

Authority of Village-Owned Enterprises in Ecotourism- Based on Village Forest Management Rights in Selat Village, Buleleng

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ABSTRACT

Community participation, both in policy and management of forest resources, is intrinsically capable of preventing and mitigating forest damage. One of the government policies to restore the role of local or customary communities as the significant role in forestry development is through the policy on Social Forestry. The people of Selat Village believe the forest is a source of water, a source of livelihood, and an ecotourism area. It has magical values respected by the community. The problem examined in this paper is how adequate the protection of village forest management rights by Village-owned Enterprises (BUMDesa) and Traditional Villages of Selat is. The research is mixed law research. The results showed that the protection of village forests is carried out in a preventive and repressive manner. The effectiveness of the authority of Village-owned Enterprises in village forest management has not been effectively implemented when referring to the Village Forest Rights and Management Work Plan and applicable laws and regulations, both state law and customary law. The problems faced by the business enterprises as village forest managers in implementing the utilization and protection of village forests are the unavailability of human resources and insufficient capital strength needed for the management of all village forest areas based on ecotourism.

Keywords: *Ecotourism, Social Forestry, Protection, Village Forest Preservation.*

1. INTRODUCTION

Forests serve as capital for national development that has ecological, economic, and socio-cultural benefits. Law number 41 in 1999 with regard to forestry explains that forest is the ecosystem unit of the stretch of land containing biological natural resources that have three functions: conservation function, protection function, and production function. Along with the increasing rate of forest conversion, which is estimated to reach 2 million hectares per year for agricultural land, settlements, as well as meeting various community needs, the area and function of forests are decreasing and in turn causing many problems such as damage to ecological systems, extinction of flora and fauna, floods, droughts, and even global climate change.

One of the essential policies that can reflect the government's willingness to maintain the local communities as the main actors in the forestry development in Indonesia is the social forestry policy. Through the program, community access in managing forests is reopened after being closed for a long time.

Social forestry policies open up real opportunities for communities in and around forest areas. This is manifested by providing access to communities around the forest areas. This, among other things, can be done by granting access rights to the community and placing the community as the leading actor in forest development and management. By-law number 41 in 1999 about forestry, the empowerment of local communities shall be carried out to strengthen the community institutions in utilizing the forest. In addition, the development of social forestry is a form of implementation of the decentralization policy in the forestry sector. The role of local governments, especially district/city governments, will be crucial because all technical aspects of program implementation will be the joint liability of the central and local governments.

Social forestry licensing is not the end in community empowerment to achieve a community welfare goal. After obtaining a permit from social forestry, what needs to be strengthened by the parties to empower the communities is the implementation stage. The achievement of the permit area target in the social forestry program is not the

main indicator to measure that the program is success. The aspect of benefits for the village forest permit holders in the economic field is also the main core to consider. While, for selat village, sukasada sub-district, Buleleng, Bali, forests are believed to be a source of springs, a source of livelihood, a potential natural tourism area, and have magical values that are highly respected by the community [1].

Considering how strategic the function of forests is for nature conservation for the welfare of humanity, while there are legal facts on the ground in the form of illegal logging and forest encroachment that are against the law and irresponsible, various efforts, both preventive and in the form of firm actions, are always seeking to be made. preventive efforts are carried out by providing understanding to the community about the importance of conserving forests and strictly prohibiting people from entering protected forest areas for hunting or farming purposes in forest areas.

Based on the legal provisions above, in particular, the people of selat pandan banten's traditional village, selat village, sukasada sub-district, buleleng regency, bali province have the opportunity to participate in managing state forests. The people made various efforts of selat village to obtain the legality in question. in the end, the government approved the selat village community's request to manage the state forest and to make it a village forest by the selat village regulation no. 1 of 2011 concerning village forests. In managing state forests by the selat village government, the village-owned enterprise named "pandan harum" was formed. the establishment of the business enterprise was facilitated by the forestry and plantation office of buleleng regency, led by chairman ketut mangku and deputy chairman wayan diarka through selat village regulation number 2 of 2011 concerning guidelines for establishing village-awnd enterprises.

Many benefits for the community in the village are provided. the omnibus law brings significant changes to the village community and the institutions therein. this change will facilitate the processes and mechanisms that exist in the village. one of the advantages brought by the law is the status of village-owned enterprises, which used to be only business entities. This time, in the omnibus law on village-owned enterprises, each village-owned enterprise is no longer required to make partnerships with multiple partners.

