

# **Empowerment of Traditional Communities in the Context of Traditional Village Development and Strengthening the Village Economy (Analytical Study of Article 18B paragraph (2) and Article 33 paragraph (4) of the 1945 Constitution of the Republic of Indonesia)**

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**Abstract.** This research contains an analysis of the concept of traditional village development, which is in line with the national legal paradigm and international law. The development and development of traditional villages is an inseparable part of the national and international legal framework. In this case, the development and development of traditional villages is also an important key to increasing state income through increasing the number of national tourism visits. This research uses the method of analyzing statutory regulations or a statute approach and sociological law. The results of this research are about the importance of economic development through empowering local wisdom and this concept must of course be implemented carefully to prevent various undesirable aspects.

**Keywords:** Village Development, Indigenous Communities, National Economy.

## **1 Introduction**

Indigenous peoples are the social groups that have received the most attention in recent times. This attention is given by the public because the position of indigenous communities is very weak and they even tend to receive many discriminatory actions due to various government policies. Indigenous communities are often seen as social communities, who still live within limitations and tend to resist modernization.[1] Such an argument certainly cannot be used as a total normative value for the entire structure of indigenous communities. Because there are several indigenous community groups whose village areas have become important tourist destinations for the national economy.[2]

There are several examples of traditional village areas that are an inseparable part of the national tourism system, in this case including Naga Tasimalaya Village, Wae Rebo Village, East Nusa Tenggara, Banten Baduy Tribe Traditional Village, and various other traditional villages. Even though it has been successfully developed into a national tourist destination, the development concept developed by the Government for indigenous communities tends to be

more sluggish when compared to the development of other tourist destinations. If analyzed together, the development of indigenous communities through empowering traditional villages for tourism purposes is a promising aspect. Because apart from being able to be used as a tourist destination, the empowerment of traditional villages in this case can be used as a reference source for the wealth of national wisdom and culture. This means that traditional villages can also be developed as a mechanism for reflecting national civilization, through emphasizing local wisdom.[3]

Such a conception is of course in line with the arrangements described in the constitution, where the State will make efforts to develop and empower the economy through steps that emphasize the value of cooperation. So the concept of developing traditional villages is not implemented through foreign investment but through empowering local wisdom and customs of the region itself.[4] Simply put, the state in this case should make relevant efforts and not eliminate the legitimacy of the recognition of the existence of indigenous peoples. It is at this point that indigenous peoples have the right to ensure that their traditional villages continue to receive sustainable development opportunities from the state. It is at this point that active collaboration between the state and traditional villages becomes an aspect that must be emphasized so that it becomes a progressive and just development value for all Indonesian society.

Based on these problems this research was carried out, the method is a statutory regulation analysis method or statute approach. The statute approach is a mechanism for legal analysis of the application of normativeism. Apart from using legislative research, this research was also carried out within a legal sociological framework. The sociology of law is an analytical mechanism, which seeks to examine the legal system and its application in social society. The analysis and discussion method used is a qualitative analysis method that emphasizes discussion through logical relationships between variables and is explained in the sentence description of the research results.

## **2 Discussion**

### **2.1 Traditional Village Autonomy**

The discussion about villages within the theoretical framework of this research will begin by explaining the community. The word society itself comes from the English "society", which comes from the word "socius" which means colleagues for a long time or living together.[5]. Soerjono Soekanto stated that society is a form of collective life in which citizens live together for a long period and produce a common culture.[6] Meanwhile, Hazairin considered that society is a legal and environmental unity that lives together based on shared rights. Etymologically, custom comes from Arabic which means something that has been done repeatedly or is used to being done.

Thus, it can be understood that indigenous peoples are people who live together for a long period and carry out certain interactions or activities repeatedly. In the process, repeated interactions will encourage human social nature. Where in social nature, a human will try to establish relationships with other humans. The relationships that occur between people are an effort carried out as a mechanism to fulfill personal life needs that cannot be fulfilled by oneself.[7] Over a longer period, the relationships that exist between people then succeed in encouraging the formation of shared life values.

The value of living together, which is formed from human relationships with one another, ultimately encourages the formation of social groups. In this case, one form of community group is the village. Etymologically, the village comes from the word "dhesi" in Sanskrit and is understood as the homeland or homeland.[8] In the meantime, villages are defined as legal community units with territorial boundaries and the authority to control and manage government affairs, local community interests based on community initiatives, rights of origin, and/or traditional rights that are acknowledged and upheld in the Unitary State of the Republic of Indonesia (NKRI) government system, per Article 1 paragraph (1) of Law Number 6 of 2014 concerning Villages. If analyzed comprehensively, the village in this juridical understanding is understood as an area with special privileges and traditionally represents a fundamental value whose existence is important to be recognized and maintained.

