
Legal Politics and Social Changes in Bali in the Management of the Pancasila Legal Tourism Village

I Wayan Wesna Astara

Lecturer of Faculty of Law Universitas Warmadewa
wesnaastara58@gmail.com

Published: 01/02/2024

How to cite:

Astara, I.W.W. 2024. Legal Politics and Social Changes in Bali in the Management of the Pancasila Legal Tourism Village. *Sociological Jurisprudence Journal*. Volume 7 Issue 1. 23 - 30.

Abstract

Legal Politics and social changes in Bali Tourism Tourism Villages have provided Balinese people, especially Indigenous Balinese, to develop cultural tourism. The majesty of Balinese Hindu cultural values is not only recognized by the Republic of Indonesia, even the world recognizes it by providing protection for Balinese Hindu cultural and cultural values such as Balinese irrigation (subak). Therefore, legal protection for the people of Bali, especially tourism villages in Bali which are based on Hinduism, local traditions, customs and Balinese culture, is important and very relevant for research. The purpose of this research is to find out a new value for the concept of cultural tourism in managing tourism villages in Bali. The value of local wisdom in tourism management if the state and indigenous peoples in Bali are unable to provide protection, then the sustainability of cultural tourism will be threatened. Traditional villages in Bali have the potential to develop culture-based tourism. For this reason, this paper examines the potential for rural tourism (ecotourism) in various regencies in Bali, especially Badung, Tabanan, Bangli regencies, then legal politics related to cultural tourism will be the focus of this writing. The research method used is empirical legal research, with legal anthropology and legal sociology approaches. The research results show that legal politics towards tourism villages can be realized in the form of legislation, Bali Province Regional Regulations, Regency/City Regional Regulations and/or Regent Regulations and others. Cultural tourism arrangements are contained in the Regional Regulation of the Province of Bali Number 5 of 2020 concerning cultural tourism standards. The impact of the implementation of the regional regulations mentioned above, there has been a social change in the management of culture-based tourism villages in each traditional village in Bali. In this case, it is managed by the Institution, namely Traditional village-owned enterprise (referred to as BUPDA) as an instrument for the welfare of the Balinese indigenous people in managing Cultural Tourism. If necessary, traditional villages can work together with (private) investors using BOT agreements to strengthen cultural tourism

Keywords: Legal Politics, Tourism Village, Cultural Tourism

1. INTRODUCTION

Traditional villages in Bali have legal political dynamics to manage their own household. Based on the Provincial Regulation of the Province of Bali Number 06 of 1986, regarding the position, function and role of the traditional/customary village as a unit of customary law community in the Province of the First Level Region of Bali Province, on the preamble (a) that the traditional village of the First Level Region of Bali Province grows and develops throughout history for centuries, has made a very valuable contribution to the survival of society, the struggle for independence and growth in the Province of Bali; For this reason, the customary village is a unit of customary law community which has a very large role in the fields of religion, religious ideology, state ideology, socio-cultural, economy and defense and security. Political interests regarding traditional villages experienced “legal reincarnation”, so that the name of the traditional village was changed to *Desa Pakraman*, based on the Regional Regulation of the Province of Bali Number 3 of 2001 concerning *Desa Pakraman*. Then in

