

Adat Sasi in the Concept of Local Economic Democracy in Maluku

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ABSTRACT

This study aims to analyze Sasi customary law as a representation of economic democracy grounded in local wisdom among indigenous communities in Central Maluku. A qualitative case study approach was conducted across three customary regions: Haruku Island, Leihitu, and Teon Nila Serua. The findings reveal that Sasi is not only a tool for environmental conservation but also a community-based economic system that emphasizes public participation, distributive justice, and sustainable resource governance. The system regulates land and marine resource use through communal consensus, traditional oversight, and fair distribution. Moreover, Sasi aligns with the principles of maqashid al-shari'ah in Islam, particularly the protection of wealth, life, intellect, progeny, and religion. This research also confirms that Sasi embodies the core values of economic democracy as articulated in Article 33 of the 1945 Indonesian Constitution, namely economic sovereignty and a system based on kinship. Thus, Sasi customary law should be recognized and integrated into national economic legal policy as an alternative model for achieving social justice and sustainable development through local values.

INTRODUCTION

Economic democracy in Indonesia is based on Article 33 of the 1945 Constitution, which states that the economic system shall be organized as a joint effort based on the principle of kinship. Although scholars offer diverse interpretations, they generally agree that the essence of economic democracy lies in positioning the people as both the main actors and the ultimate goal of economic development. Muhammad Hatta, a prominent figure in Indonesian economic thought, emphasized that cooperatives represent the ideal form of economic democracy, as they reflect mutual cooperation, equitable distribution of benefits, and active public participation, especially in uplifting the welfare of the lower classes (Fadli Zon, 2016).

A similar view was expressed by Mubyarto, who introduced the concept of a Pancasila economy. He argued that economic democracy should be rooted in the values of Pancasila, such as social justice, humanity, and solidarity. Mubyarto also emphasized the importance of public involvement in economic decision-making and the strengthening of people's economic sectors such as cooperatives and MSMEs (Mubyarto, 1997). His concept highlighted the reinforcement of small-scale economies as a foundation and economic buffer for the nation. This notion was supported by Franz Magnis-Suseno, who stated that economic democracy is not only about solidarity but also about societal control over the direction of economic development, to prevent domination by a small elite. He believed that such a system must ensure equitable distribution of welfare and public participation in the decision-making process.

Economic democracy is key to creating a more just and prosperous Indonesia. It emphasizes prioritizing people's welfare, opening space for public participation in economic decisions, and promoting equitable wealth distribution. Through this approach, social inequality can be reduced and inclusive, sustainable development achieved, particularly through the empowerment of cooperatives and MSMEs (Baswir, 2006).

The concept of economic democracy developed by these scholars highlights the significance of public participation, particularly through MSMEs and cooperatives, as they are believed to create employment, promote equitable distribution of wealth, and drive local economic growth. However, in practice, the implementation of this concept has not fully reflected the true values of economic democracy. Ideally, economic democracy involves active public participation in economic decision-making, prioritizes collective welfare, considers environmental sustainability, and ensures long-term economic resilience. Yet, many cooperatives and MSMEs today fall short in fulfilling these principles.

The foundation of economic democracy lies in Article 33 of the 1945 Constitution, which states that the economy shall be organized as a joint endeavor based on kinship. This is often interpreted to mean that economic democracy is synonymous with cooperatives or MSMEs, as both reflect the value of togetherness. However, economic democracy has a broader meaning. Ideally, it includes public involvement in economic policy-making, equitable welfare distribution, environmental sustainability, and natural resource protection.

Unfortunately, these values are not yet fully embedded in current cooperative and MSME practices.

Economic democracy demands active public involvement in decision-making processes, but in practice, this participation remains limited. While cooperatives theoretically allow for participation, their organizational structures often hinder it. Meanwhile, most MSMEs are managed privately or within families, with little involvement from the broader community, making them far removed from the democratic economic spirit aimed at collective welfare. Economic sustainability also remains a challenge, as many cooperatives and MSMEs focus solely on short-term profits without considering the environmental impact. In reality, even small-scale businesses, if unsustainably managed, can collectively cause substantial harm to the environment.

