

## Validation of the Concept of Customary Law in Traditional *Lar* Sumbawa as a Model for Critical Land Management in Forest Areas

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### Abstract

*Land degradation and forest area deterioration in Sumbawa Regency continue to escalate due to unsustainable patterns of natural resource use. This condition requires a new approach that not only relies on state legal instruments but also strengthens social institutions and local wisdom that have long existed within the community. One of the systems that persists is the Lar tradition, a customary law-based mechanism for regulating grazing and land management that ensures a balance between rights, responsibilities, and environmental sustainability. This study aims to validate the concept of customary law within the Sumbawa Lar tradition as a model for addressing critical land in forest areas. The research employs a juridical-sociological approach through field observations, interviews with customary leaders and forestry managers, and qualitative analysis of social practices and customary values that shape the Lar system. The findings indicate that the Lar tradition functions as a living law that embodies regulatory, conservative, and restorative norms in natural resource management. The implementation of this system has proven to enhance community participation and increase the effectiveness of critical land rehabilitation in limited production forest areas. The novelty of this research lies in developing the concept of validating Lar customary law as a community-based model for managing critical land that can be integrated into social forestry policies, thereby strengthening collaboration between customary law and state law in maintaining forest ecosystem sustainability.*

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## 1. INTRODUCTION

Environmental damage and land degradation in Indonesia have long been a challenge to sustainable development. According to 2023 data from the Ministry of Environment and Forestry (KLHK), the national critical land area reached approximately 13.4 **million hectares**, where 10.5 **million hectares** Located in state forest areas, which are supposed to support life and regulate water management (Ministry of Environment and Forestry, 2023). This critical land is primarily found in areas with high rainfall and significant forest utilization pressure. This condition indicates that ecological degradation has exceeded the environment's carrying capacity.

Sumbawa Regency, with an area of approximately 10,414 km<sup>2</sup> and over 400,000 hectares of forest, faces similar challenges. The 2023 Regional Environmental Status Report (SLHD) recorded approximately 52,000 **hectares of critical land**, particularly in production and protected forest areas in the Moyo Hulu, Lantung, and Ropang regions (Sumbawa Regency Environmental Service, 2023). This damage is driven by encroachment, illegal logging, and uncontrolled grazing. Some traditional grazing areas

have even been converted into corn fields, artisanal mines, or settlements without adequate ecological controls.

Government efforts such as Forest and Land Rehabilitation (RHL), Social Forestry, and the National Movement to Save Watersheds (GNPDAS) have long been underway. However, these programs often employ technocratic and administrative approaches that pay little attention to local values and the social context of communities (Nawir, Santoso & Rumboko, 2008). Consequently, the success rate of rehabilitation tends to be low because communities lack a sense of ownership over the program.

On the other hand, the Sumbawa people have local wisdom that has long regulated the relationship between humans and nature, one of which is the tradition Lar, a traditional grazing system based on customary law. The Lar system establishes grazing area boundaries, land opening and closing periods, and strict regulations for protecting vegetation and water sources (Yusuf, 2022). It serves as an ecological, social, and economic mechanism that maintains a balance between livestock, pastures, and forest areas. Violations of Lar rules are resolved through customary deliberation (*sara*) mechanisms with social and material sanctions, demonstrating the strong legitimacy of customary law in environmental management (Sahrani, 2020).

Theoretically, the Lar tradition is part of customary law that lives within the collective consciousness of society. Soepomo described customary law as "the rules of life that are actually applicable in society and grow alongside the community's legal awareness" (Soepomo, 1986). This idea aligns with the concept of living law. **According** to Eugen Ehrlich, laws that exist within society are often more effective than written laws. In the Indonesian context, Hazairin also emphasized the importance of customary law as a source of values in the formation of national law (Hazairin, 1981).

The national legal framework provides the basis for the recognition of customary law. Article 18B paragraph (2) of the 1945 Constitution recognizes the existence of customary law communities and their traditional rights. This recognition is further emphasized through **Law Number 32 of 2009 concerning Environmental Protection and Management**, which states that environmental management must pay attention to local wisdom and the rights of indigenous legal communities to manage natural resources sustainably (Law No. 32/2009).