Article 17, this regional regulation also provides a legal umbrella for *Pacalang* (traditional village law enforcer). The dynamics of political relations in the House of Representative of the Province of Bali was born by the Regional Regulation of the Province of Bali Number 4 of 2019 concerning Traditional Villages. CHAPTER IX *Padruwen* (village's belonging) and *Utsaha* (Business) Traditional Villages: Article 55, paragraph (1) *Padruwen* traditional villages include all assets belonging to traditional villages, both immaterial and material; paragraph (2) *Padruwen* customary village which is immaterial as referred to in paragraph (1) in the form of belief systems, traditional values, customs, arts and culture, as well as local wisdom imbued with Hinduism; paragraph (3) *Padruwen* of Traditional village which are material in nature as referred to in paragraph (1) can be in the form of: a. customary village authorities; b. customary village land; c. natural resources; d. economic resources which are the traditional rights of customary villages; e. Sacred areas, sacred places, sacred buildings, belonging to traditional villages; f. buildings belonging to traditional villages; g. religious magical objects; h. finance and *sarwa mule; dani*. Other material assets. Article 59, paragraph (1) management of traditional village *padruwen* is carried out based on the principle of benefit for traditional villages; (2) management of traditional village *padruwen* is carried out to improve the welfare of customary village residents; (3) the arrangement and management of traditional village *padruwen* is carried out by customary village *prajuru* and/or institutions appointed according to the *awig-awig* (customary law) and/or traditional village *pararem*; (4) Supervision of the management of customary village *padruwen* is carried out by customary village *krama* or institutions formed by customary village leaders, in accordance with *awig-awig* and/or customary village regulations; (5) every transfer and change of status of traditional village *Padruwen* must obtain the approval of the customary village *Paruman*. Article 60: A traditional village has a customary village *Utsaha* which consists of: a. LPDs (Village Credit Institution) ; and b. BUPDA (Traditional Village-Owned Enterprise) . The problem of the dynamics of changing the name from *desa adat* to *desa pakraman* and back to *desa adat* by the author is a form of legal and cultural political struggle in order to maintain the existence of traditional villages in Bali as a product of Balinese culture. By the author, traditional village is a political tool for the state for the interests of power as well as for the welfare of traditional villages through legal products. This, related to the law is a product of politics. The author mentions that there is legal politics, ups and downs regarding traditional villages in Bali with various legal interests, and cultural interests and the political interests of "rulers". In Deride's theory, Deconstruction Theory, that legal products can be dismantled from the texts of the articles that are veiled in them (I Wayan WesnaAstara, 2020: 99). In discussing legal politics, it is the current situation in Indonesia in accordance with the principle of hierarchy of the law itself, or with Logemen's terminology (Rogen B.S, 2006), as the law that applies here and now. However, the classical interpretation of positive law is that it is a law made or determined by the state through state institutions or officials who are authorized to stipulate it (Jazim Hamidi, 2009: 233). In the context of BUPDA (traditional village-owned enterprise), as mentioned above, in the legal cultural and political reality, which in the "contituendum" overshadows Tourism Villages and/or ecotourism cannot be implemented, even though the explanation is quite clear. Therefore, the legal politics of tourist villages in Bali, especially those based on Hinduism, local traditions, customs and Balinese culture, are important and very relevant for research (I Wayan Wesna Astara, A.A. Gde Wisnumurti, (et al.), 2018). The Balinese model of community-based tourism appears institutionally collectively through traditional villages, not individually, but continues to develop according to the demands of indigenous peoples (I Nyoman Darma Putra (ed), 2015: x). The awakening of the Balinese people in managing tourism in their area is mostly top down or instructions from above. In the political reality of the country, especially Bali, there is state hegemony, especially related to Balinese culture. When the Dutch colonial government came to power in Bali, it was indeed hoped that Bali could provide a contribution to income from a cultural aspect by opening tourist trips to the island of Bali (I Wayan Wesna Astara, 2010).

In the dynamics of legal politics in the Regional Regulation of the Province of Bali Number: 5 of 2020, regarding the standard for the Implementation of Balinese Cultural Tourism, article 8, paragraph (1) Traditional villages/traditional institutions/community groups have the right to develop rural tourism in accordance with local potential and in accordance with the provisions of the legislation; paragraph (2) tourism villages are established by decree of the Regent/Mayor; paragraph (3) the management of a tourist village is obliged to prioritize investment and local resources; paragraph (4) further provisions regarding tourist villages are regulated in a Governor's regulation. Further that the tourism business, in article 13 paragraph (1) tourism business standards include: a. tourism products; b.

service; c. management; Article 13, paragraph (4) management as referred to in paragraph (1) letter c includes: a. organization; b. management; c. Tourism Human Resources; and D. facilities and infrastructure. Another problem arose that the Covid-19 Pandemic, tourism villages have also suffered a downturn due to tourists not coming to Tourist Destination Areas. For this reason, what problems from the economic aspect of management can be offered as a solution.

