

Embracing Local Wisdom: Enriching Environmental Law Development through the Humanist Lens of Pancasila

Tiyas Vika Widyastuti, Sanusi Sanusi, Fajar Dian Aryani, Soesi Idayanti

Fakultas Hukum, Universitas Pancasakti Tegal, Kota Tegal, Jawa Tengah 52121, Indonesia

ARTICLE HISTORY

Received : 07 Mei 2025

Revised : 5 Juli 2025

Accepted : 20 Juli 2025

KEYWORDS

Local Wisdom, Legal Development,
Environmental Law, Pancasila Humanism

CORRESPONDENCE

Nama : Tiyas Vika Widyastuti

Email : tyasvika_widyastuti@upstegal.ac.id



Copyright: © 2025 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution (CC BY) license (<http://creativecommons.org/licenses/by/4.0/>).

ABSTRACT

The response to changes in legal frameworks is of paramount importance, particularly in the context of Indonesia's vision for an ideal legal system grounded in Pancasila. This article asserts that legal development should be attentive to existing legal sources, with a strong emphasis on norms that have been deeply integrated into cultural contexts and local wisdom. Central to Pancasila is a humanist philosophy, primarily encapsulated in its second precept, which underpins the values embraced by Indonesian society. The principles inherent in Pancasila humanism advocate for a shared national understanding, respect for democratic freedoms, social equity, and recognition of diverse religious beliefs, all while upholding human dignity and rights. This article constructs arguments for the integration of local wisdom into the legal framework governing environmental management and protection, highlighting its crucial role in ecological preservation and the well-being of the human environment. Indigenous knowledge, characterized by principles such as non-discrimination, deliberation, honesty, and harmony, emerges as a vital source of social capital that can significantly enhance the development of environmental law from the perspective of Pancasila humanism.

INTRODUCTION

In the context of natural resource and environmental management, Indonesia has a long history rooted in customary law as regulated in Article 5 of Law Number 5 of 1960 concerning Basic Agrarian Principles (Indriasari & Widyastuti, 2024). Strong customary law reflects the sovereignty of national law while being inherited from the traditions and cultures of society. The norms within customary law have evolved into local knowledge known as local wisdom, which provides essential guidance in maintaining environmental sustainability (Widyastuti, Sulastri, et al., 2024). Historical examples such as the Malang Inscription from 1395 during the Majapahit era demonstrate the application of sustainable environmental management values and practices by indigenous communities (Jatiman, 1999).

Amidst the increasing awareness of environmental challenges, this legal framework acknowledges the intrinsic interconnection between humans and their environment, a concept explicitly regulated in Law Number 32 of 2009 concerning Environmental Protection and Management. Often referred to as the Umbrella Law, this legislation consolidates previous environmental laws while emphasizing the importance of a sustainable relationship between human communities and the ecological systems they inhabit. Despite this comprehensive aim, the environmental legal system in Indonesia faces

criticism regarding the continuing influence of Dutch colonial law, with opponents arguing that Western legal principles do not reflect the diverse identity of Indonesia, which is fundamentally rooted in the values of Pancasila.

As a nation founded on the principles of Pancasila, Indonesia mandates that all social activities adhere to the values of Pancasila and do not contradict these principles, where Pancasila reflects the humanitarian values agreed upon by the Indonesian society, often referred to as humanistic due to its integration of universal humanitarian values. (Madung & Mere, 2021). Furthermore, Pancasila serves as a universal value that underpins national and state life, despite Indonesia not being an overtly religious state; religion has a strong foundation in the formation of the nation, with the principle of "Belief in the One and Only God" as its core teaching. (Bourchier, 2019). Consequently, the humanitarian values embedded within Pancasila receive vertical support from God Almighty, which can uplift the spirit of the people and realize the objectives of preserving the values of life, dignity, and human self-worth (Wilson, 2002).

In the context of law, humanism and law are closely intertwined, where, according to Satjipto Rahardjo's progressive legal theory, law is created for humanity, not the other way around, emphasizing that the primary purpose of law is to maintain human order and encourage a civilized society (Harun, 2019). The philosophy of humanism, rooted in the Italian Renaissance, places humans at the center of life, with dignity and potential for self-development that must be respected (Rascão, 2023). In Indonesia, humanism is upheld through three pillars: humans as the purpose of creation, humans as microcosms, and humans as reflections of divine qualities; therefore, law must prioritize humanitarian principles and justice that respect the moral and ethical values of society (Bix, 2023; Cheng & Gong, 2024).

