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## **BUMDes as an Alternative Resolution to the Conflict of Marine Tourism Management in Madura**

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### **Abstract**

The utilization of coastal space for marine tourist destination has developed very rapidly; unfortunately, this marine tourism management potentially results in conflict. Marine tourism managed by villagers in Bangkalan Regency is the example of potential conflict in its implementation. In Labuhan Village, Sepulu Sub District, Bangkalan Regency mangrove tourism has resulted in conflict of management between the communities in a village. It is well established that public participation is one of variables that can affect supportability of coastal environment for marine tourism development, but non-participative management will affect the sustainability of tourism business itself. The objective of research was to formulate the model of marine tourism management policy through Village-Owned Enterprises (BUMDes). Such policy model is expected to minimize the conflict of spatial management. To achieve this objective of research, a Socio Legal Research type was used with factual and conceptual approaches. The result of research showed that the marine tourism management policy in Madura coastal area is managed more in group by mangrove farmer group, tourism consciousness group (pokdarwis) and community supervisor group (pokwasmas), and only very few have been managed by BUMDes. BUMDes is selected to be a legitimized institution in managing the marine tourism in coastal areas, because BUMDes can stimulate and activate the rural economic wheel managed fully by villagers. Juridical construction of marine tourism management through BUMDes can be legitimized based on Village Act. Village Regulation and legal entity-organization are legal figures underlying the marine tourism management through BUMDes as governed in Village Act and Minister of Village, Transmigration, and Disadvantaged Region's Regulation about the establishment, the administration and management, and the dismissal of Village-Owned Enterprises.

**Keywords:** BUMDes; Conflict Resolution; Management; Tourism; Marine.

### **Introduction**

Madura coastal region consists of North and South areas, both of which have fairly developing marine tourism potency, and some north beaches have

been domestic tourist destination. Some time ago there was mangrove education tour In Labuhan Village, Sepulu Sub District, Bangkalan Regency, but his tourist destination has ever been dormant (vacuum) and is now opened publicly. It was told that Mangrove Cemara Sejahtera Farmer Group (Poktan) manages it so far was in conflict, leading to this tourist destination closing. The latest development can be seen in Labuhan village is the reestablishment of Mangrove Education Park II (TPM II) in addition to the preexisting TPM I, and both of them are the output of Pertamina Hule Energy Madura West Offshore (PHE WMO)'s building program.<sup>1</sup>

The fact shows that Mangrove Education Tourism Park managed by community group in Labuhan Village of Bangkalan Regency is not responded to positively by some local people. Village-Owned Enterprises (BUMDes) institution is expected to be the way out for all parties' interest at village level, because participative principle in BUMDes will position all parties to have equal opportunity of benefiting from the utilization of coastal space. Another village in Bangkalan Regency having initiated Mangrove Education Park is Tengket Village managed by Pokwasmas Amirul Bahri. Still another village developing similar Park is Lembung Paseser Village of Sepulu Sub District (Result of interview with Head of Pokwasmas on October 17, 2019).

The importance of BUMDes in activating the village community economy shows that participative management will affect positively the improvement of welfare. The management of BUMDes to improve the potential marine tourism should be developed, particularly in the coastal villages still managing it individually or in group rather than institutionally as BUMDes.

The importance of BUMDes in activating the village community economy shows that participative management will affect positively the improvement of welfare. Prior data and information shows that the management of BUMDes to improve the potential marine tourism should be developed, particularly in the coastal villages still managing it individually or in group rather than institutionally

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<sup>1</sup> Result of Interview with the Head of Labuhan Village, October 27, 2019.

as BUMDes. BUMDes can organize the development activity in ordered manner because its basis of establishment has been governed by law, governmental regulation, minister regulation, and village regulation. BUMDes has organizational structure consisting of adviser, operational executor, and supervisor. The presence of leadership structure and the clarity of fund source in BUMDes can make the people (community) more disciplined in managing the activity, more directed and having sustainable long-term development program as governed in Article 10 clause (1) Permendesa 4/2015.<sup>2</sup>

This BUMDes institution to manage this marine tourism will remove the potential conflict within village community, because participative management will, of course, involve all elements of community. The fact shows that Mangrove Education Tourism Park managed is not responded to positively by some local people. BUMDes institution is expected to be the way out for all parties' interest at village level, because participative principle in BUMDes will position all parties to have equal opportunity of benefiting from the utilization of coastal space.

