ICROSS 2018

Proceedings of the 1st international conference of social science

Universitas Warmadewa, Denpasar, Bali-Indonesia
21-22 September 2018
Proceedings of the 1\textsuperscript{st} international conference of social science (ICOSS)

21-22 September 2018, Universitas Warmadewa, Denpasar, Bali-Indonesia

ICOSS 2018

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Preface

We are delighted to introduce the proceedings of the first international conference of social science (ICOSS) that concern on sustainability tourism. This conference has brought researchers and practitioners around the world who are concerning and developing social science, regulation, culture, language that affect the tourism development. The theme of ICOSS 2018 was “The Challenges of Social Science toward Sustainability Tourism”.

The international conference of social science (ICOSS) 2018 consist of 26 full paper and 15 short paper. Aside from the high quality technical paper presentations, the technical program also featured 5 keynote speeches. The 5 keynote speeches were Prof. Roy Darmawan, S.E., M.Si., C.NNLP from Guangxi University for Nationalities China, Mateus Fernandes, Msc as chief of superintendent Dili form Timor Leste, Jhon Francis Diaz, P.hD from Chung Yuan Christian University Taiwan, Prof. Dr. An An Chandrawulan, S.H., LL.M from Universitas Padjajaran Bandung and Prof. Kiyoshi Nakamura from Niigata University Japan.

The conference is hosted by postgraduated program, Universitas Warmadewa in collaboration with Universitas Warmadewa Publication centre, this conference can be used as a scientific forum for accommodating discussion among researchers in the field of social science toward tourism and its affected sectors. The conference took place in Denpasar, Bali-Indonesia, on 21-22 September 2018. There are 41 selected papers that go through strict peer reviewed process, and these papers will be published in the present conference proceeding.

We would like to thank the organizing committee and the members of reviewers for their kind assistance in reviewing the papers. We would also extend our best gratitude to keynote speeches for their invaluable contribution and worthwhile ideas shared in the conference.

Dr. I Wayan Budiarta, S.S., M.Hum
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Keywords, Lexical Cohesive Devices and the Impact of Search Engine Result for Tour Websites

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Abstract. Content and some elements related to a website are important parts for the website. However, the owners of the website sometimes are not aware of the content and those elements that actually could attract the reader. This study aims to describe the lexical cohesive devices supporting the keywords in the website domain, website title, meta keyword, meta description, heading, content, links, and image title. The data used were words, phrases, clauses and sentences found in the websites. In collecting the data, keywords everywhere and lsigraph.com were used to find the related keywords and the google monthly search (August 2018). Then the data were analyzed descriptively by distributional method. The theory applied was the theory of lexical cohesion proposed by Halliday. Finally, the result of the analysis was presented by formal and informal method. The result shows both reiteration and collocation were found in the tour websites. In brief, the use of lexical cohesive devices can be the first step in designing contents of website by optimizing the keywords.

Keywords: Elements of website; keywords; lexical cohesion; tour websites

1. Introduction

Tourism is the aspect which has a very rapid development especially in Bali. Nowadays, the use of websites to promote the tour packages is one of many ways to improve the tourism sector. Beside the use of image, the use of text is a must in the website in order to be indexed by search engine, such as google.com. In this case, the roles of language could be said very important. Flergin explained advertising as textual and visual communication. In addition, he said that textual level involving lexical and grammatical while visual level involving figures and images [1]. The impact of online media can be seen in Salehi and Farahbakhsh’s study. They found that the most effective tool for promotional strategies are handbook, internet advertising, TV, brochure and newspaper [2]. Pop declared the cultural tourism advertising as a hybrid register. This study applied a functional linguistics analysis and compared advertising-specific and tourism-specific grammar in a text for cultural tourism [3]. D’Angella and De Carlo explained that the effective websites should be managed by cities, well informed to the worldwide web, and managed by mass market destinations. However, this study shows no significant relationships between tourism development and websites’ effectiveness [4]. This shows online media could be one of some effective media to promote tourism.

Promoting through online media cannot be separated from website. Then, the website consists of contents to read or view in the form of text or image. In the form of text, the
contents should be coherent and cohesive devices are the choice. Moris and Hirst explained that the lexical chains provide an important indicator of text structure. It also provides a semantic context for interpreting words, concepts, and sentences [5]. This study shows the importance of lexical cohesion as a concept of lexical chains. Furthermore, they believe that lexical cohesion is useful both as a theory and as a practical tool for determining both the commonly agreed on and the subjective aspects of text understanding [6]. Schiller investigates the nature of cohesion on a website and the implications for the website translator. In this study it is explained that the importance of repetition both exact or simple one in an online environment. It is usually expressed in the form of keywords or keywords phrases [7]. The concept of lexical chains is also used by Remus. He examines the suitability of statistical methods for the task of identifying lexicon-semantic relations in order to build proper lexical chains. The statistical methods were examined for their applicability for identification of lexical chains in a cohesive text [8].

Creating content for an international website relates to the way how we learn and write in English. The elements in the text that will be made should be unity and relates each other. In this case, the meaning conveyed could be received well by the reader. Hameed examined the overall meaning of a text is contributed by the relevance of cohesive used. In this case, it is explained that cohesive devices in a text create a semantic relation that is used to decode the overall meaning [9]. Huang, Song and Li carried out the importance of lexical cohesion in improving English reading ability. They described that lexical cohesion is one of ways to make a text coherent [10]. Crosthwaite found that scaffolding helps L2 learners to create and hold more accurate reference to discourse referents, and instances of unscaffolded narrative discourse present increased difficulty for the L2 speaker. It means that L2 learners have more difficulty managing accurate reference maintenance, the overall coherence of their discourse is reduced [11]. Ahmed in his dissertation examines lexical cohesion and schematic structure in research articles on Islam and science by a systemic functional investigation. This study investigates the structure of those texts through the perspective of lexical cohesion and schematic structure. This research also proved that repetition is the most used lexical relation [12]. Haris and Yunus revealed that the lexical cohesion created cohesiveness towards the ideas conveyed by students in writing [13].

The content and the use of keywords on the tour websites are very interesting to be analyzed, since the owner of the website, sometimes does not concern on the use of language in the content, and on choosing and optimizing the keywords. This case leads to the possibility of indexing on a good page position by google excluding the external factors like promoting websites by google adsense. Generally, although the position of websites could be determined by external factors of the website, however, the internal factors are also important to be analyzed. The internal factors could be the language used to express the content in the website. In brief, this study focuses on the lexical cohesive devices that support the keywords in the website.

The data of this study are some tour websites taken from three keywords that were mostly searched on August 2018. In this case, the data of this study were searched in the website domain, website title, meta keywords, meta description, heading, content, links, image title. It is important to describe the tour website meant in this study, it is the website that 1) provides tour packages in Bali so it is not just an information website or a website that gives a review to other websites, 2) is had by individual or company, and 3) is showed on the first and second page of google search. In addition, ads showing tour website is also not used.

In collecting the data, there are two tools used: keywords everywhere, that is an extension on chrome, and lsigraph.com, that is a website for latent semantic indexing. The first step
done was determining the main keyword that is *Bali tour*. The second step was determining related keywords through *lsigraph.com* and was also supported by *keywords everywhere* so there are top three keywords used: *Bali package*, *Bali tour packages* and *Bali tour*. Some websites by using random sampling were taken for each keyword. Then the websites were classified based on the monthly search of tour website. The data were collected by reading the content repeatedly. The data in the website coding were collected by inspecting it first.

The data of this study were analyzed descriptively by using distributional method. In this case, the content of the tour website in the form of words, phrases, clauses and sentences were analyzed by using lexical cohesion theory proposed by Halliday [14]. Finally, formal and informal methods were used in presenting the result and discussion. The formal method used was by using tables and the informal one was by using sentences to discuss the result of the analysis.

2. Discussion

The mechanisms in creating a coherent text on a website are not different from creating a coherent text traditionally [15]. The use of keywords to improve the possibility of indexing is organized well. Language as the internal factors of the website is used efficiency. In this case, the use of lexical cohesive devices that support the keywords in the websites is applied well. The following tables show the result of the analysis of lexical cohesive devices on the three keywords ‘Bali package’, ‘Bali tour packages’, and ‘Bali tour’.

**Table 1. Lexical cohesive device on keyword ‘Bali package’**.

<table>
<thead>
<tr>
<th>Lexical cohesive devices</th>
<th>Bali</th>
<th>Package</th>
<th>Place of findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Reiteration</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Repetition</td>
<td>+</td>
<td>+</td>
<td><strong>Bali</strong>: website domain, website title, meta keywords, meta description, heading (h1, h2, h3), content, links, image title. <strong>Package</strong>: website domain, website title, meta keywords, meta description, heading (3), content, links, image title</td>
</tr>
<tr>
<td>b) Synonym</td>
<td>-</td>
<td>+</td>
<td><strong>Package</strong>: content</td>
</tr>
<tr>
<td>c) Superordinate</td>
<td>+</td>
<td>-</td>
<td><strong>Bali</strong>: content</td>
</tr>
<tr>
<td>d) General word</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>2) Collocation</td>
<td>+</td>
<td>+</td>
<td><strong>Bali</strong>: content; <strong>Package</strong>: content</td>
</tr>
</tbody>
</table>

**Table 2. Lexical cohesive devices on keyword ‘Bali tour packages’**.

<table>
<thead>
<tr>
<th>Lexical cohesive devices</th>
<th>Bali</th>
<th>Tour</th>
<th>Packages</th>
<th>Place of findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Reiteration</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Repetition</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td><strong>Bali</strong>: website domain, website title, meta keywords, meta description, heading (h1, h2, h3), content, links, image title. <strong>Tour</strong>: website domain, website title, meta keywords, meta description, heading (h1, h2, h3), content, links, image title. <strong>Packages</strong>: website domain, website title, meta keywords, meta description, heading</td>
</tr>
</tbody>
</table>
Table 3. Lexical cohesive devices on keyword ‘Bali tour’.

<table>
<thead>
<tr>
<th>Lexical cohesive devices</th>
<th>Bali</th>
<th>Tour</th>
<th>Place of findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Reiteration</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Repetition</td>
<td>+</td>
<td>+</td>
<td>Bali: website domain, website title, meta keywords, meta description, heading (h1, h2, h3), content, links, image title Tour: website domain, website title, meta keywords, meta description, heading (h1, h2, h3), content, links, image title</td>
</tr>
<tr>
<td>b) Synonym</td>
<td>-</td>
<td>+</td>
<td>Tour: meta keywords, content</td>
</tr>
<tr>
<td>c) Superordinate</td>
<td>+</td>
<td>-</td>
<td>Bali: content</td>
</tr>
<tr>
<td>d) General word</td>
<td>-</td>
<td>+</td>
<td>Tour: content</td>
</tr>
<tr>
<td>2) Collocation</td>
<td>+</td>
<td>+</td>
<td>Bali: content; Tour: content; Packages: content</td>
</tr>
</tbody>
</table>

The device that is mostly applied is repetition. The keywords that become the important point of a website are repeated many times in different part of website. Other devices are also used but the use is not as often as repetition. This study support the argument of Schiller that explained repetition as an important cohesive device in a website [7].

The relation between lexical items that makes a text coherent is the key of writing a content of website. The lexical cohesive devices that support the keywords show lexical coherence, although the lexicon is placed in a different part of website. Based on the result of the analysis, the use of reiteration, in this case the repetition that supports the keywords is displayed in every part of website. For example: the word Bali and tour repeat in every part of the website ‘http://www.balicheapesttours.com’.

Table 4. Repetition of word Bali and tour.

<table>
<thead>
<tr>
<th>No.</th>
<th>Website parts</th>
<th>Data found</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Website domain</td>
<td><a href="http://www.balicheapesttours.com">www.balicheapesttours.com</a></td>
</tr>
<tr>
<td>2.</td>
<td>Website title</td>
<td>Cheap Bali Tours &amp; Holiday Packages for Budget Travellers</td>
</tr>
<tr>
<td>3.</td>
<td>Meta keywords</td>
<td>&lt;meta name=&quot;keywords&quot; content=&quot;bali, bali tour, bali tours, bali trip, bali packages, bali tour package, bali tours package, bali holiday packages, bali travel packages, bali trip package, bali package deals, cheap bali tour, cheap bali holiday packages&quot;&gt;</td>
</tr>
<tr>
<td>4.</td>
<td>Meta description</td>
<td>&lt;meta name=&quot;description&quot; content=&quot;Find Here Cheap Bali Tours &amp; Holiday Packages - Easy &amp;amp; Secure Booking - No Advance Payment Required - Free Cancellation!&quot;&gt;</td>
</tr>
<tr>
<td>5.</td>
<td>Heading</td>
<td>H1: Cheap Bali Tours &amp; Holiday Packages</td>
</tr>
<tr>
<td></td>
<td></td>
<td>H2: Cheap Bali Tours &amp; Holiday Packages for Budget Travellers</td>
</tr>
<tr>
<td></td>
<td></td>
<td>H3: Discover cheap holiday deals with Bali Cheapest Tours</td>
</tr>
<tr>
<td>6.</td>
<td>Content</td>
<td>At Bali Cheapest Tours, we specially design itineraries to uncover both the scenic beauty and cultural charm of Bali while offering ample opportunity for personalized discovery. We can customize each of our Bali tour package itineraries to match your preferred travel period, touring needs and</td>
</tr>
</tbody>
</table>
budget for a journey that’s perfect for you.


8. Image title <img src="dummy/bali-tour3.jpg" alt="Bali Tour Package 5 Days">

The repetition could be said as a device that mostly used in increasing the chance of indexing. It is in line with Morris and Hirst’s argument about lexical cohesion as practical tool in building a text [6]. Other reiteration devices also support the website to be indexed; moreover, the quantity of the devices is rarely used.

<table>
<thead>
<tr>
<th>No.</th>
<th>Kinds of reiteration</th>
<th>Website parts</th>
<th>Data found</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Synonym</td>
<td>Meta keywords</td>
<td>&lt;meta name=&quot;keywords&quot; content=&quot;bali, bali tour, bali tours, bali trip, bali packages, bali tour package, bali tours package, bali holiday packages, bali travel packages, bali trip package, bali package deals, cheap bali tour, cheap bali holiday packages&quot;&gt; (<a href="http://www.balicheapesttours.com/">http://www.balicheapesttours.com/</a>)</td>
</tr>
<tr>
<td></td>
<td>Content</td>
<td>Fourth Day in program Bali Tour Packages 5 Days and 4 Nights is to enjoy visit the famous Jatiluwih Rice Terrace and see the amazing sunset at Tanah Lot Temple. Before start the trip you will enjoy breakfast at hotel, our driver will pick up at lobby and start the journey to explore the beauty tourism site in this itinerary (<a href="http://www.baligoldentour.com/bali-tour-packages-5-days-4-nights.php">http://www.baligoldentour.com/bali-tour-packages-5-days-4-nights.php</a>)</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Superordinate</td>
<td>Content</td>
<td>With the right Bali holiday package, you are in for an exceptional and wonderful island stay to remember and cherish for all of your life. (<a href="https://7.holiday/packages">https://7.holiday/packages</a>)</td>
</tr>
<tr>
<td>3.</td>
<td>General word</td>
<td>Content</td>
<td>Water Sports Activity: Banana Boat, Flying Fish, Glass Bottom Boat and Turtle Islands Tour. (<a href="http://www.baligoldentour.com/bali-tour-packages-4-days-3-nights.php">http://www.baligoldentour.com/bali-tour-packages-4-days-3-nights.php</a>)</td>
</tr>
</tbody>
</table>

The use of synonym can be seen in three parts of the website. In the meta keywords, the words that have similar or near similar meaning are tour, trip, and travel. The use of the words increases the possibility of indexing because the customer might search Bali tour, Bali trip or Bali travel. The use of superordinate also helps the website to make itself different from others, such as from other information about Bali for example its history. Then the general word activity describes the website that it is a tour website, consisting of some tour packages. The collocation is the last devices increasing the possibility of indexing. For example: the use of related words: Bali, package, tour, and activities showing the promotion of the website product. The use of those words could be seen below.

The Bali Package is a legal tour company in Bali delighted to offers you Package deals for Tours, activities and adventures, Combination tours package in Bali. We offer you a complete Bali Tours Holidays Packages designed with the best tours, activities and adventures in Bali. (https://www.thebalipackage.com/)

3. Conclusion
Based on the result and discussion above, it can be concluded that the most important thing is supporting the keywords by applying lexical cohesive devices. The use of repetition is mostly used by the developer and the owner of website to increase the possibility of indexing excluding the external factors. Moreover, cohesion and coherence are very important in optimizing information transfer and search engine indexing.

References

Village Forest Management Rights as Tourism Forests in Buleleng: A Coexistence Concept Perspective

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Abstract. This study introduces and highlights the concept of coexistence between state law and customary law in village forest management in Bali. By this, we utilize the concept of coexistence to reveal the rights of Village Forest management. The design of the study is normative study design. As forests are the strong resources for community life in Bali, sustainable maintenance of the village forests are our implied objective in order to allow the community to gain benefits from the crops for a better life. Normatively, there is duplication of norms and interest in the provision and implementation of Village Forest management rights and the existence of customary rights of indigenous communities, so that coherence and correspondence are necessary in granting authority to villages, both form the Law called Desa Keperbekelan and the traditional (customary) village called Desa Pakraman.

Keywords: Coexistence; legal assurance; tourism; village forest management

1. Introduction

Forest damage in North and West Bali, such as in Buleleng, has become increasingly alarming [1] [2], [3]. In addition to the rampant theft of forest timber (illegal logging), there is a practice of buying and selling forest land by irresponsible individuals. While supervision by forest rangers is not optimal because of the limited number of personnel and the lack of infrastructure in the field. The results of the Working Visit of the Commission II of the Regional Parliament of Buleleng at the Office of the Forest Management Unit (KPH) of West Bali concluded that it was true that timber theft had taken place, such as land sale and purchase transactions, as happened in Sepang Busungbiu Village. The reason is very cliché, namely that personnel are very minimal, operational vehicles are very limited. Therefore, innovation is needed to create new patterns in management and utilization. [4]

According to Suwitra, et al stated that the control of forest areas in several Indigenous Villages/Pakraman Villages in Bali is based on customary rights, namely as in Culik Customary Village, Tenganan Pegringsingan Village Karangasem. With the enactment of "Act No.5 of 1960 concerning Basic Agrarian Law (BAL) "had given the possibility of transfer of tenure rights according to customary law towards control or acquisition according to State law ("BAL") [5]. The implication is that the existing ulayat lands in the forest area are transferred to individual or communal/group ownership rights, as happened in the Culik Customary Village which implies a prolonged conflict. Disputes caused by the sale and purchase of customary land can also be found in the Gianyar Indigenous Peoples Village which is caused by the denial of the Prajuru Desa Adat (the leader of customary village) to the results of the
paruman (meeting) who have allowed the transfer of customary land into individual land. Then there is an effort from the prajuru adat party in the use of the land even though the person concerned has willingly carried out the obligation in the form of "ayahan" which attaches the land to the traditional village. [6]

In contrast to the management of forests by the traditional village in Tenganan Pegringisngan Karangasem as the customary right of the customary law community called Desa Pakraman based on "Bali Provincial Regulation No. 3 of 2001 jo No. 3 of 2003 ". The area of forest as a customary land of Pakraman (customary) Village reaches 712.2 hectares. The condition is still sustainable and there is no theft, because the customary law community adheres to the myth that the ulayat land in the form of forest is guarded by a supernatural being called Lelipis Lembukit and will give punishment that is pegged snake to anyone who commits theft of wood and other forest products [7].

This study is aimed to analyze the certainty and fairness of the rights to manage and utilize Village Forests that are packaged as tourism forests by village institutions perspective on the concept of coexistence in the legal system. While the benefits are can be used as a policy basis by the Regional Government and Village Government in managing and utilizing Village Forests to achieve mutual prosperity.

The type of research used is normative legal research, because it is alleged that there are vague of norms in village forest management, even duplication of norms can occur as a result of sectoral ego and mutual authority between legal structures, resulting in inconsistencies in the regulation and issuance of permits. Village Forest management and utilization. Research problems will be approached through statute approaches, concept approaches, and customary law approaches. Data collected by documentation and recording techniques through the file system and analyzed by hermeneutic techniques. The expected outcome is the construction of the concept of "coexistence" in the legal system by remembering the diversity of Indonesian people with their respective customary laws.

2. Discussion

2.1. Legal Norms Inconsistence in Village Forest Management

In "Act No. 41 of 1999 (Act 41/1999) in conjunction with Act Number 1 of 2004 (Act 1/2004) concerning Amendments to Act Number 41 of 1999" dividing the status of forests into State Forests and Private Forests. While in the State Forest can be in the form of Customary Forests. It is relevant to the concept affirmed in the general provisions of this Law, that customary forests are state forests within the territory of customary law communities. existence and recognition of its existence, and not in conflict with national interests ("Article 4 Section 3"). This condition indicates that there is a domination of the State law on customary law. The existence of this customary forest is highly dependent on the existence of the existence of indigenous law communities which are further regulated through Regional Regulations ("Article 67 Section 2") [8]. For specific purposes forest management areas can be given to customary law communities with the following rights, namely:

a. collecting forest products to fulfill the daily needs of the indigenous peoples concerned;

b. conduct forest management activities based on customary law in force and do not conflict with the Law; and

c. obtain empowerment in order to improve their welfare
In fact, customary forest claims by customary communities as their customary rights often cause conflict because there is domination of state law in forest management, as in the case of Masuji in Lampung, forest encroachment in West Buleleng, acquisition of customary land by the government without released by indigenous law communities in Papua relating to compensation.

The 2015-2019 National Medium Term Development Plan, targets 12.7 million Ha of forest to be managed by the community through a social forestry scheme, one of which is Village forest. Village Forest is a State forest that is managed by the community in a rural organization. And it is utilized for the welfare of the Village community itself. According to Titian (2016), the village forest intends to provide access to the community through village institutions in utilizing forest resources sustainably. In hopes of improving the welfare of local communities in a sustainable manner [9].

Based on recalculation data from the 2014 Indonesian Land Cover Closure by the Directorate of Forestry Planning and Environmental Management (Ministry of Environment and Forestry 2015), it is known that the forest land area on the island of Bali is 127.3 thousand Ha or about 22.5% of the land area of Bali province. Of the total area, only 86.3 thousand hectares or about 2/3 of them have land cover in the form of forests. In the context of spatial planning must be based on several principles, such as integration, sustainability, togetherness and partnership, harmony, harmony, balance, legal certainty. In the preparation of social forestry in the regions of Java, Bali and Nusa Tenggara by the Office of the Social Forestry and Environmental Partnership Center since 2015, the task is to prepare social forestry areas, business development and partnerships and conflict mapping in the Social Forestry and Environmental Partnership fields [10].

Observing the existence of very different conditions in forest management according to state law in West Bali with forest management according to customary law in Adat Village in Tenganan Pegingsingan Karangasem indicates that customary community-based forest management is more effective than forest management according to state law in terms of its supervision. Therefore, it seems that the model of forest management based on social forestry such as village forests will be able to harmonize aspects of supervision in forest utilization through the concept of coexistence in the legal system [6].

Several villages in Buleleng Regency have been established in managing village forest by empowering village communities around to improve forest quality and community economy. One of the protected forest areas in Selat Village, Sukasada sub-district covering 552 hectares has been designated as a Village Forest work area based on "Decree of the Minister of Forestry of the Republic of Indonesia Number: SK.629/Menhut-II/2010" dated November 11, 2010. Then Permit for Village Forest Management (HPH D ) just issued on December 11, 2015 based on "Bali Governor's Decree No. 2017/03-L/HK/2015 "concerning Granting Village Forest Management Rights in Protected Forest Areas covering an area of approximately 3,041 hectares to 7 (seven) Village Institutions in Buleleng Regency. Titian further stated that the people in several villages within the Production Forest Management Unity model of Sintang District, Titian Lestari Foundation together with Production Forest Management Unity Marakai Sintang Model carried out the socialization of regulations on forms of community forest management [11].

The Government of Indonesia through the "Regulation of the Minister of Forestry of the Republic of Indonesia No: P.89/Menhut-II/2014 (Permenhut P.89/2014)" Regarding Village Forests, provides opportunities for rural communities to manage forests in the village with the aim of improving community welfare locally sustainably and ensure the preservation of the
environment. This opportunity should be interpreted properly and correctly in order to be able to provide maximum welfare [12].

The issuance of permits and Village Forest management rights from the Ministry of Forestry and the Governor to date are only intended for Villages according to "Act No.6 of 2014". In addition, the laws and regulations governing forests such as "Act No.41 of 1999" join "Act No. 1 of 2004 concerning Amendments to Act No. 41 of 1999 "concerning Forestry divides the status of forests into state forests and customary forests. This law also formulates, that in state forests also include customary forests. Although later this provision has been corrected through "Decision of the Constitutional Court (MK) Number 35/PUU-X/2012" dated May 26, 2013 with several assertions relating to the existence of the Ulayat Rights of Customary Law Community especially towards the existence of Customary Forest in the Judicial Review Material "Act Number 41 Year 1999 ". The decision of the Constitutional Court has annulled the contents of " Act Number 41 Year 1999 "which denies customary forests, and reaffirms that customary forests must be recognized by stipulation as long as in reality they still exist. It must be distinguished between customary forests and individual forests/legal entities. So customary forests are not included in the state forest category. Therefore recognition and respect for the existence of customary rights in the Customary Law Community again references the provisions of "Article 18 B Section (2) of the 1945 Constitution of the Republic of Indonesia [8]."

In an effort of reducing poverty, unemployment and inequality in forest area management/utilization, Social Forestry activities are needed through efforts to provide legal access to local communities in the form of Village Forest Management, Community Forest Business Licenses, Community Plantation Forests, Forestry Partnerships or recognition and protection of indigenous peoples for the welfare of the community and the preservation of forest resources. For this reason it was issued "Regulation of the Minister of Environment and Forestry of the Republic of Indonesia No: P.83/MENLHK/SETJEN/KUM.1/10/2016 concerning Social Forestry."[13]

Social forestry is conceptualized as a sustainable forest management system implemented in State forest areas or customary forest/forest rights carried out by local communities or customary law communities as the main actors to improve their welfare, environmental balance and socio-cultural dynamics in the form of Village Forests, Community Forests, Community Plantation Forest, Community Forest, Customary Forest and Forestry Partnership [13].

Village Forest is a State forest that is managed by the village and utilized for village welfare. While the Village Forest Management Rights are management rights in protected forest areas or production forests that are given to village institutions, namely village social institutions tasked with managing Village Forests. In "Government Regulation (PP) No. 43 of 2014 concerning the Implementation Regulation of Act No.6 of 2014 concerning Villages "stated that village social institutions were formed on the initiative of the Village Government and the community (" Article 150 section 1 "). The tasks are: (a) empowering rural communities, (b) participating in development planning and implementation; and (c) improve the service of the village community ("Article 150 section 2"). Its formation is governed by the Village Regulation. Village Institutions that manage Village Forests can take the form of cooperatives or local village-owned enterprises. The form of a business entity that was developed as a Village Institution that manages the Village Forest today in 7 (seven) Village Institutions who hold a Village Forest management permit in Buleleng is a "Village-Owned Enterprise" ("BUMDesa") or better known as "BUMDes " [14]
This Village Forest management permit is stipulated in the "Governor of Bali Decree No 2017/03/L/HK/2015 concerning Granting Village Forest Management Rights in ± 3,041 Hectares of Protected Forest Areas to 7 (seven) Village Institutions in Buleleng Regency" joint Minister of Forestry Decree Republic of Indonesia Number: SK.629/Menhut-II/2010 concerning Determination of Regions as Village Forest Work Areas covering ± 3,041 (three thousand forty one) Hectares in Buleleng Regency, Bali Province. The distribution of Protected Forest areas as Village Forest work areas in the administrative area is as follows:

Table 1. Protected Areas as Village Forests.

<table>
<thead>
<tr>
<th>No.</th>
<th>Village Name</th>
<th>Sub-Districts</th>
<th>Area/Hectares</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Selat Village</td>
<td>Sukasada</td>
<td>552</td>
</tr>
<tr>
<td>2</td>
<td>Wanagiri Village</td>
<td>Sukasada</td>
<td>250</td>
</tr>
<tr>
<td>3</td>
<td>Sudaji Village</td>
<td>Sawan</td>
<td>90</td>
</tr>
<tr>
<td>4</td>
<td>Lemukih Village</td>
<td>Sawan</td>
<td>988</td>
</tr>
<tr>
<td>5</td>
<td>Galungan Village</td>
<td>Sawan</td>
<td>712</td>
</tr>
<tr>
<td>6</td>
<td>Telaga Village</td>
<td>Busungbiu</td>
<td>96</td>
</tr>
<tr>
<td>7</td>
<td>Tejakula Village</td>
<td>Tejakula</td>
<td>353</td>
</tr>
</tbody>
</table>

Village Institutions as Village Forest managers have the right to: (a) manage the Village Forest Work Area in the form of area utilization, use of environmental services and collection of Non-Timber Forest Products (Indonesian term is HBBK) in accordance with the Work Plan, (b) get assistance, (c) get facilitation in Forest management Village. In addition to the rights, obligations were also obeyed, namely: (a) implementing boundaries for Village Forest Management Rights, (b) preparing Village Forest Management Plans, (c) carrying out forest protection in the working area of Village Forests and surrounding areas, (d) carrying out rehabilitation of work areas Village Forest, (e) carry out planting and other activities in accordance with the work plan, (f) cultivate crops in accordance with applicable site conditions and legislation, (g) carry out the administration of forest product utilization in accordance with the prevailing laws and regulations and (h) make a report on Village Forest management [15].

The Village Forest Management Plan is prepared by the Village Institute in a participatory manner with the local Forest Management Unit and approved by the Head of the Bali Provincial Forestry Service which contains: (a) the work plan for the Village Forest Management Rights for the period of the Village Forest Management Rights, which is 15 years, (b) Village Forest work plan for a period of 10 years, and (c) annual plan of the Village Forest for a period of 1 year. The Management Plan material includes: plan for the management of the protected area, plan for the management of the utilization area, the business plan that is accompanied by a map of 1: 10,000 scale.

The Management Permit also affirms the prohibition on Village Institutions in managing Village Forests, namely: carrying out forest destruction in the form of cutting trees and changing landscapes, transferring or aggregating and changing the status and function of forest areas, using forest areas for other purposes outside the Village Forest Management Plan.

As a guidance, supervision and control material as well as extension of Village Forest Management Rights, evaluation is made at the latest every 2 years with the consequence that Village Forest Management Rights can be abolished if: the period of Village Forest Management Rights has ended, the Village Forest Management Rights are revoked by the Governor if Rights holders do not fulfill the rights and obligations as stipulated, Village Forest management rights are handed back by the right holder with a written statement to the Governor before the term of management rights expires, or the holder of the Village Forest
Management cannot fulfill the obligations as stipulated. Observing various legal norms in the management of "Village Forest" can be analyzed duplication and inconsistency of norms between the rules above with the rules below, so as not to fulfill legal certainty, which is relevant to the Certainty of Gustav Radbruch Theory which distinguishes certainty due to law, and legal certainty or self. Certainty in law is achieved if there is no contradictory provision in the Law because it is based on rechtswerkelijkheid (legal reality) and there are no legal terms that can be interpreted differently. Whereas certainty due to the law is intended, that the law guarantees certainty to one party to another party. The conclusions of the analysis are based on observations, that there is a disclaimer on the management rights of customary law communities, namely Pakraman Village, because management rights are only given to Village Institutions which are in fact formed by Desa Dinas (Administrative Village). While in the Forestry Act it provides opportunities for indigenous and tribal peoples in forest management for welfare, namely as stated in ("Article 67 of Act No. 41 of 1999"). In addition, Protected Forests are conceptualized in "Act No. 41 of 1999 "this is a forest area that has a basic function as protection of life support systems to regulate water management, prevent flooding, control erosion, prevent sea water intrusion, and maintain soil fertility, then can be designated as utilization forest as stipulated in the" Governor Decree No 2017/03-L/HK/2015 "keeping in mind the rights and obligations, restrictions and evaluations. In order to have consistency, it is necessary to change the status of forests from protected forests to utilization or production forests before being designated as Village Forests.

In the perspective of the time limit for granting Village Forest Management Rights, which is limited to a minimum of 15 years and will be evaluated at least every 2 years, is not relevant and inconsistent with the provisions "Article 2 section 4 of Act No. 5 of 1960 concerning Basic Agrarian Principles (BAL) "formulates: The right to control from the above countries can be authorized to the Swatantra regions and customary communities, only necessary and not in conflict with national interests, according to the provisions of the Regulation Government. This means that the granting of Management Rights to the Regional Government as a Swatantra Region which later becomes a regional asset land, can also be applied mutatis mutandis to Pakraman Village as a customary law community, so that there is no 15 years time limit. But the implementation of the evaluation at the latest every 2 years can be accepted to avoid claims of ownership and alienation, as well as supervision of its use in the context of the preservation of environmental functions by considering the concept of sustainable development (Sustainable Development Goals).

The application of Village Forest in the Protected Forest area, from the aspect of the theory of "Utility Jeremy Bentham" namely conceptualizing the ability as the greatest happiness for the most people want to state. According to Bentham, the existence of state and law is solely for the sake of true benefits, namely the happiness of the majority of the people, which is relevant to the motto: the greatest happiness for the greatest number of people. Therefore, new construction is needed as a novelty in co-ordinating state law and customary law (society) in the legal system for the management of Village Forests. The hope is that it can contribute to the renewal of the Law of Social Sciences with regard to legal functions both as a social control and as a social engineering. So hierarchically, the legal norms under the Act must not conflict with legal norms above them to guarantee legal certainty, justice and benefits, namely welfare. It is relevant to President Joko Widodo's Nawacita, namely building from the outskirts (Village). One form is the granting of Village Forest Management Rights to Village Institutions.

In the perspective of justice, the determination of the granting of permits for Village Forest Management Rights is not in harmony with the Ulpianus justice theory which states
that justice is a steady and constant will to give to each of its parts (\textit{Iustitia est constants et perpetua voluntas ius suum cuiqueatribuendi}). There is no constancy or consistency of normalization of various legal rules that have been established by the State. The management model attaches importance to rigid procedural, so that it is only relevant to John Rawls's theory of justice, namely "Justice as equality" which produces "pure procedural justice". [16] In pure procedural justice, there is no standard that can decide what is "fair" apart from the procedure itself. Justice is not applied to the outcome, but to the system. [17]

2.2. Coexistence of State Law and Customary Law in Village Forest Management in Selat Village of Buleleng Regency

Selat Village as one of the Old Village Villages in Sukasada Buleleng District borders with four matching villages, namely: North Side of Anturan Village, south of Gobleg Village, East of Tegalinggah Village, west of Kayu Putih Village. Its area is 1,206 hectares. This village is divided into seven \textit{Banjar Dinas} with population density as shown in the table as follows:

<table>
<thead>
<tr>
<th>No</th>
<th>Banjar Dinas</th>
<th>Number of family head</th>
<th>Male</th>
<th>Female</th>
<th>Number of people</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Tukad Juwuk</td>
<td>170</td>
<td>407</td>
<td>384</td>
<td>551</td>
</tr>
<tr>
<td>2</td>
<td>Sekarsari</td>
<td>228</td>
<td>501</td>
<td>500</td>
<td>1001</td>
</tr>
<tr>
<td>3</td>
<td>Gunung sekar</td>
<td>288</td>
<td>629</td>
<td>639</td>
<td>1268</td>
</tr>
<tr>
<td>4</td>
<td>Gambuh</td>
<td>383</td>
<td>875</td>
<td>839</td>
<td>1714</td>
</tr>
<tr>
<td>5</td>
<td>Bululada</td>
<td>398</td>
<td>903</td>
<td>874</td>
<td>1777</td>
</tr>
<tr>
<td>6</td>
<td>Selat</td>
<td>221</td>
<td>516</td>
<td>515</td>
<td>1031</td>
</tr>
<tr>
<td>7</td>
<td>Witajati</td>
<td>170</td>
<td>401</td>
<td>381</td>
<td>782</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>1829</td>
<td>4108</td>
<td>4022</td>
<td>8130</td>
</tr>
</tbody>
</table>

Source: 10 Years Work Plan of Selat Village Forest year 2016.

Based on the area of use, the Selat Village consists of around 26 hectares of residential areas, around 112 hectares of rice fields, around 169 hectares of plantations, and about 552 hectares of forest land and is a protected forest area and is the most extensive area. As time went on, the condition of the forest around the village changed significantly due to excessive forest exploitation by the surrounding community members and outside residents in order to meet their living needs. Changing forest conditions also decreased the function of the forest, such as reduced flow of water flowing into the village. Aware of the decline in forest functions and concerns about the future of forests and the future of communities without forests, so that people begin to think and move to manage forests for conservation through groups. The formation of this group is the forerunner of the drive for sustainable forest management in the Selat Village.

These community groups are more excited by the issuance of "Decree of the Minister of Forestry of the Republic of Indonesia Number: SK.629/Menhut-II/2010" jo "Bali Governor Decree No 2017/03-L/HK/2015" concerning Granting Village Forest Management Rights to 7 (seven) Village Institutions in Buleleng Regency. Forms of Village Institutions in each Village, namely those known as Village-Owned Enterprises (BUMDes). In Selat Village it is called BUMDes (Village Owned Enterprise) Pandan Harum which was established on February 10, 2011. BUMDes is an independent institution owned by rural communities engaged in building forests for the welfare of the village community and preserving it as part of the ecological function of the forest which indirectly benefits the surrounding community.
Relevant to the research of I Made Suwitra, et al (2017) concerning the Model of Management of Agrarian Resources Based on Tourism Villages and Local Legal Wisdom in Paksebali Klungkung Village, stated that the management of agrarian resources is carried out by the Service Government through a business entity which is currently called BUMDes. So that all aspects of the business are managed by BUMDes formed through Village Regulations (Perdes). The coexistence of Unda River surface water management is indeed necessary, because the management and licensing of surface water utilization is the authority of the Province in accordance with the mandate of the Bali Provincial Regulation No.3 of 2004.

The issuance of the Governor's Decree does not necessarily make BUMDes able to carry out its activities in managing Village Forests, but previously BUMDes are required to make Work Plans for one year, 10 years, and 15 years in a participatory manner with the local Forest Management Units. to be ratified by the Head of the Bali Provincial Forestry Service. The management plan is based on the initial potential of the forest area, so that the program implemented is sustainable. The planned programs to be implemented are shown in Table 3:

<table>
<thead>
<tr>
<th>No</th>
<th>Program</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Rehabilitation of forest areas</td>
<td>Replanting land that is still rarely vegetated or critical.</td>
</tr>
<tr>
<td></td>
<td>Protection of forest areas</td>
<td>Maximizing the function of &quot;Pecalang Jagawana&quot; and the active participation of the community throughout the Village Forest area</td>
</tr>
<tr>
<td>2</td>
<td>Forest Area boundary arrangement</td>
<td>Making boundaries and making definite boundaries in the area so as to facilitate management in the field</td>
</tr>
<tr>
<td>3</td>
<td>Forest Product Resources (NTFPs)</td>
<td>Data collection of all potential sources of NTFPs and making management plans (planting and harvesting) in accordance with the potential of land that can still be optimized and available sources of NTFPs</td>
</tr>
<tr>
<td></td>
<td>Early harvesting of NTFPs</td>
<td>Initial utilization of NTFP resources as initial management capital</td>
</tr>
<tr>
<td></td>
<td>Resources is:</td>
<td>Mangosteen, Rattan, Nagka, Bambu, Kemiri, Coklat, Embossed, Aren, Coffee, Coconut, Pandan, Markisa, Avocado</td>
</tr>
</tbody>
</table>

Table 3. Implemented Programs.
<table>
<thead>
<tr>
<th>Potential of NTFPs</th>
<th>NTFPs in forest areas to increase NTFP yields by utilizing available land suitable for NTFP-producing growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacture of downstream industries</td>
<td>Make business units that develop NTFPs from Village Forest areas to finished products. The business unit is directly driven by farmer groups or local women farmers groups.</td>
</tr>
<tr>
<td>Marketing of finished products of NTFPs</td>
<td>The activity of marketing processed forest products to the local market and then will be expanded even further</td>
</tr>
<tr>
<td>Initial arrangement of prospective tourism areas</td>
<td>Make preliminary preparations for making tourist areas to be built, both physical (accessibility, facilities and infrastructure) and non-physical (management material)</td>
</tr>
<tr>
<td>Development of natural tourism areas</td>
<td>Build tourist areas both with their own capital independently and from third parties</td>
</tr>
<tr>
<td>Management of tourist areas</td>
<td>Running existing tourism areas in accordance with the potential and supported by sufficient and integrated promotion</td>
</tr>
</tbody>
</table>


Note: The total value of NTFP products that can be produced in one year: Rp. 19,615,101,667.00

The Selat Village Forest will be focused on learning a community-based biodiversity learning center, which is as a joint learning in forest management and sustainable use of local plants. In addition, the management model is based on the Tri Hitakarana philosophy which is defined as the three causes of public welfare, which can be seen from the three forms of relationships in human life, namely Parhyangan (God) realize human relations with the Creator (Hyang Widhi Wasa), Palemahian (environment) embodies human relations with the natural environment in which they live. and Pawongan (human) embodies human relations with human beings created by Hyang Widhi Wasa (God).

Community-based Village Forest Management based on Tri Hitakarana's philosophy indicates that its management will be supported by the Village Customary Institution (in "Law No. 6 of 2014") which is referred to in Bali as Desa Adat, customary village, version "Bali Provincial Regulation No. 6 of 1986 ", and now called Desa Pakraman version" Bali Provincial Regulation No. 3 of 2001 "Jo" Regional Regulation No. 3 of 2003 ". Every Desa Pakraman has a customary law called Awig-Awig Desa that functions to create social order. Especially in securing the Village Forest is done by the "Forest Pecalang (traditional security) " or "Jaga Wana" which is responsible for maintaining the preservation of the Village Forest.

The Selat Village Forest as a protected forest function area dominated by topography sloping to steep, its quality decreases. If forest degradation supported by Desa Selat is allowed to continue, it has the potential to cause disasters especially floods, landslides, droughts and forest fires which have a very large socio-economic impact on the villagers and the people of Singaraja city. Therefore, assistance is needed through Forest and Land Rehabilitation by
involving all stakeholders through a comprehensive system approach and taking into account the functions and status of the forest.

In the preparatory phase efforts were made to accelerate the rehabilitation of forest areas in 2005 by the District Government with a variety of rare plants that had grown to 450 hectares. While the villagers themselves began to declare forest areas as a buffer for food reserves by planting tubers such as Suweg, Uwi, Gembili years 2009. In additions it is planned to develop a medicinal plant called "Taru Premana" and also from the "Usada Bali" palm leaf. The community also has agricultural economic activities with coffee cultivation which creates opportunities to develop Civet coffee production.

The growing commitment of the Selat Village community to manage forests sustainably and utilize their functions according to the lives of the people is the concern of the Buleleng Regency Forestry and Plantation Service, so that the area of forest areas in Selat Village is followed to become Village Forest in 2009 which is designed as an empowerment process, namely in the form of increased knowledge and Community organizing skills are in planning, implementing and monitoring as a learning model of Village Forest management and sustainable use of local biological resources to promote the welfare of rural communities.

Conceptually, the community-based Village Forest management model with its local legal wisdom through the empowerment process indicates that there is coexistence in the legal system, namely the substance, structure and legal culture empirically. The existence of state law and customary law (Awig-Awig) as a form of legal substance, the existence of Forest Police and Forest Pecalang (Jaga Wana), and the existence of an empowerment process through education in forest security, indicates that there is a strong willingness to coexist the existing legal system. However, currently it is only limited to the use of "opportunities" that exist casuistically and has not been consistently based on a comprehensive initial design. It is relevant to the study of Caste and friends about Environment Dispute Resolution through Awig-Awig (Customary Law) (Case Study in Customary Community) of Tenganan Pagringsingan, Regency of Karangasem, Bali), that the participation of indigenous villages of Tenganan Pagringsingan on the maintenance of the continuous function of the environment is in the interest of the customary village community from the past has been good. Motivation of indigenous people Tenganan traditional village to maintain environmental sustainability is quite high. This is evidenced by what is contained in customary villages, as well as the active participation of reforestation in the village hilly areas periodically.

In the concept of legal system theory, there is a domination of state law, namely the substance of legal system, meaning that the regulation on the rights of village forest management is based on the "Decree of the Minister of Forestry of the Republic of Indonesia Number: SK.629/Menhut-II/2010" jo "Governor Decree Bali No 2017/03-L/HK/2015 "which does not provide an opportunity for the application of customary law (Awig-Awig). From the aspect of the structure of legal system, namely the institutional "Decree of the Minister of Forestry jo Decree of the Governor of Bali" clearly only appoints Community Institutions in the form of BUMDes (Administrative). Finally, from the aspect of culture of legal system, a pattern of behavior is formed which is directed to follow the pattern of state law, namely from planning, implementing, controlling and harvesting. All of them are made in a participatory manner with the local Forest Management Unit and approved by the Head of the Forestry Service of the Province of Bali and under its supervision.

In the design of the "shared" management concept through the "empowerment" process especially so that there is a change in the mindset of the community towards the existence, preservation for the sustainability of Village Forest resources, the empirical coexistence is incidental, namely the role of Forest Pecalang or Jaga Wana for safeguarding Village Forests.
community culture to follow the pattern of state law (social engineering function) on the one hand, while on the other hand it is required the ability to translate the *Tri Hitakarana* philosophy according to current developments. While the coexistence of the substance of legal system aspect does not yet exist, because the regulation of Village Forest is only based on State law, namely "Decree of the Minister of Forestry of the Republic of Indonesia Number: SK.629/Menhut-II/2010" jo "Decree of the Governor of Bali No 2017/03-L/HK/2015".

In the utility perspective of Bentham theory, the results of management and utilization of Village Forest for a year amounting to Rp.19,615,101,667.00 (Nineteen billion six hundred and fifteen million serata one thousand six hundred sixty seven rupiah). This amount of income seems very large compared to village funds ranging from 1.5-2 (one half to two) billion. If this amount can be utilized by BUMDes (Village owned Enterprise) for the welfare of the village community, each village that manages the Village Forest through BUMDes will immediately be able to enjoy the benefits. The villagers will be more passionate and more aware of managing the Village Forest wisely as a sustainable forest for the development of utilization in the field of education and tourism such as visiting *upakara* or medicinal plantations, tracking Route, Waterfall, Religion, Meditation.

3. Conclusions

There is no consistency in normalization of Village Forest management, the consequence is there is no legal certainty in its management, so normalization is needed. In additions there is no coexistence design in the legal system, but the involvement of the *Awig-Awig* structure is only casuistic because the involvement of the legal structure in new customary law is carried out when the existence of the legal structure in State law lacks support from the public, so it needs to avoid the domination of state law against the law custom. Community-based management with an empowerment model needs to be developed so that it can be used as an evaluation material for the concept of coexistence in order to be able to arouse public awareness in utilizing forest resources for mutual benefit and sustainability.

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References


The *Nila Nyat-nyat*, Balinese Special Food Contains Good Nutrition and High Organoleptic Quality

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**Abstract.** Tilapia is a freshwater fish whose production has increased in recent years, so that local people in Bali process tilapia into *Nila Nyat-nyat* which is a typical Balinese culinary. *Nila nyat-nyat* is cooked through boiling process with Balinese herbs for 30 minutes. This study is aimed to know the process of making *Nila Nyat-nyat* in a restaurant near Sangeh tourist village, Badung regency, Bali. *Nila nyat-nyat* which has been processed, then taken to the laboratory to analyze its nutritional content includes water, protein, fat, ash content, and its organoleptic quality. The analysis shows that *Nila Nyat-nyat* is very prospective to be a Balinese culinary because it has a distinctive taste and smell of specific spices. The nutrient content in *Nila nyat-nyat* includes 68.01% water, 19.66% protein, 1.03% fat, and 1.23% ash. The overall organoleptic value is very good with Balinese taste and smell.

**Keywords:** *Nila nyat-nyat*, Balinese culinary, nutritional content, organoleptic quality

1. **INTRODUCTION**

Fish is a highly nutritious food, rich in protein, especially essential amino acids, and various minerals such as phosphorus, magnesium, iron, zinc, and iodine. Also, fish is generally a good source of the B vitamins and, in the case of fatty species, of A and D vitamins. Fish is also a source of vitamins, namely vitamins A, B, and D and fish also contains a non-protein nitrogen fraction that affects the quality of fish. Fish is very popular with people because it is high in nutrition, tasty, and easy to digest. Therefore, fish become one of the commodities of trade in many countries in the world, especially developing countries. More than half of the population of developing countries depend on fish as animal protein intake, whereas in developed countries, only 20% of animal protein intake comes from fish [1].

The waters in Bali are very wide to reach ± 9,634,35 km² and have very potential fisheries resources. The sustainable potential of fish resources in the sea is estimated at 147,278.75 tons per year consisting of pelagic fish 123,906.0 tons / year and demersal fish 23,372.75 tons / year. The
amount of this potential does not include offshore and Indonesian Ocean waters. Land fisheries include public waters consisting of lakes, rivers, reservoirs and swamps which can be utilized for fisheries business ± 1,771,800 Ha with an estimated potential of ± 1,500 tons / year, cultivation of freshwater fish with potential land area for fish farming in ponds is ± 1,700.41 Ha and rice fields are ± 25,242.06 Ha. Furthermore, the potential land area for brackish water cultivation (ponds) is 1,667.0 Ha and in 2007 only 488 Ha was utilized or 32.20% with a production of 2,896.70 tons [2].

The Nile Tilapia (Oreochromis niloticus) in particular, is one of the fish types which is widely spread in Bali Province through cultivation process. It is belong to species of tilapia, a cichlid fish native to Africa from Egypt south to east and central Africa, and as far west as Gambia. It is also native to Israel, and numerous introduced populations exist outside its natural range for cultivation [2]. This cultivation process is known to have been conducted in several regencies in Bali, for example; Denpasar City with 1.8 tons of production, Badung with 90.1 tons of production, Tabanan with 567.12 tons of production, Jembrana with 28.31 tons of production, Buleleng with 61.9 tons of production, Karangasem with 218.0 tons of production, Klungkung with 6.6 tons of production, Gianyar with 24.20 tons of production, and Bangli with 882.0 tons of production [3]. Some types of fresh-water fish aside from Nile tilapia like tilapia fish, cat fish, groper fish, and carp are also highly nutritious. But different from the other fresh-water fish, Tilapia is a freshwater fish that is easy to maintain and not so much disease disorder. Tilapia nursery is quite easy. From a pair of brooders 250-1000 eggs can be produced. The preparation time from eggs to seeds of 5-8 cm takes 60 days. Tilapia includes as fast-growing fish. The time needed ranges from 4-6 months to cultivate tilapia until it is ready for consumption. The growth of male tilapia is faster than female fish. The growth of tilapia can even reach 4.1 grams per day. [4].

Nile Tilapia is a fresh-water-typed fish which are widely consumed by wide varieties of people due to their thicker meat compared with those of the tilapia fish and cat fish. Nile Tilapia fish have distinctive characteristics which can be differentiated from gold fish and alum fish by observing their vertical lines on their back fins and tail fins. A 100-gr fresh Nile Tilapia meat contains 19.8% protein, 2.7% fat, 74.8% water, 1.2% ash. Those chemical substances indicate that the fish are fine to consume by all ranges of age [5-8]. One of fish dishes made from the Nile Tilapia in Bali is called Nila Nyat-Nyat, which is cooked through certain processes involving a 30-minute boiling step on a pot filled with boiling fresh water and some spices. The Nile Tilapia as the main ingredient must have the highest possible level of freshness in order to produce high quality of Nila Nyat Nyat. This article aims to explain the making process of the Nila Nyat – Nyat and show its nutritional content and organoleptic quality.

The research process was conducted through several phases. First phase was done through as survey in Sangeh tourist village, Badung regency as the pointed location where Nila Nyat-Nyat is made in order to directly observe the preparation process for the ingredients and utensils as well as the boiling process. The phase 2 was done by delivering the readily served Nila Nyat-Nyat to the laboratory at the Faculty of Agriculture Universitas Warmadewa in order to analyze and determine the chemical substances within the dish which include water level, protein, fat, and ash. The water level and the ash within the meat were determined by utilizing an exicator, while the level of protein and fat were determined through the Kjeldahl method and soxhlet respectively. The quality of organoleptic in terms of scent, texture, appearance, and taste were assessed by 3 independent panelists. The phase 3 as the last step was done to descriptively present and report the results of
the observation which was then followed by publishing the analyses in the form of mean percentage table.

2. DISCUSSION

A. Characteristic of Nila Nyat-nyat and the Making Process

Nowadays, fish is one of the most popular foods for people as a source of animal protein that is rich in nutrients. The composition of fish meat includes lower fat content and higher water content than cattle or chicken and tends to be preferred over chicken or white meat. The nutritional content of fish includes the contents of moisture, dry matter, protein, lipids, vitamins and minerals. Minerals are nutrients that are very important especially for the formation of enzymes and metabolic processes that contribute to growth. Mineral deficiencies will cause many disorders, reduce productivity and cause disease [5].

Nile Tilapia is one fresh water fishes which has high consumption value in the wide varieties of consumer. Its body structure is long and flat which comes in either blackish white or reddish white. The benefits of cultivating tilapia include easy to culture, high growth rate, easy breeding, high fibrillate protein, good taste, white cotton meat, having more Omega-3 fatty acids than other wild freshwater fishes and wild estuarine fishes as well. These benefits then resulted in an increase in demand for tilapia, especially for reasons of its low prices and high nutritional content. This trend applies not only domestically but also to foreign exports [5].

Nile Tilapia is people’s favorite fish due to its thick meat. Bali has 19 superior commodities in the field of fishery in which one of them is Nile Tilapia [3]. Nile Tilapia is an ingredient for various fish-based dishes and The Nila Nyat-Nyat is one of them which comes with Balinese traditional spices. This dish is cooked through boiling process lasting for 30 minutes. The selected fish for this dish must have high level of freshness which can be identified from the look of its clear and bulging eyes with clear corneas, clear red gills without any kinds of mucus, clear and transparent mucous layer without any color changes, clear and easy cut on the meat, real color on the meat with no red color along its spine, innards which are still intact and fresh, clear red kidneys, solidification on its body which results in the spine being difficult to take away but elastic when pressed on [9-10]. The observation on the making process of Nila Nyat-Nyat was performed in one of the restaurants in Sangeh. The fresh Nile Tilapia used in the making process of Nila Nyat-Nyat were obtained from The Feed Seed Hall in Sangeh, Badung Regency. The word nyat in
the nickname *Nila Nyat-Nyat* means nearly dried off resulting from the boiling process which is supposedly done until the boiling water is nearly vaporized in order to maximize the flavor coming from the spices within the boiling water. The making process of this dish involved several steps, which was initiated by cleaning the selected Nile Tilapia by using fresh and clean water. The cleaned Nile Tilapia was then greased with lime before being fried until it was half-cooked. The next step was to slice the spices needed for the dish and then apply them on the half-cooked fried Nile Tilapia and put them all together in boiling water to start the boiling process. After approximately 30 minutes or when the water was nearly dried off, the dish was now placed on the proper plate and served.

Spices contribute a significant role to the taste of *Nila Nyat-Nyat*. There are generally two types of spice which can be complemented on the dish, which are Balinese spice or locally called as *Base genep* and Fragrance-based Spice or called *Base Selem*. The ingredients for *The Base Genep* and *The Base Selem* consist of garlic, union, chili, ginger, lemongrass, candlenut, coriander, and salt. *Nila Nyat-Nyat* which was ready to serve was then delivered to the laboratory in order to analyze the water level, protein, fat, and ash.

Spices contribute important aspects to the making process of the dish as they influence the taste of the dish itself. In addition, the spices are also useful in preserving the dish so it can last longer. Without the spices, the dish will likely to be tasteless. The ingredients of the spices consist of garlic which contains flavonoid, *saponin*, essential oil, phosphor, fat, iron, and *alisine* substance which causes garilces to have strong scent. The ingredients also consist of union which has distinctive substance called propyl disulfide causing unions to have distinctive scent. The other ones are chili with its capsaicin substance which causes it to be spicy, curcumin with its high antioxidant substance, lemongrass with its *citronellol* substance which functions as an antiseptic, candlenut which has been around in Indonesia for years, coriander with its high antioxidant substance which can decelerate the development of microorganisms and bacteria and extend the lifespan of the meat; as well as salt as an additional spice which can also preserve foods [11-12].

*The Boiling process takes 30 minutes to complete. The duration of cooking process will influence the proximate composition like water, protein, ash, and fat content in a certain fish-based dish* [8].

### B. Nutritional Content and Organoleptic Quality of Nila Nyat-nyat

The result of laboratory analyses is presented in table 1 showing that *Nila Nyat-Nyat* which has been boiled for 30 minutes contains water, protein, fat, and ash which are similar to uncooked fresh Nile Tilapia. The organoleptic assessment on the dish was conducted by 3 independent panelists from which the average value on the appearance, odor, and taste was obtained above 7, only the texture score was below 7, as shown in table 2.

Water content or humidity is defined as the amount of water contained in a material. Measurement of water content is very important because the water content greatly affects the organoleptic of fish, such as taste, texture, weight, appearance, and shelf life of fish. Just a slight shift in the value of the standard will greatly affect the physical appearance of a food material. For example, substances which are too dry could affect the consistency of the end product. Conversely, excess moisture may cause food material to agglomerate or become trapped in the piping systems during production. Also, the rate of microbial growth increases with total water content, possibly resulting in spoiled batches that need to be disposed of [13].
Table 1. Nutritional Content of *Nila nyat-nyat*

<table>
<thead>
<tr>
<th>Nutritional Parameter</th>
<th><em>Nila nyat-nyat</em></th>
<th>Fresh Nile Tilapia [2][5]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water (%)</td>
<td>68.01</td>
<td>74.8</td>
</tr>
<tr>
<td>Protein (%)</td>
<td>19.66</td>
<td>19.8</td>
</tr>
<tr>
<td>Fat (%)</td>
<td>1.03</td>
<td>2.7</td>
</tr>
<tr>
<td>Ash (%)</td>
<td>1.04</td>
<td>1.2</td>
</tr>
</tbody>
</table>

Table 2. Organoleptic Assessment Result of *Nila nyat-nyat*

<table>
<thead>
<tr>
<th>Organoleptic</th>
<th>Mean Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appearance</td>
<td>7.87</td>
</tr>
<tr>
<td>Odor</td>
<td>7.60</td>
</tr>
<tr>
<td>Texture</td>
<td>6.87</td>
</tr>
<tr>
<td>Taste</td>
<td>7.70</td>
</tr>
</tbody>
</table>

The water content in the boiled Nile Tilapia decreases compared with fresh Nile Tilapia. The decrease occurs due to the water in the fish being sucked out by the salt in the boiling water. It also caused by the disintegration between the fish and its protein which is degraded because of the heat. The degraded protein results in the disintegration between protein and water molecule. Extreme heat occurring in the boiling process can lead to the fact that the body tissue of the fish can no longer maintain the process of the water coming in and out due to quality degradation [14-16]. Referring to the standard quality of boiled fish product in Indonesia which is based on Indonesia National Standard (SNI) 2717.1.2009 [13], the water level expected is not more than 60, whereas it was found that the water level is 68.01 in *Nila Nyat-Nyat*, which means that it is above the standard of product quality of boiled fish. High water content in a certain food will result in smooth texture which is considered degradation. In addition, it also provides more chances for the bacteria to develop, decreasing the lifespan of the food [14-15].

Ash is the inorganic residue remaining after the water and organic matter have been removed by heating in the presence of oxidizing agents, which provides a measure of the total amount of minerals within a food. Ash content represents the total mineral content in foods. Determining the ash content may be important for several reasons. It is a part of proximate analysis for nutritional evaluation. Ashing is the first step in preparing a food sample for specific elemental analysis. Because certain foods are high in particular minerals, ash content becomes important. One can usually expect a constant elemental content from the ash of animal products, but that from plant sources is variable. But, the ash content is not subject of assessment in SNI for boiled fish product. However, referring to meatball product, the ash content allowed based on the SNI 3818.01.1995 is below 3% [17], whereas it was found that *Nila Nyat-Nyat* contains 1.04% of ash content. The ash content is referred to as an indicator of rottenness. The ash content in *Nila Nyat-nyat* indicates that there is inorganic mineral substance in the dish following the 30-minute boiling process. There is a relatively small degradation on the ash content of the dish compared with the fresh Nile Tilapia which suggests that heat received during the boiling process can only partly influence the mineral substance on the surface which is highly dependent of the amount of heart received [18-19]. Fish and processed fish provide valuable nutrients, likes easily assimilated proteins, with the digestibility of over 90% and necessary amino acids with a beneficial composition, which allows
the body an optimum use of proteins. The protein in *Nila Nyat-Nyat* is found to be slightly lower than it is the fresh Nile Tilapia. Heats are recognized to be able to cut the hydrogen bond supporting the secondary and tertiary structure of a certain type of protein so the hydrophobic side and the side cluster of polypeptide will be open, resulting in the solubility of the protein decreasing and ending up settling down and agglomerating or known as coagulation. The concentration of protein is not a parameter to assessing the boiled fish-based dish either. However, it was discovered that the protein level in *Nila Nyat-Nyat* based on the SNI 3818.01.1995 [16] is 9% at the minimum. The low level of protein in any dish results in less taste and less distinctive aroma; however, it does not mean that high level of protein is good either as it produces bad smell [14, 18-19].

Like the other previous two components, the fat level is not subject to assessment based on SNI for boiled fish-based dish either. On the other hand, it was discovered that the fat level in *Nila Nyat-Nyat* is 1.03%, which is appropriate with value of the recommendation from the SNI 3818.01.1995 which is 2% at the maximum [17]. Generally, there is a certain amount of damage dealt to the fat after certain food processing, depending on the temperature during the process. The fat degradation level after the food processing is caused by the nature of fat itself where it is durable against heat. During the food processing, the fat melts and vaporizes into another component like taste. The main ingredient of the dish contains high level of fat which is 2.7%. High level of fat in any fish-based processed food will quicken the occurrence of bad smell [14, 18-19].

Based on the SNI [17], boiled fish-based dish which has been through organoleptic assessment, should have value of 7 at the minimum. Through the organoleptic assessment, the odor, appearance, and taste are already considered to be based on the recommendation of the SNI due to them having value of above 7. However, the texture assessment is not as good as the other aspects as it appears to be slightly the standard value 7, which is 6.87. This discovery means that the texture is solid but not really compact and slightly mushy. The slightly soft texture on the dish is caused by the water level being slightly higher due to the longer duration during the boiling process which is 30 minutes. This duration during the boiling process is considered influential to the water level and texture of the fish [14-15].

3. Conclusion

*Nile* Tilapia is one of the superior commodities in the field of fishery in Bali. The fact that this fish has thicker than any other fishes makes it the most favorite fish. *Nila Nyat-Nyat* is a processed food combined with Balinese spices. *Nila Nyat-Nyat*, which is boiled within 30 minutes, has nutritious contents and good organoleptic quality.

Acknowledgement

The authors express the greatest gratitude to the organizing committee of the International Conference on Social Sciences (ICOSS) of Universitas Warmadewa for the great contribution that has been granted to the launching of this scientific script at EAI Publisher. We hope that the ideas found in the paper can be additional to the theoretical and practical knowledge for many parties.
References


The Influence of Environment on Tourist Satisfaction
Seeing from Management, Linguistics and Social Cultural Aspects

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Abstract. Customer satisfaction is the center for managers’ attention to increase customer loyalty. In this study, we explore the roles of physical and non-physical environment on tourist satisfaction. The analysis technique used is multiple linear analysis techniques. The results show that the effect of the physical environment on tourist satisfaction has a positive effect of 0.653, and is significant at the 0.05 level. This means that the better the physical environment, the more satisfaction of tourists. The influence of non-physical environment on positive tourist satisfaction is 0.096 but not significant. This means that the better the non-physical environment, the tourist satisfaction will increase but not significant. The physical environment has more influence on tourist satisfaction and is reflected most strongly by the indicators of the type of sea attractions provided and transportation facilities. Tourist satisfaction can be improved if the physical environment is more enhanced than non-physical environment.

Keywords: Non-physical environment; physical environment; tourist satisfaction

1. Introduction

Tourism has repeatedly been reported as a powerful activity that can have significant impacts on the nation’s life, often concerning a country’s economy, society and culture, and environment [1]. Culture and tourism have always been inextricably linked to each other [2]. Tourism is a sector with significant economic relevance in several countries [3]. Tourists being consumers would prefer to visit a certain destination where they believe they can easily derive satisfaction without much effort [4]. The senior population is of interest to the tourism industry because of its growing size and increasing participation in travel activities [5].

Tourism contributes enormously towards the economic development of host countries [6]. Sustainable development is increasingly becoming a priority issue in tourism development in the modern world [7]. In its progress, tourism world has shown sustainable growth over the last few decades, leading to the development of multiple tourism-related industries throughout Bali[8]. The anticipated experience is marked by the ways in which ecotourism companies employ ecotourism ideology for their marketing, and the lived experience is marked by tourists after their interaction with the place (landscape) [9].

Tourism is the main source of income for people in Bali. Almost all districts in Bali have tourist destinations. Karangasem, one of the districts located in the East of Bali Province also has some very interesting areas. Unfortunately, it’s tourism development has not been able to
compete with other Regencies in Bali. The district, however, has various most potential cultural tourism areas, including beaches. One of the famous beaches is Candi dasa beach. Other most naturally potential beaches beside Candi dasa are Tulamben beach and Amed Beach.

Physical environmental factors are the environment around the area of tourism. Physical environmental factors in Amed tourism environment are hotels, restaurants, tourism products, transportation facilities, cleanliness, and site location arrangement. Non-physical environment is the cultural aspects and human resource capabilities. The cultural aspect is culture in the form of values. Bali has 66 cultural elements in physical form and values [10]. Culture in the form of values determines attitudes and behavior. Sitiari et al. (2016) found values in the concept of jengah taksu, and menyamabraya (brotherhood) is valid and reliable values that reflect local Balinese culture [11]. Meanwhile, the ability of HR is reflected by the ability to communicate. Based on the results of research on tourist attraction, natural tourism (natural attraction), tourism attractions (building attraction), cultural tourism attractions (cultural attraction), and social tourism attractions have a positive and significant impact on tourist visits [12]. The research in Karangasem which is located in Candi dasa Tourism, showed that the main factors that influence tourist satisfaction are physical factors, namely attraction factors which are reflected by the attraction of natural tourism, cleanliness, in addition to physical factors, non-physical factors, namely security and comfort also contribute to tourist satisfaction [13]. But in this study, it has not been tested how the influence of physical and non-physical factors on tourist satisfaction. Based on the phenomenon that tourist visits, especially in new developed tourist areas, are still low and based on research results, it is important to examine how the physical and non-physical environmental influences on tourist satisfaction. Research objectives are (1) to explain the influence of the physical environment reflected in the availability of hotels/inns, restaurants, marine tourism attractions, transportation facilities, cleanliness, location management, the role of fishermen, information centers, parking lots, toilets to the satisfaction of tourists visiting Amed Beach in Karangasem; (2) to explain the influence of non-physical environment which is reflected by the ability of human resources in communicating, cultural values in the community, and the comfort of the satisfaction of tourists visiting Amed Beach in Karangasem.

1.1. Customer Satisfaction (tourist)

Every company prioritizes that the goal of the company is to satisfy consumers. This is done to anticipate changes in consumer behavior that occur continuously and more rapidly, because consumers today are more educated and have higher demands. To deal with competition and change in consumer behavior, a consumer-centered company that can provide superior value to them and win the competition. If linked to tourist satisfaction, the key to maintaining tourists is to provide higher tourist satisfaction compared to competitors. Travelers who are satisfied will be willing to return to repeat their purchases and recommend to others to buy.

Physical environmental factors are the environment around the area of tourism. Physical environmental factors in the Amed tourism environment are hotels, restaurants, tourism products, transportation facilities, cleanliness, location management. Non-physical environment covers the cultural aspects and human resource capabilities. The cultural aspect is culture in the form of values. Bali has 66 cultural elements in physical form and values [10]. Culture in the form of values determines attitudes and behavior. Sitiari et al. (2016) found values in the concept of jengah taksu, and culture embodies valid and reliable values that reflect local Balinese culture [11]. The ability of HR is reflected by the ability to
communicate. Based on the results of research on tourist attraction, natural tourism (natural attraction), tourism attractions (building attraction), cultural tourism attractions (cultural attraction), and social tourism attractions have a positive and significant impact on tourist visits [12]. Research in Karangasem, namely in the direction of Candi dasa Tourism, shows that the main factors that influence tourist satisfaction are physical factors, namely attraction factors which are reflected by the attraction of natural tourism, cleanliness, in addition to physical factors, non-physical factors, namely security and comfort also contribute to tourist satisfaction [13]. Based on the results of previous studies, the following hypotheses can be formulated:

H1 Physical environment has a positive and significant effect on tourist satisfaction
H2 Non-physical environment has a positive and significant effect on tourist satisfaction
H3 Fisk’s environment has more influence on tourist satisfaction than the physical environment.

Based on the type of problem studied, the technique used in this study is quantitative descriptive, where descriptive method is a method of collecting data to test hypotheses or answer questions about the final status of the research subject. The nature of the research is explanatory research that relates to the position of the variables studied and the influence of one variable with another variable. This study was conducted using a survey method, which collects information from the total population.

Data collection was carried out in several stages. The first stage carried out the initial survey, with in-depth interviews related to the existing local phenomena, related to the research plan. Furthermore, they still carried out in-depth interviews followed by means of distributing questionnaire

This study applies a quantitative research design. The design of this study was carried out first by using in-depth interviews since conducting the initial survey and disseminating research questionnaires to the respondents. The results are used to formulate a research hypothesis, so the research hypothesis is tested using quantitative analysis. Inferential analysis technique was used to test hypotheses. The analysis technique used is PLS (Partial Least Square).

2. Results and Discussion

2.1. Respondent Profile

Amed Beach is one of the coastal tourism in Karangasem Regency. Amed Beach includes tourist attractions that are just developing compared to other places in Karangasem. However, based on the results of research, tourists visiting Amed Beach are more foreigners than locals, meaning that Amed Beach is already well known by foreign tourists. Profile of tourists visiting Amed Beach in 2017 is presented in Table 5.1 as follows:

<table>
<thead>
<tr>
<th>No</th>
<th>Note</th>
<th>Total</th>
<th>Proportion</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Age</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>&lt; 20</td>
<td>5</td>
<td>5,7</td>
</tr>
<tr>
<td></td>
<td>20 - 30</td>
<td>45</td>
<td>51,1</td>
</tr>
</tbody>
</table>

Table 1. Criteria for Research Respondents at Amed beach in 2017.
### Table 2. Validity Test.

<table>
<thead>
<tr>
<th>No</th>
<th>STATEMENTS</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Number of hotels/inns available according to needs.</td>
<td>0.617**</td>
</tr>
<tr>
<td>2</td>
<td>Number of restaurants in accordance with the need</td>
<td>0.584</td>
</tr>
<tr>
<td>3</td>
<td>The types of attractions on the Sea that are available are very interesting.</td>
<td>0.821</td>
</tr>
</tbody>
</table>
2.3. Reliability Test

<table>
<thead>
<tr>
<th>No</th>
<th>STATEMENTS</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Physical Environment</td>
<td>0.811</td>
</tr>
<tr>
<td>2</td>
<td>Non-Physical Environment</td>
<td>0.850</td>
</tr>
<tr>
<td>3</td>
<td>Tourist Satisfaction</td>
<td>0.856</td>
</tr>
</tbody>
</table>

Source: Data processed

The results of the validity and reliability test showed that all variables are valid and reliable.

2.4. The Result of Analysis

<table>
<thead>
<tr>
<th>CONSTRUCT</th>
<th>Original Sample (O)</th>
<th>Sample Mean (M)</th>
<th>Standard Deviation (STDEV)</th>
<th>Standard Error (STERR)</th>
<th>T (O/STERR)</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table 3. Statistical Test Results.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Based on the results of the analysis, the relationship between variables are:

The effect of the physical environment on tourist satisfaction is of 0.653, and it is significant at the 0.05 level.

The influence of non-physical environment on tourist satisfaction is positive of 0.096 but insignificant.

3. Discussion

3.1. The influence of the physical environment on tourist satisfaction

The effect of the physical environment on tourist satisfaction has a positive effect of 0.653, and it is significant at the 0.05 level. This means that the better the physical environment, the more it is satisfactory to the tourists. The most dominant physical environment is reflected by hotel and transportation facilities. This means that tourist satisfaction is increased if the number of hotels is in accordance with the needs of tourists and the availability of transportation facilities. Based on the results of interviews with foreign tourists at Amed beach, transportation facilities, such as limited road directions and parking spaces, need to be improved.

The results of this study support previous research in Bali such as Prawerti’s research and Fatmawati’s research which find the attractiveness of tourists on Candi dasa beach are physical factors such as attractions, and product quality [13][14].
3.2. The Influence of Non-Physical Environment to Tourists Satisfaction

The influence of non-physical environment on tourist satisfaction is 0.096 positive but is insignificant. This means that the better the non-physical environment, the tourist satisfaction will increase insignificantly. Non-physical environment is mirrored most strongly served with full empathy, attention, polite, and able to communicate. Based on the results of interviews with the respondent's respondent by the relevant officers, it was friendly and polite, while the ability to communicate is still lacking. The insignificant relationship can be caused by employees who visit Amed beach to feel satisfied and will stay, even more than one day, if there are physical facilities such as lodging and transportation in accordance with the needs, although well served, if the facilities are not met, tourists feel less satisfied.

4. Conclusion

The effect of the physical environment on tourist satisfaction has a positive effect of 0.653, and is significant. This means that the better the physical environment, the more satisfaction of tourists.

The influence of non-physical environment on the tourist satisfaction is positive but insignificant. This means that the better the non-physical environment, the tourist satisfaction will increase but not significant. The physical environment has more influence on tourist satisfaction. Tourist satisfaction can be improved if the physical environment is more enhanced than non-physical environment. The physical environment is reflected most strongly by the indicators of the type of sea attractions provided and transportation facilities.

Acknowledgements. We would like to address special acknowledgements to God, our family, friends, and also to the editorial boards and publishing team of EAI Publisher for the contribution to the process of publishing this manuscript.

References

Criminal Liability for a Notary Committing a Criminal Act of Fraud in Parallel in the Land Sector

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Abstract. The study reports the application of the Material Criminal Law by the Public Prosecutor against perpetrators of fraudulent offenses, especially notaries, with a decision number: 207/pid.b/2014/pn. This type of study is normative study. The results indicate that to achieve material truth by the Panel of Judges of the State District Court is conducted by carefully examining all the acts, events or circumstances that took place during the trial where the facts were extracted from the evidence in the form of witnesses, statements of the defendant and evidence. Apparently these correspond to one another so that it is believed that the actions of the suspect constituted a criminal act that intentionally helped to commit fraud, so that the act violates the provisions of Article 378 in conjunction with Article 65 paragraph (1) of the Criminal Code and the judge sentences the defendants for 2-year imprisonment.

Keywords: Criminal act; fraud, liability; notary; parallel

1. Introduction

One of the forms of crime that is still extremely widespread in the community is fraud. Even it has been in great concern of scholars in various countries during last several decades, such as those revealed by [1, 2, 3, 4, 5]. For individuals, criminal act of fraud is not a difficult act to commit. It can be carried out only with the ability to communicate well so that someone can convince others, either through a series of lies or fictitious languages [6]. At present, there is a large amount of fraudulent crimes occur in the society, and they have even evolved epically with various forms. These include criminal law tackles computer fraud [7]; law enforcement on it in Europe [8]; documentary letter of credit fraud under criminal law[4]; attorneys caught in the web of medicare/medicaid fraud [9] and even its occurrence condition on food [5]. This development indicates the increasing level of complex intellectuality of perpetrators of frauds and they bring about dentritment impact on fair competition of the world [10].

Criminal act of fraud is a type of crime that always occurs and even tends to increase and develop in society following the progress of the times. In fact, such actions never have a noble characteristic because in essence they eliminate mutual trust between the perpetrators and other people, and ultimately damage the order and harmony of people's lives [11]. Ironically, criminal acts of fraud are not only carried out by ordinary people [12], but every person from all social stratification, starting from the lower classes of society to state officials, even the control holders eradicate fraud at once. For example, at some time in the past a group of residents in Bali were deceived by a notary in transactions in the land sector.
Notary is an institution that carries out partly of the public function of the state in the sector of civil law. The responsibility of the notary for carrying out public functions of this country is contained in the Act of Notary Position, that is to say, "A notary is a public official who is authorized to issue authentic deeds and has other authorities as referred to in this Act or under other laws. Therefore, a notary as a public official is authorized by the state and appointed by the government to make "an authentic deed, namely a deed made in a form determined by law, made by or in the presence of general employees where the deed is made [13]."

The position carried out by a Notary is a position of trust given by the state and society according to the law and [14, [15]. Because the position of a Notary is a trusted position, a Notary must have good behaviour. Considering the role and authority of the Notary is very important for the life traffic of the community, the behaviour and actions of the Notary in carrying out his professional position must be vulnerable to the misuse of all legal objects that could harm the community.

The growing community life has an impact on the increasing need for public services that can provide legal certainty [12], one of which is in the field of Notary services. Public service provided by a Notary is within the scope of service for issuing deeds and other duties charged to a Notary attached to the title as a state public official within the scope of the duties and authorities of the Notary. The deed made by a Notary must be strong evidence if legal disputes occur in court. In other words, the deed of the Notary gives the parties a guarantee of perfect proof.

In Article 16 of Act Number 2 of 2014 concerning Notary Position, it is stated that one of the notary's obligations is to act trustfully, honestly, thoroughly, independently, impartially, and safeguard the interests of the parties concerned in legal actions. Nevertheless, there are many Notaries who are caught in criminal cases, both civil and criminal cases. Some of the criminal acts that are often carried out by Notaries are: (1) Falsification of documents (2) Embezzlement (3) Money Laundering (4) Fraud (5) Provision of false information under oath. Of the various types of criminal acts that often occur, the most often done by a notary is a criminal act of fraud.

One of the cases of fraud that attracts attention to be studied from the point of view of normative law is the one that occurred in Bali carried out by a woman notary. In the case, there were dozens of victims who suffered up to hundreds of millions of rupiah. After committing the criminal act of fraud, the perpetrator fled and became a fugitive for 2 years, until finally in 2014 he was arrested and convicted [16].

In the present study, we revealed the conditions of the application of the Criminal Procedure Law by the Public Prosecutor to the notaries as a form of accountability for the crime of fraud committed, namely in the decision no:207/pid.b/2014/pn.Nga. In addition, we also examine legal considerations by the Judge in bringing down notaries the perpetrators of fraudulent crimes committed in parallel. We utilize the normative legal research approach to achieve the objectives of this study.

This type of research is normative legal research. In this study, we examined the phenomena or cases that exist by looking at each case from the applicable legal aspect, that is we compared legislation products to identify whether there is a vacuum of norms, vagueness of norms or legal conflicts or not. Additionally, we collected various types of legal materials as additional data that support the validity of this study data. Legal materials collected are: Criminal Code; Criminal Procedure Code; Law Number 2 Year 2014 concerning Notary Position; Verdict number:207/pid.b/2014/pn.Nga. Apart from legal material, we also collected scientific resources related to fraudulent crimes and the nature of notary functional positions.
within the country. The sources of knowledge in question were scientific books, journal articles and results of previous studies. Other sources of related data and literature to this study were internet.

In data analysis activities: we descriptively described the conditions or existing legal and non-legal propositions; we interpreted grammatical, historical, systematic, teleological, contextual conditions within the existing legal acts and other interpretations in legal objects; we created juridical construction by making analogies and reversing propositions (acontrario); we conducted an evaluation to look back on whether or not it was appropriate or incorrect, agree or disagree, true or false, legal or invalid a legal phenomenon. This activity is supported by propositions, statements of norm formulation, decisions; we also provide arguments to broaden analysis holistically.

2. Results and Discussion

2.1. Application of material criminal law by public prosecutors against perpetrators of criminal act of fraud with decisions number: 207/PID.B/2014/PN.Nga

In the application of material criminal law with the decision of the state district court, the convicted person is charged by the public prosecutor. The indictment is one of the tasks that must be issued by the Public Prosecutor, the indictment is read out at the beginning of the session, and then the presiding judge asks the defendant whether he really understands. If the defendant does not understand, the public prosecutor shall provide the necessary explanation at the behest of the presiding judge [17]. Theoretically, in the view of the doctrine, there are 3 types of indictments, namely single form, alternative form, and cumulative form, whereas in judicial practice, in addition to the three types of indictments, there are also two other forms of indictments [17]. In a prevalence, law enforcement in society must be avoided far from the concept of nepotism, so that people feel clearly before their eyes what is their dream as a part of the country elements: equality before the law. In its implementation in the field, no matter whether the indictment that is dealing with a court hearing is a law enforcer or others, in order to create a sense of justice and to create a prosperous atmosphere for the community, the charges must be punished according to the applicable law [18]. Even if possible, outside the court system, the means and methods of giving sanctions can be created by the central and regional governments [19] - in this case including traditional elders as thinkers and creators of community law - because provisions that are covered in a country's national court system are not always capable to solve or to be applied in solving problems in a community whose customary system is a dominant living aspect of their lives.

2.2. Legal considerations of judges in imposing criminal charges against perpetrators of fraud in decision number: 207/PID.B/2014/PN.Nga

Fraud is a form of crime that is not that which is never pleasing to the victim, and even social distance is caused by it [20]. Even though its type exclusive to a crime that always causes casualties, fraud is an enemy that never unites people everywhere, including criminality as happened in West African state, particularly in Nigeria in its mismanagement of its oil wealth [21]. As it appears to Indonesia nation, the central for the settlement of such criminal act the court. Panel of judges, after all stages of examination completely accomplished, hold to take deliberation based on provisions of applicable law to reach a decision.
In Decision Number: 207/PID.B/2014/PN.NGA, the panel of judges considers whether based on existing legal facts, the defendant can be declared to have committed a crime charged to him;

Considering: that to declare a person has committed a criminal act, the act of the person must fulfill all the elements of the criminal act charged to him;

Considering: that the defendant has been indicted by the Public Prosecutor, with charges arranged in an alternative manner, namely:

First: Defendant’s acts violate the provisions of Article 378 of the Criminal Code Jo Article 65 paragraph (1) of the Criminal Code;

Or;

Second: The defendant's actions violated the provisions of Article 374 of the Criminal Code Jo Article 65 Paragraph (1) of the Criminal Code;

Considering, that because the Prosecutor's indictment was arranged in an alternative manner, the Panel of Judges is given the freedom to consider which accusation is appropriately applied for the Defendant's actions and after observing the facts obtained at the hearing, the Panel of Judges would consider the First Public Prosecutor's charges namely Article 378 of the Criminal Code 65 paragraph (1) of the Criminal Code containing the following elements:

Elements of anyone;
Elements with the intention to benefit themselves or others against the law;
Elements with deception or a series of lies move other people to give something to him;
The element of several acts which must be seen as an independent act so that they are crimes;

Considering: that furthermore the Panel of Judges will consider all the facts of the law and the circumstances revealed at the hearing are related to the elements of the article charged.

3. Discussion

Before dropping the verdict, the judge considers the evidence that will be used in the trial as stated in the provisions of Article 183 of the Criminal Procedure Code, which formulates the following: making him get the belief that a criminal act really happened and that the defendant was guilty of doing so. So, for the Judge's conviction, there must be, at least, two valid evidences. In a negative system, there are two things that are requirements, namely wettelijk and negatief. The wettelijk is meant by legal evidence and which is stipulated by law, while the negatief is that with legal evidence set by the law only, it is not enough for the judge to declare that the evidence has been given, but the judge's conviction is still needed, thus between the evidence and the conviction of the judge there must be a causal relationship.

Based on the results of data analysis, it is discovered that the basis of legal considerations for judges of the State District in imposing criminal decisions on Decision Number:207/PID.B/2014/PN. NGA, are:

1. Proof based on evidence as stipulated in Article 184 of the Criminal Procedure Code
2. There are things that are incriminating and alleviating the defendant

In essence, to recognize exactly whether a suspected person is the real perpetrator of a crime or not is somewhat uneasy. Thus, accurate proofs are always the starting point to give rise to a judge’s decision on which kind of sanctions shall be imposed based on what types of crimes committed. It is all acceptable that the basic for taking consideration to determine types
of sanction to be imposed to a defendant is criminal code and criminal procedure code, as the biggest book of Indonesian law stipulating criminal actions. As it came to pass in the existing committed criminal acts, it was so far not able to guarantee further perpetration of the same criminal acts avoidance and also it was also not able to result in community’s satisfaction. Advances in all aspects of human life have brought about sophisticated way in being free of proof of having committed crimes. Thus, examiners should be so creative in performing examinations and investigations.

In line with this, Article 184 paragraph (1) of the Criminal Procedure Code formulates that there are 5 (five) valid evidence according to law, namely:

1. Witness testimony;
2. Expert information;
3. Letter;
4. Direction; and
5. Defendant's information

In its nature, human would never be in whole lifetime doing things out of mistakes. Now it standing, legal enforcers shall have the nature of deep and pure awareness toward what to take and what to strongly decline in order to create accurate guidelines for community to behave for the public’s welfare. The community, such as those from local context, are in need of legal protection and certainty amid the flow of globalization progress highlighted by bad competitions, where situations of social activities among the community often result in fear [12]. Hence, the community surrender their protection to the government through provided rules of law.

