

**ECOLOGICAL HOLISTIC APPROACH STRATEGY TO  
OVERCOME CONFLICT RELATED TO NATURAL RESOURCE  
MANAGEMENT INVOLVING INDIGENOUS COMMUNITIES**

***STRATEGI PENDEKATAN HOLISTIK EKOLOGI UNTUK  
MENGATASI KONFLIK TERKAIT PENGELOLAAN SUMBER  
DAYA ALAM YANG MELIBATKAN MASYARAKAT ADAT***

**Okta Ainita<sup>1\*</sup>**

\*Faculty of Law, Universitas Bandar Lampung

\* [okta.ainita@ubl.ac.id](mailto:okta.ainita@ubl.ac.id)

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**ABSTRACT**

Constitutionally, based on Article 18 B paragraph (2) of the 1945 Constitution, the existence of customary law communities is recognized and their traditional rights are respected, including the right to manage natural resources based on customary institutions. Ecology's holistic approach in environmental law is a response to an increasingly deeper understanding of the complexity of the relationship between humans and the natural environment. One of the central aspects of this approach is the recognition of the important role of indigenous peoples in making decisions relating to their environment. Empowering indigenous communities as an implementation of environmental justice theory is not an easy process. Several challenges faced such as unequal access to information, social injustice, and resistance to change can become obstacles in efforts to achieve inclusive indigenous community participation. Therefore, a sustainable approach is needed and based on collaboration between the government, indigenous communities and the private sector to create an environment where the empowerment of indigenous communities in environmental decision making can be realized effectively.

**Keywords : Empowerment of Indigenous Peoples; Ecological Holistics; Environmental Justice.**

## **ABSTRAK**

*Secara konstitusional berdasarkan Pasal 18 B ayat (2) UUD1945, masyarakat hukum adat diakui keberadaannya dan dihormati hak-hak tradisionalnya, termasuk hak untuk melakukan pengelolaan sumber daya alam berdasarkan pranata adat. Pendekatan holistik ekologi dalam hukum lingkungan adalah respons terhadap pemahaman yang semakin mendalam tentang kompleksitas hubungan antara manusia dan lingkungan alam. Salah satu aspek sentral dari pendekatan ini adalah pengakuan terhadap peran penting masyarakat adat dalam mengambil keputusan yang berkaitan dengan lingkungan mereka. Pemberdayaan masyarakat adat sebagai implementasi teori keadilan lingkungan bukanlah proses yang mudah. Beberapa tantangan yang dihadapi seperti ketidaksetaraan akses informasi, ketidakadilan sosial, dan resistensi terhadap perubahan bisa menjadi hambatan dalam upaya untuk mencapai partisipasi masyarakat adat yang inklusif. Oleh karena itu, diperlukan pendekatan yang berkelanjutan dan berbasis pada kolaborasi antara pemerintah, masyarakat adat, dan sektor swasta untuk menciptakan lingkungan di mana pemberdayaan masyarakat adat dalam pengambilan keputusan lingkungan dapat terwujud secara efektif.*

**Kata Kunci : Pemberdayaan Masyarakat Adat; Holistik Ekologi; Keadilan Lingkungan.**

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## **I. INTRODUCTION**

Indonesia has abundant natural resources, both from mining wealth and extraordinary biodiversity. Therefore, the government has an obligation to ensure that the development carried out is not only profitable in terms of investment, but also ensures natural sustainability.<sup>1</sup> Behind this wealth lies a big challenge that must be answered, namely the design of the political construction of Indonesia's environment. The Constitution of the Republic of Indonesia states that Indonesia's natural resources are used as best as possible for the prosperity of indigenous peoples in a sustainable and environmentally sound manner. Article 33 paragraph (3) of the 1945 Constitution reads; "The earth, water and natural resources contained therein are controlled by the State and used for the greatest prosperity of the people", and Article 33 paragraph (4) reads; "The national economy is organized based on economic democracy with the principles of togetherness, efficiency, justice,

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<sup>1</sup> Indradjaja, Nobella & Chamdani,. (2023). *Analysis Of Changes In Environmental Law After The Enactment Of The Job Creation Law*. Awang Long Law Review. 5. 579-586. 10.56301/awl.v5i2.787.

sustainability, environmental insight, independence, and by maintaining the balance of progress and unity of the national economy”.

