

REGULATION OF MUNICIPALITY OF DENPASAR

NUMBER 6 OF 2019

ON

PROTECTION AND PRESERVATION OF *BENDEGA*

BY THE BLESSINGS OF ALMIGHTY GOD

THE MAYOR OF DENPASAR,

Considering : that in order to implement the provisions of Article 4 of the Regulation of the Province of Bali Number 11 of 2017 on *Bendega*, it is necessary to establish a Regional Regulation on Protection and Preservation of *Bendega*.

Observing : 1. Article 18 section (6) of the 1945 Constitution of the Republic of Indonesia;

2. Law Number 1 of 1992 on Establishment of the Municipality of Level II of Denpasar (State Gazette of the Republic of Indonesia of 1992 Number 9, Supplement to the State Gazette of the Republic of Indonesia Number 3465);

3. Law Number 31 of 2004 on Fisheries (State Gazette of the Republic of Indonesia of 2004 Number 118, Supplement to the State Gazette of the Republic of Indonesia Number 4433) as amended by Law Number 45 of 2009 on Amendment to Law Number 31 of 2004 on Fisheries (State Gazette of the Republic of Indonesia of 2009 Number 154, Supplement to the State Gazette of the Republic of Indonesia Number 5073);

4. Law Number 27 of 2007 on Management of Coastal Areas and Small Islands (State Gazette of the Republic of Indonesia of 2007 Number 84, Supplement to the State Gazette of the Republic of Indonesia Number 4739) as amended by Law Number 1 of 2014 on Amendment to Law Number 27 of 2007 on Management of Coastal Areas and Small Islands (State Gazette of the Republic of Indonesia of 2014 Number 2, Supplement to the State Gazette of the Republic of Indonesia Number 5490);

5. Law Number 23 of 2014 on Local Government (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587) as amended several times, and last by Law Number 9 of 2015 on Second Amendment to Law Number 23 of 2014 on Local Government (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 5679);
6. Law Number 7 of 2016 on Protection and Empowerment of Fishermen, Fish Farmers and Salt Farmers (State Gazette of the Republic of Indonesia of 2016 Number 68, Supplement to the State Gazette of the Republic of Indonesia Number 5870);
7. Government Regulation Number 50 of 2015 on Empowerment of Small Fishermen and Small Fish Farmers (State Gazette of the Republic of Indonesia of 2015 Number 166, Supplement to the State Gazette of the Republic of Indonesia Number 5719);
8. Government Regulation Number 43 of 2014 on Implementing Regulation of Law Number 6 of 2014 on Villages (State Gazette of the Republic of Indonesia of 2014 Number 123, Supplement to the State Gazette of the Republic of Indonesia Number 5539) as amended by Government Regulation Number 47 of 2015 on Amendment to Government Regulation Number 43 of 2014 on Implementing Regulation of Law Number 6 of 2014 on Villages (State Gazette of the Republic of Indonesia of 2015 Number 157, Supplement to the State Gazette of the Republic of Indonesia Number 5717);
9. Regulation of the Minister of Maritime Affairs and Fisheries Number 18/Permen-Kp/2016 on Risk Protection Guarantees for Fishermen, Fish Farmers and Salt Farmers (State Gazette of the Republic of Indonesia of 2016 Number 907);
10. Regulation of the Province of Bali Number 4 of 2019 on Traditional Villages in Bali (Regional Gazette of the Province of Bali of 2019 Number 4, Supplement to the Regional Gazette of the Province of Bali Number 4);

With the Joint Approval of

THE REGIONAL HOUSE OF REPRESENTATIVES

AND

THE MAYOR OF DENPASAR,
HAS DECIDED:

To issue : REGIONAL REGULATION ON PROTECTION AND PRESERVATION
OF *BENDEGA*.

