



## SELF REGULATION OF INDIGENOUS PEOPLE IN COMPLIANCE WITH CUSTOMARY LAW AND NATURE PRESERVATION AS EFFORTS TO MANIFEST LOCAL WISDOM



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### ABSTRACT

*This study aims to determine the self-regulation of Indigenous People in complying with the provisions regulated in customary law and to identify and analyze the correlation between self-regulation of Indigenous People and the preservation of nature as a manifestation of local wisdom. This research includes socio legal research with the approach of psychology and law. The data are collected using primary data (information from research informants) and secondary data (relevant documents and activities of people associated with the research). The data are analyzed using qualitative analysis with interactive models of analysis. The research location is in the environment of Samin indigenous people. The results show that customary law is maintained because it has a good purpose followed by an obligation to comply it. Samin community preserve nature because it provides benefits for their life. The community upholds the principles of mutual assistance and do not refuse to cooperate with other parties to preserve nature. It also self-regulates in an effort to comply with customary law and preserve the local wisdom in this case to preserve the environment which arises through two mechanisms: an observational study and self-regulation. Samin community is expected to maintain and preserve the local wisdom that has been there all along. In addition, the government is expected to respect and preserve local wisdom of Samin community by ensuring their rights and encouraging other communities to preserve local wisdom as a part of the cultural wealth of the nation.*

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### Contribution/ Originality

The paper's contribution is finding that customary law is maintained in samin community because it has a good purpose followed by an obligation to comply it. Samin community preserve nature because it provides benefits for their life. The community upholds the principles of mutual assistance and do not refuse to cooperate with other parties to preserve nature.

### 1. INTRODUCTION

The development followed by technological developments affects social life. The pattern of people's lives is also growing, leading to the individual properties, especially in meeting their needs. This individualistic nature also affects the ways in meeting the needs of modern human life that is sometimes take the wrong ways and beyond the limits.

*Samin* community are followers of the teachings of Saminisme, first spread by Samin Surontiko in the mid 1890s. In a general sense, the community is seen as a community that is very different because it has its own language, religion, and philosophy of life. Their attitudes relatively negate the existence of the state, thus it becomes

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different in the middle of the country's penetration and modernity. This difference is probably a major consideration in categorizing it as indigenous community.

In *Samin* community, there are some principles that form the basis of abstinence ie they may join formal education, must not wear long pants and hats, must not trade, and must not marry more than one. Moreover, children get only non-formal education from both parents. Thus, many *Samin* people have not gotten formal education.

*Samin* community view the environment very positively. They utilize the nature and never exploit. They treat the environment as well as possible. In cultivating their land, they work based on the seasons. They are aware of the content and the natural resources which will run out if they do not treat them well.

From the above phenomenon, *Samin* community needs to have a self-regulation, both in terms of thoughts, feelings and behaviors in order to continue to adhere to the basic principles and the teachings of *Samin* and not exploit the nature excessively. Thus, the formulation of the issues raised in this study are: 1. How does *Samin* community self-regulate in complying with customary law?, 2. How does *Samin* community self-regulate to preserve the nature as efforts to manifest local wisdom?.

Self-regulation is described as the use of a process which activates thoughts, behaviors, and affects (feeling) that done is continuously in an effort to achieve the goals (Schunk and Zimmerman (1997) in <http://education.calumet.purdue.edu/indeks23.php>). Self-regulation is the process of personality which is important for individuals to plan, direct and control the behavior to achieve the objectives (in this case is complying to the customary law and environmental preservation efforts) to involve elements of cognitive, affective and psychomotor.

Based on social cognitive perspective, the process of self-regulation is described in three phases:

1. Forethought Phase

There are two categories that are closely related to each other in forethought phase:

a. Task Analysis

The core of task analysis involves determining the goal (goal setting) and strategic planning. (Zimmerman, 1989; Bokaerts *et al.*, 2000). Appropriately chosen strategy can improve performance by developing cognitive, controlling affect, and directing the activities of motor (Pressley and Woloshyn, 1995; Bokaerts *et al.*, 2000).

b. Self-Motivation Beliefs

Task analysis and strategic planning are based on self-motivation which includes self-efficacy beliefs, outcome expectation, intrinsic interest or valuing, and goal orientation. Self-efficacy refers to the belief of a person of his ability to have an optimal performance to achieve its objectives while outcomes expectation refers to one's expectations about achieving an outcome of the efforts that have been done (Bandura, 1997; Bokaerts *et al.*, 2000).

