



**al-Ihkam:** Jurnal Hukum dan Pranata Sosial, 19 (2), 2024: 470-495  
ISSN: 1907-591X, E-ISSN: 2442-3084  
DOI: <https://doi.org/10.19105/al-ihkam.v19i2.13894>

## Ecological Wisdom of The Bajo Tribe in The Perspective of *Fiqh al-Bi'ah* and Green Constitution

**Nur Chanifah**

*Universitas Brawijaya Malang, Indonesia*  
email: [nur.chanifah@ub.ac.id](mailto:nur.chanifah@ub.ac.id)

**Thohir Luth**

*Universitas Brawijaya Malang, Indonesia*  
email: [thohir.luth@ub.ac.id](mailto:thohir.luth@ub.ac.id)

**Siti Rohmah**

*Universitas Brawijaya Malang, Indonesia*  
email: [sitirohmah@ub.ac.id](mailto:sitirohmah@ub.ac.id)

**Moh. Anas Kholish**

*Universitas Brawijaya Malang, Indonesia*  
email: [anaskholish.moh@ub.ac.id](mailto:anaskholish.moh@ub.ac.id)

**Zaini Muchlis**

*Universiti Sains Islam Malaysia, Malaysia*  
email: [zaini.muchlis@raudah.usim.edu.my](mailto:zaini.muchlis@raudah.usim.edu.my)

Article history: Received: June 04, 2024, Accepted: December 29, 2024,  
Published: December 31, 2024

### Abstract

The Bajo community, as a traditional maritime group, has long practiced marine environmental conservation, such as avoiding marine pollution and protecting endangered species. However, these conservation efforts are often perceived as lacking a firm legal foundation within both formal legal systems and Islamic law, making local wisdom-based conservation initiatives susceptible to neglect by both the government and the broader society. This study aims to

Author correspondence email: [thohir.luth@ub.ac.id](mailto:thohir.luth@ub.ac.id)  
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analyze the marine environmental conservation practices of the Bajo community from the perspectives of Islamic environmental jurisprudence and the concept of green constitutionalism. The study conducted a qualitative approach. Data were collected through interviews and Focus Group Discussions (FGDs) with Bajo community members, religious leaders, and relevant stakeholders. The findings reveal that the unwritten customary regulations of the Bajo community emphasize the sanctity of the sea and promote a subject-to-subject relationship between humans and nature. The conservation practices of the Bajo community align with the principles of Islamic environmental law (*fiqh al-bi'ah*), particularly the principle of prioritizing environmental sustainability for the welfare of humanity. Furthermore, the study finds that Bajo conservation traditions have adopted the principles of green constitutionalism enshrined in Article 28 H of the 1945 Constitution of Indonesia, which ensures the right to a healthy and sustainable environment.

**Keywords:**

Ecological wisdom; Bajo tribe; *Fiqh al-Bi'ah*; Green constitution

**Introduction**

In the journey of humanity on this Earth, environmental sustainability has become an urgent demand. Global climate change, biodiversity loss, and degradation of marine ecosystems are major issues caused by waste, mining waste, and coastal reclamation. According to information from the Ministry of Environment and Forestry (KLHK), in 2020, Indonesia's sea experienced pollution with a waste amount of approximately 1,772.7 grams per square meter (g/m<sup>2</sup>).<sup>1</sup> On the other hand, the damage to marine ecosystems is also caused by coastal reclamation activities and sand mining, as well as offshore mining. According to the *Wahana Lingkungan Hidup* (WALHI), 115 small islands in Indonesia's inland waters and 83 outermost small islands will sink due to sea-level rise.<sup>2</sup>

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<sup>1</sup> Vika Azkiya Dihni, "Ada Berapa Banyak Sampah di Laut Indonesia?," *Databoks*, May 18, 2022, <https://databoks.katadata.co.id/layanan-konsumen-kesehatan/statistik/8e39097a76d1f44/ada-berapa-banyak-sampah-di-laut-indonesia>.

<sup>2</sup> Walhi, "Seruan 28 Eksekutif Daerah WALHI Se-Indonesia Kepada Presiden Republik Indonesia," *WALHI: Wahana Lingkungan Hidup Indonesia*, May 31, 2023,

This situation is worsening with the enactment of Law Number 3 of 2020 amending Law Number 4 of 2009 concerning Mineral and Coal Mining, Law Number 11 of 2020 concerning Job Creation, and Law Number 26 of 2023 stipulating Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation. In addition, Government Regulation Number 26 of 2023 regarding the Management of Sedimentation Results in the Sea has also been implemented. This indicates that the Indonesian government tends to prioritize short-term economic gains without considering the ecological sustainability of coastal, marine, and small island ecosystems.

Amid ecological changes, traditional communities play a crucial role as guardians of time-tested local wisdom. One such community is Bajo people. The Bajo Tribe is a maritime community, often leading a nomadic life as traditional divers and fishermen.<sup>3</sup> They are spread across East Kalimantan, South Kalimantan, South Sulawesi, Southeast Sulawesi, West Nusa Tenggara, East Nusa Tenggara, and other eastern regions of Indonesia.<sup>4</sup> Existing studies on Bajo people indicate they have long practiced conservation through an unwritten 'living law'. For example, they prohibit practices such as littering in the sea and killing endangered species like turtles, which are part of efforts to preserve the sustainability of marine ecosystems in their areas.<sup>5</sup> Additionally, the Bajo community actively participates in mangrove forest conservation, which is essential for the health of coastal ecosystems. Their efforts in sustainable mangrove management have contributed positively to maintaining

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<https://www.walhi.or.id/seruan-28-eksekutif-daerah-walhi-se-indonesia-kepada-presiden-republik-indonesia>.

