



Tourism Village Management in Bali by Traditional Villages Based on Local Wisdom in the New Normal Era

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Abstract

Traditional villages in Bali have the potential to become tourist destinations that benefit the local community. Culture and customs are what set apart traditional villages. The legal politics of the Bali tourist village have deteriorated into the new normal. This research aims to develop a tourist village model, a new theory for elaborating Balinese cultural values based on local wisdom values, a creative economy, and human resource management during the COVID-19 pandemic. The research method is a qualitative descriptive empirical legal analysis based on a socio-anthropological approach and law sociology, supplemented with cultural studies. The findings revealed that the value of local wisdom in the traditional village adds value to a tourist village in Bali. The Ceking traditional village's tourist rice terraces are appealing due to the culture of farmers becoming a tourist village. The Penglipuran traditional village's artistic potential, social capital, nature, and local wisdom are the codification of culture in power politics. Tourism is a helpful tool for economic development. Bali must explore the potential for increased innovation and community participation as a tourist destination by using traditional villages as a buffer for culture, Hinduism, and local wisdom. Furthermore, Bali tourism is exceptionally vulnerable to health concerns that affect tourism and ecotourism activities.

I. Introduction

Legal and political dynamics play a role in the administration of Bali's traditional villages. Regarding the traditional village's position, function, and role as a community governed by customary law, the Bali Provincial Regulation No. 6 of 1986 contains several provisions. It has contributed to the community's survival, the struggle for independence, and growth in the Province of Bali. It is a unit of customary law community with a considerable role in the fields of religion, religious ideology, state ideology, socio-cultural, economic, defense, and security. Under the Regional Regulation of the Province of Bali (Perda) Number 3 of 2001 about Desa Pakraman, the change to Desa Pakraman was due to the rebirth of interest politics. Article 17 also provides a legal umbrella for Pacalang. Perda Number 4 of 2019 concerning Traditional Villages arose from the dynamics of political relations in the Bali Regional House of Representatives.

Chapter 9 of the regulation describes Padruwen and Traditional Village Enterprises. Article 55, paragraph 1 states that Padruwen includes all assets belonging to traditional villages, immaterial and material.

The immaterial Padruwen, including belief systems, conventional values, customs, arts and culture, and indigenous knowledge influenced by Hinduism, are described in paragraph 2. According to paragraph 3, Padruwen material consists of the following: (a) customary village wewidangan; (b) customary village land; (c) natural resources; (d) economic resources, which are traditional rights of traditional villages; (e) sacred areas, holy places, and sacred buildings, belonging to the traditional village; (f) buildings belonging to the traditional village; (g) magical religious objects; (h) finance and sarwa mule; and I other tangible assets. Article 59, paragraphs 1 to 5, describes how to manage it: (1) The principle of benefit for the traditional village, (2) Improving the welfare of the traditional village manners, (3) Implementation by the traditional village prajuru or appointed institution following the awig-awig or pararem of the village, (4) Supervision by customary village manners or institutions established by customary village prajuru, following awig-awig or traditional village perarem; (5) Any transfer and change in the status of the Padruwen must obtain the approval of its Paroman. Article 60 describes village businesses: Village Credit Institutions (LPD) and Baga Utsaha Pedruwen Traditional Villages (BUPDA). The issue of the dynamics of changing names from traditional villages to Pakraman villages and back to traditional villages is a form of legal and cultural political struggle to maintain their existence as a product of Balinese culture. Researchers believe traditional villages are state political tools in the form of legal effects for the benefit of power and welfare. The ups and downs of traditional villages with various legal, cultural, and political interests prove the existence of legal politics. The Deconstruction Theory in Deride The theory says that the hidden article texts in legal products can be used to take them apart. Legal politics is the current State of affairs following the principle of the legal hierarchy itself. Legal politics is the current State of affairs following the principle of the legal hierarchy itself. Logemen Terminology ¹ calls it the applicable law in the present.

