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Analysis of Local Wisdom Integration with Environmental Law In Nagari Pariangan Tanah Datar District, West Sumatra

Sri Wahyuni¹, Heni Susanti²

¹ Universitas Islam Riau, Pekanbaru, Indonesia

Email: sriwahyuni@law.uir.ac.id

² Universitas Islam Riau, Pekanbaru, Indonesia

Email : heni@law.uir.ac.id

Corresponding Author: heni@law.uir.ac.id, sriwahyuni@law.uir.ac.id

Abstract: The local wisdom of the Indonesian people can be the basis for the concept of sustainable development. However, the challenge is that the complexity of legal rules can cause clashes in the context of the relationship between the right to control the state and the local wisdom values that live and grow in the Nagari Pariangan community, Tanah Datar Regency, West Sumatra. This condition needs to be studied to find an appropriate legal construction that is integrated with the social system. This research aims to identify local wisdom values with an environmental legal perspective possessed by the people of Nagari Pariangan. Examining and describing customary institutions in Nagari Pariangan in integrating customary norms with environmental law. This research used a qualitative approach with descriptive methods, which aimed to analyze and describe the integration of environmental law with local wisdom values. The subjects of this research were the Nagari Traditional Leaders, the Nagari Government, Tuangku Nagari and the local community. Research data collection used observational methods, focus group discussions, interviews and documentation from various sources that were related and support data analysis using data reduction, data presentation and drawing conclusions. The results of the research showed that, 1) The local wisdom values of Nagari Pariangan as guidelines for community life in protecting the environment are manifested in customary norms that natural resources in the form of land/fields/rice fields, forests and rivers cannot belong to individuals but rather belong to groups/groups. traditional tribes and their management must obtain approval from Ninik Mamak; 2) The Tigo Tungku Sajarangan government integrates Nagari Pariangan traditional norms with environmental law which is realized in consensus deliberation between Ninik Mamak in every development plan launched by the Nagari Government, Regency, Provincial and Central Governments. If the results of the consensus deliberation are unanimous then it becomes the final decision made by each of the children/nephews/community, which supports the integration of environmental law with customary law and local wisdom.

Keyword: Integration, Local Wisdom, Environmental Law, Sustainable Development

INTRODUCTION

As a country blessed with islands both large and small, Indonesia has opportunities for bright future tourism development. This is not only due to the opening of opportunities to reach an increasing number of world tourists, but also due to the wealth of potential resources available, especially natural and cultural resources which are the demand for environmentally friendly world tourism markets. Due to their wealth of natural and cultural resources, rural areas have strong potential to meet tourism market demand. The tourism sector is one sector that can be relied on to encourage tourism growth in villages, not only improving the local economy, but also increasing socio-cultural values and environmental preservation. One type of tourism that is very suitable for rural conditions is the Tourism Village Concept (Obidzinski, Krystof, Ahmad darmawan, Adi Hadiano, 2014 p 10-20).

Nagari Tuo Pariangan is a Nagari that has its own special features for the Minangkabau people. Historical records recorded in Tambo Minangkabau show that Nagari Pariangan is a nagari originating from the Minangkabau tribe which local people call Tampuk Tangkakai Alam Minangkabau. This means that Nagari is believed to be the first place where life emerged in the Minangkabau world hundreds of years ago. In Nagari Tuo Pariangan there are many historical relics from the past which are evidence of the origins of the formation of the Minangkabau tribe.

Special interest tourism was developed in an effort to optimize resources to advance the tourism sector. This is in accordance with what is stated in Article 20 of Law Number 9 of 1990 concerning tourism which states that the exploitation of special interest tourist objects and attractions is an effort to utilize natural resources and the nation's artistic and cultural potential to create special interest attractions as tourist targets. The concept of sustainable development in the tourism sector emphasizes the importance of integration between tourism development ideas and environmental management. The general objective of environmental management is to realize sustainable development, meeting the interests of present and future generation (Sri Wahyuni, 2013 p 10-22).

