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by Hasmonel Hasmonel

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Local Assistance as Legal Capital Sustainability of The Environment in Bangka Belitung Archipelago Province

Hasmonel¹, Derita Rahayu^{2*}, Faisal¹

^{1,2}Universitas Terbuka Pangkal Pinang – Indonesia

Abstract

Consideration of the importance of environmental preservation based on local wisdom is an embodiment of the law that lives in the community. The law works and is embedded in a socio-cultural matrix to answer the problem of inventory of local wisdom in the Bangka Belitung Islands Province. Research carried out with a non-doctrinal approach (socio-legal research) is an approach in legal research in which law is conceptualized as an empirical phenomenon observed in the realm of experience. Local wisdom in the Bangka Belitung Islands Province includes those in Bangka Regency (ampak tin), West Bangka Regency (customary sanctions of the jungle bulin), and Belitung Regency (macara taun) as explained above, as a representation of environmental preservation in the Bangka Belitung Islands Province.

Keywords: lokal wisdom; environmental conservation; customary law; indigenous people.

Abstrak

Pertimbangan tentang pentingnya pelestarian lingkungan berdasar kearifan lokal, merupakan perwujudan dari hukum yang hidup di masyarakat, hukum bekerja dan tertanam dalam sebuah matriks sosio-kultural, untuk menjawab permasalahan inventarisasi kearifan lokal di Provinsi Kepulauan Bangka Belitung. Penelitian dilaksanakan dengan pendekatan non-doktrinal (socio legal research) yaitu pendekatan dalam penelitian hukum dimana hukum dikonsepsikan sebagai gejala empiris yang teramati di alam pengalaman. Kearifan lokal di Provinsi Kepulauan Bangka Belitung antara lain yang terdapat di Kabupaten Bangka (timah ampak), Kabupaten Bangka Barat (sanksi adat rimba bulin) dan Kabupaten Belitung (macara maras taun) sebagaimana dijelaskan di atas, sebagai representasi pelestarian lingkungan di Provinsi Kepulauan Bangka Belitung.

Kata Kunci: kearifan lokal; pelestarian lingkungan; customary law; indigenous people.

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Introduction

The Province of Bangka Belitung Islands is the 31st Province in Indonesia, based on Law No. 27 of 2000 concerning the Bangka Belitung Archipelago Province's Establishment. Consisting of 6 districts, namely Bangka Regency, South Bangka Regency, Central Bangka Regency, West Bangka Regency, East Belitung Regency, Belitung Regency, and one city area, Pangkalpinang City. The nature of the people in the Bangka Belitung Islands can be distinguished in terms of their livelihood sources. The main types of livelihood in this area are farming, fishing, mining labor/employees, and trading. Bangka Island's land is very suitable for commercial crops such as Rubber, Sahang (Pepper), Coconut, Oil Palm. This province is not an area with good pasture, so beef cattle are imported from Madura, Bali, Sumbawa and Lombok, and South Sumatra itself for the needs of meat for the community.

* Corresponding Author: itha82017@gmail.com



Especially when facing Eid days (Eid al-Fitr and Eid al-Adha), the need for beef is very much felt. This then created an attraction for Madurese people to become traders and breeders of cattle in Bangka and growing vegetables and crops, especially corn.

The Bangka people of Chinese descent generally carry out commercial business, not only do they work in the cities, but also they enter the villages. In this Province, there are various types of ethnic groups, mingling and developing. Besides the Bugis, Madurese, Butun tribes, there are Javanese, Balinese from the mainland of Sumatra (Batak, Aceh, Palembang, Padang, etc.), Ambon, and so on. The phenomenon in the Province of Bangka Belitung Islands, related to the environment, cannot be denied that there is a lot of environmental damage due to mining activities, especially those carried out by the people. In Bangka, community mining is tin mining, which has been around since 1998 because previously, the people were prohibited from mining. The term that has developed and is known by the people of Bangka Belitung is the Unconventional Tin Mine (TI) with many craters and gaping holes, ex-mining holes (Rahayu, 2016).

In the Critical Land Review Report of Bangka Belitung Islands Province in 2013, the criteria were somewhat critical, reaching 987,739 hectares or 3 (three) times 2010. Meanwhile, the critical criteria also increased from 88,386 hectares in 2010 to 155,389 hectares today. Of 27,782 hectares, now it has reached 60,720 hectares. In 2011 the Environmental Index was 64.99, but in 2012 it fell to 58.17. Community mining activities partly dominate the decline in the environmental index. (Ministry of Forestry, 2013).

Based on the description above, it is very important to research to make an **inventory of local wisdom in the Province of Bangka Belitung Islands**, which can be used as capital in environmental conservation law. Basically, all people in the Indonesian region have values as a guideline for traditional institutionalized behavior that animates and influences all people's behavior, including local wisdom to preserve the environment.

Siahaan (1983), explains that the problem of environmental conservation is not only approached from an ecological, biological, sociological, economic, or demographic perspective, but such problems involve various thoughts and disciplines of knowledge. Thought and discipline that cannot be ignored are thought through the law, including its institutional aspect. Thoughts and touches of law, both nationally and internationally, have been widely initiated and supported through the World Environment Conference in 1972 in Stockholm, which among other things, resulted in the principle of creating a harmonious relationship between humans and the environment, controlling the wise use of natural resources.

Elucidation of Article 2 letter b of Law No. 32 of 2009 concerning Protection and Management of the Environment stipulates that what is meant by "the principle of sustainability and sustainability" is that everyone has an obligation and responsibility towards future generations and others in one generation by making efforts to conserve the carrying capacity of ecosystems and improve environmental quality life. This provision is then clarified by explaining Article 2 letter l, which emphasizes environmental preservation with the "principle of local wisdom" by stipulating that environmental protection and

management must pay attention to the noble values that apply in the order of community life.