Environmentally conscious and sustainable as written in Article 33 paragraph (4) was translated later by Law Number 32 of 2009 concerning Environmental Protection and Management, with the definition of the environment as: “unity with all objects, forces, conditions and living creatures, including humans and their behavior, which affects nature itself, the continuity of life, and the welfare of humans and other living creatures”. Law Number 32 of 2009 concerning Environmental Protection and Management (UU PPLH) basically provides space for the involvement of indigenous communities in environmental protection and management. Article 26 paragraph (2) of the PPLH Law in principle emphasizes that the involvement of indigenous communities in environmental protection and management must be carried out based on the principle of providing transparent and complete information and being notified before activities are carried out. Furthermore, Article 26 paragraph (3) of the PPLH Law states that in obtaining environmental permits involving indigenous communities, the aspirations proposed by indigenous communities are made in the form of written documents, signed by representatives of indigenous communities.

Indigenous peoples are groups that are not only bound by residence in a certain area, but also by hereditary relationships through blood ties or the same kinship of their ancestors, either directly or indirectly through marriage or traditional ties.<sup>2</sup> Indigenous peoples in the context of environmental law are groups or communities that have a special relationship with a particular region or environment based on customs and beliefs passed down from generation to generation. They have recognized traditional rights to manage natural resources in their territories in accordance with cultural values and environmental sustainability.

Legal protection for indigenous peoples aims to recognize and protect their rights in maintaining their existence, culture and traditions in managing the environment and natural resources. The provisions for integrating indigenous community participation in the form of indigenous community aspirations as emphasized in Article 26 of the UUPPLH are very strategic and play an important role to be used to support government supervision or supervision of unscrupulous officials who will issue decisions in the environmental sector that are not in accordance with the terms and conditions in PPLH Law or other statutory regulations. The concept of involving indigenous communities will lead to easier monitoring if violations

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<sup>2</sup> Agung Citra Resmi Wulangsih, Ahmad Ainul Anam, & Nita Apriyatin. (2022). Sistem Nilai Masyarakat Adat Kasepuhan Cipta Gelar. *NALAR: Jurnal Pendidikan Dan Kebudayaan*, 1(1), 36–45. <https://doi.org/10.56444/nalar.v1i1.131>

occur in the environmental sector and it will be easier to apply sanctions according to the level of error.<sup>3</sup>

Law contains abstract ideas, as does environmental law,<sup>4</sup> environmental law must be able to empower the state, so that the state can also empower its people. Indonesia is currently unable to translate the principles of sustainable development into its regulations. There is a need to consolidate ideas and thoughts, rethinking and revising environmental law in Indonesia. Democratization of natural resources is certainly related to environmental justice. Environmental justice contains at least several principles, namely, the principle of restoration, the principle of participation and emancipation in development.

In the process of development and utilization of natural resources it is mandatory to involve indigenous communities. The development of sectoral environmental law in Indonesia actually shows a decline in environmental protection and management in various sectors. Starting from the spatial planning sector, the forestry sector, to the energy and mining management sector. The various relaxations of environmental protection instruments in policies at the sectoral level actually show how the strengthening of environmental instruments that have been built for a long time is currently experiencing regression. The toughest challenge in reforming environmental law is guaranteeing three accesses, namely the right to information, the right to participation, and the right to justice. Although various sectoral laws and regulations have guaranteed the rights of indigenous peoples to participate and obtain information, the implementation of fulfilling this right still faces various challenges. For example, access for indigenous communities to important environmental documents that should be available to the public, such as Environmental Impact Analysis (AMDAL) and Cultivation Rights (HGU), is increasingly difficult to obtain even though the legal process to reach a legally binding decision has still been taken.

Ecology's holistic approach in environmental law is a response to an increasingly deeper understanding of the complexity of the relationship between humans and the natural environment. One of the central aspects of this approach is the recognition of the important role of indigenous peoples in making decisions relating to their environment. Indigenous peoples have valuable local knowledge about their environment, often gained from generations of experience and direct observation. shows that involving

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<sup>3</sup> Imam Supardi, 2003, *Lingkungan Hidup dan Kelestariannya*, Alumni, Bandung, hlm. 35.

