

VILLAGES STRENGTHENING IN CONSERVATION OF RIVER WATER AS A NEW NORMAL INTEGRATED TOURISM DESTINATION IN BALI

I MADE SUWITRA¹, I KETUT KASTA ARYA WIJAYA², I MADE GIANJAR³, NI MADE SUKARYATI KARMA⁴ and NI PUTU SAWITRI NANDARI⁵

^{1,2,3,4}Faculty of Law Universitas Warmadewa Denpasar, Bali, Indonesia

⁵Faculty of Law Universitas Pendidikan Nasional Denpasar, Bali, Indonesia

Email address: ¹madesuwitra27@gmail.com, ²kastaaryawijaya@gmail.com, ³mdgianyar63 @ gmail.com, ⁴sukaryati64@gmail.com, ⁵sawitrinandari@gmail.com

ABSTRACT

River water in Bali has the potential as an integrated tourist destination and attraction in the New Normal era. Therefore, it is necessary to construct the concept of coexistence in the legal system for the management and utilization of river water. The Covid-19 pandemic has become a challenge in designing the potential of river water which has been neglected and even used as a place to dispose of garbage and household waste. In its utilization, it is no longer managed by the village (Indigenous Villages and Official Villages), river water management is carried out by environmentally concerned communities in the form of Foundation. The succeed in its management starts from education, especially to the community around the river to raise awareness and participation in conserving river water and preserving the environment. River water management is integrated with water attractions, baths, culinary, jogging tracks and fitness parks, and children's playgrounds. The creation of this new tourist destination is beneficial for the micro small and medium enterprises (MSMEs) market opportunity which directly becomes a new source of income for rural communities. Therefore, a coexistence pattern is needed in the management of river water in the perspective of "ecotourism".

Keywords: coexistence, ecotourism, education, water attraction.

1. INTRODUCTION

Bali has a duality in the village government system, namely the Traditional Village and the Official Village as a characteristic that does not exist in other regions in Indonesia. The existence of Traditional Villages and Official Villages is Bali's strength and advantage to compete in the global grid. However, the existence of the Traditional Village was hit by first storm with the issuance of Law no. 5 of 1979 which provided the opportunity to be merged as an official village. Likewise, the issuance of Law no. 6 of 2014 was the second storm because it provided a registration menu to become an Administrative Village. Meanwhile, the terms village and customary village in the Village Law are very clearly different from the term Traditional Village which is regulated in Regional Regulation 06 of 1986 which has been replaced with Regional Regulation 3 of 2001 in conjunction with 3 of 2003 and lastly substituted with Regional Regulation 4 of 2019 concerning Traditional Villages in Bali. Through the efforts made by Team 8 (eight) of Denpasar City Government together with the Legislature to re-declare that the Indigenous Village is maintained and not registered according to the Village Law No. 6 of 2014. The struggle from Denpasar for Bali was not easy because

some of the political elites whether in the central representing Bali as well as those in the regions are fighting for the customary village to be registered as a village according to Law no. 6 of 2014 which is oriented to obtain village funds every year in the amount of more than one billion rupiah.

The struggle has never been completed because the efforts to place the Traditional Village under the supra-village have continued to this day. This condition, of course, can weaken the existence of traditional villages which are politically carried out in various forms and ways of infiltrating through the provision of various tasks such as official villages, so it is necessary to construct the concept of coexistence to coherently place the Autonomous and **Otohton**¹ of traditional villages. The meaning of an Autonomous Village is to place its customary law personally and territorially to its village members and other members that do not against the state law. In addition, it is also obliged to support government programs within the limits of their autonomy. **Otohton** in the sense of not being politically intervened by state law through local government structures in the field of customary management structures, religion and powers and does not deviate from state law but grows and develops from its own customary law community. So the coexistence concept approach seems very relevant in analyzing the meaning of village strengthening in the use of river water as an integrated tourist destination with the aim of providing the maximum benefit to local communities as the main actors.

