

THE ROLE OF CUSTOMARY LAW IN THE GOVERNANCE OF SUSTAINABLE AGRARIAN CULTURE IN LOCAL COMMUNITIES

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Abstract

How to cite this paper: Handayani, E., & Suparno. (2023). The role of customary law in the governance of sustainable agrarian culture in local communities. *Corporate Law & Governance Review*, 5(1), 29–37. <https://doi.org/10.22495/clgrv5i1p3>

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ISSN Online: 2664-1542

ISSN Print: 2707-1111

Received: 08.02.2022

Accepted: 20.02.2023

JEL Classification: H79, Q56, Q58

DOI: 10.22495/clgrv5i1p3

Along with massive environmental damage due to an industrial-oriented economy, local wisdom, as a means of social control and shared values that guide the lives of local people, has become a bastion of environmental preservation that can maintain a balance between the needs of local life and the sustainability of the ecological environment. This study seeks to explore the role of customary law as local wisdom rooted in the community in protecting the environment based on the theories developed by Edwards et al. (1993) and Kiwfo et al. (2021) regarding local wisdom in agricultural sustainability. This study uses an empirical approach based on legal anthropology by observing the reality of the rituals of the *Bekayaq Pataq Pare* tradition, which is carried out jointly by traditional leaders and the Sasak people. The results show that indigenous people value natural products for economic intent and seek reciprocal respect for nature and glorify rice through the *Bekayaq Pataq Pare* tradition. In general, local wisdom is useful for local communities to balance the needs of safe and prosperous agriculture while preserving the environment.

Keywords: Local Wisdom, Sustainable Agriculture, Natural Preservation, Indigenous People, Legal Anthropology

Authors' individual contribution: Conceptualization — E.H.; Methodology — E.H. and S.; Data Curation — E.H. and S.; Formal Analysis — E.H.; Writing — Original Draft — E.H. and S.; Writing — Review & Editing — E.H.

Declaration of conflicting interests: The Authors declare that there is no conflict of interest.

Acknowledgements: The Authors would like to thank all parties who have assisted with this research, heads of Jerowaru village and districts and their staff, as well as traditional leaders of Jerowaru village. The Authors also thank fellow lecturers and students from the State Islamic University of Mataram who have helped carry out the field research. Sincere thank goes out to the Dean of the Faculty of Law, Diponegoro University who has provided administrative facilities in the form of licensing for the implementation of research activities.

1. INTRODUCTION

The values of local wisdom are cultural, so traditional currents are properly maintained by maintaining traditions related to rituals and the environment (Lullulangi et al., 2015;

Kongprasertamorn, 2007). Likewise, the *Bekayaq Pataq Pare* tradition is a traditional ritual of the Sasak people that has an agrarian concept related to the implementation of rituals on the importance of maintaining tradition and harmony between indigenous people and as

an effort to remember their ancestors to give life blessings to the conservation of the agrarian environment of the local community. It is deemed as a process of conservation of the agrarian nature that they have occupied so far to maintain this tradition.

The implementation of customary law is usually supported by traditional leaders, indigenous people, and the central/regional government to preserve traditions. In the case of tradition, the general goal to be achieved is to maintain the sacredness of these traditional rituals for tourism and environmental preservation. This study aims to provide an overview of the agrarian condition of the Sasak people as a tourist attraction through the preservation of the tradition of *Bekayaq Pataq Pare* to maintain environmental sustainability. Previous studies have underlined the important role of local wisdom in preserving the environment, which is useful for encouraging eco-based tourism (Lisdiyono, 2017; Utomo, 2019; Hammar, 2019; Bethel et al., 2022; Kiwo et al., 2021; Adityanandana & Gerber, 2019; Syaifi et al., 2021).

According to Funk and Wagnalls, the term tradition is defined as knowledge, doctrine, habits, and others, which are understood as the knowledge that has been inherited traditionally from generation to generation, including the method of delivering doctrine (Leach & Fried, 1984). So, tradition is a habit that people from the past have carried out until now. Muhaimin (1995) said that tradition is sometimes equated with traditional words in the view of the community that it is understood as the same structure, with the aim that people follow customary rules. Furthermore, Redfield (1955) says that tradition is divided into two. First, a great tradition of their own, by itself, includes a relatively small number of people. Second, a little tradition is a tradition that comes from the majority of people who have never thought deeply about the traditions they have. Thus, they never know what the habits of the people used to be because they do not care about their culture. On the other hand, Cannadine (2008) considers tradition as a new institution dressed in such a way that it not only has the allure of antiquity against the times but also becomes an amazing creation.