Ridwan (and Indrawan, 2014) explains that local wisdom is the knowledge that emerges from a long period of evolution of society along with the environment in a local system that is experienced together. The evolutionary process that is so long and inherent in this society then makes local wisdom a potential energy source from the community's collective knowledge system to be able to live together dynamically and peacefully. In this case, local wisdom does not just reference someone's behavior but can also dynamize the life of a society full of civility.

Local wisdom in environmental management is also highly respected by Karampuang, Sinjai Regency, and South Sulawesi. In Erman Syarif's (2017) research, he explained that the local wisdom they have is a valuable asset in preserving the environment. Some norms/rules apply in the Karampuang customary community, containing prohibitions, only restrictions or sanctions. Therefore, the Karampuang customary community still considers these rules to be something that must be maintained because they involve the people's direct life, especially for the survival of the people or the Karampuang indigenous people. Therefore, local wisdom is important to be carried out to maintain balance and environmental sustainability. The development of local wisdom cannot be separated from human behavior's influence on the environment.

This is in line with Donald Black's views, as quoted by Dahlia Haliah (2009), explaining that "Culture is the symbolic aspect of social life, including expressing what is true, good, beautiful. It includes ideas about the nature of reality (theoretical and practical), supernatural, metaphysical or empirical), conceptions of what good to be (right or wrong, proper and technology, religion, magic, or folklore). Values, ideology, morality and law have a symbolic aspect of this kind ". Culture (local wisdom) is a symbolic aspect of social life, including what is true, good, beautiful. It includes ideas about the nature of reality (theoretical and practical), supernatural, metaphysical or empirical), conceptions of what should be (true) or wrong, right, and technology, religion, magic, or folklore). Values, ideology, morality, and law have this symbolic aspect.

Besides, local wisdom is practically a community effort to conserve resources to continue to be used to support them and maintain environmental balance. It's just that the top-down development process has played down the role and function of local values through the application of various regulations originating from the center and prioritizing national interests without paying attention to the interests of the people at lower levels who are actually the main stakeholders of the existing policies. (Ridawan, 2014)

Abdul Karim (2017) explain that humans are a determining factor in efforts to preserve the environment, as well as have a role and responsibility to empower environmental wealth for the survival of the ecosystem. In fact, the great desire to fulfill life satisfaction often triggers humans to dominate nature, which tends to cause damage due to selfishness without paying attention to survival.

Humans and natural resources are inseparable; they are one unit. At the beginning of the universe's creation, God equipped man with the universe and everything that humans need, land and sea with everything in it, the sun, moon, and stars that provide energy and lighting for humans. Therefore humans are obliged to protect their environment, maintain and preserve it because everything is intended for humans to be used wisely. When humans have not been tempted by worldly consumerism, which can be seen in traditional rural communities, there will be quite wise values related to natural resources. In every rural community throughout Indonesia, there is 'wisdom' in interacting with nature. Initially, in a 'magical religious' understanding, but then it becomes an attachment that nature has given life so that it needs to be reserved and preserved (Siombo, 2011).

The description above emphasizes that consideration of the importance of environmental preservation based on local wisdom manifests the laws that live in the community. This view wants to show that the law has actually been embedded in society, or as Satjipto Rahardjo's term states, "law works and is embedded in a socio-cultural matrix" (Rahardjo, 2006). This is to answer research problems regarding the inventory of local wisdom in the Province of Bangka Belitung Islands, namely in Bangka Regency, West Bangka Regency, and Belitung Regency, to be used as capital in environmental conservation law in Bangka Belitung Islands Province.

If it is related to the theory of the operation of law in society from Chambliss-Seidman, it can explain how the influence of social factors or forces, namely local wisdom, has started from the stage of legal binding. Keep trying to enter and influence every legislative process effectively and efficiently, implementing or enforcement of it to the expected role, depending on the social forces (local wisdom) surrounding it (Chambliss and Seidman, 1971). Rohana Sufia, Sumarmi, Ach. Amirudin, said that around 80% of the earth's population has local wisdom. This situation can be used as a reference to living and last longer to answer modern life today (Sufia, 2016).

Research Problems

Based on the explanation in the background above, it can be taken the formulation of the problem as follows; how is local wisdom as the legal capital of environmental conservation in Bangka Belitung Province?

Research Methods

This paper is part of the Research on Inter-University Collaboration (Pekerti) between the Open University and the University of Bangka Belitung in 2020, which examines the Bangka Belitung Islands' local wisdom community regarding environmental conservation. The research was conducted with a non-doctrinal approach (socio-legal research), namely an approach in legal research where the law is conceptualized as an empirical symptom observed in the experience realm. As confirmed by Pujirahayu (2018), Law cannot be separated from the political and social contexts, so the law's protection

cannot be separated from how the interaction takes place with the political and social aspects. With that in mind, this study uses an interdisciplinary socio-legal approach.

Reading the explanation from Salman, which Rahardjo also emphasizes, the law is not just a set of rules, but also oriented regulations based on facts. This study's socio-legal approach will show how it affects reciprocity between laws regulating environmental preservation with other social phenomena such as with society (Salman, 2010). This research is socio-legal research. In principle, a socio-legal study is a legal study that uses a social science methodology approach in a broad sense. The data used are primary and secondary.

Mulyani (2010) explained Posner's views regarding almost all rules or doctrines of legal norms could be found in legal texts, which can be in the form of statutory regulations or judges' decisions in court. The legal text is special because it has an authoritative nature that binds everyone in a particular country's jurisdiction. The authoritative nature of law is especially given by states which are based on democracy. Because of this different nature, the approach and interpretation of legal texts cannot be equated with how we read or interpret non-legal texts.