Therefore, economic democracy must uphold non-negotiable values, including community participation, shared prosperity, environmental protection, and sustainable development. This is the essence of a true economic system. This is also aligned with Article 33 paragraph (4) of the 1945 Constitution, which states that the national economy must be conducted based on principles of togetherness, efficiency, justice, sustainability, environmental awareness, independence, and maintaining the balance and unity of the national economy. Emil Salim affirmed that economic democracy must strike a balance between economic growth, social welfare, and environmental preservation. According to him, development must not harm ecosystems, and the responsibility for sustainability must be borne jointly by society and the government (Azis, 2010). This emphasizes that the economic system must avoid excessive exploitation of nature. Economic democracy rejects capitalism and liberalism, as both prioritize profit over humanity and the environment. Instead, it should promote community or tradition-based enterprises that reflect familial values and align with local wisdom.

One concrete form of economic democracy is traditional economy. According to the ILO, the people's economic system also includes traditional practices of local communities, such as Sasi customary law in Maluku. In Sasi, the community and traditional institutions jointly regulate the fair and sustainable use of natural resources with active citizen participation. This practice reflects the ideal principles of economic democracy. Therefore, a reinterpretation of economic democracy is needed, moving beyond the narrow focus on MSMEs or cooperatives that do not yet fully reflect values of sustainability, participation, and environmental stewardship.

Linguistically, Sasi is derived from the word "sanction," referring to a prohibition on utilizing natural resources both terrestrial and marine until the resources have reached a harvestable stage. As long as Sasi is in effect, the harvesting of natural resources is prohibited for economic purposes, except in cases deemed urgent by traditional leaders and *kewang*. Such exceptions include personal or village events like weddings or communal needs, and even then, resources may only be taken in limited quantities (W Pattinama, 2003).

Sasi represents local wisdom in Maluku's customary communities in managing natural resources sustainably. It comprises community-agreed rules

about when and how resources can be harvested. These rules apply to both land and sea and are enforced with traditional sanctions. The main goal of Sasi is to balance economic use with environmental conservation. This aligns with research findings that Sasi is a form of community-based conservation that promotes sustainable resource management (Fevi Rahma Dwi Putri, Arif Satria, 2020). Broadly, Sasi is categorized into land and marine Sasi. Land Sasi governs the use of crops like nutmeg, coconut, and cloves, while marine Sasi regulates harvesting of marine life such as fish and sea cucumbers. Both forms show that traditional communities uphold economic systems grounded in justice, sustainability, and conservation.

Sasi is typically carried out in three phases: the closed phase, where harvesting is prohibited; the open phase, where regulated harvesting is permitted; and the sanction phase, where violators are penalized according to customary law. These stages indicate that Sasi is not merely tradition but a community-based economic system that is democratic, participatory, and sustainable. In Central Maluku, Sasi is a real example of customary economic democracy, where natural resource use is collectively and sustainably governed. Communities establish bans on fishing and harvesting certain crops like nutmeg and coconut during specified periods to preserve nature. These bans are decided through traditional consensus and enforced by institutions like *kewang*. After the ban is lifted, the resources are jointly harvested and fairly distributed. Research supports the idea that Sasi positively impacts harvest outcomes and supports local economic sustainability (Melissa Justine Renjaan, Hartuti Purnaweni, 2013); (Reimon Supusesa, 2012).

Sasi is more than ecological protection; it reflects the autonomy of traditional communities in managing their local economies. The system resists exploitation and upholds human and cultural values over profit. Studies also highlight Sasi's role in preserving the environment through customary marine law in villages like Eti in Western Seram (Zulfikar Judge, 2008). Economic democracy from this perspective extends beyond cooperatives or MSMEs to include living customary systems. Therefore, Sasi could serve as a model of equitable and sustainable economic democracy that aligns with Article 33 of the 1945 Constitution, emphasizing resource governance by and for the people.

In Islam, preserving natural resources, the economy, and the environment is not just recommended but is part of the core objectives of Islamic law (*maqashid al-shariah*). Protecting the rights of the community is essential, and economic and social development must be sustainable (Nizar, Iffatin Nur, 2025). Islam emphasizes safeguarding five core aspects of life. First, in protecting religion (*hifz al-din*), Sasi, which contains spiritual and cultural elements, can harmonize with social values as long as it does not contradict Islamic teachings. Second, in protecting life (*hifz al-nafs*), Sasi prevents food crises and environmental damage by ensuring sustainable resource use.

