

Local Customary Law: The Contribution of Adat Law in Preserving the *Lubuk Larangan* in Jambi

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Abstract

This article discusses the living law which stands behind the *Lubuk Larangan* tradition in Jambi, Indonesia. While many academics stand on belief that *Lubuk Larangan* is about the conservation, the article argues there is a metaphysical belief and sacred agreement that triggers such conservation by the indigenous people. Such belief has been overlooked by academics resulting in the failure of seeing the very fundamental life of the indigenous people, as long as their legal practice is concerned. This article demonstrates that the customary law norms can be found in the customary *seloko* of Jambi Malay, norm which is reflected the whole lives of the indigenous people, both in private and public lives. This article found that the tradition demonstrates a communal way of living and togetherness based on the need of the community. The natural conservation is nothing but the reflection of the sacred, mystic, religious *adat* and law to keep the nature survive.

Keywords: Malay Customary Law; Indigenous People; *Lubuk Larangan* Tradition.

A. Introduction

Each ethnic group in Indonesia has its own rules and traditions, including the particular group of indigenous people in Jambi Province. They consist of several groups, which come from the *Melayu Tuo* (ancient Malay) and *Melayu Mudo* (new Malay).

Jambi people are well known for their obedience with customs and laws. In particular, Jambi Malay customary law consists of two *kukuban* (a group of indigenous people), namely the *Kukuban Adat Batin* and the *Kukuban Adat Melayu*. The main sources of Jambi Malay customary law are known *Induk Undang nan Limo, Pucuk Undang nan Delapan and Anak Undang Nan duo Puluh* (The five major laws, the eight upper laws, and the twenty lower laws). In Addition to the laws, there is another source of law known as “*Seloko Adat*”. In the *Seloko adat* there are norms which regulates behaviours, ways of interactions in the relationships with humans, nature and God. *Seloko adat* is originally traditional literatures containing instructions and guidance for the safety and goodness of the community. The function of which can also be observed in its preservation of natures and environments, like the one of the *Lubuk Larangan* (the forbidden river).¹

In the context of this article, the *Lubuk Larangan* tradition is displayed to portrayed the relation, implementation, management, and the enacted law as long as the wisdom of the indigenous people is concerned. In this aspect, the indigenous people in *Lubuk Beringin* Village as a part of Jambi Province becomes the sample. Within the community, the traditional leader (*Rio*) become the respected person and has authority to make policies. He plays very important roles in its management through customary deliberations. The principles of Indigenous people in Jambi are influenced by social and historical factors. Regional characteristics, geographic location, area of population and diversity may affect the community in managing the en-

1 The idea of *Lubuk Larangan* originated from the tradition of the local indigenous people to conserve and preserve their land from harm. With the *Lubuk Larangan*, there are strict rules not to fish in the river until the harvest day when all people will fish together and share their fish in the same number.

vironment, including the way of selecting fish in the watershed (the *lubuk larangan*).

It is always interesting to observe how the indigenous people in Jambi preserve fish from extinction through a local wisdom. It is reported that extinctions are currently underway. About 4 billion species are estimated to have evolved during the last 3.5 billion years, and 99% of them have even been massively lost,² and it would take millions of years to restore it. After a mass extinction that may lead to environmental disturbances. Ecological anomaly and the world will experience disruption³ which are caused by natural ecosystem imbalances including lifestyle, water quality and global warming. Disturbed forests will affect water, rivers, as well as fish and aquatic animals. Especially for those who find it difficult to adapt.

Ecologists have concluded that more than 50% of species close to forests can still be found and which functions are conserved, particularly through soil protection and water regulation.⁴ Located in Jambi Province, the *Batanghari* River is known as the longest river in Sumatra. The condition of the watershed are mostly endangered. High dense of mercury are found in the river with fluctuated concentrations from year to year. Mercury contamination in the river sediments, which increased from 2007 to 2008, indicates the presence of additional particle which precipitate on the riverbed containing mercury. The condition of mercury pollution in the sediments of the *Batanghari* River can still be detected until 2018. The presence of mercury in the watershed indicates the presence of small-scale gold

2 Anthony D. Barnosky, et.al., "Has the Earth's Sixth Mass Extinction Already Arrived?," *Nature International Journal of Science*, Vol. 471, doi:10.1038/nature09678, 02-03-2011, p: 51.

