heritage.

Jundiani explored the relationship between national political changes and social phenomena, specifically analyzing public perception and response to crimes committed by forest concession holders (HPH) in West Kalimantan (Jundiani, 2018). From a criminological sociology perspective, the official societal reaction to law enforcement, particularly in the context of local wisdom, is fundamentally rooted in public legal awareness of crimes occurring within their surroundings. For instance, forest and land fires are notable examples of how communities react to law enforcement through their customary practices. The study underscores the need for special attention to such responses to ensure that societal actions align with legal expectations and regulatory frameworks. Communities generally aspire to greater peace, security, and lower crime rates.

Siombo et al. investigated the local wisdom of the Baduy community from an environmental law perspective (Siombo et al., 2022). Their findings suggest that rather than exploiting forests for immediate gain, the Baduy people incorporate sustainable forestry principles into their daily lives. The study recommends that for Indonesia to achieve sustainable forest development and contribute to global climate change mitigation, environmental regulations at both the regional and national levels must be rooted in local wisdom.

A significant distinction exists between prior research and the present study, particularly regarding methodology and findings. Prihastuty and Wahanisa employed an observational approach to examine how the Samin community independently safeguards their environment (Prihastuty & Wahanisa, 2016). Meanwhile, Jundiani emphasized the influence of criminological sociology on how communities respond to environmental law enforcement (Jundiani, 2018).

In contrast, Siombo et al. focused solely on traditional forest management practices without addressing the integration of customary law into national legal frameworks (Siombo et al., 2022). However, the present study employs a normative-empirical method, combining direct interviews and legal analysis to explore how the customary law of *Kemalik* can be actualized and incorporated into Indonesia's national legal system to enhance environmental regulations. Unlike previous research, this study does not merely highlight the importance of local wisdom but examines concrete mechanisms for incorporating customary legal systems into national policies.

No study has specifically addressed the formalization of customary legal mechanisms into national law to strengthen environmental protection, particularly in customary forests such as Gunung Kiyangan in Lombok. Therefore, this research offers a significant contribution by developing methods for the legal recognition of customary law in environmental regulations. By doing so, it aims to enhance law enforcement effectiveness and reinforce the responsibility of indigenous communities in environmental conservation.

2.2. Customary Law and Local Wisdom

Local wisdom is deeply intertwined with the traditional culture of a region. This concept encompasses various norms and perspectives that serve as the foundation for communities in navigating daily life. Law No. 32 of 2009 establishes principles rooted in local environmental protection and management wisdom. Although natural resources are available for human utilization, regulations, and restrictions must be observed to maintain ecological balance. One such restriction is the conservation principle, which governs the sustainable use of natural resources.

Local wisdom can be defined as the knowledge and ability of a group to manage its physical and spiritual environment, contributing to the resilience and development of its community (Raharja et al., 2022; Turmuzi et al., 2022). Additionally, local wisdom can be seen as a creative response to geographic, geopolitical, historical, and situational conditions (Nurasiah et al., 2022).

Indonesia is a diverse nation, home to various ethnicities, religions, races, and social groups. The national motto, *Bhinneka Tunggal Ika* (Unity in Diversity), implicitly represents the cultural plurality within the Unitary State of the Republic of Indonesia. Beyond its vast natural resources, Indonesia, stretching from Sabang to Merauke, is also rich in cultural heritage (Ferdiwansyah & Siregar, 2024). Cultural diversity must be considered in legal development, as an imbalance in legal policies disregarding societal pluralism can lead to conflicts in values and norms within social life.

Certain local communities face challenges due to applying national and positive laws. These challenges arise because the national legal system remains predominantly focused on formal regulations while paying insufficient attention to customary law, religious law, and community-based regulatory mechanisms (Hamid, 2019; Kurdi & Alamudi, 2022; Muhdar & Jasmaniar, 2021). Historically, Indonesia's legal development was based on local cultural traditions before Dutch colonial rule. In 1925, C. van Vollenhoven conducted a study identifying 19 distinct customary legal environments in Indonesia, each characterized by unique regional attributes. His findings demonstrated that while colonial judicial institutions imposed European legal frameworks, they retained some degree of customary law applicable to Indigenous communities (Edytya & Prawira, 2019).