Indonesia is one of the countries that recognizes and respects various customs and traditional rights of indigenous peoples guided by the principles of the unitary state of the Republic of Indonesia, which are regulated by law.² Indigenous peoples are basically a unit of traditional villages.³ On the other hand, the classical interpretation of positive law explains that state institutions or authorized officials make the law. Although the explanation is quite clear, the implementation of BUPDA as an institution that oversees Tourism Villages or Ecotourism has not been realized. The importance of legal politics in Bali's tourism villages based on Hinduism, local traditions, customs, and culture cannot be overstated. The Balinese model of community-based tourism develops in response to the needs of indigenous peoples and appears collectively and institutionally through traditional villages rather than singly.⁴ Balinese tourism management has

¹ Moh. Mahfud MD, *Politik Hukum Di Indonesia* (Jakarta: Rajawali Pers, 2018).

² Muhtadli, "Pengkakuan Desa Adat Sebagai Penyelenggara Pemerintahan Daerah Di Indonesia Berdasarkan Asas Otonomi," *Constitutionale Jurnal* 1, no. 1 (2020): 43-50, <https://doi.org/10.25041/constitutionale.v1i1.2008>.

³ Ni Ketut Sari Adnyani, "Perlindungan Hukum Kesatuan Masyarakat Hukum Adat Dalam Pengelolaan Pariwisata Berbasis Kearifan Lokal," *Media Komunikasi FPIPS* 20, no. 2 (2021): 70-80, <https://doi.org/10.23887/mkfis.v20i2.33738>.

⁴ I Nyoman Darma Putra, *Pariwisata Berbasis Masyarakat Model Bali* (Denpasar: Buku Arti, 2015).

become increasingly prosperous due to orders from above. State hegemony has taken place in the reality of state politics, particularly in Balinese culture. When the Dutch colonial Government took control of Bali, they knew that Bali would be able to make money by allowing tourists to visit.

Perda Number 5 of 2020 for the Province of Bali describes the requirements for implementing Balinese Cultural Tourism. Article 8 consists of four paragraphs: (1) The right to develop rural tourism is reserved for traditional villages, institutions, and community organizations following local potential and applicable laws and regulations, (2) Tourism villages are determined by the Regent/Mayor, (3) The management of the tourist village is required to prioritize investment and local resources, and (4) Additional provisions about the tourist village are outlined in the Governor's regulation. In addition, several paragraphs of Article 13 describe the tourism industry. Tourism business standards include a. tourism products; b. service; and c. management, according to the first paragraph. (4) The management referred to in subparagraph (1) letter c includes (a) organization, (b) management, (c) Human Resources Tourism, and (d) infrastructure and facilities. The absence of tourists at many destinations due to the Covirus-19 pandemic is a further issue. Therefore, it is necessary to find a solution from the economic aspect of management to revive Bali's tourism after the Covid-19 Pandemic caused a decline in 2020 and 2021.

The potential of indigenous Balinese knowledge can grow into a sustainable cultural tourism alternative. By innovating and creatively enhancing the potential of traditional villages, culture can become an economic asset. Therefore, examining the tourism village management model is necessary to investigate, revitalize, and provide added value for welfare and equitable development. Based on these legal issues, a review of legal politics becomes the entry point for the Balinese people's prosperity.

Previous study conducted in 2022 by I Wayan Gde Wiryawan and Lis Julianti concerning "Regulation of Tourist Village Management by Customary Village to Improve People Economy in Bali".⁵ This research mainly discussed about the regulation of tourist village management by the customary village to improve people's economy. Futher, in 2021 similar study also carried out by Rosvita Flaviana Osin, Ni Komang Purwaningsih and I Wayan Agus Anggayana concerning "The Model of Development Tourism Village Through the Involvement of Millennial Generation in Bali".⁶ This research mainly discussed about the involvement of millennial generation in Bali with regard to the development of tourism village. The study indicated that the age group between 20-25, totaling 75 people, is a potential market in promoting and introducing more about Nyambu and Baru Marga tourism villages. Thus, there is similarity in terms of topic of research, which discussed about tourism village. However, this research focused on the role of legal politics and governance in the legal, cultural and economic aspects and the relationship and management of tourism village management with the value of local wisdom and sustainable tourism village development.

