

Water Resources Conservation As A Spiritual Tourism Destination In Village Forest Management Right In Bali

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ABSTRACT

The purpose of this study was to find a model of the concept of coexistence on the use of water resources in the forest through Village Forest Management Rights (referred as HPHD) as a source of community welfare (local). The problem is how to model the coexistence of the legal system on the use of water resources in the forest for the empowerment of rural communities? This type of research uses empirical legal research with statutory, analytical, case, and customary law approaches. The data were analyzed by interpretation and qualitative techniques. With the issuance of HPHD to the Village Institution, namely Village Owned Enterprises (referred as BUMDes), communities around the forest are educated in utilizing forest resources such as water as spiritual tourism known as "melukat". The goal is that tourists are attracted to visit to "melukat" to cleanse themselves spiritually or "ngeruat" to ward off bad luck and be free from all diseases. All activities related to retribution are carried out by BUMDes by utilizing the Traditional Village security system called "Pecalang" and the Village Service security called *Hansip*, *Babinsa* and *Bhabinkantibmas*. With the coexistence approach between state law and customary law, integration in the use of other forest resources is expected to be managed by BUMDes to sustainably provide welfare for local communities through empowerment. Therefore, water resources as a source of life need to be conserved through education that is able to foster a legal culture of the community on the importance of conserving forest resources and protecting the environment because by preserving the forest it can be used as a source of sustainable village community welfare.

Keywords: village forest, welfare, conservation, empowerment, water resources

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I. INTRODUCTION

The duality of the village government system, better known as the Traditional Village and the State Village, is one of the identities of village government in Bali. Its task is to improve the welfare of its people through various programs in the utilization of all potentials in a sustainable concept. The underlying philosophy is known as "Tri Hitakarana" which is oriented towards a balanced relationship with God, Humans and nature and together with the environment.

The terms conservation, having environmental insight, education, and community empowerment which are used as the main language in the use of forest resources such as water resources and other resources in an integrated manner from social forestry through the provision of HPHD are relevant to the insight of Ecotourism which is one of the Visions of Warmadewa University and the Strategic Plan of the University Research Institute. Warmadewa who has translated Ecotourism into 5 (five) variables, namely: conservation, education, empowerment, environmental insight, satisfaction.

The output of the research is directed at achieving quality results and global competitiveness.

Activities that are relevant to Village Forest Management Rights (HPHD) are oriented to the principle of utility, namely the benefits of forest conservation as a source of life, community economic empowerment through education on the importance of forest conservation, and its protection (conservation function) of natural resources. existing forest resources, economic empowerment of local communities through tourism design in the forest such as: spiritual tourism, health tourism (herbal medicinal plants), educational tours, forest cruising tours, jogging tracks, finally able to provide benefits and a sense of satisfaction (both inside and out) especially for visitors to the impact of all activities carried out in accordance with the resources used. The hope is to grow awareness to always protect the forest environment from damage and keep it clean from garbage. Moreover, Bali is currently in the situation of "trash emergency".

In the Strategic Plan of the Ministry of Forestry of the Republic of Indonesia (Kemenhut RI) 2010-2014, 2 million hectares of community forest

and 500,000 hectares of village forest are planned. Of the reserved areas, about 50% are in the verification process and only 131,209.34 (1.66%) have been granted permits by the Regent/Governor since the issuance of the Minister of Forestry Regulation on Community Forests (2007), Community Plantation Forests (2007) and Village Forest (2008). This policy is seen as one of the efforts to reduce the rate of deforestation in Indonesia which in 2007 placed it as the country with the highest deforestation rate in the world and the third emitter country after the USA and China (World Bank, 2007). Many parties view this policy as a state recognition of forest management by the people who have been neglected, but are able to preserve nature and provide community welfare. For the community, forests have not only ecological significance, but also social, cultural and economic significance.¹

Forest destruction in North and West Bali, such as in Buleleng, has recently become increasingly worrying. In addition to rampant theft of forest wood (illegal logging), it was found that there was a practice of buying and selling forest land by irresponsible persons. Meanwhile, supervision by forest police is not optimal due to the limited number of personnel and the lack of infrastructure in the field.² The results of the Working Visit of Commission II of the Buleleng DPRD at the West Bali Forest Management Unit (KPH) Office concluded that it was true that there had been timber theft, land buying and selling transactions as happened in Sepang Busungbiu Village. The reason is very cliché, namely very minimal personnel, very limited operational vehicles. Therefore, innovation is needed to create new patterns in its management and utilization.

