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Kepada: Wahyu Nugroho



Sel, 20 Okt 2020 jam 11.45



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[OSLS] Relationship Between Environmental Management Policy and the Local Wisdom of Indigenous Peoples in the Handling of Covid-19 in Indonesia 2

LK Leire Kortabarría <l.kortabarría@iisj.es> Kepada: wahyulaw86@yahoo.com Rab, 27 Jan 2021 jam 15.43

Dear Wayhu Nugroho,

I hope that you are well.

This email is to inform you of the formal acceptance of your paper titled "Relationship Between Environmental Management Policy and the Local Wisdom of Indigenous Peoples in the Handling of Covid-19 in Indonesia" in our journal Ofiati Socio-Legal Series, following review by an expert in the field.

Attached you will find the annotated version of your paper. Please follow the reviewer's suggestions for specific changes in order to reinforce your paper, and send it back to me when you're ready.

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I hope the review is helpful. Please let me know about any questions that you may have. Thank you for choosing our journal for publishing your work.

Sincerely,

Leire

Leire Kortabarria

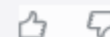
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Wahyu Nugroho <wahyulaw86@yahoo.com> Kepada: Leire Kortabarria Rab, 27 Jan 2021 jam 18.12

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Revised Article-February 09, 2021 4 Yahoo/Email M...

Wahyu Nugroho Dear, Leire Kortabarría I am ready to... Sel, 9 Feb 2021 jam 08.59

Leire Kortabarría <l.kortabarría@iisj.es> Kepada: Wahyu Nugroho Sel, 9 Feb 2021 jam 17.55


Dear Wayhu Nugroho,

Thank you very much for your excellent work in revising this article. I have checked that you have followed the reviewer's suggestion and have therefore marked your article as Accepted.

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• **Leire Kortabarría** <l.kortabarría@iisj.es>

Sel, 1 Jun 2021 jam 16.52



Dear Colleague,

I am delighted to inform you that the issue of the online journal Oñati Socio-Legal Series for 1 June, in which you participate, has been published today. It can be found on the following DOI link:

<https://doi.org/10.35295/osls.iisj/0000-0000-0000-1189>

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It has been a pleasure to work with you in the production of this issue and I hope that we have more opportunities to work together in the future.

Best wishes,

Leire

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Relationship Between Environmental Management Policy and the Local Wisdom of Indigenous Peoples in the Handling of Covid-19 in Indonesia

Abstract

The purpose of this article is to understand the concept of local wisdom (*Indonesian term: kearifan local*) from the indigenous perspective of local wisdom of Indonesian indigenous peoples (*Indonesian term: masyarakat adat*) in handling Covid-19, and environmental management and Indonesian environmental policy. In this article, we use normative legal research methods, literature research, and are supported by empirical data based on policy developments and information media in Indonesia. Data analysis uses qualitative links in developing policy reviews and literature. The findings of this study first, are the local wisdom of indigenous Indonesians in environmental management and handling of Covid-19, by using traditional rituals according to the teachings of their ancestors, second, building partnership relationships related to an environmental policy with indigenous peoples with divinity, humanity, and principles/values of unity. The research results of this paper will provide practical guidelines for the government to make regulations and policies related to environmental management and handling of Covid-19.

Keywords: policy, environmental management, local wisdom, indigenous peoples, covid-19

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Commented [A1]: You are in essence constructing local wisdom/kearifan local, aren't you?

Commented [A2]: Please position yourself, what is your background in relation to your research interest?

Commented [A3]: This article needs light native English language editing

1. Introduction

Indonesia's environmental management policy based on Law Number 32 of 2009 concerning Environmental Protection and Management is influenced by global environmental developments that are oriented towards environmental utilization (Ahmad Jazuli 2018). Most legal scholarship increasingly suggests that the central problem of environmental law is its anthropocentrism. By simple reference to the literal meaning of the word, anthropocentrism indicates the centrality of human beings in the world (Vito De Lucia 2017). The classical environmental law style is very anthropocentric, views the environment as a commodity so that the economic development of a country is very dependent on natural resources which have an impact on environmental damage or pollution. Indonesia has local wisdom that comes from the customary laws of indigenous peoples. Environmental management policy in Indonesia during the Covid-19 pandemic still used formal methods through legal products and legislation but had not involved indigenous peoples through local wisdom that each region had in environmental

Commented [A4]: Problematising this concept in the Indonesian context, at least in a footnote, if not in a paragraph. The Indonesian Government has continuously averred that the vast majority of Indonesian citizens are indigenous (pribumi), which is why 'customary law communities' (masyarakat adat or masyarakat hukum adat) has been the Indonesian equivalent to the English term 'indigenous peoples'

management. The state still places indigenous peoples and local wisdom as something **conventional** or still underestimated by the government.

Commented [A5]: Perhaps better: mundane, or non-scientific, which is why it has been underestimated by the government

The Covid-19 pandemic provides a lesson for people around the world about the importance of balance in the relationships between existing ecosystems. Humans with anthropocentric characteristics will use all their power to exploit natural resources for **human profit, even if it entails the risk of including the extinction of extinguishing biodiversity due to human behavior**. Local wisdom is adopted in Indonesian environmental **legislation**, because Indonesian society is plural and recognizes the existence of legal pluralism in the framework of legal unification. The definition of local wisdom according to Law Number 32 of 2009 concerning Environmental Protection and Management is noble values that apply in the order of community life to, among others, protect and manage the environment in a sustainable manner. A concept of the relationship between environmental management policy and local wisdom of indigenous peoples **is needed** in handling Covid-19 in Indonesia. This concept is the harmonization of the national legal system with the customary law system, besides that, it also reflects the value of unity that is connected in Pancasila with the slogan "Bhinneka Tunggal Ika" (unity in diversity) as the symbol of Garuda Pancasila.

Commented [A6]: Please refer also to the respective articles in the amended Indonesian constitution, or rather Basic Law

Commented [A7]: Why? You need to argue this and not just normatively postulate it! How does it propose to deal with Covid 19? An empirical example would be in order here that would illustrate the case you make

Every administrative law in Indonesia, particularly those of the management of natural resources, follows this pattern of policy. Even, the Second Amendment to the Basic Law of 1945 follows such model by stipulating the idea that "the State acknowledges jural communities and their traditional rights as long as they still live and by advancements in the society and the principle of Unitary state of the Republic Indonesia, to be further stipulated by law." However, the continuing process of the **agrarian reform** seems to face some obstacles, such as a conflict between traditional rights and the modern, Western-influenced, various interests and purposes of the state (Bono Budi Priambodo 2018).

Commented [A8]: Of 1960; please provide some background info to the uninformed reader

In a constitutional state based on **Pancasila**, the environment becomes an inseparable part of the divine dimension and living things as well as natural elements as God's creation. The administration of a state that is based on values derived from the cultural roots of the Indonesian people with a variety of local wisdom is considered important to integrate environmental policy with local wisdom during the Covid-19 pandemic so that **the principles and principles of indigenous peoples in Indonesia become an integral part of national environmental policy**.

Commented [A9]: Again you need to provide some background info to the the uninformed reader who does not know the the first and foundational principle in the Preamble of Indonesia's Basic Law is Ketuhanan Yang Maha Esa, Belief in the One Almighty God

The concept of a Green Constitution that elevates the **ecocracy** in the constitution of a country is reflected in environmental sovereignty by placing the Green Constitution in the constitution of a country, making it an essential and fundamental foundation to uphold the development of human rights development currently developing (I Dewa Gede Atmaja

Commented [A10]: Is your argument only a formalistic one? Or do you have empirical data supporting the substance matter of your claim?

Commented [A11]: Please explain the concept in the Indonesian context

2006; I Gede Yusa & Bagus Hermanto 2018). Economic development that is in line with the principles of environmental insight and sustainability is an ideal conception of a democracy that upholds the principles of sustainable development so that economic rights are aligned with the right to a good and healthy environment as part of human rights in the third generation. The complexity of environmental problems in the third generation of human rights often clashes with policy, both central and local. This policy is related to national strategic projects in the use of natural resources as raw material for national economic development so that there is a contradiction between human rights in the environmental sector and development. Sustainable development requires equitable resource management, both economically, socially, and environmentally for the current and future generations (Iskandar 2011).

In this paper, the scope of discussion is related to the concept of the relationship between environmental management policy and local wisdom of indigenous peoples in handling Covid-19 in Indonesia. The concept of local wisdom from the perspective of Indonesian indigenous peoples in environmental management and handling of covid-19, and providing policy concepts for environmental management through local wisdom of indigenous peoples during the Covid-19 pandemic in Indonesia. Indonesia has the local wisdom of each region in handling Covid-19 which should be transformed into environmental management policy through local wisdom. One of the fielding of environmental law is about environmental health law, and the law of human relations with the environment and nature, to create good relationships between communities of living things in the life of natural ecosystems.

Environmental management policy through local wisdom during the Covid-19 pandemic is a major issue because it is to restore the balance between humans and nature and the environment. This is motivated by the disharmony of the relationship between humans and ecosystems and nature, excessive exploitation of natural resources, resulting in environmental damage, and the extinction of biodiversity. During the Covid-19 pandemic, it became a reflection for the Indonesian government to restore the ecosystem and natural environment through various forms of local wisdom in some areas during the Covid-19 pandemic. Indigenous peoples as legal subjects have their philosophy and value system in viewing the natural environment. In Indonesian environmental law philosophy, there are various elements found in Pancasila, including the unity of divine, humanitarian, and diversity values.

An environment is a place for ecological communities and the elements of inanimate objects in it as life support, where God the Creator of the universe has absolute power, while humans have relative power, including protecting the earth for the continuity of life so that damage does not occur on land or in the oceans. From an environmental

Commented [A12]: In support of your argument you could refer to Elenor Ostrom's design principles for managing the commons.

Commented [A13]: You probably mean subfields, or subareas

Commented [A14]: These are the Trihita Karana principles, which are owned by Balinese customary law. Are these principles inherent to all customary law throughout Indonesia? You need to demonstrate this in examples. Otherwise you have to limit your case to Bali! This would be fine as well

Commented [A15]: Which is granted in the Indonesian Basic Law, please provide appropriate reference!

perspective, the emergence of Covid-19 is a form of human behavior that has no ethics towards other living things and exploitative actions against natural resources, resulting in an imbalance of relationships between communities in natural ecosystems. The problems in this article are *first*, what is the concept of local wisdom from the perspective of Indonesian indigenous peoples in environmental management and handling of Covid-19? *second*, how is the relationship between environmental management policy through local wisdom of indigenous peoples in handling Covid-19 in Indonesia?

