



Normative Juridical Aspects in Customary-Based Environmental Management in The Rokan Hulu Area

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Abstract: This study examines the role of customary law in environmental management in the Rokan Hulu Area and its disharmony with state law. Customary law has strong ecological value through practices such as prohibition loopholes, customary forest management, and restrictions on resource exploitation. However, its implementation is often hampered by formal policies that do not consider the customary rights of indigenous peoples, especially in the licensing process. Through normative juridical analysis with legislative and conceptual approaches, this study finds that the integration of customary law and state law needs to be strengthened through ecological justice approaches and participatory mechanisms. The results of the study confirm that customary law has the potential to become a model of sustainable environmental management if supported by operational regulations, strengthening customary institutions, and collaboration between the government, indigenous peoples, and academics. These findings are relevant for the development of national environmental policies and the achievement of sustainable development goals.

Keywords: Customary Law, Environment, Customary Rights, Rokan Hulu.

Introduction

The environment plays an important role in sustainability. Its management requires the support of state laws and local wisdom to be able to respond to problems such as climate change, deforestation, pollution, and exploitation of natural resources. The two need to go together because environmental challenges are increasingly complex.

Customary law in Indonesia has a long history of preserving the environment. Customary rules are born from people's experiences in viewing nature as a source of life that must be maintained. Practices such as fishing restrictions, prohibitions on cutting down certain trees, and management of customary forests are evidence of a balanced relationship between people and the environment. Many communities also consider customary forests as sacred spaces. This value is the basis for the emergence of behaviors that protect the ecosystem naturally.

The development of the times makes customary law often sidelined by state policies and economic interests. Conflicts arise when exploitation permits are granted without considering customary rights or environmental conditions (Pertiwi et al., 2024). This situation shows that state law has not fully accommodated local wisdom. Integration

is needed so that the two can support each other. The principle of ecological justice needs to be the basis for this integration, namely a balanced sharing of responsibilities between the government, indigenous peoples, and the private sector (Effendy, 2018).

In Rokan Hulu, customary rules govern the use of forests, rivers, and land. Regulations such as logging permits that must go through traditional heads or restrictions on fish catches are proof of the community's commitment to nature conservation (Faebriyanti & Hidayat, 2024). However, disharmony between Law Number 32 of 2009 and customary rules still occurs frequently. This condition has an impact on the environment and the rights of indigenous peoples (Pratama, 2021). Land conflicts also arise due to government policies that do not consider the existence of customary rights (Santoso, 2020). This situation confirms the importance of strengthening customary law in the national legal system.

Rokan Hulu can be an example of good customary-based environmental management. However, the application of this model requires a study that explores the role of law as a whole. The government, academia, and the community must work together to identify local needs and formulate fair and effective policies (Ramadhan et al., 2024). Although Law Number 32 of 2009 provides space for recognition of customary law, its implementation is still weak. Many people still feel that their rights are not involved in decision-making related to the environment (Iskandar et al., 2022).

This research is relevant to the achievement of the 13th and 15th SDGs. Ecological values in customary law can support global efforts to address climate change and preserve biodiversity (UNDP, 2015). The strengthening of the role of customary people is also in line with Article 18B Paragraph 2 of the 1945 Constitution which recognizes the existence of customary law communities and their traditional rights. Legal efforts must be able to accommodate the needs of indigenous peoples without holding back national development goals. A more flexible and ecological justice-oriented legal model can be a solution to environmental management problems in Rokan Hulu (Romdanah, 2025). This integration will have a positive impact on environmental sustainability and community welfare.

Methodology

This study uses a normative juridical method to analyze regulations, doctrines, and legal principles related to customary-based environmental management. This method was chosen because it is able to explain the extent to which state laws, such as Law Number 32 of 2009 and Article 18B Paragraph 2 of the 1945 Constitution, accommodate local values in customary law. This analysis also assesses the position of customary law in environmental management and how legal principles can create harmony between the two legal systems (Marzuki, 2017).

The research approach combines a statute approach and a conceptual approach. The legislative approach focuses on regulations related to the recognition of indigenous peoples and customary forest policies as an example of the integration of customary law into the formal legal system (Indonesia, 1945, 2009; Kehutanan, 2018). Conceptual approaches are used to understand indigenous values about nature conservation,

including practices such as the prohibition of tree felling or collective management of rivers, which reflect indigenous peoples' sustainability philosophy (Hadjon, 2005).

Research data was obtained through literature studies using primary, secondary, and tertiary legal materials. Legal regulations, academic literature, and previous research such as the work of (Hakim, 2019; Susetyo, 2010) are the basis for an analysis of the relationship between customary law and state law in the context of the environment. Qualitative juridical analysis is carried out through descriptive, comparative, and evaluative stages to understand the effectiveness of the two legal systems and produce recommendations for harmonization of both. The research location is in Rokan Hulu, which has a strong customary tradition in environmental management (Hakim, 2019).

