

# Religious-Cosmic Based Philosophical Foundation of Environmental Development Law in Sundanese Local Wisdom

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## Abstract

The philosophical foundation of environmental development law in Indonesian society currently is still dominated by western philosophers who are capitalistic, liberalist and individual, who emphasize on human aspect as creatures who are free to exploit their living environment, so that it tends to be anti-ecological. Copious approach on scientific method and rational analytical thinking has emerged anti-ecological attitude. Economic development (consumptive) and infinite growth of technology cause the disruption of the balance of nature, and and it will slowly cause huge damage. That philosophical foundation has dragged human to a cliff and a lowest point of the development of law that merely puts forward regulation aspects and state policy (centralized), through a management model that has the quality of command and control, the policy of environmental development has not seen a chance in local wisdom/culture values, that is religious-cosmic culture in Sundanese community environment.

The philosophical foundation of environmental law which puts forward the local wisdom can be established if there is empowerment movement, massive concern in order to encourage the creation of the concept of equality relation between human and universe, formal aspect of material and substantial aspect in the development of environmental law. It forms the awareness of interdependence on all life



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forms. The philosophical foundation of environmental development law in Indonesia must give back the opportunity for the establishment of the various relations as the form of creation of the better ecological life, that is the relationship between God, Human, and Environmental life. To develop a philosophical foundation of environmental development law which based on local wisdom/culture religious, social and empowerment movement are absolute things.

*Keywords: local wisdom, development of environmental law, religious-cosmic*

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## **Introduction**

Indonesian environmental development law is still strongly dominated by western mindset/paradigm, under the shade of positivism. The paradigm of environmental development law is still oriented to the formalistic and centralistic effort, with the support of scientific method as well as modern technology, which in the end it directs at capitalism, liberalism, industrialism, and consumerism (*developmentalist*) Frtjof Capra<sup>1</sup>, and it tends to be anti-ecological as it is explained bby Frtjof Capra' copious approach on scientific method and rational analytical thinking emerge anti-ecological attitude"... "Economic growth (consumptive) and infinite growth of technology can disrupt the balance of nature, and it will slowly cause massive damage" or as it is stated by Gunnar Myrdal, that if "western development theories and concepts are applied it will cause serious consequences<sup>2,3,4</sup>.

The consequences are marked by the number of pollutions and environmental damages in various aspects of life, albeit it is related to meet the life need and human's life. Through the anthropocentric paradigm, hence egoism and centralism are built, that human is everything and all the development activities are intended for human benefits by neglecting the interest of preserving the functions of the environment. In other words, the exploitation and management of the environment that is carried out by humans and merely for their benefits has caused *unsustainability* of environmental functions. It happens because there is a tendency that drains natural resources, and is not accompanied by a culture to protect and utilize, hence the excessive exploitation occurred that lead to the extinction<sup>5,6,7</sup>.

Nowadays, environmental damage is not only occurred locally, regionally, and nationally but it also occurs globally. Global warming, depletion of the ozone layer and acid rain are some of the indications that the function of the environment has been degraded because of the use of fossil fuel that is not environmentally friendly. Environmental damage certainly causes losses to human life and welfare. In addition, it causes a decrease in environmental capacity for the life of human and other creatures. Environmental development becomes unsafe and endangers human's life, due to the broad and permanent impact of excessive and continuous exploitation<sup>8</sup>.

The orientation of environmental development law is eventually degraded on the lowest point in the legal development which merely puts forward the regulation aspects and state policy (centralized) through the management model that has the quality of command and control. Environmental development law becomes oppressive for the people, especially rural or local people because it is impartial and built on the concepts that do not suit their interest. In the end, such development has marginalized and even infringed human rights, and resulted in bad lives of indigenous people and community<sup>9</sup>.

Given the rapid environmental damage rate, its broad impact and effects has caused harm to the public, hence it needs foundational effort to review philosophical conceptions which are paradigmatically able to encourage to improve people awareness and concern within the environmental development law by trying to look at new alternative and promising opportunity, that is balanced alignment for human and environment as well as belief in spiritual values.

In this decade, it began to emerge an idea to return to full ecological awareness which is based on magic and religious values. At this point, religious spiritual aspects hold an important role. For the past thirty years, environmental crisis has been encouraging the process of reforesting religious thought, when the religious thinkers start to respond more focused and increase their concern on fragile, vulnerable and interdependent human life.