<sup>4</sup> Muhammad Akib, "Pergeseran Paradigma Penegakan Hukum Lingkungan: Dari Mekanistik-Reduksionis Ke Holistik-Ekologi," *Masalah-Masalah Hukum* 43, no. 1 (2014).

indigenous communities in environmental planning processes can increase policy legitimacy and produce more sustainable solutions.<sup>5</sup>

In this context, the integration of local knowledge is key in holistic environmental management efforts. Local knowledge can provide additional insight into environmental conditions, threats and relevant adaptation strategies. highlights that the recognition and integration of local knowledge in environmental decision making can increase the effectiveness of environmental protection policies and programs. In addition, the active participation of indigenous peoples in the implementation of environmental programs is very important to achieve environmental protection goals. Indigenous communities who are directly involved in monitoring, evaluation and reporting can increase the efficiency and effectiveness of environmental programs. The involvement of indigenous communities in the implementation process can also strengthen their sense of ownership and responsibility for their environment.

To achieve effective empowerment of indigenous peoples in an environmental context, a holistic and inclusive approach is needed. This involves building the capacity of indigenous communities, including education, training, and providing the resources necessary to enable meaningful participation. Additionally, it is important to create a supportive environment where the voices of indigenous peoples are heard and valued in the decision-making process.

In its journey, empowering indigenous communities in environmental law is not an easy process. Challenges such as unequal access to information, social injustice, and resistance to change can become obstacles in efforts to achieve inclusive indigenous participation. Therefore, a sustainable approach is needed and based on collaboration between the government, indigenous communities and the private sector to create an environment where the empowerment of indigenous communities in environmental decision making can be realized effectively. In this modern era, environmental challenges are increasingly complex and urgent. Climate change, environmental damage and degradation of natural resources are real threats to the sustainability of human life. In facing these challenges, a holistic and inclusive approach is needed that involves all stakeholders, including local indigenous communities living around the affected environments. Empowerment of indigenous communities is a concept that emerged as a response to disparities in access, participation and fairness in environmental decision making. This involves providing indigenous peoples with the capabilities, knowledge and resources to actively participate in decision-making processes that affect the environments in which they live. The role of empowering indigenous

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<sup>5</sup> Kadek Cahya Susila Wibawa, "Mengembangkan Partisipasi Masyarakat adat Dalam Perlindungan Dan Pengelolaan Lingkungan Hidup Untuk *Law and Governance Journal* 2, no. 1 (2019): 79–92, <https://doi.org/10.14710/alj.v2i1.79-92>.

communities in environmental law is increasingly recognized as a key to achieving environmental sustainability. Through more active participation of indigenous communities in decision making, it is hoped that the resulting environmental policies will be more responsive to the needs and aspirations of local communities, and more effective in achieving environmental protection goals.<sup>6</sup>

Recognition of local knowledge is an important aspect of empowering indigenous communities in environmental law. Local indigenous communities often have rich and unique knowledge about their environment, which can be a valuable source of information in designing appropriate and sustainable policies. However, although the importance of empowering indigenous communities has been recognized, there are still many challenges that need to be overcome. Limited access to information and resources, lack of equal representation of all indigenous community groups, as well as inequality in access to decision-making processes often become obstacles in efforts to empower indigenous communities. In addition, the paradigm shift in environmental law from a mechanistic-reductionist approach to a Holistic ecology raises new demands on the practice of environmental law. This more holistic approach demands the integration of local knowledge and the active participation of indigenous peoples in decision-making, which requires changes in existing legal culture and practices. In this context, research on the empowerment of indigenous communities in environmental law becomes increasingly important. A deeper understanding of how the empowerment of indigenous communities can be implemented effectively in environmental law practice is needed, as well as the identification of strategies to overcome the challenges faced.

The involvement of local indigenous communities in environmental decision making is not only important for environmental sustainability, but also to strengthen relations between indigenous communities and the government and increase the legitimacy of the resulting environmental policies. The conditions we are currently facing together are not just at the level of improving governance (good governance) and behavior change interventions alone. The fundamental problem we are currently facing is the issue of political economy because in fact politics is more dominant in influencing the mainstream form and workings of government governance, including in the fields of state administration, law, education, and state institutions. Politics also works on the monopoly of the economic resources of the Indonesian people, the majority of whom depend on natural wealth. Thus, we need a model for a way out of the acute crisis situation we are currently facing.

