Industry Strategies for Promoting, Strengthening, and Empowering Customary Villages to Reduce Prison Population in the Perspective of the Tourism Industry

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Abstract. Research-based community service on efforts to reduce the burden on the state of keeping criminals in prison has never been conducted so far. This work is the first of its kind and contains an urgent nature, as well as strategic in order to improve the welfare of society. The illustration is that as of 27 April 2023 the number of prisoners in Indonesia reached approximately 275,518 people. Expenditure on consumption per day is 50,000 IDR for each prisoner. This means that every day the burden on the Indonesian state budget, originating from taxes paid by the people, reaches 13,775,900,000 IDR. In addition, another phenomenon concerning the number of prisons in Indonesia that are overcrowded by prisoners is the emergence of various types of problems. These include drug trafficking within prisons, escapes of inmates from prisons, riots that result in loss of life and large amounts of property being needlessly damaged. This research addresses the following issues: (1) what types of cases can be resolved through customary law in the community? (2) How should customary court procedural law be applied to fulfil the community's sense of justice? (3) Is there an impact of promoting, strengthening, and empowering customary village institutions on the development of the tourism industry? In conducting the research, several methods were used, namely lectures, discussions, dialogues, field observations, and literature reviews. The theories used to analyse the problem under study were social engineering theory, justice theory, and legal system theory. This research concludes that it is indeed feasible to apply customary law mediation in solving legal problems that occur in the community. Regarding customary justice procedural law, all kinds of problems are resolved by deliberation to reach consensus through mediation guided by the customary chief. If the prison population can be significantly reduced, the cost of maintaining criminals will be reduced and the prison can be used as an educational tourist attraction for students and the community.

Keywords: Strategy; customary village; prison

1. Introduction

Managing a prison, also referred to as a penitentiary (in Indonesian '*Lembaga Pemasyarakatan*' or abbreviated as *LP*) or detention centre (it is referred to as *rutan* by Indonesia government), is not an easy task and requires huge expenditure. The average cost incurred by the Indonesian state to maintain

prisoners, who are basically criminals, in one day reaches 13,775,900,000 IDR (thirteen billion seven hundred seventy-five million nine hundred thousand rupiah). In detail, as of 27 April 2023 the number of inmates in prison reached 275,518 people, the cost of each inmate's daily consumption was 50,000 IDR. That amount was multiplied by 275,518 total number of inmates, resulting in 13,775,900,000 IDR.

If the total amount is calculated for one month, or the equivalent of 30 days, it would amount to 413,277,000,000, IDR. This means the burden on the Indonesian state to maintain criminals in prison every day is too great. Not to mention the fact that problems often occur inside prisons such as prison escapes, fights between prisoners, riots, drug trafficking, or problems controlled from inside prisons that almost occur in all prisons in Indonesia.

When examined in depth, the various types of crimes that arise and often occur in prisons have a single root cause, that is to say, the overcrowding of prisons by inmates. On average, every prison in Indonesia is almost one hundred per cent or more overcrowded. The illustration is that if a prison has a capacity of 500 people, the number of inmates inhabiting each prison in Indonesia is 1,500 people as shown in Fig. 1. Of course, the crowded prison atmosphere with a very limited number of officers can be imagined as shown in Fig. 2. Not only that, every day the state has to spend hundreds of millions of rupiah just to repair prisons damaged by riots among the prisoners therein.

Of course, all this money is taken from taxes collected from the people. Not to mention the cost of chasing down prisoners who escape from prison due to various causes. Every time there is a riot and a prisoner escapes from prison, it costs hundreds of millions of rupiah to resolve it.

- detainees and prisoners
- capacity



Fig. 1. 10 most crowded prisons in Indonesia

Source: https://www.bbc.com/indonesia/indonesia-58490228

Therefore, the idea of reducing the number of prisoners in prison based on customary law through mediation should not be underestimated. It is because historically, the Indonesian people have been practising deliberative problem-solving techniques since the days of the old kingdom. Mediation or customary problem solving is a common practice. In fact, customary problem solving is

a form of deliberation to reach consensus, which is mandated by Pancasila as the basis of the state and the outlook of life of the Indonesian nation.