It is hoped that the research carried out will provide benefits to the following parties: 1) For students/community as knowledge that can be developed in further research related to environmental law; 2) For Higher Education Institutions: as treasures and scientific works that can enrich the literature and develop environmental law knowledge; 3) For the Government/Regional Government as input and consideration in making environmental management policies and tourism development.

Social integration will be formed in society if the majority of members of that society have an agreement on the territorial boundaries of a region or country where they live. Apart from that, most of these communities agree on the social structures that are built and implemented, including the values, norms, and, more importantly, the social institutions that apply in their society, in order to maintain the existence of that society. Social norms and values that have been in effect for a long time and are implemented consistently and do not change so that they can become standard rules in carrying out the process of social interaction. Apart from that, the characteristics that are formed also mark the boundaries and style of society (Armitage, Derek, 2004, p 55-60).

William F. Ogburn da Mayer Nimkoff (1964) said that the conditions for successful social integration are:

- 1) Community members feel that they have succeeded in fulfilling each other's needs. This means that their physical needs in the form of clothing and food as well as their social needs can be fulfilled by their culture. The fulfillment of these needs causes people to need to maintain their relationships with one another.
- 2) The community has succeeded in creating a joint agreement (consensus) regarding social norms and values that are preserved and used as guidelines in interacting with one another, including agreeing on things that are prohibited according to their culture (Ogburn, William

F, 1950. *Social Change, With Respect to Culture and Original Nature*. New York: Viking p. 10-17).

According to Menski (2006), to introduce a graphic representation of the second level of intrinsic legal pluralism, starting with the law found in social life, because social life is the place where law is always located. That there is no society without law, at the central axis in the triangle of society, social norms and processes that produce some validity and authority from the ethical environment and values. Overall, the intrinsic image of legal pluralism is found in the triangle of society. This proves that this is also a cultural life, but a culture that is perhaps also intrinsically plural and extends into state life and into the realm of values. Thus, this means that cultural analysis will also benefit from the application of plurality-conscious analytical methods (Menski, W, 2008, *Comparative Law in a Global Context*, Cambridge University Press, UK, p. 3-6).

From the triangular concept of legal pluralism, which was developed by Menski, it can be understood that; the same or similar legal phenomenon can cause different reactions from different communities, or from different individuals. For this reason, we can emphasize the most important function of law, namely as "guiding behavior". And as a consequence of this function, one of the main objectives of every scientific study of law (not just practical studies as is the aim of legalistic-normative studies) is: "to discover the impact of law on human behavior ("legal behavior"). Furthermore, because of behavior Humans are influenced and even shaped by various "extra-legal" factors (non-legal factors); social, cultural, psychological, political, economic, religious and other factors, so it is inevitable to involve social sciences such as psychologists in studies and legal studies . (Menski, W, 2008, *Comparative Law in a Global Context*, Cambridge University Press, UK, p. 3-6).

The necessity to uphold environmental law cannot be separated from the context or chronology of international environmental law which began with the United Nations Conference on the Human Environment in Stockholm 5-6 June 1972, Sweden, where Indonesia is also one of the participants. The conference is known as the Stockholm Declaration which succeeded in encouraging other international conventions such as the Paris Convention (1974), the London Convention (1976), and the Hague Convention. Even though it is only soft law and a codification of the principles of customary international law as stated in principle 21, it must be adhered to by the international community in forming their respective national laws. For example, principle 22 asks international countries to develop international environmental law, especially those relating to responsibility and compensation. As quoted below: "States shall cooperate to develop further the inter-national law regarding liability and compensation or victims of population and other environmental damage caused by activities within the jurisdiction or control of such states to areas beyond their jurisdiction".