According to Suwitra, et al, it is stated that the control of forest areas in several Traditional Villages /Customary Villages in Bali is based on customary rights, such as in the Culik Traditional Village, TengananPegringsingan Village, Karangasem. With the enactment of "Law No.5 of 1960 concerning Basic Agrarian Regulations (referred as UUPA)" has provided the possibility of the transfer of tenure rights according to customary law to control or ownership according to State law ("UUPA"). The implication is that customary lands in

forest areas have changed status to individual or communal/group ownership rights, as happened in the Culik Traditional Village which has implications for prolonged conflict.³ Disputes caused by the sale and purchase of ulayat land can also be found in the Traditional Village of Kemenuh Gianyar due to the denial from the Prajuru of the Traditional Village of the results of the Paruman which has allowed the transfer of ulayat land into individual land. Then there is an effort from the traditional prajuru in utilizing the land even though the person concerned has willingly carried out the obligation in the form of "ayahan" (service) who attaches the said land to the traditional village.⁴

The enactment of the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number P.83/MENLH/SETJEN/KUM.1/10/2016 concerning Social Forestry gives a mandate to the Government and Regional Governments in optimizing the use of State Forests as Village Forests by providing legal access to local communities in the form of Village Forest management, Community Forest Business Permit, Community Plantation Forest, Forestry Partnership or recognition and protection of customary law communities for community welfare and forest resource conservation aimed at reducing poverty, unemployment and inequality in the management/utilization of forest areas, so that Social Forestry activities are needed in Village Huta scheme. Village Forest Management Rights (HPHD) in North Bali have been started in 2016, namely in 7 (seven) villages, namely: Galungan, Lemukih, Selat, Sudaji, Tejakula and Wanagiri.

Observing government policies and the reality of local communities around the forest, one of the research problems explored is regarding the coexistence model of the legal system for the use of integrated water resources with other forest resources as sustainable forests and empowerment of (local) village communities.

¹AgusBudhiPrasetyo, without year, "Serbaserbihutan desa", *Makalah*. bp2sdmk.dephut.go.id/emagazine/attachments/article/1/utan%20Desa.pdf, accessed on Maret 9th2018.

²Bali Post, 2016, "Perambahan hutan di Buleleng mengkhawatirkan, Dewan desak Pemprov intensifkan pengawasan" <https://issuu.com/epaper-kmb/docs/>, Wednesday, May 11th 2016, p. 7.

³I Made Suwitra, I Made Minggu Widyantara, I Nyoman Sujana, 2012, "Dampak Pendaftaran hak Atas Tanah Adat di Bali (Studi Kasus di Desa Adat Culik Karangasem)", *Research Report*, Higher Education Grant of Ministry of National Education: 40.

⁴I Made Suwitra, 2010, "Dampak Konversi Dalam UUPA Terhadap Satus Tanah Adat di Bali", *Jurnal Hukum Ius Quia Iustum*, ISSN: 0854-8498 Accredited Decree of Directorate General of Higher Education No.65A/DIKTI/KEP/2008, Vol. 17 (1), p. 103-118.

II. RESEARCH METHODS

The type of research applied in the form of empirical legal research, because it is observed that there is a gap between the expectations and requirements formulated in laws and regulations, namely those with an ecotourism perspective in achieving the greatest prosperity, especially by communities around the forest through legal access, with the reality that occurs, namely equitable distribution of utilization. forest resources, implementation of conservation and environmental care as a source of sustainable welfare. Likewise, in the field of regulation and utilization, it is more oriented to state law. Meanwhile, the approach uses statutory, analytical, case, and customary law approaches.⁵ Primary data were collected by interview and observation techniques, while secondary data were collected by documentation and recording techniques using the file system. The analysis uses meaning interpretation techniques in each formulation of norms and statements that are integrated with qualitative techniques.

