

LEGAL POLITIC OF TOURISM VILLAGE MANAGEMENT BASED ON LOCAL WISDOM VALUE OF PANCASILA'S LEGAL IDEALS

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ABSTRACT

The Legal Politic of Tourism Villages Management in Bali based on Indigenous Villages is a model that can prosper the Indigenous people of Bali. The traditional village in Bali is a religious social organization that manages the assets of indigenous peoples and has genuine autonomy. Traditional villages as a value of local wisdom have an important role in protecting cultural resource assets from aspects of Indonesian national law and the ideals of the Pancasila law. This study aims to find the value of local wisdom in the Balinese tourist village and the correlation of national law with the ideals of the Pancasila law. In the management of tourism villages the role prajuru (the leader) of traditional village in Bali is very important and researchers find various models of village-based tourism village management with the division of income based on the creativity and innovation of indigenous peoples based on the potential of tourism villages. Creative economy based on indigenous villages can be collaborated with district government policy to build sustainable tourism villages.

Keywords: Pancasila's Legal Ideals, Local Wisdom Value, Indigenous Village.

JEL Classification: K20

INTRODUCTION

The Republic of Indonesia has a state ideology, a state foundation, and a legal basis of Pancasila, (Petrus CK L Bello, 2013) as well as a pillar of "unity in diversity" legal pluralism (state law and customary law), culture, customs, religion, ethnicity, which can contribute to the development of tourism which is unique to the stereotypical uniqueness of the Indonesian and its culture. Bali as a world tourist destination has a value of local wisdom, namely traditional villages that can maintain Hinduism, customs, culture as a bastion of Balinese civilization. In the Law of the Republic of Indonesia Number 10 of 2009 concerning tourism, that the wealth of geographical location, nature, flora and fauna, ancient relics, historical relics, arts, culture is a resource and capital to increase the prosperity and welfare of Indonesian people

Local uniqueness, Indonesian culture and indigenous law community units are recognized, protected by the state stipulated in the 1945 constitution. The State recognizes and respects preferential or special Regional Government units that are regulated by the Law (1945 Constitution, Article 18B, paragraph (1)). State recognizes and respects the units of indigenous law communities and their traditional rights as long as they are still alive and in accordance with the development of the community and the principles of the unitary state of the Republic of Indonesia, which are regulated in the Law (1945 Constitution, Article 18B, paragraph (2)).

Cultural Identity and traditional people's rights are respected in accordance with the development of time and civilization (1945 Constitution, Article 28i, paragraph (3)).

The Legal Politic (Mahfud MD, 1998) in the management of tourism villages in Bali between the interests of traditional villages and the district and/or city government as well as the provincial government of Bali. The existence of political intervention on the law in the distribution of income in traditional villages in Bali is a necessity and requires regulations that favor traditional villages. The legal products on tourism which are based on the ideals of the Pancasila law are the basis for producing public policies in Bali based on traditional villages (Riant Nugroho, 2016). The management of tourism of indigenous community in Bali requires policies that can strengthen the joints of culture, religion, customs, nature, and traditions that become tourism villages potential. Taking into account that Bali and its indigenous people have a valuable culture, so that the formulation of the Bali tourism model for cultural tourism and the concept is dynamic and adaptive (Wayan Geriya, 1995). The conception of cultural tourism is an agreement and choice as a tourism identity in the Bali Region which was formulated in the Bali Cultural Tourism seminar on 15 September 1971. This concept was outlined in the Provincial Regulation of Bali Province No. 3 of 1974 concerning Cultural Tourism. Then from the background of the problems mentioned above, legal issues that can be drawn to find answers to the problems above, are as follows: (1). How to manage a Tourism Village in Bali based on an indigenous village in the context of the Pancasila legal ideal. (2) How is the creativity of Prajuru Desa adat (the leader of indigenous village) in managing tourism villages in Bali.

RESEARCH METHODS

The method applied is a naturalis and ethnographic qualitative methods with socio-legal research, putting the importance of legal placement in its social context, by describing the gap (Johnny Ibrahim, 2007). Thus, the sociological approach, and cultural anthropology, as well as by observation, purposive interviews as choices. In this study using qualitative methods to arrange the design is temporary. Therefore, when the research takes place, research continuously adjusts the design to the research process with the reality that occurs in the field (Alsa Asmadi, 2004).

