

## Aspects Of Ecological Justice In The Arrangement Of Pelaba Pura Land In Bali

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### **Abstract.**

*Indigenous peoples in Bali arrange life in such a way as to create harmony, one of the things that are regulated is the Pelaba Pura land which is used for ceremonial and gardening places, but in its application there are still many conflicts between the village and the community itself due to positive laws that have not regulated much about the Pelaba Pura Land. The purpose of the study was to understand the land arrangement of Pelaba Pura and its expediency and whether it was based on ecological justice. The research carried out is doctrinal research with a statutory approach using primary materials and an conceptual approach. This research uses deductive and inter-achievement syllogism analysis techniques on various primary legal materials in the form of laws and regulations, including Law Number 5 of 1960 concerning Agrarian Principles, Law No.38 of 1963 concerning the Appointment of Legal Entities that have Land Rights, and Law no.32 of 2009 concerning Environmental Protection and Management. The results of the study found that the management of the Pelaba Pura land in Bali is still not in line with the Palemahan concept, namely between humans and nature because not paying attention to the environment while causes the loss of the actual benefit of Pelaba Pura and the Temple Collector is not so good at carrying out its obligations to maintain the function of the Pelaba Pura Land.*

**Keywords :** Tanah Pelaba Pura, Indigenous Peoples and Ecology.

## **I. INTRODUCTION**

The characteristic of community life in Bali is that in terms of the life of the people, which is attached to the culture because the cultural heritage given by the ancestors is still maintained to carry out all these cultural activities, of course, the community for the sake of their survival cannot separate themselves from the ground. *If studied, the land is a very valuable treasure for life* because the land will always provide the benefits that will be obtained by the owner. If we look at the land as a place to live when living until we die, we are still allowed to enjoy the land based on the law of land in Bali which is called so many types names and meanings there is village druwe land, temple pelaba land, village yard land and village father land. *If studied, the land is everyth valuable treasure for life* because the land will always provide the benefits that will be obtained by the owner. If we look at the land as a place to live when living until we die, we are still given the allowed land based on the law of land in Bali which is called so many types names and meanings there is village druwe land, temple pelaba land, Pekarangan, ayahan land. [1] Pelaba Pura land is used for ceremonial venues or used as plantation land regulated by the customary law of each village. In this case, customary law explains the relationship between indigenous peoples on the land occupied has its meaning. Where according to the meaning of Customary Law, the relationship between the customary law community and the land occupied is so close and has a magical religious nature. Which has the benefit that indigenous peoples will get the right to control the land and benefit from gardening.

[2] Land tenure in Bali is based on customary rights or called indigenous rights. This customary land in Bali is owned by a customary village within regulates, maintains, and maintains so that there is no misuse of land. People still see the profit of this temple as ordinary land which is like agricultural land in general. Because the community sees the profit of the temple one-sidedly, it causes the community to not take care of the profit of this temple. The economic development that occurred in the people of the island of Bali certainly brought about a very large change to the order of the piker pattern. Bali is one of the provinces in Indonesia that many foreign tourists visit. Surely it has such a big encouragement to the community to always innovate to advance tourism in Bali. So vacant lands are used for development such as beach clubs, restaurants, inns, villas, and other tourist attractions. However, these advances have made the concept and the benefit of the

temple profit land all the way. The capitalism of tourism progress makes a big problem for existence rather than the land of profit of this temple. Balinese people tend to use the land of temple profit as a livelihood only for the benefit of certain individuals or groups. Until it forgets the function of the temple for the temple as well. Forgetting the concept of Palemahan is also where the relationship between man and nature does not go well.