III. THEORETICAL FRAMEWORK

Sustainable development by the World Commission on Environmental and Development (WCED) and the Brundtland commission is mentioned as development that is oriented to meeting the needs of the present generation without compromising the ability of future generations to meet their own needs. Sustainable development does not only concentrate on environmental issues. More broadly than that, sustainable development covers three policy areas (three-dimensional) in an integrated manner, namely **economic development**, **social development** and **environmental protection**.⁶ It is relevant to the ecotourism concept that has been stipulated in the Warmadewa University Research Strategic Plan 2021-2025, which consists of 5 (five) variables, namely: education, conservation, empowerment, environmental preservation, and satisfaction which have implications for environmental protection activities.

The implementation of Village Forests basically aims to improve the welfare of the community, especially the community around the forest in a sustainable manner on the one hand, while on the other hand it can ensure forest sustainability and protection of environmental health. Economically oriented Village Forest Management

needs to also consider other aspects such as environmental balance, socio-cultural dynamics as a system. If this principle is not well understood, forest destruction can occur which adversely affects all aspects of human life and the environment.⁷

It was further explained that Village Forests are, in principle, State Forests managed by the community in a **rural administrative organization** which are utilized for the welfare of the village community itself. That is, the Village Forest intends to provide access to local communities through **village institutions** in utilizing forest resources in a sustainable manner with the aim of improving the welfare of local communities in a sustainable manner according to state law. The management is known as Community-Based Forest Management (referred as PHBM).

The development of PHBM is based on local conditions, traditions while still taking into account the applicable laws and regulations. This has led to the emergence of various variants of PHBM schemes such as Village Forests, Community Forests, Customary Forests and others. However, these various schemes have the same important characteristic, namely that PHBM must be based on legal and definite access for the community to forest resources. Forests are managed by the communities themselves and communities make decisions on how to manage their resources. Furthermore, the PHBM concept also supports communities to obtain rights to resources which are an important part of their lives. From this concept, it is clear that there are elements of empowerment and conservation of functions as well as preservation by co-existing society' law (Balinese Customary Law) as local legal wisdom with state law.

In order for the community to have legal access in forest management, the Minister of Environment and Forestry of the Republic of Indonesia Regulation Number P.83/MENLH/SETJEN/KUM.1/10/2016 has been issued which has been updated with the Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number 9 of 2021 on Social Forestry Management. In Article 1 point 1 it is stated that: Social Forestry is a **sustainable forest** management system implemented in state forest areas or private forest/customary forests carried out by **local communities** or **customary law communities** as the main actors to improve their welfare, environmental balance and socio-cultural dynamics in the form of Village Forest, Community Forest,

⁵R. Soepomo. 1979. *Bab-Bab tentang Hukum Adat*. Third Printing. Pradnya Paramita. Jakarta. p. 32-33.

⁶Ilham Wandu, without year, "Pengelolaan Hutan Lestari (Sustainable)", The result of the twelfth meeting: Pengelolaan Hutan Lestari (Sustainable), <https://slideplayer.info/slide/2587060/>.

⁷Pietsau Amafnini, 2012, "Hutan Desa": Apa Tujuannya dan Bagaimana Pelaksanaannya...?, <https://sancapapua.wordpress.com>.

Community Plantation Forest, Community Forest, Customary Forest and Forestry Partnership.

Moreover, Article 1 point 5 states that: Village Forest Management Rights, hereinafter abbreviated as HPHD, are management rights in protected forest areas or production forests granted to village institutions. So legal access in HPHD is addressed to Village Institutions established based on Village Regulations (Perdes). Therefore, the village referred to in the HPHD is an official village carried out by a village-owned enterprise (BUMDes).

Observing the objectives of legal access in HPHD, namely welfare on the one hand and sustainable forests on the other, it is very relevant to the theory of justice, certainty and usefulness as legal objectives by referring to various ideas such as van Apeldoorn, Aristotle, Bentham, Bellefroid, van Khan. In the perspective of utility, the concept of "coexistence" also becomes relevant considering the duality of village government in Bali. Where the concept of coexistence is developed through the operation of a legal system consisting of 3 (three) legal components, namely: (1) **Structure**, (2) **Culture**, and (3) **Substance** developed by Friedman and known as Legal System Theory.⁸