2. Performance or volitional control

a. Self-Control

The process of self-control such as self-instruction imagery, focusing attention, and task strategies, help people focus on the tasks they face and optimizes efforts to achieve the goals they have set.

b. Self-Observation

Self-observing process refers to someone searches for specific aspects of his performance, surrounding conditions, and the effects of his actions (Zimmerman and Paulsen, 1995; Bokaerts *et al.*, 2000).

3. Self-reflection

a. Self-Judgment

Self-judgment includes self-evaluation of the performance in order to achieve the objectives and explain the cause of significant achieved outcomes. Self-evaluation leads to attempts to compare the information obtained through self-monitoring with a standard or objectives in forethought phase.

b. Self-Reaction

The second process that occurs in this phase is the continuous self-reaction which will affect the forethought phase and often have an impact on the performance in the future on its stated objectives.

Surojo Wignjodipuro defines customary law as a complex norms rooted in people's sense of justice that is always evolving and includes rules of human behavior in everyday life in society, mostly unwritten, always obeyed and respected by the people, because it has legal consequences (sanctions) (Rato, 2009).

The customary law as the law in general has three strengths, namely:

- 1) Strength of sociologically applicable
- 2) Strength of legally applicable
- 3) Strength of philosophically applicable

In community customary law develops values of indigenous people, which is also known as the principles of customary law, some of them include (Rato, 2009):

- 1) The value of religiosity: It is the manifestation of the nature of the Indonesian people who believe in God Almighty.
- 2) The value of communalism: communalism value generates the principle of mutual assistance and kinship.
- 3) The Value of cash: customary law has always considered an event that is always repeated about the relationships of life in traffic law.
- 4) The Value of concrete: everything should be pursued, tried and arranged so that the things that are intended, desired, or desired or to be done can be transformed or formulated as thing, given visible signs either directly or symbolicaly.

Customary law community is a social community who are united due to have the same ancestors or come from the same region, inhabit a particular area, have a wealth of its own, led by a person or persons deemed to have authority and power, and have values as a guide life, and have no desire to separate themselves (Rato, 2009).

The formation of customary law community can be categorized into three namely:

- 1) Geneologis is customary law community whose structure is based on affinity on the principle of kinship. It is closely intertwined because it comes from one bond according to the ancestral line.
- 2) Territorial is a customary law community whose is structure based on regional ties.
- 3) Territorial-geneologis is blood ties and regional which is now very rare, although there is a possibility that it still exists in some rural areas such as Borneo, New Guinea, and Sumatra, or Nusa Tenggara.

*Samin* community percieves that every human being is basically the same. *Wong* (people) concept in *Samin* community occupy a central position and they prefer to call themselves as *wong Sikep* (or *a family of Sikep*) to indicate that the task and their main goal in life is to undergo *Sikep rabbi* (making love). In their view, sex is performed by all human beings and therefore there is no difference between them. Additionally, they think that differences arise because only *Samin* people admit it openly and bluntly. They believe that other non-*Samin* make love too, but they do not admit it. Therefore, those non-*Samin* could never be pure. *Samin* think that to be pure means to be innocent, frank, and honest. The notion of purity according to Takashi Shiraishi, becomes the core teachings of Saminisme (Widodo, 1997). The obligation to be innocent also animates *Samin* community job options. Most of them are farmers, none of them is trader. In addition to the principle of innocence, *Samin* also upholds the principle of not begging for money. For them, begging is very taboo.

## 2. RESEARCH METHOD

This research is sociolegal study with the approach of psychology and law. Data were collected using primary data (information from research informants) and secondary data (relevant documents and activities of people associated research). Data were analyzed using qualitative analysis with interactive model of analysis.

## 3. RESULT AND DISCUSSION

Most people of *Sedulur Sikep* in *Sumber* village have family relations among them and they are direct descendants (fourth generation) of Samin Surosentiko (estimated to be born in 1959). Samin Surosentiko was the

spreader of Samin teachings. *Samin* teachings arise due to dissatisfaction with the Dutch government. Then Surosentiko and his followers formed a separate community with their own norms as a protest.

Community social rules held by *Sikep* is a form of appreciation of humanity and as a servant of God in the process of social interaction, not only with their fellow human beings but also to the environment. *Samin* community also has a norm of everyday life as a lifeline in the day-to-day behavior. They are commonly called *sedulur Sikep / Wong Samin* who stay in Sumber, Kradenan, Blora, Central Java. They can also be found in other regions especially in Central Java as Kudus, Pati, Blora, Rembang, Bojonegoro and Ngawi.