Moreover, Mochtar Kusumaatmadja, in his philosophy of development law, emphasizes that law is an instrument for social renewal and development, integrating the theory of "law as social engineering" with cultural philosophy to contextualize law in Indonesia, where law not only responds to change but also encourages change within society (Latipulhayat, 2014; Nugroho & Surono, 2018). The integrative approach proposed by Romli Atmasasmita combines development law as a dynamic norm with progressive law that focuses on social behavior within the framework of Pancasila values, which serves as the philosophical foundation of Indonesian law. This integration demands harmony between legal norms and social behavior so that the legal system can maintain consistency and function as a guide in promoting democratic values, legal protection, and public access to justice (Atmasasmita, 2012). The moral awareness and cultural foundations of law enforcement officials are also crucial for effective law enforcement to build public trust (Atmasasmita, 2012, 2016).

Throughout various government regimes in Indonesia, there has been a consistent effort to establish a legal system that evolves in accordance with the principles of Pancasila and the 1945 Constitution of the Republic of Indonesia (Suganda & Suganda, 2024). This endeavor reflects the aspiration to construct a national legal framework that represents the pluralistic

identity and cultural heritage of Indonesian society. The current legal landscape in Indonesia is a complex amalgamation of religious law, influences from Western law, and customary systems. Although Dutch colonial law historically influenced the legal framework, it has often been critiqued for its lack of accommodation towards the cultural diversity of Indonesia (Anggoro & Negara, 2021).

The legitimacy of Pancasila as the guiding legal philosophy is established in the Decree of the People's Consultative Assembly Number XX/MPRS/1966, which affirms its role as the foundation for the legal order in Indonesia. The reaffirmation of Pancasila in Law Number 12 of 2011 emphasizes its fundamental status within the country's legal architecture (Hamzani, 2019). Given this historical and legal context, there is an urgent need to adopt local wisdom as a vital component in the development of environmental law. Understanding local knowledge not only enriches legal discourse but also significantly enhances the effectiveness of environmental policies by integrating community-initiated practices into mainstream legal frameworks.

This approach aligns with the humanistic values embedded in Pancasila, promoting a legal framework that respects and integrates the cultural heritage and life experiences of local communities. The development of Law Number 32 of 2009 is influenced by sociological imperatives to protect human rights, particularly the right to a healthy environment, as stipulated in Article 28H of the 1945 Constitution. With the increasing recognition of the interconnection between humans, other living beings, and their ecosystems, there is an urgent need for comprehensive regulations that ensure sustainable living conditions. Law Number 32 of 2009 emphasizes the importance of local knowledge and experience in formulating and implementing environmental policies, positioning "local wisdom" as a crucial resource for promoting ecological conservation and sustainable management (Amoro, 2016).

This research adopts a philosophical approach to interpret the fundamental values of Pancasila in a manner that meets the needs of contemporary society. The focus of this inquiry is the exploration of the humanitarian values inherent in Pancasila and its potential to enrich legal discourse by integrating local wisdom into the development of environmental law. Through this perspective, the research aims to promote a legal framework that not only acknowledges but also actively integrates local knowledge as an essential component in the pursuit of sustainable environmental governance in Indonesia.

METHODOLOGY

This study represents normative legal research. Legal research that is normative is either doctrinal or theoretical in nature. It is known as normative legal research because it focuses on the theoretical or normative aspects of the law their implementation. (Hamzani et al., 2023). The method employed is philosophical. A philosophical approach is one that views law as an ideal set of values that should serve as a guide for its formation, regulation, and application (Widyastuti, Marsisno, et al., 2024). This study takes a philosophical approach

because it is idealized through the use of a legal philosophy perspective that views law as law in ideas. The information utilized is secondary data. Secondary data is data that is not obtained by researchers directly or originates from other parties in the form of written documents (Irwansyah & Yunus, 2022). The researcher obtained the data by conducting an online search of library materials. The collected information will be analyzed qualitatively. A qualitative data analyst is a type of analyst who interprets and describes data using words and scientific logic in a narrative format (Hamzani et al., 2024).