To promote public participation, Club du Sahel uses 4 (four) public participation approaches:<sup>3</sup>

1. Passive approach, training and information: the approach assuming that outsiders (external party) master knowledge, technology, skill, and resource better. Thus, participation gives one-way communication, top-down, and the relationship between outsiders (external party) and community is vertical in nature.
2. Active participatory approach: is the one giving the community an opportunity of interacting more with external personnel, for example, in training and visit.
3. Participatory approach in attachment: community or individual is given an opportunity of conducting development and option to be bond or attached to an activity and responsibility for the activity.
4. Approach with local participation: the approach reflecting the development activity based on the decision made by local community.

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<sup>2</sup> Rendi Wicaksono, 'Peran Badan Usaha Milik Desa (BUMDes) Dalam Pemberdayaan Masyarakat (Studi Pada Bumdes Al-Hidayah Desa Gondang Kecamatan Gondang Kabupaten Tulungagung)' (2015) 3 Jurnal Elektronik Administrasi Publik UB.[527-533].

<sup>3</sup> Soetomo, *Masalah Sosial Dan Upaya Pemecahannya* (Pustaka Pelajar 2008).

This BUMDes institution to manage this marine tourism will remove the potential conflict within village community, because participative management will, of course, involve all elements of community.

The problem that can be identified from the background above is: What is the formulation of BUMDes policy model in the marine tourism management?”.

The type of study used in this research was non-doctrinal legal study (socio-legal research). The research approach used is factual approach based on social fact or seeing legal reality within society. This approach was taken to see legal aspects in the form of social interaction occurring within society, and functioning to support the identification and the clarification of non-law material findings for legal research or study purpose.<sup>4</sup> Factual approach is used to find legal reality and phenomenon in the field. The primary data source derived from the result of interview with tourism organizer in Madura coastal area and local government apparatuses, while secondary data derived from document study related to coastal management and BUMDes. Data analysis was conducted inductively and qualitatively. The typical characteristic of socio-legal research is its emphasis on empirical reality, leading to inductive thinking process, the one focusing the attention to particularities including empirical reality of marine tourism management in Madura coastal area. In addition, the analysis of law materials based on rule of law enacted was conducted using legal concepts to design/to formulate BUMDes policy model to manage the marine tourism.

### **Profile of Marine Tourism Management in Madura Coastal Area**

To formulate the appropriate law figure in the attempt of legitimizing the management of marine tourism in the form of BUMDes, the management model being used and the design of management to be used in the future should be recognized. For that reason, the discussion based the result of on field work can find profile and formulation of policy as explained in the following subsection.

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<sup>4</sup> Zainuddin Ali, *Metode Penelitian Hukum* (Sinar Grafika 2014).[105].

Considering the result of field work, the management of marine tourism in some regions in Madura coastal area can be illustrated by each of region areas as follows:

1. Marine Tourism Management in Coastal Area of Bangkalan Regency

Marine tourism developing in Bangkalan Region is *Taman Pendidikan Mangrove* (Mangrove Education Park, thereafter called TPM). This tourist object located in Labuhan Village of Sepulu Sub District of Bangkalan Regency is newly opened publicly after its almost 20-month vacuum. Mangrove Education Park of Labuhan, East Java or about 40 km to the North from Bangkalan City, before Siring Kemuning Beach, is constructed on a 6.64 hectare-wide land under *Badan Pengelola Hutan Mangrove (BPHM* or Mangrove Forest Organizing Agency) of Region I Bali. This Labuhan Mangrove Forest area was actually former fishpond area made Mangrove conservation area. Then, it was developed into Mangrove Education Park by “Cemara Sejahtera” Mangrove Farmer Group, under the building program held by PT. Pertamina Hulu Energi West Madura Offshore, the contractor of Oil and Gas Special Work Unit operating in oil and gas upstream sector. The policy of TPM Labuhan management conducted by farmer group vulnerably triggers some conflicts. In the reopening of TPM Labuhan tourist destination, the Regent of Bangkalan leads this TPM management to be conducted under BUMDes scheme. In addition to Labuhan Village, Community Supervisor Group (PokWasMas) consisting of fishermen in Tengket Village of Arosbaya Sub district and Lembung Paseser Village of Sepulu Sub district has pioneered Mangrove Education.