3 M. L. Fraiser & D. J. Bottjer. "Opportunistic Behaviour of Invertebrate Marine Tracemakers During The Early Triassic Aftermath of The End-Permian Mass Extinction". *Australian Journal of Earth Sciences: An International Geoscience Journal of the Geological Society of Australia*, 56:6, 841-857, DOI: 10.1080/08120090903002656. 2009

4 Clara Therville, Laurene Feintrenie & Patrice Levang, "Farmers' Perspectives About Agroforests Conversion to Plantations In Sumatra, Lessons Learnt From Bungo District (Jambi, Indonesia)", *Forests, Trees And Livelihoods*, 20:1,2011, p: 15-33.

minings alongside the upstream.⁵ From the view of pH parameters, BOD, COD, TSS, Cu, PO₄ are in the polluted category and have exceeded the quality standard.⁶ This situation can cause species extinction from the aquatic ecosystem, especially local fish.

Hence, a strategy to protect the environment from various treat is required. The *Lubuk Larangan* tradition is considered as one of ways in maintaining water quality and conserving endangered fish species in the watershed, the tradition which is the legacy of the Jambi Malay indigenous people who have wisdom and teachings on how to adapt and protect the environment. They are also known to have developed in Jambi Malay Kingdom. In Jambi, the the *Melayu Mudo* tribes are located along the rivers and the coastal areas. In general, the Malay People of Jambi are very strict about their rules and customs whihc reflect in their *Seloko* and implemented in almost all aspect of their lives. It is also reflected through the relationship between man and the nature can be seen from the tradition of protecting nature, such the one of *Lubuk Larangan*.

The *Lubuk Larangan* tradition is a local wisdom to protect the aquatic ecosystem and the preservation of endangered fish species in the watershed based on the norms of Jambi Malay customary law. This research contributed to the legitimacy of strengthening customary institutions and the role of customary law norms in regulating natural resources managed by indigenous peoples. This research tries to construct the *Lubuk Larangan* tradition as the global goal of conservation and preservation of nature and its ecosystem. In the first part, it is described in the article how the Lubuk Larangan Tradition preserve endangered fish. In the second part, it is showed the existence of Jambi Malay indigenous people. Whilest in the third part,

5 Dewi Ratnaningsih, Alfrida Suoth, Yunesfi S, Niniek TW,Ridwan Fauzi, Muhamad Yusup Hidayat, & Alfonsus H. Harianja. "Distribusi Pencemaran Merkuri di Das Batanghari," *ECOLAB* Vol. 13 No.2, November 2019 : 117-125 p-ISSN 0216-0897 e-ISSN 2502-6267 Terakreditasi RISTEKDIKTI No. 21/E/KPT/2019, p:121.

6 ER Eko, H. Syarifuddin, J Jalius. "Analisis Kualitas Air Sungai Batanghari Berkelanjutan Di Kota Jambi," *Jurnal Pembangunan Berkelanjutan*, Volume 1. no (1), 2018, p:138.

it is demonstrated the construction of rights and obligations in the *Lubuk Larangan* tradition was carried out. Finally, the it is described the legal consequences of the *Lubuk Larangan* agreement as a way of conserving endangered fish in the watershed.

It is interesting, the *Seloko* as a part of Jambi tradition has contributed to the so called *adat* law in Jambi that contributes to the protection of the nature. However, this part has been abandoned by most researchers as long as legal studies are concerned. Therefore, this article aims to elaborate the norms contained in the traditional *seloko* as a source of law for the Malay indigenous people to implement the *Lubuk Larangan* tradition. It also tries to describe how Jambi people are very dependent on the Malay indigeneous people together with the customary law.

B. The Tradition of *Lubuk Larangan*

1. Endangered Fish in the Batanghari Watershed

Most of Indonesia's territory consists of waters with fish in great diversity. There are 1.300 freshwater fish species and about 140 marine fish species. The number of these species continue to decrease in number due to the development factors and natural damages. The types of fish in the Batanghari river are increasingly endangered, especially those that are endemic in nature, experiencing a rapid decline.

Exploitations of water have caused damages over the ecosystems which tend to become extinct. Endangered native fish species require to be conserved and protected due to the fact that fish in the river are not only for consumption but also ornamental, all of which needs to be managed properly by considering environmental conditions.⁷ From the freshwater fish habitat, there spread out various types of waters and has 311 different species of freshwater fish. Even the smallest fish in the world are found in the waters of Jambi, like in

⁷ Ismu Sutanto Suwelo."The Endangered and Threatened Fish Species Should be Protected by Law," *Jurnal Ilmu-ilmu Perairan dan Perikanan Indonesia*, Vol 12, Nomor 2, 2005, p. 162.