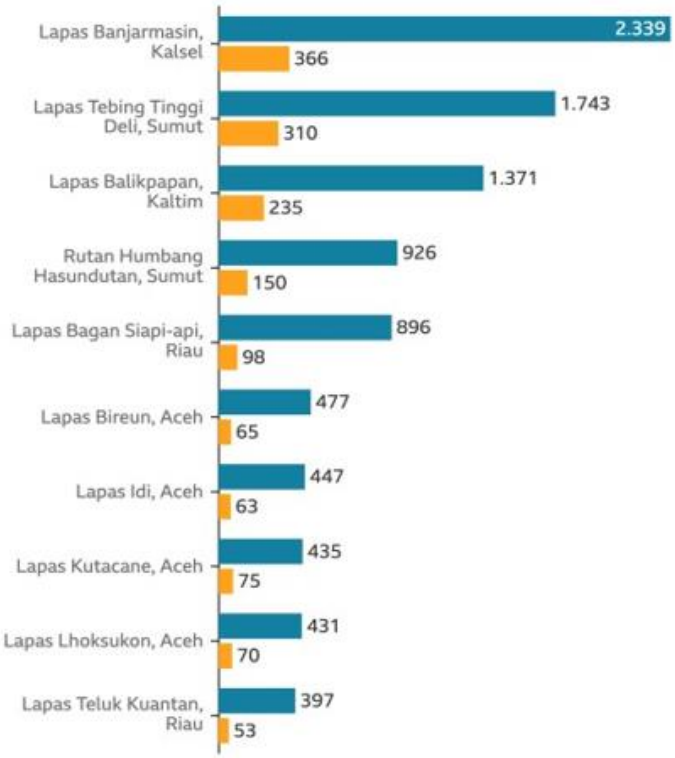


Fig. 2 Prison overcapacity in Indonesia

Source: https://www.bbc.com/indonesia/indonesia- 42621448

The illustration above is a general depiction of prison conditions across Indonesia. If examined in more depth, the number can exceed what is shown in the illustration. It is not surprising that these conditions often trigger riots that can cause casualties and loss of property in large numbers as shown in Fig. 3. Thus, the idea of reconciling people who are in trouble with the law is worth exploring for application.



Fig. 3 Footage of the riot that took place in Kerobokan Prison, Bali, Indonesia, which resulted in the loss of life and property in a large amount

Source: https://nasional.tempo.co/read/386203/7- kerusuhan-dalam-penjara-di-indonesia.

This community service is conducted in collaboration with two partners, namely the partner in Tewed Village, Melaya District, Jembrana Regency, and the *karma* and management of Kaba-kaba Customary Village, Kediri District, Tabanan Regency. Demographically, Kaba-kaba Village borders the area: to the north it borders Nyambu Village, to the east it borders Cepaka Village, to the south it borders Munggu Village, Badung Regency, and to the west it borders Buwit Village.

Kaba-kaba Village is located approximately 8 km from the sub-district government centre, 10 km from the capital of Tabanan Regency, and 21 km from Denpasar City. The village has grown and developed as an advanced, strong and empowered customary village. In addition, as an official village government, Kaba-kaba Village has now been institutionalised in each of the village government forms and structures.

The problems of the partners of this service activity that need to be resolved are:

How can legal issues in the community be resolved through deliberation for consensus based on the principles of promoting, strengthening, and empowering indigenous villages and local wisdom?

What criminal offences can be resolved through deliberation for consensus based on the principles of promoting, strengthening, and empowering indigenous villages?

Is there an impact of the settlement of cases by deliberation for consensus based on the principles of promoting, strengthening, and empowering indigenous villages on the tourism industry?

2. Method

There are several methods used in this service activity, including the following.

Community Dialogue - a method used for a) in-house training; b) counselling aimed at increasing community understanding and awareness of the importance of deliberation.

Consultation - the method was used for activities that discuss problems or needs in the community to be resolved through synergies with universities.

Diffusion of science and technology: the method was used for activities that produce legal products for the community, especially in the form of *awig-awig* or *perarem*.

Training - the method was used for activities involving a) counselling on the substance of the activity accompanied by demonstrations or pilots for its realisation, b) training in the operation of systems or equipment, c) formation of new law-aware groups, d) provision of certified services to the community.

Mediation - the method was used for activities in which community service implementers position themselves as mediators of the parties involved and jointly solve existing problems in the community.

