

## Penglipuran Traditional Village, Kubu Village, Bangli Regency, Bali as a Cultural Tourism Village Based on Local Wisdom and Creative Economy

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ARTICLE INFO	ABSTRACT
<p><b>Keywords:</b> Tourism Village, Local Wisdom, BUPDA</p>	<p>The traditional village of Penglipuran Kubu, Bangli Regency has the potential as a tourist village. The potential of culture and natural resources can be managed into a tourism village product by collaborating with culture, natural resources, human resources, and tourism village management. In order for the management of the tourist village to be sustainable, the management strategy and laws related to the tourist village become the manager's reference. It was found that the management of the tourist village is still weak. The problem of tourist villages can use the absorption method from research results found both from service research results and from other researchers to be expected to provide solutions to the Penglipuran indigenous peoples who manage tourist villages. The role of the government after the development of the Penglipuran tourist village has decreased, it should remain a dynamist for the Penglipuran indigenous people. The objective of the FGD was to find out the problems that are being faced by Penglipuran Tourism Village related to the development of a sustainable tourism village. The methods used in legal issues in the management of tourism villages, focus group discussions (FGD), mentoring, lectures on legal science, dissect cases related to tourism village institutions, find potential strategies for local wisdom to strengthen tourism villages based on local wisdom, ensure continuity Penglipuran tourism village, assisting tourism awareness groups in managing tourism villages in growing the creative economy. The results of the service show that the Penglipuran tourist village, the lands that are used as tourist village objects are customary lands (Tanah Ayahan Desa). There is a legal problem that AYDs land is certified by Krama Adat. Another problem, which needs legal assistance, and legal counseling that the Penglipuran tourist village is managed by a tourism village management business entity, then a new problem arises with the Regional Regulation Number 4 of 2019 concerning customary villages, that Traditional Villages have Utsaha, to be managed by BUPDA (Baga Utsaha Padruwen Desa adat) based on customary law.</p>
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### I. INTRODUCTION

Penglipuran Traditional Village, Kubu Village, Bangli Regency, Bali, has a unique cultural aspect, located in the highlands at 600-800 meters sea level, so the air is cool. The government has set in 1995 this traditional

village to be the first tourist village in Indonesia. The uniqueness of the resident's house aspect is that it has the same shape and there are angkul-angkul. Similarly, the similarity of each house can be seen in the gate of the house, the roof of the house and the walls of the house using

bamboo, the width of the gate which can only fit one adult. The area of the village is about 112 hectares and not all village land is used as people's homes. About 40% of the village land is bamboo forest. Cutting down bamboo trees in this village should not be done carelessly without permission from local community leaders.

The Penglipuran indigenous people have a culture of respecting the value of monogamous marriage, meaning that women are respected, because of village rules that forbid men to practice polygamy, because if a man has another wife, he is placed in Karang Medu (this man is ostracized). Besides having a culture of respecting nature, the villagers of Penglipuran Bangli also have a culture and tradition to respect women. Due to a village rule that prohibits men from practicing polygamy, if they are caught doing polygamy, they will be punished by being excommunicated from the village.

The strategy in developing a tourist village in Bali requires local wisdom value management to give the meaning that the potential of a tourist village in Bali, each traditional village has its own uniqueness ([I Wayan Wesna Astara, et al, 2020](#)). Penglipuran traditional village to improve human resources in the management of tourist villages by increasing human resources, developing existing potential ([I Nengah Arya Wibawa, 2019](#)).

Penglipuran Tourism Village was already established during the New Order, but the dynamics for the continuous development of the potential of traditional villages in realizing a culture-based tourism village should immediately get the attention of devotees in managing cultural assets, the environment, the economic potential of local communities and community empowerment.

The potential that exists in Penglipuran village is important to be fostered for 3 (three) years in the Mitra Village development program by focusing on cultural potential, by designing from the aspects of tourism law, local law (*awig-awig des adat*), development of village tourism management, awareness tourism legal culture, creative economy development based on local wisdom. Tourism village development planning starts in 2021 until 2023.

Based on Bangli Regent Regulation number; 16 of 2014, concerning Tourism Villages, the tourism sector is a driver of the

community's economy as one of the leading sectors which is expected to run in a sustainable manner. Next, pay attention to the Bangli Regency Regulation Number 2 of 2018, concerning the Master Plan for Regional Tourism Development for 2019-2025. Article 1 number 35, Rural areas that have uniqueness and special characteristics to become tourist destinations include the natural environment, traditions and culture still held by the community, special foods, agricultural systems and kinship systems. Penglipuran Village has as a tourist village, how to carry out the Bangli Regent's vision, namely the RIPPARDA Vision as referred to in Article 2 paragraph (3) letter a, namely the realization of tourism development inspired by regional culture in order to improve the community's economy based on Tri Hita Karana (Article 6). Article 14, letter (d) increasing community participation in the management of the DTW area. This is a priority in PPDM community service in Penglipuran in the first year of 2021. The objective of the FGD was to find out the problems that are being faced by Penglipuran Tourism Village related to the development of a sustainable tourism village.