Kumpeh Ilir. Endangered fish, including species that are low in sensitivity, may in needs of critical conservation.⁸

In the last ten years the fish population has shrunk by 50% due to the damaged environment by pesticides on plantation land, illegal mining, deforestation, landslides and fishing with poison and electricity in the upper reaches of the Batanghari, Sarolangun, Merangin, Bungo and Tebo rivers.⁹ The importance of protecting and conserving fish and fish endangered is useful for measuring the effects of environmental changes, and assessing the biological condition of rivers.¹⁰ In Indonesia, one of ways to protect the environment is like the one performed by the local people in establishing the *Lubuk Larangan* tradition in Lubuk Beringin Village, which is part of Bungo District of Jambi Province, set as a world cultural heritage.¹¹ The *Lubuk Larangan* tradition in this region is well managed that help villagers comply with the *adat* rules and obey the *Rio* (Village Head) or the chief of the indigenous people. In an interview, the *Rio* of the Lubuk Beringin Vilage expressed:

“There used to be a lot of *Lubuk Larangan* and clear water. But now there are not many rivers would have good water and a lot of fish. There used to be very big *semah* and *baung* fish, but since there was gold mining and

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- 8 Cari-Ann Hayer , Steven S. Wall & Charles R. Berry Jr., “Evaluation of Predicted Fish Distribution Models for Endangered Fish Species in South Dakota,” *North American Journal of Fisheries Management*, 28:4, 1259-1269.
- 9 Yitno Suprpto. “Ikan-ikan Air Tawar Jambi Ini pun Terancam Punah”, <https://www.mongabay.co.id/2016/05/29/ikan-ikan-air-tawar-jambi-inipun-terancam-punah/>, 29 May 2016.
- 10 Yoichiro Kanno , Jason C. Vokoun , Daniel C. Dauwalter , Robert M. Hughes , Alan T. Herlihy, Terry R. Maret & Tim M. Patton, “Influence of Endangered Species on Electrofishing Distance When Estimating Species Richness of Stream and River Reaches”. *Transactions of the American Fisheries Society*, 138:6, 1240-1251.
- 11 Based on the Convention For The Safeguarding of Intangible Cultural Heritage through Government Regulation Number 78 of 2017 concerning the Convention for the Protection of Intangible Cultural Heritage, and with the stipulation of the Ministry of Cultural Education in 2019 stipulating Lubuk Larangan in Lubuk Beringin as intangible cultural heritage. Therefore, this research took place in the village. It shows that the ancestral traditions of a local community can support global efforts to conserve the environment, especially the aquatic ecosystem. Traditional knowledge is preserved and actively used by the indigenous peoples.

many factories, the water in lubuk that flow from top to bottom has been unclean. The *semah* fish were not as large as they used to be in our father's time.”

It is learned that the water has changed and decreased in quality, both in terms of groundwater and fish. Endemic fish are increasingly endangered and people are vulnerable of loss of many good fish. However, the *Lubuk Larangan* as a tradition has been well managed and maintained until now, regardless of the poor conditions around.

Picture 1. *Lubuk Larangan* Landscape



Picture 2. One of the *Lubuk Larangan* in Bungo Regency, Jambi Provinsi



Source: Author's documentations

2. Some Comments about the Lubuk Larangan

It is learnt from the respondents that the *Lubuk Larangan* used to exist along the Batanghari river in Bungo area and fish species were diverse due to good water conditions. However, in the last 10 years the water quality has been different and the fish in the bottom of their species had decreased.

Fishes for villagers are not only a matter of consuming protein, they are also symbols of adaptation to the environment and natural balancing. As one of the objects of the study, the Lubuk Beringin village, as one of the areas of the *Lubuk Larangan*, is not located in the coastal area where fish become the main source of protein for people. In this area, fishes have been considered as the main parts of natural balancing. In other parts, people in Amor and Taiga rivers also live with plenty of fishes and have been using them as natural resource supporting their daily needs. They live along the river that enable them to get more fish which contain 130 species of fish.¹² Despite the easiness to get fish from the river, the people of Lubuk Beringin village, however, have been very careful in utilizing fish for consumption. Instead, they have tried to make and apply their own rules to conserve the so called endemic-endangered fish, especially the *semah* fish. The *semah* fish has become a prestige in the perception of the local people. Here, people can spend IDR 200.000 or even more only to have a kilo of *semah* fish.

International conservation strategies are implemented effectively at the local level.¹³ Law on conservation in Indonesia Number 60 of 2007 provides ways to conserve fish, namely by classifying fish species, determining the protection status of fish species, raising fish, breeding fish, as well as research and development. Through this method, any parties can use their own methods to conserve en-

12 A.V. Smolyak. "Traditional Principles of Natural Resource Use among Indigenous Peoples of the Lower Amur River". *The Journal of Legal Pluralism and Unofficial Law*, 33:46, p: 176.

