

ARRANGEMENT OF BAGA U TSAHA PEDRUWEN TRADITIONAL VILLAGE (BUPDA) AS AN ECONOMIC INSTITUTION OF INDIGENOUS PEOPLES IN BALI

I WAYAN SUARJANA¹, I MADE SUWITRA² and I NYOMAN SUJANA³

¹Students of the Doctoral Study Program in Law (S3) Postgraduate Program of Warmadewa University Denpasar, Bali-Indonesia Email: suarjana66.acc@gmail.com

^{2,3}Lecturer at the Faculty of Law, Warmadewa University, Denpasar.

Abstract

This study examines economic management by prioritizing the values of local wisdom that exist in Balinese Indigenous communities through the establishment of BUPDA (Baga Utsha Pedruwen Desa Adat or Customary Village-Owned Enterprises) in the Aat community in Bali. This research uses normative research methods, normative legal research is a scientific research method to find truth based on scientific logic from the normative side. The results of this study found that the establishment of BUPDA (Customary Village-Owned Enterprises) is a business unit owned by Customary Villages that carries out business activities in the real economy, services, and/or public services, except for businesses in the financial sector. BUPDA is organized based on customary law and managed with modern governance to improve the welfare and independence of Krama Desa Adat and become one of the strategies in managing the potential and assets belonging to Customary Villages in Bali. As an economic institution of indigenous Balinese peoples, BUPDA receives legal protection with the issuance of Law Number 15 of 2023 concerning Bali Province, attention from the Central Government in strengthening and promoting indigenous villages and institutions that accommodate the values of local wisdom.

Keywords: Strengthening Customary Villages, real businesses, services and public services

INTRODUCTION

Bali is one of the provinces that does not manage its economy with the strength of natural resources, but with the strength of cultural resources. Just like natural resources, culture as an economic resource needs to be taken care of. Until now, preserving Balinese culture as an economic resource has been the responsibility of indigenous villagers. This fee includes all expenses incurred by individuals, families, family groups/clans, sekeha groups and community groups in indigenous villages. These costs include certain regular or special fees and relate to the type, location, scope, number and time of activity. (Sumiasih Kadek 2018)

Even if it has never been specifically studied, the expenditure for the preservation of the culture must be very large. Balinese people never calculate and complain about the amount of these costs. The basis of the philosophy of organizing the development of culture is sincerity and devotion to God which is engrained and rooted in religious teachings (Hinduism).

Bali's gross domestic income, as derived from the tourism sector is entirely generated from the maintenance of that culture (30.92% from the trade, hotel and restaurant sector; 21.52% from the agricultural sector; and 13.63% from the tourism supporting services sector). Even though it provides such extensive and enormous benefits, the burden of cultural maintenance costs

remains the full responsibility of indigenous villages with all their citizens, not the government or the community of tourism business people. (Society, 2020)

From the point of view of legal science, the difference in the position of the burden and benefits resulting from such development is an injustice. The burden of development is on traditional villages, while the benefits are enjoyed by the government (in the form of taxes) and the tourism business community (in the form of profits). There is no structured and systematic channeling that makes these benefits flow to indigenous villages. Unstructured and unsystematic donations and donations (in various names: coaching money, etc.) from the government or donations and assistance (in various names: corporate social responsibility, etc.) from the tourism business community are not grants or donations or donations that fall within the construction of notions and concepts of justice.

The allocation of these affairs does not necessarily result in the establishment of a fair cultural development system (structured, programmatic, routine and systematic) that connects budget recipients with cultural development actors. The budget recipient has set the budget for certain activity blocks and the amount of budget received by the budget recipient does not allow the budget recipient to take over the burden of routine development costs as borne by traditional villages. The breakthrough that has been made by the Bali Provincial Government is to create sources of financing and management of potential economic resources in each customary village that is independent, managed, and developed by indigenous villages.