The Stockholm Declaration asked participating countries to try to find a solution to the dichotomy between development interests and environmental interests as successfully formulated in principle 1 which reads: "Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations

RESEARCH METHODOLOGY

This research uses a qualitative method with a descriptive approach, where the researcher tries to describe the actual conditions and circumstances by collecting data and information in the field and explaining it in the form of a description. According to the principles of qualitative research, the researcher acts as the main instrument while at the research location. The research process is flexible to follow developments in the situation and conditions of the research object by utilizing in-depth interview methods and non-participatory observation which are then presented in the form of descriptive writing. This kind of researcher

character requires researchers to be observant, critical and analytical in looking at every phenomenon displayed by the subjects providing information and the objects being observed (Suteki, 2018, *Metodologi Penelitian Hukum: Filsafat, Teori dan Praktik*, Raja Grafindo Persada, Depok, p10=13

RESULT AND DISCUSSION

Nagari Pariangan is located in the middle of the hillsides of Mount Merapi with an area of around 17.97 km² and is at an altitude of 500-700 meters above sea level. This Nagari was the forerunner to the birth of the typical government system of the Minangkabau people, which is popularly called "Nagari". Based on some literature, the Nagari government system is similar to the concept of "Polis" in ancient Greek society which was more autonomous and egalitarian. However, the Nagari government system only lasted until 1980. In 1981, there was a change in the nomenclature of government at the lower level. The nomenclature of the Nagari government was then changed to the Village government as developed in Javanese society. However, this change in nomenclature does not erase the local wisdom and customs that have taken root in Nagari Pariangan (Jamil, Muhammad, 2017. *Pariangan; Mutiara Yang Hilang, Minang Lestari*, Padang Panjang, p/1-5) With the enactment of Law 22 of 1999 concerning Regional Government which provides for independent development, the people of West Sumatra did not miss this opportunity. This law was used as the basis for re-implementing Nagari government. The beginning of 1999 to 2000 was a period of rethinking of the Nagari (baliak ka nagari government), especially in Luhak nan Tigo, namely Tanah Datar Regency, Agam Regency, and Limapuluh Kota Regency. The village government was replaced by the Nagari government (Jamil, Muhammad, 2017. *Pariangan; Mutiara Yang Hilang, Minang Lestari*, Padang Panjang, p/1-5).

Nagari Pariangan, is not only known as the origin of Nagari, Nagari Tuo Pariangan is also known as the origin of the Minangkabau community itself. Historical records recorded in Tambo Minang show that Nagari Pariangan is a nagari originating from the Minangkabau tribe which local people call "Tampuk Tangkakai Alam Minangkabau". This means that Nagari is believed to be the first place where life emerged in the Minangkabau Nature hundreds of years ago. In Tambo, it is told that the Minangkabau people are descendants of Alexander the Great. It is said that he had three sons, namely Sultan Maharaja Dipang (Sutan Maharajo Dipang), Sultan Maharaja Alif (Sutan Maharjo Alif), and Sultan Maharaja Diraja (Sutan Maharajo Dirajo). All three felt they had the same right to inherit their father's position as king. Therefore, the three of them also share the ambition to replace their father's position, which is told as follows: "...Once upon a time, the three sons of the king were on a ship in the middle of the sea. On the ship that was sailing, they had a big fight and claimed that each of them was the person most worthy of succeeding their father as king. The climax of the quarrel was the fight over the king's crown which was on the ship. While they were busy fighting and fighting over the king's crown, without them realizing it, the crown came off and then fell into the open sea. When they realized what they were fighting over was gone, the three of them tried to look for the crown. However, what they tried ended in vain. After not succeeding in finding the king's crown, they then continued their voyage with different destinations. Sultan Maharaja Dipang chose to leave for the Chinese Plain, Sultan Maharaja Alif chose the shipping route to Negeri Rum, and Sutan Maharaja Diraja chose another shipping route, hoping to find the lost crown. Finally, Sultan Maharaja Diraja was stranded on a mountain peak, which later became known as Mount Merapi. The area located around Mount Merapi is then called Alam Minangkabau (Dt Sanggoeno Dirajo, Ibrahim, 2009. *Tambo Alam Minangkabau*, Kristal Multimedia, Bukittinggi, p. 1.10)