The purpose of writing this article is *first*, to understand the concept of local wisdom from the perspective of Indonesian indigenous peoples in environmental management and handling of Covid-19, then can it be transformed into Indonesian environmental policy? *second*, to formulate the concept of the relationship between environmental management policy and local wisdom of indigenous peoples in handling Covid-19 in Indonesia.

Commented [A16]: This, to me, is the core argument in favour of customary law communities' stewardship of natural resources, which is also supported by Elenor Ostrom's (American Nobel laureate for economics) design principles for the management of commons

Commented [A17]: Here, you need to decide whether you want to talk about hukum adat Indonesia pada seluruhnya, or just Bali. If you opt for Indonesia as a whole, you need to bring in more empirical analysis than just Balinese Trihita Karana. You need to show that there are equivalents throughout the plethora of customary law systems in Indonesia

Commented [A18]: Very interesting indeed!

2. Methodology

In writing this article, using normative legal research methods, research literature, and supported by empirical data based on policy developments and information media in Indonesia. This method is a combination of theory and policy with practices that develop in society, to get a complete picture of environmental management policy and handling of Covid-19 based on local wisdom. Data analysis used qualitatively by linking debates in the review literature and developing policy.

Commented [A19]: You mean relevant literature as secondary sources?

3. Research and Discussion

3.1 The Concept of Local Wisdom from the Perspective of Indigenous Indonesians in Environmental Management and Handling of Covid-19

Each community has local wisdom, traditional wisdom, local knowledge, or local intelligence and indigenous wisdom that is useful in life (Muh. Sabaruddin Sinapoy 2018). Local wisdom is defined as a view of life and knowledge as well as a life strategy in the form of activities carried out by local communities in meeting their needs. Local wisdom is a custom and custom that has been traditionally carried out by a group of people from generation to generation which is still maintained by certain customary law communities in certain areas (Magdalia Alfian 2013). Based on the above understanding, it can be interpreted that local wisdom can be understood as local ideas that are wise, full of wisdom, of good value, which are embedded and followed by members of the community. The meaning of local wisdom is conceptualized as "local wisdom" or "local knowledge" or "local genius" (Fajarini 2014).

Commented [A20]: By whom?

Commented [A21]: This is an early 20th century concept, which is really not used anymore today, surely not in the social sciences, including anthropology

Local wisdom is the way people behave and act in response to changes in the physical and cultural environment. A conceptual idea that lives in society, grows and develops continuously in people's consciousness, from those related to sacred life to profane ones (daily part of life and its mediocrity). Local wisdom can be understood as local ideas that are **wise, full of wisdom**, of good value, which are instilled and followed by members of the community (Novia Fitri Istiawati 2016).

Commented [A22]: How would you define wisdom from a legal philosophical point of view?

According to Law Number 32 of 2009 concerning Environmental Protection and Management, 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. These various definitions can be given a general understanding that local wisdom is a value and knowledge that local communities and indigenous peoples have from generation to generation from their ancestral heritage to be implemented in their daily life. In the context of environmental management, local communities or indigenous peoples have methods to balance the functions of nature. In the atmosphere of the Covid-19 pandemic, Indonesian indigenous people handle covid-19 based on local wisdom.

Environmental policy in the perspective of customary law has a different meaning from national environmental policy according to law. Environmental policy according to customary communities or customary environmental law is the whole of principles and rules, both codified and uncoded, which govern the relationship between customary law communities and their environment based on traditional thinking. There are 3 (three) philosophies of indigenous peoples in environmental management, *first*, **"religious magic"**, meaning that the applicable provisions come from God or ancestral spirits that are sacred, and are considered sinful or disobedient if they violate them, and have a negative effect, *second*, **"participated cosmic"**, meaning maintaining a harmonious relationship among the elements of the universe to maintain a balance between the natural elements, both in the micro and macro realms or to achieve the safety of all-natural elements; and *third*, **"common"**, which means that the applicable rules are based on the public interest, namely the universe, including humans in it (Imamulhadi 2016).

Commented [A23]: This is not a scientific term, either magic or religion, trance, ancestor worship, etc.

Commented [A24]: Again no scientific concept; if you must use Lévy-Bruhl, please use the right rendering of the concept and its definition

Indigenous peoples in Indonesia have their arrangements in local wisdom in environmental management, including protecting the environment from human actions that cause environmental damage. Besides, indigenous and tribal peoples are making recovery from natural imbalances due to Covid-19. Indigenous people believe that the emergence of Covid-19 is due to an unbalanced and harmonious relationship between humans and living things and their environment. Anthropocentric human behavior tends to conquer nature, in the form of controlling and hunting for

Commented [A25]: You use customary law communities and indigenous interchangeably. Please define each in relation to the other in the Indonesian context. Make use of international literature, like the volume on Adat and Indigeneity in Indonesia, edited by Brigitta aHuser-Schäublin, and others.

biodiversity, both flora and fauna, which are protected by the state. Indigenous people hold traditional rituals according to their beliefs based on ancestral teachings so that there is a relevance between environmental policy in restoring natural imbalances during the Covid-19 pandemic with local wisdom in handling covid-19 by indigenous peoples.

Commented [A26]: They do not only hold rituals but have traditional calendars that order the agriculture, hunting and family lives of people. All this is part of customary law, including, ethnobotany and ethnomedicine, not only ritual!

In Indonesia, the indigenous people of some areas have a way to fight covid-19, for example in the Kerinci Jambi indigenous community by sounding a canang when there is a disaster or disease outbreak, then the Kerinci people say the call to prayer in front of their houses for three days. Then the people of the Rejang Tribe in Lubuk Kembang Village, Curup Utara District, Rejang Lebong Regency, Bengkulu held a ritual called "Kedurei" to ask for protection from the coronavirus outbreak. The ritual is colored by praying to God and respecting the ancestors in the Rejang language which is carried out in the middle of an unplanted rice field, while people sit in a circle and say a prayer to God Almighty, we pray a prayer. We also convey to our ancestors at this time in our village under threat, there is a kind of terrible plague attacking Indonesia, namely Covid-19. In the local wisdom of the indigenous people of Yumame Village, Aitinyo District, Maybrat Regency, West Papua, they hold a traditional ritual called "Tah Was" which is believed to be able to expel all diseases including corona (Covid- 19). The Maybrat people have practiced this ritual since ancient times. They believe that nature can repel all diseases. (Pythag Kurniati, <https://regional.kompas.com/read/2020/04/02/06150051/ritual-ritual-tolak-bala-usir-corona-di-berbagai-daerah-bunyikan-canang?page=all>, accessed on October 1, 2020).

Commented [A27]: Sic! This is part of local traditional medicine, or "ethnomedicine"; ethnobotany is recognised by te UNESCO. If you wanted, you could provide a reference here

The Covid-19 pandemic serves as a warning from God to greedy and excessive humans in utilizing the environment and natural resources available on earth. An anthropocentric perspective has a significant impact on changing human behavior to exploit the available environment on earth in exploitative ways and degrades good environmental quality. Utilizing the environment is a right while preserving it is an obligation. Customary environmental law as a spirit that is explored and applied by humans, especially "humans" as the authorities in environmental and natural resource management policy.

Various concepts about "*participated cosmic*" and the elements in it as a constant concept in traditional societal structures, the author offers ideas and formulations from existing concepts to be developed continuously by researchers, academics, activists, or environmentalists on the state of the art is a science, especially in the field of environmental law studies during the Covid-19 pandemic by obeying unwritten legal provisions and the original character of the Indonesian people

regarding the renewal of the concept of legal cosmology. This concept is a provision or rule that places nature as the subject of God's creation and as a general human being is a subject to be respected, because nature is a holistic entity, while humans are only the smallest part of the cosmic universe both macro and microcosmic. Humans who are obedient to the Creator of the universe, namely God, not only perform worship according to their religion and/or beliefs, but humans also respect nature as the subject of God's creation that gives life to living things without exception.

One of the forms of local wisdom in managing the environment of the Baduy indigenous people in Lebak Regency, Banten province during the Covid-19 pandemic is planting rice (Huma) which is the main activity of the Baduy community as their livelihood to fulfill their staple food, besides planting rice as well as their worship activities to "Dewi Padi" or "Nyi Pohaci Sanghyang". Their rice-farming system is very simple because they only recognize cultivation, which is planting rice without using water. Until now, the farming tradition as a livelihood for the Baduy community has not been disturbed by the Covid-19 pandemic. The Baduy people are very wise in preserving the natural surroundings. It is not surprising that the Baduy customary area is surrounded by forests and forests are the most important resource for the community (Aji Satria Nugraha 2020).

Balinese culture governs the Tri Hita Karana concept. Human happiness will be achieved if there are three harmonious relationships. The third element which is the relationship consists of "Parahyangan", "Pawongan", and "Palemahan". Parahyangan is a holy place unit (Pura) that reflects Divinity. Pawongan is a customary community organization unit as the embodiment of elements between fellow humans. Palemahan is in the form of a certain unit or area as the manifestation of elements of the universe or the environment. Parahyangan is a holy place unit (Pura) that reflects Divinity. Pawongan is a customary community organization unit as the embodiment of elements between fellow humans. Palemahan is in the form of a certain unit or area as the manifestation of elements of the universe or the environment. The principle of ecosystems and networks of life that exist and provide each other is highly valued. Humans define the benefits of livestock and forests, livestock forage in forests, and humans maintain forests. If one of the three elements is separated, it will have an impact on the other elements. All tribes and customs in Indonesia have local wisdom that is environmentally friendly. These values are strong assets for environmental conservation efforts. In fact, there are many gaps between these cultural values and daily behavior (Ribut Lupiyanto 2020).

Various forms of local wisdom in handling Covid-19 carried out by indigenous peoples show the formation of the cultural identity of the Indonesian nation which is

Commented [A28]: A slightly strange way of putting it. Do you mean that the Baduy still continue with planting rice even under COVID-19, or that they use planting rice as an antidote against COVID-19?

explored based on the local values of the Indonesian people. Customary law communities have wisdom in their behavior, so it needs to be integrated into environmental policy. The existence of Covid-19 shows an imbalance in the relationship between God as the creator of the universe, fellow living things, and nature itself. Humans carry out recovery through customary ritual mechanisms that are different from each region, unifying between God, humans, and nature, so that the handling of Covid-19 can be done through a partnership between the Indonesian government and indigenous peoples.

State control over natural resources with the superiority of formal statutory arrangements has neglected customary law. In this condition, led to extreme attitudes, and parties who felt neglected took up a resistance which led to the separatist movement. The centralization of law in national development contradicts the fact of pluralism in Indonesian society. For this reason, legal pluralism is an option that should be considered to improve the welfare of society in the field of law, to ensure the integrity of the state. Legal pluralism provides complete recognition and protection and rights to the existence of legal systems adhered to by customary law communities and national law within the framework of the Unitary State of the Republic of Indonesia (I Nyoman Nurjaya 2008).