Today, customary law in Indonesia has gained constitutional recognition. According to Article 28I(3) and Article 18B(2) of the 1945 Constitution, indigenous communities' cultural identity and rights are acknowledged and respected following national legislation. Customary law plays a significant role in shaping Indonesia's national legal system, as it reflects Indonesian society's cultural values and traditions (Adiyanta, 2019; Agung, 2024; Prihastuty & Wahanisa, 2016). Furthermore, Article 6(1) and (2) of Law No. 39 of 1999 on Human Rights, Law No. 5 of 1994 on the Ratification of the United Nations Convention on Biological Diversity, and Law No. 32 of 2004 on Regional Government regulate the principle of decentralization in natural resource management.

Local wisdom has proven effective in maintaining social equilibrium and addressing various societal challenges. For instance, the Indigenous community of Tenganan in Bali applies its local wisdom in managing the Tenganan Pegrisingan village forest. Meanwhile, the Bunaken community in Manado incorporates traditional principles in spatial planning and disaster mitigation (Nurjaya, 2011).

The national legal system must also prepare for the emergence of what Holleman describes as *hybrid* or *unnamed law*. This phenomenon occurs when new legal frameworks develop without fitting neatly into the categories of state law, customary law, or religious law. Some

regions in Indonesia have begun adapting customary law into state law through regulations such as regional or village ordinances, aligning them with the structure and principles of formal national law. In practice, the legal system is not perceived solely as a set of formal rules but also as a guideline for everyday life. Field studies indicate that law fundamentally represents a manifestation of social ideals, concepts, and principles regarding the governance and organization of society. Law, therefore, constitutes a body of norms that regulate social behavior.

3. Research Methodology

This study employs a normative-empirical method to comprehensively analyze environmental management, protection, and conservation based on local wisdom. The research specifically focuses on actualizing *Kemalik* as customary law within the Sade Indigenous Community, recognizing it as a legal document of customary governance. The normative approach is applied by analyzing relevant regulations in Indonesia (Ibrahim, 2005; Syahrums, 2022). This approach combines legal normative analysis of existing environmental laws with empirical studies, including interviews, field studies, and direct observations within the Sade Indigenous Community.

From a normative perspective, this research's primary objective is to evaluate customary law's position within the national legal system, focusing on environmental protection regulations. This study examines various legal frameworks, such as Law No. 32 of 2009 on Environmental Protection and Management, to determine how customary law is recognized and integrated into national legislation. Additionally, this method allows for an investigation of the principles, doctrines, and legal foundations that support *Kemalik*'s reimplement as part of environmental legal instruments.

Furthermore, the empirical approach assesses how *Kemalik* is practically implemented within the Sade Indigenous Community. The study involves in-depth interviews with customary leaders, key stakeholders, and community members to examine the role of *Kemalik* in natural resource management, environmental dispute resolution, and the prevention of excessive exploitation of the Gunung Kiyangan customary forest.

The analysis of interview data with customary leaders follows several stages. First, the interview data is transcribed and coded to identify key themes, such as the role of *Kemalik* in resource management, dispute resolution, and forest conservation. Subsequently, these codes are categorized into broader themes and analyzed to identify patterns in implementing customary law. Data triangulation is conducted by cross-referencing interview findings with customary legal documents, field observations, and additional interviews to ensure the validity of the results. The analysis also considers the socio-cultural context of the community, including the role of customary leaders and the modern challenges they face. In the final stage, the findings are presented in a descriptive and analytical narrative, concluding with recommendations for strengthening the role of customary law in natural resource governance.

This study does not merely seek to understand the legal dimensions within regulatory frameworks and examines how living customary law can be adapted and legitimized within the national legal system. Customary legal systems such as *Kemalik* often regulate community behavior more effectively than state law, yet their formal legal recognition remains limited. Therefore, this research adopts a normative-empirical approach, enabling the development of practical recommendations to enhance the effectiveness of environmental law enforcement by integrating customary law into the national legal framework.

4. Results and Discussion

4.1. Local Wisdom in the Perspective of Environmental Law

Various legal frameworks governing the utilization of natural resources, both on land and in marine environments, include provisions emphasizing environmental protection and the conservation of natural resources and ecosystems. This reflects an awareness of the urgent need for environmental protection. Globally, including in Indonesia, where dependence on natural resources is substantial, policies are designed to ensure ecological balance and the long-term sustainability of environmental functions and capacities. Consequently, natural resource exploitation is not only intended for present societal welfare but also for the benefit of future generations. Conservation efforts can be categorized into two main types: terrestrial and marine conservation. Terrestrial conservation encompasses the protection of forests, including national parks, protected forests, nature reserves, and forest tourism areas (Hidayati & Saptatia Drajati Nugrahani, 2021; Sulaeman et al., 2023).

