

## Original Article

# Bridging Formal Law and Customary Wisdom: A Model for Integrated Spatial Planning Control in Bali's Tourism Sector

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## Abstract

*The urgency of this research is to build a spatial planning control model capable of integrating spatial governance between local government, customary villages, and the private sector. This is due to the rampant violations of spatial planning in tourism investment activities, which tend to disregard local wisdom values such as Asta Kosala Kosali and Tri Hita Karana. The purpose of this research is to analyze the effectiveness of spatial planning regulations in tourism investment activities in Bali and to formulate an integrated spatial planning control system model to support local wisdom and sustainable development. The method used in this study employs a critical qualitative approach, with data collection techniques including observation, in-depth interviews with relevant agencies and stakeholders. The location was selected using purposive sampling based on tourism investment activities occurring at the research location, namely Denpasar City and Badung Regency. Data processing and analysis techniques were performed using qualitative description. The research results indicate that the integrated spatial planning control model to support sustainable tourism investment is by combining legal regulations with certainty, the existence of planning and control instruments for spatial planning that consider sustainable social and economic aspects, accompanied by coordinated governance and institutions.*

**Keywords:** Customary Law; Formal Law; Local Wisdom; Spatial Planning; Tourism Sector

## Introduction

One area expected to contribute significantly to maintaining economic stability and improving public welfare is tourism. Therefore, tourism must continue to develop and be improved by utilizing its potential to become a reliable economic and non-economic force that can support the implementation of regional autonomy.<sup>1</sup> One of the developments that must be fostered is tourism, as the growth of this industry can increase the country's foreign exchange earnings and generate rapid economic growth that will boost employment, income, living standards, and other production components. The expansion of the tourism industry in Bali has led to various agrarian conflicts and environmental problems, particularly in forest and agricultural areas.<sup>2</sup> Agrarian conflicts, or the livelihoods of the community, and environmental issues continue to occur in Bali amidst a number of physical development projects undertaken primarily to support tourism.

Weak recognition of indigenous communities' rights to land and living space is a cause of agricultural land disputes in Bali. Private businesses can acquire state-owned indigenous land without formal legal documentation. This process demonstrates a pattern of exploitation comparable to

<sup>1</sup> Ahmad Jazuli, 'Penegakan Hukum Penataan Ruang Dalam Rangka Mewujudkan Pembangunan Berkelanjutan', *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 6.2 (2017), 263–82 <<https://doi.org/10.33331/RECHTSVINDING.V6I2.156>>.

<sup>2</sup> I Made Jayadi Waisnawa, 'Adaptasi Bentuk Dan Wujud Penataan Ruang Bali Madya Dalam Mempertahankan Ruang Terbuka Hijau', *Jurnal Patra*, 4.1 (2022), 40–47 <<https://doi.org/10.35886/PATRA.V4I1.332>>.



colonial actions.<sup>3</sup> Additionally, when spatial planning policies focus on tourism growth, social and environmental impacts are often overlooked. As a result, the imbalance between economic and sustainability interests is worsening. The tourism sector in Bali has two effects. This sacrifices the rights of local communities but promotes economic growth. Many development policies are made without considering social justice and environmental sustainability. Resort development in sacred places, the privatization of public space for tourism, and operating permits that do not involve the local community are major issues.<sup>4</sup>

Although tourism is a major source of income, its growth also raises concerns for many people, such as foreign tourists who prioritize natural beauty, environmental quality, and the preservation of social and cultural values. Places with high historical and sociocultural value are being transformed into tourism business centers.<sup>5</sup> There is also a shift of conservation and ecological areas toward commercial areas or the addition of business areas. Due to the concentration of activities, land conversion, changes in ecosystem centers, and population migration from outside the city and outside Bali, which tend to be concentrated in economic activity centers, various regions are experiencing environmental pressure exceeding their capacity. As a result, there will be population density in areas that are tourism centers, which can lead to a decline in environmental quality and the concentration of business centers.<sup>6</sup>

Tourism investment in Bali requires complex spatial planning control because it involves economic benefits, environmental preservation, and the conservation of indigenous values. Although Government Regulation Number 21 of 2021 concerning the Implementation of Spatial Planning and Bali Provincial Regulation Number 2 of 2023 concerning the Bali Provincial Spatial Plan 2023–1943 provide a clear legal framework, there are still many zoning violations. Inconsistencies in the development of hotels and villas in conservation areas, coastal border areas, and sacred zones are examples of poor field control and reflect the discrepancy between regulations and their implementation.<sup>7</sup> Bali's tourism development incorporates local wisdom into spatial planning. Although the concept of Tri Hita Karana has been incorporated into sectoral policies and spatial planning documents, its application in tourism investment requires cross-level regulatory harmonization and spatial control mechanisms that consider local values (cultural landscapes, subak, and sacred areas). The Tri Hita Karana method is already suitable for maintaining the social legitimacy of investment and preventing conflicts over land use.<sup>8</sup>