13 O.E. Hooker, P.S. Maitland, C.W. Bean & C.E. Adams. "Effectiveness of Local Biodiversity Action Plans to Identify Locally Endangered and Endangered Fish in Scotland". *Scottish Geographical Journal*, 132:1, 74-84.

dangered fish according to their own geographical conditions. For example, the Raja Ampat Regency Government issued a Regional Regulation prohibiting the fishing of sharks and rays.¹⁴

The community around the Batanghari watershed have also determined a *Lubuk Larangan* as an area of conservation through customary decisions to keep the endangered fish survive. The mechanism is determined following customary agreements based on the norms of Jambi Malay customary law. An interview with a *Tuo Tenggarai* (elder people) of Dusun Lubuk Beringin demonstrates:

“There are many kinds of *Lubuk Larangan* which have been established in this village. Some of them could be open for fishing within a certain time but some could not be opened at all. The opening of the river (*lubuk*) of fishing shall only be conducted based on the agreement of the village meeting lead by a *tuo* (customary leader) and Rio (Village Head). In the meeting, it is regulated to what extent the fish can be consumed, how much money shall be collected, how much fish can a family earn, and how to open and close the *lubuk*. All of whihc are done for the benefit of the village. Whatever managed for the *lubuk* was for the community. All of us are willing and sincere as we also get benefit from it.”

Given the existence of the *Lubuk Larangan* tradition in Jambi, the village community has the view that it is important to maintain balance. The nature and the feeling of the community members have become indicators of their agreement. The nature in which they live must be guarded and provided with care. Hence, these values are very important for the indigenous peoples in Jambi.

3. Lubuk Larangan Tradition: From Local to Global

The study of the possibility in protecting traditional knowledge about the conservation of water ecosystems through the tradition of *Lubuk Larangan* as intellectual property is very interesting to study. Custom and tradition for some people in Jambi are similar to law, yet it is not

14 In the regional regulations, there are sanctions in the form of social sanctions from the local community. Social sanctions in this local regulation can be in the form of customary sanctions. Zaka Firma Aditya & Sholahuddin Al-Fatih, “Perlindungan Hukum Terhadap Ikan Hiu dan Ikan Pari untuk Menjaga Keseimbangan Ekosistem Laut Indonesia,” *Legality*, Vol. 24, No.2: 233. 2017, p: 233.

static, keeps continuing to develop and have created people identity.¹⁵ The tradition of *Lubuk Larangan* along the watershed in Jambi is based on customary norms. Customary law in Indonesia is recognized similar to that of the positive law as long as the customary law and indigenous peoples exist. As a comparison, the customary law in Indonesia, the customary law in South Africa, according to Anthony C. Diala, contained ambiguous concepts and gender-biased legal deconstruction. Many scholars in their country fail to understand about their customary law and the existence of legal transplants.¹⁶

The tradition of *Lubuk Larangan* is Traditional Knowledge in the perspective of Intellectual Property Rights Law as it meets elements in communal intellectual property. Therefore, it is worth for recognition both locally and internationally. Even in several international conventions, it has communal exclusive rights occupies a very significant position. In the context as an intellectual property right, this traditional knowledge, however, has risks of being endangered as long as its continuity from generations to generations is concerned. The new generation might not have strong commitment to conserve the virginity of the customs. Modernization is a challenge and loss of information causes the decreasing and moving knowledge.¹⁷

The Jambi people use their traditional knowledge in their daily life for many purposes. For instance, for medicinal plants, herbs, handicrafts, coloring *batik* and rituals related to health. The traditional knowledge is a wealth of traditional community and is a genuine scientific skill. For example, in Jambi there is a technical tradition of how to clear forests, take / harvest good honey, catch fish, and maintain forests. Intellectual works that are developed based on tradition and developed by the community are called traditional knowledge.¹⁸

15 Tom G. Svensson. "On Customary Law: Inquiry into an Indigenous Rights Issue". *Acta Borealia*, 20:2, p. 96.

16 Anthony C. Diala, "The Concept of Living Customary Law: A Critique," *The Journal of Legal Pluralism and Unofficial Law*, 49:2, p:144-145.

17 Ilker Ugulu. "Development And Validation Of An Instrument To Measure University Students' Attitudes Toward Traditional Knowledge:." *Journal of Human Ecology*, Routledge, Turki, 2013, p. 6-7.

18 M. Hawin, "Pengetahuan Tradisional Indoenesia," A Speech delivered for a

In the Malay tribe in Singapore there is a kind of traditional knowledge related to healing a disease which has been popular since the 16th century. Ritual leaders such as *shamans* write their knowledge on treatment with certain rituals.¹⁹ In Bungo district, there are lots of traditional knowledge related to meeting their needs, such as traditional medicine.