This religious perspective coins religious movements and thinking. The theologians and ethicists, as well as philosophers, have moved to review old cultural heritages and reconstruct their holy books and also their old dominant theories, especially to clarify human's responsibility in order to keep the earth and fight for ecological justice. This thinking attempts to put the philosophical foundation which motivates many

scientists, secular environmental thinkers, and environmental activists to look back to the religious values which have mutual purpose and commitment for the betterment of all aspects<sup>10,11</sup>

**A. Problem encountered**

The problem to evolve the more religious concepts of development law and based on local wisdom value is not an easy matter, to change the paradigm that has lived long and dominate the paradigm (State), however, this endeavor continues and must be done continuously, and thoroughly. It is necessary to modify and adapt and reinterpret the development concepts that currently are based on positivism paradigm, as a back-bone of western science development. Environmental development policy must begin to see another alternative outside the domination of western concepts. Therefore, the effort to find a more fundamental principle and philosophical formulation concept can contribute the best solution as an effort and option to get back on the religious life and local people despite it does have to dismiss global aspect. Regulations that rule environmental development law must be reevaluated and the renewal must be the main thing in order to create a better future. People’s understanding becomes an important part that cannot be apart, all of them have to be one unified whole.

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**B. The Virtue/Urgency of the problem**

The urgency or the virtue of this study is linked to the need for establishing philosophical foundation regarding religious-cosmic local wisdom based environmental law. Since it can drive people awareness about the real meaning or environmental development as well as give a better option for environmental development which has been suffering great damage. Human activities, information on technology accelerations and massif production, as well as eroding life ethical values, have threatened human and other creatures’ lives. Besides, the religious concepts which develop in indigenous/ local people become foundational of a more original development that represents “*Indonesians*” and it is expected to change the mindset that has believed in western concepts.

**C. Method and Approach used**

This study applies multi-methods, those are:

1. Philosophical approach: The philosophical approach is used to discover a new way or new problem-solving. Through this philosophical study, it is expected that the issue is studied holistically. Likewise, it is also expected to develop new creativity, especially on the issue at hand. **Philosophical study method** consists of interpretation, induction and deduction, internal coherence, holistic, historical continuity, idealization, comparison, heuristic, inclusive and analogical, and descriptive language.
2. The study also applies a concept approach that is an approach that is carried on as a supportive philosophical approach. The concept is abstract constituents that represent phenomena classes in one field that occasionally refers to universal entities that are abstracted from particular things. The function of the concept is to bring out the objects that attract attention from a practical perspective and knowledge perspective in mind and particular attributes. The steps of concept approach consist of the abstraction process, means selective mental process which dismisses or separates a particular reality aspect from the others; and integrated process, means the combination of units into single thing, new mental entity which is used as a single thought unit (however, it can be broken into components if it is necessary)

## **D. Local Wisdom and Religious conception concerning Environment**

### *1. Local Wisdom Concept*

The term local wisdom is usually/ frequently called indigenous wisdom, traditional wisdom and indigenous inventions<sup>12</sup> indigenous knowledge<sup>13</sup>, *local genius*<sup>14,15</sup>, Eric Hobsbawm and Terence Ranger<sup>16</sup> use the term “invented tradition”. All those terms do not indicate the distinction of meaning, even they are mutually reinforcing. The word indigenous (*indu* and *gignere*) indicate a birth, developing or be naturally generated and genuine (naturally and native) in a territory or area. Uichol Kim and his team<sup>17</sup>, has developed a broader concept regarding the indigenous term, which relates the cultural psychology aspect by trying to understand others within their context even they develop the Cross indigenous concept.

The birth and developing of an idea is an individual creation and invention in society as a response to the needs and interpretation of

internal or external environmental events or phenomena. The fruits of its creation have been tested for its usefulness, socialized and internalized, inherited (institutionalization) to be a habituation or tradition that are lived and believed to be true, so they become steady.

Maryani<sup>18</sup> stated that local wisdom is the peak of cultural excellence which becomes the main identity of the nation. Local wisdom which becomes cultural character has several advantages, those are (1) be able to survive from outside influences, (2) it has an ability to accommodate outside culture elements, (3) it has an ability to integrate outside culture elements into the genuine culture, (4) it has an ability to control, (5) be able to give direction to the cultural development<sup>14</sup>.

