



The Validity and Effectiveness of Customary Law-Based Environmental Management for The Sustainability of Natural Resources

Sri Handayani^{1*}, Indrahayu Mattalitti Umar Gazali¹, Wahid Yaurwarin², Raodiah¹, Wahyuni Idrus¹

¹Faculty of Law, Universitas Sawerigading, Makassar, Indonesia

²Administrative Science Study Program, Sekolah Tinggi Ilmu Administrasi (STIA) Pemerintah Masohi Said, Makassar, Indonesia

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Corresponding Author:

Sri Handayani

srihandayanirudy.230581@gmail.com

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Abstract: Environmental damage in Indonesia is increasingly apprehensive. Massive forest exploration has threatened the ecosystem. Natural disasters such as overflowing rivers, landslides, and climate change are becoming more frequent. Buntu Batu Traditional Village is located in the Pangkep Regency Area and has customary law that supports forest conservation. Voluntary and sustainable reforestation of communities as a condition for marriage. Preliminary observations indicate that community understanding of the legal aspects of forest conservation is still lacking. They protect the forest for the sake of environmental sustainability. The basis of this action is to follow the customary rules that apply in the Buntu Batu Traditional Village. This study aims to examine the validity and effectiveness of customary law in environmental management in the Buntu Batu Traditional Village, Pangkep. This research is a qualitative study. The village head who also acts as the traditional leader along with 3 local people became participants in this study. Researchers live and mingle with the community to see and observe forest management based on their customary rules. Based on the results of the study, the customary law in force in Buntu Batu Pangkep Village fulfills the validity and effectiveness requirements socially, juridically and morally.

Keywords: Buntu Batu; Customary law; Pangkep

Introduction

Pangkep District in South Sulawesi Province experiences various problems related to forests and the environment, such as deforestation, forest encroachment, and forest fires. Several factors are the cause of this problem, including clearing land for plantations or agriculture, illegal logging, and infrastructure development that does not pay attention to environmental aspects (Tacconi et al., 2019). Deforestation or deforestation in Pangkep Regency occurs due to the widespread clearing of land for agricultural and plantation purposes, such as oil palm and cocoa. Apart from that, illegal logging still occurs in this area, especially in forest areas that are far from the city center.

Forest encroachment is also a serious problem in Pangkep Regency (Sukristiyono et al., 2021). Many people illegally clear land in forest areas for plantations or settlements. In addition, infrastructure development such as roads and dams also contributes to forest encroachment. The problem of forest fires also occurred in Pangkep Regency. Forest fires often occur as a result of uncontrolled land-burning practices (Sidabukke et al., 2022). This is a serious problem because apart from damaging the environment and threatening the survival of wildlife, forest fires can also cause huge losses to local communities.

To overcome these problems, it is necessary to make efforts from the government and the local community to preserve forests and the environment in Pangkep Regency, for example by educating the public

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about the importance of forest conservation and monitoring practices that damage the environment. Destroying forests is a legal offense in Indonesia because forests in Indonesia have an important role in maintaining environmental and ecosystem sustainability (Dekiawati, 2022). Indonesia's forests are home to many endemic species of flora and fauna that cannot be found anywhere else in the world, and provide natural resources essential for human life, such as wood, fuel and foodstuffs. However, many forests in Indonesia have been destroyed irresponsibly by various parties, such as industrial companies, farmers and local communities. This act of destroying forests has caused serious environmental damage, including ecosystem damage, floods, landslides, and damage to flora and fauna habitat (Muniroch et al., 2020).

To protect forests and prevent further environmental damage, the Indonesian government has issued laws that prohibit and provide sanctions for those who destroy forests. This is done so that the community and industrial companies can be responsible for the environmental impacts arising from their activities and to maintain the sustainability of the Indonesian ecosystem for future generations. Customary law plays an important role in forest conservation in South Sulawesi (Sukarsih et al., 2021). South Sulawesi has many tribes that have strong traditions and customary law culture that are still running today. One example is the Mamassa custom in South Sulawesi.