This article discusses the management of tourist villages Tourism Village Management In Bali By Traditional Villages Based On Local Wisdom In The New Normal Era which

⁵ I Wayan Gde Wiryawan and Lis Julianti, "Regulation of Tourist Village Management by Customary Village to Improve People Economy in Bali," 2022, 173-76.

⁶ Rosvita Flaviana Osin, Ni Komang Purwaningsih, and I Wayan Agus Anggayana, "The Model of Development Tourism Village Through the Involvement of Millennial Generation in Bali," *International Journal of Multicultural and Multireligious Understanding* 8, no. 1 (2021): 300-306.

is different from several previous studies which mostly discussed the management of tourist villages before the Covid 19 pandemic. From the background of the above problems, an interesting issue raised in this study is the extent to which Tourism Village Management In Bali By Traditional Villages Based On Local Wisdom In The New Normal Era such as (1) The role of legal politics and governance in the legal, cultural, and economic aspects, and (2) The issues investigated were the legal relationship and management of tourism village management with the value of local wisdom and sustainable tourism village development.

2. Research Method

The study method uses an anthropological and legal sociology approach to empirical legal research. Researchers use observation and in-depth interviews to collect primary data from the first/direct source. In addition, secondary data were from literary and document analyses. Comparing legal justice, the researcher employs a legal anthropological approach to examine the fairness of the facts and claims of the indigenous Balinese people. It enables the discovery of legal truth in conjunction with factual and legal justice. In addition, the researcher transforms it into a legal politics of Bali's tourism village. Bali's traditional villages are rich in origin-based information. The State must protect claims of factual justice and legal certainty to obtain legal protection.

3. Results and Discussions

3.1. Legal Politics in Managing Tourist Villages in Bali in Legal, Cultural, and Economic Aspects

The respect and recognition that are normalized in Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia is an acknowledgment that is false, not essential, just small talk, does not recognize customary law communities as legal entities that are equal to other citizens in the life of the nation and state (pseudo constitutional recognition). Nevertheless, empirical facts show that acknowledged or not by de yure by the administrators of the State, for customary law communities it has no meaning whatsoever, because the alliance of customary law communities, traditional villages and their customary law will de facto still exist, live and continue to develop within the territory of the sovereignty of the Unitary State of the Republic of Indonesia.⁷

The legal politics reflected in the laws governing villages before Law no. 5 of 1974 is to recognize the existence of traditional villages as *volksgemeenschappen*/self-governing communities and also as genuine legal entities recognition). However, after the enactment of Law no. 5 of 1974 concerning Regional Government, then followed by Law no. 5 of 1979 concerning Village Administration, which adheres to the legal politics of unification and uniformity of village forms, with denying the fact of the cultural plurality of the Indonesian nation⁸, the living space of traditional villages was

⁷ I Nyoman Nurjaya, "Adat Community Lands Right as Defined Within the State Agrarian Law of Indonesia: Is It a Genuine or Pseudo-Legal Recognition?," *US-China Law Review* 8 (2011): 380.

threatened and had a period of decline, except for traditional villages in Bali which still co-existence with official villages.⁸

The awig-awig of traditional villages in Bali is a reflection of Pancasila where the material contained in the awig-awig is a reflection of Pancasila values such as:⁹

1. Regulates the obligations of members/krama to Heaven as a life of belief in the One and Only God.
2. Recognition of the same dignity as members/krama.
3. There is cohesiveness of unity and integrity as members/krama.
4. Always hold deliberations in Paruman or village meetings.
5. There is an element of justice in the ups and downs of social life and is bound by shared life and mutual cooperation