Basically, in a contextual level, the rights of indigenous peoples in Indonesia have been protected in the Indonesian Constitution. Article 18 B paragraph (2) and Article 28 I of the Indonesian Constitution guarantee the traditional rights. Based on this Constitution, customary land rights, rivers and forests, plants, animals, rights to the same origin and similarity to other customary objects are equal in terms of rights. This right is given by the State as long as it is alive and continues to implement, in accordance with the times and society and in accordance with the principles of the Republic of Indonesia, and is regulated in laws and regulations.

Regarding the protection of environmental management traditionally, the Indonesian government regulates its procedures and authority, including local wisdom. Internationally, with regards to cultural heritage and traditional knowledge about how to protect, control, protect and develop this heritage is regulated in Article 31 Paragraph (1) of the United Nations Declaration on the Rights of Indigenous Peoples provides a scope regarding traditional knowledge. These traditional rights can be in the form of the right to protect, control, and develop cultural heritage, cultural expressions, traditional knowledge, technology, cultures, genetic resources and natural resources, seeds, medicine, traditional games, and performing arts according to their own traditional customs.²⁰

Professor Inauguration at the Faculty of Law, Gajah Mada University, 2009, p: 151.

19 Faizah Zakaria And Humairah Zainal. "Traditional Malay Medicine in Singapore". *Indonesia and the Malay World*, ISSN: 1363-9811 (Print) 1469-8382: p: 4.

20 Jawahir Thantowi. "Pengaturan Masyarakat Hukum Adat dan Implementasi Perlindungan Hak-hak Tradisionalnya". *Journal Pendecta*. Volume 10. Nomor 1 June, 2015, p. 11. In 1994 Indonesia has ratified the Biodiver-

The *Lubuk Larangan* is a tradition that teaches the indigenous people on how to take care of water and protect endangered fish from extinction. Originally an indigenous knowledge and legacy, it regulates how to manage norm systems and customary sanctions which continues to develop. However, the community needs something definite and exclusive with regard to where it can be preserved, how to use, process and sell its products. This condition must be explained in legislation in the national level.

The traditional knowledge provides exclusive rights that are neither individualistic nor capitalist. It comprises such things as abilities and skills, innovations, practices and systems that come from intellectual activities in traditional contexts and include tracing data from generation to generation. The community live in diversities and have knowledge of their surroundings and their functions. In these local communities, local species are very reliable for their survival. It can be used for consumption, drugs and even other consumptive needs. Marie Claire suggests that traditional knowledge provides integral knowledge in achieving sustainable global goals. This is because all aspects of practice and knowledge support the conservation and sustainable use of biodiversity.²¹ Such the knowledge has become a common concern.

The concept of traditional knowledge can also involve opposite entities and can also be close to Western and Non-Western ideas. For example, scientific versus primitive, tribal tradition versus technological science.²² The local community understands that traditional

sity Convention 1992 with Law no. 5 of 1994. The regulation provides protection of the intellectual property of indigenous peoples, technology exchange and technology security is regulated. The rights of indigenous peoples that have developed so far are physical rights, such as those regarding land and natural resources. Regarding intangible assets, it is underdeveloped. On the other hand, many inventions originate from communal intellectual property born from indigenous peoples.

21 Marie Claire Cordonier Segger and Freedom-Kai Phillips. "Indigenous Traditional Knowledge For Sustainable Development" Volume 20 Issue 5, 2015.

22 Marika Vicziany and Jagjit Plahe. "Food Security and Traditional Knowledge in India: The Issues". *Journal Of South Asian Studies Association of Aus-*

knowledge is a tradition of cultural heritage as a communal ownership. This context must be prepared by the local community and the government so that traditional knowledge can be claimed in the Intellectual Property Right regime which has individual and monopolistic characteristics. The protection of traditional knowledge is beneficial for the preservation of local wisdom values.

Traditional knowledge is generally defined as the long-standing traditions and practices of certain regional, indigenous, or local communities encompassing the wisdom, knowledge, and teachings of these communities. It constitutes an accumulative body of knowledge, know-how, practices, and representations maintained and developed by the people with extended history of interaction with the natural environment.²³ Traditional or Indigenous knowledge has been defined as institutionalized local knowledge that has established and continued to preserved through generations by word of mouth and form the basis for local-level decision-making in many rural communities.²⁴

Traditional knowledge is comprehensive and inclusive as the result of human experience and its relationship to what is around it and its ecosystem.²⁵ Almost every district in Jambi Province has restricted areas, like forest and water. Jambi indigenous people are Muslims and have come to an agreement to establish the principle: “*Adat Bersendi syarak, syarak bersendi Kitabullah*”, meaning that *Adat* must be in accordance with the Islamic teachings.