Mamassa's adat regulates the management of forests and other natural resources based on the principle of sustainability (Ifrani et al., 2019). They consider the forest as a sacred place and have a responsibility to maintain and protect it for future generations. Mamassa custom also regulates the division of forest ownership rights and the utilization of natural resources in it, so that local communities can be actively involved in forest management and benefit from these natural resources.

Customary law in Pangkep, South Sulawesi, plays an important role in forest reforestation efforts. Indigenous peoples in Pangkep have strong traditions and culture in maintaining the sustainability of the forest and the environment around it (Chunhabunyatip et al., 2018). They have rules in the management of forests and natural resources that are applied from generation to generation. In forest reforestation efforts, indigenous peoples in Pangkep can play an active role in forest management and ecosystem restoration. They can use their local knowledge to select suitable tree species for planting in the area and ensure proper care during the tree's growth period.

In addition, the Indonesian government has recognized the importance of customary law in forest conservation through Law no. 41 of 1999 concerning Forestry and Law no. 32 of 2004 concerning Regional

Government. These two laws recognize the rights of indigenous peoples to land and natural resources that have been controlled by them for many years (Ibiam & Faga, 2021).

In Indonesia, customary law has an important role in protecting forests. Customary laws are rules passed down from generation to generation, which regulate ways of life, customs, and management of natural resources in an area or community (Lanini et al., 2018). In the context of forest protection, customary law can be an important instrument for regulating sustainable forest use and management. The involvement of indigenous peoples in forest management can result in more sustainable policies and practices, because they have local knowledge and wisdom related to forests (Dawson et al., 2021). Therefore, recognition of the rights of indigenous peoples and the application of customary law in forest management can be an important solution in overcoming the problem of deforestation and forest destruction (Buana, 2020). That way, forests can be preserved so that they can provide sustainable benefits for human life and the environment (Turner-Skoff & Cavender, 2019).

Much research has been conducted on the relationship between customary law and forest sustainability. Research by Sari et al. (2018), shows that recognition of the rights of indigenous peoples in forest management can help improve forest sustainability. This study examines the case in Papua New Guinea, where recognition of customary rights over forests provides incentives for indigenous peoples to manage forests in a sustainable manner. Research by Harly (2023), shows that forest management based on customary laws can be more effective in preserving forests than forest management based on formal laws. This study involves cases in Indonesia, Cambodia and Ghana, where the application of customary laws in forest management has yielded better results in maintaining forest sustainability.

Research by Blackman et al. (2017), shows that forest management involving indigenous peoples can help reduce deforestation and forest destruction. This study observes cases in Kalimantan, Indonesia, where the participation of indigenous peoples in forest management has resulted in positive results in maintaining forest sustainability. Research by Fisher et al. (2017), shows that forest management based on customary laws can help reduce conflicts over forest use. This study involved the case in Cameroon, where recognition of customary forest rights helped reduce conflicts between indigenous peoples and other parties claiming forest rights.

Overall, research results show that recognition of indigenous peoples' rights and application of customary law in forest management can help improve forest sustainability and reduce deforestation and conflicts

over forest use. However, this research has not yet explained the validity and effectiveness of customary law in preserving the environment. therefore this study aims to examine the validity and effectiveness of customary law regarding the management and preservation of the environment in the traditional village of Buntu Batu Pangkajene Islands.

Method

This study examines the behavior of the Buntu Batu community in conveying local wisdom regarding environmental preservation using a qualitative approach. This study concentrates on the general principles that underlie a phenomenon that exists in human life. The participants in this study were the village head and 3 members of the Buntu Batu Village community who were active in reforestation. Research data were collected through in-depth interviews and observation for 6 months in Buntu Batu Village.

Data analysis used grounded theory method. Where the researcher inductively moves from the data to the highest abstraction. Can be synthesized to develop theories. Data analysis is open ended by adjusting data from informants in the field. Interpretation is carried out using knowledge, ideas and concepts inherent in indigenous peoples as research objects. In general, data analysis begins with collecting data from informants. The next researcher displays and reduces data according to research needs. Finally, the researcher draws conclusions.

