

# Law Community of “Tatar-Sunda”: Preservation of Forests and Climate Change

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## Law Community of "Tatar-Sunda": Preservation of Forests and Climate Change

*Comunidad jurídica de "Tatar-Sunda": preservación de bosques y cambio climático*

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### RESUMEN

Este artículo describe la sabiduría de la comunidad consuetudinaria de Tatar Sunda para preservar las funciones de los bosques que pueden contribuir a los esfuerzos de mitigación del cambio climático que se producen. Este artículo es el resultado de un estudio que utiliza un método de enfoque jurídico sociológico. Se realizan estudios de campo para obtener datos primarios a través de técnicas de entrevista y observación. Los resultados de este estudio explican que a través del establecimiento de áreas de manejo y protección forestal, puede prevenirse la destrucción del bosque, mantener el equilibrio y la armonía del ambiente circundante frenando la ocurrencia del cambio climático.

**Palabras clave:** Balance de vida, cambio climático, destrucción de bosques, funciones de los bosques, sociedad de derecho indígena.

### ABSTRACT

This article outlines the wisdom of the Tatar Sunda customary community in preserving the functions of forests that can contribute to climate change mitigation efforts. This paper is the result of a study that uses a sociological juridical approach method. Field studies are conducted to obtain primary data through interview and observation techniques. The results of this study explain that through the establishment of forest protection and management areas, it can be prevented forest destruction, maintain the balance and harmony of the surrounding environment slowing down the occurrence of climate change.

**Keywords:** Balance of life, climate change, forest destruction, functions of forests, indigenous law society.

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4



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## INTRODUCTION

When environmental problems occur naturally from a natural process that does not cause a significant impact on the living environment system itself. Environment could recover himself and find a new balance so that it can naturally be restored to normal. But now, as the growth of population increase human needs, have an impact on the environment. Various problems arise as a result of human activities that are not environmentally (Adelman: 2015; Law et al.: 2018; Hălbac-Cotoară-Zamfir et al.: 2019).

Environmental issues continue to occur with an area of distribution that is not only local and regional but has to be global. The impacts that occurred on the environment is not just related to one or two terms, but the latch-hooks to suit the nature of the environment that has a multi-chain relationships subsystems influence each other (Mcdowell & Allen: 2015; Ahmad & Ahmad, 2018). If one aspect of the environment affected by the problem, then the various other aspects will experience the impact or effect anyway (Kremen et al.: 2000; Lambin et al.: 2018).

One of the global environment problems is the issue of climate change. Climate change, cannot be separated from global warming. Global warming is the increase in the intensity of the events of the Greenhouse Effect (ERK) (Duarte et al.: 2013). The greenhouse effect occurs because of the gas in the atmosphere that absorbs the heat rays, that infrared rays, emitted by the earth. The gas is called the Greenhouse Gas (GHG) emissions. With the absorption of heat rays being caught to take the temperature of Earth's surface. Increased surface temperatures have caused climate change (Tehan et al.: 2017; Searchinger et al.: 2018).

Climate change could not be separated from the declining forest functions as a result of human activities, whereas the existence of the forest is important to prevent climate change. Forest destruction could disrupt the cosmic balance of our life itself (Ahmad & Sahar, 2019; Gardner et al.: 2019).

The forest in Indonesia not be separated from the existence of indigenous people's lives and in the vicinity of the forest (Nyong et al.: 2007; Malmshemer et al.: 2008). For indigenous and tribal peoples, where the forest is very important for his existence and survival and life. Forests for indigenous and tribal peoples are their identity. In their interaction with the environment, indigenous and tribal peoples have developed our values and habits to survive and preserve their forests (Ahmad & Ahmad, 2019; Thompson et al.: 2009). But now the forest and its function over time degraded by human activities that are not environmentally sustainable. Activities that do not environmentally friendly, so that the existence of the forest this time of the day is shrinking which gives a considerable impact on the existence of indigenous peoples (Alisjahbana & Busch: 2017; Scarano: 2017; Gabay & Alam: 2017).

In this condition, the necessary change in attitude and human behavior when interacting with the forest for the existence and function of forest remain stable to support human life and other living creatures.

## METHODS

This paper uses a normative juridical approach so that the data used is secondary data related to the wisdom of indigenous and tribal peoples of Sunda, the concept of forest conservation and mitigation to climate change. Analytical description used to describe in detail the wisdom of indigenous and tribal peoples in the conservation of Sunda forests to combat climate change. Data were collected by the study of literature by searching, digging, gathering and analyzing data required. To strengthen the secondary data obtained then performed data collection through interviews conducted as directed using an interview guide has been prepared as a referral.

## RESULTS

### Management and conservation sustainable forest function

Forests according to Article 1 (2) of Law No. 41 of 1999 on Forestry is "A unitary form of landscape ecosystems of biodiversity that is dominated by trees in their natural environment, with the other one cannot be separated". Forest conservation purpose <sup>11</sup> to preserve the remaining forests, as well as maintaining the quality, value, and usefulness of the results. In the context of climate change, the functions of forests are very important. The forest has a function for storing content and absorb carbon dioxide in large enough quantities in addition to other functions, namely as the lungs of the world, a store of water resources, prevent flooding, prevent landslides, etc. . If forests are located in an area that has decreased drastically function, it will harm human life and other living creatures. Therefore, the need for forest conservation efforts for utilization and use of forests in a sustainable and environmentally friendly manner (Streck & Gay: 2017; Vierros: 2017; Scheidel & Work: 2018).

