

SOCIALIZATION ABOUT OPTIMIZATION OF THE FUNCTIONS OF TRADITIONAL INSTITUTIONS IN REALIZING THE TRADITIONAL RIGHTS OF SING BANYUWANGI TRADITIONAL RIGHTS

Lenny NADRIANA^{1*} and St. Laksanto UTOMO²

¹ *Study Program of Law Faculty of Law, University of Sang Bumi Ruai Jurai Lampung*

² *Law Studies Program, Sahid University Jakarta*

**lennylecture@gmail.com*

ABSTRACT

This community service aims to improve the function of traditional institutions in village government, traditional villages in Banyuwangi. It is hoped that this will encourage the formulation of regional regulations for the recognition of indigenous peoples in Banyuwangi, which initially started from the desire of the Osing indigenous people who wished to make a Regional Regulation concerning the recognition and protection of the rights of the Osing indigenous peoples in Banyuwangi Regency. This activity was carried out in the village of Kemiren, the Osing indigenous community, Banyuwangi Regency in the form of assistance to prepare for the preparation of the PERDA ADAT on Wednesday, July 20, 2022 at the Osing Cultural House (RBO) Kemiren Traditional Village Banyuwangi. The results of this activity can be the basis for the struggle of the Osing indigenous people through their customary institutions in strengthening the preparation of laws and regulations for structuring customary villages, accelerating integrated traditional village development, empowering traditional institutions, managing traditional-based village development resources and accumulating knowledge about traditional forces in rural areas. The next action that is expected is the preparation of a minimum Government Regulation of the Banyuwangi Regency Government regarding Traditional Institutions and Empowerment of Indigenous Village Communities which then leads to a plan for drafting an ADAT PERDA, so that the participation of the Osing Banyuwangi indigenous community can be accommodated and protected in various ways, especially playing a role in development, especially tourism development. area

Keywords: Osing Indigenous Peoples, Optimizing Customary Institutions, Customary Regulations, Traditional Institutions

1. INTRODUCTION

The role of indigenous peoples is very important in managing the economy in a sustainable manner, but the lack of government recognition of the rights of indigenous peoples has resulted in many conflicts so that they are negatively affected. This is due to the fact that the government's recognition of the rights of indigenous peoples is still low, so that it has an impact on indigenous peoples who lose opportunities, including housing, loss of agricultural land, payment of millions of rupiah in fines, and ending in imprisonment for a long time.

Report of The World Conservation Union (1997), of about 6000 cultures in the world, 4000-5000 of them are indigenous peoples. This means that indigenous peoples constitute 70-80 percent of all societies in the world. Of these, most of them are in Indonesia which are spread over various islands (Safa'at, 2013: 162) [1]. One of the indigenous peoples in Indonesia that still exists is the Osing tribe located in Banyuwangi, East Java.

The Osing Indigenous People are domiciled in the village of Kemiren, which has an area of 117,052 m². The Banyuwangi Regional Government has issued Regional Regulation Number 14 of 2017 concerning the Preservation of Cultural Heritage and Customs in Banyuwangi. However, this PERDA has not been able to fully cover, protect and maintain the existence of indigenous peoples in the territory of the Osing Customary Law Community because the PERDA only covers the scope of the preservation of regional cultural heritage and customs which include: protection, development, utilization, maintenance and development and supervision. , which focuses on aspects of art, archaeological, museums and history as well as related to traditional traditions. In addition, the Banyuwangi local government has also issued Kemiren Village Regulation number 19 of 2015 concerning Traditional Institutions which contains the Rights, Authorities and Obligations of Customary Institutions

The Osing Indigenous Peoples Want to File a Regional Regulation on Recognition and Protection of the Rights of the Osing Indigenous Peoples, however, in its implementation there are still doubts that it is true that the Osing Indigenous people want a regional regulation on the recognition and protection of the rights of the Osing Indigenous Peoples.

Regarding the "traditional rights of indigenous peoples" Article 18 b paragraph (2) of the 1945 Constitution states that "The State recognizes and respects customary law community units and their traditional rights as long as they

are still alive and in accordance with community development and the principles of the Unitary State of the Republic of Indonesia, regulated by law."