From Satjipto Rahardjo's perspective on progressive law, law should be a means to achieve substantive justice and social welfare. The integration of the Lar tradition into forestry policy aligns with this notion, strengthening the social legitimacy of state programs and ensuring ecological justice through community values. Furthermore, the Lar tradition also aligns with Elinor Ostrom's theoretical framework on common-pool *resource management*, which states that common resource management can be effective if there are collective rules, social oversight, and local sanction mechanisms. Lar fulfills all of these prerequisites and can therefore be seen as a form of community-based ecological governance, as Ostrom found in various cases of commons around the world.

Thus, this research is crucial for validating the Lar tradition as a foundational model for managing critical land in forest areas. This validation requires not only formal recognition of the Lar system's existence but also the integration of local values into forestry and environmental policies. This approach is expected to create a contextual, participatory, and sustainable land management model—one in which communities become the primary subjects of environmental management, not merely the objects of policy.

This research is expected to provide theoretical contributions to the development of customary law and environmental law in Indonesia, as well as provide evidence-based policy recommendations (*evidence-based policy*). By making Lar a model of ecological management, Sumbawa has the potential to become an example of best practice (*best*

*practice*) nationally in the integration of customary law and community-based environmental governance

## 2. RESEARCH METHOD

This research was conducted in Sumbawa Regency, the primary location for the implementation of the Lar tradition. This tradition serves as a social institution to regulate livestock management and land use, including forest areas vulnerable to degradation. In this context, indigenous communities not only maintain ecological balance but also implement a system of *binding* norms, similar to formal law. This aligns with Dianto and Gunawan's view, which asserts that Lar is a form of customary land management that directly impacts environmental sustainability and the protection of critical forest areas (Dianto & Gunawan, "Establishment of Land Rights on Lar Land in Critical Forest Areas...", 2023: 45–46).

The research data sources consist of primary and secondary data. Primary data were obtained through in-depth interviews with traditional leaders, village heads, forest farmers, and Sumbawa Forest Management Unit (KPH) officials, as well as field observations of Lar land use *patterns* and customary oversight mechanisms. Secondary data were obtained from legal documents, academic literature, and theoretical studies on collective institutions (Elinor Ostrom, *Governing the Commons*, 1990).

Data collection techniques were conducted through three strategies: in-depth interviews, participant observation, and documentation studies of customary archives, maps of Lar areas, and forestry regulations such as Law No. 41 of 1999 concerning Forestry and Regulation of the Minister of Environment and Forestry No. 83 of 2016 concerning Social Forestry. Interviews helped explore community views on customary values in maintaining land, while observations allowed researchers to see the relationship between Lar practices and forest area degradation. This approach aligns with Rahardjo's thinking on the importance of understanding law as a social reality that lives in society (Satjipto Rahardjo, *Progressive Law*, 2009).

Data analysis was conducted using qualitative descriptive methods through data reduction, data presentation, and inductive conclusion drawing. The analysis was conducted by comparing the empirical data with the theory of legal pluralism and the concept of community-based resource management (Ostrom, 1990).

Data validity was strengthened by triangulation of sources and methods through comparisons of interviews, observations, and customary law documentation. This triangulation approach ensured consistent interpretation between Lar customary law practices and the national forestry legal framework. Thus, this research strengthens customary law's position as a model for sustainable critical land management and provides a basis for integrating customary law and state law (Rahardjo, 2009).

## 3. RESEARCH RESULTS AND DISCUSSION

### 1. Socio-Ecological Context of Lar Tradition

Tradition *Lar* is a resource management system based on local wisdom that still exists in rural Sumbawa communities. This system is rooted in collective livestock herding practices and customary land tenure, regulated by unwritten but socially enforced norms. In practice, *Lar* regulates grazing area boundaries, planting times, and land dispute resolution mechanisms through customary deliberation (*court hearing*). Field research in Sebasang Village, Moyo Hulu District, shows that the community still maintains the traditional farming system. *Lar* as a guideline for managing critical land around limited production forest areas. This mechanism has proven effective because it is based on a sense of social and spiritual responsibility towards nature. Interviews with

traditional elders indicate that the main principle of *Lar* is to maintain a balance between rights and obligations over land with values *safety jack*, which means common safety.

In the context of legal ecology (*ecological jurisprudence*), system *Lar* can be categorized as a form of *indigenous legal system* that maintains ecosystem sustainability through customary-based regulations. Local values such as prohibitions on illegal forest clearing, the obligation to protect water sources, and the allocation of rotating grazing areas have become effective ecological mechanisms to curb land degradation.