Gustav Radbruch builds the theory of legal certainty in the sense: **certainty because of the law**, and **certainty in or the self of the law**. Guaranteeing certainty because the law is the duty of the law. **certainty because the law** is intended, that the law guarantees certainty for one party to another. The legal duty guarantees legal certainty in relationships found in social interactions. While **certainty in the law** is achieved if the law is confirmed through the law, and **there are no conflicting provisions**⁹

For justice, Thomas Aquinas distinguishes justice in two groups, namely general justice (justitiageneralis) and special justice. General justice is according to the will of the law, which must be done in the public interest. Notohamidjojo calls it legal justice. While special justice is justice on the basis of equality or proportionality. This special justice is distinguished again in distributive justice (distributive justice), and commutative justice (justitia commutative), and vindicative justice (justitiavindicativa).

Bentham puts benefit as the main goal of the law. Usefulness is defined as happiness (happiness). So, whether a law is good or bad or not, depends on whether the law gives happiness to humans or not. This happiness should be felt by as many individuals

⁸Friedman, Lawrence M. 1975. *The Legal System: A Social Science Perspective*, Rusell Sage Foundation. New York, p.1003.A2.

⁹E. Utrecht, 1959, *Loc.Cit.*

as possible in the society (the nation) (the greatest happiness for the greatest number of people).¹⁰

IV. DISCUSSION

4.1 Village Forest Management Rights

In "Act Number 41 of 1999 (Act 41/1999) in conjunction with Act Number 1 of 2004 (Act 1/2004) concerning Amendments to Act Number 41 of 1999" the status of forest is divided into State Forest and Private Forest. While in State Forests it can be in the form of Customary Forests. It is relevant to the concept emphasized in the general provisions of this Act, that customary forest is state forest located within the territory of customary law communities. In forest control by the State, the rights of indigenous peoples are still taken into account, as long as in reality they still exist and their existence is recognized, and does not conflict with national interests (Article 4 Paragraph 3). This condition indicates the dominance of state law over customary law. The existence of this customary forest is highly dependent on the confirmation of the existence of customary law communities which will be further regulated through Regional Regulations (Article 67 Paragraph 2). For special purposes, forest management areas may be granted to customary law communities with the following rights, namely:

- Collect forest products to meet the daily needs of the indigenous peoples concerned;
- Carry out forest management activities based on applicable customary law and do not against with the law; and
- Obtain empowerment in order to improve their welfare.

The 2015-2019 National Medium-Term Development Plan targets 12.7 million hectares of forest to be managed by the community through social forestry schemes, one of which is the Village Forest. Village Forest is a State forest managed by the community in a rural organization. And it is used for the welfare of the village community itself. According to Titian (2016), the village forest intends to provide access to the community through village institutions in utilizing forest resources in a sustainable manner. With the hope of improving the welfare of the local community in a sustainable manner.¹¹

¹⁰DarjiDarmidiharjo dan Shidarta, 1996, *Pokok-PokokFilsafat Hukum*, Second Printing, Revision Edition, PT. Gramedia Pustaka Utama, Jakarta, p. 116.

¹¹Titian, 2016, "Sosialisasibentuk-bentukperhutansosial (HutanDesa) di wilayah KPHP model MerakaiKabupatenSintang", *Materisoisialisasi*, di Wilayah KPHP Model MerakaiKabupatenSintang, /844 View/February 24.

It was further stated that based on the 2014 Indonesian Land Cover Recalculation data by the Directorate of Forestry Planning and Environmental Management (referred as KLHK 2015), it is known that the land area of the forest area on the island of Bali is 127.3 thousand hectares or about 22.5% of the province's land area. Bali. Of this area, only 86.3 thousand hectares or about 2/3 of them have land cover in the form of forest. In the context of spatial planning, it must be based on several principles, such as integration, sustainability, togetherness and partnership, harmony, balance, legal certainty. In the preparation of social forestry for the Java, Bali and Nusa Tenggara regions by the Office of the Social Forestry and Environmental Partnership (referred as BPSKL) since 2015 which is in charge of carrying out activities for preparing social forestry areas, business development and partnerships as well as mapping conflicts in the field of Social Forestry and Environmental Partnerships.