4. Conclusion

Based on the description in the previous sections of the two issues examined in this paper, the conclusions that can be put forward are as follows: Firstly, the application of material criminal law by the Public Prosecutor to a notary as a fraud offender in Decision Case 207/PID.B/2014/PN.NGA, is the Judges of the State District Court, have carefully and thoroughly examined all actions, events or circumstances that took place during the trial, where the facts were extracted from evidence in the form of witnesses, statements of the defendant and evidence, it turns out that it is in accordance with each other so that they obtain the belief that the suspect has indeed committed a crime of fraud for several times, and that is violating Article 378 in conjunction with Article 65 paragraph (1) of the Criminal Code. Secondly, the judge's consideration in implementing the provisions of criminal sanctions against fraud offenders carried out in parallel by the notary in the case is appropriate; the indication is that the judge has considered both in terms of juridical, facts of the trial, testimony of witnesses, and available evidence, and thus the judge sentenced the defendant to imprisonment for 2 years and the period of detention that has been reduced by the accused all of the criminal sentences and ordered that the defendant remain in detention.

From what was found through this study, the Public Prosecutor and Judges are advised in examining criminal offenses committed jointly by notaries, high demands and criminal sanctions should be given because notaries as public officials should carry out their duties in accordance with the code of ethics Notary Public. The Notary Council of Supervisors is advised to truly supervise, foster and maintain the notary profession in accordance with their
code of ethics. At least there is no reluctance to give reprimand and impose sanctions when there is a notary who violates applicable law.

References


[17] “Criminal Code Article 155 paragraph (2) letter b.”


Speech act in English Interaction Used by Tour Guide in Bali

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Abstract. This research analyzed about speech act since there are some tour guides usually escape their main duty when they handling the guest’s trip in Bali. We need to analyze about the classes of speech act that used by tour guide in Bali where it is the problem of this research. This research used the speech act theory by John L. Austin (1962). The data of this research have been taken from some of the Balinese Local Tour Guides; they usually handle the guest’s trip in Bali and use English frequently. The research method that had been used in collecting data was method of field research. They were collected by recording and interviewing some Balinese local tour guides that used English for the interaction. Based on the result of this research, the Balinese tour guide frequently use three classes of speech act such as locutionary, illocutionary, and perlocutionary act.

Keywords: speech act, traveler, guide

1. Introduction

This study was conducted to find out about the types of speech acts used by the tour guides in Bali. Language is as a part of human living where nowadays people tend to arise words, for example types of verbal that has something to do with words use physically. To recognize automatic language is to see how a language is spoken by the speakers. The concept of the language distance seems to be related to the process of language identification. The language ideological perception of distinct language practices is, in part, dependent on the social identify of the person using the language and the significance or meaning of it may distinguish largely for different subgroups or the position of subject. The Linguistics factor include the structural sentence, grammatical pattern, and lexicon. Grammatical is the matter of finite concise representation (usually and automaton) of a fixed yet unknown language. The influences of learning two languages are language acquisition and cognitive development, especially the domain of executive functions. Bilinguals frequently switch between their languages in daily life. Language shift is a cause of concern in the communities.

Despite the good development and grammatical structure, each sentence that is spoken will have a significant influence on others. The language that can be produced by speakers will have an impact and affect the partner's speech. J.R Searly mentions that speech act is about performing of some actions while speaking a language, such as making statements, giving commands, asking questions or making promises. Searly also says that communication with all languages conducts speech acts. Therefore, speech acts included in the linguistic
communication as the basic units. They are not only about language constructions but also concern in the acquaintance of context in which they are performed. This is essential for decoding the whole utterance and its proper meaning. The speech acts are used in common conversation as in jokes or drama. The speech act issues can be analyzed in understanding English language. English language is a foreign language that used by many people to communicate. It can connect different people from various countries to do communication one to another. In travelling, many tourists in different countries use English for the interaction with local people. They need a tour guide to teach them many roles in tourist destination.

The first impression of a tourist when on vacation is the friendliness and attitude of the tour guide who serves him. It means a tour guide have a responsibility in teaching tourists about the culture and sites of his city or town. He may deliver not merely about this knowledge, but also the safety. The responsibility to make the trip interesting, informative and safe is the additional concern of the tour guides. Balinese tour guides have their own roles to explain more culture and customs in Bali. They have to be politer to transfer their knowledge to the tourists, because it is their main duty. Therefore, the speech acts of a tour guide will be considered by the tourist a model of Balinese themselves. The speech acts used by the Balinese tour guides is interesting to be analyzed, since usually they escape their main duty which is being polite and deliver some knowledge to their guests when they have their holiday in Bali. This study analyzed about the classes and implication of the speech act that used by these tour guides.

The data were taken from the Balinese tour guides’ utterances while they have some interactions to the guests. They were 10 tour guides in Bali that were recorded and also interviewed in their interactions during the trips. This study used speech act theory from John.L. Austin (1962) as the main theory. Method of research is a procedure needed to do the research better. In this case, method of research covers data source, data collection, and data analysis. The data were collected by using the method of field research.

2. Result and Discussion

The discussions were divided into locutionary act, illocutionary act, and perlocutionary act. These three acts are the basic units of formed the speech acts. The locutionary act can be viewed as a mere uttering some words in certain language, while the illocutionary and perlocutionary acts convey a more complicated message for the hearer. An illocutionary act communicates the speaker’s intentions behind. The locution and perlocutionary act reveal the effect the speaker wants to exercise over the hearer. This can be demonstrated on a simple example: “would you close the door, please?” The surface form, and also the locutionary act of this utterance is a question with a clear content (close the door). The illocutionary act conveys a request from the part of the speaker and the perlocutionary act emphasizes the speaker’s intention: the hearer should go and close the door.

Locutionary act

There is no other meaning is the characteristic of this component of speech act. It is point out the real utterance and seemingly meaning, including phonetic, phatic, and rhetic acts which dealing with verbal, syntactic and semantic aspects of any meaningful utterance. Commenting on Austin’s work, point out that Austin distinguishes three aspects of the locutionary act. Austin claims that to say anything is: (a) always to perform the act of uttering certain noises (a phonetic act), (b) always to perform the act of uttering certain vocab or words (a phatic act), (c). generally, to perform the act of using that [sentence] or its constituents with
a certain more or less definite ‘sense’ and a more or less definite ‘reference which together are equivalent to ‘meaning’ (rhetic act).

Data 1:
Guide : good afternoon ladies and gentlemen welcome to ngurah rai airport denpasar city.
How is your flight.(Sudiana, Wayan)
Tourist: it’s very nice day, I am happy.

This dialogue belongs to locutionary act because the utterance indicates the literal meaning. In that utterance discussed about welcoming guest in the airport. In term of lexical choice, verbs and adjective were mostly appeared. The used of those lexical indicates about the actual utterance and its ostensible meaning. The guide welcoming guest by asking the guest’ condition; this utterance has the same sense and same meaning for the speaker and hearer which makes the guest responded by clearly meaningful utterance in saying it’s very nice day, I am happy. The meaning from this dialogue is not ambiguous. There is no other meaning in that utterance, this utterance only to great some guest in the airport and ask them by hospitality services.

Data 2:
Guide  : that is good ladies and gentlemen. I am Sudiana from bangli tour and travel. Excuse me. May I know who is the tour leader this group? (Sudiana, Wayan)
Tourist : yes... I’m the tour leader in this group. I’m gommez.
Guide  : hello Mr. Gommez glad to meet you.

This dialogue also belongs to Locutionary act because the utterance indicates actual meaning. That dialogue discussed about introduction someone to the other. In this term used the interrogative sentence by marking “who”. The used of interrogative sentence in that dialogue indicates the actual utterance by the guide. The utterance was understood by the hearer which means the meaning is delivered well in the expression. The guide asked the guest “who is the tour leader in this group?” then guest response by clearly meaningful utterance in saying yes... I’m the tour leader this group. I’m gommez. The meaning of that utterance is literal. There is no ambiguous meaning in that utterance. This conversation viewed that real introducing their self and asking some questions to make the conversation more enjoyable

Illocutionary

Illocutionary action is one of the main points of speech acts. As suggested above, illocutionary actions are the speakers performed in producing the given speech. Illocutionary act is the action taken that relates to the intention of the speaker of compilation done. Some of the intentions that the speaker wants to convey to the hearer are, speech as a statement, making requests, giving orders, and giving threats. illocutionary actions can be carried out with communicative utterances which are usually called illocutionary utterances. As Yule (Yule, 1998: 48) claims, the illocutionary act is thus performed via the communicative force of an utterance which is also generally known as illocutionary force of the utterance. illocutionary actions can be carried out with communicative utterances which are usually called illocutionary utterances. Basically, the illocutionary act indicates how the whole utterance is to be taken in the conversation. Searle divides the illocutionary speech acts into five categories.
a) Representation is the utterance spoken to express the truth by giving affirmation and conclusions

Data 3:
Guide: *all right ladies and gentleman. Bali is one island which is famous in the world. Bali famous with name “pulau seribu pura” (one thousand of temples) world heaven and etc. Bali has eight regencies and the capital of Bali is Denpasar. Denpasar is the central of economy and government in Bali.* (Adi Surya, Ketut)

In this utterance, the guide informs the hearer about Bali Island in general. The utterance ‘Bali famous with name pulau seribu pura (one thousand island)’ has an intention to state an opinion. The designation for Bali with ‘one thousand of temples’ has been familiar with the tourists who have visited Bali. Therefore, this information is considered asserting one of the truths to expressed Bali. That utterance is spoken to express the truth by giving the guest affirmative and conclusion about Bali island in general.

b) Directives are An order to get something from the speaker by giving orders to the speaking partner

Data 4:
Guide: *Could you arrange my group baggage’s, there are 6 baggages.* (Sudiana, Wayan)

Data 5:
Guide: *well ladies and gentlemen. May I take you baggage tag?* (Sudiana, Wayan)

Data 6:
Guide: *Ladies and gentlemen. Could you wait me here I will take your baggages?* (Parwata, Ketut)

Data 7:
Guide: *Please hold your hand luggage carefully. Be careful with you head and your steps* (Adi Surya, Ketut)

Data 8:
Guide: *Ladies and gentleman. Here you boarding pass. Please follow me to boarding gate II* (Mandra, Nyoman)

Data 9:
Guide: *well ladies and gentleman. Please take a seat then wait your boarding pass here.* (Parwata, Ketut)

In data 6,7, 8, 9, speakers used imperative sentence to express the utterances. But in data 4 and 5 the speakers express the utterances by using interrogative sentences. Those data above can be categorized as Illocutionary acts for directives because the speaker needed for requesting or ordering someone to do something. The utterances are considered as polite requests since they used the words *please, could you, may I.*

c) Commit is the utterance intended to give promises and offers to the speaking partner

Data 10:
Guide: *well ladies and gentleman I will meet you tonight for welcome dinner party at 06.30 PM. I hope you have a nice rest.* (Mandra, Nyoman)
In data 10, the speaker tried to give promising to someone in saying ‘I will meet you tonight’. Since the utterance indicates the speaker wanted to do something in some future, therefore it is concluded as illocutionary acts for commissive.

d) Expressives express a psychological state (e.g. thanking, congratulating)

**Data 11:**
*Guide: all right, I would like to say thank you very much to have our travel in your trip. On behalf of my travel I do apologize for your inconvenient and have a nice flight go home.*  
(Sudiana, Wayan)

In data 11, the speaker expressed his psychological feeling by saying ‘thank you very much and our apology for your inconvenient’ to the other. These utterances belong to illocutionary acts for expressive because of the psychological state. The speaker said their felling to asking apologize and thank you to the guest.

e) The declaration is the direct integration of different contents in linguistic sentences to declare something to the partner

**Data 12:**
*Guide: After here, I give you some souvenirs that you can bring to your country* (Parwata, Ketut)

In data 12, the speaker has a specific intention to give souvenirs for the guests. It used declaration way in delivering the intention. This utterance belongs to illocutionary acts of declarations meaning.

**Perlocutionary Acts**
Perlocutionary act is the point of three types of speech acts. Perlocutionary aims to produce effects from listeners. Perlocutionary actions affect the listener's speech given by the speaker. the utterance can influence listeners from various things

**Data 13:**
*Guide: This shop is one of the best shopping places in Gianyar. Where you can find all the art work of Balinese artists. I think you should go to this place.*  
(Sudiana, Wayan)
*Guest: Yeah, why not. I’ll love to visit the shop then. Let’s go*

In the data above, the speaker wanted to promote a shop to the guest. He made a statement which try to persuade the guest to visit the shop instead of other shop. His utterance can be concluded as perlocutionary acts because the utterance produces an effect to the guest as the hearer. The effect is the guest decided to visit the shop mentioned. It means the response of the guest elicited by persuading of the speaker. To state that Illocutionary acts are successful, if the hearer can interest to visit the shop. However as perlocutionary act it succeed only if the hearer receive the effect from the speaker. In the utterance the effect obtained from the
utterance is that the guest is directly interested and wants to visit the store after the utterance has been made.

3. Conclusion
Tour Guide in Bali frequently use three classes of speech act such as locutionary, illocutionary, and perlocutionary act. The illocutionary act classes that found in those data those are the intentions that the speaker wants to convey to the hearer are, speech as a statement, making requests, giving orders, and giving threats. The mostly speech act categorize that used by the Balinese tour Guide is Directives speech act because the main duty of a guide is to give instruction and guided the guest while they are traveling in Bali, therefore this kind of speech act is very useful to use in their conversation. The other two kinds of speech act are helping the guides in constructing conversation to deliver their intentions to the guests.

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References


Medical Actions Resulting in Malpractice in the Perspective of Indonesian Criminal Law

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Abstract. Basically in a medical case, there are two very fundamental problems: First, the one that comes from the patient or family of patients who do not understand about medical actions or procedures that sometimes pose medical risks; Second, the one that arises from doctors who are less communicative and do not provide a clear explanation of the disease or doctor's actions which then adversely affects the patient. This study examines malpractice in medical actions that are threatened and prohibited under criminal law as well as explores the forms of criminal liabilities for its execution. I applied the normative legal research method while utilizing the statute approach and conceptual approach. The results of data analysis show that malpractice occurs in various forms. Every type of malpractice has legal sanctions that cannot be prevented. There is a need of law amendment.

Keywords: Criminal law; malpractice; medical action

1. Introduction

In Indonesia malpractice is not a new case. Since two decades have been passing, this form of case has become familiar to the ears of the Indonesian people. Not only that has it been familiar to Indonesian, more importantly, malpractice has been brought on a good deal of talk among scholars and researchers during a couple of recent decades [1, 2, 3, 4, 5, 6, 7]. Basically, malpractice is the action of professionals who are in conflict with the Standard Operating Procedure (SOP), code of conduct, and the applicable Law, both intentionally and as a result of negligence resulting in loss and death of other people [8]. Malpractice is commonly carried out by doctors as result of negligence in diagnosing patients that ultimately causes the them to give the inappropriate medication [9]. This phenomenon is identical to what was experienced by a patient who lost his wife on December 19, 2003 at Rumah Sakit Cipto Mangkusumono in Jakarta, Indonesia. The husband of the patient Syafri, a resident of Central Jakarta, questioned the medical treatment given by a team of doctors to his wife at a number of different hospitals within two months. Among the different diagnostic actions, according to Syafri's attorney from the Jakarta Legal Aid Institute, patients experienced intestinal injuries, cysts, uterine tumors, and myoma. The patient's suffering started from the condition of vomiting blood; and thus various doctors from different hospitals have diagnosed it with different results. Tragically, the patient exhaled due to the installation of an intravenous syringe on the right neck. Installation of infusion itself is carried out by medical personnel who have not managed to find the arteries in the hand of patient in question [10].

In general, criminal acts of malpractice have actually been included in the provisions of the Indonesian Criminal Code, e.g. abortion without medical reasons and contrary to Article
347 of the Criminal Code; divulge kedokteran secrets can be convicted by Article 322 of the Criminal Code; and euthanasia violates Article 344 of the Criminal Code. Meanwhile, Law No. 23 of 1992 concerning Health, in Article 54 paragraph (1), provisions concerning malpractice issues have also been regulated, but the contents in the Article stating "towards health professional who make mistakes or negligence in carrying out their profession may be subject to disciplinary action". At the sound of Article 54 paragraph (1) it is not explained what the purpose of the Article is so that the criteria referred to are not clear. In addition, the norm in this Article is no longer valid since the enactment of Article 85 of Law No. 29 of 2004 concerning Medical Practice.

At present society can only make their hopes on that Law No. 29 of 2009 concerning Medical Practice will clearly stipulate the medical malpractice. Unfortunately, it turns out that in Article 66, the material only regulates the internal disciplinary issues. Even though everyone can submit an objection to the Medical Disciplinary Assembly, only matters relating to the discipline component can be followed up. Meanwhile, for the legal aspect, the regulation refers to the Criminal Code if a crime occurs. Thus, if in this case the action constitutes negligence resulting in suffering or even causing casualties, the legal regulations are set forth in Article 359 of the Criminal Code. Conversely, if the human life is threatened by negligence, it can be threatened with Article 360 of the Criminal Code. Eradication of malpractice in the form of imposition of criminal sanctions can also be applied to every doctor who has proven guilty, as stipulated in Article 361 of the Criminal Code.

The clarification provided above is insufficient to provide adequate knowledge about the contents of the meaning of malpractice. As a result, if one time health service users experience malpractice, they do not know which types of malpractice are threatened and prohibited by criminal law and which are not, guiding them to file complaints with the authorities to obtain protection and welfare when time of malpractice experienced by them. Of course, if the community still has taken all this well, they can only remain calm and receive loss of life without the benefit of services from the perpetrators. And, as revealed out by [11], there had been 16 doctors out of defendants lost their trials in Taiwan throughout 4 years. Such evidence should not be allowed to continue in order to fully provide real health services for the community.

Apart from all that, what needs to be cognized is the criminal liability that shall be undertaken by the perpetrators of the malpractice, because in the view of law if the victims is in need of making complaints to the authorities, they are required to provide any proofs or at least to show that the act is real a malpractice. Unfortunately, as mentioned earlier, in the Indonesian Legislation Regulations there are no detailed and clear arrangements regarding the medical malpractice. Therefore, so far the regulation regarding malpractice is still of a vague status of norm. This is proven by Law No. 23 of 1992 concerning Health Article 54 paragraph (1) which regulates malpractice issues but does not provide a comprehensive explanation of malpractice and its substance, so the criteria need to be questioned, as well as Law No. 29 of 2004 concerning Medical Practice in Article 66 which regulates malpractice only at the level of internal disciplinary issues. This condition provides a big advantage in the form of the absence of legal regulations that strictly regulate the rights and obligations (gray of norms), including the liabilities for every wrong action the health professionals commit. Pragmatically, in such a situation health professionals seems to be considered immune in the real context of law.

The study tries to bridge the community (patient) to the clear awareness of the types of medical actions that are against the law and threatened by the law itself. In this effort, this study also tries to reveal what types and forms of criminal responsibility to be imposed to the
health professionals at times they are proven to have made a mistake in providing medical treatment services to patients.

To realize the efforts of achieving the objectives of our study, we used normative legal research design, e.g. we conducted analysis by referring to the related literature and legislation that to malpractice actions and to the forms of their criminal liabilities. There are several types and data sources that we use in this study, namely (1) primary legal material: binding legal material, such as the Criminal Code, Law No. 23 of 1992 concerning Health, Law No. 36 of 2009 concerning Health, Law No. 29 of 2004 concerning Medical Practice, regulation of Health Minister of the Republic of Indonesia No. 290 of 2008 concerning Approval of Medical Action, Republic of Indonesia Government Regulation No. 32 of 2009 concerning Health Workers; (2) secondary legal material: legal material that provides an explanation of primary legal material, such as the doctrine relating to medical and malpractice actions; (3) tertiary legal material: legal material that provides guidance or explanation of primary legal material and secondary legal material, such as language dictionaries and Indonesian legal dictionaries [12]. We made use of documentation technique in collecting data of this study. We collected books that discuss the Law on public health services, medical actions, and malpractice. We analyzed the data with qualitative data analysis technique. We processed the legal sources and analyzed them by starting from general matters and then looking for the main elements relating to medical actions and malpractice and then were connected with the Laws and Regulations relating to the problem of medical action and malpractice, such as Law No. 23 of 1992 on Health, Law No. 29 of 2004 concerning Medical Practice, Indonesia Health Ministry Regulation No. 290 of 2008 concerning Approval of Medical Action, Indonesia Government Regulation No. 32 of 2009 concerning Health Workers, and the applicable Penal Code. The last activity was drawing on conclusions.

2. Results and Discussion

2.1 Criminal Law-Based Threatened and Prohibited Medical Action

Initially malpractice arises from medical actions carried out in an inappropriate or contrary manner to medical service standards [13]. As explained earlier, what is meant by medical service standards based on Indonesian Health Minister Regulation No. 585/MEN.KES/PER/IX/1989, as amended to become Regulation of the Minister of Health of Indonesia No. 290/MEN.KES / PER/III/2008, is a preventive, diagnostic, therapeutic, or rehabilitative medical action performed by a doctor or dentist on his patients. In addition, medical action is an action that should only be carried out by medical personnel, because the action is intended primarily for patients who experience typical health problems [14].

Sutorious determines 5 elements for medical action, namely:

a. The performer of medical action must be certified doctors;
b. The patient should be given adequate information related to the medical actions and approval of medical action to be taken to him must be obtained;
c. There must be medical indications which are the starting point of all subsequent medical actions;
d. The doctor must be able to formulate the goals of giving the treatment, besides having to also consider other alternatives chosen;
e. All actions must always be directed towards the welfare of his patients [15].
Medical actions must be performed by medical personnel. In Indonesian positive law, e.g. in Indonesia Government Regulation No. 32 of 1996 concerning Health Workers which is the Implementing Regulation of Law No. 23 of 1992 concerning Health, it is distinguished between medical personnel and health workers, in that what is meant by health workers is any person who is devoted to the health sector and has the knowledge and/or skills through education in the health sector which requires certain types of efforts health. Meanwhile, medical personnel are those whose profession is in the medical field, which includes doctors, both physical doctors and dentists.

An action of medical treatment must not only be in accordance with medical standards, but must be aimed at a goal of medical science. The objectives of medical science include:

a. To cure and prevent disease medically: a treatment must meet the ability criteria to cure and prevent the continuing process of an illness. A therapeutic action that when viewed from the medical side turns out to not produce results, it should not be performed or even though treatment measures have begun, basically it must be stopped. If continued, the action will only prolong the process of death. The aim of medical science is not just to try to extend life as it is, but a quality life.

b. To relieve the suffering: one of the traditional goals of treatment is to alleviate suffering. In addition to alleviating the feeling of uneasiness or pain caused by the process of the disease, the medical action is also to avoid the suffering that might arise as a result of doing medical actions, both in doing therapy and in order to make a diagnosis.

c. To accompany the patients and alleviate their suffering is the duty of the same doctor in accordance with technical expertise to treat the disease. Therefore, doctors must provide the same time for these activities. Medical science does not limit itself to biological aspects, but a holistic approach to seeing patients as whole people is part of real medical science. In a critical situation, the doctor is obliged to make sure that the patient is accompanied by his family and relatives.

In essence, in every medical action, there will be a relationship between doctors and patients, which in relation to medical science the relationship takes place as an active-passive biomedical relationship. Only in this relationship can there be an imbalance between doctors and patients, e.g. what is seen is the superiority of doctors who provide medical services to patients.

Indeed, the basic pattern of the relationship between doctors and patients is primarily based on the social, cultural and disease conditions of patients, where the relationship can be distinguished in three patterns, namely:

a. Activity-Passivity: The pattern of parent-child relations is a classic pattern since the medical profession began to recognize the code of ethics in the 5th century BC. Here the doctor seems to be able to fully apply his knowledge with an altruistic motivation without the patients’ intervention. Usually, this relationship applies to patients whose safety is threatened, or is in unconscious condition, or suffering from a severe mental disorder.

b. Guidance-Corporation: This relationship guides collaboration, as do parents with teenagers. This pattern is determined if the patient's condition is not too heavy, for example a new infectious disease or other acute disease. Even though he/she is sick, the patient remains conscious and has his own feelings and will. The patients try to seek medical help and are willing to cooperate. Even though doctors know more, they are not merely exercising power, but expect collaboration from patients that is realized by following the advice and recommendation of the doctor.
c. Mutual Participations: This philosophy is based on the idea that every human being has the same rights and dignity. This pattern occurs in those who maintain their health such as medical check-ups or in patients suffering from chronic diseases. The patient consciously participates in the treatment of himself. This applies to patients with low educational and social backgrounds and to children or patients with certain mental disorders [16].

The relationship between the doctor and the patient occurs through an agreement or contract. The relationship began to be formed with the question and answer between the doctor and the patient, which then continues with a physical examination and finally the doctor gives a diagnosis. Diagnosis performed at this stage is a temporary diagnosis or even a definitive diagnosis. After that, the doctor plans a follow-up action by prescribing drugs, injections, surgeries, or other actions deemed necessary.

Juridically, medical action is often disputed to determine whether it is included in the definition of persecution or not. However, if a medical action is carried out by not fulfilling the requirements, such as having a medical indication, carried out according to the applicable law, and having obtained the consent of the party concerned in this case the patient, it becomes very clear a form of persecution. Regarding the relationship between patients and doctors, basically it is an effort that is endeavored or done with maximum effort. The doctor does not promise a healing to the patient, but he must make every effort to cure the patient.

In the perspective of medicine, medical agreements can be elaborated through common efforts made by doctors in a form of health services or medical services. Health services can be started from apromotive, preventive, curative, and rehabilitative businesses, and thus variations of the object of medical agreement can be in the form of: (a) Medical check-up (b) Immunization (c) Family planning (d) Disease healing efforts (e) Relieve suffering (f) Life extending and (g) Rehabilitation.

If the doctor has carried out medical actions in accordance with the procedure or standard of the profession and there is no negligence, generally it will not cause legal problems. Therefore, one of the patients' efforts to avoid malpractice is by having informed consent for each action and medical service for the patient. This is very necessary to protect patients from the arbitrariness of health workers. Informed consent is provided by the patient or the patient's family to the doctor to take medical action in accordance with what was explained by the doctor beforehand.

In Article 1 number 1 Regulation of the Minister of Health No. 290 of 2008 concerning Medical Action Consent states that the approval of medical action is the consent provided by the patient or the closest family after obtaining a complete explanation of the provide of medicine or dentistry to be performed on the patient. The doctor is liable in providing clear information and seek consent from the patient to take a medical action. However, if the patient cannot be invited to communicate about it, say the patient is unconscious, the doctor asks for approval from the patient's family. In providing information, doctors must explain using language that is easily understood by patients and their families. If the patient already comprehended and has made a consent, medical action can be carried out. The consent of the medical action has two forms, namely:

a. Implied or assumed (implied consent), that is, the agreement provided by the patient implicitly without any express statement. This gesture is captured by the doctor from the attitude that is usually done by the patient. Generally the doctor's actions here are commonly known actions. For example, taking blood for laboratory tests, doing injections, doing treatment. Implied consent consists of normal circumstances and emergencies.
b. Expressed consent, which is an agreement stated verbally or in writing if what is to be done is more than an examination procedure and ordinary action. Expressed consent, consisting of oral and written forms [16].

The consent given by the patient or his family after obtaining information from the doctor regarding medical actions to be carried out, in general in the form of filling and signing the consent form before medical action is taken on the patient. Doctor not only provide information before medical action is taken, but must also provide information during treatment.

Determining whether or not a medical action is quite difficult. Therefore, there are several elements that must be fulfilled by the doctors concerned. They are: 1) There is an action that is done or not done (neglect); 2) The action is carried out by a doctor or by a health worker under the guidance or supervision (nurse), even the action is carried out by providers of health care facilities, such as hospitals, pharmacies, clinics, etc.; 3) The actions taken must be in the form of medical actions, whether of diagnosis, provision of health therapy, or regarding hospital management; 4) The act is carried out on the patient; 5) The act is carried out by violating the applicable law, violating propriety, violating decency; violating existing professional principles; 6) Such actions are carried out with caution (negligence, carelessness, disregard for provisions, recklessness) or even intentionally; and 7) This action causes the patient to experience pain, injury, disability, damage to organs, and even death to the patient, besides that the patient also experiences material losses [16]. For this condition, then, the doctor or the parties concerned in handling the case in question, must be responsible for the consequences arising from his actions either administratively, civilly, or criminal.

2.2 Criminal Liabilities for Malpractice

In Indonesia, medical malpractice settlement cases refer to Article 66 of Law No. 29 of 2004 concerning Medical Practice, stipulating that:

a. “Anyone who knows or has an interest in being harmed by the actions of a doctor or dentist in carrying out medical practice can report in writing to the Chair of the Indonesian Medical Discipline Honorary Assembly”.

b. “A complaint must at least contains;
   • Complainant's identity;
   • The name and address of the doctor or dentist's practice and the time of the action; as well as
   • Reason for complaint”.

c. “Complaints as referred to in paragraph (1) and paragraph (2) do not eliminate the right of every person to report suspected crimes to the competent authorities and/or sue for civil losses to the court”[17].”

In accordance with the sound of Article 66 of Law No. 29 of 2004 concerning Medical Practice, patients or families of patients who feel aggrieved from medical practices that are deemed inappropriate can complain about their cases through the Indonesian Medical Disciplinary Board, which is a non-litigation path. If the ethics violation is found in the examination, the Assembly concerned will forward the complaint to professional organizations such as the Indonesian Doctors Association or the Indonesian Dentist Association. These two assemblies are a professional judicial body tasked with prosecuting members of the profession itself.

In addition to the Council Code of Medical Ethics (hereinafter referred to MKEK), there are also institutions whose task is to discuss, examine, and make consideration to actions relating to violations of medical ethics, including: The Committee for Consideration and
Development of Medical Ethics (P3EK) whose members consist of the Ministry of Health (DEPKES) and medical faculties, in addition to dentists, administrators of the Indonesian Medical Association (IDI), and the Indonesian Dentist Association (PDGI).

Each case regarding violation of the code of ethics shall be resolved by:

a. All issues concerning the violation of the code of ethics must first be reported to MKEK.

b. If the reported case is a case of pure code of ethics, the case shall be resolved by the Honorary Ethics Council of MKEK. However, if the case is not a case of a pure code of ethics or a case, it shall not be resolved by the MKEK, but it is forwarded to P3EK.

c. In the trial of MKEK or P3EK to make a decision, the member defense body of IDI can attend the trial if it is desired by the party concerned without the right to make a decision.

d. Problems related to the profession of doctors or dentists will be dealt with jointly by MKEK and the Dental Ethics Council (MKEKG).

e. For the sake of recording, each case of violation of the medical code of ethics and its resolution shall be reported to the Provincial P3EK [16].

However, it is not impossible if the victim or the victim's family wants to directly submit a report or submit the case through litigation. Given the composition of membership of the Honorary Council and Medical Ethics Development (P3EK), it seems very difficult to implement professional ethics firmly, because almost all who hold positions in the membership are basically doctors, dentists, or other health workers, where not one people from ordinary people are involved. In addition, law enforcement agencies only function as a place to consult and have absolutely no right to interfere in the issue of this code.

Speaking of forms of criminal liability for malpractice, there are a number of legal articles that can be imposed, namely as follows:

a. Uncovering the secret

Criminal acts in Article 322 of the Criminal Code paragraph (1) formulate as follows;

“Any person who with deliberate intent reveals a secret that he by reason of either his present or earlier office or profession is obliged to keep secret shall be punished with a maximum imprisonment of nine months or a maximum fine of six hundred rupiahs.”.

In order for the actions listed above to be punished in the statement of Article 322 of the Criminal Code, it states that these actions must be able to fulfill the following elements:

- That which is revealed (uncovered) must be a secret.
- That person is obliged to keep the secret and he must really know that he is obliged to keep a secret.
- That the obligation to keep the secret is the result of a current position or job, as well as the one that he once held.
- Opening the secret is done intentionally.

Meanwhile, what is meant by a secret is something that is only known by the interested, while others do not know it yet, e.g. a doctor must keep the patient's illness secret.

b. Maltreatment (Mishandeling)

In the Indonesian Criminal Code the persecution is divided into 5 types, namely:

1. Standard Maltreatment or Maltreatment of basic forms (Article 351 of the Criminal Code), which are as follows:

   - Maltreatment shall be punished with a maximum imprisonment of two years and eight months or a maximum fine of three hundred rupiahs.
   - If the act results in a serious physical injury, the offender shall be punished with a maximum imprisonment of five years.
   - If the fact results in death, he shall be punished by a maximum imprisonment of seven years.
• With maltreatment shall be identified intentional injury to the health.
• Attempt to this crime shall not be punished.

2. Mild maltreatment contains Article 352 of the Criminal Code, which reads as follows;
• Except for the Articles 353 and 356 maltreatment that does not result in an illness or obstacle in the performance of official or professional activities, shall, as light maltreatment, be punished with a maximum imprisonment of three months or a maximum line of three hundred rupiahs. This sentence may be enhanced with one third in respect of the offender, who commits the crime against a person who is in service with him or who is his subordinate.
• Attempt to this crime shall not be punished.

3. Maltreatment committed in planned manner (Article 353 of the Criminal Code), namely:
• Maltreatment committed with premeditation shall be punished with a maximum imprisonment of four years.
• If the fact results in a serious physical injury, the offender shall be punished by a maximum imprisonment of seven years.
• If the fact results in death, he shall be punished by a maximum imprisonment of nine years.

4. Serious weight (Article 354 of the Criminal Code), namely as follows:
• The person who deliberately causes to another serious physical injury, shall, being guilty of serious maltreatment, be punished by a maximum imprisonment of eight years.
• If the fact results in death, the offender shall be punished by a maximum imprisonment of ten years.

5. Serious maltreatment committed in planned manner (Article 355 of the Criminal Code), as follows;
• Serious maltreatment committed with premeditation shall be punished by a maximum imprisonment of twelve years.
• If the fact results in death, the offender shall be punished with a maximum imprisonment of fifteen years.

Medical action is an action that is very helpful for the health of the nation. However, in its implementation it is not impossible for negligence resulting in casualties to occur frequently, especially as a result of unsystematic treatment and not carried out intensively by those who work as providers of medical services in the world of health. In addition, each country has its own rules that regulate provisions in all aspects and parts of people's lives, from individuals to groups. Health as an aspect of life that requires a very large amount cost must certainly obtain intensive and maximum treatment. Actually, health workers are indeed not figures who act perfectly in doing everything in the field of their professionalism, but lawless actions must have equal liability in order to create a fair atmosphere among the entire community; likewise the maltreatment that often occurs in health practices carried out by experts, such as doctors, there must be accountability both criminal and civil.

3. Conclusion

The following is a conclusion drawn based on the results of data analysis in this study. Malpractice in medical actions that are threatened and prohibited according to criminal law,
namely (1) medical actions that occur as a result of negligence of health personnel in carrying out their obligations which results in patients experiencing serious injuries or even death; (2) a doctor's misdiagnosis in carrying out a thorough examination, which then results in errors in the administration of therapy and then which results in errors in the administration of drugs; (3) the act of committing violations or in contravention of existing medical procedures and standards, as well as taking medical actions but the capabilities they have are lacking or even inappropriate. The form of criminal liability for malpractice in Indonesia is various types according to their intensity.

The results of this study encourage the author to summarize a number of recommendations, i.e. that the Indonesian government is expected to immediately form a Law on Medical Malpractice that is separate from other laws as a complement to the Medical Practice Act. In addition, health workers, including doctors are advised to provide medical services to their patients based on existing procedures, be careful, and not reckless. In conditions that do not make it comfortable, patients or the community must have active participation by being creative in making treatment contracts with health workers by reading the rules that contain the conditions that can be done and should not be done for certain types of diseases. The study has limitations, namely discussing medical, medical actions in terms of the law as a result of negligence of health workers without examining the factors that affect the facilities and from the individual patients because medical failure can occur because of the patient's hesitation in expressing the suffering he experienced. Therefore, this topic can be the subject of further analysis.

References

(2003)
Discursive Analysis of Tourism Advertisements

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Abstract. Language serves an important part to transfer message on advertisement to the readers. The language used has its own features in order to be able to capture the readers' attention. Therefore this research was done in order to investigate three main problems on the tourism advertisement, namely (1) how is the features of the advertisements, (2) how is organization of the advertisements, (3) What is the purpose of the advertisement? The data used are qualitative data taken from hotel advertisements and restaurant advertisements. The data were analyzed by applying two main theories, namely the Theory of Critical Discourse Analysis by Fairclough (1989) and Van Dijk (2002). The result of the analysis revealed that the hotels advertisements use certain strategy of discourse in promoting the hotels. The strategy in the text covers the use of certain expressions, syntax, and stylistics which are all as boosters to drag the customers’ intention. The hotel advertisements are arranged in a such attractive way that customers get vast information.

Keywords: Advertisement, Critical Discourse Analysis, discourse strategy.

1. Introduction

Tourism had influenced the growth on the country’s economy sector in the world. According to World Tourism Organization, today, business on tourism or even surpasses other businesses, such as oil exports, food products, and automobiles. In Indonesia, tourism is one of the industry sectors which can increase the country income. According to The Minister Tourism of Indonesia, Arief Yahya, the country income targeted in 2019 is about USD 20 billion and in 2018 the target is about USD 17 billion. To achieve this target, the government has prepared three strategies, namely (1) marketing, (2) developing new destination, (3) preparing human resources. (https://ekbis.sindonews.com/read/1330952/34/menpar-targetkan-devisa-pariwisata-sebesar-rp292-triliun-di-2019-1534420454). Dealing with developing new tourism destination, the government has run a program focused on 10 tourism destinations known as 10 New Bali. Those 10 destinations are Tanjung Kelayang in Belitung, Lake Toba in North Sumatera, Kepulauan Seribu in and Kuta Tua in Jakarta, Tanjung Lesung in Banten, Borobudur in Central Java, Mandalika in Lombok, Wakatobi in North Sulawesi, Labuan Bajo Komodo in Flores island,
Morotai in North Maluku, dan Bromo Tengger Semeru in East Java (https://www.liputan6.com/lifesytle/read/3111919/kemenpar-tetapkan-top-3-prioritas-pengembangan-10-bali-baru). Preparing the human resources on tourism sector can be done through trainings and education, whether it is through formal or informal programs, to prepare the reliable workers on tourism, while the marketing on tourism can be done through promotion on many different medias, newspapers, magazines, televisions, radios, and internet.

Nowadays advertising is very popular in promotion. One of its forms is advertising through internet or online advertising. It can be done on the Facebook, Instagram, and website. The model advertisement through internet is very effective and efficient as the advertisement can be read by all of the readers all over the world. They just search the data needed on the website and they will be bombarded by a lot of information. Accordingly Lund et al (2017) argued that the global population is now use online social networks in social media where they share experiences and stories and consequently influence each other's perceptions and buying behavior. It is inline with the research done by Ertugan (2017) which reveals that Facebook advertisement is effectual in forming relation among customers as well as making a bond between customers and sellers. In addition, Alalwan (2018) reported that the intention of the customers in purchasing is influenced by some factors, such as performance expectation, hedonistics motivation, interaction, communicativeness, and finding relevancy.

Tourism advertising is one of the forms of advertising found on the website. On this advertisement the tourists are bombarded with a lot of information dealing with tourism, for example hotel advertisements. If we search the hotel advertisements on the website, there will be a lot of information about hotels, such as name of hotels, hotel rooms, hotel facilities, locations, and even guest reviews. The hotel advertisement is a form of discourse. Conceptually, Dijk (1985) discourse is a communicative phenomenon, which is of procedural characters, occurs in a certain out-of-lingual context and is fixed in a speech as a formal structure-text (written or oral). As a discourse, tourism advertisements are shaped by language. Salim & Hanita (2012), while Byun & Jang (2015) suggested that the language is effective and cognitive based on phrases and expressions used can be observed in its emotional and rational contexts.

Hotel advertisements in Bali are also composed by language which carries their own characteristics to cope with the tourists' interest to buy the products or services offered. The language carries certain messages to the tourist. Some studies on tourism advertisements are those investigated by Avraham et al (2012), Ely (2013), Gali et al (2016), and Valdez et al (2017), and Malenkina & Ivanova (2018). Avraham et al (2012) argued that the narrative is important on promotion and the greatest element among the marketing means. The study done by Ely (2013) argued that a trustworthy advertising can assist to share the values and behavior. It can create realistic expectation and as the result the visitors will be satisfied with their trips. Gali et al (2016) suggested that the slogans are simple and have exclusive attractiveness as the result of the effectiveness of the message components, while Valdez et al (2017) reported that the supreme matters, such as action and things show the real delineation potentially, while watchword denoting general concept related to the prospective visitors are resemiotized if picture is attached to produce the memes and Malenkina et al (2018) revealed that the Spanish website use copious persuasive language. Based on the studies mentioned above, it can be concluded that they have not investigated the hotel advertisement yet. Besides, those studies have not observed the advertisements from the lexical features and the syntactic features. The data used were also not the
tourism advertisements in the area known as cultural tourism. Therefore this study is focused on discursive strategy which is seen from the text, process, and social analysis of tourism advertisement in Bali. This research is recommended to give contribution to the tourism promotion strategy in Bali.

2. Method

The current study is categorized as qualitative research in which the phenomena and the events were explained elaboratively to determine the microstructures of online tourism advertisements in Bali. The data were taken from the advertisement of the 10 best hotels in Bali. Those 10 foremost places for spending the night in Bali were based on the categorization made by Bali by hotels.com provided on the [http://www.bali-indonesia.com/top10-hotels.htm](http://www.bali-indonesia.com/top10-hotels.htm) in which the range of score of the guests review living there are between 8-10. Additionally, all of them are 5 star hotels. The hotels are (1) Chedi Club Tanah Gajah, Ubud, (2) The Viceroy Bali, Ubud, (3) St.Regis.Bali Resort,Nusa Dua, (4) Kayumanis Jimbaran, (5) Legian Bali, (6) The Ungasan Clifftop Resort, (7) Jamahal Private Resort and Spa, (8) Katamama Seminyak, (9) Plataran Menjangan Resort and Spa, and (10) Maya Sanur Resort and Spa. They are all 5 star hotels in Bali. The data were then analyzed by using the theory of Cricital Discourse Analysis proposed by Fairclough (2001). The analysis is only focused on three aspects on the advertising discourse, namely (1) the textual analysis, process analysis, and social analysis.

3. Result and Discussion

Viewing the textual aspects of the 10 best hotels advertisements in Bali, it is found that they are constructed by three elements, namely (1) semantic, (2) syntax, and, (3) stylistics.

<table>
<thead>
<tr>
<th>Table 1. The local meaning</th>
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<td>The emphasis of local meaning</td>
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<tr>
<td>Unique place</td>
</tr>
<tr>
<td>Luxury place</td>
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<tr>
<td>Nice beaches</td>
</tr>
<tr>
<td>Convenience room</td>
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<tr>
<td>Natural Environment</td>
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</table>
Hotel location

“The resort is a 90-minute transfer from the Ngurah Rai International Airport in southern Bali.”

Excellent facilities

“Our collection of suites, villas, and excellent restaurants

Excellent service

“Full spa service, childcare, airport shuttle, free full breakfast, free area shuttle”

<table>
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<tr>
<th>Table 2. Syntax</th>
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<tr>
<td>Kinds of sentences</td>
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<td><strong>Declarative</strong></td>
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<td><strong>Imperative</strong></td>
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<td><strong>Incomplete</strong></td>
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<th>Table 3. Stylistics</th>
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<tr>
<td>Kinds</td>
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<tr>
<td><strong>Hyperbole</strong></td>
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<td><strong>Familiar word</strong></td>
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<td><strong>Simple vocabulary</strong></td>
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Critical discourse analysis (CDA) was introduced in the 1980s by Norman Fairclough, Ruth Wodak, Teun van Dijk, and others (Blommaert and Bulcaen, 2000, p.447). Fairclough proposed three dimensional model in discourse analysis, namely (1) text analysis, (2) process analysis, and (3) social analysis. The model is presented in the figure 1.
Referring to this concept, the result of those three dimensions are as follows.

### 3.1 Text Analysis

The text of tourism advertisements in Bali are built by three elements, namely (1) semantic, syntax, and stylistic. The semantic element is corresponding with the local meaning, that is the meaning projected by the words composed in the form of sentences or proposition. Iedema (2003) explains that as a strategy on discourse, resemiotization is a way how meaning could shift from situation to situation, from use to use, or from one step of application to the next. (p.41). The advertisements convey 8 (eight) focused local meaning in term of the hotels promoted, namely (1) unique place, (2) luxury place, (3) nice beaches, (4) convenience rooms, (5) natural environment, (6) hotel location, (7) excellent facilities, (8) excellent service. From the syntax, the sentences used are categorized as imperative, declarative, interrogative, and incomplete sentences. The declarative sentences are started by the subject referring to the name of the hotel, the hotels location, the types of hotel room, the view, and hotel facilities. The imperative sentences are started with the verbs referring to the activities requested done by the tourists, while the interrogative is a kind of sentence asking for further suggestion from the tourists. The incomplete sentences are those appear without subject and verb but they are meaningful. The texts are also composed by some strategies in term with the stylistics, namely (1) hyperbole, (2) weasel word, (3) potential words,
(4), familiar word, (5) simple vocabularies. The hyperbole in the advertisements are marked by the use of exaggerating words, such as dramatic, heartland, luxurious, vast, romantic. Weasel words are those suggesting a meaning without actually being specific. They are virtually, uniquely, well-trained. Familiar word is dealing with the use of pronoun you in order to show friendly relation to the customers. Simple vocabularies are used in the advertisements to convey easy understanding to customers.

3.2 Processing Analysis

The 10 best hotels of tourism advertisements in Bali are started with paragraphs giving the overview of the hotels. The overview consists of features of the hotels, their environments, view, distance, hotel facilities, and hotel services. The explanations are supported by pictures corresponding with the characteristics of the hotel. The advertisers in this case present some pictures to catch the customers’ attention as illustrated in the following pictures.

This picture has a close relationship with the verbal element of the advertisement as illustrated in the text below.

“The five-star resort makes good use of its natural surroundings, perched on a verdant valley looking one of the legendary rivers in Bali. Guests are welcome to the calm and serenity of the hotel grounds, and enjoy a stay that is close to nature and away from the hubbubs of modern life”.

Beside the paragraph about the hotels strengths, the advertisement are also other forms verbal elements which are built in phrases and incomplete sentences. The phrases are mostly noun
phrases describing the types of room, facilities, transports, and policies. The incomplete sentences are to ask the guests responses. All are also supported by the pictures related with the phrases used.

3.3 The social analysis

The 10 best hotels advertisements could be stated promotion implementing powerful linguistics units and images to sell places to stay for high class of tourists. Rabbiosi [11] argued that place marking is actually heightened and put into action using material, discursive and personified stagings that have the benefit in encouraging quick response and reinterpreting of shopkeepers and visitors, and other kinds of onlookers.

By describing the top features of the hotels and the excellent facilities and services, the hotels are worthy to be sold in high price. The strategy applied can be termed as persuasive strategy aiming at influencing the targeted tourist. It is supported by the research finding of [4] that revealed that the use of verbal messages is intended to affect attitudes and behavior of the customers or tourists. The relation of the language used and the customers target is illustrated below.

![Figure 2. Relation Customers](image-url)
4. Conclusion

The 10 best hotels advertisements in Bali employed specific discursive strategy in promoting their products and services. The strategy involve the use of specific vocabularies which include the use of adjectives carrying high impact on the customers, the use noun or noun phrases referring to the high quality of hotel facilities, and the use of verbs implying the response of the customers. The advertisements are wrapped in certain forms using the certain spaces as available on the website to spoil the customers with a lot of information. The information is organized in the form of sentences and phrases and supported by pictures. In short, the use of the language on the 10 best hotels are targeted on selling the product or the services of the hotel to the high class of customers.

Acknowledgement

The authors express the greatest gratitude to the organizing committee of the International Conference on Social Sciences (ICOSS) of Universitas Warmadewa for the great contribution that has been granted to the launching of this scientific script at EAI Publisher. Hopefully the ideas found in the paper can be additional to the theoretical and practical knowledge for many parties.

References
A Qualitative Study about Condom Use in Men who have Risky Sexual Behavior

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Abstract. Sexually transmitted diseases in Bali have increased in recent decades. Condom use is one easy step to prevent the spread of sexually transmitted diseases in the middle of a risky sexual behavior. This study aims to explore the causes of condom failure as a prevention of transmission of sexually transmitted diseases in men who have risky sexual intercourse. Qualitative research was conducted in one of primary hospital in Bali and carried out by in-depth interviews to male patients with complaints of urethral discharge, dysuria, or suspected STD and had one of risky sexual intercourse. Interviews include history of condom use, risky sexual behavior, and knowledge of sexually transmitted diseases. The results showed that all research subjects admitted that they did not like the use of condoms during sexual intercourse, risky sexual behaviors were not easy to avoid, and sexually transmitted diseases were not real.

Keywords: Condom, Risky Sexual Behavior, Sexually Transmitted Disease

1. Introduction

There are some diseases that can be transmitted through sexual activities, include vaginal intercourse, anal sex, and oral sex. We called the disease as sexually transmitted infection (STI), or sometimes referred as sexually transmitted disease (STD), also mentioned as venereal disease (VD). Human Immunodeficiency Virus (HIV) / Acquired Immunodeficiency Syndrome (AIDS) is one of most common kind of STI happened globally in the world. Beside HIV/AIDS, there are about 1.1 billion people had other kinds of STIs, such as syphilis, gonorrhea, chlamydia, or trichomoniasis. There are approximately 530 million people with genitalia herpes and 290 million women suffered from human papillomavirus. All kinds of STIs resulted in 108.000 deaths in 2015. United states as developed countries have more than 19 million new cases of STIs in 2010. The disease not only bring pain or damaged patient body, but stigma and shameful feeling associated with the disease [1-2].

Sexual intercourse with two or more partners without proper and consistent condom use is high risk sexual behavior for the acquisition of sexual transmitted diseases. Definition of high risk sexual intercourse is varied between studies. Some studies defined it as all sexual intercourse outside of a
cohabiting relationship. The National Family Health Survey defines high risk sexual intercourse in the last 12 months, with someone who is neither a spouse nor cohabiting partner. However, the present study includes men who had more than one sexual partner also in the high risk group and sexual relations of unmarried people in an exclusive relationship are also considered as risky behavior [3]. Some studies have found that HIV transmission in India through heterosexual relations and the rest occurs mainly through blood transfusion. Multiple sexual partners are the single most common reason for the increased risk of sexual transmitted diseases. One clinical study in Mumbai revealed that sexual habit has a strong relationship with the prevalence of STIs, like gonorrhea, trichomoniasis, and HIV. Extramarital relationship among men increases the risk of STIs and vulnerability of their wives. Several individual characteristics (age, region, religion, caste, wealth status, knowledge, educational and occupational status) have been associated with increased risky sexual behavior. Personal habits like alcohol and injecting drugs also have been associated with high risk sexual behavior [4-6].

Unwanted pregnancy and STIs are the negative result from the risky sexual behavior. In this era, STIs has been one of global burden of disease that caused by unsafe sex. Some countries have been conducted some campaign and policies to promote sexual education and stop any unsafe sexual activities instead prohibit sexual intercourse, abstinence only for unsafe sex. Condom is one kind of many effective methods to prevent STIs and pregnancy. Condom

Risky sexual behavior can lead to many negative health issues, especially sexual transmitted infection and unintended pregnancy. Unsafe sex was found to be one of the leading risk factors related to global burden of disease over the past decade. Many global and local public health policies promote sexual education and encourage safe sexual practices instead of prohibiting them. While more effective methods are used to prevent unintended pregnancy, STIs can be effectively prevented with condom. Condoms are considered proven to be effective in preventing STIs, although not 100%. The wrong way to use it, using the same condom repeatedly, until a low quality condom are the reason condoms are not able to 100% prevent STIs [7]. Some of the strategies recommended in promoting safe sex are campaigning for using condoms whenever having sex [8]. However, condom use in the community is still considered to be lacking especially among users of commercial sex workers, and this has subsequently resulted in an increase in STI transmission to their partners. Discomfort when using a condom and a decrease in sexual pleasure are reasons for the low use of condoms during sexual intercourse with female sex workers (FSW).

Unpleasantness and/or reduction in sexual pleasure when using condoms are the most common reasons supportive of their engagement in unprotected sexual intercourse with FSW. Other factors that lead to low condom use include: lack of knowledge about the risk of getting HIV, the absence of condoms during sexual intercourse, believing that antibiotics can prevent STIs, trusting sex partners, partners not liking condoms, getting drunk, defective condoms, and believing that condoms unable to prevent HIV. [9]. This study is aimed to bridge the gap between knowledge and behavior in the community about the condom use as STI prevention among high risky sexual behavior.

This research was carried out using qualitative method to explore more deeply the facts that occur in the field related to the increase number of sexually transmitted diseases in men due to unavoidable risk of sexual behavior, the limitations of condom use, and the lack of community knowledge related to sexually transmitted diseases. From May until August 2018, 12 men were attending general practitioner in a private hospital, Denpasar with chief complaint of urethral discharge and dysuria. Men patients recruited during days and times that were arbitrarily selected.
Eligibility criteria were: aged more than 18 years old, stay in Denpasar, diagnosis (confirmed or presumptive) of STI during the visit, had one of risky sexual behavior, such as not using condom when having sexual intercourse and/or had more than one sexual partners, and agree to join deep interview by sign informed consent. Before discharge from the clinic, medical staff determined eligibility based on the requirement. From 12 men, 5 men fulfilled the eligibility criteria and joined this research.

In-depth interview was conducted by a general practitioner and took about 30-60 minutes to complete. The in-depth interview instrument covered socioeconomic background such as origin, age, occupation, marital status, and education background, experienced with some risky sexual intercourse, condom usage, and STI-related knowledge. All participants remained anonymous through the whole process but were assigned study identification numbers for the purpose of presenting study results. The sessions were not tape recorded due to privacy concerns but extensive notes were taken.

We used qualitative data analysis based on Framework analysis stated by Ritchie and Spencer, that consist of five step, include familiarization, identifying a thematic framework, indexing, charting, mapping and interpretation. We done familiarization of the data by reading them line by line repeatedly, divide the data into several groups, and giving comments or label. After that, we organized the data by writing down recurrent key issues, concepts, and theme as thematic frameworks identification. Then, we do indexing. Steps for indexing, as follow: making a list of codes and then eliminate or combine some similar codes for easier in managing the data. For creating codes, each coder must read the transcripts carefully, exchanged and discussed about the definition of each codes, searched any codes that have similar meaning or same understanding. After indexing, we continue to make a chart of data through appropriate arrangement and compare the chart. The last step is mapping and interpretation through examining the data to see the main idea and find the relationship between them.

2. Discussion

Sexually transmitted infections are currently becoming the world's attention because of the high number of cases found and the death rate, even some types of sexually transmitted diseases have not been found. Some time ago the WHO suggested sexually transmitted infections, such as syphilis, gonorrhea, chlamydia, and trichomoniasis as the global burden of disease with a number of possible cases reaching 250 million cases and this number is estimated to reach every year.

At this present time, for most developing countries mainly due to socio-economic cultural transition factors, the focus of attention for sexually transmitted diseases is more on HIV / AIDS, often given invisible symptoms so that the spread is often difficult to prevent and until now there has been no cure for that disease. But even so, other STI diseases likes gonorrhea, syphilis, trichomoniasis also still get spotlights. In addition to the aforementioned infectious agents, there are still more than 20 other infectious agents that can cause sexually transmitted diseases through vaginal sex, anal sex, or oral-genital / oral-anal contact. Prevalence data for most developing world countries provide useful estimates but must be interpreted with caution because they may not be representative of the total population [10]. The iceberg phenomenon describes a situation in which
a large percentage of a problem is subclinical, unreported, or otherwise hidden from view. Thus, only the "tip of the iceberg" is apparent to the epidemiologist. The social stigma against STI patients makes this disease less detectable. The public tends to be ashamed to express their complaints regarding reproductive organs, and often sex-related talks are still considered taboo. Uncovering disease that might otherwise be below "sea-level" by screening and early detection often allows for better disease control, and also increase public knowledge about STI will help to decrease the stigma among them [11].

The characteristics of participants in this research are presented in table 1. Eighty percent of participant were non-Balinese, but stayed in Denpasar. Only one participant was a student and single or not married.

All participants were in a productive age and have good educational background. Eighty percent of our participants come from outside Bali. As tourist destination, so many migrants are interested in living and working in Bali [12]. From 12 men come to hospital due to dysuria or urethral discharge, only 5 men agree to follow the research, 5 patients refused to undergo interviews due to time constraints, and 2 patients did not admit to having risky sexual intercourse. Based on previous research, it was found that STI-like diseases were more common in young adults. According to the data, sexually transmitted diseases (STDs) are among the first ten causes of unpleasant diseases in young adult males in developing countries and the second major cause of unpleasant diseases in young adult women. From all new acquired STDs, more than 50% are adolescent and young adults (15-24 years old) and range of age between 15-24 years old make up only 25% of the sexual active population. [13]. In our research, one participant is still classified as a young adult, and has been belong to sexual active population.

<table>
<thead>
<tr>
<th>Initial</th>
<th>Origin</th>
<th>Age</th>
<th>Occupation</th>
<th>Marital Status</th>
<th>Education</th>
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</thead>
<tbody>
<tr>
<td>Mr. A</td>
<td>Balinese</td>
<td>20</td>
<td>Student</td>
<td>Single</td>
<td>High school</td>
</tr>
<tr>
<td>Mr. B</td>
<td>Non-Balinese</td>
<td>35</td>
<td>Private workers</td>
<td>Married</td>
<td>Bachelor</td>
</tr>
<tr>
<td>Mr. C</td>
<td>Non-Balinese</td>
<td>27</td>
<td>Private workers</td>
<td>Married</td>
<td>Diploma</td>
</tr>
<tr>
<td>Mr. D</td>
<td>Non-Balinese</td>
<td>30</td>
<td>Private workers</td>
<td>Married</td>
<td>High school</td>
</tr>
<tr>
<td>Mr. E</td>
<td>Non-Balinese</td>
<td>55</td>
<td>Businessman</td>
<td>Married</td>
<td>Magister Degree</td>
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A. Risky Sexual Behavior as a Part of Social Network Activity

In-depth interview results indicated that sexual relations are very privacy, whether it's a wife, friend, or a commercial sex worker. One participant (Mr. A) revealed that sex is part of a social network activity, which typically started in the evening with eating, drinking, and playing game together, “I have a social group, we met in the weekend, we chat, we drink, we play, and we sex”.

All non-Balinese participants thought that Bali is a very free destination, there are many places to socialize and have fun.

“Drinking and sex is very common here. Weird if we don't do it. The important thing is that my wife doesn't know...” (Mr. B)

“My wife doesn't know that I'm in contact with my co-worker. Just once or twice I have met ladies café...” (Mr. C)
“I work at a nightclub and it's very common to have fun and enjoy sex. Sometimes I even get money for it…” (Mr. D)

Mr. D was a businessman, and he thought that treating friends or business associates to commercial sex patronage was a form of socialization. “For us men, making bonds or relationships is easier by using women. It is no longer an age to treat only with food, the most effective treat is the service of commercial sex women, especially if the woman is willing to help offer our business to clients, usually our offer will be easier to succeed through female sex worker”.

Our research found that high risk sexual behavior, like multiple sex partners or visiting FSW is a part of social network activity. Previous study also revealed that high prevalence of commercial sex visit was influenced by friends, some peoples also felt the pressure to participate in the risky sexual behavior, only for the sake of not being shunned by friends or certain circles, we must follow the habits or rules that are in that group. In order to avoid the risk of social sanction for not complying with group norms, some people choose to do things that are unusual or never done before. One social learning theory told that individuals’ behavior is learned through observations and inter-personal communication in their social network [14].

B. Inconvenience of Using Condom

All of participants know that condom is a protective tool for safe sex, but sometimes the use of condoms is uncomfortable and disrupts sexual activity.

“I really don’t like to use condom. I never feel sexual satisfaction every time I use a condom. With condom on, I don’t enjoy sex (Mr. A).

“Sometimes I use condom, sometimes not. When I used it more than one minutes, I started to feel pain and this was really decrease my sex pleasure” (Mr.B).

“Using condom is like wearing wet socks. I really don’t like it” (Mr.E).

The use of condoms sometimes means a symbol of distrust. Trust was linked to the length of the relationship. Non-use condom is commonly cited in long term relationship.

“I know her and I have been with her for two year, so why do I need condom?!” (Mr.C).

“Once I offered her what if I used a condom, I was afraid if something happened, but my partner didn’t like it. So I decided never to use it again.” (Mr. D).

Sexual intercourse sometimes was not be planned, lack of prior preparation for sex especially when subjects were in the heat of the moment.

“I often get drunk when having sex, so I don’t remember using condom” (Mr.A)

“We had nowhere to buy condom. I am afraid of what people think when I bring a condom in my wallet or buy condom in the market” (Mr. C).

“Who remembers using a condom when you're at the peak of sex?!” (Mr.E)

Commercial Sex Workers offer to use condoms, but negotiations fail when customers refuse to use it.

“If there are ladies who offering me condoms, I will pay them half the price or cancel them” (Mr.E).

Previous study in Uganda found there are six barriers to condom use, such as: difficulties using condom include displeasure or pain, access challenge likes not all places sell condoms freely, lack of knowledge and misinformation about condom use such as myths or misperceptions about the effectiveness of condoms, so using condoms or not is the same, partner and relationship factors likes the partner looks healthy so it is impossible to transmit the disease or the partner threatens not to have sex if using a condom, financial incentives and socio-economic vulnerability that also influence
way of thinking likes not everyone wants to pay or exchange the satisfaction they can get without using a condom by using a condom which turns out to be not free, and alcohol use and other factors which makes someone not remember to use a condom [15]. Our findings exactly support the previous study, but the main reason in our study is difficulties using condom that disrupt the sexual pleasure. In order to increase the convenience of condom, previous research told that lubricants will make sex safer by reducing the likelihood of condom breakage, tissue damage and tearing caused to the genitalia [15]. Through the interview results, it was found that the participants' understanding and knowledge regarding the benefits of condom use were still lacking. Thailand and Indonesia are two developing countries in Southeast Asia, but have different perspectives regarding sex and condoms. Since 1989 Thailand has been very keen to propagate the use of condoms, which were initially intended for commercial sex workers and their clients, but now the campaign has widened to target a more general population such as teenagers to prevent unwanted pregnancies at an early age [7]. This is different from in Indonesia, condom campaigns are aimed more at commercial sex workers, whereas failure to use condoms is usually caused by clients who refuse to use condoms and threaten the cancellation of transactions. Previous qualitative study in Nepal also stated that condom-related negotiation between clients and FSWs usually fail because the client refuses and threaten to cancel the transaction. Female sex workers used condom only if their clients demanded, but the clients usually did not demand that condoms to be used. In cases of client refusal, they can't disagree or try to force clients because they feared that they would lose the client [16].

C. STD is just a Fairy Tale

All participants know that there is a disease that is transmitted through sex, but do not know if anyone has experienced it, especially HIV.

“HIV is said has no cure, it seems just to scare people like us” (Mr. A).

“I have heard about syphilis, HIV, gonorrhea from online and television, but is it really true?” (Mr. B).

“Only bad people are affected by the disease, but I'm not a bad person” (Mr. C).

“I don't look like I have HIV. The women I slept with also looked fine. I always make sure the woman I sleep with is not having a disease” (Mr. D).

“This is not the first time I have bad urination like this. I just need to go to the doctor, get antibiotics, and then I get well. So I don't need to worry” (Mr. E).

When interviewed regarding STI, it was found that knowledge related to STI and HIV was still very lacking. Some previous studies such as those in India and Jamaica state that condom use will increase as knowledge increases. Increased knowledge will eliminate all confusing information while at the same time creating fear of the danger caused by not using condoms [8].

This study has some limitations. First of all, the selected participants were not representative of all risky sexual behavior in Bali. Although the number of participants in this study is very minimal, each point described in this study is sufficient to be able to describe the phenomenon of what is happening in the community. We focus to search on participants coming from men who are experiencing STI due to risky sexual behavior, so they can be a concrete example to the readers. The results of this study are expected to be the basis of subsequent research. For the next research, it needs a larger number of participants in different settings.
3. Conclusion

Sexual health especially high risk sexual behavior and the prevention include the use of condom is an important public health issue across all age group. Different countries cause different socio-cultural differences and perceptions of issues such as unsafe sex. Abstinence or being loyal to only one partner is actually the most effective method of preventing sexually transmitted infections. But as culture changes follow the changing times, risky sexual behavior seems unavoidable. Indeed, many people already know the dangers of risky sexual behavior, including the risk of STI and HIV, but in reality there are many factors that result in the failure of safe sex to be realized. The FSW empowerment issue is crucial in successful negotiation for condom use. Safe sex education to general population is needed to create a safe sex, rather that prohibiting risky sexual activity.

References


The Ability of Managerial Ownership Moderating of The Effect of Enterprise Risk Management (ERM) Disclosure Toward The Company Value

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Abstract. This study aims to test and prove managerial ownership to moderate the relationship of Enterprise Risk Management (ERM) disclosure toward the company value. The management always tried to reveal private information, especially good news which according to the consideration of the company was very interested by the investors and shareholders. This research will be conducted on public companies and published annual report in 2014-2016. This research was using purposive sampling technique so that obtained 57 data observation. Moderated Regression Analysis (MRA) with panel data regression models are used to analyze data. The results showed that ERM disclosure had no effect on company value. The relationship between ERM disclosures to company value is also not able to be moderated by managerial ownership.

Keywords: ERM disclosure, Managerial ownership, corporate value.

1. Introduction

The establishment of a company aims to maximize the prosperity of business owners (Murtini 2008). The high value that can be achieved by a company is one way to maximize the prosperity of business owners. Enterprise Risk Management (ERM) that is applied by companies and disclosed to the public is of course a weapon to encourage companies to achieve higher values. Currently in addition to financial information contained in the company’s annual report of public concern, nonfinancial information is also a public concern is ERM. This information begins to be of concern when investors have difficulty in providing valuations to decide on their investment, because in the end some companies that always provide good financial information have not guaranteed the company is free from fraud (Devi, 2017). This condition is then reinforced by the reappearance of fraud cases in 2017 that occurred in large multinational company British Telecom after previously happened to some big companies like case of Worldcom and Thosiba. British Telecom experienced accounting fraud in one of its business lines in Italy. This accounting fraud scandal impacted shareholder and investor losses in which British Telecom’s share price plummeted by one-fifth when British Telecom announced its earnings correction.

These events further prove that financial information will not be able to be the sole basis of investment decision assessment. According to Holland (2002) to assess a company needed other information in addition to information that is financial. The high risks inherent in investment activities cause investors to require ERM information that can assist them in

1

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assessing the company not only now but also the company’s future condition. Companies that are able to properly manage risk in the form of ERM implementation and disclose it to the public are likely to be responded better by investors.

The disclosure of corporate risk management, hereinafter referred to as ERM disclosure, presents the company’s risk management information including the impact of such risks in the future. This information is presented as a signal that the company has a high commitment in risk management including its impact on the company (Hoyt and Liebenberg 2011). Hoyt & Liebenberg in his research in 2008 found that ERM implementation in the company can help company to inform external parties related to the company’s risk profile. In 2011 Tahir and Razali found that the value of the company did not significantly increase after the company implemented ERM.

While Bertinetti et al. (2013) actually finds ERM disclosure positively affects the value of the company. Mulyasari, et al who conducted a study in 2013 found that corporate value can also be maximized through ERM, but the real impact of the implementation of the ERM does not yet seem significant. Different results were found in the same year by Sanjaya and Linawati that there is no relationship between companies that implement ERM on increasing corporate value. Devi (2017) found ERM disclosure can increase the value of a company. Results of research conducted by some previous researchers are still inconsistent. According to Devi (2017) more and more items in ERM dimensions are disclosed is a signal company for the investor to the company rated higher. In real terms, not all companies that make voluntary disclosure are considered positive by investors (Abdullah et al., 2015). Companies that disclose risk information that is perceived to threaten the sustainability of their business in the future are not responded by the public or investors.

The regulation ERM disclosure in Indonesia does not mention the extent of its disclosure. So even though ERM is not disclosed by the company has not detailed in its financial statements. In line with Syifa’s (2013) research on manufacturing firms in Indonesia listed on IDX on ERM, Syifa explained that the company’s response to ERM implementation and disclosure is still low. Syifa (2013) also found from all manufacturing companies under study there are still companies that have not applied ERM. The results of the research on inconsistent ERM disclosure led to this interesting research to be researched in Indonesia, especially for manufacturing companies.

The findings of inconsistent research findings, particularly in manufacturing companies, suggest that there may be other variables that affect the ERM disclosure relationship to firm value. According to agency theory to reduce conflicts that may occur in companies whose management functions and ownership functions are separated can be done by involving managers in share ownership (Imanta, 2011). With stakeholder involvement, managers are expected to act by taking into account any existing risks and motivate themselves to improve their performance in managing the company (Ningsih, 2013). Companies that are able to demonstrate a high commitment to risk management through a quality disclosure ERM that is managed by managers who are also shareholders will be more responded by investors.

Research on ERM disclosure associated with firm value using managerial ownership as a moderating variable in manufacturing companies is still not being done in Indonesia so it still needs to be proven empirically in order to raise awareness for better risk management and perform better quality disclosure ERM. This research is focused on manufacturing company because based on result of Syifa (2013) research that company’s response to ERM
implementation and disclosure is still low even there is still not applying ERM so this research is done to prove empirically managerial ownership role in moderating influence of ERM disclosure in increasing value companies in manufacturing companies.

2. Literature Review

Stakeholder theory encourages management to conduct management activities through the maximization of economic resources so as to encourage the achievement of the maximum value of the company in accordance with the expectations of stakeholders. While signalling theory states management will attempt to convey information even though the information is not required. Ho and Wong (2001) explains that efforts can be made through voluntary disclosure while according to Ramadhani (2012) through increased managerial ownership. Voluntary disclosure that is able to provide important information for investors is ERM disclosure. ERM disclosure will provide information on not only the risks that the company has managed but including the company’s efforts in controlling those risks. ERM disclosure began to be published by COSO in 2004 as an effort to achieve company goals. COSO formulates the ERM framework that is implemented into each enterprise strategy through eight dimensions with 108 items consisting of (1) internal environment, (2) goal setting, (3) identification of events, (4) risk assessment, (5) response (6) monitoring activities, (7) information and communication, and (8) monitoring (Meizaroh and Lucyanda 2011). In response to the ERM framework published by COSO, Indonesia’s regulatory body in 2010 which was revised in 2012 also issued a regulation on risk management disclosure. The regulation is governed by PSAK No. 60 (Revised 2010 on Financial Instruments) and Decree LK Number: Kep-431 / BL / 2012 issued by the Chairperson of Bapepam regarding the mandatory regulation of risk explanation and risk management efforts that have been done by the company. Company value according to Nurlela and Ishlahuddin (2008) can be reflected by market value.

3. Development Of Hypotheses

The value of the company to be a very important instrument because with high corporate value it will be followed by high shareholder wealth. The optimization of company value can be achieved through the implementation of Enterprise Risk Management (ERM). ERM disclosure information presented by the company will provide higher trust to users of information especially investors. Through ERM disclosure, company value can be maintained and enhanced (Hery, 2015). Hoyt and Liebenberg who conducted research in 2008 have proven that companies that implement ERM have a higher average company value compared with companies that do not implement ERM. Market participants will have a better perception of companies capable of performing high quality ERM disclosures (Baxter 2012). Companies that divide ownership and corporate management are susceptible to agency conflict. This condition will certainly lead to agency cost equity, so to overcome these conditions the company can apply the system of managerial ownership. Ningsih (2013) in his research explains that managers acting as shareholders will have a higher motivation in managing related companies in considering risks and improving their performance. In general, companies that tend to increase their value are able to disclose broader information with high managerial shareholding structures (Ramadhani and Hadiprajitno 2012). Based on the exposure, it can be formulated hypothesis as follows:
H1: ERM Disclosure positively affects the value of the company
H2: Managerial ownership moderates the influence of ERM Disclosure on corporate value

4. Research Methods

Operational Definition of Variables

a. Independent variable
ERM disclosure is measured using the ERM disclosure index calculated as follows:

\[ \text{ERMDI} = \frac{\sum_{ij} D_{item}}{\sum_{ij} A_{Ditem}} \]  

Information:

ERMDI : ERM Disclosure Index  
\( \sum_{ij} D_{item} \) : The Total Item of ERM Items Revealed 
\( \sum_{ij} A_{Ditem} \) : Total ERM Item Should Be Revealed

b. Dependent variable
The value of the firm as a dependent measurement ratio used is Tobin’s Q value with the following formula.

\[ \text{Tobin's Q} = \frac{\text{MVS} - \text{D}}{\text{TA}} \]  

Information:

Tobin’s Q : Company Value  
MVS : Market Value Shares  
D : Market Value Payable  
TA : Total Assets

c. Moderate variables
The value of managerial ownership will be calculated using the percentage value (Wida 2014), with the following formula:

\[ KM = \frac{\Sigma SM}{\Sigma SB} \times 100\% \]  

Information:

KM : Managerial Ownership  
\( \Sigma SM \) : Total Managerial Share  
\( \Sigma SB \) : Total Shares Outstanding
Sample

The study population is a manufacturing company that publishes annual report during the observation period of 2014-2016. The sample was selected using the porposive sampling technique. In Table 1 presented sample selection process.

Tabel 1.
Sample Selection Process

<table>
<thead>
<tr>
<th>No</th>
<th>Sample Criteria</th>
<th>Total Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Manufacturing companies listed on the Indonesia Stock Exchange period 2014-2016.</td>
<td>147</td>
</tr>
<tr>
<td>2</td>
<td>Manufacturing companies publish financial statements for the period 2014-2016.</td>
<td>(11)</td>
</tr>
<tr>
<td>3</td>
<td>Manufacturing companies with managerial ownership data for the period 2014-2016.</td>
<td>(117)</td>
</tr>
<tr>
<td></td>
<td>Number of samples</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>Total observations (2014-2016)</td>
<td>57</td>
</tr>
</tbody>
</table>

Source: Data processed, 2018

Data analysis technique

The data collection method used to analyze ERM disclosure is content analysis through dichotomy data. Descriptive statistics and Moderated Regression Analysis (MRA) with panel data regression models are used to analyze data with the following equation.

\[ NP = \alpha + \beta_1 \text{ERMDI} + \beta_2 \text{ERMDI} \times \text{KM} + \varepsilon \]  \hspace{1cm} (4)

Information:
- NP : Company Value
- \(\alpha\) : Constants
- \(\beta_1, \beta_2\) : Regression Coefficient
- ERMDI : ERM Disclosure Index
- KM : Managerial Ownership
- ERMDI*KM : Interaction between ERM Disclosure Index and Managerial Ownership
- \(\varepsilon\) : Error Term

5. Results

Hypothesis testing this research using panel data regression. Panel data regression has three model approaches: Common-Constant (The Pooled OLS Method = PLS) method, Fixed Effect Model (FEM) method, and Random Effect Model (REM) method. The most appropriate model selection result through Chow or Likelihood Test Ratio test, Lagrange Multiplier (LM) test, and Hausman test is FEM model. Considering that the determinant value of FEM model shows 87% result but PLS model only 3% and REM model 0% . The result of
Moderated Regression Analysis (MRA) analysis by using panel data regression model shown in Table 2 below.

Tabel 2. Results of MRA analysis with FEM model panel data regression model

<table>
<thead>
<tr>
<th>Variable</th>
<th>Coefficient</th>
<th>Std. Error</th>
<th>t-Statistic</th>
<th>Prob.</th>
</tr>
</thead>
<tbody>
<tr>
<td>C</td>
<td>1.19</td>
<td>1.19</td>
<td>1.00</td>
<td>0.32</td>
</tr>
<tr>
<td>ERMDI</td>
<td>-2.54</td>
<td>3.30</td>
<td>-0.77</td>
<td>0.45</td>
</tr>
<tr>
<td>ERMDI * KM</td>
<td>22.59</td>
<td>11.97</td>
<td>1.89</td>
<td>0.07</td>
</tr>
</tbody>
</table>

Effects Specification

- R-squared: 0.91
- Adjusted R-squared: 0.87
- F-statistic: 1.93
- Prob(F-statistic): 0.00

Source: Data is proceed by using EViews® 8 application 2018

Based on the results in Table 3, the following equations are made.

\[ NP = 1,19 - 2,54ERMDI + 22,59ERMDI * KM + \epsilon \]

6. Discussion

Influence of ERM Disclosure on company value

ERM disclosure is important information for investors. ERM management that can be done well and disclosed to the public in the form of quality disclosure ERM will be responded positively by the stakeholders. Integrated ERM implementation is expected to support the achievement of corporate objectives (Charvin, 2014). But the test results show ERM disclosure does not affect the value of the company. These results support the research of Aditya and Prima (2017) which explains that ERM implementation has no effect on company value. Some previous researchers also found similar results that ERM had no significant effect on firm values such as research by Li et al. (2014), and Tahir & Razali (2011).

Kartika and Nanik (2015) revealed that the consideration of investors in investing in Indonesia, especially the financial sector more consider other information than the implementation of an enterprise ERM. In addition, ERM implementation in the company is something that is integrated and can only be known the impact in the long term. This statement is in line with Beasley, Pagach & Warr (2008) research that found that ERM applied by the company through an integrated communication within the company's internal environment will only be felt in the future. Besides, not all information about future corporate risks expressed by the company will be responded positively by investors even though the
company has shown efforts in managing those risks. This statement is in accordance with the results of the study Abdullah et al. (2015).

The relationship between ERM Disclosure and company value moderated by managerial ownership

Agency theory emphasizes that companies whose proprietary systems and management systems are separated will be vulnerable to conflict when the interests of both parties are not aligned. Ross et al. (1999) quoted from Siallagan and Machfoedz (2006) states that the performance of corporate management can be improved through increased managerial ownership. The test results show that the effect of ERM disclosure on firm value cannot be strengthened by managerial ownership. Companies that have a managerial ownership system still do not encourage companies to conduct a wider ERM disclosure to increase value for the company. Besides that it was also found that the average managerial ownership of manufacturing companies in Indonesia is still very low. So with such a percentage rate, the authority to make decisions that will have a major impact on the company can not be done by the managers. Investors also judge that the more professional the managers of the company, not infrequently they will be more likely to ignore the company's goals and even will prioritize personal interests. Investors ultimately do not take into consideration the judgment of a company that has managerial ownership to decide to invest even if the company is conducting ERM disclosure. This research supports Larasati (2011), Samisi (2013), Primady (2015), Wiryani (2016), and Pratama (2016).

7. Conclusions

This study concluded that disclosures made by companies in the form of ERM disclosure did not affect the value of the company. The relationship between ERM disclosure to company value is also not able to be moderated by managerial ownership. Companies that have a managerial ownership system are still unable to encourage companies to conduct a wider disclosure ERM to increase company value.

REFERENCES


Legal Protection for Investors in Purchasing Land for Business Interests

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Abstract. In attracting investors to invest their capital in Indonesia, the government undertakes a series of policies to facilitate the movement of investors. However, investors are often confronted with various issues in relation to the business world; legal protection for investors in the purchase of land needs to be done to ensure legal certainty and improved the conduciveness of business climate. In this study, there are two issues that will be discussed: how is the Indonesian government's policy in the field of investment and how are the efforts to prevent problems in the purchase of land by investors? This research is a normative legal research. To prevent problems in purchasing land in the future, investors need to know the rule of law in Indonesia. Each stage to purchase land need to be done by law and set forth in the form of agreement and notarial deed.

Keywords: Investor; land; legal protection

1. Introduction

The term investment is a well-known term, both in business activity and within a statutory rule. It is a popular term in the business world [1]. Investment activities are not only conducted within a single country, but are conducted across borders [2]. In dealing with investment between countries, countries in the world have formed The International Center for the Settlement of Investment Disputes ("ICSID"). ICSID is an organization created by the Washington Convention ("the Convention" or "the ICSID Convention") to facilitate international investment by creating a body to settle disputes between investors and states that may arise from such investments [3]. Investment activity is a sector that is quite vulnerable to legal issues [4, 5, 6], therefore; investment policy becomes a vital policy in government.

Investment policy is an important discourse in a country's economic development [7]. Policy is a strategic utilization of existing resources to solve public or government problems. Policy is a form of state intervention to protect the interests of disadvantaged (group) people [8]. Government in determining the policy need to pay attention to factors influencing investment. There are many factors that influence investors in investing their capital. Capital investment that has a primary goal to gain maximum profit (profile oriented) and the secondary objective is to produce goods. However before deciding to put investment, there are many things that need to be taken into account.
Therefore, the government should try to facilitate to create a good and conducive atmosphere so that investors are interested to invest their capital. In investment, the government should pay attention to internal and external factors of capital investment. The factors include [9].

a. Internal factors
   - Investors generally complain about investment procedures that are considered convoluted and too bureaucratic. Therefore, it is needed to create the easier procedure handling through one gate service or one top service.
   - Uncertain political and security conditions. Investors need security guarantees of their capital and their lives. Tribal dispute in several regions in Indonesia such as Ambon, Sampit, Aceh and Papua make threats to foreign investors.
   - Investment business field. Investment business sector should be adjusted by government policy. Open and closed business fields for foreign investors should be clearly defined.
   - The quality and ability of the workforce is not good. Labor factors become one of important consideration factor because it is related to production quality. So also with the wages of workers and work ethic, behavior and culture of the workers.
   - Land ownership rights. This land ownership rights are generally very difficult to be obtained by foreign investors who will invest their capital in Indonesia. The worry if foreign investors are given the right to own land then they have the opportunity to control the land on a large scale that is feared could harm the national interest. While other countries such as China, Thailand and the Philippines have started to offer various land rights that appeal to foreign investors.
   - Aspects of protection and legal certainty. The Investment Law does not guarantee legal protection and certainty for investors. Moreover, the changing and less synchronization of the rules with each other makes foreign investors confused in interpreting them.
   - Lack of incentive facilities. Various incentive facilities are essential to attract foreign investors. There are increasing competitions among developing countries to attract foreign investors to make foreign capital inflows into their countries. It makes countries offer a lure of incentives, like sweet sugar for investors. Therefore, investors are like ants flocking to the lucrative region to make a profit.

b. External factors
   - Interdependence between countries. There is no country in the world that can fulfill all the needs of its own people. The differences in geographical location, capital, natural potential, population, scientific ability and others make the countries mutually need each other, including to meet the economic needs through investment
   - Globalization and international economic liberalization. With the agreement of the international community to globalize and liberalize the economy world, the investment sector becomes widespread and almost without obstacles. Through various international economic agreement commitments such as the World Trade Organization (WTO) and various regional economic partnerships such as the European Union (EU), the European Free Trade Area (EFTA), the North American Free Trade Area (EFTA NAFTA), the Asia Pasific Economic Coorporation (APEC), the Asean Free Trade Area (AFTA) and the rest are agreed to not only establish free trade area but also free investment area.
Fierce competition between developing countries. Commitment to establish the area of free trade and investment is increasingly causing competition in the field of investment higher. Particularly among the developing countries, they compete each other to "beautify themselves" to attract foreign investor from the developed countries to enter their country.

Land ownership factor is an important concern for investors in Indonesia. Land in Indonesia cannot be bought by investors. Land in Indonesia can only be purchased by Indonesian citizens. As a result, only domestic investors can buy land for business purposes, while foreign investors need to work with Indonesians in order to get the land used to build their business. Problems of buying and selling land for business interests are often faced with the origin of the land that is still in dispute. Moreover, in some cases, the land comes from inheritance. Investors are also faced with multiple certificate ownership issues. These conditions certainly do not provide assurance of legal certainty from investors. This will reduce investor confidence to invest in Indonesia.

The study is designed in a normative study approach, where actions were done to investigate legal provisions of Indonesia country on investment on land for business purposes. We collected the related regulations of law and related theories of investing, land purchasing, and business. We interpreted the verse in each utilized sources of law as object-related material for the study.

2. Discussion

2.1 The Indonesian Government’s Policy in the Field of Investment

Indonesia is one of potential places to invest for investors in the field of goods and services, mining, and tourism. The US News survey was obtained taking into account data released by the United Nations Office for Trade and Development (UNTCD) and the World Bank. Afterwards, US News surveyed 21000 respondents from 80 countries. Reported by Business Insider, Indonesia is considered to have steady economic growth in the next few years. United Nations Conference on Trade and Development (UNCTD) data shows Indonesia as one of the promising countries in receiving foreign investment. The rating of Indonesia as an investment-worthy country beats other Southeast Asian countries such as Malaysia and Singapore. Malaysia sits fourth while Singapore sits in fifth place [10]. To support the investment passion, the government issued a number of policies in the field of investment.

Investment activities in Indonesia are regulated in The Act of Republic of Indonesia Number 25 of 2007 regarding Capital Investment. In the provision of Article 1 Sub-Article 1 of Capital Investment Act stipulated that what is meant by investment is any form of investment activity, either by domestic or foreign investor to do business in the territory of the Republic of Indonesia. Investment policy is regulated in Article 4 Capital Investment Act. In the provision is stipulated on:

a. The Government shall determine the basic policy of investment for:

   • encouraging the creation of a conducive national business climate for investment to strengthen the competitiveness of the national economy; and
   • accelerating the increase of investment.

b. In determining the basic policy referred to in paragraph (1), the Government:
• giving equal treatment to domestic and foreign investors with due regard to national interests;
• ensuring legal certainty, business certainty, and security of business for investors since the process of licensing until the end of investment activities in accordance with the provisions of legislation; and
• opening opportunities for development and providing protection to micro, small, medium and cooperative enterprises.

c. The basic policy referred to in paragraph (1) and paragraph (2) shall be realized in the form of the General Plan of Investment.