## 2. METHOD

The implementation method is carried out with a case study approach, namely:

1. Socialization of the Law of Tourism and Ecotourism to the customary Village Prajuru, Sabha Desa, Kerta Desa in the management of the customary Village Government in relation to the issuance of Bangli Regent Regulation Number 6 of 2014 concerning Tourism Villages in Bangli Regency. In this case, the Community Service Team held mentoring, lectures, counseling and FGD functions.
2. Counseling on tourism law, especially to ecowisata managers and drafting regulations for ecotourism in the context of ecotourism law, which can prioritize the Penglipuran adat community and/or adat villages to gain added value in developing tourism villages through raising the potential of the village.
3. Assistance to traditional village prajuru, and managers to cultivate local values that can be a force to develop ecotourism in discussions-and FGDs so

that national laws are harmonized into local laws.

4. Evaluation of the implementation of community service activities in the Penglipuran traditional village to ensure legal certainty after being given legal counseling, training and assistance, and implementing legal practice in the field (change in behavior, understanding state law, customary (local) law 75%.
5. Partner participation: The role of the "tourist village manager" partner, the Penglipuran traditional village prajuru, provides examples of cases that have arisen in other traditional villages, but have not been accommodated with clear local legal norms, requiring judicial thinking to accommodate in the form of Pararem.
6. The data collection technique used was observation of the role of the traditional village Prajuru and Penglipuran customary village chief in the Pararem letter "Pararem" to be assisted and given consultation, and FGD so that a draft appeared whose norms were based on the hierarchical legislation.

Based on the results of the evaluated service, it will be rechecked (check and recheck) the Regional Regulations related to ecotourism/Tourism Villages by conducting field observations by obtaining a number of information related to tourist villages. Furthermore, the solutions offered are FGD, Counseling, mentoring. The objective of the FGD was to find out the problems that are being faced by Penglipuran Tourism Village related to the development of a sustainable tourism village.

### 3. RESULTS AND DISCUSSION

#### A. Tourism Law in the context of Tourism Village Management

The focus group was conducted on November 6, 2021, in the traditional village of Penglipuran and as participants were the manager of the Penglipuran tourist village 24 people, Parjuru traditional village, 7 people, village paper 7 people, Sabha village 7 people, head of the neighborhood 3 people (in the Kubu sub-district). In the focus group discussion, the leader of the service group (I Wayan Wesna Astara, Figure 1: provides counseling on tourism law in the management of the Penglipuran tourist village.

Figure 1.



Figure 2.



Figure 3



*Penglipuran Tourism Village*

*FGD Participant*

Opinions and questions emerged from Budiarta as a member of the Penglipuran traditional village that in the Penglipuran tourism village there are PKD lands and AYDs lands as ulayat land and through conversion to obtain property rights both as communal property rights and full individual property

rights. PKD land (Village yard land), as pictured: 2 (Penglipuran as a tourism village, later PKD land is land controlled by the village which is given to villagers) for housing places which are usually in a certain size area and are almost the same for every village. family Because the Penglipuran traditional village is a

tourist village, this PKD land is also used as a home stay by krama. The inherent obligation is "father" in the form of labor and materials given to the traditional village. Villages whose cultivators are handed over to each village krama with the right to enjoy with the obligation to provide "father" in the form of customary land controlled by each individual krama adat, namely: a) village yard land; b). Tanah Ayahan Village (Suasthawa, 1987:40-41). The legal problem that arises in the Penglipuran traditional village is that the AYD holder certifies the land in his personal name. Then this certificate was lent to borrow money at the bank, then it was not paid and the land was auctioned, the winner was the person from Jakarta. This means that the land of AYDs has fallen into the hands of people who are not the krama of the Penglipuran traditional village, in the event that the land is the padruwen of the Penglipuran traditional village. The problem is the land certification process without the knowledge of Kelian Desa adat, during the land registration process. Referring to the Decree of the Minister of ATR/Ka.BPN No. 276/2017 which designates the traditional village of the Province of Bali as the subject of the Joint Ownership Rights (communal) on land which stipulates that the lands of the co-owners (communal) of the customary village used for the purposes of the customary village can be their rights based on recognition and local communities. The solutions provided are litigation and non-litigation. Preventive and repressive legal protection. Prevention of how the Penglipuran village plans the writing of perarem ngeleb and agreements to all existing krama and to regulate manners in legal traffic. Furthermore, in repressive how to give a deterrent effect to manners committing acts against the law. This can be done in the litigation of the Land AYDs certification process carried out by krama, and by Kelian Desa adat who represents the adat village to process reports of unlawful acts. For this reason, AYDs land cultivators may be subject to customary sanctions/and/or the ADR settlement model. For this reason, servants can provide assistance to traditional Soldiers.