Result and Discussion

Buntu Batu Traditional Village is located in Pangkep Regency, South Sulawesi, Indonesia. This village is one of the traditional villages that still maintains its rich traditions and customs. Traditional leadership in this village is carried out by the Traditional Head or also known as Pabtalk. The customary head in Buntu Batu traditional village is the highest leader who has the authority to regulate and manage traditional life in the village. The customary head is elected by the indigenous peoples through deliberations and consensus. The customary head has the duty and responsibility to preserve customs and culture, maintain community unity and integrity, and regulate the management of natural resources in the village. In addition to the customary head, this village also has a traditional council consisting of traditional leaders who also have an important role in maintaining the preservation of customs and culture in the village. The Customary Council also has the duty to assist the Customary Head in making decisions regarding the management of traditional villages.

The traditional village government in Buntu Batu has a unique system, in which decision making is based on deliberation and consensus. The indigenous people in this village highly uphold traditional values and local wisdom, so many activities are carried out in order to preserve customs and culture, such as traditional ceremonies, traditional dances, and so on (Titaley & Watloly, 2021). Traditional leadership in the Buntu Batu Traditional Village can be an example for other communities to protect and maintain local wisdom and traditional culture.

In addition, managing natural resources based on custom can also help preserve the environment and natural resources in a sustainable manner. Buntu Batu Traditional Village in Pangkep Regency, South Sulawesi, has a code of conduct that is firmly upheld by indigenous peoples. This code of conduct is guarded and maintained as an effort to preserve culture and customs as well as a basis for making decisions in indigenous peoples.

Following are some of the points in the Buntu Batu Traditional Village code of conduct: Respect local wisdom and customs. The indigenous people of Buntu Batu Traditional Village highly uphold traditional values and local wisdom passed down from their ancestors. This is reflected in various activities such as traditional ceremonies, traditional dances, and so on, Respect others. Indigenous people in Buntu Batu Traditional Village also highly value social and cultural relations among themselves. They treat other people politely and respect the customs and beliefs of other peoples, Respect nature and the environment. The indigenous people of the Buntu Batu Traditional Village are very aware of the importance of preserving nature and the environment.

They take actions to maintain the balance of ecosystems, protect forests and other natural resources, and minimize the environmental impact of human activities, Prioritize deliberation and consensus. Decision-making in the Buntu Batu Traditional Village is carried out through deliberations and consensus. This is done to ensure that decisions taken take into account the views and interests of all indigenous peoples in the village, Respect collective rights and interests. The indigenous peoples of Buntu Batu Traditional Village are also very concerned about collective rights and interests, such as the interests of indigenous peoples, environmental interests, and the interests of future generations, maintain order and security; the indigenous people of Buntu Batu Traditional Village are also very concerned about order and security in the village. They strive to maintain security and order through upholding customary rules and local wisdom values.

The code of conduct for the Buntu Batu Traditional Village is a very valuable cultural heritage for the indigenous people of the village. This code of conduct

can serve as an example for other communities to maintain culture and customs and make wise decisions based on local wisdom values. The indigenous people of Buntu Batu Pangkep Village have a philosophy of life which is highly respected and believed by all its members. This philosophy is a way of life and values held by indigenous peoples and influences various aspects of their lives. The following are some of the philosophies believed by the indigenous people of Buntu Batu Pangkep Village: Patappangga: Patappangga means mutual respect and mutual respect for one another. This philosophy teaches that everyone has their own uniqueness and specialties and needs to be valued and respected. The indigenous people of Buntu Batu Pangkep Village are very concerned about social relations and interactions between people, and patappangga is one of the fundamental philosophies in regulating social relations in the village, Patase'ne: Patase'ne means helping each other. This philosophy teaches that everyone needs to help each other in everyday life.