<sup>3</sup> Fatmawaty Mallapiang, Syarfani Syarfani, and Syahratul Aeni, "Trust and Occupational Safety Behavior Related to Decompressive Diseases on Bajo Ethnic Divers," *Diversity: Disease Preventive of Research Integrity* 3, no. 2 (2023): 69-78, <https://doi.org/10.24252/diversity.v3i2.35981>.

<sup>4</sup> Pengelola Siaran Pers Kemendikbudristek, "Suku Bajau Jadi Inspirasi Pelindung Kebudayaan Berkelanjutan Cagar Biosfer Wakatobi," *Kebudayaan, Kementerian Pendidikan Dan, May 8, 2023*, <https://www.kemdikbud.go.id/main/blog/2024/05/suku-bajau-jadi-inspirasi-pelindung-kebudayaan-berkelanjutan-cagar-biosfer-wakatobi>.

<sup>5</sup> Amanda Adelina Harun, "Bajo'S Living Law on Environmental Preservation to Support Economic Improvement," *Dialogia Iuridica* 14, no. 1 (2022): 076-094, <https://doi.org/10.28932/di.v14i1.5359>.

environmental balance and protecting marine resources.<sup>6</sup> These practices are also integrated into environmental education for the younger generation, aiming to instill conservation awareness and responsibility from an early age.<sup>7</sup>

However, while these conservation practices have long been recognized as integral to resource management, research explicitly linking these traditions with the principles of Islamic environmental jurisprudence (*fiqh*) and the concept of green constitutionalism remains very limited. Furthermore, those local wisdom-based conservation practices often lack strong legal foundations within both formal legal system and Islamic law, making them vulnerable to pressures of modernization and environmental change. Furthermore, mystical traditions that are still deeply integrated into the daily lives of the Bajo people, such as the use of mantras and taboo rituals,<sup>8</sup> present challenges in gaining legitimacy from an Islamic legal perspective.

Without clear legal legitimacy, the local wisdom-based conservation efforts risk being overlooked by the government and the wider society. Therefore, it is crucial to explore further how these conservation traditions can be recognized within the framework of Islamic law through the principles of Islamic environmental jurisprudence and gain formal recognition through the concept of green constitutionalism. Given that most of Bajo community adheres to Islam, aligning their conservation practices with Islamic law would enhance acceptance and respect within the community itself. This is because Islam constitutes an integral part of their daily lives, making conservation practices rooted in Islamic values more comprehensible and readily implementable. Consequently, Islamic environmental jurisprudence can serve as a bridge connecting the local wisdom of

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<sup>6</sup> Umar Sulaiman et al., "Contribution of Local Wisdom of the Bajo Tribe to Preserve Indonesia's Mangrove Forests," *Academic Journal of Interdisciplinary Studies* 12, no. 3 (2023): 264-75, <https://doi.org/10.36941/ajis-2023-0076>.

<sup>7</sup> Muhammad Akbar Hajuan and M. Marzuki, "Establishment of Environmental Care Character Based on Local Wisdom of the Bajo Tribe in Bajo Village, Selatan Halmahera Regency, Indonesia," *European Journal of Social Sciences Studies* 7, no. 5 (2022): 594-96, <https://doi.org/10.46827/ejsss.v7i5.1295>.

<sup>8</sup> Abbas, "Mistisisme Muslim Pesisir: Studi Atas Ritual Masyarakat Muslim Bajo Sulawesi Tenggara," *Al-Izzah: Jurnal Hasil-Hasil Penelitian* 17, no. 2 (2022): 83, <https://doi.org/10.31332/ai.v0i0.3731>.

the Bajo people with a formal legal system, thereby securing broader recognition for their conservation efforts.

This paper therefore aims to address this gap by analyzing two main points: 1) how the marine ecosystem conservation traditions practiced by the Bajo community can be viewed from the perspective of Islamic environmental jurisprudence, and 2) how these conservation practices are related to the concept of green constitutionalism. This study is expected to provide significant contributions, both theoretically in expanding the understanding of the synergy between local wisdom, Islamic environmental jurisprudence, and green constitutionalism and practically in strengthening the legal legitimacy for marine ecosystem conservation based on local wisdom.

## Methods

This study explores the ecological wisdom of the Bajo people using a descriptive method.<sup>9</sup> The field study involved in-depth interviews, direct observations, and Focus Group Discussions (FGDs) conducted in Bajo Torosiaje traditional village in Popayato District, Pohuwato, Gorontalo. The FGDs involved 15 participants, including fishermen, community leaders, and relevant officials to gain comprehensive insights into local ecological practices and the recent challenges. Furthermore, a comparative analysis method was employed to compare the ecological wisdom practices of the Bajo people with principles of Islamic environmental law (*Fiqh al-Bi'ah*) and green constitutionalism, focusing on similarities and relevance. In the final stage, conceptual modeling was performed to demonstrate the integration of the Bajo people's ecological wisdom, *Fiqh al-Bi'ah*, and green constitutionalism within the framework of legal and religious values.<sup>10</sup>

Simultaneously, data analysis utilized a qualitative approach involving the grouping, categorization, and interpretation of data to support environmental conservation. This study aims to provide a profound understanding of the integration of local ecological wisdom with religious and legal values.

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<sup>9</sup> Jonaedi Efendi and Johnny Ibrahim, *Metode Penelitian Hukum: Normatif dan Empiris* (Jakarta: Prenada Media Group, 2018).

<sup>10</sup> Soerjono Soekamto and Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, 17th ed. (Jakarta: Rajawali Pers, 2013).

## **Result and Discussion**

### **Marine Conservation Practices of The Bajo Community from the Perspective of *Fiqh al-Bi'ah***

The conservation practices of the Bajo community reflect their deep understanding of ecological balance, a principle that aligns with the ethical guidelines of *fiqh al-bi'ah*. By adhering to local wisdom passed down through generations, Bajo people integrate their spiritual beliefs with practical measures to protect marine ecosystems. These practices are not merely cultural traditions but embody a profound respect for nature as a part of their existence.

