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EMPOWERMENT OF BUPDA REFORM ACCESS IN VILLAGE LAND ASSET MANAGEMENT IN BALI

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Abstract

The efforts to reduce poverty through increasing the role of traditional villages are very appropriate to do especially in Bali. Based on the mandate of the Regional Regulation Province Bali Number 4 of 2019 Regarding Traditional Villages, the Poh Bergong Traditional Village through a perm formed Utsaha Padruwen Desa Adat (BUPDA) managed by the traditional village. This study aims to examine the implementation of BUPDA institutions in the management and utilization of customary village land assets in Bali. The research method used is normative legal research using a statutory approach and a conceptual approach. The results of the study indicate that the development of BUPDA management uses the objective of access reform with the concept of Tri Hita Karana, the implementation of BUPDA in the management of access reform which aims to prosper the indigenous peoples and relieve the person of the community in carrying out the custom.

Keywords: BUPDA; land; management

1. INTRODUCTION

Indonesia is a country consisting of various tribes, religions, and customs that vary from Sabang to Merauke. These customs are very different from each other. Since this country proclaimed its independence, Indonesia has been formed into a unitary state by having a legal system that applies nationally. Which is the legal system is one of the tools for the eradication of this nation.

The crisis occurred due to the breakdown of economic pillars in terms of banking, monetary policy, and high foreign debt loans. That is, the policy made by the government is one-sided, and only benefits a group of entrepreneurs (big business actors) by ignoring the interests of a group of other entrepreneurs.

Programs implemented by the government to overcome poverty and improve the welfare of the community, will not run and succeed well without awareness, support, and active participation from all levels of society. Therefore, the will and hard work of the community, especially the poor, will be the key to the success of these programs. This is also supported by the opinion, that "increased community participation and empowerment, initiatives, innovations and empowerment of rural communities to realize community welfare" (Dana & Suprpta, 2019).

Hans Kelsen's view is positivism, where justice is based on law, meaning that maintaining a positive legal order through its application is truly following the spirit of the positive legal order (Kelsen, 1995).

Individual justice values can be identified by legal rules that accommodate general values, but fulfilling a sense of justice and happiness is for each individual. This concept of justice and legality is applied in the national law of the Indonesian nation, which means that national legal regulations can be used as a legal umbrella for other national legal regulations according to their level and degree and that these legal regulations have binding power to materials contained in the legal regulations (Saputra, 2012).

This is known as the Tri Hita Karana cosmology concept and is a philosophy of life that has survived to this day even though it is in the concepts of social change which is always dynamic as one of the characteristics of civilization (Utama et al., 2021). Active community participation accompanied by guidance and assistance provided by the government, will make these poverty alleviation programs will be able to run well, and ultimately efforts to improve people's welfare can be achieved, and Indonesian people are free from poverty. Desa Adat as a unity of indigenous peoples based on the philosophy of Tri Hita Karana which is rooted in the local wisdom of Sad Kerthi, with the imbued teachings of Hinduism and cultural values and local wisdom living in Bali, is a very large role in the development of society, nation, and state so that it needs to be protected, protected, fostered, developed, and empowered to realize a politically sovereign Balinese Krama life, economically independent, and personal in culture. For this reason, after the issuance of Regulation No. 99 of 2018 concerning the marketing and utilization of Local Balinese agricultural, fishery, and industrial products, the Governor of Bali said his party would organize the marketing of local products from upstream to downstream, one of which was through BUPDA stipulated the establishment and management of the Utsaha Unit of The Customary Village Market, which is intended as an indigenous village business directed at economic efforts to encourage

and accommodate all activities to manage the potential of indigenous villages to improving the standard of living of traditional village cramps based on Tri Hita Karana. Furthermore, the management of BUPDA which is directly responsible for the management of BUPDA is the Ssetan Customary Village which is directly appointed by Bendesa Desa Adat.