Observing the very different conditions in forest management according to state law in West Bali with forest management according to customary

law in the Traditional Village in TengananPegringsingan Karangasem indicates that community forest management based on customary law is more effective than forest management according to state law in terms of its supervision aspect. . Therefore, it seems that social forestry-based forest management models such as village forests will be able to harmonize aspects of supervision in forest use through the concept of **coexistence** in the legal system.

Several villages in Bebeleng Regency such as Galungan Village, Lemukih, Selat, Sudaji, Tejakula and Wanagiri Villages have been established in village forest management by empowering surrounding village communities to improve forest quality and the community's economy. Each village obtains a management right called HPHD based on "Bali Governor Decree No. 2017/03'L/HK/2015 in conjunction with the Decree of the Minister of Forestry of the Republic of Indonesia Number: SK.629/Menhut-II/2010 as follows:

No	Village Name	Sub-district	Width/Hectare
1	Selat Village	Sukasada	552
2	Wanagiri Village	Sukasada	250
3	Sudaji Village	Sawan	90
4	Lemukih Village	Sawan	988
5	Galungan Village	Sawan	712
6	Telaga Village	Busungbiu	96
7	Tejakula Village	Tejakula	353

So in the effort to reduce poverty, unemployment and inequality in the management/utilization of forest areas, this village has been given legal access to forest management in the HPHD scheme through a Village Institution known as BUMDes (Village-Owned Enterprises) for a period of 15 years, and will be evaluated every 2 (two) years. The goal is that the forest function is maintained in a sustainable manner on the one hand, while on the other hand the community can still obtain economic benefits. The success and sustainability of the HPHD implementation begins with the education aspect that is able to provide awareness to the community about the importance of forest conservation through function conservation, namely conservation and protection-based use. This means that the forest can be utilized without destroying the function of the forest. For example, Wanagiri Village through BUMDes Eka GiriKarya Utama utilizes water resources in the form of waterfalls known as "Banyu WanaAmertha" as spiritual tourism so that it becomes a source of village income. Around the Banyu WanaAmertha waterfall area, a gumibanten garden was developed.

A garden with plants of various Balinese ritual materials, such as intaran, sudamala, special types of coconut, and other rare plants for making offerings and spiritual activities. In addition, BUMDes Eka GiriKarya Utama also empowers a number of farmers in Wanagiri Village to maintaining "forest coffees" that existed before being designated as Village Forests. This selection of forest coffee accentuates the image of organic coffee. The harvested forest coffee that is kept by local residents is then absorbed by BUMDes and then processed into ready-to-consume coffee products as a source of income for the community. To increase productivity, maintenance and care of the existing "forest coffee plants" is carried out.

Therefore in HPHD, village communities have legal access through BUMDes to utilize and manage forest resources such as water sources of other forest resources in an integrated manner according to their forest potential. This condition has provided a real picture of "eco-life" which is reflected in the elements of education (training) as well as conservation, namely the evaluation and validation carried out by the HPHD verification

team on the commitment of the village community in conserving forest functions as sustainable forests. In addition, there is a function of community economic empowerment which can actually be felt through spiritual tourism innovations, education tours of bantengumi plants, Forest Coffee Tourism which is packaged into premium quality Wanagiri Bali Coffee which can be used as an advantage as a competitive advantage.

Innovations in the use of water resources in each village that have obtained HPHD permits have their respective characteristics according to their geography and nature. Likewise, the integration is adjusted to the forest resources it has, such as the Straits Village with its natural roaming and herbal medicinal plants; Galungan Village with its terraced rice fields view, a test of guts in the forest, and the design of the tourist village; Sudaji village with a very famous local fruit nursery, palm trees, banyan, candlenut, kele-kele, monkeys; Lemukih Village integrates Fiji Waterfall with swings, and the most extensive forage and rice fields, jogging tracks, and stalls along the road to Fiji Waterfall: Telaga Village integrates waterfalls with views of rice fields and mountains, rice terraces, typical citrus plants, Kuntul Temple .