RESULT AND DISCUSSION

Local Wisdom in Shaping Environmental Law: A Pancasila Humanist Approach

The concept of legitimate progression emphasizes the need to renew outdated legal developments. This "law of development" can be conceptualized as synonymous with "the law of renewal," where Pancasila serves as the foundation of Indonesia's constitutional and national legal framework. As the national principle, Pancasila embodies the core values guiding legal creations (Sularno, 2006). The evolution of the legal system relies on both legislation—the enactment of regulations—and the operational aspect of living law, which adheres to prevailing customs and jurisprudence. Indonesia's legal system has often focused on simplifying law development, particularly through its National Legislation Program (Prolegnas). However, this has led to partial updates of outdated regulations rather than comprehensive reform (Mahfud, 2017).

Local legislation reflects Indonesia's unique cultural identity and the nation's capacity for self-expression in its legal framework. The National Law Development Programme seeks to address the historical gaps in Indonesia's national legal system, which has been challenged since independence. Importantly, the law must embody the core values respected by Indonesian society, utilizing legal frameworks as instruments for societal development while ensuring security, order, and public education. Law Number 32 of 2009 concerning Environmental Protection and Management by incorporating "local wisdom" as a guiding principle within environmental legislation (Setiadi, 2012).

Referring to Law Number 32 of 2009 concerning Environmental Protection and Management, which was promulgated on October 3, 2009, philosophically, the foundations of the legal product can be found, namely based on the principles regulated in Article 2. It is the first time that legislation pertaining to the environment has ever included the concept of "local wisdom" as one of its guiding principles, which has never been done before.

Defined in this law, local wisdom represents ancestral knowledge that contributes to sustainable environmental management and community life. This perspective acknowledges that indigenous peoples possess a profound understanding of their natural surroundings, which predates contemporary conservation science (Samekto, 2015, pp. 45–46). As confirmed by Adji Samekto, this local wisdom remains a crucial social truth, providing a foundation for developing effective and culturally relevant environmental laws in Indonesia (Jatiman, 1999).

Local Wisdom as a Source for the Development of Environmental Law

Indigenous peoples possess extensive knowledge that predates modern conservation and environmental science, positioning their perspectives as vital in environmental protection (Noor et al., 2024). Law Number 32 of 2009 underscores the "principle of local wisdom," which stresses the importance of integrating cultural values and community norms into environmental management. This law defines environmental protection as a systematic effort to preserve ecological functions and prevent damage to the living environment through various strategies, including planning, utilization, and enforcement. The ideals embedded in local wisdom resonate with the fundamental values of Pancasila, reflecting the collective moral and cultural identity of Indonesian society.

According to Sudjito, local knowledge serves as a guiding framework that incorporates cultural values, traditions, customs, and religious beliefs, informing legal practices. Law Number 32 of 2009 mandates adherence to these high ideals to ensure sustainable environmental management (Sudjito, 2007, p. 23). Sudjito also contends that the traditions and beliefs of the Indonesian people contribute to the materialistic principles of Pancasila. Therefore, local knowledge should be viewed as a repository of community values, which can include various cultural practices and ethical beliefs (Sudjito, 2012).

The concept of local wisdom as a cornerstone for environmental practices. While moral values may be context-specific, they often possess universal elements that facilitate coexistence in diverse societies. To effectively manage environmental responsibilities, the state must take into account both local and universal ideals. This alignment ensures that local wisdom reflects community values, thus promoting environmental sustainability and job creation across urban and rural settings.

When conflicts arise between positive law and moral standards, particularly in the case of Law Number 32 of 2009, moral values should prevail. As human constructs, laws must not overlook environmental interests. Ignoring these interests can exacerbate ecological crises, jeopardizing the state's responsibility for environmental conservation and management. Therefore, the implementation of Law Number 32 of 2009 should integrate high ideals, both local and universal, while affirming the validity of moral values as a foundation for environmental sustainability. Community policies that align with local wisdom can generate employment opportunities and promote a healthy environment. illustrates that the ethical principles embedded in local knowledge are effective in fostering environmental stewardship. The incorporation of these ethical principles into conventional wisdom can significantly enhance environmental conservation efforts. In instances where disputes emerge between legal provisions and moral values, moral imperatives should ultimately guide decision-making (Zakiya, 2012).

