



The Utilization of Village Land for the Enhancement of Community Welfare in Tibubiu Village, Kerambitan District, Tabanan Regency, Bali Province

I Made Pria Dharsana¹ | Nyoman Putu Budiarta¹ |

I Gusti Agung Ayu Gita Pritayanti Dinar¹ | I Nyoman Gede Sugiarta¹

Anak Agung Sagung Laksmi Dewi¹ | I Made Ardena²

1. Fakultas Hukum, Universitas Warmadewa, Indonesia
2. Patners From Tibubiu Village

Correspondence Address to:

I Gusti Agung Ayu Gita Pritayanti
Dinar, Fakultas Hukum, Universitas
Warmadewa, Indonesia
email: gitadinar@gmail.com

Abstract. Tourism is a key business sector that countries must continue to develop, as it has proven to significantly contribute to foreign exchange. A well-developed tourism sector can attract both Indonesian tourists (wisnus) and foreign tourists. The influx of visitors can also stimulate investors' interest in investing their capital in tourist villages. Community service activities can involve providing various legal information and offering legal counseling and consultations to the community, particularly in agrarian law. One important aspect to consider is the understanding of legal principles within the Tibubiu Village environment, where it's hoped that every Banjar Customary Environment comprehends the use of village land and the legal implications it entails. To enhance knowledge and address issues arising from village land use and management, it's essential to communicate more in-depth and consistent information regarding the effects of village land utilization. Through this community service initiative, the Tibubiu village community can gain awareness of and articulate the implications of using village land in ways that do not comply with existing laws.

Keywords: Utilization; village land; Tibubiu



This article published by Fakultas Hukum, Universitas Warmadewa is open access under the term of the Creative Common, CC-BY-SA license

Introduction

The Tibubiu Village area has geographical features that include low-lying land with an altitude of about 20 meters above sea level. The air temperature varies between 28 degrees Celsius, and 32 degrees Celsius, accompanied by an average annual rainfall of 1,100 mm. To enhance community services, the Tibubiu Village area is divided into five Banjar Dinas: Banjar Dinas Tibubiu Kaja, Banjar Dinas Tibubiu Kelod, Banjar Dinas Tegal Temu Kaja, Banjar Dinas Tegal Temu Kelod, and Banjar Dinas Pasut. Besides the beach, this village also features a rice field area called Subak Sungsang, which is equally beautiful for tourist activities such as jogging or cycling along the Subak road.

Each village in Bali embodies the principles of "Tri Hita Karana" and "Sad Kerthi," which reflect the philosophical values of local wisdom. These principles serve as both philosophical and sociological foundations for Tabanan Regency's investments, ultimately promoting the well-being and happiness of the community, in accordance with the Pancasila values that underpin Indonesia's laws and regulations. For generations, the Balinese have inherited profound wisdom rooted in the Tri Hita Karana philosophy, which emphasizes harmony among individuals, between humanity and the divine, and between humans and nature.

Tibubiu Village's tourism development is a source of gratitude for all community members. The village's stunning scenery, rich cultural arts, customs, and deep-rooted religiosity attract numerous tourists from around the globe. With its unique atmosphere, Tibubiu Village showcases a wonderful potential for tourism that harmonizes its traditions and cultural identity.

Visitors to Tibubiu Village come specifically to experience its art and culture. The distinctiveness of the artistic products available presents a unique draw that must be promoted through integrated marketing efforts. The tourism in Tibubiu Village is categorized as cultural tourism, which adheres to principles of mutual benefit, collaborative efforts, kinship, and equality, all based on the values of Tri Hita Karana. The development of cultural tourism is inherently tied to the active participation of the local community.

The Main Performance Indicator (KPI) of Higher Education is as follows:

Lecturers engage in activities outside the campus.

They participate in off-campus activities, such as mentoring and legal clinics related to business transactions in Tibubiu village.

The outcomes of the lecturers' efforts benefit the community. Through the implementation of strategies and plans developed by lecturers, it is hoped that their work will positively impact the Tibubiu community.

The general objectives of this initiative include:

Providing a form of community service by lecturers,

Offering opportunities for lecturers to engage in direct service in partnership with the target community, in this case, Tibubiu Village,

Implementing one aspect of the Tri Dharma of Higher Education, specifically community service,

Enhancing the cooperative relationship between universities and the community.

The specific objectives of this initiative are:

Inventorying and raising awareness among the Tibubiu Village community about issues related to land use control,

Conducting focus group discussions (FGDs) regarding village land utilization,

Providing legal counseling on village land use.

Method

Table 1. The method implemented in the community service program

No	Program	Implementation Method
1	Partner Problem Mapping	Conducting interviews with the Tibubiu Village Government and the Village Community
2	Legal counseling	Legal counseling on the utilization of village land for regional economic growth. Socialization of Tabanan Regency Regional Regulation No. 3 of 2023 concerning the Tabanan Regency Spatial Plan for 2023-2043;
3	Coaching	Coaching continues by providing legal counseling. Continuous assistance in coaching and counseling on village land utilization

Partners participate in supporting the service program, including:

The village Perbekel provided a briefing on the importance of understanding how village land is used for community welfare.