In line with what was explained by Hakim (2016), who quoted the opinion of Mike McConville and Wing Hong Chui, that in the history of legal research, there are 2 (two) research traditions, the first is doctrinal legal research (black-letter law), which focuses on his research on the law itself as a stand-alone rule, which can be traced through legal texts and statutes, with little (even 'without') references to other disciplines. The second is 'law in context' (law in context), which emerged and developed around the 1960s. Doctrinal legal research only focuses on law in books. Meanwhile, law enforcement, legal reform, legal politics, and others are marginal issues. On the other hand, in the realm of 'law in context,' the starting point is not law, but problems in society. In this connection, the law is seen as a social phenomenon that can trigger the emergence of social problems or be part of the solution and other social aspects, such as politics, economics, and so on.

Socio-legal research is clearly in the realm of applied law and is interdisciplinary. While the doctrinal approach focuses on formal law (law in books), socio-legal research concentrates on real law (law in action) (Hakim, 2016). Law in the sociological approach is assumed to be not autonomous, so non-judicial factors determine its enforcement. That is why the law is seen as a product of social interaction. This means that the community obeys the law to be effective because the law is considered to have represented a sense of justice that grows and develops in the community. In essence, the law is not only a normative phenomenon; it is also a social phenomenon. That way, the law must change according to society's changes so that there is no legal vacuum. So, the position of law is as the "service" of society where the law must follow the will of the developing community as its "master" (Barus, 2013).

The research locations are three regencies in the Bangka Belitung Islands Province, representing the exploration of local wisdom related to environmental conservation, namely Bangka Regency, West Bangka Regency, and Belitung Regency. The selection of

research locations in the Bangka-Belitung Islands Province was based on considering that the existing environmental conditions were still preserved amidst the many environmental damages caused by tin mining activities in this Province.

To trace information in the search for data in research using key informants, people who maintain local wisdom related to environmental conservation in several districts of the Province of Bangka Belitung Islands. The technique of determining informants using snowball sampling is a process of spreading out the sample like a snowball, which is small and then gets bigger in its "rolling roll" process. In this study, based on the initial informant's recommendations, the new researcher continued the interview with the next informant until he got saturated data; that is, no new answer variations were found (Faisal, 1990).

Discussion

Legal Concept of Local Wisdom Relating to Environmental Preservation

Article 32 paragraph (1) of the 1945 Constitution determines: The state advances Indonesian national culture in the midst of world civilization by guaranteeing the freedom of the people in maintaining and developing their cultural values. The amendment was motivated by efforts to place national culture at a high level based on the understanding that national culture, which guarantees the elements of regional culture, is the identity of the nation and state that must be preserved, developed, and strengthened in the midst of rapid global change and can threaten the identity of the Indonesian nation and State.

This provision provides logical consequences for the people's rights to develop and preserve local culture as their identity and identity, namely through recognizing environmental conservation efforts based on local wisdom in managing the environment. This is contained in Article 1 (1) of Law No. 32 of 2009 concerning Environmental Protection and Management (UUPPLH) that preservation of environmental functions is a series of efforts to maintain the carrying capacity and carrying capacity of the environment.

This local wisdom is also the basis for preparing an Environmental Protection and Management Plan (RPPLH), which must pay attention to local wisdom. Article 9 paragraph (2) letter (d) UUPPLH). This Law also provides regulations regarding the role of the community in environmental protection and management, which is carried out to develop and maintain local culture and wisdom in the framework of preserving environmental functions (Article 70 paragraph (3) letter (e) UUPPLH).

Based on the explanation above, local wisdom is recognized constitutionally. The explanation above affirms that environmental conservation must pay attention to the values of local community wisdom. UU no. 23 of 2014 concerning Regional Government This provision provides the authority to determine local wisdom related to environmental conservation in regional legal products. 32 of 2014 concerning Regional Government in conjunction with Law No. 2 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2014 concerning Amendments to Law Number 23 of 2014

concerning Regional Government into Law.

The sub-sector recognizes the existence of customary law communities (MHA), local wisdom, and MHA rights related to PPLH based on Law Number 23 of 2014 concerning Regional Government letter a. Determination of the recognition of MHA, local wisdom or traditional knowledge, and the rights of local wisdom or traditional knowledge and rights of MHAs related to PPLH in the Regency/city. b. Increasing the capacity of MHA, local wisdom or traditional knowledge and rights to local wisdom or traditional knowledge and rights of MHAs related to PPLH in regencies/cities.

Sumarmi and Amirudin explained that local wisdom is local knowledge used by the community to survive in an environment that is integrated with belief systems, norms, and culture and is expressed in traditions and myths held for a long time. The functions of local wisdom are as follows: *first*, as a marker of a community's identity; *second*, as an adhesive element (cohesive aspect) across citizens, across religions, and beliefs; Third, local wisdom gives a community color; *fourth*, changing the mindset and reciprocal relationship between individuals and groups by placing them on the common ground/culture; and *fifth*, encouraging the building of togetherness, appreciation, and a joint mechanism to ward off various possibilities that reduce, even destroy, communal solidarity, which is believed to originate and grow on shared awareness, from an integrated community. As emphasized by Ayatrohaedi Local wisdom or "local genius" is a term introduced by Wales namely "the sum of the cultural characteristics which the vast majority of a people have in common as a result of their experiences in early life (Ayatrohaedi, 2016).

According to Ter Haar's opinion, the customary law community is an organized human entity that resides in a certain area and has managers whose members do not have the thought or tendency to break away from that bond forever. For example, Nagari in the Minangkabau community, hamlets, and clans in Palembang society have their own structure outside the state. Local wisdom can be found in songs, proverbs, sesanti, advice, slogans, and others (Saptomo, 2010).