In simple terms, environmental law can be defined as a set of regulations governing environmental management, encompassing all elements and conditions within it, including human behavior and interactions within the ecosystem. Environmental law impacts human survival, well-being, and other living organisms (Rikawati & Indah, 2024). Whereas classical environmental law focuses more on resource utilization, modern environmental law prioritizes environmental protection (Mulkan & Aprita, 2022).

In investment, natural resource and environmental management is often viewed primarily through an economic lens without considering ecological and sustainability aspects. Consequently, environmental sustainability has become a critical issue, as the availability of natural resources and ecosystem preservation are integral to human rights. The rapid global rate of environmental degradation is largely driven by industrial expansion in the forestry, marine, energy, and mining sectors (Rahutomo et al., 2023).

Violations of sustainability principles hinder the fulfillment of human rights, including economic, social, cultural, civil, and political rights. In environmental governance, local wisdom is a fundamental principle guiding communities in the sustainable protection and management of their environment. This is explicitly recognized in Law No. 32 of 2009 on Environmental Protection and Management, which stipulates in Article 2 that environmental protection and management must be based on the principles of local wisdom. Furthermore, Article 10 mandates that ministers, governors, regents, and mayors within their respective jurisdictions formulate Environmental Protection and Management Plans (RPPLH) incorporating elements of local wisdom. However, this regulation does not explicitly outline mechanisms ensuring the integration of local wisdom into pollution prevention and environmental damage mitigation efforts. As a result, despite its formal recognition as an essential component of environmental governance, the implementation of local wisdom remains limited.

To ensure the sustainability of forest conservation areas, their management systems must provide space for communities whose livelihoods depend on forest resources, whether directly or indirectly (Putri et al., 2013). In the broader context of environmental conservation, local wisdom plays a significant role in shaping public awareness, particularly regarding mental and moral responsibility toward ecological balance. Studies indicate that religious values, taboos, and strong customary principles contribute significantly to environmental preservation. For indigenous communities, these three aspects constitute an integral part of their worldview, reinforcing their commitment to protecting nature.

4.2. Environmental Legislation

The historical development of environmental law regulation in Indonesia, comprehensively known as environmental-oriented law, began with the enactment of Law No. 4 of 1982 on the Basic Provisions for Environmental Management, commonly referred to as the Environmental Law. This legislation was later revised by enacting Law No. 23 of 1997 on Environmental Management (PLH Law) and subsequently refined by Law No. 32 of 2009 on Environmental Protection and Management (PPLH Law).

Law No. 32 of 2009 on Environmental Protection and Management provides a systematic and integrated framework for preserving environmental sustainability and preventing pollution and environmental degradation. Article 1, Clause 3 defines sustainable development as a consciously planned effort that integrates environmental, social, and economic aspects into development strategies to ensure environmental sustainability while safeguarding public safety, capacity, well-being, and quality of life. Consequently, this law explicitly emphasizes that all forms of development must incorporate environmental considerations as an integral part of national development policies.

Over the years, numerous regulations have been established to ensure the sustainability and conservation of natural resources. Environmental advocacy from various regions, including the United States, Europe, Asia, and Indonesia, has significantly influenced national and international policies. These efforts have led to the formation of global environmental conventions. The "Rachel Carson Warning" in 1962 raised global awareness regarding the dangers of pesticide use and heightened environmental consciousness. Subsequently, member states of the United Nations (UN) proposed the first global environmental conference, which was held in Stockholm, Sweden, in 1972 (Aji et al., 2020; Anugrah & Suryaningsi, 2021).

To participate in the UN Conference on the Human Environment, Indonesia was required to prepare a national report. In response, Universitas Padjadjaran (UNPAD) Bandung organized Indonesia's first environmental seminar, "Human Environmental Management and Human Development," to formulate national environmental policies. During this seminar, Mochtar Kusumaatmaja presented a paper titled "Legal Regulation of Human Environmental Issues: Some Thoughts and Recommendations" (Universitas Padjadjaran, 1972). This paper was the first comprehensive discourse on environmental law development in Indonesia, which is why Mochtar Kusumaatmaja is widely regarded as the pioneer of contemporary environmental law in Indonesia.