In Law Number 6 of 2014 concerning Villages (Law Number 6 of 2014 concerning Villages, n.d.) Mentioned that village development aims to improve the quality of human life and poverty reduction, through the provision of fulfillment of basic needs, development of facilities and infrastructure, development of local economic potential, and sustainable use of natural resources and the environment, by prioritizing togetherness, kinship, and social justice. Furthermore, Article 87 of the Law states that village governments can form business entities called Village-Owned Enterprises that are managed with a spirit of kinship and cooperation to utilize all economic potentials, economic institutions, as well as the potential of natural resources and human resources in order to improve the welfare of rural communities. From the description described earlier, the following problems can be formulated: How is the regulation of Baga Utsaha Pedruwen Customary Village or Customary Village-Owned Enterprise (BUPDA) in the management of Customary Village assets in Balinese indigenous communities?

RESEARCH METHODS

This research uses normative research methods, normative legal research is a scientific research method to find truth based on scientific logic from the normative side. (Ibrahim 2011) Legal materials in normative research can be in the form of primary legal materials, secondary legal materials and non-legal materials. There are 3 (three) approaches in this writing, namely the Statute Approach, Case Approach, and Historical Approach. (Irwansyah 2021)

RESULTS AND DISCUSSION

In the area of Bali which covers an area of 5,636.66 km², there are currently 1,493 Customary Villages spread across all 9 (nine) Regencies / Cities in Bali. The unity of the customary law community in Bali is a religious social bond. Customary Village as a unit of customary law community based on the Tri Hita Karana philosophy which is rooted in the local wisdom of Sad Kertih, imbued with Hindu religious teachings and cultural values and local wisdom that lives in Bali, plays a huge role in the development of society, nation and state so that it needs to be nurtured, protected, fostered, developed, and empowered to realize community life Bali is politically sovereign, economically independent, and culturally personable. (Gede Rama Laksana Putra 2022)

Sebagaimana diketahui, masing-masing Desa Adat di Bali memiliki potensi desa yang berbeda-beda mulai dari potensi dibidang pertanian, perkebunan, perikanan/kelautan, pariwisata, hingga industri kreatif lainnya. Selama ini yang terjadi adalah masyarakat atau As is known, each Customary Village in Bali has different village potentials ranging from potential in agriculture, plantations, fisheries / marine, tourism, to other creative industries. So far, what has happened is that the community or Krama Desa Adat in Bali only acts as a spectator because the potential of the existing village is more widely used by outsiders. The potential possessed by the Customary Village should be managed by the Customary Village itself and utilized as much as possible to improve the welfare of the Krama of the Customary Village. Therefore, the establishment of BUPDA or Baga Usaha Padruwen Customary Village is the best strategy in managing the potential and assets belonging to Indigenous Villages in Bali. (<https://jdih.baliprov.go.id/produk-hukum/peraturan-perundang-undangan/perda/28925> n.d.)

The Customary Village of community or Krama Desa Adat in Bali only acts as a spectator because the potential of the existing village is more widely used by outsiders. The potential possessed by the Customary Village should be managed by the Customary Village itself and utilized as much as possible to improve the welfare of the Krama of the Customary Village. Therefore, the establishment of BUPDA or Baga Usaha Padruwen Customary Village is the best strategy in managing the potential and assets belonging to Indigenous Villages in Bali. (<https://jdih.baliprov.go.id/produk-hukum/peraturan-perundang-undangan/perda/28925> n.d.)

In 2020 the Bali Provincial Government came up with an idea to assist traditional villages in carrying out such heavy cultural functions. The Provincial Government of Bali sparked the idea of establishing BUPDA in the economic and real sectors in each traditional village. BUPDA is a business entity mandated by Regional Regulation Number 4 of 2019 and Governor Regulation Number 4 of 2020 as an effort to accommodate all activities in the economic sector and/or public services managed by Customary Villages and/or cooperation between Customary Villages. Because the number of customary villages is currently 1,493 traditional villages, the establishment of BUPDA is carried out in the form of a pilot project and formed in some traditional villages in Bali. Currently, approximately 250 BUPDA have been formed from a total of 1,493 traditional villages.

Philosophically, business entities in villages contain economic principles in accordance with Article 33 of the 1945 Constitution and also uphold the economic pillars of Pancasila because they use a deliberative system for decision making so that residents can play an active role so as to increase community solidarity (Suryanto 2017). Village business entity is a business entity whose entire or majority of capital is owned by the village through direct participation derived from separated village wealth in order to manage assets, services and other businesses for the maximum welfare of the village community. (Pasal 1 angka 6 UU Nomor 6 Tahun 2014 tentang Desa 2014).