LITERATURE REVIEW

According to the topic studied, there are several publications related to tourism development. Andri et al. (2019) assessing community-based tourism development strategies in Untung Jawa Island. This research concludes that the tourism development in Untung Jawa Island was carried out based on Law no. 10 of 2009 concerning tourism. The development of tourism is realized through the implementation of a tourism development plan by taking into account the diversity, uniqueness and uniqueness of culture and nature, as well as human needs for tourism. Community Based Tourism is a tourism development model which assumes that tourism must depart from the awareness of the values of the community's needs as an effort to build tourism which is more beneficial for the needs, initiatives and opportunities for local communities.

The involvement of local communities is very important to ensure the sustainability of tourism. In this connection, Sarjana (2016) discusses about Ecotourism in Subak Sembung, Peguyangan Village, Denpasar City. By developing new tourism destination, governments and people Bali want to realize sustainability tourism reached higher quality of life. Ecotourism is a

part of alternative tourism which is implementing sustainable tourism ideology. Used multifunction term on optimizing rice field areas, Subak Sembung, Peguyangan Village, Denpasar City established ecotourism destination in 2015. They provide agriculture products and services to tourism who want refresh, relax, or learn farming activities in Subak Sembung's Rice field areas by creating jogging track, pasar carik (market in rice field areas) etc. Subak sembung plants some excellent commodity that they can grow up properly in lower areas of Bali like flower, nuts, sweet potatoes, ginger etc.

Tourism development in an area cannot be separated from the policies at the central government level. Nugraha & Budiningtyas (2020) discuss about Indonesia's tourism development policy is to realize the national objective of the Indonesian nation through tourism development. The development of the tourism development policy paradigm in Indonesia through the interpretation of Law 9/1990 and Law 10/2009 which is associated with the national objectives of the Indonesian nation. Interpretation of the two policies is needed by linking them to the essence of the Preamble to the Indonesian Constitution. The meaning of the policy text is understood through the history of its maker and its making, while the subject who interpreted it must enter the soul of the era of the making of the text. The results showed that the 1990's tourism development policy was in line with the goals of the Indonesian nation, because the paradigm of unity and kinship was still carried by the policy. Tourism development policy in 2009 began to turn away from the goals of the Indonesian nation, because it has been brought to the paradigm of free competition which ignores the family aspect.

Besides referring to national policies, the development of tourist destinations is also guided by local wisdom. In this connection, Karmini, Ni Wayan (2020) membahas Ecotourism Management Based on Local Wisdom in Tenganan Village, Karangasem Bali. The results of the study showed that: First, the local wisdom owned by indigenous people in Tenganan Village was in the written customary law, namely awig-awig which is used to preserve local tourism forests by not damaging the potential of flora and fauna at forest, and utilizing forest products in an adaptive manner. The implementation of awig-awig in the tourism forests management had positive implications for the diversity of spatial planning and the Tenganan forest preservation. Second, ecotourism management accompanied by efforts to preserve local village forests was able to support the sustainable tourism, namely development that ensured economic sustainability, ecological sustainability, and the socio-cultural viability of the local community. Local wisdom (awig-awig) that was able to support the sustainability of tourism development needs to be maintained.

Some of these publications have nothing to specifically discuss about legal politic of tourism village management based on local wisdom value of Pancasila's legal ideals. However, these four publications have been valuable references in the preparation of this article.

RESULT AND DISCUSSION

Tourism Villages Management in Bali Based on Indigenous Villages in the Context of Pancasila Legal Ideals

Pancasila as Law Ideals (Rechtsidee) is essentially law as a rule of community behavior that is rooted in the ideas, intentions, inventions and thoughts of the community itself (Teguh Prasetyo, 2015). Pancasila as a "legal basis" means that the values contained in Pancasila must be inherent in every product of the country's law. That Pancasila also acts as a legal ideology. This means that Pancasila as an ideology born from the process of philosophical awareness to

make it the identity of the Indonesian people, requires strengthening through the law to make it effective (Petrusn, 2013). Then in the preamble of the 1945 Constitution containing these main ideas, the teachings of Pancasila were concluded. The main ideas are ideals (*rechtidee*) that govern the basic laws of the state, both written and unwritten. Because of the preamble of the core of Pancasila, the Pancasila is a guideline, source and basis for making laws or legislation (Ujang Charada, 2018).