Despite modernization, Malay Jambi custom regulates how to

tralia, Vol 40, No. 3 2017, p. 568.

23 Ulfah Fajarini dkk. “Traditional Knowledge on Malaria of Gayo People in Central Aceh, Indonesia,” *Journal of Faculty of Tarbiya and Teaching Sciences*, Syarif Hidayatullah State Islamic University Jakarta, Vol 10, No. 4: 498. 2016

24 Raktima Mukhopadhyay & S.B. Roy, “Traditional Knowledge for Biodiversity Conservation, Maintain Ecosystem Services and Livelihood Security in the Context of Climate Change: Case Studies from West Bengal, India”. *Jurnal of Biodiversity*, Vol 1, No.1,2 2015, P. 23.

25 Cahyo Setiono. “Pengetahuan Ekologi Tradisional Masyarakat Orang Asli Jakun Dalam Menilai Ekosistem Servis Di Tasik Chini, Malaysia,” *Jurnal Ilmu Sosial dan Ilmu Politik* Vol, 15, N. 1, 2011, p. 57.

deal with nature and the environment that humans cannot live without understanding the essence of their lives. However, the loss of fish species has caused them concern of their nutrients and protein, especially for people located in river areas. It has been suggested by Nendah Kurniasari et al that the quality of river resources has decreased as the community turn to exploit for economics purposes.²⁶ From an ecological perspective, the *Lubuk Larangan* is aimed at providing a balance to the water ecosystem, preventing damage to the river environment, and ways to overcome any river damages and manage their restoration.

In the Batin III Ulu Village of Rantau Pandan, where the *Lubuk Larangan* is very optimal in its function, economically, socially and ecologically. The economic impact is also very significant. Managing of *Lubuk Larangan* is somehow to concern on customary norms which is strengthened by the positive laws in the form of village regulations. However, not all *Lubuk Larangan* along the Batanghari river can function optimally. In Merangin Regency, the *Lubuk Larangan* named *Lubuk Sialau*, illegal gold mining have appeared and affected significantly the water quality.

There are several areas in Jambi Province that have a tradition of *Lubuk Larangan*. The ones that are well managed are located in Bungo Regency and Sarolangun Regency. The ways of the indigenous people to maintain and manage their environment are extremely based on local wisdom. The nature and style of the customary law is highly attached to the *Lubuk Larangan* traditions such as rituals and belief. It is a social system that is interconnected to achieve certain goals in a complex.²⁷ For example, it is not completely forbidden to catch fish in the *lubuk*, but only on the days that have been agreed upon. Customary institutions play a very important role in decision making.

26 Nendah Kurniasari. "Lubuk Larangan: Bentuk Perilaku Ekologis Masyarakat Lokal Dalam Pengelolaan Sumber Daya Perikanan Perairan Umum Daratan (Tipologi Sungai)," *J. Sosek KP*, Vol. 8, No. 2: 242. 2013.

27 Susyanthi Fratama Putri. "Budaya Menangkap Ikan Dilubuk Larangan (Studi Kearifan Lokal Pada Masyarakat Desa Pangkalan Indarung Kecamatan Singingi Kabupaten Kuantan Singingi)". *Jurnal Online Mahasiswa Bidang Ilmu Sosial Dan Ilmu Politik*, Universitas Riau, vol. 3 No, 1, 2016.

C. The Existence of Indigenous Peoples

The tradition of protecting aquatic ecosystems through a customary rules may impact to the preservation of their nutrition and protein. It is quite similar to the concept of traditional ecological knowledge. As Raymond Pierotti and Daniel wildcat have suggested that traditonal ecological knowledge also share concepts of nutrien cycles. Thus, although the idea of a cycle, or circle of life is an integral part of native spiritual beliefs, this is not a mystical concept based upon great mysteries, but a practic recognition.”²⁸

Indigenous people are unlikely to damage their environment, because for them forests have social and religious values so that there are norms and beliefs for forest conservation in order to provide a sustainable source of life²⁹ which is religio-magical in nature, a metaphisical relationship between humans, nature and other creatures. The customary law community alliance highly upholds these values known in the genealogical and territorial forms.³⁰

In increasing the use, management and preservation of cultural biodiversity plays an important role. Debel Deb suggested that culture plays an important role in determining the level of maintenance, use and preservation of elements of biodiversity, where humans are an integral part of the entire ecosystem. “Organic Cosmology” forms an ecological ethic that is corrupted by Western science and market-oriented culture. However, most of the surviving indigenous cultures in the world still retain their traditional ecologies, which appear to have had a profound way of preservation.³¹ This shows that local wisdom has an impact on nature and the environment, including protected

28 Raymond Pierotti and Daniel Wildcat. “Traditional Ecological Knowledge: The Third Alternative (Commentary), Ecological Application”. *Ecological society of America*, Vol. 10, No. 5: 1336. 2000.

