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## Legal Recognition of Nadran Local Wisdom and Socio-Legal Study of Social Control of Communal Rights of the Coastal Community of Cirebon

Sallsa Nabila Dewi Ubaiyadi<sup>1</sup>, Faika Pra Setiawati<sup>2</sup>

<sup>1</sup> Master's Program in Law, Faculty of Law, Universitas Swadaya Gunung Jati, Indonesia.

<sup>2</sup> Master's Program in Law, Faculty of Law, Universitas Swadaya Gunung Jati, Indonesia.

**Corresponding Author:** Sallsa Nabila Dewi Ubaiyadi, **E-mail:** [sallsanabila445@gmail.com](mailto:sallsanabila445@gmail.com)

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### | ABSTRACT

This study examines the socio-legal aspects of the Nadran Tradition, which forms the basis of the local wisdom of the coastal communities of Cirebon, and its implications for strengthening collective rights in marine resource management. Using a sociological legal approach, this study examines how customary norms that thrive in a spirit of togetherness function as a management tool and behavioral guide for the community to achieve ecological justice and sustainability. The findings show that the Nadran Tradition effectively strengthens collective rights and builds social control mechanisms and active participation, where its effectiveness in preserving the sea is equal to or even exceeds that of formal legal instruments recognized by the state. However, a significant normative gap was found, in which the Coastal Zone Management Law does not clearly recognize this customary law as the basis for collective management, thus marginalizing the Nadran Tradition in the formal legal system. To address this gap, this study recommends the need for transformative legal recognition through the creation of a Regional Regulation (Perda) that explicitly establishes and integrates Nadran as a legal instrument in marine resource management. This recommendation is crucial to provide legal certainty, strengthen the legitimacy of community collective rights, and ensure the achievement of sustainable and equitable environmental management.

### | KEY WORDS:

*Nadran, Customary Law, Ecological Justice*

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## I. INTRODUCTION

Indonesian coastal communities have a close relationship with the sea, not only as a source of livelihood, but also as a social and cultural space that shapes their collective value system. This relationship has given rise to various practices of local wisdom that serve to regulate the sustainable use of marine resources, one of which is the Nadran Tradition that developed on the coast of Cirebon. This tradition is not merely a cultural ritual, but also contains social regulatory values that foster collective awareness among fishing communities to maintain the balance of the marine ecosystem through customary norms and cultural symbols that are collectively observed [1].

Despite its significant social and ecological functions, the Nadran tradition has not yet received adequate recognition in the positive legal system. Coastal zone management and marine resource management are still dominated by administrative approaches and economic interests, while the communal rights of coastal communities derived from customary law tend to be marginalized. This situation creates a gap between state law and the legal practices that exist within communities, even though the existence of customary law communities and their traditional rights are constitutionally recognized. From a legal pluralism perspective, ignoring local norms like this has the potential to weaken the effectiveness of marine resource management and reduce community participation [2].

Normatively, national law has opened up space for community involvement in environmental and coastal zone management. Law No. 32 of 2009 and Law No. 27 of 2007 in conjunction with Law No. 1 of 2014 form the legal basis for coastal community participation in marine resource management. However, recognition of customary legal instruments such as the Nadran Tradition is still general in nature and has not been integrated operationally.

Therefore, this study focuses on analyzing the sociological legal dimensions of the Nadran Tradition as a reinforcement of the communal rights of the Cirebon coastal community, while also examining a model of legal recognition that can bridge the gap between customary law and positive law in marine resource management.

## **II. METHODOLOGY**

This study applies a Socio-Legal Study (Empirical Normative Law) approach with the aim of exploring the position of the Nadran Tradition as a customary law tool in the context of positive law in marine resource management. This study combines two main methods: (1) the Legislation Method to analyze regulations related to PPLH and Coastal Areas, and (2) the Sociological Method to examine the social role of Nadran as a means of control and reinforcement of collective rights among the coastal communities of Cirebon. Legal (Normative) Data was collected through a literature review of primary, secondary, and tertiary legal sources. Empirical (sociological) data was obtained through in-depth interviews with community leaders, policy makers, and fishermen, as well as through participatory observation in the field. The collected data was analyzed qualitatively. Legal data was analyzed using systematic and teleological interpretation methods to assess the suitability of norms. Meanwhile, empirical data was analyzed through data reduction, presentation, and descriptive-qualitative conclusions. The conclusions of this study were drawn deductively to formulate an innovative legal recognition model to support the strengthening of collective rights and sustainable marine resource management.