Investment policy is a very important policy in national development. Capital investment develops in line with a country in implementing national development to improve the welfare and prosperity of its people. These needs arise due to the inability of a country to meet the needs of capital so that capital becomes one of the best alternatives other than through foreign debt [9]. In practice, the term investment itself is often used in different meanings. Komaruddin gives understanding of the investment in three meanings:

a. An act to buy shares, bonds or other letters of participation.
b. An action to buy capital goods.
c. Utilization of funds available for production with future earnings results.

In terms of shape, investment can be distinguished between direct investments and portfolio investments, or equity participation (without a majority). The difference is at the level of power. In direct investments, the foreign party controls the management of the company, so that investors begin to be involved since giving their capital to a business, managing to oversee the field of business. In indirect investments portfolio, investors are actively involved in management. Investments are made through bond ownership and shares. There is also an export credits called short-term loan that provides an opportunity for employers or government agencies in developing countries to purchase capital equipment and equipment in the form of credit.

Investment activities consist of domestic and foreign investment. In Article 1 point 2 of the Capital Investment Act, domestic investment is an activity of investing to conduct business in the territory of the Republic of Indonesia carried out by domestic investors using domestic capital whereas in Article 1 point 3 of the Capital Investment Act stated that foreign investment is an activity of investing to conduct business in the territory of the Republic of Indonesia conducted by foreign investors, whether using foreign capital completely or in association with domestic investors.

The Government provides that foreign investment must use Indonesian legal entities. There are 2 (two) reasons why any foreign investment must use Indonesian legal entity i.e. the investor can easily apply the provisions under Indonesian law and facilitate the jurisdiction in case of arise or dispute. By using a legal entity means an investor may act as a proprietor of rights and obligations (rechtsperson) which has its own property, whether in the form of capital of company equipment and others that can be used as security against negligence in the fulfillment of obligations.

Government policy on investment cannot be separated from the benefits of investment itself for the government. Two (2) main benefits of investment for the Indonesian government are as follows:
a. Increased real incomes, reflected in increased levels of income for consumers, or increased
government revenues.
b. Indirect benefits such as introduction of new technologies and knowledge.

William A. Fennel and Joseph W. Tyler and Eric M. Burt identified positive impacts for both
the recipient country and the beneficiary population. The advantages of the investment are as
follows:
a. Giving working capital.
b. Bringing expertise, managerial, science, capital and market connections.
c. Increasing foreign money revenues through export activities by multinational companies.
d. Foreign investment does not give birth to new debt.
e. The recipient country is not concerned or at risk when a PMA entering the country, it does not
profit from the capital it receives.
f. Assisting development efforts to the economies of recipient countries.

Muchammad Zaidun in his scientific oration, put forward the theories related to the interests
of the state in the field of investment. The review is from the point of view of the interests
of economic development, that is, from the point of view of economic interests that form the basis
of the consideration of policy formulation, usually use the theories of Development Economics, as
the basis of the investment policies that are quite popular like:

a. Neo-Classical Economic Theory,

This theory argues that Foreign Direct Investment (FDI) has a positive contribution to the
economic development of the host country. This fact shows that foreign capital brought to host
country also encourages domestic capital to use it for various businesses. It is in line with
Sornarajah's conclusion that foreign investment as a whole is beneficial to host country to

b. Dependency Theory,

This theory is diametrically opposed to the classical economy that argues that foreign
investment does not give any meaning to economic development in the host country. They argue
that foreign investment is suppressing economic growth and raising the income imbalance in the
host country as stated by Rothgeb. The theory also argues that FDI appears to be a threat to host
country sovereignty and to the freedom of social and cultural development. Due to foreign
investment, there is a tendency to extend jurisdiction using the influence of foreign government
forces on the host country so that the foreign policy influence of foreign investment on host
country is considerable [11].

c. The Middle Path Theory

Many developing countries develop regulation such as regulating the removal in licensing and
incentives through investment policy. According to this theory, foreign investment has a positive
aspect as well as a negative aspect to host country, therefore; the host countries should be cautious
and prudent. Such prudence and wisdom can be undertaken by developing a fair regulatory policy.

d. State/Government Intervention Theory,

Proponents of this theory argue that the protection of invant industries in developing countries
from competence with industry in developed countries is essential for national development.

The state has an interest in making investment policy. The investment policy does not only
deal with financial gain, but also how the state protects the national interest. In protecting the
national interest, the state has a policy of land ownership for business purposes.
2.2 The Effort to Prevent Dispute in Buying Land by Investors

From an economic point of view in which the investment is as one of the factors of production, investment can be interpreted as an action to buy stocks, bonds, or any other participation; an act of buying capital goods; and the utilization of funds available for production with future opinions [12]. Investment policy is subject to Capital Investment Act. Article 25 of the Capital Investment Act states:

a. Investors who invest in Indonesia must comply with the provisions of Article 5 of this Act.

b. Ratification of the incorporation of a domestic investment company in the form of a legal entity or non-legal entity shall be conducted in accordance with the provisions of laws and regulations.

c. Ratification of establishment of foreign investment company in the form of a limited liability company shall be conducted in accordance with the provisions of laws and regulations.

d. Investment companies that will conduct business activities shall obtain permits in accordance with the provisions of the laws and regulations of the authorized agencies, unless otherwise provided in law.

e. Permit as referred to in paragraph (4) shall be obtained through one-door integrated service.

Domestic investment may be made in the form of a business entity in the form of a legal entity, not legal entity or sole proprietorship, in accordance with the provisions of legislation. Foreign investment shall be in the form of a limited liability company under Indonesian law and domiciled within the territory of the Republic of Indonesia, unless otherwise provided by law. Domestic and foreign investors engaged in investments in the form of limited liability companies shall be conducted with:

a. taking part of the shares at the time of the establishment of a limited liability company;

b. buying shares; and

c. to perform other means in accordance with the provisions of legislation.

Efforts to prevent the occurrence of disputes in the purchase of land in Indonesia are done by studying Indonesian Law. Normatively, land can only be owned by Indonesians. This provision is stipulated in Article 21 paragraph (1) of Law No. 5 of 1960 on Basic Agrarian Principles which states "Only Indonesian citizens can have property rights." To overcome these obstacles, foreign investors usually conduct a nominee agreement. Nominee is "one designated to act for another as his representatives in a rather limited sense. It is used sometimes to signify an agent or trustee. It has no connotation, however, other than that of acting for another, in representation of another, or as the grantee of another" [13]. Nominee is a person or individual who is appointed to specially act on behalf of the person who appointed him (beneficiary) to perform a certain act or legal action. Nominee may be appointed to take legal action, among others, as property owner or land, as director, as authorized, as shareholder and others [14].

The provisions of Law Number 25 of 2007 regarding Capital Investment prohibit the making of nominee agreement. Article 33 Paragraph (1) states "domestic investment and foreign capital investments in the form of a limited liability company are prohibited from entering into agreements and/or statements confirming the ownership of shares in limited liability companies for and on behalf of others." The nominee agreement is a legal smuggling that allows foreigners to control land in Indonesia. This condition is certainly very detrimental to the state. The use of Indonesian names in the purchase of land is actually detrimental to foreign investors. Foreign investors may lose their land when the Indonesians violate the agreement.
The purchase of land by investors undertaken in several stages must be done by contract. The contract is one of two existing legal bases other than the law that may cause the engagement. Engagement is a legal relationship that binds one or more legal subjects to related obligations to each other [15]. The seller and the buyer of the land have a legal relationship affirmed in the sale and purchase agreement [16]. A legal relationship is a relationship that is regulated and recognized by law. The relationship recognized by law is usually called an engagement because of the agreement. It is said that, because the legal relationship has been made by the parties (legal subject) in such a way that it binds both parties and acts as a law. The contract serves to legitimize legal relations between investors who buy land and landowners as sellers.

The sale and purchase agreement specifies the rights and obligations of the seller and the buyer. The agreement is binding on both sides that make it [17]. The provisions concerning the sale and purchase are regulated in Article 1457 of the Civil Code which states "Sell-purchase is an agreement by which one party binds him to deliver a good, and the other to pay the promised price." In the process of purchasing land, the buyer does not immediately pay off the payment. Buyers make payments in several stages. The legal relationship between the seller and the buyer is done by binding of the sale and purchase. In the sale and purchase binding deed, the seller (the first party) provides a guarantee to the buyer (second party) on the land to be traded:

a. is indeed belonging to the first party itself and only the first party itself is entitled to hand over;

b. not subject to any confiscation or burden as a guarantee of a debt;

c. that now and in the future the second party will not be prosecuted by other party claiming to have or participate in the right to such land, and hence the second party is hereby acquitted by the first party of any other party's claims regarding it.

Basically, investors, both domestic and foreign investors who invest in Indonesia are given various facilities. The granting of this facility is intended to make domestic and foreign investors willing to invest in Indonesia. The investment is needed by the Indonesian government to accelerate the development process. The investments invested by investors have very important role for the community because these investments have an effect on the lives of local communities [8].

3. Conclusion

The Indonesian government's policy on investment is done by creating a set of legal rules that provide legal certainty to investors. The efforts to protect investors in the purchase of land for business purposes are with an understanding of the rule of law in Indonesia, in which the land can only be owned by Indonesians only. The investment policy in Indonesia also prohibits the nominee agreement. In protecting the parties, both the seller and the buyer, then every stage of the land transaction needs to be done through the notarized contract.

References

Implementation of Credit Restructuring Provisions for Debtors of Non-Performing Loans in Bank Credits

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Abstract. Indonesia government’s effort made to overcome the high increase of non-performing loan is issuing policy in the form of Bank Indonesia Regulation No. 2/15/PBI/2000 concerning Credit Restructuring in the form of a reduction in loan interest rates, extension of credit period, reduction of interest credit arrears, reduction of loan principal arrears, addition of credit facilities, and conversion of credit to temporary capital participation. Empirically, barriers to implementing this strategy still occur: obstacles in the process, obstacles to implementation, and obstacles to legal factors. With an Indonesian legal perspective approach, the study examines the application of strategies to find alternative solutions by applying empirical legal research methods. The results show that deviations in applying credit restructuring provisions are the leading factors that hinder their success, aside from amendments to the provisions that occur. Amendments must be reduced and prospective debtors should gain an in-depth understanding of the system in credit.

Keywords: Credit bank; credit restructuring; non-performing loans

1. Introduction

The development of the banking world in Indonesia is now getting better. Various financial services have been developed to provide comfort for the community [1]. This supports the situation that the bank's main function is to raise funds from the public and redistribute to the community for various purposes; or the bank itself is a financial intermediary [2, 3]. In addition, in the Law of the Republic of Indonesia Number 10 of 1998 concerning Amendments to Law Number 7 of 1992 concerning Banking (Banking Law) Article 1 number 1, said "Banking is everything that concerns banks, includes institutions, business activities, and ways and the process of carrying out its business activities". One form of channeling funds from banks to the public is crediting [4]. Credit in the perspective of the Indonesian Law on Banking Article 1 number 11 is the provision of money or bills that are identical to that based on a loan agreement between the bank and another party that promises the borrower to repay the debt after a certain period of time with interest. Hence, giving credit is a very basic activity of a bank [5].

In reality, credit distribution has a very large risk and a significant impact that occurs as a result of some debtors not fulfilling something required as stipulated in an agreement or contract or default, which has decreased in credit payments or often referred to as non-performing loan (NPL). The high NPL ratio has a negative impact on bank performance progress. To overcome this
condition, the Indonesian government collaborated with the bank to make an effort to reduce the NPL by issuing a Decree of the Board of Directors of Bank Indonesia No. 31/150/KEP/DIR on 12 November 1998 concerning Credit Restructuring, which was subsequently amended into Bank Indonesia Regulation No. 2/15/PBI/2000 concerning Credit Restructuring. This restructuring is a bank program as an improvement effort carried out in credit activities with debtors who have difficulty fulfilling their obligations [6]. In the Decree, it is stated that Credit Restructuring can be carried out in 7 ways, namely: reduction in interest rates, reduction of loan interest arrears, reduction of loan principal arrears, extension of credit period, addition of credit facilities, acquisition of debtor assets in accordance with applicable regulations, and conversion of loans to temporary capital participation in debtor companies. Notwithstanding, in provisions issued by the government, a bank can only conduct credit restructuring for debtors who meet the following criteria: (1) Debtors have difficulties in repaying loan principal and/or interest; and (2) Debtors have good business prospects and are able to fulfill obligations after the loan is restructured.

Studies on financial restructuring have been released in an unlimited number and with various context and locus by scholars and researchers. Financial restructuring and credit unions nature was once examined determine their implications to the society [7]. A review on Distressed debt restructuring in the presence of credit default swaps was ever conducted by looking at the debt restructurings (distressed exchanges and bankruptcy filings of rated, nonfinancial U.S. companies over a certain 4-years period [8]. It was obtained that firms where empty creditors are more likely to emerge are not characterized by a higher probability of filing for bankruptcy than other firm. In conjunction with the objective of the present study, implementation of credit restructuring law provisions was once explored by in a previous study in Indonesia [9]. It was revealed that implementation of the provisions of the rescue loan restructuring and settlement of non-performing loans on bank credit has not been optimally applied to all borrowers who are having trouble paying even though they have the opportunity to carry out the payment. Restructuring in credits seems to be in emerging problem that debtors like firms are likely to be recommended to it because it have proven resulting in credit crunch and crisis [10]. Instead, the credit restructuring had been widely applied in bank credits throughout Indonesia territory and is protected by law.

This study examines the implementation of credit restructuring provisions in the redemption and completion of Non-Performing Loans in bank credits and identifies the obstacles faced in implementing the loan restructuring provisions in question using recommend alternative solutions. This study was designed with the application of empirical methods that move from the gap between das solen and das sein by using. We make benefits from statute approach [11], case approach, and sociological approach. The data of this study were collected by observation method at PT. Bank Panin Tbk, KCU Kuta-Bali and interview with the director, the manager and 5 customers of the company. In addition, we collected theories relating to banking and credit restructuring from various results of previous studies and at the same time we compiled articles of Indonesian law governing banking and credit restructuring. Data processing is done qualitatively and is presented in the form of a description.

2. Results and Discussion
2.1 Implementation of Provisions on Credit Restructuring for Non-Performing Loan Debtors

Normative restructuring policies are only given to debtors who have difficulties in fulfilling their obligations rather than debtors who deliberately do not pay because of bad intentions. According to a decree letter from the Board of Directors of Bank Indonesia No. 31/147/KEP/DIR concerning Earning Asset Quality on 12 November 1998, credit risk for derivative transactions is the mark to market value of all agreement/contract that allow benefits that cannot yet be realized but can potentially be a loss for bank if the other party defaults.

Determination of credit risk is an attempt to anticipate the bank for losses caused by non-performing loans, even in current loans, credit risk still exists. The high rate of non-performing loans must be anticipated by reserving creditors' risk. According to Faure in his book entitled “Banking: An Introduction “meyatakan”, credit risk is the risk that the borrower from a bank will default on the loan and/or the interest payable [12].” Credit risk is the risk that the borrower from the bank will not be able to repay the loan and/or or not be able to pay the interest to be paid. In dealing with this risk, Bank Indonesia issued a policy regarding restructuring. Restructuring can be done with or without rescheduling and/or reconditioning based on Circular Letter No. 15/28/DPNP to all Commercial Banks. The credit restructuring is carried out in accordance with the prudential principles and applicable Financial Accounting Standards.

Restructuring is a step that must be carried out jointly by creditors and debtors if a non-performing loan occurs. Credit restructuring is very easy to do as long as there is good faith from the customer as the debtor, and the good faith in question is [13]:

- good faith is an intangible and abstract quality with no technical meaning or statutory definition, and it compasses, among other things, an honest belief, the absence of malice and the absence of design to defraud or to seek an unconscionable advantage, and individual’s personal good faith is concept of his own mind and inner spirit and, therefore, may not conclusively be determined by his protestations alone in common usage this term is ordinarily used to describe that state of mind denoting honesty of purpose, freedom from intention to defraud, and, generally speaking, means being faithful to one’s duty or obligation.

However, not all non-performing loans can be restructured [14]. Thus, basically restructuring can be carried out on any bad credit regardless of whether the debtor is a big businessman or small businessman [15]. Restructuring can be done if the debtor does experience a decline in the ability to pay and is still able to pay, not due to bad faith [14]. Credit restructuring can only be carried out on the basis of a written application from a customer with a substandard, doubtful and congested credit quality category. The Bank may conduct debtor debt restructuring that still has business prospects and ability to pay while still observing prudential principles and Financial Accounting Standards [16].

In terms of benefits, the credit restructuring policy is useful to ensure banking health as regulated in Article 53 of Bank Indonesia Regulation Number 14/15/PBI/2012 concerning Asset Quality Evaluation for Commercial Banks which are prohibited from restructuring loans with the aim of improving credit quality, or to avoid increasing the formation of Asset Allowance without regard to the criteria of the debtor as referred to in Article 52.

In the issued provisions, each bank is obligated to apply the Credit Restructuring Accounting in accordance with the applicable Financial Accounting Standards. Accounting for credit restructuring is intended to obtain recognition of losses incurred, interest and other incomes. In the context of the implementation of the precautionary principle, the fulfillment of the obligation of
the principal installment and/or interest made by the debtor affects gradually the improvement in credit quality for restructured loans.

Credit quality is determined based on an analysis of three assessment factors, namely business prospects, debtor performance, and capability to pay [13, 14]. Credit restructuring can only be carried out on the basis of written requests from customers with substandard, doubtful and congested credit quality categories. Regarding the application of the precautionary principle, each bank must have a credit restructuring guideline that contains the procedures and the setting for carrying out credit restructuring by including the analysis and documentation section. This is undertaken by always paying attention to the analysis, conclusions, and recommendations explicitly regulated in Article 9 of the Financial Services Authority Regulation Number 11/POJK.03/2015 concerning Provisions on Prudence in the Context of the National Economic Stimulus for Commercial Banks.

Credit restructuring carried out by providing additional credit must contain the purpose and use of additional credit as clearly as possible. Additional credit is not permitted to pay off arrears on principal and/or interest. If the loan restructuring results in the debtor's liability being greater, the bank may require new collateral. Adjustments to the repayment schedule reflect the repayment ability of the debtor. Details related to the transparency of credit requirements include financial agreements in credit agreements, such as plans for recapitulating debtor companies or the existence of clauses that banks can increase current interest rates with the ability to pay of debtors. Requirements that credit agreements and other documents relating to the implementation of credit restructuring must have legal force. The rules regarding the completeness of the documents required for the implementation of credit restructuring are regulated in Circular Letter No. 15/28/DPNP.

Appropriate observations at Bank Panin include a bank that has written policies and procedures regarding credit restructuring. What not all banks have are internal guidelines or provisions regarding credit restructuring based on Bank Indonesia Regulation Number 14/15/PBI/2012 concerning Asset Quality of Commercial Banks in Article 55 paragraph 1, namely "Banks must have written policies and procedures regarding credit restructuring."

In present study, we would state that conclusion to be drawn is that the relationship between written policies and procedures regarding internal credit restructuring at Bank Panin in handling credit restructuring is part of Special Asset Management (SAM) by:

a. Following up, such as through contacting the relevant customer through telephone or send a notice of debt obligations (Warning Letter 1, 2 and 3);

b. The bank, if ignored by the debtor, may carry out a customer visit service to collect directly to the address of the customer concerned or correspond to the customer to come face to face.

c. If the customer cannot deposit the installment fund shortage, the follow-up to the relevant bank is carried out to consider the existence of credit renewal which functions to cover collectibility by reducing interest rates and extending the loan term.

d. If the customer agrees with the idea of reducing interest rates and extending the term of the loan that will be used to alleviate the outstanding installments and other requirements fulfilled, the process can be carried out.

e. The initial process of submitting a restructuring is the same as the submission of new credit, so if each party has agreed on the number of loans, the period and total net funds received by the customer, then inputting through the bank system is carried out.
This agreement serves to ensure legal certainty for the parties in granting credit, both in the context of preventive and repressive. Credit agreements, on the one hand, function to prevent defaults, and on the other hand, will be useful as evidence in the settlement of non-performing loans [18]. Rescue of non-performing loans with credit restructuring is carried out in several ways, i.e. reduction in loan interest rates, extension of credit term, reduction in interest on credit arrears, reduction of loan principal arrears, addition of credit facilities and conversion of credit to temporary equity participation [4].

Barriers in Credit Restructuring for Non-Performing Loan Debtors

The study on the barriers in credit restructuring can be seen from several perspectives according to researchers:

a. Barriers in the process;

According to Santoso, in the process of credit restructuring, there were a number of obstacles encountered, among others [19]:

- There is no openness between creditors and debtors. Such things cannot be separated from the antagonistic nature of the relationship between the two.
- There are limitations, both financial and staff who are experts in the field of recruitment.
- The lack of coordination between agencies involved as facilitators in restructuring.

b. Barriers from legal factors;

The restructuring policy is contained in scattered rules. In the provisions concerning banking there is no affirmation of whether credit restructuring is mandatory or merely an attempt to save credit. In the provision of Article 54 of Bank Indonesia Regulation concerning Asset Quality Rating for Commercial Banks, it is only determined that "Banks are required to apply accounting treatment for Credit Restructuring in accordance with applicable financial accounting standards." Accounting treatment for Credit Restructuring is applied to the recognition of losses incurred and recognition of interest income and other receipts. This can be a legal loophole for banks not to carry out restructuring of Non-Performing Loans.

c. Barriers in the implementation;

The credit restructuring program arises as a result of the provisions relating to the precautionary principle in the management of the Bank; the precautionary principle is incompatible with considering credit restructuring. Therefore, adjustments and a review of the prudential principle need to be carried out, especially regarding the deadline for withdrawals in the context of credit restructuring.

Systemically, the economic and monetary living conditions of a country can be seen from the high and low intensity of non-performing loans, causing a decrease in liquidity which results in a decrease in public confidence in the bank [20]. In the event that public trust decreases, the role of banks as intermediary institutions cannot function optimally. The implementation of the national economic recovery program began with the implementation of various steps for national banking restructuring carried out through the government guarantee program, banking recapitalization program and the implementation of bank loan restructuring. To detect this, Bank Indonesia regulates Commercial Bank Periodic Reports through Article 30 of the Banking Law. This reporting responsibility to Bank Indonesia is related to Bank Indonesia's responsibility in conducting supervision and guidance. Supervision and guidance of Bank Indonesia in terms of credit restructuring is useful if the rescue of non-performing loans is unsuccessful, the bank takes the following action in the form of write-off. The elimination of bad credit is carried out into two
stages: conditional write-off and absolute write-off. Write-off claims is considered a bank loss [21]. The concept of write-off can be described as follows:

a. Write-off is an administrative action of the bank to delete a bad credit book from the balance sheet in the amount of the debtor's liability without removing the bank's claim rights to the debtor. The write-off is carried out on all funds provided and bound in one agreement. Write-off is a conditional write-off and absolute write-off deletion. Conditional write-off is done by issuing all bad credit portfolios from the bank's books, but the bank continues to bill the debtor while in the absolute write-off program, the bank no longer collects debtors [14].

b. Write-off is the act of the bank removing all debtor obligations that cannot be resolved. Policies and conditional write-off and absolute write-off procedures contain criteria, requirements, limits, authorities, and responsibilities and procedures for implementation. Conditional write-offs in the context of credit restructuring and credit settlement are intended for the sake of transparency to the debtor.

The conditional write-off and absolute write-off program is an effort to reduce the ratio of Non-Performing Loan and aims to improve the health of the bank [18]. Banks are required to have written policies and procedures regarding conditional write-offs and absolute write-offs. The policy must be approved by the Board of Commissioners. Procedures regarding conditional write-offs and absolute write-offs must be approved at the lowest by the Directors. In addition, the Board of Commissioners must actively monitor the implementation of conditional write-off and absolute write-off policies.

Conditional write-off and absolute write-off can only be done after the Bank has made various efforts to recover the Earning Assets given. Banks are required to document the efforts taken as well as the basis for considering the write off and / or claim collection. Banks are required to administer data and information regarding Productive Assets that have been subject to conditional write-off and absolute write-off. If the conditional write-off and absolute write-off program is not successful, the bank as the creditor can resolve the problem of bad credit through litigation and non-litigation channels (alternative dispute resolution).

3. Conclusion

This study has examined the condition for implementing credit restructuring for non-performing loan creditors. Conclusions achieved are written in the following. The implementation of credit restructuring provisions has not been optimally implemented in the rescue and settlement of Non-Performing Loan in bank loans. This can be seen from the deviations made in the implementation of credit restructuring. Internal factors that have caused the optimal restructuring provisions are not thorough credit analysis from the bank, an indication of bad faith from the bank to ignore the restructuring process and ignorance of the customer that if there is a payment inability can be resolved through a restructuring proposal. External factors that have caused the optimal restructuring provisions that are restructuring policies as outlined in the Bank Indonesia Regulations and Financial Services Authority Regulations that often change.

The obstacles faced in the implementation of credit restructuring provisions in the rescue and settlement of Non-Performing Loans in bank loans can be viewed from legal factors, process
factors, and obstacles in their implementation. The inhibiting legal factors are the external regulations in the Bank Indonesia Regulation and the scattered and frequently changing Financial Services Authority Regulations as well as internal arrangements in the relevant banks, namely regarding restructuring that does not yet exist or is not in accordance with the substance as mandated in Bank Indonesia Circular. In terms of process, the obstacle that occurs is the lack of openness between creditors and debtors. Such things cannot be separated from the nature of the antagonistic relationship between the two. The limitations of both financial and staff personnel who are experts in the field of recruitment and lack of coordination between the institutions involved as facilitators in restructuring are other factors of the implementation process. In terms of implementation, the obstacle that arises is that the precautionary principle is not in accordance with the consideration of credit restructuring. Therefore, adjustments and a review of the prudential principle, especially regarding the deadline for withdrawals in the context of credit restructuring, needs to be done.

From what has been found in this study, there is a few recommendations that we need, as authors, to convey. First, Bank Indonesia and the Financial Services Authority should not override policies regarding credit restructuring in the rescue of Non-Performing Loans. Each bank should have written policies and procedures regarding credit restructuring, have a special division that determines restructuring and distinguishes it from the credit submission division. The bank should provide training for its employees in increasing their knowledge of restructuring and prediction policies in measuring the ability and capability to pay through the debtor's business prospects as a source of income to carry out payments. The creditor should provide correct information regarding credit applications and interest rates and make anticipatory efforts before the occurrence of Non-Performing Loan by always monitoring the debtor's payment. Second, the debtor should study the credit agreement between himself and the creditor and have sufficient understanding in the banking sector which includes credit application requirements, payment terms, interest rates, payment calculation models and conditions if later he is unable to pay. Debtors, who in this case are bank customers, should have good faith to carry out achievements, be cooperative in every stage of the restructuring proposal, and provide correct information and data in order to reach an agreement in restructuring. If the debtor has participated cooperatively in terms of payment inability, the bank should provide an opportunity to restructure loans to customers before making a decision to sell collateral to cover the payment of credit.

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References

Conviction of the Perpetrator of Land Grabbing in the Jurisdiction of Denpasar City Police

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Abstract. Cases of land grabbing in Indonesia over the past decade dominated the civil cases. Despite the rules governing land affairs that have been established and even amended, land grabbing have not effectively been settled. Through an empirical study approach, we examined the leading factors and procedures for implementing the provisions of convicting the perpetrators of land grabbing in the jurisdiction of Denpasar City Police of Bali - Indonesia. We collected data from the Denpasar City Police office through interview and documentation study. At the end of the data analysis, we discovered that in spite of having implemented the provisions of land accordingly, the individual's desire to gain profits and change in the city order as a result of migration was the internal and external factors of land grabbing. The demand to make a land certificate in order to obtain fixed legal status for each landowner is urging the government.

Keywords: City police; conviction; land grabbing

1. Introduction

The cases in the land sector are the ones that often create big challenges for the government and the people in several countries to face [1][2], including Indonesia. Land grabbing is one of the most widespread disputes that have triggered the loss of welfare and peace in the lives of community members [3] in Indonesia. Until September 2013, according to data from the Indonesian National Defense Agency, the number of land cases reached 4,223 cases, consisting of 1,888 the remaining cases in 2012 and as many as 2,335 new occurred cases. Of which there were only 2014 cases or 47.69% spread across 33 provinces throughout Indonesia that were legally resolved [4]. Of all those cases, East Java was the fourth largest contributor, namely 287 cases and Malang Raya is the majority contributor, which is 50% of the cases.

Land disputes have had various impacts on the economic, social and environmental sectors [5]. In the economic sector, the dispute has forced the parties involved to incur excessive costs. The longer the dispute resolution process takes place, the greater the costs must be incurred by the parties concerned. The social impact of disputes in the land sector is the occurrence of social estrangement among citizens, including obstacles to the creation of cooperation between them [4, 5]. One of the most often occurred land disputes is land grabbing [7]. Unauthorized land grabbing does harm anyone, especially if the land is used for business purposes. There are various types of
illegal land grabbing that often occur, such as physical land occupation, land cultivation, sale of land rights, etc.

In Indonesian state criminal law, the provisions concerning land grabbing are regulated in Article 2 of Law Number 51 Prp of 1960 concerning Prohibition of Use of Land without Permit from Rights or Proxy (Law No. 51 Prp 1960) which determines that land use is not licensed the right or legitimate power of attorney is prohibited, and can be threatened with imprisonment for a maximum of 3 months, or a fine of up to Rp 5,000 (five thousand Rupiah) as stipulated in Article 6 of Law No. 51 Prp 1960. Unfortunately, even though this law exists, to date, among the people, land grabbing cases have not been able to be dealt with effectively, even at the judicial level. This can be seen when a court decision on a criminal case regarding land grabbing cannot be used to execute land that is disputed or grabbed, because the criminal decision is to punish the person who grabbed the land, so that the land ownership rights in general must still be settled through a lawsuit.

We thought that disputes regarding land grabbing should have not occurred continually, so that they break through the welfare of the real owners of the land and pose a big challenge for the government to find a solution. Therefore, in this study we identified the provisions and implementation of provisions on land grabbing to determine the factors that cause such continuing land grabbing, so that from what will be found, strategic solutions could be designed and implemented.

We designed the study by applying empirical legal research method. Our study data were collected from Denpasar City Police Office. Literature study was carried out to collect information about land cases in general and land grabbing cases to determine the condition of the number of cases that had occurred, cases that were resolved, and the ones ongoing settlements. In addition, we interviewed the Denpasar Resort Police Chief to obtain legal provisions governing Land Appropriation as well as obstacles that arose and were difficult to resolve. In addition, we collected articles of Indonesian law governing Land, such as the Law of the Republic of Indonesia Number 51/Prp/Year 1960 concerning Prohibition on the Use of Land without Permits from Owner or Proxy. We, then, analyzed the data descriptively, i.e. we outlined the legal provisions governing the land sector in Indonesia and the implementation of the legal provisions and wrote down the factors that trigger land grabbing.

2. Results and Discussion

2.1 Leading Factors to Land Grabbing in the Jurisdiction of Denpasar City Police

Land is one of the natural resources that are important for the survival of many people. In Indonesia, the state has power over land pursuant to Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. State ownership rights over land are further enacted in the Basic Agrarian Law (Indonesian term is UUPA), as the state's highest right to all land in Indonesia. The land controlled by the state is then diverted partially from its use and control to third parties for development and settlement purposes, without the state having to lose the assets of the state land, and to ensure legal certainty over land ownership with management rights [8]. Land management rights have a correlation with the term land rights. Land rights, according to Article 4...
paragraph (2) of Law No. 5 of 1960 concerning UUPA, stated that "land rights are rights that
contain the authority to use the land in accordance with its interests as long as not in conflict with
applicable legal regulations".

The act of land grabbing is indeed an act that is prohibited by the applicable laws and
regulations. In Indonesia, the prohibition on acts of land grabbing is contained in Article 2 of
Government Regulation in Lieu of Law Number 51 of 1960 concerning Prohibition of Use of
Land without Permit from the Owner or Proxy, which regulates, “It is forbidden to use land
without permission from those who are entitled or having legitimate rights.” Furthermore, in
Article 6 paragraph (1), (2) and (3), it is regulated that the act of using land without permission
from the owner entitled or proxy is threatened with imprisonment sanctions for a maximum of 3
months or a maximum fine of Rp. 5000, - (five thousand rupiah). It is also explicitly stated that
such form of criminal acts is classified as a violation.

The word "entitled" in Article 2 a quo refers to the ownership of a person or individual to
close or use a plot of land. Such ownership is indicated by a certificate of land rights. Fitzgerald
describes the characteristics of ownership rights with the following: 1) The owner has the right to
own the objects; 2) The owner usually has the right to use and enjoy the objects he owns; 3) The
owner has the right to spend, damage or transfer the objects; 4) Ownership has characteristics that
do not recognize the time limit; and 5) Ownership has residual characteristics [9].

Unlike the concept of the right to control or (hold) a position of power or bezit, Article 529
Buergerlijk Wetboek (BW) states, “a position in power is the position of someone who controls a
material, both with himself and through other people, and with people who maintain or enjoy it as
the person who has the material”.

The ruler can only take action on land owned by another person for a certain period of time
(not forever). In fact, it could be, a piece of land, controlled by someone, but judicially the
material property relationship (object) is only with the subject ownership rights). Next, it can also
be identified that land ownership by other people, other than the owner of land rights, can be in a
legal condition (with the owner's permission) and can also be in an illegal condition (without the
owner's permission). This happens because the concept of mastery is the right of use of objects
(land) with a time limit, so that the mastery will end if the holder of land title is anxious to it.

The provisions of Article 6 of Law Number 51 Year 1960 provide a limitation regarding acts
which are considered as acts that are prohibited because of the act of using land without
permission from the entitled person. Some prohibited acts, which are classified as land grabbing,
are:

a. Utilize a plot of land without permission that is from the right or legitimate proxy;
b. Interfere with those who have the right or who have legitimate power in using their rights to a
plot of land;
c. Order, invite, persuade or advocate by oral or written means to execute land utilization
without permission from the entitled person; and
d. Give assistance in any way to execute land utilization without permission from the entitled
one.

Based on the provisions of Article 6, it can be stated that Law Number 51 of 1960 concerning
Prohibition of Use of Land without Permit from the Entitled Person or the Proxy contains four
formulations of offenses whose elements are as follows:
a. Formulation of offenses Article 6 paragraph (1) a:
Anyone;
Utilize land without permission from those entitled person or proxy (except the use of plantation and forest lands according to Emergency Law Number 8 of 1954 in conjunction with Emergency Law Number 1 of 1956, which will then be settled according to provisions set forth by the agrarian minister);
Sentenced to a maximum sentence of 3 months and/or a maximum fine of Rp. 5,000 (five thousand rupiah)
b. Formulation of offenses Article 6 paragraph (1) b:
Anyone;
Interfere with those who are entitled or proxy to utilize their rights to a plot of land;
Sentenced to a maximum sentence of 3 months imprisonment and/or a maximum fine of Rp. 5,000 (five thousand rupiah).
c. Formulation of offenses Article 6 paragraph (1) c:
Anyone;
Order, invite, persuade or advocate;
Oral or in written to utilize the land without permission from those who are entitled/proxy, or who interfere with those who are entitled/proxy in exercising their rights over a plot of land;
Sentenced to a sentence of imprisonment for a maximum of 3 months and/or a fine of up to Rp. 5,000 (five thousand rupiah).
d. Formulation of offenses Article 6 paragraph (1) d:
Anyone;
Provide assistance in any way to utilize the land without permission or by interfering with those who are entitled (authorized proxy) in utilizing their rights to a plot of land;
Sentenced to a maximum sentence of 3 (three) months and/or a maximum fine of Rp.5,000 (five thousand rupiah) [10].

Thus, the act of land grabbing encompasses the control to a plot of land without the permission of the owner, interfering with the control of the legal landowner and participating in controlling a plot of land without the permission of the owner [11]. The right to control the land which lasts for quite a long time accompanied by supervision or less attention from the land owner, or because the enforcer of the right to land dies, and then the heir does not know very well the existence of the land of his parents. Some forms of these conditions can be an opportunity, in which it is the opportunity is one of the reasons for the desire to commit acts against the law (land grabbing).

Theoretically, the act of criminal acts of land grabbing in such a situation is very likely to occur [12]. This is in line with the view in classical theory that humans have the ability as a calculator. Humans will choose to do or not do with consideration of pleasure or not pleasure. Humanly, it can be justified that humans will always seek or do everything they believe will bring pleasure to them [13]. In the context of this research, it can be justified that the behavior of land grabbing is carried out by the perpetrator on an existing occasion. The support from circumstances (time of mastery, landowners have inherited, closeness to landowners so as to gain mastery of trust) is a condition that is befalling the perpetrator before acts of unlawfulness occur.
Circumstances that provide an opportunity for the perpetrators to bring up the choice of being criminals (in this context are attempts to grab the land) or not being criminals [3]. After making a consideration, the results are achieved that “if the perpetrator can own the land that he is in possession of, or transfer the ownership rights of the land under his control, he will benefit economically, labor and time from it” The economic benefits, energy and time imagined will certainly bring pleasure in the life of the perpetrator.

Regardless of the classical view, the crime of land grabbing in the resort area of the Denpasar city police can be seen in terms of sociology. Adhering to anomie theory, Emile Durkheim, as quoted by Topo Santoso and Eva Achjani, stated the following:

“One of the ways to study a society is to look at its component parts to find out how each of them relates to each other. In other words, we see the structure of a society to determine how it functions. If society is stable, its parts operate smoothly and social arrangements function. Such a community is characterized by integration, cooperation and agreement. However, if the component parts are especially in a situation that endangers social order/order, the structure of society is to be dysfunctional [14].”

Based on the explanation, it can be seen that the theories discussed emphasize the position of an individual (actor) as part of a society. Individual evil behavior is caused by changes in the structure of society, which will cause shock. The intended shock will affect the behavior of individuals in the community.

The influence of the advancement of science and technology brings about great impacts on the economy and the increasing urban population in the city of Denpasar, which now turns into changes in the structure of society; previously the noble values in society for mutual respect, trust in karma, social norms, religious norms and moral norms were developing, have been shifting [9]. The order of the city of Denpasar, which was previously synonymous with the order of rural areas, has now shifted along with developments that have brought major impacts to the changes of the society's order into the condition of a globally advanced society. The limited range of available resources results in tight social and economic competition between individuals or groups [15]. If equated with the present study object, in the period before the urban period, Denpasar city was still inhabited by indigenous people; as well as land is still very much and has not been used for other purposes besides plantations and agriculture. During the green days, there were many individuals who had more than a plot of plantation land location so that they requested the help of ‘sharecropper’ to control and cultivate the land so that it would bring economic results.

Along with the development of society and changes in the fabric of society, the sharecroppers increasingly feel the distresses in the economic field. The existence of land in developing communities is increasingly felt to be very important [16]. Land has a high value, which not everyone can afford to own a plot of land on their own rights. With the opportunity to master a land court, the desire to own the land that has long been controlled has arisen. The traditional society order that is identical with dense religious, moral and modesty norms are no longer considered [6]. The opportunity is then used to carry out actions classified as the acts of land grabbing. In these circumstances, it can be said that there has been a malfunction of the social structure or dysfunctional order which has resulted in land grabbing.

2.2 Law Enforcement for Land Grabbing Perpetrators in the Jurisdiction of Denpasar City Police
Law enforcement is all the effort to describe legal rules into people's lives, so, thus, the legal objectives for society are the manifestation of values of justice, equality, legal certainty, protection of rights, order, happiness of society, etc. can be achieved [17].

It has been explained in the previous section that the subject of the prohibition on land grabbing is contained in several laws and regulations both within the Criminal Code and its outside. All these rules constitute a unity of law that is integrated into a system called the legal system. In line with Freidman's opinion, law enforcement with a system approach includes several influential components in it. Not only the substance or the rule of law, but there are structures and cultures. Friedman's opinion about the legal system as quoted by Ali, the legal system consists of elements which include:

a. The legal substance is the overall legal rules, legal norms and legal principles, both written and unwritten, including court decisions.

b. The legal structure, namely the entire legal institutions that exist and their apparatus, includes, among others, the police with police officers, judiciary with prosecutors, courts with judges, and others.

c. Legal cultures, namely opinions, trusts (beliefs), habits, paradigms, and ways of acting, both from law enforcers and from citizens, about law and various phenomena related to law [18].

Law enforcement against perpetrators of criminal acts of land grabbing in the resort police law area of the city of Denpasar certainly cannot only refer to laws and regulations governing the prohibition of land grabbing. Another component that has an equal position is law enforcement. Law enforcers referred to are every institution incorporated in the criminal justice system. The criminal justice system is a process stage that must be passed by someone to be convicted. Law enforcement against criminal acts of land grabbing in Denpasar is carried out by the resort police of Denpasar city.

In line with the Denpasar Police Resort's vision and mission, the police have the authority to handle criminal cases as stated in the Criminal Code and other laws and regulations unless specifically regulated regarding the authority of investigations and examinations in certain cases as stated in the legislation outside Criminal Code. Regarding the criminal act of land grabbing arranged into a general criminal offense in the Criminal Code (Article 167 or 385), the authority for investigation and examination becomes the authority of the Police of the Republic of Indonesia. In the case of a criminal act occurring in the jurisdiction of the Denpasar City Police, the police force has the authority to deal with it.

Based on the Criminal Procedure Code, police authority includes investigating and examining. The Investigator is any state police official of the Republic of Indonesia. According to Article 5, investigators have relatively broad authority in receiving reports and investigating criminal acts. The definition of investigation according to Law No. 8 of 1981 concerning Criminal Procedure Law is a series of investigative actions to seek for and find an event that is suspected of being a criminal offense in order to determine whether or not an investigation is conducted according to the method stipulated in this law. From this concept, it is clearly understood that essentially an investigation is the determination of an act to be a crime or not. When an act has been deemed valid as a criminal act, then an investigation can be executed. The process of the investigation is usually carried out by the Police of the Republic of Indonesia and for certain cases, it can also be carried out by the prosecutor. At context of situation, someone is called a suspect.
According to article 1 point (1) of the Criminal Procedure Code, investigators are state police officers of the Republic of Indonesia or officials of Civil Servants who are given special authority by the Act to conduct investigations. For this reason, investigators have the following authority:

a. receive a report or complaint from someone about a crime;
b. carry out the first action when at the scene of the incident;
c. command to stop a suspect and examine the suspect's personal identification;
d. make arrest, detention, search and seizure;
e. conduct inspection and seizure of letters;
f. take fingerprints and photographing someone suspected of committing a criminal act;
g. call people to be heard and examined as suspects or witnesses;
h. bring in an expert who is needed in connection with the case examination;
i. hold a termination of investigation;

Whereas, in article 6 paragraph (2) of the Criminal Procedure Code, it is said:

“The investigator referred to in article 6 paragraph (1) letter (b) has the authority in accordance with the Law which becomes their respective legal basis and in the implementation of their duties, it is under the coordination and supervision of the investigator mentioned in article 6 Paragraph (1), letter (a) Criminal Procedure Code.”

Meanwhile, an investigation is a series of investigative actions in terms of and according to the methods stipulated in the law, to search for and collect evidence and with that evidence it makes revealed about the crime that occurred to determine the suspect [19]. The purpose of the investigation is to appoint who has committed a crime and to provide evidence of the wrongdoing. To achieve this purpose, the investigator will collect information with certain facts or events In practice, the investigation in the jurisdiction of the Denpasar City Police took place after the crime of land grabbing to obtain information about [20]:

a. What type of crimes has been committed by the alleged perpetrator has grabbed the land
b. When the criminal act of land grabbing was committed
c. Where the crime was committed
d. By what the crime was carried out
e. How the crime was committed
f. Why the crime was executed
g. Who the perpetrators were

Suspicion or knowledge of the occurrence of criminal acts of land grabbing can be obtained by the parties, in this case by the Denpasar City Police Department through several sources or methods. Sabuan classifies police recognition sources of actions that indicate criminal acts into several conditions [21]:

a. Being red-handed (ontdekking op heterdaad)
   Being red-handed (op heterdaad) means:
   • The arrest of someone when he is committing a crime
   • The arrest takes place immediately for a while after the crime was committed
   • A moment later the public called for a perpetrator committing it, or
   • If a moment later it is found that the object allegedly has been used to commit the crime indicating that he is the culprit or has committed or helped commit the crime
b. Out of being red-handed (buitan ontdekking op heterdaad)
In the case of not being red-handed, the recognition of the investigators regarding the execution of a criminal act can be obtained from:

- Report (aangifte)
- Plaint (klacht)
- Own recognition by investigator

In settling the land grabbing dispute in the Denpasar City Police, the community and the police also looked at the perspective of the victim where in the land grabbing, the losers were victims. Influenced by cultural values and local wisdom of Bali, some communities are aware that criminal punishment is not only a means to repay the actions of the perpetrators, to ensnare the perpetrators and/or to prevent similar incidents in the future. In the realm of criminal law [8], the interests of victims are represented by the state, the authority of prosecution and imposition of criminal sanctions on perpetrators represented by the state. However, the interests of victims are still not represented. As a result, the settlement of criminal acts of land grabbing is carried out by the mediation method.

Damaged conditions are intended to be perpetrators who experience material or immaterial losses from land grabbing experienced. Retaliation and entrapment of perpetrators through the reasoning mediation mechanism is fulfilled with compensation and apologies for the perpetrators of land grabbing against their victims. It can be observed that the reasoning mediation rates that have been carried out in the area of the Denpasar City Police show responsiveness from police investigators.

Table 1. The Settlement of Land Grabbing Cases at the Denpasar City Police.

<table>
<thead>
<tr>
<th>No</th>
<th>Year</th>
<th>Registered Cases</th>
<th>Non-Litigation Based Settled Cases</th>
<th>Based-Litigation Settled Case</th>
<th>Unsettled</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2015</td>
<td>37</td>
<td>29</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>2</td>
<td>2016</td>
<td>24</td>
<td>15</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>2017</td>
<td>45</td>
<td>35</td>
<td>7</td>
<td>3</td>
</tr>
</tbody>
</table>

Source: Data from the Criminal Investigation Division of the Denpasar City Police

The rate of settlement of land grabbing cases through mediation in Table 1 shows the police attitude that responds well to the wishes of the people who do not want to continue their case regarding the crime of land grabbing experienced and attitudes that respond to the results of dialogue between perpetrators and victims in the mediation efforts. Although a case has been processed by imposing a crime on the perpetrators of land grabbing, the feelings of revenge and losses suffered by the victim are certainly not easily replaced [5].

The judicial process with the imposition of criminal acts on the perpetrator is never able to fulfill a sense of justice for the victims of the criminal act of land grabbing. Settlement of criminal acts of land grabbing through the practice of the court will only produce a verdict with criminal conviction for the perpetrator. Mediation in this kind of crime, in addition to aiming to recover the loss of the victim and the disturbed condition resulting from the criminal act, is also intended to touch the humanitarian values, morals and responsibilities of the perpetrator so as not to repeat the evil deeds.
3. Conclusion

Leading factors to criminal act of land grabbing in the jurisdiction of the Denpasar City Police originate from inward soul and outward realm of the perpetrators. From the inward soul, the desire arises from consideration of profit and loss or a sense of pleasure and pleasure in the mind of the perpetrator. Outward realm is the changes in urban order, high economic and social values compared to land rights accompanied by changes in urban society, so this causes the perpetrators to commit unlawful acts through land grabbing.

The law enforcement procedure for the perpetrators of land grabbing in accordance with the laws and regulations is carried out through several stages: starting from the existence of complaints from the public about the crime of land grabbing, then followed up by conducting an investigation into the land grabbing case. The estuary of this process is the complete Minutes of Examination of the suspect of land grabbing and then handed over to the Prosecutor's Office. In addition to litigation methods, the Denpasar City Police Resort applies a mediation method (non-litigation) in resolving land grabbing cases. This method is used because it touches on the value of humanity, community justice and the responsibility of the perpetrators of land grabbing.

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[20] Interview with I Gede Agus Suadarma NRP as Denpasar Criminal Investigator Criminal Investigator on Friday, December 15 (2017)

The Battle of Power in Sacred Arena: A Study at Pura Dasar Buana of Gelgel, Bali

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Abstract. Temples are generally interpreted as sacred places. However, studies on a number of temples indicate that temples function plurals. Tracking the function of temples in a dynamic historical perspective is interesting to examine. As in the Pura Dasar Buana of Gelgel located in the center of the Kingdom of Bali, the king who ruled in the XIV-XVI century was the temple of the center of the kingdom of Bali. This study aims to understand the meaning of power struggling processes at the Pura Dasar Buana of Gelgel, especially to reveal the relations of political power between actors. The two theories used are the theory of power and knowledge by Foucault, and the modality theory of Bourdieu. Data were analyzed inductively using cultural study methods. This article argues that temple has a political function and shows that there are the models of power relations among the supporting actors.

Keywords: temples, power relation

1. Introduction

There are various purposes of a person or a group of people visiting a temple. Among the batch of diverse objectives, most spare certain amount of time to, psychologically, benefit from the beauty of the temples. However, in the course of certain period of time, many of the people undertake a number of activities in going around the temples, such as eating, working, meditating, and living with the monks, for other motives. These include taking efforts of discovering solutions for personal problems, raking in new impressions, and alternatively avoiding the burden of an increasingly laden mind [1]. Additionally, destinations from which personal satisfaction could be attained effortlessly are the most preferable visited spots for travellers [2]. Culture and tourism have always been inextricably linked to each other [3]. Tourism is a sector with significant economic relevance in several countries [4].

Tourism is one of the powerful resources bringing benefits to many aspects of community life. It brings about advantages to the development of economy, culture, and environment [5]. It has resulted in positively significant growth of the economy of the society and its rapid development has led to growth of multiple–related industries [6]. Additionally, along the journey of sustainably developing modern world, the tourism is the leading supporting factor [7]. In its long history, its great impact of progress creates a good climate to the economic outgrowth of
many host countries [8]. A large number of investors are turning to the world of tourism industry because of the intense intensity of development and progress so that the participation of travelers also rises positively [9]. The concerned experience is the one characterized by ways in which ecotourism companies use ecotourism ideology for their marketing, and experiences experienced are characterized by the massive satisfaction of tourists after their interaction with the place (landscape) [10].

Temple[s are generally interpreted as sacred places, the place for ritual and praying for Hinduism. The temple is considered neutral and far from political dynamics. However, studies on a number of temples indicate that temples function plurals. The temple also acts as a means of seizing economic resources and socio-political society. The study of Router (2005) about temple becomes a struggle for the adherents [11]. Fox (2010) says Besakih temple is influenced by king/state intervention [12]. Dhana (2010) explains Subak temple as a power struggle involving various interest groups The temple as a sacred area become the battle of power [13]. Tracking the function of temples in a dynamic historical perspective is interesting to examine. As in the Pura Dasar Buana of Gelgel located in the center of the Kingdom of Bali, the king who ruled in the XIV-XVI century was the temple of the center of the kingdom of Bali. This sacred place is symbolized as the foundation of the earth and the unification of the macrocosm with a microcosm. Paying attention to the intervention of the King and the symbolization of the Pura Dasar Buana of Gelgel as the basis of the earth, indicates that the temple contains a dimension of power relations that is dynamic all the time. This article aims to describe about battle of power at Pura Dasar Buana of Gelgel, Bali. The aims of this research are: (1) outlines milestones developmental status of Pura Dasar Buana of Gelgel and (2) to understand the meaning of power struggling processes at the Dasar Buana Gelgel, especially to reveal the relations of political power between actors.

The data were taken from Pura Dasar Buana at Gelgel Village, Klungkung regency, Bali. The focus of this research are historic background and dynamic power relation in temple area. This study used cultural studies, interdisciplinary approach. This study used some theories. They are critical Social theory: Relation power and knowledge (Foucault), Modality theory (Bourdieu), and Hegemony (Gramci). The data were collected by using deep interview, observation & documentary study. This study is qualitative research. The data in this research were analyzed descriptively.

2. Results and Discussion

2.1 History development of Pura Dasar Buana: 3 important milestones

Pura Dasar Buana as hermitage of Mpu Gana XI-XIII M century.

One of the historical relics of Klungkung which is the center of the kingdom in Bali is Pura Dasar Bhuana. The temple is located in Gelgel Village, Klungkung. Its position is at 42 kilometers from the capital city of Bali Province, namely Denpasar. Looking beautiful in a state of majestic standing, the temple is located on a vast land, precisely at the edge of the main road of Gelgel-Jumpai. Nista, Madya and Utama are the three types of mandalas possessed by the temple. A large banyan tree that grows with awesomeness stands in the Nista Mandala. When entering Madya Mandala, visitors can see beautiful buildings, one of which is the Pelinggih Bale Agung. The length that reaches 12 meters gives a unique characteristic for the building. The building is adjacent to Bale Pesanekan and Pelinggih is the place for all the
hermitage and the temples’ Pratima in the village of Pakraman of Gelgel. Both Pratima and Hermitage are distributed when the Great Works Pedudusan (Ngusaba) take place, which are held to coincide with Purnama Kapat.

Furthermore, in Utama Mandala, there are dozens of pelinggih, of which are Meru Tumpang Solas, Meru Tumpang Telu, Padma Tiga, and else. Within a year, there are two guardian/art events held: the guardian that coincided with the Great Pamacekan and as well as the Padudusan art held at Purnama Kapat.

Dasar Bhuana was built by Mpu Dwijaksara from the Kingdom of Wilwatikta (Majapahit Kingdom) in Caka 1189 or 1267 AD. This temple is one of the Dang Kahyangan Jagat in Bali. During the Majapahit Kingdom, Pura Dang Kahyangan was built to honor the services of the pandita (holy teacher). Dang Kahyangan Temple is grouped by history. Where, the temple known as a place of worship in the kingdom in Bali was included in the Pura Dang Kahyangan Jagat group. The existence of Pura Dang Kahyangan cannot be separated from the teachings of Rsi Rena in Hinduism.

Pura or Ashram built at the place where Maharsi did semadi yoga was a form of respect for the Maharsi. Like Pura Silayuki in Karangasem, Silayuki is believed to be the place for its mpu mpu Kuturan. Likewise with the Bhuana Gelgel Basic Temple, it was built as a tribute to the Ghanaian Masters. In this temple, Mpu Ghana, known as a Brahmana who had an important role in the development of Hinduism in Bali, practiced semadi (did arahyangan).

Aside from being Dang Kahyangan, the temple, which is about 3 kilometers from Semarapura City, Klungkung, is also the center of a chess for residents from clans. These clans include the Satria Dalem, Pasek (Maha Gotra Sanak Sapta Rsi), Soroh Pande (Mahasamaya Warga Pande), and Brahmana Siwa. All of them are Ida Batara's followers in the Bhuana Gelgel Basic Temple.

Each citizen has a panyungsungan, such as Meru Tumpang Solas - panyungsungan Para Arya and Satria Dalem and Meru Tumpang Tiga - panyungsungan Keturun Mpu Geni which reduces the Pasek breed. Meru Tumpang Tiga as a shelter for Pande residents. Padma Tiga is between Meru Tumpang Solas and Meru Tumpang Sia (nine), the brahmana community. With the amount of sorrow in it, it is believed that Pura Dasar Bhuana is a unifying universe with the concept of " the kaula of gusti menunggal".

The temple which was built on the wide area also became the panyungsungan of Subak Gde Suwecapura. Among them are Subak Pegatepan, Kacang Dawa, Toya Ehe and Toya Cawu. Panyungsungan is carried out when the grand Pawanan Pedudusan work is held, which coincided with Purnama Kapat.

As its history, Bhuana Base Temple has a close connection with Mpu Ghana who lived at the end of the 9th century AD. Pura Dasar Bhuana was built by Mpu Dwijaksara from the Kingdom of Wijaya as a form of respect for Mpu Ghana. Mpu Ghana is a Brahmin who has a very big role in the development of Hinduism in Bali.

MPU Ghana is a saint from Java. He arrived in Bali during the reign of Udayana Warmadewa and Gunapraya Gharmapatni who ruled and ruled in Bali in Caka 910 until Saka 933 (AD 988-1011). He is a Brahman of Ghanapatya adherents. For the rest of his life, he carried out the teachings of Sukla Brahmacari: namely not undergoing Grahasta (unmarried). The connection after the founding of the Suwecapura Kingdom was that this temple was used as a sulking of the royal family at that time. The location of this temple is exactly northeast of Keraton Suwapura. At
that time, Keraton Suwapura was established in Banjar Jero Agung, Gelgel. The temple is indeed closely related to the existence of the Kingdom of Singapore. A number of heritage sites in the Suwecapura Kingdom are still preserved in this temple until now.

2.2 Power Relation in the Pura Dasar Buana as Pesraman

During the Pura Dasar Buana position as Pesraman, the relationship between ciwa - sisya (patron client) was interwoven. Theoretically, the relationship between Mpu Gana and the sisya trah Pasek GELGEL is power-knowledge or knowledge power relation [14]. The power relation of knowledge in the religious sector became an instrument for Mpu Gana in dominating the community groups, especially those who later became residents of the Gelek Pasek clan community. Therefore, the clan group is submissive to him.

If it is associated with the concept of student soul, Mpu Gana is a patron (orientation center and role model), while the client or student is the Pasek Gelgel community. In this connection, Mpu Gana - who has authority in the field of religious knowledge - became a leader (ruler) and the Pasek Gelgel group became his student and functions to receive lessons, knowledge and instructions given he gives. As a logical consequence of this relationship, the clients are subject to and provide services to their Ciwa. In contrast, the patron is obliged to provide care and guidance in the religious field to the Pasek Gelgel group as his pupils.

2.3 Power Relation of the Pura Dasar Buana to Becoming Royal Temple

The transformation of Pesraman into Pura Dasar Buana is the king's hegemony towards the people (Pasek community). Appreciation in the form of appointment of the status of the temple into a royal temple can be viewed as a strategy to tame group interests (clan of pasek, Pande, Brahmaana, and knight/aristocratic goal) to submit to the king as ruler. In this case, those who become members also include priest Brahamana (Ciwa - Buddha). This Pesraman status levitation is certainly positively created by the Pasek Gelgel community. It is as if they are also involved in the social structure of society. With the appointment of the status, the temple is automatically integrated into the entire community whose territory is included in the auspices of the kingdom of Pura Sweca.

On the other hand, the king gained the legitimacy of the Pura Dasar as a royal temple. Appointment of the temple status is able to provide loyalty from Pasek Gelgel as the majority of citizens. This made the kingdom have a strong position in the structure of the nationality society in Bali. In this way, the rebellion carried out by the Balinese group at the beginning - the postscript including the residents of Pasek, who were previously in power became voluntary to support the legitimacy of the government of the current Gelgel palace in power – is proven. In other words, the appointment of the status of the temple becomes an instrument of power in order to be able to hegemony interest groups so that they voluntarily show support to the ruler (king).

2.4 Conflict of Interest in the Seizure of Power in the Sakal area (XX century)

Pura Dasar is not always able to play an important role as a media in seizing power between the people and the king. When the central government was no longer in Gelgel because it was moved to Klungkung (Semara Pura), the position of the Pura Dasar Buana began to experience degradation. It is no longer getting attention as before. Although the status of the temple is still regarded as the inheritance of the castle and it is still positioned as a public temple, the temple is
no longer receiving the important attention of the castle community. The Pura Dasar is definitively acknowledged as belonging to the temple, but the management and implementation of the ceremony has been handed over to the Gelgel Traditional Village and the knight group in Gelgel traditional village.

Taking into account the development of the existence of the Pura Dasar, in this modern era, it raises its own problems. The lack of clarity in the ownership status and authority institutions makes ambiguity of the Pura Dasar status. Now, complaints from three community groups, called the trident (three dimensions) of the Pura Dasar Buana of Gelgel, emerge. The three groups in question are puri (traditional elite of Gelgel traditional village, and moderate Hindu group (Pasek Gelgel clan) who feel entitled to be the successor to Pura Dasar Buana. Puri Klungkung Group feels entitled to be the heir of the Pura Dasar Buana because the temple was indeed made a Royal Temple by its ancestors and has not yet been revoked.

The traditional village group of Gelgel feels entitled to control of the Pura Dasar Buana because territorially the location of the temple is in its territory and the people who hold the ceremony are the people. This phenomenon is supported by the fact that from generation to generation, that supports and carries out ceremonies in Pura Dasar Buana is an indigenous community of Gelgel with their knights.

If observed, the power relations in the struggle for claims of the Pura Dasar Buana between traditional elite groups and the community, Counter hegemony - carried out by the Pasek group are reformers with traditional power (collaboration of the castle, traditional village and traditionalism) on the existence of the Pura Dasar Buana of Gelgel - occurring. The Pasek Gelgel reformer community felt entitled to the have control over temple because of historical reasons and the reality of the pemedek, an individual or a group of people who pray, who do worshipping at the place. From a historical perspective, it is clear that Pura Dasar Buana originated from the Pura Pasek of Gelgel or Persaman Mpu Gana, which was later appointed as the Royal Temple. Second, the majority of the people of penyungsung Pura Dasar Buana are the Pasek Gelgel clan group. Even the temple is often equated with Pura Pasek Gelgel. Therefore, this group felt entitled to claim Pura Dasar Buana as a Pura Pasek of Gelgel clan. Of course, the counter hegemony carried out shows a more repressive side than the cultural approach. In other words, the dynamics between the practice of hegemony and counter hegemony in relation to the power of elites and the public always occur. These two forms of power relations are currently in processing and they have not revealed any significant results.

3. Conclusion

Pura Dasar Buana of Gelgel has a long history, since XI-XXI century until now. Broadly, status of Pura Dasar Buana of Gelgel can be classified into three: (1) as the hermitage of Mpu Gana (XI-XIV century), (2) as a kingdom temple of Gelgel in XIV-XVI M century, and (3) Kahyangan jagat temple (general temple) (XVII-XXI M).

Pura Dasar Buana of Gelgel reflects power struggles dynamically. At the time of becoming hermitage (the center of religious education) power relations of priest/empu (brahmana) happened with the students. The relation of patron-client (ciwa-sisya). When it was transformed into kingdom temple, power relations take place between the king and the people (relation of kaula-gusti). A more complex power struggle against claims of Pura Dasar Buana occurs after the royal
center moves to the Klungkung city and continue until now. Power relations occur between traditional elite, customary village, and the group of moderate people (clan of pasek Gelgel).

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References
Legal Protection for Tourists on Trips to Bali

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Abstract. With the perspective of Indonesian law, this paper examines forms of legal protection for tourists who travel in Bali as well as examines legal liabilities of the Travel Bureau toward tourists who do not enjoy their trips. This study was realized in the design of empirical legal research based on the gap between legal provisions in Article 26 letter d of the tourism law and contradictory situations provided by travel service agent. The results show that legal protection for tourists on tourist trips is preventive and repressive, focusing on providing security and comfort for tourists. Legal responsibility by the Travel Agency that provides the best servants for tourists is an absolute responsibility where the travel agency will upgrade the service and do refunding.

Keywords: Legal protection; liability; tourist; travel bureau; trip

1. Introduction

Indonesian tourism is performed with several principles: upholding religious norms and cultural values as part of the concept of life in the balance of relations between man and God Almighty, the relationship between humans and fellow humans and the relationship between humans and the environment; upholding human rights, cultural diversity and local wisdom; providing benefits for people’s welfare, justice, equality and proportionality; preserving nature and the environment; empowering local people; ensuring integration between sectors and regions, between centers and regions which are a systemic entity within the framework of regional autonomy, as well as integration among stakeholders; and complying with the world tourism code of ethics and international agreements in the tourism sector [1] [2] [3]. Article 14 of the Republic of Indonesia Law Number 10 of 2009 concerning Tourism determines that tourism businesses that can be carried out in the entire territory of Indonesia include tourist attractions, tourism areas, tourism transportation services, tourist travel services, food and beverage services, providing accommodation, organizing entertainment and recreation activities, organizing meetings, intensive trips, conferences, exhibitions, tourism information services, tourism consulting services, tour guides and water and spa tours.

The tourism industry can be seen as a subsystem of the tourism system as a whole. The structure of the tourism industry starts from the travel generating region, from which prospective tourists will plan a tour. The tourism industry subsystem will continue along the transit points/lines that include airline services and accommodation during flight transit [4]. A travel service business called a tourism business is the organization of a Tourist Travel Bureau and a Travel Agency [5]. Meanwhile, what is meant by a travel agency is an effort to provide travel planning services and/or tourism services, including the administration of religious trips [5].

Tourism business activities in Badung Regency have potential tourism objects to be developed and are very attractive to tourists and foreign tourists to visit, including Uluwatu,
Pandawa Beach, Kuta Beach, Nusa Dua Beach, Monkey Forest Sangeh, Taman Ayun Temple, Tanjung Benoa, Nung-nung Waterfall, Plaga village, Baha Village. Throughout Bali, there are 404 Travel Agencies that have been registered as members of the Association of Indonesian Tours and Travel Agencies (ASITA). The rapid progress occurred in tourism activities in Bali, especially in Badung Regency, resulted in travel agents having to work hard to provide tourism services to tourists by prioritizing comfort and safety in traveling.

In Article 26 letter (d) of the Tourism Law it is stipulated that every tourism entrepreneur is obliged to provide comfort, hospitality, and security and safety protection for the tourists. However, if examined more closely, the article offers very principled doubts in its interpretation, that is, the lack of specificity of the liability of travel agents for actions that do not seek to provide comfort, hospitality, security protection, and safety for tourists on their journey. Therefore, it is compulsory if the state must regulate the liabilities of the service provider after the duties and responsibilities for them are stipulated in the national law [6]. The question is to what extent it is the responsibility of travel service providers when it comes to security guarantee for tourists who get travel services from them? As an illustration, one of the companies engaged in the provision of tourist travel services, namely, say it a pseudonym, PT. HK. In interviews conducted with tourists who had used company services, it was dismissed that the inconvenience had been felt when making a reservation. The traveler claimed that the reservation ordered and provided by tourism services was not in accordance with the initial agreement, that it gave rise to a feeling of discomfort in the tour. In conclusion, the emergence of problems that occur in the world of tourism, especially tourism, indicates that the laws and regulations are not implemented properly by tourism actors, so tourism activities are disturbed by undesirable things. What is more important is that, the tourism law only determines administrative sanctions for every tourism entrepreneur as stated in Article 63 of the tourism law, namely that every tourism entrepreneur does not fulfill the provisions of article 26 in the form of: a. written warning, b. restrictions on business activities; and c. temporary freezing of business activities. From the provisions, an urgent question appears to be asked. What if tourists feel materially and immaterial loss as a result of not fulfilling the obligations of the travel agent business as referred to in article 26 of the tourism law? Indiscriminate actions can occur, such as the debate between demanding tourists and agents of tour travel services who are not given a fixed liability in taking responsibility for a situation where tourists feel a lack of comfort and security in their journey. This is a legal loophole that requires the touch of scientific studies.

In this study, we deal with legal protection for travelers on the trip provided by travel agents and to reveal it and to review the liabilities of travel agents in guaranteeing security, comfort and satisfaction of tourists who use their services.

This study was carried out by utilizing empirical legal or socio-legal research design. The vacuum of the legal provisions governing the liabilities of travel agents is the starting point in the launch of this study. The gap is seen in the existence of a rule that states that a tourist travel service business is obliged to provide services to tourists who use their services. While in practice, not all Travel Agencies provide services that are in accordance with what has become an agreement when tourists use their services. In other words, tour packages offered sometimes do not match what is offered.

As we work with the normative law study, we made use of statute approach, historical approach, factual approach, and cases approach. What we mean by these approaches are we conducted investigations on existing stipulated norm rules of Indonesia regulating the tourism, the tourists, and the incumbencies of travel agents oriented to tourists or tour service satisfaction manifested in tourists’ comforts and safeties. Data were collected by interview
methods conducted to 10 tourists who had used tour services from the city of Denpasar. The things that were asked in this interview were the satisfaction and dissatisfaction of the tourists for the tourist travel services they purchased from Denpasar and the reasons. In realizing the legal approaches mentioned earlier, we conducted library investigations to obtain theories or literature relating to travel and the provision of tour services. Data were processed qualitatively, i.e. information obtained from the interview results is described on words and by interpretations by looking at their close relationships with Indonesian Law governing the travelling.

2. Results and Discussion

2.1. Regulation of Tourism in Indonesian National Law

Tourism is a big industry of the country and therefore regulations need to be regulated to meet the demands of legal certainty. In Indonesia, to meet the demands of legal certainty and economic needs, the government issued Law Number 10 of 2009 concerning Tourism which is called the Tourism Law. This law comes into force on the date it was issued, i.e on January 16, 2009. Law Number 10 of 2009 concerning Tourism is contained in 27 chapters and 70 Articles.

Referring to the provisions of article 2 of the Tourism Law, tourism is carried out based on the principle of benefit, kinship, fairness and equality, sustainability, independence, sustainability, participatory, sustainable, democratic, equality and unity. Meanwhile, the purpose of organizing tourism as stipulated in Article 4 of the Tourism Law is to: (1) Improving economic growth (2) Improving people's welfare (3) Eradicating poverty (4) Overcoming unemployment (5) Preserving nature, environment and resources (6) Promoting culture (7) Concerning the nation's image (8) Cultivating a sense of love for the homeland (9) Strengthening national identity and unity and (10) Strengthening friendship between nations [7].

One of the differences between the current Tourism Law and Law No. 9 of 1990 is the recognition of the right to travel as part of Human Rights (HAM). Developing countries generally still take into consideration the field of human rights relating to the right to travel. This is different from the conditions in developed countries, such as the European Union (the EU), they are quite attentive and one of the focuses of their concentration is the right of everyone to travel (the right to tourism) that is associated with the quality of human life [8].

Furthermore, Article 19 paragraph 1 point (a) of the Tourism Law stipulates that every person has the right to have the opportunity to fulfill tourism needs. Recognition of Human Rights in tourism activities is a representation of recognition of the economic and social rights of the community. In turn, this condition will revive the tourism business, which was once deteriorated by the growing enthusiasm of the people, both domestic and international to travel. As a result, tourism businesses in Indonesia will continue to survive in the face of a mounting wave of competition as an impact of service liberalization.

2.2. Regulation of Legal Protection of Tourists under Indonesian Legislation

Legal protection for tourists is an important aspect of tourism development, given that tourism activities that focus on safeguarding tourist safety, environmental preservation and quality, or order and peace of the people held based on applicable legal provisions are urgent in an effort to advance the world of tourism [2]. If a country of a tourist destination cannot
provide a sense of security, orderliness and cannot provide adequate safety and services for tourists, it will be shunned by considerable number of tourists, and in turn, these conditions greatly affect the development of tourism to be bad in the country. The increase of the progress of national tourism, which is marked by an increase in quantity of the visiting tourists to Indonesia, needs to be maintained by providing maximum legal protection for them to maintain their security and safety from the possibility of adverse actions or events.

Today, every country, including Indonesia, is trying to provide tourism facilities and infrastructure [1]. However, this effort will not be good if it does not lead to creating a sense of security and comfort for tourists. In the era of globalization, legal protection for users of tourism services and tourism entrepreneurs is also urgent. The provisions of Article 20 (c) of the tourism law unite "Every tourist has the right to obtain legal protection and security." The tourism entrepreneur, according to the provisions of Article 26 paragraph (d), is obliged to provide comfort, hospitality, protection of security and safety of tourists. In addition, the government and regional government according to the provisions of Article 23 paragraph (1) a, are obliged to provide tourism information, legal protection, and security and safety to tourists. Unfortunately, what was found in this study was that there were several complaints from tourists who had been tourism service users in the Badung region. The complaints were the received tour services provided to them in contrast to the provisions of Law Number 10 of 2009 concerning Tourism, specifically Article 20 C, namely the comfort and safety of tourists in carrying out travel. More importantly, in addition to Law No. 10 of 2009 concerning Tourism, legal protection of the rights of tourists as consumers is also regulated in Article 4 of Law No. 8 of 1999 concerning Consumer Protection. The referred consumer rights are the right to comfort, security and safety in consuming goods and/or services (Article 4 letter a). Additionally, the right to obtain advocacy, protection and efforts to resolve consumer protection disputes are also properly stipulated {Article 4 (e)}.

The nature of legal protection against actually centered on the interests of the safety of people who are given protection. This is in line with the notion of protection proposed by Rahardjo, that is to say, legal protection is an effort that involves the matter of protecting one's interests by allocating a power to him to act in the context of his interests [9]. In line with this, Hadjon argues that legal protection is an action to protect or provide assistance to legal subjects, using legal instruments. Thus, the provisions of Law No. 10 of 2009 and Law No. 8 of 1999 should be a form of effort to protect and regulate the rights and obligations of tourists as consumers of tourism services. Protection of tourists must be fostered in order to allow the state to be one the main destinations for foreign tourists. Otherwise, the negative impact that brings huge losses to the country will be caused since tourism is the economic breath of the country itself.

Juridically, the legal product that can be observed related to the regulation of legal protection against tourists is Law No. 10 of 2009 concerning Tourism. The provisions of Article 20 letter c of this law stipulate that every tourist has the right to obtain legal and security protection. In this regard, national economic development must be able to support the growth of the business world so that it can produce a variety of goods and/or services that can improve the welfare of many people [10].

2.3. Liability of Travel Agency toward Tourists

Travel Bureau in Tourism

In the world of tourism there are several terms, namely tour operator, travel agency, and travel bureau. The term is equated with the term Tour Travel Bureau in Indonesia [11]. The
terms that may be different, but if viewed in the meaning, all terms have the same meaning. All of that is a function of the Tour Travel Bureau [12].

The coverage for the Tour Travel Bureau in Indonesia as contained in the Government Regulation of the Republic of Indonesia No. 67 of 1996 concerning the Organization of Tourism, in CHAPTER II Paragraph 1 is: companies in the form of limited liability companies or cooperations that carry out tourism travel business activities which cover three main businesses that must be carried out, namely: (1) planning and packaging of tour components, which include tourism facilities, tourist objects and attractions and other tourism services, especially contained in the territory of Indonesia in the form of tour packages; (2) organizing and selling tour packages by distributing them through Tourism Travel Agents and/or selling them directly to tourists or consumers; and (3) providing tour guide services related to tour packages sold.

The Travel Bureau is responsible for the safety of tourists traveling on tours based on the tour packages it sells. Based on these provisions, some of the business activities that can be carried out by the Travel Bureau in the sense of being a tourism industry concisely include:

a) A travel agency is a company or business entity that has the authority to provide tour packages and has the right to sell and organize such tour packages.
b) The travel agency also provides transportation for people or groups of people who use tour package services or services it provides.
c) The travel agency is also entitled to serve orders from people or groups of people about lodging, restaurants, or other tourist facilities needed.
d) The travel agency takes into accounts of the letters from a tourist trip and also has the right to organize a guiding tour.

The last liability carried out by a travel agency in organizing a tour package is to provide comfort and security to the person or group of people who use the services of the tour and travel agency.

Based on the business activities carried out by the Tourist Travel Bureau as described, the conclusion is what Yoeti claims, that is to say, the main business activities of the travel agency, in essence, involve two cores: first, planning and secondly, organizing people's trips people for tours on their own initiative and risk, with the aim of taking advantage of the operation of the trip [13]. Therefore, as a planner and organizer of tourist activities, the Travel Bureau holds two functions, namely: General function. Here, a travel bureau is a company or business entity that provides information or information about everything related to the world of travel in general and travel in particular.

Special function. Here, a travel bureau holds three functions consecutively, namely: 1) it is as an intermediary between tourists and companies providing tourist travel facilities, which are needed by tourists to reach tourist destinations. In its activities it acts on behalf of other companies and sells the services of the companies it represents; 2) it plays a role of a company or a business entity that plans and organizes tours with its own responsibilities and risks; and 3) it plays the role of an organizer, that is, it is in the midst of the tourism industry, intensifying business [14], actively cooperating with other companies both at home and abroad, to make special agreements that regulate work relations with tourist companies so that the duties, obligations and the rights of each party.

2.4. Liabilities of Travel Bureau toward Tourists

In essence, travel service business, in this case is a travel agency, is a type of business that relies on trust [15]. Trust is usually obtained in the form of payment in advance and through a promise that a service user will obtain services that have never been obtained in advance, as
well as the trust on a transportation and hospitality business that provides services on a credit basis [8]. In short, it can be said that the trust of tourists or service users is the main capital for the sustainability of a business engaged in services. As previously stated, tour packages are one of the products produced by the Travel Bureau.

In carrying out its business, business operators of the Travel Bureau are required to carry out surveillance efforts on tourism packages that have been produced, whether they are in accordance with what happened in the implementation or not. This is also determined in the Minister of Tourism and Creative Economy Regulations (hereinafter referred to as Permenparekraf) of Indonesia Number 4 of 2014, in article 17. In this law, the parties responsible for supervising tourist travel business certification services are regulated, that is

1. The Minister/Governor/Regent/Mayor supervises the implementation and fulfillment of the Tourism Travel Business Standards, according to his authority.
2. Supervision carried out by the Minister as referred to in paragraph (1) through evaluating the application of the standard of Travel Tourism Services.
3. Supervision carried out by the Governor as referred to in paragraph (1) through evaluation of reports on the activities of applying the standard of Tourism Travel Services in the work area.
4. The Regent/Mayor conducts supervision as referred to in paragraph (1) through evaluation of the Basic Requirements, and ownership of the Tourist Travel Business Certificate.

Furthermore, if the business actor does not implement and/or violate the provisions referred to in Article 7 paragraph (1) and Article 13, they shall be subject to administrative sanctions, as stated in Article 18 paragraph (2) to (5) of this Ministerial Regulation, namely:

1. Administrative sanctions as referred to in paragraph (1), in the form of: (a) written warning; (b) restrictions on tourist travel business activities; and (c) freezing or revocation of Tourism Business Registration Lists.
2. Administrative sanctions in the form of written warning as referred to in paragraph (2) letter a shall be carried out at least 3 (three) times and carried out appropriately and in an orderly manner, with the fastest interval between each written warning for 30 working days, and must be imposed before other administrative sanctions are imposed.
3. The restriction of Tourism Travel Services as referred to in paragraph (2) letter b, shall be imposed if the Tourism Entrepreneur does not comply with the third written warning and the period of the interval as referred to in paragraph (3) for a maximum of 30 working days, has been exceeded.
4. Freezing or revocation of the Tourism Business Register as referred to in paragraph (2) letter c, shall be imposed if the Tourism Entrepreneur does not comply with the third written warning and has passed the maximum period of 60 (sixty) working days, starting from the date of reprimand third written is worn.

The provision of administrative sanctions indicates that this certification is an absolute requirement that must be owned by the Travel Bureau in carrying out its business. Because a travel agency is an intermediary between tourism entrepreneurs and tourists, they have a responsibility to provide products, services and management that are in accordance with the standards. In line with the ideas put forward by Algra et al., actually liability is the obligation to assume the responsibility suffered (if prosecuted), both in law and in the administrative field. In line with the idea, in relation to the tourism package provided, Atherton and Atherton [15] had once claimed that in tourism, travel and hospitality, consumers are particularly vulnerable under the old common law rules. The product is usually intangible (consider, for
example, a package holiday) and often distributed through intermediaries. There is usually no opportunity to look, see, touch, feel or sample the product before purchase or consumption. The product is usually delivered, used and consumed all at the same time.” Supported by these ideas, the existence of certification is not an optional thing because the resulting tour package cannot be tried beforehand in advance to being purchased by tourists. Meanwhile, in relation to those responsible for tour packages, travel agents hold a central position, as also stated by Atherton and Atherton, it is that: (1) The Tour Operator is the mere agent. In this opinion, it is claimed that the tour and travel agency are only an agent who undertakes to regulate a service that will be carried on by another party. This is the definition of tourism travel agency services in a narrow sense, which also shows that the travel agency's responsibilities are also narrow; (2) The Tour Operator is the principal contractor. In this opinion, tour operators are the main contractors who undertake to provide a service that will be forwarded by them or carried out by other parties. This opinion shows the responsibility of travel agents in a broad sense. This involved the main responsibility of the tour and travel agency in ensuring the tourism service package provided, whether appropriate with the right expertise or not.

With regard to the travel agency's responsibilities in the context described in the ideas above, Article 26 letter d of the Tourism Law prescribes that every tourism entrepreneur is obliged to provide comfort, hospitality, security and safety protection for tourists. This means that the obligation of a travel agent in order to travel tourists is absolute. Thus, a travel agency is charged a liability to tourists to provide satisfactory services with exhaustive protection to tourists, the users of their services.

Compared to Kelsen's theory of responsibility, the nature of a responsibility can be realized in two forms, i.e.:

1. Responsibility based on misconducts. This kind of responsibility is borne by the legal subject or the perpetrator who commits an act against the law or a criminal act, caused by a mistake or negligence.

2. Absolute responsibility. This responsibility is borne by a person if his actions have a consequence that is deemed detrimental to the legislator, and there is a relationship between the action and the consequences resulted. The principle of absolute responsibility is a system of responsibility that is not based on the manufacturer's fault, namely applying responsibility to the party who sells the defective product, without any burden to the consumer or doubtful party to prove the error.

From the results of interviews with a travel service provider PT Kristal Holidays, it was found that one of the efforts to protect tourists who feel inconvenience when using travel services from them is to review and evaluate travel packages that have been sold and then to make improvement if there are errors, also refunding and upgrading in service for the convenience of tourists. In conclusion, the responsibility charged by the state to a tour and travel agency, based on Permenparekraf Number 4 of 2014, is absolute responsibility. That said, because the result of not implementing standard travel certification as stipulated in the Permenparekraf is the occurrence of losses to tourists who use goods and/or services. In addition, these conditions can also because losses suffered by consumers of service users.

3. **Conclusion**
Legal protection for tourists in travel is important. The Travel Agency as an agency providing travel services has a great responsibility to provide protective, safe and comfortable travel services, and hospitality-centered services. In Indonesia, tourism travel is specifically regulated by the state in its Laws. Thus, legal protection for tourists on tourist trips is regulated in Article 20 c of Law Number 10 of 2009 concerning Tourism which states the rights and obligations of tourists for security and protection. In addition, legal protection for tourists visiting Indonesia is realized in two forms of protection: preventive and repressive.

Liability of the Tourist Travel Bureau for tourists is an absolute responsibility charged by the state, which is regulated through Permenparekraf (Minister of Tourism and Creative Economy Regulation) Number 4 of 2014; realized in service upgrading and refunding if an error occurs.

Looking at the context of the scope of this study, the government should conduct intensive supervision of tour and travel agents related to tourism so that travelers' safety and comfort is guaranteed. The Travel Bureau should pay attention to the legislation related to tourism in order to better guarantee safety, comfort and safety for tourists.

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References


Sustainable Tourism Model Based on Environmental Wisdom in Penglipuran Tourism Village, Kubu Subdistrict, Bangli

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Abstract. This article aims to find out the form and implementation of sustainable tourism based on environmental wisdom. This study is designed using a qualitative method. There are two results found. First, the form of sustainable tourism based on environmental wisdom includes (1) the form of policy contained in the vision of the tourism village management agency, (2) the form of the organizational structure of the management institution that collaborates indigenous people and villagers, and (3) the form of distribution of retribution proceeds determined through the Decree of the Level II Regional Chief of Bangli. Second, the implementation of sustainable tourism based on environmental wisdom includes (1) conservation of the physical environment, (2) biotic (forest) environmental conservation, and (3) tourism business development. Third, the sustainable tourism model based on environmental wisdom is a model of tourism village development with collaboration between local community elements.

Keywords: Environmental wisdom; sustainable tourism; tourism village

1. Introduction

Culture and tourism have always been inextricably linked [1]. Tourism is a sector with significant economic relevance in several countries [2]. Tourism contributes enormously towards the economic development of host countries [3]. Tourists being consumers would prefer to visit a certain destination where they believe they can easily derive satisfaction without much effort [4]. Tourism has shown sustainable growth over the last few decades, leading to the development of multiple tourism-related industries [5]. Sustainable development is increasingly becoming a priority issue in tourism development in the modern world [6]. Tourism has repeatedly been reported as a powerful activity that can have significant impacts on a nation, often concerning a country's economy, society and culture, and environment [7]. The senior population is of interest to the tourism industry because of its growing size and increasing participation in travel activities [8]. The anticipated experience is marked by the ways in which ecotourism companies employ ecotourism ideology for their marketing, and the lived experience is marked by tourists after their interaction with the place (landscape) [9].

Conventional tourism trends that are oriented towards large numbers (mass tourism), using strategic places, and requiring large amounts of land have led to degradation of socio-cultural values, and pollution and environmental damage [10] in reaction to the negative impacts of conventional tourism development, the emergence of the thought of alternative tourism development that supports environmental preservation and improvement of community welfare, namely sustainable tourism. According to Federation of Nature and...
National Parks (1993), sustainable tourism is all tourism development, management and activities that maintain environmental, social, economic, and welfare integrity of existing natural and cultural resources for a long period of time [11].

In Bali, sustainable tourism development discourses are contained in Government Regulation Number 2 of 2012 which states that tourism development in addition to improving community welfare is also directed to preserve the natural and cultural environment in a sustainable manner. In preserving the environment, Balinese people have thoughtful and good-value ideas that are embedded and followed by the community called environmental wisdom. According to Wardi [12] environmental wisdom is part of cultural wisdom in the context of conservation. The form of environmental wisdom can be reflected in cultural heritage [13].