Describe more specific phenomena that are usually characteristic of certain groups of communities, for example, *alon-alon asal kelakon*, *nyulet* food in the Bangka community so that they do not have *kepon*, which is a local term for the Bangka community, namely an accident occurs in people who refuse food or drinks that are offered because they are considered rejecting fortune. *Kepon* can also occur because the desire for food is not fulfilled. *Nabat di tengah hutan* (Nabat in the middle of the forest) is one of the Bangka people's local wisdom, which means ethics for environmental sustainability and sustainability, especially for forests' existence.

Describe more specific phenomena that are usually characteristic of certain groups of communities, for example, *alon-alon* originating from a play, eating food in the Bangka community so that they do not have *kepon*, which is a local term for the Bangka community, namely an accident occurs in people who refuse food or drinks that are offered because they are considered rejecting fortune. *Kepon* can also occur because the desire for food is not fulfilled. *Nabat in the middle of the forest* is one of the Bangka people's local

wisdom, which means ethics for environmental sustainability and sustainability, especially for forests' existence.

Local wisdom emphasizes the place and locality of the wisdom, so it doesn't have to be wisdom passed down from generation to generation. Local wisdom can be wisdom that has recently emerged in a community as a result of its interactions with the natural environment and its interactions with other communities and cultures (Njatrijani, 2018). According to Saini, local wisdom is often associated with local communities. It is conceptualized in foreign languages as local wisdom, local knowledge (local knowledge), or local genius. Local wisdom is the attitudes, views, and abilities of a community in managing its spiritual and physical environment, which gives the community resilience and strength to grow in the area where the community is located. In other words, local wisdom is a creative answer to a geographic, political-historical, and situational situation that is local in nature (Suparmini, 2013).

Suparmini (2013) explains that local wisdom can also be interpreted as a view of life and knowledge as well as various life strategies in the form of activities carried out by local people in answering various problems in fulfilling their needs, including all the elements of life; religion, science and technology, social organization, language and communication, and the arts. They understand programs, activities, and related implementation to maintain, repair, and develop elements of needs and ways of fulfilling them by paying attention to human resources and natural resources around them.

Suparmini also explained that local or local people often consider themselves as original inhabitants of the area concerned, and they usually come together at the community or village level. Such conditions can cause differences in ownership between indigenous people and new residents from outside so that local communities are often the right partners in conservation. In most parts of the world, more and more local people have interacted with modern life, so that their value systems have been affected, and the use of goods from outside has followed. Shifting values will risk weakening indigenous people's closeness to the natural surroundings and destroying local conservation ethics.

Benefits of Local Wisdom as Environmental Preservation Capital

The term environment or human environment as a translation from English is often used interchangeably in the same sense even though the meaning of environment and human environment can be defined differently based on perceptions and respective disciplines. Humans have a reciprocal relationship with their environment. Their activities affect their environment, and vice versa; their environment influences humans. Such reciprocal relationships exist between humans as individuals or groups, or communities and their natural environment. Therefore, it is true what Rene Dubos said in his book entitled *Only One Earth* and has been quoted by Daud Silalahi, Kritianto (2015), namely as follows:

Man inhabits two worlds; the natural world of plants and animals, of soil and air and waters which preceded him by billion of years and of which he is a part. The other is

the world of social institution and artifacts he builds for himself, using his tools and engines, his science, and his dreams to fashion an environmental obedient to human purpose and direction.

If environmental problems are seen from various aspects, they will systematically help us understand them, i.e:

1. The development of science mainly causes environmental problems. Therefore, it must be studied and resolved through science as well. In this aspect, it is assumed that science has been used to control nature, but at the end of the day, on the issue of our ability to master science for human survival.
2. Environmental problems are caused by rapidly developing technology.
3. Environmental problems that are seen as part of economic problems seek economic theory as a basis for their argument. For example, a very vocal economic theorist, John Maddox, who is the editor of Nature, also argues that environmental problems caused by population growth can be separated by providing sufficient food and shelter.
4. Environmental problems can also be seen from a philosophical perspective by paying attention to the basic symptoms. In this case, humans can analyze the way humans perceive themselves with other people, with nature with an environment based on the ecosystem that guides it and the environmental problems it debates.
5. Environmental problems that are analyzed by the existence of social changes, social phenomena, in general, can also be related to population problems, limited natural resources, and pollution problems. However, lifestyle changes have been considered more influential than social changes in the general sense (Silalahi, 2015).

American researchers highlighted that responsibility for environmental damage could not only be imposed on private civil liability but more broadly for the Environmental Action Program but do not provide direct support for civic accountability, which means it is also the responsibility of the State. The state is also expected to attend to the issue of environmental responsibility.

Susan Rose-Ackerman (1995) argued that in 1993 the Council issued a resolution endorsing the broad goals of the Environmental Action Programme but provided no direct support for civil liability. The Council only 'recognizes' that a broader range of instruments is required, including, 'where appropriate, market-based and other economic instruments'.² A 1984 directive on the transfrontier shipment of hazardous waste originally included civil liability provision, but it was omitted from the final version.

Besides leading to a better life, the development also carries risks because it can cause pollution and environmental damage. To minimize such pollution and damage, it is necessary to strive for a balance between development and environmental preservation. Increasing economic activity through the industrialization sector must not damage other sectors; for example, power plants' construction cannot destroy agricultural land. The concept of harmony between development and environmental sustainability is often called environmentally sound development, and recently it is better known as sustainable development (Sawitri, Bintoro, 2010).

Anthropocentrism is one of the causes and even the main cause of the environmental crisis that we are experiencing today. The environmental crisis is thought to occur because anthropocentric perspectives influence human behavior. This anthropocentric viewpoint causes humans to exploit and exploit the universe for the sake of fulfilling the interests and necessities of life, without paying enough attention to the preservation of nature. This exploitative, destructive and indifferent behavior pattern is thought to be rooted in a perspective that only cares for human interests (Neolaka, 2008).