River Water is one of the agrarian resources and part of the object of customary rights of customary law communities or customary law alliances (Adatrecht Gemeenschap). In some participant observations as members of the customary law community (members of customary village) it can be stated that almost most of the river water in their ulayat areas is neglected. So it is not uncommon for river water that flows in its ulayat area to be used as a place to dispose of garbage, dispose of household waste. In addition, it can be observed that the river bank is used for building stalls, garages. This phenomenon shows that the customary law community no longer cares about the conservation and environmental preservation aspects, both as village manners and as a customary law alliance body called the "Customary Village". Meanwhile, on the other hand, there is a phenomenon of the emergence of environmentally concerned communities who are concerned with conserving the value of river water for new destinations which have implications for empowering local communities, environmental conservation through integrated management based on education. It is relevant to Tri Hitakarana's philosophy which is commensurate with cosmic religious law as the foundation for the construction of traditional villages in Bali. In the issuance of the Regional Regulations for Traditional Villages and regional regulations related to the environment, such as the Regional Spatial Planning Regulation, the Building Regulation, the Tri Hitakarana philosophy has always been used as the basis for the philosophy.

Bali, which has a duality in the Village Government system, namely Official Villages (referred as Keperbekelan) and Traditional Villages (Keprajuruan), then the relevant issues studied are related to the construction of coexistence towards village strengthening in the management of the utilization of Tukad water potential as a new tourist destination in the New Normal era. as a result of the Covid-19 pandemic.

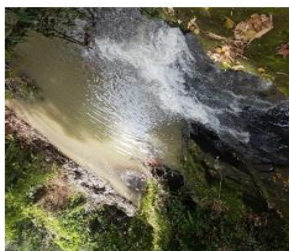
2. RESEARCH METHOD

The research applied is in the form of empirical legal research because there is a gap between expectations for the function of exchanged water as a source of life and its real use by the community recently as a place to dispose of garbage and household waste in several areas. The research approach used is a statutory approach,² analytical approach.³ In addition, a case approach is also used, which is based on reality and actual events, and is holistic,⁴ which is relevant to the statement of Llewellyn and Hoebel who view a case as a means of discovering "the workings of the law" in society and "the availability of administrative equipment for their handling".⁵ Through a case approach, two research sites were obtained, namely in Tukad Bengbeng (Bengbeng River) Sukawati Gianyar and Tukad Bindu (Bindu River) Kesiman in Denpasar. Another relevant approach is the customary law approach.⁶

The data source comes from the first source and the second source. The data from the first source was obtained from informants of the customary village government and the village administration, managers, and local environmental observers. In addition, observation techniques are also used related to the conditions that existed at the time of the study. While the second data source is obtained from primary legal materials, such as: Law Number 5 of 1960, and its organic regulation, Regional Regulation and also from secondary legal materials such as ideas in books and journals. This secondary data is collected by documentation and recording techniques through the file system⁷. This data was analyzed by hermenetic techniques and case analysis.⁸ the case in question is researching places that are already running and those that are just in the early stages of testing

3. DISCUSSION

3.1 Water Management of Bengbeng River



Bengbeng river that crosses the ulayat of Banjar Gelulung Sukawati Gianyar is a flow of surface water that is planned to be managed through a community called Team 11. This river has been cleaned by the surrounding community in mutual cooperation which will be designed as a new destination, especially for local communities, which is very relevant with the current real conditions that are experiencing the Covid-19 pandemic, so that Bali tourism with foreign tourist visits is falling.

Learning from awareness of the real conditions of tourism today, brings up innovative ideas for the surrounding community to explore the existing potential in order to be able to provide benefits, especially in maintaining their welfare. To increase local attraction, the community

has innovated to clean the environment and provide decorations with Balinese ornament characteristics such as installing banners and umbrellas on the riverbank, building gates at the entrance, making bridges from bamboo so that it looks natural. This arrangement model is designed and oriented as a tropical garden by replicating the hotel cash model in Bali, namely by installing Balinese umbrellas and banners at several points along the river, approximately 50 (fifty) meters long. Incidentally, Tukad Bengbeng is basically a rock that is slightly deep and approximately 1.5-2 meters wide and ends with a gentle slope with sufficient area if the embankment is to be used as a pond.

The Bengbeng river area was believed to be a spooky place before it was laid out, because it had been abandoned for 40 years. However, since local young people who have been members of the Sekaa Teruna (youth organization) Dharma Sentana since December 2020 have been arranged actively, so that places that were previously shunned are then expected to be visited as new destinations to refresh in tourism containers. Consequently, Bengbeng river is no longer used for bathing or washing clothes and disposing of household waste.