The indigenous people of Buntu Batu Pangkep Village are very concerned about the values of mutual cooperation and togetherness in carrying out life in the village. Patti' angnge. Patti' angnge means prioritizing common interests rather than personal interests. This philosophy teaches that everyone needs to consider common interests in making decisions. The indigenous people of Buntu Batu Pangkep Village are very concerned about shared interests in carrying out life in the village and make decisions based on deliberation and consensus. Pattingalloang: Pattingalloang means mutual respect for nature and the environment. This philosophy teaches that nature and the environment need to be protected and preserved so that it can be used by future generations. The indigenous people of Buntu Batu Pangkep Village are very concerned about environmental sustainability and protecting forests and other natural resources in the village. Pabtalkang: Pabtalk means mutual respect for differences of opinion. This philosophy teaches that everyone has the right to have a different opinion, and it needs to be valued and respected. The indigenous people of Buntu Batu Pangkep Village are very concerned about the values of tolerance and respect for differences of opinion in society.

These philosophies become life guidelines for the indigenous people of Buntu Batu Pangkep Village in carrying out their daily lives and making wise decisions. The indigenous people of Buntu Batu Pangkep Village really appreciate and maintain these local wisdom values as part of their identity and cultural heritage.

The Effectiveness of Customary Law in Forest Conservation in Buntu Batu Pangkep Village

Customary law in the customary village of Buntu Batu Pangkep has proven to be very effective in conserving the environment and natural resources in the village. The indigenous people of Buntu Batu Pangkep Village have practiced this customary law system for centuries and have proven effective in preserving the environment and natural resources.

First, there are restrictions on the use of natural resources. The indigenous people of Buntu Batu Pangkep Village already have customary laws that prohibit village communities from clearing forests and over-using natural resources (Kambo, 2021).

This rule was made to maintain the sustainability of natural resources and prevent environmental damage. Forests are the main source of oxygen for the atmosphere. Oxygen is very important for human life and other living things. In addition, forests have the ability to absorb carbon dioxide, a greenhouse gas that causes global warming. By maintaining the existence of forests, it can help reduce the impact of climate change. Forests have an important role in regulating the water system. Forests can absorb rainwater and retain soil moisture. This can help prevent floods and droughts.

The two customary laws in the Buntu Batu Pangkep Traditional Village have also regulated sanctions for violators who do not comply with the rules set by the community. Sanctions given can be in the form of fines, restrictions on access to natural resources, or even exile from society. By giving strict and proportional sanctions to the perpetrators of illegal logging, it will have a deterrent effect on them. This effect can help reduce the number of illegal loggers and make them more careful in carrying out their logging actions. Imposing sanctions on illegal loggers can help increase public awareness of the importance of protecting and conserving forests as well as a form of law enforcement. This can help encourage people to care more about the environment and prevent illegal logging.

The three indigenous peoples of Buntu Batu Pangkep Village have developed local knowledge in managing the environment and natural resources. They are familiar with various types of plants and animals that can be used in a sustainable manner and have developed environmentally friendly farming techniques. They also involve the community in decision-making processes related to environmental and natural resource management. Communities have an important role in deliberation and consensus to determine policies and regulations that will be implemented.

In conclusion, customary law in Buntu Batu Pangkep Traditional Village has proven to be very effective in preserving the environment and natural resources. In these indigenous peoples, customary law has become an integral part of everyday life and plays

an important role in maintaining the sustainability of the environment and natural resources.

The Validity of Customary Law in Environmental Preservation in the Buntu Batu Pangkep Traditional Village

Customary law or laws that develop in indigenous peoples have an important role in protecting the environment. Customary laws are often based on local wisdom gained from long experience and traditional knowledge about the environment and natural resources around them (Yasir et al., 2023). This makes customary law able to help strengthen environmental conservation efforts.

There are several ways customary law can be legally enforceable to protect the environment (Lestari et al., 2018). First, the government can recognize customary law as part of the legal system in force in the country. In 2013, the Indonesian government through the Constitutional Court issued a historical decision recognizing indigenous peoples' rights to their customary territories. Then, in 2019, the Government of Indonesia also issued a Government Regulation on the Management of Forest Areas which includes the principles of customary law in forest management. However, the implementation of customary law recognition still faces various challenges, such as a lack of understanding of customary law by government officials, corrupt practices, and a lack of support for indigenous peoples (Pratama, 2019).