Humans in the formation and implementation of environmental legal norms are related to the fundamental question of reflection in relation to what should be done to make the role of law more effective in protecting the environment from damage. From this perspective, it is relevant what is conveyed by Pujirahayu, the importance of the moral paradigm in law. The first moral value that must be put as the basis is an understanding of the human position and its relationship with other natural elements. In line with the environmental character that Fritjhof Capra says is interconnected and interdependent, the right perspective as a moral value is ecocentrism (Suharto, 2017).

This perspective, which Capra calls the "ecological view," sees the world as an integrated whole and not a combination of separate parts. Humans are not the center of nature because ecologically, living things, including humans and their behavior and other abiotic communities, are related to one another and have reciprocal relationships and influence. The second moral value that needs to be instilled is the understanding that protecting the environment is a total work because it involves humankind and other living things on this earth. The stakes are the existence of humans and other living things if we mismanage the environment. The third moral value is a holistic way of thinking. This way of thinking is shown from the understanding that the law's target is not limited to humans who live and exist today but also includes generations who will live in the future of humans, non-human beings, and ecosystems and habitats that support human life (Suharto, 2017).

The benefits of the importance of local wisdom in juridical environmental preservation are stated in Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH) in Article 1 paragraph (30), states that "*kearifan lokal adalah nilai-nilai luhur yang berlaku dalam tata kehidupan masyarakat untuk antara lain melindungi dan mengelola lingkungan hidup secara lestari*". ("Local wisdom is the noble values that apply in the order of community life to, among others, protect and manage the environment in a sustainable manner.") In paragraph (31), the definition of customary law communities is: community groups that are hereditary living in certain geographic areas due to ties to their ancestral origins, strong relationships with the environment, and the existence of a value system that determines economic, political, social, and legal institutions. In the general explanation number 2 UUPPLH, it states that:

".... Indonesia's environment must be properly protected and managed based on state responsibility principles, the principles of sustainability, and the principles of justice. Besides, environmental management must provide economic, social, and

cultural benefits based on the principles of prudence, environmental democracy, decentralization, and recognition and respect for local and environmental wisdom.

August P. Silaen in Iskandar explains that, in essence, the management and or conservation of natural resources means preservation and protection and their wise use by applicable legal principles/principles and norms (Iskandar, 2011). Recognition and appreciation of local wisdom in environmental management have clearly shown that local wisdom must be included or involved in the implementation of a policy relating to the environment that is in direct contact with indigenous peoples who are still implementing life systems based on the wisdom of the noble values of the local community. Local wisdom can be in the form of human values, togetherness, brotherhood, and exemplary attitudes (Rahayu, 2019).

The explanation of the juridical recognition of the benefits of local wisdom in environmental preservation above this actually shows that the legislators' perspective has shifted to the point of view that humans and nature are one unit, which Sony Keraf calls environmental ethics. Anthropocentrism is a symbol of individualized systemic human greed but is attached to technology, science, the economic system, and the authorities' power structure (Susilo, 2009).

Sony Keraf (2006) explains that biocentrism as a contradiction to anthropocentrism has a point of view, it is not true that only humans have value. Nature also has a value in itself apart from human interests. Furthermore, Deep Ecology is a new ethic towards the environment that is not centered on humans but centered on all living things concerning efforts to overcome environmental problems.

In accordance with local wisdom is the principle of eco-literacy; what needs to be understood from eco-literacy is the wisdom of nature which is described by Fritjof Capra as the ability of the planet's ecological systems to organize themselves through subtle and complex ways. The way these ecological systems organize themselves has proven to be very reliable in preserving life on planet Earth (Purwadianto, 2004). So in fact according to this view, we are invited to return to traditional wisdom, the old wisdom of indigenous peoples. In other words, the big project of environmental ethics is to encourage and invite modern humans to return to indigenous peoples' ethics.

Ecoliteracy means a condition in which people are enlightened about the importance of the environment. Or in short, eco-literacy describes the awareness of the importance of the environment. People who have reached the level of eco-literacy, thus, are people who are very aware of the importance of the environment, the importance of protecting and caring for the earth, ecosystems, nature as a place to live and develop life. Based on and driven by this awareness, humans organize their patterns and lifestyle into patterns and lifestyles in harmony with the environment. Humans then use this awareness to guide their lives in all its dimensions until they become a culture that permeates all society members to create a sustainable society finally. Capra also means eco-literacy as a condition in which people have understood ecological principles and live according to

those ecological principles in organizing and building a life with humanity on this earth and creating a sustainable society (Keraf, 2014).

Niman (2019) explain that nature has the right to be respected, not only because human life depends on nature but also because of the ontological reality that humans are an integral part of nature. The principle of respecting nature is a form of human moral responsibility towards nature. This responsibility is not only individually but also collectively in society, especially indigenous peoples. This is usually maintained and lived through taboos or myths. These taboos and myths are understood as local environmental ethics.

The principle of local wisdom in environmental management is clearly derived from the values or crystallization of noble conceptualism that develops in the community, which is recognized and implemented voluntarily. This form of local wisdom is embodied in the spirit of life adopted by indigenous peoples. Indigenous peoples are much more concerned with environmental management sustainability, not only for now but for future descendants. The concept of environmental management sustainability will be much more meaningful and better if it is adopted and applied in making laws and regulations based on community-based environmental management so that it will strengthen the position of the existence of local wisdom, which seems to be drowned out by the interests of a few people for group profit-based management.

Local Wisdom as The ¹Legal Capital Preservation of The Environment in Bangka Belitung Islands Province

The Province of Bangka Belitung Islands was previously part of the Province of South Sumatra, which was formed based on Law Number 27 of 2000, which has potential in plantation, fisheries, mining, and tourism good prospects for meeting the needs of domestic and foreign markets. As the largest white pepper and tin producer in Indonesia, the government must carry out serious supervision of the productive land for white pepper agriculture to not become large-scale mining and oil palm plantations (Gusmadi, 2019).