Another basis in Permendagri No 18 of 2018 concerning Village Community Institutions and Village Traditional Institutions, it is stated that in article I: Villages are villages and *customary villages* or what is called by another name, hereinafter referred to as Village, is a legal community unit that has authorized territorial boundaries. to regulate and manage government affairs, the interests of the local community based on community initiatives, rights of origin, and/or traditional rights that are recognized and respected in the system of government of the Unitary State of the Republic of Indonesia. Article 10 states that the Village Customary Institution is tasked with assisting the Village Government and as a partner in empowering, preserving, and developing customs as a form of recognition of the customs of the Village community. One of which is to preserve customary rights, customary lands, customary forests, and other customary assets and/or assets for the livelihoods of citizens, environmental sustainability, and overcoming poverty in the Village;

This community service activity was held with the aim of providing an in-depth understanding of the functions of traditional institutions, especially to indigenous peoples directly, in the plan for drafting an ADAT PERDA to protect and develop customary values in resolving disputes over inheritance, land and conflicts in human interaction, developing values so that the community Indigenous people can participate in the development arena, especially tourism in their territory.

2. METHOD

This socialization was carried out in the form of counseling carried out to groups of traditional leaders in the village of Osing Kemiren Banyuwangi. Before the team carried out field activities, briefing was first carried out, especially about what the meaning and function of customary institutions were in accordance with Permendagri no 18 of 2018 - About VILLAGE and TRADITIONAL INSTITUTIONS. The initial discussion was carried out by the proposing team, which involved local traditional leaders and leaders, the method to be implemented was as shown in the following figure:

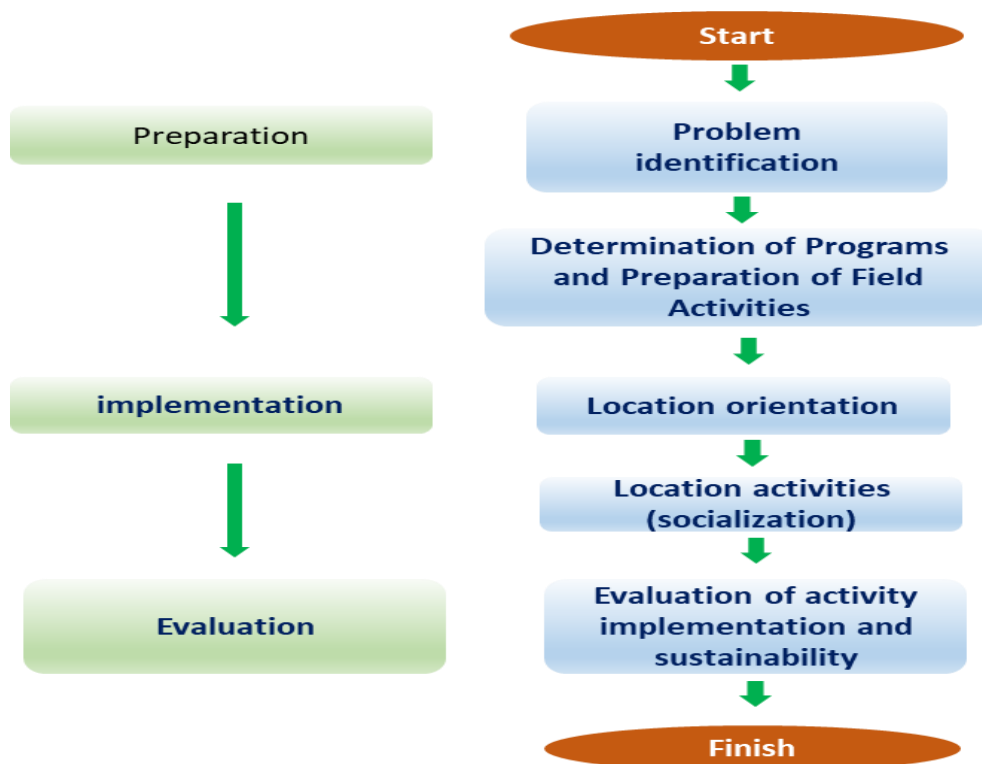


Figure 1. Methods in Implementing PKM activities

The service activity was carried out on Wednesday, July 20, 2022 at the Osing Cultural House (RBO) of Kemiren Indigenous Village, Banyuwangi, starting with the opening of the reading of the Osing traditional papyrus which was meaningful about the traditional grip of the Osing community leader, followed by a presentation by the TIM

resource persons followed by a dialogue about the role Customary Institutions related to the preparation of the PERDA ADAT