Integration of Local Wisdom with Environmental Law in Nagari Pariangan, Tanah Datar Regency, West Sumatra

1. The custom of mutual self. This traditional teaching is about how to position the individual as something that is not private property that can act as he pleases, always live and grow in society in Nagari Pariangan. The way of life of the Nagari Pariangan community is regulated by the custom that the self is the kamanakan mamak, as per the teachings: "Kamanakan mamak, son of mandeh juo father, grandson of atuak, and adolah juo mamak urang. Ado bisan, and bako. Kamakanakan barajo kemamak, mamak barajo Kapanghulu, panghulu barajo ka nan bana, nan bana badiri sandirinyo." (Mamak's nephews, mother's and father's children, grandfather's grandchildren, and there are also other people's mothers. There are father's in-laws and bako/sisters. Nephews learn from Mamak, Mamak learns from the headman, the headman learns from what is right, what is right stands alone Him (what is meant by itself is religion, namely Allah SWT, The headman is the leader of the tribe. There are customary rules for behavior and actions in all of them. Penghulu is a leader within his people, a person who is appointed and raised by his people to guide and lead his people. The leadership of a penghulu is highly recognized and respected as "gantiang white"; who decides all matters within his people. He was respected and respected because he was entrusted with the title of Penghulu, who was given the title Datuak, which is a hereditary "sako" title. "...Pai tampek batanyo home tampek babarito, dahannyo gadang, leafyo lush, ureknyo tunggang". (Going to a place of asking, coming home to a place of news, the branches are big, the leaves are thick, the roots are long).
2. Badunsanak customs. This traditional teaching is about how to act and behave by considering other people. "...Adiak kadunsanak, adiak ka adiak, adiak kamamak", and others. This traditional teaching shows that each person's personality is an inseparable part of other people. "...Tagak dunsanak badunsanak, tagak kampung bakampung tagak nagari banagari". This means that the people of Nagari Pariangan really uphold togetherness and kinship according to the traditional Sadancieng bak basi, saciok like chicken." If problems and disputes occur, they don't have to be immediately brought to the Nagari or police level, but there are rules that go up and down, so they have to be discussed or resolved first. between people. These values of togetherness must be and continue to be used by the people of Nagari Pariangan, and if someone does not use them they will automatically be displaced and usually left to live alone (ostracized).
3. Customs in the family. These traditional teachings are about how to act and behave in the family. The family in the traditional teachings of Nagari Pariangan is the smallest group that is responsible within the tribe for carrying out the same customs in the village. Shame for the family is shame for the people. Thus, these traditional teachings are strictly maintained by applying the values of good manners, "... raso jo pareso, mangarati jo nan ampek and avoiding sumbang jo cemo". (Taste is checked, understands the four and avoids mistakes and insults. The four meanings are; imam, khatib, bilal and khadi). Because, if the family and people have been insulted/disgraced in Nagari, it is difficult to restore their image in society. For a long time, you will continue to feel self-condemned/embarrassed. Customary law is rarely written down but the consequences are very influential psychologically in the Nagari Pariangan community.
4. Urang 4 Jinih. The urang 4 jinih customary institutions in the Nagari Pariangan traditional teachings are; Penghulu, Malin, Manti, Dubalang. Penghulu is the leader of his people. Malin comes from the word mua'allim, which is a body that manages and has duties in the religious sector. If a problem occurs in Nagari, he is the one who will judge and punish. Likewise in marriage, divorce, qadi, birth, death and other things related to religious matters. Manti, is the headman's accomplice who manages and serves as an intermediary/liaison for the headman in all matters, especially if the headman is absent. Dubalang kato mandareh, that's the traditional name. Responsible for main matters relating

to security and supervising all actions of children who deviate from traditional and religious teachings. "...Traditional basandi sarak, sarak basandi kitabullah". (Tradition is based on sarak, sarak is based on the Book of Allah/Alqur'an).