There seems to be a relationship between individuals who are limited by a particular region or territory, which utilize the existing natural resources in ways they do according to the prevailing culture in certain communities (Lauer, 1989). Those social groups exist in the *Samin* community, *Sumber* village, among others, are as follows:

a. Primary group (family)

The primary group is the family. The activity is done together with *batih* family or nuclear family. *Samin* believes that the ideal nuclear family is a nuclear family living in the same house. This means that a house is only occupied by one family consisting of a husband, a wife, and children who are not married. But from the interviews with informants it was found out that many houses were inhabited by more than one nuclear family, or members of other relatives, such as nieces, parents of the husband and wife. This household is considered as a binder of daily life activities in *Samin* life.

b. Kinship groups

In *Samin* community, most people live close to their relatives in the village yet some of them live different areas. Members of this family group will get together when someone starts activities. Besides, the activities of community life *Samin* are also bound by feelings of like-minded/*sedulur*. Kinship group or other known descendant groups of *Samin* community is wider than the *batih* family. This kinship group is called *isih kulit* that exists because of genealogical relationship and also because of the bond of marriage. Kinship is considered according to the paternal or maternal line (bilateral descent). *Samin* perceives that interaction between relatives are important. Additionally, people greet each other when meeting to maintain the relationship of the kinship.

c. Internal and External Relations of *Samin* Community

In the area of investigation, *Samin* community in Sumber Village, Kradenan, Blora, human relations can be divided into two kinds, namely the internal relations (inter-*Samin* society) and external relations with the outside community. The relationship between *Samin* people is very intimate and intensified. They have a very high sense of concern for fellow *Samin*. Therefore they often pay a visit to their fellow *Samin* who live in other areas. The nature of mutual cooperation and a sense of belonging are strong. The relationship between *Samin* people with the outside community is also well established and harmonious. They can follow the customs and traditions of the surrounding community, although not actively participate.

Seiring dengan perkembangan jaman dan kemajuan pengetahuan yang ada, selalu ada perubahan yang menyertainya. Demikian pula yang terjadi pada masyarakat Samin, ada beberapa perubahan yang bisa dicermati, yaitu:

Along with the development and advancement of existing knowledge, there is always a change that accompanies it. Similarly, there are some changes that can be observed in *Samin* community, namely:

a. Religion Norm

*Samin* community concept of religion is different from the concept of religion given by anthropologists and sociologists. They believe that religion is a weapon '*Agama iku gaman*'. It indicates that *Sikep* community has its own frame of reference, how they give meaning to life and benchmark themselves, how they give meaning to life and put the shared values. When they are asked about their religion, they would reply that their religion is the religion of Adam and they will answer, "*agama iku gaman lanang. Adam pengucape. Dam, damele rabi*". According to Prabaningrum (1995) it can be explained as follows:

- a) *Agama iku gaman*: Religion is a weapon. It has a political meaning which is to reject the entry of outside influence.
- b) *Gaman Lanang*: male genitalia
- c) *Adam Pengucape*: Adam is a tool to speak. It means that "adam" is the same as language. When someone is engaged in sexual intercourse they begin with "jawab" which means answer at the time of marriage. Thus the language serves as a weapon.
- d) *Dam, damele rabi*: "Adam" also means male genitalia. It is used as a tool for human relations, especially between man and woman.

b. Norms of Politeness, Habit and Behavior

Politeness shown when *Samin* people receive guests. They receive guests with a welcoming and friendly way. *Sikep* people regard guests as their fellow brothers. Besides, they will greet others when meeting. When they do not answer their greeting, *Samin* people will come to their house. *Samin* people uphold honesty. However, their disobedience to the regulations create a bad sigma.

c. Customs norms

Customs is evident in the marriage system of *Samin* community. *Sikep* society adheres to the principle of monogamy in marriage as expressed in the phrase '*siji mun slawase*', which means one husband / wife for eternity. Marriage goal is to continue to breed offspring '*nurunke wiji sing sakbenere*'.

The ideal concept of marriage emphasis on the desire of each of the party to marry and divorce occurs when one of the spouses. Expected marriage is marriage with people who have the same beliefs, but there is no prohibition to perform marriages with *non Sikep* people. The people of *Sikep* in Blora have a concept of awu and desirable and undesirable marriage and the prohibition of marriage for men marry older women.