Simulation of science and technology - the method was used for activities whose main work is an information system or the like. This activity is intended to explain something that cannot be done in real life, take the process of opening space for mediation if problems arise in the community.

Advocacy - the method was used for activities in the form of assistance.

Other relevant methods and techniques that were used are:

Data collection through field observations and literature review techniques.

Qualitative data analysis - the intention is that the data that had been collected were analysed or interpreted by orienting to the value of very good, good, moderate, and quite good.

Location of the activity was Kaba-kaba Customary Village. Duration of observation was five months, and activities were carried out for 8 hours every week.



Fig. 4 Socialization of strategies to promote, strengthen, and empower indigenous villages in an effort to reduce prison content in the perspective of the tourism industry in Kaba-kaba Customary Village.

3. Discussion

Resolution of legal issues through deliberation for consensus

The terminology of the strategy to promote, strengthen and empower customary village institutions is an effort that is deliberately planned and carried out systematically so that the conditions and ways of thinking of indigenous villagers can change. The changes in question are maximally sought so that the community is more advanced or does not maintain classical thinking and primitive behaviour, and remains firm in traditions that should have changed. Thus, community resilience based on local wisdom becomes stronger. In other words, there are no other forces originating from outside that can intervene, let alone to intend to change religion and customs and culture originating from Hinduism.

Meanwhile, empowerment means that the customary village *krama* (community) should not be filthy, should not be impoverished, and should not fall behind. Customary village communities in this context must think visionary to be able to enjoy affluent, prosperous, orderly, and safe living conditions. The key word in this context is the community must be willing to learn, open to changes, and willing to accept new things that can improve their quality of life.

Criminalisation can be understood as the act of giving physical and mental pain or suffering to those who have been legally and legally declared guilty of violating the law by the court. The theoretical purpose of punishment is retaliation in order to ensure a sense of security for the community, because the perpetrator of the crime is already in prison. Other than that, criminalisation also aims to prevent unlawful acts from being replicated by others, as well as to maintain social order. This very good goal turns out to have concerning implications when examined in terms of the state budget spent on the cost of maintaining criminals in prison.

Therefore, a new system that has actually already existed and is rooted in the community's cultural system is needed. The system in question is to resolve problems by involving victims and perpetrators, the families of both parties, community leaders, religious leaders, and authorised officials. This system of deliberation to reach consensus is actually a life value that has been rooted and ingrained in the people of the archipelago. The system of deliberation is accepted as one of the precepts of Pancasila, particularly the fourth precept, "Democracy led by wisdom in representative consultation". The message to be conveyed is that people should not hesitate to create spaces and places for peace when there are legal problems.

There are many advantages and benefits if the case is resolved in a family channel by deliberation. Based on the results of the service activities in the field, several points are explained as follows.

The problem occurred in a village in Jembrana Regency. The name of the owner of the disputed land was Luh Sari. In 2013, Luh Sari, who had just been left for dead by her husband, left behind four young children. The other day, the land she bought was sold by another party to a man named Wayan Takur. Because Luh Sari was incapacitated in many ways, she accepted to sign the Land Sale and Purchase agreement in the presence of the sub-district clerk at that time.

When examined in criminal law, those who sell and those who buy any disputed lands are indicated to have violated criminal law, especially because of the elements of coercion and embezzlement of money from the sale of the disputed land. The aforementioned case of Luh Sari was reported to the Jembrana Resort Police in Negara, but was eventually resolved through deliberation.

In relation to the report of this service activity, with the settlement of the case through deliberation, at least three people did not go to prison. This means that the prison population did not increase and the state finances were not spent on keeping criminals in prison. The litigants did not feel that they were at a disadvantage to each other. The land returned to its owner Luh Sari and Wayan Takur were given compensation money and the proceeds of the disputed land for 10 years were not disputed and instead handed over to Wayan Takur sincerely by Luh Sari.

There are many advantages to resolving cases through deliberation to reach consensus. From a duration required, deliberation only takes less than one day. Two to three hours is enough. In terms of cost, the settlement of disputes by deliberation is practical, not spending a lot of money. The costs incurred are only for consumption at the time of deliberation. If necessary, other expenses are only in the form of transport costs for community elders and leaders as well as religious leaders who attend the deliberations. In terms of justice, the parties to the dispute feel more justified, because they were the ones who resolve their own disputes.