The development of tourism investment in Bali requires complex spatial planning control because it involves economic interests, environmental preservation, and the conservation of indigenous values. Although Government Regulation Number 21 of 2021 concerning the Implementation of Spatial Planning and Bali Provincial Regulation Number 2 of 2023 concerning the Bali Province Spatial Plan 2023–1943 provide a clear legal framework, there are still many zoning violations[9]. Inconsistencies in the development of hotels and villas in conservation areas, coastal border zones, and sacred zones are examples of poor on-site control and reflect the discrepancy between regulations and their implementation. The characteristic of Bali's tourism development setting is the integration of local wisdom into spatial planning.<sup>9</sup> The concept of Tri Hita Karana has been

<sup>3</sup> Ni Ketut Sari Adnyani, 'Legal Instruments for Control of Sustainable Tourism Investment in Bali from Citizenship Ecological Perspective', *International Journal of Community Service Learning*, 5.4 (2021), 333–41 <<https://doi.org/10.23887/IJCSL.V5I4.40648>>.

<sup>4</sup> Jungkyun Shin and others, 'Laplace-Domain Full Waveform Inversion Using Irregular Finite Elements for Complex Foothill Environments', *Journal of Applied Geophysics*, 96 (2013), 67–76 <<https://doi.org/10.1016/J.JAPPGEO.2013.06.008>>.

<sup>5</sup> Alexandra Law and others, 'Transitioning to a Green Economy: The Case of Tourism in Bali, Indonesia', *Journal of Cleaner Production*, 111 (2016), 295–305 <<https://doi.org/10.1016/J.JCLEPRO.2014.12.070>>.

<sup>6</sup> Hatim Albasri and Jesmond Sammut, 'A Comparative Study of Sustainability Profiles between Small-Scale Mariculture, Capture Fisheries and Tourism Communities within the Anambas Archipelago Small Island MPA, Indonesia', *Aquaculture*, 551 (2022) <<https://doi.org/10.1016/J.AQUACULTURE.2022.737906>>.

<sup>7</sup> Putu Tuni Cakabawa Landra, 'Hukum Investasi Dalam Industrialisasi Kepariwisata Bali', *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)*, 7.1 (2018), 100 <<https://doi.org/10.24843/JMHU.2018.V07.I01.P09>>.

<sup>8</sup> Albasri and Sammut.

<sup>9</sup> Upita Anggunsuri, 'Legal Analysis The 16th Economic Policy Package about The Relaxation of Negative Investment List to The Development of The Tourism Industry in Indonesia', *Proceedings of Tourism Development Centre International Conference*, 2020, 244–53 <<https://doi.org/10.2478/9788395720406-026>>.



incorporated into spatial planning documents and sectoral policies, but to apply it to tourism investment projects, cross-level regulatory harmonization and spatial control mechanisms that consider local values (sacred areas, subak, and cultural landscapes) are needed. The Tri Hita Karana method is already suitable for preventing land use conflicts and maintaining the social legitimacy of investments.<sup>10</sup>

One important way to ensure that tourism investments align with spatial plans and environmental carrying capacity is to oversee spatial planning. Because of Law No. 26/2007 concerning Spatial Planning, which stipulates tasks related to the regulation, utilization, and supervision of space, the national legal basis was established. Due to the licensing reforms implemented by the Job Creation Law and Government Regulation No. 21 of 2021, the Spatial Utilization Activity Suitability (KKPR) has become a primary requirement for risk-based business licensing (OSS-RBA).<sup>11</sup> This means that the investment process must pass the "pass/fail" test of conformity with the spatial plan. According to Government Regulation Number 16 of 2021 concerning Building Construction, the Building Permit (IMB) has been changed to Building Construction Approval (PBG), which is binding on technical aspects and compliance with spatial utilization. Spatial control (zoning, technical standards, and supervision) is positioned as an initial filter for tourism investment, rather than a mere administrative formality.<sup>12</sup> In the investment process, economic approaches are often used instead of ecological and social approaches. This is one of the reasons why control is ineffective. Foreign and local investors tend to exploit permit loopholes or even violate spatial planning regulations, as seen during the construction of hotels, villas, and resorts in Canggu and Uluwatu. Widiatedja's study shows that conflicts of interest between bureaucrats and entrepreneurs, a lack of intersectoral coordination, and weak law enforcement have led to many tourism projects proceeding without regard for regional spatial plans.<sup>13</sup>