## 2. Validation of Lar Customary Law: Between Living Law and Positive Law

Theoretically, the existence of *Lar* shows how living *law works* outside the state legal system. Eugen Ehrlich, in his theory, stated that the *living law is the law that lives in the consciousness of the people*, namely, laws that live in the public consciousness and are implemented in practice, even though they are not formally enacted. This is clearly visible in practice. *Lar*, which serves as a social guideline for regulating human relations with land and forests. Dianto and Gunawan's research found that the Sumbawa people have developed a system of recognizing land rights. *Lar* as a form of customary legitimacy. These rights are not individual, but rather collective and based on socio-ecological functions. In the article *Establishment of Land Rights on Lar Land in Critical Forest Areas*, Dianto emphasized that the legalization of the system *Lar* can be a strategy to reduce agrarian conflicts and uphold ecological justice in forest areas.

However, legally, the system *Lar* is no explicit recognition within the national legal framework. This creates a dualism between customary law and positive law. Legal pluralism, as proposed by John Griffiths, states that various legal systems coexist in society, and state law is only one of them. In this context, the validation of customary law is crucial. *Lar* is an effort to bridge this pluralism to create legal harmony between state law and customary norms.

## 3. Theoretical Dimension: Legal Ecology and Social Restoration

The legal ecology approach views law not merely as a norm, but as part of a social ecosystem that interacts with the environment. Philippe Sands emphasizes that effective environmental law must recognize the social and cultural dimensions of local communities. From this perspective, *Lar* is not only a customary rule but also an ecological legal system that upholds the balance between humans and nature.

Field data shows that in critical forest areas, the *Lar* community has developed a vegetation restoration mechanism through a "rotation grazing system," where the land is left to rest for 6–12 months before being reused. This system functions similarly to the concept of rotational grazing in modern grassland management theory, but is based on local customary norms and spiritual values. *Safety jack*As described by Dianto (2023), it functions as a moral ecology, a moral system that maintains a balanced relationship between humans and the environment. This principle strengthens the argument that customary law can be an ethical tool for controlling community behavior toward natural resources, surpassing formal regulatory approaches that are often ineffective at the local level.

## 4. Integration of Lar into the Critical Land Management Model

In practice, the system of *Lar* has been indirectly integrated into the community-based critical land rehabilitation program in the Ampang Plampang Forest Management Unit (KPH) work area. Based on KPH data (2024), the success rate of tree planting in areas involving customary institutions reached 78% vegetation survival, much higher than in areas that did not implement customary-based social control systems (around 54%).

This shows that the validation of the concept of customary law of *Lar* has a significant contribution in supporting policies for community-based *forest management* (CBFM). This approach is in line with Elinor Ostrom's thinking, which emphasizes the importance of institutions *for collective action* in managing common resources. Ostrom demonstrated that local communities have the internal capacity to establish rules, monitor violations, and maintain resource sustainability if given legitimate institutional space. *Lar* can be used as a local model that supports the implementation of Social Forestry policies as regulated in the Minister of Environment and Forestry Regulation No. 83 of 2016. Validation of customary law of *Lar* means placing the community not merely as a program implementer, but as a legal subject managing the ecosystem, which is legally recognized by the state.

#### 5. Conceptual and Policy Implications

Validation of customary law concepts of *Lar* Sumbawa has twofold implications: first, from a legal perspective, it broadens the paradigm of recognition of indigenous *legal systems within* the national legal system. Second, from an environmental policy perspective, it provides an implementation model for critical land management based on local wisdom and community participation. This validation concept can be operationalized through three policy approaches:

- Normative approach, namely by recognizing the system of *Lar* in regional legal products, such *Regional Regulation on Recognition and Protection of Customary Law*.
- Institutional approach, namely building a collaborative forum between KPH, traditional institutions, and the village government in land rehabilitation planning.
- Educational approach, by integrating values of *Lar* and *safety in* local environmental education.

In the long term, validation of the customary law of *Lar* can serve as a regulatory model of *customary-based landscape governance*, where ecological sustainability goes hand in hand with social justice and legal certainty.

#### 4. CONCLUSION

The results of the study show that the traditional *Lar* Sumbawa is a customary legal system that functions as an ecological, social, and moral mechanism for managing critical land in forest areas. This system contains living legal values (*living law*), which can be validated as a legal instrument for sustainable forest management. Through the theoretical approaches of legal pluralism, legal ecology, and the theory of community institutions (Ostrom), *Lar* can be used as a local legal model that is in line with sustainable development goals.

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