The benefits of temple profits are very but the preciousness of the land causes problems, one of which is that it often happens that the temple profit is registered privately by the temple collector or called the temple administrator in a certain traditional village. This happened because the administrator was given the authority to take care of the one whom it was trusted. The administrative registration of the temple profit land on behalf of the private before 1986 may have been understandable, while before the issuance of the Decree of the Minister of Home Affairs No, SK. 556/DJA/1986 on the appointment of a temple which is a religious legal entity that can be titled to land. So if imposing a temple as a property right before the year would be difficult, then it would be necessary to borrow a name. Of course, this is done to secure the assets of the temple. Therefore, it will create a very big risk in the future if the temple collector or temple administrator admits that the temple's land becomes his property in the future. With the conflict that occurs, the large current of globalization and the development of the growing economy have caused people to forget the meaning of the essence of temple profit so that the surrounding environment becomes unnoticed.[3].

## **II. METHODS**

This research is normative, which reveals laws and regulations related to legal theories that are the object of research. likewise, the law in its implementation in society about the object of study. This study generally aims to describe systematically, factually and accurately a certain population or region, regarding certain traits, characteristics, or factors. The type of research used is by normal juridical research methods, in other words, doctrine legdoctrinerch, with a research approach using literature studies or document studies. This research is aimed only at written regulations or other legal materials. By using a literature approach or document studies, this research is mostly carried out on secondary data.

## **III. FINDING AND DISCUSSION**

The regulation of the pelaba pura land, especially in Bali, certainly has rules where each traditional village regulates this to maintain order and harmony with God and his nature. The rules themselves are governed by each customary village where the land is located, but in general in the past the temple land was used for agriculture but over time. Currently, it has developed into places that are indeed used for economic development, currently many have become supporting places for tourism. The community sees that in general, the land of the temple is only very ordinary land as well as agricultural land, so from there the thought was born that the community felt free to transfer ownership of the temple's profits. In the customary law regulations and UUPA article 20 paragraph (2), which states that a sacred building is an institution that is allowed to own land. WhWehe right can be transferred or transferred to another party after passing such a long legal process and approved frobye person who maintains the temple or called the collector. Laba Pura is land owned by the temple leader, so it must go through permission from the temple collector if the fish carry out the registration process with BPN. Laba Pura was originally owned by the village where it was especially used for any purpose in the temple. The land profit of the temple consists of the building of the temple as well as the source of funds for the temple, if in a broad sense which is issued by the Decree of the Minister of Home Affairs Number SK. 556/DJA/1986. The requirements for registering the pelaba pura land administratively are a letter in the form of proof of rights (pipil), a Certificate of the Village Head corroborated with the Sub-District, a letter of proof that the object is not in dispute, a letter of fullness from UN payments, a UN statement in terms of ownership before September 24, 1960 and the last letter of application[4] Apart from these requirements, the registration of the pelaba pura land that has been described above must also include the agreement of the temple collector or administrator in terms of registration of the temple pelaba land.

After that, the appointment of a power of attorney is made to who will register the land such as its traditional chairman or its administrator. After that, make an application to BPN, later an examination will be carried out on the land, a decree for the granting of property rights, granting limits, paying money for state income, registering, measuring the land book and finally the issuance of a certificate of the certificate that appears not from the person who registered but the name of the temple, according to the applicable rules that have been explained. But in the case of certifying the property rights, it is sometimes misused by private interests where the temple collectors before the issuance of the Ministerial Decree, have become their property by private name. Of course, this will be a problem in the future. This kind of thing is precise if left unchecked that it will deprive the existence of the temple's owofit. Its expediency is no longer in the common interest, but rather the interests of the individual alone. Things that take away this meaning are certainly fatal to the sustainability of the surrounding life, where the land is used for plantations where the results are enjoyed together, of course, if transferred personally, it will cause a problem that harms many parties in the traditional village. In Balinese society were iraditional villages as social relereligious stitutions, whi a sense where the behavior is always in religious teachings. So the majority of Balinese who practice their customs still cling to the concept of religion. The use of pelaba pura land in Bali has continuity in the surrounding creatures that are not only humans but plants, animals and the universe of all their contents.