The constitutional strengthening of customary law communities and the rights therein, including the right to manage natural resources, in this case, mining, in essence, mining business activities cannot be separated from the social context of the surrounding environment, including the wisdom of indigenous peoples, both from the formation of regulations, compliance which consists of ~~from~~ the socialization of licensing instruments, permits, the implementation of business activities and supervision, as well as the resolution of environmental conflicts in mining areas, it is closely related to the indigenous people's.

The concept of local wisdom from the perspective of Indonesian indigenous peoples in environmental management and handling of Covid-19 should be transformed into a national environmental management policy. Environmental law with a magical religious character and "participated cosmic" as human responsibility to God and the universe, following the noble values as the consensus of the founding fathers. The current Covid-19 pandemic, it is time to return to nature, from land use, lifestyle, to ways of respecting nature, not aggressively carrying out projects arguing that people's welfare, infrastructure development is wrapped in a national strategic agenda, and objects. national vital, including the relocation of the nation's capital with changes in the landscape, changes in spatial function, land conversion, degradation of environmental quality, deforestation, and so on, natural resource policy that is

Commented [A29]: You don't maintain an analytical distance to the customary law perspective you present here. Better: According to the customary law perspective, the existence of Covid-19 shows an imbalance ...

Commented [A30]: "extreme" as an evaluative category needs to be based on a definition. What does "extreme" mean here?

Commented [A31]: This is a little opaque. What do you mean exactly? Particularly the bit on separatism? Yes, in Bali there was definitely a pro-juridification of customary law movement leaning towards separatism. But was that the case also in West Sumatra, Tana Toraja, Kalimantan, etc.? If so, in your opinion, please explain. Readers not familiar with the Indonesian context won't be able to follow you

Commented [A32]: But legal pluralism has been granted, to a certain extent at least, in Indonesia. If you wanted to say more, you could refer to the work by the Benda Beckmanns, Ramstedt, Edwin de Jong, Dik Roth, etc. Do not only rely on Balinese/Indonesian authors!

Commented [A33]: Yes, and examples from West Papua would be welcome, too

highly unsustainable and destroys nature. We are ashamed as the Indonesian nation that is much more civilized, especially traditional communities in respecting and protecting the universe, compared to modern humans with the consumptive and exploitative styles of the current digital era.

Commented [A34]: You are speaking on behalf of the whole Indonesian nation. What is your mandate here?

Commented [A35]: Here you speak as activists, which is okay, but you have to position yourself as such already in the beginning!

Humans with their respective roles both in the capacity of the authorities, license holders, modern and traditional/customary communities, legislators, and policymakers, to judges, should take sides with planet earth as a place to live that is still considered "comfortable." To be inhabited and give everything for survival, also provide positive feedback. During the Covid-19 pandemic, the state or policymakers should have a sense of the condition of the earth which is at a critical point of damage or pollution due to irresponsible human activities, corporations that damage the living ecosystem, so that it is not aggravated again by producing various regulatory products or policy that "injure earth".

Commented [A36]: Ditto; please state in the beginning your normative position as customary law activists lobbying for certain change in perspective regarding the environment, etc.

3.2 The Relationship between Environmental Management Policy and Local Wisdom of Indigenous Peoples During the Covid-19 Pandemic in Indonesia

Why should environmental protection be treated as a human rights issue? There are several possible answers. Most obviously, and in contrast to the rest of international environmental law, a human rights perspective directly addresses environmental impacts on the life, health, private life, and property of individual humans rather than on other states or the environment in general. It may serve to secure higher standards of environmental quality, based on the obligation of states to take measures to control pollution affecting health and private life. Above all it helps to promote the rule of law in this context: governments become directly accountable for their failure to regulate and control environmental nuisances, including those caused by corporations, and for facilitating access to justice and enforcing environmental laws and judicial decisions. Lastly, the broadening of economic and social rights to embrace ~~elements-aspects of the~~ public interest in environmental protection has given new life to the idea that there is or should be, in some form, a right to a decent environment (Alan Boyle 2012).

In environmental management, local wisdom is part of the diversity of Indonesian society, in which there ~~is a community~~ are customary law communities/communities of indigenous peoples who live in sectoral natural resources, both in forest areas, mining areas, as well as coastal and ~~island~~ interior areas. Environmental management policy based on Law Number 32 of 2009 concerning Protection and Management of the Environment during the Covid-19

pandemic, a synergy between the government and indigenous peoples is urgently needed.

The implementation of the basic rights of indigenous peoples needs to be emphasized because their rights have so far been neglected. Customary law communities are indigenous peoples of a customary law fellowship, which since their birth and life are bound and subject to the customary laws in force in the area (Ida Nurlinda 2009). The contribution of indigenous peoples to the environmental management of forest areas is also accommodated by several local governments through the issuance of regional legal products. Based on the identification of data on regional legal products during the period 1979-2017, 53 regional law products contain aspects of environmental management and protection in customary areas and forests. Reducing emissions from deforestation and forest degradation (REDD), customary forest management, customary forests as a buffer zones for conservation areas, and partnership conservation models, are some of the content regulated in the regional legal products (Muki T. Wicaksana and Malik 2018).

The relationship between the state and indigenous peoples in the management of natural resources has been stated in the Indonesian constitution, the 1945 Constitution of the Republic of Indonesia, and the Decree of the People's Consultative Assembly of the Republic of Indonesia (Tap MPR) Number IX / MPR / 2001 concerning Agrarian Reform and Management of Natural Resources. About the wisdom of customary law communities, the MPR TAP is stated explicitly in Article 4 ~~letter j~~ that agrarian reform and natural resource management must be implemented following the principles, one of which is to recognize, respect, and protect the rights of customary law communities and cultural diversity nation over agrarian resources/natural resources (TAP MPR, 2001). Environmental policy and natural resource management during the Covid-19 pandemic must build partnerships or cooperation between the government and customary law communities spread across some regions in Indonesia.

Environmental policy and natural resource management in the Covid-19 pandemic can be realized through the application of local wisdom, reducing the use of products that produce waste based on local wisdom, and not burning forests and land during the Covid-19 pandemic, both individuals, indigenous peoples, and corporations, although in law number 32 of 2009 concerning Environmental Protection and Management, communities are allowed to clear land by burning, this provision needs to be re-evaluated and reconsidered for its management so that forests can be protected from fires and can reduce carbon emissions during a pandemic covid-19. The philosophy contained in the environmental law from the perspective of indigenous

Commented [A37]: Some mention of AMAN and its affiliation with international indigenous peoples organisations should be made, too!

Commented [A38]: Sounds a little weird grammatically speaking; please reformulate

Commented [A39]: Are carbon emissions particularly dangerous during Covid-19? Please, explain what the scientific insights are with relation to this issue!

peoples is religious participatory cosmic as a philosophy of Indonesian environmental law which is formed based on a combination of divine, humanitarian, and national unity values so that in its policy, it is necessary to create a partnership between the government and indigenous peoples who live in natural resource areas.

The existence of customary law communities has constitutionally gained legitimacy and recognition by the state through Article 18B paragraph (2) of the 1945 Constitution, which in essence there is state recognition and respect for various customary law community units and their traditional rights following community development, while Article 28I paragraph (3) The 1945 Constitution emphasizes the aspect of respecting the cultural identity and rights of traditional communities following the existing dynamics of civilization and is confirmed in the Decree of the People's Consultative Assembly of the Republic of Indonesia (MPR Decree) Number IX / MPR / 2001 concerning Agrarian Reform and Management of Natural Resources.

Commented [A40]: This paragraph should probably come earlier in the paper

The state controls manage and exploits mining resources that are development-oriented and economic, as well as always protecting indigenous peoples, including having a separate mechanism or method for managing the environment. In the provisions of Article 63 paragraph (1), (2), and (3) Law Number 32 of 2009 concerning Environmental Protection and Management, it provides the government's obligation to establish a policy regarding procedures for recognizing the existence of indigenous peoples, local wisdom, and rights. indigenous peoples related to environmental protection and management.

Mella Ismelina said that the orientation of environmental law development is ultimately degraded to the lowest point in legal development which only puts forward aspects of legislation and state policy, through a management model that has been regulating and supervising. Environmental law development policy still does not see opportunities for local wisdom values that have a more religious-cosmic relationship regarding the relationship between humans and their environment. The development of environmental law is built based on state domination in the formulation of policy or regulations and their implementation in the field of environmental management (Mella Ismelina 2014).

Commented [A41]: Who is she, on what is she an authority? Please, introduce her briefly

Legal development in Indonesia still uses natural resource potential as raw material for national economic development, so the country uses an anthropocentrism approach in managing the environment and natural resources. The environment is not only a conservation and preservation function but the environment as a commodity and object that can generate economic/profit. During the Covid-19 pandemic, environmental policy in Indonesia's development should consider environmental,

Commented [A42]: No: economic development policy still entails the use of natural resources as raw material, in order to foster both national and local development

social, and cultural aspects, including how to manage natural resources that do not damage the ecosystem and lead to transmission of the Covid-19 virus from hunted wild animals by humans for economic/business purposes. Indonesian indigenous peoples have close relationships with other living things to protect and protect each other, including ecosystems in forest areas, both flora, and fauna. Besides that, for the community that utilizes natural resources to support economic activities or private sector users to be more prudent in utilizing the availability of the environment for economic activities, also pay more attention to environmental aspects that are balanced and well maintained (R.E. Caraka 2020).

Community involvement and community empowerment in environmental development and management have not been maximized so that the management and development system for environmental law is not participatory and holistic. Furthermore, it is said that the policy formulated is not in line with the potential of environmental resources and society. Such conditions make environmental law not yet accommodating the resolution of environmental problems that occur in society, providing welfare to society as a whole, and unable to provide a balance between social justice and ecological justice. The purpose of the role of the community is to increase awareness in environmental protection and management, increase independence, community empowerment, and partnerships, develop community skills and initiatives, develop community responsiveness to carry out social supervision; and developing and maintaining local culture and wisdom to preserve environmental functions (Ashabul Kahpi 2015). During the Covid-19 pandemic, environmental management through the local wisdom of indigenous peoples can be integrated into Indonesian policy and laws.