The development of tourism that is oriented towards environmental preservation and improving the welfare of the community based on the cultural values possessed can be observed in Penglipuran Village, Kubu Subdistrict - Bangli Regency. This village is a Bali Aga village which is developed into a tourist village. As stated by the custom village head of Penglipuran ‘I Wayan Supat’ (August 18th, 2018) “The Penglipuran community does not create tourism objects, but maintains cultural heritage based on existing values so that it becomes a tourist attraction.”

Based on the background above the study entitled “Sustainable Tourism Model Based on Environmental Wisdom in Penglipuran Tourism Village, Kubu Subdistrict, Bangli” is very interesting to do. The formulations of the problem in this study are (1) how is the form of sustainable tourism based on environmental wisdom? (2) How is the implementation of sustainable tourism based on environmental wisdom? and (3) how is the sustainable tourism model based on environmental wisdom in Penglipuran Tourism Village? This article aims to find out the form and implementation of sustainable tourism based on environmental wisdom.

Theoretically, this research can provide benefits for scientific development related to sustainable development based on environmental wisdom. Practically, this research can provide benefits for the government, tourism actors, and the community in determining policies in sustainable tourism management based on environmental wisdom. The theory used is ecocentric theory (Deep Ecology) by Arne Naess and the theory of power and knowledge by [14].

This study is designed using a qualitative method of collecting descriptive data in the form of written and oral words obtained from the community in preserving the environment. The location of this study is Penglipuran Village, Kubu Subdistrict, Bangli Regency that is a Bali Aga Village developed into a tourist village. Data collection is done by observation, interviews, and document study. Data analysis was carried out qualitatively through three activities, namely data reduction, data presentation, and conclusion.

2. Results and Discussion

Sustainable tourism is essentially concerned with ensuring that the natural, social and cultural resources that are used for tourism development in generations are now preserved for future generations [15]. The basic principles of developing sustainable tourism are (1) upholding the quality of the tourist experience, the lives of local people in a better direction, and the quality of a well-maintained physical environment; (2) sustainability of natural resources, local culture, and tourist satisfaction; and (3) a balance between the needs of tourists, the physical environment and the interests of local communities [16].
In realizing sustainable tourism, it cannot be separated from local wisdom relating to the environment (environmental wisdom). According to Wardi, environmental wisdom is a cultural value that reflects the success of human adaptation in interacting with the natural environment which is carried out consciously and wisely in an effort to maintain and improve the quality of survival while maintaining stable environmental conditions and functions [12].

This discussion will describe the form, implementation and model of sustainable tourism based on environmental wisdom in the Penglipuran tourism village, Bangli.

2.1. Form of Sustainable Tourism Based on Environmental Wisdom

Penglipuran Village is designated as a tourist village based on the Decree of Bangli Level II Regional Head Number 115 of 1993 concerning the establishment of tourist objects in Bangli Level II Regions. Considering that tourist visits are increasing and requiring more professional management, then on May 1st, 2012 Penglipuran Traditional Village formed a special institution to manage a tourist village named Penglipuran Tourism Village Management Agency. The form of sustainable tourism based on environmental wisdom in Penglipuran Village can be observed in the direction of the management institution’s policy, the organizational structure of the management institution, and the distribution of the results of the levy as follows:

First, the direction of the management agency’s policy. In the development of Penglipuran tourism village, the management agency determines the direction of the policy contained in the vision of the management institution, namely making the tourism village based on community, culture, and environmentally sound. To realize this vision, the management agency determines the mission of increasing community participation, improving skills, improving the welfare of the community, preserving art and culture, and preserving the environment with the concept of Tri Hita Karana.

Second, the organizational structure of the management institution. In the development of tourism villages, local communities, namely indigenous village head, are involved in the organizational structure of the management institution as the Board of Trustees. The management agency is led by a manager who is collectively responsible to the Penglipuran Customary Village through indigenous village head (prajuru adat).

Third, division of management results. Based on the Decree of the Level II Regional Chief of Bangli No. 116 of 1993 concerning the appointment of the Penglipuran Traditional Village as a tourist collection retribution officer, it is stated that the customary village is given 40% of the proceeds from retribution and the remaining 60% is for the government.

The explanation above shows that the form of tourism in Penglipuran Village is very concerned about the harmonization of the environment, the social life of the community, and the improvement of the welfare of the community. This is in line with ecocentric theory which seeks human welfare and balance between individuals and the overall interests in the ecosystem. The Penglipuran Village Tourism form is also in line with the view of Word Tourism Organization that sustainable tourism development must meet the basic requirements, namely ecological sustainability, economic sustainability, and social and cultural sustainability [11].

2.2. Implementation of Sustainable Tourism Based on Environmental Wisdom

Penglipuran village has a unique environment which is used as a potential for tourism village development. To maintain the sustainable quality of the environment, natural resources and culture of local communities, as well as maintaining environmental balance, the Penglipuran community implements cultural values embedded in people's lives. The
implementation of sustainable tourism based on environmental wisdom includes physical environmental (abiotic) conservation, forest conservation (biotic), and the tourism business development based on local resources.

First, conservation of the physical environment. Penglipuran Village, located at a distance of 45 km from the city of Denpasar or 5 km from the city of Bangli, has an area of 112 ha. 9 ha are settlements and 4 ha are holy places. Judging from the physical environment, Penglipuran Village has a unique pattern of village spatial planning and residential patterns that become a tourist attraction. The layout of the village uses a linear pattern that is the central axis as the center, extending from north to south dividing the settlement into two parts facing each other that is west and east. The structure of the village pattern shows the tradition of megalithic buildings. The residential pattern consists of 76 yards with the same structure and entrance (angkul-angkul). Both the village and residential patterns are based on the concept of dualism (rwa bineda) and the concept of Tri Mandala.

To protect the physical environment, the community strives to conserve by providing a subsidy of 30,000,000 each family to repair damaged buildings. This is intended to keep the building sustainable and can be enjoyed by tourists in a sustainable manner. That is, preservation in this case is not only intended to be “maintained” but to be the welfare of the community.

Second, forest conservation. Penglipuran village has 4 ha of timber forest and 45 ha of bamboo forest. Timber forests are located in the north and east of Penataran Temple. The most widely grown wood is Majegau wood which is the mascot of the province of Bali. The existence of timber forests is protected by traditional villages. The existence of timber forests is protected by traditional villages. In order to cut down trees, the people not only have to ask for permission from the traditional village head, but also through a religious ceremony in the case of asking permission from the God, the ruler of the forest. This is done so that the trees that are cut can be durable and not eaten by termites.

Bamboo forests are located in the north and west of Penglipuran Village. There are thirteen types of bamboo planted in Penglipuran Village, namely bamboo Jajang Aya, Jajang Bali, Jajang Panting, Jajang Taluh, Jajang Papah, Jajang batu, Tambang Gading, Tambang, Patung Buluh, Tali Suet, Tali Gading, and Ampel. Penglipuran Village also has rules for cutting bamboo. If there are people who cut bamboo, they must first determine a good day so that the bamboo is not damaged and dead.

Thus, it is clear that in Penglipuran Village there are beliefs and cultural values adhered to by the community in conserving forests. This is in accordance with what Wardi conveyed that environmental wisdom in the context of conservation is reflected in various forms of cultural values such as beliefs and rules or rules of customary law (awig-awig) [12].

Third, the development of tourism businesses. To absorb tourism activities, Penglipuran Village develops tourism businesses in accordance with the village’s potential. These include lodging, food such as kelepon, sweet potato chips, sweet potato donuts; drinks like loloh cemcem, loloh kunyit, onion pearl tea; and bamboo handicrafts such as replica of Penglipuran houses, and bamboo woven. It means that Penglipuran Village has developed the potential of natural resources for the development of tourism villages and improved community welfare.

2.3. The Model of Sustainable Tourism Based on Environmental Wisdom

Penglipuran Village adheres to three social systems, namely the Ulu Apad system, customary village, and official village. Ulu Apad is a resident citizen of 76 people. Numbers 1 to 12 are called Jero Kancan Roras who are considered as village elders and numbers 13 to 76 are called palitan. Penglipuran village consists of one customary community so that bendesa
adat (traditional village head) is also as kelihan adat (customary village head). The official village consists of one environment led by the head of the environment/village. Ulu Apad, customary village, and official village are one unit that cannot be separated from each other and the three are involved in the development of Penglipuran Tourism Village.

The involvement of traditional villages in the development of tourism villages shows that traditional villages have the power to preserve the environment and develop natural resources that they possess. Therefore, the traditional villagers that know best or have the knowledge to manage the potential that exists for tourism village development. The Penglipuran community also has responsibilities compared to outside communities, because what is done in environmental conservation will affect their lives in a sustainable manner. The role of the Penglipuran Indigenous Village community in environmental conservation with the theory of power and knowledge is where power is not only in the state (government) but also in society. As Foucault said that power does not only come from the authorities but spreads everywhere.

Thus, the sustainable tourism model based on environmental wisdom in Penglipuran Tourism Village is a model of tourism village development by considering environmental sustainability, community social life, and sustainable welfare with collaboration between local community elements such as Ulu Apad, indigenous villages, official villages, Bangli Regency government.

3. Conclusion

From the above study, it can be concluded as follows: First, the form of sustainable tourism based on environmental wisdom includes (1) the form of policies contained in the vision of tourism village management institutions, (2) the form of the organizational structure of the management institution that collaborates between indigenous people and villagers, and (3) the form of distribution of retribution proceeds determined through the Decree of the Level II Regional Head of Bangli. Second, the implementation of sustainable tourism based on environmental wisdom includes (1) conservation of the physical environment, (2) preservation of the biotic environment (forest), and (3) the development of tourism businesses. Third, the sustainable tourism model based on environmental wisdom is a model of tourism village development with collaboration between local community elements such as Ulu Apad, indigenous villages, official villages, Bangli Regency government.

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References


Implementation of Indigenous Sanctions “Kasepekang (Exiled)” in Resolving a Credit in Village Credit Institution in Bebetin Village, Buleleng Regency

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Abstract. Financial institution is established because traditional villages have an important role. This study aims to provide knowledge and understanding to the community related to the management of financial institutions known as the Village Credit Institutions (VCI). The legal issues raise the question of the form that application of traditional sanctions “kasepekang” in the settlement of credit at the Village Credit Institution and the legal consequences of it in Bebetin village, Buleleng Regency. The research method is done by interviewing the coaches, supervisors, traditional village administrators and the officers of village credit institution and classified as sociological empirical research. The conclusion that can be drawn from this study are the form of application of traditional sanctions “kasepekang” in the settlement of loans at the VCI Bebetin of Buleleng Regency raises pros and cons because traditional sanctions is contradicted and the application of VCI loans does not give positive impact to the existed law.

Keywords: Customary sanctions; customary village; village credit institutions; village credit institution management

1. Introduction

The provisions of Article 18 B paragraph (2) of the 1945 Constitution regulate the recognition of the existence of “customary law communities”, from various groups of people who have original arrangements within the territory of the Republic of Indonesia. As a customary law community, with the recognition as a nation and state. The existence of traditional villages and their traditional rights are recognized by the state. The existence of traditional villages in Bali, has two main functions, namely; cultural functions and economic functions. The cultural function is the function of cultural maintenance and development. While the economic function is the maintenance and development of culture as an economic potential, as well as economic institutions owned by traditional villages to sustain the needs in the implementation of their functions [1].

Indigenous peoples in Bali, according to their nature and function are institutions that are social-religious and socio-economic. In the fact that the role of indigenous villages is not limited to social cultural and religious roles, but also the role of the economy and public services
originating from the government. Traditional villages carry out various functions, both in the context of their existence as indigenous villages and as elements of the nation. Such a large role has illustrated the variety of functions and the amount of costs that must be borne as a burden by traditional villages in their daily lives. The cost is not limited to financing for its own affairs, but also the additional affairs that come from the government. These problems by the Provincial Government of Bali are overcome through the development of village economic institutions, especially traditional village financial institutions [2].

One of the obstacles that can be faced by Village Credit Institutions is the possibility of non-smooth loan repayment. Holloh conducted studies in East Java, Bali and NTB, finding that the low level of credit disbursement by similar institutions in the Village Credit Institution was caused by several things, namely: 1) Non-current billing, 2) Human Resources (HR) and bad loans, all of which are caused by external and internal factors such as economic conditions, character and inadequate credit analysis. The low quality of debt portfolios, the low value of collateral and the lack of provision for possible loan losses are also factors that cause the institution’s low ability to channel financing to the public [3]. Furthermore, Holloh also stated that there were 2 (two) reasons for low credit disbursement, namely: the absence of supervision of loans disbursed and the high level of lending rates compared to financial institutions such as commercial banks. In practice for “borrowers” who do not fulfill their obligations to the VCI to make payments, customary sanctions are applied. In customary law there is no distinction between criminal and civil contexts. Often, the application of customary sanctions is indeed effective in enforcing VCI management rules. But many people who consider the application of this sanction is only a worst choice, which is suspected will cause a further impact other than often considered inhumane and not in line with the purpose of its formation. These characteristics indicate that the VCI is a community financial institution formed by a community unit, operating within the community area, serving environmental financial transactions or for the benefit of community members, to fulfill community goals [4]. I Nyoman Nurjaya argues that VCI in Bali are traditional institutions that are not merely socio-economic nuances, but also religious cultural patterns, related to the fulfillment and implementation of the obligations of the world of skala (real life realm) and niskala (unreal nature of life) [5].

Customary village is a community in the meaning of geography and other social binding elements, namely culture, social system, legal system, economic system, and other social bonds [6]. They also interact according to customary systems and are bound by a strong sense of identity. The challenge faced by the Village Credit Institution is the possibility of non-smooth repayment of loans, aka bad loans. This is also due to the lack of adequate human resources support in the management. So that it results in inaccurate and ignores the principle of prudence in providing loans to the people. This situation results from a lack of fluency in fulfilling obligations due to lack of ability in fulfilling their obligations [7].

The illustration of this condition has also occurred in the Village Credit Institution (VCI) in Bebetin Village, Sawan District, Buleleng Regency. Credit arrears at the VCI amounted to almost IDR 5 billion more, even credit arrears amounting to IDR 3 billion which the borrowers of the people concerned do not fulfill their obligations so that they were subjected to customary sanctions in the form of “kasepekang”. With the implementation of this form of sanction, it raises the pros and cons for the people in Bali, related to the imposition of the customary sanctions. In customary law there is no distinction between criminal and civil contexts. Along with this, the application of
customary sanctions is indeed effective in enforcing VCI management rules. But many people who consider the application of this sanction is only a worst choice, which is suspected, will cause a further impact other than often considered inhumane and not in line with the purpose of its formation [8].

2. Results and Discussion

2.1. Criminal Aspects in the Management of Village Credit Institutions (VCI)

Managers and employees or officers of VCI who act deviate from the applicable or negligent provisions in carrying out their duties, either directly or indirectly causing losses to the VCI, must compensate according to the provisions of the prevailing laws and regulations. In Article 25 of the Bali Provincial Regulation Number 8 of 2002 relating to investigations related to alleged criminal acts in the management of VCI, it is regulated as follows: Certain Civil Servants in the Provincial Government are given special authority as investigators to investigate criminal offenses against this Regional Regulation. Then the authorities of the Civil Servant Investigator referred to are: receiving, searching, collecting and researching information or reports regarding criminal offenses against this regulation, so that the information or report becomes complete and clear [9].

In carrying out the investigation, the investigator must pay attention to the provisions of the Criminal Procedure Code that are stipulated in the Criminal Procedure Code (KUHAP). The Investigator informs the commencement of the investigation and submits the results of the investigation to the public prosecutor through the investigation of officials of the Republic of Indonesia State Police in accordance with the provisions in Law Number 8 of 1981 concerning Criminal Procedure Law. There is a provision, in paragraph (1) states, VCI managers who act deviate from the applicable or negligent provisions in carrying out their obligations, either directly or indirectly causing harm to the VCI threatened with Criminal Custody for a maximum of 6 (six) months or a maximum fine of Rp. 50,000,000.00 (fifty million rupiah). Then in paragraph (2) states that every person who misuses the name of the VCI is threatened with a maximum imprisonment of 6 (six) months or a maximum fine of Rp. 50,000,000.00 (fifty million rupiah).

2.2. Form of Customary Sanctions in Balinese Customary Law.

Actions that violate the rules of customary law and undermine peace, tranquility and disturb the balance of the cosmos in people’s lives are known as customary cases. But in the literature of customary law customary cases as illegal acts are often referred to as the customary offense or customary violations. These terms are translations from the Dutch “adat delicten recht” [10]. In Balinese society, these terms are not commonly used terms among people. The terms commonly used are terms such as: wrong, sisip (doing wrong), sin, etc. In awig-awig (customary law), it is known as a technical term to refer to it, namely the term “wicara” (utterance) which contains meaning as a legal issue that must be resolved, both legal issues in the form of customary violations or legal issues in the form of disputes. Customary offenses known in Balinese society, both those listed in awig-awig, customary village and paswara, and in lontar (palm leaf manuscripts) the types are as follows: a). moral offense, b). offense concerning property, c) offense violates personal interests, d). Customary violations due to negligence or not carrying out
obligations, e) murder, 6). theft, f) discordant, g). adultery, etc. In customary criminal law, violations of customary law can be subject to customary sanctions. This customary sanction is given with the intention and purpose to restore the balance that is disturbed due to the existence of a customary violation. Customary sanctions in general are in the form of social sanctions, and more social sanctions in the form of mental and psychological burdens. The types of traditional sanctions that have existed and are known in Bali, among others, are as follows a). danda, b). karampag, c). kasepekang, d) kanorayang, etc.

2.3. Application of Customary Sanctions in VCI Management.

Customary village is given full rights to take care of the internal affairs of the community. Management of internal affairs is regulated in the village provisions called *Awig-awig*. An *awig-awig* at least regulates: (a). Name and area of the village; (b). Legal basis and purpose; (c). Provisions on village planning; (d). Provisions on religious order; (e). Provisions on the order of human life; (f). Violations and sanctions; and (g). Reduction and addition of *awig-awig*.

In relation to the VCI, starting from determining the formation and management of the VCI even though it is also based on regional regulations, while the formation and arrangement of the management are based on *awig-awig* (customary law). Starting from the process of determining the candidates for management, the selection and determination of the management. The mechanisms and procedures in the entire process are arranged in *awig-awig*. Likewise, in terms of determining sanctions against customers and imposing sanctions. The existence of Regional Regulation on VCI No.3 of 2017 does not regulate sanctions on customers at all. The provisions contained in the Regional Regulation only regulate the provisions of sanctions against administrators who violate the law. There are no statutes and by-laws in the administration of VCIs. Therefore, as the basis for the implementation used is *awig-awig* customary law and *perarem* (agreement of villagers) [11].

Likewise, related to the management of the Bebetin VCI in the implementation of customary sanctions by managers in the form of “kasepekang” results the pros and cons. Even before the imposition of sanctions, a settlement must be carried out in advance based on the provisions in handling the settlement of bad debts. Various facilitation efforts have also been carried out by village officials. Considering in its application raises opinions and contradictions. Then in the end, through the implementation of the deliberation called “Paruman Agung” (great meeting) in Bebetin village, the provisions of the traditional sanctions *kasepekang* were changed to the term of customary sanctions *kejongkokan*. That is, the form of customary sanctions in the form of not getting services as villagers, including not being allowed to get loans at the LPD [8].

Based on the application of the customary sanction form, in reality all citizens who become customers who initially do not fulfill their obligations, are ultimately willing to fulfill their obligations even though the repayment is in instalments. Thus in applying a rule, it is necessary to strengthen through a legal culture. Because legal culture is the atmosphere of social thoughts and social forces that determine how the law is used, avoided, or misused. According to Lawrence M. Friedman, stated that “without legal culture, the legal system is inert” [12].

3. Conclusion
Based on the above explanation, the following conclusions are the form of the application of traditional sanctions “kasepekang” in the settlement of credit at the Credit Institution of Bebetin village in Buleleng Regency raises pros and cons. Because the form of traditional sanctions is considered inhumane and has not been in accordance with the present, even contrary to Law No. 39 of 2009. The second one is the legal consequences of the application of customary sanctions “kasepekang” in the settlement of loans at VCI Bebetin in Buleleng Regency do not give effect to the implementation of positive law.

References

Marriage System of *Nyentana* and Legal Consequences for Children Born in it

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**Abstract.** This study has two objectives: (1) to reveal the legal standing for men who get married under *nyentana* system, marrying and following their wives and parents-in-law, toward inheritance left by their parents-in-law according to Balinese customary law. The method used in normative legal research method. The results of this study indicate that a man getting married under the system of *nyentana* is not entitled to inherit any inheritance before the legal decision of the Pesanuhan Agung III, the Main Assembly of Desa Pakraman issued. However, after a man is set with a status of a married man under *nyentana*, he is entitled to get half of the purusa inheritance rights. Then, the legal consequence for the men and children born from their marriages when being separated from their wives is the man is free from the marriage bond and child custody is the right of his wife.

**Keywords:** Legal consequences; marriage; *nyentana*

1. **Introduction**

   Historically, long-term single women were more economically advantaged than their counterparts; this has changed as more married women become less dependent on their spouses, which in turn has ramifications for less economic disadvantage with marital dissolution [1]. Ecofeminism sees the global development paradigm as destroying diversity, both cultural and biological, and women as the main victims of this process by severing their bond with the land and destroying their subsistence economy [2]. International marriage migrant women are expected to become pregnant and give birth early on in their marriage [3]. Marriage unions are central in establishing and positioning a person within a society [4]. Regardless of how and why girl child marriage persists, the practice of child marriage has adverse social, economic and health consequences for girls [5]. Forced and arranged marriages are not made exclusively for economic reasons, but often to restore family honor [6]. Preferences for height and family relationships are thought to change if socioeconomic conditions change [7].

   In living their lives, humans experience three important events, namely birth, marriage and death. These three events have rules in national law and local law and the three also often cause certain legal consequences. Humans as legal subjects are in real effect since the man was born until he died. However, there are exceptions for children who are still in the womb, that is, they are considered to have been born if their interest is desired [8].

   The inheritance system adopted by indigenous peoples in Indonesia has three types, namely the collective inheritance system, major inheritance, individual inheritance. The collective inheritance system is when the inheritance gets the inheritance they receive
collectively from inheritance providers who are not individually divided. The major inheritance system applies if the inheritance is not shared and only controlled by the eldest child, meaning rights of use, the right to process and collect the results is fully controlled by the eldest child with the right and obligation to take care of and care for the younger siblings until they are independent. The individual inheritance system occurs when the inheritance is divided and can be owned individually with ownership rights, which means that each heir has the right to use, rights to cultivate, and the rights to enjoy the results, as well as to transact, especially after the inheritor has died [9].

In relation to customary law, Balinese customary law adheres to a patrilineal family system, where family membership is withdrawn or taken into account based on male lineage (father). The patrilineal family system embraced by the Balinese community is a major inheritance system, which causes only descendants of deceased status, male position is more important than his sister who is considered to be able to take care and carry on family responsibilities, both in relation to Hindu beliefs, Hindus, as well as the preservation of the natural environment in accordance with the beliefs of Hindus. Based on this evidence, only male descendants have rights to inheritance. Meanwhile, men who do nyentana marriages are pradana (women), it is not possible to continue their responsibilities, so that they are equated with people who leave family responsibilities and therefore are not considered entitled to inheritance in the family.

The position of men in the traditional marriage nyentana is as pradana. In this case there is a lot of interpretation that men who engage in traditional marriages shall be like women who get married and are out of their parents’ family will get their rights back. However, the phenomenon that occurs states that there are still many boys who find it difficult to obtain inheritance rights or their position again in their biological parents.

In this study, we outline the conditions of marriage that take place under the nyentana system from a legal perspective on men's rights and obligations to their parents-in-law's inheritance and to children born from their marriages when divorce occurs. The consequences arising from the divorce not only have an impact on both parties but will also affect their offspring. According to the customary law of marriage of Balinese people, which adheres to the patrilineal or purusa system, when divorce occurs all children born from the marriage will be the responsibility of their fathers and the children underage are cared for by his mother, while in marriage system of nyentana, the purusa is mother or women.

2. Discussion

2.1. Legal Position on the Right to Get Parents' Heritage for Married Men under Nyentana System According to Balinese Customary Law

The position of men in the marriage system of nyentana according to Balinese customary law, especially in obtaining rights from inheritance from the in-laws' assets is that before the decision of the Pesanmuhan Agung III of Main Assembly of Desa Pakraman was issued, they could not get any rights. This is because those who belong to the inheritance recipient group are sons, daughters from sentana rajeg and men or women adopted children. If a son-in-law who is getting married under the nyentana marriage system is not classified as a child who legally has become a son-in-law who is a child of the family-in-law, heirs are the descendants of father lineage drawn up, such as uncles and offspring lineages from men to the side, like nephews.
Through the decision of pesamuhan Agung III MUDP about the validity of the position of a man who was appointed as a son-in-law who follows the family of his wife and parents-in-law, the rules issued are expected to provide benefits and create a sense of happiness for the man who marries the system. What is meant is that a man who is married under nyentana system, who initially does not have any rights in obtaining his parents-in-law's inheritance, can obtain clear rights in inheriting property after the decree of the Agung III MUDP decree concerning the position of men who are married to the system. Every man who is married to the nyentana system is expected to be entitled to inherit at least half of his parents-in-law with a ratio of 2:1; the man in the flight system who has a prada/dying status is limited to the right to a part or half of the inheritance received by a child with kapurusa status; a boy who dies of full court is not entitled to inheritance but can be given provisions (jiwadana) by his parents from the treasure without harming the heirs.

2.2. Customary Legal Consequences for Men and for Children Born in Nyentana Marriage when Divorce Occurs

The result of customary law for men who are pradana in nyentana marriage is that the man returns to his biological parents' house, and if he is received well by his family, as at the time of his unmarried marriage, he will have the status of being a young man (back bachelor). Therefore, his obligations and rights as a child in the home of his biological parents will return as he is still not married. In addition, the child who has been married will automatically follow his mother's (matrilineal) lineage. However, apart from court decisions and the provisions of awig-awig of Desa Pakraman, the father also has the right to maintain and educate his son as stipulated in Article 41 paragraph a of Law No. 1 of 1974 concerning Marriage. In this paragraph it is stated that "Both mother or father always have an obligation to maintain and educate their children, solely based on the interests of children; if there are disputes concerning the control of children, the court issues its decision; "By adhering the Law number 1 in 1974 Article 41 paragraph a, the form of sexual marriage carried out by the community, especially the indigenous people of Bali, when the divorce occurred both parties are obliged to be mutually responsible for the children born in their marriage.

If analyzed according to the theory of expediency, which benefits based on happiness, an assessment of good or bad and fairness or not a law depends on whether the law provides as much happiness as possible for the community. The purusa status should be centered on children raised and educated by fathers and mothers so that children who live after divorce get complete love and happiness. All parents would expect their child to be a talented child and have a bright future. In the teachings of "Hinduism" the understanding of suputra can be described as follows: Su means good and the Son has the meaning of a child. So, suputra is a good child who can make his parents happy. Suputra is a reflection of parents who have educated their children well. Therefore, how happy are parents who have suputra children educated from their childhood properly.

Educating suputra children is not easy. Many things must be considered by the parents, including: children have not been able to distinguish good and bad behavior; the child is still in the adjustment stage. The next step is about giving enough love to children. The love that is given excessively causes the child to become spoiled. In addition, things that need to be considered by parents are the education system that is implemented in educating their children. This education system is very influential on the formation of children's personality. In this case, parents act as the main pillar. In other words, the child's life is more family-centered and the formation of his personality is largely determined by the parents. In the
formation of a child's personality, parents apply two patterns of socialization. Both patterns of socialization are repressive socialization patterns and participatory socialization.

Repressive socialization means child obedience to parents. His trademark is that parents give punishment for their children's wrong behavior. The positive impact is that children will become more disciplined and more obedient to parents. Meanwhile, the negative impact is the child's soul will be confined because of all its activities, fully determined by parents.

Participatory socialization means socialization based on the child's willingness (participation) in determining the steps. Its trademark is the giving of reprimand to wrong behavior and the compliments on good performance. The goodness of this socialization pattern is that children can move according to their will but are still in the supervision of parents. In addition, children can develop their creativity optimally. However, this pattern also has weaknesses, namely if parents are too careless or giving excessive freedom to their children, children will become spoiled and uncontrolled. This will cause children to fall into a bad direction, and therefore, every parent is advised to implement a participatory socialization pattern. The rationale is that children are free to be creative and active but that it remains under parental supervision. This socialization pattern is synonymous with a subtle approach to educating children. Therefore, if parents are able to provide good supervision, a good child's personality will be formed optimally.

Children really need motivation in every step of living their lives. Motivation can come from friends, teachers, the community, close relatives, and parents. However, the most memorable motivation is the one presented by who love him most. Thus, motivation from the family, especially parents is a motivation that is needed by the child. By giving motivation, the child feels that he is given an award by another person. Psychologically, this award provides extraordinary abilities and strengths so that the child believes that he can achieve a hope.

Motivation is the initial capital for children to assemble their dreams in the future. In addition, with a good socialization pattern a good personality can be formed. Motivation and good personality patterns can encourage them to create a bright future. This is the sign of the door of success that will stand right in front of the child's eyes. Suputra children who are successful will bring happiness to parents and their families. That happiness will continue as time goes by.

3. Conclusion

The legal position for a man who marry a woman under nyentana system based on Balinese customary law is in a situation that is not entitled to get anything from his father-in-law's property before the legal decision of the Agung III General Assembly of the Desa Pakrama. For the Balinese people, every man who has a married marriage is signed as a person who has left the family of his biological parents along with his rights and obligations as a child with a purusa status. Essentially, all sons should be a child who is obliged to continue the descent in the family of his biological parents. However, with the birth of the nymph marriage system, the boy who follows him can no longer carry out his obligations as a child and is not entitled to the family inheritance of his biological parents, in any form (dying of full court). In contrast to this fact, after the Main Assembly of Pakraman Village established through the Pesamuhun Agung III that a man married under nyentana system of marriage and is included a limited death, still carrying out swadharma as a Hindu, he is able to obtain inheritance based on the principle of Asuwun Ategen (two to one).
Legal consequences for men and children born from traditional marriage of *nyentana* if a divorce occurs are men return to their biological parents' families and are not single. In addition, if divorce between men and women is divorced, the child born in his marriage automatically follows the mother's line. However, apart from the court's decision, the father also has the right to preserve and educate his child.

**References**


**Legislation**

The Analysis of Outpatient Average Cost for Diabetes Mellitus Type II at Sanjiwani Hospital, Gianyar

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Abstract. The study design took upon cross sectional and mix method approach. The quantitative data are collected through questionnaire method, while the qualitative data are collected through in-depth interview method. The samples are 96 subjects that infected with the DM type II. The finding shows medical cost that paid by the patients classified into the prescription cost and laboratory cost. Indirect cost component paid by the patients is the transportation cost in reaching the health facility. Prescription and laboratory cost are the highest direct medical cost that took toll on the patient. The average cost paid by the Diabetes Mellitus type II patients are Rp. 548.200,-, transportation cost of Rp. 60.300,- and income loss of Rp.363.200,- for every month per person. There is a significant relationship of education, household income, and social economy status with the direct cost, while the indirect cost only has a significant relationship with household income, and social economy status.

Keywords: Average cost; diabetes mellitus type II; health insurance

1. Introduction

The Household Health Survey in 2001 shows the prevalence of Diabetes Mellitus for people is around 25 - 64 years old in Java and Bali in 7.5%. Bali has become one of provinces with the largest cases of Diabetes Mellitus [1]. Gianyar regency is the region with the lowest prevalence of Diabetes Mellitus cases.

The number of Diabetes Mellitus cases in Indonesia has risen significantly from 1.1% in 2007 to 2.1% in 2013 [2,3].

The high prevalence and its complication tendency has put DM as a non-contagious disease that creates a significant economy burden to the health cost system [4]. Medical cost analysis is an important element in judging chronic disease, since it may evaluate the medical cost and illustrate disease that require an increase of resource allocation of prevention and therapy [1].

Diabetes Mellitus has reached the third largest number of non-contagious disease occurrence in Gianyar regency. The cost resulted by this disease is quite substantial, which took toll on the patients. Moreover, the government also has to prepare sufficient budget to ease the cost of these patients.

The number of death caused by Diabetes Mellitus in 2016 and 2017 are 9 people and 90 people respectively. The rise of Diabetes Mellitus cases in Gianyar regency was seen from the occurrence in 2016 to 2017. There are 952 cases in 2016 that increase into 11.070 cases in 2017 [5].
The high number of DM cases can be affected by several factors such as lifestyle, genetic, level of stress, as well as lack of physical activity. The people comprehension of a healthy life is required to diminish the possibility of infected with such diseases.

A number of studies has revealed that health care for people suffering diabetes mellitus is somewhat considerable [6, 7, 8, 9, 10]. This indicates that the diabetes mellitus is one of the tremendous diseases to overcome. And in regard to the previous studies discoveries, we made an effort to reveal the cost of outpatient operating of diabetes mellitus suffered by a number of patients at Sanjiwani Hospital, Bali – Indonesia. Additionally, we implicitly intended to reveal how vulnerable the diabetes mellitus incidence to be occurred in the said locus.

This study uses questionnaires to collect the data related to the outpatient average medical cost paid. Costs taken into measure are the direct and indirect medical cost, as well as indirect cost related with medical treatment of the Diabetes Mellitus type II. In-depth interview was also used in this research to investigate the patients’ perception of medical cost paid for DM type II.

Method used in this research was mixed method. Quantitative method was used to calculate the number of out patients medical cost of Diabetes Mellitus type II at RSUD Sanjiwani Gianyar. Qualitative method was used to investigate the patients’ perception of economic burden taken by the DM type II outpatients at RSUD Sanjiwani Gianyar.

The research design used is cross sectional with descriptive approach. The research method taken in this research is a mixed method of quantitative and qualitative method.

The research site was at Sanjiwani Hospital in Gianyar. Sanjiwani hospital is one of the government health facilities. This hospital provides inpatient and outpatient treatment for Diabetes Mellitus patients.

The population of this research is Diabetes Mellitus patients that have been medically diagnosed by the doctors. Diabetes Mellitus patients that were treated, already have their medical record traced to assure their medical indication.

The data were taken in one medical facility during the month of May up to August 2018 by using valid questionnaires that have already tested in different samples. Questionnaires data were gathered by accidental sampling method. The in-depth interview data was using purposive sampling method.

Out of 106 samples, there are 10 samples that were taken out of this research. The sample calculation was using software in 2010 from the World Health Organization. The qualitative research samples taken were 15 people that used to increase the depth of patient perception towards the cost paid.

Several steps done in the statistic data analysis are:

- Characteristics Identification of Diabetes Mellitus Outpatients and its grouping to the cost classification
- Cost classifications are tested to acquire the average cost based on the cost classification. Every cost classification was described through its highest cost classification paid by Diabetes Mellitus Type II patients at RSUD Sanjiwani Gianyar.
- The data analysis was reported in the research findings analysis

2. Qualitative Analysis

In this research, qualitative analysis was done with source Triangulation method. Interview result was analyzed through editing, coding and data cleaning.
3. Result and Discussion

The first test was done by looking at the patients characteristics that underwent medication at Sanjiwani Hospital in Gianyar. The univariate test result was shown as follows.

Table 1. The Characteristics of Diabetes Mellitus Type II Patients at Sanjiwani Hospital Gianyar.

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>DM Type II Patients Gianyar (n = 96)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sex</td>
<td></td>
</tr>
<tr>
<td>- Male</td>
<td>64 (66,7)</td>
</tr>
<tr>
<td>- Female</td>
<td>33 (33,3)</td>
</tr>
<tr>
<td>Age</td>
<td></td>
</tr>
<tr>
<td>&lt; 45 th</td>
<td>28 (29,2)</td>
</tr>
<tr>
<td>≥ 45 th</td>
<td>68 (70,8)</td>
</tr>
<tr>
<td>Education</td>
<td></td>
</tr>
<tr>
<td>- Middle High School</td>
<td>17 (17,7)</td>
</tr>
<tr>
<td>- Diploma</td>
<td>0 (0)</td>
</tr>
<tr>
<td>- Bachelor</td>
<td>79 (82,3)</td>
</tr>
<tr>
<td>Occupation</td>
<td></td>
</tr>
<tr>
<td>- Employee</td>
<td>49 (51,0)</td>
</tr>
<tr>
<td>- Unemployment</td>
<td>47 (49,0)</td>
</tr>
<tr>
<td>Insurance hold</td>
<td></td>
</tr>
<tr>
<td>- JKN-KIS</td>
<td>89 (92,7)</td>
</tr>
<tr>
<td>- Non JKN-KIS / General</td>
<td>7 (7,3)</td>
</tr>
</tbody>
</table>

The number of Diabetes Mellitus Type II patients was mostly male with the age of above 45 years old, mostly in bachelor education degree, actively employed and mostly used National Health Services. The mean age of detection suggests delay in diagnosis of diabetes mellitus and accompanying complications, which has cost implications. Policy that enhances early detection of diabetes in clinical practice would therefore improve management and reduce costs. The benefit package consists of basic health care and covers about 95% of the diseases in Ghana. Provider payment methods used by the District Mutual Health Insurance
Schemes are the Diagnosis Related Groups for services only and Itemized Fee for Service to pay for medicines on the National Health Insurance Scheme drug list [11].

**Table 2.** Cost Classifications and Average Cost Paid by Diabetes Mellitus Type II Patients at Sanjiwani Hospital Gianyar.

<table>
<thead>
<tr>
<th>Cost Classifications</th>
<th>Mean (SD)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Direct Medical Cost</strong></td>
<td></td>
</tr>
<tr>
<td>- Hospital Administration Cost</td>
<td>10.2 (2.3)</td>
</tr>
<tr>
<td>- Medical Cost</td>
<td>548.2 (423.9)</td>
</tr>
<tr>
<td>- Doctor Treatment Cost</td>
<td>13.2 (6.7)</td>
</tr>
<tr>
<td>- Medical Cost other than the prescription</td>
<td>7.9 (3.7)</td>
</tr>
<tr>
<td>- Ambulance Cost</td>
<td>165.3 (137.7)</td>
</tr>
<tr>
<td>- Laboratory Cost</td>
<td>515.8 (807.9)</td>
</tr>
<tr>
<td><strong>Indirect Medical Cost</strong></td>
<td></td>
</tr>
<tr>
<td>- Transportation Cost (Treatment Trip)</td>
<td>60.3 (43.8)</td>
</tr>
<tr>
<td>- Clothing Cost</td>
<td>2.6 (1.1)</td>
</tr>
<tr>
<td>- Food Cost</td>
<td>3.5 (4.0)</td>
</tr>
<tr>
<td>- Family Visit Cost</td>
<td>3.2 (2.2)</td>
</tr>
<tr>
<td>- Transfer Location Cost</td>
<td>2.8 (1.7)</td>
</tr>
<tr>
<td>- Supplementary Cost (Ambulance fee, Cigarettes, Deposit Money)</td>
<td>8.4 (5.2)</td>
</tr>
<tr>
<td><strong>Indirect Cost</strong></td>
<td></td>
</tr>
<tr>
<td>- Income Loss (Patient)</td>
<td>363.2 (576.3)</td>
</tr>
<tr>
<td>- Productivity Loss (Patient)</td>
<td>73.4 (102.0)</td>
</tr>
<tr>
<td>- Time Loss (Patient)</td>
<td>3.1 (3.6)</td>
</tr>
<tr>
<td>- Income Loss (Family Member)</td>
<td>46.1 (27.8)</td>
</tr>
<tr>
<td>- Productivity Loss (Family Member)</td>
<td>54.9 (30.1)</td>
</tr>
<tr>
<td>- Time Loss (Family Member)</td>
<td>3.1 (1.8)</td>
</tr>
</tbody>
</table>

The highest cost classification paid by Diabetes Mellitus patients is direct medical cost of medical (prescription) cost, while the indirect medical cost is its transportation cost. The
indirect cost paid by the patients is the costs that appear due to the loss of income. The average cost paid by Diabetes Mellitus type II patients for medical cost is Rp.548,200,-, transportation cost is Rp.60,300,- and an income loss of Rp.363,200,-. Patients losses their income when they cannot work. Income loss is an additional cost that will be paid by the patient. Patients’ productivity has decreased when they suffer DM. Therefore, patients have to control their blood sugar level by routinely taking medication to the health facility. A comprehensive cost analysis of expenditures incurred in the treatment of DM in Singapore. The results indicated that both medications and DM complications were strong determinants of costs. With projected increase in diabetes prevalence coupled with obesity and growing need for medical treatment in Singapore, diabetes will continue to be a heavy burden on health budgets [12]. The mean service cost constituted 22% and the direct medical cost constituted 78% of the mean financial cost. Drug cost was 71% of the financial cost, representing the highest cost component of diabetes management to the clinics [11]. Indirect costs include increased absenteeism ($5 billion) and reduced productivity while at work ($20.8 billion) for the employed population, reduced productivity for those not in the labor force ($2.7 billion), inability to work as a result of disease-related disability ($21.6 billion), and lost productive capacity due to early mortality ($18.5 billion) [13].

Table 3. The Relationship of Characteristics and Social Demography to the Direct and Indirect Cost Paid by the Diabetes Mellitus Type II Patients at RSUD Sanjiwani.

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Direct Cost</th>
<th>Indirect Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mean (SD)</td>
<td>P Value</td>
</tr>
<tr>
<td><strong>Age</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt; 45 th</td>
<td>1277.6 (1437.4)</td>
<td>0.07</td>
</tr>
<tr>
<td>≥ 45 th</td>
<td>1473.7 (1555.9)</td>
<td>&lt; 0.001</td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Middle High School</td>
<td>452.5 (663.7)</td>
<td>55.2 (43.1)</td>
</tr>
<tr>
<td>Diploma</td>
<td>583.1 (736.4)</td>
<td>&lt; 0.001</td>
</tr>
<tr>
<td>Bachelor</td>
<td>746.7 (603.7)</td>
<td>155.8 (559.1)</td>
</tr>
<tr>
<td><strong>Monthly Family Income</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt; 2,000</td>
<td>673.8 (565.3)</td>
<td>51.7 (34.6)</td>
</tr>
<tr>
<td>2,000-5,000</td>
<td>1353.3 (1312.7)</td>
<td>&lt; 0.001</td>
</tr>
<tr>
<td>≥ 5,000</td>
<td>2473.9</td>
<td>296.9</td>
</tr>
</tbody>
</table>
The analysis result shows that education, household income, and social economy status have a significant relationship to the direct cost. Alternatively, the indirect cost has a significant relationship to only household income and social economy status. Diabetes is a chronic medical condition associated with numerous complications that makes it a substantial economic burden incurred by individuals, healthcare systems and society as a whole [14].

4. Qualitative Analysis

Several questions were asked to the patients, which showed that out of 15 patients, 6 of them confessed that their family encountered difficulties in escorting the patient for routine medication. This problem is caused due to the family tight schedule in working and the lack of adequate transportation to take the patient to the health facility. 10 patients stated that they often took alternative medication to ease their pain. The patients' perception towards alternative medication was quite high, which in turn, requires comprehension to DM disease. 11 patients also stated that transportation cost has become a liability to their treatment. Patients stated that transportation cost has greatly increased when the patient has to be referred to type A hospital. Furthermore, 9 patients stated that they have lost their income due to their absence in working, which caused by the increase of their blood sugar level.

Out of 15 patients, 13 amongst them have stated that they loosen their treatment schedule routine when they feel that their condition has improved to normal. Patients in normal condition are still advised to routinely taken medication to control their blood sugar level.

5. Conclusion

The conclusion of this research is the average cost paid by the Diabetes Mellitus type II patients as much as Rp.548,200,- monthly, monthly transportation cost of Rp. 60,300,- and monthly income loss of Rp.363,200,-. There was a significant relationship of education, household income, and social economy status to the direct cost. On the other hand, the indirect cost has a significant relationship to household income and the social economy status.
Acknowledgments. Utmost gratitude is dedicated to the Ministry of Research, Technology, and Higher Education for funding this research. The appreciation is also dedicated to LIPI and Warmadewa University for providing the chance and accommodating this grant.

References

District/Municipal Government Authority in Regulating the Conversion of Sustainable Food Agriculture Land

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Abstract. This study examines the basis of district/municipal government authority in regulating the function conversion of sustainable food agriculture and investigates juridical consequences of the application of the district/municipal Government on Sustainable Food Agricultural Land Protection without complying with the Provincial Regulation. We used normative legal study design with statutory and conceptual approaches to achieve these objectives. We found that the district/city government regulated conversion of sustainable agriculture land of food that is in Number 41 of Article 12 in 2009. The arising juridical consequence is it contradicts with point (2) of the Act as well as contradicting legal hierarchy of Indonesian law, and consequently the regulation is inapplicable.

Keywords: Land conversion, Sustainable Food Agriculture, Authority, Regional Regulation

1. Introduction

Indonesia is a rich country in natural resources [1, 2]. One of the most productive natural resources is land. Constitutionally land in Indonesia is controlled by the state. It is based on stipulation in Indonesian Act of 1945 constitution [3]. Furthermore, juridical provisions governing the existence of land are contained in Indonesian Act of agrarian, called UUPA. Based on the Act, the state as an organization for all Indonesian people is granted an entitlement of controlling all earth, water, and other natural resources in Indonesian jurisdiction. Unfortunately, the fundamental problem that has been a great challenge for the people and government of Indonesia today is the increasingly widespread of conversion of the land function for development interests, such as settlement, tourism development, shop establishment, and industry development [4, 5 6, 7]. In this context, land conversion is an activity to change the land use from an activity to another [8, 9]. This condition has become a form of great challenge for the community and government that must be dealt with seriously with the power of legal provisions.

Even though Indonesia has had the Sustainable Food Agriculture Land Protection Act (hereinafter referred to as UUPLP2B), land conversion is still irresolvable. The growing population and needs, especially in urban areas require more land to remain in supply. As a result, land inventories in urban areas are increasingly limited and trigger an expensive price. To meet the increasing demand for land, urban development is expanded to the periphery where the main and fertile agricultural land was located[10]. Since the law was issued in 2009, its implementation has not worked effectively. Although a number of regional regulations have been compiled, however, land conversion continues to happen; it is slowly started from
productive irrigated rice fields. Thus, this situation increasingly triggers the high challenges that must be resolved through legal channels by the government.

Related to UUPLP2B, the establishment of sustainable agricultural land preservation in essence has been covered in Regional Regulation No. 16 of 2009 concerning the Regional Spatial Planning of Bali Province. However, it is not enough to control the conversion of land function. As a precautionary measure, the regional government issued a regulation for the processing of sustainable agricultural land to control the conversion of the land. In line with this idea, the Jembrana district government, a part of a very influential district government in the Bali province, has proactively taken steps to control the conversion of sustainable food agriculture land. Hence, the regional regulation of Jembrana district Number 5 of 2015 concerning the Protection of Sustainable Food Agriculture Land was issued.

Judging from the conditions described earlier, there are unclear norms that need to be clarified, especially regarding the protection of community agricultural land that must be sustainable. Therefore, this study reveals the real situation about the condition of the rights and authority of urban regional governments in regulating law in the land sector, especially with regard to the transition of functions. In particular, this paper discusses the legal bases governing the urban regional government authority in controlling sustainable land conversion. It analyzes the consequences that occur because of the enactment of regional regulations in an effort to protect the land sustainably if not based on provincial regulations.

To realize the examining efforts of the phenomena examined in this paper; we made use the theory of authority with the Stufenbau concept and the theory of legal certainty. Authority theory is often equated with the Dutch term bevoegdheid, which means authority or power. It is an important portion of the law of governance, since it determines whether a new government may carry out its duties or not. Stufenbau's theory is a hierarchical theory concerning the legal system introduced by Hans Kelsen which states that legal systems are a system of steps with tiered rules; the relationship between norms that govern the actions of certain norms and other norms can be called super relations and sub-ordination spatial. Based on this hierarchy theory, legal norms are tiered and layered in an arrangement. In other words, a lower norm applies, sourced and based on a higher norm, and so on. Meanwhile, reviewing from the point of view of Certainty Utrecht theory, the meaning contained in legal certainty consists of two: first, which regulates each individual to become familiar with the recommendations and prohibitions for him or her are general rules. Second, they are a kind of guarantees for individuals provided by the government that enable them master what the state might execute and might not execute toward each individual. In addition to being in legal articles, the certainty of the law is in consistent decisions between judges for similar cases that have been resolved.

This study is carried out using normative legal method. This happened because of having identified that there is obscurity in the norms in Act number 41 of 2009 regarding Sustainable Protection of Land of Food Agriculture. Normative legal research is conducted to find solutions to the settlement of legal problems found in this study, namely prescription regarding solutions to the issues raised, rather than accepting or rejecting proposed decisions [11]. In addition, we used several approaches to support the activities in this study. The approaches we used are statute approach, analytical approach, and conceptual approach. The three approaches were used as a guide for the analysis of activities related to the problem of sustainable conversion of agricultural food land and the juridical consequences of the enactment of district/manucipal regulations on the Protection of Sustainable Food Agriculture without being based on provincial regulations.

There are various legal materials used in this paper. They include:
1) Primary legal materials: binding legal materials. These include Indonesian Constitution of 1945; Number 5 of the Act on UUPA of Year 1960; and Number 41 of the agriculture land protection of 2009. Additionally, Number 12 of Legislation Formation of 2011, Number 23 of Regional Government of 2014, Government Regulation Number 1 Year 2011 concerning Determination and Function Conversion of Sustainable Food Agriculture Land, Regional Regulation of Bali Province Number 16 of 2009 concerning Governance Plan Bali Province Regional Space, Jembrana District Regional Regulation Number 5 Year 2015 concerning Sustainable Food Farmland Protection.

2) Secondary legal materials: These include the work of experts in the field of law, and in the form of textbooks, journals, and magazines.

3) Tertiary legal materials: these are materials add to details of primary and secondary legal materials [12], i.e. Language Dictionary and Black Law Dictionary.

Primary, secondary and tertiary legal materials were collected through documentation and note taking techniques. Documentation is carried out by examining official documents about the regulation of conversion of sustainable food agriculture land. Note-taking is carried out by systematically recording the information obtained related to the conversion of food land. After the data were collected, everything was analyzed with systematic and grammatical interpretation techniques. Interpretation is a technique in making arguments through legal reasoning with the aim of finding concrete laws in certain events, such as the mastery and conversion of sustainable food agriculture land.

2. Discussion
The Legal Basis of the Authority of the District/Manucipal Government in Regulating Sustainable Food Agriculture

The government, both the provincial and district/manucipal governments, has a great duty, that is to say they carry out government activities, development and service to the community [13, 14]. The execution of these duties aims at achieving national goals as mandated in the opening of Indonesian 1945 Constitution to improve the standard of living and welfare of the entire community. Based on this condition, the authority of the government to control the land is stipulated in the provisions in paragraph (1) of Article 2 Indonesian Basic Agrarian Law (UUPA). Based on this article, the authority can be authorized to the regional governments. The Regional government, in this case including the provincial government of Bali, is governments in the autonomous regions at the provincial level as stipulated in Act of Regional Government in the number of No. 23 of 2014. Thus, the provincial government is called an autonomous region. Land cultivation, especially agricultural land is included in land affairs which is part of mandatory government affairs that are not related to basic services, as referred to in Article 11 paragraph (2), which is also set forth in Article 12 paragraph (2) letter d of Law number 23 2014 concerning Regional Government.

Regarding the establishment of legislation, the authority to form it is in the hands of the House of Representatives which together with the president discuss and approve each draft law. Then the president ratifies the draft law that has received mutual agreement to become a law. The issuance of laws is essentially a joint power between the House of Representatives and the President (sharing power). Meanwhile, the authority to form legislation that is under the law is the authority of the president, regional head or the head of a ministry/institution in accordance with the duties and functions of its authorities specified in the law.

The authority of the district/manucipal government in making regional regulations concerning the Protection of Sustainable Food Agriculture (hereinafter referred to as PLP2B)
refers to Act of sustainable protection of agriculture land of 2009, particularly that of paragraph 2 of Article 12. In the Act it is stated, “The planning for provincial sustainable food agriculture is a reference for planning sustainable food agriculture of the district/manucipality.” In theory, the legal basis for district/manucipal governments in issuing regional regulations on PLP2B is provincial regulations. But in fact the district government, in this case Jembrana District, stipulates regional regulations regarding PLP2B by not referring to provincial regulations, as stipulated in Act of Establishment of Legislation in 2011, in paragraph 1 of Article 7, that the legal norms must be hierarchical.

In Article 12 paragraph (1) of UUPLP2B, it is said that there is a vagueness of norms because the use of the word "and" in the article which causes the potential to cause norm conflicts and not in accordance with hierarchical theory. The words "and" in the sentence can be interpreted as parallels between provinces and district/city, and thus it is contrary to hierarchical theory and contradicts Article 12 paragraph 2 of UUPLP2B.

**Juridical Consequences of the Enactment of District/Manucipal Regulation Regarding Sustainable Food Agriculture Land Protection If It is Not Based on Provincial Regulation**

Adherence to regional regulations in higher legislation has indeed been a concern for a number of groups of people. In 2016, the Ministry of Home Affairs announced that there were 3,143 regional regulations that had been canceled. In detail, out of 3,143 of the revoked or revised regional regulations, there are 1,765 regional regulations or district/manucipal head regulations which are revoked or revised by the interior minister. Then, 111 regulations or decisions of the interior minister are revoked or revised, and 1,267 regional regulations or district/manucipal head regulations are revoked or revised by the governor [15].

District/manucipal regulations are legislation established by the Regional People's Legislative Assembly (hereinafter referred to as the DPRD) district/manucipal with the agreement of the regent/mayor. Meanwhile, provincial regulations are legislation established by the Provincial DPRD with the Governor's agreement.

Provisions regarding regional regulations, what prohibited from contradicting higher regulations are also clearly regulated in Number 23 of Article 250 in 2014 of the regulation. The Article reads, "Regional Regulations and Regional Head Regulations as referred to paragraph (1) and (3) of Article 249, is prohibited to be contrary to the provisions of higher laws, public interests, and/or decency. If the laws and regulations under the Act are contrary to the Law or higher laws and regulations, the minister in this case the Minister of Home Affairs shall revoke the regional regulation.

Likewise with the regional regulations of Jembrana District Number 5 of 2015 concerning Sustainable Food Farmland Protection, to realize regulatory legal certainty as such, the arrangement is not clearly made with regard to the references used by the district/manucipal government to form a regional regulation, so that multiple interpretations occur. This is especially for compliance with Indonesian Act of Agriculture Land Protection Number 41 of 2009, particularly in Article 12 paragraph (1) and (2). In this regard, the Jembrana regional regulation Number 5 of 2015 on the Sustainable Protection of Food Agriculture Land can be null and void because it is not based on regional regulations on Sustainable Food Agriculture of the Province. What is more, the Number 12 of Article 7 of Indonesian Act of Establishment of Legislation in 2011 stipulates that the legislation shall be executed in phases. In other words, provincial regulations are higher than district/manucipal regulations. Similarly, Article 12 paragraph (2) determines that the province becomes a reference for districts/manucipalities in the hierarchy. Thus, the juridical consequence of Jembrana Regional regulation is that it contradicts the Number 12 of Article 7 of Indonesian
Establishment of Legislation in 2011 and Article 12 paragraph (2) UUPLP2B. If this is allowed to happen, it is not impossible that in a certain period of time it will cause unrest in the wider community due to the lack of clarity regarding the status of the regional regulation; it is among conditions of having legal force or never. This has the potential to create legal uncertainty for the community.

3. Conclusion

The basis of the authority of the district/manucipality government in controlling the conversion of agriculture is the Number 41 of Article 12 of Indonesian Act of Agriculture Land Protection in 2009. Establishment of district/manucipality regulations, which in this case is the Jembrana District Regulation Number 5 Year 2015, directly refers to Law Number 41 of 2009 (Article 12 paragraph 1) because in the article it is stipulated that districts/manucipalities can refer to the constitution. Notwithstanding, in hierarchy article 12 paragraph 2 stipulates the district/manucipality refers to the provincial government.

The juridical consequence of the application of district/city regulations that do not refer to provincial regulations is that they are contrary to the Indonesian Act, which regulates the protection of agricultural land and the regulation is applicable.

At the end of the analysis in this study, there are several recommendations to be provided. The basis of the authority of the district/manucipality government in regulating sustainable food agricultural land contains the obscurity of legal norms, and therefore, it is recommended that the joint president of the DPR abolish Article 12 Paragraph 1 of Law Number 41 of 2009 because it contradicts Article 7 of Law Number 12 of 2011. Furthermore, in conjunction with the juridical consequences of the enactment of district/manucipality regulations that do not refer to provincial regulations, district/manucipality governments are expected not to take advantage of the provisions of the Act in making regional regulations, but referring to Article 12 (2) Law Number 41 of 2009.

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References


Legal Politics on Tourism Village of Petang Sub-District in Badung-Bali District

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Abstract. Legal politics in explaining tourist villages in Plaga Village, especially the traditional village of Kiadan, is inseparable from the political and legal process to make the village of Plaga a tourism village. The issuance of the Decree of the Regent of Badung, number 47 of 2010 concerning the establishment of tourist village areas in Badung regency. One of the Plaga Villages in Petang District, which was set by the Badung Regency Government. The target of determining tourism villages is to increase the awareness of the community and local residents about the importance of environmental management and maintenance in an effort to maintain the existence of potential culture and existing tourism potential and at the same time to prosper the local community as tourism business owners. The aim of the research is to identify the potential of the village and the local wisdom that can be an attraction for tourist villages. The method used is qualitative which focuses on socio-legal in the development of legal research methods. The results of the legal political research on Plaga village have fostered the creativity of the local community to preserve local cultural values and natural potential as added values for their welfare. Nature tourism and cultural tourism are based on indigenous people by developing the potential of natural and local culture.

Keywords: Based on pakraman village; indonesian legal ideals; political law; tourism village

1. Introduction.

Politics of law Indigenous people in Bali in connection with tourism, in this regard refer to Law Number 10 of 2009, concerning tourism. Tourism in Bali was born naturally which began when the Dutch colonial government came to power in Bali. Legal products related to Bali Culture tourism are Regional Regulation No. 2 of 2012, concerning Bali Cultural Tourism which can also regulate spiritual tourism in passing (Article 8, paragraph (m), and actually does not contain ecotourism in the text (article) Cultural Tourism in the view of cultural tourism in Bali must pay attention to local wisdom such as the beliefs of the Balinese people which are based on Tri Hita Karana and imbued by Hinduism (article 11, paragraph

1 Dosen Fakultas Hukum Universitas Warmadewa.
2 Dosen Fakultas Hukum Universitas Warmadewa.
3 Dosen Magister Administrasi Publik Pasca Sarjana Universitas Warmadewa.
(a)). When associated with cultural politics in Bali, that customary villages experienced state hegemony in legal political policy in defending the rights of traditional villages in Bali in the form of public policy (Customary Village Regulation Number: 06 of 1996) and subsequently revoked and replaced with Regional Regulation No. 3 of 2001 concerning Pakraman Village. Public policy in planning the importance of tourist villages in Badung has been planned by the Badung Regent Anak Agung Gde Agung period (2005-2010, and 2010-2015), Plaga Village was made as one of the villages chosen as the development area for Agro tourism in the North Badung region in accordance with the District II Development Badung through the Badung Regency Respondent Decree Number: 2028 of 1994. Furthermore, the Regent's Decree mentioned above was followed up with the issuance of Badung Regent Regulation Number 47 of 2010 concerning Determination of Tourism Village Areas in Badung Regency. But in fact the Implementation of this Regulation, is still experiencing obstacles in society caused by various aspects so that legal-sociological research is needed to be able to know the issues of culture, sociology, economics so that the community can be prospered in the presence of this regulation. Basically, this research is planned for 3 years of research from 2018 to 2020. In each year the focus of research and different problems is to be able to find out the potential, obstacles, from the local community in implementing the Regents Regulations. For this reason, the problems that arise in the first year of research (2018) are:

a. What is the cultural law politics of the local community whose village has been determined based on the public policy of Badung Regency?
b. What is the potential of the Village and local wisdom that can attract the tourist village?

2. Result and Discussion

2.1 Politics Legal culture of local communities Based on Badung Regent Regulations Number 47 of 2010 concerning Establishment of Tourism Villages in Badung Regency.

The journey of legal politics related to Cultural Tourism is a process of cultural political struggle with the politics of state law, with the hope of Balinese culture as the basis for moving the "Spirit" of tourism in Bali. Tourism in its development and development uses Balinese regional culture inspired by Hinduism. In a cultural reality implied by an ideal there will be a reciprocal relationship between tourism and culture so that both of them increase in harmony. Then the Regional Regulation No. 3 of 1991 concerning Cultural Tourism was revoked and replaced with Bali Province Regional Regulation Number 2 concerning Cultural Tourism, which also remained based on Balinese culture imbued with Hinduism and the Tri Hita Karana philosophy. The dynamic reciprocal relationship between tourism and culture that

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5 Astara, I Wayan Wesna 2010, Pertarungan Politik Hukum Negara & Politik Kebudayaan, Udayana University Press, Denpasar, h. 7.
8 Astara, I Wayan Wesna, Passim.
9 Peraturan Daerah Propinsi Bali Daerah Tingkat I Bali Nomor 3 Tahun 1991 tentang Pariwisata Budaya, Pasal 1, ayat (j).
makes both develop synergistically, harmoniously and sustainably to provide prosperity to the community, cultural and environmental sustainability (article 1, paragraph (14).

In the context of authority, that the State of Indonesia as a pillar of the state of law, namely the principle of legality, then the governmental authority comes from legislation. Authority derived from legislation is obtained from three ways, namely, attribution, delegation, and mandate. According to H.D Van Wijk / William Konijnenbelt defines attribution, delegation and mandate as follows:

Attributie: toekening van een bestuursbevoegheid door een wetgever aan bestuursorgaan (Attribution is the administration of authority by legislators to government organs);

Delegatie: overdracht van een bevoegheid van het ene bestuursorgaan aan een ander, (delegation is the delegation of government authority from one organ of government to another government organ);

Mandaat: een bestuurorgan laat zijn bevoegheid namens hemuittoefenen door een ander (mandate is where the government allows its authority to be carried out by other organs in its name)\(^\text{10}\).

In line with what was stated by Philipus M. Jadjon, that the source as a way of obtaining authority is that every act of government is required to be based on legitimate authority, and obtained from three sources, namely, attribution, delegation, and mandate\(^\text{11}\). This means that the DPRD, Governor, Regent have authority under the Law in carrying out their duties. Thus, the revocation of Regional Regulation No. 3 of 1991 concerning Cultural Tourism is not in accordance with the National Policy on tourism Law Number 10 of 2009 concerning Tourism. In Law No. 10 of 2009, one of the tourism businesses includes the provision of accommodation, water tourism, as well as no mention of tourism villages or eco-tourism, so as to fill the gap and balance the development of South Badung tourism with North Badung, the Badung Regent Anak Agung Gde Agung period (2005-2010, and 2010-2015), Plaga Village was made as one of the villages chosen as the development area for Agro tourism in the North Badung region in accordance with the Badung Regency's Second Development Plan through the Decree of Badung Regency Number: 2028 of 1994\(^\text{12}\).

In order to realize the balance of development of South Badung with North Badung as well as equal distribution of people's welfare in the Badung Regent Period period (2005-2010, and 2010-2015), issued Badung Regent Regulation Number 47 of 2010 concerning Establishment of Tourism Village Areas in Badung regency. The tourism village in question is the area of preservation of the natural environment of the ecosystem and the traditional cultural nodes of the community by not hampering the development of its citizens\(^\text{13}\) to improve the welfare of his life through tourism efforts (Article 1, paragraph (6).

Village Potential and local wisdom that can be an attraction for tourist villages.

According to Jackson, 1989 (in Pitana, 205) there are 11 factors that become attractions factors, namely: (1) location climate; 2) national promotion, 3) retail adververtising, 4) wholesale, 5) special events, 6) incentive schemes; 7) visiting friends; 8) visiting relations; 9) tourist attractions; 10) culture, and 11) natural environment and man-made environment. In


\(^{11}\) Philipus M Hadjon, 1998, Tentang Wewenang Pemerintah (Bestuurbevoegheid) “dalam Pro Justitia, Majalah Hukum Universitas Katolik Parahyangan, No. 1 Tahun XVI, Bandung, hal. 90.

\(^{12}\) I Ketut Sandhi Sudharsana, dkk. Loc.cit.

\(^{13}\) Catatan peneliti bahwa potensi Desa Kiadan digali, direvitalisasi, dikembangkan untuk kesejahteraan masyarakat local/desa adat dengan memperhatikan nilai kearifan local dan budaya local yang dapat menjadi nilai tambah untuk kesejahteraan masyarakat.
relation to the factors that determine tourists to buy or visit attractions. Medlik, 1980 (in Ariyanto 2005), states that there are five factors that determine someone to buy services or visit a tourist attraction, namely: (1) location; (2) facility; (3) image; (4) cost, dan (5) service.14

Plaga Village has the potential to be developed into a tourist village as stipulated in the regulation of Badung Regent Number 47 of 2010 concerning Tourism Village Areas. Plaga Village has an area of 3,545 Km² consisting of 9 Banjar Dinas, and 8 Adat Villages, 8 Banjar adat, 3 Subak Yeh and 8 Subak Abian. The 9 local community: namely 1) local community of Plaga; 2) local community of Kiadan; 3) local community of Nungnung; 4) local community of Tinggan; 5) local community of Bukian; 6) local community of Semanik; 7) local community of Tiyingan; 8) local community of Auman; 9) local community of Bukit Munduk; and then the names of traditional villages are: 1) Traditional Village of Plaga; 2) Traditional Village of Kiadan; 3) Traditional Village of Nungnung; 4) Traditional Village of Tinggan; 5) Traditional Village of Bukian; 6) Traditional Village of Semanik; 7) Traditional Village of Tiyingan; 8) Traditional Village of Auman.15

Kiadan Traditional Village as a tourism village of cultural pluralism can become cultural capital and cultural power which drives the life of the nation and state.16 Furthermore, it can be explained that the purpose of the law is to maintain order and social order in society as an instrument of social supervision. However, the legal ideals are to create legal justice, usefulness and certainty. Thus arrangements regarding tourist villages can be arranged in awig-awig desa adat or perarem, if it comes into contact with a third party, such as the provisions contained in the Regional Regulation of Bali Province No. in 1991 concerning Cultural Tourism and Regional Regulation No. 2 of 2012 concerning Bali Culture tourism is a form of recognition of the Regional Government towards Pakraman village as the subject of the agreement law in the management of tourist objects, such as cooperation agreements in the management of tourism objects in Bali carried out by the regional government with expertaman villages. The agreement can be made with a notary deed between the regional government and the traditional village / expert as the owner of a tourist object Karangasem Regency and underhanded agreement regarding the management and revenue sharing of Gianyar Regency. Regional cooperation agreement made with the Memorandum of Understanding model between the Regional government and Pakraman village, then followed up by the Regent's decision regarding the implementation of the Management of tourist objects and attractions, (in Badung Regency).17

The concept of Tourism Village developed in the traditional village of Kiadan is natural tourism, cultural tourism, then "designed" with a pattern of accommodation that is suitable for rural communities. Community life with tourism activities can be integrated. Development of accommodation facilities in tourist village areas by being directed to the use of houses and

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15 Rencana Pembangunan Jangka Menengah Desa Semesta Berencana Desa Pelaga Kecamatan Petang Kabupaten Badung Tahun 2014-2020, h. 4-5.
17 I Wayan Arka,2016, Desa Adat sebagai Subyek Hukum Perjanjian, Udayana Unversty Press, h. 250-251.
unproductive vacant land as accommodation facilities and facilities to support village tourism.

Other potential that can be lifted is the attraction of tourists to the Traditional Village of Kiadan is a local tradition who live in the Kiadan community, there are 11 springs of water that can attract tourists, certain events to be used as attractions such as traditional ceremonies (piodalan, ngaben) can be developed as a religious tourism. Pancoran 11 this spring is sacred and diempon by 4 local community namely local community of Kiadan, local community of Bukian, local community of Nungnung, and local community of Sandakan (Sulangai Village). The concept of springs in the traditional village of Kiadan and the area of ownership / managed by four (4) local community mutually.

In the management of tourist objects there has not been good coordination between the traditional village of Kiadan and the village of Plaga. Then there are still ambiguous management arrangements between managed by customary villages or by Subak as managers. For this reason, it is necessary to sit together between the owner of the accommodation with the customary village and the Dinas Village and tourism managers for legal certainty in the management of tourism villages in Kiadan in particular, and Tourism Village in North Badung in general for the occurrence of hormonal authority.

3. Conclusion.

The politics of Plaga Tourism Village is a manifestation of the implementation of several legal products regarding tourism Law Number 10 of 2009 concerning tourism, Bali Province Regional Regulation Number 2 of 2012 concerning Cultural Tourism, and Badung Regent Regulation Number 47 of 2010 concerning Determination of Tourism Villages in Badung Regency. Implementation of Regulations Regents of the Regent give hope to tourist villages to exercise their rights and obligations as land owners and / or residents who conduct environmental management / utilization activities in the tourist village areas of Plaga and Kiadan by making accommodations for the benefit of foreign and domestic tourists.

The potential tourist attraction of the village of Kiadan Plaga as a tourist village (coffee farm) and on the sidelines of coffee can be carried out by tourism attractions. In addition, religious tourism can be developed, there are temples that support as a religious village tour, shafts etc. Other potentials that have been grown are residential houses that can be used as accommodation. The local wisdom of Bali in a traditional village can be designed as houses for accommodation, and on the stage / attraction of jogged art in Bali can be staged directly in the place of tourists staying (lodging) because the natural atmosphere is very supportive.

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15. Badung Regent Regulation Number 47 of 2010 concerning Determination of Tourism Villages in Badung Regency.
Environmental Law Enforcement as a Strategic Effort for Temple Sanctity Maintenance at Tourism Destination Area

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Abstract. Philosophically the sanctity of the temple is an entity that must be strictly guarded even though it has different aspects, namely the economic aspect as a support for tourism activities. This paper examines the essence of environmental law enforcement as a means that can be taken to maintain the sanctity of the temple. To achieve this objective, normative method was used with statutory, sociological, and philosophical approaches. The expected output from this study is the creation of constancy in the essence of the temples existence for local community (Balinese) so that the maintenance of temples goes hand in hand with the high rate of increase in tourism activities. Hence, the focus of the discussion is the aspect of environmental law and its enforcement as a form of usable strategic effort to maintain the temple sacredness in each tourism destination.

Keywords: Environmental law enforcement; sanctity of temple; tourism destination

1. Introduction

Temple is a place or area which in Hinduism is conceived as a place or “heaven” of the Holy [1]. Titib said that the temple or also referred to as heaven is a replica or imitation of the heaven/sthana of the Almighty God with His various manifestations in Loka Heaven [2]. A temple serves as a place of worship that is synonymous with trust in God in Hinduism [3][4]. Therefore, it is very natural if the temple is loaded with beautiful, fragrant, decent and magnificent things. By Titib, furthermore, it was stated that with the conception of a temple as a replica of a heaven in Hinduism, the temple must be holy and divine [2].

The terms “sacred” and “magnificent” are two meaningful words that are interrelated to each other in the context of temple as a place of worship for Hindus and so the concept is in line with the previous idea, that is, the sanctity and magnificience of the temple must be maintained and sustained[4, 5]. In line with developments in Indonesia, the pace of development is likened to a train that continues to run. Development in religious pluralism and belief in Indonesia certainly gives its own color in its actualization in society [6, 7]. "Temple" is located in the biological and social environment. In addition, in maintaining the sanctity of the temple, of course the realization of the harmony of values is absolutely necessary[8] [9]. The concept of sacred for Hindus is not necessarily seen as similar by that of other religious communities so that a solution that accommodates common interests applying between social classes or between religious communities needs to be sought. In this paper the solution in question is offered [9].
With regard to the object being investigated, the method used in this study is normative (doctrinal) method. This method is applied by making use of statutory, sociological, philosophical and juridical approaches to discover a model (strategy) in the form of ideas/thoughts for the maintenance of the sanctity of places of worship (temple), so that it can go hand in hand with the concept of environmental conservation in tourism areas. The legal material used as a guide for the review of this study is analyzed and presented qualitatively. This output is expected to provide a policy view that can accommodate the interests of all parties in the tourism area. Typically the concept of "magnificience" in the good quality of the environment associated with "sanctity" is offered as a policy strategy to accommodate the value of the "sanctity" that must be maintained in a temple and its surroundings.

This study applies normative study design. It deals with discussing the enforcement of legal aspects relating to environmental law and tourism, which in this case is of Bali, Indonesia. We also collected the related literature discussing the temple as a sacred place in Bali, which has become a huge attraction to both local and foreign tourists. We provide interpretation of the legal rules by narrating the story of temple as religious area for Hindus. We also collected studies on temple potential of being tourist attraction in other countries like those of India and some are from Korea and China.

2. Discussion

2.1. Sustainable National Development with Environmental Insights

National development is an effort carried out by all components of the nation in order to achieve the goal of statehood. The purpose of the state which is intended as the goal of the Indonesian state is outlined through the concept of "the founding father" in the fourth paragraph of the opening of the 1945 Constitution of the Republic of Indonesia [10]. The purpose of a state is the orientation of the implementation of a country, which orientation cannot be separated from the nature of the existence of a country (especially in this context is the country of Indonesia). Philosophically-theoretically, it was found that the state emerged as a result of community agreements [11]. Adhering to the Pound’s flow of thought "community agreement" is an agreement made by the community to hand over some of its rights to the authorities, which the authorities are given the right to regulate the common interests of the community so that the welfare of the community is realized [12]. Therefore, it can be said that all efforts carried out by all instruments of statehood are integrated, systematic and sustainable efforts in their aim to prosper the community as the purpose of a country. Additionally, Indonesia’s national development is an absolute matter to be carried out in order to realize the goals of the country.

In order to actualize the national development, various policies of the authorities (in this case the government) are formed with an aim-oriented concept as described earlier. One of the manifestations of a structured national development effort is the establishment of a national development plan with a legal instrument in the form of Law Number 25 of 2004 concerning the National Development Planning System. Furthermore, national development plans are further divided into long-term development plan, medium-term development plan, and annual development plan. Reflecting the view of Pound in Atmadja's interpretation, it was found that law plays a central role in national development efforts [13]. A compelling legal characteristic is a pillar in engineering society in accordance with the established development
The flow of national development policies as stipulated in Law Number 25 of 2004 was later revealed in the form of systematic legal rules. The term "systematic" in this context is aimed at harmonizing and synchronizing the rule of law in various fields regulated through legal instrument as a field that directly or indirectly supports the national development efforts. Therefore, any national development efforts are inseparable to legal policies regulating various aspects of public’s interest in society. By means of Article 2 paragraph (1) of Law Number 25 of 2004, it is stipulated that "National development is carried out based on democracy with the principles of togetherness, justice, sustainability, environmental insight, and independence by maintaining the balance of national progress and unity". Grounded these underlying principles, the implementation of national development cannot be separated from various aspects, primarily the environment. It is that the environment is an important issue in the development given that human existence is always closely intertwined with its environment. In ecological view, humans in the physical environment surrounding always have an interdependent relationship, in the sense that in one view human activities always influence the condition of their physical environment. At the same time, the biophysical environment also influences the behavior of human. Building upon this concept, the basic assumption formulated is the environment is a disengageable entity to national development efforts.

Meanwhile, the provisions regarding the environment are regulated more specifically in Act No. 32 of 2009 concerning Environmental Protection and Management. In this act, it is explained that the living environment is a unity of space with all objects, power, circumstances, and living things, including humans and their behavior that affect the nature itself, the survival of life, and the welfare of humans and other living things (Article 1 number 1 Law No. 32 of 2009). The paradigm of thinking in this context is originated from the concept of "anthropocentric." Comparing Susilo's ideas about the philosophical view of Plato directs the way of thinking since it is stated that "plants are prepared for the benefit of animals and animals are provided for the benefit of humans". This proposition involves a deep understanding of the concept that regards humans as the center of life, in which everything in the world is always utilized to fulfill human’s interests and their humanity interests are within the scope of "satisfaction". Satisfaction will excogitate happiness. The efforts of each individual or group of individuals to fulfill their interests continuously and without careful planning in order to obtain their personal happiness undoubtedly leads to the degradation of environmental quality which in turn threatens the existence of human beings themselves and other people in the world.

In relation to this phenomenon with development, the concept of sustainable development is regulated in Article 1 number 4 of Law No. 32 of 2009 as a conscious and planned effort that integrates environmental, social and economic aspects into a development strategy to ensure the integrity of the environment and the safety, ability, welfare and quality of life of present and future generations. In the conception of sustainable development (compare: sustainable national development), there is a change in the initial paradigm, where anthropocentric understanding is transformed by an ecological approach, as shown by the following figure, namely dialectic of antopocentric understanding in the context of the environment.
Previous anthropocentric view, as shown by the figure, places humans as the center of life, where everything in the world is only used to fulfill human’s interests. By means of ecological approach, the paradigm shifts to integrating all aspects. Humans are in a social realm that has the same position as the economy and the environment. Thus, human activities in social development must be integrated with economic development and sustainable environmental development.

2.2. Temple as a Part of Human Socio-Religious Life (Hindus)

Indonesia is a country formed with diversity, including religious diversity. Religion is understood as a doctrine/belief, the actualization of belief in God Almighty. Relying on the principle of diversity and human rights, Indonesian state guarantees the existence of each of its citizen (community) to embrace certain religion and practice their respective religions and beliefs. The rules regarding these guarantees are stipulated in the Indonesian written constitution (UUD NRI 1945) Article 29 paragraph (1) and (2). In this article, it is stated that everyone is guaranteed by the state to embrace religion and worship according to his/her religion and belief. It is clear that the diversity of religions and the beliefs of Indonesian citizens are recognized by the state through the First Precepts of Pancasila which reads "God Almighty". As is well known, Pancasila, the five principle of the republic of Indonesia, is the philosophical foundation and world view of life of Indonesia citizen. Through the sound of the First Precept of Pancasila, it can be stated that religion and belief that put trust in God Almighty and possession of doctrines that are in line with the values of Pancasila are recognized and guaranteed by the state. One of the recognized religions in Indonesia is Hinduism, apart from Islam, Christianity, Catholicism, Buddhism and Confucianism. This is indicated by the inclusion of these religions in the profile of the Ministry of Religion of the Republic of Indonesia. In other words, the state directly participates in fostering and realizing the guarantee of religious embrace for every citizen and realizing the guarantee of harmony between adherents of different religions in Indonesia. Thus, government policies in the field of religion should be in line with government policies in other fields.

Hinduism is one of the religions in which the system believes that there is a sanctified place called Pura. The temple is believed to be the stana (place) of the gods as a manifestation of God Almighty (Ida Sang Hyang Widhi). Hence, there are rules that force every Hindu, that is, they must always maintain the sanctity of the temple. As is known, each religion has an institution as its adherent association to maintain its existence and protect its people in carrying out the realization of their religious beliefs and harmonizing the behavior of its adherents to the state life as a unity in the Law of Pancasila. The Hindu institutions in Indonesia are Parisadha Hindu Dharma Indonesia (PHDI). With regard to the existence of the Temple as a Hindu holy place whose preservation must be considered, PHDI issued instructions to its followers, namely instructions summarized in a decision or appeal. In connection with the sanctity of the temple, PHDI issued a decision on the Parisada Hindu Dharma Indonesia Pusat Number: 11/KEP/I/PHDIP/1994 concerning Bhisma Kesucian Pura. For a variety of holistic considerations, general provisions in the Bhisma are as follows:

1) Hinduism in its holy book, the Vedas, has described what is called the holy places and the Holy Area, Mount, Lake, Campuan (river mouth crossing), Coast, Sea and so on are believed to have purity values. Therefore, temples and holy places are generally established in that place because they are considered to be the place of saints
2) These sanctuaries have become historic centres that gave birth to great and eternal works through the hands of saints and poets for the peace and prosperity of mankind. So, Sad Khayangan Temple, Dang Khayangan, Khayangan Tiga, and others were established. These sacred places have a chastity radius which is called an area of thickness with the size of Apeneleng Apenimpug, and Apenyengker. For Sad Khayangan Temple, the measure of Apeneleng Agung (minimum 5 Km from Pura) is used, for Dang Khayangan, the measure of Apeneleng Alit (at least 2 kms from Pura) is used, and for the Khayangan and others, the measure of Apenimpug or Apenyengker is used.

3) Given the increasingly rapid progress of development and Hindus who have socio-religious nature, in development activities the surrounding Hindus are included, namely from planning, implementing, to supervising, for the smooth development. Hinduism makes its people united with the environment; therefore, the concept of Tri Hita Karana must be applied as well. To maintain the balance between development and holy places, holy places (temples) need to be developed to maintain harmony with their environment.

4) With regard to the progress of increasingly rapid development, the development must be carried out in accordance with the established rules. In areas of the temple's chastity radius (small areas), only buildings related to Hindu religious life are allowed to be built, for example Dharmasala, Pasraman and others, in order to facilitate Hindus to perform their religious activities (eg Tirta Yatra, Dharma Wacana, Dharma Githa, Dharma Sedana and others).

“Apeneleng”, “Apeneleng alat, “Apenimpug” or “Apenyengker” is the temple's sanctity radius. Of course the radius varies depending on the temple class concerned; each of them can enter Sad Kahyangan Temple, Dang Kahyangan Temple, or Kahyangan Tiga Temple and others. In line with the concept of "Tri Hita Karana" which is known in Hindus, a harmonious relationship is not only attempted to occur between humans and God (its creator) and between humans and other humans, but primarily is the creation of a harmonious relationship between human and their environment. The environment in question is an environment in which humans become part of the living and activities in it. 

If it is associated with its practice in the field, the radius around the temple as stated in the PHDI decree has often experienced development by individuals, the private sector or the government. This physical development is realized in residential, tourism facilities or even industry. It is understood that socio-religious or cultural views differ from the views of national development in the physical field. However, it cannot be denied that the existence of religion, adherents of religion, and beliefs in these religions are also true (life) and continue to develop along with the civilization of society. Above all, to realize all designs, a systematic and sustainable policy including policies in the field of environment and religion that are able to run harmoniously is absolutely necessary. At least in realizing the development in question, the idea as a solution is needed as a basis for multisectoral insight including the environment and socio-religious (sanctity of the temple as a holy place of Hindus).

2.3. Environmental Law Enforcement as an Instrument to Control Temples Sanctity in Tourism Destination Areas

Definition of law enforcement in the Black’s Law Dictionary is: “1) the detection and punishment of violations of the law; 2) police officers and other member of the executive branch of government charged with carrying out and enforcing the criminal law” [14]. The essence of law enforcement according to Soekanto lies in harmonizing the relationship of
values described in the principles that are solid and manifest and act as a series of final stages of value translation, to create, maintain and sustain the peace of life [15]. Furthermore, Rahmadi argued that environmental law enforcement is defined as the use or application of instruments and sanctions in the field of administrative law, criminal law and civil law, with the aim of imposing legal subjects who are the target to comply with environmental law and regulations [16]. Based on this concept, it can be conceived that before environmental law enforcement occurs, there is an environmental law that regulates what is permitted or prohibited under the threat of sanctions. Sanctions contained in the rules concerning environmental law aim to provide forced power so that everyone addressed in the regulation complies with legal provisions as contained in the legislation concerning the environment. Through Law No. 32 of 2009 Article 3, the purpose of environmental protection and management in Indonesia is regulated. It was stated explicitly that the scope of the objectives was concretized in its implementation in the form of planning, utilization, control, maintenance, supervision and law enforcement. Law enforcement is one of the instruments of environmental protection and management if there are legal subjects (individuals or corporations) who violate environmental aspects as determined in national development planning.

Law enforcement for violations of the provisions concerning the environment can be realized in the form of administration, civil or criminal. Law enforcement through administrative aspects is carried out thru administrative procedures as part of preventive efforts in protecting and managing the environment. What is meant here is the integration of administrative procedures in the form of licensing. For example, in the case of land use permits and building construction on a land that requires a series of permits issued by the regional government or provincial government. Presumably the administration aspect is integrated with the regional spatial plan as outlined in the regional regulations. Imposition of repressive administrative sanctions is carried out by the minister, governor, and regent/mayor to the person in charge of the business and/or activity if a violation of the environmental permit is found in the supervision. The administrative sanctions that can be imposed on legal subjects violating the provisions stipulated through the Act. 32 of 2009, among others, is a written warning, government coercion, suspension of environmental permits, and/or revocation of environmental permits.

