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Proceedings of the International Conference on Environmental Law and Mining Law, ICTA II-MIL 2023, 21st October 2023, Pangkalpinang, Bangka Belitung, Indonesia

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Publisher EAI ISBN 978-1-63190-455-4 ISSN 2593-7650 Series CCER

Conference dates 21st Oct 2023 Location Pangkalpinang, Indonesia

Appeared in EUDL 2024-03-19

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Recognition of Local Wisdom in Environmental Management in Bangka Belitung Islands Province

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Abstract. This article aims to analyze legal recognition of the positive impact of indigenous knowledge on environmental preservation is explicitly stated in Section 2 of Law No. 32 of 2009 on Environmental Protection and Management. This study finds that the sustainable development of the Bangka Belitung Islands Province is closely tied to the preservation of the environment, guided by the principles of local wisdom. The policies governing environmental management for daily necessities are rooted in the community's trust and implementation of indigenous knowledge. So, the study concludes that the acknowledgment of state authorities towards local wisdom in environmental conservation in Bangka Belitung involves formal registration with the Department of Tourism and Culture of the Province. This may include activities such as inventorying various indigenous practices related to environmental conservation in the province.

Keywords: Recognition, Local Wisdom, Environmental Management, Bangka Belitung Islands Province

1 Introduction

The province of Bangka Belitung has significant potential in the areas of plantations, fisheries, mining, and tourism, and is well-positioned to meet the demands of both domestic and international markets. As the largest producer of white pepper and tin in Indonesia, the government must exercise strict oversight over the land used for white pepper farming to prevent it from being converted into large-scale mining or oil palm plantations.[1]

Being the primary region for tin extraction in Indonesia, Bangka Belitung faces numerous challenges such as environmental degradation, air pollution, and environmental pollution. It is undeniable that the current state of the environment and forests in Bangka Belitung is critically compromised. Beyond the repercussions of mining operations, contributing factors to environmental harm encompass the annual rise in population, inadequate law enforcement, and a lack of public awareness. The presented data indicates that merely 1.5% of the total area consists of environmental land not in a critical condition. While the data is from 2014, it serves as a valuable reference point for formulating policies to address environmental damage in the Bangka Belitung Islands Province.[2]

Suppose The Chambliss-Seidman theory of the operation of law in society explains how social factors, such as local wisdom, can influence the legal binding process and every legislative process that follows. Local wisdom can effectively and efficiently enter and influence the implementation and enforcement of laws, depending on the social forces surrounding it. According to Rohana Sufia, Sumarmi, and Ach. Amirudin, around 80% of the world's population possesses local wisdom, which can serve as a reference for living and lasting longer in modern times. It is crucial to recognize the importance of local wisdom within the national educational system from an early age to maintain the understanding and function of local wisdom in a region's culture. The preservation of local wisdom values cannot be solely the responsibility of the community or indigenous peoples, but external efforts are necessary to keep and preserve them. [3]

The sustainable development of the Bangka Belitung Islands Province relies heavily on local wisdom-based environmental sustainability. As explained earlier, it is crucial to recognize the importance of local wisdom in environmental management in the province of Bangka Belitung Island.

2 Method

The method used is normative-juridical method. The data was collected through library data collection which includes secondary data consisting of primary legal materials in the form of laws and regulations. This research relies on secondary data, primarily comprised of primary legal sources such as laws and regulations. Additionally, secondary legal materials, in the form of legal literature books, were consulted. As described by Sidharta and cited by Susanto, the normative research method is a doctrinal approach that employs a hermeneutic perspective to identify legal principles governing the legal obligations and juridical rights of legal entities in specific social contexts, all within the framework of the relevant legal system.[4]

3 Result and Discussion

Article 32, Paragraph (1) of the 1945 Constitution of the Republic of Indonesia declares the commitment to promote Indonesian national culture globally by safeguarding individuals' freedom to uphold and enhance their cultural values. In the face of rapid global changes that could jeopardize Indonesia's identity, the preservation, development, and strengthening of regional cultural elements, which constitute the nation's identity, are considered crucial. Article 32(1) of the 1945 Constitution of the Republic of Indonesia elucidates the logical consequences of individuals' entitlement to nurture and safeguard their local culture, considering it an integral aspect of their identity. This is demonstrated through the support for environmental conservation endeavors grounded in local wisdom for environmental management, as outlined in Law Number 32 of 2009 on Environmental Protection and Management. Article 1, number 30 of the same legislation characterizes local wisdom as the cherished values upheld by the community, covering the sustainable of the environment. Furthermore, local wisdom is acknowledged as a fundamental principle in environmental protection and management, as articulated in Environmental Protection and Management Law.

Law Number 32 of 2009 emphasizes the integration of local wisdom into environmental protection and management. It underscores the significance of community values in shaping the Environmental Protection and Management Plan, aligning with Article 9(2)(d) that provides

guidelines for community involvement. This approach aims to preserve local culture and wisdom, a key aspect highlighted in Article 70(3)(e) of the law, within the framework of environmental function preservation.