Efforts to sustainable forest conservation cannot be separated from the concept of sustainable development. Sustainable development indicates that one generation cannot use up the resources so that there is nothing left for the next generation. Sustainable development contains the moral responsibility of the next generation to do and enjoy the development result (Nascimbene & Spitale: 2017; Bhan et al.: 2017).

In forestry, the State has full sovereignty to manage forest resources sustainably to meet basic human needs through the national policy of sustainable forest management, to sustain the development of social, economic and ecological interests. Policies and strategies in forest management must consider the survival of forest ecosystems and forest resources and to consider factors outside the forest sector (Jodoin: 2017). Therefore, forestry management needs to pay attention to the principles of forest management and the principle of sustainable, principles of democracy and justice, the principle of solidarity, the principles of openness, and principles of <sup>12</sup> unity. These principles are what make the basis for sustainable forest management efforts to prevent climate change and its impact on humans and other living creatures.

### Preservation of forest function based wisdom of indigenous peoples law Tatar Sunda to reduce climate change

The <sup>1</sup> existence of indigenous and tribal peoples cannot be separated from the presence of large forests because indigenous people in Indonesia live side by side with the forest. For indigenous and tribal peoples, forests are not only used as a place to meet the needs of their lives but the forest is an identity and a part of the lives of indigenous and tribal peoples in which indigenous and tribal peoples perceive themselves part of the forest environment (Brugnach et al.: 2017). Through the forest, indigenous and tribal peoples do activities harvesting and forest management to meet the needs of his or her daily life.

In the conservation of forests and forest management, indigenous and tribal peoples always based on local knowledge which constitutes the values prevailing in a society customary law. Those values are believed to be the truth and referred to the activities and behavior of indigenous peoples. Local wisdom therein contains elements of creativity and intelligence of local knowledge of the community. In the context of forest conservation, the local knowledge of indigenous communities to function as a piece of advice, social, ethical and moral. In this case, indigenous communities customary law contains three important elements, namely religious, norms and knowledge.

Concerning forests, indigenous and tribal peoples have the belief that every element of the environment have magical powers, and nature is the subject of law that can communicate through reading the signs or symbols of nature, clad in local knowledge. Customary law community generally believes that forests have guards or "penunggunya", so that the forest is considered as a sacred place that should be preserved and maintained.



## DISCUSSION

In the preservation of forest functions as an effort of prevention and reduction of climate change, indigenous and tribal peoples have the wisdom of its own in the preservation of forests. They have certain forestry communal area and has the traditional institutions that can protect, manage, exploit and preserve their communal territory. For indigenous and tribal peoples to protect, manage, exploit and preserve their communal forests in the region is a tradition inherited that must be maintained.

In the context of the preservation of forest functions as an effort to mitigate climate change, indigenous people in Tatar Sunda always refer to the values of local wisdom, which is to divide the forest area in the three functions, namely leuweung deposit, leuweung cover, and leuweung claim. Based on the division of the region, indigenous and tribal peoples Tatar Sunda, have known the area division function based on conservation, protection, and production. The division of the region is believed to maintain a balance so that the forest ecosystem carbon sequestration can be run with the maximum and make permanent forests can provide its functions to meet the needs of humans and other living beings and to prevent climate change worse. Furthermore, through the nature of magic-religious-cosmic, indigenous and tribal peoples believe that human beings are part of the natural surroundings cannot be separated from each other. Sundanese society has a philosophy, that man and nature is a united entity. Man is a part of the sub-system of nature "Seller must admit that" to have a very strong sense and inner as well as physical bond. Then, in the indigenous communities of indigenous Tatar Sunda contained "penyakralan" form on forests and the phrase word "taboos," the human relationship with the forest. Penyakralan and expression of the word "taboos" performed by indigenous and tribal peoples of Sunda an attempt to maintain the forest as a protected function so that the existence of the forest is maintained. The violations committed by the community, there is a form of traditional sanctions to be received by offenders to restore the damage occurring forest that forest as a carbon sink function can be maintained and sustainable. Through a pattern of environmental functions such as customary communities to conserve forests sustainably by relying on the values of wisdom once a major role in reducing the impact of climate change.

## CONCLUSION

1. The customary law community in its relationship with the forest has religious-magic properties were indigenous and tribal peoples in forest view as sacred as protection functions.
2. The existence of indigenous and tribal peoples are believed to be needed in the preservation of the function of forests to reduce climate change because it is in relation to forests, indigenous and tribal peoples always based on the values of local wisdom so that the balance of the ecosystem is maintained and able to cope with climate change.
3. Pattern preservation of forest functions performed by indigenous and tribal peoples Tatar Sunda by dividing the area of forest management in the three functions of forests are leuweung deposit, leuweung cover and leuweung claim has been proven to prevent and slow down climate change is happening, but can prevent forest destruction, balancing and the harmony of the surrounding environment.

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