The constitutional foundation for Indonesia's environmental governance is provided by the 1945 Constitution (UUD 1945). Article 33, Clause 3 states that the state has sovereign control over land, water, and natural resources and must utilize them to maximize public welfare. This principle forms the legal basis for state environmental management and conservation authority.

According to Article 1, Clause 9 of Law No. 32 of 2009, natural resources are defined as environmental components comprising biotic and abiotic resources, forming an ecosystem. Meanwhile, Article 1, Clause 16 defines environmental degradation as any human activity that causes physical, chemical, or biological environmental changes, either directly or indirectly, beyond the established environmental quality standards.

In the Indonesian legal framework, numerous environmental conservation laws have been enacted since the colonial era, including the Dierenbeschermings Ordonantie 1931 (Stb. 1931 No. 134), Jacht Ordonantie 1931 (Stb. 1931 No. 133), Jacht Ordonantie Java and Madura 1940 (Stb. 1939 No. 733), and Natuurbeschermings Ordonantie 1941 (Stb. 1941 No. 167). Following Indonesia's independence, additional regulations were established to govern the conservation of biodiversity and ecosystems, such as Law No. 5 of 1990 on Natural Resource and Ecosystem

Conservation, Law No. 5 of 1997 on Basic Forestry Provisions, and Law No. 32 of 2009 on Environmental Protection and Management.

4.3. Kemalik is a Local Wisdom Entity of the Sade Indigenous Community

In the study of customary law, one of its fundamental characteristics that cannot be overlooked is its religious-magical nature. Lenggono identifies four key elements that shape this characteristic: belief in supernatural beings, faith in mystical powers, the utilization of mystical forces as *magische kracht*, and the notion that crises arise from an imbalance of mystical forces in nature, which may result in supernatural harm and can only be prevented through adherence to various prohibitions (Lenggono, 2021).

The indigenous community in Central Lombok has a strong commitment to environmental conservation. This commitment is reflected in an ancestral principle encapsulated in "*aik meneng, empaq bau, tunjung tilah*," widely respected in the community. This phrase symbolizes efforts to maintain environmental balance through an integrated approach to resource utilization and regional development. It presents a compelling illustration of the harmonious relationship between humans and nature, as demonstrated through the analogy of managing a pond filled with lotus flowers. In this context, environmental preservation entails ensuring water clarity (*aiq meneng*), sustaining the lotus flower ecosystem (*tunjung tilah*), and simultaneously fulfilling food needs through fish catches (*empaq bau*). Adherence to this principle translates into tangible actions for environmental sustainability.

Environmental issues are closely linked to the concept of local wisdom. Even before modern environmental conservation movements emerged, local wisdom had already played a crucial role in maintaining ecological balance. In some cases, customary mechanisms based on local wisdom have proven more effective in regulating human-nature interactions than formal legal regulations. Cultural elements such as myths, rituals, and ancestral teachings serve as social instruments that shape how communities interact with their surrounding environment.

Local wisdom can be defined as knowledge and values that develop within a community, characterized by wisdom, meaningfulness, and positive moral significance, passed down and practiced across generations. Various ethnic groups in Indonesia have unique forms of local wisdom, including the Sasak ethnic group in Sade Hamlet, Rembitan Village, Pujut Subdistrict, Central Lombok Regency, West Nusa Tenggara Province. Sade is a collective community comprising several Sasak subgroups, such as Telok Bulan, Lentak, Selak, Penyalu, Peluk, Rebuk, and Rumba. Historically and culturally, these groups form an integral part of Sade Hamlet.

One of the most highly regarded forms of local wisdom in the Sade Indigenous Community for environmental conservation is the concept of Kemalik. This belief system contains customary regulations prohibiting individuals from entering forest areas indiscriminately, based on the conviction that violating these rules may result in misfortune or disturbances in the future. Furthermore, tree cutting for destructive purposes is strictly sanctioned under customary law, with offenders required to pay fines as a traditional penalty.