To maintain this interdependent relationship and ensure the continued existence of marine ecosystems, Bajo people have some rules as mentioned by a local figure as follow:

“There are several prohibitions to observe. Among them, it is forbidden to dispose of kitchen ash, cigarette ash, chili water, and ginger water in the waters, because these substances can harm jellyfish. Likewise, dishwashing water and cooking utensils containing charcoal and soot are also prohibited from being disposed of as they can cause the water to become murky.”<sup>11</sup>

In line with it, Rebi, the former Head of Torosiaje Village, further explained that these prohibitions are not merely rules but are part of the local wisdom passed down through generations. “We believe that every action we take towards the sea will impact the life within it. If we do not respect the sea, then the sea will not respect us,”<sup>12</sup> he asserted firmly.

Additionally, there are restrictions on conducting “*mamia kadialo*,” which refers to efforts to utilize marine resources for a certain period. “We believe that utilizing marine resources must be done wisely, not haphazardly. There are times when we take (marine resources, such as fish, seaweed, or shellfish), and there are times when we allow the sea to rest,<sup>13</sup>” he added.

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<sup>11</sup> Kamil, Tribal Elder of the Bajo Torosiaje, *Interview*, 2023.

<sup>12</sup> Rebi, Former Head of Torosiaje Village, *Interview*, 2023.

<sup>13</sup> Rebi, Former Head of Torosiaje Village, *Interview*, 2023.

Members of the Bajo tribe also enliven the prohibitions by understanding reasons beyond them as the following excerpt:

“Residents are prohibited from killing turtles and approaching specific coral reef clusters that have conservation value. Turtles are part of our ecosystem's balance, and coral reefs are home to many living creatures”.<sup>14</sup>

It becomes obvious that by adhering to these prohibitions, the Bajo tribe strives to maintain sustainability and preservation of the marine and coastal ecosystems as an integral part of their identity. They actively preserve and protect those critical habitats through coral reef and mangrove conservation efforts, prohibiting activities that could harm the surrounding environment. For example, they prohibit overfishing in specific areas that hold high conservation value, such as those that serve as habitats for endangered species.

The conservation practices seem highly relevant to recent challenges faced by their marine ecosystem. Existing studies highlight the threats to marine ecosystems in almost all of Indonesia's seas, including those in the Bajo regions. For instance, overfishing has led to a decline in the fish species that form their primary livelihood. Additionally, marine pollution from plastic waste and agricultural runoff further exacerbates the condition of the marine ecosystem.<sup>15</sup> Habitat destruction, such as the loss of mangroves and coral reefs, also worsens the state of the Bajo region's marine environment.<sup>16</sup>

This specific local wisdom of the Muslim Bajo community has actually resonated with the very spirit of *fiqh al-bi'ah*. Muslim Bajo community believes that the sea is a divine medium that provides various blessings, not only a place to find food but also a place to release sorrow and find pleasure. Therefore, there are several sacred

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<sup>14</sup> B. Lamatenggo, Villagers of Torosiaje, *Interview*, 2023.

<sup>15</sup> Ocean, “Threats on Marine Biodiversity,” *Ocean* 52, 2023, <https://www.ocean52.com/articles/threats-marine-biodiversity>.

<sup>16</sup> Nature and Culture International, “Marine, Coastal, and Wetlands: Bringing People Together to Save Wild Places,” *International, Nature and Culture*, January 11, 2023, <https://www.natureandculture.org/biodiverse-ecosystems/marine-coastal-and-wetlands/>.

places in the sea called "*lua angalo*".<sup>17</sup> These sacred sites are deeply embedded in their cultural and spiritual beliefs, serving as a reminder of the interconnectedness between humans and the natural world. The respect for these sacred places acts as a driving force behind their conservation efforts. They believe that by protecting the "*lua angalo*" and other vital marine habitats, they maintain harmony with the sea and ensure the well-being of their community. This belief system fosters a sense of responsibility and stewardship, motivating them to preserve the marine ecosystem not only as a resource but also as a sacred obligation tied to their cultural identity.

This belief furthermore leads to how the Bajo tribe behaves in their daily lives. Relatively different from modern society, they do not recognize marine ecosystems as object to exploit in order to satisfy their greed. On the contrary, the Bajo community puts nature as a friend, not an enemy. This can be seen in the ritual permission called "*karang tapotong*" to the sea residents called "*mbo*" (ocean spirits) before fishing. It is done by dipping underwater glasses and washing their faces and wrists while saying "We come as brothers, not enemies."<sup>18</sup> They believe that skipping the ritual will trigger any disasters such as storms and a decrease in fish population affecting their families.

A tribal elder, Kamil, mentioned that to prevent marine ecosystem damage, the residents use simple tools or methods of fishing. The tools used, for example, include fishing with a type of cotton thread without a hook called "*bina*." This tool is specifically designed to catch sori fish with a long beak and many teeth; the thread will be entangled with the fish's beak, making it easy to trap. Besides fishing, residents also use spears or arrows specifically to catch fish in coral reefs. Arrows and spears target specific fish. Interestingly, fish living around the settlement are not consumed by the locals unless used as bait for fishing in open waters.<sup>19</sup> This stems from their profound emotional connection to surrounding natural

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<sup>17</sup> Esti Hasrawaty, Pigoselpi Anas, and Sugeng Hari Wisudo, "Peran Kearifan Lokal Suku Bajo dalam Mendukung Pengelolaan Kawasan Konservasi di Kabupaten Wakatobi," *Jurnal Penyuluhan Perikanan dan Kelautan* 11, no. 1 (2017): 25–34, <https://doi.org/10.33378/jppik.v11i1.83>.