Criminal offences resolvable through deliberation for consensus

The second issue in this study is what criminal offences can be resolved through deliberation for consensus based on the principles of promoting, strengthening and empowering customary villages. Addressing this issue is not too difficult. The illustration above is evidence of a criminal case that can be resolved by deliberation. Other than that, various regulations have recently been issued by the Indonesian Government whose essence is non-litigation problem solving. The popularisation of the "Restorative Justice" discourse is one of the answers to the crucial problems in prisons that are overcrowded, cause many problems, and incur considerable costs.

Impacts of Criminal offence resolution through deliberation for consensus

The third issue, the impact of deliberative settlement of cases with the principles of promotion, strengthening and empowerment of customary village communities on the tourism industry, there is a lot of evidence for the that. Law-aware villages, which have low crime rates, stunning, cool, clean environments, and friendly people, are visited by a huge number of tourists, both domestic and foreign tourists.

In general, Kaba-kaba village, the partner of this service programme, has a clean environment; the temple buildings are magnificent, beautiful and clean. All these proportions indicate that the community lives in a safe, orderly, and prosperous atmosphere. There are no prominent criminal acts that go viral and become the talk of the town. The average housing estate is stunning, beautiful, and well-maintained. All of this is an indication of an advanced, strong, and empowered society.

The output of this community service activity is publication in SINTA-indexed journals, popularised through CMN online media, and print media. In addition, the output is also registered with the HAKI institution. The last is the output is published in the form of a book entitled "Strategy

for Promoting, Strengthening, and Empowering Customary Village Institutions to Reduce Prison Inhabitants in the Perspective of the Tourism Industry".

The superiority of the results of this service is originality, in that this service is based on the results of research conducted in 2019. Another advantage is that this study generates new insight and understanding and encourages the growth of public awareness, especially the partners of this programme in that criminal cases that happen to them are not immediately reported to the police for resolution. It is understood and realised that reporting their cases to law enforcement officials can be costly, time consuming, lacking in certainty and justice, and ultimately lead to conviction. Thus, the prison population will increase and the burden on the people to finance criminals will also increase.

After the results of this community service are socialized systematically, structurally and massively in the community and among law enforcement officials, every problem in the customary village area will be resolved through deliberation to reach consensus. The impact is certainly advantageous - prison inhabitants will be reduced, and the community feels justice, legal certainty and expediency, especially for those who experience problems.

This service programme hardly experienced any difficulties. The partners provide massive support. The management of Kaba-kaba Customary Village, Kediri District, Tabanan Regency is eager to cooperate so that the results of the service are useful and effective.

Customary law-based case resolution techniques are not something new to Indonesian society in general, let alone to the Kaba-kaba Village community in particular. In reality, the implementation is through deliberation to reach consensus. The initiative to resolve a case can come from both directions - the victim and the customary village institution itself. The customary village administrator can bring together the perpetrator and the victim along with their respective families. Once the parties have gathered together in a special meeting to resolve the matter at hand, an open, honest, transparent and responsible investigation of the actual case begins. The procedural law in customary law is unwritten, but it is based on the customs that have always been practised by the community itself.

After information from both parties is gathered, the crucial point of the problem will be found. It is then analysed together to determine what solutions can be offered as a consensus settlement. Furthermore, alternative solutions to solve the problem in a balanced and fair manner according to the local wisdom of the local community are read out. Usually, the perpetrator of the crime is requested to apologise to the victim in the presence of the participants. Then, a solution is offered, usually in the form of compensation funds for losses in an appropriate, proper, proportional, and acceptable manner for all parties to the litigation.

The nature of problem solving in customary villages is oriented to restoring balance to the village atmosphere, which has been shaken by the misdeeds of the perpetrators. Thus, through deliberative resolution problems are resolved in just a few hours, not dragging on for a long time, not costing much, and wasting too much energy.

As an illustration, cases of sexual harassment have occurred in Banjar Taman, Tuwed Village, Melaya District. This village was the place to conduct research in 2019, and currently the village is one of the community service partners in Jembrana Regency.