As has Hindus who are in Bali where has a concept called Tri Hita Karana where the concept is where to live resilient, a concept that brings the preservation of cultural and environmental diversity in the era of globalization currents. Bri Hita Karana there are three rights are. These three things are man's relationship with man himself, ma an with the surrounding nanaturee and of course man wih ,God. Each of his ties has a handle on mutual respect around him. Man with nature is called Pawongan, a man with God Parhyang, and Man with Palemahan nature. These three elements are the alignment of the life path of the Hindus in Bali. With this concept, life in Bali becomes diverse between different cultures and religions, because the basis is mutual respect and love. The concely reflects its Philos philosophy that is philosophical, sociological and Ecol,logical. In positive law in Indonesia, it has been arranged in such a way that the concept is almost the same as what happened in Bali as regulated in Law Number 32 of 2009 concerning environmental protection and management, it is stated that environmental management and protection is a systematic and integrated effort as done to prevent pollution, environmental damage.[5] Protection and management of the environment is understood as an integrated systematic effort in preserving environmental functions and preventing pollution and damage to the environment [6] Environmental law is a law where what underlies the implementation of protection and management accompanied by an increase in environmental resilience. In addition to this, it is also said that environmental law is a whole regulation to regulate how people behave in how it should be carried out in the environment, where the implementation of this regulation will be forced with a sanction by the competent authorities.[7] Talking about the environment will certainly be very related to Palemahan where the concept is commonly carried out by the general public not only in Bali, it's just that its application is different from each existing community[8].

Customary law became a container in terms of accommodating that concept, a collection of unwritten to written rules called awig-awig. So that finally the concept of palemahan is highly respected and is still carried out in the community. In the lens of ecology, human beings are always in a physical environment where there is an interdependent relationship. This is where it is meant that in one view human activities can affect conditions in their physical environment. I Amidthe very harsh currents of globalization, greatly affects what is happening in the indigenous peoples in Bali. Of course is not easy to face the strong current and impact of the influx of tourists because Bali is very open to places for tourists, almost almost tire island of the gods its village can can be visited as a tourist destination area. Starting from the sea, lakes and land, living is very strategic to enjoy as a vacation. However, this does not prevent the occurrence of many of these strong current collisions, environmental problems that occur so much because of the large number of humans who come but do not know what the Palemahan concept is. To a large number of tourists present on the island of Bali, it has encouraged traditional villages to be enthusiastic about advancing their villages by cultivating The Land of Pelaba Pura as a tourist spot. Of course, this is very easy for the village so that it can become a tourist village with a foundation so that the community can prosper. Where in realizing this many

deviations are not in line with the Palemahan concept earlier. As it is known that pelaba pura is land used for the place of worship of Hindus in Bali to carry out its ceremonial rituals and can be used for plantations which will later be used to finance or the proceeds will be given to laba pura. Of course, if the temple profit is used for tourist attractions, it would not be good to run, because it will lose the sacredness of the land itself.

So that later the land will no longer be the land that practiced the concept of palemahan earlier. So that what was previously used for agricultural activities turned into villas and other tourist attractions that used the land as a place. So of course, if there is a lot of development, it will result in inequality between farmers and the community. So that there is no gap for space for the farmers to move freely. The concept of Palemahan itself became weak due to the reprimanding of rules that did not support its existence so there was a need for good processing and arrangements for the common good in society. Sometimes for the sake of personal economic interests, the land of the temple is not properly conceptualized. In this case, the authority owned by the Customary Village is not carried out properly, especially in doing matters of management to the allocation of customary land that still exists, as well as conducting supervision to its use and uses, as well as carrying out disciplinary actions against violators of the customary village spatial planning, including by neglecting customary lands. We recommend that the land in Bali be used to the fullest extent of mungin for mutual benefit. The basic development of the essence of a process of change in the environment will always cause an event to occur, namely changes that lead to positive aspects and negative aspects.[9] In a positive aspect, it can be said that the results of development but the negative aspect is said in terms of the impact of development. The concept of development in the State of Indonesia is known as sustainable development, where development is carried out by humans until it will be used to meet the needs of today and for the future (generasi mendatang). Of course, if you only enjoy the present without heeding the regulations in the environment and the concept of palemahan earlier, it will certainly result in the future that is not well carried out and the living things around us will be fatal or damaged due to the actions of humans who do not care about their environment.[10]