4.4. The Values of Kemalik as Local Wisdom in the Sasak Indigenous Community of Sade Hamlet

According to Kemalik's local wisdom, entering the Gunung Kiyangan customary forest without permission or in a manner that violates customary norms is believed to bring misfortune or disturbances in the future. Individuals who engage in environmental destruction, including indiscriminate tree cutting, must pay a customary fine. This fine includes one buffalo,

one quintal (100 kilograms) of rice, 244 pieces of traditional coin currency (*kepeng susuk*), palm sugar, and a rice basket.

If offenders fail to comply with the imposed sanctions, they face social penalties, including exclusion or ostracism from the customary community. Additionally, they will not be recognized as a *penghulu* or *kyai adat* (customary leader) in traditional rituals, such as thanksgiving ceremonies or house blessings. The Indigenous community surrounding the Gunung Kiyangan forest has strong environmental awareness, passed down through generations in the form of myths and oral traditions rooted in the mythology and history of the forest. Kemalik's local wisdom plays a crucial role in the customary forest management system, fostering greater awareness among the community regarding the importance of preserving and protecting the Gunung Kiyangan forest.

Local wisdom remains well-preserved across various indigenous communities in Indonesia, particularly in environmental protection and conservation. Indigenous societies generally perceive nature as a sacred (religio-magical) entity that must be safeguarded to prevent disasters. If local wisdom continues to be upheld across different regions of Indonesia, ecological disasters such as floods, forest fires, and environmental pollution can be prevented or minimized. Local wisdom, categorized as *indigenous knowledge*, is not exclusive to Indonesia but is also found in other countries. However, Indonesia, with its rich ethnic diversity, possesses highly distinct forms of local wisdom. This diversity constitutes part of the nation's cultural heritage, which should be actualized in legislative policies at both national and regional levels.

Normatively, local wisdom has been incorporated into legislation. Article 2 of Law No. 32 of 2009 on Environmental Protection and Management states that environmental protection and management must be based on the principle of local wisdom. This provision implies that every Indigenous community that continues to uphold local wisdom in their social interactions and environmental management has the opportunity to actualize their customary laws into positive laws. Such integration is an initial step in protecting the environment and natural resources.

At the implementation level, however, significant representation of local wisdom values in environmental management and protection remains absent. No substantial legal instruments in regional or village regulations explicitly incorporate local wisdom. The compliance of the Sade indigenous community with customary law has largely been based on their deep-rooted religious-magical belief rather than formal adherence to state law. Consequently, conflicts arise when indigenous communities face government or investor-led development projects that exploit natural resources. In such cases, indigenous communities often lack the legal authority to resist local government policies that contradict their customary values.

The Sade Indigenous community has long relied on religious-magical beliefs to protect their natural environment and forests. To date, no formal integration has been established between their customary laws on environmental protection and national legal regulations (Ginanjari, personal communication, 2023).

Ginanjari further states that the Sade Indigenous community faces significant challenges in managing and protecting their customary forests, which have increasingly become targets for contractors and investors. Additionally, the hills surrounding Gunung Kiyangan have been exploited for C-class mining to supply construction materials for government infrastructure projects in Kuta Mandalika and its surrounding areas. This situation presents a prolonged dilemma for the Sade Indigenous community, torn between preserving the sacred status of the Gunung Kiyangan forest and adapting to modernization (Ginanjari, personal communication, 2023).

Although some Indigenous communities in certain regions have experienced a decline in adherence to customary traditions, many still actively defend and uphold their local wisdom in environmental conservation. This presents an opportunity to encourage the state to integrate these traditions into contemporary policies through government regulations or structured initiatives such as education, public awareness programs, and community training.

The preservation of the environment, based on ecological values inherent in local wisdom, must be applied integratively within a contemporary framework. This integrative approach to environmental conservation should focus on raising public awareness. The values embedded in local wisdom are part of local communities' cultural excellence, making utilizing these values as a foundation for environmental conservation an appropriate strategy.

Suppose environmental preservation based on local wisdom is systematically implemented as a sustainability strategy. In that case, it will play a crucial role in shaping awareness, mental attitudes, moral values, and perspectives on environmental preservation. Consequently, the ecological values inherent in local wisdom will significantly contribute to environmental conservation efforts (Jannah et al., 2024; Januariawan, 2021).