Arranging with that style has been responded positively by local residents. Even interestingly, the visits have also started from outside the village, such as from residents of Banjar Pekuwudan, Babakan. Since it was opened, this Tukad has been visited by the general public in quite a large number, but it has not been consistent, because at the time of observation in March 2021 there were absolutely no visits and supporting activities were also quiet. The reason is that the pandemic is still hit Bali and the world. While there has not been any visible maintenance from the work of mutual assistance initiated by Sekehhaa Teruna (youth organization) Banjar Gelulung, where the installed bamboo bridge appears to have aged so it can be risky for users if it is not immediately repaired/maintained, as well as the umbrellas and banners that have been installed. shabby and unattractive. Another thing that is no less interesting to pay attention to is the problem of boundaries or river areas that you want to do a definite arrangement from upstream to downstream (according to the planning/design) to ensure the maintenance of environmental cleanliness in a sustainable manner through collaboration between banjars, even between villages (both traditional villages and customary villages). and official village).

When it was just opened, it has not been determined and has not been charged for visitors, because it is still in the introduction stage. In addition, his party is still thinking about how to manage it in the future. The management team is still under discussion by Team 11 (Eleven). The head of the community said that visitors usually come every weekend if the weather is nice. However, currently this object is not equipped with food stalls, because visitors are still allowed to bring their own food. In the future, the Tukad Bengbeng area that has been arranged

will be equipped with food stalls, parking lots, places to store clothes when visitors take a bath or other relevant places as support. [9].

From the results of the survey to the field and then confirmed by field officers through interview techniques (April 3, 2021), several statements were obtained, namely, among others: that the purpose of the arrangement of Bengbeng river started from the idea of normalizing the river (Bengbeng river), so that it was followed up with mutual cooperation. to do the cleaning and at the same time structuring the Tropical Garden model. The first attempt was to clean it from garbage, because Bengbeng river was very dirty from piles of garbage, especially plastic waste that came from upstream, especially when there was big water, especially when it rained. Because the greater the rainwater that flows in Tukad Bengbeng, then the overflow of garbage that drifts and settles in Bengbeng river is getting bigger. It is relevant to the purpose of river normalization, which is to carry out cleaning as an initial stage.

The implementation of the normalization idea from the Sekeha Teruna Teruni (STT) Banjar Gelulung which was then followed up with a mutual cooperation activity to clean up garbage in Bengbeng river. Then the initial results of the activities are shared on social media. The implication is unexpectedly getting a response and support from community members such as the Prajuru (leaders) and krama (members) of Banjar Gelulung, Klian Dusun, Perbekel, Bendesa and other parties in the Banjar Gelulung environment.

The support given is in the form of active mutual cooperation (physical) participation, but others donate at least Rp. 50,000.00 (fifty thousand rupiah). Arrangement activities are currently suspended because it is still the rainy season considering the unpredictable water conditions, as well as the problem of waste. Arrangement activities will be continued after the rainy season is over in May 2021. However, because it is still a pandemic, planning for structuring designs and collaboration with surrounding land owners is being carried out.

In the future, in an effort to make arrangements in creating natural tourism as a village tourist destination, which is also designed to be integrated with the Art Market, culinary in the afternoon by utilizing the morning market area. The obstacle being considered is the land owner who happens to be on the river border. But on the other hand, the optimism is that it is certain that in every watershed (referred as DAS) there is definitely a border. It is planned that this river border will be used for tracking routes so that visitors and sports lovers can enjoy views of the rice fields and rivers along the route. This condition is expected to be able to empower MSME groups in the form of local community-based businesses.

Currently there is no funding aid from the village either from the Official Village (Keperbekelan) or from the Traditional Village, however in the future it is hoped that there will be coexistence between institutions in the arrangement, management, funding and utilization. Meanwhile, Sekeha Teruna, which has formed Team 11, can still be a leader in management.

The perceived constraint is the willingness of the land owners that are adjacent to the river bank. The tracking path is planned to use the river bank as a watershed (DAS of Bengbeng river), so that it is easier to manage, especially in structuring roads for tracking. Or at least the land owners can give up some of their rights to be used as a tracking route, because in the future

the land owners in the tracking route will definitely get direct economic benefits such as being able to open a stall to eat and drink in the middle of the rice fields as a new model. Currently there is no management blueprint, but Team 11 has thought about coordinating every activity that will be carried out in collaboration with universities (Warmadewa).

3.2 The Management of Bindu River



Denpasar City not only has the Badung River which is similar to the Cheonggyecheon River, Seoul, South Korea, but also has Bindu River in Kesiman Village, East Denpasar District. Bindu River is currently a river tourist destination equipped with various children's games, culinary, jogging, fitness parks. To go to the Bindu River location, you can pass Banjar Ujung on Jalan Turi.