The study about empowerment of BUPDA have previously conducted by Senimayura & Agustana (2020) that studied empowerment efforts in "BUPDA" management in Poh Bergong village, Buleleng district, Buleleng regency. The results of this study showed that Empowerment of businesses incorporated in the BUPDA of the traditional Poh Bergong Village is carried out through business strengthening by giving full authority to BUPDA managers and building business support facilities, providing business capital assistance, and fostering business management to BUPDA managers. Based on the background above, this study aims to examine the implementation of BUPDA institutions in the management and utilization of customary village land assets in Bali.

2. METHODS

This study uses a normative legal research method to find solutions to problems of existing legal problems (Isnainia & Utomo, 2019). The research approach used is a statute approach and a conceptual approach.

3. DISCUSSION

The establishment of BUPDA is intended as an indigenous village business institution directed at economic efforts to encourage and accommodate all activities of managing indigenous village padruwen to improve the standard of living of customary villages based on Tri Hita Karana (parahyangan, pawongan, and palemahan). As a customary village business, the establishment of BUPDA aims to:

Optimizing the management of the

potential of indigenous villages so that they are useful for the sustainability of economic life in customary villages;

Encourage the development of economic activities in customary villages;

Increasing the income of indigenous villages through creative efforts and productive business opportunities;

Improving the welfare of customary village cramps;

Creating opportunities to try to cramp indigenous villages;

Increase the taste of Srada Bakti krama against the greatness of Ida Sanghyang Widhi Wasa;

Strengthening the harmony of relations between customary village cramps;

Maintaining and preserving indigenous villages;

Preserving the cultural arts of indigenous villages based on values.

The potential for empowerment of other resources that need attention, including the potential of mountains, beaches, sea, and land. When this potential is worked with professionals, in addition to getting income, it also maintains environmental sustainability. Similarly, the empowerment of Pecalang as an indigenous village institution in the field of security and order. Pecalang until now is quite respected by the surrounding community, because it brings a social mission in the field of security and order, as part of educating the community.

The process of developing a more innovative indigenous village empowerment model includes the empowerment of modern management-based indigenous villages and the development of integrated databases with the help of information and communication technology. The establishment of customary village business entities as a modern management application through business units that further form a kind of holding company will be easier in the supervision and implementation of the organization.

The concept of access reform is related to the arrangement of more productive land use or utilization accompanied by the arrangement of facilities and infrastructure support that allows farmers to gain access to economic resources in rural areas (Limbong, 2012). These accesses include access to agricultural facilities and infrastructure, irrigation, roads, agricultural businesses, production marketing, agricultural business cooperatives, and banking (people's business credit) (Arisaputra, 2015). In this case, the government only acts as a facilitator by providing these facilities and infrastructure but is still under the supervision and responsibility of the government.

The government provides facilitation of access to the community, both to land or land or access to land supporting instruments, one of which is capital, both in the form of credit and sourced from the State Budget or APBD. However, the business of land or land is entirely the personal responsibility of each beneficiary.

Eight important factors that need to be considered to successfully implement the concept of access reform as follows (Arisaputra, 2015):

There must be a strong governance structure accompanied by political will and legal certainty for new landowners;

Favorable economic policies in the framework of capitalizing business activities, namely related to interest rates, exchange rates, and agricultural policies that do not burden beneficiaries;

Technical assistance and support to organizations (business entities, cooperatives, and farmer groups) for beneficiaries;

Administrative experience of beneficiaries (if none, then provided debriefing of knowledge through companionship) and the necessary infrastructure around their agricultural ownership;

Economic boost to beneficiaries supports productivity and the creation of

non-agricultural businesses;

Compensation for landowners stimulates investment in other sectors;

The formation of social capital through the involvement of beneficiaries and decisions about them;

Effective agricultural policy.

4. CONCLUSION

The implementation of BUPDA institutions in the management and utilization of customary village land assets in Bali has not been optimal for the management of palemahan potential, and it needs professional management of other resources for the welfare of its manners (its people) and will increase it can support the formation of the economy of community welfare in general in managing reform access to village land utilization.

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