In developing tourism in Bali, the potential of local wisdom can be developed as an alternative in maintaining sustainable cultural tourism. Paying attention to Bali's potential as a cultural tourism area, thus the potential in Bali can be explored, revitalized, developed for the welfare of local/Balinese customary communities by paying attention to local culture which can be added value for prosperity and equitable development in Bali, namely the value of wisdom Local wisdom (culture) can become an economic value by raising the potential of traditional villages in an innovative and creative way so that the value of local Balinese wisdom and a management model for managing tourism villages is very feasible for research. Based on the legal issues mentioned above, the Legal Politics of Balinese Culture in the context of a tourist village based on local wisdom is an entry point for the welfare of the Balinese people. The legal issues in this study as the problems studied are: (1). How to regulate tourist villages in Bali in strengthening the concept of cultural tourism? (2). What is the implementation of the construction of the concept of cultural tourism in traditional villages in the development of sustainable tourism?

2. METHODS

The type of research chosen is empirical legal research with legal anthropology and legal sociology approaches. Source of data: primary data obtained from the first source/directly through observation, in-depth interviews. Furthermore, secondary data was obtained from literature studies and document studies. The researcher's legal anthropology approach examines the fairness of facts and claims of the Balinese indigenous people by comparing legal justice. Thus enabling researchers to find legal truth that can be collaborated with the truth of factual claims and the truth of legal justice. If the truth of legal facts and legal truth are factual justice and legal justice. Furthermore, it is constructed to become a legal political tourism village in Bali. Traditional villages in Bali have factual justice based on origins, the state has the duty to protect claims of factual justice into legal justice and become legal certainty to receive legal protection.

3. RESULT AND DISCUSSION

3.1 The arrangement of tourism villages in Bali in strengthening the concept of cultural tourism

In the process of policy theory, the anatomy of the concept of law as a policy process includes several components, namely:

- a) Communication process as a policy context (community process)
- b) Value (Value);
- c) Community interaction (community interaction); And
- d) Community expectations as Policy orientation (Ida Bagus Wyasa Putra, 2016: 107).

In Regional Regulation Number 5 of 2020, concerning cultural tourism standards, then the text (article) stipulates that based on Article 8 (1) Traditional Villages/traditional institutions/community groups have the right to develop rural Tourism in accordance with local potential and in accordance with the provisions of Laws -invitation. (2) Tourism Villages are established by Decree of the Regent/Mayor. (3) Tourism Village Managers are obliged to prioritize investment and local resources. (4) Further provisions regarding Tourism Villages are regulated in a Governor Regulation. Furthermore, the author can analyze in the context of philosophy that the word will and idea, meaning that in this context, law is the wish and idea of a ruler who has authority. However, based on Ida Bagus Wyasa Putra's policy orientation theory, by building policy based on the 4 elements that must be tested as mentioned above.

Based on Law of Republic Indonesia Number 10, 2009, concerning Tourism, Article 28, the government has the authority to: increase community empowerment and community tourism potential. Article 29, the Provincial Government has the authority to determine provincial tourist attractions. In the Regional Regulation of the Province of Bali Number 2 of 2012 concerning Bali Cultural Tourism, Article 11, the development of tourism destinations must be carried out with due regard to:

- a. Local wisdom such as the belief of the Balinese people which is based on Tri Hita Karana and is imbued with Hinduism;
- b. Cultural and environmental sustainability, such as Balinese traditions, customs, and environmental rules;
- c. The economic potential of the community, such as providing opportunities for local businesses in both handicrafts and agricultural products to showcase their works in hotels, restaurants and other tourist attractions;
- d. Sustainability of the tourism business.