Furthermore, Keraf<sup>19</sup> also proposed the meaning of local wisdom as all beliefs, understanding, or knowledge as well as customs or ethics which guide human behavior within their life in the ecological community. Indigenous knowledge encompasses customs, knowledge, perception, norm, a culture that has been mutually obeyed by the society (local) and hereditary live Keraf<sup>19</sup>. The manifestation of local wisdom can take the form of the knowledge system, social system, and culture system as reflected from environment management, a custom that rules a social relationship, and the result of a cultural artifacts such as land use, materials and residential architecture, clothing style, furniture, and ceremonies to take a cycle of life.

To preserve local wisdom, it is frequently familiarized by the term taboo or prohibition; it is something that cannot be done either by the member of a society or outsiders who visits their territory. For instance, the visitors of the Baduy Culture area are not allowed to take anything from the forbidden forest. This taboo works on Baduy people as well as outsiders. The taboo on indigenous people is an effective institution as a social control from various irregularities either internal or external influences. If there is a member of the community who deflects or violates the taboo, the member usually is imposed sanctions, either directly or indirectly.

## *2. Religiosity of Environmental Development*

As briefly stated at the beginning, that the development and the emergence of marches or groups who view and treat this universe as a whole and not partial have been continuing to grow and expand. Even though there are many religious traditions which have many sources, but there are fewer who fully develop systematically envi-

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ronmental ethics which are relevant to contemporary issues. Lynn white<sup>20</sup>, a historian who was specializing in medieval time, stated that modern science and technology are mutually interconnected contemporary environmental issues.

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There are many things and massive crisis emerge from the issues as mention previously, hence by 1970 an eco-justice movement tried to integrate ecology, justice (society) and religious things express their thought within theological studies, ethics, history, biblical and a general policy that took place in Amerika<sup>21</sup>.

Currently, there are many religious scientific works with an environmental theme. Theologians and ethics experts who have Islamic, Christian, Jewish backgrounds attempt to answer the ongoing crisis. Even, in some cases, they orient to and reformulate the tradition in order to be more consistent with ecological thinking. There are many consensus regarding the importance of religious aspect to deal with environmental problems and it is clearly visible that the struggle to integrate the ecology, justice (society) and faith become a permanent thinking in the future.

A lot of important writings and articles have been developing and reflecting a high commitment from many religious communities who believe in a brighter and sustainable future. Sustainable is a term that evolves either in religious communities or academic scientific communities. In the meaning of religious communities, it frequently reflects theological aspects, as well as the aims and the agenda of the communities. Some thinkers in the field exercise the mandate of environmental development to contemporary sustainable issues.

One of the relevant concepts to this study is “*eco-literacy*”, it is the combination of “ecological” and “literacy. Ecological is defined as “ecological principles-related” whilst “literacy” means “literate” or “a condition that someone understands or comprehend the matter. Therefore, “*eco-literacy*” can be defined as a literate condition, comprehend or understand the way ecological principles work in collective life in the planet earth.

“*Ecoliteracy*” is a fundamental or the first step to developing sustainable communities. Then, the second step “*ecodesign*” (ecology designing pattern) and the third or the last step is the formation of sustainable communities. The concept of “*ecoliteracy*” can be defined as a strategy to drive people in order to embrace new perspective over the reality of their collective life in the earth planet and to have necessary updates.

It is based on the understanding that collective life in the planet earth must be viewed not as mechanistically but ecologically and systematically. Hence, the things that must be understood from “*eco-literacy*” is the wisdom of nature which is depicted by Fritjof Capra<sup>1</sup> as the ability of planet earth’s ecologic systems to organize itself through smooth and complex ways. The ways of these ecologic systems to organize itself has been reliable to prevent the life in the planet earth<sup>22</sup>.

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## **A. The Cosmic Religious Sundanese Local Wisdom as the Concept of Environmental Law Development**

### *I. Sundanese Culture Wisdom*

Sundanese Culture Wisdom is a local cultural wisdom which can simply be interpreted as local genius, indigenous knowledge, a specific community or local community (local, regional, wewengkon), such as the indigenous knowledge of people living in Ujung Berung, Cililin, Pemengpeuk, Ciomas, Kampung Kuta, Kampung Naga, Baduy, Bali, Asmat, Indian Amazon, Aboriginal, and so on.