The Perbekel of Tibubiu Village, along with the Head of the LPM, his staff, core administrators, and STT members, actively participated in legal counseling activities.

Discussion

Nangun Sat Kerthi Loka Bali which is the vision and mission of Bali's development program to maintain the sanctity and harmony of Bali's nature. This vision also aims to realize the welfare and happiness of the Balinese people.

Some things related to the application of Sad Kerthi in Nangun Sat Kerthi Loka Bali are: First, Atma Kerthi, purification and glorification of the soul. Second, Segara Kerthi, purification and breeding of the beach and sea. Third, Danu Kerthi, purification and breeding of water sources. Fourth, Wana Kerthi, purification and breeding of plants and fifth, Jana Kerthi, purification and breeding of humans.

Tourism in Tibubiu Village has had a significant impact on increasing land needs to support tourism activities. This land certainly has an important role in the life of the village community on the coast in the western part of Pasut Beach where there is a place of worship called Pura Segara. In addition, there is also a river estuary called the Yeh Po River. The river is commonly used by residents as a place for traditional boat races, such as a place to live and livelihood.

The function of customary village land varies depending on the party who uses it. For example, farmers use land as a source of food production for survival. The private sector uses land for investment or capital. Meanwhile, the government uses the land as a place intended for the benefit of the people of Tibubiu Village.

Tibubiu Village Tourism, which is in Kerambitan District, Tabanan Regency, Balin Province, is land used to support tourism activities from customary land. The customary land in question is known as the land of the druwe of pakraman village (land belonging to the customary village according to Balinese customary law). This term is commonly qualified as customary land as shared land that is controlled and

owned by customary villages communally. Along with the development of technology today, tourism development activities will not be able to run properly without a good policy. So, every perpetrator

Tourism and moreover, Village Heads and bureaucrats, both within the central government and Regional Government, must have a deep understanding of the importance of formulating and implementing good policies in tourism activities that are the estuary for the welfare of the community.

It must be admitted that tourism in Tibubiu Village, Kerambitan District, Tabanan Regency has become a source of livelihood for the community and has become an economic pillar for the people of Tibubiu village and villages bordering Tibubiu, namely to the north of Belumbang Village, to the south of the Indonesian Ocean, to the east of Tukad Yeh Lating, and to the west of Tukad Yeh Ho.

Seeing these conditions, the utilization and utilization of land in Tibubiu Village, Kerambitan District, Tabanan Regency, its management must be directed to benefit the common welfare of all elements of society. For this reason, the role of traditional villages in tourism management in Tibubiu Village is very important. The customary village (Pakraman) of Tibubiu Village as a customary law community in Bali Province must certainly be well maintained.

Through the Lecturer Service activity of the Faculty of Law at Warmadewa University in Bali, it was indicated that this initiative reflects the implementation of the Tri Dharma of Higher Education concerning community service. This is simultaneous research related to the Empowerment of Partnerships with the Community (PkM), focusing on the overarching theme "Utilization of Village Land Towards Community Welfare in Tibubiu Village, Kerambitan District, Tabanan Regency, Bali Province." The use of customary land in Bali for community welfare should be prioritized by both preserving such land and enhancing the economy of customary villages. However, maintaining the preservation of customary lands is not the sole concern; it is also essential to manage the buying and selling of customary land, ensure sustainability across generations in the stewardship of these lands, establish the autonomy of indigenous peoples to guide investments in their areas, and adhere to the customary decisions outlined in the *awig-awig perarem*.

The economic development of village communities is the responsibility of traditional village leaders, who are tasked with developing the village economy while preserving the established land rights of the traditional villages. Examples of village land use include Village Yard Land (PKD), which is allocated to village karma for housing construction, and Pakraman village *druwe* land, which is a communal land that is controlled and owned collectively by the customary village. The preservation of customary lands is crucial, as maintaining sustainable customary lands can provide benefits to the community, ultimately leading to their welfare. With the introduction of the Bali Kerthi economy by the Bali provincial government, the direction and model for developing customary villages must possess unique characteristics and should not be equated with corporate economic activities. Therefore, all investment models in Tibubiu Village, Kerambitan District, Tabanan Regency, must not solely aim for profit but should prioritize benefits that focus on three areas: nature, krama, and culture.

Regional economic growth requires long-term investment from both domestic sources and foreign investment. Foreign investment will only be accepted when it provides benefits that contribute to the country's economic development. Therefore, arrangements for foreign investment must be made to mitigate and address the potential negative impacts.