Several forest resource utilization activities such as water resources in the form of tukad water, waterfalls and water sources (celebutan water) through HPHD in apprentice villages HPHD reflects ecotourism which indicates that there are activities of justice (justice) and utility (utility), namely the balance of the relationship between humans and nature and the environment, humans with God as the Creator, and humans with humans in a communal community and personal relationship, which is relevant to the Tri Hitakarana philosophy. In addition, the aspect of legal certainty provides legal access for the community in the use of forest resources such as water resources through HPHD with Government Decrees (Ministry of Environment, Forestry and Governor). Determination and granting of Village Forest utilization in the form of HPHD is not obtained in an easy way, because it goes through several stages and evaluations, especially the sincerity and commitment of the village community in utilizing forests and maintaining forest functions. So the provision of HPHD to communities around the forest in a village forum (State/or Traditional) is one form of empowering village communities around the forest. It is relevant to Joko Widodo's (President of the Republic of Indonesia) sixth Nawacita, which aims to increase people's productivity and competitiveness at the international level, so that they can compete with other ASEAN countries. Realizing an economically independent community

through strategic domestic economic sectors as the foundation of the Social Forestry program.

4.2 Coexistence in the Legal System for the Utilization of Water Resources in Forest Areas through HPHD

The coexistence in the legal system is meant by looking at the legal substance, namely with regard to the rules of state law and customary law rules, the legal structure in the form of government service villages and customary villages, and legal culture in the form of community legal culture as customary village manners and as village residents against the right to use existing water resources in the village forest area managed through HPHD. For this purpose, in real terms, the activities of BUMDes in 2 (two) villages as samples, namely Pandan HarumSelat Village and BUMDes Eka GiriKarya Utama, Wanagiri Village, Sukasada District.

Village forests in Selat Village have specific potential and variety of plants. With a variety of potentials, this village forest is designed to become a botanical garden and educational tourism, namely as a shared learning in forest management and sustainable use of local plants. Selat Village Forest with cold air temperatures can be developed as a trekking and outbound route. In the Straits Village Forest also has a waterfall and a very beautiful sea view. The protection of forest areas is carried out by maximizing the function of "*PecalangJagawana*" and the active participation of the community throughout the Village Forest area.

Conceptually, the community-based Village Forest management model with local legal wisdom through an empowerment process indicates that there is coexistence in the legal system, namely the substance, structure and empirical legal culture. The existence of state law regulations and customary law (Awig-Awig) as a form of legal substance, the existence of Forest Police and Forest Pecalang (Jaga Wana), and the existence of an empowerment process through education in forest security, indicate there is a strong will to the existence of the legal system, namely between Regulations Village (Perdes) and awig-awig as elements of legal substance, coexistence between "*Pecalang Jaga Wana*" and Village Civil Defense and between BUMDes and BUPDA the design of the Bali Provincial Regulation No. 4 of 2019 as a legal structure, and the participation of the beneficiary community, and the support of all stakeholders on the basis of their legal awareness in the preservation and protection of Village Forests as Sustainable Forests in the context of legal culture.

Considering the existing reality, it can be stated that coexistence in the legal system is only

limited to the use of existing "opportunities" in a casuistic manner and has not been consistently based on a comprehensive initial design. This means that the use of customary law is very minimal in the utilization of Village Forests through HPHD, because it is only oriented to state law. Likewise in the involvement of the legal structure by appointing BUMDes as a Village Institution within the scope of state law. So it prioritizes legal certainty according to state law. The involvement of "Pecalang Jaga Wana" is casuistic and innovative from the customary law communities who use the Village Forest. So the involvement is only carried out when necessary because there is an inability of state law to carry out its duties.

The same and clearer conditions can also be observed in the Village Forest utilization model in Wanagiri Village by BUMDes Eka GiriKaryaWanagiri. In community empowerment through the use of water resources integrated with other forest resources, namely empowering farmers to maintain "forest coffee" as an iconic organic coffee where the harvested forest coffee that is kept by local residents as farmers is absorbed by BUMDes which is processed into ready-to-consume coffee products. In 2020, from the social forest area used for forest coffee production, 15 tons were absorbed

The harvested forest coffee is then processed into ground coffee to be marketed starting in March 2020. In processing ground coffee products, BUMDes Eka GiriKaryaWanagiri also offers premium to medium-low quality products. The production of Wanagiri Bali Coffee is indeed targeting the upper middle market. So they only produce when there is an order. But in addition to producing ground coffee, he also conducts coffee processing business and at the same time receives coffee bean roasting services.