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<sup>6</sup> Esli Zuraidah Siregar, "Partisipasi Masyarakat adat Dalam Pemberdayaan Lingkungan Esli," *Jurnal Dakwah Dan Pemberdayaan Masyarakat adat Desa* 3 (2020): 144–46.

To realize this is through encouragement of the democratization of natural resources for ecological justice. Through this research, researchers hope to make a significant contribution in strengthening the empowerment of indigenous communities in the context of environmental law. By understanding the challenges and opportunities faced, as well as identifying best practices in empowering indigenous communities, as a joint effort to protect and maintain the natural environment for future generations. Based on the background above, the problem that can be formulated is how a holistic ecological approach strategy can overcome conflicts related to natural resource management involving indigenous communities, as well as how to overcome policy challenges that may hinder the implementation of a holistic ecological approach in empowering indigenous communities to achieve social justice. sustainable.

## **II. METHOD**

The research method used in this research is a normative and empirical juridical approach. The normative juridical approach leads to research on legal literature, including related laws and regulations, legal literature, and other secondary sources, which is also known as library legal research. Meanwhile, the empirical approach consists of direct observations and interviews with members of the wider indigenous community and related stakeholders, especially in the implementation of environmental policies and implementation of environmental laws in the field. The combination of these two approaches allows researchers to gain a deeper understanding of the dynamics and challenges involved in broader indigenous community empowerment efforts to promote environmental law enforcement in a holistic ecological context. This research also uses library methods using secondary data. This secondary data consists of primary legal materials, secondary legal materials and tertiary legal materials. The data processing and analysis method used by the author is a qualitative method, although in his work the presentation of quantitative data is also used to support the analysis, especially data regarding existing laws and regulations regarding the environmental sector.

## **III. ANALYSIS AND DISCUSSION**

### **a. Conflict Challenges in Natural Resource Management Involving Indigenous Communities**

Limited natural resources are not directly proportional to the number of human increases. This creates potential conflicts over the use of land and natural resources. The limitations and scarcity of natural resources along with the increase in their economic value increasingly emphasize the origins of conflicts over their use. Land tenure conflicts, including the management of natural resources, are common in areas that own natural resources.

Conflicts in the fields of forestry, mining, agricultural land/plantations have even occurred since regional autonomy was rolled out in Indonesia. Meanwhile, conflicts over the use of the sea have emerged as a new object of conflict in the use of natural resources.

Conflicts over the use of natural resources in general can also be triggered by the legal status of land control over natural resources, injustice in distribution, government policies that are perceived as part of investor protection, environmental destruction and/or pollution (negative impacts on areas as a result of activities certain). In this perspective, the currently available law requires tracing the existence of events in land tenure systems and natural resource management. In addition, land tenure conflicts in natural resource management require an investigation of the legal protection available to provide answers to conflicts that occur over land tenure in natural resource management.

An important problem facing Indonesia currently and in the future is conflict over the management of natural resources such as land, forests, water and mining materials. Traditional institutions can be used as a basis for resolving natural resource management conflicts and Arkauddin has emphasized that: “customary institutions related to conflict resolution need to be preserved so that they can be used as material or a basis for solving problems both occurring within that ethnic community and other ethnic communities. which is the same case”.

According to its nature, conflict is divided into vertical conflict and horizontal conflict. Vertical conflict means that the positions of the conflicting parties are not equal (subordinate). In the context of natural resource management conflicts, vertical conflicts occur between indigenous communities and the Ministry of Forestry (Perhutani, National Parks) or with the private sector supported by the government. Vertical conflict is often caused by government policies that marginalize the position of customary law communities through legislation and policies that marginalize the position, role and function of customary law communities in managing natural resources.

In Indonesia, indigenous peoples' rights are recognized in Law Number 5 of 2020 concerning the Advancement of Culture, as well as in various policies and regulations regarding natural resource management and environmental protection. This recognition is important to ensure their participation in decision-making processes regarding their territories and natural resources.

