

Study Of Community Legal Culture From The Perspective Of River Maintenance In Banjarmasin City

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Abstract

Background: The problem of river water resource management between upstream and downstream areas is a problem in the era of decentralization and regional autonomy. The era of regional autonomy has changed various authorities in the environmental sector which are increasingly limited at the central and provincial government levels but have become greater at the Regency/City level. Law Number 23 of 2014 concerning Regional Government basically places the authority of the Regency/City Regional Government. **Methods:** The primary data obtained from the researcher's field research is expected to be able to answer these objectives. Furthermore, with secondary data, the researcher will conduct an inventory of primary legal materials in the form of regulations at both the national and regional levels that regulate river management and how the legal culture of the Banjarmasin City community utilizes and maintains rivers. **Findings:** The river culture in Banjarmasin City is not only marked by community activities carried out on the river, but also marked by the presence of settlements on the banks of the river, such as residential areas, places of worship, floating markets, siring, museums and other places on the banks of the river. In each sub-district there is a river caretaker whose job is to maintain and preserve it and as the first party to report if there is a problem related to the river. **Conclusion:** River culture is certainly a demand for society to be able to maintain the sustainability of rivers, because culture is not only about the activities and characteristics of a society, but is also seen from the behavior of its people in utilizing rivers, because rivers as a source of life must of course be utilized properly. **Novelty/Originality of this article:** An environmentally aware culture is crucial to improve so that there are no more people who do not care about preserving rivers and throwing garbage into rivers. River culture is certainly a demand for society to be able to maintain the sustainability of rivers, because culture is not only about the activities and characteristics of a society, but is also seen from the behavior of its people in utilizing rivers, because rivers as a source of life must of course be utilized properly.

Keywords: River; legal culture and Banjarmasin society.

I. INTRODUCTION

Rivers are one part of the state assets, regarding the management of water resources that now need special attention from the government and the community, especially Banjarmasin which is known as the city of a thousand rivers topographically located 16 cm below sea level, geographically has hundreds of rivers with various and dynamic forms of water space and water surface space. Although rivers are renewable natural resources, rivers can easily be contaminated by various human interests in development. Rivers are also an absolute necessity for the life and life of Banjarmasin City, in the midst of a world situation that is faced with a food, energy, water and global warming crisis. (Silalahi, 2003).

Banjarmasin City is divided and bordered by various large rivers such as the Martapura River which divides Banjarmasin City, the Barito River has a size of 100,000 square kilometers with various tributaries on the right and left sides, such as Sunagi Banjar Kecil, Sungai Negara, Sungai Kuin, Sungai Kuin Kecil, Sungai Alalak, Sungai Murung, Anjir Tamban, Anjir Serapat and Sungai Barito is the largest and longest river in South Kalimantan and is even the widest river in Indonesia that borders Banjarmasin City with the Java Sea and Central Kalimantan Province, plus around 290 other large rivers and small rivers that are spread dynamically and harmoniously in Banjarmasin City, both those that are still functioning and those that are not functioning. (Listiyani & Nopliardy, 2022). along with the growth rate of residential development and the population growth rate is not comparable to the river and canal areas so that it has an impact on the existence of the function of the canals and rivers in Banjarmasin, this situation is compounded by the low level of legal culture of the community who live and the business activities of the community around the riverbanks and above the river, thus increasing the rate of damage to the river environment, water surface space and the surrounding river space.

II. METHODS

This research is a type of sociological normative legal research. This legal research is oriented towards primary legal materials and primary data (results of research in the field). According to Soerjono Soekanto and Sri Mamudji, empirical legal research is an approach carried out by field research by seeing and observing what happens in the field, the application of these regulations in practice in society. (Soekanto & Mamuji, 2013) To support this empirical research, normative research is also used with a statutory approach by reviewing laws and regulations related to environmental protection and management, especially water resource management. In addition, a sociological approach is also used to see how the law works in society in forming a legal culture.

2.1. Sources of Legal Materials

The legal materials and data required in this research are divided into two, namely primary legal materials/data and secondary legal materials.

a. Primary Data

Based on field research data. The primary data is the existing condition of the legal culture of the Banjarmasin City community in managing and utilizing rivers.

b. Secondary Data

Secondary data consists of legal materials that are analyzed to see how the law works in society, where in this study the researcher uses the following legal materials,

a) Primary legal materials, in the form of statutory regulations used in research, include:

1. Law Number 32 of 2009 concerning Environmental Protection and Management
2. Law Number 20 of 2021 concerning Job Creation
3. Government Regulation Number 38 of 2011 concerning Rivers.
4. Regional Regulation Number 15 of 2016 concerning Efforts to Improve River Management in Banjarmasin

b) Secondary Legal Materials are legal materials whose contents provide explanations regarding primary legal materials, books, newspaper articles, magazine articles, articles sourced from the internet, law journals, dictionaries, theses or dissertations related to river management.