Although human rationality shapes the creation of laws, it is vital to remain cognizant of the potential pitfalls of overly optimistic human reasoning. This can lead to laws that prioritize material progress while neglecting the subjective. The close relationship between

human behavior and its environmental impact highlights the necessity of integrating morality into environmental stewardship. Moral frameworks grounded in cultural and religious beliefs should shape the development of laws, creating a system where ethical considerations inform legal outcomes.

The function of the human mind in the formation of laws provides an answer to the question of how morality and law are related to one another. In this context, the ratio is synonymous with morality. Because, in Descartes's view, man is a thinking, rational, moral, and spiritual being, the expression of morality resides in what is in the thinking man (Munir, 2005, p. 87). In other words, the thinking man is where morality is manifested.

When creating a law that will serve as an application of Law Number 32 of 2009, it is imperative to consider all of the possibilities that are now available. In this situation, it's possible to think that humans need an intellectual quotient (IQ) as the power of their minds, along with an emotional quotient (EQ) as something they feel themselves, both empathy and sympathy, and a sense of godliness, which is an example of the spiritual quo (Crosby, 2021). A reasonable human touch and morality in lawmaking will establish a law of immorality, which can explain the symptoms that exist based on human ratios while seeing the situation from an emotional and spiritual perspective. It is because of this that the law might be said to have a soul.

In crafting laws under Law Number 32 of 2009, it is vital to incorporate a balanced approach that considers intellectual, emotional, and spiritual dimensions of humanity. Effective policymaking should reflect empathy, social responsibility, and respect for the environment. By learning from the environment and integrating these lessons into the legal system, policymakers can foster harmony between humanity and nature. Such an approach ensures that laws not only govern human behavior but also protect and sustain the environment for future generations.

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

This humanistic approach is in line with legal ideals that put the interests of society first. Given the presence of laws to balance people's lives. This is in accordance with the principle known as "restitutio in integrum," which means that the law is present to return society to its original serene state to achieve justice, certainty, and humanistic legal expediency. As well as promoting a sense of humanity in order to embody "strict laws upwards and humanistic downwards. The law regulates human conditions in relation to the standards they need. Thus, the moral values embodied from the noble values of the community referred to as local wisdom, whether they are universal or local, are obliged to remain upheld and used as a reference so that the values in the law itself are not injured. If the moral values in the local wisdom are still used as guidelines and if the state ignores the moral values in the noble values of local wisdom, then Law Number 32 of 2009 no longer has a graceful face but looks sangar to the community. Meanwhile, on the other hand, it has been

proven in international practice that environmental protection and management with a local wisdom approach can ensure the sustainability of the environment. Noble values in local wisdom as morality in law as part of the follow-up policy of Law Number 32 of 2009. These values arise from religious and cultural moral references, and therefore it is necessary for policy and legal makers to re-elaborate the values in these religions and cultures and use them as the basis for developing values in local wisdom, especially related to the achievement of environmental sustainability, with appropriate mechanisms for environmental protection and management.

RECOMMENDATIONS

This research has several limitations that must be considered in understanding and applying the findings more broadly. Firstly, this study is normative and philosophical in nature, focusing on the analysis of values and legal principles without conducting direct empirical field studies on the application of environmental policies or specific legal practices. Therefore, the findings and suggestions need to be tested further through real-world research to see how well the values of Pancasila and local wisdom work in different social and environmental situations throughout Indonesia. Secondly, the scope of the research is limited to the examination of Pancasila values and local wisdom within the context of environmental law in Indonesia. Consequently, the results may not be wholly applicable or relevant to other fields of law or to contexts in countries with significantly different legal systems and cultures. Thirdly, although the research acknowledges the richness of local wisdom across various regions in Indonesia, the complexity and vast diversity of local cultures make it challenging to generalize principles of wisdom that can be universally applied throughout the archipelago. This aspect necessitates a profound contextual understanding and specific adaptations for each community, which have not been the focus of this study. Lastly, the limitations of legal data sources and documents related to the application of local wisdom and the values of Pancasila in environmental law practice also pose challenges, leading the research to rely more on philosophical interpretations and the literature currently available. By recognizing these limitations, the research paves the way for further empirical and multidisciplinary studies to test and expand the integration of local wisdom and Pancasila values in pursuit of achieving sustainable environmental governance and social justice in Indonesia.