4.5. The Religious-Magical Doctrine

Alongside the modernization of local wisdom traditions, a highly strategic step is reintroducing customary institutions through religious-magical doctrines. These doctrines form the fundamental nature of customary law and serve as core principles for indigenous legal communities in implementing customary values, particularly for younger generations as future bearers of tradition.

Religious-magical customary law refers to norms and legal principles rooted in beliefs about supernatural entities or divine teachings. In animist traditions, every object in the universe is believed to possess a soul. In contrast, in dynamism, objects are thought to contain forces that enable them to move or influence their surroundings. Additionally, there is a widespread belief that human life is observed by supernatural beings, such as angels, spirits, and demons, and that the universe is a creation of the Supreme Being.

A profound understanding of this belief system plays a crucial role in shaping and reinforcing public adherence to customary legal norms, particularly regarding prohibitions and customary sanctions. In the Islamic context, religious principles emphasize obedience to divine commandments and prohibitions, with the understanding that every action will result in either rewards or punishment.

The religious-magical characteristics of customary law can be identified through three key elements (Joesoef, 2021):

- 1) Belief in supernatural beings, spirits, and mystical entities inhabiting the universe, including natural phenomena, plants, animals, the human body, and various objects.
- 2) Belief in supernatural forces that permeate the universe and are associated with extraordinary events, as well as plants or objects believed to possess mystical power.
- 3) Applying taboos and prohibitions to avoid or prevent threats from supernatural forces.

These and other elements embedded within the religious-magical values of customary law are essential in shaping societal discipline and fostering adherence to legal norms. They also serve as a moral foundation, guiding individuals in compliance with all established regulations. By reinforcing these values, societies can respect ancestral traditions and ensure that customary legal principles continue to play a role in legal and ethical governance.

4.6. Revitalization of Customary Values

The role of Indigenous communities in natural resource management in the modern era demonstrates their cultural capacity, knowledge systems, technology, beliefs, traditions, and social capital, including environmental ethics, norms, and legal institutions that enable them to manage natural resources wisely and sustainably.

The revitalization of customary institutions aims to empower and strengthen the existence of indigenous villages, preserve cultural heritage, uphold traditional values, and reinforce the identity and character of indigenous communities. This initiative seeks to revive the potential of indigenous communities in maintaining their values, norms, and customary regulations to support environmental conservation.

In the revitalization process, an essential initial step is to create space to recognize customary institutions and their fundamental values formally. This includes restoring symbolic and mythological approaches that characterize Indigenous communities and reinforcing social structures. Additionally, restoring the role of customary elders and leaders is crucial in ensuring their continued responsibility to enhance the community's adherence to customary symbols and values.

Through this revitalization, customary institutions and their legal traditions are expected to be strengthened, ultimately serving as a recommendation for developing a national legal framework based on local wisdom. This aligns with the constitutional mandate, which guarantees recognition and protection of local wisdom and customary law for indigenous communities across Indonesia. Integrating these values into the national legal system is crucial to maintaining social and environmental balance within the nation.

5. Conclusion

Forms of local wisdom require serious attention from the central government to strengthen regulations and enforce environmental law. Law No. 32 of 2009 on Environmental Protection and Management recognizes local wisdom as a fundamental basis for environmental protection policies. Within the Sade Indigenous Community, behavioral principles are categorized as Indigenous knowledge, known as *Kemalik*. However, these principles have not been optimally actualized in strengthening regulations or policies related to environmental and natural resource management and protection. Therefore, strategic measures are needed to clarify the position and existence of *Kemalik* through implementing regulations and ensuring its accommodation and application within relevant policies and legal frameworks.

The actualization of *Kemalik* as an environmental protection mechanism is a strategic step in developing national law. The profound values embedded in this customary law provide a strong foundation for the state to integrate it into positive law. One concrete approach to this actualization is revitalizing living customary law and institutions and disseminating knowledge to society and younger generations about the relevance and importance of customary institutions. Preserving these institutions as part of the nation's noble values is essential to maintaining legal balance and ensuring harmony between customary traditions and national governance.

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7. Declaration of Conflicting Interests

The author has declared no potential conflicts of interest regarding this article's research, authorship, and/or publication.

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About the Author

Yulias Erwin obtained his Doctoral degree from Muhammadiyah University of Surakarta, Indonesia, in 2019. The author is an Assistant Professor at the Department of Law, University of Muhammadiyah Mataram, Indonesia.

Email: yulias@ummat.ac.id