The covid-19 problem should be seen as a global problem that is seriously handled by world leaders, each country commits to handling covid-19, such as environmental problems as a global problem for humanity worldwide. Satjipto Rahardjo said that understanding the universe of life as a network between entities or fellow inhabitants of the universe, what we do in the realm of our respective entities, such as law, should not be done that can cut the network and disrupt the integrity and sustainability of the universe of life. An understanding of these problems gives an important message to the law, namely that the law can adapt to the universe of life and not damage the network of the universe of life (Satjipto Rahardjo 2009). The emergence of Covid-19 in the world is a sign of disruption in the universe of life caused by the imbalance relationship between the inhabitants of the earth as a unitary ecosystem, for example, human anthropocentric nature, environmental destruction, and destruction of biodiversity for economic interests in national development policy.

Commented [A43]: Grammar, please reformulate!

Commented [A44]: And please also briefly introduce Satjipto Rahardjo to the uninformed reader

Commented [A45]: From the customary legal point of view, and from the activist perspective. Please, say so.

In the context of the state's perspective on development policy, **Ida Nurlinda** observes that development policy in Indonesia has so far been growth-oriented which has put economic development in a more important position than development in other fields. This shows that so far Indonesia has not implemented sustainable development because there is no balance in the implementation of development between the economic, social, and environmental conservation sectors (Ida Nurlinda 2009). To balance the existence of natural resources with economic activities, environmentally sound development is required. The embodiment of harmonization between economic development and environmental conservation and resources are two main things that need to be considered (Mira Rosana 2018).

Commented [A46]: Who is Ida Nurlinda, please introduce!

The country's paradigm has a tremendous impact on social life and the environment. The leaders of the world were driven to adopt a new development paradigm, focused not only on economy. Sustainable development was introduced as a global priority in the so-called "Earth Summit," in Rio de Janeiro, in 1992. Then, in 2002 and 2012 most of the world's countries refreshed their commitments to achieve sustainability. Sustainable development consists of three pillars: economic development, social development, and environmental protection (N.M. Katsoulakos 2016). For example, the reduction or even loss of access of customary/local communities to land and agrarian resources around their territory, due to oil palm plantations or oil refinery drilling. Besides, the author provides an example in the context of mining business activities that destroy the environment, leave mining pits, and mining areas overlap with indigenous peoples' territories or lands, so that the potential for social conflict is very large, in addition to destroying the wisdom of indigenous peoples in environmental conservation.

Indigenous peoples have a long history of mobilizing together on the global level. At the United Nations, indigenous delegates appeared in 1977 to speak "on behalf of those that do not have a voice" – nature and the future generations, and to protest against the destruction of their territories, resources and cultures. In 1982, an ECOSOC decision established the United Nations Working Group on Indigenous Populations (WGIP). When indigenous groups started lobbying the UNCED process a decade later, their primary goal was not to get a separate chapter on indigenous peoples, but to ensure that all chapters of Agenda 21 would include perspectives and issues relevant to indigenous peoples. This resulted in indigenous concerns being mentioned in several paragraphs throughout the text. However, it is a major weakness from the indigenous perspective that Agenda 21 and other Rio documents still operate within the framework of the dominant development paradigm, instead of questioning the economic growth model as the main reason for environmental degradation (United

Nations Department of Economic and Social Affairs Division for Sustainable Development, 2012, https://www.un.org/esa/dsd/dsd_sd21st/21_pdf/Study_1_Agenda_21.pdf, accessed on October 20, 2020).

Environmental and natural resource policies carried out by the state and indigenous peoples require a cooperative relationship about land issues or the use of land rights. Wahyu Nugroho conducted an empirical study on land issues related to natural resources, the forestry sector, mining, industry, and plantations have experienced changes in the legal order in interacting with the policy in the field of natural resources, so that conflicts between state laws and customary law, or even competition between these legal systems in accessing natural resources in various sectors, or economic, social and cultural rights, as well as collective rights which are the rights of indigenous peoples (Wahyu Nugroho 2015). In legal anthropology approach to finding another atmosphere in building a better, more holistic understanding on whether the 1945 Basic Law defines a genuine or pseudo-recognition and protection of adat communities and their traditions, especially concerning rights to, and tenure of natural resources (I Nyoman Nurjaya 2015). Therefore, local governments can place customary law as living law as part of national law, and policymakers direct it to a historical interpretation at the time the provisions concerning regional autonomy and customary law communities were born into the regional government chapter.

Commented [A47]: Grammar, please reformulate more clearly

Environmental management in Indonesia during the Covid-19 pandemic, if it is effective as a reflection of the relationship between ecological communities, will give birth to ecological balance or in legal terms, it is called ecological justice. The concept of environmental justice can be said to be a new concept in the conceptual discourse of justice. In some Indonesian literature, there are still only a few reviews on ecological justice, but if we trace various sources from foreign literature, many have discussed or written about ecological justice, regardless of whether it is at the conceptual level or the stage of implementation. One of the triggers for the birth of environmental justice is the emergence of various symptoms of natural destruction, especially after the industrial revolution (Al Andang Binawan and Tanius Sebastian 2012).

4. Conclusion

Based on the description of the discussion and analysis, the conclusions are *first*, the concept of local wisdom from the perspective of Indonesian indigenous peoples in environmental management and handling of Covid-19 through various forms of local

wisdom in handling covid-19 carried out by indigenous peoples showing the formation of Indonesian cultural identity, which is explored based on the local values of the Indonesian people. Customary law communities have wisdom in their behavior, so it needs to be integrated into environmental policy. The existence of Covid-19 shows an imbalance in the relationship between God as the creator of the universe, fellow living things, and nature itself. Humans carry out recovery through customary ritual mechanisms that are different from each region, unifying between God, humans, and nature, so that the handling of Covid-19 can be done through a partnership between the Indonesian government and indigenous peoples.

Second, the relationship between environmental management policy and local wisdom of indigenous peoples during the Covid-19 pandemic in Indonesia uses the philosophy and principles of customary environmental law as a philosophy of Indonesian environmental law which is formed based on a combination of the divine, humanitarian, and unity values, so that in its policy, partnerships need to be made between the government and indigenous peoples living in natural resource areas. Environmental policy and natural resource management in the Covid-19 pandemic can be realized through the application of local wisdom, reducing the use of products that produce waste based on local wisdom, and not burning forests and land during the Covid-19 pandemic, both individuals, indigenous peoples, and corporations, although in Law Number 32 of 2009 concerning Environmental Protection and Management, communities are allowed to clear land by burning, this provision needs to be evaluated and reconsidered for its management so that forests can be protected from fires and can reduce carbon emissions in the during of a pandemic covid-19.

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Commented [A48]: Grammar! Please reformulate more clearly and succinctly

Commented [A49]: This is not a scientific/analytical category. It is a normative and ideological one, which really needs definition. You can use it, if you position yourself as a spokesperson/activist of customary law communities in Indonesia right in the beginning.

Commented [A50]: As I said, there are additional customary measures that also have non-ritual, practical implications

Commented [A51]: This is an interesting article. I recommend it for publication, provided that the alterations will be made, as indicated in my comments above.

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Wicaksana, M. T & Malik. (2019), "Konteks Politik Hukum Dibalik Percepatan Penetapan Hutan Adat: Catatan ke Arah Transisi", *Jurnal Hukum Lingkungan Indonesia*, Vol. 04, Issue 2, p.33. DOI: <http://dx.doi.org/10.38011/jhli.v4i2.60>, <https://jhli.icel.or.id/index.php/jhli/article/view/60>.

Yusa, I. G. & Hermanto, B. (2018), "Implementasi Green Constitution di Indonesia: Jaminan Hak Konstitusional Pembangunan Lingkungan Hidup Berkelanjutan", *Jurnal Konstitusi*, Volume 15, Nomor 2, p. 10. DOI: <https://doi.org/10.31078/jk1524>

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Relationship between environmental management policy and the local wisdom of indigenous peoples in the handling of COVID-19 in Indonesia

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WAHYU NUGROHO* 

Abstract

This paper aims to understand the concept of local wisdom (Indonesian term: local wisdom) from the perspective of Indonesian indigenous peoples (Indonesian term: masyarakat adat) in handling COVID-19 and environmental management policies. In this article, use normative legal research methods, empirical data based on developments in policy and media in Indonesia, and qualitative analysis. The findings of this study are *first*, constructing local wisdom of Indonesian indigenous peoples in environmental management and handling of COVID-19, based on the teachings of their ancestors and based on the customary calendar as a reference; *second*, build partnerships related to environmental policies and indigenous peoples by considering the balance of nature and changes in human behavior through local wisdom to reduce carbon emissions during a pandemic. The author is interested in this research because there is an integration of local wisdom of Indonesian indigenous peoples in environmental policies and handling COVID-19. The purpose of this article is to understand the concept of local wisdom (Indonesian term: kearifan local) from the indigenous perspective of Indonesian indigenous peoples (Indonesian term: masyarakat adat) in handling COVID-19, environmental management and Indonesian environmental policy. In this article, we use normative legal research methods, literature research, and empirical data based on policy developments and information media in Indonesia. Data analysis uses qualitative links in developing policy reviews and literature. The findings of this research are *first*, constructing local wisdom of Indonesian indigenous peoples in environmental management and handling of COVID-19, based on the teachings of their ancestors and based on the customary calendar as their reference; *second*, to

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build partnership relationships related to environmental policies with indigenous peoples with divinity, humanity, and the values of unity. Consider the balance of nature and changes in human behavior through forms of local wisdom in various activities to reduce carbon emissions during the COVID-19 pandemic. The author is interested in this research because there is a concept of local wisdom from the perspective of Indonesian indigenous peoples in environmental management and handling of COVID-19, which is then integrated into environmental policies in handling COVID-19 in Indonesia.

Key words

Policy; environmental management; local wisdom; indigenous peoples; COVID-19

Resumen

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1. Introduction

Indonesia's environmental management policy based on Law Number 32 of 2009 concerning Environmental Protection and Management is influenced by global environmental developments that are oriented towards environmental utilization (Ahmad-Jazuli 2015⁸, 187). Most legal scholarship increasingly suggests that the central problem of environmental law is its anthropocentrism. By simple reference to the literal meaning of the word, anthropocentrism indicates the centrality of human beings in the world (Vito-De Lucia 2017). The classical environmental law style is very anthropocentric, views the environment as a commodity so that the economic development of a country is very dependent on natural resources which have an impact on environmental damage or pollution. Indonesia has local wisdom that comes from the customary laws of indigenous peoples.¹ Environmental management policy in Indonesia during the COVID-19 pandemic still used formal methods through legal products and legislation but had not involved indigenous peoples through local wisdom that each region had in environmental management. The state still places indigenous peoples and local wisdom as something mundane, or non-scientific, which is why it has been underestimated by the government.