In Bali, including Tabanan Regency, many individuals have expressed interest in PMA (foreign investment) and PMDN (domestic investment) opportunities. However, the community must be cautious and anticipatory regarding incoming investments, focusing on the benefits they bring to the residents of Tibubiu Village in Kerambitan District, Tabanan Regency. For instance, tourism should benefit the local workforce while preserving the nature, customs, and culture of Bali. Consequently, the Tibubiu Village Traditional Village must play a strategic role as a frontline defense in maintaining the authentic Balinese

identity. Existing traditional villages should be strengthened to ensure they foster robust, economically independent governance. Additionally, resources in Tibubiu Village should be utilized for the welfare of the community through various economic activities

However, it must be understood together that customary village land should not be regarded as an "asset" to be used and exploited for economic interests. Instead, customary village land should be viewed as "capital" from an economic perspective. Traditional village stakeholders need to manage this capital carefully, as the goal is to enhance, not diminish, its value. With this perspective, the use of customary village land will be more prudent; if the capital of the customary village is damaged or depleted, it will negatively impact the community. This "capital" must always be preserved and improved to strengthen the customary village, ensuring that no villagers are unable to pursue their education or that parents face unemployment. Achieving sustainable development goals is closely tied to the role of investment in each district and city. Specifically, this refers to investments made by both foreign and domestic investors in various open-minded business sectors, aimed at obtaining profits.

There are several things that need to be the focus of the economic development of customary villages, as follows: First, professional human resources are needed to manage economic activities in the village. Second, the management of economic activities in traditional villages must be carried out by people who have a qualified educational background, and not just look for people because they just want to "ngayah".

Human resources in the village who have scientific qualities and are educated from an early age should be improved by providing scholarships to the krama and when they graduate from college, they want to return to help the traditional village. In addition, it can collaborate with universities and the district and provincial governments to help traditional village leaders. Second, it must cooperate and harmonize policies with village programs in managing the potential of customary villages with local governments. With the existence of two government systems in Bali, cooperation and collaboration between the traditional village government and local governments and related agencies are needed in managing village potential. This aims to support each other and reduce conflicts of interest that can interfere with the goal of welfare of the community. This collaboration can also ultimately provide a dual funding effect on the development of rural areas so that it will accelerate towards a prosperous society on a *skala* and *niskala*.

Third, increasing the role of yowana in customary economic activities is essential. The presence of yowana in traditional villages plays a central role due to its forward-thinking mindset and enthusiasm. Furthermore, yowana can be seen as a reflection of the future of traditional villages. This potential must be harnessed by customary villages to collaboratively build and develop these areas. Yowana can contribute to technological and digital fields, particularly through social media to promote traditional village activities. Customary villages need to establish a digital presence so they can be recognized for their potential, attracting investors interested in developing projects in the Tabanan area of Bali. Finally, there is a need to strengthen the agreement on village-level rules. Customary villages should prepare awig-awig and perarem related to managing the potential of customary villages. This will serve as a reference to mitigate conflicts over land use. Furthermore, regulations in customary villages must align with the existing Perdes in villages, sub-districts, local governments, and provincial governments. It is hoped that customary villages and local governments will collaborate in formulating a framework of rules to be implemented in the village. During this preparation, assistance from external parties such as village assistants, extension workers, MDA, PMA, and academics is essential. With harmonization and synergy between customary villages and local and provincial governments, there will be a significant positive impact on village-level development, leading to fair and equitable welfare for the community of Tibubiu Village.

Conclusion

The use of customary land in Bali for the welfare of the community should be pursued, primarily by

preserving these lands and enhancing the economy of customary villages. However, there are aspects more crucial than merely maintaining the preservation of customary lands. These include managing the transition of buying and selling customary land, ensuring cross-generational sustainability in protecting these lands, establishing the autonomy of indigenous peoples in determining investment in their territories, and adhering to the customary decisions outlined in the awig-awig and perarem.

There is a need to strengthen the agreement on village-level rules. Customary villages should prepare awig-awig and perarem related to managing the potential of customary villages. This will serve as a reference to minimizing conflicts over land use potential.

Acknowledgement

The authors express their gratitude to Dr. Ni Made Jaya Senastri, SH, MH, the Dean of the Faculty of Law and Perbekel of Desa Adat Tibubiu Tabanan, and to all those who have assisted and contributed to the writing of this paper, both through funding and valuable insights. It is hoped that this paper will benefit the theoretical and practical advancement of knowledge, particularly in the field of business law.

References

Civil Code

Law No. 5 of 1960. On the Basic Rules of Agrarian Matters

Mertokusumo, S. (1992). *Asas-asas Perikatan*. Bandung: PT Citra Aditya Bakti

Rahmah, M. (2020). *Hukum Investasi*. Jakarta: Kencana.

Salim, H. S., & Sutrisno, B. (2018). *Hukum Investasi di Indonesia*. Jakarta: Rajagrafindo Persada

Tabanan Regency Regional Regulation No. 3 of 2023 concerning the Tabanan Regency Regional Spatial Plan 2023-2043

Wyasa, I. B. P. (2017). *Landasan Teoritik: Pengaturan Pelestarian Warisan Budaya Bali Sebagai Suatu Model*. Denpasar: Udayana University Press