Sundanese Culture Wisdom is the indigenous knowledge in the effort of restoration and preservation of both natural and artificial life resources; and the environment, the place for living. In West Java, the knowledge in concern is the indigenous knowledge of the Sundanese community as the majority population of West Java.

Local wisdom is a form of environmental wisdom that exists in social life in a place or region. It refers to specific locality and community. According to Keraf<sup>9</sup>, local wisdom is the values or behavior of local people living in interacting with the environment where he lives wisely. Therefore, local wisdom is not similar at different places, times and ethnic tribes. This difference is triggered by challenges of nature and different necessities of life, thus, one’s experience in meeting the needs of one’s life leads to various systems of knowledge related to both environment and social condition. As one form of human behaviors, local wisdom is not a static entity rather dynamic over time, depending on the orders and socio-cultural ties exist in a society.

Meanwhile, Keraf<sup>9</sup> asserts that local wisdom is all forms of knowledge, belief, understanding or insight and customs or ethics that guide human behavior in life in the ecological community. All forms of local wisdom are lived, practiced, taught and passed down from generation to generation as well as shaping human behavior patterns towards



their fellows, either natural or occult issues. Furthermore, Francis Wahono<sup>23</sup> explained that local wisdom is the intelligence and management strategies of the universe in maintaining the ecological balance that has been tested for centuries by various disasters and obstacles, also negligence of humans. It does not only concern on ethics, but also norms, actions and behaviors, so that it may become a religion that both guides people in attitudes, actions in their everyday life and determines the further human civilization.

As understood, in adapting to the environment, the community acquires and develops a wisdom in form of knowledge or ideas, customary norms, cultural values, activities, and equipment as a result of abstraction in managing the environment. Often their knowledge of the local environment embodies as an accurate guide in developing life in their neighborhoods. The diversity of adaptation patterns to the environment that exist in Indonesian society has passed down from generation to generation, become the guidance in utilizing natural resources. Public awareness to preserve the environment can be effectively grown through cultural approaches. If the awareness can be improved, then it will be indeed a big force in environmental management. In this cultural approach, strengthening of the social capital, such as socio-cultural institutions, local wisdom, and norms related to the preservation of the environment is crucial to be the main base.

Relevant and Underlying Views on the understanding of the environment in Sundanese custom are below:

- a. **UNDERSTANDING OF NATURE.** Sundanese society has a philosophy, that man and nature is a unified entity. Man is a part of the sub-system of nature “*seke seker*” to have a very strong sense and inner as well as physical bond.
- b. **UNDERSTANDING OF MOUNTAIN.** Besides viewed as the main life, resources, the mount is also believed to be one of the places that give the element of the human body system in the form of “essence” transformed through “water”. Therefore, naming the mountains is the same as naming parts of the human body.

The above views are in accordance with the concept of ecology in which the reciprocal relationship between humans and the environment is closely related to the pattern of development of a region where everything is done to the environment will affect back to the surrounding ecology, that can be positive and negative depends on how

management is applied to maintain ecological balance. Human beings have a great responsibility and influence on surrounding environmental changes. Technological developments and improvements over time are able to make changes in land use patterns, community growth, urbanization, agriculture, economy, and socio-cultural conditions.

Indigenous people's wisdom against nature can still be discovered among Kasepuhan or Baduy people in Mount Halimun ecosystem. Amidst the threat of environmental destruction by irresponsible parties, Baduy people are well known for maintaining traditional wisdom and proven to be able to save the natural surroundings. Baduy people have an understanding that the forest as a protected area is a life, and classified into 3 classes, namely *leuweung titipan*, *leuweung tutupan*, and *leuweung garapan*. Keraf<sup>9</sup> continued, customary law or local wisdom has advantages compared with the recent ability possessed. Nature is like a human formed from the system. In local wisdom, water becomes the center of life (*sanghyang udel*) like a body-centered on the stomach in the middle. Also, springs are called as the *sanghyang pertiwi* because it comes from the bottom of the earth.

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## 2. Patanjala Method/Concept and Watershed

Wisdom of Sundanese Culture (KBS) and Patanjala method are the activity base from up to downstream in West Java. KBS seems to be one of the approaches in preserving environmental function as it adjusts Indonesian characteristics and the Patanjala method is applied because this method refers to the concept of the universe (religious cosmic) so that the activities conducted are suitable with the law of nature.