Article 23, paragraph (1) c of the Tourism Law No. 10 of 2009 requires the Central and Regional Governments to maintain, develop, and preserve national assets that are tourist attractions as well as new potential assets (Indonesian Tourism Law). Perda No. 5 of 2020 governs cultural tourism standards in Bali's tourist villages. It exemplifies the Tri Hita Karana philosophy. In reality, each traditional town, including Mawacara Village, has cultural values. Tri Hita Karana is a philosophy that aims to maintain order and security in traditional villages. It is stated in the traditional village awig-awig or perarem to preserve the harmony between humans and God, Nature, and other humans. Bali Tourism does not reference Ministerial Regulation No. 33 of 2009 regarding ecotourism development guidelines in legal politics. It is a nature tourism activity in a responsible area that considers education, awareness, support for natural resource conservation efforts, and income growth for the local community (Article 1, Paragraph 1). Planning for ecotourism is a component of regional tourism planning (Article 5, Paragraph 2). The implementation is inconsistent because it does not promote cultural tourism, specific tourism based on culture inspired by Hinduism and the Tri Hita Karana philosophy. Tourism and culture can develop synergistically, harmoniously, and sustainably for the betterment of the community, the preservation of culture, and the protection of the environment if they can realize a reciprocal relationship that is dynamic and reciprocal (Article 1, number 14, Perda Number 2 the Year 2012, concerning Balinese Cultural Tourism). In reality, Badung established a Tourism Village without calling it ecotourism. Badung Regent Regulation Number 47 of 2010 of Tourism Villages governs the determination of Badung's tourist villages.

In contrast, the Pandawa Beach tourist village drew over one million foreign and domestic tourists in 2015. The management earned more than IDR 9 billion in revenue and IDR 5 billion in net profit. This activity is a grassroots initiative from, by, and for the traditional village (interview with the village head of Kutuh I Made Wena). Utilizing Prajuru, he developed the concept of human resource management then. In 1995, Pengampan Land was the region based on the awig-awig of the Kutuh ancestral village. It is a 3 km stretch of cliffs of Kutuh (Tanah Ngampan) from Batu Pageh Temple (the

⁸ Abd Hadi, "Desa Adat Dalam Sistem Ketatanegaraan Republik Indonesia Sebagai Implikasi Hukum Setelah Berlakunya UU No. 6 Tahun 2014 Tentang Desa," *DiH: Jurnal Ilmu Hukum* 13, no. 26 (2017): 368881, <https://doi.org/10.30996/dih.v0i0.1580>.

⁹ Ni Luh Ketut Sukarniti, "Desa Adat Sebagai Pembentuk Disiplin Dan Pemersatu Krama Desa," *Jurnal Ilmiah Cakrawarti* 1, no. 1 (2018): 43-48.

area of the former Bali Cliff hotel) to Gunung Payung Temple has the status of Karang Pemupon so that the traditional village has the right to manage and utilize it. BUMDA (Indigenous Village Owned Enterprise), founded in 2012 and directed by the Indigenous Bendesa, oversees the management of the tourist village in Kutuh/Pandawa. There are six managed business units, namely:

1. Pandawa Beach Manager : I Wayan Kasim, Head of LPM Kutuh (1999-2013);
2. LPD Manager: Drs I Made Sunantra, former Prajuru of Banjar Petangan (1999-2004);
3. Paragliding Manager: I Ketut Manda, Vice Chairman of LPM (20015-2020);
4. Piranti Yadnya Unit Manager, I Nyoman Sumawa, Head of Widya Sabha of Kutuh Traditional Village (2014-2019);
5. Goods and Services Unit Manager, I Ketut Suwita, Vice Bendesa of Pawongan Field (2014-2019);
6. Mountain Cultural Park Manager, I Nyoman Darkayasa, Vice Bendesa of Parhyangan Field (2014-2019).