Business entities that have high social value have also begun to appear in traditional villages in Bali under the name Baga Utsaha Padruwen Traditional Village, hereinafter abbreviated as BUPDA. This institution is a customary village-owned business unit that carries out business activities in the real economy, services, and/or public services, except for businesses in the financial sector, which are organized based on customary law and managed with modern governance to improve the welfare and independence of customary villages (Article 1 number 6 of Law Number 6 of 2014 concerning Villages, 2014). Activities carried out with the principle of independence (*satyagraha*) and sovereignty (*swadesi*) and in accordance with Balinese local wisdom such as *Kawigunan* (benefits), *Menyama braya* (kinship), *Masikian* (unite), *Gilik-saguluk* (togetherness), *Parasparos* (deliberation), *Salunglung sebayantaka* (kegotongroyongan), and *Pade gelahang* (joint ownership). (Sugita 2023)

BUPDA can manage padruwen traditional villages which are wealth owned by traditional villages both material and immaterial for the benefit of traditional villages and the welfare of *krama* (indigenous village communities). Padruwen Customary Village that is material in nature can be: a) *wewidangan Desa Adat*; b) customary village land; c) natural resources; d) economic resources that are the traditional rights of Customary Villages; e) sacred areas, holy places, sacred buildings belonging to Indigenous Villages; f) buildings belonging to Customary Villages; g) objects of a magical religious nature; h) finance and *sarwa mulé*; and i) other material property. (Sasdanta, 2022) Meanwhile, immaterial traditional village padruwen can be in the form of belief systems, traditional values, customs, art and culture, and local wisdom imbued with Hinduism.

Related to Legal status, the position of this business entity cannot be equated with a business entity such as PT, CV, or cooperative because the basis for the formation of a village business entity is a regulation, not a deed. BUPDA is a collective, local-scale village and rural village institution whose establishment is discussed in deliberations and determined through customary village regulations. In its management, those who have legal entities are business units formed by BUPDA. Because BUPDA is a village business entity, there are three types of capital that can be used, namely; 1) sourced from Customary Village Revenue and Expenditure Budget funds; 2) Participation of Customary Village Capital through Grants/cooperation, government assistance, village assets; 3) Capital participation of rural communities.

The prosperity of the Indonesian people in essence must be built starting from the village level. (Penabulu, 2016) BUPDA provides space for taking the role of the state through Customary Villages to manage natural resources owned by Customary Villages and production areas that

are important for Customary Villages that control the standard of living manners. BUPDA plays a strategic role as one of the main interventions of Indigenous Villages in improving the welfare of people through improving public services, growth and economic equity of Indigenous Villages. This business entity can run a business in the field of economy and / or public services and in its activities is not only oriented to financial profits, but also oriented to support the improvement of human welfare. BUPDA can carry out the functions of service services, trade, and other economic development. Because this institution is in a village setting, it is necessary to manage an organization that emphasizes community traditions. This tradition parallels the wealth of social capital and political capital and affects the resilience and sustainability of business entities in the village. (Son, 2015)

From the above legal basis which is the basis for the management of BUPDA, it can be stated that the BUPDA formed has juridically has legal force in accordance with the provisions of the laws and regulations in force in Indonesia, thus BUPDA in carrying out its business based on the values of local wisdom in improving the economy of Customary Villages can be legally accounted for.

CONCLUSION

From the discussion described above, it can be concluded as follows:

Strengthening Customary Villages in Bali Province requires governance and arrangements that pay attention to all aspects and dimensions of life, sakala and niskala, dimensions of space and time, and dimensions of life according to the values of Sad Kerthi. One form of strengthening Customary Villages is carried out by the establishment of Baga Utsaha Padruwen Customary Village, hereinafter abbreviated as BUPDA which is a business unit owned by Customary Villages that carries out business activities in the real economy, services, and/or public services, except for businesses in the financial sector. BUPDA is organized based on customary law and managed with modern governance to improve the welfare and independence of Krama Desa Adat. The establishment of BUPDA in each Customary Village in Bali is in accordance with Law Number 15 of 2023 concerning Bali Province, Regional Regulation Number 4 of 2019 concerning Customary Villages in Bali, Regional Regulation Number 4 of 2022 concerning Guidelines, Mechanisms, and Establishment of Baga Utsaha Padruwen Customary Village, Customary Law / Awig-awig, Pararem traditional village in Bali. Regional Regulation of Bali Province Number 4 of 2019 concerning Customary Villages in Bali