Several traditions from several countries that are still running now are still preserved. They are highly respected by each country that owns them, including the Madagascar Merina Tribe, which has a unique and sacred ritual called the Famidihana, the Aboriginal Tiwi Culture Ceremony in Australia, and the La Tomatina festival in the village Buñol in the south of Spain (the Tomato wars).

One of the traditions in Asia, especially in Indonesia, is the *Bekayaq Pataq Pare* which is of the Sasak indigenous people of the island of East Lombok, West Nusa Tenggara, Indonesia. This tradition is a ritual that traditionally focuses on farmers' respect for rice as the staple food of Indonesian people in general. In particular, the community believes this tradition can maintain a sustainable agrarian concept. As the main livelihood, respect for agricultural products is a sign that indigenous people care about their customs in agriculture, by carrying out irrigation with due regard to natural capabilities and carried out harmoniously based on mutual benefit (Astoria et al., 2021; Mojo et al., 2017). As a result,

agriculture and the natural environment are always maintained for the welfare of the Sasak people in East Lombok, Indonesia.

Over time, the values of local wisdom in indigenous peoples in Indonesia often occur in conflicts between ethnic and religious groups to obtain legal protection. For this reason, it is necessary to study the fulfillment of the rights of indigenous peoples in carrying out customary traditions with a comparative approach to legal anthropology.

This research was conducted to find out how the existence of legal protection against the *Bekayaq Pataq Pare* tradition on the behavior of Bekayaq perpetrators in an empirical legal anthropology approach that was studied with the theory of behavior change of Bekayaq actors in the agrarian Sasak community tradition. Also, to find and analyze the wisdom of indigenous people in protecting traditions, especially *Bekayaq Pataq Pare* in the Sasak community concerning the current legislation regarding the inhibiting factors and external supporting factors found in indigenous people towards their implementation and identifying the *Bekayaq Pataq Pare* in the Sasak Community of East Lombok, West Nusa Tenggara, Indonesia, regarding the support of traditional leaders, indigenous people, and the Central/Regional Government for the *Bekayaq Pataq Pare* tradition in maintaining the sacredness of these traditional rituals.

The behavior of the Sasak community with the culture of *Bekayaq Pataq Pare* has the characteristics of local traditions and potentials that accommodate it. The order of social values, local wisdom, and cultural values in the ritual tradition process involves various forms of interaction in the Sasak community through philosophical objects and words.

The behavior of customary law communities is rooted because it is based on values believed to be true as the embodiment of customs and culture that have been passed down from generation to generation and are considered a means of social control and religious values that guide human life. If there is a deviation, there will be a change in the behavior of the Sasak people who do not carry out traditional rituals so that there will be a catastrophe for seven generations of the Sasak community.

In an empirical approach, legal anthropology is defined as an approach that looks at the reality of the rituals of the *Bekayaq Pataq Pare* tradition by directly observing and interviewing traditional leaders, indigenous people, and the Regional Government of East Lombok Regency. In the reality that occurs in the Sasak community, it means that the *Bekayaq Pataq Pare* tradition is the embodiment of the village meaning of the Sasak people who used to glorify rice and the Sasak people as farmers who want to be safe, healthy, prosperous, and can maintain their survival relationship between humans and nature, humans with humans, humans with supernatural beings, humans with God, and can maintain harmony in all aspects of life as a manifestation of the welfare of the Sasak community, Jerowaru village, Jerowaru district, East Lombok Regency, West Nusa Tenggara Province.