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Regional Regulation:

1. Region means the City of Denpasar.

2. Local Government means the Municipal Government of Denpasar.
3. Mayor means the Mayor of Denpasar.
4. The Office of Culture and the Office of Maritime Affairs and Fisheries, hereinafter referred to as the Offices, means local apparatuses that carry out affairs in the field of culture as well as local apparatuses that carry out affairs in the field of maritime and fisheries.
5. *Bendega* means a Traditional Institution in the field of maritime and fisheries affairs for indigenous peoples in Bali who exist in the areas of coastal, economic, social, cultural and religious in historically continued to grow and develop in accordance with culture and local wisdom of Bali.
6. *Krama Bendega* means a person who carries out economic, social, cultural and religious activities on the coast which is a traditional fishing right that has been carried out for generations in accordance with the culture and local wisdom of Bali.
7. *Prajuru Bendega* means the Manager of *Bendega*.
8. *Awig-awig Bendega*, hereinafter referred to as *awig-awig*, means customary norms written down and used as guidelines for governing *Bendega*.
9. *Tri Hita Karana* means the philosophy of life of the people of Bali which contains three elements that build a balanced and harmonious relationship between humans and God, humans and humans, and humans and their environment which are a source of prosperity, peace, happiness for human life.
10. *Palemahan Bendega*, hereinafter referred to as *Palemahan*, means a place for carrying out economic, social, cultural and religious activities for *Bendega*.
11. *Pawongan Bendega*, hereinafter referred to as *Pawongan*, means the relationship between *Bendega krama* in carrying out social, cultural and religious economic activities.
12. *Parhyangan Bendega*, hereinafter referred to as *Parhyangan*, means a sacred place for *krama Bendega* in dealing with Ida Sang Hyang Widhi Wasa.
13. Local wisdom means the implementation of *Bendega* protection and empowerment by taking into account social, economic, cultural and religious characteristics as well as the noble values that apply in the way of life of the *Bendega* people.
14. *Bendega* protection, hereinafter referred to as protection, means a systematic and integrated effort made to preserve *Bendega*.
15. Preservation means an effort to preserve and maintain the cultural values of the people of Bali, especially the values of ethics, morals and civilization which are the core of the customs and traditions of the people of Bali so that their existence is maintained and continues.
16. *Bendega* empowerment means all efforts to increase the ability of *Bendega* to carry out business in *Bendega* weakened areas based on local wisdom.
17. Utilization of *Bendega* means an effort to use the coastal area/weakening of *Bendega* for economic, social, cultural and religious activities.
18. Partnership means business cooperation between small businesses, medium businesses and/or large businesses accompanied by coaching and development by medium businesses and/or large businesses with due observance of the principles of

mutual need, mutual strengthening and mutual benefit.

Article 2

The scope of Protection and Preservation of *Bendega* includes:

- a. *Bendega* Protection;
- b. *Bendega* Preservation;
- c. Development of Supervision and Evaluation; and
- d. Funding.

Article 3

- (1) The Local Government is obligated to protect and preserve *Bendega*.
- (2) The Protection and Preservation of *Bendega* are carried out by the Offices.

CHAPTER II BENDEGA PROTECTION

Part One General

Article 4

- (1) *Bendega* protection as referred to in Article 2 section (1) is carried out by identifying, verifying and determining the *Bendega* Group.
- (2) *Provisions* regarding the identification, verification and determination of the *Bendega* Group as referred to in section (1) are further regulated in a Mayor Regulation.

Article 5

The local government is obligated to protect *Parhyangan, Pawongan* and *Palemahan*.

Part Two Position and Function of *Bendega*

Article 6

The position of *Bendega* as a Traditional Institution protects coastal communities in the field of fisheries and marine affairs.

Article 7

The functions of *Bendega* include:

- a. assisting the government in increasing development in the field of maritime affairs and fisheries;
- b. implementing and preserving local wisdom in the development of maritime and fisheries affairs;
- c. establishing *awig-awig* based on *Tri Hita Karana*.
- d. preserving, maintaining, developing, managing and utilizing the sea area and coastal area;
- e. developing the abilities of *krama Bendega* to increase

- productivity, income and welfare of *krama Bendega*;
- f. maintaining the preservation of deep sea and coastal areas for sustainable marine and fishery development; and
- g. maintaining the preservation of *parhyangan*, *pawongan* and *pelemahan* in coastal areas.

Part Three
Protection Procedures

Article 8

The procedures of protection of *Bendega*:

- a. Planning; and
- b. Implementation of Protection.