In managing nature conservation areas, in addition to bio-physical aspects, social, economic and cultural aspects of local communities should also be considered, including the practice of preserving sacred or sacred areas by local communities. Actually the issue of preserving sacred areas, sacred areas, or sacred areas in terms of nature conservation has received the attention of UNESCO, by making them a Biosphere Reserve area.¹⁰

The initial study demonstrates that the legal context revolves around the three fundamental values outlined by Gustav Radbruch: justice, certainty, and the advantage of the law. Not only do communities require rules that guarantee legal confidence in their relationships, but also justice. Additionally, the law must serve its interests (provide benefits). The law is an instrument for advancing Indonesian society. It is a cultural product that lends cultural significance to the law, developed through cultural tourism. Gustav Radbruch, said that there are three purposes of law, namely benefit, certainty, and justice. In carrying out these three legal objectives, priority principles must be used. Justice may be prioritized and sacrifice benefits for the wider community.

Legal theory with cultural relevance to formulating legal consequences based on indigenous knowledge. The central idea is that it is a communication device whose function is determined by legal actions in managing a tourist village.¹⁵ The primary objective is to influence the behavior of change recipients in managing tourism villages with bottom-up management and managed by traditional villages under the 2019 Bali Provincial Regulation Number 4 about ancestral villages. Bendesa adat Kutuh states about the evolution of BUMDA into BUPDA. Articles 60(b) and 62(a)(1) state that BUPDA is a traditional village enterprise in the economic and real estate fields, whose establishment, regulation, and administration are under customary law. Satjipto Rahardjo asserts that the Bendesa adat Kutuh formed an informal BUMDA in 2012. Progressive law is not solely driven by positive law or statutes and regulations but also by informal currents. It is using the law to pursue justice and prosperity. In economic reality, ecotourism was immobile and paralyzed during the Covid 19 pandemic.

¹⁰ Dyah Respati Suryo Sumunar, Suparmini Suparmini, and Sriadi Setyawati, "Masyarakat Desa Adat Tenganan Pegringsingan," *Jurnal Penelitian Humaniora* 22, no. 2 (2017): 111-24, <https://doi.org.10.21831/hum.v22i2.19929>.

Ecotourism, whose potential derives from the value of local agricultural knowledge, such as the management of the Ceking tourist attraction in Tegalalang District, which focuses on natural resources, namely rice terraces, which are the primary source of income, is, however, still thriving.

Investors, Regional/City Governments, the Government in collaboration with traditional villages, and traditional villages manage tourism villages in various ways. The traditional Kutuh village with Pandawa Beach provides cultural benefits to the community. Since the opening of Pandawa Beach, various groups in Banjar have developed local arts, including Kecak Suara Giri Kencana of Banjar Panti Giri, Jangger of Banjar Kaja Jati, Barong Ngelawang children of Banjar Petangan, Angklung of Banjar Jaba Pura, and Bleganjur. They are provided with a space for professional recognition at the annual event.¹¹

The recognition of traditional villages has been upheld since the adoption of the 1945 Constitution, as amended. The legal products of communities governed by customary law are still preserved and acknowledged. According to Article 18 B, paragraph 2, the State recognizes and respects conventional law community units and their traditional rights as long as they are still alive and adhere to the principles of community development and the unitary State of the Republic of Indonesia as defined by law.

In judicial practice, the acknowledgment of customary law's existence is at the regulation level. Article 28, paragraph (1) of Law Number 4 of 2004, concerning the judiciary's authority, stipulates that judges must investigate, follow, and comprehend the overall legal values and sense of justice in society. In the context of Cultural Tourism, Tri Hita Karana is a Hindu guide to the value of Balinese local wisdom. Balinese cultural tourism is a series of indigenous knowledge activities involving products, services, or administration (Article 1, number 14 of Bali Provincial Regulation Number 5 of 2020, concerning Cultural Tourism Standards).