This service activity was carried out in collaboration between the Faculty of Law, Sahid University, Jakarta, the Faculty of Law, University of Jember and the Faculty of Law, Sang Bumi Ruwai University, Jurai, Lampung, and the Faculty of Law, Widhyanggala University, Malang. With the following stages of implementation:

- a. Distribution of socialization materials in the form of Socialization Lectures to invited leaders of the Osing community, village heads, traditional leaders and leaders and the organization for the Defenders of the Indigenous Peoples of the Archipelago (PPMAN) in the Banyuwangi region
- b. The opening was carried out by the team leader by conveying the aims and objectives of the activity as well as introducing members who provided socialization with the participants of service activities.
- c. Counseling / presentation of material:
 - 1) Customary Institutions and Their Role in Development (by Dr. St. Laksanto Utomo and Dr. Lenny Nadriana)
 - 2) Strengthening FPIC on Osing's Religiocultural Eco-Socio-Cultural Space through Osing Customary Institutions (by Dr. Purnawan D. Negara)
 - 3) Optimizing the Functions of Osing Customary Institutions: Realizing the Traditional Rights of Osing Traditional Villages (by Prof. Dr. Dominikus Rato)
- d. A question and answer event with traditional leaders participating in community service activities to sharpen the counseling material that has been explained and provide input on the plan for the preparation of the ADAT PERDA, which is guided by the Chair of the Service Team.
- e. Closing by the Head of the Service Team

3. RESULTS AND DISCUSSION

This Community Service activity was attended by 31 representatives from the Osing Indigenous community spread over 11 villages consisting of several traditional leaders, traditional leaders, village officials and organizations. Banyuwangi Regency is one of the regencies that is aggressively developing tourism because it has strategic cultural potential. In addition, Osing culture has existed for a long time and is still part of the life of the kemiren community, but is also dynamic so that it does not disappear from the influence of western culture which is considered more modern. Kemiren culture is very unique and has a great attraction with different characteristics compared to other ethnic groups in East Java, making it attractive for artistic/cultural, natural and artificial tourism potential.

In this case, customary institutions are needed in conveying the aspirations of indigenous peoples to the government. The role of Indigenous Peoples through Customary Institutions is very necessary in order to realize the Regional Regulation on the Protection and Recognition of the Osing Indigenous Peoples. Customary institutions have duties including facilitating the opinions or aspirations of the Customary Law Community to the village government and local government; mediate the settlement of disputes within and/or between Customary Law Communities, and provide decisions on the settlement of customary disputes; To carry out its duties, the Customary Institution has the authority, including managing the rights and assets of the Indigenous Law Community to improve the welfare of the Indigenous Law Community; represent the interests of the Indigenous Law Community in relations outside the Customary Territory; and resolve problems related to Indigenous Law Communities.

The draft PERDA that has been made and will be proposed to the DPRD was originally about the protection and recognition of the Osing indigenous people but changed its face to the Banyuwangi Cultural Preservation Regulation without containing anything about the rights of the Osing indigenous people. The Draft Regional Regulation and Academic Paper on the Protection and Recognition of the Osing Indigenous Peoples must involve the Osing Community and must be studied and understood carefully so that the Draft Perda can represent the Osing community.

The strategic issues that the Osing indigenous peoples can fight for through their customary institutions are strengthening laws and regulations for structuring customary villages, accelerating integrated development of traditional villages, empowering traditional institutions, managing traditional-based village development resources and accumulating knowledge about traditional forces in rural areas. Based on these issues, the expected action is the formulation of a Banyuwangi Regency Government Regulation concerning Traditional Institutions and Empowerment of Indigenous Village Communities. The determination of a tourist village by the local government must be able to significantly improve the standard of living of the community itself. Exploitation of cultural tourism must continue to uphold the preservation of the local culture of the Osing people.



Figure 2. Implementation of Extension Activities and Dialogue

The arrangement and management of natural resources should not only pay attention to physical and economic factors, but also local socio-cultural aspects, especially the uniqueness of local cultural values (local wisdom) to be a factor that should not be ruled out, in this case the development of the tourism sector must pay attention to the sustainability of local resources. , which include the rights of Indigenous Peoples must be protected and recognized so that the customs built by these Indigenous Peoples become sustainable. This form of protection includes, among others, promoting FPIC (*Free, Prior and Informed Consent*), FPIC consists of four cumulative elements. *Free*, relating to the state of being free without coercion. This means that an agreement is only possible on the basis of the community's choices; *Prior* , before certain projects or activities (mainly tourism) are permitted by the government, they must first obtain permission from the community; *Informed* , information that is open and broad about the project that will be carried out, both because of its causes and consequences; and *Consent* , the consent given by the community itself.