LITERATURE REVIEW

Economic Democracy

The philosophy of economic democracy arises from economic imbalances. Scholars assert that distributive justice means treating equals equally and

unequals unequally (Redbruch, 1950). This principle is further explained in two tenets of justice: first, every individual has the same right to basic freedoms; second, social and economic inequalities are only justified if they benefit the least advantaged group and if access to positions is open to all through fair opportunity (Rawls, 2006).

These justice theories are reflected in the concept of equitable efficiency as articulated in Article 33 paragraph (4) of the 1945 Constitution of the Republic of Indonesia, which mandates that the economy shall be organized based on economic democracy with principles of togetherness, equitable efficiency, sustainability, environmental awareness, independence, and a balanced advancement of national economic unity. The idea of democracy emphasizes governance based on the will of the people, where ultimate sovereignty lies with the people. This sovereignty encompasses both political and economic domains. In the political domain, it is known as political democracy; in the economic domain, it is called economic democracy (Baswir, 2009). Therefore, democracy must be understood as a form of people's sovereignty in both spheres.

Economic democracy asserts that economic decisions such as production, distribution, and consumption must be made collectively by the people. In Indonesia, this is applied so that the public can participate in economic decision-making. The main principle is that efficient markets require public participation, and economic policies should be made with the people's interests in mind (Stiglitz, 2012). The implementation of economic democracy in Indonesia includes economic policy regulation, community participation in development planning, inclusive economic approaches, and the empowerment of cooperatives and MSMEs.

Public participation increases efficiency and innovation because communities understand their local needs. This supports inclusive and sustainable development. Participation is the willingness to support programs according to one's ability without sacrificing personal interests (Ndraha, 1987). Community participation includes voluntary contribution, awareness-raising, initiative-taking, active dialogue with project implementers, and involvement in deciding changes and building their own lives and environment (Soetomo, 2006).

Economic Justice

Society faces various injustices in legal, social, economic, and developmental aspects. Scholars divide justice into two types: distributive justice, which allocates resources based on merit, and commutative justice, which treats everyone equally regardless of merit, especially in exchange of goods and services (Friedrich, 2004). Distributive justice emphasizes the allocation of wealth, honor, and other valuable goods based on their value and benefit to society, rather than mere mathematical equality (Rawls & Kelly, 2001). Distribution is considered fair if it aligns with recognized communal values of goodness.

The concept of justice is built upon two primary principles: (1) every person has an equal right to basic liberties, and (2) social and economic inequalities are permitted only if they benefit the least advantaged and if everyone has fair

opportunities to access such positions (Rawls & Kelly, 2001). The theory of economic justice significantly influences public policy, such as progressive taxation to reduce inequality and social programs to protect vulnerable groups. Market regulation is also necessary to ensure fair competition. However, this theory is criticized for potentially hampering growth or creating new forms of injustice. Moreover, defining the exact measure and meaning of justice in different contexts remains challenging. Overall, this theory demands a balance between growth, efficiency, and social justice in economic policymaking.

Sustainable Economic Development

Sustainable economy emphasizes natural resource management that ensures environmental preservation. The goal is for resources to continue supporting economic growth and societal needs in the long term by minimizing environmental damage and considering long-term impacts (Dasgupta, 2015). The economy and the environment are closely interrelated. Economic development that focuses solely on profit can damage the environment due to excessive natural resource exploitation. Ideal development must be balanced, viewing the environment as an integral part of the economic system (Sumarto, 2013).

Sustainable development must be implemented to ensure the efficient use of natural resources without causing environmental harm, referencing the 2030 Sustainable Development Goals, which include 17 objectives such as poverty eradication, economic growth, education and health improvement, job creation, and environmental and climate protection. Its core principles include the moral responsibility of the present generation to preserve resources for future generations, directing economic activities not to harm ecosystems, and ensuring intergenerational welfare for sustained economic and environmental benefits (Nugraha et al., 2024).

Local Economic Empowerment

The theory of local economic development is highly relevant in describing how Sasi customary law in Central Maluku has the potential to drive local community economic growth. Its development requires synergy between local governments, traditional institutions, businesses, and communities to create and maintain sustainable economic activities. Blakely and Bradshaw describe local economic development as an effort to maximize the potential of local resources through collaborative efforts. Meanwhile, Samsul emphasizes the importance of endogenous development elements that are functionally and spatially integrated with broader regions (Samsul, 2000).