Whenever pollution and environmental damage occur, there must be victims of them [17]. The victims can be people, individuals, communities or countries. Enforcement of environmental law through civil procedures is regulated in Chapter XIII Article 84 to Article 93. The civil aspects listed in these articles contain the resolution of environmental disputes that can be carried out through court (litigation) or non-court routes (non-litigation) based on the choice of parties who have voluntarily disputed. This provision is intended to protect the civil rights of the parties to the dispute. Settlement of off-court disputes can be done in a manner known as ‘Alternative Dispute Resolution (ADR). The last legal instrument that can be used in enforcing environmental law is criminal law. Criminal sanctions can be imposed on any violator of the prohibition provisions contained in Law No. 32 of 2009. From the perspective of criminal law, there are several provisions which contain actions deemed as a criminal act (offense) in Law No. 32 of 2009. Environmental offenses regulated in several articles, including articles 41, 42, 43, 44, 45, 46, and article 47. Some of the offenses referred to above are threatened with sanctions in the form of criminal sanctions. However, the use of criminal law instruments adheres to the principle of ultimum remedium, namely that criminal sanctions are used if other legal instruments (administrative and civil) are no longer applicable.
Enforcement of environmental law (administrative, civil, or criminal) is expected to provide forced power to individuals or groups of individuals to behave or carry out all forms of activities with regard to environmental sustainability. Sustainability is intended to be sustainable across space and across generations. In the context of temple sanctity, environmental law enforcement can be described in a broader framework by referring to the term Steward as quoted by Susilo, namely that there is a dialectic or reciprocal relationship between culture and environment. In fact, Harris revealed that religion also has a reciprocal relationship with the environment [18]. The social structure of the tourism destination is certainly very heterogeneous considering that in the area of tourism there is cultural assimilation. In addition, it can also be understood that there are various tastes contained in subjective beliefs in each person. The possibility of differences in looking at something, especially the sanctity of a holy place (temples) has a large space to always occur. With regard to the sanctity of the temple, it can be concretely described that the sacred area that is trusted by Hindus is not necessarily a sacred area that is trusted by other religious communities around the temple [19]; especially if other people are intended to own land or a place of residence within the radius specified by PHDI as a sacred area of a temple.

This is considered very reasonable considering that religion is an actualization of a belief. Regarding the way to actualize these beliefs in the form of values or behavior is certainly different from each other in each religion. Trust is subjective because trust is rooted in the irrationalism of human thought. What is perceived appropriate in the behavior and values of the people of a particular religion (Hinduism) is not necessarily the same as what is felt by other religious communities. As a solution, a meeting point that is not rooted in taste, but rooted in ratios needs to be sought. What can be observed by the five senses of man is the root of human reasoning called ratio. To satisfy the values to each religious community including Hinduism (especially regarding the sanctity of the temple), a concrete thread that is capable of being judged equally by all religious people needs to be formed.

Put simply, what is implied through the concept of "holiness" contained in the Bhisama issued by PHDI is that there will be difficulties in the level of practice if it is only fixed on taste, because the sense of value is subjective for every religious person with one another. The concrete things that can be realized are cleanliness and environmental sustainability. The entity would be more concrete and could be positively captured by all religious people. To realize this, the concept of "holy" in Bhisama can be interpreted not only limited to the taste by Hindus but also on the view of cleanliness and environmental sustainability around the area where the temple is. This is because the provisions regarding cleanliness and environmental sustainability have been accommodated in the Law Law No. 32 of 2009 concerning Environmental Protection and Management. Hence, environmental law enforcement is one of the instruments in environmental conservation based on Law No. 32 of 2009 can be effectively applied to maintain the sanctity of temples.

What is felt sacred by Hindus, especially those related to the area of the temple, is not necessarily felt sacred by the people of other religions or beliefs. Notwithstanding, cleanliness and environmental sustainability are observations that can be felt as a common view by every religious community. Therefore, so that the value of purity felt by Hindus around the temple can be realized and supported by the entire community (not limited to people of other religions), environmental law enforcement efforts are needed. Through a clean and sustainable environment that is objective, a sense of holiness will be created for Hindus who are subjective. Therefore, presumably law enforcement against the environment is truly enforced through the National legal instrument (Law No. 32 of 2009) so that the value of sanctity as
stated in the Bhism PHDI concerning Purity of Temple can be realized through cleanliness and environmental sustainability.

3. Conclusion

Temple is a place that is believed by Hindus as a place of worship of God, where the temple is a reflection of heaven or sthana for God in all its manifestations. Based on these functions and values, the sanctity of the temple and its surroundings needs to be concerned and maintained. The value of purity that is rooted in the feelings of Hindus is not necessarily the same as the value of the sanctity rooted by other religious communities around the temple. So, a legal policy that applies nationally but still accommodates the interests of all religious people including Hinduism, especially related to the sanctity of the temple needs to be created. One of the policies in question is the policy of environmental law enforcement. With environmental law enforcement, every environment, including the surrounding environment, can be maintained, in terms of quality standard, regional spatial planning and sustainability. If this is able to be carried out consistently and continuously, the sanctity of the temple and the surrounding area can be realized.

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Criminal Aspect in the Community Organization Clash in Bali: A View on Investment Climate in Industry

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Abstract. Clashes in community organizations have become a source of legal problems. In developed countries, including Indonesia, many small-scale and large-scale industries suddenly became difficult to experience liquidity due to low tourist visits caused by clashes in community organizations (in this study is in the city of Denpasar, Bali). This study examined the factors that trigger the occurrence of clashes in community organizations causing crime and analyzed the arising impacts on tourism activities in the city of Denpasar. We designed this study with the empirical legal research design. We found that the main factors that cause clashes in community organizations are egosectoral, misunderstanding, competition for parking lot, and the desire to win the competition. In the tourism world, clashes in community organizations have caused the investment atmosphere not to be propitious. Hence, the legal provisions governing the community organizations require touching from the government to be strengthened immediately.

Keywords: Clash of community organization; criminal; investment, tourism

1. Introduction

Community organizations are an independent form of organization of society protected by the state law. The establishment of community organizations in Indonesia is regulated by the state based on Law Number 17 of 2013. In the provisions of the Act referred to, the purpose of establishing a community organization is explained: to help the government and society realize the noble ideals of the nation, namely, to make organized, fostered and prosperous society both physically and spiritually. In other words, the existence of the organization has a function in supporting development in order to realize welfare and justice based on Pancasila for the community.

Ideally, the aim of establishing an organization is actually to help the community and government realize order, peace and order in society [1]. In tourism areas, a regular, peaceful and orderly community atmosphere is an absolute condition for the success and sustainability of the performance because tourism activities will run optimally in the accompaniment of a peaceful, orderly and clean environment [2]. Recently in Bali, the community both local communities and visitors, have often been troubled by elements of the community organizations who act in an intrinsic manner, not based on their prescribed vision and mission. The crime of extortion against small traders who lined the roadside and illegal levies dominated the clashes that were rife [3] [4] [5]. Ironically, in carrying out these arbitrary actions, the image of citizens is used as an excuse, such as illegal levies carried out in the...
name of citizens regardless of the economic conditions of each of the people who are deprived of them in a subtle manner [6].

In this study, we highlight the discussion about the criminal aspects which are also carried out by groups of community organizations, organizations that should run on the legal journey that regulate, secure, and prosper society. This idea arose as a result of concern for the people who came from the lowest group but had to be the subject of extortion. Principally, an action or event is always accompanied by reasons and objectives, as well as crimes committed by a group of members of a community organization [7][8][9]. It's just that the reasons and objectives contained in each activity of different people or groups are certainly never the same in nature. In addition, achieving the goals of an action will always be a pleasant moment for those stakeholders [10]. The unsettling action from groups of community organizers will certainly stop if the factors and objectives are recognized, and then fulfilled by the state, so that the oppression of the community does not occur continuously [11]. Based on this condition, we conducted this study to capture the factors that triggered clashes originating from community organizations to have an indication of a crime committed in the tourism world. We also examine the impact of these clashes on investment in the tourism sector. We conducted this study in the city of Denpasar, Bali - Indonesia.

Implicitly, this study provided a new strategy about increasing people's legal understanding and awareness about how important it is to maintain order and peace in community life together. In addition, in this study we also provide the community with the opportunity to be achieved by the government to create order and the environment by not based on community organizations.

This study is empirical legal research. The gap between the nature, function, vision and mission of the community organization and its implementation in daily life has encouraged this study. Hence, the actions in this study are designed with empirical legal research methods. Sources of data from this study are relevant literature, legislation that supports research, and data from the phenomenon of clashes carried out by members of community organizations in the city of Denpasar within recent years. In detail, this study was carried out at four offices: Tourism Office of Denpasar, National Unity of Community Protection Office (Kesbang Linmas) of Denpasar, Capital City Police Office of Denpasar (Poltabes), and Jurisdiction of Denpasar City Poltabes Office. We collected data by reviewing the laws and regulations governing community organizations and legal articles relating to them, reviewing scientific publication documents in the form of journals and other relevant reports, conducting interviews with each of the leaders in each designated office. With legal hermeneutic interpretation technique, we made sense of data based on text and context. In analytical techniques, what is needed is the meaning of what is seen in the text and from the results of observations in the field.

2. Results and Discussion

2.1 The Triggering Factors to the Clashes in Community Organization in the City of Denpasar

The existence of community organizations in the community has a very large role and contribution in the process of administering government, especially in the field of development in a community [12]. Based on data that can be obtained from various sources in this study, several trigger factors for the occurrence of clashes in community organizations,
especially in the jurisdiction of the city of Denpasar, were found. Clashes between inside community organizations are often made a serious problem, so that this has a negative impact on the condition of urban communities [7]. The city of Denpasar with all its urban conditions continues to carry a huge social burden and changes over time.

Clashes between community organizations in the city of Denpasar have touched various groups as mentioned earlier. These facts can be seen in the table as follows:

<table>
<thead>
<tr>
<th>Subject</th>
<th>Community Organization</th>
<th>Community Organization</th>
<th>Apparatus</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Organization</td>
<td>4</td>
<td>4</td>
<td>2</td>
<td>10</td>
</tr>
</tbody>
</table>

From these data, it was found that the number of clashes between community organizations that occurred throughout 2016 amounted to 8 cases.

Viewed from the motive of the incident, here are the trigger factors for the clash between community organizations in the city of Denpasar in 2016:

a. **Offense of community organization.** History that remains in the social system of a particular society is one of the causes of clashes between community organizations in our society.

b. **Alcohol.** Liquor is one of the motives that seems to often cause clashes between members of community organizations.

c. **Revenge.** Another factor that triggered clashes between members of community organizations was revenge which then flowed from generation to generation among two groups of community organizations, and even more.

d. **Conflict.** When small personal problems begin, help comes in the process of completion. However, with the lack of awareness of members of community organizations, small disputes, such as the construction of trenches in settlements that have to nudge a bit of land, can become seeds of a growing conflict.

e. **Prosecution.** There are several reasons why acts of abuse or mobs occur in the community. As in the city of Denpasar, several officials of the KESBANG office (National Unity) stated that there were a number of accusations filed with the city government about the delay in handling certain cases.

f. **Land grabbing.** The struggle for land is also one of the factors that led to clashes between members of community organizations.

g. **Demonstration.** Demonstration are a form of social movement involving the masses, in this case the demonstrators are more than one person. The city of Denpasar is famous for its good title as a tourism city that provides jobs for everyone.
The number of clashes between members of community organizations is directly proportional to the number of crimes in a region and the following are four major factors that affect it [13].

The very rapid social changes. This factor is an inferential conclusion of inductive thinking that is generated after interpreting a lot of data, starting from the population in a sub-district to the level of education that is owned by the community concerned, especially the people who live in the city of Denpasar.

The solid of population. As a metropolitan city, population numbers increase as the allure is polished every day through development. It is true that there will be a lot of money turnover in the city but not necessarily a city that gives everyone the opportunity to touch the spinning money.

The low socioeconomic status of the population. In helplessness to fulfill their needs, everyone will think of using any method. If the opportunity with the path that has been provided has been closed, someone will not hesitate to open the path to fulfill the needs of others.

Primitive conditions of the villages. As with other large cities, residential areas lined up on the banks of rivers or large canals tend to receive less attention.

The Role of Municipal Government in Handling Clashes between Community Organization Members

The Denpasar city government on its official website stated that clashes between community organizations were one of the biggest challenges in development. The discourse of community organization clashes has always attracted the attention of the city government.

In principle, a government has the duty to maintain harmony in the community and ensure community members are free from all internal contact with the community, including clashes with the forms described in the previous section [3]. External factors, such as a new culture of migration, can trigger the clash to occur[14]. In this study, there are two institutions within the scope of Denpasar city government that are related to social behavior which are considered to have not operated maximally effectively by the community and the government itself. The two institutions are the National Unity Office (KESBANG) and Social Service Office.

2.2 The Impact of Clashes in Community Organizations on Investment in Tourism Security

The current government does not remain silent in abolishing illegal levies, as stipulated by the state through several articles of the Act, as a legal basis governing illegal levies. The legal bases that govern the sector of liquidity measures are as follows. The legal basis is stated in the Act and the following article:
a. Law Number 11 of 1980 concerning Bribery Crime, Article 3
b. Criminal Code Article 368
c. Law Number 20 Year 2001 concerning Amendment
d. Law Number 20 Tahuri 2001 concerning Amendments to Law Number 31 Year 1999 concerning Eradication of Corruption, Article 5 Paragraph (2)
e. Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption Crime, Article 11
f. Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption Crime, Article 12B
g. Law Number 20 Year 2001 Whereas Amendments to Law Number 31 Year 1999 concerning Eradication of Corruption Crime, Article 13

It can be concluded that, illegal levies are financing fees or levies in a place that should not be able to carry out financial levies. Therefore, acts of illegal levies can be interpreted as activities to collect fees or money forcibly by someone to another party and this is a practice of crime or criminal act [15]. Clashes between members of community organizations have often been a problem in the city of Denpasar, as revealed by Gusti Alit, one of the leaders of community organizations in Denpasar, in an interview with researchers. In essence, it was found that community organizations in the city of Denpasar have a very strategic role in creating safe conditions and if community organizations do not participate in efforts to create a safe and peaceful Denpasar city, those who experience losses are the organization itself.

Tourism Development in Denpasar City

Tourism in Bali is a source of community economic power that not only contributes to the development of other sectors in the province of Bali but also has a major influence on the development of Indonesia's national economy. Some aspects touched by the significant contribution of development and the development of tourism in Bali cover all fields. Here are the aspects that benefit greatly from tourism in Bali.

a. National Unity. Tourism is able to give the public a sense of pride and love for the Unitary State of the Republic of Indonesia through tourism activities carried out by its residents throughout the country.
b. Poverty Alleviation. Tourism development should provide an opportunity for all Indonesians to try and work.
c. Sustainable Development. Even though tourism activities that offer natural beauty, rich culture and hospitality services, very little resources are used up to support this activity.
d. Culture Preservation. Tourism development is able to make a real contribution in the cultural preservation efforts of a country or region which includes the protection, development and utilization of the culture of the country or region.
e. Fulfillment of Life Needs and Human Rights. Tourism today has become a basic need for the life of modern society.
f. Economic and Industrial Improvement. Good and sustainable tourism management should be able to provide an opportunity for economic growth in a tourism destination.
g. Technology Development. With increasingly complex and high levels of competition in bringing tourists to a destination, the need for high technology, especially industrial technology, will encourage tourism destinations to develop the ability to apply their latest technology.

The tourism sector is currently the most reliable source of state revenue after state revenues from the oil and natural gas sector have declined [16]. In connection with this, efforts to increase the development of the tourism sector are urgently needed. As stated in the
Guidelines of State Policy (the Indonesian term is "GBHN") is stated to develop and utilize national tourism resources and potentials to be activities that are relied on to increase foreign exchange revenues, expand and evenly spread business opportunities and employment opportunities, especially for local communities, encourage regions, and recognize national culture.

The phenomenon of clashes between members of community organizations in the city of Denpasar is actually nothing new in the region. In the era of the sixties, such clashes had begun to emerge. Usually there are clans that sporadically disrupt the peace of society. One of the incidents of mass clashes between two members of the largest community organization in Bali was the clash that took place on Jalan Nuansa Indah, Denpasar, Sunday afternoon (1/22/2017). As a result, two people were rushed to Sanglah Hospital.

3. Conclusion

Factors that triggered clashes between community organization groups which involved the emergence of criminal acts were alcoholism, offense among mass organizations, revenge, dispute, egoism, competition for parking lots, demonstration, very rapid social change, densely populated population, status of society’s socioeconomic population that is still low and tends to be lame, the primitive model of the village.

Acknowledgements. The authors express the greatest gratitude to the organizing committee of the International Conference on Social Sciences (ICOSS) of Universitas Warmadewa for the great contribution that has been granted to the launching of this scientific script at EAI Publisher. Hopefully the ideas found in the paper can be additional to the theoretical and practical knowledge for many parties.

References


Customary Law-Based Convicts Number Decrement in the Penitentiary

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Abstract. The increasing number of prisoners causes many issues. Every year, captivities are built with considerable number of money and gives burden to government. The cost needs to spend for every custody reached three billion rupiah per month. From legal and economic point of view, this kind of development indicates the failure of realization and implementation of law in society. Empirical evidences have shown that many prisoners continue to commit crimes after released from detention. This phenomenon opens room for a new notion to solve it without jail sentence. Thus, this study offers an alternative to minimize the high number of prisoners in captivity. This study used empirical legal research method. The results of this study indicate that mediation is naturally effective to be applied in resolving legal cases. Regarding the procedural law of customary justice, all forms of cases are settled by deliberation to reach consensus through mediation guided by the customary head.

Keywords: Convict decrement; customary law; mediation; penitentiary

1. Introduction

Phenomenal conditions regarding the escape of prisoners from the jail, riots, and drug trafficking in prison or controlled from prison have often occurred in almost all prisons in Indonesia. One of the factors of such rampant occurrence of the events is the large number of convicted criminals in the penitentiary. Almost all penitentiaries in Indonesia are inhabited by convicts whose number reaches up to one hundred percent of their exact capacity. As an illustration, if a penitentiary has the capacity to be inhabited by only 500 people, the number of prisoners in each prison reaches 1000 people. It can be imagined how tight the atmosphere in the prison is, plus the limited number of supervisory and security officers. Not only that, every day the state must also spend as much as three billion rupiahs on the budget obtained from collected tax to finance the lives of these prisoners, in addition to the budget used to repair the damaged prisons every time riots among prisoners occur as well as to construct new prisons whose budgets are certainly silencing [1].

Customary law-based dispute settlement to minimize the high number of convicted persons is not an illogical alternative whose intensity of effectiveness certainty is somewhat doubtful. The hypothesis about the success of the strategy to resolve legal cases through customary law, in addition to its historical facts, has the inevitable potential of dealing that involves affirming the sense of kinship and social culture. Therefore, this idea is the last option that is able to silence anyone who commits a crime and makes them have an awareness of the nature of their life as a creation that has a high degree of position compared to other creatures. Furthermore, besides Indonesia has been doing since the days of empire in the past,
mediation in customary law is a form of deliberation to reach consensus which is also mandated by Pancasila, the five basic principles of the Republic of Indonesia, as the basis and ideology of the Indonesian people [2].

The illustration above is a general description of the condition of prisons and prisoners in Indonesia. If it is examined more deeply, the condition can exceed what was informed in the previous section and thus it results in frequent riots which cause a large number of causalities and loss of property in the jail. Thus, efforts to resolve disputes between individuals or community groups with other individuals or other community groups are absolutely necessary in order to minimize the state losses in general and the losses of individuals in particular [3].

Specifically the study sought to offer an alternative strategy to reduce the number of prisoners who have to be dragged into prison through the application of traditional customary law. There are encouraging considerations to the offer of this alternative, one of which is that customary law carries the principle of resolving disputes or legal cases with a sense of family; mediation, an act that emphasizes neutrality in taking a decision on each case, is one of the elements of customary law; and the case settlement takes place quickly, transparently and in a lowest cost. However, the first activities carried out are to identify the types of cases that can be resolved by customary law and to examine the procedures of customary justice so that decisions to be made fulfill the sense of justice for the community. On the other hand, this study highlights the level of community understanding of the existence of customary law and its essence, as well as the mechanism for applying customary law in solving certain cases effectively and without doubting [4].

This study was conducted using empirical legal research and socio legal research design. Investigation was conducted in four of the panitentiaries in Bali: The Kerobokan Badung panitentiary, the Gianyar panitentiary, the Negara panitentiary, and the Buleleng correctional institution. Data were collected through structured interviews containing a number of questions of prison and prisoners’ conditions during 2017 and 2018. In addition, customary community heads in the region of each prison were interviewed to obtain information about the customary law rules commonly applied in resolving community cases. Furthermore that, information about the results was obtained from the settlement of disputes with customary law. Finally, the collected data were then analyzed with a qualitative approach, i.e., each result is explained descriptively [5].

2. Results and Discussion

2.1 Outline of Panitentiary in Indonesia

As mentioned in the previous section, most panitentiaries in Indonesia are filled with convicts whose number exceeds their actual capacity. Some of them are filled a number of convicts that is more than double of the actual capacity. Such a condition is really tremendously as it has far exceeded what was predicted. Some prisons that are loaded with more than the actual capacity of prisoners’ number are described below:

a. Pekan Baru panitentiary, Riau Province, has a maximum capacity of 330 people but is filled with 1050 prisoners.

b. Tanjung Gusta panitentiary, Medan City, has a maximum capacity of 1054 but people are filled with 2600 prisoners.

c. Class 2 panitentiary in Labuan Ruku, Batu Bara District of North Sumatra Province, has a maximum capacity of 251 people but filled with 867 prisoners.
d. Class 2A penitentiary in Kerobokan, Bali province, has a maximum capacity of 360 people but is filled with 1100 prisoners.
e. Malabero Penitentiary, Bengkulu province, has a maximum capacity of 250 people but is filled with 758 prisoners.

The illustration above is a general description of prison conditions and convicts throughout Indonesia. However, if it is examined in more depth, these conditions can change with increasing number. As a result, riots that are vulnerable to causing causalities and property in vain, often occur. Thus, the idea of creating and discovering solutions to strive for the settlement of every case that occurs between communities in order not to end in the jail absolutely must be raised. By this strategy, the high number of prisoners expectedly can be reduced, as well as causalities, riots, and the loss of property in the prison also decreases [6].

2.2 Justice Existence in the Community

In Indonesia the existence of customary justice is actually a necessity. It does have a vague form but the settlement of the vulnerable problems in the community is often executed by a customary law approach implementation, that is, in order to reach a consensus, a strategy of deliberation necessarily must be applied. In fact, the complexity of uniting and synthesizing the views, points of view, and ideas that are essentially never the same when discussing a dispute from various angles and aspects unavoidably stands, otherwise, ultimately the point is always obtained; it all ends in creating peace involving the principles of kinship. Notwithstanding, systematic and structured phases also should not be avoided, wherein; community dispute settlement activities through the customary law approach are realized in a series of consecutive stages. Dominant activities, which initiate every problem solving in a gathering is to convey or represent information about the poor condition of the prison and the prisoners who inhabit each panel. Delivery of this information must be done repeatedly, systematically, and in a structured way. [7] The second activity is to hold socialization to the policy makers about how much the cost to be borne by the state only to finance the lives of criminals in prison every year. This second activity must be done creatively and convincingly. For example, some logical reasons can be involved in expressions that convey the information, including explaining the functions and benefits of prisoners’ living costs in other aspects, such as for infrastructure development that supports community activities: health institutions, educational institutions, and there are still many other aspects of human life that really need facilitation from the state [8].

Customary village leaders are introduced to the deliberation strategy. The public must be notified that deliberation aims to reach a consensus in the discussion of various cases involving the contradictory point of view of each participant. In addition, customary village leaders must be informed that the strategy was implemented long before the imprisonment-based Dutch legal system was adopted and enforced in Indonesia. Prior to the first Indonesian colonization, the term prison had not been known in Indonesia because most legal and social cases and problems were settled jointly in accordance with the values of local wisdom. The main motivation of this study is the creation of efforts to develop the capacity and applicability of the local law or the customary law so that it is able to reach out and accommodate every social, legal, custom and religious problem that occurs among the community to be resolved through deliberation [4].

The results of the data analysis show that there are several legal cases that can be resolved customarily to avoid imprisonment, namely:
a. Theft or embezzlement that causes a loss of not more than ten million rupiah.

b. Humiliation, defamation and adultery included in the classification of criminal types with pure complaints.

c. Corruption that causes a loss of not more than one hundred million rupiah.

d. A fight between two people and a mass fight.

e. Murder that is sincerely forgiven by the victim's family and the perpetrator admits his guilt and then apologizes and pays compensation.

f. Traffic accidents.

g. Sexual harassment.

h. Violence in the household.

i. Divorce cases.

j. The case in the division of inheritance which often leads to conflict and violence and even causes murder.

Unlike the ten criteria above, criminal acts which are included as extraordinary crimes, such as drug abuse, terrorism, and corruption which cause losses of more than one hundred million rupiahs, must always be processed legally until the perpetrators of these types of crime are put in prison with maximum punishment.

2.3 Procedures for Implementing Deliberation in Customary Law

In general, the procedure for carrying out deliberation to reach consensus involves a series of coherent activities. The parties involved in the litigation: the victim represented by his family and the perpetrators are invited to the local village office escorted by the village security unit team. Notwithstanding, if security assistance from law enforcement officials is required, village officials can ask the Indonesian national police and army as a security team in the village court session. Regarding the costs needed for the activity, the first is obtained from the village cash. If the problem solving process has been completed and the party who has to bear the penalty has been determined, all costs have been paid by the sentenced party [9].

Furthermore, there are several customary sanctions that can be imposed to the perpetrators of criminal acts. Average sanctions focus on compensating victims in the form of property and money. If a systematic procedure has been carried out during the dispute settlement process and various views, mandates, and good advice have been given, nevertheless a good consensus could not be obtained, the next settlement is handed over to the police as an official authorized to conduct investigations and have high force in prosecuting the parties to the dispute. In other words, the legal process will take place in accordance with the provisions of the Criminal Procedure Code which lead to the imprisonment of perpetrators. As a consequence, efforts to reduce the number of prisoners in prison were unsuccessful [10].

However, whatever risks will raise the idea to settle matters in a customary manner should be given a good appreciation because of its proven efficacious potential in solving various kinds of disputes in a familial manner and that the awareness fostering in the perpetrators of crime and imprisonment is evaded. Behind all that, some difficulties in the application of customary law are often found, one of which is the quality of human resources that deal with these kinds of problems customarily in local villages. However, this difficulty can be overcome by providing coaching to village officials. Apart from that, with the quality of graduates that almost all families in every village have, positive, educative, and quality ideas can be raised in customarily settlement of each case instead of having the potential to be resolved in a national law that results in imprisonment. Therefore, with the large number of
graduates in each village, every case and problem that occurs within the village environment can be ascertained that the settlement in a customary is effectively successful [6].

2.4 Cases and Analysis

Case:
In every community group, there are actually quite a number of criminal cases, the settlement of which is carried out customarily based on the spirit of deliberation to reach consensus. One of the cases that occurred in North Bali during mid-August 2018 was the destruction of a mini bus carried out by a group of people so that it had a criminal element. The settlement of the case tidak dilakukan di pengadilan. Indeed reports to the police have been made and with the discretionary authority held by the police, criminal cases of the bus destruction are settled at the police station with the mediation of the regional police chief. The consensus reached as a solution to the settlement of the problem was that perpetrators were required to pay reparation for the car as well as to pay compensation in the form of income earned from the bus in the amount of 200,000 (Two Hundred Thousand Rupiah) every day as long as the bus is still in the repair process at the garage. Overall, as the final settlement of this case the perpetrator pays Rp. 5,350,000,-; Rp. 3,350,000, - for repairing the bus damage; Rp. 1,000,000,- for the bus compensation costs during repairs in the workshop; and Rp. 1,000,000,- for a driver who did not work for ten days [10].

Analysis:
From the above evidence, it is clear that settling disputes in deliberation under the implementation of customary law involving village officials which in Bali is referred to as Bendesa Adat, only requires a very low cost, performed in easy and quick way, and fulfills a sense of justice for the community and also the criminals not imprisoned. As a result, the number of prison inmates does not increase. It can be imagined that if the community and law enforcement agencies are able to wisely settle every legal problem whether it was criminal or civil, only efforts to minimize state enforcement could be effective [11].

In addition, the settlement of the mini bus destruction case above can be learned that all 7 perpetrators do not have to be dragged to prison. When compared with the settlement of disputes carried out in national law, it can be imagined how much money, energy and time must be spent in vain during the examination, the trial, until the process punishment process in prison. In addition, if the bus destruction is settled through national law, the damage would certainly not be repaired because the perpetrator had been dragged into prison, the imprisonment would also be a substitute for the penalty redemption by compensating the bus owner. Thus, the losses that must be borne by both parties involved in the case would be increasing [9].

3. Conclusion
Noting the problems that have been discussed based on the results of this study, there are two conclusions drawn, namely: Firstly, cases that deserve to be settled customarily in the form of deliberations to reach consensus are cases of crimes that do not include crimes that nationally threaten perpetrators for up to five years in prison. Examples of cases that can be settled by customary law are traffic accidents even though they cause casualties but on
condition that the perpetrators want to provide compensation and the victims are willing to settle in a familial way. In addition, there are cases of fraud and embezzlement in a value of not more than one hundred million rupiah, cases of fights, destruction of objects, insults, defamation, sexual harassment, domestic violence, divorce, and so on. However, if a case is of huge potential and endanger the public in general, such as corruption, terrorism, narcotics, the settlement must be done through national law or criminal justice. Secondly, the procedures for resolving customary cases generally emphasize activities to create deliberations to reach consensus by being mediated by local adat elders and can be accompanied by law enforcement officers, especially the police.

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Provincial Government Authorities in the Grant Distribution to the Community in Bali

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Abstract. Ratification of Indonesian Law Number 23 of 2014 concerning Regional Government has excluded the concept of 'Community Groups' in the distribution of grants, and consequently indecision in distributing the grants significantly arises. On these grounds, this study examines the Bali provincial government authorities in distributing grants to the community, as well as reviews the legal certainty for granted community. This study was designed in a normative legal research method using statute and conceptual approaches. The results show that Bali provincial government authorities in the grant distribution is stipulated in Article 298 paragraph (4) of Law Number 23 Year 2014; the granted community groups are required to fulfill the requirements as set out in the Minister of Home Affairs Regulation Number 32 of 2011, which has been amended to Minister of Home Affairs Regulation Number 14 of 2017, and followed up with Bali Governor Regulation Number 2 of 2017.

Keywords: Community group; grant distribution; provincial government

1. Introduction

A number of previous studies and existing literatures on law and governments have made focus on discussions of the roles and authorities of governments in providing for community the welfare through granting from the state. It is that public activities to survive for their lives are necessarily supported by the government [1, 2]. In the context of Indonesia, the distribution of grants to the community by the Regional Government is based on Minister of Home Affairs Regulation No. 32/2011 concerning Guidelines for Awarding Grants and Social Assistance originated from regional income and expenditure budgets. The governing rules have been amended to the Minister of Home Affairs Government Regulation No. 39/2012, which then followed up with Bali Governor Regulation Number 67 of 2012 concerning Guidelines for Awarding Grants and Social Assistance sourced from the Regional Revenue and Expenditure Budget. This is as also happened to Bali, one of the provinces in Indonesia. Provincial and regional government in their respective autonomous field of authorities should rule out the community life based on their interests, which are of course closely related to their condition of environment [3]. Granting for society is one of the duties of the state to provide the society with primary service in order to create a harmony life for them [2]. Thus, the government is said to be the holder of control over society interests.

So what are the objectives of granting? Indonesian Minister of Home Affairs Regulation Number 32 Year 2011, in Article 5, states that grants are awarded to the government; other regional governments; regional company; community; and/or community organizations. The community in question is a group of people who have certain activities in the fields of...
economy, education, health, religion, arts, customs, and non-professional sports [4]. Furthermore, Bali Governor Regulation Number 67 of 2012, in Article 5 paragraph (4), states: "Community/community groups/indigenous peoples are groups of people who have certain activities in the fields of economy, education, health, religion, arts, customs and non-professional sports. The Regional Government of Bali Province has the authority to award grants to the community as a community group, and/or indigenous people who have the elements: consisting of a group of people, having certain activities in the fields of economy, education, health, religion, arts, customs and non-sports professional. This is a form of government authority realization for the welfare of society. Unfortunately, regulations regarding this matter no longer apply separately to the community or community groups after Law No. 23 of 2014 concerning Regional Government was issued. Hence, these community groups or indigenous peoples are no longer specifically recorded as recipients of grants from the provincial government. Article 298 paragraph (5) of the Law on Regional Government stipulates that grant expenditure can be given to: a. Central government; b. Other Regional Governments; c. state-owned enterprise or BUMD; and/or d. community organizations, institutions and organizations incorporated in Indonesia.

The question is that from the provisions of the new law, can community groups or indigenous peoples be classified as organizations/institutions incorporated in Indonesia? Since the Law on Regional Government has been implemented, doubts and confusion in the implementation of the distribution of grants in areas including the provincial government of Bali, emerged. The law sounds very general and does not explain specifically. After that, the Minister of Home Affairs Regulation Number 14 of 2016 concerning the second amendment to the Minister of Home Affairs Regulation Number 32 Year 2011 was issued. In Article 6 paragraph (5) letter c, it is stipulated that the agency/institution is "non-profit, voluntary, social-community in the form of community groups/customary law community units insofar as they are alive and in accordance with community development, and their existence is recognized by the central government and/or regional government through ratification or stipulation from the head of the vertical agency or the head of the relevant regional work unit in accordance with his authority.

From the formulation of the above provisions, the agency/institution is defined as a non-profit, voluntary and social community group. Thus the community groups as grant recipients are accommodated in the Minister of Home Affairs Regulation Number 14 of 2016. Furthermore, on this basis, the provincial government of Bali sets Bali Governor Regulation Number 2 of 2017 concerning Guidelines for Granting and Social Assistance, which are used as the basis of the authority of the Provincial Government to grant Grants to Non-profit, voluntary and social groups. Is the expansion of the concept of agency/institution into a non-profit, voluntary and social community group, not violating the provisions in Article 289 paragraph (5) letter d of Law Number 23 Year 2014, and how is legal certainty for community groups as receiving grants? This study examines the authority of the provincial government in distributing grants to community groups. In addition, we reveal forms of legal certainty for community groups that can receive grants from provincial governments.

The study is a normative law research, which is intended to bring closer the problem under study with conceptual approach and statute approach with its regulation. For analysis purposes, primary, secondary, and tertiary legal materials were required. The techniques used in collecting legal materials were library research and cyber media. Data were analyzed descriptively interpretation, i.e. interpretation in the articles of law by linking the law articles in other laws and regulations, those which are closely related to Indonesian law of grant distribution, and expanding the meaning of the words contained in the legislation.
2. Results and Discussion

2.1 Bali Provincial Government Authorities in Grant Distribution to the Community.

Regional government is a government agency that carries out government affairs and regional councils according to the principle of autonomy and co-administration with the broadest principle of autonomy in the system and principles of the Unitary State of the Republic of Indonesia as mandated in the 1945 Constitution of the Republic of Indonesia. Autonomy is the right, authority and obligation of the region to regulate and manage their own household in accordance with the applicable laws and regulations [5].

The nature of authority has actually become a general knowledge base for all elements of society in a country. In line with Hadjon's idea, the way to obtain authority consists of two main ways, namely: a) attribution; b) delegation; and sometimes the mandate [6]. An attribution is the authority to make decisions (beslut) that are directly sourced from the law in the material sense [7]. This attribution is also said to be a normal way to obtain government authority. From this standpoint, it appears that the authority obtained through attribution by government is the original authority, because it is obtained directly from the legislation. In other words, with the term attribution, new authority which was not previously owned by the relevant government organs became formed and owned. Despite complaints in certain regions about ethnic favouritism there is no evidence to suggest that narrowly sectional or party political considerations have influenced the allocation of resources - either between provinces or within them, except in the understandable priority accorded to certain aspects of 'delivery' to poor communities in preference to maintaining basic infrastructure [8]. The delegation is defined as the surrender of authority to make the expenses by government officials to other parties [9]. In other words, there is a transfer of responsibility from the one who delegates to the one who receives the delegation (delegetaris). Whereas the notion of mandate requires that responsibility does not move to the mandate, but remains in the hands of the creditor.

The authority of the regional government in the distribution of grants is regulated in the Minister of Home Affairs Regulation Number 32 of 2011, as amended to become Minister of Home Affairs Regulation Number 14 of 2016, in Article 4 paragraph (1), which states, "Local governments can grant grants according to their ability regional finance ". As a follow up to the granting of grants by local governments, based on Article 42 paragraph (1) of the Minister of Home Affairs Regulation, it is determined that the procedures for budgeting, implementation and administration, accountability and reporting and monitoring and evaluation of grants and social assistance are further regulated by regional head regulations and paragraph (3) stipulates that the regional government can budget grants and social assistance if it has established regulations for the regional head. On the basis of the aforementioned provisions, the provincial government of Bali establishes Bali Governor Regulation Number 2 of 2017 concerning Guidelines for Awarding Grants and Social Assistance.

The authority to grant grants by regional government regulated in the Minister of Home Affairs Regulation Number 14 of 2016 as the implementation of Law Number 23 of 2014 concerning Regional Government, Article 298 paragraph (4) in principle determines that the expenditure of grants is budgeted in the APBD (Regional Budget) according to the ability regional finance after prioritizing Mandatory Government Affairs and Preferred Government Affairs. Thus, the granting of grants by local governments is carried out with the aim of supporting regional government affairs [10]. Obtaining authority obtained from legislation is formal legality, which legitimizes government actions. This is in accordance with the principle of the rule of law which places the law as a source of authority.
Government actions, also called bestuurs handeling, are actions carried out by equipment in high and low levels of government/authorities spontaneously and independently to preserve the interests of the state and the people. Government actions or State Administration can be in the form of concrete actions from the government (Feitelijk Handelingen) or legal actions from the government (rechtshandelingen), the government's real action is zijn handelingen waarmee niet wordt beoogd juridische gevolgen in het leven te reopen [11].

Government actions based on law are divided into public legal actions and private legal actions. Actions based on public law are then subdivided into unilateral actions (eenzijdig) and various parties (eerzijdige) [12]. Unilateral legal actions are further divided into interne beschikking, decisions made to carry out relations in the environment of the state apparatus that makes them, and externals beschikking, decisions made to carry out relations between two or more state instruments. The State Administrative Decision is an example of one-sided legal action which is an external measure [13]. Distributing regional grants is a legal action from the regional government to support the implementation of regional government affairs.

According to Article 1 number 14 of the Minister of Home Affairs Regulation No. 32 of 2011, the distribution of regional grants is the distribution of money/goods or services from the regional government to the government or other regional governments, regional companies, communities and community organizations whose designation has been specified mandatory, non-binding, and not continuous, which aims to support the implementation of regional government affairs. Thus, the object of granting includes money/goods or services with the aim of supporting the implementation of regional government affairs which are the authority of autonomous regions in the provision of public services. Giving the grants is intended to support the achievement of program objectives and activities of regional government by taking into account the principles of justice, compliance, rationality and benefits for the community [14]. Grants given to grantees must indeed support the achievement of the goals and activities of the regional government, which rests on the principle of justice, namely the balance of the distribution of authority and funding objectively; the principle of compliance is an action or an attitude that is done fairly and proportionally; the principle of rationality, namely the decision on the grant of grants really reaches the target and can be accounted for; and the principle of benefit for the community, namely regional finance is prioritized for meeting community needs [13].

The Minister of Home Affairs Regulation 32 of 2011, as amended into Minister of Home Affairs Regulation Number 14 of 2016, stipulates that the mechanism for granting grants is preceded by requests or proposals from applicants either from the central government, other regional governments, State-Owned Enterprises Regional-Owned Enterprises, agencies and institutions, and community organizations can submit proposals for grants in writing and addressed to regional heads, and then the regional heads appoint related Regional Work Unit (SKPD) (through disposition and/or appointment through regional head decisions) to evaluate the proposal. To evaluate the problem, the relevant SKPD formed an evaluation team. The results of the team's evaluation were submitted in the form of recommendations to regional heads through the Regional Government Budget Team (TAPD). Acceptable or not, the proposal made is very much determined by the result of the evaluation team through its recommendations. The evaluation team, of course, will evaluate the conditions for granting grants as well as the terms and criteria of grantees. TAPD gives consideration to recommendations in accordance with regional financial priorities and capabilities. In principle TAPD is only limited to giving consideration to the ability of regional finances, because administrative feasibility and whether or not the proposal of the applicant is accepted is also
determined by the results of the evaluation through the recommendations of the relevant SKPD.

The recommendation of the SKPD head who evaluates the administrative feasibility of the applicant relating to the validity of grant conditions, and the terms and criteria of recipients and TAPD considerations on regional financial capacity, are the basis for the inclusion of grant budget allocations in the draft Budget General Budget (KUA) and Priority Budget Ceiling Priority (PPAS), both the budget for grants in the form of money, goods and/or services. Therefore, budgeting for grants must be included earlier in the KUA and PPAS. Thus, the inclusion of a grant budget may not occur suddenly. In other words, the inclusion of a grant budget was made at the time of drafting the Regional Revenue and Expenditure Budget (RAPBD), moreover the grant budget would be proposed and/or included in the RAPBD discussion between TAPD and the Regional People's Representative Council (DPRD) budget. After the grant budget is included in the KUA and PPAS, the inclusion of a grant in the form of money is included in the Budget Work Plan - Regional Financial Management Officer (RKA-PPKD) and grants in the form of goods or services are included in the Budget Work Plan (RKA-SKPD) according proposed field. Furthermore, RKA-PPKD and RKA-SKPD are the basis for budgeting grants in the Regional Budget and Expenditure Plan (RAPBD). In Article 42 of the Minister of Home Affairs Regulation No. 32 of 2011, which was changed to Minister of Home Affairs Regulation No. 14 of 2016, it is determined that there is a need to establish regional head regulations, which were an absolute requirement for regional governments to budget grants. On this basis, the provincial government of Bali stipulates Bali Governor Regulation Number 2 of 2017.

The mechanism for budgeting Bali provincial government grants is regulated in Article 8 of Bali Governor Regulation Number 2 of 2017, i.e.:

a. The central government, other regional governments, State-Owned Enterprises or Regional-Owned Enterprises, agencies and institutions, and community organizations can submit proposals for grants in writing to the Governor through the General Bureau of Regional Secretariat of Bali Province.

b. The General Bureau of the Regional Secretariat of the Province of Bali distributes proposals to the Regional Apparatus/Related Work Units according to their fields of affairs.

c. A written proposal is signed and affixed with a stamp by: a) Chairperson/Chairperson/Head or other designation of Agency/Work Unit for the government; b) Regent/Mayor for other regional governments; c) Main Director or other designation for BUMN/BUMD; d) Chairperson and Secretary or other designations for social institutions, institutions and organizations.

d. Written proposals from prospective grantees at least contain: a) background; b) purpose and objectives; c) details of the budget; and d) execution time;

e. Written proposals from prospective recipients are equipped with a Statement Letter stamped Rp. 6000, - (six thousand rupiahs) which states that it is true that the person concerned did not receive the grant within the previous 1 (one) year from the Bali provincial government and/or Regency/City.

f. The proposal for the longest submission submitted in March of the year is favorable for the Regional Budget of the following year, while the change in APBD is the longest delivered in June in the budget year it is pleased.

g. Proposal for APBD Amendment grants only for activities that can be implemented until the end of the fiscal year is acceptable.
Furthermore, in Article 9 and Article 10 of Bali Governor Regulation Number 2 of 2017, the Head of Regional Equipment/Related Work Units based on the field of government affairs submits evaluation results in the form of recommendations to the Governor through TAPD, in this case the Regional Development Planning Agency (Bappeda) and Research and Development (Litbang) of Bali Province. TAPD gives consideration to recommendations in accordance with regional financial priorities and capabilities. The recommendations of the Head of the District/Work Unit and TAPD considerations form the basis for inclusion of the budget allocation of the grant in the KUA and PPAS designs and the draft KUA/PPAS Amendment. Inclusion of budget allocations includes the budget for grants in the form of money/goods, or services.

2.2 Legal Certainty for the Granted Community Group to Reward from Bali Provincial Government

Legal certainty is a value that in principle provides legal protection for every citizen from arbitrary actions from the state and other parties besides the State, so that the law gives responsibility to the state and every other person or party to carry it out. To understand the value of legal certainty, it must be associated with a positive legal instrument and the role of the state to actualize the positive law that the state has the responsibility of carrying out and enforcing it. Therefore, legal certainty cannot be separated from the rule of law [15].

Radbruch put forward four basic things related to the meaning of legal certainty, namely: first, that the law is positive, meaning that the law is a law; second, that the law is based on facts, in the sense that it is based on reality; third, that facts must be formulated in a clear manner so as to avoid mistakes in meaning, besides being easy to implement; fourth, positive law cannot be easily changed. Legal certainty is a guarantee that the law is carried out, parties who have the right according to the law can obtain their rights, even though legal certainty is closely related to justice, but the law is not identical with justice [16, 17]. Law is general, binding everyone, generalizing, while justice is subjective, individualistic and not generalized [18]. Legal certainty is the implementation of the law in accordance with the doctrine so that the community can ensure that the law is implemented.

Condition of the concepts or theories of legal certainty described above and in the previous chapters indicates the elements of legal certainty as revealed by Scheltema, cited by Budiarta, namely: (1) Principle of legality, (2) The existence of laws that regulate authorized actions in such a way that citizens can know what to expect, (3) The law may not be retroactive, (4) Control that is free from the influence of other powers.

From these elements, it can be seen that the nature of legal certainty is 1) definite regarding its legal rules governing government issues in the abstract; 2) definitely regarding the legal position of the subject and its legal object in the implementation of administrative law; and 3) prevent the possibility of arising from arbitrary acts (eigenrechting) from any party, as well as actions from the state [15].

Observing the elements and meaning of legal certainty, it can be said that the nature of legal certainty is the existence and consistency of the subject and object of law in legal regulations, the implementation of legal regulations, and in enforcing the legal regulations to provide legal protection for loyal citizens arbitrary state and other parties besides the state. Elements of the meaning or nature of legal certainty cannot be separated from legal certainty as a legal principle. One of the principles of universal law is the principle of legal certainty. The principle of legal certainty in Indonesia has become the principle of national law, so that legal certainty must be a reference in every formation and material content of legal
regulations, as determined in Article 6 paragraph (1) letter i of Law Number 12 Year 2011 along with explanations [15].

With regard to the enactment of Law Number 23 of 2014, for orderly administration and the creation of harmonization, stability, effectiveness and guaranteeing community participation to strengthen support for the implementation of regional government, the Minister of Home Affairs stipulates regulations on the second amendment to Minister of Home Affairs Regulation Number 32 Year 2011. Thus, the Minister of Home Affairs Regulation Number 14 of 2016 in Article 5 is stipulated, which determines: grants can be given to: a) Central Government; b) Other regional governments; c) State-Owned Enterprises or Regional-Owned Enterprises; and/or d) Community agencies, institutions and organizations incorporated in Indonesia.

Furthermore, in Article 6 paragraph (5) letter c, the Minister of Home Affairs Regulation Number 14 of 2016, related to the agency, is explained that the institution is a non-profit, voluntary, social community in the form of community groups/customary law community units as long as they are in accordance with the development of the community, and its existence is recognized by the central government and/or regional government through ratification or stipulation from the head of the vertical agency or the head of the relevant regional work unit in accordance with its authority.

The nature of community groups is regulated in Article 6 paragraph (4) of the Minister of Home Affairs Regulation Number 32 Year 2011 having relations with the provisions of Article 6 paragraph (5) letter c, Minister of Home Affairs Regulation Number 14 of 2016, which stipulates: non-profit agencies voluntary, societal nature in the form of community groups/customary law community units as long as they are alive and in accordance with community development, and their existence is recognized by the central government and/or regional government through endorsement or stipulation from the head of a vertical agency related to their authority. Community groups as recipients of grants have been accommodated, and clarified again with non-profit, voluntary and social phrases, and even extended to customary law community units as long as they are alive and in accordance with community development, and their existence is recognized by the central government and/or government area.

Community units that are still alive and in accordance with the development of the community and their existence recognized by the central government or regional government have also been accommodated as recipients of the grant, meaning as the subject of the rights that the local government can grant. In fact, the ownership of communal rights to land has also been recognized by the enactment of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency by its Decree Number 276/KEP-19.2/X/2017 dated 23 October 2017 concerning the Appointment of Pakraman Village in Bali Province as Right Subject Joint (communal) ownership of land. Indicator of Pakraman Village in Bali Province as the subject of communal ownership of land with the following conditions: a. there are members of the community who are still in the form of community; b. there are institutions and instruments of customary mastery; c. there is a land of communal ownership rights with clear boundaries; and D. there are institutions and legal instruments that are still adhered to.

Related to the regulation regarding the implementation of grants as determined in the Minister of Home Affairs Regulation Number 32 Year 2011, which has been amended to become Minister of Home Affairs Regulation Number 14 of 2016, as a follow up, the provincial government of Bali adapts to existing legal conditions and needs, so that the Bali Governor’s Regulation Number 2 of 2017 is stipulated and promulgated. In relation to community groups, Bali Governor’s Regulation No. 2 of 2017 follows the provisions
contained in the Minister of Home Affairs Regulation No. 14 of 2016. Likewise with the explanation that states that agencies and institutions: are non-profit, voluntary, social in nature in the form of community groups/customary law community units as long as they are alive and in accordance with the development of the community, and their existence is recognized by the central government and/or regional government through ratification or stipulation from the head of the vertical agency or the leadership of the relevant regional apparatus in accordance with their authority.

Criteria and requirements for community groups as recipients of grants are regulated in Article 7 paragraph (1) of Bali Governor Regulation Number 2 of 2017, which in principle determines: a community group must have clear management; its management is proven by the management structure, both in the form of decisions and not in the form of decisions. Located in the administrative area of the provincial government of Bali, community groups have been established for 2 years; they must have a domicile certificate at the place of activity of the community group and have proof of ratification from the Vertical Agency or the Regional Apparatus concerned to prove the validity of the community group.

Grant recipients are required to submit a report about the responsibility for the grant received and its use in accordance with its activities, to the local government as the grantor. Setting the accountability report for the use of grants for grantees based on Bali Governor Regulation Number 2 of 2017, is regulated in detail and clearly: starting from the submission of accountability reports to the governor through the PPKD (Financial and Asset Management Agency) whose copies are submitted to the Regional/Work Unit the accountability report for the use of the grant includes the report on the use of the grant, in the form of details of the use of the grant expenditure signed by the treasurer and the leader of the community group; statement of responsibility if necessary, accompanied by a copy of the complete and legal proof of expenditure for the recipient of the grant.

Furthermore, the accountability report on the financial use of the recipient of the grant is submitted first to the governor, no later than the 10th of the following fiscal year. If specified by law and regulation, that is an exception. Meanwhile, the recipient's accountability report in the form of goods/services is delivered to the Governor through the Head of Regional Equipment/Work Unit. The most important thing is that legal responsibility for the use of grants both formally and materially is in the hands of the recipient of the Grant.

Meanwhile, the provincial government accountability report of Bali for grants is explained in Article 22 of Bali Governor Regulation Number 2 of 2017, which includes (a) proposals from potential grantees to the Governor through SKPD/related work units, (b) governor's decision regarding the determination of the list of recipients of hibah, (c) NPHD, (d) Facts of Integrity of the recipient of the grant stating that the grant received will be used in accordance with NPHD; and (e) proof of money transfers for the provision of grants in the form of money or evidence of handover of goods/services for grants in the form of goods/services.

3. Conclusion

The authority of the provincial government of Bali in the distribution of grants is the authority of attribution originating from legislation. This is in accordance with the principle of the rule of law which places the law as a source of authority. Hence, the authority of attribution gives legitimacy to the actions of provincial governments in the distribution of
grants to community groups. Legal certainty in the community groups as recipients of grants from the provincial government, namely each community group must meet the criteria and requirements as stipulated in legislation (Bali Governor Regulation), as its legality. This includes the processes and mechanisms of implementation; starting from proposals/grant proposals, evaluations, to recommendations from relevant Regional Devices.

The provincial government of Bali is trying to propose a change to Law 23 of 2014, specifically article 298 paragraph (5) letter d, so that in its explanation information is given about the concept of the body, the institution continues to pay attention to community groups/legal entities that live and develop and exist recognized. Courage from the relevant regional apparatus in conducting evaluations and recommendations of grantees is needed if indeed the results of the evaluation of the recipient of the grant do not meet the criteria and requirements as recipients of the grant, so that it is returned and does not need to be recommended. This is done as a preventive measure so as not to cause legal problems.

References

Legal Protection Toward Famous Brand as an Intangible Asset in Indonesia

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Abstract. This study examines the legal protection based on positive law on the registration of famous brands in Indonesia. We carried out this study using statute and conceptual approaches. The study data were collected through library research, i.e. collecting the theories and legal protection provisions for brands and specifically for famous brands. Results show that legal provisions for famous brands protection in Indonesia are still vague, especially as stipulated in the Republic of Indonesia Law Number 20 of 2016 concerning Trademarks and Geographical Indication. From positive law aspect, registration of famous brands is protected by preventive and repressive measures. In Indonesia, an independent institution functioning to inventory and determine a database and criteria for a brand is required. In addition, the Government Regulation after the issuance of Law Number 20 of 2016 concerning Trademarks and Geographical Indications and between the Government and the community needs to be formulated and enforced.

Keywords: Famous brand; intangible asset; legal protection

1. Introduction

The development of trade in goods and services in Indonesia in the past few years has experienced a significant increase due to the development of information technology and means of transportation which have led to very rapid development in the trade sector, both goods and services. The trend of increasing trade flows of goods and services continues in line with national economic growth. In connection with law, brand as an important element of trade sector is one of the subjects protected by law in many countries [1, 2]. In Indonesia, the Law governing the brands is stipulated in Law Number 20 of 2016 concerning Trademarks and Geographical Indication. A brand is a part of the intellectual property system that has significant influence on the commercial field functioning as an identifier and differentiator of a product from others traded [3, 4, 5]. The brand of a product or item has a role in drawing the attractiveness of the purchasers to an item, product or even service.

Brands as one of human intellectual works that have a close relation with economic and trade activities play a crucial important role. With the increasing flow of globalization in all sectors, including the sector of trade of goods and services, trade in goods and services has ignored borders of the country, so that regulations in the field of Intellectual Property Rights (IPR), including product brands, must be adequate and effective since Indonesia has become a member of the World Trade Organization (WTO) through Law No. 7 of 1994 concerning Establishment of Ratification of the World Trade Organization on November 2, 1994, which contains the Annex Agreement on Trade Related Aspects of Intellectual Property Rights.
Regarding the violation of the IPR, its development is also much influenced by its nature as an intangible right [7]. It is not easy for people to understand why a person cannot enjoy complete freedom of his property, including to obtain economic benefits from them. A person can ask about the rights born of his actions on an object (such as purchasing goods). The owner of the object may ask, “Why don't I use the item that I have bought to make money or profits from the amount of money I have spent on the purchase?”

A brand of a product can be briefly said to be a sign used by employers or producers to distinguish their products from those of others for similar goods so that the public as consumers are not be made fooled about the origin of goods produced or traded [8]. Based on Law of the Republic of Indonesia No. 20 of 2016, a brand obtains legal protection if it is already registered in the General Register of Brand, so that the Brand Owner has the exclusive rights to the brand and this is in accordance with the principles adopted by Republic of Indonesia Law No. 20 of 2016, namely constitutive system (first to file system).

Unfortunately, entrepreneurs or producers of a product have not yet enjoyed the distinct advantages of their product brands as a result of a lack of understanding of the legal rules regarding brands that essentially provide commercial benefits, in addition to protective advantage. Additionally, some conducted legal studies on the world of trademark have not revealed specifically what and how the brand of a product must be protected form legal side as a form of intellectual property. Based on this, the present study examines the formulation of legal provisions regarding famous brands and reveals forms of legal protection for famous brands in positive law in the brand registration system in Indonesia.

The method used to examine legal phenomena in this paper is the normative legal method, using the statue approach and conceptual approach. Data collected by library research. The data used are articles of Indonesian law that regulate brands and brand protection, especially famous brands. Data were analyzed descriptively, i.e. outlines the explanations related to Indonesian laws governing them, interpreting those meanings based on the essence of legal science and empirical facts in the trade sector, and comparing the results of these analyzes with the results of previous studies. In addition, a review of the grammatical aspects of the brand discussion is done in order to obtain an initial picture of a famous brand.

2. Results and Discussion

2.1 Indonesian Legal Formulation Regarding the Determination of a Famous Brand

A well-known brand has a reputation and has high marketing base. This brand is the choice for every consumer anywhere. The percentage of sales is high in every corner of the world and is a valuable wealth asset that can bring huge profits to its owners [9]. However, at the same time, it can cause harm to the owner and on the other hand, it is very profitable for other parties with bad intentions by imitating or falsifying with very low quality [10]. Protection of famous brands is not only given to similar goods or services, but also to goods or services of different type.

Topics related to famous brands are still discussed because until now and thus there has been no concrete definition of a famous brand [11][8][12][13] [14]. However, the guidelines issued by WIPO (World Intellectual Property Organization), essentially, concern the factors in considering whether a brand is well-known or not. The things that must be considered include:

a. The level of knowledge or recognition of the brand in the public sector concerned.

b. Period, range and geographical area of brand use
c. The period, range and geographical area of brand promotion, including advertising and publicity as well as presentations at exhibitions of the brand's goods or services.

d. The period and geographical area of each registration and each registration application reaches a level that reflects brand use or recognition.

e. Records from successful law enforcers of the rights attached to the brand to a level where the brand is recognized as a well-known brand by the competent authority.

f. Values related to the brand. The criteria for a well-known brand are based on public knowledge, the determination is also based on the reputation of the brand concerned that has been obtained due to promotions carried out by the owner and accompanied by proof of registration of the mark in several countries [15]. The criteria for well-known brands are based on the general knowledge of the community, also based on the reputation of the brand concerned that has been obtained due to promotions carried out by the owner and accompanied by proof of registration of the brand in several countries.

In the United States, in Article 43 (c) (1) of the Lanham Act (Trademark Act), the determination of brands has distinguishing and well-known properties; the court can consider factors such as [16]:

- The degree of inherent nature or the distinguishing nature of the brand;
- The period and scope of the use of the brand relating to the goods and services of the brand used;
- The duration and scope of advertising and publicity of the brand;
- The geographical scope of the trading area where the brand is used;
- Trade network of goods and services of the brand used;
- The degree of recognition of the brand from the trading arena and the trade network of the brand owner and the prohibition against people on the use of the brand are carried out;
- General nature and scope of the use of the same brand by third parties;
- The existence of the registration of the mark is based on the Act dated March 13, 1981 or the Act dated February 20, 1905 or first registration.

In spite of having had regulated the terms of the brand in such a way, in practice some problems in brand inspection often arise [17]. One of the most prominent problems is related to "equality". In the provisions of article 6 paragraph (1) letter a mentioned:

"that the trademark application must be rejected by the Director General of Investment Information if the brand has similarity in principle or in whole with the brand of another party that has been registered in advance for similar goods and or services How to determine whether there is a brand equality or not."

The overall equation of the element is a standard for determining the existence of an equation that corresponds to a similar entirentist doctrine [2]. In this case the brand requested to be registered is a copy or reproduction of another person's brand. So that something can be called a copy or reproduction of someone else's brand so that it can be qualified to contain the overall equation, at least must meet the requirements: (1) There are equal elements of the brand as a whole; (2) Equation of type or production and class of goods or services; (3) Equation of region and company segment; (4) Equations of ways and behavior of use; (5) Equation in the way of maintenance; and (6) Equation on the marketing channels.

The above conditions are cumulative, so that all equations must be determined must be fulfilled. However, the standard of determination based on this teaching is considered too rigid and cannot protect the interests of brand owners, especially for well-known brands. The equation in principle is as stipulated in the explanation of Article 6 paragraph (1) of Law No. 20 of 2016 concerning Trademark and Geographical Indication, namely that what is meant by
equality is basically the similarity caused by the presence of prominent elements between one brand and another brand, which can give the appearance of equality in the form (painting or writing), the method of placement (i.e. elements arranged in such a way as to create the same impression as the brand of another person's product), the meaning and combination of elements or similarities in the speech in the brands. The definition of equality regulated in this explanation is in accordance with the doctrine of "nearly resembles" [2], which considers a brand to have similarities in common with other people's brands if it is identical or nearly resembles other people's brands, which can be based on the similarity of the image, word order, color or sound. Based on the description above, this is in accordance with the Law Certainty theory which contains two senses, namely first, the existence of general rules makes individuals know what actions are or should not be done, and second, in the form of legal security for individuals from government abuse because with the general rules, individuals can find out what the state can charge or do with individuals [18]. Legal certainty is not only in the articles in the law, but also consistency in the judge's decision between one decision and the other judge's decision for a similar case that has been decided.

A brand necessarily has a special characteristic that is identical to its personality and indeed born new, it is not a brand that is renewed or something that fails to improve is better. The use of a brand is not only limited to making a profit. Brands have other objectives that can not only be seen from an economic perspective [19]. Brands also have a role to facilitate the trading of goods or services to carry out development [5]. Therefore, protection of the brand is needed so as not to make plagiarism activists more aggressively with dirty practices. That, because basically brand protection is not only for the sake of brand owners but also for the benefit of the wider community as consumers.

Plagiarism activists do not only occur in several aspects in Indonesia. Problems regarding brand protection also occur in various countries [20]. The benefits obtained in a way that is not difficult to encourage a brand to emulate or ride famous like an artist. Imitation of a well-known brand to become rampant is indeed based on "bad faith". Solely the purpose is materially or financially oriented, making a profit by joining the popularity of a brand. Such treatment is indeed not and should not be appropriate to obtain legal protection. Protection of famous brands can be done in various ways. In addition to the brand owner's response and initiative, it can also be carried out by the brand office by refusing requests for registration of the same or similar brands with well-known brands.

There are a number of things to note, namely: (1) Not setting definitions and criteria for famous brands; (2) Rejection or cancellation of a brand, or prohibition on the use of a brand that is a reproduction, imitation or translation that can be misleading of an item or service that is the same or similar if the laws of the country regulate or request a party concerned; and (3) The cancellation claim can be submitted at least for 5 years from registration, but there is no time period if the registration is done in bad faith.

Therefore, the formulation of a well-known brand must be clear in the determination of the criteria so that it does not intersect with the registration of a new brand that is applied so that in addition to harming registered brands, it will bring a loss to the new brand whose application for registration will apply. Thus, regarding the explanation of article 21 of Law No. 20 of 2016 concerning Trademarks and Geographical Indications, its provisions must provide more definitely strong clarity about the criteria intended by a Famous Brand, either in the period of use or other things that can explain the description of a famous brand. In addition, in Article 6 the bus of the Paris Convention (1967) applies, mutatis mutandis, for services. In determining whether a trademark is well-known, members must consider
trademark recognition in the relevant sector of society, including knowledge in the member concerned that has been obtained as a result of trademark promotion.

2.2 Legal Protection toward Well-Known Brands in Indonesia Positive Law in the Brand Registration System in Indonesia

In the Implementation of Law No. 20 of 2016 concerning Trademarks and Geographical Indications, it is stipulated that brand registration is very important in order to provide legal protection to holders of rights to the brand. Brand registration using a constitutive system (first to file) guarantees legal certainty for holders of brand rights, but until now the brand registration system with the concept of first to file in Indonesia has not effectively created harmony in guaranteeing fairness and benefit, because there are still many brands - brands registered not by the actual brand owner. Referring to Law No. 20 of 2016 concerning Trademarks and Geographical Indications, what is meant by a brand is a sign in the form of images, names, words, letters, numbers, color arrangements, or combinations and those elements which have distinguishing features and are used in trading activities goods or services. In its notion, as revealed by Setiono, legal protection is an action or effort to protect the public from arbitrary acts by the authorities that are not in accordance with the rule of law, to create order and peace so as to enable humans to enjoy their dignity as humans [21]. In line with the notion, Muchsin’s concept is that legal protection is a matter that protects legal subjects through applicable laws and regulations and is forced to implement it with a sanction.

A legal protection can be divided into two, namely: First, preventive legal protection: protection provided by the government with the aim of preventing before the occurrence of violations. This is contained in laws and regulations with the intention of preventing a violation and providing signs or limitations in carrying out obligations. Second, repressive legal protection: legal protection in the form of sanctions such as fines, imprisonment, and additional penalties given when a dispute has occurred or a violation has been committed [22].

Hence, legal protection is any form of effort to protect human dignity and recognition of human rights in the field of law. The principle of legal protection for the people of Indonesia comes from Pancasila and the concept of the rule of law. Both sources prioritize recognition and respect for human dignity. Meanwhile, the means of legal protection are of two forms, namely the means of preventive and repressive legal protection.

Preventive Legal Protection by the Government: In the case of Preventive Legal Protection carried out by the government through its state equipment, it is conducted by giving an appeal about the importance of an Intellectual Property right to be registered in order to obtain definite legal protection, namely protection provided by the government with the aim of preventing prior violations. In this case the government provides preventive protection through appeals to trade centers and also through socialization about the importance of protecting intellectual property. This is contained in legislation with the intention of preventing a violation and providing signs or limitations in carrying out obligations.

Repressive Legal Protection by the Government: Repressive legal protection carried out by the government aims to follow up all complaints of the owners of intellectual property rights to obtain real legal protection. Repressive legal protection is the final protection in the form of sanctions such as fines, imprisonment, and additional penalties given when a dispute has occurred or a violation has been committed.

3. Conclusion
Starting from the background of the problem, the formulation of the problem, and the purpose of the study, there are several conclusions that can be drawn from the results of this study. Firstly, the formulation of the provisions of a famous brand is still vague as stated in the Republic of Indonesia Law Number 20 of 2016 concerning Trademarks and Geographical Indications. The indication is for a brand to be well-known, it requires an accredited and independent institution in its determination and classification so that the submission of a new brand application must be able to refer to the famous brand database in the Independent Institution by referring to the TRIPS (Trade-Related Aspects of Intellectual Property) Rights). Second, the efforts made by the government in providing legal protection for well-known brands in positive law in the Indonesian brand registration system are manifest in two forms, namely preventive protection and repressive protection. Based on the results of this study, we recommend several things. The Indonesian government needs to immediately form an independent institution tasked with inventorying and determining a data base and criteria for a brand that is said to be famous so that people who want to apply for a brand can get official information about any brand that has been registered as a well-known brand, so that later there will be brand issues that intersect with well-known brands that already exist. In addition, the Government Regulation after the issuance of Republic of Indonesia Law Number 20 of 2016 concerning Trademarks and Geographical Indications and between the Government and the public needs to be issued to provide protection for brands that are synergistic so that there is no gap. In other words, the government regulation is expected to narrow the circulation of counterfeit brands so that the protection and benefits from the issuance of legislation, especially the Republic of Indonesia Law Number 20 of 2016 can be felt by the public and the government can be more assertive in providing protection for the rights to Intellectual Property (IPR) as well as possible.

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Motorbike as a Fiduciary Object at Financing Institution of Subsidiary PT. Adira of Denpasar

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Abstract. This study explores the regulation of fiduciary institutions in financing companies and the implementation of the imposition of motorbike as fiduciary at the financing company in Denpasar city. This study applies a qualitative research design. Results show that Fiduciary Institution in the financing company is strictly regulated in the Laws number 42 Year 1999 on Fiduciary; it is the transfer of property rights to the goods as a guarantee on the basis of trust, while the object itself remains in the hands of the owner. The implementation of imposition of motorbike as a fiduciary at a financing company in PT. Adira Denpasar is an absolute requirement for the purpose of legal certainty that is expressly regulated in the credit agreement. This is because fiduciary security is very important for financing companies to counter the risks that may arise in the future as a result of lending by the company.

Keywords: Fiduciary object; financing company; motorbikes

1. Introduction

In the development of the world of companies and businesses, there are often found several kinds of service companies providing the source of capital [1]. In general the sources of capitals in Indonesia can be served by the Monetary Agencies and Finance Agencies [2]. With that condition the society will have more choices. With more choices the society will need more money and then the economic rounds very high and very fast itself. When this happens the economic growing level governed by the government will be achieved, and the result later on is that the society’s prosperity level will increase as well [3]. In general the Finance Agencies can be classified into three large groups, i.e Banks’ Finance Agencies, Non-Banks’ Monetary Agencies and Finance Agencies [4].

The Finance Agencies are divided into six classifications, i.e: (1) Leasing (2) Venture Capital (3) Securities Trade (4) Factoring (5) Credit card and (6) Consumes finance [5].

Due to the Finance Companies there is certainly distribute money loans, such as credits to buy a certain thing needed by someone, for example a motorbike, so, it means the finance company distributes credits to consumers. These kinds of credits are certainly very crucial, i.e the credits can be in loss if the debtor defaults [6]. In order to anticipate it, the item bought by the company, the finance is left to the consumers to use, then binded as a collateral by using the Fiduciary Collateral Agreement as managed in the Statutes Number 42 Year 1999 about Fiduciary Collateral (which is then called as Fiduciary Statutes).

The usage of Fiduciary Collateral Agencies in the Consumers’ Finance Agencies, at a glance, seems to give more permanent collateral in protecting investment related to the preference rights from the Fiduciary Collateral towards the Consumers’ Financial Agencies...
related [7]. However, the truth of this opinion has not been researched in detail, because the formal aspects in Fiduciary Collateral have mechanism and procedure in order to be able to give law protection for the Consumers’ Finance Agencies themselves, for example the rules about the Fiduciary Enrollment procedures.

According to the Chapter 11 Fiduciary Statutes requires the items burdened with the collateral fiduciary registered in the Fiduciary Registration Office functions to give Law Certainty.

Based on the above understandings, the reality available in practice, there are a lot of deviations in terms of Fiduciary Collateral burdens, they can be seen after the signing of the consumers’ agreement and the agreement of fiduciary between the creditor and the debtor has not been registered, especially the consumers’ vehicle agreement, directly the ones handed over to the creditors are the motorbikes and the Vehicles Registration (STNK) only, meanwhile the proof of the ownership, i.e: the Ownership Motor Proprietary Books (BPKB) have been kept by the creditors as the payment guarantees on the debts if in the future the debtors default or negligence [8].

A lot of happenings that before the whole credits are paid all by the default debtors, the monthly credits are not paid anymore and the vehicles have been handed over to the third parties without the notice and the permission from the fiduciary receivers (creditors).

The problems above are very at risk juridically, mainly towards the bought items/the ones funded by the Institutions of Consumers’ Finance which are absolutely becoming the consumers’ belongings, so it is common by the institutions of finance embedded Collateral Fiduciary, besides in order to avoid any loss that might be beared by the institutions of finance, so in the agreement (due to the items have been mastered by the consumers) the consumers are prohibited to divert their properties to the other parties either by buying and selling or pledge before the financing agreement expires.

Procedurally, in order to understand the rights of preference born from the Statutes of Fiduciary cannot be released from the law mechanism related to the Statutes themselves, they are: in coincidence to the registration mechanism of collateral fiduciary based on the Government Regulation of the Republic of Indonesia Number 86 Year 2000 about the Registration Rules of Collateral Fiduciary and the making Costs of Collateral Fiduciary Acte.

In regard to the institution of this Collateral Fiduciary there are really a lot of problems coming up because the items that are to become the objects of collateral fiduciary often difficult to be categorized as what kind of items based on the Statutes of Civil Law which are more familiar with important items division, i.e. moving items and non-moving items. Are the agreement objects of collateral fiduciary be able to be categorized into one of the divisions of moving items or categorized into non-moving items as managed by the Civil Law. In other words, for these times the items which are to become the agreement objects of collateral fiduciary can be categorized specifically according to the development of nowadays. If it is right the items which are to become the objects of the fiduciary agreement in fact by the Fiduciary Statutes stated to remain available on the debtors’ hands, certainly this case has its reasons. These are half of some problems raising in the Fiduciary Statutes which are a lot coming up in practice.

2. Discussion

2.1 Institution Management of Collateral Fiduciary in Financing Company
The importance of institution guarantee in life nowadays such as business activities is in its efforts in the needs of credit facilities. And, in order to get them it is required the availability of guarantee for the sake of capital safety and law certainty of the capital giver [4]. In this case, the Statutes Number 42 Year 1999 about the rights of responsibility and the explanations are also determining firmly.

This institution fiduciary in the beginning raises based on the societies’ needs on credits with the guarantee of moving-items, meanwhile it still needs those moving-items in order to be able to be used for company needs or daily works. If the pledge guarantee is taken in searching for credits guarantee will be in contrast to requirement of inbeitstelling, i.e as one of the requirements in pledge that is the items must be available in the power of attorney of the pledge holders according to the Chapter 1152 Civil Law, as in the samples of the the above foreword. The requirements of inbeitstelling justifying the items guarantee are in the mastery of creditors in which their developments facing difficulties due to the societies’ needs require items guarantee to remain in the mastery of the guarantee givers. Therefore, in order to facilitate the societies’ needs, the Court Justice issue regulations to become juryprudency that is the items guarantee remains in the mastery of the guarantee givers and finally the Statutes Number 42 Year 1999 about Collateral Fiduciary are regulated.

Chapter 1 Number 2 of the Act of Fiduciary Number 42 Year 1999 stipulates:
“Collateral Fiduciary is the rights guarantee on moving-items both in formula and non-formula and non-moving items especially buildings which are burdened rights of responsibility as intended in the Statutes Number 4 Year 1996 about rights of responsibility remaining in the mastery of Fiduciary Givers as a collateral for certain debts payments giving positions specially referred to the fiduciary receivers towards other creditors.”

Based on the regulations, *fiduciaire eigendoms overdracht* is the ownership rights on items as a guarantee of which handing over based on trust, meanwhile the items themselves are still on the debtors’ hands so they remain to be able to be used for companies, etc [9]. If seen from the procedures of implementations the relationship happens between the creditors party and the debtors party can be qualified there have been law relationship between creditors side and debtors side which are in each embedding in theirselves the right and compulsory on achievement [10].

The debtors’ compulsory for achievement must be implemented, if the debtors do not implement it, so the creditors that have been protected can put on some sanctions to the debtors both as a change for loss and money forcement, execution in order that the debtors fulfil the achievement promised [8].

Therefore if seen from the law relationship in this fiduciary, so there will be the things, i.e: (1) Law relationship/law action (2) Subjects consists of creditors side and debtors side and (3) Objects as wealth.

If seen from the happening process of ownership rights as guarantee with fiduciary throughout several phase:

- **a. Agreement availability** that is consensual/obligatoire. It means that the fiduciary giver party and the fiduciary receiver party hold an agreement whereas determined by the debtors who have borrowed some money to the creditors with a promise that will hand over their property as fiduciary guarantee.

- **b. Items agreement availability**, it means that between both parties the fiduciary giver and receiver, there has happened items guarantee handing over like *constitutum possessorium* meaning that property rights handing over as a guarantee from debtors to creditors whereas the item as a guarantee handed over remains on the power of attorney in real from the debtors.
c. The availability of usage borrow agreement, it means that between both parties the fiduciary givers and the fiduciary receivers have held an agreement that the fiduciary owners give the borrow usage of their ownership rights on property that have been on their power of attorney to the fiduciary receivers [11]. The ownership rights of property handing over fiduciarily in practice has been developing as such a very up-to-date thing nowadays, so not only having company inventory of commercial items, machines, vehicles, etc, but also non-moving items, for example: houses, shops, buildings over someone else’s lands with rights of leasing or rights of rental that can be fiduciarized [12].

As having been explained before that this institution is coming up because of daily practice or needs and ritual of societies who require the availability of practical institutional guarantier. This fiduciary institution has been registered in the Statutes both in Indonesia and overseas. These collateral fiduciary institutions have been known before since the Roman era with the name of “Fiducia Cumcreditore” and in the Netherlands recognized by Hoge Raad [13]. At the beginning in his arrest dated 25 January 1929 (Bierbrowerij Arrest), meanwhile in Indonesia based on Arrest Hoggerchtshof dated 18 August 1993 (BPM Chynett) is at once as the first jurisprudency as a collateral institution.

This fiduciary institution in law practice after Independence Day, we can find out its law certainty in Surabaya Court Justice Judgement dated 2 March 1950 No. 158/1950 that has cancelled Semarang Court Justice Judgement dated 21 April 1950 No. 165/1949/L CIV underlining that ownership handing over based on trust is only permitted to moving-items due to its handing over is only permitted as a chance for the parties having inquiries to hold another agreement rather than pledge agreement managed in Title XX Book II Civil Law, but the other agreement is however obliged to including moving-items as Title XX concerning about.

Based on the consideration from the intended decision, so it will be real that the Court eventhough gives salute to Fiduciary Institution, meanwhile, based on the point of view from the Netherlands' Judge Judgement merely looking at fiduciary as an expansion from Pand Institution, not as a free guarantee. Meanwhile, jurisprudency development in Indonesia then based on the judgement from the Supreme Court of the Republic of Indonesia dated 1 September 1971 (as valid in Indonesia Jurisprudency on the Eleventh Publicity Year 1972), for example about the cases between Lo Ding Siang vs Indonesia Bank, stating that the ownership hand over agreement as fiduciary assignment is only valid as long as in regard to moving-items. Supreme Court states that it is invalid for ownership hand over as an assignment on Buildings of Office PT. Bank Pengayoman at Jalan Kepondang No. 29/31 Semarang with their inventory.

Supreme Court in their judgement do not explain what their consideration is, why it is invalid for ownership agreement as an assignment on buildings of the offices and their inventory, whether the buildings are on the lands of own right, leasing right or building use right of which all are the rights that can be burdened hypotie/credietverband, so it is in accordance if fiduciary agreement considered not valid.

In relation to the above matter, further developments of economic grow and needs that can include financial needs of societies need to be balanced with the expansion of assignment institutions which are already available.

The assignment institutions need to be included in the Statutes, exclusively the availability of facts in Indonesia, i.e:

a. Small companies, shops, small shops, restaurants, etc need money for expansion their businesses with the guarantee of their sold items.
b. Employees and households need money for their household needs with the guarantee of their stationary household.

c. Rice companies and palm companies need money for their business expansion with the guarantee of their prawns and fabrics or factories.

d. Agricultural businesses need money for increasing the results of agriculture with the guarantee of agricultural appliances [9].

The societies’ needs development, economic development and financial development through credits in Indonesia societies nowadays need the forms of assignment institutions besides the forms of guarantee as managed in the Statutes such as hypotic assignment institution, credietverband and pledge institution. The societies’ needs require the forms of guarantee whereas people can get credit loan appeal with the guarantee of moving-items, meanwhile, people still remain to be able to use it for daily needs and their business needs. Credit appeal assignment on moving-items holds more and more important roles in various modern countries, including Indonesia. Such credit assignment cannot be inclusive just in pledge regulations that are not possible for the guarantee only on the party who puts on the pledge due to in contrast with the requirement of invezitztelling required in the pledge based on Chapter 1162 Article 3 Civil Law, meanwhile the Arrest has a different opinion in relation with the societies’ needs development.

In a matter of this credit facilities sharing in practice of collateral, it is even more dominant or to be more proposed specially, so collateral is really more important than merely a guarantee in term of trust on debtors’ capability in order their debts to be all-paid. That kind of matter is really basic due to the guarantee is just an abstract thing whereas its judgement is very subjective, different from the clear collateral so by the objectivity and economically as well if there happens a default from the debtors or problematic credit availability then afterwards the bank quickly is able to converse to a number of more liquid money. In order to increase trust on character and capability of debtors, financial companies always ask a guarantee of credit sharing from other parties such as private assignment, guarantee from the parties of financial companies or assignment from central companies.

Assignment is something shared by the debtors to creditors in order to raise trust that the debtors will fulfil the obligatory that can be valued for money raised from one binding [14].

Credits shared by the financial companies is based on trust, therefore the credit sharing is a trust sharing to clients. As a result, the credit sharing may only continue the societies’ saving to their clients in term of credit, if they are really certain that the debtors will return the loans received according to the period of time and requirements agreed by both parties. It determines necessary to pay attention to the capability and desire factors.

The essential credit sharing in term of trust rising up due to the fulfilment of all conditions and requirements to get company financial credit by debtors, they are: the clarification of credit aims, the availability of assignment or guarantee items, etc. So it is found that the meaning of trust in credit sharing, i.e the trust from the bank as creditors that the credit given is really re-accepted in certain period of time according to the agreement.

The trust factor which is as an essential credit sharing in the credit sharing is also including other factors, i.e the factors of time, risk, and achievement.

The factor of time is certain length of time or certain period of time between credit sharing or credit liquidation by the company finance with credit payment by debtors. In fact, the credit payment is undertaken throughout credits of a certain time according to the debtors’ capability.

One item which is to become fiduciary object is based on good willingness from the debtors for ensuring the total payment of all debts as mentioned in the basic agreement will be
well-completed, meanwhile, the creditors are becoming more and more certain to the debtors’
good intention, if there are certain items having economic values binded in an agreement
known by material guarantees. If the object guarantees are materials but they do not have
economic values, these are not material guarantees but individual guarantees. Guarantees must
be mastered in term of their law rights legally by the debtors and/or guarantors and then can be
accepted by the creditors due to the warranties are considered valuable. So if the debtors
and/or the guarantors do not want to lose those material guarantees, so the debtors must pay
off their debts. Similarly, the creditors hope that the sale of collateral goods can reasonably
settle their receivables while the debtors default [15].

This realization of guarantee is also always like selling collateral goods and taking the
result of selling the collateral goods as to becoming the benefits of beneficial parties (the
creditors). So the ones guaranteed are always the fulfillment of an obligation that can be valued
by money. Therefore, the goods that can be a warranty must be an object or the right that can
be valued by money.

Based on the above opinions of university graduates, it can be concluded, they are: the
object warranty agreement requirements are objects having economic values and can be
handed over. Those requirements are for protecting the interests of creditors while debtors
default on pledge so the object as the pay off on the debtors’ debts to the creditors. The
creditors as the holders of rights on warranty have a huge interest over high fixed-value of
objects warranty, primarily while they are going to execute the objects warranty. Due to the
greater ther results of objects warranty selling, the greater also the due possibilities of charging
rights paid from the objects warranty selling.

Based on the above explanations, it is clearly seen the important meaning of
warranties in credits sharing done by company finance. As they have been explained in the
chapters before, they are: all warranty binding agreements are accessoir. It means that the
existence of warranty binding agreements depends on its basic agreement, that is, credits
agreement [11]. Salim argues that: “Basic agreement is an agreement to get credits facility
from banking institutions or non-banking finance institutions [16].”

Based on the above explanations, the theoretical basis used as knife analysis is the Law
Certainty Theory from Soedikno Mertokusumo, by the availability of fiduciary guarantee
binding for both creditors and debtors will it be able to get what being expected are in certain
condition. For creditors, by the availability of fiduciary warranty binding, if the debtors do
default, so the rights of creditors for taking back their receivables can be fulfilled by selling
objects warranty of which are fiduciary objects warranty. Meanwhile for the debtors are the
rights to be able to use the objects warranty to be fulfilled by the availability of fiduciary
warranty, eventhough the objects used as debts warranty.

2.2 The Implementation of Motorbike as Fiduciary Object at Financing Company of
Subsidiary PT. Adira of Denpasar

It has been explained in the discussion before, about the position of warranty up to the
importance of warranty in credits sharing by company finance. In order the warranty
application in credits sharing is well-run, so it needs law regulations about firm warranty.
Whereas they can give safety for the parties involved in the credits agreement, especially for
the Company Finance Party as Creditors and Customers Party as Debtors.

When examined deeper, there are law problems, especially about law certainty in regard
to the warranty which has not been summarized in a strict provision. It can be seen from the
Terms of the Article 8 of Law Number 10 Year 1998 on Banking:
In sharing credits, public banks are obliged to have confidence on the debtors’ willingness and capability to pay off their debts in accordance with the agreement.

Further about the Article 8 Law Number 10 Year 1998 about the Changes on the Law Number 7 Year 1992 regarding the Banking confirms that:

In giving credits or finance based on sharia principles, commercial banks are required to have confidence based on in-depth analysis on debtors’ customers’ good intention and capability and then willingness to pay off their debts or return the intended-finance in accordance with the agreement.

The regulations regarding warranty in sharing credits by company finance and banking institutions as mentioned above, they can raise up uncertainty in implementing sharing credits. The uncertainty is due to the unclear regulations in setting about the obligatory guarantee availability in every credits sharing by company. Whereas the guarantee is actually a very important thing for the company finance party to ward off the risks that may happen in the future as the effect on sharing credits by the company finance.

Based on the results of interview dated 9 March 2018, in practice of PT. Adira Denpasar, i.e: the credits sharing by the company party to debtors with guarantee, besides with the availability of trust from the Parties of Creditors and Debtors, with the availability of objects guarantee like motorbike are absolute requirements obliged to be available for the law certainty and their functions for both parties the creditors and the debtors and the requirements of this guarantee have been set up clearly in the credits agreement [17].

In the field practice as Mr. Arif has seen as Credits Analyst of PT. Adira Denpasar, according to him the societies’ members mobility level in their efforts to fulfil their needs, also their smoothness facility that must be cheap becoming vehicles as suitable choices to achieve them all. According to him the vehicles requests from time to time continue increasing. The societies who are less able to buy them asking help to Adira for buying them [18].

The company finance as the societies’ public funding institution throughout credits sharing needs a guarantee as an assurance that the credits given will return in accordance to the agreement. The guarantee needed by the company must have economic values as the requirement. It is no wonder if the company prefers kinds of guarantee which are materialistic for credits sharing requirement. The guarantee is said to be a form of debts binding agreement that is an additional agreement as having been explained above.

In practice, this matter of credits facility sharing, the collateral according to the writer, it is felt very dominant or prioritized, so the collateral is really more important than just only the guarantee as the assurance on the debtors’ capability to pay off their debts. It is really very basic due to the guarantee is an abstract thing of which its assessment is very objective and economically if default happens to the debtors or there is a problematic credit so the banks immediately can converse it to a number of money in cash.