Management of tourist attractions can be carried out by the provincial government, customary villages, traditional institutions, individuals and business entities (Article 16). This gives a role to traditional villages to manage tourist attractions in community development in Bali. This is confirmed by article 26, paragraph (2) *Pakraman* Village and traditional institutions have the right to develop rural tourism according to local potential. Developing rural tourism can also mean that traditional villages in Bali, both in rural and urban areas, have unique, natural, cultural, artistic, human resource potential that can be developed in traditional village areas to become ecotourism based on local wisdom. In essence, traditional villages in Bali have the potential for Balinese culture, customs, culture and values that live in the local community. This ecotourism maintains a healthy, beautiful and clean environment, maintains the natural and cultural environment (Article 27, paragraph (3) letters a, i, and m). A tourist village is defined as a rural area with an overall atmosphere that reflects the authenticity of villages in Bali, both from the spatial structure, building architecture and the socio-cultural life patterns of the community and providing the components of tourist needs such as accommodation, food, drink, souvenirs and other attractions. The tourist village will become a self-contained mini area and is expected to be integrated with the community. The tourist village provides accommodation that is typical of the local village but still meets minimum standards in terms of health and comfort, besides being able to offer a variety of cultural attractions (Pitana, 1994: 2).

Law as a means of realizing general welfare (Nurul Zaman, 2016:37) in Bali with the issuance of the Bali Province Regional Regulation Number 5 of 2020 concerning Balinese Cultural Tourism Standards that Balinese Cultural Tourism is Balinese tourism based on Balinese Culture imbued with the philosophy of *Tri Hita Karana*, which originates from *Sad Kerthi's* cultural values and local wisdom and is based on Balinese *taksu*. Satjipto Rhardjo, states that law is not an absolute and final institution, but highly dependent on how humans see and use it. Humans are the decider. Law is an institution that continuously builds and transforms itself towards a better level of perfection. In Regional Regulation Number 5 of 2020, mentioned above, the quality of perfection can be verified in the factors of justice, welfare, concern for the people and others. The essence of “law that is always in the process of becoming” (law as process, law in the making). The law does not exist for the law itself, but for human beings. (Satjipto Rardjo, 2009: 5-6). The issue of legal politics referred to Utrecht’s opinion which said that legal politics is an act of aspiring to law, namely imagining law, is a political act (*daad van rechtspolitick*). This means that legal politics is a “policy” pursued by the state (through its institutions or officials) to determine which laws need to be replaced, or which need to be amended, or which laws need to be maintained, or what laws need to be regulated or issued in order to The policy is that the administration of the state and government can run well and in an orderly manner so that state objectives such as people’s welfare can be realized in stages and in a planned manner. (Saragih, Bintan Regen, 2006: 17).

The role of traditional villages in managing their potential in the Bali Province regional regulation Number: 4 of 2019, concerning traditional villages in Bali, Article 55, paragraph (3) letter b; Material customary village *padruwen* can be in the form of customary village land. In this regional regulation, in Article 5, customary village has the status of a legal subject in the government system of the Province of Bali. In the Constitutional Court Decision Number: 31/PUU-V/2007 and decision Number: 6/PUU-VI/2008, it is stated that the unity of indigenous peoples (referred to as KMHA) is de facto still alive both genealogically, territorially and functionally at least meets the elements of (1) the existence of a community that has group feelings; (2) the existence of customary governance institutions; (3) the existence of customary assets and/or objects; (4) the existence of customary law norms. Based on the theory of the Constitutional Court’s decision, the customary village is a legal subject, so that the cooperation agreement in the management of tourism objects carried out by the Regional Government

with the traditional village is an agreement based on law and gives rise to legal consequences. Legal subject theory in viewing legal pacts in implementation in the field (empirically).