2. Marine Tourism Management in Coastal Area of Sampang Regency

The coast tourist destination most preferred by tourists in Sampang Regency is Lon Malang Beach. This beach is located in Bira Tengah Village of Sokobanah Sub District, Sampang Regency. This beach management was initiated by Mastuki constituting the Head of Fishermen Community Supervisor Group (Pokwasmas) in Bira Tengah Village. Since his brother, Martuli, occupies the head of village position, this marine tourism develops more rapidly, Mastuki received building not only at regency level but also under Ministry of Maritime and Fishery, as indicated with the budget of IDR 1.6 billion received from DAK to improve the marine ecosystem.

Mastuki also received some facilitation in developing the management of Lon Malang Beach, so that eventually this potential tourist destination becomes one of BUMDes business in Bira Tengah Village. The result of interview with the head of Bira Tengah Village, Martuli, shows that although it has been a business of BUMDes, there has been no equity capital from the Village.

Toni Moerdiwanto, the Chairperson of Sampang's Regional Agency for Development Planning, Research, and Development (*Bappelitbangda*), stated that there are 150 BUMDes in Sampang Regency. Unfortunately, those managed professionally are still limited in nature. Therefore, BUMDes is expected to include tourism business unit to improve Local Original Income from tourism sector, because the number is very limited, disproportional to the local potency, such as the existing tourism sector and etc. Several Heads of Villages in Campong Sub district have planned and initiated to create BUMDes along with Marine Tourism business unit.

The information obtained from the Head of Bira Tengah Village, Mr. Martuli, about the origin of Long Malang marine tourism starts with his initiative to empower the youths in their village. Three month following his inauguration as the Head of Bira Tengah Village (inaugurated on December Month, 2015) around March/April 2016, he along with the Village youths cleaned up the shrubs in Lon Malang Beach, and around June 2016 Living Environment Office of East Java Province granted 6,000 casuarina trees to be planted in coastal area.

What Mr. Matuli did in developing Lon Malang is not as easy as many people imagines. In 2017, it began to be promoted independently, one of which is by means of constructing infrastructures taking about IDR 60 million fund deriving from the Head of Village's personal fund. A conflict has ever occurred between the village government and religion leaders concerning this existence of coastal tourist destination leading to the MUI of Sampang Regency's objection. Eventually, this conflict could be resolved with Regent and DPRD (Local Legislative Assembly) of Sampang Regency's support to keep developing Lon Malang marine tourist destination.

BUMDes protecting this marine tourism business unit keeps involving *pokwasmas* and *pokdarwis* as the ones responsible for it. BUMDes established in 2017 waits for receiving equity capital from the Village. In addition, some grants were given by Minister of Village, through DPMD, in the form of Banana Boat in 2018 and Speed Boat in 2019.

### 3. Marine Tourism Management in Coastal Area of Pamekasan Regency

The favorite marine tourist in Pamekasan Regency today is Jumiang Beach, located in Tanjung Village, Pademawu Sub District. Jumiang Beach has peculiarity and is different from other beaches, because in addition to have white sand, this beach is also located in high land having steeply sloping riverbanks. Another peculiarity found here concerns many cactus plants growing near the coastal area. The Head of Pokdarwis of Tanjung Village of Pamekasan Regency, Supriyadi, successfully managing Jumiang Beach, suggested that *Pokdarwis* is a group operating in self-help scheme, meaning that the tourism development conducted in the village originates from the village's own power with its any potency. Supriyadi expected that new potential areas will appear around Jumiang Beach. He targeted it to be the first BUMDes in tourism sector. The adjacent villages will be included into BUMDes managed collectively or Collective BUMDes.

### 4. Marine Tourism Management in Coastal Area of Sumenep Regency

There are 2 favorite destinations for the tourists who want enjoy the beauty of beach in Sumenep Regency: Gili Labak and Sambilan beaches. Gili Labak beach located in Gili Labak Island in Kombang Village area, Talango Sub District, Sumenep Regency, is about five hectare's width with thirty five family heads.