Furthermore, statements and questions from I Nengah Moneng as shown in Figure 3 (FGD participant), as the manager asked that Penglipuran Tourism Village is the cleanest Tourism Village in the world, has local wisdom

and is based on an agreement that the Tourism Village is managed by a business entity under the Penglipuran traditional village. In the perspective of tourism law, which is linked to the Bali Provincial Regulation Number 4 of 2019, concerning Traditional Villages, article 60; Traditional village has Utsaha customary village which consists of: a. LPDs; and b. BUPDA; Article 62, (1) BUPDA as referred to in Article 60, letter b; is an Utsaha Desa Adat in the economic and real sectors; (2) BUPDA as referred to in paragraph (1) is established, regulated, and managed based on customary law; (3) further provisions regarding guidelines and mechanisms and establishment of BUPDA shall be regulated by Regional Regulation. Apparently a tourist village can be managed by a Traditional Village, in accordance with the Bali Provincial Regulation Number 5 of 2020, concerning standards for the Implementation of Balinese Cultural Tourism, Article 8, paragraph (1) Traditional villages/traditional institutions/community groups have the right to develop Rural Tourism in accordance with the potential place and in accordance with the provisions of the legislation; (2) The tourist village is determined by the decision of the Regent/Mayor; (3) The tourism village manager is obliged to prioritize investment and local resources; (4) further provisions on Tourism Villages shall be regulated in the Governor's regulation.

#### **B. Ecotourism Law which is engaged in Cultural tourism activities based on Penglipuran Tourism Village A between legal ideology and social reality**

Tourism law should have given justice to indigenous peoples, when dealing with manners that violate the values of local wisdom caused by the manners themselves. Traditional villages through traditional prajuru/Bendesa endeavors to preserve the symbols of Balinese custom, religion and culture, especially in Penglipuran Village. Based on Law no. 10 of 2009, concerning Tourism, Article 2 tourism is organized based on the principles of: a) benefits; b. kinship; c. fair and equitable; d. balance; e. independence; f. sustainability; g. participatory; h. sustainable; i. democratic; j. equality; and K. unity. Then on the principle of benefit, fairness and equity and sustainability, the Penglipuran tourism village emphasizes the preservation of culture and local wisdom in the Penglipuran

traditional village. In the observation of field workers, Nature in Penglipuran village has the potential to support bamboo tourism villages, including religious, customary and cultural

ideologies, the implication is that the culture of the Penglipuran traditional village needs to be preserved (conservation) and developed for civility and prosperity of traditional manners.



Picture 3 Tourists are selvy

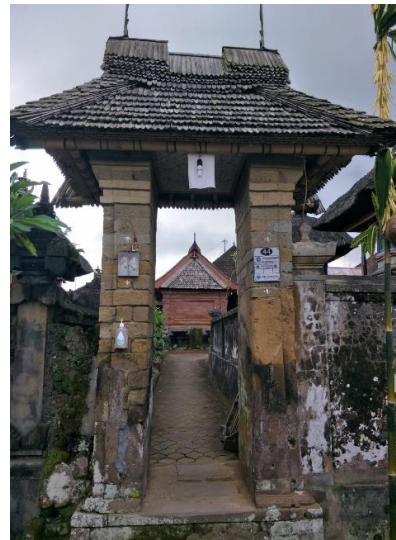


Figure 4. Angkul angkul

In Figure 3, that tradition, culture and nature are cared for by the community and so on are the potential for developing ecotourism based on local wisdom. Figure 4 shows the physical potential of Penglipuran village, namely angkul-angkul as one of the potential models that become the attraction of tourist villages. The uniqueness of Penglipuran Village can be seen from the settlement pattern in the form of a typical settlement pattern with a uniform house structure with an angkul-angkul pattern, the village is surrounded by natural bamboo forests and wood forests which are preserved by the local community in the traditional old village way. (AA Sri Agung Pradnya Paramita, et al, 2020: 84-85).