29 Aswandi. “Green Knowledge Masyarakat di Hulu DAS Batanghari Lestarian Energi Mikrohydro”. *Policy Brief*, No. 6 February 2018.

30 Nico Ngani, “Perkembangan Hukum Adat Indonesia”. *Penerbit Pustaka Yustisia*, Yogyakarta: 17 2012.

31 Debel Deb & K. C. Malhotra. “Conservation Ethos in Local Traditions: The West Bengal Heritage”. *Journal Society & Natural Resources An International Journal*, Volume 14, Issue 8. 2001.

and endangered species.

Indigenous people have no idea of customary law. They simply understand the term of customary law as customs. The dynamics of customary law awareness is built by the government by establishing a number of rules. There is a system of cultural values in customs established in the traditional Malay Jambi which is named *seloko*.³² Literally, it is an oral literature in the form of poetry and contains advice and teaching in a very fine language and far from hurting the feelings of those who hear. As long customary law is concerned, one may find rules reflected in the *seloko* such aspects as Islamic law and old traditions, as well as their sanctions, all of which assimilated to the habits and spirit, deliberation and consensus of the community.³³

Customary *seloko* of Jambi Malay might also contain religious and mystical values in which trust is highly considered. Everything related to the attitudes and actions of society always has a symbol and a concrete expressions. For example, people will not commit an offense believing that they will suffer sanctions. The community living in the Batanghari River Basin area would not have any courages to take fish in the *Lubuk Larangan* area. Otherwise they will suffer from curse or disease. It is found from an interview that the village community is very strong in keeping traditional promises since they are afraid of customary sanctions.

D. Rights and Obligations of *Lubuk Larangan* Management in Customary Law Norms

The management of *Lubuk Larangan* by the indigeneous people is carried out with an agreement that determines the rights and obligation of community members. The agrreements in the of rights and obligation is decided in a customary decision which is attended by traditional leaders (*Ninik mamak/Tuo tengganai/datuk*) and com-

32 Supian, Fatonah, Denny Defrianti, "Eksistensi dan Penerapan Hukum Adat Melayu Di Kota Jambi," *Titian: Jurnal Ilmu Humaniora* P-ISSN: 2615

33 Ade Rahima, "Nilai-Nilai Religius Seloko Adat pada Masyarakat Melayu Jambi (Telaah Struktural Hermeneutik)". *Jurnal Ilmiah Universitas Batanghari Jambi* Vol.14 No.4, 2014, p:6-7.

munity members. In such traditional meetings, the purpose of preserving the *lubuk* is no other than village development based on the agreement of the community and the approval of traditional leaders. They wish that the preservation of the *Lubuk Larangan* tradition can fight against illegal gold mining and protect the environmental ecosystem. For villages that apply this *Lubuk Larangan*, customary law is a very binding norm for those who live in the area. Vows and promises together to protect *lubuk* are considered rituals. No one would dare to break their oath unless they will accept consequences both materially and morally. Some of which are mentioned in the traditional *seloko*.

The *Selokos* are heavily influenced by Islamic Law. As the expression “*syara’ mengato, adat memakai*” (the *syariah* regulates while the *adat* applies). Community obedience with agreed norms is an important part of the management system. The imposition of sanctions for violations of the management of *Lubuk Larangan* refers to the customary criminal law contained in *Induk undang nan Limo, Pucuk undang nan delapan dan anak undang nan duobelas* which regulates parts of Jambi indigenous people.

The management of *Lubuk Larangan* is initiated by defining boundaries of the *lubuk* area. The determination might have followed the idea of the 5th part of the *Induk Undang Nan Limo*, namely: *Kato Seiyo* (community consensus). The deliberation is taken by considering the opinions and advice of the *tuo-tuo* and *tuo tengganai adat* (the elders). In the traditional *seloko* it is said: “*Elok air karena pembulu, Elok kato karena mufakat, bulat boleh digulingkan, pipih dapat dilayangkan* (good water due to the bamboo pipe, good words due to the agreement, round thing can be rolled, flat thing can be flied).