The structure of this paper is as follows. Section 2 reviews the literature and discusses local wisdom and the concept of agrarian society in the legal anthropology approach. Section 3 presents the research methodology, where the sample in this study uses a socio-legal study conducted in the Sasak community of East Lombok in Jerowaru village, Jerowaru district, East Lombok Regency, West Nusa Tenggara Province, to gain knowledge about the relationship between law and society as well as the factors that influence the implementation of law in the community, especially regarding the role of local wisdom in preserving the environment. Section 4 provides the results showing that indigenous people value natural products not only for economic purposes but also respect nature and glorify rice through the *Bekayaq Pataq Pare* tradition. Section 5 discusses the *besiru* local wisdom in the Sasak community, where it can be concluded that the values of local wisdom of the Sasak people are faith in God Almighty, tolerance, cooperation with others, respect for the opinions of others, understanding, and acceptance of the culture community, critical and systematic thinking, non-violent conflict resolution, ability to change lifestyle and consumptive habits, sensitivity to the difficulties of others, willingness and ability to participate in the social life of the Sasak community. Section 6 concludes the paper.

2. LITERATURE REVIEW: LOCAL WISDOM AND ENVIRONMENTAL SUSTAINABILITY

2.1. Local wisdom

Local wisdom in the discipline of anthropology is also known as local genius. This local genius is a term that Quaritch Wales first introduced. Previous studies have discussed at length the notion of local genius (Nemes et al., 2019; Sibarani, 2018; Purnamawati et al., 2015; Suprapti et al., 2019). Roszczyńska-Kurasinska et al. (2021) stated that local genius is part of the cultural identity and collective personality. Local wisdom in the discipline of anthropology is also known as local genius. Local genius is a term that was first introduced by Quaritch Wales (Ayatrohaedi, 1986). Soebadio (1985) stated that local genius is part of the cultural identity/personality of the nation's culture, which causes the nation to absorb and cultivate foreign cultures according to their own character and abilities (Ayatrohaedi, 1986).

Meanwhile, Moendardjito (1986) stated that the elements of regional culture are the potential of local geniuses because their ability to survive has been tested until now. The characteristics of local wisdom are 1) able to withstand the outside culture; 2) the ability to accommodate elements of a foreign culture; 3) the ability to integrate elements of foreign culture into the original culture; 4) the ability to control; 5) able to give direction to the development of culture. Sibarani (2012) states that local wisdom is the original wisdom and knowledge of a society that comes from the noble values of cultural traditions to regulate the order of people's lives. In this case, local wisdom is cultural values and can be used to organize people's lives to achieve increased welfare and establish peace (Ayatrohaedi, 1986). Sibarani (2012) stated that local wisdom could be understood as cultural values,

traditional ideas, and local knowledge that are wise, full of wisdom, good value, and virtuous owned by community members in managing their social life.

Local wisdom is obtained from cultural traditions or oral traditions because local wisdom is the content of oral traditions or cultural traditions, which are passed down from generation to generation and used to organize the social life of the community in all fields of life. Local wisdom is a local cultural value that can be used to regulate the life of the community wisely and wisely. Local wisdom becomes important and useful when local people who inherit the knowledge system are willing to accept and claim it as part of their lives. In that way, local wisdom can be called the soul of local culture. It can be seen from the expression of local wisdom in everyday life because it has been internalized very well; every part of the life of local people is wisely directed based on their knowledge system, which is not only useful in daily activities and interactions with others, but also in situations — unexpected situations such as disasters that come suddenly (Stepień et al., 2016). Local wisdom contained in the community contains many noble values of the nation's culture, which are still strong as the identity of the Indonesian nation, but on the other hand, the value of local wisdom is often ignored because it is not in accordance with the development of the era. In fact, from the value of local wisdom, noble values can be promoted, which can be used as instruments to strengthen environmental sustainability (Vitasurya, 2016; Chin et al., 2017).

Local wisdom is seen as very valuable and has its own benefits in social life in accordance with the situation, conditions, abilities, and values that are lived in the community concerned. In other words, local wisdom is part of their wise way of life to solve the life problems they face, and thanks to local wisdom, they can carry on their lives and can even develop environmental management sustainably (Permana et al., 2021; Nene, 2012). In this regard, the law of reciprocity applies, namely doing good to things, then things will do good to us, or believing that everything on earth must live and work in harmony, respect each other, take care of each other, and should not hurt each other so that the adaptation and development of the Sasak community related to the religious system are achieved in the behavior of *Bekayaq Pataq Pare* as a cultural identity and various traditions and rituals owned by the Sasak community, Jerowaru village, Jerowaru district, East Lombok Regency, West Nusa Tenggara Province.