The relationship between Pancasila and law can be known based on the Decree of the People's Consultative Assembly on Sources of Law and Order of Legislation (TAP No. III/MPR/2000, and Act on the Formation of Regulations and Legislation (Act No. 12 of 2011). In Decree number III/MPR/2000, article 1 paragraph (3) states that Pancasila is the "National Basic Legal Source." The intended source of law here, as stated in Article 1 of this Decree, is "the source which is the material for the preparation of the Regulations Legislation". Using a slightly different phrase in Act Number: 12 of 2011, Article 2, states that "Pancasila is all sources of state law. "Therefore, all types of legislation must not conflict with the ideology of Pancasila (Ujang Charada, 2018).

In Article 7 of Act Number 12 of 2011 in a hierarchical legislation consists of:

- a. 1945 Constitution of the Republic of Indonesia;
- b. Decree of the People's Consultative Assembly;
- c. Acts/ Government Regulations of laws Substitution;
- d. Government regulations;
- e. Presidential decree;
- f. Provincial Regional Regulations;
- g. Regency / City Regulations.

In relation to the ideology of Pancasila with tourism by taking into consideration (b) that tourism is an integral part of national development that is carried out systematically, planned, integrated, sustainable, and accountable while still protecting the religious values, culture that lives in the community, sustainability and environmental quality, and national interests.

In anticipating the development of tourism in Indonesia, Bali developed a concept of Cultural tourism. Bali's cultural tourism is a paradox, one side is tourism for Bali which provides prosperity to the indigenous Balinese people to take care of their religion, customs and culture based on the philosophy of *Tri Hita Karana*. But on the other hand, Bali's land has been much eroded in the interests of tourism (the presence of investors) to be competitive in managing various forms of tourism services. At the beginning of the development of tourism in Bali in 1991 which was spread only in four districts: Badung, Gianyar, Karangasem, and Buleleng: the three most important tourist areas, were Sanur, Kuta and Nusa Dua, all located in Badung Regency (Geriya, 1995).

In the context of tourism based on traditional villages that manage tourism villages, it can be explained that the correlation of public policy law with the context of tourism villages in Bali is in response to the Balinese indigenous people that "dollar" tourism has been enjoyed by more groups of foreign "investors" and "non local Balinese" investors or the people of Bali (Balinese). Politics of law and culture is a process of struggle and tug between Balinese law and culture based on Hinduism to develop tourism based on Balinese culture. While the term ecotourism was first formally introduced Ceballos-Lascurain which states that:

...travelling to relatively undisturbed or uncontaminated natural areas with the specific objective of studying, admiring, and enjoying the scenery and its wild plants and animals, as well as any existing cultural manifestations, both past and present, found in these areas (Blamey, 2001:5).

The Development of ecotourism in Bali as alternative tourism (alternative tourism/special interest tourism as a result of the occurrence of various negative impacts which felt by indigenous village as the tourism can only be enjoyed only by certain group of people. Tourism sector has contributed foreign exchange for the country which provide tourism service, grow creative industry and also seen as one of the biggest for labor supply industry (UNWTO, 2015).

Ecotourism in Bali is based on customary villages in Bali giving Balinese people to manage cultural tourism. For this reason, if cultural tourism is then at the forefront of traditional villages, it is necessary to have an arrangement on tourism villages so that cultural discontinuity does not occur. So that the orderly community in the customary village tourism law of traffic can play a role to regulate the community in the customary village through legal products (customary law namely awig-awig and/or perarem (the decision made by the community) made by the customary village and can be endorsed by the government namely the Regent/Mayor to get juridical power, that means that precedence is in the country. An example of the management of the tourism village of, the traditional of Kutuh Customary Village, managed by the customary village. Then the management of the Pecatu tourism village about the management of the tourism village based on the Regent's Decree Number: 854 of 1986 concerning the appointment of the exploitation of tourist objects and tourist attractions outside the Uluwatu Temple.