The practice of the public customary law to regulate the behavior of people's lives are still adhered to, as stated by the *Samin* community elder *mbah* Lasiyo. He states that applying customary law as behavior is still upheld tightly by the *Sedulur Sikep*. Some other practices are using the Javanese language in marriage, doing *nyadran* which means cleaning the village and depleting old wells that are beneficial to the people.

Customary law is a law made by the community and socialized for generations in the form of habits, although not enacted but obeyed wholeheartedly. It is maintained because the community believes that customary law is aimed at wellness.

*Samin* community can be called as customary law community (MAHA). At least there are 5 elements for a community to be called as a community customary law (MAHA) (Rato, 2009)

- a) There is a community of people who feel united, bound by a sense of community because of the descent similarity (genealogy) and / or area (territorial);
- b) Lives in a specific area, with certain limitation according to their conception;
- c) Has its own wealth both material and immaterial;
- d) Led by a person or people as representatives of the group, which has legal authority and power / supported by the group;
- e) Has values as guidance in their social life; and
- f) None of the members desires to separate.

*Samin* society has the observance of customary law, especially customary law governing the preservation of nature. They have some area of forest which is managed by themselves for their prosperity. *Samin* community support and preserve the nature and forests as an example of local wisdom in maintaining the environment. It is a self-regulation of *Samin* community in an effort to comply with customary law and preserve the local wisdom in this case to preserve the environment arises through two mechanisms: an observational study and self-regulation (Boeree, 2008). It is said that a person will be motivated to do certain behaviors (observational study) when there is attention, retention, reproduction and motivation.

Regulation is the ability to control oneself. *Samin* community continue to take control of their lifestyle. They enable the thoughts, behavior and feelings on an ongoing basis to comply with the values of their ancestors in order to achieve life goals aspired though their lifestyle that is against development around them. In this case, *Samin* community are committed to use a standard of behavior that is derived from their ancestors who have very good self-regulation since the outside influence does not diminish the pattern they've created.

#### 4. CONCLUSION AND RECOMMENDATION

##### 4.1. Conclusion

Customary law is maintained because it has a good purpose followed by an obligation to comply. *Samin* community preserves the nature because it provides benefits for life. They uphold the principles of mutual assistance and do not refuse to cooperate with other parties to preserve nature. They self-regulate in an effort to comply with customary law and preserve the local wisdom in this case to preserve the environment arises through two mechanisms: an observational study and self-regulation.

#### 5. RECOMMENDATION

*Samin* community is expected to maintain and preserve the local wisdom that has been there all along. In addition, the government is expected to respect and preserve their local wisdom and ensure their rights and encourage others to always keep local wisdom as part of the cultural wealth of the nation.

#### REFERENCES

- Bandura, A., 1997. Self-efficacy: The exercise of control. New York: Freeman.
- Boeree, C.G., 2008. Personality theories: Melacak kepribadian anda bersama psikolog dunia. Yogyakarta: Prismsophie.
- Bokaerts, M., L.P. Printrich and Z. Moshe, 2000. Handbook of self regulation. USA: Academic Press.
- Lauer, R.H., 1989. Perspektif tentang perubahan sosial. Jakarta: Bina Aksara.
- Prabaningrum, H., 1995. Saminisme (Studi Kasus di Desa Baturejo, Kecamatan Sukolilo, Kabupaten Pati, Jawa Tengah). Yogyakarta: Universitas Gadjah Mada.
- Pressley, M. and V. Woloshyn, 1995. Cognitive strategy instruction that really improves children's academic performance. Cambridge: Brookline Books.
- Rato, D., 2009. Pengantar hukum adat. Yogyakarta: LaksBang Pressindo.
- Schunk, D.H. and B.J. Zimmerman, 1997. Self regulated learning: From teaching to self reflective practice. New York: The Guilford Press.
- Widodo, A., 1997. Samin in the new order: The politic of encounter and isolation, in Jim Schiller dan Barbara Martin Schiller (eds.), *Imagining Indonesia, Cultural Politics and Political Culture*. USA: Ohio University Press.
- Zimmerman, B.J., 1989. A social cognitive view of self-regulated academic learning. *Journal of Educational Psychology*, 81(3): 329-339.
- Zimmerman, B.J. and A.S. Paulsen, 1995. Self-monitoring during collegiate studying: An invaluable tool for academic self-regulation. In P. R. Pintrich (Ed.), *Understanding self-regulated learning*. San Francisco: Jossey Bass. pp: 13-28.

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