Of course, the traditional village in Bali has a village administrator called Prajuru where this village group must be able to balance the benefit of living things around or the personal interests of people who only think about themselves. Because investors don't know about the existence of how exactly what will happen in the future. Yang only thinks about his future. Just looking for profit without thinking about nature and its surroundings.[11] Justice is a value where a treatment for Action, which exami on a norm that according to a subjective view exceeds other norms. In this case, there are two parties involved where the party treats and the party who receives the treatment. Facts have proved that the high damage to the living environment is accompanied by the development of modernity[12] The process of modernization is certainly unavoidable so the exploitation of land places is increasingly reprimanded by the number of investors who take land to traditional villages whose temple profit still exists. It's a pity that such a thing happened. When it should still be well maintained, it is simply destroyed. Man became deprived of his concern for nature. Where also pollution of the surrounding environment will occur a lot so it neglects sustainability.[13] If cultivated properly, the land in each village will develop and will produce many benefits for the surrounding land that is used sometimes there are many conflicts of personal conflict interests without heeding the concept of palemahan or ecology. Which is not so concerned about the situation of the surrounding nature, such as using the temple land as a tourist attraction but not paying much attention to the surroundings because only thinking about the material obtained.[14] Pelaba temples that are used as farms are usually used as villas and developments for tourism to support tourism. This happens because the temple is still underestimated or assumed that the land is just ordinary land owned. Temples used for agriculture will certainly become hampered. Of course, this prevention can be done with the awigs that apply to Bali villages to avoid pollution.[15]

With the existence of awig-awig or binding rules against temple temples, there will certainly be no dispute or damage to the future of every village in Bali. Therefore, the existence of awig-awig or customary village rules will certainly open up opportunities for guaranteed nature around us so that it is always maintained. However, there are still many villages that do not care how the state of the temple profit land is

only left unattended[16]Based on the development of tourism which is increasingly large in scope where also the Balinese people are encouraged to use the place as much as possible for the progress of the tourism sector. Of course, the existence of these awigs will give birth to a sense of security for the surrounding nature not destroy the future. If normatively awig-awig teaches the community to obey what has been agreed upon together.[17]For Balinese residents, the principle of interaction is that it must lead to balance. In essence, balance is a pattern of how harmonization it will be created through relationships with humans and humans. Thus the awig-awig played a huge role in the land of the temple. Because it has become a legal order that it applies in the village and the community, of course, they must obey what has become an agreement.It can be seen that the aspect of justice that occurs in the land of Pelaba Pura is still very unfair to the community itself. With the presence of a strong current of globalization plus the flow of an increasingly developed economy, of course, it must be done while still paying attention to the environment around us.

#### IV. CONCLUSION

Based on the description above, it can be concluded that the Pelaba Pura Land in Bali in its arrangement has been regulated in the Ministerial Decree that the temple can register itself as the land title. However, there is a slight deviation if the temple collector or temple administrator who used to be given the trust to care for the temple even admits that the temple pelaba land is a private property right because before the issuance of the Ministerial Decree there was no regulation. And the aspect of justice that occurs in The Land of Pelaba Pura has not proceeded as fairly as possible so that the community does not feel the impact of what is produced by the land of Pelaba Pura. Because the palpable land is also sometimes left abandoned without attention. So it can be concluded that what happened to the land of pelaba pura in Bali can be explained that there is still no power from the temple collector to evaluate why the pelaba pura land until there is a claim from the one who takes care of the temple, it means that the pelaba pura land has never been run or used properly so that it is as easy as it is for the temple collector to have the ethics to take over and the environmental situation due to the rapid flow of tourism causes a cultural shift and a nature that is not well noticed. Therefore, it would be nice to strengthen the village awigs to regulate the village community not arbitrarily damage the Tri Hita Karana council, one of which is Palemahan, this will also certainly result in aspects of ecology will run well and correctly.

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