In ecotourism the emphasis is on trips to destinations that offer natural attractions, including enjoying the diversity of plants and animals and local culture. The cultural tradition of pandan war (mekare-kare) which is carried out every year as one of the attractions of tourism. One of the tourism development models developed in the village of Tenganan Dauh Tukad is a Tourism Village owned by a Customary Village, managed and controlled by a customary village. Because of this, local communities benefit directly from activities that occur in their area and they can actively carry out tourism activities. The potential of the Tenganan Dauh Tukad traditional village is a harmonious relationship between the natural environment with the local community, the community with tourism, tourism with nature, tourism with nature, facilitated by management (Sardiana et al., 2015).

As a tourism village as an alternative tourism product, the renewal of a legal field must be made in the direction of the desired form of society. For example, the concept of tourism and / or ecotourism based is traditional villages in Bali, the ideals of the Pancasila law which the form of community, which is traditional, simple, therefore the economy of Tourism (ecotourism). The Science of Pancasila must be as "social architect" will design the law as this tool to be able to for the concept of Pancasila Law (Teguh Prasetyo & Abdul Halim Barkatullah, 2014).

The value of local wisdom in Bali is implemented in the life of the Balinese people. In the reality of Culture, it can be implemented in the philosophy of Thi Hita Karana. In the legal aspect, the value of this local wisdom is set forth in the Regional Regulation of the Province of Bali Number 4 of 2019 concerning Customary Villages in Bali, Article 22 The Duty of Customary Villages in realizing sakukertan sakala and noetic as referred to in Article 21, includes: d) advancing adat, religion, traditions, art and culture, as well as the local wisdom of indigenous villages. Traditional villages in Bali have authority based on original rights such as the establishment of awig-awig, pararem, and other traditional regulations; the holding of a customary case peace / customary speech; and settlement of customary / speech cases based on customary law (Article 24, paragraph (a), paragraph (l), and paragraph (m)).

Creativity and innovative Indigenous Peoples in managing tourist villages in Bali

The creativity of Balinese indigenous peoples in indigenous villages can be understood through an anthropological approach in legal science with human science and culture. Then, from optical anthropology the place of law in the culture of society carries out its tradition, believes. The law is sufficient for a society's view of its need for "survival" (Teguh Prasetyo, Abdul Halim Barkatullah, 2004). The emergence of tourism villages as a response to tourism whose management is based on strong capital (tourism capitalism). Traditional villages in Bali have begun to create a village-based tourism village management system; first they appear collectively institutionally through traditional villages, not individuals. Collectively managed traditional village institutions, namely Indigenous villages/customary villages. It was clearly conveyed by informant I Made Wena Manager of Pandawa tourism beach in the Kutuh traditional village that the organizer was the Indigenous Village (Interview of I Made Wena, 11 November 2019, The leader of Kutuh Indigenous Village, South Kuta - Badung Bali). Second, the rise of the Balinese in managing tourism in their regions is largely a bottom up initiative from the bottom (Darma Putra & I Nyoman, 2003). If you want to develop Cultural Tourism which is basically Hindu, which is fortified by traditional villages / customary village in Bali, traditional villages clearly and brightly, then customary villages should get more "dollars" of cultural tourism which also maintain the philosophical Tri Hita Karana in Bali. Tourism with Eco Tourism Bali traditional villages should benefit from the management of Tourism Villages as a "modern supply". Cultural tourism results are enjoyed more by "Dinas Desa (state village)" through state hegemony through APBD / APBN funds? Where one of the traditional villages is only tasked with protecting the "roh (spirit)" of cultural tourism. Does the country need to be represented by the Provincial and / or Regency / City Governments to transfer their authority to the customary village? Tourism investors in Bali, also need to be responsible for the "cultural pollution of Bali" caused by "tourism capitalism".