According to *Local Economic Development Planning: A Municipal Guidebook* by the South Jersey Economic Development District, there are three keys to successful local economic development, especially in small-scale areas. First, development should be internally driven by strengthening existing local businesses, attracting new investments, and supporting local entrepreneurship to become competitive and grow. Second, development strategies must be realistic, measurable, and long-term oriented by optimizing available opportunities and resources. Third, local leadership development is crucial, where leaders must be visionary, problem-solvers, resource managers, and

capable of encouraging active participation from all community elements to achieve common development goals (Erdo ugdu & Christiansen, 2016).

Theory of Customary Law Politics in Indonesia

Customary law originates from repeated individual behavior patterns within a society. When reciprocal interactions occur repeatedly among members, they form social relations that develop into a social system. Habits that are continuously practiced together become customs reflecting the community's values and sentiments. Over time, these customs are accepted as binding communal rules and eventually evolve into customary law applicable within that community (Pide, 2017). Customary law is not formed directly but through gradual processes alongside societal development. According to the historical school of law, customary law is not created but grows organically with the community, in line with the adagium *ubi societas ibi ius* (where there is society, there is law). Although often unwritten, customary law represents the people's legal sentiments and thoughts and contains norms and sanctions for violators. Customary law is a living law that continuously evolves with society's dynamics (Siombo & Wiludjeng, 2020).

Customary law is understood through sociological, anthropological, and functionalist approaches, closely aligned with Talcott Parsons' sociological theory. Customary law is a living law that reflects the legal ideals and values of Indonesia (Salman, 2002). It is referred to as the living law because it is actively obeyed and practiced by communities without needing formal codification. Unlike statutory law, which may be ignored if irrelevant such as Law No. 2 of 1960 on Profit Sharing customary law is regarded as a collective asset, applied voluntarily, and reflects community needs and values. Hence, it is also referred to by various terms such as people's law, indigenous law, unwritten law, common law, or customary law, based on the sociological premise that the law remains alive because it continues to be upheld by its community.

METHODOLOGY

This research uses a qualitative-descriptive approach, employing data collection techniques through observation and ethnographic fieldwork (Hadi, 2021). This research type was selected with the aim of uncovering facts related to Sasi customary law within the context of economic democracy in Indonesia. A qualitative approach in a natural setting is used to explore facts from the subject's point of view, resulting in descriptive data about observed phenomena (Taylor et al., 2015). This approach enables comprehensive descriptions of how Sasi customary law is practiced in Central Maluku communities.

The qualitative fieldwork was conducted in three islands in Central Maluku (Haruku, Leihitu, and Teluti), with the researcher as the primary instrument, being directly present in the field after obtaining informal approval from village authorities (Moleong, 2007). The researcher's presence was transparent, acting as a full observer while also assisting with the subjects' activities and maintaining good relationships for smooth data collection. Ethical principles were upheld, including respecting privacy, avoiding informant exploitation, and honoring

local culture and values to ensure accurate data collection without disrupting community activities (Hadi, 2021).

In qualitative research, data serve as the core foundation supporting the entire research process. The data consist of words from interviews or observations, interpreted as the basis for arguments. All data in this study are primary, derived from traditional leaders and communities (such as village kings, *saniri*, clan heads, *kewang*, traditional figures) as well as academics from universities in Central Maluku, and may be supplemented as needed. Data were collected through in-depth interviews to explore the meaning of informants' experiences, direct observation of *Sasi* implementation, and documentation to obtain information related to the research actors (Huberman, 1994).

Data analysis included three stages: (1) description, (2) horizontalization (inventory of relevant key statements), and (3) clustering of meanings (categorizing statements into meaning units). The analysis follows an inductive reasoning model commonly used in qualitative studies (Lodico et al., 2006). This research applies the data analysis techniques popularized by James P. Spradley, including domain analysis, taxonomic analysis, componential analysis, and cultural theme analysis.

