

Reviving Adat Law: The Middle Way between Tradition and Modernity in Ecology

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Abstract

The revitalization of customary law is an effort to integrate traditional values with modernity in sustainable environmental management. Customary law plays a crucial role in maintaining ecosystem balance and ensuring the sustainability of natural resources through principles rooted in local wisdom. However, exploitative economic development and growth-oriented policies often overlook its significance. This study analyzes the challenges, causes, and solutions in revitalizing customary law to create synergy between tradition and modernity. A qualitative approach is employed through in-depth interviews, field observations, and focus group discussions (FGDs) to assess its effectiveness in environmental conservation. The findings indicate that the revitalization of customary law can enhance the effectiveness of natural resource management, strengthen the rights of Indigenous communities, and mitigate conflicts between economic and environmental interests. Integrating customary law into national and international policies, raising public awareness, and fostering cross-sector collaboration are strategic steps to optimize its role in maintaining ecological and economic balance.

Keywords: *Adat Law, Environmental Management, Tradition and Modernity in Ecology*

Abstrak

Revitalisasi hukum adat merupakan upaya untuk mengintegrasikan nilai-nilai tradisional dengan modernitas dalam pengelolaan lingkungan yang berkelanjutan. Hukum adat berperan penting dalam menjaga keseimbangan ekosistem dan memastikan keberlanjutan sumber daya alam melalui prinsip-prinsip yang berakar pada kearifan lokal. Namun, pembangunan ekonomi yang eksploitatif dan kebijakan yang berorientasi pada pertumbuhan sering kali mengabaikan signifikansinya. Penelitian ini menganalisis tantangan, penyebab, dan solusi dalam merevitalisasi hukum adat untuk menciptakan sinergi antara tradisi dan modernitas. Pendekatan kualitatif digunakan melalui wawancara mendalam, observasi lapangan, dan diskusi kelompok terarah (FGD) untuk menilai efektivitasnya dalam pelestarian lingkungan. Hasil penelitian menunjukkan bahwa revitalisasi hukum adat dapat



meningkatkan efektivitas pengelolaan sumber daya alam, memperkuat hak-hak masyarakat adat, dan mengurangi konflik antara kepentingan ekonomi dan lingkungan. Mengintegrasikan hukum adat ke dalam kebijakan nasional dan internasional, meningkatkan kesadaran publik, dan mendorong kolaborasi lintas sektor merupakan langkah strategis untuk mengoptimalkan perannya dalam menjaga keseimbangan ekologi dan ekonomi.

Kata kunci: *Hukum adat, manajemen lingkungan, tradisi dan modernitas dalam lingkungan*

INTRODUCTION

Revitalization of customary law refers to the process of renewing and strengthening traditional legal norms that have developed within Indigenous communities. Customary law not only serves as a social guideline but also functions as a system that governs the relationship between humans and the environment. Previous studies (Berkes, 2012; Colchester, 2004) have shown that customary law can contribute to more sustainable natural resource management. Effective environmental management requires an approach that considers social, economic, and ecological aspects. Research (Gunderson & Holling, 2002; Houghton, 2007) confirms that Indigenous community involvement in natural resource management can enhance conservation effectiveness and support ecosystem sustainability. The debate between tradition and modernity often highlights conflicts between sustainable customary practices and resource exploitation driven by modern economic interests. However, previous studies (Eisenstadt, 2000; Nakashima et al., 2012) suggest that tradition and modernity can coexist and synergize if customary law is integrated into broader environmental policies.

In recent decades, environmental management has become an urgent global concern. Climate change, biodiversity loss, and resource exploitation have sparked debates on more sustainable management methods. In this context, customary law is often overlooked despite its enormous potential to provide locally adapted solutions. Customary law, as a system of norms and practices developed within local communities, is deeply rooted in tradition and culture. Ideally, customary law serves not only as a guideline for social norms and practices but also as a mechanism for preserving ecosystems and biodiversity. This concept is based on the principle that communities have the right and responsibility to protect natural resources, passing down knowledge from generation to generation. Thus, revitalizing customary law should strike a balance between tradition and modernity while also incorporating local knowledge into long-term environmental management (Berkes, 2012).

Customary law is normatively recognized in various national and international legal frameworks. In Indonesia, for instance, Law No. 32 of 2009 on Environmental Protection and Management acknowledges the role of Indigenous communities in natural resource management. However, in practice, customary law is often marginalized by government policies that prioritize economic development. Legal uncertainty and the lack of formal recognition of Indigenous rights pose significant challenges to implementing customary law.