The traditional village in Bali has the concept of Mawacara Village, negara mawatata. The traditional village as a supporter of Balinese culture, Hinduism, traditions and customs. Besides performing rituals in traditional villages, religious socio-economic practices are also carried out to support rituals (religious) in traditional villages. That choice is in the tourist village which is managed by a traditional village. Participation to develop the potential of a tourist village becomes very important. The customary rights of customary law communities related to tourism villages need to be explained that the definition of customary rights consists of two words, namely "rights" and "ulayat". Ulayat is synonymous with territory, and (the right), belonging (ownership), authority, power to do something. Right power or to demand something, degree or dignity (Rosnidar Sembiring, 2017) The term "ulayat rights" is a term that indicates the existence of a legal relationship between the legal community concerned with the land. The cosmic-religious relationship shows a relationship that cannot be separated from its fellowship. The concept of customary rights as a right is shared (communal property), has the authority/power to use or take advantage and regulate in the sense of regulating the management, control, use, designation, maintenance and so on based on local customary law. According to Ter Haar by saying that this community (group) has the right to land, has certain rights to land both "inside" and "outside" (Rosnidar Sembiring, 2017).

Participation and Strategy for the Struggle of the Rights of Indigenous Peoples (Desa Adat) in Bali in empowering Ecotourism Development

Pandawa Beach Tourism Village, Kutuh Indigenous Village, a white sand beach behind a cliff that was originally called Secret Beach, which is only visited by foreign tourists who like to relax in quiet, and calm. Pandawa Beach was also previously called Penyekjekan Beach which was developed by the indigenous people of Kutuh in 2012, this beach was given a new name Pandawa beach. Pandawa Beach since 2015 has been flooded with visitors, there are swimming, enjoying the natural beach. The history of the birth of the Pandawa beach destination, Kutuh Village, South Kuta, which was officially opened on 27 December 2012 purely from local residents through the village administration. Indeed, at the beginning there was no intention for this area to become a tourist attraction, because in 1997 the customary village of Kutuh and State Village, this beach was divided by the aim of access to a religious ritual to go to the beach to run smoothly. Previously this access was a path to the beach for pamelisan (ceremony). This beach is Penyekjekan Kutuh beach. On this beach there is a Segara Penyekjekan temple. This beach, initially as a center for Hindu religious rituals from the ceremony of Butha Yadnya to Dewa Yadnya. Starting from many of processions, the cliff were split to open the road to the beach (Interview with Kutuh Village Perbekel (1999-2013), I Nyoman Egypt, 2018).

In addition, this beach is by a foreigner who leases community land around the beach (Pandawa Beach now) is given a name by tourist as secret beach by tourist who visit Penyekjekan beach. Then inspired by the persistence of the five sons of Pandu from the kingdom of Hastina Pura in Mahabrata to realize prosperity and welfare through the path of dharma, it was named Pandawa Beach. This name is not made by me, that this is the scenario of Ida Hyang Widhi Wase for the people of Kutuh after years of suffering (Interview with I Nyoman Egypt, former Perbekel Kutuh for the period 1999-2013). Coincidentally, the cleavage of cliffs to Pandawa Beach took 12 years which is identical to the period of exile for Pandu's sons. (Interview with Kutuh I Made Wena custom). Pandawa Beach Management is a Kutuh Indigenous Village managed by a traditional Village Business Entity called "Bhaga Utsaha Manunggal Adat Village" (BUMDA/village-owned business entity). This traditional village business entity manages businesses such as: (a). The Indigenous Village Credit Institute (LPD) of Kutuh; (b). Pandawa Beach Tourism; (c). Gunung Payung Tourism; (d). Paragliding; (e). Yadnya Tool.

It can be further explained that the history of the birth rights of the management of the Pandawa Beach was originally the State Village (Kutuh Village) which was managed in 2013 under the leadership of the Perbekel (The Head of State Village). Based on the results of the 2014 consultation, traditional community leaders, Perbekel (village head), customary leaders, the management was left to the head of Kutuh Indigenous village. The basis for the consideration is the traditional Balinese law (awig-awig/customary law) which is autonomously binding to the indigenous people of Kutuh. This is by considering protecting the natural environment (cliffs) as the territory of the indigenous villages from the invasion of investors. This is stated in the Awig-awig (customary law) Kutuh customary village that the cliff (land of the tray) stretches from west to east from the Batu Pageh temple (Bali Cliff hotel area) to Gunung Payung Temple (stretches for about 3 Km) with the status of a Pemopon of the village cliff so that the management rights and its use becomes the authority of the Kutuh traditional village (Awig-awig Kutuh Indigenous Village). According to Satjipto Rahardjo, in progressive legal theory that society will succeed if traditional autonomous authorities, for example, customary law communities are given the opportunity and facilitated to be able to use customary law / the living

law in solving various legal and social problems based on the paradigm of legal pluralism in frame of the Unitary Republic of Indonesia (Satjipto Rahardjo, 2006). In Bali customary law / awig-awig in customary villages are very effective in the framework of the Unitary State of the Republic of Indonesia, because every customary village/village of Pakraman is required to write awig-awig (customary law) from unwritten to written.

