



Indigenous Village Autonomy on Forest Resource Management in Padangtegal Indigenous Village

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Abstract

Forests have a function as a life buffer so that community welfare should be maintained responsibly and sustainably. In addition, the forest resources management and community participation, Balinese local wisdom regarding forest protection are based on Wana Kerthi which is part of Sad Kerthi. The concept is also one of Tri Hita Karana's philosophies. The importance of indigenous villages regarding forest management in Bali needs more attention from both the central and local governments. Moreover, the attention is in the forms of clearer regulations, especially the authority boundaries between traditional villages and the government. The purpose of this study is to investigate the forest status in Padangtegal Indigenous Village and to investigate its roles in indigenous forest management. The method used in the study is the empirical legal research method. The results of this study indicated that the status of the forest managed by the Padangtegal Indigenous Village is a 26-hectare indigenous forest that has the main function as a conservation forest based on the Tri Hita Karana philosophy. The role of Padangtegal Traditional Village in forest management is following the Bali Provincial Regulation Number 4 of 2019 concerning Indigenous Villages (hereinafter referred to as the Indigenous Village Regulation), with autonomy owned by the indigenous village to have rights in regulating its household which is stated in the form of awig-awig. Customary forests as indigenous villages' padruen are used to create the welfare of indigenous village communities.

Keywords: autonomy; indigenous forest; indigenous village; management

INTRODUCTION

The existence of natural resources (hereinafter referred to as SDA (*Sumber Daya Alam*) in Indonesian) is very important in supporting the life of living things, especially humans. Indonesia is known as a country that has a lot of natural resources, both renewable and non-renewable. The types are also quite a lot. Humans must continue to maintain these natural resources sustainably, not only for the life of the current generation but also very important for the next generation. The variety of natural resources creates greedy humans whereas they only see the economic value they have.

The competition carried out by a person or group related to natural resources is a very important issue. Many extreme actions threaten the sustainability of these natural resources. The forest's existence has very important roles not only as a producer of oxygen but also as a habitat for other living things. The current condition of forests in Indonesia can be classified in a very worrying condition such as deforestation and of course this poses a threat to the existence and function of forests.

Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter abbreviated to the 1945 Constitution of the Republic of Indonesia) stipulates

that the earth and water and the natural resources contained therein are controlled by the state and used for the optimum level of people's prosperity. If it is related to natural resources, then, the article can become the basis for managing natural resources by the state to ensure justice and welfare for the people so that the policies made can provide protection, respect, and fulfill the needs of the community for these natural resources (Rachman, 2016).

In this modern era, there is a need for the central government's involvement and regional governments to synergize in maintaining the existence and existence of forestry by making regulations and policies. The definition of forest as regulated in Law No. 41 of 1999 concerning forestry is that a forest is an ecosystem unit in the form of a stretch of land containing biological natural resources which are dominated by trees in their natural environment, which cannot be separated from one another. It can be said that the forest functions as a buffer for life to create community welfare and must be maintained responsibly and sustainably. The involvement and participation of the community living around the forest are not only for meeting the needs of life but also for protecting a reserve for human survival in the future. Spaces and opportunities are available for indigenous people in forest management considering the principles of indigenous values and norms enforced by the law of indigenous communities which of course with local wisdom have functions that are in line with the principles of sustainable natural resources and ecosystems.

Local wisdom that has been practiced by indigenous people for generations is considered and proven to be better than other forms of environmental conservation and preservation made by the state as well as local knowledge and wisdom about forest governance and surrounding natural resources that have been passed down through generation. From generation to generation both in traditions and cultural practices that continue to experience adaptation, innovation, and dynamics in line with social, economic, political, and cultural changes and the surrounding environment.

Balinese local wisdom regarding forest protection is based on Wana Kerthi which is part of Sad Kerthi and is one of the *Tri Hita Karana* concepts. This means that one of the local pearls of wisdom for indigenous peoples in Bali is to create a safe, peaceful, and prosperous condition without neglecting social and religious values in community life. Local wisdom that has been practiced by indigenous people has been passed down through generations traditionally. Inside of the applied cultural practices, there are always adapting, innovating, and dynamically in line with the social, economic, political, cultural, and surrounding environment. The role of indigenous villages in Bali is very important, it is stated that traditional villages have a task in creating village success. In carrying out this task, the traditional village has the right to manage its household. The right of the customary village to regulate its household is called the autonomy of the customary village (Gorda, 1999).