Revitalizing customary law not only preserves tradition but also adapts its values to modern realities. Tradition and modernity are often perceived as opposing forces, yet they can complement each other in environmental management. Many Indigenous communities have developed resource management methods that have proven effective over centuries. Practices such as agroforestry and sustainable fisheries management demonstrate that traditional approaches can offer innovative solutions to contemporary environmental challenges (Natcher, 2001). Therefore, revitalizing customary law is urgently needed to enhance its relevance in modern contexts and contribute to improved environmental management (Colchester, 2004). Legal uncertainty surrounding the recognition of Indigenous rights often hinders the implementation of customary law. Many local communities face threats from unsustainable resource extraction activities and government policies **that disregard** local knowledge. Thus, it is crucial to integrate customary law into national and international legal frameworks to ensure that Indigenous rights are legally protected and recognized. Such recognition would not only strengthen cultural identity but also improve the effectiveness of environmental management (Colchester, 2004).

The revitalization of customary law is also linked to community participation in decision-making regarding resource management. This participation fosters a sense of ownership and responsibility among community members, increasing the likelihood of success in environmental management programs. Through active involvement, communities can develop policies that reflect their values and needs while preserving their **extensive** local knowledge. A participatory approach is essential for creating more inclusive and equitable solutions (Pretty, 1995). The conflict between dominant economic interests and environmental sustainability is a significant challenge **to** revitalizing customary law. Resource exploitation activities, such as mining and deforestation, often disregard long-established local wisdom. Decision-making processes frequently exclude Indigenous communities that depend on natural resources, leading to the neglect of their rights. Furthermore, the loss of local knowledge due to modernization poses an additional challenge **to** preserving customary law.

Another key challenge in revitalizing customary law is raising awareness and gaining broader support. Many people still fail to recognize the importance of customary law in environmental management. Therefore, education and outreach programs emphasizing the values of customary law should be prioritized. Increasing public understanding of its potential can foster greater support for integrating these practices into environmental policies (Nakashima et al., 2012). Thus, efforts are needed to identify and address the various obstacles hindering the revitalization of customary law in environmental management (Natcher, 2001). Research has shown that customary law can be a critical foundation for sustainable natural resource management. According to Berkes (2012), communities that rely on local knowledge and customary law in resource management tend to achieve better outcomes in preserving biodiversity and ecosystem health. In many regions, Indigenous-based management practices have proven more effective at ensuring

sustainability than approaches relying solely on modern technology. These findings indicate that revitalizing customary law is not only a moral obligation but also an effective strategy for achieving sustainability goals (Berkes, 2012; Nakashima et al., 2012).

Overall, revitalizing customary law is crucial for balancing tradition and modernity in environmental management. By recognizing and integrating customary law, natural resource management can be conducted sustainably and in alignment with local needs. This approach preserves Indigenous cultures and identities while also contributing to global efforts to protect the environment for future generations. In addressing global challenges, collaboration among Indigenous communities, governments, and international organizations is essential for achieving sustainability goals (Berkes, 2012). This study aims to analyze how the revitalization of customary law can be integrated into broader environmental management frameworks. Specifically, it explores the role of customary law in natural resource management, identifies challenges, and offers recommendations to optimize its application in modern contexts. By understanding and addressing existing issues, this research seeks to make a significant contribution to the development of more inclusive and sustainable environmental policies.

The hypothesis proposed in this study is that revitalizing customary law can enhance the effectiveness of natural resource management by creating a synergy between tradition and modernity. By integrating customary law into environmental policies, more sustainable and community-oriented practices are expected to be developed. Additionally, enforcing Indigenous rights in decision-making processes can reduce conflicts and improve the success of resource management programs (Pretty, 1995). This research highlights the importance of revitalizing customary law in environmental management, focusing on Indigenous communities with strong traditional legal systems. A qualitative approach is employed to explore the relationship between tradition and modernity in resource management and how customary law can contribute to environmental sustainability (Berkes, 2012; Colchester, 2004). The study finds that customary law is often more effective in ecosystem conservation than modern, exploitative approaches. Moreover, revitalization efforts can strengthen local rights and increase community participation in environmental decision-making (Nakashima et al., 2012).

During the research process, various methods, such as in-depth interviews, field observations, and focus group discussions (FGDs), were employed to gain a deeper understanding of customary law practices in environmental management (Creswell, 2014). The collected data was analyzed using qualitative methods, including thematic coding and narrative analysis, to identify patterns and factors influencing the effectiveness of customary law in natural resource conservation (Houghton, 2007). Through this comprehensive approach, the study aims to provide more holistic and sustainable policy recommendations for environmental management, considering not only economic aspects but also local wisdom and Indigenous rights (Dale & Egan, 2011).