The existence of indigenous peoples has constitutionally gained legitimacy and recognition by the state through Article 18B paragraph (2) of the 1945 Constitution, which in essence there is state recognition and respect for various customary law community units and their traditional rights following community development, while Article 28I paragraph (-3) The 1945 Constitution emphasizes the aspect of respecting the cultural identity and rights of traditional communities following the existing dynamics of civilization and is confirmed in the Decree of the People's- People's Consultative Assembly of the Republic of Indonesia (MPR Decree) Number IX / MPR / 2001 concerning Agrarian Reform and Management of Natural Resources.

The COVID-19 pandemic provides a lesson for people around the world about the importance of balance in the relationships between existing ecosystems. Humans with anthropocentric characteristics will use all their power to exploit natural resources for human profit, even if it entails the risk of extinguishing biodiversity. Regulations regarding local wisdom as part of the cultural identity of traditional communities and the right to the environment are adopted into the Indonesian constitution, namely

¹Until now, the concept of indigenous peoples in Indonesia still has no agreement in its formulation, the reasons are first, there is no law that builds on the recognition and protection of indigenous peoples, while what exists is the variety of terms and criteria used by statutory regulations, secondly, in the Indonesian constitution Article 18B paragraph (2) of the 1945 Constitution uses the term "customary law community unit", and other terms are contained in Article 28I paragraph (3) of the 1945 Constitution by mentioning "traditional society". This then becomes a problem in the provisions of the derivative laws and regulations with different conceptual boundaries. Yance Arizona (2014) has provided guarantees for indigenous peoples and indigenous peoples that are more situated than the origin and purpose of use. The term "adat law community" was used by the colonial government to refer to a legal subject of the original composition of the indigenous community, while "adat community" was used by non-governmental organizations to refer to village people who firmly adhered to traditions, but who were victims of the New Order development. The differences between customary law communities and traditional communities in the 1945 Constitution occur because of the completion of their protection. Customary law communities to protect communities and control over land and natural resources, traditional communities to protect local identities. [YANCE ARIZONA 2014 IS NOT AMONG THE REFERENCES LISTED](#)

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Article 28I paragraph (3) of the 1945 Constitution, which states: "Cultural identity and rights of traditional communities are respected in accordance with the development of times and civilization". The word cultural identity in question is local wisdom possessed by customary law communities and traditional communities. Regarding the right to the environment, it is regulated in Article 28H (1) of the 1945 Constitution, which states: "Everyone has the right to live in physical and mental well-being, to have a place to live, and to have a good and healthy living environment and the right to obtain health services".

This constitutional foundation in relation to local wisdom in environmental management is further regulated in Law Number 32 of 2009 concerning Environmental Protection and Management. The definition of local wisdom according to Law Number 32 of 2009 concerning Environmental Protection and Management is noble values that apply in the order of community life to, among others, protect and manage the environment in a sustainable manner. Based on the provisions in the constitution and the law on environmental management, it is important to carry out integration environmental management policies with local wisdom of indigenous peoples in handling COVID-19 in Indonesia. Various forms of local wisdom of indigenous peoples in a number of regions in Indonesia have a balanced pattern in protecting ecosystems and nature, so the government needs to build partnerships with indigenous peoples in handling COVID-19. This concept is the harmonization of the national legal system with the customary law system, besides that, it also reflects the value of unity that is connected in Pancasila with the slogan "Bhinneka Tunggal Ika" (unity in diversity) as the symbol of Garuda Pancasila. In the formation of law and its implementation based on the Indonesian national legal system, it should be adjusted to customary law as the living law in society, and pay attention to legal diversity or what is known as the legal pluralism.

Every administrative law in Indonesia, particularly those of the management of natural resources, follows this pattern of policy. Even, the Second Amendment to the Basic Law of 1945 follows such model by stipulating the idea that "the State acknowledges jurai communities and their traditional rights as long as they still live and by advancements in the society and the principle of Unitary state of the Republic Indonesia, to be further stipulated by law" Law Number 5 Year 1960 on the Basic Regulation of the Essentials of Agrarian Affairs (or more renowned, and subsequently called as the Basic Agrarian Law /BAL), adat law is recognized "as long as in reality still exist" and "does not in conflict with the State interest". However, the continuing process of the agrarian reform of 1960 seems to face some obstacles, such as a conflict between traditional rights and the modern, Western-influenced, various interests and purposes of the state. (Bono Budi Priambodo 2018, 141).

In a constitutional state based on Pancasila, the environment becomes an inseparable part of the divine dimension and living things as well as natural elements as God's

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2. "Pancasila" consists of "Panca" and "Sila". "Panca" means "five", and "sila" means "principle" or "basis". Pancasila as the ideology of the Indonesian nation and state, which is stated in the preamble to the 1945 Constitution as the basis for the Unitary State of the Republic of Indonesia must be implemented continuously in the life of the nation and state. The Pancasila mentioned in the preamble to the 1945 Constitution are: first, Almighty Godhead, second, Just and Civilized Humanity, third, Indonesian Unity,

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creation. The administration of a state that is based on values derived from the cultural roots of the Indonesian people with a variety of local wisdom is considered important to integrate environmental policy with local wisdom during the COVID-19 pandemic so that the principles of indigenous peoples in Indonesia become an integral part of national environmental policy. For example, based on empirical data that the author obtained by involving the participation of indigenous peoples in environmental management policies, and handling of COVID-19 through the “principles of religious magic and the balance of nature, participereend cosmic” as a form of their respect for God and nature by performing various traditional rituals, based on the teachings of their ancestors, so that wisdom It is important to integrate the local community into environmental management policies and the community is aware of the importance of maintaining the balance of nature, ecosystems, and environmental sustainability.

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The concept of a Green Constitution that elevates the ecocracy in the constitution of a country is reflected in environmental sovereignty by placing the Green Constitution in the constitution of a country, making it an essential and fundamental foundation to uphold the development of human rights development currently developing (~~I Dewa Gede-Atma~~dja 2006, ~~I Gede-Yusa & Bagus and~~ Hermanto 2018, 10). The concept of ecocracy is an environmental or ecosystem sovereignty where the government in running the government adheres to the principles of ecologically sustainable development. In the Indonesian context, the concept of ecocracy has been explicitly stated in the amendments to the constitution of Article 28H paragraph (1),³ and Article 33 paragraph (4)⁴ of the 1945 Constitution, as an effort to prioritize sustainable development with an environmental perspective in the politics of national development.

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Economic development that is in line with the principles of environmental insight and sustainability is an ideal conception of a democracy that upholds the principles of sustainable development so that economic rights are aligned with the right to a good and healthy environment as part of human rights in the third generation. The relationship between humans and natural resources, there will be excessive use of natural resources or exploitation for common interests, which then creates various social problems. Elinor Ostrom opposed proposals for privatization of Common Pool Resources (CPRs) or governmental intervention to avoid the tragedy of the commons. Instead, she suggested an alternative solution based on in-depth empirical studies, which was the establishment and operation of autonomous institutions within communities. Ostrom determined eight design principles for autonomous management of CPRs (Ostrom 1990, ~~Tim Forsyth and Craig Johnson~~ 2014, ~~Hyun-Choe & and Sun Jin Yun~~ 2017): 1. Define clear group boundaries, 2. Match rules governing use of common goods to local needs and conditions, 3. Ensure that those affected by the rules can participate in modifying the rules, 4. Make sure the rule-making rights of community members are respected by outside authorities, 5. Develop a system, carried out by

fourth, Democracy Led by Wisdom in Deliberation/Representation, and fifth, Social Justice for All People of Indonesia.

³Stated that: “Everyone has the right to live in physical and spiritual prosperity and to have a place live and have a good and healthy environment, have the right get health services”.

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⁴Stated that: “The national economy is organized based on economic democracy with the principles of togetherness, efficiency-justice, sustainability, environmentally friendly, independence, as well as by maintaining a balance of progress and unity national economy”.

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community members, for monitoring members' behavior, 6. Use graduated sanctions for rule violators, 7. Provide accessible, low-cost means for dispute resolution, and 8. Build responsibility for governing the common resource in nested tiers from the lowest level up to the entire interconnected system.

The complexity of environmental problems in the third generation of human rights often clashes with policy, both central and local. This policy is related to national strategic projects in the use of natural resources as raw material for national economic development so that there is a contradiction between human rights in the environmental sector and development. Sustainable development requires equitable resource management, both economically, socially, and environmentally for the current and future generations (Iskandar 2011).

In this paper, the scope of discussion is related to the concept of the relationship between environmental management policy and local wisdom of indigenous peoples in handling COVID-19 in Indonesia. The concept of local wisdom from the perspective of Indonesian indigenous peoples in environmental management and handling of COVID-19, and providing policy concepts for environmental management through local wisdom of indigenous peoples during the COVID-19 pandemic in Indonesia. Indonesia has the local wisdom of each region in handling COVID-19 which should be transformed into environmental management policy through local wisdom. One of the sub fields of environmental law is about environmental health law, and the law of human relations with the environment and nature, to create good relationships between communities of living things in the life of natural ecosystems.

The balanced relationship between man, God, and the universe is a principle inherent in all customary laws throughout Indonesia, so humans must maintain a legal relationship with God and the natural environment. These customary law principles are in the form of religious magic, participant cosmic and common. One example is the practice of customary law in most parts of the islands of Kalimantan and Papua, where the community performs customary rituals every time they open land for customary forest areas to be managed, and every time there is a violation of customary law among the members of the customary community cut down trees in the customary forest, there is a natural imbalance and the environment, so that it must be restored through customary rituals and given customary sanctions in accordance with the teachings of the ancestors.

Environmental management policy through local wisdom during the COVID-19 pandemic is a major issue because it is to restore the balance between humans and nature and the environment. This is motivated by the disharmony of the relationship between humans and ecosystems and nature, excessive exploitation of natural resources, resulting in environmental damage, and the extinction of biodiversity. During the COVID-19 pandemic, it became a reflection for the Indonesian government to restore the ecosystem and natural environment through various forms of local wisdom in some areas during the COVID-19 pandemic. Indigenous peoples as legal subjects have their philosophy and value system in viewing the natural environment. In Indonesian environmental law philosophy, there are various elements found in Pancasila, including the unity of divine, humanitarian, and diversity values.

Indigenous peoples as legal subjects are stated in the Indonesian constitution Article 18B paragraph (2) of the 1945: "The state recognizes and respects indigenous peoples and

their traditional rights as long as they are alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia. which is regulated in law.” Indigenous peoples as legal subjects can be found in the decision of the Indonesian Constitutional Court Number 35 / PUU-X / 2012 in the Judicial Review of Law Number 41 of 1999 concerning Forestry, the Constitutional Court Panel of Justices using constitutionalism in the quote:

... in that constitutional provision, there is one thing that is important and fundamental in the traffic of legal relations, namely indigenous peoples who are constitutionally recognized and respected as rights holders, which of course can also bear obligations. Thus, indigenous peoples are legal subjects.