The management of the Bindu River area is community-based which can be declared a success and has been used as a model for the IMF-World Bank delegation during a conference in Nusa Dua Bali. Not only children's games, at that location there is also empowerment of local women with their organic vegetable community, as well as various stalls managed by local residents and providing various snacks. However, during the Covid-19 pandemic, there were practically no visits, which was relevant to the Health Protocols which close tourist destinations. The implication is that all activities supporting facilities are also closed, such as culinary stalls, water attractions, and children's playgrounds. What still exists but is very rare is the use of jogging along the river

Before becoming a tourist area, Bindu River was known to the public as a haunted place and used as a garbage disposal. However, it started with the idea of a group of young people and their concern for Tukad Bindu which is considered a "heritage" that already exists to function as a place to play and visit, so they must do something to preserve Bindu River in order to obtain economic benefits and at the same time function as conservation, preservation and protection. Empowerment of local communities.

Bindu River was once clear and used for bathing and children's playgournd. But over time, the cleanliness of Bindu River slowly became dirty because it no longer functioned as a place for bathing and playing, but was used as a place to dispose of garbage and household waste and human waste. It even becomes a very dirty river. This was stated by the Chairman of the Tukad Bindu Foundation, Ida Bagus Made Ary Manik [10]. The initial idea was from 2010, from a concern of the Village Head of Kesiman together with the of Traditional Leaders. The first is

to fix the dam from borrowed funds. The City Government was present at that time. However, just "realized" it when it became a national champion of clean river.

After winning the championship, the City Government began to care to give attention to the community and its activities. The entire community as lovers and managers has an undergraduate education which has implications for job creation. The number of visits with the support of the Mayor of Denpasar has made the management more enthusiastic about developing Kesiman village into a tourist village.

There are several stages carried out from the beginning until it becomes the object of the visit, namely: First, cleaning the riverbanks, weeds, tidying up existing plants, cleaning materials. Initially the Community immediately moved to do the cleaning. Because it is felt that it is very difficult to solve especially the large amount of waste as well as the generation of waste. Then another strategy was carried out in dealing with the problem of waste and household waste, namely by **educating** the surrounding community who directly contributed to the generation of waste and waste being dumped into the river.

The undertaking of education is intended to change the culture of the community around the riverbanks, so that after realizing that rivers can be used as a source of income, beauty and environmental improvement as well as conserving the concept of rivers to the past, that water is one that is purified and reused as a place to play and take a bath by keeping it clean.



Institutional support was also provided by the Head of the Banjar Ujung Kesiman Environment, who said that the biggest challenge in arranging was to change **the culture** of the residents so that they became aware of the environment, aware and loved to take care of it together. So in carrying out the arrangement of Bindu River not only dealing with waste and garbage but also normalizing community culture to maintain river cleanliness, health, community economic empowerment, environmental preservation.

The impact of the arrangement that has been made, Bindu River becomes clean and becomes a playground, especially for children. In addition, the river's well-arranged border with its telajanya garden has been used as a jogging track. In addition, around the water attractions in the river are also equipped with sports facilities, children's playgrounds, and food and drink stalls. With this arrangement, it is believed that it can provide benefits to local communities in the fields of economy, health, and entertainment. Likewise, the society can use it as a new tourist destination in the Banjar Ujung Kesiman Village. Visitors who come to Bindu River are free of ticket fees, only a "punia" box (willingness to donate) is provided for visitors who

realize the importance of conserving Tukad functions through the preservation and maintenance of the natural and social environment. Because what is more important in its management is the aspect of **economic empowerment** of local communities.



Since the Covid-19 pandemic hit Bali and the world, visitors to Bindu River have become increasingly quiet, even when observations were made at the end of March 2021, almost all of the stalls were no longer active, because of the lack of visitors. Likewise, river water attractions by renting ducks and life jackets with various models no longer exist. The use of the jogging track is also quiet. There are only a few children still bathing around the dam. The playground, the selfie area is also still quiet. However, with the increasing number of Covid-19 cases, it is believed that visits will gradually recover, keeping in mind that people currently need cheap and nature-based recreation places and the environment.