The Province of Bangka Belitung Islands Has A Large Potential for Tin, But Currently, The Potential Is Little On The Land, Most Of It Is Past Mining Dregs (Yuninto, 2009). As a result of mining, Riding Panjang and Mt. Muda Kec. Belinyu, Kab. Bangka is experiencing environmental damage, more than 3,000 ha of land in the form of critical land, environmental damage resulting in erosion, sedimentation, flooding, drought, and potential landslides (Irvani, 2015).

Identical as the largest tin mining area in Indonesia, Bangka Belitung is shackled by problems such as environmental damage, air pollution, water pollution, and pollution in the surrounding environment. We have to admit that the condition of the environment and forests in Bangka Belitung is still in critical condition. Apart from mining activities, other factors that cause environmental damage include high population growth every year, weak law enforcement, and low public awareness.

Based on data from the Environmental Damage Inventory issued by the Regional Environmental Agency for the Province of Bangka Belitung Islands in 2014, land damage has increased compared to the previous year. From the inventory data in official website of Babel-Province, the percentage of critical land in Bangka Belitung Islands Province consists:

1. Not critical 10.814,45 Ha (1,5%);
2. Critical Potential 625.782,62 Ha (39%);
3. Somewhat critical 722.359,28 Ha (44%);
4. Critical 144.231,21 Ha (9%);
5. Very critical 117.860,85 Ha (7%).

The data above clearly illustrated that the distribution of environmental land that is not in critical condition is only 1.5% of the total area. Even though the data presented was taken in 2014, it can at least be used as a barometer for us in making policies to address environmental damage conditions in the Province of Bangka Belitung Islands. Quite a variety of local wisdom in the Province of Bangka Belitung Islands related to environmental preservation. In this case, local wisdom that is still alive and recognized by the local community as a control to protect the environment will be conveyed, some of which will be described as follows.

First, West Bangka Regency, in Mancung Village, Kelapa District. There are customary sanctions imposed on the Mancung Community in preserving the Rimba Bulin environment. The sanction becomes a court to Bulin's forest destroyer so that the perpetrator of the crime can admit his mistakes and be responsible openly in front of the community. Miners who destroy Bulin's forest must make amends for their mistakes by slaughtering livestock (cattle) as a substitute for fines. Before the cow is sacrificed for slaughtered, the cow is first paraded to Rimba Bulin and forest destroyer miners and witnessed by the community. The blood of the cattle (cow) is offered to the ancestors of Rimba Bulin. For the interests of the perpetrators themselves, blood is a symbol of mistakes that must be purified again so that it becomes human the good one in the future.

The Rimba Bulin tradition is a sanction mechanism based on custom or local wisdom to protect the environment. Rimba Bulin is known as a sacred forest, which is considered to be full of mystique. Muzairi (2014) explains that mysticism is a term that is conditional with meta-physical things. Rationality is trapped in the space of symbols, values, meanings, and illusions. Mysticism can be defined as awareness of the Single Reality - which may be called Wisdom, Light, Love, or Nothing. It cannot be understood and explained in any way of perception; neither philosophy nor reason can express it. Only wisdom of the heart, gnosis, can explore some aspects.

For the Mancung community, the Bulin forest symbolizes their ancestors who need to be preserved. The Rimba Bulin traditional ritual is a local culture maintained by the people of Mancung Village, Kelapa District, Kelapa Village, West Bangka Regency. The ritual was held because several community members had committed customary violations by opening unconventional mining (TI) in the Rimba Bulin Customary Forest. In the

Mancung community, the term jungle is equated with the word forest. The word Bulin is the tree's name in the forest, namely the Bulin tree (Interview with Community Leaders in Mancung, 2020).

Customary law states that the term Adat Law is differentiated into three aspects: *first*, customary law has the meaning of law, rules, teachings, values, ethics, morality, agreements, and actions related to behavior that is considered correct in community life about other people and the natural surroundings; *second*, customary law is associated with the term of habits that are repeated naturally and have a powerful element of belief; *third*, customary law is a system of norms produced by customary stakeholders (Lukito, 2008).

Rimba Bulin is local wisdom that is unique and has significance in controlling deviant behavior by the local community. The local government has not accommodated this local wisdom in regional legal products (either regulations or stipulations). It remains sustainable and develops and is consciously obeyed by the community for environmental conservation efforts.

Second, in Bangka Regency, the local wisdom in this area is generally recognized in all Bangka Belitung Islands Province districts, that is tin *ampak*. Tin seems to be the wisdom of the previous society with the aim of the environment being able to continue to be used for the survival of future generations of children and grandchildren. This wisdom is believed and felt by the community at this time aimed at community welfare and environmental sustainability (Interview with several community leaders in Bangka Regency, 2020)

Tin *ampak* (the term is not known in the scientific context of the geology of tin content), there is local wisdom here to save the environment, that is, tin that has been emptied, in the sense that the quality and quantity of tin is no longer good, or in terms of our society, it is called *diasal*. During the Dutch colonial era in Bangka and the era of Chinese ethnicity from China to Bangka, there was the exploitation of tin sand for a *diasal* area, which had never been exploited (Rahayu, 2015)

In fact, several areas in Bangka Regency are completely untouched by community mining activities or mining in general, that is Balunijuk Village, Merawang District, Petaling Village, Mendo Barat District, Mabat Village, Bakam District, and several other villages that have absolutely no activity of tin mine. According to the local community, there is no mining activity because the tin is *ampak* (also known as tin, which is derived (*diasal*)), a term from the community to describe the condition of tin that is empty or empty, so if it is weighed very lightly, it is not valuable. Tin has become *ampak* because previous people deliberately made it up to survive the environment so that their offspring could still use the environment for farming, which was the source of livelihood at that time. The absence of mining in the area because tin seems to cause the environment there to be preserved.