Result and Discussion

Analysis of State Legal Provisions in Environmental Management

Normative juridical analysis shows that the state legal framework has provided a constitutional and regulatory basis for customary law community-based environmental management. Article 18B paragraph 2 of the 1945 Constitution affirms the state's recognition of customary law communities and their traditional rights as long as they are alive and in accordance with the principles of the Republic of Indonesia. This recognition is strengthened by Law Number 32 of 2009 concerning PPLH which opens up space for community participation and recognizes the role of local wisdom in protecting the environment. However, the study found that such recognition has not been followed by adequate operational regulatory tools. The mechanism for determining customary territories, verifying indigenous communities, and protecting customary rights has not been effective due to overlapping authorities and lack of technical guidelines (Suwandi et al, 2025). As a result, indigenous peoples are still in a weak position when dealing with large-scale business licenses or certain economic interests. This shows that even though legal norms are progressive, their implementation still needs improvement.

The Role of Customary Law in Environmental Management in the Rokan Hulu Area

A study of customary law practices in Rokan Hulu shows that indigenous peoples have hereditary environmental rules and have proven to be effective in maintaining the balance of nature. Systems such as prohibition loopholes, prohibitions on cutting down certain trees, rotating planting patterns, and fishing arrangements are part of ecological mechanisms that occur naturally in communities (Widianti Putri, 2020). This rule contains moral and social values, because violations are seen not only as damage to the environment but also as violations of the community's living system (Darisera et al., 2023). The traditional leadership structure in Rokan Hulu which is still active plays an important role in maintaining this tradition. However, challenges arise when customary values are confronted with modern economic activities, especially the entry of large companies that obtain permits without adequately involving indigenous peoples. The power imbalance between indigenous communities, the government, and the private sector causes customary law to be marginalized even though its contribution to ecological sustainability is very significant (Satria et al., 2024).

Disharmony of State Law and Customary Law

Research found several sources of disharmony between state law and customary law practice.

1. The granting of land permits by the government often ignores the existence of customary rights, triggering a conflict of interest between indigenous peoples and concessionaires (Alauddin, 2022).
2. The approach to state law tends to be formalistic and administrative, in contrast to customary law which is flexible and deliberation based so that state rules are less able to adapt to the diversity of local cultures.
3. The space for indigenous peoples' participation has actually been regulated in laws and regulations, but its implementation does not provide a truly effective mechanism so that indigenous peoples do not have a bargaining position in the licensing and decision-making process.
4. The recognition of local wisdom in the PPLH Law has not been followed by a technical tool to integrate customary rules into the licensing and environmental management system.
5. This disharmony mainly arises at the level of implementation, cross-agency coordination, and the lack of participatory policies that place indigenous peoples as equal actors in environmental governance.

Model of Harmonization of State Law and Customary Law

Harmonization between state and customary laws can be realized through the integration of customary values into the national legal framework and increased participation of indigenous peoples in environmental management. Sectoral regulations such as the Minister of Environment and Forestry Regulation P.32/2015 on customary forests are evidence of formal recognition of the authority of indigenous peoples in forest management, although their implementation still requires administrative assistance and community capacity building. Local governments have a key role in drafting customary-based regional regulations that protect customary rights, regulate prohibitions, establish conservation zones, and provide locally-oriented environmental dispute mechanisms (Jaenong et al., 2025). In addition, the application of the FPIC principle or Free, Prior and Informed Consent is an important instrument so that indigenous peoples can participate fully and determine the direction of environmental management before business licenses are granted. This harmonization effort needs to be carried out systematically so that customary law is not only recognized symbolically but truly part of public policy.

The Relevance of Customary Law as a Model for Sustainable Environmental Management

Customary law has ecological value that is in line with the principles of sustainable development. Traditional practices such as the prohibition pit indicate a long-term orientation and a pattern of non-exploitative resource utilization. In addition to ecological values, customary law has a social supervision mechanism in the form of customary

sanctions that create moral and communal compliance. These values support the goals of the 13th and 15th SDGs related to climate action and the preservation of terrestrial ecosystems. The success of traditional practices in Rokan Hulu can be used as a community-based conservation model for other regions, especially in the context of increasing environmental degradation.

Juridical and Practical Implications

The integration of customary law into the national legal system carries a number of important implications. First, more operational derivative regulations are needed to ensure that the protection of customary rights runs effectively. Second, local governments must strengthen customary institutions through formal recognition in environmental planning and licensing. Third, customary practices such as *lubuk larangan* need to be legalized through regional legal instruments so that they do not depend on unwritten norms. Fourth, the mechanism for resolving environmental disputes needs to accommodate customary law, not just an administrative or litigation approach. Fifth, collaboration between academics, the government, and indigenous peoples is needed to build policies based on local wisdom that remain in line with the provisions of national law. These findings can be developed into scientific publication manuscripts in accredited journals or local ISSN journals.