Local wisdom is concluded as the personality of the community's cultural identity in the form of values, norms, ethics, beliefs, customs, and special rules that are accepted by the community and tested for their abilities so that they can survive continuously (Sartini, 2009; Nene, 2012). In this context, indigenous people who still maintain and exist in their local wisdom become inseparable in developing local wisdom to strengthen environmental sustainability. In other words, local wisdom is part of their wise way of life to solve the problems they face, and thanks to local wisdom, they can continue to live and can even develop sustainable environmental management, as in the research of Lisdiyono (2017), Sibarani (2018), Hammar (2019), Sujana (2020) and Andriansyah et al. (2021).

2.2. The concept of agrarian society in legal anthropology approach

The *Bekayat Pataq Pare* tradition is a traditional ritual that has an agricultural concept related to the implementation of the ritual of the importance of maintaining tradition and harmony among indigenous people, and an effort to remember their ancestors to give life blessings to the conservation of the local community's agrarian environment.

By referring to this research, it is concluded that the agrarian concept in the legal anthropological approach uses an empirical approach, namely the reality of rice cultivation with other names *meriti desa/meriti dusun* believed to be able to maintain the agrarian concept, which is a sign that indigenous peoples still care about their customs in the field of agriculture irrigation, and agriculture is always maintained for the welfare of the Sasak people in East Lombok. So, it can be said that the Sasak people are trying to maintain the existence of the *Bekayaq Pataq Pare* tradition for the sacralization of the ritual tradition.

The *Bekayaq Pataq Pare* tradition has focused on the procedures or rituals of carrying out the rice-

growing tradition as the staple food of Asian society. As a result, agriculture and the natural environment are always maintained for the welfare of the Sasak people in East Lombok, Indonesia.

3. RESEARCH METHODOLOGY

This study discussed the existence of environmental protection for the *Bekayaq Pataq Pare* tradition on the behavior of local actors in an empirical approach to legal anthropology and how the tradition is studied with the theory of behavioral change in actors in the agrarian community. This study was conducted in the Sasak community of East Lombok in Jerowaru village, Jerowaru district, East Lombok Regency, West Nusa Tenggara Province. This research aims to find and analyze the wisdom of indigenous people in protecting traditions, especially *Bekayaq Pataq Pare* in the Sasak community of East Lombok, West Nusa Tenggara, related to the current laws and regulations concerning the inhibiting factors and external supporting factors found in the community.

Figure 1. The geographic location of the Jejawaru subdistrict



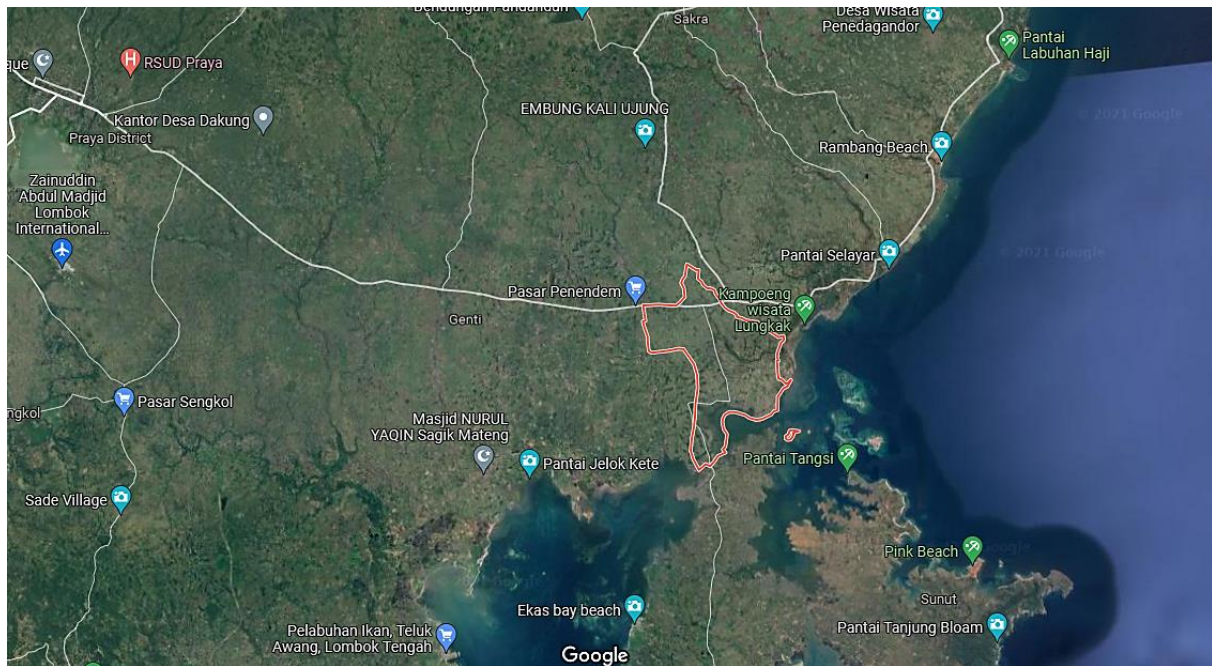
Source: Google Maps, 2021.