According to the above descriptions that the collateral in practice is more prioritized in this credits sharing, so there is no excess if the company finance considering necessary in increasing the trust and assurance on the customers’ character and capability, the company always ask for the credits guarantee sharing from other parties like personal guarantee or personal warranty from the other company or guarantee from the parent company. The individual guarantee or personal guarantee is someone’s guarantee of third party undertaking to guarantee the debtors’ obligations fulfilment. This guarantee can be done without the debtors’ acknowledgement. According to Soebekti, it is due to the creditors’ demands to one guarantor who is not provided with a privilege or a privileged position compared to the other
creditors’ demands, so this personal guarantee is not much practiced in the world of finance institution.

The procedure that is usually done in the guarantee loading throughout fiduciary, it is done in the form of Guarantee Submission Agreement and Authorization based on the credits agreement that has been agreed. It is different from the hypotic i.e: the goods remain on the Party od Debtors for the sake the smooth running of the business.

For the the world of finance service, the credits without guarantee is a kind of credits involving big risks, therefore, there are no banks in Indonesia issuing this kind of credits, and so do the PT. Adira Denpasar as an institution of funds raiser from and for the societies that will apply for the principle of carefulness of the company in every credit sharing to customers (debtors). With the background of the principle there are many company finance sharing credits to customers (debtors) by asking for guarantee or known as credits with guarantee as one of the ways minimalizing the risks of loss beared due to the customers (debtors) are unable to pay off their credits in accordance to the agreement.

As stated by Moch Isnaeni, “The colorful pattern of economic growth which is much characterized by the activity of the appearance of a credit agreement giving an illustration that the funds supplied by the company finance must be saved as tight as possible, remembering the funds are from the societies’ pocket in large [8].

From the explanations, the most important thing is that the company finance in the activities of giving the credits finance must be based on a guarantee, giving an assurance to the banks on the debtors’ willingness to pay off the credits in accordance to the agreement. It is implemented at PT. Adira Denpasar.

Based on the interview results with the Manager of PT. Adira Denpasar Branch saying that PT. Adira in their implementation in the societies will co-operate with the Notary when they are making the Fiduciary Guarantee Acte. Because the Fiduciary Guarantee Acte will be saved in the Public Notary. PT. Adira will have accepted the Fiduciary Guarantee Acte completely from the Public Notary and the Party of PT. Adira are just to pay the Public Notary in relation to the making costs of the Fiduciary Guarantee Acte. If default happens, it is used as the basic execution accompanied by the Police. The fiduciary guarantee execution depends upon the Regulation from valid the Financial Service Authority (OJK). The ownership right of PT. Adira and the consumers’ usage right of PT. Adira are prohibited to execute arrogantly. The valid Regulation of the Financial Service Authority (OJK) at present may not do the execution individually; they must co-operate with PT. Devkolector. If there is a problem, PT. Adira will remain be responsible to it [17].

Based on the above explanations, the theoretical basis used as the knife analysis is the trust theory from Mokhamad Arwani that is by the availability of integrity/good intention, by the availability of high intention and competence from the Party of Debtors so they can arise up the Creditors’ Trust to give credits, nevertheless it remains as well for the sake of the Creditors’ safety in order to ask for the guarantee like a motorbike as the Fiduciary Guarantee Object.

Besides, it can be related to the theory of expediency being developed by Jeremy Bentham saying that the Creditors Party can implement the material selling to be the fiduciary Guarantee Object, the benefits for the creditors if the debtors default so the material used by the creditors is the one exposed in the Fiduciary, meanwhile the debtors’ other wealth remains protected. If the debtors can implement their obligation rightly so they can take back the material that is to be the Fiduciary Guarantee Object.
3. Conclusion

By making the Fiduciary Guarantee Binding Acte notariily, will it be able to give law certainty, both to debtors and creditors. So they can get a certainty about what they expect in a certain condition.

Additionally, by implementing the Fiduciary Guarantee, will it turn out the creditors’ trust to the debtors as an absolute thing. Nevertheless, it needs an additional guarantee like a motorbike but if the motorbike is mastered by the creditors, so the debtors cannot use the motorbike. Therefore, the Fiduciary Guarantee is a good solution that is beneficial both for the debtors and the creditors. Due to on one side the creditors get a guarantee upon their receivables, on the other side the debtors can use a material like a motorbike to be used by them.

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Abstract. SMEs spa products are currently being sought by local and foreign tourists. SMEs spa product in Bali has been able to penetrate the international market. Various problems faced by SMEs cause interference to increase business performance. Business performance is measured by financial performance of SMEs. The present study determines the financial performance of SMEs spa, viewed of the funding decisions and entrepreneurial orientation. The subjects are 8 spa products existing in SMEs Bali registered in the Department of Cooperative and SMEs Bali Province. Data analysis was carried out using partial least squares (PLS). It was found that the entrepreneurial orientation has a positive and significant impact on the sustainability of the business. Funding decision significantly has positive effect on business continuity and entrepreneurial orientation.

Keywords: funding decisions, entrepreneurial orientation, financial performance and SMEs

1. Introduction

SMEs contributed to Gross Domestic Product (GDP) reaching 57.84% in 2010 and increased to 60.34% in 2015 (Business Profile of UMKM by LPPI and BI, 2016). SMEs also contribute to the Gross Regional Domestic Product of Bali, which reaches 22.75 percent (BPS, 2018). The growth of SMEs in Bali reached 313,822 in 2017, an increase of 9.63% from the previous year (Dinas Koperasi UKM Provinsi Bali, 2018).

The Ministry of Industry (2014) states the national cosmetics industry contributed a significant portion of value to the export, turnover, and labor. Data from the Ministry of Industry in 2017 the cosmetics industry was able to help the national economy with a significant contribution. Therefore, breakthrough for the development of production and improving the competitiveness of the cosmetic industry should be improved. Based on data of 2017, cosmetics industry sales value reached 19 Trillion rupiah. The figure rose 11.99 percent compared to that of 2016. The average growth rate of cosmetics exports within the last five years reached 3.56 percent. In 2018, the cosmetics industry export target of 1.67 billion US dollars.

Dewi (2012) stated that Bali as a main tourist destination is famous domestic and foreign tourists has advantages in the field of body care business. Spa Products Manufacturer Association (2015) states that Bali has evolved into a destination spa so many businesses in the field of spa products in Bali. SMEs that focus on spa products in the form of Balinese
scrubs, massage oils, natural soaps, and aromatherapy essential oil capabilities are already far better. Increased production capacity of SMEs spa products becomes working capital to face increasingly sharp competition between local Balinese competitors, domestic competitors, and foreign competitors. In the case of the production of herbal soaps and scrubs for example, most entrepreneurs generally use local raw materials in the form of spices that are widely grown by farmers. On the other hand, he also did not dismiss the fact that the majority of cosmetic raw materials still have to be imported from abroad. Similarly, some machines and equipment whose technology is quite high still have to be imported. The packaging problem that is not only required to be hygienic, but also capable of encouraging the purchasing power of the people, becomes a separate issue that needs to be addressed together. In addition, another important, which until now has been the concern of the spa product manufacturers association in Bali is the plan to implement ISO 90012008, the application of good manufacturing processes and the implementation of quality control groups.

SMEs in Bali spa products are growing due to demand and the needs of local travelers and foreign tourists are so very high. SMEs Spa has been able to penetrate the international market. Based on the results of direct interviews with owner of UD Bungan Jepun on September 6, 2018, the spa product business turnover in 2017 amounted to $ 230,000 and 20 percent came from export markets.

However, there are still many obstacles faced by SMEs spa products, among others, financing, competition, networking, human resources and competencies, technology, marketing, and sourcing of raw materials. Various problems faced by SMEs cause interference to increase business performance. Business performance is measured by financial performance of SMEs. SME financial performance is influenced by many variables such as funding decisions, in this case is the decision of the use of capital, should be managed optimally for causing a permanent burden for the company. In addition, Funding Decision, entrepreneurial orientation is required to carry out operational activities better to keep the financial performance of a business. Orientation entrepreneurial (nature innovative, proactive and ability to manage risk) owned by management or owners of the company will be able to determine the development of a business. Growing businesses will require a relatively large funding. If the funding source is not sufficient internal funding needs, the company will seek sources of funding from outside the company that is debt.

The object of this study is 8 spa products existing SMEs Bali Province registered in the Department of Cooperatives and SMEs Bali Province. Data analysis was performed using partial least squares (PLS).

This study aims to determine the financial performance of SMEs spa products in Bali, judging by the decisions of funding and entrepreneurial orientation.

1.1 Performance

Sefiani & Bown (2013) suggests that performance is an indicator used to measure the goals and objectives set. Business actors make performance a top priority [1]. Gibcus & Kemp suggests that business performance relies heavily on the right management approach that involves three levels of management. The authors further mention that business performance measures market-related items such as sales growth and market share and the company's future position. One indicator of corporate performance is financial performance.

Financial performance is the main outcome organizational effectiveness. Though the performance standards considered vital, it is sufficient to determine the overall effectiveness. Accounting-based organizational effectiveness considers the profitability in terms of Return on Sales (ROS), Return on Assets (ROA) and Return on Equity (ROE) to measure financial
performance. The steps of organizational effectiveness tend to be more complex towards stakeholders than to shareholders. There are indicators in terms of quality, such as product quality, employee satisfaction, and overall quality indicators related to social responsibility such as environmental and community responsibility.

1.2 Funding Decision

A company in running its business in line with the development experienced, always in need of additional capital. At the time the company is founded, the owner can determine the source of capital for what to wear, whether all sourced from the ordinary share capital or need no long-term debt. Every decision made about the source of capital is always an impact.

Basically there are two theories behind the selection of the most important thing in the capital structure of SMEs [2]. First, the trade-off theory: the theory shows that every company has an optimal capital structure. When a balance between income and additional debt is formed, optimal minimization of debt can be achieved. Of the many benefits associated with debt, the benefits of taxes are the benefits of interest payments that are supportive for debt reduction (Modigliani and Miller, 1963; DeAngelo and Masulis, 1980). Another benefit is the reduction in agency problems that arise between shareholders and managers related to free cash flow (Jensen 1986). Among the losses associated with debt, the cost of financial pressure (Myers 1977) and agency costs that arise between owners and financial creditors (Jensen and Meckling 1976; Myers 1977) stand out when the level of debt increases.

Secondly, the pecking-order theory proposed by Myers (1984) and Myers and Majluf (1984) claim that there is no optimal debt ratio. Instead, companies adjust the company's financial decisions with hierarchies because of the problem of asymmetric information between managers and investors in relation to external funding. First, companies prefer internal funding rather than external funding. Second, only if internal funds are insufficient, they use external funds. Among external resources, they prefer debt and leave new equity as the last alternative for resources. Asymmetric information problems are very relevant for SMEs, because they are more opaque than large companies are.

1.3 Entrepreneurial Orientation

Entrepreneurial orientation is the tendency to act autonomously, to innovate, to take risks and, to be proactive when being faced with a business opportunity [3]. Entrepreneurial orientation in several studies measured the dimensions of innovation, proactive and courage to manage risk [4]. Lumpkin and Dess (1996) defines innovation as "the tendency of companies to engage in and support new ideas, novelty, experimentation, and creative process that can produce a new product, service, or process" [3]. Rauch et al. (2009) describes it as a desire of employers to encourage and support creativity experimentation in the form of the launch of new products or services or better or in terms of technological supremacy by research and development in organizational procedures.

Vora et al (2012) explains that the company attributes proactively trying to look for opportunities in the future in spite of the fact that this opportunity may not even be related to the company's current operations. They further describe that these companies identify and take advantage of opportunities to meet the demand, perhaps through their own innovation.

Rauch et al. (2009) explains that taking risks is the tendency of companies to take bold steps, perform calculated risks, employ a lot and most of the resources invested fir and into an uncertain market and are not known to take business opportunities. Lumpkin and Dess (1996) considers risk-taking as a quality company that is crucial for the survival, growth and superior performance of the company [3]. These three dimensions: risk taking, innovation and
proactive is very important for the company because they affect the company's performance in the current business environment (Brettel and Rottenberger, 2013).

1.4 Relationship between Entrepreneurial Orientation and Funding Decision
Entrepreneurial orientation formed by three dimensions: the ability to innovative, proactive, and a tendency to take risks (propensity for risk taking) [5]. The ability to innovate reflects the tendency of employers to find and engage with new ideas [3]. The second dimension is proactive reflect employers' ability to find and exploit new product opportunities and market opportunities to compete [6]. The tendency to take risks is a dimension of the most important entrepreneurial orientations and is defined as the tendency of companies to be involved in projects that have a specific goal [6].

The results of research by Wiagustini, et al showed that the entrepreneurial orientation positive and significant impact on the funding decision [7]. The higher the orientation owned a company determines the amount of funding, internal or external companies. Nofsinger and Wang (2011) argue that when the company's internal funds are insufficient to cover business development occurs then the required additional funding from financial institutions.

1.5 Funding Decision and Financial Performance
Sudarmakiyanto et al (2013) research on the property sector companies, real estate and building construction listed in Indonesia stock exchange period 2008-2012 found that the financing decision significantly positive impact on financial performance [8]. Ahmad et al (2012) found that the use of long-term debt and short-term has a significant positive correlation with profitability [9]. Skopljak and Luo (2012) conducted a study in Australia related to the financing decision relationship with company performance, the findings indicate a significant positive relationship between capital structure which is a funding decision by the company's performance [10]. Davydov (2016) who conducted research in BRIC countries found that the decision of funding proxied by the debt structure had a positive and significant effect on financial performance, companies that used bank debt had better performance [11].

However, different research Warmana Oka (2017) found that the maturity structure of the debt is a significant negative effect on financing decisions on financial performance, the use of long-term debt have a negative impact on financial performance [12]. While the research of David et al. (2016) found no effect of capital structure significantly on financial performance [13].

1.6 Entrepreneurial Orientation and Financial Performance
There are many studies on the relationship between entrepreneurial orientation and financial performance. Some research shows significant results and positive relationships including Magaji et al (2017) stated that the entrepreneurial orientation of the positive and significant impact on performance, proactive firm characteristics such as responsive to market signals, have access to scarce resources, and is committed to improve the products and services will increase returns on high performance of a company [14]. Mukhtar Shehu Aliyu and Rosli (2014) found a significant positive relationship between entrepreneurial orientation and financial performance [15].

Entrepreneurial orientation that is proxied by the dimensions of risk taking is positively significant related to company performance [3]. Hakala's research (2013) found that Entrepreneurial Orientation has a significant positive influence on company performance as
measured by the company's profitability [16]. Entrepreneurial orientation has a significant positive effect on the performance of SMEs in the Netherlands [17].

1.7 SMEs

Small businesses and macro businesses, as determined by the State Ministry for Cooperatives, Small and Medium Enterprises, include business entities with maximum net worth are IDR. 200,000,000, - excluding land and buildings for businesses, and has annual sales of at most IDR. 1,000,000,000. Medium Business is a business entity owned by Indonesian citizens with net worth greater than IDR. 200,000,000 up to Rp. 10,000,000,000, outside land and buildings.

1.8 Spa Product

*SPA* comes from the Latin language and is taken from the term *sante par aqua* or *solus per aqua*, which means healthy through water therapy. Along with its development, SPA developed into a place of beauty, body care, health, fitness, and comfort. Body care is in great demand and is important for both women and men. Activities to carry out body care become a necessity that must be met. A great opportunity in the body care industry is an advantage that is used by various parties to build a business producing various body care products. Bali has added value to this because in addition to being a tourist destination Bali is also rich in spices and natural resources that are safe to be used as skin care products or SPA products.

SMEs spa products in Bali produce various types of body care products with natural ingredients, the types of products produced are body care products ranging from toe to hair tip. The products presented by SMEs product spa consist of 5 categories, namely aromatherapy, foot care, hair care, body care, and facial care. This spa product is produced using natural traditional ingredients, manufactured products include message oil, skin nutrition face and body mask, body mist, body butter, body lotion, shower gel, scrub cream, and other products. Various products presented by UKM spa have different functions according to needs.

2. Results and Discussion

2.1 Entrepreneurial Orientation and Funding Decision

The results of data analysis showed that the proportion of debt to SMEs measures the effect of entrepreneurial orientation towards the funding decision spa products have a significant and negative effect on funding decisions. The magnitude of the effect is -0.824 with a significance of p <0.01. The findings of this study inform that, the higher the level of entrepreneurial orientation owned by business owners of spa products that are available, resulting in low funding decisions, this is seen from the use of debt.

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<th>Path Coefficient</th>
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<td>EO</td>
<td>0.891</td>
<td>-0.967</td>
<td>0.974</td>
<td>-0.824</td>
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<th>P-Values</th>
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Spa product entrepreneurs prefer to use their own capital rather than using capital from banks or financial institutions in the form of debt. Because every capital that comes from bank debt will generate interest and installments every month. Although there is a huge turnover in the business of spa products, business owners do not dare to use bank loans, business owners are worried that they cannot meet liquidity. This is because sales of spa products are still unstable; on the one hand, Bali is only dependent on the tourism sector that is vulnerable economy plus many customers who make orders with credit with terms of payment up to 90 days. The results of this study are findings, and rejecting the theory of increasing entrepreneurial orientation will increase funding decisions proxied by the use of debt. The results of this study, in contrast to the findings of Wiagustini, et al (2017) show that entrepreneurial orientation has a significantly positive effect on funding decisions [7].

2.2 Entrepreneurial Orientation and Financial Performance

Based on the results of data analysis, the entrepreneurial orientation has insignificantly positive impact on financial performance. The magnitude of the effect is 0.390 and the significance is $p = 0.39 > 0.01$. This shows that, the higher the level of entrepreneurial orientation of spa business, the less the financial performance increases.

The finding of the study enforces the theory claiming that the higher the level of entrepreneurial orientation of a business, the better its financial performance will be. In contrast, this finding is contrary with different notion stating that entrepreneurial orientation has a positive and significant impact on financial performance (Aliyu and Rosli, 2014; Rauch et al., 2004; Hakala 2013; Kraus et al., 2012). Moreover, it contradicts the concept that the characteristics of the company have always been to innovate, to take risks, and to be proactive and they will improve the company's financial performance (Magaji et al., 2017).

2.3 Funding Decision and Financial Performance

In terms of relation between funding decision and financial performance, the finding of the present study indicates that the funding decision has a significantly positive on financial performance. The magnitude of the effect is 0.89 with a significance of $p < 0.01$. Thus, an increase in the use of bank debt or a certain proportion of financing institutions will improve the financial performance. The more the capital owned by businesses, the greater the possibility for business enterprises to innovate, expand, improve technology, increase production, and to increase exports; therefore there a number of coming opportunities that increase profits, the company's financial performance – which in this study is measured with sales volume, improved earnings, and increased company's assets.

These results are consistent with the results of previous studies conducted among Davydov (2016), Sudarmakiyanto et al. (2013), Ahmad et al. (2012), and Skopljak and Luo (2012) which found that the funding decision shares significantly positive impact on financial performance. In addition, the results do not correspond with the results of the research of Oka (2017), which found that funding decisions significantly has negative effects on financial performance and the use of long-term debt has a negative impact on financial performance.
3. Conclusion

Entrepreneurial orientation has a significant negative effect on financing decision. The higher entrepreneurial orientation would not make SMEs manager using a large amount of capital. Entrepreneurial orientation has a significantly negative effect on financing performance. The higher entrepreneurial orientation would not increasing financial performance of SMEs of SPA product directly. This study only tested the financial performance of SMEs spa product in Bali, judging by the decisions of funding and entrepreneurial orientation. Future studies could examine other factors on which the sustainability of the business, including marketing aspects that exist in SMEs spa products, in order to obtain more comprehensive results.

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References


The Effect of the Still Assurance on the Assurance Charge

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Abstract. This study highlights the condition whether or not the debtor who transfers the guarantee that is still charged with mortgage rights can be prosecuted; it also deals with revealing the alternative solutions to avoid punishment. It makes use of empirical legal research design. The theory used to examine the issue is the legal certainty theory and scanning theory. The findings indicate that debtors who transfer control over the collateral that is imposed unilaterally could be convicted for fulfilling the provisions of embezzlement based on article 372 of the Criminal Code. The alternative way to solve this criminal act was a deliberation to reach an agreement. The conclusions of this study are that debtors who have broken promises and do not have good intentions to transfer control over collateral objects that have been burdened with mortgage rights can be convicted under the provisions of Article 372 of the Indonesian Criminal Code concerning embezzlement.

Keywords: Debtor; divert; fiduciary; mortgage rights

1. Introduction

To increase the rate of economic growth to realize the welfare of the community, the government encouraged various financial institutions to provide working capital to the community [1]. It is essential because banks as business actors that function as community financial intermediaries have strategic roles and functions, namely as development agents [2, 3, 4]. Without any interference from the bank to finance the economy of the community, the rate of economic growth of the people would be stagnant [5]. To provide working capital to the public, especially to bank customers, it is mandatory to apply prudential principles of prudence, honesty, transparency and accountability [6]. The legal principle of freedom of contract with customers must be taken into account to avoid juridical occurrence in the future. The collateral must be encumbered the mortgage rights to fulfil the provisions stipulated in Law of Republic of Indonesia number 4 of 1996 concerning Mortgage Rights.

The principle and good faith in conducting financial transactions between banks as creditors and customers as debtors must be implemented optimally [7]. Although the principles and good ethics have been implemented and included in the credit agreement, there are still debtors who do not keep their promises and do not act well [8] [9]. Most debtors of a bank transfer corresponding object has been burdened by mortgage rights as an indication of an unlawful act and a criminal act that meets the embezzlement element [10, 11]. This paper intends to provide a review of cases where bank customers are defaulting due to transferring the ownership of collateral objects to third parties.
On the part of the bank in general if experiencing lousy, credit problems tend to take shortcuts to execute collateral. It is considered to be the easiest and cheapest to do because the collateral goods the customer has encumbered the mortgage. According to the Law concerning Mortgage Rights, through the auction office, the state of collateral can be executed, because on the mortgage rights certificate has been stated, "For Justice Based on the Supreme Godhead". The meaning is, the mortgage certificate has executive strength and does not require permission from the court to execute collateral.

Also in 2009, there was the idea of the bank involving law enforcement [12], in this case the police institution and the prosecutor's office to forcibly make bills to bank customers who were pledged. However, this idea received strong opposition from the community, so the idea of involving law enforcement in order to collect bad loans did not take place.

Indeed, bad credit has become a significant problem in the banking world [4]. However, if analyzed in more depth, the main problem is not only for customers. However, bad loans are also caused by the bank. In other words, if there is bad credit, the bank is also required to be responsible for jointly solving the problem. Bank errors can occur when analyzing collateral value, the credibility of prospective customers, and business prospects that are carried out by prospective customers. Failure to repay loans also occurs not only for customers but also for the national economy to have a considerable influence.

Other than that, natural disasters also affect the ability of customers to pay bank loans [6]. The most obvious example is that, due to the Mount Agung eruption disaster that occurred in Bali, many bank customers have lost the ability to pay credit in banks, causing non-performing and non-performing loans.

This paper intends to analyze and answer problems related to the transfer of control of corresponding objects that have been burdened with mortgage rights. The problem is, what legal consequences can be accepted by bank customers who do not have good intentions because it diverts the guarantee object that has been burdened by mortgage rights.

This study uses empirical legal research. This type of research was chosen because the essence of the problem raised was the existence of a gap between the rules that apply to the reality in the field where the agreed credit agreement and fulfill the agreement in accordance with Article 1320 KUHPerdata and encumbered Mortgage Rights violated by the debtor by transferring control unilaterally to third parties. Because this paper examines a case that occurred at Subsidiary PT. Bank Pembangunan Daerah Bali of Klungkung. Then this is the basis of research using empirical law.

Based on research conducted, there appears to be indications of criminal violation, namely article 372 KUHP concerning embezzlement because all elements of the article have been fulfilled where the debtor precedes the intention, the existence of an act and a criminal violation committed intentionally, which has transferred the control of the object of guarantee to a third party. In this case, it appears to PT. The Regional Development Bank of Bali Klungkung Branch has difficulty in executing guarantees because the object of guarantee is in possession of third parties.

The purpose of this paper is to find out and understand what legal consequences can be imposed on bank customers who do not keep their promises by transferring the ownership of corresponding objects to third parties, even though it is known and realised that the corresponding object had been burdened with mortgage rights. Additionally, the benefits expected from this paper are, the community, especially bank customers, to increase their understanding and awareness, so that voluntarily without compulsion carry out their obligations to pay credit instalments in the bank and obey and implement what has been agreed in the credit agreement. It becomes very important because it will directly have a good
impact on the economy of the community. The bank as an intermediary institution for public funds will get more trust from shareholders and savers in order to increase the amount of capital set by the government.

2. Discussion

In conducting lending and borrowing transactions between banks as creditors and the public as debtors, in general, the debtor hands over collateral. The forms of collateral are of various [11, 13] some objects move like vehicles, there are also immovable goods in the form of land and buildings. In practice, collateral items that become collateral are charged in the form of land title certificate documents. With the principle of fiduciary, the collateral goods are handed over to the debtor [14]. In this case, the debtor has the rights and obligations, namely, the right to use collateral goods, and must maintain, care for, and not transfer the collateral items for whatever reason to anyone.

In general, collateral is charged with mortgage rights as regulated in Law Number 4 of 1996 concerning Mortgage Rights. It is still related to mortgage rights the law that has closeness is Law Number 42 of 1999 concerning collateral fiduciary.

In practice, even though the credit agreement has been understood, approved and signed, but in the realm of fact, some of debtors do not act well by transferring collateral that has been charged with mortgage rights [15]. Transfers, in this case, can be in the form of granting, lending, and can also trade, which is all done by transferring the authority under the hands without involving an authorised official (notary/PPAT). Cases like this are prevalent in the community which harms the parties and damage the economy of the community.

In order to support the legal issue that transfer of guarantee rights burdened by mortgage rights is a criminal act, an understanding of the engagement between the debtor and creditor before the notary (PPAT) official, in which the essence of the engagement, in addition to regulating the rights and obligations of the parties, is also imaginatively confirmed there had been a transfer of rights to the land is proven by a clause that states:

a. If the debtor defaults, the creditor is given the authority to sell collateral objects through the state auction body (KPPLN).

b. Other instruments that provide further support for embezzlement legal issues are collateral institutions/processes to return the status of collateral ownership rights to debtors who do not default after credit has matured and paid in full because when the rights of land rights are transferred, ownership of the rights holders is imposed.

c. Another indicator that the transfer of collateral objects that have been charged with liability is a criminal offence is a violation of the clause as the head of the document, which is an eksetutorial title: "For the sake of justice based on the One God Almighty", where the rights holder may carry out legal actions without the permission of the debtor in default means here the transfer of land rights due to the imposition of mortgage rights.

Several legal provisions are violated by customers as bank debtors who transfer control over the charging of mortgage rights. The provisions in question can enter the criminal domain as stipulated in Article 372 the Criminal Code, and the provisions of illegal acts as stipulated in the provisions of Article 1365 of the Civil Code. The elements of criminal violations have been fulfilled, where the debtor precedes the intention, the act and the existence of a criminal offence where the guaranteed material is in the hands of the debtor occurs by not breaking the law.
Meanwhile, to violate the law is if the actions taken by the bank's customers are proven to cause losses to other parties, in this case, the bank is a creditor. Indeed, it is not easy to prove unlawful actions and for this reason, several elements of unlawful actions can be formulated, namely, acting or not acting, violating propriety that lives in the community, the consequences can harm other parties [16] 7. To understand illegal acts and criminal acts of fraud, below a case, will be submitted to be analysed to make it easier to understand the problem.

This study raised cases that occurred at PT. Bali Regional Development Bank Klungkung Branch. The legal issues and events are, there has been a unilateral transfer of control of collateral goods by the debtor to third parties unlawfully.

The problem lies below:

It began from the application of credit by a customer with a guarantee of a parcel of land with proof of ownership in the form of a land title certificate. After a technical review of the banking, the customer who submitted the creed was deemed eligible for the credit. Also, the collateral items that were being disbursed are also considered to be marketable and of sufficient economic value to repay the credit if there was a risk of default.

Finally, the loan was disbursed in a certain amount and within a specified period. After a customer domiciled as a debtor was given some working capital loans for a certain period, it turned out that the debtor did not carry out the obligations as stated in the credit agreement. In other words, the debtor did not make credit payments in the third month, and successively until the sixth month. The payment failure until the limit was due so that the loan on behalf of the debtor was classified in collectability to get special attention. Thus, procedurally and gradually the banks carried out various credit rescue efforts so that they did not become increasingly disobedient and increasingly difficult to pay.

a. The first effort carried out by the bank as a creditor is to provide coaching in a familial manner. Starting from going to his house, asking about the problem at hand. It is important to know and understand the fundamental problems faced by customers.

b. When the client's condition is known, a meeting is held to discuss what actions should be given later. In the meeting, it was decided to re-check the corresponding object if the unsuccessful billing effort was only then brought the lousy credit problem to the state auction hall. In other words, the bank wishes to carry out the execution of collateral that has been burdened by mortgage rights.

c. When the credit is problematic, or a default occurs, checking back to the field is known, it is known that a portion of the land owned by the owner is transferred to the third party, accompanied by a public facility on the land owned by the debtor which is used as collateral has been burdened with mortgage rights without unions of creditors as dependents.

Seeing this fact, the creditor still carries out guidance to the debtor and other efforts in the hope that the debtor will fulfil the obligation to pay the outstanding credit. Furthermore, credit rescue efforts are carried out through several stages by the established procedures, namely: that until the notification letter, the three debtors still do not heed the efforts made by the parties by PT. Bali Regional Development Bank Klungkung Branch, with indications that it still does not pay its debt so that the bank as a creditor decides to execute the collateral. At that time the debtor loan enters the collectability of the traffic jam. Approaching the execution, it turns out that there are some obstacles in the field, namely:

a. Before PT. The Regional Development Bank of Bali Branch of Klungkung wants to carry out the tender process request, it turns out the other party, in this case, the village institution represented by Kepala Desa where the assets of the guarantee object are stated that the history of the land was previously the village land or the land owned by the
It means that the land belongs to a village institution, but at the time of the meeting of the villagers, the debtor hands over the land to build a public facility in the form of the village head's office without the creditor's or the bank's knowledge.

b. To settle bank credit as a creditor takes action not through litigation channels, but through non-litigation channels namely, first negotiating with the debtor and the other two parties who have controlled the land, namely the village institution.

c. PT. The Regional Development Bank of Bali Klungkung Branch is not only limited to negotiating with the relevant parties, but it is also accompanied by an application for auction assistance to the State Property and Auction Service Office (KPKNL). The case of executing the object of liability has been handled by the auction institution based on the execution request from PT. Bali Regional Development Bank Klungkung Branch which states that:

d. financing credit facilities on behalf of the debtor have been categorized as non-performing loans (non-performing loans); that in accordance with the provisions of the Financing Agreement as well as the general terms of the Financing Agreement, the Bank will endeavour to settle the customer's non-performing loan by auctioning collateral through a State Property and Auction Service Office with applicable legal provisions.

PT. The Regional Development Bank of Bali, Klungkung Branch, also asked the Appraisal Team, or the estimation team, to look directly into the field to assess the price of the land market. The aim is to determine the fair market value of collateral, where the fair market value consists of the lowest and highest value. This value will later be used as a basis for selling the collateral to parties participating in the auction. During this process, debtor loans enter the collectibility of bad debts.

Based on the description of the above problems, it is clear that there are indications of criminal acts in the form of embezzlement of collateral because the transfer of control is unilaterally the object of collateral to third parties [16]. Also, indications of an unlawful act have also appeared, because the consequences of customer actions that do not have good intentions cause losses to PT. Bali Regional Development Bank Klungkung Branch.

Thus the consequences of the transfer of land title, whose status is still burdened by mortgages by only making agreements under the hands of unilaterally transferring criminal acts, violating Article 372 of the Criminal Code concerning embezzlement, causes no legal certainty of the land ownership status for the recipient transfer of land rights, because the proof of ownership of land rights is still burdened with mortgage rights to creditors.

However, if the other party, in this case, the village institution as the recipient of the transfer of land rights has the desire to save the land that has been given so that the bank is not executed, the recipient of the transfer of land rights, namely the village institution, can pay off the debtor's debt. Thus the mortgage will wipe out the debt.

When reviewing this provision it seems relatively easy to solve, but the problem arises because the third party referred to in this case is a village institution which is not legally recognised as a legal subject so that it is not included as a supporter of rights and obligations.

3. **Conclusion**

Debtor liability that transfers control of collateral objects has been burdened with mortgage rights can be criminalised based on the embezzlement provisions stipulated in article 372 of the Criminal Code. However, this is not directly done by creditors or banks, but the
process starts with an effort to deliberate to reach consensus. When this agreement is again neglected, the bank applies to the State Auction Office. Also, as a creditor, the bank may report customers who have no good intention to the authorities to be processed according to applicable law. In addition to banks being able to prosecute crimes based on embezzlement articles, debtors who do not have good intentions can also be sued on a local basis by committing an unlawful act. An indication of committing an unlawful act committed by the debtor is, because of the loss suffered by the bank as a creditor.

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References

Improving Hygiene and Sanitation Behavior among Pemindang Workers in Kusamba Village Through Direct Training and Demonstration Plot

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Abstract. Kusamba Village is one of the largest pemindangan centers on the island of Bali where located in Dawan District, Klungkung Regency. They carry out a very traditional scanning process with very simple facilities and infrastructure, such as storing fresh fishes left on the dirty floor, equipment for boiling from used drums. In the salting process, they use brown and dirty salt, and use water from well water that close to the sewer. The boiling process is carried out repeatedly for several times, until the fish as raw material runs out. Waste drainage is filled with garbage and smell bad. We carried out community service activities with the priority of improving hygiene and sanitation to improve the quality of pindang. We gave direct training and demonstration plot of pindang processing followed by an evaluation one month later. We expected that this community service will be implemented sustainably in Kusamba.

Keywords: hygiene, sanitation, Pindang, Bali

1. Introduction

Most of the world's protein sources come from fish and other types of seafood. Most of the world's population depends on 20% of their animal protein needs from fish [1]. Fish and seafood contain many nutrients in particular, including the long chain polyunsaturated fatty acids (PUFAs) eicosapentaenoic acid/docosahexaenoic acid (EPA/DHA), which are reduced heart diseases. Dietary Guidelines for Americans (DGA) recommends consuming 250 mg of EFA daily, which can be met by consuming at least 8 ounces of seafood per week, especially marine-derived “oily” fish such as salmon, mackerel, sardines, pompano, anchovies, swordfish, trout, and tuna [2].

Although fish has many health potentials, fish is a type of food that is easily decayed, so it requires proper handling and preservation methods to extend shelf life and maintain nutritional quality and content. [3]. The main purpose of fish processing is to prevent fish from experiencing decay or deterioration in quality. An example of real action in achieving this goal is to keep the fish alive until it's ready to be cooked. For thousands of years, China achieved this through the aquaculture of carp. Other methods used to preserve fish and fish products include: controlling temperature using ice, refrigeration, or freezing, controlling water activity by drying, salting, smoking, or freeze-drying, physically controlling of microbial loads through microwave heating or ionizing irradiation, chemically controlling microbial loads by adding acids, and oxygen.
deprivation, such as vacuum packing [4]. One type of fish processing that is mostly done in Indonesia is pemindangan. Pemindangan is traditional fish processing that used the mixture of salting and boiling, not only to preserve the fishes, but also enhance the taste and add values [5].

Kusamba Village is one of the largest pemindangan centers on the island of Bali where located in Dawan District, Klungkung Regency. A fish shelter or hall of pemindangan was established on a land area of 2296.50 m² and was able to accommodate approximately 77 shelterers. Fish needs in Kusamba Village per day reach 20 tons, fish do not only come from the catches of Kusamba fishermen, but also from Amed - Karangasem, Tanjung Benoa, Kedonganan, and Ambengan, some even come from the waters of Banyuwangi and Lombok. In 2007, based on the Decree of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia Number: KEP.01 / MEN / 2007 [6], concerning the Location of the Development of Fisheries Product Processing Centers, Pindang Processing Centers in Kusamba Village, Dawan District, Klungkung Regency was determined as the Center of Pemindangan in Bali. However, in practice, there are still many things that do not work as they should, starting from the fish processing process that has not been done well, the drainage is full of garbage and remnants of processing which cause the water flow to run smoothly, causing very bad odor, sanitation and hygiene that do not meet the requirements so that it has an impact on the product quality.

There are as many as 50 units or groups of fishery products processing in the center of pemindangan at Kusamba Village, Klungkung Regency. Most of them conducts a very traditional process of pemindangan with very simple facilities and infrastructure, such as storing fresh fishes left on the dirty floor, equipment for boiling from used corroded drums. The salt used is brownish in a color and large in size, and the water used for boiling process comes from well water that close to the sewer. The boiling process is carried out repeatedly for several times, until the fish as raw material runs out. The wastewater from pemindangan process is flowing out to a channel that leads directly to the sea, so that it pollutes the environment, plus waste drainage that is filled with garbage and causes odor. These things can be suspected because the knowledge, attitudes, and behavior towards sanitation and hygiene of pemindangan process is still lacking. Pemindangan process in Kusamba are considered to be oriented towards fulfilling the supply of pindang, not on the quality and hygiene of the pindang. This low quality and hygiene is what has led to the emergence of many cases of pindang poisoning in the community. An extraordinary event of diarrhea in Karangasem in 2010 was called starting from product of pindang that spread E. Coli pathogens [7]. We held community service in Kusamba Village about standard fish processing with aims to improve the knowledge and skills of traditional workers there, so that they can produce high quality product and safe to be consumed.

This community service activity was held in Kusamba Village from July until August 2018. We used several kind of methods, such as: social approach in the form of observations and special dialogues to collect and identify problems faced by pindang workers, counseling and training so that our partners get knowledge about the cold chain system method in the supply of raw materials, standard pindang processing, as well as the handling of residual waste from pindang processing, direct practice or demonstration of the techniques given during counseling and training so that our partners can apply these techniques independently. The application of this method of activities such as training, and direct practice is expected to increase knowledge, ability, and skills and can add value to pindang as products of Kusamba in terms of quality improvement so that they can be registered under Indonesia Department of Health. Monitoring and evaluation are carried out
twice, right after giving material or demonstration and one month afterwards to ensure its implementation on daily practice.

2. Discussion

A. Hygiene and Sanitation in Central of Pemindangan, Kusamba

The biggest fish processing place in Bali is in Kusamba Village. At present the Kusamba Fish Center has 70 shelter blocks with each block consisting of one to two workers. This shelter center operates from 11 o'clock in the afternoon until 5 p.m. depending on the number of fish. Initially the fish processing center in Kusamba was only a business or home-based industry that was run in the middle of a residential environment, which then caused so many problems with local residents, especially related to environmental issues such as dirty and smelly fish markets. The also got the main ingredients only from local fisherman, so the product produced was very limited and low quality. Based on these problems in 1998 the local government built a special shelter or hall which is separated from the residents' housing and based on the regulations of the minister of fisheries and marine affairs number KEP.01/MEN/2007, the Kusamba fish processing site developed into a center of pemindangan in Bali. According to the production data taken in June 2018, the fish production reached 522.200 kg which included tuna, mackerel, sardinella lemuru, barramundi, and silk fish, with mackerel being the most fish variant catches which goes by 468.200 kg. Tuna, mackerel, sardinella, lemuru, barramundi, and silk fish are included to fishes that live a lot in Indonesia’s water. They belong to scombroid type of fish [8]. Scromboid fish are the most commonly fish species that implicated in histamine toxicity or we called them “dark-meat fish”, such as tuna, mackerel, skipjack, bonito, and marlin, while dolphin fish, amberjack, sardine, yellowtail, herring, and blue fish included to non scromboid fishes. Histidine. Many histidine compounds found in scromboid groups will be converted into histamine by bacteria producing histidine decarboxylase enzymes. Histamine poisoning in fish is usually triggered by poor storage conditions so that it is unable to control the growth of histamine-producing bacteria [9].

Before we start mentoring, we evaluate daily activities of pemindangan process there, including hygiene and sanitation based on points on Hazard Analysis Critical Care Point (HACCP). HACCP is a guideline containing a number of critical points related to food processing. Through the points sourced from HACCP, it is expected to emerge a risk management for problems that can or might arise in food processing. With the presence of HACCP, it is expected that there will be security guarantees for the consumption of food produced. The actualization of HACCP has been carried out by various food industries, not only to prevent food security issues and to ensure that high-quality food products are produced and safe for consumption. [10-12].

The observations of hygiene and sanitation refer to the regulation of Sea Food HACCP (Hazard Analysis Critical Control Point), as follows [10]:

a. Water Safety

When referring to standards, the water used in food processing must be of standard drinking water, as well as that which applies to water for washing equipment. Most blocks use water pump machines and some use water from wells. Water is used as it is without adding chlorine or alum.

b. Tools
All equipment used in pindang processing is only washed once, when the pemindangan activities are finished that day. There is no pause for washing in the middle of scanning activities. All equipment is washed using soap and a sponge, soaking is sometimes needed. There are no separate chambers which can house the tools and the “pemindangan” process in Kusamba village.

c. Cross-Contamination Prevention
Cross-contamination is very likely to occur here, because pemindang workers do not wash hands, equipment and surfaces are often not cleaned when changing use. Pindang processing is carried out in the open, so it is possible for insects, rodents or animals to contact with the pindang produced, or with contaminated goods or equipment.

d. Hand washing facility, sanitation, and toilet.
There is only one toilet at the supervisor's office, but the condition when the observation carried out was damaged. Each block of pemindangan has one facility or sink as a place to wash equipment as well as a place to wash hands. Sanitation in each block is not well maintained, bamboo baskets are arranged carelessly, the floor is slippery and crusty, and the walls are mossy.

e. Ingredient-Contaminant Protection
With the condition of open buildings and the condition of roofs without ceilings, contamination is very possible, especially for insects and animals. Each block of pemindangan is connected with drainage for waste disposal. The large amount of garbage in the drainage cause drainage to become clogged and cause a strong odor.

f. Proper labeling, storage, and toxic substance utilization
There are not many toxic ingredients in Bali's scanning centers. The ingredients for washing dishes are placed in a sink with a label. Toxic materials such as EM4(effective microorganism) used in handling waste are placed in the supervisory room using large bottle without special labels.

g. Administering the health condition of personnel which can lead to contamination.
There are no regular health checks on workers. The average worker also does not have health insurance. Workers often complain of respiratory problems due to the use of firewood in pindang processing. There is no prohibition for sick workers to work. There is no direction to use masks, gloves, and headgear when working. Workers also do not use special clothes, and use the same clothes when working and returning home. Workers also complain of musculoskeletal disorders due to the high workload.

h. Pest extermination in the processing unit.
There is no specific cleaning schedule for each block of damage, only occasionally cleaning sewerage gutters if the water flow is stuck. There is no special thing that is done to pests or animals that contaminate the block of pemindangan.

B. Direct Training and Demonstration Plot for Pindang Workers in Kusamba
More than 50 percent of the workers work in the fish processing units of the Kusamba are female and under 50 years old. Most of them also do not have higher education or have ever attended food processing training. Almost all workers are native to the village of Kusamba. In the food processing industry including fish processing, female workers are more dominantly used. Such research has been carried out in Sri Lanka, where more female labor is needed in the fishing
industry sector. Female laborers are considered to be cleaner, more skilled, alert, and able to withstand long-term work shifts than male workers. But there are also reasons that state that female workers are more willing to be paid less than male labor. In the food processing industry including fish processing, female workers are more dominantly used. Such research has been carried out in Sri Lanka, where more female labor is needed in the fishing industry sector. Female laborers are considered to be cleaner, more skilled, alert, and able to withstand long-term work shifts than male workers. But there are also reasons that state that female workers are more willing to be paid less than male labor. The large number of female workers often makes it easier for providers of employment in this field to do recruitment or employment. This then made female workers willing to be paid below the standard, even the majority of female workers were not paid based on the number of working days, but were paid based on the amount of raw material they managed. [13].

Fig. 1. Demonstration Plot: All Participants Used Gloves and Mask

Fig. 2. Dialogue and Coordination

From 70 workers there, we only trained 2 workers that working in the same block of pemindangan to facilitate mentoring and evaluation, as in figure 1. Before starting the training session, we conducted interviews and dialogues regarding their habits and behaviors at work (figure 2). Through this process, it is known that they do not have an adequate knowledge base
regarding the work they have done so far, including the cold chain system, hygiene sanitation, and waste management.

We provided knowledge regarding the cold chain system for *pemindangan* process, considering that this topic is very important for workers in the fishing industry to be known. In the modern fish processing industry, the cold chain system is not new, but for fish processing in Kusamba, this system is quite difficult. The cold chain system is a management of raw materials designed to ensure the quality of materials in the whole process, from harvesting, processing, to distribution to the consumers, so that they remain in accordance with the expected quality or according to standards. Cold chain is called, because this system uses temperature control to maintain quality. In the fish processing industry, controlling low temperatures is believed to be able to maintain the quality of fish. Fish is one of the raw materials of food that is very sensitive to changes in temperature. Increased temperature is believed to increase the growth of decomposing bacteria [14-15].

Beside cold chain system, we also gave knowledge about hygiene and sanitation practice. We submitted the result of our observation regarding hygiene and sanitation based on HACCP. The changes that we expected more are related to personal hygiene and personal care as food handlers. As we know, hygiene is a preventive health effort that focuses on the activities of individual health and human health efforts. Whereas, sanitation means preventive health efforts that focus on efforts to health of the human environment. For food processors, hygiene and sanitation are very important factors to be considered, because they are related to the presence of microorganisms that can contaminate the products produced. The microorganism contamination can not only come from the product itself but also the results of cross contamination that comes from food processors or the environment around the food is processed. People or food processors are potential source of microorganism that cause illness in others through the transmission of viruses or through food poisoning, so that’s why personal hygiene is really an important matter [16]. Some things that must be considered related to personal hygiene include always wash and dry hands thoroughly before handling food, wash and dry them again frequently during work, don’t forget use soap and clean water for that. Never smoke, chew gum, spit, or eat in a food handling or food storage area, never cough or sneeze over food, or where food is being prepared or stored, use mask will be more safe. Always wear clean protective clothing, such as apron, keep spare clothes and other personal item away from where food is stored, it will be better to use gloves. Use cap or tie back or cover long hair, keep fingernails short and clean, avoid wearing jewelry. Cover all cuts or wounds with wound strip or bandage. Change gloves, mask, and cap regularly, tell supervisor if feel unwell. The last point is important because ill employees should not come in contact with food or equipment and utensils used in the processing, preparation, and serving of food to prevent cross contamination. Some human illness could be transmitted through food, such as common cold, sore throat, pneumonia, scarlet fever, tuberculosis, and trench mouth. Some intestinal disorders also very dangerous to be transmitted through food, likes dysentery; typhoid fever; and infectious hepatitis. Routine medical check-up to workers will be very important to prevent that diseases [16].

C. Evaluation and Monitoring

Because our participants can’t read and write fluently, we were unable to conduct paper based evaluations. We made careful observations during the demonstration, whether the
participants followed it well or not. Before starting *pemindangan* procedure, such as washing hands before carrying out activities, all equipment before the activity has been washed, using a mask and gloves. We also help with several new equipment such as buckets and stainless steel boiling pans to replace old equipment. *Pemindangan* procedures include cleaning fish, all cleaned fish then arranged in bamboo baskets and salted, after that we continued by boiling the fishes in 100°C hot water for 30 minutes. The remaining boiling water is filtered before being thrown to the ditch.

One month after our activities, we conducted a re-evaluation and we found that our participants still did not behave hygienically (figure 3) and did not pay attention to sanitation in the processing of *pindang*. They still do not wash their hands before carrying out activities, do not use masks and gloves, still use pots from used drums, still use low quality salt. The limited funding of *pemindang* groups in providing hygienic infrastructure and improving sanitation is the reason for the low hygiene and sanitation in Kusamba’s central of *pemindangan*. Our community service activities have succeeded in increasing the knowledge of *pindang* workers in Kusamba Village, but we have not succeeded in changing their behavior. Increased knowledge without being followed by an awareness to do, then the knowledge will not last long and will not be useful in real life.

![Image](image.jpg)

**Fig. 3.** Evaluation: Participant still didn’t Behave Hygienically

### 3. Conclusion

Through this community service activity, it is known that fish processing in Kusamba Village is still very traditional so it does not pay attention to hygiene and sanitation in producing *pindang* which is a daily food for Balinese people. Community service activities are very much needed in order to increase knowledge and change the behavior of the *pemindang* workers, so that the *pindang* produced there can be better in quality.
References


Understanding the Characteristics of Physical Color in Human – an Article Review

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Abstract. Evaluation of human appearance might be quite tricky in population, especially head and face region. Somatoscopy is used by Physical Anthropologists to evaluate morphological diversity in humans including the characteristics of skin color, hair, and iris. The aim is to know the variation in characteristics both between individuals and in groups or populations. Characteristics of skin color, hair, and iris have a standardized scale in evaluating it to improve the objectivity of the data.

Keywords: Hair color; iris color; skin color

1. Introduction

The diversity of physical morphological between humans living with one another is often based on daily observations [1]. This diversity then becomes an identity for someone to be recognized by others. In addition, the findings of human physical variation are widely used in other fields such as education, health, forensics, genetic counseling, industry etc. [2]. The method of observing physical variation in humans becomes very important considering that not all physical human morphological characteristics can be measured quantitatively [3]. These observations include the color of skin, hair, head, and iris. The characteristics of color show physical variations that cannot be measured naturally. Therefore evaluation of color characteristics tends to be subjective. In population studies it is very important to minimize subjective judgment and direct more towards objectivity.

Somatoscopy is a conventional method in physical anthropology which literally means observing the body (soma which means body, and scopy which means observation) [4]. Somatoscopy refers to qualitative assessment of both living and dead people based on visual observations of different morphological features. In addition to understanding variations between individuals, somatoscopy is important to describe the general morphology of a community group or ethnicity which is the goal of physical anthropology. Observations are usually focused on the head and face area because they are easily visible from the outside and easily identified [1, 2].

2. Discussion

2.1 The Skin Color
The skin is the outermost layer of the human body [5]. The skin has three layers including the epidermis, dermis, hypodermis. Skin color is determined by the melanin pigment found in the epidermis and dermis [5]. In white people the melanin pigment is only found in the stratum basale, whereas the melanin pigment of Negro is found in the stratum basale and stratum spinosum. However, there is no melanin pigment in the albino people [4, 5].

Skin color is a parameter with different degrees of variation based on exposure to light and heat. Some parts of the same body has a degree of color that varies depending on the extent of exposure. Skin exposed to sunlight tends to be darker than those not exposed. The part of the skin on the inner surface of the upper arm is often observed because it is slightly exposed to sunlight. Furthermore, the skin color observed compared to the standard color scale, the Luschan’s skin color chart, is distinguished by 36 degrees of color on a scale of 1-36 [2, 4].

![Fig. 1. Luschan’s skin color chart [8].](image1.jpg)

In recent study, the spectrophotometric method can evaluate skin color. In one study comparing Luschan's skin color chart with spectrophotometry at 36 correspondents. The study concluded that evaluating skin color with Luschan’s skin color chart has a significant correlation with spectrophotometry [8]. Research in the Tengger population of Argosari Village, Lumajang Regency – Indonesia, shows the average skin tone based on the Luschan’s skin color chart scale between ranges 22-23 [9]. The study on 1997 described the correlation of skin with the proximity of the equatorial field. The study in more than 100 populations showed that skin reflections were lowest on the equator, then increased gradually, around 8% per 10 degrees latitude in the northern hemisphere and about 4% per 10 degrees latitude in the southern hemisphere. Italian geographer Renato Basutti, who widely reproduces "skin color maps" which broadly describe the correlation of darker skin with equatorial closeness (fig. 2) [10]. Comparison of skin color characteristics based on race can be seen in Table 1.

![Fig. 2. Traditional map of skin color distribution by Basutti [10].](image2.jpg)
2.2 The Hair Color

The color of human hair is determined by melanin. Melanin is produced and packaged into melanosomes which are covered by membranes by melanocytes. Melanosomes are then inserted into the protein matrix related to keratin in keratinocytes during the keratinization process. This results in a relatively uniform color in the entire hair shaft. Finally, hair color is the result of the mixing ratio of two types of melanin that occurs, namely blackish eumelanin and yellowish pheomelanin [11]. Hair color evaluation in physical anthropology based on the Fischer-Saller Scale. In general it is detailed as follows [3]:

- **A**: blonde
- **B-E**: light blonde (straw)
- **F-L**: blonde
- **M-O**: dark blonde
- **P-T**: light brown to brown
- **U-Y**: dark brown to black
- **I-IV**: reddish
- **V-VI**: reddish blonde

![Fischer-Saller Scale](image)

Fig. 3. Fischer-Saller Scale [12].

Indonesian hair color is generally in the category of dark brown to black (U-Y category) [3]. A study in East Nigeria of 300 female and male samples found 56.7% black hair, 69% dark brown iris, and 50.3% brown skin [13]. Comparison of hair color characteristics based on race can be seen in table 1.

3.3 The Iris Color

The iris has a variety of colors caused by the melanin pigment in the iris epithelial layer. The color of the iris is one of the most obvious characteristics in humans. Eye colors range from the darkest shades of brown to the lightest blue (Mariana and Alina, 2015). The iris color evaluation using Martin and Schultz Eye color chart, which can be divided into [2]:

- **1**: black
- **2-3**: dark brown
- **4**: chocolate
- **5-6**: yellow
- **7-8**: greenish
- **9-10**: dark gray (pigment looks uneven)
- **11-12**: light gray
- **13-15**: blue, blue gray
- **16**: light blue
The last study in the Tengger population of Argosari Village, Lumajang Regency, Indonesia showing the iris color based on the Martin and Schultz scale Eye color chart is 2-3 (dark brown color) [9]. Comparison of color characteristics of iris based on race can be seen in table 1. Research on the color classification system of iris in a study using 24 eye standard photos for accuracy and can be applied to the retinal starylight study (fig. 4). The overall variation between observers is 1.46 on a scale of 0 to 25, making it promising to be more accurate than the iris color classification system that exists in clinical situations where objective colorimetric based systems are not available [14].

![Fig. 4. Determination of references for the classification of iris pigmentation, in the order of at least (number 1) to at most (number 24) iris pigmentation which is presented sequentially based on the ranking of 4 observers [14].](image)

One of automated techniques was the objective quantification of iris color based on spectrophotometric measurements of iris melanin. Spectrophotometric studies have shown that blue apparent irises frequently have a brown peripupillary ring and that many eyes that seem light coloured are indeed a mixture of light and dark colours [15].

| Table 1. Comparison of physical color characteristics based on races. |
|---------------------------------|-------------|-------------|----------------|
| **Race** | **Skin Color** | **Hair Color** | **Iris Color** |
| Australian Aborigine and Papuan | Dark brown, black | Black | Black, dark brown |
| American Indian | Reddish-brown | Black | Black, dark brown |
| Pacific Islander | Brown | Black | Black, brown |
| Negroid | Black | Black | Black |
| Kaukasoid | White | Black, brown | Black, brown, blue, green, hazel, grey |
| Dravidian | Brown to black | Black or dark brown | Black, dark brown |
| Asian | Yellow, yellow-brown | Black | Black |

3. Conclusion

Good understanding of color characteristics on the human body would help to study about diversity of human race, genetics, social, and health state.
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References

[5] Genetics of Skin Colour
Legal Politics of Culture and Local Identity (Balinese) as Cultural Resources in Tourism Interaction in the Era of Globalization

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Abstract. Balinese culture has very important role in tourism activities. However one of Balinese cultures that begin to erode in this globalization era is Balinese language. Therefore, substantial measures to empower Balinese language are needed to protect this imperative Balinese identity. Researchers had conducted participant observations, unstructured interviews and document analysis or textual. The results of the study showed that Balinese people usually used Balinese language in daily conversation and religious ceremonial relations. In addition, Provincial Government formulated policy that mandate Balinese people to use traditional language as one of progressive step to preserve local identity. According to UUD 1945 (1945 Constitution), the constitution protects Balinese language and maintains local languages in each province as national cultural inheritance. Bali provincial regulation no 3 of 1992 stated that literacy and literature as legal umbrella to preserve Balinese Language from extinction. Therefore, strengthen legal protection for Balinese Language is crucial to do by using this language in local and international context.

Keywords: Balinese language; cultural politics; strengthening the identity in the globalization era

1. Introduction

Balinese culture is one of the traditional cultures in Indonesia. The existence of Balinese culture receives global appreciation. It turns out that Bali gets an exotic image such as the last paradise, the morning of the world, the island of God, and the island of thousand temples. It basically expresses the world's admiration for the uniqueness of Balinese culture [1]. Bali has an extraordinary characteristic compared to the regions in Indonesia. It has Balinese language and Balinese script that is Bali being a cultural capital to be empowered, developed and preserved. This was understood by the Dutch Colonial Government when it came to occupy Bali through Baliseering policy. Promoting the noble image of Balinese culture that had to be saved from the effects of modernization. The independence of Indonesian supports cultural also becomes a cultural capital to be protected in accordance with Article 32 of the 1945 Constitution stated that government promotes Indonesian National culture.[2] In the explanation of Article 32 of the 1945
Constitution, the culture of the nation is the culture that arises as a result of the efforts of the Indonesian people as a whole [2].

The old and original culture that exists as cultural peaks in regional areas throughout Indonesia, counted as the culture of the nation. Cultural endeavors must lead to advancement in manners, culture, and unity. However these do not reject the new influences from foreign cultures that could develop, enrich and enhance the humanity of the Indonesian people. But after the amendment of the 1945 Constitution (the fourth amendment) article 32 section 1 declared that state promotes Indonesia's national culture in the midst of world civilization by guaranteeing the freedom of the people in maintaining and developing cultural values; Section 2 stated that state respects and nurture regional languages as national cultural wealth. Article 36, national language is Bahasa Indonesia. In addition, Balinese people formulated brilliant policies for answering the requirement of Balinese people in the context of globalization. [3] First, how does cultural politics in Indonesia protect the traditional inheritance in the context of Balinese language? Second, how to protect Balinese language particularly to empower commoners to use Balinese language in traditional villages in Bali. Both of these explain the phenomenon of Balinese culture (Balinese language) which is struggling against capitalism tourism industry. Those issues need to be addressed in order to harmonize Balinese Language as Balinese identity and adapt with foreign influence and culture. Additionally. These two issues are questions that are to be answered in the present study.

Qualitative method was applied in this study. According to Bogdan & Biklen, preparing research designs in the qualitative method is temporary. In ongoing research, researchers are constantly adjusting the design to the research process and the realities that occur in the field. Researchers conduct participant observation, unstructured interviews and document or textual analysis. [4] In this study, the researcher is a key instrument and field note is applied in the process of collecting and analyzing data by using recording device. In this case the data analysis process was carried out since participant and non-participant observations, personal documents, official documents, pictures, photos, and open and in-depth interviews of the informants. Then the results were written in field notes. This research is transformative-participatory legal research with mix methods in moral and political characterized research. [5]

The research is collaboration of legal research and cultural studies. In cultural studies, it focuses on three approaches: a). ethnography which is associated with a cultural approach and emphasized on real experience; b). Textual approaches which tend to be taken from semiotics, post-rationalism, and Derida's deconstruction theory; c) reception study (reception study) which is eclectic theoretical roots. The important thing to be conveyed in this research is to reveal the dimensions of power and how that power influences the Balinese language to be sustainable in accordance with the authority possession.

2. Results and Discussion

2.1 Indonesian cultural politics to preserve regional culture of Balinese Language

Cultural politics in this case could be equated with policies of cultural sector in the study of Balinese culture. Policies could take to the form of laws in order to regulate culture [6]. Thus, law
could serve as protection, mobilization and provides space for innovation in regional cultures in Indonesia [7]. Public policy according to Nugroho is political decisions made by public institutions. Public institutions are funded by public funds that are collected from public, either in the form of taxes, retribution, or other formally imposed levies [8]. This study focused on micro public policies that regulate the execution or implementation of the above policies that are commonly accepted including the Bali Province regional regulations.

According to Gramsci's Hegemony Theory, in the political context of the protection of the State against Regional Languages (Balinese) could be explained that hegemony is as cultural leadership that is carried out by the ruling class. Hegemony is not "the use of force from the ruling class", which is used by the legislative or the executive, but it is realized through policy intervention. The state embodies the policy through the executive and legislative institutions or the People's Consultative Assembly (MPR) by forming or amending the 1945 Constitution as contained in Article 32 section 2. Furthermore, the Regional government issued Bali Provincial Level I Regulation Number 3 of 1992, concerning Balinese Language, Literacy and Literature in terms of fostering, developing and preserving Balinese Language, Literacy, literatures and culture [3].

The emergence of this public policy is a response to the concerns of educators, experts, community leaders, writers, religious leaders and others that believe the Balinese language would extinguish if it is not handled thoroughly. The process of establishing a law that is oriented towards defending the needs of the local community, especially in Balinese, is an urgent need to defend cultural rights and local wisdom. This is related to the norm of necessity to humanize the norms of reality that produce situations that justify Balinese language to serve as virtues in constructing Balinese identity. [9]

State protection against Indonesian culture in this context Regional languages (Balinese) has been guaranteed in the Constitution of Republic of Indonesia 1945 Constitution (fourth amendment) Article 32 Section 1 explained that States promotes Indonesia national culture in the middle of global civilization by guaranteeing the freedom of society; Section 2 declared States respects and nurture local languages as national cultural inheritance. Furthermore, recognition in the Law of Republic Indonesia number 24 of 2009 concerning Flags, Languages and State Symbols and National Anthem, Article 6 number 6, Local Language is a language for generations by Indonesian citizens in region. The Unitary State of the Republic of Indonesia; Article 1 Section 2: Language of the Unitary State of the Republic of Indonesia hereinafter referred as Indonesian Language is the official National Language. Article 28, Indonesian language must be used in official speeches of the President, Vice President and other State officials who are confined inside or outside the country. Article 32 Section 2 Indonesian language could be used in international forums abroad. Article 38 Section 1 Indonesian language must be used in general signs, road instructions, public facilities, banners and other information tools which are public services; Section 2 the use of Indonesian Language as referred to in Section 1 may be accompanied by regional languages and/or foreign languages. This has been done through using Balinese language in traditional Balinese wedding activities, traditional village competitions, traditional village meeting, custom ceremony and other activities (interview with the Head of Traditional Village of Celuk Sukawati, November 22, 2017).

Strengthening the protection of the Balinese language as a regional language used by Balinese and other speakers, which is maintained and developed as a bearer of Balinese culture and
Balinese society (Article 1 letter (f) Level I Regional Regulation of Bali Provincial number 3 of 1999 concerning Language, Literacy and Balinese Literature). In the explanation of Level I Regional Regulation of Bali Provincial Number 3 of 1992 concerning Balinese Language, Literature and Literature, that in the Broad Guidelines of State Policy (GBHN) of 1988-1993 and the implementation in the basic pattern of Bali Province Regional Development in the year 1988-1993 which was included in the Bali Provincial Level I regional regulation number 9 in 1988 formulated that Regional Languages and literature needed to be continuously fostered and preserved in order to develop and enrich Indonesian vocabulary and literature and national cultural treasures as an element of the nation's personality [3]. The issuance of the Bali Regional Regulation Number 3 of 1999 is a legal function of service, which is to serve in saving Balinese Language, Literacy and Balinese Literature from extinction [10]. In this case, it is necessary to practice Balinese language in the reality of society which, despite being battered by tourism, requires tourism to use foreign language. What if in guiding also insert Balinese language into an explanation of Balinese culture and at the same time translate into foreign languages. This can be found in the calling of passengers at Ngurah Rai Airport Denpasar Bali in addition to use Indonesian, English as well as Balinese Language (researchers departing for Vietnam on August 26, 2018) directly heard the use of Balinese in calling the passengers.

This policy reflects that the Bali Provincial Government can make a cultural policy that is obliged to insert Balinese Language to be applied inbesi guiding workers on the island of Bali as an aspired law (iusconstituendum). The Provincial Government of Bali can make Regional Regulations that require in guiding the tourist besides speaking English also using Balinese. This is related to the Bali Cultural Tourism Concept based on Bali Provincial Regulation No. 2 of 2012 concerning Balinese Cultural Tourism. If Bali consistently applies this Regulation, in accordance with Article 3, the culture tourism of Bali aims to: (a) preserve Balinese culture imbued with Hindu religious values; the understanding of preserving Balinese culture should also preserve Balinese Language in tourism activities by introducing Balinese Language in tourism activities in explaining Balinese culture which is then translated into Foreign Languages. In line with Article 4, Bali Cultural Tourism Development is directed to: (c) preserve Bali's natural environment as a basis for sustaining community life and Balinese culture in a sustainable manner, (preservation of Balinese Language in the practice of tourism needs to be realized in praxis value). In the context of reciprocal relations between tourists and owners of Balinese culture which is explained in Article 27 Section (2) each tourist must: (a) respect religious norms, customs, culture and values that live in the local community; (b) maintain and preserve the environment; (c) participate in maintaining environmental order and security; (d) do not commit acts that violate decency. In the implementation of the Balinese Language policy as a local language in the Province of Bali in preserving Balinese culture there needs to be a cultural strategy (culture as a plan) given that the onslaught of capitalist culture that enters life can synergize in local values in a global context [11]. The pressure of global capitalism will affect the values of Balinese culture in the roar of tourism (global capitalism) and local values need to be adapted in tourism activities by adding Balinese Language (combined, reconstructed and deconstructed) according to the interests and needs of Balinese culture.

Top of Form Bottom of Form
The cultural politics of Balinese language for the Province of Bali is to foster, develop and preserve Balinese Language, Literacy and Literature as a whole (i.e., includes Balinese Language, Balinese Script and Balinese Literature and Kawi Language), and simultaneously establishes its formal position and function as the basic asset of development Bali area beside Indonesian. Obviously here is the government's duty to advance regional culture that lives in areas not to become extinct. Article 6, Section (1): The Balinese Language, Literature and Literature Development Body is an agency tasked with carrying out guidance and formulating programs for the maintenance, assessment, development and preservation of Balinese Language, Literature and Literature. Article 7 states that in an effort to increase the use of Balinese Literacy and Literature implemented through formal and non-formal channels. In the explanation stated that the formal pathway is through education from elementary level up to university. Non-formal pathways are through counseling, upgrading, training programs, art festivals and competitions. [12]

Bali have a position of Islamic society which is often called Wong Sunantara. Wong Sunantara, which comes from Bugis, Malay, Javanese, Madurese and Banjar people who generally adhere to Islam. They were called *Bali Islam* or *Bali Selam*, after adapting and staying long enough in Bali and mingling with the local community. Muslims or *Bali Selam* are also well received in the integrity of society. They are easy to adapt in the local community by using Balinese as a language of communication in everyday life, especially in old Islamic communities such as in Singaraja, Java Banjar, Bugis Village, Pegayaman (Buleleng), Kepao, Serangan, Suwung (Denpasar), Bugis Village (Tuban), Angantiga (Badung), Kampung Gegel, Kampung Jawa Kusamba, and Toya Pakeh (Klungkung) and in several villages (around 26 in number) in Karangasem. Even the social system in Bali is known for its *Nyama Selam* (Muslims brothers) by the castle or *Nyama Bali* community. With recognition as *Nyama Selam* for Muslims, it is an adhesive to establish a life together in the midst of Balinese society. [13]

2.2 Protection of Balinese Language, especially in the form of Balinese language empowerment in traditional villages/Pakraman in Bali

Balinese language is the local language used by Balinese and other speakers, which is maintained and developed as a development of Balinese culture and Balinese society (Article 1, paragraph (f) Bali Provincial Level Regulation No. 3 of 1992 concerning Language, Literacy and Balinese Literature). Furthermore, the traditional village or *Pakraman* village as a unit of customary law in the province of Bali which has a unity of tradition and social order of life of the Hindu community for generations in a bond of *kahyangan* three or *kahyangan* village that has a certain area and own assets and has the right to take care of the household itself (Article 1 paragraph (4) Regional Regulation of the Province of Bali concerning the village of *Pakraman* Number: 3 of 2001). [12] *Pakraman* Village also serves as a locus (place) for resolving disputes outside the court (non litigation). The settlement of the dispute is mainly concerning civil law issues. This model of the settlement of the conflict is called ADR (Alternative Dispute Resolution). For the Bali region the role of Indigenous *Bendesa / Prajuru Adat or Kelian Banjar Adat / Prajuru Banjar* (Traditions Leaders) in alternative dispute resolution. Traditionally these officers have been used to solve problems that occur in their environment (Rai Asmara Putra, Dw N, 2010: 1-25). In settling disputes in *Pakraman* Village or in *Banjar Adat / Pakraman* against disputing manners by using Balinese Language (Interview with Drs. I Wayan Mendra, M.Sc., Bendesa Adat Tuban, on December 11, 2017).
One of research in Bali, said that Balinese language was marginalized due to the ideology of tourism capitalism. Cases that occurred in Ubud and Kuta in foreign languages have shifted Balinese language in business interaction, namely the language used in Balinese language, interfering with Indonesian, even in foreign language. Awareness of Balinese Indigenous Peoples to preserve Balinese Language can be clearly known in the activities of Pawiwahan (Marriage) based on Hinduism, paruma (meeting) in traditional villages, paruman (meeting) Banjar, traditional village competitions, customary activities, religion and culture. Balinese language has social meaning for business interaction, there is a combination of language in tourism activities. It turns out that in preserving Balinese Language is not only from the community of traditional villages/banjar adat, but even tourists in Ubud village have learned Balinese, they are chatting with Balinese using Balinese. [14]

The cultural practice of using Balinese language is the phenomenon that Balinese language will "extinct" so that the policy of the Regional Government of the Province of Bali appears. Form of micro policy to provide legal assurance and certainty that Balinese Language has been protected. Legal certainty and protection in the form of regional regulations can be analyzed with Derrida's Deconstruction theory as a figure of poststructuralism. Deconstruction done by Derrida is rejection/dismantling of logocentrism or phenocentrism. Article 7 of Bali Province Regional Regulation Number: 3 of 1992 concerning Balinese Language, Literacy and Literature is carried out through formal and non-formal channels. The law made is claimed as if a representation of reality and legal truth. According to Foucault’s Discourse, the law states that every legal discourse cannot be separated from the operation of certain powers (knowledge) and social relations in both, which results in what is called truth and justice. Truth cannot be separated from power; and do not care whether the truth product represents the final truth or not. Legal truth is displayed in the form of imaging. [3]

In Balinese communication with tourists the ideology of capitalism that preserves the choice of using language. In business activities the use of Balinese Languages, Indonesian and even foreign languages (English). The role of English in the tourism business can be seen from the informant I Wayan Arnata (36 years) a Security Officer at Kuta Art Market (Kuta beach side) from Legian Kelod Banjar (Legian-Kuta) said that Balinese Language was collaborated with English when beggars were found begging on Kuta beach. The use of two languages or more often occurs in tourism areas such as Bali.

3. Conclusion

That the Balinese language as a Mother Tongue in the Province of Bali, found its identity with the existence of state hegemony, in the form of a legal product by changing the 1945 Constitution especially concerning the existence of Article 32 Section (2). In the context of state governance Article 32 Section (2), whose derivatives are by the Provincial Government of Bali issued Regional Regulation Number: 3 of 1992 concerning Balinese Language, Literacy, and Literature. Thus, the certainty, legal protection of the Balinese language and the preservation of the Balinese Language has the force of law. Historically Balinese language is a unifying Balinese Hindu tribe. However, Balinese is also a social language and as an adhesive for various ethnic groups in Bali.
such as Moslem Bugis ethics, Javanese ethnic Muslims, Chinese ethnic Kong Fu Tsu, and others. Even in Balinese religious, custom and cultural activities, Balinese Language is used by Indigenous leaders in Bali in resolving customary (adat) offenses. Even Balinese is a cultural tool and transformation occurs because it enters into the realm of tourism language. This is the power relations of Balinese Language as a strength, Balinese identity and the uniqueness of Bali as a tourism destination.

References

Mobile pocketbook of the 4Cs skills-oriented inform of Quick Response Code

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Abstract. Movement of paperless campus becomes a trend toward environmental sustainability, flexible learning, and 4Cs oriented (Creativity, Critical Thinking, Collaboration, and Communication). The use of 4Cs and Quick Response (QR) Code-oriented pocketbook is an alternative to building collaborative student's reading culture and stimulating students' creativity, innovation, and thinking. The study uses three steps of activity that is planning, product, and evaluation. There are five experts involved in media validation including experts: media, information technology, materials, learning, and assessment of teaching. Tests conducted on 32 students of Mechanical Engineering Education Department of Universitas Sarjanawiyata Tamansiswa. The results showed that the dimensions of the pocketbook are A6 with a maximum thickness of 5mm, has a potent substance that is a chapter, learning objectives, material summary, QR Code equipped with the comprehensive material, and reference. Feasibility of media and information technology experts is 77.34% (very feasible). Eligibility of the content, learning, and evaluation of 66.44% (feasible) and the feasibility of the user is 75.11% (very feasible). In product, the QR Code-based mobile pocketbook is acceptable regarding appearance, content, substance, practicality, and efficiency in use.

Keywords: pocketbook, 4Cs, flexible learning, paperless campus, QR Code.

1 Introduction

The reading trends of the 21st century are now beginning to leave textbooks and start heading to electronic books (e-books). A person's interest in gadgets and the internet is part of the growing population of e-book readers in the world [1], [2]. Annie & Duggan reported that the number of people reading e-books increased from 16% for Americans aged 16 and to 23% for those who were older [3]. At the same time, the number of those reading the printed book in 12 months fell to 72% of the population aged 16, and the older fell to 67%. This indicates an increase in enthusiastic people to read in electronic form and decreased interest in people to read in the printed version [4].

The existence of the e-book until now is the work of Project Guttenberg which released the first digital library since 1970 [5], [6]. E-book began to be famous all the people because it can be accessed free or paid either in the form of e-reader or file download. E-book makes the user more practical, efficient, efficient, and able to reduce the consumption of paper use [7].
Advances in information technology indicate a change in the basic needs of society to get all the information quickly, complete, and accurate from various sources.

The popularity of e-books in Indonesia is not as popular as in developed countries who are starting to leave printed books. Only 2% of Indonesians are using an official e-book registered with the Indonesian Publisher Association [8]. Until 2018, they have noted that 20% of publishers are turning to e-book marketing which is expected to shift the paradigm of Indonesian people to switch to the electronic version. This opportunity should be well responded by the government to generate interest in reading children because the interest in reading Indonesian children is ranked 60th out of 61 sample research countries [9]. The contradictions of the findings from the Ministry of Communications and Information mention data that Indonesia ranked 6th in the world that access the internet and predicted in 2018 the number of netter reaches 123 million internet users [10]. Such contradictions should be a potential that should be exploited to arouse interest in reading books. Therefore, to stimulate interest in reading children, it is necessary to offer reading bids with electronic versions so that they can use their time practically by accessing the internet or downloading articles or e-books useful for science and knowledge [11]-[13].

Today, universities in Indonesia are beginning to prepare to shift the paradigm of paper usage to a minimum by replacing letters, information, documents, administration, teaching materials, and so on in soft files [14]. The paperless movement spread to all educational institutions in Indonesia [15]. Through the use of social media, all administration such as e-books, invitations, and academic information is distributed rapidly. E-books that many students use consist of several kinds include e-handbook, e-module, e-job sheet, e-evaluation, and other electronic forms. The various e-books in the real way of paperless have not been able to provide behavior [16], and the students’ reading interest proliferates considering that students tend to be dismissive when given an e-book and study it carefully [17]. These problems should be solved by providing a more communicative and interactive learning media that contains the summary and purpose of the lecture.

The habit of reading lecture material by Indonesian students outside of college hours, in general, is still far with other students outside Indonesia due to the interest of reading students outside of college hours is still low. Utilization technology is not used for reading the electronic material but for communicating and playing games. To remember students always to read the course material is to be summarized in the form of a pocketbook. The pocketbook is very practical for students to read in and spare their classes [18]. The pocketbook can be studied anywhere and anytime as it is very flexible to carry on learning [19]. A printed pocketbook cannot accommodate if the material provided for each meeting is so numerous. The thickness of the standard pocketbook is by the pocket size, in general, that is the equivalent of A6 paper. If it exceeds the size, then it cannot be tucked into a breast pocket. For that need to shrink the thickness of the book by combining the QR Code application.

QR Code applications are widely used by many countries, especially in education [20], [21]. QR Code can be scanned by various play store applications offered in the smartphone. A smart and multipage database can help a person to know the information stored in the barcode [22]. For that reason, QR Code needs to be optimally utilized in learning that accommodates large but small material in size and thickness.

Currently, 21st-century skills in the vocational world are increasingly emphasized by applying the 4Cs principles that include communication, collaboration, critical thinking, and creativity [23], [24]. The application of 4Cs to the demands that the university must fulfill [25] to emphasize the quality and quantity of materials and exercises that encourage cooperation among students, encourages the ability to think creatively, critically, and innovatively and can
communicate the results of learning undertaken by students. This study is in line with the objectives of courses that emphasize 4Cs in all learning characteristics. The use of a practical mobile pocketbook with a combination of QR Code can be a student learning media in sharpening 4Cs skills. Both direct and indirect, the use of QR Code-based pocketbook can build motivation and interest of students to read and hone the ability of analysis based on materials developed in the QR Code. The use of pocketbook is considered appropriate to answer the solution of students in experiencing difficulties in learning as well as reading the latest information wherever and whenever that is documented in the form of a pocketbook. The existence of a minimalist print version gives the students do not forget the material presented and store the material documents at any time accessible to students[26].

2 Research Methods

The completion of QR Code-based mobile pocketbook needs in learning is designed concerning research and development steps designed by Richey & Klein consisting of three main steps: planning, production, and evaluation [27]. The developed plan includes the components used in the development of a QR Code-based pocketbook. Also, planning also prepares of objective courses and teaching materials that are used. In this media trial using pneumatic and hydraulic courses. This media also inserts 21st-century learning that includes creativity, critical thinking, communication, and collaboration[28].

Production process developed by making pocketbook. The designed Pocketbook includes learning objectives, material summaries, and QR Code as a comprehensive material description. To provide eligibility, improvements to the product made and compliance with product specifications, it is evaluated by conducting a feasibility test through expert judgment [29] media experts, information technology experts, teaching experts, materials experts, and evaluation experts. Experts selected based on their experience and expertise as references for pocketbook improvements. Also, the results of the next revision are tested to the user or student to know the practicality and ease in studying pneumatic and hydraulic courses.

This research was conducted at Universitas Sarjanawiyata Tamansiswa (UST) in Mechanical Engineering Education Department. Currently, UST is focusing on creating an environmental campus through a paperless movement. The purposive sample used is one class with 32 students. Pocketbook practicality test for students using a questionnaire with eight alternative answers. The questionnaire can measure the practicality and ease of users in using pocketbook and provide input in writing in the improvement of learning media. Data analysis techniques use descriptive statistics to measure mean, standard deviation, and percentage of the feasibility of pocketbook media based on this QR Code.

3 Result and Discussions

This study resulted in the feasibility of using pocketbook media of 4Cs-oriented and QR Code-based. The study offers a solution that the use of information technology assistance can support efforts in paperless movements [30]. In more depth, the results and discussion are outlined in three development steps including planning, production, and evaluation.
3.1 Planning of pocketbook based on QR Code

Planning is an initial process that must be pursued to conform to product specifications [31]. Product specifications include:

- A6 or 105 mm x 148 mm pocketbook
- Maximum 5 mm book thickness
- Have a book cover that contains the vision, mission, goals, and objectives of the study program.
- Have a preface
- Have a table of contents
- The existence of materials and lecture objectives
- Material Summaries
- QR Code which contains comprehensive lecture material and evaluation
- QR Code applications in play store support in smartphone

The essence of this medium lies in the content of learning materials that refer to the 4Cs oriented learning. The material developed can accommodate the students in sharpening their creativity and critical thinking ability. By Bloom's pyramid, creativity is the highest level [32], and the material and competence measurements are inserted in the QR Code. Teaching materials designed to stimulate creative and critical thinking can provide a person's ability to create new mergers [33]. Creativity will depend significantly on one's creative thinking [34], i.e., the process of one's mind in creating new ideas. Therefore, in the material contained in the QR Code is more equipped with pictures and daily problems that can be solved by students through the creativity and innovation of thinking in solving the problems that exist in the material. Images can be illustrative for the reader to make it easier to understand the material delivered than many texts [35], [36]. The resulting impact of digital literacy on smartphones will give students the ability to communicate and collaborate with peers to solve problems creatively and critically. By forming class discussions freely, students can exchange information with their friends to gain new knowledge[37].

3.2 Product

Prepared planning is continued by developing QR Code-based pocketbook products. Results from the development of pocketbook products as follows.
The material contained in QR Code is filled with integrating 21st-century skills in the form of 4Cs. If the scanner is brought closer to the QR Code, it will be connected to the learning material [38]. In the e-book is contained the completeness of the design of the implementation of learning, the material is taught entirely with images that can stimulate the creativity and innovation of students in critical thinking, material summary, learning evaluation, and reference of each learning material. The product results in Fig. 1 is a manifestation of expert validation both regarding appearance, substance, layout, and communicative information submitted to the reader to have a simple but implied impression of the meaning of broad and comprehensive learning.

3.3 Evaluation of product

Product evaluation is used to find out how far the developed product is feasible and practical to use [39], [40]. Evaluation referred to the instrument compiled and distributed to the expert and tested on the user. Evaluation results will be an improvement and development in the pocketbook to be readily accepted by students. The following is a validation result from some experts who assess this media.

Fig. 1. The substance of pocketbook based on QR Code

Fig. 2. Pocketbook assessment based on QR Code by media experts
Based on the assessment of both media experts found that the total value generated is 99. This means the percentage produced is 77.34% of 128 maximum scores. If it refers to four feasibility intervals (0-24.5% = unworthy; 25% -49.5% = enough; 50% -74.5% = feasible; and 75% -100% = very feasible) then the score including in a very feasible category. This means the agreement between the two media experts stated that the media used could be received either in appearance, layout, graphics, information, and access speed. Although the results are good, some of the inputs provided by media experts include: (1) the use of multiple graphics precisely gives the appearance of the appearance of being unfocused on the material; (2) putting the QR Code inherent with the material summary; (3) need to be equipped with links or doi for reference so that readers can access the reference of teaching materials in an integrated manner; and (4) pocketbooks do not need to be thick and bulky but can be tucked into standard pocket sizes.

The first improvement was made as input to media experts. Material experts further validate the revised fixes. This is done because the material developed also needs to be evaluated to be accepted and understood by the multi-characteristic students [41]. There are three material experts used, i.e., learning experts, pneumatic and hydraulic experts, and teaching evaluation experts. The following is a tabulation of the material expert's judgment data.

Table 1. Review of material experts on the feasibility of pocketbook

<table>
<thead>
<tr>
<th>Didactic Requirement</th>
<th>Learning Expert</th>
<th>Subject expert</th>
<th>Evaluation expert</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review pocketbook (Scale of 1-8)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. The course and information of each chapter are clearly stated.</td>
<td>6</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>2. The purpose of the course is based on the 4Cs skills approach.</td>
<td>5</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>3. Summary of material is briefly described, bright, and easy to understand.</td>
<td>5</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>4. Summary material stimulates the reader to think creatively and critically.</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>5. References used up to date (maximum of the last five years).</td>
<td>5</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Material review in the form of QR Code (Scale of 1-8)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. There are goals and indicators or achievements of learning-oriented to 4Cs.</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>7. Material developed based on concept maps.</td>
<td>6</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>8. The material drawn up refers to the skills of 4Cs.</td>
<td>5</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>9. An inductive approach prepares the material.</td>
<td>7</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>10. Images and visual information (tables and graphs) are relevant to the material being taught.</td>
<td>7</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>11. The material can hone the creativity and innovation of student thinking.</td>
<td>4</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>12. Materials can stimulate students to collaborate.</td>
<td>4</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>13. There are tasks or exercise questions that can measure students' 4Cs skills.</td>
<td>5</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>14. Tasks or exercises developed to improve the power of student analysis.</td>
<td>6</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>15. References used up-to-date</td>
<td>6</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>81</strong></td>
<td><strong>73</strong></td>
<td><strong>78</strong></td>
</tr>
</tbody>
</table>
Based on Table 1 shows that the total score of the three material experts is 232 with the assumption that the maximum value is 360. If calculated by presentation then get the value of presentation 64.44%. Referring to the feasibility category meaning interval then according to developed material experts fall into the category worthy. This feasibility is considered to provide opportunities for readers to explore the material with independent and flexible [42]. Some of the inputs provided by the three material experts are: (1) Learning objectives and indicators are more specific and contain evident 4Cs skills; (2) A better-made summary of material highlights favorite issues and stimulates students' sense of knowing more in-depth the material stored in the QR Code; (3) The material in the QR Code is reproduced with relevant drawings or illustrations in stimulating a more straightforward and more easily understood mindset of the student; (4) Problems arranged are varied and include how to hone the skills of 4Cs students. The results of the input of experts are then revised and continued to the evaluation phase of users.

The revision of the media produced by expert judgments was then deployed to the students of the Department of Mechanical Engineering of UST. Students providing a feasibility assessment through the questionnaire provided with the assessment substance are pocketbook display, pocketbook content and QR Code, 4Cs integrated materials, practicality, and usability efficiency. The following is the result of a questionnaire of 32 students of pneumatic and hydraulic classes.

![Feasibility percentage chart](image)

**Fig. 3. User feasibility assessment**

Based on the user's feasibility histogram, it was found that 75.11% of students concluded that QR Code-based pocketbook media were in the very reasonable category according to the four feasible criteria. Although there are still unsatisfactory conditions, of the five overall assessment criteria are in reasonable condition. Referring to the result can be concluded that pocketbook media based on QR Code can be accepted by the user and can be accessed flexibly and practically.