Then local wisdom regarding the beliefs of the people of Petaling Village, Bangka Regency, is related to the existence of local rules, norms, prohibitions, or taboos, which are respected and carried out from generation to generation by the local village

community. The existence of these myths, both when they are about to start their daily activities or spontaneous occurrences when they are in the middle of a forest, garden, or river, and the taboos that they must respect are a recognition or legitimacy from generation to generation to their narrative or advice from their ancestors based on natural and spiritual experiences that happened. In the meaning of this condition of legitimacy, the myths that are believed by the local community, such as the *Saripah Pandan* myth (the guardian of the *lelap* Menduk forest) and the *Bujang Antan* myth (the guardian of the Menduk river), are myths that are believed and respected by the people of Petaling Village which function as symbolic messages about what will happen in their daily lives, especially when they are in the forest, garden or river, also functions as a form of obedience and respect for the knowledge and spiritual experiences of their ancestors as well as legitimacy for existence and power to the supra-natural community or ancestors who he believes (Ahkap, 2015).

The third in Belitung Regency, based on the explanation of a local figure when interviewed in May 2020, explained that Buluh Tumbang is one of the villages in the Tanjungpandan sub-district, Belitung Regency. Buluh Tumbang Village is one of several villages that still maintains one of the customs or traditions that have existed since their ancestors, namely the maras taun tradition. Maras Taun is a tradition that exists every year and is always carried out by every village, a form of gratitude for the Belitung people for the harvest given to the Belitung people. In a village, there must be a village dukun or, in other terms, the traditional leader of the village.

The term DUKON in Bangka is different from the term DUKON in Java. If DUKON in Bangka is a title given by the local community to a person or figure who has supernatural powers, it can bring and drive away ghosts' spirits in places such as villages, rivers, *Payak*, *Lelap*, Forests, Hills, Land, which is called according to their expertise, Namely the Village Shaman, River Shaman, and others (Elvian, 2015).

The customary leader usually leads the maras taun, or the Belitung people call it the village dukun. There are two types of village shamans or village traditional leaders: the old shaman and the young shaman. In my interview with one of the traditional leaders or the village dukun of Buluh Tumbang village named Kek Hamim, he is a young village shaman.

He said that being a village shaman or village custom leader was not an easy task because his obligation to maintain and preserve the Belitung culture was not an easy one in the midst of changing times that had modernized. Then he said that the desire to become a village dukun was not his wish, but it was the community who had the right to judge and choose to whom the duties and burdens of becoming a village dukun or traditional leader were given.

Back in the series of macara maras taun, tracing kek Hamim, usually in this event, not much is needed in this activity, such as a handover or whatever is not needed in this event, but as symbolic is an annoyance in his village language. In that annoyance, there are *daun ruse* containing water that have been read the prayers of salvation and the holy

verses of the Koran; this is the basis that the village shaman has carried out his duties in the maras taun event.

"The entertainment in the maras taun program is allowed; in this case, it is a form of preservation of cultural arts carried out by the village of Buluh Tumbang," according to Kek Hamim. At the end of his interview, he advised the youth, especially the village of Buluh Tumbang, that we as young people must believe and believe in their work as village advice and protect the culture of the people of Belitung, especially Buluh Tumbang village.

In an interview regarding local wisdom in Belitung, the source of the data obtained was not only from the traditional leaders but also from the community, one of which was the Buluh Tumbang village community who was a native of Buluh who had fallen himself, from his birth until now he has lived in Buluh Tumbang village. His name is Triyana; he lives at Jalan Karya Bakti RT 013/RW 004 Buluh Tumbang Village, Tanjung Pandan Belitung.

According to the indigenous people of Belitung, to preserve culture, the customs that have existed from the time of their ancestors are more introduced to the younger generation or the present millennial generation. Then one of the arts that are often displayed or in shows, which is an art originating from the island of Belitung, namely the village of Buluh Tumbang, is a long lesung dance that has been known nationally. However, the problem lies in the human resources. According to him, today's young people are less interested in one of the arts that originated from the island of Belitung, this fallen village of Buluh. This is most likely due to the influence of today's technology.

The village government has an important role in assisting the traditional leaders in preserving the island of Belitung's arts and customs, especially the village of Buluh Tumbang. On the occasion of the interview, he also said that, in fact, technological developments could be a combination of existing arts to create new creations and not to forget the previous arts or customs. At the end of his interview, Kak Triyana as a community of Buluh Tumbang Village, as a community who has lived from generation to generation, young people in Buluh Tumbang village try to glance at and participate in preserving the culture and customs of their ancestors so that the habits, customs, and traditions that have been This is not lost, so that our children and grandchildren or future generations will know that there will be customs in Belitung Island, especially in Buluh Tumbang Village.

In the people of the Bangka Belitung islands, forests managed by many communities are related to and associated with their livelihood systems and traditions always in the production forest space. There will be many kinds of forests managed by the community traditionally and their ancestors' traditional traditions. In the islands of Bangka Belitung, several terms are generally known such as (Cholillah, 2017):

1. Rimbek wilderness that is still natural and dense. Example of Rimbek Mambang in Dalil Village, Kab. Bangka.
2. Larenghutan Forest, in which the customary rules of no-prohibitions apply in forest processing and tree and timber logging systems. Example of the Bukit Tabun

Customary Forest in the Benak Pejem area, Gunung Pelawan Village, District. Bangka. Examples of prohibited forests will also be found in the South Bangka area.