Similar related study about forest resource management have been conducted previously by Polontoh (2018) and Ifrani et al. (2019). Polontoh (2018) found that recognition and socialization of customary forest by local government should be done, so that the conservation and utilization of customary forest can guarantee the welfare of the community, preserve the environmental and forest functions, and can resolve the conflict. Improved participation of the community in the preparation of the RTRW and the RTRW implementation decisions. It is also necessary to arrange customary forests by mapping customary land and land use maps, as well as land and territorial management plans. The results of customary forest mapping, land use, management plans become advocacy materials for future landscape change. Meanwhile, Ifrani et al. (2019) revealed that a large amount of permits, given by the government to the private sector for forests in possession of indigenous peoples, are overlapping and as a result have increasingly marginalized the indigenous community and acted as a drawback to development. Based on the background and the previous related studies above, this current study aims to investigate the forest status in Padangtegal Indigenous Village and to investigate its roles in indigenous forest management.

METHOD

The research method used is the empirical legal research method, namely research on legal effectiveness and legal identification (in this case, unwritten law). The method used in data collection was field research in the Padangtegal Indigenous Village, Ubud District, Gianyar Regency. The data was analyzed qualitatively.

DISCUSSION

The Forest Status in Padangtegal Indigenous Village

The forest's existence cannot be separated from the indigenous people who live in a certain area. Indigenous peoples are believed to have important roles in forest management because of their very strong belief in local wisdom. Respect for indigenous people also implies that the state must also recognize and respect the existence of indigenous people. The indigenous law that exists, lives, grows, and develops in Indonesia is flexible also following Pancasila values. The preamble of the 1945 Constitution of the Republic of Indonesia contains the main ideas that animate the national legal system which consists of elements of written law, unwritten law (indigenous law), and religious law. Customary law as a form of Indonesian people's culture embodies real and living legal feelings among the people and reflects the personality of the Indonesian people and nation (Sulastriyono, 2014).

Indigenous land has a very close relationship with the indigenous village, all land that belongs to the indigenous village or can also be called the village padruwen cannot be traded. In the history of the existence of a traditional village, it was preceded by clearing the forest which was then managed and managed until it became the territory of the customary village government (Suwitra, 2021). The provisions in Article 23 of the Local Regulation on Indigenous Villages regulate the authority of customary villages including authority based on rights of origin and local authority at the scale of traditional villages. The provisions of Article 25 paragraph (1) letter b concerning local authority on a scale of the indigenous village as referred to in Article 23 covers indigenous forest management. This shows that the Indigenous Village's Local Regulation has regulated the authority of local-scale Traditional Villages in managing customary forests as one of the village's padruwens.

In the awig-awig of Padangtegal Pakraman Village, which is now called the Padangtegal Indigenous Village in Pawos 61 (1), it regulates the Padruwen Village, namely:

Padruwen Desa Pakraman Padangtegal as follows:

Ha. Kahyangan Tiga, as follows:

- (1) Kahyangan Tiga
- (2) Beji Temple
- (3) Prajapati Temple
- (4) Penyimpanan Temple or Dalem Alit Temple
- (5) Tegal Suci Temple.

(The free translation in Indonesian reads: The wealth of Padangtegal Pakraman Village (now called Indigenous Village) includes: (1) Kahyangan Tiga, (2) Beji Temple, (3) Prajapati Temple, (4) Penyimpanan Temple or Dalem Ali Temple, and (5) Tegal Suci Temple).

Thus,

Pawos 95 arranges about

Sawewengkon forest at Dalem Temple Padangtegal means: Mandala Suci Wenara Wana

Nobody can disturb the rules mentioned

Those who do not oblige will be given sanctions based on pererem rules

From the description above, it can be stated that the management of customary

forests as village padruwen in the Padangtegal Traditional Village is under the customary village based on awig-awig as mandated in the Customary Village Regulation. The autonomy possessed by the indigenous village includes the right to regulate its household in order to create the welfare of indigenous people (indigenous village success) based on *Tri Hita Karana*.

Article 24 letter g of the Regional Regulation on Traditional Villages regulates the authority of traditional villages based on origin and also includes the management of traditional village padruwen. Then article 25 concerning local authority on the scale of customary villages also covers customary forests. The above article becomes the legal basis that forests that are above or within customary land in Bali are customary forests or forests belonging to the customary village concerned and their management is under the control of the customary village.