As a region that has its special features in terms of regional management, villages in this case are of course very relevant to be regulated in a law that specifically discusses villages. This arrangement certainly needs to be carried out, as a form of confirmation of the sociological juridical position of the village in Indonesian government governance and the Indonesian legal and regulatory system. Comprehensively, the history of the formation of laws and regulations relating to villages began in 1946. Until now, the national legal system has recorded various changes regarding regulations relating to villages. There are several regulations regarding Villages that have been or are still in force regarding Villages, including the following [6] :

1. Law Number 14 of 1946 concerning Conditions for Election of Village Heads
2. Regulation Number 1 of 1948 concerning the Term of Office of Town Heads
3. Regulation Number 19 of 1965 concerning Praja Town
4. Pronouncement of the Pastor of Home Issues Number 17 of 1977 concerning Deciding the Quantity of Towns all through Indonesia
5. Regulation Number 5 of 1979 concerning Town Government
6. Regulation Number 22 of 1999 concerning Local Government
7. Regulation Number 32 of 2004 concerning Territorial Government
8. Regulation Number 8 of 2005 concerning the Assurance of Unofficial laws rather than Regulation Number 3 of 2005 concerning Corrections to Regulation Number 32 of 2004 concerning Provincial Government into Regulation
9. Regulation Number 12 of 2008 concerning Second Revision to Regulation Number 32 of 2004 concerning Provincial Government
10. Regulation Number 6 of 2014 concerning Towns

In a more comprehensive context, the changes that occur to the Village Law are policies carried out by the Government to continue implementing aspects of reform in the government system. Such renewal is an important aspect that needs to continue to be developed in line with the essence of the government paradigm that has been running so far. The context of the transition from the old order to the new order, the new order to the reformation era, and the reformation era to the post-reformation era is a historical value that is the background for the field that is developing in the history of Indonesian civilization.

## **2.2 Indigenous Community Development**

The development of indigenous communities is an inseparable value within the framework of traditional village development. The development of indigenous communities is in line with good governance and is a paradigm of cooperation between the Government, the private sector, and civil society.[6] The growth of indigenous communities is also consistent with the sixteenth Sustainable Development Goal (SDG), which is that all people should have access to justice, the state should promote inclusive and peaceful communities for sustainable development, and inclusive institutions should be established. Prof. Pan Mohamad Faiz in his dissertation emphasized that the respect given by the state to indigenous communities must at least be realized in the form of management (bestuursdaad) and management (beheersdaad) without acting as owners (eigensdaad) in the context of natural resources (SDA) which are the legal rights of the community. custom. So the concept of medebewind or what in Article 1 paragraph (1) of Law Number 23 of 2014 is called the task of assisting in the administration of regional government, cannot be implemented in full.

The development of customary law communities within the framework of Traditional Villages is a condition that must of course be implemented carefully. It is of course hoped that this development will not provide a discriminatory view or implementation. as stated in the United Nations Declaration on the Rights of Indigenous People, Article 3. (UNDRIP). According to Article 3 of the United Nations on the Rights of Indigenous People (UNDRIP), all signatory nations are required to guarantee indigenous peoples' economic development, socio-cultural, and political lives freely. Apart from that, an important aspect that must be paid attention to by the state, in this case of course, and none other than how the development of indigenous people's sovereignty is implemented. Until 2018, traditional territories with a low probability of recognition (close to 0) were higher when compared to those with a high probability of recognition [17].

### **3 Closing**

Based on this discussion, we can understand that economic development is an important role that must continue to be carried out by the Central Government. The Central Government must of course be able to realize just and sustainable development, as an effort to create a sense of kinship and togetherness through the concept of national economic cooperation. However, the concept of economic development implemented by the Government in the areas of customary law communities cannot be implemented freely and widely. The development of traditional villages carried out by the Government, in this case, must be carried out carefully. Care is needed to ensure that the development carried out does not hurt the sustainability of the customary law village community itself.

Several aspects need to be considered to implement traditional village development, including the following:

1. Coordinate with traditional heads, traditional elders, or other parties who come from traditional communities and are seen as figures who play an important role in the traditional village. Coordination is the main key and the first thing that must be done, considering that indigenous peoples certainly have various values that are different from society in general. Coordination is carried out to ascertain the limits of efforts that can be carried out by the state, the form of involvement of indigenous

communities in cooperation, and what is intended or desired from the collaboration between both parties.

2. Conduct outreach to parties involved in building, expanding, and empowering village communities. This socialization policy is implemented to ensure that all elements involved understand the concept of prohibitions and things that are permitted within the scope of implementation of customary community law.
3. Ensure that endemic aspects which are characteristic of indigenous communities are not violated or abolished. This policy is important to implement, as an effort to ensure that the customs and habits of indigenous peoples do not become extinct or even unconsciously eroded by new cultures and customs.

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