Based on KBS, the development efforts of environmental law is supposed to rely on Watershed (DAS) concept or Patanjala. Patanjala is derived from 'Pata' means water and 'Jala' means river/region. It teaches about the region (awareness of space) as a strategic foothold in determining the policy (regulations). The concept of river taught in patanjala concerns on regional management as a whole, integrated between up, middle and downstream (land and sea).

Patanjala teaches institutional patterns based on the division of roles or tasks rather than power, namely Rama, Resi and Prabu (Queen). The philosophy of patanjala lectures that managing environment or region should build upon the logic of water (river) in which already contained values of knowledge that have been stored thousand, even

million years ago and is not limited to understanding of managing in a narrow sense (waste, garbage, borders, slum houses around the river), but more widespread is managing the governance of the region, from the society, the state to the world order.

Terminologically, Patanjala means river (found in an ancient manuscript of Galunggung). In Sundanese cosmology (*Baduy Society*), called Mount Pangauban. Mount as a communal entity (*kanagaraan-kabala-araan-togetherness*), and pangauban is the territorial or river boundary by river or water. In the *Patanjala* method, the river is believed to be a system or pattern of environmental management that represents the regular pattern of space, time and activity within. The space, time and activity in patanjala term (Sundanese) are called Regional Governance, *Tata Wayah and Tata Lampah*.

In general, the Patanjala formulation including *KABATARAAN*, *KADEWAAN* and *KARATUAN*. *Kabataraan* is the stage of the introduction of society to the origin (Sundanese: *wiwitan*) of their territory which indeed their history. The origin of this region is related to the initial law called *tangtu* (certainty). *Tangtu* is believed to be the natural law which represents the divine law, thus, it is considered a certainty. The law of origin covers territory (Sundanese: *leuweung*), *titipan* (prohibitions), *tutupan* areas (protector or buffer) and *baladahan/bukaan* (utilization or cultivation). Based on the condition of the region, the community understands what really has to do with the environment. *Kadewaan* is the stage of how society digs and re-establishes its knowledge system in environmental management. This stage guides people to rediscover their knowledge system in responding to the demands of the environment. This stage includes *Tapa Di Mandala Salira*, the strengthening of individual knowledge, *Tapa di Mandala Balarea/Nagara*, strengthening of communal knowledge (among individuals) and *Tapa di Mandala Buana*, communal strengthening in managing wider environment (between countries/ universe). Finally, *karatuan*, the stage when the society performs everything in accordance with the mandate (study) of *kabataraan* refers to the discovered system of knowledge (*kadewaan*).

A sample, in brief, is in Ciomas area and under the authority of the elders, Siti Maryam (Mak Iyam), Ciomas residents currently make efforts to preserve their customs that are basically the local wisdom they have. They designate *Leuweung ban* (forbidden forest) in Sawal mount as a place that must be properly guarded and its manners to adhere as part

of the system. This mount is the water spring of Cidarma watershed that fulfills the needs of the community, including Ciomas village community.

In addition, water becomes an everlasting source for the needs of human life. While, land is the material aspect of the living things, the example of 'homeland' (tanah air) concept, Water is the inner aspect while the soil is the material aspect so that they are interrelated one another to form the natural system. Similarly, the country (negara) concept which associates 'Naga' (dragon) as a winding river and 'ra' as light. It is the standard learned by humans as part of the Environment.

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## Conclusions

The philosophical concept of the local wisdom of Sundanese is unique, yet it reflects the holistic relationship between God, mankind and his environment. The developed concept can provide a new vision of an effort to develop a more religious environmental law, also promising life and togetherness. We, however, should slowly begin to break away from the paradigm of positivism (Western-centric) and need to develop a more adaptive model for Indonesian context. Environmental law development needs a religious concept that awakens us all, that the development takes hard and smart work by developing environmental sensitivity based on morality for the future of environmental law development in the Indonesian context.

Development of environmental law based on local concepts and religious values must be massively and systematically driven to address the more concrete legal development areas. First, the general policy aspect concerning changes in various products of legislation in Indonesia. Second, the development of facilities that are more human and eco-friendly facilities and infrastructures. Third, the morality development of law enforcers based on spiritual values and local life aspects, and finally the legal culture of the society that must be able to maintain the continuity of the relationship between the life of the God, man and his environment.

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