This type of legal research is an overall picture of how to examine the problem that will be used in legal research. This research also uses socio-legal studies aimed at gaining knowledge about the relationship between law and society and the factors that influence the implementation of law in society, especially regarding the role of local wisdom in preserving environmental sustainability. This study is generally carried out by conducting direct research in the field to collect data. Thus, in this approach, the law is not only seen as a written or unwritten legal norm (*das sollen*). The law is also seen as a social, cultural, and behavioral basis.

4. RESULTS

This section explores the implementation of tradition and its relationship with the preservation of the ecological environment. The *Bekayaq Pataq Pare* tradition is carried out once a year, starting planting in January, February, March, and April. An implementation may change depending on where it rains. If the rain comes earlier, then the implementation of the tradition will be accelerated. The community will hold a ritual to ask God for rain before it rains every year before planting. The tradition is carried out using a tool to cut rice/sticky rice and a hat made of woven bamboo. The local government recognizes this tradition in a standard rule that indigenous people

Figure 3. Spatial domination of agriculture in Jerowaru village



Source: Google maps, 2021.

In the agricultural life of the Sasak people, there is local wisdom in the form of cooperation or mutual cooperation (*besiru*). This tradition is a form of social behavior of the Sasak people related to the problem of solidarity, among others. The *besiru* tradition is a mutual cooperation activity working in the fields, starting from managing agricultural land and planting to harvesting in turns without being paid. In other areas of Lombok, this tradition is also known (Arianto, 2015). In the field of cultural customs, this is reflected in the form of helping each other in plowing and cultivating farmers' fields and helping each other in cultivating the fields, such as clearing grass and pulling weeds. This tradition has its local wisdom by encouraging mutual cooperation in working in the fields, from planting seeds to harvesting (Aminah et al., 2021).

This *Bekayaq Pataq Pare* tradition embodies the values of local wisdom and traditional Sasak ritual traditions, which become the community's cultural identity through the values of local wisdom and norms that guide the community towards peace and harmony, which is the dominant culture of the local community. The value of peace and harmony is also related to social relations through the elders' forum to determine agricultural life. This kind of forum regulates social life, which regulates the community's way of life. In addition, for the Sasak people, the management of soil fertility is not only limited to the application of fertilizers, which is accompanied by maintaining the physical properties of the soil for the growth of rice plants in traditional farming systems; the life of soil organisms and supporting important processes in the soil (Edwards et al., 1993). For local people, the agricultural cycle cannot be separated from various ceremonies. Thus, the traditional agricultural system that has a ceremony implies the overall preservation of all supporters of ecosystem sustainability that are considered disturbing rice fields and rice plants. This tradition

is useful for raising awareness about the importance of agriculture and the natural environment so that rice grows well, harvests abundantly, and is protected from pests (Senoaji, 2012).