<sup>18</sup> Agustinus Supriyono, Alamsyah, and Mualimin, "Pirates and the Environment: Bajo Tribe Study in Marine Conservation," *E3S Web of Conferences* 202, no. 07003 (2020): 1–6, <https://doi.org/10.1051/e3sconf/202020207003>.

<sup>19</sup> Kamil, Tribal Elder of the Bajo Torosiaje, *Interview*, 2023



resources, including well-preserved ecosystems such as mangroves, seagrass beds, and coral reefs. It fosters tangible ecological practices where they consciously consider the environmental impact of their actions. By allowing fish near their settlements to thrive, they indirectly maintain the balance of the local ecosystem, providing opportunities for fish populations to reproduce while ensuring the sustainability of marine resources for future generations.<sup>20</sup>

Beyond those practices, it is important to note that there are a few exceptions and new phenomena. The escalating impacts of climate change, unsustainable fishing practices, and industrial pollution have exacerbated marine environmental degradation, directly affecting the well-being of the Bajo community. The decline in the quality and quantity of marine resources not only impacts the Bajo community's economy but also erodes spiritual and cultural values that have long been intertwined with their marine environment. Along with it, the role of traditional institutions in guiding and reminding the community about the importance of preserving natural resources has diminished. The loss of aquatic biodiversity threatens the collective identity and social cohesion of the Bajo people, forcing them to adopt less sustainable practices to meet their daily needs. Some groups now view natural resources, such as coral reefs, seagrass beds, and certain fish species, not as sacred but as resources with exploitable potential to fulfill their lives. For instance, although the Bajo Mola tribe still considers it important to preserve marine resources, they are also utilizing these resources in an exploitative manner, leading to the loss or shifting of their traditional wisdom.<sup>21</sup> Others started adopting more destructive fishing methods, such as the use of explosives or chemicals, which exacerbate the damage to coral reefs and other marine resources.

Despite this, the ecological wisdom of the Bajo tribe regarding the relationship between humans and nature is indeed affirmed by a

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<sup>20</sup> Christopel Paino, "Kearifan Suku Bajo Menjaga Kelestarian Pesisir dan Laut," *Mongabay: Situs Berita Lingkungan*, January 26, 2014, <https://www.mongabay.co.id/2014/01/26/kearifan-suku-bajo-menjaga-kelestarian-pesisir-dan-laut/>.

<sup>21</sup> La Taena et al., "Impacts and Efforts to Preserve Local Wisdom of the Bajo Tribe in the Conservation of Marine Resources in Wakatobi Regency, Southeast Sulawesi Province, Indonesia," *International Journal of Social Science and Human Research* 06, no. 07 (2023): 4017-21, <https://doi.org/10.47191/ijsshr/v6-i7-17>.

prominent Muslim figure from the Bajo community who stated in an interview that humans are the representatives of God appointed as stewards on Earth. Thus, for him, the Bajo tribe must be able to act as agents for the preservation of the marine environment rather than pioneers of its damage. This understanding of Bajo community cannot be separated from the teachings of Islam which form their knowledge system.<sup>22</sup>

Therefore, both the spirit and practice of Bajo community to preserve the marine environment is by no means any act of *shirk* (associating partners with God); rather, it is a manifestation of the acculturation process of Islam and local culture configured in the ancestral advice. This advice is consistently upheld by Bajo community and passed down through generations. Although Bajo community may not explicitly refer or know about Sayyed Hosein Nasser's thoughts, their practices align with his broader Islamic philosophy of environmental stewardship which emphasizes the importance of harmony between humans and nature. For Nasser, because their relationship is egalitarian as fellow creatures, humans must build a *mu'amalah* (transactional) relationship with nature harmoniously beyond their relationship with other humans.<sup>23</sup>

However, what Sayyed Hossein Nasr offers is an Islamic ethical perspective on environmental preservation that needs legitimization from a *fiqh* (Islamic jurisprudence) standpoint. This is mainly because relying solely on an ethical perspective without being reinforced by *fiqh* relatively does not give any strong binding force for society. Thus, at this point, *fiqh al-bi'ah* finds its urgency. It provides a profound view of the relationship between humans and nature. By emphasizing ethical principles, social responsibility, and care for God's creation, it explains the importance of maintaining ecological balance as an integral part of human existence on Earth.<sup>24</sup> To this

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<sup>22</sup> Pramono Suwito Eko et al., "Local Wisdom: Pillar Development of Multicultural Nations and National Education Values," *Cypriot Journal of Educational Sciences* 15, no. 6 (2020): 1587-98, <https://doi.org/10.18844/CJES.V15I6.5319>.

<sup>23</sup> Seyyed Hossein Nasr, "Islam and the Environmental Crisis," *Islamic Quarterly* 34, no. 4 (1990): 217, <https://www.proquest.com/scholarly-journals/islam-environmental-crisis/docview/1304278156/se-2>.

<sup>24</sup> Siti Rohmah, Erna Herawati, and Moh Anas Kholish, *Hukum Islam dan Etika Pelestarian Ekologi: Upaya Mengurai Persoalan Lingkungan di Indonesia* (Malang: Universitas Brawijaya Press, 2021); Muhaemin Latif et al., "Environmental Theology and Its Relevance to Islamic Law: Perception of Makassar Muslim Scholars,

point, *fiqh al-bi'ah* becomes an essential part of the understanding of the Islamic religion, although in classical *fiqh* studies, the concept has not received serious attention. It is more likely not because *fiqh al-bi'ah* is considered unimportant by classical jurists. It is just that at that time, environmental issues had not yet gained prominence as they have in today's era of the industrial revolution where environmental issues are becoming increasingly complex and concerning.<sup>25</sup>

At this point, the local wisdom of the Muslim Bajo community finds conceptual justification from the concept of *fiqh al-bi'ah*. Although the discipline of *fiqh al-bi'ah* is not thoroughly understood in their knowledge system, in reality, the Bajo population has implemented it by preserving the sea and fisheries resources through various local wisdom. It is the legacy of their ancestors that has enlightened them to continue preserving the marine ecosystem. It implies that knowing the concept does not automatically result in acting according to it, and vice versa. In the case of the Bajo community, even though they may not have a comprehensive understanding of *fiqh al-bi'ah*, their practices reflect the principles of sustainable environmental stewardship that align with the values of this concept.