## **III. ANALYSIS AND DISCUSSION**

The Nadran tradition that lives on in the coastal communities of Cirebon shows that marine resource management is not only carried out through formal legal instruments of the state, but also through social and cultural norms that are alive and collectively obeyed. Customary practices such as Nadran reflect a form of local wisdom that serves as a guideline for community behavior in maintaining a balanced relationship between humans and the sea. Similar management patterns are also found in various other coastal communities, where customary norms are able to regulate the sustainable use of marine resources through utilization regulations, certain prohibitions, and the application of social sanctions. This confirms that customary law has real capacity as an effective and sustainable community-based environmental management instrument [3].

From a sociological legal perspective, the existence of the Nadran Tradition reflects the communal rights of coastal communities over marine space and the resources contained therein. These rights are not understood as individual rights, but rather as collective rights attached to the community and exercised through social agreements. Recognition of the environmental rights of indigenous peoples is an important part of the sustainable development agenda, given that coastal communities have historically had resource management systems oriented towards sustainability [4]. However, within the framework of Indonesian positive law, recognition of the communal rights of coastal communities has not yet been fully realized. Law No. 27 of 2007 in conjunction with Law No. 1 of 2014 does recognize the role of communities in coastal zone management, but it does not explicitly integrate customary law instruments such as the Nadran tradition as the basis for communal management of marine areas [5].

This normative gap has an impact on the legal position of the Nadran Tradition, which tends to be marginalized within the formal legal system. Empirically, however, customary law has proven to be highly effective in controlling community behavior. Environmental law enforcement in coastal areas is often ineffective if it relies solely on state law without taking into account the customary norms that exist within the community [6]. When state laws are repressive and insensitive to social contexts, community participation weakens. Conversely, customary norms with social sanctions and cultural legitimacy can create voluntary and sustainable compliance.

The sociological dimension of the Nadran tradition is also evident in its ability to foster collective participation among coastal communities. This tradition involves the entire fishing community in rituals and social decision-making, thereby strengthening a shared sense of responsibility for marine conservation. Various coastal customs demonstrate that cultural rituals serve not only as symbolic expressions, but also as a means of ecological education and effective community-based conservation strategies [7]. This pattern is relevant to the Nadran Tradition, in which ecological values are transmitted through cultural symbols and practices that are easily understood and accepted by the community.

Within the framework of ecological justice, the Nadran tradition reflects efforts to distribute environmental benefits and burdens fairly among members of coastal communities. Customary-based marine management ensures that resources are not overexploited by certain parties, while protecting coastal communities that depend directly on the sea. This principle is in line with the objectives of Law No. 32 of 2009 concerning Environmental Protection and

Management, which emphasizes community participation and recognition of local wisdom. However, without more concrete legal recognition, this principle is difficult to implement consistently at the implementation level [8].

Therefore, a transformative legal recognition model is needed to bridge the gap between customary law and positive law. Integrating the Nadran tradition into local regulations (Perda) on marine resource management can be a strategic step towards providing legal certainty for the communal rights of the coastal communities of Cirebon. Formal recognition of the role of indigenous and local communities in conservation has proven to be key to the realization of fair and sustainable natural resource management [9]. Thus, recognition of the Nadran Tradition not only serves to preserve culture, but also acts as a legal instrument that strengthens ecological justice and sustainable marine management.

#### IV. CONCLUSION

This study shows that the Nadran tradition plays an empirical role as a foundation for local wisdom and a successful social control tool, emphasizing its socio-legal function in maintaining balance between humans and the sea. In addition, this tradition also strengthens the communal rights of the Cirebon coastal community in managing marine resources, which is in line with the principle of ecological justice. However, there is a striking normative gap because positive laws such as the Coastal Law do not clearly accommodate this customary instrument, even though its effectiveness in community-based environmental enforcement has been proven. Therefore, this study recommends the need for transformative legal recognition through the drafting of a Regional Regulation (Perda) that officially establishes and integrates Nadran as the basis for communal marine resource management, to ensure legal certainty, increase voluntary participation, and achieve ecological sustainability.

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