The community order related to agriculture also has been regulated by customary law, such as harvesting once a year on Sundays and working on Fridays or vice versa, to protect nature's abilities. The values of local wisdom of the Sasak people in preserving and maintaining local wisdom in a good traditional agricultural system in accordance with their ancestral heritage. Local wisdom in the Sasak community is useful in the agricultural life of the community. A tradition is a form of social behavior of the Sasak people related to the problem of solidarity between fellow humans and protecting the natural environment to support the agricultural culture of the local community in an efficient way through cooperation and the use of collective labour.

5. DISCUSSION

In the Sasak community, according to researchers, local wisdom as the ancestral heritage of the Indonesian nation will build the values of social wisdom in people's lives. The values of wisdom are in line with the values of virtue in social life. The components of values that can be taken from the local wisdom of the Sasak people include some values. The first is mutual cooperation. According to Koentjaraningrat (1974), *gotong royong* is defined as the mobilization of human labor without pay for a project or work that is beneficial to the public or useful for development. We can imagine if these values of *gotong royong* were actualized in today's modern society, working hand in hand with building the Indonesian nation, then it is not impossible that this great nation will progress rapidly beyond today's developed countries.

The second is maintaining social relations in people's lives between people with one another.

Social relations are reciprocal relationships based on awareness to help each other in various areas of life. One of the positive impacts of the *besiru* tradition in daily life is the maintenance of friendly relations between communities so that there will be little conflict in society. The third is preventing radicalism. Based on data loaded by Kompas on Tuesday (November 16, 2022), around 1,175 thousand terrorists have been arrested by the Secretariat of the National Counterterrorism Agency (*Badan Nasional Penanggulangan Terorisme*, BNPT). It shows the influence of radicalism from year to year is getting more terrible. Radicalism is increasingly becoming an important thing to be considered by the government and the people of Indonesia along with technological advances, one of which is radicalization through social media. Local wisdom really needs to be grown in building caring relationships in society. Strengthening the role of local wisdom in society has a positive impact as a form of preventing radicalism in society.

In implementing the *Bekayaaq Pataq Pare* tradition, the wisdom values of the Sasak indigenous people are important before the traditional tradition is implemented, which starts based on the local wisdom values of the Sasak community in Jerowaru village, East Lombok. Based on the values of local wisdom that can provide a discourse about the *Bekayaaq Pataq Pare* tradition that can be combined with the Sasak community to prevent conflict and be able to maintain the social harmony that exists in the Sasak indigenous community.

The local wisdom of the Sasak people is the embodiment of the dominant culture of the Sasak people, which is very close to the orientation of peace, both like giving, choosing a safe situation of peace and tolerance in increasing the repertoire of local wisdom of the Sasak community in the frame of the *Bekayaaq Pataq Pare* tradition and *Bekayaaq Pataq* behavior which regulates the guidance of indigenous peoples in setting sanctions for violations that occur in the behavior of *Bekayaaq* perpetrators carried out in the current *besiru* (gotong royong system) as well as in the future as the glue of local wisdom values in traditional traditions.

It can be concluded that the values of local wisdom of the Sasak people are faith in God, tolerance, cooperation with others, respect for the opinions of others, understanding, and acceptance of community culture, critical and systematic thinking, non-violent conflict resolution, the ability to change lifestyles and consumptive habits, sensitivity to the difficulties of others, willingness, and ability to participate in social life in the Sasak community. Thus, it can be concluded that local wisdom is considered very valuable and has its own benefits in people's lives because of the need to live, maintain and carry on life according to the situation, conditions, and circumstances, the abilities and values that are lived in the Sasak community or other words local wisdom becomes part of their wise way of life to solve all the problems of life they face, thanks to local wisdom they can carry on their lives, and can even develop sustainably regarding the traditional rituals of *Bekayaaq Pataq Pare* Sasak community, Jerowaru village, Jerowaru district, East Lombok Regency, West Nusa Tenggara Province (Sujana, 2020).

