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Strategies for Protecting and Managing Potential Resources in Somith Pasinaru Village/Negeri, West Seram Regency.

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Abstract

Introduction: *Negeri Somith Pasinaru in West Seram Regency possesses diverse terrestrial and aquatic natural resource wealth; however, its management is not yet fully based on synergy between positive law and customary law. The authority of the Saniri Negeri has not been codified in Negeri Regulations, resulting in weak binding force.*

Purposes of the Research: *To identify natural resource potential, analyze the legal framework and management issues, and formulate protection and management strategies based on the authority of the Saniri Negeri and applicable legislative provisions.*

Methods of the Research: *The method used in this research is normative legal research, conducted by examining applicable legal provisions while observing the living realities within the community.*

Results / Main Findings / Novelty/Originality of the Research: *Negeri Somith Pasinaru possesses customary forests rich in biodiversity, fertile agricultural and plantation lands, and coastal and marine waters that have sustained local livelihoods for generations. The Saniri Negeri has the authority to enact regulations, oversee implementation, and impose sanctions, including through sasi. Key constraints include weak synergy between positive law and customary law, utilization not yet in accordance with environmental carrying capacity, limited human resources and infrastructure, and fading local wisdom. Strategies include strengthening the position and authority of the Saniri Negeri, designating protected areas and natural resource zoning, drafting Negeri Regulations on natural resource management, enhancing sustainable utilization and economic value, and raising awareness and collaborative oversight.*

Conclusion: *Natural resource management in Negeri Somith Pasinaru faces weak synergy between positive law and customary law, utilization exceeding environmental carrying capacity, and fading local wisdom. It recommends designating the Negeri as a customary village (negeri adat), establishing the Saniri Negeri's authority, drafting Negeri Regulations, and collaborative monitoring*

Keywords: Customary Law, Saniri Negeri, Natural Resource Management, Sasi, West Seram.

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INTRODUCTION

Natural resource management in Indonesia plays a crucial role in supporting national development and public welfare. As an archipelagic nation with extraordinary biodiversity, Indonesia possesses immense potential across various sectors, such as mining, forestry, fisheries, and energy. However, unsustainable utilization of natural resources has led to severe environmental issues, including deforestation, land degradation, water and air pollution, and biodiversity loss. Consequently, effective and sustainable natural resource

management has become an urgent necessity for the preservation of Indonesia's ecosystems.[1]

The primary challenge in natural resource management in Indonesia is the conflict between economic interests and environmental preservation. Infrastructure development, mining expansion, and land conversion frequently overlook environmental impacts. Legal policies must balance both through clear regulations, effective oversight, and strict sanctions. Furthermore, coordination among government agencies is also vital, as policy overlaps and jurisdictional conflicts often impede efficiency. Legal policies need to strengthen synergy among related institutions.[2]

Additionally, the successful implementation of legal policies in natural resource management heavily depends on various factors. A key factor is the capacity of managing institutions, which encompasses the availability of competent human resources, adequate funding, and technological support for monitoring. Institutions with weak capacity will struggle to execute effective monitoring and law enforcement duties. Improving coordination among government agencies is crucial to ensuring that natural resource management policies are implemented effectively. Proper coordination between line ministries and related bodies will facilitate integrated policy formulation while accelerating monitoring and law enforcement processes. Furthermore, strengthening institutional capacity is vital to enhancing policy implementation effectiveness; agencies equipped with adequate human resources and technology will be better positioned to carry out monitoring and enforcement tasks more effectively.[3]

West Seram Regency spans a land area of 6,948.40 km² and a sea area of 79,005 km², featuring a coastline length of 719.20 km². This region comprises customary law community units known as "Negeri." In general, natural resource management within a Negeri in Maluku is governed by two legal systems, namely positive law and customary law.

Negeri Somith Pasinaru possesses highly potential natural resource diversity. The management of potential natural resources in this Negeri is grounded in Law No. 6 of 2014 concerning Villages which recognizes the ancestral rights of customary law communities Law No. 32 of 2009 concerning Environmental Protection and Management, and West Seram Regency Regional Regulation No. 1 of 2006 concerning Negeri. Additionally, customary law and the Saniri Negeri institution continue to function as mechanisms for decision-making regarding territorial boundaries and prohibitions on harvesting potential natural resources through sasi.[4]

However, in its implementation, gaps remain between positive law provisions and practical application in the field. The authority of the Saniri Negeri has not been explicitly codified in Negeri Regulations, resulting in weak binding force and enforcement of customary rules.