The results of reviews by experts and users provide information about the advancement of educational technology that the use of mobile pocketbook can be used in flexible learning and can stimulate interest in reading students. Paperless movements should be sought from an early age so that advanced education can become a sustainable lifestyle [43], [44]. Encouraging students and lecturers to use QR Code-based pocketbooks can reduce excessive paper consumption in lectures by learning to use mobile phones [42]. With the 4Cs approach in the material contained in QR Code able to give the students to be creative and innovative in thinking and solving problems with the comprehensive and appropriate analysis.
4 Conclusions

This research concludes that mobile media pocketbook based on QR Code and integrated 4Cs are arranged through three stages: planning, product, and evaluation. Pocketbook dimensions are equivalent to A6 size with a maximum thickness of 5 mm. Book view includes a cover, introduction, table of contents, material chapter, learning objectives, material summaries, QR Code (comprehensive material), and references. Screening QR Code using the existing play store app on the smartphone. The results of the assessment by media and IT experts stated that it is feasible with a percentage of 77.34% based on viewing judgment, access speed, informative functions, written and image clarity, and QR Code functionality. The result of a revision of media expert is validated by material expert, learning expert, and education evaluation expert with 64.44% percentage or eligible category with criteria of lecturing completeness assessment, material suitability with 4Cs skills-oriented, clarity of writing and drawing, which stimulates the ability to think critically and the creativity of the students. Also, the media is also tested in limited classes with 75.11% results or in eligible categories based on content, content, 4Cs content criteria, practicality, and usability criteria. The acceptance of the QR Code-based pocketbook recommends vocational lecturers to use the media as a step in realizing the paperless campus movement.

References


The Development of E-Learning using Communicative Competence

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Abstract. The existence of Javanese language in the diversity of languages has the main point in the form of language Unggah-Ungguh. Unggah-Ungguh implies some levels of speech with different functions that can have different impacts on the personality formation, characters, and the learners' characters. The use of information and communication technology in the development of learning media is to increase the learners' interest and speaking skill of Unggah-Ungguh in classroom as well as in community. Communicative competence in the Javanese language learning helps the learners to develop communicative competence and increase awareness toward the values of local wisdom. The values of Javanese local wisdom has contributed greatly to the national cultural heritage. By inspiring and applying the values of Javanese ungghah ungghu through learning media and speaking practices, it is expected to improve learners' character and support the creation of a nationality that has strong dignity with its values of language, literature, and noble of culture.

Keywords: Learning, Media, Communicative Approach, Javanese Unggah-Ungguh, Speaking Skill

1. Introduction

In European Charter, regional language is a traditional language used in such a territory by citizens who formed a numerical group. It is smaller than other populations in that country. The former director of UNESCO, Sheldon Shaeffer (2104) in an international seminar held by SEAMEO QITEP in Jakarta by the theme "The use of regional language to improve the competence of elementary school student" stated that the preservation of regional language is urgently needed. This is reinforced by the fact that 6,000 languages in the world as much as 40 percent are endangered and only 10 percent are safe. The United Nations Educational, Scientific and Cultural Organization (UNESCO) stated that 3,000 of 6,000 languages in the world are almost extinct, mostly belong to minority ethnics.

Indonesian Government through the Act of the Republic of Indonesia Number 20, 2003 on National Educational System in the article 3 seeks to stimulate thinking on how to utilize Javanese language in education to support efforts to achieve national educational goals, emphasize the development of students' comprehensive intelligence, kinesthetic, emotional, spiritual, intellectual intelligence so education can perform its the function to build dignified nation. Besides, Act Number 24 Year 2009 in the article 42 section (1) orders to develop, nurture, and protect the local languages and literature in order to preserve their positions and functions in the life of society.

Regional language, especially Javanese is used as a communication tool by the Javanese community in Java (Yogyakarta, Central Java, East Java) and outside Java, even overseas, like in Suriname [1]. Philosophically, the Javanese language has a very basic position because it does not only possess various levels such as undha usuk, but also levels of speech or Unggah-Ungguh. In addition, [2] states that Unggah-Ungguh in Javanese is the set of customs, ethics, norms, and manners. Based on this understanding, it appears that Javanese Unggah-Ungguh (the level of speech) or undha basa is not only limited to the level of politeness in speaking (Javanese variety krama and ngoko), but it is also the concept of manners which is influential on character building.

A protected and regulated Javanese language is stipulated in the Act of the Republic of Indonesia, Government Regulations, Ministerial Regulations, Regional Regulations (Governor's Decree). This is an evidence that the Javanese language has a very strong position. However, nowadays many facts show that Javanese language has a less prominent position and function. The
quality of the use of Javanese language has begun declining, i.e many Javanese younger generations
do not master Unggah-Ungguh as well as understand Javanese culture.

Today, Javanese skills can be said as quite apprehensive. Many Javanese observers and
people are worried about the existence of Javanese in the community. [3] This relates with the
opinion of Javanese society in recent years, especially those in the first layer (ring one) which has
the layer of society at that time directly related to the ruler (kingdom), both ruler in Yogyakarta and
in Surakarta, began to worry about the existence of basic Unggah-Ungguh. The concern is due to
the fact that the Javanese young generation has not begun to master Unggah-Ungguh well. As a
result, there are errors in the use of Javanese language in the communication process.

Knowing the context of Javanese requires a solution to solve this serious problem. To
overcome the problem, it is needed to use of information and communication technology. because
the role of technology and communication is important in the development of education. The
development of learning media in speaking by using them is expected to improve the learning
process and foster student’s interest in learning Java language. Furthermore, the framework will be
offered through the use of information and communication technology in the development of
learning media Unggah-ungguh in Javanese language with communicative approach. [4] defines a
communicative approach as a language learning approach that emphasizes authenticity, interaction,
learner-centered learning, task-based activities, and communication for real life, meaningful goals.
to achieve the desired result, that is facilitate the thorough development of students’ potential,
character, and intellectual intelligence.

2. Javanese Unggah-Ungguh

[5] states that the language of a systemic nature, the arbitrary language, the language is a
symbol of vocal and visual, language refers to meaning, the language used for communication tools,
language as a community of speakers, the language is important for humans and may be limited to
there is a human, the language is used by everyone in the learning process that has the same
characteristics.

Language is a communication system using sounds, spoken through the speech organs and
heard among the members of society, and using the processing of vowel symbols with conventional
meanings arbitrarily. Language is a set of linguistic symbol systems used in a common practice by
a number that enable people to communicate and be understood from one another. Language is a
system of vowel symbols that are arbitrary and used for human communication. Language is a
systematic tool to convey the idea/feeling to wear signs, sound, gesture associated with the
expression or signs and meaning that can be understood [5].

[6] reveals that the role or function of language is inherent in the field of study. Some
experts in sociolinguistic, theories of communicative and sociocultural competence are used to
regulate language communication. While in the field of pragmatic speech acts are used by speakers
to perform speech acts such as asking, inform, apologize. in the field of sociology, the field of
language communication is used to build social networks. [7]states that the function of language in
the simplest sense, can be viewed as the equivalent of ‘ p use ’. The function of the language can be
interpreted the way people use their language, or their languages if they speak more than one.

Javanese is a daily means of communication for Javanese society. In the communication
process, it is important to pay attention to the rules of grammar, the opponent of speech, or whom
people are invited to communicate. [8]Javanese language can be used as a vehicle for the formation
of character and courtesy because it is rich and completed with vocabulary that includes: functions,
rules or language norms, variations or levels of language, ethics and cultural values are high with all
the roles of its function.

[8]The function of Javanese according to, among others, as follows.
1) Javanese is a cultural language in addition to communicative functioning also serves as a means
   of embodiment of cultural attitudes laden with noble values.
2) Javanese courtesy means knowing the boundaries of manners, knowing how to use good
customs and having a sense of responsibility for the improvement of living together.
3) In order to achieve the modesty that can be a personal embellishment of a person, the conditions
   that must be met are as follows.
In communication using the Java language, the selection of lexicon in the process of communicating is noticed, given the rules or the level of speech language. *Up bases or undha bases* commonly referred to as language speech level is a wealth owned by the Java community. The uploaded bases are still applied or used by the Java community [3].

Basic *Unggah-Ungguh* is one of the objective features of Javanese languages that are systematically and neatly arranged as a communication tool used by the Javanese community. [9] states that *the basic Unggah-Ungguh* are a variation of the language whose differences are determined by the difference of polite attitudes present in the speaker to the other person. *The basic Unggah-Ungguh* embodies Javanese customs. *Unggah-Ungguh* is not limited to communication behaviors, but it is also the concept of manners to behave and be able to describe a person’s personality when in a Javanese society.

Furthermore, [10] adds the term of ‘courtesy’ as the uniqueness of Javanese politeness. The guidelines are norms embodied in the form of idioms or phrases commonly spoken by most parents when educating their child. Some of these are in the form of positive advice by using idioms positive, and the other in the form of a ban on using forms of negative commands just ‘do not’ do this or that.

The Javanese people are primarily concerned with bases, Subasita, and manners. [10] states that the Javanese language uploads are customs, ethics, norms, and manners. Based on this understanding, it appears that the Javanese language-uploaded or often called the level of speech or *undha basa basa* not only limited to the level of politeness speak (Javanese variety krama and ngoko), but in it there is also the concept of manners behave or behave. So in Javanese society there is proverb "Ajining dhiri saka lati, ajining crew saka tumindak", which means people who use language and good behavior will be respected by others.

[10],[11] describe the things that must be considered in using Javanese *Unggah-Ungguh* in communicating with others as follows:

1) **Age factor**, ie, young people respect older children, and young people respect old people.
2) **Kinship factor**, ie young people respect the older brother, children respect the parents.
3) **Factor degrees and rank**, ie students respect teachers, employees honor superiors or leaders, citizens respect the head
4) **The semantic factor**, that is the rich person, the person who owns the vast land, the people who earn big.
5) **Heredity factor**, that is person who has title, *bendara, raden ajeng, raden mas*.
6) **Factor of nobility or personal qualities**, i.e people have low qualifications, heroes, humanists, artists, scholars.
7) **Factor of familiarity**, i.e people who do not know, people who just know n, and should be more respected than people who are familiar.

In addition to the above factors, in the language, things that must be considered in determining the form of respect or ordinance to respect others there is no fixed rule. These factors are only as norms and depend on the atmosphere of (subjective) and according to the (relative) situation. Another important thing to note in the successful use of Java-base uploads is that it can avoid the use of personal krama or N1. Javanese krama is used to respect N2 and N3 with the exception of status under N1. With the development of learning model is expected to facilitate learners to know and learn and can apply Javanese *Unggah-Ungguh* well and correctly in order to build the learners’ character.

3. **Communicative Approach in Javanese Language Learning**

[4] states "learning is a acquiring or getting of knowledge of a subject or a skill by study experience, or instruction" that learning (process) acquire or gain knowledge of the subject or a learned skill, experience, or instruction. Learning is a relatively fixed behavior change and is the
result of repeated practice. Describes the characteristics of learning: Learning is "getting or obtaining", Learning is the retention of information or skills, Retention using saving system, memory, cognitive organization, Learning involves liveliness, focusing on consciousness and reaction to events inside and outside the organism, Learning is relatively permanent, but learners can forget, learning includes several practical types, perhaps practical reinforcement, Learning is changing behavior.

Communicative approach is an approach based on the idea that the ability to use language in communication is a goal that must be achieved in language learning. [12]states the communicative approach can be implemented in communicative language learning to ensure students successfully acquire communicative competence. He also adds that communicative learning can develop fluency and accuracy. Accuracy in the communicative approach, which can create learning activities that make students able to negotiate meaning, using communication strategies, correct errors, and strive to avoid communication bottlenecks.

[13]States that since the beginning of the twentieth century the use of neat uploads has never been done well. Until before the Second World War, Javanese from the upper classes used to switch to Malay or Dutch to avoid using their Mother tongue and to free them from modesty. In the fifties, most of them were no longer concerned about the neatness of the Javanese language.

Government policy has discussed the position of the Javanese language as a regional language since 1945. Since then, some of its functions are taken by the Indonesian language. However, because of persistence and seriousness of the Javanese characters, the position of the Javanese language is still preserved. Several factors that affect the preservation of Javanese, include: Javanese literary traditions that are already entrenched and rooted; Javanese lovers who are still quite a lot and still actively trying to keep the Java language still maintained, speakers of Java as a language that is very large number of mothers.

The development of Javanese use can be useful to instill pride, loyalty, love of the local language or mother tongue with the assumption that the community will feel possess (rumangsa handarbeni) and responsible for the preservation and development of Javanese language. In addition to requiring from the Javanese community, the development effort, and the development of Javanese language also requires institutional support related to both government and non-government institutions. The expected support from the government, especially the local government in the special region of Yogyakarta, Central Java, and East Java are the formal and strategic policies needed in the business of developing and developing the language. This is evident in the emergence of local government policy by establishing a decree on the Javanese language.

Javanese teaching for students generally aims to have communicative competence. Communicative language teaching involves the process of teaching and learning in classroom. Teaching shows and helps one to learn to do something, give instruction, guide in the study of something, give knowledge, cause to know or understand [4]. From the above description it can be concluded that the communicative approach of the Javanese language is structured on the basis of the language function and the needs of the speakers, so that it can use the language accurately and fluently in the hope that the ultimate goal can be to use language to communicate in real and purposive situations and natural communication.

4. The Development of Learning Media in Teaching Javanese “Ungghah-Ungguh” Speaking Skill

[14] In the 21st century the media provides a very large role, one of them as the development of critical thinking skills of learners. Nowadays, multimedia technology is growing very rapidly. This is due to the improvement of advanced and sophisticated technology. This progress has to be responded well by all including teachers. Teachers can make multimedia as one of innovative learning resources. In various studies, innovation of learning resources through multimedia can make students interested, enthusiastic, and motivated in learning which resulted in improving student achievement. [5] Technology contribution to the learning will be more transparent. In a transparent way, the role of technology in learning is on the components of computer-based evaluation so the learners can see the score directly.
defines media as a communication channel tool. The term media itself comes from the Latin. It is the plural of the word "medium" which literally means "intermediary" the intermediate source of the message (a source) with the receiver of the message (a receiver). Learning media is everything that can be used to send the message (learning materials) as well as to stimulate the attention, interest, thoughts and feelings of students in learning activities to achieve certain learning objectives. While multimedia is an amalgamation of text, color, sound, animation and video which is then presented and displayed through a computer or other digital platform. The preparation of such components requires diverse expertise from different disciplines.

The principle of learning media occupies a strategic position in order to create optimal learning process. The optimal learning process is one of the indicators to achieve optimal learning output. Optimal learning output is also a reflection of quality education output. Qualified education requires the resources of teachers who are able and ready to work professionally in the school and community.

Based on some of opinions above, it can be concluded that multimedia is a combination of visual, audio, animation integrated using computer technology that can be used with a specific purpose. by this ability, multimedia can be used for learning purposes.

Multimedia-assisted learning is essentially the use of multimedia as a tool in learning process. mentions some of the benefits of computer-assisted learning as follows: Computers can increase the motivation and interactive of learners, Computers are able to provide information about errors and the amount of study time and time to work out the problems to learners, Computer-assisted learning can be an alternative to overcome weaknesses in group learning, Computer-assisted learning can help students who have difficulty in learning, Reduce the sense of inferiority to students, because students are not ashamed to make mistakes and errors are not known by others. states "Six forms of computer-based interaction are: drill and practice, tutorial, gaming, simulation, discovery, and problem solving". One of the software that can be used in multimedia development is Macromedia Flash. Mentions the advantages of multimedia as follows.

a. Presents visuals that show motion.

b. Can speed up or slow down a process so it is easy to understand.

c. Can learn the processes that are dangerous, expensive, complete, and rare.

d. Multimedia can be dramatized with sound and light effects.

e. The visualized material has a resemblance to the original object.

f. Can present rare events.

g. Be able to explain something difficult.

The media product is form in HD Video in Javanese. The segmentation is for senior high school. It contains communicative speech act (unggah-ungguh): daily imperative speech, request and turn-taking by paying level such as social status, age and gender.

The media is helping student to:

1. differ the using of register (ngoko and kromo) as need as Javanese rule (pakem).

2) practice and show language grammatically.

3) appreciate language and Javanese culture.

To produce a good learning media, it needs to be done by taking the correct procedures in the development process. The development of learning media using appropriate steps or procedures developed outlines five stages of media development procedures that include analysis, design, development, implementation, and evaluation. Learning media in teaching Javanese Speaking Unggah-Ungguh with communicative approach prioritizes communication process between speakers with different social status, education level, and age and varied cases. Then, it will create more various communication competence. The learning media in teaching Javanese Unggah-Ungguh by using communicative approach is based on the concept of language as a means to express the functional meaning through language competence, discourse, socio-cultural, and actional competency. It is expected to improve language skills and communicative competence in the practice of language so that learners can communicate using Javanese properly, correctly and meaningfully.
5. Conclusion

The development of Javanese in the learning process from simple to complex has a greater impact in changing the ability to think and communicate with others. First, the Javanese language as the first language or the mother tongue of the Javanese society which has philosophical values, various advantages and virtues contained in it should always be developed. Second, the process of Unggah-Ungguh teaching and learning will improve the skills of learners in social interaction. It can affect the character development and communication competence of the learners. Third, the selection of appropriate media in Javanese language learning can form habits and patterned effects on the development of students in learning and support education in order to enhance the dignity of the nation through the values of the Javanese language.

References

Improving The Ability Of Writing Art Criticism Through Blended Learning

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Abstract: Writing art criticism requires cognitive insights pertaining to artwork, art history, curatorial writing and art criticism, and evaluation of artwork. Face-to-face lessons take less than 1650 minutes to explore materials. Therefore, it is necessary to extend learning strategies and approaches using integrated learning methods. Lecturers write lesson plans, reference materials, assignments and class discussions through weblogs, face-to-face teaching activities with a combination of Internet access, writing practice and interpretation of works. The results of blended learning show the students' improvement in terms of real insights, curatorial writings, and art criticism positively.

Keywords: Lesson Plans, Weblog, Blended Learning

1. Introduction

The Department of Fine Arts Education, Faculty of Languages and Arts at the Yogyakarta State University educate prospective teachers. One of the tasks of a prospective teacher is to master the principles of teaching arts for children, giving and delivering evaluation and critique of the work to the students [1]. The learning process is more traditional, the lecturer provides lectures in the classroom through face-to-face interactions (F2F). In the face-to-face learning strategy, the graduates are less creative in dealing with factual issues. Several efforts have been made to develop in-class learning processes through which a tendency to face the college emerges. The results of Sari & Purtadi's study [2] refer to the face-to-face learning strategy that has weaknesses because it is abstract and relatively passive. Regarding the case of lecture criticism on arts, students feel dictated and do not dare to ask questions in detail, because it depends on the hearing capture when the lecturer presents the materials. As the documents contain abstract concepts, students carelessly do the audio recording and graphics resulting in a state of more unidirectional lectures. Lecturer-student interactions rarely take place, and the learning atmosphere seems quietly interactive.

The art criticism has a composition of 60% on studying the art development in Indonesian market of arts, and 40% learns to interpret the meaning of skills and write a curation and criticism. The aims of this subject are to strengthen the concept of creation. Students experiencing boredom are unable to provide a factual example. [3] highlights the problem related to the declined quality of artworks of Indonesian artists due to acceptance and offer of painting orders (Ngijon – Javanese). This kind of discussion does not occur in the classroom. On the other hand, the lecturers’ examples static depending wholly on the old literature resulting in inconsistencies with the new atmosphere. The art criticism raises the essential issues of artwork's extensive and profound quality. The course materials are open because students follow the development of arts in Indonesia and overseas. The event of excellent skills in Indonesia, especially in the city of Yogyakarta, marks the current trends of art exhibitions almost twice a week. Presentations are based on the digital technology and manuals on social ideology and antagonisms, for example, the face-to-face ideology of art criticism containing an objective representation of theories that become the subject of paintings [4]. Art critics must master the process of creation called the description of the nature of the artwork. The profound concept of a work of art is to understand the ideology, as well as the life of the invention of art by the artist.

In general, the subject of art criticism contains knowledge of a representation of the creation of artwork, the technique of interpretation of the artwork, written and oral presentations. As the materials are widely and deeply designed, the lecturer chooses a blended learning strategy. Elements are divided into stages of art insights, interpretive theory, oral and graphic writing and presentations. The students’ oral presentation conducts guided class discussions on the basis of problem-based learning, whereas students attend field studies in groups and collaborative discussions. Graphics performance is a collection of papers. Prior to presenting, students master the theory of interpretation and metacognitive analysis as well as metanalysis. This theory is to explore the process of creating artwork and explain the process of objectivization, object interpretation, subjectivization, symbolization, creation, and expression. Metacognition is meant to apply cognitive knowledge that metaphysically views the object as a source of inspiration for the nature of the art treasure. Metaanalysis is the process of artists analyzing the purpose ontologically and axiologically so as to determine the point of the magnitude of the aesthetics for the subject of this work later. This meta-analysis will produce conceptual materials, as well as image thinking (picture-based thinking).
2. Method

The material representation of this work of arts requires various examples of an artist to see, observe and understand how objects are chosen based on the aesthetic perception of the artist. The material found in the interpretation of the work is developed into the object symbols. The syllabus is described, as follows:

“This course focuses on discussing art and its development through writing art criticism formally. The designed materials are based on the educational and journalistic criticism to develop art appreciation in schools. Students are asked to analyze and write articles concerning theories of curatorial writing and art criticism and presented verbally or non-verbally at the appointed time.” [5]

The lecture objectives can be used to develop the lecture syllabus, as follows:
1. Description of artistic representation, meaning, function and the position of art criticism as a science and knowledge
2. The story of art space and time in art
3. The technique of writing for art curation and art criticism
4. The theory of analysis of the art development in four pillars of power
5. Oral presentation and written art creation and issues of appreciation

A learning flow scheme is created, as follows:

```
Art Criticism
  ↓
Writing
  ↓
Curatorial  Criticism
  ↓
Insight Art
  ↓
Theory of Interpretation
  ↓
Theory of Writing
  ↓
Oral Presentation
  ↓
Graphics Presentation
  ↓
Evaluation of Children Art Work
```

Fig. 1.: Art criticism learning based on the discussion of materials

3. Result

Art criticism course is one of the lectures that gains more emphases on the practice of writing for works of art as viewed from the ideology, media, the principle of creation and the concept and existence in the world of art. The primary function of art criticism is to bridge the perception and appreciation of works of art, between artists, practices, and art connoisseurs. The writing of art criticisms expresses oral and graphic presentations that attempt to explore and analyze course materials expected to foster artists and connoisseurs to communicate through work of art. From this scope of criticism, the teaching materials are dynamic because they contain standard elements and dynamic objectives. The conventional teaching materials derive from the existing theory, but the active teaching materials are contemporary in nature. For example, exhibitions held at several Art Houses and Gallery showcase various types of artwork, some of which discuss modern theories as well, but other commercial presentations also deal with the sale of artworks. The task of the student is to choose the work that coincides with the interests of his or her studies. The Art Criticism course is divided into several approaches and methods of learning, i.e., F2F (face to face) presentation by displaying Powerpoint (PPT) slides, internet access and discussion including a focus group discussion. F2F (face to face) introduction encourages lecturers to deliver lectures by giving questions and answering them as well. In this case, the lecturer prepares the material, uploads on the Weblog such as bit.ly/pamadhi17. The Weblog contains one-semester lecture, reference, assignment.
Table 1. The framework of the Learning Approach

<table>
<thead>
<tr>
<th>No</th>
<th>Material</th>
<th>Approach</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>Representation</td>
<td>F2F, PPT, weblog</td>
</tr>
<tr>
<td>2.</td>
<td>Space and Time in Art representation</td>
<td>FGD, F2F, weblog</td>
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<td>3.</td>
<td>Techniques of writing curation and art criticism</td>
<td>PPT, Consult, weblog, Discussion</td>
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<td>4.</td>
<td>Analytical theories of art development</td>
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<td>5.</td>
<td>Oral and written presentations</td>
<td>PPT, Weblog, FGD</td>
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</tbody>
</table>

The course materials on the representation of artworks are taken from books and concepts of art education. The articles encompass thinking patterns of the creation such as objectification, subjectivization, and symbolization, visualization and expression.

**Representation:** Re-emergence of the object for the observation of the artist is in line with the subject of artwork. This representation goes through a complicated process, ranging from objectification (determining the most beautiful point of an object) and symbolization that is changed into the subject of new artwork. This process undergoes reduction, shrinking of forms, ideas and its development into the question of [6] Teaching materials on representation can be described as follows:

![Representation of Artwork Diagram]

**Fig. 2.** Description of artwork

An artist is a person who has freedom in determining objects. The object itself consists of two essential parts: object as a material and object as a formal representation. The objective of the study is the material functioning as the natural object that will be explored by an artist and the artist determines the symbolization. Some villages and traditional societies keep maintaining an artistic form that becomes the source of the idea of creation and development using the F2F approach, PPT, References, the Weblog as main references and the findings are class-level discussions.

Table 2: The Blueprint of Blended learning

<table>
<thead>
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<td>● Aesthetic of the object</td>
<td>Access the internet</td>
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<td></td>
<td>● Theory of perception</td>
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<td></td>
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<tr>
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</tbody>
</table>
### Structuring the Art Criticism course above, the approach strategy may change over time under certain conditions. The first step is that the lecturer uses the F2F approach based on one of the discussion materials: 'The influence of experience on the object selection' and its influence on how to determine the focus discussion defined as the 'process of determining the aesthetic object' for an object of observation. Broadly speaking, this step goes into the interpretation category of artist’s behaviors. The 'Space and Time' course materials highlight the development of space and time meaning based on the history of the artistic creation of Plato and Andi Warhol. It means that beauty has its object and form for expressing artworks. Historical searches on how to determine the object of the beauty, the form of the social problem through the discussion are preceded by the lecturer to explain the outline of F2F (face-to-face) approach. Some words and objects deliberately deleted the course on the internet to activate students’ activities. From this activity, students are expected to get the internet access to the meaning and concept of space and time based on the reference: articles on the Space and Time. The lecturer will design the outline of the meaning with students. The lecturers’ intervention on the results of discussions determines the meaning of Space and Time based on the experts’ opinions of metanalysis. By doing so, lecturers save time (effectiveness of the discussion time). This problem-based learning usually takes a long time, because it sums up opinions. This step is implicitly developed for writing a curation of a painting. The presentation of curation and criticism materials begins with asking questions for discussions among students who create in-class small group discussions. The lecturer shows some curatorial articles that are deemed eligible and ineligible. The strategy used is a comparative study of several papers (including the curatorial and art criticism). The student's task is to compare the two documents and summarize the meaning and characteristics of curation and art criticism styles. The discussion is open to dismiss the problem continued with a particular focus, which is handled in a small group discussion. Each group makes a summary of meaning and characteristic of writing. In this case, the lecturer directs the technique and style of the curated writing curl. The notion of curation can approximately be completed in the eighth week ended with formative tests and the writing of curatorial works of art. Students are required to conduct field studies by visiting one of the exhibitions and preserving to be curators of artwork. The results are sent directly to the provided Weblog.

| 4. Imagination | Weblog, Access the internet, PPT, Reference |
| 5. Objectification | Weblog, Internet Access, PPT, Reference |
| 6. Symbolisation | Weblog, Access the internet, PPT, Reference, F2F |
| 7. Art Work | Field Study, Weblog, Access the internet, Reference |
| 8. Presentation | Access the internet, PPT, Reference |
In the upcoming meeting, the formative test results are matched with mid-semester exams by discussing the curatorial artwork and, in this sense, three curatorial articles are selected at random. In accordance with the principle of formative tests, the students who underperform in writing are given a chance to improve their performance, until their articles are accepted. Subsequent course material is an analysis of the development of art in which intended students gain knowledge about the steps, and how to interpret the work of arts. Two simple theories about Charles Sanders's semiotics and hermeneutics are given through the F2F method; this material is explored and developed through internet access of hermeneutics articles. The pause time is given to convey the theory, followed by summarizing the argument. The first and second weeks proceed with analysis practices of semiotics and hermeneutics. The knowledge about semiotics and hermeneutics is expected to strengthen the interpretation of artworks at the time of thesis analysis.

Semiotics aims to read the meaning of the work through the understanding of visual elements, and hermeneutics to know and describe the definition based on the historical study and trace. The next discussion is to incorporate the results of semiotics reading into the concept of aesthetic form through Monroe Beardsley's theory. Three reviews of the whole work through the view of unity, intensity, and complexity are worth considering. The final result of the Art Criticism writing course is an oral and written presentation. This activity is synchronized with the final exam of the semester. Therefore, students are expected to do the business in two weeks before the end of the semester. Writing materials are taken from direct observation at a painting exhibition (art) along with photograph and catalog of the show. The next step is to consult the title as well as the choice of an analysis model of the work. In this case, students are allowed to hold informal discussions between friends and early presentations. The assessment of final task in this lecture is undertaken in the form of written accounts through the discussion or question and after declaring the completion students upload them in accordance with the weblog address. The presentation of assessment is in the form of an exciting title, abstract writing, style of writing, the suitability of photos with writing, giving reasons, how to explore works using an interpretation model and conclusion of writing. The final project activity as this exam will be re-read by the lecturer after being uploaded on the Weblog. Art criticism learning problems include the extent of subject matter, the demand for writing skills through interpretation and metanalysis – metacognition. This problem is solved through a blended learning strategy. The term blended learning (BL) is actually based on an integrated method and collaboration between students and lecturers. The term integrated means a union with alternating methods based on deficiencies in face-to-face lectures. If hindrances occur, lecturers compare and choose one of the methods that can generate learning gifts. The concept of blended learning adapts the development of the creation of artwork, the material of artistic insight (works, creation ideology and media of art) and interpretation of works. The word blend means a mixture; for example:

\[
\begin{align*}
A + B &= C, \\
A + B &= AB, \\
A + B &= Ab,
\end{align*}
\]

this mixing becomes the newest method, or simply alternately executes the method or amplifies one method with a small mixed-method basis. Clifford (2016) defines BL as the phenomenon of blended learning that has its roots in online learning and represents a fundamental shift in instruction that has the potential to be optimized for the student. Although schools have been using computers and technology for some time, they have blended them out of instruction that they have some elements of control over their learning. Its implementation in the F2F task is developed into a four-strategy approaches. The lecturer motivates students to look at the meaning and the characteristic of the art (paintings) when the students to visit the exhibition as the task requested. If described in the scheme, the step elaborative, as follows

![Fig. 3: Blended Learning that solves the task in terms of the style of painting](image-url)
BL will be successful if the students’ active participation can be developed with the concentric arch model, whereas the main problem is placed as a talking center. Lecturers write sentences or keywords and develop the references as to show the essence of meaning. Some internet sites will give different views and even meanings; in this case, the lecturers should be able to find the substance or the essence through this search in order to map out the time or period of understanding. In accordance with the concept of the year of creation, the theme and title of a work of art will show variations of meanings. This procedure will provide an overview of the development of meaning based on the year or era of creation. For example, Dullah’s Realism will refer to color, the shape or the figure, and characteristic of the theme. The development of realism has now changed objects, from material objects to the idea of developing the art of realism into a formal object represented into the world of art installation or happening art.

Fig. 4.: A Model of Concentric Arch
Blended Learning

By the semester, students are required to write criticisms of artwork at an art exhibition along with BL conducted by students to complete the writing assignment. This process can be unordered as shown in the scheme below, but the existing elements can be done in a mixture of interests. Thus, the task given by the lecturer can be done earlier. If students memorize materials in the lesson plan that have been uploaded through the Weblog in advance, they can prepare themselves. This constellation is more like a consultation that can be handled more than one in the face-to-face lecture. This aims to make the acquisition of writing ability perfectly valid. It is expected that students do the exercises repeatedly so that the writing assessment is done through the presentation, and students must prepare the script and the materials in the form of Powerpoint program. After BL activities are done, it is necessary to evaluate them. The findings of these evaluations are psychologically at first perceived by students in confusion. Some students feel stressed because the activities run fast. Students using android media to communicate explore helpfully. Students can carry out the operations by reading the lecture plan that has been uploaded, but most students do not dare to read and discuss. This possibility is a habit of previous learning that depends on the presence of lecturers. Changes in the traditional learning system strongly depend on the ability of lecturers to present materials, and lecturers play a single role as a disseminator of information. Unlike this learning system, in the BL model, the lecturer becomes a motivator because he or she always motivates students to access the internet. The upcoming development of students will be reduced by the learning model that depends on the lecturer. Some students admit that after applying the BL model, learning independence is getting higher. Broadly speaking, students’ abilities improve after the implementation of BL model, as described below. Students experiencing BL model feel free to pursue knowledge from outside the lecture. There are different descriptions and contents caused by technological developments. Technology leading to new findings have the same principles and concepts. Students' creativity will begin to evolve beyond the course hours that encourage the valuable development of new knowledge. Students relate the theories that have been studied to the work of artists written in the art criticism, and the BL model turns out to be more comfortable. The BL model gives students the ability to manage themselves as a self-regulated learning style to determine their ultimate goals. They are able to set the speed of learning based on a self-reflection and identify the effectiveness of learning approaches (i.e., having high levels of meta-cognition), tend to view learning tasks as intrinsically interesting as possible because they have high levels of self-efficacy, and engage in and persist with learning behaviors that maximize the degree to which learning occurs (Marcus Credé, A meta-analytic review of the Motivated Strategies for Learning Questionnaire [11]).

- Some positive findings show that students enjoy learning in the BL atmosphere. They have freedom to open the site of artists (history), articles of art-making methods, and theoretical knowledge. By reading the artist’s history, and the history of artwork creation, students can conclude the concept of creation or the background of the creation of artwork. In addition, the objectification determines the point in which the magnitude of aesthetics of art is not encountered during the formal learning (lectures). When artists express their ideas, students can grasp the ideas that exist in the artwork and imitate the curatorial curatorial style. Multiple advantages are used to develop the principle of writing. Psychological effects of blended learning on students’ behaviors are a sense of self-reliance and free time to open useful sites. Curiosity on the art world is increasingly high to find out the flow and techniques
used to create ideas and the background of the creation of artwork. The BL model is increasingly effective for students to learn in the context of an F2F model satisfactorily.

4. Conclusion
Blended Learning (BL) provides a direct and indirect effect on the development of students’ learning to write art criticism. The immediate impact is that students acquire knowledge practically when they write the idea of curation and criticism of artwork. In practice, BL has a distinctive style of writing so it can help students understand the artwork easily. Some articles, curatorial examples, and useful art criticisms add to the knowledge that lecturers do not have time to deliver lectures in face-to-face courses.

References


Interactive Multimedia Language Skills For Primary School Teacher Education Study Program

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Abstract. Learning skills Indonesian language has an essential role for prospective primary school teachers in the primary school teacher education study program. Learning Indonesian skills will equip students with four aspects of the profession such as listening, speaking, reading, and writing skills. Based on the results of preliminary observations, indicate that student difficulty in the learning and the needs of students on interactive multimedia. Based on the considerations which are developed interactive multimedia for learning Indonesian language skills that include several menus such as home, semester learning plan, materials, games, music, profiles, and references. In addition, there are evaluations, examples, animations, videos, and images in interactive multimedia.

Keywords: Interactive Multimedia, language skills, Primary School Teacher Education.

1 Introduction

Language has an important role in education. It cause of all activities in education has been ensured to use the language as the communication language, especially in the implementation of learning. Similarly, the role of Indonesian language for primary school teachers. Therefore, Indonesian language skills courses become one of the compulsory subjects that must be taken by students in the primary school teacher education study program. Indonesian language skills include four aspects of listening, speaking, reading and writing skills. Based on observations in various education programs of primary school teachers in some universities shows that 63.45% of students stated that Indonesian language skills courses are difficult courses. One of the causes is the lack of adequate learning media in the implementation of learning Indonesian language skills. Lecturers only use PowerPoint as media and more text-based, so less interactive and interesting.

Media has an important role in learning as an intermediary learning materials between teachers and learners, so the learning material can be delivered properly [1]. In addition, the benefits of learning media in purpose to standarize when delivery a learning materials and make interesting and attractive learning. The amount of teaching and learning time can be reduced, the increase of student learning quality and positive attitude of students to the learning process, happens anywhere and at any time, and the teacher's role can change to a more positive and productive direction[2].

Seeing the importance of learning media, then one of the solutions in learning Indonesian language skills in the Primary School Teacher Education Study Program is to develop or design an interesting and interactive learning media for students. The media is an interactive multimedia based Adobe Flash. Multimedia is a combination of various media (file format) in the form of text, images, graphics, sound, animation, video, interaction, and others that have
been packaged into digital files (computerized), used to convey or deliver messages to the
can be computerized, used to convey or deliver messages to the public[3]. Learning Indonesian skills that not only requires students to understand the material
cognitively but also required to be skilled in Indonesian language, the interactive multimedia
has an important role in learning. Furthermore, the effectiveness and benefits of multimedia,
making interactive multimedia helps students in mastering the material as well as motivating
students to learn. Therefore, with interactive multimedia, messages in the form of learning
materials easier to be submitted and accepted by students. As a result, interactive multimedia
can improve the quality of process and results in learning Indonesian language skills[4].
Multimedia can gives an effective education and facilitate the education. Multimedia provides
facilities in education. Because of multimedia practice, students can learn new information[5].

Interactive multimedia is already very popular in education. Various interactive
multimedia is designed to help the learning process. Utilization of technology in teaching
should be done following the development of science. Some of the previous studies related to
interactive multimedia was conducted by Chachil who developed interactive multimedia-based mobile applications for Iban language learning[6]. A similar study was conducted by
Salameh by developing an offline multimedia based mobile-phone system for learning
English[7]. In addition, Ampa conducted research with the application of interactive
multimedia for learning listening skills[8]. Furthermore, Research which is conducted by
Majid also develops interactive multimedia in language learning ie English[9]. Then Zainuddin which is doing research related to multimedia which is developing multimedia
Courseware for learning Arabic vocabularies[10].

Multimedia in learning is already widely developed, but there has been no interactive
multimedia development of Indonesian language skills for the Primary School Teacher
Education study program. The design of interactive multimedia skills of Indonesian language
is based on the results of observations to lecturers and students. It is expected that interactive
multimedia developed in accordance with the needs of students and lecturers in learning
Indonesian language skills

2 Method

This research is a development research. The first stage is an observation of the needs of
students and lecturers in the primary school teacher education study program on interactive
multimedia skills in Indonesian language. The observations were conducted in the Primary
School Teacher Education Study Program from Universities in Special Region of Yogyakarta
and Central Java, such as Sarjanawiyata Tamansiswa University, Ahmad Dahlan University,
IKIP PGRI Wates University, Selamet Riyadi University, and Tunas Pembangunan
University. Observation is done by interview technique, questionnaire, and document. The
observation results are used as a reference for the development of interactive multimedia, in
purpose to suit the needs of students and lecturers to learn Indonesian language skills.

3 Discussion

Development of interactive multimedia skills of Indonesian language for the Primary
School Teacher Education Study Program is agreed to the needs of students and lecturers.
Based on the observation, both lecturers and students stated need interactive multimedia for
learning Indonesian language skills. It can be known that some of the students desire to develop multimedia in learning process: 1) 98.62% of students want the existence of learning objectives in multimedia; 2) 71.72% of students want the presentation of the material brief and clear, while the remaining 27.59% want the presentation of the material described as clear as possible; 3) 99.31% of students want the existence of examples of application of language in multimedia; 4) 97.24% of students want a learning evaluation; 5) 82.07% of students want a brightly colored multimedia display, while the remaining 12.41% want the display with dark colors; 6) 90.34% of students want a back sound or sound effects in multimedia; 7) 96.55% of students want a picture or animation and 8) 100% of students want the menu button in interactive multimedia.

Based on the observations, interactive multimedia is developed using adobe flash program. Some of the main menu that is displayed include: 1) Home menu is a welcoming screen of interactive multimedia. When the user pressing home menu then the display will return to the welcoming screen. 2) SLP (Semester Learning Plan) menu is a menu which contains a semester learning plan that contains the existing a material plan in interactive multimedia as well as material plan that will be taught to students for one semester. 3) Material menu is a menu that contains learning material, consisting of five chapters: the nature of language skills, listening skills, speaking skills, reading skills, and writing skills. In each chapter of the material there is a subsection of the material up to evaluation in practice. 4) Game menu is a menu that consists as an entertainment material in interactive multimedia, so does not cause the student bored. Game contains a game of numbers that formed likely a puzzle which has to solve the numbers to play it. 5) Music menu is a menu that contains several choices of music that users can choose to accompany interactive multimedia when using it. 6) Profile menu is a menu that contains biodata designer and maker of interactive multimedia skills of Indonesian language. 7) Reference menu is a menu that contains a list of library books used to compile the material in the interactive multimedia skills of Indonesian language. 8) x button is the menu used to close the application when the user has finished using interactive multimedia.

The interactive multimedia display of Indonesian language skills for the primary school teacher education study program is described as follows.

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The interactive multimedia display of Indonesian language skills for the primary school teacher education study program is described as follows.

Figure 1 will appear when opening an interactive multimedia application of Indonesian language skills. Users will be prompted to enter a name before entering further access any available menu. When you typed a name then choose the login button.
Figure 2 shows the welcoming screen when the user logs in by typing the name under the space provided in Figure 1. At the top of the welcoming screen there are seven menus and one close (x) button that the user can select. The menu includes home, SLP, Materials, Games, Music, Profiles, and Referrals. Users can select the menu randomly according to the user needs. When the home menu is selected then the display will return on the welcoming screen.

In the SLP menu picture 3, the user can see the objectives and achievements of learning and distribution of materials that appear in learning Indonesian skills.

In the material menu shown in Figure 4, will appear five sub-subject matter of language skills, listening skills, speaking skills, reading skills, and writing skills. Users can choose learning materials according to user needs.
Fig. 5. Display of Content Menu

If in picture 4 user choose one sub main material it will look like in picture 5. To continue to the next page user can click arrow button at bottom right. There is a menu of material in each sub-material that can be viewed when the user hovers over the tree to the right. The menu on the tree can be selected in accordance with the material that users want to learn. Each sub-material will display examples of language usage as well as practice as a learning evaluation. Examples can be images or video.

Fig. 6. Display of Practice Sub Menu

In each sub-material that is four language skills there is always a menu of practice as a learning evaluation materials. One of them is shown in Figure 6 which shows the practice of listening skills. There are several practices that students can use to practice.

Fig. 7. Display of Game Menu

Figure 7 shows a game menu containing puzzle games composing numbers that can be used as entertainment when the user breaks or feel tired to learn.
This interactive multimedia is equipped with a music menu that there are some songs that can be selected as a user partner when using interactive multimedia to learn, especially when studying independently.

Profile menu shown in Figure 9. In the menu there are developer biography and interactive multimedia designer of Indonesian language skills for primary school teacher education study program.

On the reference menu, there are several lists of references which is used in the preparation of material Fontaine in the interactive multimedia skills of Indonesian language. If the material contained in multimedia is deemed less by the user, the user can browse the material through the original book contained in the reference list.
Multimedia interactive of Indonesian skills language developed to help the learning process so that learning achievement can be achieved with the maximum. This interactive multimedia can be used classically by lecturers as a medium of learning in the classroom, or used by students independently to learn. It is expected that with the development of interactive multimedia this learning skills of Indonesian language previously considered difficult will be considered easy for students as well as to increase student motivation.

4 Conclusion

Indonesian language skills have an important role in mastering the language skills of the students in the Primary School Teacher Education Study Program. Therefore, it is needed to developed interactive multimedia. Interactive multimedia as a medium that can help the learning process, in purpose and to gain the achievement of learning with the maximum level. The development of interactive multimedia is based on the observation results. Therefore, the development is agreed with the needs of students and lecturers. There is the main menu in interactive multimedia that is the home menu, semester learning plan (SLP), materials, games, music, profiles, and references. In addition, there are evaluations, examples, animations, videos, and images in interactive multimedia.

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References

The Competency of Inclusive Elementary School Teacher in Utilizing Technology-Based Learning Media

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Abstract. This study aims to determine the competence of inclusive elementary school teachers in utilizing media based on technology in terms of planning of learning based on information and communication technology. The research method is descriptive quantitative. The research was carried out in the province particular region of Yogyakarta. The subjects consisted of 138 teachers of SD Inklusi located in Bantul, Gunungkidul, Sleman, Kulonprogo and Yogyakarta. The research instrument using the test is completed with observation and interview. The results showed that the ability of elementary school teachers Inclusion in planning learning based on information and communication technology (ICT) of 38.65%. The highest value is the ability to plan ICT-based learning activities by 54.35%. Furthermore, the ability to prepare ICT-based materials reaches a value of 32.61%. While the lowest cost is the ability to plan ICT-based e-learning media of 28.98%. The result of the study illustrates that the learning done in the classroom is still conventional and teacher-centered with the dominance of the lecture method and has not done the development of ICT-based learning media capable of accommodating all the diversity and also raises the participation of all students in the class.

Keywords: competency, inclusive elementary school teacher, technology, learning media

1 Introduction

The paradigm of inclusive education becomes a solution in the distribution of rights in getting a decent education for all people. The presence of inclusive education is also a strategic effort in completing 9-year compulsory education and access to education for all children without exception, eliminating the label of discrimination including children who have special needs that will change the attitude of the community itself to the view of children with this particular need [1].

The hope of implementing an open, inclusive education of diversity and being sociable for all the differences will bring about an inclusive society. This strongly supports the ultimate goal of knowledge that in the end, everyone should be able to live side by side with one another, according to a statement revealed by UNICEF “learning to live together.”

Indonesia since 2000 has developed inclusive education, and for decades the government has made regulations by adopting policies and supporting the implementation of inclusive education.
education in their respective regions. Not apart from the special region of Yogyakarta that has declared to be an inclusive city and in 2013, the enforcement of inclusive education in the special region of Yogyakarta is further strengthened by the issuance regulation of the governor of the special region of Yogyakarta number 21 of 2013. In chapter 3, verse 1 states that every educational unit shall receive special needs students. This means that all schools in the special region of Yogyakarta should not reject children and must accept anyone who will enroll in the school[2].

The regulation requires all schools to be open to all children regardless of their background. Schools should be able to develop and provide facilities to support the implementation of inclusive education and also develop teachers' skills in teaching in diverse classes. The diversity in the classroom is more complicated, where students at the school have a variety of characteristics both in learning needs, their different learning abilities and ways[3].

The concept and practice of inclusive education itself refer to international documents in the Salamanca Statement and Framework for Action on Special Needs Education[4]. The report states that there are two fundamental principles in the practice of inclusive education that all children should learn together regardless of the difficulties or differences that exist in themselves. Inclusive schools should recognize and respond to the different needs of their students, accommodate the different styles and speed of learning, and ensure quality education to all students through the development of appropriate curricula, good organization, proper teaching strategy selection, utilization sourcing well, and raising partnerships with surrounding communities. In addition, accommodation and learning modifications are needed as well as providing various media as a means of learning to eliminate child learning barriers and solely concerned with child welfare.

Classroom teachers can provide technology-based learning media to provide opportunities for all students to learn in the classroom. By using technology, children with special needs can also access and learn together with other friends in the class. If teachers only use "textbooks," then students with special needs will have difficulty in following the lesson. One example of media technology such as digital media can be a solution and a versatile strength because the material can be given in the form of images, sound, video or a combination of formats, so it is constructive for children with special needs to understand the material given[4][1].

Based on the fundamental principles in the practice of inclusive education that must eliminate the learning barriers of students and realize the active participation of all students in the classroom, it is the necessary competence of teachers who are able to develop innovative learning one by using technology to accommodate the diversity of students in the class. Students who have special needs or who should not be able to learn together in the classroom. Teachers must be able to make learning innovations and provide various media in support of the success of learning in the school [5][6].

2 Method
This research uses quantitative descriptive method. The research will illustrate the competence of elementary school teachers (inclusion) in information and communication technology based on three aspects of ability: (1) planning ICT-based materials, (2) designing ICT-based learning activities, and (3) designing ICT-based e-learning media The research subjects are elementary school teachers of inclusion in the province of Yogyakarta Special Region (DIY). Elementary school is chosen purposively by considering the status of public / private elementary school, SD location near / far from regency / city center, and participation in training which often given by other institution education office related to inclusive education. Based on this matter selected 138 teachers of inclusive elementary school as
research subject. The research instrument is a competency test in the form of multiple choice questions with five answer choices. Data analysis is done descriptively with percentage.

3 Results and Discussion
The data obtained shows that the ability of elementary school teachers of Inclusion in designing learning based on information and communication technology amounted to 38.65%. This can be seen in Table 1. The highest value is the ability to plan ICT-based learning activities by 54.35%. Furthermore, the ability to plan ICT-based materials reaches a value of 32.61%. While the lowest value is the ability to plan ICT-based e-learning media of 28.98%.

Table 1. Ability of elementary school teachers Inclusion in planning computer-assisted learning

<table>
<thead>
<tr>
<th>No</th>
<th>Type of ability</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Planning for ICT-based materials</td>
<td>32.61 %</td>
</tr>
<tr>
<td>2</td>
<td>Planning ICT-based learning activities</td>
<td>54.35 %</td>
</tr>
<tr>
<td>3</td>
<td>Planning ICT-based learning media</td>
<td>28.98 %</td>
</tr>
<tr>
<td></td>
<td>Average</td>
<td>38.65 %</td>
</tr>
</tbody>
</table>
The ability to plan ICT-based activities and feedback materials is very important for teachers. This shows the content and pedagogic ability of the teacher (PCK). PCK is a declarative knowledge of content and pedagogy that is poured into the planning of materials and learning activities[7]. In accordance with the Law of the Republic of Indonesia Number 20 Year 2003 on National Education System Article 39 paragraph 2 states that educators, especially teachers are professionals in charge of planning and implementing the learning process and assess the learning outcomes[8]. Therefore, in order to carry out its duties to plan and implement the learning process and assess the results of learning well, a teacher must have knowledge about the content of the subject matter (content) and have the ability to teach (pedagogy)[1].

The ability to plan ICT-based e-learning activities is very important for teachers because of the content and pedagogic skills of teachers (PCK). Based on the research results, this ability will be varied for each teacher. Figure 1 shows the percentage of inclusive elementary school teachers' ability to plan ICT-based leverage activities.

![Fig 1. The ability of elementary school teachers in inclusion in planning ICT-based learning activities](image)

The ability to plan ICT-based materials also shows how much teacher and pedagogic content (PCK) is. Figure 2 shows the percentage of inclusive elementary school teachers' capacity in each district and city in Yogyakarta in planning ICT-based feedback materials.
The ability to plan ICT-based e-learning media also varies for each teacher. The highest value is owned by elementary school teachers inclusion in the city of Yogyakarta by 42%. After that Sleman 33%, Bantul and Kulonprogo 27% and Gunungkidul 20%.

Gambar 3. The ability of elementary school teachers in inclusion in planning ICT-based learning media
4 Conclusion

The results showed that the ability of elementary school teachers in Inclusion in planning learning based on information and communication technology (ICT) of 38.65%. The highest value is the ability to plan ICT-based learning activities by 54.35%. Furthermore, the ability to plan ICT-based materials reaches a value of 32.61%. While the lowest value is the ability to plan ICT-based e-learning media of 28.98%. The result of the study illustrates that the learning done in the classroom is still conventional and centered on the teacher with the dominance of the lecture method and has not done the development of ICT-based learning media capable of accommodating all the diversity and also raises the participation of all students in the class.

References
The Effectiveness of Sea-Based Blended Learning eBook on The Subject of Cookies and Candies

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Abstract. Utilization of smartphones that have not been maximized in education is inversely proportional to lifestyle. Therefore, the need for a learning media that can be applied to the smartphone. As a distance learning solution through digital sea learning. This study aims to determine the effectiveness of learning using eBook. The research method used quasi-experiment with pre-test and post-test design. Research subjects are 70 students of Home Economic Education who follow cookies and candies. Validity test using biserial point formula with the result of 26 valid test items. Reliability test using Kuder-Richardson 20 formula where reliability value is reliable. The prerequisite analysis test includes a normality test in which the data is normally distributed. While homogeneity test of variance obtained data is homogeneous. Hypothesis test using t-test shows that the = 8.884 > tt 68, α 5% = 1.990. The result of the research there is the effectiveness of learning using sea-based digital learning eBook.

Keywords: effectiveness, sea-based learning, eBook

1 Introduction

Teaching and learning process is a communication process between lecturers and students [1] [2]. Some obstacles often occur in the communication process. One of the challenges in communication between lecturers and students is less precisely media as a communication tool. Learning media used less effective due to media that is old and not in accordance with the development of the era. Though one of the functions of the media as a stimulus to students.

One of the factors to meet the learning achievement required the appropriate media [3]. The use of proper and interactive media in learning can stimulate learning in learners also reduce the passive attitude of learners [4]. The purpose of media often used in education includes two-dimensional media that provides for projection media and print media and three-dimensional media. Learning media is considered less stimulating students because it is not flexible and can not be used at any time. The media is less desirable by students because it takes more time to find and read it. In order for students to be stimulated to learn, the need for a learning media that is packaged more interesting in accordance with the times. Press as one of the tools in learning can use interactive media to stimulate students to love learning. Interactive learning media can use the smartphone as one of the messaging apparatus to students. Where the use of such media can create an attraction for students.

The development of smartphones as one of mobile technology at this time so rapidly. Moreover, balanced with various features that facilitate the wearer to communicate and social networking with the internet in it. This is evidenced by 143.26 million people using the internet of 262 million total internet users, of which 44, 16% use smartphones to access the internet [5]. In conclusion, more than 60% of Indonesians own a smartphone as a means of communication and social networking.

One of the mobile devices that are now commonly used is mobile phones. Nearly 90% of students already have a cell phone or even have more than one cell phone. Smartphones are one of many technological developments that can be called high-class technology due to its superiority. The growth of smartphones is quite rapidly motivated by the needs of people who want to work quickly and solving problems too fast without the need to meet in person. Smartphones today are very helpful in a variety of human needs, one of which helps users to work and communicate directly. Therefore the mention of smartphones as a smartphone is the reason for the development of variations of smartphones to date even quite popular in the field of education[6].

The use of smartphones in Indonesia is not only used in learning alone but used in various activities. According to data from the Association of Internet Service Providers Indonesia utilization of the internet field of...
education is less than the use of the internet for the area of lifestyle. Internet utilization according to Association of Internet Service Providers Indonesia, education field as much as 21.73% is used as an educational article while 87.73% is used as a social media [5]. N Wulandari, argues that 65.98% of students use smartphones for lifestyle in the form of social media [7]. The use of smartphones from among students of 90% with a note that the use of smartphones more widely used for personal purposes than to help the learning process [8][9]. The method of smartphones for own goals and aims as a lifestyle. The application includes covering social networks and some content that is not worth following such as networks that emphasize the elements of racial intolerance, discrimination, and even pornography. Rather than the continued use of smartphones and can damage the nation’s generation there is a need to use the smartphone as one of the smartphones to help improve learning.

The increase can be done by providing educative content and as a source of learning through eBooks according to the times. The application of instructional media with eBooks serves to reduce the adverse effects of social media, also a solution for students in learning and distance learning. In addition, sea-based learning eBook is one learning that is quite interactive. This learning uses one of the learning method of virtual education, where lecturers and students do not need to meet in one room to carry out training. Differences in learning through sea digital learning using eBooks can make students more independent and reactive than conventional knowledge. Learning using eBooks in this research is further research that is developing digital pocketbooks cookies and candies and continued to test the effectiveness of eBooks on learning cookies and candies. Some of the problems that have been described can be formulated that whether the ebook based on sea digital learning effectively used in teaching cookies and candies.

The purpose of research to determine the effectiveness of sea-based learning eBook on the subject of cookies and candies. The subject matter taken in this course is the knowledge and processing of candy. The results of this study are one of the supporting learning media that is expected to improve the quality of learning cookies and candies in accordance with the competence of Culinary expertise. eBooks developed through the application of Sigil function to enhance student understanding, stimulate and easy to use by students. In addition, sea-based learning eBook can be used without limited space and time and can be used by the general public.

Benefits of research are expected to add insight and reference for the implementation of learning by using media, especially learning media practice culinary. Providing an alternative to culinary practice learning so that it can access learning materials whenever and wherever, can provide insight and add insight to alternative learning media that are interesting and useful for learning activities. Reduce student addiction in the use of smartphones by utilizing it in learning. In addition, it can be used for distance learning.

2 Research Methodology

This research uses quasi-experiment with pre-test and post-test control group design. The selection of pre-test and post-test designs through the control group is not randomized. The results of a good pre-test when the experimental group value did not differ significantly and post-test results there are significant differences that can be known from the influence of treatment that is \((O_2 - O_1) - (O_4 - O_3)\). The use of the research design can be seen in table one.

<table>
<thead>
<tr>
<th>Table 1. Pre-test And Post-test Control Group Design</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group</td>
</tr>
<tr>
<td>-----------</td>
</tr>
<tr>
<td>Experiment</td>
</tr>
<tr>
<td>Control</td>
</tr>
</tbody>
</table>

Information:
- \(O_1\) = Initial test (preliminary learning result) in the experimental class.
- \(O_2\) = Final test (final learning result) in the experimental class
- \(O_3\) = Initial test (preliminary learning result) in the control class
- \(O_4\) = Final test (final learning result) in the control class
- \(X\) = Treatment with the use of digital books in the experimental class
- - = No treatment in the control class
Data collection on quasi-experiment research using documentation and test. Analysis of data used is quantitative or statistical aims to test the hypothesis that has been set. Researchers took the place of research in Home Economic Education Department, Faculty of Teacher Training and Education, Universitas Sarjanawiyata Tamanisiswa Yogyakarta. The sample used in this study is all students of Home Economic Education Department Culinary concentration amounting to 70 people (total sampling).

The trial in this study was conducted on 30 students outside the study respondents. After the test, validity in the analysis using Product Moment formula from Karl Pearson with an assisted statical package for the social sciences (SPSS) program version 20. Test validity is calculated using Product Moment formula from Karl Pearson. Further, the price is consulted with r table with significant level 5% with r table is said valid if price $r_{xy}$ $\geq r_{table}$ ($r_{count}$ is bigger or equal to $r_{table}$), and vice versa. The result of validity test on 35 test items, it was found that 26 test items were valid while 9 test items were declared void. The test instruments used in the study were 26 items with the problem number: 1, 2, 4, 5, 6, 8, 9, 11, 13, 14, 15, 16, 17, 18, 20, 22, 23, 24, 25, 27, 28, 30, 31, 32, 33, 34. The reliability test in this research uses KR -20 formula, the use of this formula because instrument score is score 1 and 0. The test results revealed the magnitude of the instrument reliability coefficient is 0.884 which means reliable. Where the value is in the high category.

The prerequisite analysis test uses the data normality test where the test can use Kolmogorov-Smirnov test with the decision criteria is if the calculation result of significantly more significant than 5% significance value (0.05) then the data stated normal distribution. The homogeneity test of variance is a C-test (Cochran test), by comparing the most considerable difference with the smallest deviation. Calculation results are then consulted with the table; in this calculation, $H_0$ accepted when $C_{count}$ $< C_{table}$ and degree significance of 5% and DB = N-1.

The analytical techniques used $t$-test between groups. Inter-group $t$-tests were used to test the significance level of the mean differences between the two groups. Where $t$-test between groups is used to examine the differences in the effectiveness of learning without digital books with learning using digital textbooks. Criteria for decision making is if $p < 0.05$ then the hypothesis is accepted, otherwise, if $p > 0.05$, then the theory is rejected.

Before the experiment is done first examined the subject of research, which consists of students in the experimental class and control class. Further examination conducted on experimental and non-experimental variables that are assumed will affect the subjective of research results are:

1. The early ability of students with a pre-test. The student's old ability was used to estimate the effect of the matching bias between the control class and the experimental class. The given pre-test includes the overall material to be administered during the treatment of the calculation results obtained $t_{c}$ $<$ $t_{t}$ there is no difference between the control class at the experimental level. The results show no subjective between the two groups.

| Table 2. T-test Results Independent Data Pre-test Experiment Group and Control Group |
|---------------------------------|--------|--------|--------|--------|-----------------------------|
| Data                            | $t_c$  | $t_t$  | db     | p      | information                |
| Pre-test of experimental group and control group | 0.110  | 1.996  | 68     | 0.909  | $t_{c}<t_{t}$ = there is no difference |

2. The number of students in the class (the number of students in the experimental class and the control class of 35 students each) is equal and equal.
3. The classroom (seen from the school used during the learning process, between the experimental class and the control class is appropriate because the school used has the same conditions)
4. Teachers significantly affect the knowledge of students, so it needs to be paired first. Lecturers in the experimental class and control classes are made equal and considered to be balanced.

The experimental preparatory stage serves to prepare equipment, planning, and everything related to experiments technically such as preparation to make Semester Learning Design, space preparation, lesson time required, and media used. This stage is a treatment by using eBooks in the experimental class and printed books in the control class. Administration of this treatment is adjusted to the weight of semester four material. Each procedure takes 100 minutes (two hours of lessons), this lesson is changed to the lesson time in class A and B Cookies and Candie's courses.
In the implementation of control class treatment and experimental class conducted by lecturer and researcher. The procedure was administered six times, with details of three meetings for the control class and three receptions for the trial category. Each one-hour treatment takes 100 minutes, while for the use of day and time of the surgery the researchers adjust to the schedule of Cookies and Candy's courses.

Implementation of class experimental treatment using eBook that is; the first step taken by the researcher is to open the meeting; then the lecturer explains the material to be given and studied at the meeting. After that student are given apperception about the presented document. The next step, lecturers provide materials to students using eBooks.

Furthermore, the lecturer asks students to study and look for material that has been submitted by using eBook. In this learning, students can not only learn in the classroom, but students can learn through eBook with the giving of the task by a lecturer. After the treatment is completed, then post-test is given at the end of treatment that serves to measure the effectiveness of the experimental class.

Implementation of classroom control less without using a printed book; first the lecturer opens the lesson, explains the material to be given and learned at the meeting. After that student are given apperception about the presented document. The next step, the lecturer told the article through the handbook owned by the students. After that, the lecturer gives the task to the students to deepen the stuff that has been given. After treatment is completed, then post-test is provided at the end of treatment to measure the effectiveness of the control class.

This stage the measurement stage of the treatment that has been given by giving test result of study and final observation. This last result is used to determine the difference caused by the treatment. Furthermore, the final outcome data of each class is processed and analyzed by using statistical analysis. Based on these results can be found which gives effectiveness on learning Cookies and Candies.

### 3. Results and Discussion

Data on the distribution normality test found that the pre-test and post-test of the experimental class and control class were declared healthy. It can be known if a Chi-Square value obtained from calculation result ($X^2_c$) is smaller than a Chi-Square value obtained from the table ($X^2_t$) at 5% significance level. Calculation values can be seen in table three.

#### Table 3. Normality Test

<table>
<thead>
<tr>
<th>Data</th>
<th>$X^2_c$</th>
<th>$X^2_t$</th>
<th>DB</th>
<th>p</th>
<th>information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-test of experimental group</td>
<td>4,878</td>
<td>16,919</td>
<td>9</td>
<td>0,845</td>
<td>$X^2_c &lt; X^2_t$ = normal</td>
</tr>
<tr>
<td>Pre-test of kontrol group</td>
<td>6,389</td>
<td>16,919</td>
<td>9</td>
<td>0,700</td>
<td>$X^2_c &lt; X^2_t$ = normal</td>
</tr>
<tr>
<td>Post-test of experimental group</td>
<td>13,550</td>
<td>16,919</td>
<td>9</td>
<td>0,139</td>
<td>$X^2_c &lt; X^2_t$ = normal</td>
</tr>
<tr>
<td>Post-test of experimental group</td>
<td>15,532</td>
<td>16,919</td>
<td>9</td>
<td>0,077</td>
<td>$X^2_c &lt; X^2_t$ = normal</td>
</tr>
</tbody>
</table>

After testing the normality of data distribution then tested the homogeneity of the variant with C-test. The acquisition of pre-test and post-test data shows that the data is homogeneous. It can be known from the value of C arithmetic ($C_c$) is smaller than C table ($C_t$) at 5% significance level. Acquisition of data can be seen in table four.

#### Table 4. Homogeneity Test

<table>
<thead>
<tr>
<th>Data</th>
<th>$C_c$</th>
<th>$C_t$</th>
<th>DB</th>
<th>p</th>
<th>information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-test</td>
<td>1,017</td>
<td>88,241</td>
<td>1:68</td>
<td>0,465</td>
<td>$C_c &lt; C_t$ homogeneous</td>
</tr>
<tr>
<td>Post-test</td>
<td>1,427</td>
<td>88,241</td>
<td>1:68</td>
<td>0,107</td>
<td>$C_c &lt; C_t$ homogeneous</td>
</tr>
</tbody>
</table>
Data analysis aims to test the research hypothesis, namely to determine the difference in the effectiveness of learning using printed books (control) with learning using eBook (experimental). Here is the data analysis using the t-test can be seen in table five.

<table>
<thead>
<tr>
<th>Table 5, t-Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>Data</td>
</tr>
<tr>
<td>Pre-test and post-test of control</td>
</tr>
<tr>
<td>group design</td>
</tr>
<tr>
<td>Pre-test and Post-test of</td>
</tr>
<tr>
<td>experimental group design</td>
</tr>
</tbody>
</table>

Table five explains that the value of t arithmetic is higher than the amount of t table (t<sub>c</sub> > t<sub>t</sub> or 8.884 > 1.996). Hypothesis testing can be known from Ho is rejected, while Ha accepted. Meaning: based on the calculation of student test results, there are significant differences in experiment class before and after learning using eBook. The effect of the pre-test of the students' knowledge of the experimental class and the control class shows that there is no difference in the level of students' learning knowledge between the two classes can be indicated by the value of t count smaller than the amount of t table (0.110 < 1.996). It proves that the experimental class and control class depart from the same starting point (no subjective).

There are several factors that cause student knowledge in the initial conditions are still low. Among them, the lack of controlled classes at the time of both experiment and control class learning because the classroom practice is used for theory. Students only use printed books in education. Frequent knowledge independently. Student saturation due to less monotonous and less exciting learning. Viewed from table five it is known that the control class only experienced a slight increase because the printed book in the learning process is challenging to be understood by the students. Moreover, print books do not contain detailed steps in learning. In addition, the printed book as a reference is rarely published and has a higher price. Conventional knowledge makes students saturated, so many students become less concentrated in receiving the subject matter [10][11].

However, seen from the table ten where learning using e-book based on digital sea learning has increased. This explains that eBooks are more effectively used in learning than in printed books. The use of sea-based digital learning has some advantages:

a. Accelerate the pace of learning and help teachers to make better use of time.

b. Reduce the burden of teachers in presenting information, so it can be more fostering and developing the passion.

c. Reduce the control of rigid and traditional teachers.

d. Provide opportunities for students to develop in accordance with its ability.

e. Provide a more scientific basis for learning.

f. Better consolidate learning by improving the ability of learning resources.

g. Allows to learn in real time and at any time

h. Provide direct knowledge.

i. Allows broader learning presentation, by presenting information capable of breaking geographic boundaries.

The effectiveness of sea-based online learning eBooks in line with research that says that there is an influence of internet utilization on student achievement [11][10][12]. Learning with interactive multimedia is more effective than learning without resorting to interactive multimedia [13][14]. Therefore the application of this learning media combines digital book (software) followed by the delivery of messages with digital sea learning that students receive using computers, laptops and even smartphones (hardware).

4. Conclusion

The results of research and discussion have been elaborated; it can be concluded that based on digital sea learning ebook effectively used in learning cookies and candies. This is shown by the submission of the accepted hypothesis. The calculation can be seen from t arithmetic greater than t table. Based on research
findings that have been done e-book based on sea digital learning can be used in other knowledge especially vocational material. In addition, sea-based learning eBook can be used for distance learning. Advanced research is needed to find out the usefulness of eBooks in reducing student addiction to social media. It is necessary to have a policy in Higher Education to use eBooks as an interactive way of learning.

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References
A comparative analysis: Web design of Universities in Indonesian and American Countries based on CNET and Hall theory

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Abstract. The development of website-based technology can be useful in education. Universities can use web-based technology to communicate information to various fields without limitation, space and time. Universitas Pendidikan Indonesia (UPI) and American University (AU) are one of the universities that use website-based media to communicate information. The analytical methods used in the comparison are using CNET (builder) and Edward T Hall theory. Components in CNET (builder) include usability, a navigation system, graphic design, content, compatibility, loading time, function, while Hall components include animation, collectivism or individualism, product promotion values, transparency, linear vs. parallel navigation. The results are web AU looks simple with little image and content displayed. Many of the content is displayed on the main page on the web UPI, while at AU is not much; Images displayed on the web UPI further highlights the collectivity, while AU highlight individualists.

Keywords: web design analysis, web for education, CNET (Builder), Hall Theory.

1 Introduction

Web-based technology is an information tool that is often used by various fields, especially in the field of education [1]. Education needs a media that can be used to distribute information to users [2], [3]. Information submitted and received can be accessed anywhere, anytime, and anyone. The ease offered through the website, users can find out the latest information in the field of education and know the registration information of new students, courses offered, scholarships, and so forth. It can be accessed easily by users resulting in the number of educational websites that have been circulating on the internet. The information system is a communication of information technology, and one's activities use such technology to support operations and management [4], [5].

Websites have two types, namely dynamic and static web [6]. The fundamental differences in both types cannot be seen from either side but can be seen comprehensively [7]. The static web has the following characteristics: (a) no interaction between the visitor and the web owner is possible; (b) Static web usually uses the only HTML; (c) not using the database because no data needs to be stored and processed; and (d) Content or static web page content is provided only by web owners and seldom updated [8]. In contrast, dynamic web: (a) there is interaction between visitors with web owners such as providing comments, online transactions, forums, etc;
(b) using web programming languages such as PHP and ASP; (c) using a database such as MySQL, Oracle, etc. to store and process data; and (d) Content updates more frequently. Content in the dynamic web can be loaded from the database so that it can vary [9], [10]. A system can be said to be good if it has been tested [11]–[13].

Web Education is a dynamic type website [14] because the information presented can be updated, deleted, and added. Web display design can also be modified by the owner's wishes [15]. Design changes can affect the number of visitors on the web [16]. Exciting design and easy-to-use navigation are one of the reasons why many visitors to the education website because it is beneficial for users in selecting some pages on the educational website. Web sites can be useful and ease in learning, but can also have negative impacts [17].

The university website is one part of the educational website. Some of the content displayed on this web usually presents information about academics, courses offered, scholarships, achievements, university alumni, etc. Content displayed varies depending on each website. Each region has its characteristics in posting content that will be included into the site [18].

Universitas Pendidikan Indonesia and American University are one of the universities engaged in education through the process of learning and teaching. Both institutions are well known to many people. Information on academic activities, campus developments and courses offered are much sought after by visitors. Therefore both universities have created media that can convey information needed by visitors [19]. It can be accessed anywhere, anytime, without any limitations of space and time. This paper will discuss the differences in the design of the university website in Indonesia and in the United States without having to feature and weaken each web [20].

2 Analysis Methods

The design is the most important element in a website [21], [22]. Website design greatly affects the visitor's judgment about whether or not the website is so important that a design determines its beauty and quality. Therefore, the higher the quality of mastery on web design, it can improve its quality [23]. The first step taken by the designer is to create a mockup [24]. Mockup serves as clarifying the needs that will be displayed on various types of websites. In addition, mockup can be used as communication tools with users. The design ideas can be visualized easily without having to explain orally or orally. Here is an example of mockup:
2.1 CNET (Builder)

CNET Network Inc. (Center of the National d'Etudes des Telecommunication) is a telecommunication research and development center of France Telecom issued several criteria as a reference in the development of web-based application systems [25]. The criteria are as follows. Usability is can a user find a way to use the website effectively (doing things right). The navigation system can be used and understood easily by the user. Graphic design gives visitors a comfortable feel with an interesting blend of colors, graphics, typography, and layouts. Content presented on the website is very useful and needed by the user whether it is in accordance with the theme offered or not, etc. Compatibility means how wide the website can be supported by other app devices, such as on web browsers: Mozilla Firefox, Google Chrome, Opera, etc. Loading time means factors that affect loading time, such as bandwidth, internet connection, etc. The function is how well a website works from its technological aspect [26]–[28].

2.2 Hall theory

Hall theories will focus on communicating through the relevant culture with regard to web design shown [29]. Edward T Hall has categorized this type of communication into two parts, namely low and high context [30]–[32]. Hall observes that meaning and context are closely tied to one another. Low context tends to be more complex with text-based. This results in less intuitive and slow to understand as well as less efficient [32], [33]. Low context countries are the United States, Germany, Australia, and most of Europe [34]. While the high context is the opposite of the low context, which has a feature more quickly understood and more efficient because it depends on the intuitive. But the disadvantage is that it is too slow in making media because it needs to equate perceptions between the designer and the user [33]. Countries that use the high context are Indonesia, Japan, Middle Eastern Countries, and another of Asia
Countries [34], [35]. Here is a table of low and high context differences according to Hall theory[36].

**Table 1. Comparisons of low and high context**

<table>
<thead>
<tr>
<th>Comparisons</th>
<th>High Context Culture</th>
<th>Low Context Culture</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animation</td>
<td>Use of motion pictures or animation clips</td>
<td>Use fewer images, but highlight text</td>
</tr>
<tr>
<td>Collectivism or individualism</td>
<td>The image promotes the characteristic values of collectivist societies.</td>
<td>The image promotes the characteristic values of individualistic societies.</td>
</tr>
<tr>
<td>Product promotional values</td>
<td>Advertising messages are displayed directly and transformationally to create emotions through images and entertainment.</td>
<td>Advertising messages are displayed directly and rationally to display product information.</td>
</tr>
<tr>
<td>Transparency</td>
<td>Link promotes an exploratory approach to website navigation and process-oriented.</td>
<td>The instructions are clear and exaggerated concerning navigation on the website and goal-oriented.</td>
</tr>
<tr>
<td>Linear vs. parallel navigation</td>
<td>There are many sidebars and menus, many menus by opening a new browser window for each page.</td>
<td>There are several sidebars and menus, not many menus by opening a new browser window for each page.</td>
</tr>
</tbody>
</table>

3 Results Comparison

Analysis of university website is the website of Indonesia from the Universitas Pendidikan Indonesia (http://UPI.ac.id/) and the American University website (http://www.American.edu/). Here is the look of the website.

![Website display of Universitas Pendidikan Indonesia](image)

Fig. 2. Website display of Universitas Pendidikan Indonesia
3.1 Analysis based on CNET (Builder) from Jacob Nielsen

Both websites will be compared based on CNET (Builder) from Jacob Nielsen. Below is a table on the comparison of both web.

Table 2. Comparison of web design of Universitas Pendidikan Indonesia and American University based on CNET (Builder)

<table>
<thead>
<tr>
<th>Comparisons</th>
<th>UPI’s Website</th>
<th>AU’s Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Usability</td>
<td>Simple design, but too many pictures and menus, this causes the website to look full.</td>
<td>The design is simple; the menu is not too much and neatly arranged.</td>
</tr>
<tr>
<td></td>
<td>The satisfaction level of the user is good</td>
<td>The satisfaction level of the user is good</td>
</tr>
<tr>
<td></td>
<td>Easy to learn</td>
<td>Easy to learn</td>
</tr>
<tr>
<td></td>
<td>There is a language menu</td>
<td>There is no language selection menu</td>
</tr>
<tr>
<td></td>
<td>The main menu is neatly arranged in the header, while the submenu is on the main menu and at the bottom (news, motion pictures, announcements, etc.)</td>
<td>The main menu is placed on the left side and given a green background. The submenu will appear when the main menu is pressed.</td>
</tr>
<tr>
<td></td>
<td>All links work properly</td>
<td>All links work properly</td>
</tr>
<tr>
<td>Graphic design</td>
<td>The background is white, blue, and gray, while the website has a white background and a little blue color.</td>
<td>Website background with a gray color, while the web display is more dominant in white and slightly dark green.</td>
</tr>
<tr>
<td></td>
<td>Design looks simple</td>
<td>Design looks simple</td>
</tr>
<tr>
<td></td>
<td>Logo placed in the middle along with the identity of the website Universitas Pendidikan Indonesia. Logo and identity are placed above the main menu.</td>
<td>American University logo and web identity are placed on the left side, above the menu.</td>
</tr>
<tr>
<td></td>
<td>The header display is always moving to be dynamic and fluid; this is supported by motion pictures.</td>
<td>The header does not move and can only change when clicked on the next button.</td>
</tr>
</tbody>
</table>
Comparisons | UPI’s Website | AU’s Website
--- | --- | ---
Content | Contains information on universities, faculties and courses offered academic activities, news updates, announcements, etc. Each information content always has a picture as an explanation. Images displayed are usually campus officials, buildings, and some students. Depending on the info presented. | Contains information on universities, faculties and courses offered academic activities, news updates, announcements, etc. Each content has text only, very rarely display images or video. The pictures are presented with more student activities.
Compatibility | Can run on various Browsers, like Google Chrome, Mozilla Firefox, Cool Novo, Flock, and Opera. Can be connected to multiple social networks Can run on various platforms, such as mobile phone, laptop (browser), tablet. | Can run on various Browsers, like Google Chrome, Mozilla Firefox, Cool Novo, Flock, and Opera. Can be connected to multiple social networks Can run on various platforms, such as mobile phone, laptop (browser), tablet.
Loading Time | Content is presented very much, so in loading time is very influential on the internet connection in use. | Content that is served not too much, but in loading time is strongly influenced by the internet connection used.
Function | No visible data missing | No visible data missing

The table describes the comparison of the two websites from Indonesia represented by the web Universitas Pendidikan Indonesia and the United States represented by American University.

3.2 Analysis based on Edward T Hall

The United States is a country that uses the web with low context, while Indonesia uses high context [32], [34], [35]. This fundamental difference dramatically affects the media submitted by both countries. Here is a table of differences from both websites according to Hall theory.

Table 3. Comparison of web design of Universitas Pendidikan Indonesia and American University based on Edward T. Hall

<table>
<thead>
<tr>
<th>Comparisons</th>
<th>UPI’s Website</th>
<th>AU’s Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animation</td>
<td>There are many motion pictures, displayed images, as well as some other supporting animations.</td>
<td>Few images are shown on the website.</td>
</tr>
<tr>
<td>Kolektivisme dan Individualisme</td>
<td>The displayed images feature collectivity, viewed from groups or communities on a slideshow although some pictures show a person.</td>
<td>Showing more images of a person or individual. Can be seen there is a student who focuses on the computer. While in the header, someone looks himself was kicking the ball.</td>
</tr>
</tbody>
</table>
Comparisons | UPI’s Website | AU’s Website
--- | --- | ---
Product promotional values | The image presented is more emphasized in the slideshows under the header. Also, the picture comes with a text that can be quickly clicked by visitors. This can make visitors more interested in animation and images. | Visual images are natural, showing no motion or slideshow. This natural nature shows the activities undertaken at American University. |
Transparency | There is no transparency on the menu or web links. It is just that the menu if brought closer will change to a different color. | There is no transparency on the menu or web links. It is just that the menu if brought closer will change to a different color. |
Linear vs. parallel navigation | Too many menus and sidebars on the website. | Few menus and sidebars on the web. |

4 Conclusions

The results of comparative analysis on both websites from Universitas Pendidikan Indonesia and American University can be drawn some conclusions, among others:
1. Web of Universitas Pendidikan Indonesia more images and content are displayed, so that looks crowded on the website. While the web of American University looks simple with little image and content displayed.
2. Many contents are displayed on the main page on the internet of Universitas Pendidikan Indonesia, while at American University there is not much content displayed.
3. Images displayed on the web of Universitas Pendidikan Indonesia are more accentuated collectivity, while American University only features individualists.

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Information media literacy to improve working concept comprehension of ignition system with contact breaker through problem based learning

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Abstract. One of electrical system character is that it is visually unobservable, but the change it brings can be detected. When analyzing the change in each component is presented as the difference of final result from their specifications. Thus the difficulties of understanding Ignition System with Contact Breaker (ISCB) working concept and failure analysis can be solved with Information Media Literacy (IML) using Problem-based Learning (PBL) approach. This research was conducted on 76 K-11 (± 19-21 years old) as experiment group. The results indicated that students' conceptual comprehension posttest score statistically shows the significance of ISCB. The implication of Information Media Literacy, designed to solve problems in the contact breaker ignition system, is that it can effectively help students by facilitating conceptual ability.

Keywords: Information Media Literacy, Problem Based Learning, Ignition System Contact Breaker

1 Introduction

Ignition is part of the automotive electrical system; its role is to supply sparks in the combustion process. Inseparable combustion concepts are (1) strong sparks, (2) high compression pressure, and (3) fuel mixture approaching stoichiometry [1], [2]. Therefore, the ignition system must be able to function in all machine conditions [3]. If the components are experiencing problems, it will have a detrimental effect on the spark quality, or even leading to misfire. As a result, the machine does not work optimally, or system malfunction may happen. Thus, studying the failure to each component with the analysis of the occurring phenomenon will facilitate students in the future to master the skills of diagnosis and repairers to the ignition system.
The current phenomenon in the real world is components break down, solving this is a competence that must be mastered by automotive vocation students. Input from practitioners and experts regarding the failure in the ignition system should be conceptualized in the teaching plan, and then electrical media is made in such a way to simulate the real conditions. Students in groups should learn to solve the encountered problems by analyzing and evaluating the problem identification process [4].

System-supporting component failures cause ignition system problems. Sometimes the issues are in the preliminary phase, and sometimes they are not realized by the user. Other conditions, components of aging that has exceeded the age limit or other factors caused by nature. It allows the disruption of the ignition system and creates optimum components performance [5]. Students are expected to be able to sense the effects of component failures or physical changes that deviate from the standard conditions. Thus the normal and abnormal conditions become the benchmark to identify the problem. Next step is to test the components and build a hypothesis. This process is part of the PBL steps on the problem identification concept.

The process of problem identification requires knowledge competence, regarding electrical systems. In detail, it consists of knowledge about the components, the components functions, the component performance impact, and even the standard component measurement. These competencies are obtained through many possible methods. In the PBL class, students are conditioned to empower the Information Media Literacy they have. This method is considered more practical and useful; all students have the media in their online smartphone. The roles of media literacy in a broad sense are for the ability to understand, analyze, and construct [6], [7] and it is accessible. The conducted process is building a habit of reading and writing down obtained information. The use of IML in Problem-Based Learning concept develop insights and cultivating positive literacy. This method can also be used in other competence with IML approach.

Based on the description elaborated above, it can then be formulated into research questions as follows: (1) what are the characteristics of IML that can be developed for the ISCB concept of the automotive field that is PBL oriented? (2) After implementing IML, has the ISCB learning developed effectively to build the PBL concept?

1.1 Ignition System Contact Breaker (ISCB) Electrical Part

Conventional ignition has undergone technological developments. In principle, however, it still has similarities. In vocational education, competence in the traditional system is basic competence that must be studied and mastered as a requirement for the next advanced proficiency.

Some formal and non-formal vocational educators present lessons in different ways. However, the concept of performance that becomes the students’ understanding is not changed. The presentation is in the form of demonstration media [8] by separating the ignition system from the more complex system. The other way to build understanding is teaching with visual media that is available in various online media. The same intended objective is the mastery of ignition system. However, the drawbacks of each learning media need to be addressed and complemented with understanding by IML.

Components in complex ignition system consist of: contactor key, fuse, ignition coil (primary and secondary) with internal or external resistors, high voltage cable, distributor (rotor, contact breaker), capacitor, and spark [9]. The process of sparkle in a very complicated way
among ignition components. The heat transfer process that occurs between elements cannot be observed visually. The necessary explanation cannot show the loss factor. Required initial data and measurement data as well as visual observations to build robust analysis. Those knowledge and skills are expected to be mastered by students. Reconstructions made from various conditions are required so students can earn a preliminary investigation. With the help of IML students may identify problems that occur. The ignition system is illustrated as follows:

![Ignition System Diagram](image)

**Fig. 1.** The circuit Ignition System [9]

Ideal characteristics of the ISCB components are: ignition coil with no current leakage, no current or voltage loss, no limit for ignition timing angle, the resistor is maintained at interruption electromagnetic wave conditions. Often, because of the engine condition, the combustion process leaves residue combustion chamber due to slow propagation of fire [10]. Temperature and pressure affect the combustion system also, especially the heat transfer process [11]. The changes that occurred were noted and considered in failure analysis. Ignition stability [12], is the key to learning system objectives.

1.2 ISCB Concept Comprehension with IML Support

The globalization era gave birth to the role of media as literacy in the learning concept and industrial technology. Similarly, the characteristics of 21st-century education, education 3.0, industry 4.0 and sustainable development goals (SDGs) emphasize learning innovation utilizing media literacy as information. Media literacy is part of needs for teenagers, even up to the addiction level. Rather than spending useless time for it, it should be directed to the utilization which provides a new understanding, especially in the learning concept.

Information Media Literacy uses internet of things (IoT) that are: communication, data sensing, device connection, data analytics, data value, and human value [13]. Elements which should be considered for education development in Indonesia are (1) education globalization in the form of cyber tech, internet of things (IoT) [14], competition, cloud computing, new technology; and (2) institution and structure (creativity, innovation, multi-discipline,
entrepreneur, etc. Those two elements are integrated with each other, mainly because the carrying capacity of internet users in Indonesia for 2018 is around 123 (million) included in 5 clusters of the world. Enhancement of IoT for learning innovation will need digitalization strategy; it can be found in Siap online, Qbaca, Journal, English Bean, UmeetMe, Indischool, Smart Campus Award and India learning.