REFERENCES

- Amboro, Y. P. (2016). Lokal Dalam Menciptakan Perlindungan dan Pengelolaan Bagi Lingkungan Hidup (Sebuah Kajian Teologi Hukum). *Journal of Judicial Review*, 18(2), 135–144. <https://doi.org/10.37253/jjr.v18i2.93>
- Anggoro, S. A., & Negara, T. A. S. (2021). The struggle for recognition: Adat law trajectories under Indonesian politics of legal unification. *International Journal on Minority and Group Rights*, 29(1), 33–62. <https://doi.org/10.1163/15718115-bja10040>
- Atmasasmita, R. (2012). *Teori Hukum Integratif: Rekonstruksi terhadap teori Hukum*

- Pembangunan dan Teori Hukuml Progresif. Genta Publishing.
- Atmasasmita, R. (2016). Tiga Paradigma Hukum Dalam Pembangunan Nasional. *Jurnal Hukum Prioris*, 3(1), 1–26. <https://doi.org/10.25105/prio.v3i1.354>
- Bix, B. H. (2023). Methods of Philosophy of Law: Wittgenstenian Approach. *Encyclopedia of the Philosophy of Law and Social Philosophy*, 2354–2357. https://doi.org/10.1007/978-94-007-6519-1_734
- Bourchier, D. M. (2019). Two decades of ideological contestation in Indonesia: From democratic cosmopolitanism to religious nationalism. *Journal of Contemporary Asia*, 49(5), 713–733. <https://doi.org/10.1080/00472336.2019.1590620>
- Cheng, L., & Gong, X. (2024). Appraising Regulatory Framework Towards Artificial General Intelligence (AGI) Under Digital Humanism. *International Journal of Digital Law and Governance*, 1(2), 269–312. <https://doi.org/10.1080/00472336.2019.1590620>
- Crosby, G. (2021). *Spirituality and Emotional Intelligence: Wisdom from the World's Spiritual Sources Applied to EQ for Leadership and Professional Development*. Productivity Press.
- Hamzani, A. I. (2019). Study of ideas national law profile in the development of national law in Indonesia. *International Journal of Law*, 5(5), 56–62. <https://www.lawjournals.org/assets/archives/2019/vol5issue5/5-4-74-786.pdf>
- Hamzani, A. I., Widyastuti, T. V., Khasanah, N., Hazmi, M., & Rusli, M. (2023). Legal Research Method: Theoretical and Implementative Review. *International Journal of Membrane Science and Technology*, 10(2), 3610–3619.
- Hamzani, A. I., Widyastuti, T. V, Khasanah, N., & Rusli, M. H. M. (2024). Implementation approach in legal research. *International Journal of Advances in Applied Sciences (IJAAS)*, 13(2), 180–188. <https://doi.org/10.11591/ijaas.v13.i2.pp380-388>
- Harun, M. (2019). Philosophical Study of Hans Kelsen's Thoughts on Law and Satjipto Rahardjo's Ideas on Progressive Law. *Walisongo Law Review (Walrev)*, 1(2), 195–220. <https://doi.org/10.21580/walrev.2019.1.2.4815>
- Indriasari, E., & Widyastuti, T. V. (2024). The Legal Protection for the Recognition of Customary Right in Agrarian Regulations. *International Journal of Law Reconstruction*, 8(1), 1. <https://doi.org/10.26532/ijlr.v8i1.33826>
- Irwansyah, & Yunus, A. (2022). *Penelitian Hukum, Pilihan Metode & Praktik Penulisan Artikel (Edisi Revisi)*. Mirra Buana Media.
- Jatiman, S. (1999). *Re-Knitting Unwritten Law (Customary Law) in Building National Law*. Krisnadwipayana University.
- Latipulhayat, A. (2014). Mochtar Kusumaatmadja. *Padjajaran Jurnal Ilmu Hukum (Journal of Law)*, 1(3), 626–642. <https://doi.org/10.22304/pjih.v1n3.a12>
- Madung, O. G., & Mere, W. S. (2021). Constructing modern Indonesia based on Pancasila in dialogue with the political concepts underlying the idea of human rights. *JSEHR*, 5(1). <https://doi.org/10.19184/jseahr.v5i1.20258>
- Mahfud, M. D. M. (2017). Politik Hukum dalam Perda Berbasis Syari'ah. *Jurnal LHukum*, 14(1), 3–4. <https://journal.uui.ac.id/IUSTUM/article/view/1058>