Based on the description above, the research problems can be formulated as follows:

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[1] Ines, A., Kriswandaru, A. S., Thamrin, A., & Ida, N. (2025). *Peran kebijakan hukum dalam pengelolaan sumber daya alam untuk keberlanjutan ekosistem di Indonesia.* Jurnal Kolaboratif Sains, hal. 681. https://doi.org/10.56338/jks.v8i1.6861.

[2] *Ibid.*

[3] *Ibid.,* hal. 687.

[4] Pietersz, J. J., dkk. (2024). *Penegakan hukum lingkungan di wilayah masyarakat hukum adat Maluku.* Jurnal Saniri, 5(1), 12–28.

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1. What are the natural resources and the applicable legal framework in Negeri Somith Pasinaru?
2. What strategy for the protection and management of natural resources based on the authority of the Saniri Negeri can be implemented?

METHODS OF THE RESEARCH

The method used in this research is normative legal research, conducted by examining applicable legal provisions while observing the living legal realities within the community.

RESULTS AND DISCUSSION

A. Potential of Natural Resources and Its Legal Management Framework

Negeri Somith Pasinaru possesses customary forest expanses rich in biodiversity, including economically valuable timber plants, medicinal plants, and non-timber forest products. Fertile agricultural and plantation lands support the development of food crops, coconut, clove, and nutmeg. Its coastal and marine waters abound in fish, shellfish, seaweed, and coral reef ecosystems that have sustained local livelihoods for generations.[5]

The legal framework for natural resource management includes:

1. Law No. 6 of 2014 concerning Villages, Articles 93–96, which recognizes the existence of customary law communities and their traditional rights, including the authority to manage land, territories, and natural resources according to the interests of the local community.
2. Law No. 32 of 2009 concerning Environmental Protection and Management, which substantially mandates efforts to preserve environmental functions and control natural resource utilization while paying due regard to local wisdom.
3. West Seram Regency Regional Regulation No. 1 of 2006 concerning Negeri, which regulates the status, duties, and authority of the Raja and Saniri Negeri in formulating regulations and governing community life within the negeri.
4. Customary Law of Negeri Somith Pasinaru under which the Saniri Negeri serves as the highest deliberative body consisting of the Raja and the Kepala Soa. It holds the authority to enact regulations, oversee implementation, and impose sanctions for violations, including through Sasi provisions a temporary closure on harvesting forest and marine products to allow resource regeneration.[6]

B. Constraints in the Protection and Management of Natural Resources

Environmental law in Indonesia has developed significantly over the past few decades, particularly following the enactment of Law No. 32 of 2009 on Environmental Protection and Management (PPLH). This regulation serves as the foundation for various natural resource conservation policies, including forest management, biodiversity protection, and environmental pollution control. However, the effectiveness of environmental law

[5] Dokumen Profil Negeri dan Data Potensi Negeri Somith Pasinaru. (2023). Piru: Kantor Pemerintah Negeri Somith Pasinaru.

[6] Cooley, F. L. (1987). *Negeri: Sejarah sosial pemerintahan adat di Maluku Tengah.* Jakarta: Yayasan Obor Indonesia.

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implementation remains a matter of debate, as cases of natural resource exploitation that contradict sustainability principles continue to occur frequently.[7]

National development policy applies the principle of sustainable development, which integrates the three pillars of development: the economic, social, and environmental sectors. Implementing this principle requires agreement among all parties to proportionally integrate these three development pillars.[8] Environmentally conscious sustainable development can be defined as a conscious and planned effort that integrates the environment, including its resources, into the development process to ensure the capability, well-being, and quality of life of present and future generations.[9]

Several issues related to environmental protection and management in Negeri Somith Pasinaru include :

1. Weak synergy between positive law and customary (adat) law. Written recognition of the Saniri Negeri's authority has not been explicitly incorporated into Village Regulations (Peraturan Negeri). As a result, customary rules often lack written legal force, leading to weak enforcement.[10]
2. Resource utilization is not yet in accordance with the environmental carrying capacity. The harvesting of forest and marine resources is sometimes carried out without regard for sustainability limits, while the designation of protected areas has not yet been established in writing or mapped.[11]
3. Limitations in human resources and infrastructure cause oversight and processing of yields to be less than optimal. Fourth, values of local wisdom are beginning to fade among the younger generation, while customary sanctions that were once effective are now rarely enforced.[12]

   According to Yeni Widowaty, the use of natural resources must be in harmony, alignment, and balance with environmental functions. Consequently, development policies, plans, and/or programs must be imbued with the obligation to preserve the environment and realize the goals of sustainable development, decentralization, as well as the recognition and appreciation of local and environmental wisdom.[13]

C. Strategies for Natural Resource Protection and Management

1. Strengthening the Position and Authority of Saniri Negeri

[7] Rijal, S., Anripa, N., Judijanto, L., Agusliana, S., & Jamin, F. S. (2025). Peran hukum lingkungan dalam mendukung konservasi sumber daya alam di Indonesia. *Jurnal Kolaboratif Sains*, *8*(2), hal. 1269. https://doi.org/10.56338/jks.v8i2.7140.