2.2. Research Location

The research location was in Banjarmasin City, specifically highlighting and studying the legal culture of the Banjarmasin City community who use rivers to support their daily lives.

2.3. Data analysis

The process carried out is by checking, examining the data that has been obtained to ensure whether the data can be accounted for in accordance with reality. After the data is processed and deemed sufficient, it is then presented in narrative form and possibly in table form. After that, combining the primary legal materials and secondary legal materials that have been collected, then analyzed using scientific methods. Strengthening the results is by analyzing primary legal materials in accordance with the tasks of normative legal science, namely description of laws and regulations, systematization of laws and regulations, analysis of laws and regulations, interpretation of laws and regulations.

III. RESULT AND DISCUSSION

3.1. Analysis of the Characteristics of the Legal Culture of the Banjarmasin City Community Living on the Riverbanks

Culture is defined as a rule of how humans act and behave, the existence of a culture that is created will form and grow their identity as a whole human being. Every person or society that lives certainly has an identity that is built by their culture. (NDB, 2018) Friedman stated that the legal system consists of three components, namely structure (legal structure), substance (legal substancy), and culture (legal culture). (Lawrence, The Legal System: A Social Science Perspective, 1975) **Culture (legal culture)** consisting of values and attitudes that influence the working of the law, or by Friedman called legal culture. This legal culture functions as a bridge connecting legal regulations with the legal behavior of all citizens. The life of

the Banjarmasin City community is closely tied to the river. Not only is it a vital connecting route, the river is also a source of drinking water, kitchen needs, sanitation facilities, and even a place to live.

The concept of settling people who live around the river with traditional lanting houses reflects the creative adaptation of humans to the river environment, making it a characteristic of a city known as the City of a Thousand Rivers. (Ahyat, 2012) Offering its uniqueness, the lanting house floating on the water enriches the river panorama in South Kalimantan Province. In addition, another function of the lanting house is as a barrier to the flow of river water which can cause soil erosion. As a timeless cultural heritage, this floating house maintains its physical authenticity with wooden construction and foundations made of logs. The lanting house is not only a legacy of civilization in South Kalimantan Province, but also a symbol of the identity of the Banjar Tribe. Losing the lanting house means losing most of the cultural identity of the Banjar Tribe. In addition to being a place to live, the lanting house also plays a role in supporting economic activities, becoming a vital place for buying and selling transactions for the community. (W.I, Mansyur, & Effendi, 2023)



Fig 1. Lanting House on the riverbank

Efforts to build a harmonious society through river culture are important. The development of relevant and contextual river cultural values has an important meaning for the harmony of society, when viewed from a cultural perspective. Building a harmonious society through river culture in a region will encourage a sense of pride in its culture and at the same time pride in its region because it has played a role in contributing to the development of the nation's culture and can produce a harmonious society. (Syafudin, 2000)

3.2. Significant Impact of Community Culture on River Management Efforts in Banjarmasin City

3.2.1. Form of Implementation of Regional Regulation No. 15 of 2016 Concerning Efforts to Improve River Management in Banjarmasin

Regional Regulation Number 15 of 2016 Concerning Efforts to Improve River Management in Banjarmasin, is a regulation made as an effort to improve river management in Banjarmasin. Article 4 number 1 states that river management carried out by the Regional Government includes the following activities: planning, development, utilization, and maintenance. The implementing agency for the Regional Regulation as regulated in Article 4 is the River Sector and the Self-Managed UPT for River Maintenance and Drainage of the PUPR Service of Banjarmasin City, because this sector and UPT are fully responsible for river management in Banjarmasin City. The implementation of the Regional Regulation that was carried out included the formation of river stakeholders in each sub-district of Banjarmasin City whose duties were to maintain and preserve and as the first party to report if there were problems related to the river. Every year, river normalization was also carried out, namely dredging mud and other sediments due to the ebb and flow of the river. For residential areas, roads are built on the banks of the river to become river boundaries with a limit of 3 (three) meters from the building, so that the river can be maintained and preserved. The construction of bridges located above the river must request permission from the PUPR River Service so as not to disrupt the flow of the river below. If a fairly large flood occurs, several water pumps will be placed at

the river confluences to speed up the process of receding water. The river sector in collaboration with the Environmental Service, every month periodically measures the quality of river water, in addition to programming the creation of a special place for the disposal of sasirangan waste from the craft industry as well as efforts to replace toilets along the river with communal toilets, because if the toilets are not replaced, they will directly pollute the river. The UPT Swakelola River and Drainage Maintenance in collaboration with the Environmental Service built a TPS (Waste Disposal Site) located on the riverbank with the aim that people do not throw their waste into the river but throw it into the TPS. In addition, to reduce waste or sediment in the drainage.