4. CONCLUSION AND RECOMMENDATION

Viewing the results of observations, documentation, and recording of all management activities in the utilization of river water, it can be revealed that the research findings, namely the success in conserving Tukad water to be clean again and no longer used as a place to dispose of garbage and household waste is due to the success of "Education" which carried out by an environmental care community in the form of a "Foundation", namely in changing the culture of the community that perceives water as a sacred object and needs to be protected, and the river which is no longer used as a place for bathing, washing and drinking water sources are not used as a place to dispose of garbage and household waste, but again perceives that exchange water as a source of life is very important to be conserved because it has the potential as a source of prosperity when used as a new tourist destination through professional management of the potential of exchange water integrated with jogging tracks, or water action, children's play park, fitness park, local culinary center, and the preservation of the telajakan park. The concept of coexistence is constructed not only in terms of its legal substance, its legal structure as well as its legal culture. The coexistence of the field of legal substance includes state law and customary law in the implementation of the duality of village government. The concept of co-existence of the legal structure through the management pattern of the Foundation, the Service Village Government and the Traditional Village Government in coordinating their respective authorities for the common good (the greatest happiness for the greatest number of people). The coexistence of legal culture includes restoring the public's perception of both village manners and other village residents as visitors about the importance of the preservation and protection of river water. Considering the Foundation success in educating the community around the river to conserve the river water, the environment in

empowering local communities, it is necessary for its sustainability to collaborate with the Foundation, the Village Administration and the Traditional Village Administration, keeping in mind that the management and utilization of river water requires direct community participation. Education as a process should be carried out in a sustainable manner so that exchange water (river) can be conserved and the environment is maintained which can be used as a new tourist destination. Meanwhile, communities in other places can replicate by adapting patterns to local potentials as advantages and competitiveness.

References

- Barda Nawawi Arief. 1994. Perbandingan Hukum Pidana. Cetakan Kedua. PT. Raja Grafindo Persada. Jakarta.
- Edmund M.A. Kwaw. 1992. The Guide to Analysis, Legal Methodology and Legal Writing. Emond Montgomery Publications Limited. Canada.
- Johnny Ibrahim. 2006. Teori & Metodologi Penelitian Hukum Normatif. Edisi Revisi. Cetakan Kedua. Bayumedia Publishing, Malang Jawa Timur.
- Laura Nader and Harry F. Todd, Jr. 1978. The Disputing Process Law in Ten Societies, Columbia University Press. New York.
- Martua Sirait, Chip Fay, dan A.Kusworo. 2001. “Bagaimana hak-hak Masyarakat Adat dalam Mengelola Sumber Daya Alam Diatur”. Dalam Kajian Kebijakan Hak-Hak Masyarakat Adat di Indonesia Daerah; suatu Refleksi Pengaturan Kebijakan dalam Era Otonomi Daerah. ICRAF, Lembaga Alam Tropika Indonesia, dan P3AE-UI.
- Peter Mahmud Marzuki, 2010, Penelitian Hukum, Cetakan ke enam, Kencana Prenada Media Group, Jakarta.
- Soepomo. R.1979. Bab-Bab tentang Hukum Adat. Cetakan Ketiga. Pradnya Paramita. Jakarta.
- Suwitra, I Made, 2009. Eksistensi Hak Penguasaan dan Pemilikan Atas Tanah Adat di Bali dalam Perspektif Hukum Agraria Nasional (Doctoral dissertation, Universitas Brawijaya).
- Undang-Undang Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria, LN 1960/104, TLN NO. 2043.
- Peraturan Pemerintah No.38 Tahun 1963 tentang Penunjukan Badan-Badan Hukum yang dapat mempunyai Hak Milik Atas Tanah.
- Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah.
- Peraturan Menteri Negara Agraria/Kepala Badan Pertanahan Nasional No.5/1999 tentang Pedoman Penyelesaian Masalah Hak Ulayat Masyarakat Hukum Adat.
- Peraturan Menteri Negara Agraria/Kepala Badan Pertanahan Nasional No.9/1999 tentang Tata Cara Pemberian dan Pembatalan Hak Atas Tanah Negara dan Hak Pengelolaan.
- Peraturan Menteri Agraria dan tata Ruang/Kepala Badan Pertanahan Nasional No. 10 Tahun 2016 tentang Tata Cara Penetapan Hak Komunal Atas Tanah Masyarakat Hukum Adat dan Masyarakat Yang Berada Dalam Kawasan Tertentu.
- Awig-Awig Desa Adat Kesiman Kecamatan Denpasar Timur Kota Denpasar, 1989