### C. Counseling, Assistance to Penglipuran Tourism Village Managers related to Tanah Padruwn Traditional Village

The traditional village of Penglipuran is legally formal, the land provides benefits to the indigenous people. The land in the traditional village of Penglipuran is the land of the traditional village of Padruwen. This land becomes the philosophy of the palemahan element, which is one of the elements of the balance of life that is directly related to the environment. In the cultural and juridical reality, the land of the traditional village in Bali as a

village druwen is part of the embodiment of the unified elements of pawongan and Parahyangan in achieving a balance of life in a traditional village (I Made Suwitra, 2020: 156).

The results of the Focus Group Discussion (FGD) were asked by Jro Bendesa adat that the land of the customary village of Tanah Ayahan Desa (AYDs) had been certified by Krama Desa adat Penglipuran, then after being certified it was used as collateral in the Bank, then it was never paid for, then the AYDs land was auctioned off, which get is Jakarta people. That customary lands controlled by customary villages need to be certified in the name of customary villages, in accordance with the Minister of ATR Decree No. 276 of 2017, reaffirming state recognition of the existence of customary law, especially customary villages in Bali and at the same time appointing them as subjects of rights who can have communal rights on land with several clauses. According to customary law, the relationship between customary law communities and the land they occupied is so close and religious-magical.

The relationship between customary rights (which are owned as a legal community as a unit) and individual rights is a flexible, flexible relationship, meaning that the stronger individual rights to land, the weaker the validity of customary rights over the land.



Figure 5. Resource Person I.W. Astara.



Figure 6. Participants (Partners)

On the other hand, the weaker the individual rights, the stronger the validity of ulayat rights. These individual rights will disappear and the land will return to the power of customary rights if the land is abandoned/turns into thickets or forests again. This refers to the Balon theory (Ballen Theorie) from Ter Haar, which says that the stronger the customary rights, the weaker the individual rights and vice versa (Dharmayuda, 1987). Also referring to Iman Sudiyat stated that the rights of the association and the individual rights of each member influence each other, meaning that they exist in a deflated-expanded relationship, endlessly stretching (Sudiyat, 1981). According to I Wayan Wesna Astara, that the weakness of communal power rights (ulayat rights) in Penglipuran village is influenced by state law politics, the control power of customary prajuru (customary ministers/customary rulers) is less strict/weak, so it is precisely to the holders of Village Lands (PKD), and the AYDs (Tanah Ayahan Desa) occupied by Krama, then without control, that krama secretly certifies the lands.

The question that arises in the legal issue of the druwen village land which has been secretly certified by the Penglipuran adat community is how to take over the ulayat land rights. For this, a legal dialogue will be made in the FGD of writing the draft Pararem on AYDs Land and PKD Land which will provide reinforcement to the Penglipuran Traditional Village, both litigation and non-litigation.

#### 4. CONCLUSIONS AND SUGGESTIONS

##### A. Conclusion

1. The legal issues of tourism that are oriented towards mass tourism do not directly benefit local residents in traditional villages or villages far from the International Tourist Destination Area. Mass Tourism provides many benefits to tourism capitalism. The birth of ecotourism and/or Penglipuran tourism god who defends the rights of local/traditional communities to build ecotourism based on local wisdom values and the potential of traditional villages.
2. Penglipuran tourism village culturally and naturally, conservation has indeed been held in realizing a superior tourist village. However, the legal aspects of land, customary land or ulayat land as village padruwen, such as the Ayahan Desa Land (AYDs), and the Village Pekarangan Land (PKD), there is no cultural and legal awareness in managing the traditional village Padruwen or tana ulayat as religious communal land.
3. Physically, artistically, culturally it is fascinating, but behind that, it turns out that the physical arrangement has not been welcomed into cultural awareness and legal ideology which has begun to erode

due to capitalism and cultural hedonism.

4. The control of the traditional Bendesa over the manners that occupy the Ayahan Desa (AYDs) and Pekarangan Desa (PKD) lands is important in building a sustainable tourism village.

#### B. Suggestion

1. Penglipuran tourism village excels in the world in cleanliness, it needs cultural and legal design that improves manners, with control over manners carried out by the Bendesa who occupies the Ayahan Desa (AYDs) and Pekarangan Desa (PKD) lands
2. Penglipuran traditional village officers make special regulations and/or Perarem, a statement for the manners who occupy the Ayahan Desa (AYDs) and Pekarangan Desa (PKD) lands, do not sell, alienate, certify without permission from the customary Bendesa, and return the certificate if has been certified.
3. The Provincial and/or City District Governments make regulations related to the manners of those who occupy the Ayahan Desa (AYDs) and Pekarangan Desa (PKD) lands as legal protection of the customary rights of the customary village lands, Banjar adat.

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