Judul : Banyaknya TPS/TPA menurut Kabupaten/Kota
 Sumber Data : Dinas Lingkungan Hidup
 Per Tanggal : 06 Oktober 2023

Kabupaten	Jumlah TPS	Jumlah TPA	Daya Tamp	Jumlah TPS	Jumlah TPA	Daya Tampung TPS (m3) 2022
Tanah Laut	2	1		3	1	137500
Kotabaru	3	1		7	1	200000
Banjar	10	1		14	1	165000
Barito Kual	4	1		4	1	165000
Tapin	2	1		2	1	90000
Hulu Sunga	5	1	1500	7	1	99000
Hulu Sunga	7	1	17	7	1	247500
Hulu Sunga	5	1		6	1	70000
Tabalong	8	1		10	1	120000
Tanah Bum	6	2	60000	8	1	55000
Balangan	6	1		7	1	98400
Banjarmasi	13	1		12	1	395000
Banjarbaru	1	1	167408,00	3	1	144300
Prov.Kalsel (Banjarbak		1		0	1	20000
Kalimantan Selatan				90	14	2006700

UPT Swakelola Maintenance of Rivers and Drainage builds closed drainage, making it difficult for garbage, sand and soil to enter the drainage. Other river maintenance efforts are by carrying out clean-up actions, for example in the framework of an anniversary involving the community and river communities, the aim of which is for the community to see that if the river is cleaned together, the river will be clean quickly and always well maintained. (Ariwibowo, 2005)

3.2.2. Constraints Affecting the Effectiveness of Implementation of River Management Improvement Efforts in Banjarmasin.

The constraints that affect the effectiveness of controlling the quantity and quality of river water as one of the raw water sources for Banjarmasin City are because the rivers in Banjarmasin are the most downstream or lowest, so any activity upstream will definitely have an impact on the rivers in Banjarmasin. Lack of public awareness to maintain and preserve and not to throw their garbage into the river is also one of the obstacles that causes the river to become very dirty and its quality is below standard to be used as a source of raw water. With the large number of rivers and the high activity of people throwing garbage into the river, cleaning the river and drainage cannot keep up because it is still done manually and human power is still lacking, so it is still very slow to be able to maintain the cleanliness of the rivers in Banjarmasin. In addition, many people still urinate and defecate into the river, which is also one of the causes of the poor quality of the Banjarmasin river water or not in accordance with the established standards. Another cause is because waste from the craft industry, such as sasirangan and others that contain high chemical compounds, is dumped into the river, because it does not have a special place for disposal.



Fig 2. River dredging carried out by the Banjarmasin City Government

In an effort to normalize river water, efforts have actually been made to dredge small rivers in or around housing so that the rivers can be wider, so that more water volume can be accommodated, but these rivers are difficult to reach because there are many settlements on the left and right sides, to carry out dredging, the equipment used is difficult to operate because there are houses on the left and right and it is feared that landslides will occur. In dredging this river, it still cannot be done optimally because it is constrained by the lack of human resources and the absence of a special place to dispose of the results of river dredging and also the sand in the drainage. In addition, another obstacle is the existence of conflicts/conflicts with housing estates on whose land there are rivers, the housing estate uses its land freely without paying attention to the existence of the river, so that the river becomes narrow because it is used as housing land. River culture is certainly a demand for society to be able to maintain the sustainability of the river, because culture is not only about the activities and characteristics of a society, but also seen from the behavior of its people in utilizing the river, because the river as a source of life must certainly be utilized properly.

It can be seen that most rivers are used not only as a place to live, but all household activities are also carried out in the river. River settlements also have a negative impact, namely river pollution due to activities carried out by the community. (M.F, 2021) Cultivating an environmentally aware culture is the behavior of individuals interacting with the environment, including rivers, through positive thinking that includes utilization, management, and maintenance by considering self-awareness as an important part of the environment, which lies in the values of improvement to achieve natural, social and economic goals. (Diliarosta, 2021) The lack of public knowledge and understanding of the urgency of low river management results in a very low awareness of preserving the river. The support and participation of the community in helping the government in efforts to improve river management in Banjarmasin is still very low. An environmentally aware culture is crucial to improve so that there are no more people who do not care about preserving the river and activities of throwing garbage into the river.

IV. CONCLUSIONS

The river culture in Banjarmasin City is not only marked by community activities carried out on the river, but also marked by the presence of settlements on the banks of the river, such as residential areas, places of worship, floating markets, siring, museums and other places on the banks of the river. The river becomes a word full of meaning where it contains the philosophy of life of the Banjar people so that social terms related to the river are created, one of which is Kayuh Baimbai which is the motto of the city of Banjarmasin. For the people of Banjarmasin, rivers are not just a source of water, but also a way of life and identity. Rivers as an identity are reflected by naming villages by the name of the river that flows through their area. The constraints that affect the effectiveness of controlling the quantity and quality of river water as one of the sources of raw water for Banjarmasin City are because the rivers in Banjarmasin are the most downstream or the lowest, so any activity upstream will definitely have an impact on the rivers in Banjarmasin, so that the quality of river water in Banjarmasin always decreases.

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