3.2. The Relationship Between Law and Tourist Village Management with the Value of Local Wisdom of Tourist Villages and Its Sustainable Development

Humans, values, morals, and laws are something that can not be separated. Today the serious problems faced by the Indonesian nation are related to values, morals and law among others regarding honesty, fairness, fawning, and deeds other negative so that religious and moral education needs to be put forward because the existence of role models, values, guidance, and morals in humans will greatly determine individual personality or human identity, the social environment and the life of every human being. Values education that leads to the formation of morals in accordance with the norms of truth becomes something essential for whole human development in a social context.¹²

Tri Hita Karana teaches values, which teach the relationship between humans and God because humans are Yuhun's creation. So, they have to worship, prostrate, and give thanks to God. Human relations with humans are well established because they cannot

¹¹ I Nyoman Darma Putra, *Pengembangan Pariwisata Berbasis Masyarakat Adat Di Pantai Pandawa* (Denpasar: Buku Arti, 2015).

¹² Efrem Aldiant Stesiralipantus and Dwiki Hadi Santoso, "Desa Adat Penglipuran Dan Pewarisan Nilai Moral Dan Lokal," *Jurnal Ilmiah Ilmu Sosial* 1, no. 1 (2015): 06-14.

live alone. Therefore, they do not look down on each other and do not hurt each other. Human relations with their environment should be harmonious, so that humans feel safe and secure.¹³ The legal basis for Traditional Villages in Bali which was originally regulated in Bali Regional Regulation Number 3 of 2001 concerning Pakraman Village Juncto Bali Regional Regulation Number 3 of 2003 concerning Pakraman Village, the mention of villages in Bali which were originally village pakramandan since the birth of Bali Regional Regulation Number 4 of 2019 concerning traditional villages, the mention of villages in Bali is traditional villages. The birth of this Balinese traditional village regulation was in accordance with legal developments and current conditions in traditional villages in Bali and is more recognized in the national regulations in Article 6 Paragraph 1 of Law No. 6 of 2014 concerning villages which states that villages consist of villages and traditional villages. The legal basis provisions have a clear basis for the existence of traditional villages in Bali.¹⁴

Tourism always strives to provide optimal satisfaction to its consumers. In an effort to achieve this goal, an image must be created. To create optimal satisfaction for tourists is not easy, because the tourism industry is multi-sectoral including transportation, accommodation, infrastructure, information, attractions, and so on. The state's acknowledgment of the traditional village governance system, which in its development is heavily influenced by national legal products in regulating the life of indigenous village communities. The state's urgency to recognize traditional villages in the government system in Indonesia, which is the ideal of the nation's founders, is to provide clarity on the position and purpose of forming a more independent village with strong social capital.¹⁵

With regard to the management of customary village assets in the form of customary land, customary villages are still confused about managing their customary land. This is because in the management of customary land by customary villages there are two (2) different understandings namely that managing customary land must be based on statutory provisions and on the other hand customary land management is sufficient only based on customary law rules (*awig-awig*). The existence of these two (2) different understandings causes no discretion or fear of customary villages in managing customary village land.¹⁶ Villages or what are called by other names have characteristics that are generally accepted throughout Indonesia, while Traditional Villages or what are called by other names have different characteristics from villages in general, mainly

¹³ Putu Deby Purnamasari et al., "Pengaruh Konsep Tri Hita Karana Terhadap Praktek Akuntansi (Pengelolaan Aset) Di Desa Tenganan," *Jurnal Ilmiah Akuntansi Dan Humanika* 9, no. 1 (2019), <https://doi.org/10.23887/jinah.v9i1.19927>.

¹⁴ I Komang Kawi Arta and I Gede Arya Wira Sena, "Dinamika Pengaturan Tanah Druwe Desa Di Bali," *Jurnal Penelitian Dan Pengembangan Sains Dan Humaniora* 6, no. 1 (2022): 43-50, <https://doi.org/10.23887/jppsh.v6i1.46428>.

¹⁵ Muhammad A Rauf, "Politik Hukum Pembentukan Desa Adat Dalam Sistem Pemerintahan Di Indonesia," *DE LEGA LATA: Jurnal Ilmu Hukum* 1, no. 2 (2016): 413-29, <https://doi.org/10.30596/dll.v1i2.802>.