5. Jinih nan tough. The Rang Jinih Nan Ampek traditional institution is the main implementer in the religious field, he works together with the Penghulu Nagari as the leading implementer in religious matters. The urang Jinih Nan Ampek are; Imam, Khattib, Bilal, and Kadhi. An imam is a person who stands at the door of makrifat, meaning a person who will be a religious instructor in the community and village, as a role model, and will be the prayer leader in the Surau and Mosque. Khattib is the Friday sermon preacher. Or it also means that he is a member of the tribe. "...Kato katik kato dimuaro tagak at the door of the attraction". (The word khatib is the word at the mouth standing at the door of the Order). Bilal is the muezzin who is responsible for the call to prayer at entrance time and Friday prayers at the mosque. "...Kato bila kato maimbau". (Bilal said the word appealed). Khadi, his job is to adjudicate and resolve cases relating to religion, marriage, divorce, reconciliation and marriage counseling

Thus, Indonesian positive legal norms, especially those related to understanding environmental management which are in harmony with the traditional norms of "mutual self, badunsanak customs, customs in the family" reflect the integration of human attitudes and behavior from two different legal phenomena. Article 87 paragraph 1 directs to prevent actions that not only harm oneself, but also other people as a whole, as well as to direct the interests of citizens for sustainable good. However, in positive law material sanctions are often coded. In the view of the people of Nagari Pariangan, for the good of the environment, everything in the Nagari must use the customs and laws that have been taught as follows:

"The words of the king are the words to bestow. The words of the ruler are the words to finish according to the flow and proper, according to the lines freely¹. The words of the ulama are the words essence. The words of the servants are the words of conjunction. The words of the young people are the words of independence. The words of many people are the words of confusion. The words of women are the words of humility to win the heart of their husbands, according to the words of Ninik Mamak and her parents". The meaning of the word flow is a word that means straight and correct. If the people in the Nagari do not use the laws mentioned above, it can be said that the Nagari is not civilized, then the Nagari will not be safe. In another part, Ibrahim Dt. Senggeno Dirajo in his book *Tambo Alam Minangkabau* explains that there are 6 things that every old and intelligent person in Nagari owes:

First, it is obligatory for them to remind their experts and people who trust them about their behavior which has slipped from good manners and orderly behavior, or from the custom called good manners (custom of mutual respect) (Djamhuri, Tri Lestari, 2008, *Community Participation in a social forestry program in central java, Indonesia, The Effect of incentive structure and social capital, Journal Agroforestry System*, vol. 74, Issue 1, p. 23-35).

Second, let them instruct all their relatives and all those who believe in them on the good path and what manners and manners should be used by them. By refuting all their wrongful behavior with proper customs, he then gives them good teachings, so that those people get rid of their bad behavior.

Third, let those old and intelligent people speak with perfect knowledge and guidance to their relatives and to all those who believe in them with a pure and sincere heart.

Fourthly, when these old and intelligent people speak in their perfect knowledge, the hearts of those who are hardened by their tricks will soften, and those who are tense because of their cleverness in speaking will soften the hearts of those who are hardened by their deceit,

¹ Kaya, M, Kammesheldt, H.J. Weldest, 2002, *The forest garden system of Saparna Island, Central Maluku Indonesia, and its role in maintaining free species diversity*, *Journal Agroforestry*, Vol. 54, Issue 3, p. 29-25

and those who are tense because of their cleverness in speaking give good advice to those who hear them and accepted the advice.

Fifth, it is obligatory for the elders and clever people to tell their relatives and people who believe in them about good stories and bad stories, things that have happened that they have seen and heard, by stating the bad and good traces so that they can be taught and a warning to his people and to those who believe in him. give good advice to advance difficult work in the Nagari environment.