<table>
<thead>
<tr>
<th>Table 1. Dimension of Digital Media Literacy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Device Literacy</strong></td>
</tr>
<tr>
<td>Access</td>
</tr>
<tr>
<td>Understand</td>
</tr>
<tr>
<td>Create</td>
</tr>
</tbody>
</table>

Source: Park (2011) [15]

Literacy is defined as "the approved ways of generating, communicating, and negotiating through text" [15]. In the education context, media literacy plays a role in education as comprehension renewal innovation as stated by Erstad [16]. Then the information media processing is in the form of "reading," accessing information, and "writing," producing and expressing contents so that it will open up a new competent dimension [17]–[19]. Thus reading literacy, writing literacy, media literacy become new movements that are applied to every learning process using literacy media. The use of literacy media in e-learning can improve students' learning outcomes. [20].

1.3 PBL Characteristics using IML

PBL is part of a student-centered scientific method of solving open, ambiguous, complex, exciting and needs-based problems in the real world that is sustainable [9], [21]–[23]. One of the most innovative learning styles recommended in vocational education is the scientific approach by exploring the utilization of problem-solving [22]. PBL is an instructional methodology that teachers use for students in solving globalization issues by integrating suitable information. Information is obtained through an authorized and reliable online source. The success in information selection lies in a reliable source and students should also be able to select and manage data as information back up.

The initial stage of PBL activity is problems identification from situations that require a solution. Using online mode, students enter appropriate keywords and then filtrate or sort data. Actions taken by students at this stage are among others accessing, exploring, analyzing, sharing, formulating, [24] and taking decisions [25]. The purpose of this pattern is to define the problem, to be investigated, and the process of communication [26] from different information already obtained. So teachers examine data and applying the characteristics of information media literacy in the form of critical thinking ability, i.e.: (1) transformative; (2) troublesome; (3) integrative; (4) irreversible; and (5) bounded. It is to limit the information obtained. Moreover, also to use the time efficiently.
Next step, to process the problems given, students, with PBL approach should: (1) identify and search essential background sources of statistical information and reports from the original articles; and (2) list of information needs to be based on the things that are still unknown [21].

2. Method

The research objective is to analyze the effects of Information Media Literacy (IML) in promoting the conceptual understanding of Ignition System Contact Breaker (ISCB) with Problem Based Learning (PBL) patterns during the comprehension construction process. This study used a quantitative approach with pretest and posttest designs used by Creswell [27]. Measurement of the conceptual understanding of the experimental class uses one group with the following design.

Fig. 1. Design One Group Posttest Only

Information:
O: Conceptual Understanding Media Literacy Tests using PBL Information
X: The scientific study learning in the platinum ignition system of the experimental group

A total of 76 respondents participated in this study. Respondents were drawn on the K-11 with ± 17-20 years of age. The sample was selected randomly. Most of the students have been studying the concept of the contact breaker ignition system works. The achievement test, developed by the researcher in the form of conceptual understanding consisting of 2 open questions, is used as an instrument of data collection in the form of cause and troubleshooting. At the beginning of the meeting, a common problem in the industrial world was presented.

<table>
<thead>
<tr>
<th>Comprehension level</th>
<th>Variables</th>
<th>Sub Variables</th>
</tr>
</thead>
<tbody>
<tr>
<td>understanding</td>
<td>Conceptual Information</td>
<td>1. Understanding Capabilities</td>
</tr>
<tr>
<td>conception</td>
<td>Media Literacy using the PBL approach in ISCB</td>
<td>2. access Capabilities</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. capability Evaluation</td>
</tr>
</tbody>
</table>

**Problem 1.**
During the trip with the car going less than 60 Km/hour, engine was in normal condition. Last service was done at 880,000 Km and at that time the vehicle age was 929,000 Km. Suddenly, after 4 hours driving with speed above 90 Km/hour, the engine was off and, after testing, there was no park on the spark plug. Explain why this problem may occur, do it with data testing!

a. Explain the possible cause!
b. How can we solve this problem?
c. What actually happened and prove the failure characteristics?

**Problem 2.**
Engine performance is not stable, at 1,000 Rpm the spark is weak, what phenomenon is happening with this car?

a. Explain the possible cause!
b. How can we solve this problem?
c. What actually happened and prove the failure characteristics?
For the PBL process, time to complete the learning is 180 minutes in small groups work and application of information media literacy. The instrument sheet and the required equipment have been prepared before. Initial comprehension has been measured to prepare for the system diagnosis stage. The student’s responses in the PBL class are analyzed in two ways. First, identify the student’s ability in the ISCB conception using PBL approach and their ability to use information media literacy. Capability analysis is an appropriate analytical method, which provides a general view of the academic level based on achievement test questions. On the other hand, information literacy capability is assessed to see the influence of IML in overcoming the problems in the PBL class. It is part of learning resources and learning innovation.

3 Results and Discussion

Stages for analyzing ISCB problems will include the stage of symptoms identification, the causes investigation, problem solution and the standard specifications of components. Problem analysis had been completed by students, and several failure causes had been identified, also the action to fix the problem. The failure causes identification process was substantially supported by information media that is read and written. Next, they build problem hypotheses and then determine the final action. After that, the action is analyzed based on the result. This process is called comprehension level reconstruction based on problem situation. The result of the analysis is presented in the table below.

<table>
<thead>
<tr>
<th>Symptom</th>
<th>Cause Analysis</th>
<th>Solution</th>
<th>Spec</th>
</tr>
</thead>
<tbody>
<tr>
<td>Problem 1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No spark in the spark-plug</td>
<td>Dead spark-plug or excessive deposit</td>
<td>Replace or clean or adjust spark plug gap replace</td>
<td>1.0 ± 0.2 mm</td>
</tr>
<tr>
<td></td>
<td>Excessive leakage in high-voltage cable</td>
<td></td>
<td>≤ 25KΩ</td>
</tr>
<tr>
<td></td>
<td>Dirty contact or out of spec gap</td>
<td>Clean or re-adjust</td>
<td>angle (&lt;) 45⁰</td>
</tr>
<tr>
<td></td>
<td>Contact is closing or opening all the time Dead coil</td>
<td>Adjust contact and return spring Replace coil an measure</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Faulty condenser cable connector</td>
<td>Check connection</td>
<td>Primary: Secondary:</td>
</tr>
<tr>
<td></td>
<td>Dead condenser</td>
<td>Replace condenser and measure</td>
<td>0.4µf</td>
</tr>
<tr>
<td>Problem 2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small spark</td>
<td>Excessive deposit in spark-plug</td>
<td>Clean or replace the Sparkplug</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Excessive leakage in high-voltage cable</td>
<td>Replace</td>
<td>≤ 25KΩ</td>
</tr>
<tr>
<td></td>
<td>Dirty distributor cap</td>
<td>Clean terminal</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Missing carbon on the distributor cap</td>
<td>Replace distributor cap</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Out of spec contact gap Misadjusted ignition timing</td>
<td>Adjust</td>
<td>angle (&lt;) 45⁰ 8⁰</td>
</tr>
</tbody>
</table>
The findings from conceptual skills test are presented based on the level of IML understanding: understanding, ability to access, and evaluation skills. Findings from achievement tests are presented in the table below, and then the results are analyzed.

Table 4. Student’s Conceptual comprehension level

<table>
<thead>
<tr>
<th>Comprehension level</th>
<th>Criteria</th>
<th>ISBC Concept</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Understand</td>
<td>Access</td>
<td>Evaluate</td>
</tr>
<tr>
<td>Complete comprehension (4)</td>
<td>Correctly answering all questions</td>
<td>35</td>
<td>46%</td>
<td>39</td>
</tr>
<tr>
<td>Majority comprehension (3)</td>
<td>Minor mistake in answers</td>
<td>20</td>
<td>26%</td>
<td>19</td>
</tr>
<tr>
<td>Faulty comprehension (2)</td>
<td>Vague or wrong answers</td>
<td>9</td>
<td>12%</td>
<td>7</td>
</tr>
<tr>
<td>No comprehension (1)</td>
<td>Irrelevant answers</td>
<td>9</td>
<td>12%</td>
<td>7</td>
</tr>
<tr>
<td>Not answering (0)</td>
<td>No answers</td>
<td>3</td>
<td>4%</td>
<td>4</td>
</tr>
</tbody>
</table>

Based on the above table, the information obtained in the average level of each consecutive understanding of the concept of ISCB, there is the development of learning constructs using IML. The average score is at a medium level.

Results from the student’s comprehension level test were analyzed for each item about ISCB-based problems, and then presented in the following table:

Table 5. Students Comprehension Level

<table>
<thead>
<tr>
<th>Comprehension Characteristic Level</th>
<th>Answers characteristics</th>
<th>ISCB Problem Comprehension</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>1 (%)</td>
</tr>
<tr>
<td>High characteristics</td>
<td>All questions A, B, and C are answered correctly</td>
<td>35 (46)</td>
</tr>
<tr>
<td>Medium characteristics</td>
<td>One question is not answered or wrong</td>
<td>15 (20)</td>
</tr>
<tr>
<td>Low characteristics</td>
<td>Only one question is answered correctly</td>
<td>18 (24)</td>
</tr>
<tr>
<td>No characteristics</td>
<td>No answer at all</td>
<td>8 (11)</td>
</tr>
</tbody>
</table>

Σ: a total of students answering problems about ISCB based on the comprehension level
%
1: problem one from ISBC question
2: problem two from ISBC question

For effectiveness of Information Media Literacy used in PBL classes in the reconstruction of the conventional ignition system concept, the quantity is determined by the percentage of students at the median level, i.e., complete comprehension. The effectiveness of IML use on the working concept of ISCB helps students in PBL condition.
Table 6. Effectiveness Percentage in the understanding working the concept of ISCB

<table>
<thead>
<tr>
<th>Conception level</th>
<th>Quantity (%)</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Understanding concept</td>
<td>46</td>
<td>Medium</td>
</tr>
<tr>
<td>Accessing concept</td>
<td>51</td>
<td>Medium</td>
</tr>
<tr>
<td>Evaluating concept</td>
<td>49</td>
<td>Medium</td>
</tr>
<tr>
<td><strong>Average</strong></td>
<td><strong>49</strong></td>
<td>Medium</td>
</tr>
</tbody>
</table>

The table above shows that the MLD is on the medium average of 49%, and needs to be increased for other competencies.

4 Conclusion

This study demonstrates the effectiveness of Information Media Literacy (IML) to improve conceptual comprehension about ignition system Contact Breaker (ISCB), to help students succeed and scientifically build an understanding about the concept of ISCB. The results demonstrated that the incorporation of learning with IML has the potential to develop students conceptual comprehension in the process of problem identification using the PBL method. Based on the results and discussion, it can be concluded that the results presented shows that students in the identifying problems at ISCB passed with higher significance. This finding strongly supports that the application of PBL in IML can be used as an alternative instructional tool, to help students develop conceptual comprehension about ignition system Contact Breaker (ISCB).

References


Visual Basic for Application Excel For Creativity Thinking Skills and Student Disposition on Kapita Seleka

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Abstract. Basic math is a prerequisite that must be met by students of mathematics education to facilitate mastery of mathematical concepts. To develop creative ideas and disposition of their students need some way of students to solve mathematical problems called premises Open Ended approach and the help of ICT for visualizing accurate answers by using Visual Basic for Applications for Microsoft Excel. To see the effectiveness of the study, researchers conducted experiments on three groups or three grade Student of 2015 at the Teachers' Training College Siliwangi, and found that learning in subjects capita selekta junior high school, groups using Open Ended approaches with VBA-supported Microsoft Excel are better than those who use and not use VBA for Microsoft Excel, as well as VBA for Microsoft Excel as a useful application for creating and explaining mathematical concepts compared to without VBA for Microsoft Excel.

Keywords: Creative Ability, Disposition, Open-Ended, VBA for Microsoft Excel

1. Introduction

Mathematics is the essential basis of the foundation that must be mastered by the student to broaden the mastery of mathematical concepts further. Therefore, basic math is needed by students to make sense of mathematical concepts well, using the skills students bring new ideas to relate math to real objects. This is consistent with Johnson [1] that the numerical mastery factor Importance of math skills to the student's performance in a quantitative discipline. That the constraints faced by the students have not led to the idea to create a visual tool for understanding math concepts, as a result of students not able to understand the concepts of mathematics this is found in the classroom 82.4% Students have not been able to associate images with mathematics and 75.4% of students have not been able to define the number and geometry of one determines the prime number. It can be seen from the data PISA 2015 that Indonesia ranks 63 out of 70 countries [2], which is the smallest value among the scores of mathematics (386) than science (403) and reading (397). Efforts must be made how to develop the creative abilities of students towards mathematics that produces a variety of ways the discovery of new ideas the students when facing mathematical problems to provide
appropriate solutions. The goal is not focused on the search for answers, but more emphasis is placed on arriving at a response [3].

To foster creative ideas of students, they would need a visualization tool as a replacement for traditional props to help make the process of finding answers more effective. One based on ICT is Visual Basic Application for Microsoft Excel. Because Visual Basic Application for Excel can help students understand fundamental mathematics [4]. There are some essential things part of learning to use ICT is the effectiveness of the current time and the place to learn more math support [5], and ICT is also useful to know how to build knowledge and information about the involvement of the prospective teachers with secondary school students in the field [6].

The purpose of this study is not only to use the knowledge of basic mathematics but also to deliver knowledge to prospective teachers to students in secondary schools, in accordance with the opinion of Collis [7]. ICT is able to make a prediction and selection strategies undertaken by students at colleges in accordance with the development of external activities in education and can be applied to the internal policy that can be distributed to all students or prospective teachers.

By using the approach of Open-Ended and aided Visual Basic Application for Microsoft Excel in addition to developing creativity, abilities of students, it can also improve the strength of the disposition of which is to increase self-confidence to be able to express their ideas, honesty in the ability of knowledge, responsible way to resolve problem solving, and hard work always to try to get the best results and the apparent experience by the students themselves in accordance with the opinion of Bernard [5].

2. Research Methods

Research methods conducted in two classes of the first class is a class that is learning to use by using that develop creative abilities of students with the approach of Open-Ended with assisted Visual Basic Application for Microsoft Excel and the second class is the class that the development of creative skills of students in the usual way with supported Visual Basic Application for Microsoft Excel and the third class is a class that uses the usual way with a quasi-experimental research design. Both categories use ICT as a tool to create props mathematics applied to subjects capita selekta middle school math samples taken for the first class consisted of 31 students and for the second class consists of 36 students, and a third class includes of 33 students.

3. Results and Discussion

From the results of the pretest or before learning about the exam conducted creative abilities of students with basic knowledge of mathematics courses capita selekta middle school math to group 1, group 2 and group 3.

<table>
<thead>
<tr>
<th>NO</th>
<th>GROUP</th>
<th>( \bar{x} )</th>
<th>S</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Group 1</td>
<td>6.19</td>
<td>1.66</td>
</tr>
<tr>
<td>2</td>
<td>Group 2</td>
<td>6.28</td>
<td>1.79</td>
</tr>
<tr>
<td>3</td>
<td>Group 3</td>
<td>6.64</td>
<td>1.19</td>
</tr>
</tbody>
</table>

From Table 1, it shows that group 3 has a larger average compared to group 1 and group 2 and group 3 has smaller deviation deviations compared to group 1 and group 2 which means that the three group students are more evenly distributed. Based on the average scores in each group that group 1 was given the Open-Ended approach aided by Visual Basic Application for Excel, group 2, the usual way of teaching assisted Visual Basic Application for Excel and group...
3 Unassisted Learning Visual Basic for Microsoft Excel. The decision whether there is a third difference in the average value of the class or not, then the thing to do is a test of normality.

To test for normality for all three groups, can be seen in Table 2, where the significant value of group 1, group 2 and group 3 respectively 0.010, 0.000, and 0.000 concluded that the considerable amount of the three groups is less than 0.05, which means the three data is not standard. If the information is not usual group then continued with an average difference of nonparametric Kruskal Wallis test.

<table>
<thead>
<tr>
<th>Kelas Value</th>
<th>Kolmogorov-Smirnova</th>
<th>Shapiro-Wilk</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Statistic</td>
<td>df</td>
</tr>
<tr>
<td>Group 1</td>
<td>.183</td>
<td>31</td>
</tr>
<tr>
<td>Group 2</td>
<td>.261</td>
<td>36</td>
</tr>
<tr>
<td>Group 3</td>
<td>.236</td>
<td>33</td>
</tr>
</tbody>
</table>

a. Lilliefors Significance Correction

Table 3. Kruskal Wallis for Third current group pretest

<table>
<thead>
<tr>
<th>Value</th>
<th>Chi-Square</th>
<th>df</th>
<th>Asymp. Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3916.</td>
<td>2</td>
<td>.141</td>
</tr>
</tbody>
</table>

a. Kruskal Wallis Test

From the result of Table 3 shows the significant value of 0.141 is more significant than 0.05, it can be concluded that the data of the three groups did not make any difference in the average value of the current class pretest.

Results of Table 4 shows that an increase in the average value of the three groups during the post-test and pretest, and group 1 was higher than in group 2 and group 3, and for the standard deviation of a group of 3 smaller than all of the groups, which means a group of 3 more evenly than the group 1 and group 2.

<table>
<thead>
<tr>
<th>Class Value</th>
<th>Kolmogorov-Smirnova</th>
<th>Shapiro-Wilk</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Statistic</td>
<td>df</td>
</tr>
<tr>
<td>Group 1</td>
<td>.146</td>
<td>31</td>
</tr>
<tr>
<td>Group 2</td>
<td>.117</td>
<td>36</td>
</tr>
<tr>
<td>Group 3</td>
<td>.140</td>
<td>33</td>
</tr>
</tbody>
</table>

a. Lilliefors Significance Correction

Because of the three groups of fewer than 40 students of the significant value using the Kolmogorov-Smirnov, that group 1, group 2 and group 3 respectively have a considerable benefit of 0.90, 0.200, and 0.097 and the third value greater than 0.05 means that the data is usual third.
Table 5. Test Homogeneity of the Third Group Posttest

<table>
<thead>
<tr>
<th>Levene Statistic</th>
<th>DF1</th>
<th>DF2</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 576</td>
<td>2</td>
<td>97</td>
<td>.060</td>
</tr>
</tbody>
</table>

Table 6 shows the similar test of the three groups, and the results of significant value greater than 0.06 to 0.05 and the third means homogeneous the data and then proceed to test the average difference by using ANOVA one lane [7].

Table 6. ANOVA One Line to Third Group Posttest

<table>
<thead>
<tr>
<th>Sum of Squares</th>
<th>df</th>
<th>Mean Square</th>
<th>F</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Between Groups</td>
<td>602 779</td>
<td>2</td>
<td>301 389</td>
<td>69 944</td>
</tr>
<tr>
<td>Within Groups</td>
<td>417 971</td>
<td>97</td>
<td>4,309</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>1020.750</td>
<td>99</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

From the results of ANOVA one lane in Table 7, the significant value of 0.000 is less than 0.05, which means the three groups the difference in the average cost of the class. If seen from Table 4, that the average group 1 was higher than that of all the group means that the group 1 is better than the group 2 and group 3, while the second group is better than the group 3. The average difference can be seen from the table group 8.

Table 7. Test Tukey of the Third Group

<table>
<thead>
<tr>
<th>(I) Group</th>
<th>(J) Group</th>
<th>Mean Difference (I-J)</th>
<th>Std. Error</th>
<th>Sig.</th>
<th>95% Confidence Interval</th>
<th>Lower Bound</th>
<th>Upper Bound</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 1</td>
<td>Group 2</td>
<td>4.157*</td>
<td>.509</td>
<td>.000</td>
<td>2.95</td>
<td>-5.37</td>
<td>7.24</td>
</tr>
<tr>
<td>Group 1</td>
<td>Group 3</td>
<td>6.008*</td>
<td>.519</td>
<td>.000</td>
<td>4.77</td>
<td>-2.95</td>
<td>12.72</td>
</tr>
<tr>
<td>Group 2</td>
<td>Group 1</td>
<td>-4.157*</td>
<td>.509</td>
<td>.000</td>
<td>-5.37</td>
<td>-7.24</td>
<td>-2.95</td>
</tr>
<tr>
<td>Group 2</td>
<td>Group 3</td>
<td>1.851*</td>
<td>.500</td>
<td>.001</td>
<td>.66</td>
<td>-3.04</td>
<td>3.04</td>
</tr>
<tr>
<td>Group 3</td>
<td>Group 1</td>
<td>-6.008*</td>
<td>.519</td>
<td>.000</td>
<td>-7.24</td>
<td>-4.77</td>
<td></td>
</tr>
<tr>
<td>Group 3</td>
<td>Group 2</td>
<td>-1.851*</td>
<td>.500</td>
<td>.001</td>
<td>-3.04</td>
<td>-6.66</td>
<td></td>
</tr>
</tbody>
</table>

* The mean difference is significant at the 0.05 level.

In table 8, explaining that the average difference using Tukey's test to see no difference on average in each of the two groups [7]. Namely group 1 and group 2, amounting to 4.157 with significant value 0.000 less than 0.05, which means that there is an average difference between group 1 and group 2 or group 1 is better than group 2. in the same way the average difference in group 1 and group 3 was 6.008 with significant value 0.000 less than 0.05 means the difference in the mean average between group 1 and group 3, in which the first group is better than group 3. and for the average difference in group 2 and group 3, it was found that the average difference value to two groups is significant value 0.001 1.851 to less than 0.05, meaning that the average difference between group 2 and group 3 where group 2 is better than group 3.

For questionnaires dispositions and grades of students based on low, medium and high levels, it can be concluded that small and low questionnaires have three students and no high-value surveys. For students who rated top polls and have high scores, there are three students and no students who have high ratings and assess
the low questionnaire. For the questionnaire assessment by high students more than the evaluation of the student, inquiries are small as well as higher student scores higher than low student scores.

Table 9. chi-squared test

<table>
<thead>
<tr>
<th></th>
<th>Value</th>
<th>df</th>
<th>Asymp. Sig. (2-sided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson Chi-Square</td>
<td>26.714*</td>
<td>4</td>
<td>.000</td>
</tr>
<tr>
<td>Likelihood ratio</td>
<td>18.926</td>
<td>4</td>
<td>.001</td>
</tr>
<tr>
<td>Linear-by-Linear Association</td>
<td>11.999</td>
<td>1</td>
<td>.001</td>
</tr>
<tr>
<td>N of Valid Cases</td>
<td>31</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. Seven cells (77.8%) have expected count less than 5. The minimum expected number is 39.

To see if there is an association or not the data is processed by using Chi-Square test with a significant value of 0.000 or less than 0.05 means that the questionnaire disposition to do with the student's scores. At first, the students tried to Visual Basic Application is fundamental, and run the appropriate program design related to basic mathematics, for example, determining the natural numbers, integers, odd and prime numbers. To develop the creative abilities of students, researchers conducted a study with the Open-Ended approach, in which researchers gave the problem by inserting a base image on the Insert menu and then selected Shapes of size and shape, and also needed some cell address as the condition setting numbers or configuration. From the form of ways, students will give a mathematical definition based design to shape the output of which is made.

The first phase, researchers gave the initial stimulus to the students about trying to make the set of natural numbers and integers, and the result of natural numbers names will appear on the address different cells. The initial step, researchers gave the students to make strides in the form of information related to the original number, and then collect data from each student. From the data associated with the Visual Basic Application for Microsoft Excel gradually up until the end and then the program is run.

The observation of the researchers of the students who performed those early experiments, it was found some validity students is 64.35% error in the writing of the language program, 53.76% error associate mathematical concept with Visual Basic Application for Microsoft Excel, 45.63% error gives the name identity shapes on Selection Pane and enter the code command in form through the Assign Macro. At this stage, the student still can not bring up new ideas.

The second phase, researchers gave students the opportunity to create integers, odd and even number. Students have already begun to make the concept definition and found no differences in the designs make odd and even numbers, using modulo function in Visual Basic Application. The first student, found in every cell number is divisible by two, then the name is an even number. Otherwise, it is an odd number. And the opinion of the student, believe what if every cell divided in two and remain one, then the name is a different number, and if not then the name is an even number.
The results of observations of the second stage, the mistakes of students decreased in all three factors, 52.67% error in the writing of the language program, 5.78% error in associating the mathematical concept with Visual Basic Application for Microsoft Excel and 4.35% error gives identity shapes name on the Selection Pane. And keep in mind is a typing error occurred program language because students do not understand about the function logic such as If Then, Do While Loop, For the Next, Select Case and preparation of the algorithm. At this stage, seen from the 24.56% of the students have started to come up with ideas that will be created.

The third phase, researchers provide a mathematical problem, namely the challenge of primes, and generated 30.12% error in the writing of programming languages with their guidance, 4.46% error in associating the mathematical concept with Visual Basic Application for Microsoft Excel and provides error 2.32% shapes name identity on Selection Pane. In this phase, the students, bring new ideas as much as 57.35%.

In the fourth phase, the researchers began giving merging commands by using Visual Basic for Microsoft Excel with Shapes with cells on sheets more. Then the researchers gave some of the images that will be designed by students into mathematics teaching aids media.

The first student is given a problem of problems related to secondary mathematics school is made about the number of arithmetic progression n-th term, and their task is to write down the relationship of the mathematical concepts in a given problem and after that student are given the opportunity of time to describe to the Visual Basic language, To take note of is to write down the identity of the object's name must be consistent during program execution.

Sub aritmetic1 ()
Dim a As Integer
Dim b As Integer
Dim c As Integer
b = 0
c = Range("C1")
For a = 1 To c
    Range("A" & 1 + a) = a
    b = b + a
    Range("B" & 1 + a) = b
Next a
End Sub

Sub add1()
Dim sheet1 As Worksheet
Dim sheet1 = Worksheets(1)

a = Range("E1")
If a > 0 Then
    For i = 1 To a
        sheet1.Shapes("positive").Duplicate.Name = "positive_a" & i
        sheet1.Shapes("positive_a" & i).Left = Range("E" & 4 + i).Left
        sheet1.Shapes("positive_a" & i).Top = Range("E" & 4 + i).Top
    Next i
Else
    If a < 0 Then
        For i = 1 To Abs(a)
            sheet1.Shapes("negative").Duplicate.Name = "negative_a" & i
            sheet1.Shapes("negative_a" & i).Left = Range("E" & 4 + i).Left
            sheet1.Shapes("negative_a" & i).Top = Range("E" & 4 + i).Top
        Next i
    End If
End If
End Sub

Students should be able to design a picture before making a command to run the program one variable equation. And should be adjusted based on the storyline made, so for each of the shapes given the authority to display the new configurations to indicate the existence of variables and constants, after designing the desired image, create a new programming language Visual Basic Application for Microsoft Excel. Once this is done, then run the program from work produced.

4. Conclusion

From the research that the development of creative abilities of students with open-ended approach aided Visual Basic Application for Microsoft Excel is better than the usual method that supported or not assisted Application for Microsoft Visual Basic for Excel in capita selekta middle school math, and Visual Basic Application for Microsoft Excel is a substitute alternate media props to create a more active and interactive student to understand basic math.

5. Acknowledgments
Thanks to Rector IKIP Siliwangi who has given time and place to be a research and also support in the form of internal grant that is needed so that the making of mathematics tools based on ICT can be useful for students as prospective teachers and junior high school students, and thanks to the lecturers of education mathematics that provide meaningful input.

References


Camtasia Studio Learning Video For Mathematical Literature Levels Students

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Abstract. Mathematical literacy helps one to understand the benefits of using mathematics for everyday life and make the right decisions for a person. Mathematical literacy presents a person's ability to formulate, apply and interpret mathematics in a variety of contexts, including the ability to do mathematical reasoning and use concepts, procedures, and facts to describe, explain or estimate phenomena/events. The purpose of this study was to analyze the validity of Camtasia studio-assisted instructional media in linear programming material and enhancement of analytical literacy capability through the implementation of Camtasia studio-assisted instructional media. This research is development research that is the development of learning media of linear material program supported by Camtasia studio using the model of device development 4-D model consist of four development stage, that is defined, design, develop, and disseminate. Research subjects in learning media trials are XI-1 class students as many as 34 students of academic year 2017/2018 at Vocational High School 1 Cirebon. Camtasia studio-assisted teaching media on linear programming material is very valid, and Implementation of Camtasia studio-assisted learning media developed can improve students' mathematical literacy skills.

Keywords: Camtasia Studio, Video, Mathematical Literacy

1 Introduction

Mathematical thinking requires an understanding of the exact meaning of the language of mathematics and vocabulary. The success of students solving math problems is based on their ability to translate Indonesian into mathematical languages. The findings reveal the ability of students to read and understand the issues in a story problem most often encountered in students. To uncover students' difficulties in understanding the story, the level of students' reading ability, and understanding mathematical vocabulary requires particular attention.

Based on the results of interviews with some teachers Vocational High School 1 Cirebon explained that when students solve problems in the form of a story, there are still many students who have difficulty in understanding the meaning of the issue presented. Students are given three questions in the kind of a story and two problems that are ready to be completed. The results of observations and direct interviews conducted with students in two schools showed the
stout students who did not understand the meaning of the contents of the matter. In the Curriculum 2013, the questions presented are more presented in story form. Problem-solving in the kind of stories of students is expected to practice and think deductively, see the relationship and usefulness of mathematics in everyday life, and can master mathematical skills and strengthen the mastery of mathematical concepts. But in real conditions, there are still errors to solve the problem of mathematics.

Problems to interpret a sentence that will be expressed in mathematical issues in the form of mathematical modeling, it occupies a significant space in the mathematics curriculum for the junior level. Mathematical story problems play a role in the daily life of students because the matter put forward real issues that fit with everyday life. Mathematics is a form of mathematical problems that contain aspects of the ability to read, reason, analyze and find solutions, for which students are required to master the skills in solving the math story. Through the story of the teacher can evaluate the student’s ability to basic concepts of mathematics that have been studied in the form of a matter of the application of the formula. Sepeng and Sigola illustrate that students have difficulty in reading and understanding problems with mathematical language [1], continued which states The Newman Procedure include reading, comprehension, transformation, process skill, encoding [2]. The method that analyzes the error in the problem of sentences states the obstacles experienced by students in solving the problem of mathematical problems is the problem on language fluency and conceptual understanding in reading and understanding the meaning of a problem.

The learners make mistakes not because they are weak, but because of a strategy error that can be used to solve problems [3, 4]. They conclude that learners do not understand the question and as a result, they are not able to apply appropriate strategies, rules, and concepts to solve the problem. Thus the math teacher should be aware of the problem of reading and counting involving word problems.

One of the problems in solving math problems is a matter of math that uses words or problems (word problems). Bergeson concludes that students in resolving the question of the story are confronted with the issue of words, experiencing cognitive difficulties if surgery is required and the solution procedure contradicts the operation in the underlying structure of the problem. Other factors that make cognitive challenges are the position of the question in the matter of the story, the specific level in words in the subject, the magnitude of numbers, the number of signaling actions of the operations used in the settlement, and the availability of real props.

Attempts to determine the relationship between reading ability and the ability to solve story problems are inconsistent and varied, and there is no significant correlation. Furthermore, the importance of the problem matter lies in the centrality of language in teaching and learning in mathematics. The demand for language literacy in the mathematics curriculum is significant and needs to be developed, as it contributes to the difficulties experienced by students in working on math story problems. Thus the mathematics teacher should be aware of the issue of the importance of language and numeracy which involves the question of mathematical stories.

Based on the observations that the author conducted in Vocational High School 1 Cirebon by spreading the questionnaire data to 20 students of class XII and interviewing math teachers. Getting the first result in the questionnaire data that as many as 68% of students felt that learning on linear program materials is so abstract that it is difficult for them to keep their attention on the ongoing learning process. This is supported by the results of interviews of researchers to teachers stated that in learning linear program materials to students, in general teachers do not use the media learning. Therefore, the imagination in the management of the direct material program of students of class XII is very less. Lack of supportive literacy ability based on the
second result of questionnaire data given only 42% of respondents who dare to ask the teacher if have difficulty in comprehending a sentence. Thus learning needs to be packaged interestingly to motivate students in learning as well as to minimize problems in the learning process.

The learning process needs to be examined wisely, either in learning resources or any way of learning so that learning objectives can be achieved as expected. Learning outcomes are often indicated by learning problems in the learning process of the students, in understanding the material. Based on that it causes teachers to be more creative in delivering the content so that students are more interested and motivated to learn math. One of the learning strategies that can motivate students in learning is by presenting learning media. Teaching media can be understood as anything that can convey or distribute messages from a source in a planned manner, resulting in a conducive learning environment where recipients can perform the learning process efficiently and effectively[5–8].

This multimedia learning can be a substitute for a book that is easy to carry anywhere to learn and expected students could more active learning to understand the subject matter better including solving problems in the form of mathematical concepts. Based on the above background, then the formulation of the problem in this study as follows. (1) Is the Camtasia studio-assisted learning media on linear program material valid ?, (2) Is the implementation of Camtasia studio-assisted teaching media developed to improve the ability of mathematical literacy.

2 Method

This research is development research that is a development of learning media linear program material assisted by Camtasia studio. The event of teaching media aims to maximize the role of teaching media in schools that are valid and can improve students’ literacy skills. Research and development methods is a research method used to produce a particular product, and test the validity of the product [9, 10]. The flow of this study using the model of learning device development as suggested 4D model by Thiagarajan are define, design, develop, and disseminate [11].

Learning media that have become assessed feasibility by the validation of experts, i.e., material experts, and media experts. Once validated and the results are valid, instructional media are piloted on students to measure students’ measurable literacy improvement. In this study, which became the subject of research in learning media trials are XI-1 class students as many as 34 students academic year 2017/2018 at Vocational High School 1 Cirebon.

The data collection technique uses a questionnaire by providing an expert validation sheet for assessing the feasibility of the media. To measure the improvement of students' mathematical literacy skills using test questions. Data obtained from the implementation of the research then analyzed. The data in the form of expert validation sheet is analyzed by finding the percentage of the entire validator. For the data in the form of test results, the normalized gain test is performed
3. Result and Discussion

Data validation of instructional media from three expert validators is analyzed got the result of an analysis that the learning media criteria are very valid with presentation 91.31%. Validity was seen from each validator expert who assessed where the expert validator one as a material
expert get a percentage of 95.42%, expert two as a media expert get a percentage of 88.15% and specialist validator three as a language 89.84%. Thus the results of the three validators are very valid criteria means that the learning media does not require a revision. But there are some inputs from expert one validators that are considered by the author as improving the media for better. Suggestions from validators relate to textual and visual elemental indicators, which are significant enough to fix the media, and some sentences need to be fixed.

The result of learning obstacle analysis shows that the students' inability to retell the story described in the story, can be proved by the students' ability in speaking and transforming the story to the problem in their language orally. Many of the students have difficulty in telling the oral point of intent. Other evidence on this indicator can be seen in the prerequisite aspect (students cannot identify what is known and asked on the matter). Factors that cause the students' inability to tell the story of the students do not understand the meaning of the question; the students cannot relate the understanding of the language with the familiar situation, the students are not trained in communicating ideas/ideas orally.

The results showed that the ability of mathematical literacy increased with average normalized gain criteria of 0.72. Medium standardized gain criterion with the details of 18 students with high standards, 12 students with prevailing standards and four students with low rules. The increase was also seen from each indicator of communication; the ability to communicate that applied to the number of questions 1 and 3 obtained a high-value normalized gain value of 0.76. The second indicator of mathematizing that is changing the problem from the real world to its mathematical form or vice versa applied to problem number 4 got the high value of normalized gain also 0.72. The third indicator of representation, i.e., presenting a problem applied to problem number 2 obtains a normalized gain value of 0.67 with a medium criterion. The fourth indicator is Using Symbolic, Formal and Technical Language and Operations, the ability to use symbol language, formal language, and technical language; applied to Problem 5 and 6 obtained a normalized gain value of 0.66 medium criterion.

Teaching mathematics is not just a sequence of information, but it needs to review its relevance to the usefulness and interests of students in their lives. By learning math, students are expected to be able to solve problems, find and communicate ideas that appear in the minds of students, and expected students have the ability of mathematical literacy to achieve good results.

The presence of discretion in finding problems indicates that the tendency of students to truly enjoy learning, to stimulate interest and curiosity and the challenge to solve the problems faced become very open and very likely to be realized. In such a way, of course, the purpose of learning that leads to the increase of mathematical literacy students are expected to be able to reach optimally Alternative knowledge as an effort to improve students' mathematical literacy is learning to develop learning media in the form of video Camtasia studio.

The problem used in learning is also not just any problem. The question used should meet the following four characteristics: real, complex, exciting and compelling. The real meaning is that the issue describes the general context and the real problem. Also, the problem should to be complicated to require students to identify the right questions. Not only that, the difficulties presented should not be just a matter of the ordinary story. The issue presented can be a problem that has information overload or something that is not yet known.

As individual studies, they become educated. This idea is at the heart of the third approach, which sees literacy as a broad and focused, focused, and comprehensive educational intervention. By leveraging Dewey and Piaget scholarships, constructivist educators focus on how individual learners, especially children, understand their learning experiences. In the area
of adult education, some scientists view the personal experience as the primary source of learning.

In line with the results obtained research is "one of the usefulness of learning media can clarify the message so as not too verbalism" [5, 8]. Learning media is an intermediary in the form of learning resources or physical vehicles that contain visual material in the form of visual and even there are audio that can be used for learners to support learning activities. Software Camtasia become the main ingredient by the author to create an exciting learning media by raising audiovisual to clarify and make students interested in learning mathematics. Computer learning can accommodate students who are slow to receive knowledge because it can provide a more effective climate in a more individualized and non-boring way, Camtasia Studio is an application program packaged for recording, editing, and publishing in creating video presentations on a computer screen.

Although researchers try to be as optimal as possible, still some weaknesses or limitations arise. Gaps or constraints among others, research is only conducted on schools with research samples performed only limited to populations whose characteristics are by school conditions and this study has not considered family, socioeconomic factors, and other psychological factors, which may affect the aspects investigated.

4 Conclusion

The term literacy is not only directed to the field of mathematics. Scholarship has a variety of meanings. To find out whether a student has the ability literate or not required indicator that reflects aspects of necessary skills that must be owned to facilitate the teacher in judging.

To improve the ability of mathematical literacy can be applied to various strategies, models, and learning approaches. The policies, models, and methods to be used are linked to the ability of mathematical literacy. A teacher must be good at choosing strategies, models or appropriate approaches so that the knowledge of mathematical literacy can be realized. In addition to the model of a teacher must be able to develop strategies to recognize the understanding of mathematical literacy in students.

Based on the results of data analysis research and discussion it can be concluded as follows, Camtasia studio-assisted learning media on linear programming material is very valid, it is indicated by the average percentage of 91.31% of the total value of media expert and expert material experts validator. Implementation of Camtasia studio-assisted learning media developed to improve students' mathematical literacy skills, is shown by an average increase in overall students of 0.70 that criteria for a high rise.

Based on the above conclusions, suggestions that can be given by researchers are as follows, Camtasia studio-assisted learning media can be used in the learning process in the classroom to motivate student learning if the infrastructure is met in the school. To further improve the ability of students' mathematical literacy with the implementation of instructional media, should multiply the exercise questions, especially the story that requires a strategy to solve the problem.

References


Processing the Children Dealing with the Law
Accordance Indonesian Act on Juvenile Justice System
Number 11 of 2012

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Abstract. With normative study design, we examined the processing of children dealing with law in consonance with Indonesian juvenile justice. We also explored the renewal of criminal law in the processing of the children. We found that: firstly, the problematic children with the law are processed with a flow of activities covering, investigating, examining, and prosecuting them in court proceedings to the implementation of court decisions. Second, criminal law related to juvenile justice law seems to have to be amended through a policy-oriented approach and a value-oriented approach. It is because, in essence, such an act amendment is indeed only a part of policy steps covered in legal politics or law enforcement, criminal law politics, criminal politics, and social politics.

Keywords: Juvenile Justice System, Children, Protection

1. Introduction

The social facts that have recently occurred in society are child-related problems. In the continuity of social life, which is influenced by various factors, the community is often faced with matters involving children who are suspected of committing criminal acts [1, 2, 3, 4]. The children are the foundation of the hopes of the future of the nation, country, society or family [5], they should not be made a subject of unfair legal contents. Thus, in the status and circumstances as a child, every child must be specifically treated, in order to allow them grow mentally, spiritually, and physically [6].

Children are part of the younger generation as human resources who have the potential and are responsible for continuing the ideals of the nation's struggle in the future [7]. Children are figures who have a strategic role and have special traits and characteristics, need guidance and protection in order to ensure balanced growth, physical, mental and social development [8]. Childhood is a period of seed sowing, the establishment of piles, the making of foundations, which can also be called a period of character formation, personality and character in a human being, so that they will later have strength and ability and stand firm in pursuing life [9].

Children being dealt with law will be tightly bound to the rules of law that govern it, in which initially the applicable rules in Indonesia cannot be separated from international instruments, which are related to the fulfillment of children's own rights. Convention on the rights of the child is the one adopted on November 20, 1989 and written in the United Nations Resolution No. 44/25 (Convention on the Rights of the Child). The Government of the
Republic of Indonesia has then ratified it with Presidential Decree No. 36 of 1990. In its essence, it has an extended meaning in the context of child protection, including for children who have problems with the law.

The process of handling children who commit criminal acts in Indonesia has regulations regarding prosecution procedures in juvenile justice [10]. In handling children, the police have a legal authority, called discretion, where with that authority, they have the right to continue or not continue a case [11]. The possibility for the police to carry out or use this discretionary authority is enormous. In some countries, after going through an initial inspection, the police's discretion authority can determine the form of transfer (diversion) of a child case. Discretion is the authority possessed by the police to stop case investigations by freeing child suspects, or transferring (diversion) with the aim that children avoid further legal processes [12].

In her dissertation, Sepud claimed that Indonesian Act of criminal justice system of children is adapted to legal protection for children in the International Convention that is of United Nations. Minimum Standards of Rules for Non-Custodial Measures (The Tokyo Rules); United Delinquency (The Riyadh Guidelines); and the United Nations Minimum Rules for Administration of Juvenile Justice (the Beijing Rules) on Diversion so that Law Number 11 of 2012 is in accordance with the contents of international conventions on children's rights [13].

Regarding the earlier elaboration, the present study examines the vagueness of norms contained in article 5 paragraph (3) and article 7 of Indonesian Act of juvenile system, Number 12 of. Particularly, the study examines the processing of children dealing with the law and the amendment on Indonesian criminal law in the processing of children with legal problematic.

This study examines the vagueness of norms regarding diversion in Law No. 11 of 2012 concerning the Juvenile Justice System, where in this case the positive rules of Indonesia do not pour International Instruments, which have been ratified in Positive rules in Indonesia. This study uses a normative legal research design. Some of the approaches used in this study are case approach, statute approach, and analytical & conceptual approach. Material collection was carried out using notes from the results of research conducted on several norms (positive rules), books, or existing literature with the problems discussed. Then, the legal materials were reviewed with the concepts, thoughts, or opinions of several legal experts and examine them with theories relating to the issues to be discussed, especially regarding criminal law renewal policies for children who have problems with law. Data were analyzed by techniques of description, interpretation, evaluation, and argumentation. We made sense on the collected data by providing descriptions based on legal prescriptions related to juvenile justice system and criminal committing children. We also made interpretations on the data in order to provide comprehensive version of the legal provisions realisation in conjunction with handling process of children committing criminal acts. Additionally, by basing on the enacted legal rules for processing disputes of criminal acts committed by children, we made evaluations to verify the sync nature between them. To each expalantion, we gave argument in discussing between prescribed rules of law concerning juvenile justice system and conditions to which children are liable to their criminal acts.

2. Results and Discussion

**Processing of Children in Indonesian**

A judicial process represents a juridical process, where there must be an opportunity for everyone involved in a legal case to discuss and each of them can fight for a certain position in issuing an opinion that is expressing the interests of various parties, considering it and the
decisions taken are partially motivating [14]. The processing of children being confronted with legal justice is closely related to the enforcement of the law itself, in line with the principles in the justice system. The principle of the criminal justice is in line with what was stated by Dellyana, that is to say, it is "the system of enforcing the power of criminal law" realized in 4 subsystems, namely:

- Authority of "Investigation" (by Investigating Agency/Institution)
- Authority of "Prosecution" (by Public Prosecutor/Institution)
- Authority of "Trial and Decision/Crime" (by the Court)
- Authority of "Implementation of Criminal Decision" (by the Implementing Agency/Execution) [15].

Starting from this concept, the process of handling children before the law for their committed crimes is inseparable from regulations that contain material and formal laws related to cases, namely Law Number 11 of 2012 concerning the Juvenile Justice System. In its empirical facts in Indonesia, this norm rule has not been able to fulfill the objectives of the Law itself, which is oriented towards "the best interests of the children". Law No. 11 of 2012 which is the ius constitutum concerning the Juvenile Justice System is currently ineffective as outlined in the consideration and explanation of the Law itself. The provisions that do not provide space and a way out to conduct discretion and diversion to the judge after seeing the assessment of the Correctional Center cause this. In fact, discretion and diversion are security groups for children of certain offenders, which aim to avoid children with legal disputes from the conventional process of the juvenile justice system, which usually has a negative impact on the occurrence of stigmatization in children. Law No. 11 of 2012 at the level of ius operatum in the provisions of Law Number 11 of 2012, law enforcement has not been able to be carried out by law enforcement officers who are professional in the field of child protection as desired by the law itself. In criminology studies, stigmatization experienced by children becomes a trigger factor for criminogen in repeating the next delinquency.

Luckily, the results of this study lead us to bring about an applicative conclusion. We found the strategically alternative solution to deal with children in disputes. We draw conclusions from the understanding of existing norms containing obscurity in a sense that existing legal norms are not effectively able to provide holistic protection to legally blind children to the right and not right conduct in the eyes of the law. Therefore, we offer strategies to solve legal problems of children in dispute through interpretation. This concept is inspired by what Bruggink once said about the form and type of interpretation. An interpretation can be realized in:

- Detalhundige interpretatie (language interpretation)
- De wetshistorische interpretatie (history of law)
- De systematische interpretatie (systematic)
- De maatsappelijke interpretatie (community) [16].

The vagueness of the norms is seen at times the investigators determine other actions, such as bringing back the children to their parents/custodian. For children who have problems with the law as stipulated within juvenile system, number 11 of 2012, investigators like law enforcement officers who have an authority or discretion in handling the criminal justice system in children facing the law, can take advantage of other actions to complete the children handling process. Based on the study of Justice Theory in law enforcement, as introduced by
Radhruch, law enforcement in Juvenile Justice should have the value of justice and benefit so that efforts to achieve legal certainty are attainable. Compared with Radhruch’s notion of law enforcement, to rectify the vagueness of norms, harmonization should be carried out. Furthermore, with regard to the obscurity of the norm, in the perspective of Law Enforcement theory, law enforcement is a process carried out to seek legal norms to function and to be as firm as possible in a real term, to become a guideline for community behavior related to law. Law enforcement itself is actually a systematic process, in the concept that it involves a regular, well-planned, and intact process to realize the desires of the law (the thought of the legislative body formulated in legal regulations) becomes a conceptual reality. In conclusion, the core and intrinsic meaning of law enforcement lies in the activity of harmonizing the relationship between the values outlined in the rules that are realized in the form of legislation. In the substance of the concept of law enforcement theory, as stated also by Rahardjo, to achieve a good and efficient law enforcement effort, it should start from a good norm and the form of legislation. To succeed the law enforcement efforts maximally, the efforts made must begin by harmonizing the norms in which the vagueness exists. This is as a comparison as echoed by the hitoris interpretation of legislation itself. In this context, the Act number 11 of 2012 is the embodiment of one of the international conventions on children, especially The Beijing Rules, so that the legality in carrying out other actions in the form of returning children to parents/custodians is brought closer to The Beijing Rules, especially that of in 20.1.

**Indonesian Criminal Law Renewal in the Process of Handling Children with Legal Problems in the Perspective of Ius Constituendum**

Criminal law amendment is essentially an effort to reorient it to the socio-political, socio-philosophical, socio-cultural values of the society that underlie social, criminal and law enforcement policies. Principally, the law shall be amended with policy-oriented approach and a value-oriented approach [17]. It needs to be carried out with these approaches because in principle it is only part of a "policy" steps and a part of the legal politics. Each policy involves consideration of values. Thus, renewal of criminal law must also be oriented towards a value approach.

The fact about the condition of the realization of law in the community supports the assessment that the community should feel significant differences. Unfortunately, what revealed was something that was in line with Rahardjo's idea: in the real life context of society, differences between legal functions before and after independence were not found. The difference lies only in the political decisions taken in both periods and their implementation into their respective legal systems. In the Indonesian context, if the political decisions taken after the independence of August 17, 1945 were to prioritize the greatest prosperity of the people, such decisions must be formulated in legal rules and the legal structure must provide the possibility to do so [18].

The essence of criminal law renewal therefore is inseparable to the theory of legal protection and the theory of punishment. The legal protection in renewing criminal law rests on and derives from the concept of recognition and protection of human rights. This is because according to history the birth of the concept of recognition and protection of human rights is directed to the limitations and lying down of the obligations of society and government. For the principles of legal protection in Indonesia, the foundation is Pancasila, as an ideology and state philosophy, and thus, the Law number 11 of 2012 concerning the Juvenile System represents the legal protection in accordance with the ideology and philosophy of the state. This is in accordance with his opinion Rahardjo who argues that legal protection is an effort to
protect the interests of a person by allocating a power to him to act in these interests [18]. Related to the criminal theory used by the author as an analytic tool to examine the problems regarding renewal of criminal law, this theory is used as a basis in the application of criminal sanctions. There are three side-by-side theories: Rewards Theory, Purpose and Purpose Theory, and Combined Theory. Based on these three theories, many experts provide different views. The conclusion is that punishment is imposed to carry out the intent and purpose of a particular sentence; creating and creating the greatest happiness for everyone according to his or her views. Additionally, this is also in line with Bentham's idea, vis-à-vis, the purpose of law is to achieve "happiness for the welfare of large number of community.” Thus, an important factor in the renewal of Indonesian criminal law lies in notion that the punishment received from a child who commits a criminal act is not always manifested in criminal sanctions, but can also manifest in other actions aimed at protecting children as community cadres - actions that might be detrimental to a child's life in the future.

3. Conclusion

The process of handling children facing the law in the Child Criminal Justice System is a judicial process carried out at the level of investigation, investigation, prosecution, examination in the court until the implementation of the court's decision. During the judicial process, applicable law must protect children’s rights, and therefore, the parties related to solving the problem of the bad boy must carry out the handling process consequently. Therefore, at the time of the examination, an investigator does not wear a uniform or service and takes an effective, active, and sympathetic approach. Speaking of investigating children, we will talk about the authority regulated according to Article 5 paragraph (2) and (3) Law Number 11 of 2012.

Amendment to Indonesian criminal law contain efforts to reorient and reform criminal law in accordance with the socio-political, socio-philosophical, socio-cultural values of the Indonesian people that underlie social policies, criminal policies and law enforcement policies. Therefore, it shall be done through a policy-oriented approach and on value. That is because each policy involves value judgments.

Acknowledgement.

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References


Improvement of Service Quality and Store Image to Retain Customer in Denpasar

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Abstract. The study explains about the relationship of service quality and store image with customer satisfaction and loyalty. This research was conducted in hypermarket in Denpasar, Bali. The number of samples in this study was 100 respondents by using purposive sampling technique. Methods of data collection in this study using questionnaires and interviews. The study only use four variables are service quality, store image, customer satisfaction, and customer loyalty. Need to add another variable like repeat purchase, word of mouth positive, trust, marketing mix, or other related variables. There is negative relationship between service quality and loyalty, and negative relationship between store image and customer satisfaction. The theoretical implication is that there is no significant influence between service quality, loyalty, and store image with satisfaction. The practical implications of this study, managers should examine the policies that can be attributed to the findings.

Keywords: Service Quality, Store Image

1. INTRODUCTION

The development of retail business in recent years is considered increasingly rapid. Along with the rapid development of shopping centers in major cities, modern retail business with Hypermarket, Minimarket, and Supermarket formats is increasingly being established and attracting visitors. In fact, the retail business not only grows in the city center but also grows in the suburbs due to the many settlements in the region, the dynamics of the market and the basis of demand and consumer needs. Currently, there are phenomena that cause changes in the retail world of Indonesia, including traditional retail changes to modern retailers, expansion of foreign retailers, and changes in the function of shopping areas that are not just a place to shop but to be a place of entertainment and socializing.

Parasuraman, et al (1990), defines the service quality as a comparison between the perceived service consumers with the service quality consumers expect. Service quality, as perceived by consumers, can be defined as how far the difference between the expectations or desires of consumers with perceived perception, for the service they receive. If the service received is suitable or even exceeds what the consumer expects, the service quality is perceived as good and satisfactory and if it exceeds the expectation of the consumer, the service quality is perceived as ideal. If the services received are lower than expected, then the service quality is considered poor.
According to Bloemer and Schroder (2002): "An interesting example how a department store can be used its retail mix to create a store that is attractive to its target market". A company can be seen through its image either positive image or negative image. A positive image can have a good impact on the company; of course, a good image can increase the number of transactions and customer loyalty. Meanwhile, the bad image can make the company suffered losses such as the number of transactions that decreased or viewed negatively by the community. Therefore, service companies that have a good image because it can lead to customer loyalty and can bring a good reputation for the community.

Customer satisfaction by Kotler et al. (Tjiptono, 2008: 169) is the level of one's feelings after comparing the performance they perceive as compared to their expectations. According to Kotler and Keller (2009), satisfaction is a feeling of pleasure or disappointment resulting from the comparison of product performance to their expectations. If performance does not meet expectations, then the customer becomes dissatisfied. If performance meets expectations, then the customer is satisfied. If performance exceeds expectations, then customers feel very satisfied.

Chodzaza's research (2013) concluded that service quality has a significant relationship with customer satisfaction and has an impact on customer loyalty. This study also concluded that large consumers are less loyal than small consumers are. According Mellisa (2010) say with a positive store image and good retail services, the company will be able to satisfy its customers. Furthermore, the creation of satisfaction will be able to create customer loyalty to the company as an evaluation of the value of the performance of the store image and retail services that are applied.

The problem in this research is the presence of complaints that appear on the service quality and store image in this company. Although not every company wants a complaint to its customers, the company wants its customers to be satisfied. Complaints that come cannot be regarded as a problem but rather constructive criticism for the company. Therefore, the company should pay more attention in order to reduce the number of existing customer complaints because customer complaints can result in decreased customer loyalty that would be bad for the company.

So the purpose of this study is Improve the service quality and store image, will increase customer loyalty.

2. HYPOTHESIS AND METHOD

The influence of service quality and satisfaction

Prayoga’s research (2012) discovers that the service quality has a positive and significant impact on customer satisfaction Ramayana Department Store Denpasar. Ming Qu’s research (2011) says that service quality is positively and significantly related to customer satisfaction

H1: Service Quality is significantly related to customer satisfaction

The influence of store image and satisfaction

This study showed Orth and Green research said that store image has a significant influence on loyalty. Agustin’s research (2011) also stated that store image have positive and significant effect to customer satisfaction of Carrefour Surabaya.

H2: Store image is significantly related to satisfaction
The influence of service quality and loyalty

Aryani’s research (2010) also finds that service quality is significantly influences with customer loyalty in KFC Jakarta. The results of Prayoga (2012) stated that the service quality has a significant effect on customer loyalty in his research at Ramayana Department Store.

H3: Service quality is significantly related to loyalty.

The influence of store image and loyalty

Dong-Mo-Ko (2003) states that store image has an influence on customer loyalty. In addition, according to Bloemer (1998) said the same thing that store image has an influence on customer loyalty. The statement is also supported by research conducted by Agustin (2011) which states that store image significantly influence customer loyalty Carrefour.

H4: Store image is significantly related to loyalty.

The influence of satisfaction and loyalty

In her research, Carpenter (2006) explains that satisfaction has a significant relationship with customer loyalty that research conducted on brand apparel. In the study Bowen (2001) said that customers should be made very satisfied to get customer loyalty. Normasari’s research (2013) also found that customer satisfaction has a significant effect on customer loyalty.

H5: Satisfaction is significantly related to loyalty.

3. METHOD

This study uses 100 respondents by using purposive sampling is a technique of sampling. The respondents are customers who come shopping more than once a month. Methods of data collection in this study using questionnaires and interviews. This research use likert scale 1 - 4. This study uses PLS to measure the data.

4. DISCUSSION

Convergent Validity

Outer loading is valid if the coefficient is between 0.60-0.70 but theoretically outer loading 0.50 can still be recommended (Lathan and Ghozali,2012: 78), and significant at alpha level 0.05 or t-statistics 1.96. The following is the result of outer loading after the reconstruction model.

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Original Sample</th>
<th>T Statistic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reliability</td>
<td>0.83</td>
<td>26.27</td>
</tr>
<tr>
<td>Responsiveness</td>
<td>0.87</td>
<td>26.48</td>
</tr>
<tr>
<td>Assurances</td>
<td>0.90</td>
<td>41.65</td>
</tr>
<tr>
<td>Empathy</td>
<td>0.85</td>
<td>25.33</td>
</tr>
<tr>
<td>Store Atmosphere</td>
<td>0.95</td>
<td>65.07</td>
</tr>
<tr>
<td>Brand Diversity</td>
<td>0.96</td>
<td>76.90</td>
</tr>
<tr>
<td>Facilities</td>
<td>0.64</td>
<td>8.48</td>
</tr>
</tbody>
</table>
Table 1 shows that all outer loading values of construct measurement indicators have values > 0.60 and all indicators are significant at 0.05, then in the next analysis used all indicators as listed in Table 1. In this table tangibles and location indicators are out because they have a value outer loading <0.60. Table 1 also explains that the value of outer loading of an indicator can also indicate the contribution rate of these indicators to other latent variables.

Table 1 shows that in the variable of service quality, reliability indicator gives a score of 0.83, then followed by the responsiveness gives a score of 0.87, assurance gives a score of 0.90, and empathy gives a score of 0.85.

There are 4 indicators in store image, but after reconstruction model there are 3 indicators giving each contribution as follows, store atmosphere indicator gives score 0.95, then followed by indicator of brand diversity giving score 0.96 and facility indicator give a score of 0.64.

For customer satisfaction variables have 4 indicators that contribute respectively as follows, the product quality indicator gives a score of 0.92, the price indicator gives a score of 0.61, situational factor indicator gives a score of 0.92 and personal factor indicator gives a score of 0.91.

For customer loyalty variable has 4 indicator which give each contribution as follows, word of mouth positive indicator give score equal to 0.90, followed by repeat purchase indicator giving score 0.91, trust indicator give score equal to 0.94 and the indicator of commitment gives a score 0.88.

**Discriminant Validity**

Table 2. Result of AVE and Correlation value between Dependent Variable

<table>
<thead>
<tr>
<th>Variable</th>
<th>AVE</th>
<th>√AVE</th>
<th>Store Image</th>
<th>Satisfaction</th>
<th>ServQual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Store Image</td>
<td>0.74</td>
<td>0.86</td>
<td>1.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Satisfaction</td>
<td>0.72</td>
<td>0.85</td>
<td>0.63</td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td>ServQual</td>
<td>0.74</td>
<td>0.86</td>
<td>0.82</td>
<td>0.75</td>
<td>1.00</td>
</tr>
<tr>
<td>Loyalty</td>
<td>0.82</td>
<td>0.91</td>
<td>0.72</td>
<td>0.78</td>
<td>0.68</td>
</tr>
</tbody>
</table>

In table 2 illustrates all values of Root AVE between 0.85-0.91. This value is greater than the correlation between variables, which are 0.63-0.82, and the AVE value of all variables above 0.50. This value fulfills valid requirements based on discriminant validity criteria.

**Composite Reliability**

If the composite reliability and cronbach alpha has a value greater than 0.70 then the measurement is said to be reliable. Here are the results of composite reliability and cronbach alpha calculations.
Table 3. Result of Composite Reliability and Cronbach Alpha

<table>
<thead>
<tr>
<th>Variable</th>
<th>Composite</th>
<th>Cronbach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Store Image</td>
<td>0.89</td>
<td>0.83</td>
</tr>
<tr>
<td>Satisfaction</td>
<td>0.91</td>
<td>0.87</td>
</tr>
<tr>
<td>ServQual</td>
<td>0.92</td>
<td>0.89</td>
</tr>
<tr>
<td>Loyalty</td>
<td>0.95</td>
<td>0.93</td>
</tr>
</tbody>
</table>

Based on Table 3 shows Cronbach Alpha's value indicates that all constructs are higher than 0.70, which means that service quality variables, store image, customer satisfaction, and customer loyalty in this research model are reliable. Table 3 also shows that the composite reliability value of all constructs has a value greater than 0.70 so that it meets reliable requirements based on composite reliability criteria.

R Square

According to Chin (Lathan and Ghozali, 2012: 85), the R-Square (R2) of 0.67 is a strong model, R-Square (R2) is 0.33 moderate, and R-Square (R2) is 0, 19 is a weak model. Here is a calculation of R-Square can be seen in the following table.

Table 4. Structural Inner

<table>
<thead>
<tr>
<th>Organoleptic</th>
<th>R Square</th>
</tr>
</thead>
<tbody>
<tr>
<td>Store Image</td>
<td>0.57</td>
</tr>
<tr>
<td>Satisfaction</td>
<td>0.57</td>
</tr>
<tr>
<td>ServQual</td>
<td>0.71</td>
</tr>
<tr>
<td>Loyalty</td>
<td>0.71</td>
</tr>
</tbody>
</table>

Table 4 shows that the value of customer satisfaction R2 is 0.5. Based on the criteria of Chin (Lathan and Ghozali, 2012: 85), the model includes strongly approaching model criteria. In other words, variation of customer satisfaction can be explained by the variation of service quality and store image by 5%. The remaining 43% is explained by variations of other variables. Meanwhile, customer loyalty has an R-square value of 0.71 or including a strong model, meaning the variation of service quality, store image and customer satisfaction can explain the variation of customer loyalty that is equal to 71 percent of the remaining 29 percent explained by the variation of other constructs outside the model.

Q-Square Predictive Relevance (Q^2)

The calculation about Q-Square is 1 - (1 - R12) (1 - R22)) = 1 - (1 - 0.57) (1 - 0.71) = 1 - 0.12 = 0.88, that is meaning 88 percent of variations in endogenous constructs can be predicted by variations in exogenous constructs.

Goodness of Fit

Based on strong and weak criteria, GoF (Lathan and Ghozali, 2012: 88) are as follows: 0.36 (GoF large), 0.25 (GoF medium), and 0.10 (GoF small). Here is a calculation of the goodness of fit can be seen in the following table.
Table 5. Goodness of Fit

<table>
<thead>
<tr>
<th>Variable</th>
<th>R Square</th>
<th>Communality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Store Image</td>
<td>0.74</td>
<td>0.74</td>
</tr>
<tr>
<td>Satisfaction</td>
<td>0.57</td>
<td>0.72</td>
</tr>
<tr>
<td>ServQual</td>
<td>0.74</td>
<td></td>
</tr>
<tr>
<td>Loyalty</td>
<td>0.71</td>
<td>0.82</td>
</tr>
<tr>
<td>Means</td>
<td>0.64</td>
<td>0.76</td>
</tr>
</tbody>
</table>

In table 5 the GoF shows a value of $\sqrt{AR^2 \cdot A.Com} = \sqrt{0.64 \cdot 0.76} = 0.70$. Conclusion about this value means the GoF of this study is good model criteria (large).

Path Analysis
In the following table will explain the path analysis

Table 6. Path Analysis

<table>
<thead>
<tr>
<th>Variable</th>
<th>Original Sample</th>
<th>T Statistic</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Store Image &gt; Satisfaction</td>
<td>0.13</td>
<td>0.99</td>
<td>Not Significant</td>
</tr>
<tr>
<td>Store Image &gt; Loyalty</td>
<td>0.44</td>
<td>3.31</td>
<td>Significant</td>
</tr>
<tr>
<td>Satisfaction &gt; Loyalty</td>
<td>0.59</td>
<td>5.38</td>
<td>Significant</td>
</tr>
<tr>
<td>Serv. Qual. &gt; Satisfaction</td>
<td>0.63</td>
<td>5.73</td>
<td>Significant</td>
</tr>
<tr>
<td>Serv. Qual. &gt; Loyalty</td>
<td>-0.13</td>
<td>0.93</td>
<td>Not Significant</td>
</tr>
</tbody>
</table>

Based on Table 6, it can be described the test results between variables as follows

Results from the influence of service quality with satisfaction
The result of influence of service quality to customer satisfaction showed that service quality had positive effect 0.63 to customer satisfaction and significant with t statistic 5.73. The results of this test prove that hypothesis 1 states that the quality of service has a positive and significant relationship on customer satisfaction is acceptable. Based on result of hypothesis test of influence of service quality to customer satisfaction, showing where service quality has significant effect to customer satisfaction. If the company provides good service, quality will increase customer satisfaction besides that it can also have a good impact on the company.

Results from the influence of store image with satisfaction
Test result about the relationship of store image to customer satisfaction shows that store image have positive effect 0.13 to customer satisfaction, but the score is not significant at level 0.05, because t-statistic value less than 1.96 that is equal to 0.99. The results of this test prove that hypothesis 2 which states that store image has a significant relationship on customer satisfaction is not acceptable.

Based on test result about influence of store image to customer satisfaction where store image have positive but not significant to customer satisfaction. This implies that the better the image of the store will have an impact on customer satisfaction, but the increase is not significant. The results of this study indicate that the cause of the insignificant results of research because the indicators of store atmosphere, the brand diversity and facilities are below the average variables of
the store image, especially the facility indicators are very far below the average variable store image

*Results from the influence of service quality with loyalty*

Test results about the relationship of service quality on customer loyalty showed the service quality had negative effect of -0.13 to customer loyalty and the relationship was not significant at 0.05 with value of t equal to 0.93. The results of this test proves that hypothesis 3 which states that the service quality significant relationship on customer loyalty is not acceptable.

The results of this study can explain the better service quality is not provided always able to make customers become loyal because the service quality must be through customer satisfaction in advance to make customers become loyal. Another cause is the assurance indicators and tangibles that are below the average service quality. Assurance indicators with an average score of 3.40 slightly below the average score of service quality variables with an average grade of 3.42. However, tangibles that have an average score of 3.16 are far below the average value of service quality variables with a value of 3.42.

*Results from the influence of store image with loyalty*

The result of relationship of store image to customer loyalty shows that store image has a positive relationship of 0.44 on customer loyalty, and the relation is significant with t value equal to 3.31 > 1.96. These results prove that hypothesis 4 which states that store image has a significant effect on loyalty is acceptable. Based on the test results about the relationship of store image to customer loyalty shows where the image store significant effect on loyalty.

These results show that the better the company maintains its image will have an impact on loyal customers in the company. The location indicator that has an average score of 3.92 is well above the average score of 3.49 score which also indicates that the location indicator is an important asset owned by the company. This strategic location can make it easier for customers to promote the company by word of mouth and allows prospective customers to find companies that have a strategic location. Store atmosphere with a slightly below average score of 3.47 also plays an important role to display a good image for customers, by displaying a good store display arranged according to the type of goods and given directions on where the item can be found. By doing that can make it easier for customers to find the desired goods and facilitate the work of employees, while the atmosphere of a comfortable and clean store can also generate a good image of the customer

*Results from the influence of satisfaction with loyalty*

Test results about the relationship of satisfaction on loyalty showed that the satisfaction of significant remote with a value of 0.59 and the value of t statistics of 5.38. This result proves that hypothesis 5 which say the satisfaction has a significant relationship to loyalty is acceptable.

Based on the test results about the influence of satisfaction on loyalty, showing where satisfaction has a significant effect on loyalty. These results give meaning that the more satisfied customers it would have a very good impact on loyalty.
The Role of Mediation Customer satisfaction

Direct relationship between service quality to customer loyalty is equal to -0.13 with value t statistic 0.99 therefore the relationship is not significant, while the relationship between service quality to customer satisfaction equal to 0.63 with t statistic value 5.73 hence relationship is significant. On the other hand the relationship of customer satisfaction as a mediation between customer quality to customer loyalty of 0.59 with t statistic value 5.38 hence the relationship is significant. This is meaning customer satisfaction is the full mediation between service quality and loyalty.

Direct relationship between store image to customer loyalty is equal to 0.44 with value t statistic 3.31 hence the relationship is significant, while direct relation between store image to customer satisfaction equal to 0.13 with value t statistic 0.99 hence the relationship is not significant. On the other hand the relationship of customer satisfaction to customer loyalty is 0.59 with t statistic value 5.38 hence the relationship is significant. this is meaning customer satisfaction is not a mediation between store image and loyalty.

5. CONCLUSION, LIMITATION AND IMPLICATION

Conclusion

Service quality plays a very important role in customer satisfaction. Employees must be trained in order to have good reliability. They have work fast and are responsive in meeting customer demand, in addition, employees must also have a high empathy to their customers, employees must also be provided by the science of retail and service as a guarantee that the employee is superior in the field, and must provide tangibles as evidence to the customer. In this case tangibles should be addressed as employees should be well dressed, providing the appearance of equipment and facilities that can function properly.

Store image is an important element to improve customer loyalty, there are several points that can be utilized is a very strategic location, easy to find plus a large parking area is a very good capital. Increase the convenience of the atmosphere of the store atmosphere so there is a sense of fun and comfortable in shopping so that it can generate interest to come back, store displays should also be considered for all goods on the premises should be, this also can facilitate the work of employees.

Limitation and Implication

Based on data analysis and research results described above, the implications of this research are the theoretical implications and practical implications. In theoretical implications, the results of this study contribute as the development of science, insight and reference for subsequent researchers that the service quality has not significant with customer loyalty and store image has not significant on customer satisfaction in this study. This study also confirmed that customer satisfaction has a significant relationship on customer loyalty.

The practical implications of this study, the company should examine the policies that can be associated with the finding that the service quality has an important role to improve customer satisfaction and store image that have a good impact on customer loyalty. The company should also provide better tangibles to its customers with improved facilities so that they can keep pace with current technology developments. Price competition among the closest competitor should
also be considered and marketing with word of mouth positive can be used as a free promotion for the company.

The study only use four variables are service need to add another variable like repeat purchase, word of mouth positive, trust, marketing mix or other related variables. Next study need separated about perception man and woman to know about who is more satisfied between man and woman in store service.

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Strategies to Make Polite Communication in Balinese

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Abstract. The development of tourism in Bali has contributed many positive impacts on the economy of the local community. The availability of professional human resources who have good foreign language skills has become very important in tourism development. This has led to the increase of the interest of young generation to master foreign languages. Unfortunately, this condition has made their interest in mastering the local language has declined so that nowadays many young Balinese people have problem to use their Balinese in their daily communication. Meanwhile, Bali has a system of caste level which needs the language courtesy. For the reason, this study is very important to be conducted to examine how Balinese system realizes polite communication. From the collected data it was found that the speakers who can’t master Balinese still have a chance to make polite communication when a situation has to force them to speak polite Balinese.

Keywords: Deixis; indirect speech act; lexicon tourism

1. Introduction

Nowadays many young people in Bali have a problem to communicate each other in polite Balinese. This is one of the impacts of tourism development in Bali that is well known as the center of tourism development and the most popular destination in Indonesia. The tourism sector certainly requires professional human resources who master foreign languages as a means of international communication. This cause the young generation in Bali prefers learning and mastering foreign languages to Balinese. They think that if they master foreign languages they will easily find jobs in Bali and beyond and even abroad and it will make their families’ economy better. However, this condition could make the use of Balinese, especially by young generation, decline.

Balinese is one of local languages in Indonesia that has language level. If the speakers can understand and use the all level of Balinese, they do not have any problem to use Balinese in any situation they have and they are not worried to speak polite Balinese to particular person they have to respect. However, tourism development in Bali has changed many things including the interest of the young people in mastering Balinese as their own local language. The decline of the interest of young people to learn and use Balinese can affect the lives of Balinese people. This is due to the difficulties faced by the young generation to communicate in Balinese. Meanwhile, community in Bali which has a caste system and level of social status requires people to pay attention to polite communication. In addition, Balinese has uniqueness related to its structure and its function in the social-cultural life of the speakers [1]. For this reason, settlements to be able to communicate Balinese politely are very necessary to figure out, especially for those who cannot master Balinese well. In relation to this phenomenon, this study aims to examine how speakers of Balinese can produce polite communication to create...
harmonious relationships between the speakers. Thus, polite communication is very important
to discuss if the speakers can’t use language in accordance with the situation, or if they make a
mistake in using a language it will be able to create linguistic conflict that results in a social
conflict as conveyed by Kusno [2]. The use of polite language is not only used in general
community but also institutional organization that shows the importance of polite language in
our society [3]. The use of polite language is not separated from the speakers both male and
female. The use of language through different gender shows similarities and differences based
on the users perception [4]. Teaching about polite language could be a way to keep the
existence of the language. Senowarsito explores the politeness strategies used by the teacher
and students. The use of polite language by a teacher could make the polite language
understandable by the students [5]. Polite language is not only presented by the speakers
through utterances but also through writing [6]. It means that polite language still exists in the
society as a part of cultures. Every language has their own way to express politeness, such as
styles of politeness and sign expressions [7]. That is why polite language should be maintained
in order to exist as our local culture. In addition, there are some efforts that can be done to
maintain and develop the local language, such as: the use of languages in families, society,
communities, mass media, etc. [8].

Data of this research was taken from Balinese speakers living in Denpasar city. The
informants are decided and selected based on sampling system without any special
consideration. Observation method was applied in order to collect data. The collected data
deals with the use of Balinese in polite communication. Interview method to the informants
was applied as well to know whether the utterances spoken by speakers were considered polite
or impolite by hearers. The collected data was then classified based on the strategies applied
by the speakers to make polite communication in Balinese. The results are presented
descriptively in the part of discussion. It means that a descriptive method is applied in order to
make a systematic and accurate description on the data, characteristics, and phenomenon in
relation to the collected data [9].

2. Discussion

Balinese a language of three levels: i.e. standard (middle), and high level. The difference
among those levels comes to their lexicons but their structure seems similar. Balinese people
who can understand and use the three levels of Balinese will not have any problems to use
Balinese in any situation. If a situation forces them to create polite communication they can
use the high level of Balinese to result in perfect polite Balinese. A big problem happens to
those who can’t understand and use the high level of Balinese or for those who only know a
few words of Balinese. Based on the analysis to the collected data, it was found that there is a
way to solve this problem. The way to create polite communication in Balinese can be
distinguished into three different strategies: (1) using indirect speech, (2) using particular
deixis, and (3) using particular lexicons. The ways to make polite communication in Balinese
are described in the following discussion. Each discussion is supported by some examples.

2.1 The Use of Indirect Speech Act

Indirect speech is a kind of utterance that is expressed with a type of sentence that is not
in accordance with the purpose of the speech, but the meaning of the words that compose it is
in accordance with what the speakers intend [10]. This type of speech is often used in Balinese
with the intention to make the speech more polite. Some examples are presented in the following discussion.

**The Use of Declarative Sentence.**

Declarative sentence aims to convey news or information. However, declarative sentences can be also used for other purposes, such as the purpose of governing, inviting, and asking or begging. The use of declarative sentence for such purposes and not for conveying information is called indirect speech in which the speaker conveys the intention of request or command not with an imperative sentence, but with a declarative sentence. The speakers of Balinese often use the declarative sentence when they want to make request and command in polite communication. It can be proved by the following examples.

1) S: *Di sanggah luu-ne liu gati, Mbo Kadek.*
   In the temple there is a lot of garbage, sister Kadek’
   H: *Bin Jebos Mbo kadek lakar nyampat*
   I will sweep it soon’

2) S: *Bu, Ibu durung mayah canang.*
   Madam, you have not paid the offering yet’
   H: *Nah, jani ibu mayah.*
   Okay, I pay it now

In the context of a girl talking to a servant who lives in her house in data (1) and a servant talking to a woman (her host) in data (2), it is known that the declarative speeches in both examples do not only contain information, but they tend to have meaning as an instruction to the hearer (the servant) to sweep the area of the temple in (1) and to the woman (the host) to pay the offering in (2). In this case, the hearers understand that the meaning of the speeches is a command and not just an information. The hearers can directly understand the command although the speeches are in declarative sentence. The speakers are very concerned about manners to govern someone, even to a servant. The hearers can also quickly understand the speaker's intention that the declarative sentence in (2) above means an order rather than an information. From the examples it is known that the speaker (a girl) used standard Balinese to her servant and she preferred using indirect speech act to direct one as she wanted to keep a good communication to her servant. Different situation happened to the example (2), the speaker (servant) should use high level Balinese to communicate to her host, but because she could not master and use high level Balinese, she used standard indirect speech with one high level word to show her respect to her host. The utterance spoken by the speaker could be considered as a polite command by the hearer (host).

Besides as command, declarative sentence can be used for invitation as well. The use of declarative sentence for the purpose of command can be seen in the following examples.

1) S: *Bu, bin mani ada pementasan tari uling Bangli di Taman Budaya.*
   Mom, tomorrow there will be a dance performance from Bangli at Art Center’
   H: *Ayo mabalih yuk.*
   Okay let’s watch it’.

Declarative sentence in the example above is spoken by a man to his wife. He wanted to invite his wife to watch a dance performance that will be conducted at art center. The man used declarative sentence in order to make polite invitation to his wife and not just to give information. The invitation expressed in ordinary language was understood to contain polite meaning because of the indirect speech.

**The Use of Interrogative Sentence**
Interrogative sentence is generally used to ask something. However, the reality in Balinese use, interrogative sentence is also often used for other purposes. Interrogative sentence can be used for commands, invitations, and requests [11]. This is also one of the strategies used by Balinese speaker to create polite communication. The use of interrogative sentence for such purposes is commonly used by speakers who can’t master and understand high level Balinese but in another side they want to make polite utterance to have harmonious communication. The use of interrogative for command and invitation can be seen in the following data:

1) S: Suba kayehang adike dek?
   Did you bathe the baby Dek?
   H: Nggih, mangkin sampun
   Okay, I will do it now

2) S: Sing makita malali ke pameran Ba?
   Don’t you intend to visit the festival Mom?
   H: Lan jam pitu nah Pak.
   Okay, we go there at seven

The interrogative sentences above explain that in addition to have questioning meaning, they both also contain the meaning of command or request like in (1) and invitation like in (2). The meaning of the indirect command or request and invitation more dominates the meaning of the sentences. The response of the hearers in the examples above proves that the interrogative sentences spoken by the speakers are directly understood as a command and invitation and not just a question. The purpose of the indirect invitation from the interrogative sentence is still related to the literal meaning of the question-forming elements so that the indirect invitation in (2) is called a literal indirect invitation [12]. Further more Leech stated that the other way to recognize the politeness scale is by looking at the content of the same utterances by using various indirect speech acts [13]. What is discussed above is in accordance with what is said by Lindayana, et.al [14] who stated that speaking activity is very necessary to assume the principle of courtesy. Language politeness can be seen in the process of directive speech acts done in the learning process. This is realized through the act of asking, commanding, advising, and inviting.

From the examples it could be understood that the speakers of Balinese like using indirect speech rather than direct one. For instance, in (1), when a lady ordered her servant to bathe her baby she used indirect speech command and not direct command in imperative sentence. The example (2) shows the same when a man invited his wife to visit festival he preferred using indirect speech than direct one. When they used standard Balinese for their communication they choose to use indirect speech in order to keep harmonious communication.

2.2 The Use of Particular Person Deixis and Social Deixis.

Balinese people will not have any problem with polite communication if they master and can use all level of Balinese. They will have perfect polite communication with high level Balinese in order to express something politely. However, the reality shows that not all Balinese speakers understand and are able to master Balinese very well. For their daily communication, either in the family, formal or informal situation, and many speakers of Balinese use ordinary or standard Balinese. If they are obliged to speak politely because of certain situation, for instance when they are communicating with older people or with someone who has higher socio-economic and socio-cultural status, those who are lack in Balinese, such as young generation living in the urban area, they still have other strategy to create polite communication. They usually use certain person and social deixis to express
politeness. For discussion of deixis in Balinese, understanding of deixis stated by Saeed [11] is used as the basis of reference.

1) S: *Titiang nike ngelah Jero De.*
   It belongs to me Jero De
   H: *Oh nggih silih nah.*
   Okay, let me borrow

2) S: *Ipun ane sanggup mragatang gaene Jero Kelih.*
   He promised to finish the work
   H: *Nggih suksma, enggal nah.*
   Okay thank you, finish it soon

The two examples used standard language and the utterances are considered polite due to the presence of person deixis of high level pronouns which refer to the first person singular *titiang* in (1) and third person singular *ipun* in (2). The presence of these polite level pronouns is able to make the whole speech contain the impression of being polite and quite refined. In Balinese the form *titiang* can refer to first singular and plural pronoun. It is different from other local languages in Indonesia. In using language for example, it has two different forms for first pronoun: *isun* for singular and *isun-rika* for plural pronoun [15].

Since in Bali there is a caste level and socio-cultural status, Baline language has many forms of social deixis. Social deixis has a big and important role in Balinese communication. Standard Balinese may have polite impression as well if the speech contains social deixis referring to the person respected by the speakers. Look at the following examples.

1) S: *Tu Aji, dija polih siap biing?*
   Mr. Aji, where did you get the red cock?
   H: *Di Bangli Ngah*
   In Bangli Ngah

2) S: *Jero Mangku, bin pidan lakar ngayah di pura?*
   Mr. Mangku, when shall we prepare things at the temple?
   H: *Uling bin puan Men Tu*
   It’s from the day after tomorrow, Madam Putu.

The forms of social deixis *Tu Aji* (call name for high level married man from Brahmana) and *Jero mangku* (call name for those who dedicate themselves at a temple) cause the standard speech containing those social deixis to be polite and subtle. It means that although the utterances used standard language, if any social deixis are inserted into the utterances, they can be considered polite and can be acceptable utterance for any situation. The hearers in the context above will not have any problems with the utterances spoken by speakers and they think they have been appreciated by the speakers with the use of the social deixis in their utterances. The utterance will be more polite if a high level word as *polih* ‘to get’ could be inserted to the utterance as in (3).

2.3 The use of Particular Lexicon

In addition to the above strategies, there is another method to make polite Balinese communication especially for those who can’t speak Balinese well. They usually often insert one or more certain lexicons of Balinese in their standard language to make polite communication. This can be seen in the following examples.

1) *Tiang wawu neked jumah niki*
   I have just arrived home

2) *Sire mai busan me?*
   Who has just come here mom?
3)  

Pagaenne I Bagong mulan becik, pantes maan juara.

Bagong’s work is definitely good; he is worth being the winner.

The three examples above are standard speeches that contain certain high level Balinese lexicons. The use of the lexicons causes the standard speeches to be polite or considered to be polite by the hearers. In speech (1) there is a polite (high level) adverb wawu ‘just now’. In the speech (2) there is a form of high level question word sire ‘who’ which causes the speech to be polite. In the speech (3) there is an adjective becik ‘good’ that belongs to high level language. Thus, the lexicons used to make polite speech in standard or ordinary speech can be in the form of adverb, question word, and adjective. Verb or verb phrase is also possible inserted in standard language to make the utterance polite. The examples can be seen below.

1)  

Bapanne anak ten maduwe pis anggona mayah.

His father did not have any money to pay.

2)  

Asananga kurenang tiange sampun uning, Ratu.

Perhaps my husband has already known that, ratu’

3)  

Adin tiange nikaang mai melali, Jero Tut.

My younger sister/brother said that she/he is going to come here, Jero Tut’

Standard Balinese utterances in (4) and (5) contain verb phrase of high level language ten maduwe ‘not to have’ and sampun uning ‘have known’. The high level verb phrases made the utterances become polite and they could be acceptable utterance spoken by those who have problem to make polite communication in Balinese. The presence of single high level verb nikaang ‘to say’ in example (6) has also made the standard utterance polite. Based on the information collected from young informants they often used this strategy in order to cover their problem in making polite communication in Balinese.

Insertion of particular Balinese deixis and lexicons to Indonesian utterances also often happens on communication by young people. This strategy has much helped Balinese young people to solve their problem to speak Balinese. The use of particular deixis and lexicons has shown their respect to special people they are talking to, based on socio-economic status or socio-cultural status. For those who only know a few Balinese words, this strategy has helped them make a good communication. This is the easiest way often found in young people’s communication. Look at the following examples.

1)  

Kek, ampure tiang tidak bisa bicara bahasa Bali.

Grandfather, I am sorry not to be able to speak Balinese’

2)  

Kemarin dia sampun ke sini tapi mangkin dia minta ijin.

Yesterday he came here but today he gets permission not to come’

The phenomenon of code mixing in the utterances above has helped Balinese people to solve their problem in communication with people they have to respect. The use of one or more Balinese high level words into Indonesian discourses has been considered to have respectful meaning. The hearers know that although the speakers can’t speak Balinese, they keep trying to show their respect to the hearers by method of code mixing.

3.  Conclusion

From the analysis carried out above, conclusions can be described as follow. Every language speaker wants to have good and harmonious communication when he gets in touch with others. It is necessary to create polite communication for harmonious and good communication. Speakers of languages having language levels do not have any problem to
communicate politely as they can use the high level language in communication. Balinese as one of such languages has language level, such as low, middle (standard), and high level language. However, Balinese speakers, especially those who can’t master and speak good Balinese they will have problem to speak polite Balinese. Based on the analysis, there are some strategies to communicate polite Balinese. The polite speaking strategies in Balinese include the use of indirect speech, the use of person and social deixis, and the use of certain lexicons.

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