Article 9

- (1) Planning as referred to in Article 8 point a is carried out in a systematic, integrated, comprehensive, transparent and accountable manner.
- (2) Planning as referred to in section (1) must be carried out based on:
 - a. carrying capacity of natural resources and coastal environment;
 - b. fish resource potential;
 - c. land and water potential;
 - d. spatial plans;
 - e. coastal area zoning plan;
 - f. sea area zoning plan;
 - g. development of science and technology;
 - h. the need for facilities and infrastructure;
 - i. technical and economic feasibility as well as suitability with institutions and local culture; and
 - j. economic growth rate.

Article 10

- (1) The Implementation of Protection as referred to in Article 8 point b includes:
 - a. making policies that support institutions of *Bendega*;
 - b. provision of fishery business infrastructure;
 - c. ease of obtaining fishery business facilities;
 - d. fishing risk guarantee;
 - e. eliminating high-cost economic practices;
 - f. guarantee of security and safety;
 - g. facilitation and legal assistance.
 - h. education and training;
 - i. counseling and assistance;
 - j. provide financing and capital;
 - k. business partnership;
 - l. ease of access to science, technology and information;
 - m. institutional strengthening;
 - n. boat Mooring arrangement (*jukung*); and
 - o. tourism activities.
- (2) Further provisions regarding the arrangement of boat moorings (*jukung*) as referred to in section (1) point n and tourism activities as referred to in section (1) point o are regulated in a Mayor Regulation.
- (3) The fishing risk guarantee as referred to in section (1) point d is given to *Bendega* who do not yet have insurance.
- (4) Further provisions regarding the provision of fishing risk guarantees as referred to in section (3) are regulated in a Mayor Regulation.

Part Four
Prajuru

Article 11

- (1) *Bendega* led by *Prajuru Bendega*.
- (2) The selection and composition of *Prajuru Bendega* are in accordance with *awig-awig*.

Part Five
Awig-awig

Article 12

- (1) Every *Bendega* must have an *awig-awig*.
- (2) The basis for forming *awig-awig* as referred to in section (1) includes:
 - a. Pancasila;
 - b. The 1945 Constitution of the Republic of Indonesia;
 - c. *Tri Hita Karana*; and
 - d. Applicable customs and local wisdom;
- (3) *Awig-awig* as referred to in section (1) contains local wisdom values and conforms to the *awig-awig* of *Desa Adat*.
- (4) The Local Government must provide assistance in making *awig-awig* as referred to in section (1).

Article 13

- (1) *Awig-awig* made and approved by *krama Bendega* through *paruman*.
- (2) *Awig-awig* as referred to in section (1) is registered at the Local Government.

CHAPTER III
BENDEGA PRESERVATION

Part One
General

Article 14

Bendega preservation must involve individuals, communities, *Desa Adat* (Balinese Adat Village) and business world.

Article 15

- (1) The Local Government facilitates the implementation of *Bendega* Preservation.
- (2) The implementation of *Bendega* Preservation as referred to in section (1) is in the form of development and utilization.
- (3) The development and utilization of *Bendega* Preservation as referred to in section (2) is carried out in the *Parhyangan*, *Pawongan* and *Palemahan* fields.

Part Three
Parhyangan, Pawongan and Palemahan

Article 16

Preservation in the field of *Parhyangan* includes:

- a. preservation of Segara Temple in coastal areas; and
- b. sustainably maintain the Segara Temple.

Article 17

- (1) Preservation in the field of *Pawongan* includes:
 - a. working relationship with Government institutions;
 - b. working relationship between *krama Bendega*;
 - c. working relationship with Desa Adat;
 - d. working relationship with the business world; and
 - e. other social institutions.
- (2) The working relationship with the Government Institution as referred to in section (1) point a can be in the form of a working relationship with the Meteorology, Climatology and Geophysics Agency and/or other Government Institutions.
- (3) The working relationship as referred to in section (1) is coordinative, consultative and partnership.