In this Sasak traditional ritual, the West Nusa Tenggara Regional Government urges the Sasak community not to associate it with any belief or religion because the purpose of holding the *Bekayaaq Pataq Pare* tradition is to maintain the ritual traditions of the Sasak people so that they are not extinct by the times and the realization of legal protection for the *Bekayaaq Pataq Pare* tradition as the embodiment of local wisdom values and Sasak ritual traditions which are the cultural identity of the Sasak people through the values of local wisdom and norms that become the guide so that it leads to peace and harmony are actually the dominant culture of the Sasak people. A number of idioms known in the Sasak community are very close to the orientation of peace. The concept of *ajinin*, which literally means mutual respect, *reme*, *rapah*, *regen*, which means like to give, choose a safe, peaceful situation, and support tolerance, adds to the treasures of local wisdom of the Lombok people in undergoing social relations (Zuhdi, 2018). In the past, the Sasak ethnic group has known the container that is the parent in their social life, which regulates the community's life guidelines, and where they look for referrals to set sanctions for violators in their community association system. The container is known as *krama*. This conception has been actualized or described in the daily life of the Sasak people in the past so that the implementation of the cultural conception has transformed into various elements or inseparable elements. This means that the management of soil fertility is not limited to providing fertilizer alone accompanied by maintaining the physical properties of the soil for the growth of rice plants in traditional agricultural systems, the life of soil organisms and supporting important processes in the soil, because the agricultural cycle cannot be separated from various ceremonies, so that basically a traditional agricultural system that has a ceremony implies a comprehensive conservation of all supporters of the sustainability of the ecosystem through offerings that are offered in the offerings of supernatural beings so as not to disturb the rice fields and rice plants to be planted, so the researcher concludes that the *Bekayaaq Pataq Pare* tradition is a local wisdom that must be maintained in accordance with karma or customary institutions in maintaining local wisdom of the Sasak people in ritual activities asking for permission to the mother/goddess Sri and the creator so that rice plants grow well (Andresen et al., 2016; Senoaji, 2012).

Conceptually, karma is a customary institution that covers local wisdom, consisting of two kinds: *krama* as a traditional institution and *krama* as a rule of social interaction. Second, *ajikrama* consists of the words *aji*, which means price or value, and *krama* which means holy and sometimes means the area or population unit in an area within an area that exists. Thus, *ajikrama* is a traditional symbol, meaning the sacred value of Sasak's traditional social strata based on its customary territory.

6. CONCLUSION

The results of the study through a legal anthropological approach using an empirical approach concluded that the agrarian concept in the reality of rice cultivation is believed to be able to maintain a sustainable agrarian environment with

high respect for natural products. For the community, this is a sign of indigenous people's concern for adat and the welfare of the agricultural environment. Irrigation and agriculture are maintained to maintain the carrying capacity of the environment as well as the welfare of the Sasak people in East Lombok.

The *Pataq Pare* tradition is a Sasak tradition as an embodiment of local traditional wisdom with sacred values rooted in the community and aims to provide peace for the Sasak community, the ecological environment, and the relationship between humans and the natural surroundings. In addition, this tradition is useful for maintaining harmonious relations between fellow community members. Traditional local wisdom describes the reality that occurs in the Sasak community as a form of harmony in life between humans, nature, and society as well as social and religious values for community welfare and environmental sustainability.

Overall, the results show that indigenous peoples value natural products not only for economic intent but also to seek reciprocal respect for nature and glorify rice through the *Bekayaq Pataq Pare* tradition. In general, local wisdom is useful for local communities to balance the needs of safe and prosperous agriculture while preserving

the environment. The results of this study can be used as a guide in developing the traditions of the Sasak people in East Lombok, West Nusa Tenggara. In addition, the results can be useful for increasing legal awareness and legal protection for traditions.

Thus, the researcher recommends that in the future, the government is obliged to ensure the continuity of the application of the values of local wisdom of the Sasak community. The progress of science and technology also does not pollute the traditional farming system of the Sasak people. This wisdom can encourage the potential use of agricultural land based on the traditions of the Sasak people, who still adhere to their customs. Finally, traditions and culture need to be preserved to bind the Sasak people with different social statuses, beliefs, and religions.

The limitation of this research is that each tribe has different traditions, resulting in different customary relationships with their respective environments. Therefore, this research cannot simply be used as a reference for other ethnic groups, customs, and environmental sustainability. Therefore, the authors encourage that in the future, research will also be carried out on other tribes, and customs.

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