The management of tourist attractions carried out by traditional villages, and customary land used by customary village members must be submitted to leaders of traditional villages. Even customary land (AYDS) on customary land, for example *Tenganan Pengringsingan* village which was contracted to a third party, has not had an adequate agreement from the legal aspect of the agreement (Interview: Jayasenastris).

Bali Province Regional Regulation No. 5 of 2020, grants management rights to organizations in accordance with Article 17 Tourism Organizations, including: a. Provincial government; b. Regional owned enterprises; c. *Baga Utsaha Padruwen* of Traditional Village; d. Cooperative; e. private; and f. public. Then the tourism institutions are regulated in Article 18 (1) Tourism organization standards as referred to in Article 17 letters a, b, c, and d are regulated in accordance with the provisions of the Laws and Regulations. (2) Tourism Organizations as referred to in Article 17 letter e, and letter f, must meet the following standards: a. have statutes and bylaws approved by the competent authority; b. has an organizational and personnel structure that is determined in accordance with the provisions of the articles of association and bylaws; c. carry out organizational work procedures in an orderly and regular manner; d. carry out organizational functions responsibly to strengthen institutional capacity; and e. has a commitment to advancing tourism based on nature and culture of Bali. Criticizing policies in the form of works of “law of power” the author asks questions and gives correct answers? that all matters of order, justice and security in society are fully entrusted to the law, the state and its supporting instruments?

3.2 Legal Implementation and Social Change: Construction of the concept of cultural tourism in traditional villages in the development of sustainable tourism

Law as a means of “social engineering” as a conscious use to achieve an orderly or state of society as aspired to or make the desired changes. Hart mentions that these changes are one of the characteristics of the existence of a legal system (Hart, 1912: 89-97). In managing tourism and/or tourist villages, traditional villages can use the BUPDA (traditional village-owned enterprise) management agency (Bali Province Regional Regulation Number: 4 of 2019, concerning traditional villages, article 41, paragraph (3) letter g. Based on the results of the interview, I Made Budiarta, the head of Penglipuran customary village stated that the management of the Penglipuran tourism village is managed by a tourism village management institution formed by traditional village officials for the benefit of the first goal is to be able to survive, thus what challenges are faced in the world of global tourism. The privilege given by God to humans in traditional villages is to become thinking beings and work to reveal the secrets of nature and culture to become potential ecotourism (Cf. Satjipto Rahardjo, 2006: 8).

Social changes in Bali in the context of law and tourism villages, that ecotourism has begun to emerge in each sub-district, such as in Tabanan to propose to the Tourism Village District. The concept of tourism in Bali, there must be equity and distribution of people’s welfare to the villages, but the concept must be changed with ecotourism. For example in Badung Regency, Pandawa with the advantage of the beach, how can the potential of traditional villages be used as an alternative tourism, so that tourism villages that have developed previously such as in *Bangli Penglipuran*, in *Karangasem Tenganan Penggringsingan* these villages, tourists don’t get bored, so in Bali it needs to be developed traditional village-based ecotourism, and local wisdom in traditional villages. However, they are reminded that when ecotourism develops in traditional villages, traditional village officials in managing traditional village assets must anticipate deviations in terms of land (land belonging to traditional villages) that is used for tourism villages, then exchanged with third parties, then harming the village. custom. This must be clear, agreements need to be made with third parties and handed over to the traditional village members. There needs to be transparency of the management in managing village tourism/ecotourism in the village. When an investor invests in a traditional village, don’t immediately accept it, it needs socio-cultural considerations, by forming a study team in a traditional village involving universities in Bali.

Traditional villages in managing tourism or ecotourism villages can cooperate with (private) investors by setting a BOT (Built, Operate, and Transfer) agreement on the land that is used as the object of cooperation. As an agreement, the principles or principles in the law of the agreement must

be fulfilled in the making of the BOT Cooperation agreement, one of which is the principle of balance between the land owner and the investor (Irawan Soerodjo, 2016: 4-5).