DISCUSSION

Economic Conflicts and Environmental Sustainability: Revitalization of Customary Law and Raising Public Awareness

The food and drink consumed will directly affect the body both physically and psychologically. So important is the issue of clarity, halalness, and hygiene of the food and drink that enter the human body, that Allah SWT emphasizes this matter in accordance with the aforementioned evidence. The food and drink that we consume will become our blood and flesh, which must certainly be free from any haram elements. Intensive resource exploitation is another factor contributing to the disruption of the balance between tradition and modernity. Mining, deforestation, and resource extraction are conducted on a massive scale, often using environmentally destructive approaches (Houghton, 2007). In this context, the actions of large corporations and government policies that prioritize financial gains lead to severe ecosystem damage (Berkes, 2012). These activities not only impact biodiversity but also destroy traditional knowledge that has been preserved for centuries (Nakashima et al., 2012). The involvement of local communities in resource management is key to addressing this issue, yet their voices are often unheard in decision-making processes (Colchester, 2004).

Ignoring local wisdom is one of the greatest threats to maintaining the balance between tradition and modernity (Natsir & Andi, 2020). Traditional knowledge related to natural resource management held by local communities is often unrecognized in modern policies (Berkes, 2012). This knowledge includes sustainable practices that have proven effective in preserving ecosystems (Nakashima et al., 2012). However, modernization often introduces approaches that disregard these values, leading to the loss of local knowledge (Natcher, 2001). The injustice in decision-making processes further exacerbates the situation, as Indigenous communities are not adequately empowered to participate in resource management that directly affects their lives (Colchester, 2004). One of the primary barriers to balancing tradition and modernity in environmental management is the clash between economic and environmental interests. Corporate lobbying often influences government policies, prioritizing short-term profits without considering environmental consequences (Gunderson & Holling, 2002). In many cases, environmentally harmful development projects receive greater support than sustainable conservation efforts (Houghton, 2007). This creates uncertainty for local communities dependent on natural resources, often leading to conflicts between economic proponents and those advocating for environmental protection (Colchester, 2004; Berkes, 2012).

Weak legal enforcement is another significant factor hindering the balance between tradition and modernity. Many existing laws and regulations are not properly implemented, leading to illegal resource exploitation (Natcher, 2001). The inability of law enforcement authorities to monitor and take action against environmental law

violations worsens the situation (Dale & Egan, 2011). On the other hand, local communities often lack access to legal mechanisms needed to protect their rights (Berkes, 2012). As a result, more sustainable management practices are often overlooked, and customary laws that should safeguard the environment become ineffective (Colchester, 2004; Nakashima et al., 2012). Social and economic inequalities also contribute to challenges in preserving the balance between tradition and modernity. Underprivileged communities are often forced to sacrifice sustainable practices to meet urgent economic needs (Houghton, 2007). Limited access to education and resources makes them more vulnerable to exploitation by external parties seeking profit (Nakashima et al., 2012). Additionally, social injustice often leads to dissatisfaction, triggering community conflicts (Gunderson & Holling, 2002). Efforts to improve community welfare must be carried out alongside conservation efforts to ensure that no group feels marginalized (Berkes, 2012).

In the context of conflicts between economic and environmental interests, one of the main challenges is the lack of public understanding and awareness regarding the importance of customary law in sustainable natural resource management. Many people, including policymakers and industry players, still perceive customary law as irrelevant to modernity and economic growth (Colchester, 2004). Therefore, increasing public understanding and awareness is a strategic step toward strengthening the role of customary law in maintaining the balance between tradition and modernity in environmental management.

Here are some solutions that can be implemented:

1. **Implementing Educational and Awareness Programs on Customary Law and Sustainability.** A lack of public knowledge about the benefits of customary law in environmental conservation often leads to its marginalization in environmental policies (Berkes, 2012). Therefore, education and awareness campaigns for the general public, including younger generations, are crucial. Some strategies include: integrating materials on customary law and environmental management into formal education curricula (Pretty, 1995); conducting community-based awareness programs that involve Indigenous leaders, academics, and environmental activists to disseminate information about the importance of customary law in ecosystem sustainability (Nakashima et al., 2012); and developing educational media such as documentaries, books, and digital content that illustrate the role of customary law in natural resource management (Houghton, 2007).
2. **Enhancing the Role of Media in Public Awareness Campaigns.** The media plays a crucial role in building public awareness of customary law and its impact on environmental sustainability. Unfortunately, issues related to customary law often receive little attention in mainstream media coverage (Natcher, 2001). Some strategies that can be implemented include: increasing media coverage of Indigenous

communities' successes in sustainable environmental management (Colchester, 2004); running digital and social media campaigns to disseminate information about customary law and the importance of community involvement in environmental protection (Dale & Egan, 2011); and strengthening collaboration between the media, government, and environmental organizations to provide evidence-based information on the role of customary law in conservation (Gunderson & Holling, 2002).