CHAPTER V
GUIDANCE, SUPERVISION AND EVALUATION

Article 18

- (1) The Local Government carries out guidance, supervision and evaluation of *Bendega*.
- (2) In terms of carrying out guidance, supervision and evaluation as referred to in section (1) it can involve the participation of the community, Desa Adat, the business world and other groups.
- (3) Guidance, supervision and evaluation as referred to in section (1) are further regulated in a Mayor Regulation.

CHAPTER VI
FUNDING

Article 19

- Funding for Protection and Empowerment of *Bendega* activities comes from:
- a. local budget; and
 - b. other legal sources of funds in accordance with the provisions of the legislation.

CHAPTER VII
CLOSING PROVISIONS

Article 20

This Regional Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Regional Regulation by its placement in the Regional Gazette of the Municipality of Denpasar.

Issued in Denpasar
On 22 July 2019

MAYOR OF DENPASAR,

signed

RAI DHARMAWIJAYA MANTRA

Promulgated in Denpasar
on 22 July 2019

REGIONAL SECRETARY OF DENPASAR CITY,

signed

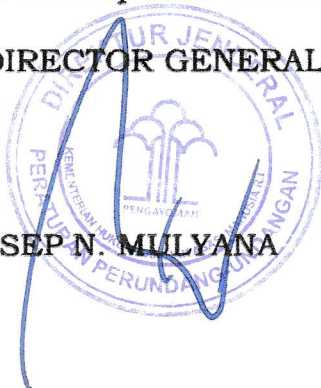
RAI ISWARA

REGIONAL GAZETTE OF MUNICIPALITY OF DENPASAR OF 2019 NUMBER 6

Jakarta, 09 October 2023
Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,

ASEP N. MULYANA



ELUCIDATION
OF
REGULATION OF THE MUNICIPALITY OF DENPASAR
NUMBER 6 OF 2019
ON
BENDEGA PROTECTION AND PRESERVATION

I. GENERAL

The elaboration of the concept of a welfare state in the form of recognition in the form of *Bendega* Protection and Preservation. Protection and Preservation of *Bendega* is urgently needed in the context of preserving local wisdom and traditional Balinese culture as mandated by Pancasila and the 1945 Constitution of the Republic of Indonesia. *Bendega* is a traditional institution in the field of maritime affairs and fisheries located in coastal areas that have religious social characteristics that are historically continues to grow and develop in accordance with Balinese culture and local wisdom. Protecting and Preserving *Bendega* is also described in Empowerment. *Bendega* whose function is to build and manage coastal areas that are directed to increase the welfare of the community as much as possible. The form of management of coastal areas related to religious, economic and social activities certainly cannot be separated from the existence of coastal communities.

The existence of *Bendega* in the Municipality of Denpasar so far has contributed in the form of development within the scope of *Palemahan*, *Pawongan* and *Parhyangan*. Protection and Preservation of *Bendega* as a traditional institution engaged in economic, social, cultural and religious affairs based on *Tri Hita Karana*. *Bendega* which is part of Balinese traditional culture plays a role and functions to improve the welfare of *Krama Bendega*, thus *Bendega* needs to be recognized and respected for its existence and traditional rights. Recognition and protection including *Bendega* Protection and Preservation must be based on the philosophy of *Tri Hita Karana* and rooted in the teachings of Hinduism in Bali.

In providing a clear regulatory direction, related to the Protection and Preservation of *Bendega*, it needs to be regulated in the form of a Regional Regulation of the Municipality of Denpasar. Based on these considerations, it is very necessary to establish a Regional Regulation on the Protection and Preservation of *Bendega*.

II. ARTICLE BY ARTICLE

Article 1
Sufficiently clear

Article 2
Sufficiently clear

Article 3
Sufficiently clear

Article 4
Sufficiently clear

Article 5
Sufficiently clear

Article 6
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Article 7
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Article 8
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Article 9
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Article 10
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Article 11
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Article 12
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Article 13
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Article 14
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Article 15
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Article 16
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Article 17
Sufficiently clear

Article 18
Sufficiently clear

Article 19
Sufficiently clear

Article 20
Sufficiently clear

SUPPLEMENT TO THE REGIONAL GAZETTE OF THE MUNICIPALITY OF
DENPASAR NUMBER 6