### **Bajo Community's Marine Ecosystem Conservation from the Perspective of the Green Constitution**

Various portraits of damage to the marine ecosystem in Indonesia are an undeniable existential reality. WALHI notes that the degradation of the marine ecosystem is caused by climate change and the increasing practice of ocean grabbing resulting from actions of

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Indonesia," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 3 (2023): 1734-56, <https://doi.org/10.22373/sjhk.v7i3.18905>.

<sup>25</sup> Sagaf Pettalangi, "Local Wisdom dan Penetapan Hukum Islam di Indonesia," *Tsaqafah* 8, no. 2 (2012): 231, <https://doi.org/10.21111/tsaqafah.v8i2.17>; M Ridwan, "Fiqh Ekologi Membangun Fiqh Ekologis untuk Pelestarian Kosmos," *Mazahib: Jurnal Pemikiran Hukum Islam* 12, no. 2 (2013): 150-61, <https://doi.org/https://doi.org/10.21093/mj.v12i2.331>; Arbanur Rasyid et al., "Local Wisdom Recognition in Inter-Ethnic Religious Conflict Resolution in Indonesia from Islah Perspective," *Juris: Jurnal Ilmiah Syariah* 22, no. 1 (2023): 13-26, <https://doi.org/10.31958/juris.v22i1.8432>.

irresponsible corporations with various dominion effects.<sup>26</sup> Amidst the threats of climate change and uncontrolled exploitation of natural resources, there emerges an inspirational story about a coastal community that has been a pioneer in preserving and caring for the marine ecosystem, and they are the Bajo tribe.

Although extensive research has been conducted on Bajo people and their traditional practices, precise and well-documented historical data on when they formally began their conservation practices may be difficult to ascertain. However, it can be assumed that these practices have existed for centuries,<sup>27</sup> possibly since their earliest existence as a marine community. Bajo people's conservation practices can be traced back to their ancestral traditions, which are deeply rooted in maritime culture.<sup>28</sup> As a nomadic seafaring community, the Bajo have relied on the sea as their primary source of livelihood for centuries. Oral histories and cultural narratives passed down through generations emphasize the importance of maintaining harmony with the sea as a vital source of life. These values were institutionalized into traditional practices, such as prohibitions against overfishing and the protection of sacred marine areas locally known as "*lua angalo*".<sup>29</sup>

The local wisdom possessed by the Bajo tribe functions not only as an environmental guardian but also as a catalyst driving sustainable preservation of the marine ecosystem. As "sea people," the Bajo tribe has profound knowledge of the marine ecosystem and sustainable practices in utilizing marine resources.<sup>30</sup> The efforts to protect marine ecosystems for the Bajo people are inseparable from

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<sup>26</sup> Parid Ridwanuddin, "Ocean Grabbing dalam Penangkapan Ikan Terukur," *WALHI: Wahana Lingkungan Hidup Indonesia*, April 5, 2023, <https://www.walhi.or.id/ocean-grabbing-dalam-penangkapan-ikan-terukur>.

<sup>27</sup> Nabiila Azzahra and Andika Dwi, "Asal-Usul Suku Bajo Yang Diusir Malaysia, Kerabatnya di Indonesia Hingga Filipina," *Tempo*, June 13, 2024, <https://www.tempo.co/internasional/asal-usul-suku-bajo-yang-diusir-malaysia-kerabatnya-di-indonesia-hingga-filipiina--49729>.

<sup>28</sup> Ericssen, "Mengungkap Teka-Teki Sejarah Suku Bajo," *National Geographic Indonesia*, March 11, 2015, <https://nationalgeographic.grid.id/read/13297612/mengungkap-teka-teki-sejarah-suku-bajo?page=all>.

<sup>29</sup> Paino, "Kearifan Suku Bajo Menjaga Kelestarian Pesisir dan Laut."

<sup>30</sup> Andi Ima Kesuma, "Menggali Potensi Lokal Sebagai Alternatif Pendidikan Masyarakat Suku Bajo Wakatobi," *Alliri: Journal of Anthropology* 4, no. 2 (2022): 1–6, <https://ojs.unm.ac.id/JSB/article/view/40138>.

their local wisdom which views nature as a partner in life. For this community, the relationship between humans and nature is not an exploitative subject-object relationship, but rather one of mutual dependence. Arif, one of the leaders of the Bajo community, explained that “the sea is our friend, not just a resource. We live from the sea, so we must maintain its balance and sustainability.<sup>31</sup>” This perspective reflects a generational awareness that their survival is deeply tied to the health of the marine ecosystem.

Furthermore, Arif emphasized that protecting the sea is not merely an ecological obligation but also a part of their cultural identity.