Dedi, the initiator of Gili Labak marine destination development, said that this destination has not been managed well yet, because there no one responsible for the management and it has received grant/contribution from oil and gas upstream contractor company only, given directly to the Village. Any retribution is not collected from tourists coming to Gili Labak Island, they should pay boat rent fee only. As the number of tourists coming to this area increases, there is something worrying, i.e. the existence of coral reef is threatened. Meanwhile,

the people of Kombang Village, particularly those living in Gili Labak Island, can perceive the increased income from selling food and beverage and providing toilet/bathing facilities.

In contrast, Sembilan Beach in Gili Ginting located in Bringsang Village, Gili Ginting Sub District, according to the Head of Village, has been managed under BUMDes scheme.

### **Legal Figure of BUMDes Policy in Marine Tourism Management in Madura Coastal Area**

The result of field work conducted in several regencies shows that non-participatory management model or the one not involving the community will potentially generate conflict. Indonesia as the state rich of beauty with diverse natural resource, culture and custom, is attempting to develop more and to be able to manage its potential tourism sector better. Article 1 Number 4 of Law Number 10 of 2009 about Tourism (Tourism Act) states that tourism is all activities related to tourism and multidimensional as well as multidisciplinary in nature as the manifestation of everyone and state's needs and the interaction between tourists and local people, between fellow tourists, and between Government, Local Government, and employers. Tourism is a complex activity as it involves many components.

There some principles of tourism organization, among others: empowering the local people. The principle becomes a guideline for government and community in conducting tourism management in the regions throughout Indonesia. Article 23 letter b of Tourism Law also governs that Government and Local Government are obliged to create conducive climate for the development of tourism business including the opened equal opportunity of endeavoring, the facilitation, and the law certainty. Community empowerment is intended to enable the community and to make it independent particularly of economic disability, retardation, and gap.<sup>5</sup>

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<sup>5</sup> Kadek Sumiasih, 'Peran BUMDes Dalam Pengelolaan Sektor Pariwisata (Studi Di Desa Pakse Bali Kabupaten Klungkung)' (2018) 4 Jurnal Magister Hukum Udayana.[565-585].



Development is conducted as widely as possible up to the structure closest to the community, village, playing important role in supporting the successful national government broadly. Therefore, local government is authorized to govern its own household according to its own potencies and local wisdoms with the existing authorities. For that reason, it encourages the regions to conduct development intended to empower the people for the sake of achieving the welfare in National development.<sup>6</sup>

The enactment of Law Number 6 of 2014 about Village (thereafter called Village Law) confirms the recognition of village autonomy in determining the priority of development and fund use. The expansion of authority is expected to encourage economic growth and village community empowerment. Thus, the development pattern more urban-centered so far can shift to the rural-centered one recalling that most Indonesian populations still live in rural areas (villages). Indonesia is a village-based state, because 82.3% of Indonesian territory is rural areas. Minister of Interior's Regulation Number 56 of 2015 about Code and Data of Governmental Administration Area indicates that there are 74,754 villages in Indonesia and 7,724 villages in East Java in 2015.

Article 71 of Village Law governs that one of Village's income sources is village original income consisting of business, asset, self-help and participation, mutual cooperation, and etc. The output of such business includes, among others, BUMDes establishment. BUMDes, in Article 1 number 6, is defined as an enterprise, some or most capital of which belongs to Village through direct equity capital deriving from Village's wealth separated for managing asset, service type, and other business for the villagers' welfare as much as possible.

Village Law gives the Village an opportunity of building its resource and finance by establishing Village-Owned Enterprise (BUMDes); it is intended to enable the village to participate in national development process. Just like one of central government unit that can establish State-Owned Enterprise (BUMN) and

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<sup>6</sup> Faradilla Ananda Safitri et al, 'Tinjauan Yuridis Terhadap Pengelolaan Dan Pertanggungjawaban Badan Usaha Milik Desa (BUMDes) Yang Belum Berbadan Hukum (Studi Di Kabupaten Semarang)' (2016) 2 Diponegoro Law Review.

Regional, Provincial and Regency/Municipal Governments that can establish Local Government-Owned Enterprise (BUMD), Village is also expected to establish BUMDes as the part of a more optimal management of village finance and to give income to the village. Through BUMDes establishment, Village is expected to contribute to producing product and/or service needed in the attempt of realizing the villagers' prosperity as much as possible, and being the source of Village Original Income, so that APBDes (Village Income and Expense Budget) is dependent not only on Village Fund and Village Grant Budget.