In contrast to Dewa Dewa Beach, Pandawa Beach which is managed by the Kutuh traditional village, at the initiative of indigenous peoples, without the country's legal products. But that does not mean without a legal basis, but based on customary law (local law) perarem customary village of Kutuh. Taking into account the politics of state law, the Badung Regency Government took the initiative to manage tourism villages in their area by issuing Badung Regent Regulation Number: 47 of 2010, concerning the Determination of Tourism Village Areas in Badung Regency, in fact it was programmed by the Badung Regent to be implemented in the form of tourism activities in designated tourist village. But it turns out, in the implementation of the policy set 15 September 2010 and its implementation has been 7 years 6 months still not completely implemented the village tourism can go well. In this determination there are 11 (eleven) Tourism Villages in Badung Regency, namely: 1. Bongkasa Pertiwi Village; 2. Pangsang Village; 3. Kerta Village; 4. Plaga Village; 5. Village Turn; 6. Carang Sari Village; 7. Sangeh Village; 8. Baha Village; 9. Ship Village; 10. Mengwi Village; 11. Munggu Village.

Traditional Village of Kiadan (Pelaga) as one of the tourist villages which is the focus of the author's research. This village has the potential of cultural diversity which can be a cultural capital and cultural power that drives the life of the nation and state. It can further be explained that the purpose of law is to maintain social regularity and orderness (social order) in society as instruments of social control (social order). However, the ideals of law to create legality, usefulness and legal certainty. Thus the arrangement of tourist villages can be arranged in awig-awig (customary law) traditional villages or perarem, if in contact with third parties, such as the provisions contained in the Regional Regulation (Perda) of the Province of Bali No. 3 of 1991 concerning Cultural Tourism and Local Regulation No. 2 of 2012 concerning tourism in Balinese Culture is a form of recognition of the Regional Government to the Customary village as the subject of legal agreements in the management of tourist objects, such as cooperation agreements in the management of tourism objects in Bali which are carried out by the regional government with expert village. The agreement can be made with a notarial deed between the regional government and the customary village/expert as the owner of the tourism object (Karangasem Regency) and an underhand agreement regarding the management and distribution of income (Gianyar Regency). Regional cooperation agreements made with the model of the Memorandum of Understanding between the Regional Government and Customary Village, then followed up with the Regent's decision regarding the establishment of the Object Management and Tourism Attraction (in Badung Regency) (I Wayan Arka, 2016: 250-251).

The Tourism Village concept developed in the traditional village of Kiadan is natural tourism, cultural tourism, then "designed" with lodging patterns that are suitable for rural communities. Community life with tourism activities can be integrated. The development of accommodation facilities in the tourism village area is directed by the use of residents' houses and unproductive vacant land as accommodation facilities and supporting facilities for village tourism.

Other potential that can be appointed as a tourist attraction to the Indigenous Village of Kiadan is a local tradition that lives in the Kiadan community, there are 11 (eleven) springs that can be tourist attraction, certain events to be used as an attraction such as traditional ceremonies

(ritual, Ngaben) can be developed as religious tourism. Pancoran (shower) 11 (eleven) of these springs were saved and thrown by 4 (four) Banjars (group of community) namely Banjar Kiadan, Banjar Bukian, Banjar Nungnung, and Banjar Sandakan (Sulangai Village). The concept of springs in the Indigenous Village of Kiadan is the area of ownership/managed by four (4) Banjar nitty-gritty (Interview on 11 May 2018, with Wayan Juana, Age: 45 years, Position of Head of the Environment in Ki Kiadan, Address: Br. Kiadan Plaga)