The word *seiyo* reflects in an agreement or consensus as long as the the opening and th closing of the *lubuk* are concerned. The members of community who participate in such the meeting are referred to as “*Benang Tiga Sepilin, Tungku Tiga Sejerang*” which are associated with Village Government officials and customary leaders, as well as *Syara* employees. They are responsible in stipulating rules such as the prohibition of throwing waste in the *lubuk* area, poisoning, killing

Picture 3. The community are having meal after the customary meeting



Source: Author's Documentation

fish, fishing, or using trawl or nets during the opening of the *lubuk*.

The norms derived from customary law are then constructed into positive laws such as village regulations. Fishing is allowed only for the benefit of the village, for medicine, and for the celebration of the Prophet Muhammad's birthday or the celebration of *isra mi'raj*. It is also permissible to sell in the area of *Lubuk Larangan* while maintaining hygiene and public order. Determination of the timing of harvest and distribution is carried out by deliberation at most up to 3 times the harvest. Harvesting is done during the Islamic holidays or if the village requires money for public purposes. However, even though the village requires fees for public use, if the fish cannot be harvested, harvesting can be postponed. The distribution is carried out on the principle of justice. Each family is given the freedom to be able to ask for a distribution according to the income given at the beginning to close the hole. for example, 35 thousand Rupiah per head of household (interview with PD) or each family can input more than one with the consequence that at harvest time it will get

according to what is entered. Every income will definitely benefit. Fish can be resold or for personal consumption. The price of fish in lubuk is usually fantastic. Sometimes even exceeding the price of cattle / buffalo per kilo.”

Picture 4. Opening of the *Lubuk*. People use traditional tools to catch fish



Picture 5. People are sharing fish in the *Lubuk Larangan* in Rantau Pandan



Source: Local government documentations

The fish that are taken from the *lubuk* at a certain time are collected together which are then divided according to the agreement and distributed fairly. It is reported by the head of the Rantau Pandan village that the harvest time is the most awaited moment not only by local people but also by foreign tourists, as well as by fish lovers and fish selling agents from the neighbouring area. It is also reported that during in the 2019 *Eid Al-Fitri*, the income of *Lubuk Banyan village* from the ecotourism sector reached up to 1 billion rupiahs.

Those are aspects of the life of the village community around the *lubuk* which are intertwined with the rules of the customary law. Community obedience to customary law is positive in the norm. Sanctions are important parts of implementing law and teach them to live in discipline. Regarding the relationship with policies that contain national law, the stipulation of the sanctions is regulated based on the Regulation of Lubuk Beringin Village Number 5 of 2003. Breaking such the law may lead to a fine with a goat or money of 500,000 rupiahs. It is reported in my interview with the local that the sanctions in *lubuk* areas may be various according to the social conditions of the indigenous people. A fine with one goat is a common sanction when one fail to comply with the law. Sometimes, additional sanction by submitting *selemek manis* (consisting of coconut, sugar, and cooking ingredients) are collected and cooked to be consumed by villagers around the *Lubuk*.

There are no physical sanctions as long the *lubuk* law is concerned. While the number of the fines embedded in the customary law is none but moral sanctions which might leave psychological effect of being ashamed. Besides, there is a belief among the people around the *lubuk* that breaking the customary law will cause disease and even death.

The existence of a *seloko* is not only media of cultural expression but also a customary law. It is expressed in the *seloko* "*salah hukum penghulu pecat, tidak dihukum penghulu pecat,*" literally meaning that the any failures and errors in applying the sanction by the Village Head will cause the His dismissal. Therefore, the Head of the Village is responsible to apply the law in a carefully correct manner.

The rules in positive legal norms actually come from the manifestation of the values contained in the customary law.³⁴ Many conflicts or disputes which are unresolved by the positive law can be settled through a customary law. Indeed, lessons of the *Lubuk Larangan* can be drawn as long the practice of consensus among the Malay indigenous people to address any problems is concerned.

E. Conclusion

The *Lubuk Larangan* tradition is held based on Jambi Malay customary law and sometimes manifested in the *seloko*. It is learnt that the customary law plays significant role in regulating people lives and the management of *Lubuk Larangan*. The way the indigenous people maintain and manage the *lubuk* in Jambi by applying the principles contained in the *seloko* reflects an effort for preservation and the need to survive with the nature. Being recognized as a cultural heritage in the context of intellectual property, the *lubuk* management is in line with conservation principles that are recognized and approved by the global community.

Indigenous peoples around in Jambi are advised to manage and utilize the *Lubuk Larangan* through a set of regulation by the *adat* apparatus. Customary instruments need to form village regulations based on customary norms. Given the potentials the *Lubuk Larangan* shall have as economic supporting and ecotourism as well as the aquatic ecosystems contained in the *lubuk*, it always urgent the local government support aspect related to the management of the *Lubuk Larangan* for its sustainability.

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