Two benefits of the omnibus law above, they will indirectly bring about a fresh impact on the economy of the village community. When village-owned enterprises and micro-enterprises advance and develop, employment opportunities will be opened for the surrounding community, especially those people in the village forest area, in the utilization of forest resources from ecological, socio-cultural, and also economic aspects.

The present research with the theme of authority and protection of village forests aims to examine and

investigate the two problems elaborated below in more depth.

2. METHOD

This is an integration between normative legal research and empirical legal research. By Anton F. Susanto, this mixed law research is referred to as a type of participatory transformative legal research, or a collaboration between two types of legal research, that is to say, normative legal research and empirical legal research [2].

3. RESULT AND DISCUSSION

This research was carried out in Selat Village, Sukasada, Buleleng. It is a village with a protected forest with an area of ± 552 ha, spread over several hamlets in the village area. The results of the inventory that have been conducted reveal several types of plants that exist and grow in the Selat Village forest area; there are about 30 types of forest wood plants. The existence of protected forest in the Village needs to be saved from the touch of the surrounding community and the community outside the forest area to assure its sustainability. This is because several cases of violations have been committed, such as land grabbing, illegal logging, plantation land clearing, and hunting

3.1 Legal Protection for the Village Forests in Selat Village, Buleleng Regency

The basis for legal protection of village authority in managing village forest areas is regulated in Article 5 Paragraph (1) of Law Number 41 of 1999 concerning Forestry, which regulates community empowerment in state forest areas. In the elucidation of Article 23, it is mandated that forest as a national resource shall be utilized as much as possible for the benefit of the community so that it is not concentrated on a particular person, circle, or group. Therefore, forest use must be distributed relatively through community participation activities so that the community becomes more empowered and its potential develops.

This Ministerial Regulation is used to give the guidelines for granting management rights, permits, partnerships, and also the customary forests in social forestry. The purpose of regulation is to resolve tenure and justice issues for the local communities and customary law communities residing around forest areas for the prosperity of community and preservation of the forest functions.

The authority of provincial and district governments is managed according to the Decree of the Governor of Bali Number 2017/03-L/HK/2015 on the Granting of Village Forest Management Rights in Protected Forest Areas to Village Institutions in Buleleng. Legal protection for the existence of village forests is also regulated in the Decree of the Governor of Bali Province Number 75 in 2018 with regard to Social Forestry. Article 43 of Regional Regulation Number 16 in 2009

concerning Spatial Planning for the Province of Bali in 2009-2029 specifies that the protected areas include protected forest areas; and water catchment areas. With the affirmation of the regulations mentioned above, it can be said that the provincial government of Bali and Buleleng Regency has the authority to protect the existence of village forests from various things that can threaten them.

In order to preserve the village forest area in Selat Village as well as with the local wisdom of Tri Hita Karana, the Selat indigenous people become more confident with more protection of the village forest area because they have the task and function of maintaining the sustainability of the village forest as stated in Awig-Awig (customary law) of the Traditional Village Selat Pandan Banten. Guidance, control, and supervision of village forest management are also regulated in the Awig-Awig of the Traditional Village of Selat Pandan Banten, as stated in Sargah VI (Part 6) concerning Village Forest Pawos 71 (Article 71) Indik Alas (regarding forest).

With such an affirmation in the legislation, it shows that legally the government has protected natural resources in general or forest resources in particular. A village institution managed the existence of a protected forest in Selat Village before it - in this case, the one receiving a protected forest management permit was a Village-owned Enterprise – its condition was in deplorable condition as a result of the activities of hunting, theft of timber and non-timber forest products, encroachment and land grabbing by community members around the protected forest area. This results in the disruption of forest habitats and ecosystems that impact the surrounding environment and the environment outside the protected forest area, such as flash floods, erosion, and drought [3].

Judging from the theory of legal certainty concerning law enforcement put forward by Soedikno Mertokusumo, legal certainty is one of the requirements. Legal certainty refers to justifiable protection against arbitrary actions, that implied a person will get something expected under certain circumstances. Controlling illegal logging and forest clearing is associated; these known as illegal logging and illegal forest encroachment, carried out by law enforcement officers to maintain village forest areas Selat Village. To protect village forest areas and the community's rights to enjoy, maintain, or earn income from the sector. However, of course, this depends on law enforcement officers because, according to research findings, law enforcement officers sometimes do not exercise their authority by-laws and regulations in law enforcement and justice in communities in village forest areas.