Kiadan Tourism Village (Pelaga) began to build an accommodation with the functioning of people's homes began to be visited by tourists in 2010. There are 5 people as accommodation owners are: 1) I Made Warsa (two rooms); 2) Made Ceger (two rooms); 3) Nyoman Million, has a (modern) Balinese house; 4) Ni Nyoman Sutri: Balinese (modern) house; 5) Made Japa: Balinese (modern) house. This accommodation is under the protection/supervision of a traditional village. In the tourism village in Kiadan the superior is coffee, trackking between the coffee plantations. The traditional village of Kiadan as its eco-tourism is cool and the natural scenery is also beautiful, there are also the Bukit Payung Temple and Kahyangan Tiga temple, the Tukad Bangkung Bridge and the Agricultural Culture Festival event which is held annually on the Tukad Bangkung Bridge as the longest bridge in Bali.

In managing tourism objects, there has not been a good coordination between the traditional villages of Kiadan and the village of Plaga. Then there is still ambiguity in management arrangements between managed by a customary village or by Subak (irrigation system group) as a manager. For this reason, it is necessary to sit together between the accommodation owner and the customary and service villages and the tourism object management for legal certainty in the management of the tourism village in Kiadan in particular, and the Tourism Village in North Badung in general so that the authority hormoneization occurs.

Implementation of Public Policy Law in the Empowerment of Traditional Villages in Bali. Law Politics in Tourism Village Management

Political law (Sunaryati Hartono, 1991) indigenous people in Bali in connection with tourism, to this case refer to Act Number 10 of 2009, regarding tourism. Tourism in Bali was born naturally which began when the Dutch Colonial government came to power in Bali. This is because Bali has local values of Hinduism, culture, nature, traditions, and local laws giving added value to developing Cultural tourism. Regarding the above, then, by the Government of the Province of Bali, a legal product was made, Bali Provincial Regulation Number 2 of 2012, concerning Cultural Tourism of Bali. One of Bali's tourism objectives is to preserve Balinese culture imbued with Hindu values; preserving nature, environment and resources (Article 3, paragraphs (a, and f). In Article 4 paragraph (c), the development of Balinese cultural tourism is directed at: a). enhance dignity and status, and strengthen Balinese identity; b) improve the welfare of the Balinese people equally and sustainably; and c) preserving Bali's natural environment as a basis for sustaining Balinese life and culture in a sustainable manner. In the philosophical reality (Thomas Berkmanas, 2015, 119) of Bali tourism namely Tri Hita Karana, the development of tourism destinations must be carried out by paying attention to: a) local wisdom such as Balinese beliefs based on Tri Hita Karana and imbued with Hinduism; b) the preservation of culture and the environment, such as Balinese traditions, customs and regulations on the environment; c) the economic potential of the community such as providing opportunities for local businesses both in the field of crafts and agricultural products to exhibit their works in hotels, restaurants and other tourist attractions; and d) tourism business sustainability (Article 11). It should be noted that in the management of tourism that everyone has the right: a) to have

the opportunity to meet tourism needs; b) doing tourism business; c) become a tourism worker; and play a role in the process of tourism development; It was also stated that Desa Pakraman and traditional institutions have the right to develop rural villages in accordance with local photos, including the manager of tourist attraction has the right to provide special guides (Article 26 paragraphs 1, 2, and 3). The goal of establishing a tourism village is to increase the awareness of the community and residents of the importance of environmental management and maintenance (Caritas Woro Murdiati Runggandini, 2015).

In this case, the political ideals of Indonesian law are inseparable from the social and traditional realities contained in the Republic of Indonesia and on the other hand as one of the world communities, Indonesian politics are inseparable from the reality and politics of international law (Hemen Philip Faga, 2017). Concerning the people envisioned in the preamble to the 1945 Constitution: 1) protect all Indonesian people and all Indonesian blood spills; 2) promote public welfare; 3) educating the life of the nation; 4) participate in carrying out world order based on freedom, eternal peace and social justice. All that must be achieved based on the Pancasila philosophy. According to Sunario Waluyu, it is said that "the dream of a just and prosperous society in the life of the Indonesian people is a central problem throughout history" (Sunaryati Hartono, 1991: 2). The Indonesian people want to achieve a just and prosperous society equally by following the "de gulden midenweg", by avoiding striking differences and extreme ways.