RESEARCH RESULTS AND DISCUSSION

The Implementation of Sasi Customary Law in the Indigenous Communities of Central Maluku

The implementation of *Sasi* customary law involves various customary leaders such as the *Raja Negeri* (Head of the Customary Village), *Saniri Negeri* (Deliberative Council), *Kepala Soa* (clan head), *Kewang* (customary police), and *Marinyo* (customary spokesperson). These figures, together with the community, conduct deliberations to determine the time of implementation, the area subject to *Sasi*, and its objectives. The targeted areas include land (plantations and forests) and marine zones (up to 300–400 meters from the shoreline).

The *Sasi* customary law is carried out in three stages: (1) closed *Sasi*, in which the community is prohibited from harvesting natural resources from specific areas; (2) open *Sasi*, when harvesting is allowed after the resources have sufficiently recovered; and (3) *Sasi* sanctions, applied when there is a violation of customary rules, with consequences such as fines or other traditional punishments. The decision-making process in the implementation of *Sasi* reflects the values of participation, deliberation, distributive justice, and sustainability, as outlined in the principles of economic democracy (Article 33 of the 1945 Constitution). In practice, the harvest from both land and sea is distributed fairly through community deliberation, ensuring every resident receives a proportional share. This aligns with Rawls' idea that social justice must benefit those who are least advantaged (Rawls & Kelly, 2001).

The *Sasi* custom is also consistent with Islamic values, particularly the *maqashid al-shariah*. In terms of the protection of life (*hifz al-nafs*), *Sasi* prevents excessive exploitation of nature, maintains ecosystem balance, and averts food crises. Regarding the protection of reason (*hifz al-'aql*), *Sasi* encourages rational thinking and sustainability-oriented resource use. From the perspective of wealth protection (*hifz al-mal*), *Sasi* safeguards economic yields from depletion, and

ultimately, the protection of progeny (hifz al-nasl) is also fulfilled by ensuring the availability of resources for future generations (Azis, 2010). Based on field findings, Sasi customary law proves to be a concrete form of local economic development (Blakely & Leigh, 2010), which prioritizes the optimization of local potential through synergy among communities, traditional institutions, and local governments. Sasi plays a crucial role in environmental conservation while supporting local sustainable economies.

This concept also aligns with the sustainable development approach, as regulated in the 2030 Agenda. Sasi practices reflect environmental preservation, community participation, and social justice the three main pillars of sustainable development. Thus, Sasi is not merely a tradition but also a living legal system, consistently obeyed and implemented by the community without the need for written or legislated form (Adi, 2001). Therefore, Sasi customary law can be positioned as a tangible form of customary-based economic democracy that unites local values, sharia principles, and sustainable development goals. This research opens a space for reinterpretation of the concept of economic democracy in Indonesia to be more inclusive of long-lived and proven local wisdom that maintains ecological, economic, and social balance.

The Representation of Economic Democracy in Sasi

The Sasi customary law in Central Maluku remains alive and practiced by the community, supported by strong traditional institutions. Sasi is executed through a structured mechanism, beginning with deliberation among traditional leaders such as raja negeri, saniri negeri, kepala soa, kewang, and marinyo, followed by announcements to the community regarding the time and location of Sasi implementation. The areas subject to Sasi are collectively determined, whether on land (forests, gardens, and fields) or at sea (300–400 meters from the coastline). Once designated, Sasi is carried out through customary ceremonies and monitored by the kewang. During the Sasi period, the community is prohibited from exploiting resources in the designated areas. Violations are sanctioned with customary fines. After the Sasi period ends, harvesting is done collectively, and the yields are distributed fairly among community members.

The distribution of harvests is done through deliberation among customary stakeholders and the community, guided by principles of justice and equity. All community members have equal rights to the harvested resources, regardless of social status. In practice, this system reflects the principles of economic democracy: public participation, equitable benefit distribution, and sustainable resource management. This study also reveals that Sasi fosters social solidarity and active citizen involvement in environmental conservation. This shows that Sasi customary law can serve as a real model of a localized economic democracy system that rejects exploitation and individualism.

The practice of Sasi also demonstrates that the indigenous communities of Central Maluku are capable of building a fair and sustainable economic management system through kinship values. As stated in Article 33 paragraph (1) of the 1945 Constitution, the national economic system should be organized as a collective effort based on the principle of kinship. Sasi customary law embodies this principle, as it is managed through consensual deliberation and

upholds collective values. This customary law has been proven to regulate the utilization of natural resources efficiently, fairly, and responsibly toward the environment, positioning the community as the main decision-makers.