[8] Mina, R. (2016). Desentralisasi perlindungan dan pengelolaan lingkungan hidup sebagai alternatif menyelesaikan permasalahan lingkungan hidup. *Arena Hukum*, *9*(2), 156. https://doi.org/10.21776/ub.arenahukum.2016.00902.

[9] Jimly Asshiddiqie, Green Constitution, Nuansa Hijau Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, (Jakarta: Rajawali Pers, 2010), hlm. 135.

[10] Aponno, J. (2011). *Hukum adat dan pemerintahan negeri di Maluku.* Ambon: Universitas Pattimura.

[11] Kementerian Lingkungan Hidup dan Kehutanan. (2021). Pengelolaan sumber daya alam berbasis masyarakat hukum adat. Jakarta: KLHK.

[12] Nasdian, F. F. (2018). Pembangunan berkelanjutan di wilayah kepulauan. Jurnal Ilmu Lingkungan, 16(2), hlm 121–130.

[13] Yeni Widowaty, "Konsep Sustainable Development Sebagai Bentuk Perlindungan Terhadap Korban Tindak Pidana Lingkungan Hidup", Jurnal Media Hukum Vol. 19, No. 2, (Desember 2012): 269. https://doi.org/10.18196/jmh.v19i2.105.

The West Seram Regency Government (Pemerintah Kabupaten Seram Bagian Barat) should immediately establish Negeri Somith Pasinaru as a Customary Village (Negeri Adat) in accordance with Regional Regulations, so that the ancestral rights and authority of the Saniri Negeri are legally recognized.

Saniri Negeri is established to support the implementation of the Village government, functioning as a supporting element for the administration of the Village government and a working partner of the head of government. Its functions include formulating Village regulations, as well as accommodating and conveying community aspirations. Saniri Negeri also serves to preserve, protect, foster, and maintain the customs, customary law, and culture of the local community that lives, grows, and develops within its environment.[14]

2. Designation of Areas and Natural Resource Zoning

   Through Village Regulations (Peraturan Negeri) agreed upon with the Saniri Negeri, protected forest areas, limited production forest areas, and marine protected areas serving as spawning grounds for marine biota are established, along with clearly mapped territorial boundaries to prevent overlapping claims.

3. Formulation of Village Regulations on Natural Resource Management

   Village Regulations should at minimum cover sustainable management principles, procedures for resource utilization, provisions for closure and opening periods (Sasi), prohibitions on environmentally destructive gear, as well as fair and educational sanctions.

4. Sustainable Utilization and Economic Value Enhancement

   Developing environmentally friendly agriculture and plantations, providing training for resource processing to add value, and developing nature and cultural tourism based on local wisdom as alternative income sources without harming the environment.

5. Awareness Raising and Collaborative Oversight

   Establishing a joint monitoring team comprising members of the Saniri Negeri, youth, and the community to track violations, as well as building partnerships with the regency government for assistance, training, and support in infrastructure and capital.[15]

CONCLUSION

Natural resource management in Negeri Somith Pasinaru possesses abundant terrestrial and marine biological wealth, supported by national, regional, and customary legal frameworks (such as the Sasi tradition). However, management still faces primary challenges, including weak synergy between positive law and customary law, utilization exceeding environmental carrying capacity, limitations in human resources and infrastructure, and the fading of local wisdom among the younger generation.
To overcome these challenges::

[14] Pietersz, Soselisa, dkk., *Eksistensi Saniri Dalam Pemerintahan Negeri Suli Kecamatan Salahutu Kabupaten Maluku Tengah,* Jurnal Ilmu Sosiologi Vol. 1, hal. 17. https://ojs3.unpatti.ac.id/index.php/komunitas/article/view/3600.

[15] Pietersz, J. J., dkk. (2024). *Op. cit.*

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1. Strengthening Customary Legality: Official designation of Somith Pasinaru as a customary village (negeri adat) and formal establishment of the authority of the Saniri Negeri.
2. Territorial Designation and Regulation: Zoning of protected and production areas, alongside the drafting of Village Regulations (Peraturan Negeri) regarding the management of potential natural resources in Negeri Somith Pasinaru.
3. Empowerment and Oversight: Enhancing sustainable local potential-based economic value and forming collaborative monitoring teams between customary institutions, the community, and local government.

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