“Our ancestors taught us that if we do not care for the sea, we will lose both a friend and a source of life. Therefore, every action we take is always considered about its impact on the sea. Maintaining clean waters, protecting coral reefs, and using environmentally friendly fishing gear are our commitments to preserving nature's balance.<sup>32</sup>”

This ecological awareness is further reinforced by rituals and traditions that highlight the importance of maintaining a good relationship with the sea. “We always begin every activity in the sea with a prayer and a request for permission from the sea's inhabitants,” Arif added. Thus, for the Bajo people, protecting the marine ecosystem is not only about survival but also about showing respect for nature as an integral part of their lives. This obviously indicates how the local wisdom of the Bajo community regarding the importance of preserving the marine ecosystems not only finds legitimacy from *fiqh al-bi'ah*, but also simultaneously gains legitimacy from the green constitution.

The concept of green constitution refers to the integration of environmental protection principles into a nation's constitution, ensuring ecological sustainability and guaranteeing citizens' rights to a healthy environment.<sup>33</sup> This concept recognizes environmental

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<sup>31</sup> Arif, Leaders of the Bajo Torosiaje, *Interview*, 2023

<sup>32</sup> Arif.

<sup>33</sup> Jimly Asshiddiqie, *Green Constitution: Nuansa Hijau Undang-Undang Dasar Negara Republik Indonesia Tahun 1945* (Jakarta: Raja Grafindo Persada, 2010).

rights as fundamental human rights, obligating the state to sustainably manage and protect natural resources without compromising environmental integrity.<sup>34</sup> Additionally, it emphasizes shared responsibility between the government and citizens in environmental governance.

The Indonesian government has demonstrated a strong commitment to the conservation of biodiversity and marine resources through various regulations and enforcement mechanisms. Fisheries Law No. 45 of 2009 serves as the primary legal framework to combat destructive fishing practices,<sup>35</sup> aligning with Indonesia's obligations under the United Nations Convention on the Law of the Sea (UNCLOS).<sup>36</sup> Law enforcement efforts involve collaboration among multiple agencies, including the National Police, the Indonesian Navy, and the Directorate General of Marine and Fisheries Resources Surveillance (PSDKP), as well as active community participation through monitoring groups such as the Special Marine and Fisheries Police (PWP3K) and the Community Monitoring Groups (Pokmaswas).<sup>37</sup>

However, challenges remain in the field-level implementation of these policies, highlighting the need for improved governance and more inclusive community participation.<sup>38</sup> This study identifies the significant potential of the Bajo community values and practices as a foundation for developing more sustainable policies. Integrating Bajo people's local knowledge, such as the concepts of *sasi* and *bapongka*

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<sup>34</sup> Siti Rohmah, In'amul Mushoffa, and Moh Anas Kholish, *Konstitusi Hijau dan Ijtihad Ekologi: Genealogi, Konsep, Masa Depan, dan Tantangannya di Indonesia* (Malang: Universitas Brawijaya Press, 2022).

<sup>35</sup> Josept Prayego Matondang, Abdul Hakim, and Maya Jannah, "Handling and Enforcement of Illegal Fishing Laws in Indonesia Based on Law Number 45 of 2009 Concerning Amendments to Law Number 31 of 2004 Concerning Fisheries," *Journal of Social Research* 2, no. 4 (2023): 1363-69, <https://doi.org/10.55324/josr.v2i4.808>.

<sup>36</sup> Karina Tri Ambarsari et al., "Concept of Illegal Fishing for Indonesian Regulations and UNCLOS," *Yuridika* 38, no. 1 (2023): 1-16, <https://doi.org/10.20473/ydk.v38i1.38045>.

<sup>37</sup> Anta Maulana Nasution, Rizqi Maulana Rahman, and Cahaya Ramadhani, "Implementasi Kebijakan Penanganan dan Penanggulangan Kegiatan Penangkapan Ikan Yang Merusak (Destructive Fishing) di Indonesia," *Inovasi* 21, no. 1 (2024): 51-67, <https://doi.org/https://doi.org/10.33626/inovasi.v21i1.772>.

<sup>38</sup> Rohmah, Mushoffa, and Kholish, *Konstitusi Hijau dan Ijtihad Ekologi: Genealogi, Konsep, Masa Depan, dan Tantangannya Di Indonesia*.

into fisheries management policies could enhance conservation efforts. *Sasi* is a system of marine resource management that imposes a temporary ban on fishing or the extraction of some marine products. The purpose is to provide time for marine ecosystems to recover and regenerate. The duration of *sasi* can vary, ranging from several months to a few years. Meanwhile, *bapongka* is a tradition of longer-duration fishing, where Bajo people sail in small groups to distant areas to gather various marine resources. These two traditions exemplify the Bajo community's local wisdom in maintaining a balance between human needs and the preservation of marine environments.

Furthermore, the Muslim community of the Bajo tribe believes that humans are an inseparable part of nature. Therefore, they perform various rituals as a form of communication to acknowledge nature as a living subject. In their view, nature is a connected unity, and they believe that preserving the marine ecosystem is crucial. If they do not take care of the marine ecosystem, the marine inhabitants may respond negatively. Treatment of nature, partly embodied in some forms of prohibition, aims to maintain the sustainability of the marine and coastal ecosystems and support the existence of wildlife living there.<sup>39</sup>

This approach aligns with the philosophical principles of the green constitution which aims to avoid the dichotomy between anthropocentrism and biocentrism. Instead, in its philosophical perspective, nature is seen as a holistic unit or from an eco-centric point of view.<sup>40</sup> This theory states that morality should be applied to the entire components of the universe, both living and non-living.<sup>41</sup>

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<sup>39</sup> Kamil, Tribal Elder of the Bajo Torosiaje, *Interview*, 2023.