Sasi Customary Law in Indonesia's Legal Politics of the Economy

Sasi customary law in Central Maluku portrays a local mechanism rich in the values of economic democracy and oriented toward sustainability. This practice does not merely regulate resource usage but also emphasizes participation, deliberation, and fair distribution of yields within the community. In its execution, economic decisions such as the timing of harvests or the opening of marine areas are made by consensus among the raja negeri, saniri, kepala soa, kewang, and customary communities, as reflected in the established traditional institutional structures. This aligns with Aristotle's concept of distributive justice, which emphasizes differential treatment based on contribution, as well as John Rawls' principle that economic policies should benefit the least advantaged and guarantee equal opportunities (Rawls & Kelly, 2001).

Sasi, as a form of customary law, has become a living legal system (the living law), voluntarily upheld by the community without formal legislation. As Soepomo stated, customary law is not created but grows and develops alongside society's dynamics. Van Vollenhoven also recognized customary law as the fundamental legal foundation of Indonesian society (Siombo & Wiludjeng, 2020). The hereditary nature of Sasi also shows that the community has its own legal mechanisms that are effective and deeply rooted in local values. Therefore, Sasi customary law holds great potential to be accommodated in the national legal system as part of economic legal politics based on local wisdom.

Indonesia's legal politics in economic matters has long been centralized in national development models that often neglect local and customary economic systems. Yet, as emphasized by Mochtar Kusumaatmadja, law should adapt to societal needs and serve as a tool of social engineering. In this context, recognizing and protecting practices such as Sasi is a concrete form of legal decolonization and empowerment of indigenous community economies. Sasi also exemplifies how indigenous communities practice economic democracy through collective resource management, equitable distribution, and environmental preservation for intergenerational sustainability aligning with the maqashid al-shariah in Islam.

Thus, Sasi represents not only customary law but also a practical form of economic democracy aligned with the mandate of Article 33 paragraph (1) of the 1945 Constitution an economy organized as a collective effort based on the principle of kinship. Therefore, the state must develop legal policies responsive to such local practices and open avenues for integrating customary law into the national legal system without stripping away its essential character. This supports people-centered economic sustainability, creates social justice, and strengthens the national legal identity of Indonesia.

CONCLUSION AND RECOMMENDATION

This study concludes that Sasi customary law in Central Maluku is not merely a cultural heritage but also a system of economic and environmental

management aligned with the principles of economic democracy. Sasi, as a living law, regulates natural resource utilization fairly, participatively, and sustainably. The practice reflects values of community participation, distributive justice, and protection of the environment and future generations. Traditional institutions such as *kewang*, *saniri negeri*, and *raja* play a central role in determining the timing, areas, and sanctions in Sasi implementation. Active community participation in deliberation and monitoring demonstrates a collective and inclusive decision-making system. This reflects the embodiment of customary-based economic democracy, as reinforced by the principles of *maqashid al-shariah* in Islam. Politically and legally, the existence of Sasi customary law aligns with constitutional mandates and the spirit of legal pluralism. This reinforces the argument that Sasi customary law should be recognized as one of the legal sources in the national legal system, particularly in the field of economic law that prioritizes social and ecological justice.

Based on the findings of this research, it is recommended that both central and regional governments acknowledge and strengthen Sasi customary law as a living and relevant local legal system for sustainable natural resource management. This support can be realized through policies that reinforce customary institutions and integrate Sasi values into education systems and local economic development programs. Furthermore, synergy should be built among the government, academics, and civil society to develop a local wisdom-based economic model that is participatory, just, and environmentally friendly. In the context of national law, Sasi customary law should be accommodated within Indonesia's legal politics as a tangible form of legal pluralism that embodies economic democracy and the principles of social justice.

ADVANCED RESEARCH

For future research, it is suggested that studies on Sasi customary law be expanded to other regions in Maluku and Papua to observe variations in practice and its impact on natural resource management and community welfare. Future research may also focus on comparative analyses between Sasi customary law and positive legal instruments in the context of environmental protection and the application of economic democracy principles. Moreover, an interdisciplinary approach involving legal, economic, anthropological, and ecological perspectives is essential to understand the complexity and integration potential of Sasi customary law within the framework of national sustainable development.

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