Essentially, the preceding explanation underscores the constitutional acknowledgment of local wisdom, emphasizing the necessity for environmental conservation to align with community values rooted in local wisdom. Law Number 23 of 2014 on Regional Government empowers local authorities to define local wisdom related to environmental conservation through regional legal instruments. Within this framework, as stipulated in the same law, key aspects include recognizing indigenous communities, acknowledging local wisdom, and upholding the rights of indigenous people in relation to Environmental Protection and Management, encompassing:

- a) Granting the local government the authority to recognize indigenous communities, local traditions, or traditional knowledge, along with corresponding rights, including those of indigenous people, in the context of Environmental Protection and Management.
- b) Entrusting the municipality with the responsibility of enhancing the capacities of indigenous communities, local traditions, or traditional knowledge, and safeguarding the rights associated with local traditions or traditional knowledge, including those of indigenous people, in matters related to Environmental Protection and Management.

Additionally, in 2003, Indonesia not only ratified but also expressed support for the Convention for the Protection of Intangible Cultural Heritage, solidifying this commitment through Presidential Regulation No. 78 of 2007. Following this ratification, as of September 2016, around 150 intangible cultural heritages in Indonesia have officially received recognition as Indonesian Intangible Cultural Heritage. The Minister of Education and Culture grants this recognition based on recommendations from the Indonesian Intangible Cultural Heritage Team of Experts. [5]

UNESCO mentions several criteria that form the basis that a culture can be categorized as an Intangible Cultural Heritage (*Intangible Cultural Heritage/ICH*), those are: [6]

1. Practices, representations, expressions, knowledge, skills, instruments, objects, artifacts, and the cultural spaces linked to them, encompassing forms like oral traditions, performing arts, social practices, rituals, seasonal celebrations, knowledge related to universal wisdom, and craftsmanship expertise.
2. Acknowledged by communities, groups, and, in certain instances, individuals, as integral components of their cultural heritage.
3. Transmitted across generations and continually revitalized (practiced, created, preserved) by communities and groups in response to their surroundings, interaction with nature, and historical context. This ongoing process fosters a sense of identity and sustainability.

In line with the given explanation, a community has the right to assert ownership of a traditional cultural expression representing its identity, as per Article 1, Number (9) of the Regulation No. P.34/Menlhk/Setjen/Kum.1/5/2017. This regulation formally defines the acknowledgment of local wisdom as the official recognition and respect guided by the local community. Article 9, paragraph (3), stipulates that the government is authorized to undertake an inventory of Local Wisdom for its protection and acknowledgment. Article 13(1) outlines the inventory process,

which includes activities such as literature review, in situ or field visits, identification and listing of local wisdom, and documentation of the inventory results. The following represents an instance of local wisdom data related to environmental conservation, uncovered by the Bangka Belitung Islands Province Environmental Service through research findings, serving as a recognition of local wisdom:

Table 1. Local wisdom data related to environmental conservation

No	Region	Researcher	The name of local wisdom	Description
1.	Bangka Regency	Jamilah Cholilah, 2017	Adat Orang Lom	<p>It governs three methods of agricultural forest management, encompassing guidelines for land clearing, protocols for sustaining fields and their vegetation, and regulations for rearing animals and engaging in hunting activities.</p> <p>In the customary law of the Lom people, the principles of taboo and prohibition outline effective forest management practices, considering their ecological effects on the surrounding humans, plants, and animals.</p>
2.	Community of Belantu, Kembiri Village, Membalong, South Belitung Island	1. Alqhadari, 2017 2. Irwandi dan Dulkiah, 2017	Nirok Nanggok	<ol style="list-style-type: none"> 1. Designating specific watersheds as restricted areas for a specified duration serves as a measure to conserve and safeguard the aquatic environment, aiming to prevent, manage, and restore rivers and their ecosystems. 2. The fishing gear employed is ecologically friendly, as it adheres to the principle of capturing only mature fish of a certain size. 3. Initiatives in conservation are directed towards preserving the genetic resources of local fish. 4. The preservation of river basins contributes to

				<p>biodiversity maintenance, serving as a habitat where fish and various aquatic organisms congregate.</p> <p>The tradition of collective fish-catching in riverbeds, using pointed iron spears (tirok) and small wooden nets (tangkok), is an annual event occurring between August and October during the extended dry season on Belitung Island. This practice has evolved into a tourism highlight, involving a coordinated procession led by a water shaman and overseen by village leaders.</p>
3	The people of Bangka Belitung	Derita Prapti Rahayu, 2018	The local wisdom of Tin Ampak	A rule in the form of a local wisdom value related to tin mining.

4 Conclusion

An assessment of indigenous knowledge related to environmental preservation has been conducted as part of the regional recognition efforts in the Bangka Belitung Islands Province. This inventory includes, among others, the traditional wisdom of the Lom people, nirok nangguk, and tin ampak.

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