The panel of constitutional judges views that as a legal subject, the freedom and independence of indigenous peoples to determine their will and fulfill their basic rights is threatened by the provisions of the forestry law which place customary forests as part of state forests. Customary law communities, which existed even before the establishment of the Indonesian state, have the same status as other individuals or groups, namely as legal subjects. Simarmata & Steni call it a “special legal subject” because it can carry out public legal acts, the rights of indigenous peoples as legal entities come from innate rights, and members of the indigenous peoples are merged into the Joint identity so that it is natural. (Rikardo Simarmata & Bernadinus Steni 2017).

An environment is a place for ecological communities and the elements of inanimate objects in it as life support, where God the Creator of the universe has absolute power, while humans have relative power, including protecting the earth for the continuity of life so that damage does not occur on land or in the oceans. From an environmental perspective, the emergence of COVID-19 is a form of human behavior that has no ethics towards other living things and exploitative actions against natural resources, resulting in an imbalance of relationships between communities in natural ecosystems, so that it becomes an important design principle for the management of commons.

The problems in this article are: *first*, what is the concept of local wisdom from the perspective of indigenous peoples in the Indonesian customary law system in environmental management and handling of COVID-19?; *second*, how is the relationship between environmental management policy through local wisdom of indigenous peoples in handling COVID-19 in Indonesia?

The purpose of writing this article is: *first*, to understand the concept of local wisdom from the perspective of Indonesian indigenous peoples in environmental management and handling of COVID-19, then can it be transformed into Indonesian environmental policy?; *second*, to formulate the concept of the relationship between environmental management policy and local wisdom of indigenous peoples in handling COVID-19 in Indonesia.

2. Methodology

In writing this article, using normative legal research methods, literature as secondary sources, and supported by empirical data based on policy developments and information media in Indonesia. This method is a combination of theory and policy with practices that develop in society, to get a complete picture of environmental

management policy and handling of COVID-19 based on local wisdom. Data analysis used qualitatively by linking debates in the review literature and developing policy.

3. Research and discussion

3.1. *The concept of local wisdom from the perspective of indigenous Indonesians in environmental management and handling of COVID-19*

Each community has local wisdom, traditional wisdom, local knowledge, or local intelligence and indigenous wisdom that is useful in life (Muh. Sabaruddin Sinapoly 2018). Local wisdom is defined by Alfian as a view of life and knowledge as well as a life strategy in the form of activities carried out by local communities in meeting their needs. Local wisdom is a custom and custom that has been traditionally carried out by a group of people from generation to generation which is still maintained by certain customary law communities in certain areas (Magdalia Alfian 2013).

Based on the above understanding, it can be interpreted that local wisdom can be understood as local ideas that are wise, full of wisdom, of good value, which are embedded and followed by members of the community. The meaning of local wisdom is conceptualized as "local wisdom" or "local knowledge" (Fajarini 2014).

Local wisdom is the way people behave and act in response to changes in the physical and cultural environment. A conceptual idea that lives in society, grows and develops continuously in people's people's consciousness, from those related to sacred life to profane ones (daily part of life and its mediocrity). Local wisdom can be understood as local ideas that are wise, full of wisdom, of good value, which are instilled and followed by members of the community (Novia Fitri Istiawati 2016, 1). Then, I define wisdom in the perspective of legal philosophy as it relates to the general principles of positive law, the concepts of action, intention, will, freedom, and justice. Apart from that, it also becomes a standard of assessment, namely assessing people's people's lives by stating what is considered good and bad, as well as instructions on which behavior or actions should be carried out and which must be abandoned.

According to Law Number 32 of 2009 concerning Environmental Protection and Management, 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. These various definitions can be given a general understanding that local wisdom is a value and knowledge that local communities and indigenous peoples have from generation to generation from their ancestral heritage to be implemented in their daily life. In the context of environmental management, local communities or indigenous peoples have methods to balance the functions of nature. In the atmosphere of the COVID-19 pandemic, Indonesian indigenous people handle COVID-19 based on local wisdom.

Environmental policy in the perspective of customary law has a different meaning from national environmental policy according to law. Environmental policy according to customary communities or customary environmental law is the whole of principles and rules, both codified and uncoded, which govern the relationship between customary law communities and their environment based on traditional thinking. There are (three) philosophies of indigenous peoples in environmental management, first, "religious belief or ancestor worship", meaning that the applicable provisions come from

God or ancestral spirits that are sacred, and are considered sinful or disobedient if they violate them, and have a negative effect, *second*, “balance in preserving nature”, meaning maintaining a harmonious relationship among the elements of the universe to maintain a balance between the natural elements, both in the micro and macro realms or to achieve the safety of all-natural elements; and *third*, “common”, which means that the applicable rules are based on the public interest, namely the universe, including humans in it (Imamulhadi 2016).

Indigenous peoples in Indonesia have their arrangements in local wisdom in environmental management, including protecting the environment from human actions that cause environmental damage. Arizona and Cahyadi explain that the first seeds of the indigenous peoples’ movement were sown in the 1980s. Early discussions were initiated by the environmental activists from the Indonesian Forum for Environment – Friends of the Earth Indonesia (Wahana Lingkungan Hidup Indonesia, WALHI) and by the legal aid activists from the Legal Aid Foundation of Indonesia (Yayasan Lembaga Bantuan Hukum Indonesia, YLBHI). At the time, these organisations had already started working on the protection of the indigenous peoples whose ancestral lands were being expropriated by the government and turned into mining and forestry concessions under the developmentalist policies of the New Order regime (Brigitta-Hauser-Schäublin *et al.* 2013).

Culture lies at the core of what in Indonesia is called “adat”. Indigenous peoples in Indonesia, apart from their history of oppression and dispossession, ultimately argue with their particular localized “culture” that distinguishes them from others; a specific definition of their cultural particularity is, therefore, required to fill the “tribal slot”. The translation AMAN made of “masyarakat adat”, which literally means “customary communities”, as “indigenous peoples” has to be understood as a possibility to interlink with the transnational indigeneity movements. According to the new law on indigenous peoples that is currently (2013) being discussed in parliament in Indonesia, masyarakat adat needs to display five features for official recognition as “masyarakat hukum adat”, customary law community: to have a shared history, to own customary land, to have adat law, to possess specific property relations and inheritance/or adat artefacts, and to have a customary governance system (Brigitta-Hauser-Schäublin *ed.* 2013). In the Draft Law that was last discussed at the House of Representatives in 2019, the process of recognition in the form of a formal indigenous peoples before obtaining Protection and Empowerment and their rights, the process is carried out by the committee by identifying, verifying, and validating the existence of the indigenous peoples in an area based on the characteristics that have been determined in the law, then its legality will be determined by a regional regulation. Furthermore, the indigenous peoples is entitled to protection of their rights, including rights to customary territories, rights to natural resources, rights to development, rights to spirituality and culture, and rights to the environment.

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The term masyarakat hukum adat or adat law communities is often used by the policymakers, because this term appears recurrently in the legal regulations. The academics also use the same term, because it is a literal translation from “Adat Rechtsgemeinschaften”. The masyarakat hukum adat are defined in the RUU PPHMHA

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[\(Rancangan Undang-Undang tentang Pengakuan dan Perlindungan Hak-Hak Masyarakat Hukum Adat\)](#) as:

a group of people who have been living in a certain geographical area for generations in the territory of the Republic of Indonesia because of the ancestral connection and a special relationship with the land, territory and natural resources, who own a customary governance system and ~~aan~~ adat law order on their territory.⁵

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The Rio Declaration on Environment and Development (principle 22) proclaims indigenous peoples as vital actors in the achievement of sustainable development. Similarly, the Convention on Biological Diversity underscores the important role of indigenous peoples in the use and conservation of biological and genetic resources. This understanding is also reflected in the *“Report of the World Commission on Environment and Development: Our Common Future”* (World Commission on Environment and Development 1987, 114–115). It states that indigenous and tribal peoples are, repositories of vast accumulation of traditional knowledge and experience that links humanity with its ancient origin. Their disappearance is a loss for their larger society, which could learn a great deal from their traditional skills in sustainably managing very complex ecological systems. (World Commission on Environment and Development 1987).

Besides, indigenous and tribal peoples are making recovery from natural imbalances due to COVID-19. Indigenous people believe that the emergence of COVID-19 is due to an unbalanced and harmonious relationship between humans and living things and their environment. Anthropocentric human behavior tends to conquer nature, in the form of controlling and hunting for biodiversity, both flora and fauna, which are protected by the state. Indigenous peoples carry out various daily activities to manage their natural resources through agriculture, looking for traditional medicines, hunting, and other activities to fulfill family life needs to be based on the traditional calendar as their reference. The knowledge they have is passed down from generation to generation by their ancestors and performs rituals to maintain the balance of the natural environment so that environmental damage or pollution does not occur. All of this is part of customary law, so there is a link between environmental policies in restoring natural balance during the COVID-19 pandemic through local wisdom in handling COVID-19.

In Indonesia, the indigenous people of some areas have a way to fight COVID-19, for example in the Kerinci Jambi indigenous community by sounding a *canang* when there is a disaster or disease outbreak, then the Kerinci people say the call to prayer in front of their houses for three days. The Orang Rimba, an indigenous community living in the province of Jambi, Indonesia, have a longstanding tradition of enforcing social distancing measures (Audrey Azoulay, ~~Director General of UNESCO,~~ <https://en.unesco.org/news/indigenous-peoples-and-covid-19-pandemic#foreword>, (accessed on February 7, 2021-2020)). -Tumenggung Tarib, an elder of the Orang Rimba, an Indigenous peoples living inside the Bukit Duabelas National Park in Jambi, Sumatra

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⁵ This definition was agreed upon at the JAPHAMA ([Jaringan Pembelaan Hak-hak Masyarakat Adat](#)) ~~meeting in 1993 at Tana Toraja, South Sulawesi. This definition became the working definition of AMAN. On the basis of this definition, the RUU PPHMHA~~ ~~(-Rancangan Undang-Undang tentang Pengakuan dan Perlindungan Hak Masyarakat Hukum Adat)~~ proposed the six characteristics of the indigenous peoples mentioned.

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said: “For hundreds of years, we have been practicing what is called self-quarantine. Long before the recent COVID-19 outbreak and calling it “besesandingon outbreak. We called it *besesandingon*”, as form of local wisdom to reduce the spread of COVID-19 (Andre Barahamin, <https://www.newmandala.org/dignified-quarantine-indigenous-strategies-for-containing-covid-19-in-indonesia/>, accessed on February 7, 2021 Barahamin 2020).