3. Haminte Forest/Forest Reserve forest area owned by a village or a combination of several villages. Examples of Bukit Tukak Forest, Wek Kertik Bebar Akip, Canon Rinti Abit/Bingak in Pangkalniur Village, Kab. Bangka.
4. Kelekak Almost evenly distributed forest can be found in the Bangka Belitung Islands. It is an old former settlement forest that has long been abandoned and turned into a fruitful plantation. Examples of Kelekak Lukok in Kemuja Village, Kelekak Lubuk Bunter in Kimak Village, and Kelekak Ketipeng in Pangkalniur Village.

The authors can convey only a few environmental wisdom; there are still many recognized environmental wisdom and can be used as a basis and guidance in behaving wisely in responding to the conditions of the environmental situation in the Bangka Island region. In Gadgil and Barks' opinion, this intention is that local wisdom cannot be separated from elements of local rules, local traditions, customs, or cultural values. Local wisdom related to environmental preservation in the growing and developing Bangka Belitung community, as explained by Pujirahayu, that an order that embodies the values of local wisdom are indeed not static and open to penetrations from outside; however, the spirit that is built by the community it does not make him disappear or extinct. Thus, the spirit or soul of the community is used as the basis for realizing environmental sustainability.

Environmental problems will not be resolved if they stop at the level of ethical thinking but must be manifested in concrete actions. Naess emphasized that to start this movement, we have to start from ourselves, starting from our respective households. When compared, Naess and Capra's thoughts actually have similarities in many ways, especially in terms of movements that must be carried out to overcome environmental problems.

Both of them both believe that a change in people's mindset towards the environment will fundamentally change their relationship to nature. However, on the other hand, more practical efforts are also needed to condition the community to be environmentally aware. In this portion, the government can actually take a big role in policies such as what should be made to be more pro-environment. In connection with this, the government can implement an incentive or disincentive mechanism.

The existence of local wisdom that shows the community's cohesion and trust resolves problems by implementing their own legal, regulatory mechanisms that originate from their habits or the community, which can be seen from the persistence of local wisdom until now, such as in Bangka Belitung province today.

Purnawan D. Negara (2017) explained that the morality contained in the social capital of local wisdom is necessary for our law because without social capital. According to Satjipto Rahardjo, our law seems without a backbone, local wisdom is needed as social capital in living our lives in having a statute law. But unfortunately, morality has not

become our social capital even though there is Pancasila, but violence against entrepreneurial workers and society against environmental damage, corruption continues.

Holistic reflection and deep ecology have basically been manifested in Indonesian society's legal values, which are included in local wisdom. Basically, local wisdom is in the form of teachings and prohibitions closely related to maintaining a balanced relationship with nature, which guides humans to behave more appropriately. Harmonious And in harmony with the universe's rhythm so that a balanced relationship between humans and their natural environment is created. If human behavior is greedy, it destroys the balance of nature or is not familiar and is in harmony again with the rhythm of nature; there will be a misalignment of the shaking of the universe in the form of a mountain earthquake erupting as a disease flood drought storm landslide fire (Negara, 2017).

Yudi Latif (2011) explains that based on the principle of *eco-literacy* which is a way of looking at the environment without neglecting the value of local environmental wisdom, it is in line with the principle described by Latif, namely that God has positive values which being inclusive, liberating and glorifying justice which is not only understood as respect and respect among religions but also leads the way to the truth. For example, tin miners in Bangka, if they prioritize the spirit of religion, there will be no illegal mining because environmental damage results in worldly damage that is also bad for the non-mundane; we must not be greedy and arrogant. More details can be described in the diagram below.

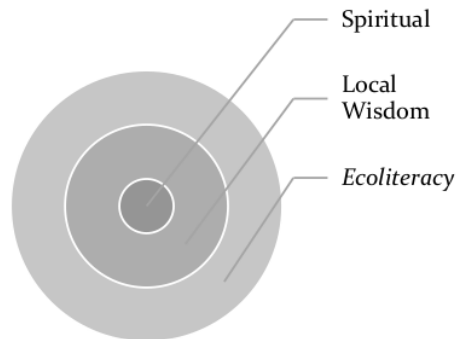


Figure 1. The relationship between spiritual, local wisdom, and Ecoliteracy

This demonstration can be explained that the existence of local wisdom is basically rooted in the religious (spiritual) value system adopted by the community. Religion is an important guide in the development of eco-literacy-based environmental law to be implemented. Therefore, religion lays a basic meaning in harmonizing worldly and non-worldly life (Rahayu, 2017). There is much consensus on the importance of the religious aspect in acting on environmental problems. It is clear that the struggle to integrate ecology, justice (society), and faith into permanent thinking for the future (Latif, 2011).

At the end of human life, environmental conservation law has developed rapidly, not only about the function of law as protection, control, and certainty for society (social control) with the role of an agent of stability but more importantly, as a means of

development (a tool of social engineering) with the role as an agent of development or agent of change. Environmental law concerns the determination of values (waarden beoordelem), namely the values currently in effect and the values expected to apply in the future. It can be called the law that regulates the environmental order. Protection and improvement of the human environment are a major issue affecting all nations' economic development and welfare in the world. Humans must live in harmony with their environment so that humans can enjoy their lives properly and properly. Therefore, the environment's existence is very important for human life, so its sustainability must be preserved and protected (Wati, Hidayah, 2017).

Conclusion

Local wisdom in Bangka Belitung Islands Province, among others, is found in Bangka Regency (*tin ampak*), West Bangka Regency (traditional sanctions for bulin jungle), and Belitung Regency (*macara maras taun*) as described above, as a representation of environmental conservation in the Bangka Belitung Islands Province.

Suggestion

Local wisdom is the basis for decision making related to environmental conservation, therefore it can be further investigated why local wisdom is not included in formal regulations, especially regulations that deal with environmental issues.

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