<sup>40</sup> Siti Rohma, Moh Anas Kholish, and Siti Zulaichah, "The Pattern of Absorption of Islamic Law Into National Law: Study of the Halal Product Guarantee Law in the Perspective of *Maqāṣid Syarī'ah*," *Jurisdiction: Jurnal Hukum dan Syariah* 12, no. 1 (2021): 20–47, <https://doi.org/10.18860/j.v12i1.10521>; Siti Rohmah and Azka Rasyad Alfatdi, "From Living Law to National Law: Theoretical Reconstruction of Applying Islamic Law in Indonesia," *Peradaban Journal of Law and Society* 1, no. 1 (2022), <https://doi.org/10.59001/pjls.v1i1.19>; Adrian Nugrahaa, "Legal Analysis of Current Indonesia's Marine Protected Areas Development," *Sriwijaya Law Review* 5, no. 1 (2021): 14–28, <https://doi.org/10.28946/slrev.Vol5.Iss1.603.pp14-28>.

<sup>41</sup> Ilham Tohari and Umar Faruq, "Actualization of Sufism Teachings in Environmental Conservation: Lessons from Tarekat Rowobayan," *Peradaban Journal of Religion and Society* 1, no. 1 (2022): 41–54, <https://doi.org/10.59001/pjrs.v1i1.30>.

This is, among others, reflected in how the Muslim community of the Bajo tribe fishes. Morality of the Muslim Bajo tribe in preserving the environment is evident in their decision to sustain the coastal ecosystem while prioritizing offshore fishing where fish populations are more abundant. Other than that, the rule prohibiting the consumption of fish near their settlements was strictly and consistently adhered to by Bajo community, stems from their profound emotional connection to the surrounding natural resources, including well-preserved ecosystems such as mangroves, seagrass beds, and coral reefs.<sup>42</sup> This commitment is an integral part of their cultural heritage, passed down through generations, and underscores the depth of their environmental stewardship.<sup>43</sup> This obviously shows that Muslim community of the Bajo tribe has long applied the spirit of the Green Constitution in their daily lives consistently even before the principles of the Green Constitution were recognized in the 1945 Constitution.

Article 28 H of the 1945 Constitution states: "Everyone has the right to live a prosperous life physically and spiritually, reside, and obtain a good and healthy environment and is entitled to receive health services." Despite recognizing environmental rights, violations persist due to several systemic challenges. One major issue is weak law enforcement where enforcement institutions lack the capacity and resources to monitor and regulate environmental practices effectively.<sup>44</sup> Additionally, decentralization, which delegates authority to regional governments, has resulted in inconsistencies in environmental governance, with some regions prioritizing economic development over environmental sustainability.<sup>45</sup> The mining sector, for example, highlights how regulatory gaps can trigger environmental rights violations, as permits are often issued without

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<sup>42</sup> Kamil, Tribal Elder of the Bajo Torosiaje, *Interview*, 2023.

<sup>43</sup> Paino, "Kearifan Suku Bajo Menjaga Kelestarian Pesisir dan Laut."

<sup>44</sup> Aris Susanto, Sapto Baralaska, and Aan Jaelani, "Constitutional Rights and Environmental Protection in Indonesia from a Legal and Policy Perspective," *Journal of Law Science (Legisci)* 2, no. 2 (2024): 121-29, <https://doi.org/10.62885/legisci.v2i2.484>.

<sup>45</sup> Grandini Dyah Sagita and Ervira Rahmasari Budi, "Regional Rights, Environmental Wrongs: Unpacking the Paradox of Autonomy in Indonesia's Environmental Governance," *Indonesian Journal of Environmental Law and Sustainable Development* 3, no. 1 (2024): 191-228, <https://doi.org/https://doi.org/10.15294/ijel.v3i1.78890>.



adequate consideration of environmental impacts or land rights.<sup>46</sup> On the other hand, some argue that while the constitutional framework is robust, the focus should shift towards improving law enforcement and fostering community engagement to strengthen environmental protections rather than solely critiquing existing legislation.<sup>47</sup>

In addressing these systemic challenges, integrating local wisdom into environmental governance could offer complementary solutions. The values of Bajo Muslim community, for instance, provide an eco-centric perspective that aligns with the spirit of the 1945 Green Constitution. These values can transform the approach from previously anthropocentric to eco-centric. For instance, the Bajo community views nature as a subject instead of an object as reflected through their sacred places and rituals. Although some may be considered as *shirk* (associating partners with God), they uphold a deep respect for the sea. Practices such as environmentally friendly fishing methods, and determining the locations and timing of fishing that consider the marine ecosystem, are concrete examples of how they maintain the sustainability of the marine ecosystem. Thus, the values and practices of local wisdom of the Muslim community of the Bajo tribe should serve as a strong foundation for strengthening the spirit of the 1945 Green Constitution.

The values of local wisdom of the Muslim community of the Bajo reflect the principles of a green constitution as mandated by the 1945 Constitution while simultaneously acting as a catalyst for sustainable green economic development. A green constitution is essential for sustainable development as it integrates environmental

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<sup>46</sup> Mohamad Nasir, "Chapter 8 Coal Mining Operations and Environmental Rights Violations in the East Kalimantan Province, Indonesia," in *The Asian Yearbook of Human Rights and Humanitarian Law*, ed. Matthias Vanhullebusch, Steve Foster, and Ben Stanford (Brill, 2023), 241-267, [https://doi.org/https://doi.org/10.1163/9789004538627\\_009](https://doi.org/https://doi.org/10.1163/9789004538627_009).