Other than that, they use plants obtained from the natural surroundings as traditional medicine or called ethnobotany. The term “Ethnobotany” by Martin (1995) and Cotton (1996) refers to all studies that are related to the reciprocal relationship between plants and traditional peoples. Ethnobotany, in general, thus refers to the study about the utilization of plants for a wide variety of humans needs such as medicine, food, fodder, fibre, and goods required for their material culture and amenities (Gertrude Lucky Aka Diame-UNESCO, 2010).

Then the people of the Rejang Tribe in Lubuk Kembang Village, Curup Utara District, Rejang Lebong Regency, Bengkulu held a ritual called “Kedurei” to ask for protection from the coronavirus outbreak. The ritual is colored by praying to God and respecting the ancestors in the Rejang language which is carried out in the middle of an unplanted rice field, while people sit in a circle and say a prayer to “God Almighty, we pray a prayer, we also convey to our ancestors at this time in our village under threat, there is a kind of terrible plague attacking Indonesia, namely COVID-19”. In the local wisdom of the indigenous people of Yumame Village, Aitinyo District, Maybrat Regency, West Papua, they hold a traditional ritual called “Tah Was” which is believed to be able to expel all diseases including corona (COVID-19). The Maybrat people have practiced this ritual since ancient times. They believe that nature can repel all diseases (Kurniati 2020). (Pythag Kurniati, <https://regional.kompas.com/read/2020/04/02/06150051/ritual-ritual-tolak-bala-usir-corona-di-berbagai-daerah-bunyikan-canang?page=all>, accessed on October 1, 2020).

The COVID-19 pandemic serves as a warning from God to greedy and excessive humans in utilizing the environment and natural resources available on earth. An anthropocentric perspective has a significant impact on changing human behavior to exploit the available environment on earth in exploitative ways and degrades good environmental quality. Utilizing the environment is a right while preserving it is an obligation. Customary environmental law as a spirit that is explored and applied by humans, especially “humans” as the authorities in environmental and natural resource management policy.

Various concepts about “the balance of nature” and the elements in it as a constant concept in traditional societal structures, the author offers ideas and formulations from existing concepts to be developed continuously by researchers, academics, activists, or environmentalists on the state of the art is a science, especially in the field of environmental law studies during the COVID-19 pandemic by obeying unwritten legal provisions and the original character of the Indonesian people regarding the renewal of the concept of legal cosmology. This concept is a provision or rule that places nature as the subject of God's God's creation and as a general human being is a subject to be respected, because nature is a holistic entity, while humans are only the smallest part of the cosmic universe both macro and microcosmic. Humans who are obedient to the

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Creator of the universe, namely God, not only perform worship according to their religion and/or beliefs, but humans also respect nature as the subject of [God's God's](#) creation that gives life to living things without exception.

One of the forms of local wisdom in managing the environment of the Baduy indigenous people in Lebak Regency, Banten Province in handling COVID-19 carried out various activities based on the customary law previously described, including farming to develop agriculture and meeting their basic needs, hold traditional ritual, customary leadership rules to prohibit leaving the area, and closing tourist attractions. They also perform traditional rituals to "Dewi Padi" or "Nyi Pohaci Sanghyang". Their rice-farming system is very simple because they only recognize cultivation, which is planting rice without using water. Until now, the farming tradition as a livelihood for the Baduy community has not been disturbed by the COVID-19 pandemic. The Baduy people are very wise in preserving the natural surroundings. It is not surprising that the Baduy customary area is surrounded by forests and forests are the most important resource for the community ([Aji-Satria-Nugraha](#) 2020).

Balinese culture governed [bys](#) the Tri Hita Karana concept. Human happiness will be achieved if there are three harmonious relationships. The third element which is the relationship consists of ["Parahyangan"](#), ["Pawongan"](#), and ["Palemahan"](#). Parahyangan is a holy place unit (Pura) that reflects Divinity. Pawongan is a customary community organization unit as the embodiment of elements between fellow humans. Palemahan is in the form of a certain unit or area as the manifestation of elements of the universe or the environment. Parahyangan is a holy place unit (Pura) that reflects Divinity. Pawongan is a customary community organization unit as the embodiment of elements between fellow humans. Palemahan is in the form of a certain unit or area as the manifestation of elements of the universe or the environment. The principle of ecosystems and networks of life that exist and provide each other is highly valued. Humans define the benefits of livestock and forests, livestock forage in forests, and humans maintain forests. If one of the three elements is separated, it will have an impact on the other elements. All tribes and customs in Indonesia have local wisdom that is environmentally friendly. These values are strong assets for environmental conservation efforts. In fact, there are many gaps between these cultural values and daily behavior ([Ribut-Lupiyanto](#) 2020).

Various forms of local wisdom in handling COVID-19 carried out by indigenous peoples show the formation of the cultural identity of the Indonesian nation which is explored based on the local values of the Indonesian people. Customary law communities have wisdom in their behavior, so it needs to be integrated into environmental policy. According to the customary law perspective, the existence of COVID-19 shows an imbalance in the relationship between God as the creator of the universe, fellow living things, and nature itself. Humans carry out recovery through customary ritual mechanisms that are different from each region, unifying between God, humans, and nature, so that the handling of COVID-19 can be done through a partnership between the Indonesian government and indigenous peoples.

State control over natural resources, which is dominated by various formal procedural regulations, has ignored the existence of customary law. In this condition, the position of customary law becomes weak, local wisdom is ignored, and indigenous peoples are

not involved in natural resource and environmental management policies, while the problem of COVID-19 is a problem of imbalance in the natural environment and exploitative use of natural resources.

The centralization of law in national development contradicts the fact of pluralism in Indonesian society. For this reason, legal pluralism is an option that should be considered to improve the welfare of society in the field of law, to ensure the integrity of the state. Legal pluralism is understood here as deriving from the recognition of one legal system by another legal system – usually that of the nation state. Keebet von Benda-Beckmann calls this a legal political concept of legal pluralism that has developed into what scholars interested in law at the transnational and global level today understand as “normative legal pluralism” (Keebet von Benda-Beckmann and Bertram-Turner 2018, 263). -But generally the condition of legal pluralism challenges the exclusiveness and self-evidence of any single normative system. Benda-Beckmann gave a reference example to the rules of one system in Indonesia, for example adat over Islam, or state law, then is often political and ideological statement. One does not simply choose a number of rules to apply to a problematic situation, but for the whole (sub) system on which these rules are formed part (Franz-von Benda-Beckmann 2002, 69).

The constitutional strengthening of customary law communities and the rights therein, including the right to manage natural resources, in this case, mining, in essence, mining business activities cannot be separated from the social context. In managing the copper and gold mine in Timika Papua, it has been going on for more than 30 years, the issue of customary land which is being cultivated by PT Freeport has become a national political issue that will potentially threaten the protection of customary land in Papua, and the criminalization of indigenous people who defend the customary lands of Papua. It must be admitted that there is a harmony between leading to and realizing the protection of customary land laws in Papua, and the various principles of the welfare state (Suharyo, 2019).

3.2. The relationship between environmental management policy and local wisdom of indigenous peoples during the COVID-19 pandemic in Indonesia

Why should environmental protection be treated as a human rights issue? There are several possible answers. Most obviously, and in contrast to the rest of international environmental law, a human rights perspective directly addresses environmental impacts on the life, health, private life, and property of individual humans rather than on other states or the environment in general. It may serve to secure higher standards of environmental quality, based on the obligation of states to take measures to control pollution affecting health and private life. Above all it helps to promote the rule of law in this context: governments become directly accountable for their failure to regulate and control environmental nuisances, including those caused by corporations, and for facilitating access to justice and enforcing environmental laws and judicial decisions. Lastly, the broadening of economic and social rights to embrace aspects of public interest in environmental protection has given new life to the idea that there is or should be, in some form, a right to a decent environment (Alan-Boyle 2012).

In environmental management, local wisdom is part of the diversity of Indonesian society, in which there are customary law communities/communities of indigenous

peoples who live in sectoral natural resources, both in forest areas, mining areas, as well as coastal and interior areas. Environmental management policy based on Law Number 32 of 2009 concerning Protection and Management of the Environment during the COVID-19 pandemic, a synergy between the government and indigenous peoples is urgently needed.

Customary law communities are indigenous peoples of a customary law fellowship, which since their birth and life are bound and subject to the customary laws in force in the area. The implementation of the basic rights of indigenous peoples needs to be emphasized because their rights have so far been neglected. (Ida-Nurlinda 2009). The first Indigenous Peoples Congress of the Archipelago in 1999 defined indigenous peoples as communities that live based on their ancestral origins over an indigenous territory, who has sovereignty over land and natural resources, local cultural life, which is governed by customary law. and customary institutions that manage the sustainability of people's people's lives (AMAN 2017). The United Nation Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by General Assembly Resolution 61/295 on September 13, 2007, and Indonesia is one of the countries that signed the UNDRIP, so that the Rights of Indigenous Peoples listed in this declaration are binding on Indonesia. morally to recognize, respect, and fulfill the rights of Indigenous Peoples in the territory of Indonesia. UNDRIP provides strong protection for indigenous peoples'-peoples' rights to natural resources even though it is still a soft law instrument, which is not legally binding. The resolution of problems with customary rights based on UNDRIP is by providing restitution of land to customary law communities and compensation if restitution is not possible (UNDRIP, 2007).

The contribution of indigenous peoples to the environmental management of forest areas is also accommodated by several local governments through the issuance of regional legal products. Based on the identification of data on regional legal products during the period 1979–2017, 53 regional law products contain aspects of environmental management and protection in customary areas and forests. Reducing Emissions from Deforestation and Forest Degradation (REDD), customary forest management, customary forests as buffer zones for conservation areas, and partnership conservation models, are some of the content regulated in the regional legal products (Muki-T. Wicaksono and Malik 2018, 33).

The relationship between the state and indigenous peoples in the management of natural resources has been stated in the Indonesian constitution, the 1945 Constitution of the Republic of Indonesia, and the Decree of the People's People's Consultative Assembly of the Republic of Indonesia (Ketetapan Majelis Permusyawaratan Rakyat Republik Indonesia – Tap MPR) Number IX / MPR / 2001 concerning Agrarian Reform and Management of Natural Resources, is stated explicitly in Article 4j that agrarian reform and natural resource management must be implemented following the to recognize, respect, and protect of indigenous peoples rights and cultural diversity nation over agrarian resources/natural resources (TAP MPR, 2001). Environmental policy and natural resource management during the COVID-19 pandemic must build partnerships or cooperation between the government and customary law communities spread across some regions in Indonesia.