Reference

1. Gede Rama Laksana Putra, Desak Nyoman Sri Werastuti. 2022. "Analisa Laporan Keuangan BUPDA Teja Rahayu Desa Adat Tejakula." *Jurnal Ilmiah Akuntansi dan Humanika* 12(3): 34-44.
2. "Https://Jdih.Baliprov.Go.Id/Produk-Hukum/Peraturan-Perundang-Undangan/Perda/28925."
3. Ibrahim, Johnny. 2011. *Teori Dan Metodologi Penelitian Hukum Normatif*. Cetakan Pe. Malang: Bayu Media Publishing.
4. Irwansyah. 2021. *Penelitian Hukum Pilihan Metode & Praktik Penulisan Artikel*. Edisi Revi. Yogyakarta: Mirra Buana Media.

5. Masyarakat, Kerjasama Pemerintah Provinsi Bali Dengan Lembaga Penelitian Dan Pengabdian Universitas Hindu Indonesia. 2020. "Naskah Akademis Rancangan Peraturan Daerah Provinsi Bali Tentang Baga Usaha Padruwen Desa Adat, 2020,."
6. Pasal 1 Angka 6 UU Nomor 6 Tahun 2014 Tentang Desa. 2014.
7. Penabulu. 2016. "Pendekatan Utuh Penguatan Ekonomi Desa." In Penabulu Alliance., <http://researchinstitute.penabulufoundation.org/pendekatan-utuh-penguatan-penguatankelembagaan-ekonomi-desa-2016/%0A%0A>.
8. Putra, A. S. 2015. *Badan Usaha Milik Desa: Spirit Usaha Kolektif Desa*. Jakarta Pusat: Kementrian Desa, Pembangunan Daerah Tertinggal, dan Transmigrasi Republik Indonesia.
9. Sasdanta, Kade Bernadi. 2022. "Peran Desa Adat Guwang Dalam Pengelolaan Usaha Desa." In Tesis, Denpasar. <https://eprints.unmas.ac.id/id/eprint/1393/>.
10. Sugita, IMade. 2023. "Transparansi Dan Akuntabilitas Pengelolaan Keuangan Desa Adat Di Desa Adat Kastala, Kecamatanbebandem, Kabupaten Karangasem." *Vyavahara Duta*: Volume XVI: 88–100. <http://ojs.uhnsugriwa.ac.id/index.php/vd/article/view/2229/1636>.
11. Sumiasih Kadek. 2018. "Peran BUMDes Dalam Pengelolaan Sektor Pariwisata (Studi Di Desa Pakse Bali, Kabupaten Klungkung)." *Jurnal Magister Hukum Udayana*.
12. Suryanto, R. 2017. *Peta Jalan BUMDES Sukses*,:Yogyakarta: PT Syncore Indonesia.
13. UU Nomor 6 Tahun 2014 Tentang Desa. https://www.dpr.go.id/dokjdih/document/uu/UU_2014_6.

Laws and Regulations

1. Constitution of the Republic of Indonesia Year 1945.
2. Law Number 39 of 1999 concerning Human Rights
3. Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government.
4. Law of the Republic of Indonesia Number 15 of 2023 concerning the Province of Bali.
5. Regional Regulation of Bali Province Number 4 of 2019 concerning Customary Villages in Bali (Bali Provincial Gazette of 2019 Number 4; Additional Regional Gazette of Bali Province Number 4).
6. Bali Provincial Regulation Number 4 of 2022 concerning Guidelines, Mechanisms, and Establishment of Baga Usaha Padruwen Customary Village (Bali Provincial Gazette of 2022 Number 4; Additional Regional Gazette of Bali Province Number 4).