Conflicts often occur due to incompatibility between centralized natural resource management policies and local practices and knowledge of indigenous communities. This can give rise to conflicts of interest between the



government, companies and local communities, especially regarding access and control of natural resources.<sup>7</sup>

**b. Holistic Ecological Approach Strategy Can Overcome Conflicts Related to Natural Resource Management Involving Indigenous Communities**

The idea of environmental law is actually corrective to various mistakes that have been made by society in both developed and developing countries, especially as a result of industrialization practices which initially seemed to have almost no restrictions.<sup>8</sup>

Conflicts related to natural resource management in Indonesia often involve indigenous communities, who have strong traditional and spiritual connections to the environment around them. The ecological holistic approach strategy offers a comprehensive approach to resolving this conflict, by considering ecological, social, cultural and economic aspects simultaneously.<sup>9</sup> A holistic ecological approach refers to an approach that not only considers physical environmental aspects, but also social, cultural and economic aspects in managing natural resources. This means considering ecological systems in relation to the social and cultural life of local communities, including indigenous communities.

Indigenous peoples have rich traditional knowledge of local ecology, including wildlife migration patterns, natural resource availability, and climate change. This knowledge can be a strong basis for sustainable natural resource management, because they have a deep understanding of the natural dynamics around them.

Implementation of strategies for resolving and preventing conflicts in managing natural resources based on customary institutions, namely recognizing rules in the form of customs, laws, habits, religion and beliefs; recognize the social conditions of community members, including local leaders and community figures; and recognizing the geographical conditions of local customary law communities. Another strategy that can be implemented is by implementing a reciprocal cultural transformation model by exchanging knowledge, expertise and technology, which can take the form of training activities such as: legal education, mapping of customary law community territories. Apart from that, strategies and approaches can also

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<sup>7</sup> Jones, A., "Challenges in Managing Natural Resources: Conflicts and Resolutions," *Resource Management Review*, vol. 22, no. 4 (2021), pp. 210-225.

<sup>8</sup> Muhammad Akib, "Pergeseran Paradigma Penegakan Hukum Lingkungan Dari Mekanik- Reduksionis Ke Holistik Ekologi", *Jurnal Masalah-Masalah Hukum Universitas Diponegoro*, Jilid 43, No.1, Januari 2014, hlm. 125-126

<sup>9</sup> Smith, J., "Holistic Ecological Approach to Resolving Resource Management Conflicts Involving Indigenous Communities," *Environmental Management Journal*, vol. 28, no. 3 (2020), pp. 45-67.

be implemented by gathering support from external parties for recognition and respect for the rights of customary law communities.<sup>10</sup>

Settlement spaces that prioritize local law are an option in resolving conflicts. The large number of legal products that do not side with society makes legal pluralism a way to open up opportunities for people's law to appear to defend the interests of society. However, it is based on the weakness of legal pluralism, namely the absence of a clear control mechanism for the conflict resolution process which uses people's law to ensure accountability and responsibility for its function towards conflict victims. In terms of resolving conflicts over natural resource management, the use of customary law is actually more effective than state law. Customary law, which originates from community habits and accommodates their interests, becomes a tool for communities to protect their rights which have not yet been fully recognized by the state.<sup>11</sup>

In the context of the legal politics of natural resource management in Indonesia, the reconstruction of legal politics based on local wisdom and customary law in the future is a strategic step that must be taken to create better policies in the legal field of natural resource management. This can be realized by regional autonomy that is responsive and accommodating to local wisdom and recognition of the rights of local communities in Indonesia. Concretely, this can be done through the formation and implementation of regional regulations (Perda) and reviving customary law, including customary rights which have been neglected and have not received proportional recognition in the national legal system.

The enactment of customary law or regional law in the form of regional regulations means independence and freedom for individuals and communities in the region in implementing the long-desired decentralization and democracy. Recognition and implementation of customary law and regional regulations as part of the national legal system will be able to resolve crucial legal and law enforcement issues and at least provide a new light for the upholding of the rule of law and the supremacy of law. In order to create a government that is capable of forming good laws, which respects, recognizes and accommodates the access, interests, rights and wisdom of indigenous peoples, the ideology of legal pluralism must be adhered to in the development of regional autonomy legal politics by providing space. for the principles of justice, democracy, participation, transparency, respect and recognition of local wisdom as reflected in knowledge systems, institutions and various

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<sup>10</sup> Syamsudin, "Beban Masyarakat Adat Menghadapi Hukum Negara", *Jurnal Hukum*, Vol. 15, No. 3, Juli 2008.Hlm. 351.