Article 85 clause (1) of Village Law governs the Development of rural areas to be conducted by Government, Provincial Government, and Regency/Municipal Government through Region Work Unit (SKPD), Village Government, and/or BUMDes by involving Villagers. The output of BUMDes business, according to Article 89, includes: (1) the output of BUMDes utilized for: a) business development; and b) Village development, Village community empowerment, and grant for poor people in the schemes of bequest (grant), social aid, and rotating fund activity, specified in the Village Income and Expense Budget.

The explanation of the regulation about BUMDes furthermore refers to Republic of Indonesia Minister of Village, Disadvantaged Region Development, and Transmigration's Regulation Number 4 of 2015 about establishment, administration and management, and dismissal of Village-Owned Enterprise (thereafter called Permendesa 4/2015). In the presence of Village Law and Government Regulation Number 43 of 2014 about the Implementation Regulation of Law Number 6 of 2014 about Village, the Village will get larger opportunity of improving its role in the economic development of rural community in the future. Thus, BUMDes can be an instrument and can optimize its role as a legal local economic institution at village level to improve village community welfare and income.

In relation to its establishment, this village economic institution builds on people's initiative, and transparent, accountable, participatory, sustainable, and accountable principles. Out of all those principles, the most important point is that the management should be conducted professionally and independently. The

establishment should be adjusted with local characteristics and village economy, in order to achieve the powerful community independency.

Community (public) participation is one of variables that can affect the community empowerment process. Therefore, public participation is considered as important in empowerment process, from planning process, implementation, to program performance. Public participation is the engagement of all community members in solving the community problems. Public participation in development sector means the participation of all community members in solving their own development problems. In this case, it is the community itself that actively thinking of, planning, implementing, and evaluating the community development program. Development institution only motivates and guides its. Social participation is the active participation of community members either individually, in group, or in community unit in joint decision making, planning, program implementation, and service business, and social welfare development within and or governed by its society environment or based on the feeling or the consciousness of social responsibility.

Mikkelsen stated that development is basically a change process, and one of change forms expected is attitude and behavioral change. Public participation improving either qualitatively or quantitatively is a manifestation of such attitude and behavioral change. There are six interpretations on public participation:<sup>7</sup>

1. Participation is the community's voluntary contribution to development project or program without engaging with decision making;
2. Participation is an attempt of making the community more sensitive to improving the willingness of accepting and the ability of responding to development projects or programs;
3. Participation is an active process, meaning that the corresponding individual or group takes initiative and uses its discretion of doing that;
4. Participation is the establishment of dialog between local community and staffs in doing preparing, implementing, and monitoring the project/program, in order to get information on local context and social effects;
5. Participation is community's voluntary engagement with the change specified by itself;

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<sup>7</sup> Soetomo (n 3).

6. Participation is community's engagement with self development, its life, and environment.

The presence of BUMDes can help reinforce and realize the concept of community-based tourism development. BUMDes is operated by the community by upholding cooperative, participatory, emancipative, transparent, accountable, and sustainable principles.<sup>8</sup> If a strong economic institution is supported with adequate policy, the economic growth coupled with the even distribution of asset to the people widely will help solve a variety of economic problems in rural areas. Finally, BUMDes, as an instrument, is social capital expected to be prime over in bridging the economic reinforcing attempt in rural areas.

BUMDes management should be professional and independent, so that its implementation is expected to run well. Therefore, individuals with competency are required to manage it. The recruitment of personnel or manager and equivalent should be adjusted with the standard specified by BUMDes' bylaw in each of villages. Competent human resources (HRs) willing to be administrators and managers of BUMDes voluntarily are usually very difficult to find. The result of preliminary study conducted by the team shows some constraints encountered: the difficulty of recruiting HR, while it is the basic factor that can activate economy in a village, particularly in the implementation of government policy to BUMDes.<sup>9</sup>

Marine tourism has been activated; therefore, it is better to establish Village-Owned Business Enterprise (BUMDes) to manage it independently and to involve the people (community members) in developing it. The establishment of BUMDes is encouraged by the government recalling the BUMDes' very strategic role in rural economic in the future. BUMDes plays many strategic roles that can help develop Tourism Village. Therefore, the government encourages the village to establish BUMDes particularly in the one with potential tourist object. This Village-Owned Enterprise is prepared for managing village finance according

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<sup>8</sup> Z. Ridlwan, 'Urgensi Badan Usaha Milik Desa (BUMDes) Dalam Pembangunan Perekonomian Desa' (2014) 8 *Jurnal Ilmu Hukum*. [424-440].