3.2 Effectiveness of the Authority of Village-owned Enterprises on Village Forest Management in Selat Village, Buleleng

Based on the mandate of the regional regulation, the Selat Village government, looking at the various potentials in the Village, took the initiative to make regulations regarding Village-owned Enterprises, namely the Selat Village Regulation Number 3 of 2012 concerning the Village-owned Enterprises was named "Pandan Harum." Then, in Chapter III, the types and development of businesses are explained, among others, namely trade in agricultural facilities and products, including agricultural products, agriculture, food crops, plantation forestry, fish husbandry, and agribusiness. Regarding the business activities of the Village-owned Enterprise "Pandan Harum" as stated in the Articles of Association Chapter X Article 13 Paragraph (1), it determined that the enterprise is responsible for organizing the village forest work area.

The various laws and regulations above represent the main foundation in implementing and managing Village-owned Enterprises, especially in Selat Village, Buleleng, which formally regulates management both in general and technically. Management of the Village-owned Enterprise is carried out by the mandate of other laws and regulations. It is intended in order that the economy of rural communities can develop evenly. Therefore, the role of the village government, as the person in charge of the economic condition of the Village, is, of course, essential in managing the Village-owned Enterprise.

Furthermore, in Law Number 6 of 2014 concerning Villages, especially in Article 18 of the Village Law, it is stipulated that village authority includes authority in the field of village administration, implementation of village development, village community development, and village community empowerment based on community initiatives, rights of origin, and village customs. Next, Article 19 of Law Number 6 of 2014 concerning Villages regulates village authority which includes authority based on rights of origin, village-scale local authority, authority assigned by the government, provincial government or district/city-regional government, and other authorities assigned by the government, provincial, regional government, or district/city government.

What is very noteworthy in the village forest management model by a village-owned enterprise based on traditional villages is to maintain the preservation of village forests through the formation of supervisors for Awig-Awig, in this case, the Pecalang Jagawana (traditional village security officials in Bali). Efforts to anticipate the occurrence of deforestation such as rehabilitation or reforestation activities in a sustainable manner are quite effective in environmental aspects, as can be seen from the maintenance of forest sustainability and forest development in the form of managing them to become natural tourism objects.

To maintain and avoid the destruction of the village forest from irresponsible parties, whether carried out by krama (community members) or residents from outside the village forest area, the presence of Pecalang who are given the task of supervising or guarding the village forest area is not sufficient. This is because the village forest area is about ± 552 hectares and the number of Pecalang - who are assigned to monitor and protect the village forest area from possible violations in the village forest area - is only 15 people.

The problem now faced by the management of the village-owned enterprise and traditional villages, as village forest managers in implementing future village forest utilization, is the unavailability of adequate human resources and capital strength needed for the management of the entire village forest area. There is a need for assistance from sustainable technical agencies to facilitate village forest actors or managers in consulting about sustainable village forest management patterns. The absence of an appropriate and efficient marketing scheme to market village forest products, non-timber products, and ecotourism services is also tricky to manage the village-owned enterprise.

Based on the village forest work program as stated in the Village-owned Enterprise "Pandan Harum" Village Forest Activity Plan (RKHD) in 2020, the activities carried out in the utilization zone encompass the utilization of environmental services, which include extensive forests; rides for selfies covering an area of 6.25 hectares, sekepat or gazebo (maintenance), tracking routes (maintenance), spiritual tourism, and waterfalls [4].

4. CONCLUSION

Legal protection for the existence and preservation of village forests in the Selat Village area, Buleleng Regency, is implemented preventively by carrying out active and continuous supervision of compliance with regulations without direct incidents involving concrete events that raise suspicions that statutory regulations, both state law and customary law, have been violated. Repressive law enforcement is implemented when actions violating regulations occur and aim to end prohibited acts that cause damage to the village forest area in Selat Village. The efficacy of the village-owned enterprise's authority realization in managing village forests in Selat Village, Buleleng Regency, has not been implemented effectively by the Village Forest Rights and Management Work Plan (RKHD) and applicable laws and regulations, both state law and customary law.

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