<sup>11</sup> Dahniar, Andriani, "Pluralisme Hukum dalam Pengakuan dan Kepastian Hak Masyarakat Atas Tanah dan Kekayaan Alam: Perkembangan dan Masalahnya di Kabupaten Sigibromaru, Sulawesi Tengah" dalam Myrna A. Safitri (Ed.), 2011, *Untuk Apa Pluralisme Hukum? Konsep, Regulasi, Negosiasi dalam Konflik Agraria di Indonesia*, Epistema, Jakarta. Hlm. 161-162.

traditions that actually live and develop in indigenous communities in the management of natural resources and the environment in Indonesia.

#### **IV. CONCLUSION**

A holistic ecological approach offers an inclusive and sustainable solution for managing conflicts involving indigenous peoples in natural resource management. By valuing local knowledge and supporting the active participation of indigenous communities, Indonesia can strengthen long-term ecological and social sustainability. Thus, this approach not only benefits indigenous communities in maintaining their traditions and ecological sustainability, but also benefits the country as a whole in preserving natural resources that are critical for human life.

#### **REFERENCE**

- Agung Citra Resmi Wulangsih, Ahmad Ainul Anam, & Nita Apriyatin. (2022). Sistem Nilai Masyarakat Adat Kasepuhan Cipta Gelar. *NALAR: Jurnal Pendidikan Dan Kebudayaan*, 1(1).
- Dahniar, Andriani, "Pluralisme Hukum dalam Pengakuan dan Kepastian Hak Masyarakat Atas Tanah dan Kekayaan Alam: Perkembangan dan Masalahnya di Kabupaten Sigibromaru, Sulawesi Tengah" dalam Myrna A. Safitri (Ed.), 2011, Untuk Apa Pluralisme Hukum? Konsep, Regulasi, Negosiasi dalam Konflik Agraria di Indonesia, Epistema, Jakarta.
- Esli Zuraidah Siregar, "Partisipasi Masyarakat adat Dalam Pemberdayaan Lingkungan Esli," *Jurnal Dakwah Dan Pemberdayaan Masyarakat adat Desa* 3 (2020)
- Imam Supardi, 2003, *Lingkungan Hidup dan Kelestariannya*, Alumni, Bandung.
- Indradjaja, Nobella & Chamdani,. (2023). Analysis Of Changes In Environmental Law After The Enactment Of The Job Creation Law. *Awang Long Law Review*.
- Jones, A., "Challenges in Managing Natural Resources: Conflicts and Resolutions," *Resource Management Review*, vol. 22, no. 4 (2021).
- Kadek Cahya Susila Wibawa, "Mengembangkan Partisipasi Masyarakat adat Dalam Perlindungan Dan Pengelolaan Lingkungan Hidup Untuk Law and Governance *Journal* 2, no. 1 (2019).
- Muhammad Akib, "Pergeseran Paradigma Penegakan Hukum Lingkungan Dari Mekanik- Reduksionis Ke Holistik Ekologi", *Jurnal Masalah-Masalah Hukum Universitas Diponegoro*, Jilid 43, No.1, Januari 2014.
- Mukti Fajar dan Yulianto Achmad, *Dualisme Penelitian Hukum Normatif dan Empiris*, Pustaka Pelajar, Yogyakarta, 2015.
- Rudri Musdianto Saputro, "Penegakan Hukum Lingkungan Di Indonesia Ditinjau Dari Teori Keadilan Aristoteles" 7, no. 1 (2023).

- Smith, J., "Holistic Ecological Approach to Resolving Resource management Conflicts Involving Indigenous Communities," *Environmental Management Journal*, vol. 28, no. 3 (2020)
- Soerjono Soekanto, *Pengantar Penelitian Hukum*, Cetakan 8, UI-Press, Jakarta, 2018.
- Syamsudin, "Beban Masyarakat Adat Menghadapi Hukum Negara", *Jurnal Hukum*, Vol. 15, No. 3, Juli 2008.
- T Yahya et al., "Pemberdayaan Masyarakat adat Dalam Peningkatan Kualitas Lingkungan Hidup Di Kecamatan Gunung Tujuh Kabupaten Kerinci," *Jurnal Sains Sosiologi* 5 (2021)