<sup>9</sup> Safi et al, 'Laporan Hasil Kajian Evaluasi BUMDes Di Kabupaten Bangkalan' (2018).

to the stipulation of Law No.6/2014 about Village (Village Law). Article 87 of Village Law and Article 132 of Governmental Regulation No.43/2014 governs every village to be given equal opportunity of establishing BUMDes, although it is not compulsive obligation.

Village Law gives the village a significant opportunity of managing natural resource through Village-Owned Enterprise (BUMDesa) that has been developed widely in many villages in Indonesia; thus village actually has independency in managing its natural resource, particularly village-scale natural resource. In addition to village-scale natural resource management by BUMDesa, the Village Law also authorizes the law to develop village-scale legislation (Perdes) that can be a legal foundation in managing the village-scale natural resource.<sup>10</sup>

Out of several rural financial sources, one of sectors most potentially yielded and with considerable implication to village development and village's economic empowerment is the output of village's business that can be obtained from BUMDes management. BUMDes, according to Maryunani, is defined as village business institution managed by villagers and village government in the attempt of reinforcing village economy and establishing social attachment within community based on village's need and potency.<sup>11</sup>

To achieve village empowerment and independency as a part of national development, a healthy rural financial condition is required. Article 71 clause 1 of Laws Number 6 of 2014 defines rural finance as all of the village's rights and obligations that can be valued using money and anything in the form of money and object related to the implementation of village's right and obligation. Then, article 72 clause 1 of Law Number 6 of 2014 mentions that village finance consists of (1) Village Original Income (PADes) coming from Business (BUMDes), asset output, self-help and participation, mutual cooperation, and others; (2) allocation of State

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<sup>10</sup> Agus Surono, 'Peranan Hukum Dalam Pengelolaan Sumber Daya Alam Skala Desa Oleh Badan Usaha Milik Desa (Bumdes) Dalam Meningkatkan Kesejahteraan Masyarakat Desa' (2017) 3 Jurnal Rechsvinding Media Pembinaan Hukum Nasional.[459].

<sup>11</sup> Maryunani, *Pembangunan Bumdes Dan Pemerdayaan Pemerintah Desa* (CV Pustaka Setia 2008).[35].

Income and Expense Budget (Village Fund); (3) share of regional tax and regional retribution; (4) allocation of Village Fund constituting the part of balance fund received by Regency/City; (5) financial aid from Provincial APBD and Regency/Municipal APBD; and (6) non-binding grant and contribution from third party and other legitimate rural incomes.<sup>12</sup>

Article 7 of Permendesa Number 4/2015 clause (1) mentions that BUMDes may consist of business units constituting legal entity, while Clause (2) mentions that Legal entity- business unit as intended in clause (1) can be a business institution, the shareholding of which coming from BUMDes and community (people), and clause (3) governs the case of BUMDes not having legal entity-business unit, in which BUMDes organization builds on Village Regulation about BUMDes establishment. Article 8 Permendesa 4/2015 mentions that BUMDes can establish business unit including: a. Limited Incorporation as capital alliance established based on agreement, and conducting business activity with most capital belonging to BUMDes, corresponding to the legislation about Limited Incorporation; and b. Micro-financial Institution with BUMDes' share of 60 (sixty) percents, corresponding to the legislation about micro-financial institution.

The appropriate legal figure to the management of marine tourism business, based on Articles 7 & 8 of Permendes 4/2015, can be BUMDes organization, with or without legal entity. Non-legal entity BUMDes organization can be established with village regulation being the juridical foundation. Viewed from Permendesa's instruction directing the establishment of BUMDes and its business unit to Legal Entity, it can be understood, with legal-entity business unit; therefore capital access and the law certainty of BUMDes operation is guaranteed within the law.