In the author's research on tourism villages in Badung Regency based on Badung Regent Regulation Number: 47 of 2010, regarding the Designation of Tourism Village Areas in Badung Regency, it provides clues that there are 11 tourist villages determined by the Badung Regent; namely: a. Sangeh tourist village; and b. Bongkasa Pertiwi Tourism Village, these two tourist villages have developed. But there are 8 (eight) tourist villages, namely: 1. Mengwi tourist village; 2. Kiadan Plaga Tourism Village; 3. Carangsari tourism village; 4. Pangsan tourist village; 5. Baha tourist village; 6. Munggu tourist village; 7. Evening tourist village; 8. Boat tourism village; is currently developing and there is one Lawak tourist village that has not yet been developed. This means that the villages above are governed by legal aspects from the government. Unlike the existing tourist village in Badung, south of Pandawa Beach (Tourism village), it developed without any regulations from the Badung Regency government. This means that even though there are regulations, not all of them run effectively.

This is a product of legal politics in the management of tourism villages in Bali, namely in the juridical aspect by referring to the Regional Regulation of the Province of Bali Number 06 of 1986, regarding the position, function and role of traditional villages as customary law community units in the Province of Level I Bali, Article 6, paragraph (1) e, maintain, preserve, and utilize the wealth of traditional villages for the welfare of traditional village communities. Social changes in legal products in regulating *Pakraman* village assets in accordance with article 9, Bali Province *Pakraman Village* Regulation number: 3 of 2001, Article 9, number (4, 5): supervision of *Pakraman village* assets is carried out by village members; and *Desa Pakraman* land and/or land owned by *Desa Pakraman* cannot be certified in the name of a person. Political power to "hegemonize traditional villages". This gives the meaning that in the Regional Regulation of the Province of Bali No. 4 of 2019 concerning Traditional Villages, Article 5, Traditional villages have the status of legal subjects in the government system of the Province of Bali. Then related to *Padruwen* (assets) and *Utsaha* (business) of Traditional Villages, Article 55, paragraph (3) Material customary village *Padruwen* as referred to in paragraph (1) can be in the form of:

- a. Customary village territory;
- b. Customary village land;
- c. Natural resources;
- d. Economic resources which are the traditional rights of customary villages;
- e. Sacred areas, sacred places, sacred objects belonging to traditional villages;
- f. The buildings belong to the traditional village;
- g. Religious magical objects;
- h. Finance and mule sarwa; And
- i. Other material assets.

Article 56, paragraph (1) Regional Governments can transfer government-owned assets in customary village jurisdiction to customary villages. In this case, changes in society, especially related to customary villages as legal subjects, the question is: has the truth been tested in hierarchical legislation? The legitimacy of a legal product can be tested by the theory of legislation from Hans Kelsen. Whether social change in Bali was really planned, whether it was because of chaos or legal defects in the progress and dynamics of Bali's development, needs to be questioned from a philosophical, sociological and juridical perspective.

Every tourism village in Bali reaches its own level in the development process to advance the village. Therefore, tourism villages are distinguished in classification based on their development. This development can be seen from the condition of the people who live in the village, the development of facilities and infrastructure, and the economic level of the community. Even though there is a classification in its development, it is hoped that this will encourage tourism villages in Bali to develop optimally in anticipation of the conversion of agricultural land so that it can maintain the status of Bali's food barn, and can restrain the rate of conversion of land into tourist accommodation facilities. As with Jatiluwih Village (Penebel), Timpag Village (Kerambitan), and Cau Village (Marga), the three tourist villages mentioned above are in different classifications of development in tourist villages in Tabanan Regency, but this is a heterogeneous form of uniqueness which in its development have the same goal, namely as a step to preserve nature and culture and utilize the potential of existing villages.