Considering the politics of state law, the Badung Regency Government has taken the initiative to manage tourism villages in their area by issuing Badung Regent Regulation Number: 47 concerning the Determination of Tourism Village Areas in Badung Regency, in fact it has been programmed by the Badung Regent to be implemented in the form of tourism activities in tourism villages has been established. But it turns out, in the implementation of the policy set 15 September 2010 and its implementation has been 7 years 6 months still not completely implemented the village tourism can go well. In this study will examine tourism activities in 11 (eleven) Tourism Village in Badung Regency, namely: 1. Bongkasa Pertiwi Village; 2. Pangsari Village; 3. Kerta Village; 4. Plaga Village; 5. Village Turn; 6. Carang Sari Village; 7. Sangeh Village; 8. Baha Village; 9. Ship Village; 10. Mengwi Village; 11. Munggu Village. Utilization and development of rural tourism is directed towards the development of special interest tourism that has an appreciation of the arts and culture and makes the daily activities of rural communities as a tourist attraction.

CONCLUSION

The ideology of Pancasila in the legal structure of the Republic of Indonesia as the basis of the state provides direction and encouragement of all human activities to make regional/city government policies that do not conflict with the values of Pancasila. It contains intellectual cognitive elements, namely ideals and psychological elements, to make regional policies that lead to the ideology of Pancasila elements. Cultural tourism policy in Bali, found in the Balinese traditional living law community whose Hindu / Hindu atmosphere, Balinese culture and traditions that live in the community. Cultural tourism is the "Branding" of Bali Tourism with the issuance of Regional Regulation (Perda) of Bali Province Number 3 of 1974, concerning Cultural Tourism.

Implementation of Law Number 10 of 2009 concerning tourism and then Bali, followed up by replacing Bali Regional Regulation Number: 3 of 1991 concerning cultural tourism which was replaced with Regional Regulation No. 2 of 2012 concerning Cultural Tourism. As a result,

the Badung Regency deems it necessary to issue a Badung Regent Regulation Number: 47 of 2010, concerning the Establishment of a Tourism Village Area in Badung Regency, one of the Kiadan Pelaga Tourism Villages developing local traditions. The local traditions are traditional ceremonies, the daily atmosphere of the kiadan community, coffee farming and trekking made coffee, residents' homes as tourist accommodation for tourists. Likewise, tourists are served jogged attractions for tourists who live in homes with a rural atmosphere. But in management there is still a tug between traditional and subak (irrigation organization) villages because it involves socio-religious agricultural organizations in Bali. Next in the case of Pandawa beach village tourism, the superior is beach tourism managed by customary village based on customary law / awig-awig Kutuh customary village. Indeed, at first this beach had not yet developed due to the footpaths and hills and due to improvements in infrastructure had developed.

APPENDIX

Regulations

1. 1945 Constitution First, Second, third, and Fourth Amendments
2. Decree of the People's Consultative Assembly Number: No. III/MPR /2000, concerning Sources of Law and Legislative Order
3. Act Number 12 of 2011, concerning Hierarchical legislation.
4. Act of Republic of Indonesia Number 10 of 2009, concerning Tourism;
5. Regional Regulation (Perda) of Bali Province Number 3 of 1974, concerning Cultural Tourism.
6. Regional Regulation of the Province of Bali, Number 3 of 1991 concerning Cultural Tourism
7. Bali Provincial Regulation Number 2 of 2012 concerning Cultural Tourism,
8. Regional Regulation Number 06 of 1986, concerning Customary Villages;
9. Bali Provincial Regulation Number 3 of 2001 concerning Pakraman Village.
10. Badung Regent Regulation Number: 47 of 2010, concerning the Determination of Tourism Village Regions in Badung Regency.
11. Awig-awig Desa Adat Kutuh;
12. *Perarem Desa Adat Kutuh* (Customary) Number: 01 of 2014.
13. Decree of Bendesa Adat (indigenous Village Leader) Kutuh Number: 12/KEP-DAK/ XII/2014 dated December 12, 2014.

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