The scenario is as follows. A man named Ketut visited his neighbour and found a married woman named Ni Luh Sekar (not a real name) alone in her house. Perhaps the woman's husband was away in the garden and her children were playing outside. Seeing Ni Luh Sekar alone, Ketut's evil intentions finally surfaced. Then the woman's breasts, which were probably not properly covered at the time, were suddenly groped by Ketut. At the same time, Luh Sekar's husband arrived angrily, took a crowbar and hit one of Ketut's hands until it was broken.

Finding that their son had been abused until his hand was broken, Ketut's parents made a complaint to the Melaya Sectoral Police. The police provided a space for mediation involving the customary bendesa adat, the village head, and the families of each party. The mediation with restorative justice resolution system was fruitful. Luh Sekar's husband was punished by compensating an agreed amount of money for medical expenses. The implication of this illustration is that the number of criminals does not increase in prison. The outcome is fairer for the parties and society in general.

The second illustration is also important to disclose. The scene is in the Customary Village of Kaba-kaba. There was a customer of the Village Credit Institution (LPD) who had bad credit. After being tracked by the LPD officer, it was found that there was fake documents related to the credit. The case was not resolved by reporting it to law enforcement officials, or not reported to the police, but was resolved in a family manner with deliberations at the LPD itself.

Criminal offences that can be resolved through deliberation based on the strategy of promoting, strengthening and empowering indigenous village communities are criminal offences with customary nuances, criminal offences that carry a sentence of less than 4 years, theft in the family, domestic violence that does not cause fatalities and physical disabilities, traffic accidents, and so on.

A safe, orderly, and prosperous society as a result of the strategy of promoting, strengthening, and empowering customary villages turns out to have a positive impact on the tourism industry. The indication is that many tourists come to visit to see the clean, stunning village atmosphere, friendly people, and the low rate of crime.



Fig. 5 Model of kertha desa meeting of *prajuru* of the customary village during resolving cases, disputes in the customary village area

4. Conclusion

The deliberative resolution of criminal cases based on the strategy of promoting, strengthening and empowering customary village communities involves customary elders attempting to identify the quality of the crime committed by the criminal and then providing a space for peace by resolving the case in a family manner.

When the case is not a serious criminal case such as narcotics, terrorism, corruption, and crimes with a sentence of more than four-year imprisonment, efforts should be made to resolve it through mediation or deliberation for consensus so that a sense of justice, usefulness, and legal certainty is more pronounced. Not only that, the deliberation should involve the families of the perpetrators and victims, religious leaders, and community leaders.

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The study found that a safe, orderly, and prosperous society as a result of the strategy of promoting, strengthening, and empowering customary villages turns out to have a positive impact on the tourism industry. The indication is that many tourists come to visit to see the clean, stunning village atmosphere, friendly people, and the low rate of crime.

References

[1] Antonius Cahyadi dan E. Fernando M. Manullang, 2007, "Pengantar Filsafat Hukum", Kencana, Jakarta.

[2] Krisna Antara, I Wayan, 2010, "Pertarungan Politik Hukum Negara dan Politik Kebudayaan, Otonomisasi Desa Adat" Udayana University Press, Denpasar.

[3] Jamin, 2018, Model Penguatan Peradilan Adat Dalam sistem Kekuasaan Kehakiman Sebagai Instrumen Desentrasilasi Keadilan Berdasarkan Konstitusi Yang Pluralis di Provinsi Bali, Universitas Sebelas Maret, Solo.

[4] Suena, 2012, Tata Cara Penyelesaian Wicara Oleh Majelis Desa Pakraman Bali, MUDP Bali, Denpasar.

[5] Syarifudin, La, 2009. Sistem Hukum Adat Terhadap Upaya Penyelesaian Perkara Pidana, Universitas Mulawarman, Indonesia.

[6] Moelong, 2002, "Metodologi Penelitian Kualitatif", Remaja Rosdakarya, Bandung.

[7] Prodjohamidjojo, Martiman, 2001, "Penerapan Pembuktian Terbalik Dalam Delik Korupsi (UU no. 31 Tahun 1999)", Penerbit Mandar Maju, Bandung.Windia, 2010, Tanya Jawab Hukum Adat, MUDP Bali, Denpasar.

[8] Widia, 2022, Cara Mudah Memahami Desa Adat di Bali, CV.Mas Mesari, Badung, Bali.

[9] Wesna Astara, 2015, Pertarungan Politik Hukum Negara dan Budaya Otonimi Desa Adat di Bali", Undayana Press, Denpasar.