<sup>47</sup> Adiguna Bagas Waskito Aji et al., "Social Justice on Environmental Law Enforcement in Indonesia: The Contemporary and Controversial Cases," *The Indonesian Journal of International Clinical Legal Education* 2, no. 1 (2020): 57-72, <https://doi.org/10.15294/ijicle.v2i1.37324>; Athar Tristan Andana Kanz, Githa Asmadeningrum Rosady, and Saverio Pramudika Arya Wibowo, "Penerapan Green Constitution di Indonesia dalam Upaya Menjaga Keberlangsungan Lingkungan Hidup Yang Baik dan Sehat Sebagai Tanggung Jawab Negara," *Terang: Jurnal Kajian Ilmu Sosial, Politik dan Hukum* 1, no. 3 (2024): 269-83, <https://doi.org/10.62383/terang.v1i3.425>.

protection into the legal framework, ensuring that economic growth does not compromise ecological integrity. It embeds environmental rights within the legal system, as demonstrated by the 1945 Constitution of Indonesia which emphasizes the right to a healthy environment.<sup>48</sup> This approach encourages the alignment of economic policies with sustainable practices, mitigating the negative impacts of legislation such as the Omnibus Law (*Undang-Undang Cipta Kerja*), which may overlook environmental concerns.<sup>49</sup> It also aligns with Soemarwoto's perspective which asserts that sustainable development must simultaneously consider ecological, social, and economic aspects.<sup>50</sup>

Addressing these challenges requires a holistic approach that involves preserving local wisdom and empowering the community. The development of community-based marine conservation areas could provide an effective solution to maintaining ecological balance while strengthening the cultural identity of the Bajo community. Additionally, the promotion of sustainable tourism focused on the natural and cultural potential of the region could offer environmentally friendly livelihood alternatives.<sup>51</sup> Collaboration between the Bajo community, the government, and non-governmental organizations (NGOs) is crucial in these conservation efforts. Through

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<sup>48</sup> Iza Rumesten RS et al., "Protection of Human Rights Against the Environment in the Indonesian Legal System," *Journal of Law and Sustainable Development* 11, no. 10 (2023): 1-31, <https://doi.org/10.55908/sdgs.v11i10.570>; Annisa Weningtyas and Endang Widuri, "Pengelolaan Sumber Daya Air Berbasis Kearifan Lokal Sebagai Modal untuk Pembangunan Berkelanjutan," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 5, no. 1 (2022): 129-44, <https://doi.org/10.24090/volksgeist.v5i1.6074>; I Wayan Rideng, I Ketut Kasta Arya Wijaya, and Hartini Saripan, "Dimensions of Water Resources Regulation in Philosophy of Justice and Human Rights Perspective," *Journal of Indonesian Legal Studies* 7, no. 1 (2020): 31-56, <https://doi.org/https://doi.org/10.15294/jils.v7i1.53820>.

<sup>49</sup> Bahar Elfudlatsani, "Reconciling Environment and Development: Legal Transformation in the Job Creation Law Through a Green Constitution," *ACADEMOS: Jurnal Hukum dan Tatahan Sosial* 3, no. 1 (2024): 1-7, <https://doi.org/10.30651/aca.v3i1.23319>.

<sup>50</sup> Gatot P Soemartono, *Mengenal Hukum Lingkungan Indonesia* (Jakarta: Sinar Grafika, 2004).

<sup>51</sup> Sapta Suhardono et al., "Coastal Degradation in Tanjung Uma, Batam City, Indonesia: A SWOT Analysis of Environmental Challenges and Opportunities," *Indonesian Journal of Social and Environmental Issues (IJSEI)* 5, no. 1 (2024): 88-98, <https://doi.org/10.47540/ijsei.v5i1.1060>.

a collaborative approach, it is expected that effective synergies will be created in managing marine resources sustainably, ensuring the preservation of the Bajo community's culture for future generations. On a global scale, countries such as Ecuador and France have successfully integrated environmental principles into their constitutions, providing models for Indonesia to strengthen its green constitution.<sup>52</sup>

Indonesia can learn from the successes of Ecuador and France in strengthening environmental legal protection. By adopting the rights of nature, as Ecuador has done, and the concept of environmental justice, as seen in France, Indonesia can grant greater authority to the public to engage in environmental protection while enhancing the accountability of both the government and corporations. Additionally, by strengthening the environmental judicial system, increasing legal awareness, and actively involving the community, Indonesia can ensure that the principles of a green constitution are effectively implemented in daily life.

### Conclusion

The Bajo people, a predominantly Muslim community in Indonesia, maintain a deep and spiritual connection with nature, viewing it as a living entity deserving of respect. Their conservation practices, such as prohibitions against marine pollution, the protection of endangered species like sea turtles, and the use of eco-friendly fishing gear, align with Islamic environmental ethics, which emphasize stewardship and ecological balance. These actions reflect the principles of moderation and environmental responsibility, prioritizing sustainability for the well-being of humanity. The Bajo community also embraces principles of the Green Constitution, as outlined in Indonesia's 1945 Constitution, promoting a right to a healthy, sustainable environment. This study reveals their eco-centric approach which balances economic prosperity with environmental preservation. However, the findings are specific to the Bajo community in Torosiaje, with potential variations in practices among other Bajo groups. Future research should explore the cultural, social,

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<sup>52</sup> Linda Etchart, *Global Governance of the Environment, Indigenous Peoples and the Rights of Nature: Extractive Industries in the Ecuadorian Amazon* (London: Palgrave Macmillan, 2022).

and religious mechanisms behind these conservation practices and compare them with other fishing communities in Indonesia.

### **Acknowledgment**

We extend our gratitude to Dr. Munkizul Umam Kau, S.Fil.I., M.Phil. from Universitas Negeri Gorontalo for serving as an expert calibrator in the field of Bajo studies and for his significant contribution as a key informant, facilitating our access to various important informants within the Bajo Torosiaje community. Additionally, we would like to thank the informants, including traditional leaders from the Bajo Torosiaje communities and officials from the Torosiaje Village Government, who graciously agreed to be interviewed, such as Pak. Fenly, Pak. Rebi, Pak. Rizki, Pak. Kamil, and Pak. Abdul Khalik. Lastly, we are grateful to the Faculty of Law, Universitas Brawijaya, for providing financial support for this research.

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