Therefore, it is important for the government to continue to make efforts to recognize and apply customary law in all parts of Indonesia, including in the Buntu Batu Traditional Village, Pangkep, to maintain environmental sustainability and the rights of indigenous peoples. Second, the government can involve indigenous peoples in making policies related to the environment (Nugroho, 2021). This can help maintain environmental sustainability and respect the rights of indigenous peoples. The Pangkep government is actually required to consider customary law in making environmental policies. This is in accordance with Law Number 32 of 2009 concerning Environmental Protection and Management, which mandates that in making decisions related to the environment, the government must consider local wisdom and local community knowledge, including customary law.

However, in reality, the implementation of these provisions is still lacking, especially in terms of protecting customary rights and the rights of local communities to the environment (Nuari & Hermawan, 2021). Several environmental policies taken by the government still ignore the rights of indigenous peoples and often damage the environment and local people's lives (Kulin & Johansson Sevä, 2019). Therefore, further efforts are needed to ensure that customary law is truly

recognized and implemented in environmental policy making in Indonesia.

Third, the formation of customary institutions: Indigenous peoples can form customary institutions to strengthen the implementation of customary law in protecting the environment (Hidayah et al., 2018). This customary institution can have a role in monitoring and enforcing customary law against environmental violations. Buntu Batu Pangkep Village has a customary institution that functions to maintain the customs and habits of the local community. Generally, customary institutions in Indonesia function to maintain local culture, customs and traditions. Customary institutions in Indonesia also play a role in resolving conflicts between individuals or between groups, as well as in regulating the distribution of power and wealth.

Customary institutions in Indonesia can be in the form of the Adat Council, the Customary Council, or the Customary Consultative Body, depending on the region and local customs. In this village, there is a stipulation from the customary institution, namely that men in Buntu Batu Village must plant 10 trees to obtain permission to marry. This action is part of forest reforestation in order to remain sustainable. This rule has been agreed upon by all the people of the Buntu Batu Traditional Village which was ratified by their traditional elders.

This customary law cannot be canceled and has fulfilled the requirements to be enforced. Changes in the form of additions or subtractions must go through a relief mechanism. Namely through a joint pabtalk which was attended by at least 3 of the total number of indigenous Buntu Bantu villagers. This customary law concerning forest preservation is a form of implementation of pattingalloang. Indigenous people comply with the law including reforestation because of their awareness to protect the environment. Thus, customary law can legally apply to protect the environment by involving indigenous peoples in policy making and law enforcement. Recognition and application of customary law by the government can help respect the rights of indigenous peoples and maintain environmental sustainability.

Conclusion

The customary law in the Buntu Batu Pangkep Traditional Village is accepted by their community as a whole so that the law is said to be valid. The validity of customary law is reflected in the emergence of the concepts of binding orders, prohibitions, powers, coercion, rights and obligations. In order for this valid customary law to be effective, it must meet the requirements of legal rules, namely that it can be applied and accepted by the community. The customary law rules in the Batu Batu Adat Village clearly state these

requirements. There is an order to carry out reforestation for men who want to marry, if they don't comply they will not get permission to marry as a sanction. The community accepts this law positively and always obeys it. therefore the customary law in the Buntu Batu Pangkep Traditional Village is declared valid and effective.

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Author Contributions

Conceptualization: Sri Handayani, Indrahayu Mattalitti Umar Gazali, data curation: Wahid Yaurwarin, Raodiah, funding acquisition: Wahyuni Idrus, methodology: Sri Handayani, Indrahayu Mattalitti Umar Gazali, Visualization: Wahid Yaurwarin, Raodiah, writing-original draft: Wahyuni Idrus, Writing-review & editing: Wahyuni Idrus, Raodiah.

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Conflicts of Interest

No Conflicts of interest.

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