3. **Involving Indigenous Communities in Public Forums and Decision-Making Processes.** Indigenous communities are often excluded from policy forums or public discussions on environmental and development issues, despite their valuable experience and knowledge in resource management (Natsir et al., 2024). To improve public awareness and recognition of customary law, several steps can be taken. Establishing dialogue forums that bring together Indigenous communities, government officials, academics, and the private sector to discuss the integration of customary law into environmental policies (Colchester, 2004); Providing greater representation for Indigenous communities in environmental policy formulation at both national and regional levels (Nakashima et al., 2012); And Increasing transparency in decision-making related to resource exploitation, allowing Indigenous communities to directly contribute to policies affecting their territories (Berkes, 2012).
4. **Government, Academic, and NGO Partnerships for Customary Law Advocacy.** The revitalization of customary law requires support from various stakeholders to be effectively recognized and implemented within modern legal systems. Strategic partnerships between government agencies, academics, and non-governmental organizations (NGOs) can help strengthen public awareness of the importance of customary law in environmental management (Dale & Egan, 2011). Some strategies include: Conducting academic research and publications highlighting the effectiveness of customary law in ecosystem and resource conservation (Houghton, 2007); Developing pilot models demonstrating how customary law can be integrated into modern policies, providing a reference for governments and other stakeholders (Gunderson & Holling, 2002) and advocating for regulations that strengthen Indigenous rights in environmental management, such as local laws recognizing customary law in natural resource governance (Natsir et al., 2024).

By implementing these solutions, the revitalization of customary law can serve as an effective mechanism for harmonizing tradition and modernity, promoting a more sustainable future for both Indigenous communities and the environment.

Reconciling Tradition and Modernity in Environmental Management: Challenges, Causes, and Strategies for Ecological and Economic Balance

The failure to maintain a balance between tradition and modernity in environmental management has severe implications, including increased ecosystem degradation and biodiversity loss. This **imbalance** leads to extensive negative impacts on communities that rely on natural resources (Berkes, 2012). When policies prioritize economic growth over sustainability, local communities often suffer, losing access to the resources they depend on for survival (Nakashima et al., 2012). Excessive resource exploitation results in environmental destruction, which in turn threatens the survival of cultural traditions and practices that have existed for centuries (Houghton, 2007). The lack of capacity to maintain this balance also creates challenges in developing effective policies. This deficiency leads to policies that fail to respond to the needs of local communities and the environment (Nakashima et al., 2012). Policies disregarding local perspectives tend to fail in implementation, leading to wasted resources and conflicts (Colchester, 2004). This cause-and-effect dynamic highlights the urgent need to design more inclusive and adaptive policies that incorporate community voices in decision-making (Gunderson & Holling, 2002).

One of the primary challenges in natural resource management is the conflict between environmental and economic interests. The imbalance between economic exploitation and environmental conservation leads to ecosystem degradation, biodiversity loss, and the weakening of customary law in environmental governance (Berkes, 2012; Colchester, 2004). Therefore, revitalizing customary law is essential for achieving a balance between tradition and modernity in resource management. Some of the key factors contributing to this conflict include:

1. **Policy Orientation That Prioritizes Economic Growth.** Government policies often prioritize industrial, mining, and large-scale agricultural sectors above environmental sustainability. These industries receive preferential treatment in development policies, often at the expense of ecosystems and Indigenous rights (Gunderson & Holling, 2002). As a result, intensive natural resource exploitation frequently disregards sustainable management systems based on customary law (Natcher, 2001).
2. **Weak Enforcement of Environmental and Customary Laws.** Despite the existence of various environmental protection regulations, weak law enforcement allows rampant illegal exploitation and ecosystem destruction. Many companies that violate environmental regulations escape strict penalties due to corruption and poor oversight (Dale & Egan, 2011). Additionally, customary law often lacks legal recognition within national judicial systems, making it difficult for Indigenous communities to defend their rights to land and resources (Colchester, 2004; Natsir et al., 2024).
3. **Limited Participation of Indigenous Communities in Decision-Making.** Environmental management policies are often formulated without meaningful participation from Indigenous communities, despite their valuable traditional

knowledge for ecological preservation (Pretty, 1995). This exclusion results in policies that fail to align with local needs, exacerbating conflicts between economic and environmental interests (Nakashima et al., 2012).