In relation to the management of BUMDes, Permendes 4/2015 governs clearly and in detail the technical management of BUMDes implementation accompanied

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<sup>12</sup> Agus Adhari and Ismaidar, 'Analisis Hukum Pembentukan Badan Usaha Milik Desa Dalam Upaya Meningkatkan Pendapatan Asli Desa Di Kecamatan Babalan Kabupaten Langkat' (2017) 1 *Dialogia Iuridica*. [6].

with the role and function of individual BUMDes apparatuses as mentioned in Articles 7-16. As aforementioned, the management of BUMDes should be run using cooperative, participatory, emancipative, transparent, accountable, and sustainable principles, with member-based and self-help mechanism implemented professionally and independently. Those principles of BUMDes management are important to elaborate in order to be comprehended and perceived similarly by village government, members (equity capital provider), BPD, Regency Government, and community (people).

The management of marine tourism in coastal Madura Island as a business unit of BUMDes is expected to be a solutive alternative to participatory management. With this marine tourism business unit, BUMDes can optimize its attempt because Village Government is obliged to give equity capital over 50%. The village equity capital is the transfer of village-owned asset formerly an inseparable wealth to the separable one in order to be calculated as the village's capita/share in Village-Owned Enterprise. The village equity capital is intended:

- a. to improve public service;
- b. to reinforce BUMDesa;
- c. to improve the sources of Village Original Income; and
- d. to improve the people's economic growth.

Bangkalan Regency is reported to have 273 BUMdes distributed in 18 sub districts in 2018. The presence of BUMDes in Bangkalan Regency builds on Local Government's grant program to breeding etawa goat cattle with a precondition that Village Government should establish BUMDes. The obligation of establishment with uniform business units makes almost 90% of BUMDes in Bangkalan Regency in dormancy, and only few of them successfully develop their business, and those are not etawa goat cattle breeding. Other regencies in Madura, the village government of which has established many BUMDes is Sumenep Regency, but the one having included marine tourism business unit into it is only Bringsang Village of Sembilan Island. Meanwhile, the other two regencies are Pamekasan and Sampang, although the number of Village Governments establishing BUMDes is not as many as that in Bangkalan and Sumenep Regencies.

BUMDes with marine tourism business is expected to stimulate and to activate economic wheel in rural areas through establishing economic institution managed fully by village community. This economic institution is no longer established based on Government's instruction. However, it should be based on the villagers' desire departing from the presence of potency, that when not managed appropriately will generate demand in the market. For this presence of economic institution not to be mastered by certain group with large capital in rural areas, the institution must belong to the village and be controlled collectively, the main objective of which is to improve the people's economic life standard. If a strong economic institution is supported with adequate policy, the economic growth coupled with the even distribution of asset to the people widely will help solve a variety of economic problems in rural areas. Finally, BUMDes, as an instrument, is social capital expected to be prime over in bridging the economic reinforcing attempt in rural areas.

To achieve such condition, a strategic and tactic measure is required to integrate potency and market need, and to organize the institutional design into a plan. In addition, attention should be paid to local potency and it should be supported by supra village government's good will to eliminate the low surplus of rural economic activity due to the possibly not-developing economic sector in rural areas. Thus, the integration of farming system and structure in broad sense, the integrated trading and service business will be the guidelines in the institutional management.

BUMDes is managed with kinship and mutual cooperation spirits; the operation of business in economic sector and/or public service should be oriented not only monetary profit but also to supporting the improvement of welfare. The result or output of business is used to develop business and to empower village community, and to help poor people through grant, social aid, and rotating fund activity. Village development aims to improve the quality of human life and to alleviate poverty, through fulfilling basic need, developing infrastructure, developing local economic potency, and utilizing natural resource and environment sustainably, and prioritizing commonness, kinship, and mutual cooperation.



A substantial capital will lead to maximum management recalling that marine tourism is a promising business unit. The more the infrastructures constructed and the more the tourist attraction, the more is the number of visitors interested in coming to the place.

### **Conclusion**

Marine tourism in Madura coastal area is largely still managed in group, and only very few become BUMDes business unit. The management not involving villages potentially generates conflict. BUMDes scheme replete with commonness and participation principles can be an alternative management. The establishment of BUMDes with marine tourism business unit can be formulated as the legal entity-organization or with village regulation being the legal foundation.

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