The changes in the Osing indigenous people above must be addressed immediately so that these changes do not erode the local culture of the Osing indigenous people themselves. The Customary Institution as the organizer of Customary Law has a tough task so that the impact of the tourist village that has been established by the Banyuwangi Regency does not have an impact on the erosion of the culture of the Osing community itself. Traditional institutions must also fight for the Osing Cultural Tourism Village to involve the Osing Indigenous People, so that what is presented to tourists still maintains and presents the cultural meaning.

In the Osing indigenous community, the existence of culture and local wisdom has become the flagship program of Banyuwangi Regency as a tourist destination. The determination of Kemiren Village to become a tourist village will automatically have an impact on the lives of the Osing people. The impact is the tourism behavior style. Structural changes in the Osing society. And changes in the economic aspects of the Osing people

The Osing community must be the subject of tourism development in their area, meaning that the Osing community through their customary institutions has full power over tourism development and cultural preservation. Through the concept of ecotourism, tourism development emphasizes the potential of nature and cultural arts in a sustainable

manner. One of the superior potentials is the Osing culture in Kemiren village where the people are very obedient and obedient to the Osing cultural values in preserving sustainability.

The reality is that the management of the Osing cultural tourism village does not involve the Osing indigenous people in Kemiren Village. The Osing Community Cultural Leader in Kemiren Village, who is usually called "Kang Pur" said that the management of the Osing cultural tourism village in Kemiren Village does not involve the Osing indigenous people at all. The Regional Government prioritizes investors so that the Osing people, especially those in the village of Kemiren, are not significantly affected by the existence of the Osing Cultural Tourism Village. Even the desire of the Osing people of Kemiren Village has proposed the establishment of a miniature Kemiren Village, but until now it has not been realized. Kang Pur also expressed his frustration with the non-involvement of the Osing Community in Kemiren Village to the management of the Cultural Village, he was afraid that the culture displayed in the village was not presented by the Osing people so that it would erase the meaning of the culture presented to tourists.



Figure 3. Ijen Crater Nature Tourism

Tourism in the Osing Kemiren customary area, including the natural tourism of the Ijen crater, with the granting of government concessions during this covid period, these tourism activities are increasingly showing a significant increase in crowds. The management of these tourism activities has involved elements of the local Osing Kemiren indigenous community as field implementers, who can synergize with stakeholders as policy makers, but have not been realized properly in the sense that they have not fully involved the Osing Kemiren indigenous people, the involvement is limited such as guards, levies, delivery services (carts priced at 600,000 to go up and 200,000 to go down), local guides at a price of 250,000 per guide. And local security. In a day at this time the visit is limited to 400-500 people, the visit time starts at 01 in the morning until 12 noon to start climbing to the top of Ijen. The visitors are very heterogeneous, including domestic and even not a few who come from foreign countries, such as the Netherlands, Switzerland, Italy, France (results of interviews with service providers).

In terms of managing the Ijen crater tourism object, the contribution of indigenous peoples has actually been involved, although it has not been significant in its existence, this is because there are indigenous peoples who are reluctant to do work that concerns their rights in their territory, said the cultural figure of the Osing Community in Kemiren Village, Adi Purwandi who often called "Kang Pur" . For this reason, this community service activity also educates the community on the importance of their involvement in managing tourism objects for their interests and the welfare of the Osing Kemiren customary area.

With this activity, the osing customary law community can enrich their knowledge and understanding of customary institutions that can facilitate the opinions or aspirations of the customary law community to the village government and local government; mediate dispute resolution within and/or between Indigenous Law Communities, it is hoped that participants will better understand and understand in order to support and participate in the drafting of the Regional Regulation on the recognition and protection of the rights of the Osing indigenous peoples, Banyuwangi Regency

4. CONCLUSION

The conclusion of this community service activity that is targeted is directed at **OPTIMIZATION AND FUNCTIONS OF TRADITIONAL INSTITUTIONS**, in order to strengthen the ability to solve larger problems and support understanding of the importance of Traditional Institutions in the Osing Customary Law community, which is used as a target object so that they can have a strategic position in other layers of society and synergize with each other, both formally and informally, parents, youth, or youth who are able to disseminate the results of community service activities to other members of indigenous peoples and lead to the preparation of the preparation of the PERDA ADAT.

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