Environmental policy and natural resource management in the COVID-19 pandemic can be realized through the application of local wisdom, reducing the use of products that produce waste, and not burning forests and land during the COVID-19 pandemic, both individuals, indigenous peoples, and corporations, although in Law Number 32 of 2009 concerning Environmental Protection and Management, communities are allowed to clear land by burning, this provision needs to be re-evaluated and reconsidered for its management so that forests can be protected from fires and can reduce carbon emissions during a pandemic COVID-19.

Carbon emissions were very dangerous during the COVID-19 pandemic because of the uncontrolled space for the community to carry out various activities that produce carbon emissions. Carbon emissions threaten human health during a pandemic, because clean air is very depleted, coupled with the very fast transmission of COVID-19, all of which can threaten human health, especially the respiratory system. Various activities that produce emissions include the use of land, sea and air transportation, the electric power sector, the commercial and residential building industry, including industries that utilize natural resources in the forestry and mining sectors. The activities of companies that burn forests and land are reduced during the pandemic, and various other land transportation, so that a ~~country's-country's~~ lockdown policy, regional quarantine, and social restrictions can affect the reduction of carbon emissions during a pandemic. In the long term, changes in individual behavior are needed to achieve a reduction in carbon emissions, so that there is a correlation between a pandemic period in human activities that produce carbon emissions with a threat to human health, when uncontrolled, will be dangerous and worsen the situation.

The philosophy contained in the environmental law from the perspective of indigenous peoples is religious, magic and the balance of nature as a philosophy of Indonesian environmental law which is formed based on a combination of divine, humanitarian, and national unity values so that in its policy, it is necessary to create a partnership between the government and indigenous peoples who live in natural resource areas.

The state controls manage and exploits mining resources that are development-oriented and economic, as well as always protecting indigenous peoples, including having a separate mechanism or method for managing the environment. In the provisions of Article 63 paragraph (1), (2), and (3) Law Number 32 of 2009 concerning Environmental Protection and Management, it provides the ~~government's-government's~~ obligation to establish a policy regarding procedures for recognizing the existence of indigenous peoples, local wisdom, and rights. indigenous peoples related to environmental protection and management.

Mella Ismellina, Professor of Environmental Law from the Faculty of Law Tarumanagara University said that the orientation of environmental law development is ultimately degraded to the lowest point in legal development which only puts forward aspects of legislation and state policy, through a management model that has been regulating and supervising. Environmental law development policy still does not see opportunities for local wisdom values that have a more religious-cosmic relationship regarding the relationship between humans and their environment. The development of environmental law is built based on state domination in the formulation of policy or

regulations and their implementation in the field of environmental management (Mella Ismelina 2014, 2073).

Economic development policy still entails the use of natural resources as raw material, in order to foster both national and local development, so the country uses an anthropocentrism approach in managing the environment and natural resources. The environment is not only a conservation and preservation function but the environment as a commodity and object that can generate economic/profit. During the COVID-19 pandemic, environmental policy in ~~Indonesia's-Indonesia's~~ development should consider environmental, social, and cultural aspects, including how to manage natural resources that do not damage the ecosystem and lead to transmission of the COVID-19 virus from hunted wild animals by humans for economic/business purposes. Indonesian indigenous peoples have close relationships with other living things to protect and protect each other, including ecosystems in forest areas, both flora, and fauna. Besides that, for the community that utilizes natural resources to support economic activities or private sector users to be more prudent in utilizing the availability of the environment for economic activities, also pay more attention to environmental aspects that are balanced and well maintained (R-E-Caraka *et al.* 2020, 66).

Community involvement and community empowerment in environmental development and management have not been maximized so that the management and development system for environmental law is not participatory and holistic. Furthermore, it is said that the policy formulated is not in line with the potential of environmental resources and society. Such conditions make environmental law not yet accommodating the resolution of environmental problems that occur in society, providing welfare to society as a whole, and unable to provide a balance between social justice and ecological justice. The purpose of the role of the community is to increase awareness in environmental protection and management, increase independence, community empowerment, and partnerships, develop community skills and initiatives, develop community responsiveness to carry out social supervision; and developing and maintaining local culture and wisdom to preserve environmental functions (Ashabul Kahafi 2015, 50). During the COVID-19 pandemic, environmental management through the local wisdom of indigenous peoples can be integrated into Indonesian policy and laws.

The COVID-19 problem should be seen as a global problem that is seriously handled by world leaders, each country commits to handling COVID-19, such as environmental problems as a global problem for humanity worldwide. Satjipto Rahardjo, an Indonesian legal figure who is very popular with ~~Indonesia's-Indonesia's~~ progressive legal thinking from the Faculty of Law, Diponegoro University, has opened the perspective of Indonesian law enforcement officers to not only think positivistic-dogmatically in carrying out laws and regulations. He said that humans need to understand life in the universe which has the relationship between living things, and among these ecosystem communities nothing should interfere with their life for the sake of survival in the universe. Satjipto ~~Rahardjo's-Rahardjo's~~ idea was inspired by ~~Capra's-Capra's~~ thought in understanding the universe of life. An understanding of these problems gives a message that the law can adapt to life in the universe and does not damage the relationships of ecosystem communities in the universe (Rahardjo 2009, 14).

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From the customary legal point of view, the emergence of COVID-19 is a disruption of life in the universe caused by an imbalance in the relationship between communities of living things on earth as a single ecosystem. Human activities and economic development by utilizing natural resources are very exploitative towards ecosystem communities in nature, resulting in natural imbalances. Indigenous peoples in Indonesia recover from this natural imbalance through traditional rituals as previously described. From the activist perspective, humans are anthropocentric to dominate the earth and the natural resources in it, resulting in damage to the environment and the universe, and the extinction of biodiversity only to meet pragmatic needs and economic interests in national development policies. The state ignores indigenous peoples and local wisdom therein and carries out economic development while ignoring environmental sustainability.

Ida Nurlinda, Professor of the Agrarian and Environmental Law, Faculty of Law Padjadjaran University and Chair of the Indonesian Environmental Law Trustees Association (Asosiasi Pembina Hukum Lingkungan Indonesia), she said observes that development policy in Indonesia has so far been growth-oriented which has put economic development in a more important position than development in other fields. This shows that so far Indonesia has not implemented sustainable development because there is no balance in the implementation of development between the economic, social, and environmental conservation sectors (Ida-Nurlinda 2009). To balance the existence of natural resources with economic activities, environmentally sound development is required. The embodiment of harmonization between economic development and environmental conservation and resources are two main things that need to be considered (Mira-Rosana 2018).

The ~~country's~~ country's paradigm has a tremendous impact on social life and the environment. The leaders of the world were driven to adopt a new development paradigm, focused not only on economy. Sustainable development was introduced as a global priority in the so-called "Earth Summit," in Rio de Janeiro, in 1992. Then, in 2002 and 2012 most of the world's countries refreshed their commitments to achieve sustainability. Sustainable development consists of three pillars: economic development, social development, and environmental protection (N.M.-Katsoulakos 2016). For example, the reduction or even loss of access of customary/local communities to land and agrarian resources around their territory, due to oil palm plantations or oil refinery drilling. Besides, the author provides an example in the context of mining business activities that destroy the environment, leave mining pits, and mining areas overlap with indigenous peoples' territories or lands, so that the potential for social conflict is very large, in addition to destroying the wisdom of indigenous peoples in environmental conservation.

Indigenous peoples have a long history of mobilizing together on the global level. At the United Nations, indigenous delegates appeared in 1977 to speak "on behalf of those that do not have a voice" – nature and the future generations, and to protest against the destruction of their territories, resources and cultures. In 1982, an ECOSOC decision established the United Nations Working Group on Indigenous Populations (WGIP). When indigenous groups started lobbying the UNCED process a decade later, their primary goal was not to get a separate chapter on indigenous peoples, but to ensure that

all chapters of Agenda 21 would include perspectives and issues relevant to indigenous peoples. This resulted in indigenous concerns being mentioned in several paragraphs throughout the text. However, it is a major weakness from the indigenous perspective that Agenda 21 and other Rio documents still operate within the framework of the dominant development paradigm, instead of questioning the economic growth model as the main reason for environmental degradation ([United Nations Department of Economic and Social Affairs Division for Sustainable Development Stakeholder Forum for a Sustainable Future, 2012, 258](#)), accessed on October 20, 2020).

Environmental and natural resource policies carried out by the state and indigenous peoples require a cooperative relationship about land issues or the use of land rights. Wahyu Nugroho conducted an empirical study on land issues related to natural resources, the forestry sector, mining, industry, and plantations have experienced changes in the legal order in interacting with the policy in the field of natural resources, so that conflicts between state laws and customary law, or even competition between these legal systems in accessing natural resources in various sectors, or economic, social and cultural rights, as well as collective rights which are the rights of indigenous peoples ([Wahyu Nugroho 2015, 203](#)).

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The legal anthropological approach is essential to the recognition and protection of indigenous peoples and the objects of land rights in the 1945 Constitution comprehensively as a constitutional basis in the management of natural resources ([Nyoman Nurjaya 2015, 52](#)). Therefore, local governments can place customary law as living law as part of national law, and policymakers direct it to a historical interpretation at the time the provisions concerning regional autonomy and customary law communities were born into the regional government chapter.

Environmental management in Indonesia during the COVID-19 pandemic, if it is effective as a reflection of the relationship between ecological communities, will give birth to ecological balance or in legal terms, it is called ecological justice. The concept of environmental justice can be said to be a new concept in the conceptual discourse of justice. In some Indonesian literature, there are still only a few reviews on ecological justice, but if we trace various sources from foreign literature, many have discussed or written about ecological justice, regardless of whether it is at the conceptual level or the stage of implementation. One of the triggers for the birth of environmental justice is the emergence of various symptoms of natural destruction, especially after the industrial revolution ([Al Andang Binawan and Fanius Sebastian 2012](#)).

4. Conclusion

Based on the description of the discussion and analysis, the conclusions are *first*, constructing local wisdom of Indonesian indigenous peoples in environmental management and handling of COVID-19, based on the teachings of their ancestors. They carry out various natural resource management activities to meet their ~~family's~~ family's needs based on the customary calendar as their reference. These various local wisdoms are one of the ways to deal with the COVID-19 pandemic. *Second*, the relationship between environmental management policy and local wisdom of indigenous peoples during the COVID-19 pandemic in Indonesia uses the philosophy and principles of customary environmental law as a philosophy of Indonesian environmental law which

is formed based on a combination of the divine, humanitarian, and unity values, so that in its policy, partnerships need to be made between the government and indigenous peoples living in natural resource areas. Environmental management policies consider the balance of nature and changes in human behavior through forms of local wisdom in various activities to reduce carbon emissions during the COVID-19 pandemic.

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