As a comparison, in Woro Swesti's research entitled "Creative Tourism Development Models as an Effort to Realize Sustainable Tourism in the Kasongan Tourism Village, Yogyakarta" (Woro Swesti, 2019). It is stated that in the current stage of tourism development in the Kasongan Tourism Village, Yogyakarta, according to the Tourism Area Life Cycle concept, it is in the second stage, namely the involvement phase. To increase tourism development in the development phase, a creative tourism development model is proposed. This model is a combination of internal and external conditions that require the intervention of institutions and organizations that have a serious concern for tourism.

Furthermore, the government's role in the creative tourism development model in the Kasongan Tourism Village, Yogyakarta takes the form of institutional and policy assistance. Through assistance in network expansion, assistance in providing space for expression, providing financial information and marketing opportunities, it is hoped that in the end it will be able to encourage the creation of sustainability in development in tourism development in Kasongan Tourism Village from a socio-cultural and economic perspective.

Bali as a tourist destination, tourism has become a vehicle for community dynamics. This is related to the economic improvement brought about by tourism, as well as the growing awareness of "self-identity". That tourism is managed by traditional villages in Bali, through tourist villages there will be independent villages and their welfare will provide direct benefits to tourism. With the presence of tourism based on traditional villages and tourist villages, the Balinese dynamically and creatively dialogue between internalization and traditionalization processes to carry out a "metamorphosis". If you look at the long time, it is clear that Balinese people and culture are still strong. The socio-cultural changes that occur in the process of dialogue between the forces of internationalization and traditionalization cause Balinese people to appear to be converting. However, this conversion is still carried out in Hinduism with thick Balinese nuances, or what Clifford Geertz (1973) calls internal conversion. Internal conversion that is currently happening in Balinese culture is a combination of internationalization, rationalization, orthodoxization, pragmatization and traditionalization.

It should be noted that ICOMOS (International Council Monuments and Sites, 1999) has the basic principles of Cultural Tourism, namely:

1. Domestic and international tourism is the most important tool in cultural exchange. Therefore, cultural conservation must provide responsibilities and opportunities for local people and visitors to experience and understand their community and cultural heritage.
2. The relationship between historical places and tourism is dynamic and involves conflicting values. It must be manageable in a way that supports current and future generations.
3. Tourism and conservation planning for cultural heritage sites must be able to guarantee that the experience that visitors get will be valuable, satisfying and exhilarating.
4. Indigenous peoples and residents in settlements should be involved in conservation and tourism planning.
5. Tourism and conservation activities must benefit indigenous peoples
6. Cultural tourism programs must be able to protect and enhance the characteristics of natural and cultural heritage (Hayat, Raudhatul Adhawiyah Novita Zaini, 2018: 15).

The concept of cultural tourism legally can adopt various thoughts to build sustainable tourism in Bali, so that the principles constructed in Law Number 10 of 2009, concerning tourism can strengthen Article 5, which upholds religious norms, human rights, cultural diversity, wisdom local, empowering local communities, preserving nature and the environment, ensuring integration between sectors, between regions, between the center and regions which is a systemic unity within the framework of regional autonomy, as well as integration among stakeholders. It is a global affair that tourism in Bali must comply with world tourism and international agreements in the field of tourism. Furthermore, Indonesia as a rule of law and all economic activity refers to the 1945 Constitution, Article 33, relating to the economy, and strengthening the Unitary State of the Republic of Indonesia. The implementation of social justice as reflected in the Pancasila values of Social Justice for all Indonesian people can be realized in culture-based tourism activities in Bali. Of course, it is necessary to specifically conduct research so that every economic activity is based on Pancasila values

4. CONCLUSION

The regulation of the concept of cultural tourism in Bali is contained in the Regional Regulation of the Province of Bali Number 5 of 2020 concerning Cultural Tourism standards; Article 8 paragraph

(1) which in principle is in accordance with the potential of the local customary village. In exploring this potential prioritize investment and local resources. In uncovering this potential, the author uses the policy process covers: communication processes, values, community interactions. In this case the Regional Government of Bali Province is obliged to increase community empowerment. Legal politics regarding Balinese cultural tourism provides legal certainty for local communities to work in the field of cultural tourism.