The Wanagiri Village Forest has also been inaugurated the Ecotourism Showcase as a new tourism destination for Bali on August 24, 2018 by the Governor of Bali MangkuPastika, which relates to the utilization of the potential resources of the Banyu Mala waterfall called the 'miracle waterfall'. Its management is expected to be able to maintain local wisdom and develop creativity in managing the ecotourism place.

The Banyumala waterfall, which is called the 'miracle waterfall', has become an ecotourism icon. The Wanagiri Village Forest in its management is reminded to maintain local wisdom and develop creativity as an ecotourism place.

Referring to data from the Ministry of Environment and Forestry, there are 22 Village Forests in Bali with an area of $\pm 6,770$ hectares in 4 districts: Jembrana, Bangli, Karangasem, and

Buleleng. Wanagiri Village Forest itself has an area of ± 250 hectares and is a protected forest. The Wanagiri Village Forest is managed by the BUMDes (Village Owned Enterprise) Eka GiriKarya Utama which divides its work area into 2 zones: protection and utilization zones. The protection zone is a forest area of ± 80 hectares that is maintained, while the utilization zone is an area within the village forest covering an area of ± 170 hectares that can be used for fruit planting and environmental service businesses such as Banyumala Waterfall Ecotourism. It is located in the middle of the forest area of Wanagiri Village. This waterfall is believed by the community to be used for ruwatan or in Bali in Hinduism it is known as "melukat". Especially for the management of Banyumala Waterfall, it is managed by Pokdarwis (Tourism Awareness Group) which is one of the business units of Eka GiriKarya Utama BUMDes in the tourism sector. An entrance ticket of IDR 15,000 was agreed in the Village Regulation and is expected to contribute to improving the welfare of the Wanagiri Village community.¹²

Utilization of Village Forests through HPHD is dominantly the authority of state law, only in some activities it is co-existed with customary law or local wisdom as a characteristic of Bali that accepts Hinduism, such as the involvement of "Pecalang Jaga Wana" to give a feel of the authority of the local customary law structure to local community participation. In addition to the use of language or terms that have the nuances of "religious magic" such as the use of the term "melukat" and the naming of "Banyumala" as its own selling power and advantages that are different from other places.

V. CONCLUSION AND REKOMENDATION

5.1 Conclusion

Social Forestry Policy by granting Village Forest Management Rights (HPHD) permits to State Villages through BUMDes as village institutions have the responsibility to be able to conserve forest resources on the one hand, and on the other hand provide legal access to village communities around the forest (local) to utilize natural resources. forest as a form of empowerment in improving community welfare. Forest resources are very diverse in the form of water sources, rare plants for herbal medicine and religious ceremonies (gumibanten

¹²Andri Santosa, "DesaWanagiri: EkowisataHutanDesa", *MERDESA INSTITUTE*, <https://merdesainstitute.id/desa-wanagiri-ekowisata-hutan-desa>, 31 Agustus 2018.

trees), production plants such as forest coffee, sugar palm, candlenut, monkey. All of them are potentials that can be utilized by their functions with various innovations to be used as sources of income for both the community and the village. Several villages have succeeded in managing and utilizing forest resources through HPDH because of their hard struggle to explore and discover the potential of their forests, from planning management and utilization designs to designing user fees according to state law. In some ways it is coexisted with customary law in the concept of a legal system. So the use of forests through HPHD in some of its activities reflects sustainable development that is relevant to the three policy scopes (Tri Dimensional) in an integrated manner, namely economic development, social development and environmental protection.

5.2 Recommendation

There are several relevant recommendations, namely BUMDes that are granted forest management rights are expected to be able to maintain the integrity and mandate of the social forestry policies launched by the Government, adhere to the principles of the agreement in management with the principle of being able to protect forests from an ecotourism perspective in accordance with state law to achieve certainty, justice, and mutual and sustainable benefit. In addition, BUMDes are expected to periodically conduct various trainings with tourism-aware groups and other groups who are given the competence to use ecotourism within the framework. It also advertises to educate the public to form a legal culture that is oriented towards the concept of ecotourism. BUMDes management is also expected to be professional and maintain a commitment to a culture of quality in management, and finally ready to be evaluated periodically in maintaining the commitment to make improvements and improve the quality of work through innovation oriented to local potential to create sustainable forests.

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