4. **Social and Economic Disparities.** Economic inequality significantly contributes to conflicts between environmental and economic interests. Indigenous communities facing economic vulnerability are often compelled to sell or convert their land for industrial or mining purposes to meet immediate financial needs (Houghton, 2007). Their limited access to education and resources necessary for maintaining sustainable environmental management further exacerbates this issue (Berkes, 2012).
5. **Modernization and the Loss of Traditional Knowledge.** Rapid modernization has led to the gradual erosion of traditional practices and wisdom in natural resource management. The dominance of industrial-based exploitation methods has displaced longstanding sustainable systems rooted in local environmental knowledge (Eisenstadt, 2000). This loss diminishes Indigenous communities' capacity to safeguard their ecosystems, posing significant challenges to environmental conservation (Natcher, 2001).

To effectively address these challenges, the revitalization of customary law presents a strategic approach to reconciling economic interests with environmental conservation. Customary law offers substantial potential for sustainable natural resource management, as it is deeply rooted in centuries-old local wisdom (Berkes, 2012). The following steps can be undertaken to support this effort:

1. **Strengthening the Legal Recognition of Customary Law.** Governments should adopt policies that formally incorporate customary law into environmental management frameworks, including enacting regional regulations (*Perda*) that safeguard Indigenous rights (Natsir et al., 2024).
2. **Enhancing Indigenous Participation.** Indigenous communities must be actively engaged in policy formulation and implementation to ensure that decisions align with their needs and sustainability principles (Colchester, 2004).
3. **Promoting Multisectoral Collaboration.** Governments, academia, the private sector, and Indigenous communities should collaborate in developing environmental management models that integrate customary law with modern sustainability practices (Pretty, 1995).
4. **Raising Awareness and Education on Customary Law.** Educational initiatives highlighting the significance of customary law in environmental governance should be expanded to enhance understanding among communities and policymakers (Nakashima et al., 2012).

Implementing these measures can revitalize customary law, positioning it as a key mechanism for balancing tradition and modernity while promoting more inclusive and

sustainable environmental management. Achieving environmental sustainability requires accommodating diverse interests and harmonizing traditional knowledge with modern economic imperatives. Customary law, which has long played a crucial role in upholding ecological values, must be formally recognized and reinforced as an essential instrument in environmental governance. By integrating customary law into contemporary policies, enhancing community participation, and fostering multisectoral collaboration, societies can establish a just and sustainable equilibrium between ecological preservation and economic development.

CONCLUSION

The findings and discussions presented in this study lead to the following conclusions that the conflict between economic interests and environmental sustainability presents a major challenge in balancing tradition and modernity within natural resource management. Unregulated environmental exploitation often neglects customary laws and local wisdom, which have been proven effective in ecosystem conservation. Addressing this imbalance requires strategic interventions, including enhancing public awareness and understanding of customary law, optimizing the role of media in environmental advocacy, and ensuring the meaningful participation of Indigenous communities in decision-making processes. Furthermore, partnerships among governments, academic institutions, and non-governmental organizations are essential in strengthening the role of customary law within modern environmental policies. By adopting a more inclusive approach grounded in social justice, the revitalization of customary law can serve as a viable solution for achieving sustainable environmental management that harmonizes ecological preservation with economic development.

The conflict between tradition and modernity in environmental management poses significant challenges, resulting in ecosystem degradation, biodiversity loss, and the weakening of customary laws in regulating natural resource balance. This disparity is further exacerbated by policies that prioritize economic growth over environmental sustainability, weak law enforcement, limited Indigenous participation, and the erosion of traditional knowledge due to modernization. Addressing these challenges requires the revitalization of customary law as a strategic solution by strengthening its legal recognition within national regulatory frameworks, enhancing Indigenous community participation, and fostering multisectoral collaboration. Governments, academic institutions, the private sector, and Indigenous communities must work collectively to formulate policies that are more inclusive, sustainable, and aligned with local wisdom. Through this approach, a balance between tradition and modernity in environmental governance can be achieved, ensuring a more equitable integration of ecological preservation and economic development.

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