Apart from that, in the Nagari Pariangan traditional institutions, the aspect of law enforcement places non-material sanctions as the highest sanction, in addition to material sanctions. The highest form of non-material sanction is not being included in the Nagari. This means not being bothered, left alone or ostracized, and this is the harshest form of punishment in the Nagari Pariangan traditional system. If this punishment is already applied to a person or group, usually that person or group tends to leave Nagari because they feel embarrassed and there is no longer a place for them. Thus, it can be understood that the philosophy of togetherness underlies law enforcement in traditional institutions in Nagari Pariangan "Kamanakan barajo kamamak, mamak barajo Kapanghulu, panghulu barajo ka nan bana".

The goals of Minangkabau customs, especially Nagari Pariangan, are actually the customary norms that regulate them. The Minangkabau predecessors, namely Datuk Ketumanggungan and Datuk Parpatih Nan Sabatang, had drafted customary laws which were used as guidelines and experience to realize the ideals of justice and prosperity. The drafted law plays an important role in strengthening the traditional institutions of the Minangkabau community. Perhaps this is why the Minangkabau people are still strong in their customs because the inheritance they receive is based on laws and customary regulations that are still written and must be followed, appreciated and practiced by the people. The laws drafted by the Minangkabau predecessors were categorized into 4 parts or in Minangkabau custom they are called "nan ampek laws", namely, (1) luhak and rantau laws; (2) Nagari Law; (3) Laws law in Nagari; and (4) the nan Duopuluh Law.

The luhak and rantau law regulates luhak and rantau such as the duties of the headman and king in the rantau area. The Nagari Law regulates everything regarding the Nagari as a unit of customary law community. Laws in the Nagari regulate the relationship between the Nagari and its contents, between a person and a person and between a person and the community and so on, as well as regulating and outlining the rights and obligations as members of a traditional community. Meanwhile, Law 12 regulates criminal law issues, which are divided into two parts, namely; (a) Eighth Law; (b) Nan Duobaleh Law and in this law there is no threat of punishment Because the threat of punishment for people who violate the law is not in accordance with the communal system of society which is based on collectivity. Because everyone is a member of their community, which in this case is called a people or tribe². Therefore, a race or tribe has responsibility for the behavior of its members. If someone commits a crime that deserves punishment, then the person who will bear the punishment is the clan or tribe of the perpetrator of the crime³. Meanwhile, for the perpetrator of the crime himself, his clan or tribe will impose the punishment. In collective communal societies such as Pariangan in particular, and Minangkabau in general, they view every human being as their own people, every people as members of society who must be respected and glorified with the same principles. The principle of their life is patterned on togetherness and equality. The threat of punishment for being proven to have committed a crime is based on the family principle of "crew samo crew".

² Juhaya, Praja S, 2014, *Teori Hukum dan Aplikasinya*, Pustaka Setia, Bandung, p. 1-15

³ Mochtar Kusumaatmadja, 1995. *Hukum Masyarakat dan Pembinaan Hukum Nasional*, Bandung: Bina Cipta, p. 22-25

CONCLUSION

Environmental law is basically created to protect the environment from negative impacts arising from human behavior and efforts. Therefore, the local wisdom of the Nagari Pariangan community which is based on customary and religious norms as a guide to behavior is in harmony and can be integrated with the principles of balance and sustainability as the most important principles in environmental law. Local wisdom which focuses on ethics and morals is also in line with the legal system as stated by Werner Menski (2006) "legal behavior" law as "guiding behavior" or guide behavior. Discover the impact of law on human behavior.

In reality, there are many substances of environmental legislation that are difficult to implement and enforce by State administrative officials who are authorized to enforce the law. Nagari Pariangan customary institutions which place customary decisions as the final "guntiang putuih" decision maker in every Nagari problem can provide positive support in the implementation and enforcement of environmental law in Nagari Pariangan.

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