- Munir, M. (2005). *Filsafat Kahlil Gibran : Humanisme Teistik. Paradigma.*
- Noor, R. S., Hamzani, A. I., Widyastuti, T. V., Kristanto, K., & Fransisco. (2024). Gender Equality in Indigenous Peoples in Indonesia (Challenges and Efforts Towards the 2030 Sustainable Development Goals). *Journal of Law and Sustainable Development*, 12(1), e2173. <https://doi.org/10.55908/sdgs.v12i1.2173>
- Nugroho, W., & Surono, A. (2018). Rekonstruksi Hukum Pembangunan Dalam Kebijakan Pengaturan Lingkungan Hidup dan Sumber Daya Alam. *Jurnal Hukum Lingkungan Indonesia*, 4(2), 77–110. <https://doi.org/10.38011/jhli.v4i2.62>
- Rascão, J. (2023). Reflection on Humanism, Citizenship, and the Digital Society (from Theory to Practice). *American Journal of Humanities and Social Sciences Research (AJHSSR)*, 7.
- Samekto, A. (2015). *Membangun Politik Hukum Sumber Daya Alam Berbasis Cita Hukum Indonesia.* Thafa Media.
- Setiadi, W. (2012). Pembangunan Hukum dalam Rangka Peningkatan Supremasi Hukum. *Jurnal Rechtsvinding*, 1(1), 6. <https://rechtsvinding.bphn.go.id/artikel/ART%201%20JRV%20VOL%201%20NO%201%20PROTECT.pdf>
- Sudjito. (2012). *Hukum Progresif Untuk Mewujudkan Keadilan Substantif dalam Bingkai Nilai-Nilai Pancasila.* Pusat Studi Pancasila UGM.
- Sudjito, R. (2007). *Kritis Atas Teologi Hukum Thomas Aquinas.* Universitas Gadjah Mada.
- Suganda, A., & Suganda, G. L. (2024). Principles of Indonesian Constitutional Law in Pancasila Democracy. *International Journal of Religion*, 5(11). <https://doi.org/10.61707/p5zdqz26>
- Sularno, M. (2006). Syari'at Islam dan Upaya Pembentukan Hukum Positif di Indonesia. *Jurnal Al-Mawarid*, 16(2), 216. <https://journal.uui.ac.id/JHI/article/view/245>
- Widyastuti, T. V, Marsisno, W., Udin, A. F., & Sutaguna, I. N. T. (2024). Penelitian Transformatif; Mengatasi Isu-Isu Kontemporer Dengan Kombinasi Metode Kuantitatif dan Kualitatif. *Media Penerbit Indonesia.*
- Widyastuti, T. V, Sulastri, S., Selviany, S., Nuridin, N., Prianto, W., & Sanusi, S. (2024). Penyelesaian Perselisihan Hubungan Industrial Pancasila Berbasis Kearifan Lokal. *Juris Prudentia: Jurnal Hukum Ekselen*, 6(1), 1–12. <https://journalpedia.com/1/index.php/jhe/article/view/905>
- Wilson, S. (2002). *Generating Java: Youth Identity, Nationalism and Modernity in Indonesian Java.* University of Hawai'i at Manoa.
- Zakiya, Z. (2012, May). *Kembalikan Alam Pada Kearifan Lokal.* Nationalgeographic.Co.Id. www.nationalgeographic.co.id/berita/2012/05/kembalikan-alam-pada-kearifan-lokal