The concept of environmental preservation has been contained in the concept of *Tri Hita Karana*, namely sad kerthi which philosophically aims to maintain harmony between humans and God, maintain harmony between humans and humans and maintain harmony between humans and nature. Wana kerthi is part of sad kerthi which contains the principle of forest protection so that human beings must protect the forest as well as possible. The definition of wana kerthi is plants and all their contents that are manifested in the form of a forest, which must be preserved by building a haunted temple in each forest area, to protect the forest spiritually. This is realized by fundamentally and comprehensively organizing Bali's development which includes three main aspects, namely nature, society, and Balinese culture based on the values of *Tri Hita Karana* which are rooted in the local wisdom of the customary law community.

The Role of Indigenous Village Padangtegal in its Indigenous Forest

The role of the indigenous village in Bali has a very important role, especially in the maintenance and development of the indigenous village community as well as its implementation of development in all fields, including in the field of natural resources, especially indigenous forests. Then, Article 5 of the Local Regulation on Indigenous Villages states that customary villages have the status as legal subjects in the Bali Provincial government system. Thus, traditional villages have the same rights and obligations as other legal subjects and can act independently inside and outside the court.

The provision in Article 18 B paragraph (2) of the 1945 Constitution of the Republic of Indonesia states that the constitution recognizes that Indigenous Villages have the legal capacity to defend their traditional rights before the court, not only against the actions of individuals but also against the actions of the state. These traditional rights are expressly recognized by the constitution, so these rights have the status of constitutional rights so that violations of them are the same as violating the constitution, even the law may not violate traditional rights that have been recognized as constitutional rights (Palguna, 2010). Indigenous villages have their territory and assets and have the right to take care of their households (Sirtha, 2008).

Padangtegal Indigenous Village is located in Ubud Village, Ubud District, Gianyar Regency, which consists of 700 families. Where this traditional village consists of 4 traditional areas, namely:

- Banjar Adat Padangtegal Kaja
- Banjar Adat Padangtegal Mekarsari
- Banjar Adat Padangtegal Kelod
- Banjar Adar Padang Kencana

Based on an interview with the representative of the Indigenous Padangtegal Bendesa Mr. I Made Subrata about the management of indigenous forest as a conservation forest that:

Forest managed by the traditional village of Padangtegal which is now used as a tourist attraction called Mandala Suci Wenara Wana

The core forest area is 9 hectares.

Then there was the expansion into 26 hectares.

Plants that live in the forest include Bingin, Pule, Teep, and Majegau as identities.

In the forest there are sacred places including Padmasana, Dalem Temple, Prajapati, Beji Temple, and Setra.

There is a monkey population of about 1500 individuals who inhabit the forest.

The *Tri Hita Karana* activities carried out are the ceremony of the plants in the forest known as Tumpek Wariga/Uduh and the ceremony performed on animals that live in the forest such as monkeys as druwe who inhabit the forest known as Tumpek Kandang.

The management of the Wenara Wana Holy Mandala object is under the Traditional Village, so the Bendesa Adat is in charge and the manager consists of 150 people who are residents of each indigenous banjar with a ratio of 3: 2: 2: 1.

So far, no community has been found taking forest products illegally.

Income from the Mandala Suci Wenara Wana Tourism Object will be deposited in the form of a tax to the local government of 12.5% and the rest for indigenous villages.

In terms of management, so far there has been no intervention from the local government but it is managed directly by the Padangtegal Indigenous Village.

Awig-awig Indigenous Village of Padangtegal with its autonomy to regulate (village of padruwen), the traditional village plays a role in maintaining the existence of customary forest by sticking to the *Tri Hita Karana* concept, especially wana kerthi. The management system is to serve as a place of protection and preservation for the habitat of a herd of monkeys so that with the management of indigenous forests by indigenous villages, there must be stricter legal regulations in the protection of indigenous forests.

CONCLUSION

Indigenous lands have a very close relationship with indigenous villages, all land that belongs to indigenous villages or can also be referred to as village padruwen one of which is customary forest, customary village regulations have regulated the management of indigenous forests given to indigenous villages. The status of the forest managed by the Padangtegal Indigenous Village is customary forest, so with the autonomy possessed by the Padangtegal Indigenous Village, it has the right to regulate and manage its household, including the indigenous forest which is managed for the welfare of the community based on the *Tri Hita Karana* philosophy. The role of the indigenous village in Bali has a very important role, especially in the maintenance and development of the life of the indigenous village community as well as the implementation of development in all fields, including in the field of natural resources, especially customary forests. In addition to being regulated in awig-awig, customary forest management in the Padangtegal Indigenous Village is also regulated in special regulations regarding management by involving the participation of the community and the Bendesa Adat as the person in charge.

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