In the context of law and social change as implications for legal products that regulate Balinese cultural tourism. When the Regional Regulation of the Province of Bali No. 4 of 2019 concerning traditional villages comes into force, the tourism village formed will be managed by BUPDA (Traditional Village-Owned Enterprises). In this case, it is a social change in the management of a tourism village based on cultural tourism. If there is a tendency for the potential of a tourist village to involve the private sector (investor) it can use a BOT (Built, Operate and Transfer) agreement and land on land can be used as the object of the agreement. In connection with the above, the concept of cultural tourism is very dynamic based on the culture that lives in the Balinese indigenous people.

REFERENCES

- Astara, I Wayan Wesna, A.A. Gde Wisnumurti, (et. al.), 2018, *Custom, Hindu Religion, Local Law, and social change in Bali in the context of Tourism*, Proceeding Book- International Seminar Bali Hinduism, Tradition and Interreligious Studies.
- I Wayan Wesna Astara, 2010, *Pertarungan Politik Hukum Negara & Politik Kebudayaan Otonomisasi Desa Adat di Bali*, Udayana University Press, Denpasar,
- I Nyoman Darma Putra (ed), 2015, *Pariwisata berbasis Masyarakat Model Bali*, Buku Arti, Denpasar.
- Ida Bagus Wyasa Putra, 2016, *Teori Hukum dengan Orientasi Kebijakan*, Udayana University Press, Denpasar.
- Irawan Soerodjo, 2016, *Hukum Perjanjian dan Pertanahan, Perjanjian Build, Operate and Transfer (BOT) atas Tanah, Pengaturan, Karakteristik dan dan Praktik*, LakaBang, Yogyakarta.
- Jazim Hamidi, 2009, *Teori dan Politik Hukum Tata Negara*, Yogyakarta: Total Media,
- Geertz, Clifford, 1973, *The Interpretation of Culture*, Basic Books, New York.
- Rogen B.S, 2006, *Politik Hukum*, Bandung, Utomo,
- Satjipto Rardjo, 2009, *Hukum Progresif Indonesia, sebuah Sintese Hukum Indonesia*, Genta Publishing, Yogyakarta.
- Mahfud, MD, *Politik Hukum di Indonesia*, Jakarta, Jakarta, LP3ES.
- Nurul Zaman, 2016, *Politik Hukum Pengadaan Tanah antara Kepentingan Umum dan Perlindungan hak Asasi manusia*, Aditama, Bandung.
- Hayat, Raudhaatul Adhawiyah Novita Zaini, 2018, *Pencangan Desa Wisata Berbasis Pemerdayaan, Inteligensia Media*, Malang.
- Saragih, Bintang Regen, 2006, *Politik Hukum*, CV Utomo, Bandung.
- Satjipto Rahardjo, 2006, *Hukum dalam Jagad Ketertiban*, UKI PRESS, Jakarta.
- Pitana, 1994, *Dinamika Masyarakat dan Kebudayaan Bali*, BP, Denpasar
- Woro Swesti, 2019, “*Model Pengembangan Pariwisata Kreatif Sebagai Upaya Mewujudkan Pariwisata Berkelanjutan Di Desa Wisata Kasongan-Yogyakarta*”, Tesis Program Studi Magister Kajian Pariwisata: Universitas Gadjah Mada.
- Law Number 10 of 2009 concerning Tourism.
- Bali Province Regional Regulation Number 5 of 2020, regarding Cultural tourism Standards.
- Bali Provincial Regulation Number 4 of 2019, concerning Traditional Villages.