¹⁶ Dewa Gede Agung Satria Yoga Purnama and Anak Agung Istri Ari Atu Dewi, "Desa Adat Dalam Pengelolaan Tanah Adat Bali Berbasis Kebijakan Daerah," *Acta Comitatus* 4, no. 2 (2019): 343-54, <https://doi.org/10.24843/AC.2019.v04.i02.p16>.

because of the strong influence of adat on the local government system, management of local resources, and the socio-cultural life of the village community.¹⁷

Expediency is always associated with Jeremy Bentham's theory of utilitarianism. The term "The greatest happiness of the greatest number" is always identified as happiness which is determined by the number of people, so that the measuring level of the majority's happiness determines how the law is formed. However, this term is more suitable to be interpreted as a guarantee of individual happiness that must be given by the state to its citizens and eliminating suffering for the community through legal instruments, so that the benchmarks for these legal instruments are "happiness" and "suffering". In essence, the conception of happiness as determined by the majority, was the most recent breakthrough when Jeremy Bentham expounded it in his day.

The view of utilitarianism is basically an ethical-ethical understanding that places actions that can be said to be good are those that are useful, provide benefits (benefits), and are profitable, while actions that are not good are those that cause suffering and loss. Furthermore, according to the point of view of utilitarianism, happiness is not impartial because everyone definitely wants happiness and not suffering, therefore the concept of utilitarianism bases happiness as a touchstone of morality that is "impartial promotion of well-being", namely upholding impartial happiness/welfare. From here, we get the reason why Jeremy Bentham termed happiness as "The greatest number", namely because an ethical or moral action can be felt by everyone through happiness, because the nature of that happiness should be impartial and can be felt by anyone.¹⁸ The law must benefit many people, especially in this case the management of tourism villages by indigenous peoples.

The organization of tourism is around the following principles: (a) benefits, (b) kinship, (c) equity, (d) balance, (e) independence, (f) sustainability, (g) participation, (h) sustainability, (i) democracy, (j) equality, and (k) unity (Article 2, Law Number 10 of 2009 concerning Tourism). Tourism is an essential component of national development that must be carried out systematically, planned, integrated, sustainable, and responsibly while protecting religious values, societal culture, sustainability, environmental quality, and national interests. As a result, the Province of Bali has the potential to promote Balinese Cultural Tourism, as outlined in the Regional Regulation of the Province of Bali No. 5 of 2020, which governs the standards for organizing Cultural Tourism. In contrast to the Minister of Home Affairs Regulation No. 33 of 2009 on Guidelines for the Development of Ecotourism in Regions. The use of ecotourism is through:

- a. Formulate provincial ecotourism development policies with due observance of National Ecotourism policies;
- b. Coordinate the preparation of the ecotourism development plan under the provincial authority;
- c. Provide input in formulating provincial ecotourism development policies by taking into account national policies;

¹⁷ Indah Dwi Qurbani and Muhammad Lukman Hakim, "Analisis Normatif Pengaturan Pembentukan Desa Adat," *Grondwet* 1, no. 2 (2022), <https://ejournal.grondwet.id/index.php/gr/article/view/10>.

¹⁸ Endang Pratiwi, Theo Negoro, and Hassanain Haykal, "Teori Utilitarianisme Jeremy Bentham: Tujuan Hukum Atau Metode Pengujian Produk Hukum?," *Jurnal Konstitusi* 19, no. 2 (2022): 268-93, <https://doi.org/10.31078/jk1922>.

- d. Integrating and integrating provincial ecotourism development plans with district/city ecotourism development plans, national ecotourism development plans, and bordering regional ecotourism development plans;
- e. Harmonizing the RPJMD and RKPD carried out by the provincial Government, district/city Government, the community, and the business world with ecotourism development plans (Article 7).