Conclusion

This research shows that customary law in Rokan Hulu has a significant role in sustainable environmental management. State law has provided normative recognition to indigenous peoples through Article 18B paragraph 2 of the 1945 Constitution and Law Number 32 of 2009, but this recognition is not fully operational because implementation in the field still faces obstacles. Meanwhile, customary systems such as the prohibition and prohibition of cutting down certain trees show strong ecological value and are able to maintain the balance of nature and social solidarity. Disharmony between customary law and state law still occurs, especially when formal policies such as land concessions do not take into account the customary rights of indigenous peoples. The harmonization of the two legal systems can be strengthened through a participatory approach that places indigenous peoples as the main actors in decision-making. The recognition of customary forests through sectoral regulations such as the Regulation of the Minister of Environment and Forestry No. P.32/MENLHK/SETJEN/KUM.1/3/2015 is a first step, but it still requires assistance and capacity building. Thus, customary-based environmental management practices in Rokan Hulu can become a national reference because they have proven to be effective and sustainability-oriented, so the integration of customary law into the national legal system must be carried out substantially.

References

Alauddin, R. (2022). Environmental Legal Aspects in Protection of Natural Resource Management. *Legal Brief*, 11(4), 2426–2435. <https://doi.org/10.35335/legal.v11i4.493>

- Dariseri, S. I., Letedara, R., & Latue, P. C. (2023). Reconstruction of Customary Law in Environmental Law Enforcement in Indonesia. *Rechtsvinding*. <https://doi.org/10.59525/rechtsvinding.v2i1.411>
- Effendy, O. U. (2018). *Ilmu Komunikasi: Teori dan Praktek*. Remaja Rosdakarya.
- Faebriyanti, M., & Hidayat, A. S. (2024). Akibat Hukum Kepemilikan Sertifikat Hak Milik Atas Tanah Bagi Para Pihak Berdasarkan Perjanjian Nominee. *Mavisha: Law and Society Journal*, 1(1).
- Hadjon, P. M. (2005). *Pengantar Hukum Administrasi Indonesia*. Gadjah Mada University Press.
- Hakim, A. (2019). Integrasi Hukum Adat dalam Pengelolaan Lingkungan. *Jurnal Hukum Lingkungan*, 12(2), 45–58.
- Indonesia. (1945). *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*. Sekretariat Negara.
- Indonesia. (2009). *Undang-Undang Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup*. Kementerian Sekretariat Negara.
- Iskandar, A., Ridow, J. M., Mansyur, R. F., Fitriani, R., & Putra, H. S. (2022). *Dasar metode penelitian*. Yayasan Cendekiawan Inovasi Digital.
- Jaenong, D. P., Ahimi, L. N., & Zubaedillah, Z. (2025). Customary Law and Natural Resource Governance. *Hakim: Jurnal Ilmu Hukum Dan Sosial*, 3(2), 1164–1178. <https://doi.org/10.51903/t8hwbv11>
- Kehutanan, K. L. H. dan. (2018). *Peraturan Menteri Lingkungan Hidup dan Kehutanan tentang Hutan Adat*. KLHK.
- Marzuki, P. M. (2017). *Penelitian Hukum*. Kencana Prenada Media Group.
- Pertiwi, P., Sakdiyah, F., & Rian, F. A. (2024). Implementasi Hukum Adat dalam Penyelesaian Sengketa Lingkungan. *Perkara*, 2(4), 589–602. <https://doi.org/10.51903/perkara.v2i4.2231>
- Satria, R., Yuliasitini, A., Fitriani, Y., & Astono, A. (2024). Progresifitas Hukum Adat Dayak Kanayat'n. *Jurnal Adat Dan Budaya Indonesia*, 6(2), 164–169. <https://doi.org/10.23887/jabi.v6i2.66723>
- Susetyo, H. (2010). *Hukum Adat dan Kearifan Lokal dalam Pengelolaan Lingkungan*. RajaGrafindo Persada.
- Widianti Putri, T. (2020). Perkembangan Hukum Lingkungan di Indonesia. *Jurnal Ilmu Hukum, Humaniora Dan Politik*, 1(1). <https://doi.org/10.38035/jihhp.v1i1.639>
-

- Romdanah, Siti, and Ikomatussuniah. 2025. "Penegakan Hukum Terhadap Masyarakat dalam Menghadapi Deforestasi Hutan Adat Papua." *Pikukuh: Jurnal Hukum dan Kearifan Lokal* 2, no. 1: 56–69. <https://doi.org/10.62870/pkh.v1i1.30768>
- Ramadhan, R., Syafrizal, S., & Oktapani, S. (2024). *Harmonisasi hukum adat dan konstitusi nasional: Studi konflik pengelolaan sumber daya alam di Indonesia*. Nusantara: Journal for Southeast Asian Islamic Studies, 20(2), 92–99
- Purwanto, E., Santoso, H., Jelsma, I., Widayati, A., Nugroho, H. Y. S. H., & van Noordwijk, M. (2020). Agroforestry as policy option for forest-zone oil palm production in Indonesia. *Land*, 9(12), 531. <https://doi.org/10.3390/land9120531>
- Pratama, S. M. (2021). Posisi dan kontribusi hukum adat ketatanegaraan dalam hukum tata negara Indonesia. *Rewang Rencang: Jurnal Hukum Lex Generalis*, 2(3), 274–282. <https://jhlg.rewangrencang.com/>
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