Each regency and city government promotes cultural tourism development through tourism-related legal policies. For instance, Gianyar Regency issued Gianyar Regent Regulation Number 85 of 2015, which regulates the arrangement and management of tourist accommodations. Article 1, paragraph 18 defines a tourist lodge as housing in the form of a residential building inhabited by the owner and partially rented out by allowing tourists to interact with the owner's daily life. The policy of Gianyar Regency is to develop the spiritual and water tourism industries. It includes the management of religious tourism, meditation, and yoga. Religious tourism is a journey associated with a religion that involves visiting holy sites for worship (Article 1, number 50). Due to the politics of state law, the development of tourist villages managed by traditional villages is a legal tug of war. The State produces laws that are not always compatible with society's best interests.

Elephant-based ecotourism in Taro Gianyar has four types of tourism offerings: (1) Elephant attractions, (2) Elephant museums, (3) leisure, and (4) culinary. These four tourist attraction products are available in a single package, region, and location: the rural landscapes of Banjar Taro Kaja, Tegalalang, and Gianyar (Suksma Arida, Nyoman, 2015: 129). Investors manage this ecotourism in collaboration with Banjar Taro and Elephant Tourism Business. In a legal context, the development of ecotourism benefits and protects local communities, particularly Banjar Taro. If an agreement is reached, moral values of human dignity can measure justice according to the law. Morale is nothing more than a universally functional element that relates law to the ideal of social and political life, the common good, and social justice. Universality refers to morality. The law should be equitable or not cause harm to others. Penglipuran Bangli tourism village is the traditional village of communally used Ayahan land (AyDs). It is certified by krama adat and serves as bank collateral. When the maturity date passes, the bank auctions off, which Jakarta investors then purchase (Interview with I Made Budiarta, the Bendesa Adat Penglipuran). Penglipuran Tourism Village is a village on druwen land whose regulation must be in awig-awig or Perarem.

Regional policy is also a public policy, namely an action that is goal-oriented. Thomas R Dye emphasized that public policy is the government's choice to do or not to do. In this case the regional policy referred to in this study is a Regional Regulation. The concept of a regional regulation is a regulation established by the regional head with the approval of the DPRD and must meet formal requirements that have legal force and are binding for the public.

Legal protection of the rights of indigenous peoples becomes central because it has been recognized constitutionally. It includes the concept of protection. It requires the Government to prevent and remedy violations of customary land tenure and ownership rights by non-state parties. Under the Basic Agrarian Law, legal protection can be achieved through land registration under Article 19 and Government Regulation No. 10 of 1991 regarding land registration. It was subsequently modified by PP No. 24 of 1997.

It pertains primarily to land rights derived from customary law, which have never been registered as Western rights.

Sustainable ecotourism development requires the environment to be viewed as an ecosystem composed of social, cultural, economic, and geographical subsystems. It comes in various styles with varying carrying capacities and environmental resistance. It then coordinates with the subsystem's equilibrium, expecting to increase resilience.

4. Conclusions

Legal politics in managing tourist villages in Bali are not in line with the national concept of ecotourism. It is because Bali develops ecotourism and tourism using the concept of Balinese Cultural Tourism. The Minister of the Interior issued Regulation No. 33 of 2009 regarding Ecotourism in Regional Areas. Bali's management of tourism and villages under Bali Regional Regulation No. 5 of 2020 concerning cultural tourism standards is unique. The implication is that all tourism activities, including mass tourism and ecotourism, are founded on Hinduism-inspired Balinese culture and the Tri Hita Karana philosophy's emphasis on the value of indigenous knowledge. Cultural tourism adds value to the relationship between law and management in developing sustainable tourism villages. The value of local knowledge is packaged into cultural tourism products by traditional villages following their respective natural and cultural potentials. This management is developed according to the village's human and cultural resources. There are four distinct types of village tourism management. To begin, investors can manage it through contracts with traditional villages. Second, they can work alongside the Government. Third, the Government and traditional villages can collaborate. Fourth, traditional villages can manage it on their own.

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Law and Regulations

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