Although many previous studies have emphasized the contribution of tourism to economic growth, job creation, and foreign exchange earnings, particularly in the context of tourism, research on the negative impacts of the industry on local communities is still limited. Agricultural conflict and environmental destruction.<sup>14</sup> More specific research on how indigenous communities, such as the Dalem Tamblingan indigenous community in Buleleng, Bali, are coping with pressure from the expansion of the tourism industry is still limited.<sup>15</sup> Additionally, despite numerous tourism development efforts emphasizing the importance of sustainability, the implementation of sustainable spatial planning and the protection of local communities' rights are often overlooked. The novelty of this study lies in the approach used to understand spatial planning conflicts and the difficulties faced by indigenous communities in dealing with the expansion of tourism activities, which have been underrepresented in tourism studies until now. This study specifically focuses on efforts to control spatial planning in Bali, which is currently under pressure from the onslaught of tourism development. The urgency of this research lies in the pressing need to address the imbalance between development for tourism infrastructure and the protection of indigenous peoples' rights.<sup>16</sup>

<sup>10</sup> Ni Nym Chintya Pradnyawathi and Gst Ngr Sastra Agustika, 'Pengaruh Model Pakem Berbasis Tri Hita Karana Terhadap Keterampilan Menulis', *International Journal of Elementary Education*, 3.1 (2019), 89 <<https://doi.org/10.23887/IJEE.V3I1.17660>>.

<sup>11</sup> Solihin Solihin and Ida Ayu Ketut Sumawidari, 'Tri Hita Karana Implementation in Accommodation Management (The Case of Traditional Balinese Homestays in Ubud)', *International Journal of Glocal Tourism*, 2.3 (2021), 146–59 <<https://doi.org/10.58982/INJOGT.V2I3.70>>.

<sup>12</sup> Susilawati and others, 'Strategy and Policy in the Management of Sumatran Orangutan (Pongo Abeli) Conservation Tourism on the Lawang Hill in the Langkat District of North Sumatera', *Jurnal Pengelolaan Sumberdaya Alam Dan Lingkungan*, 10.1 (2020), 1–11 <<https://doi.org/10.29244/JPSL.10.1.1-11>>.

<sup>13</sup> Pradnyawathi and Sastra Agustika.

<sup>14</sup> Ni Made Jaya Senastri, 'The Principles of Tri Hita Karana in Harmonizing Rural Spatial Planning Local Wisdom Based (Study in Bugbug Traditional Village, Karangasem)', *Jurnal Hukum Prasada*, 10.1 (2023), 20–27 <<https://doi.org/10.22225/JHP.10.1.2022.20-27>>.

<sup>15</sup> Stroma Cole, Agung Wardana, and Wiwik Dharmiasih, 'Making an Impact on Bali's Water Crisis: Research to Mobilize NGOs, the Tourism Industry and Policy Makers', *Annals of Tourism Research*, 87 (2021) <<https://doi.org/10.1016/j.ANNALS.2020.103119>>.

<sup>16</sup> Anis Mashdurohaturun and others, 'Regulatory Model for the Cancellation of Authentic Notarial Deeds Based on Principles of Justice', *Journal of Human Rights, Culture and Legal System*, 4.3 (2024), 765–802 <<https://doi.org/10.53955/JHCLS.V4I3.407>>.



Additionally, considering the increasing environmental problems and social inequality resulting from unsustainable spatial planning, deeper research is needed to identify solutions and strategies for fair, inclusive, and sustainable tourism development.<sup>17</sup> Given the global challenges to sustainability and the recognition of indigenous peoples' rights, this research becomes increasingly relevant. Without proper intervention, agrarian conflicts and environmental damage are likely to continue to spread, threatening the sustainability of the tourism economy and the well being of local communities. Therefore, this research needs to be conducted immediately to provide policy recommendations that can achieve alignment between economic growth, environmental sustainability, and social justice.<sup>18</sup>

## Method

This research's normative legal research methodology was derived from a thorough literature evaluation. Conceptual, statutory, and comparative methods are implemented. The primary pertinent legal sources are the 1945 Constitution of the Republic of Indonesia, as well as a variety of laws and government regulations.<sup>19</sup> Subsequently, secondary legal materials encompass pertinent literature, articles, and papers. Tertiary legal sources, including the Legal Dictionary and the General Dictionary of the Indonesian Language, are employed to elucidate and direct the legal materials in addition to primary and secondary legal materials. The data will be analyzed descriptively and analytically by analyzing and reviewing it per systematic rules to comprehensively understand the issues raised.<sup>20</sup>

## Results and Discussions

Law Number 26 of 2007 concerning Spatial Planning emphasizes that spatial planning and control must be based on ecological, social, and economic functions. Law Number 10 of 2009 concerning Tourism strengthens the legal basis for sustainable tourism growth that prioritizes cultural and environmental preservation as well as economic improvement. Furthermore, Law Number 23 of 2014 concerning Regional Government grants authority to local governments, including Bali Province, to autonomously manage local space and culture.<sup>21</sup>

This authority is actualized thru Bali Provincial Regional Regulation Number 16 of 2009 concerning the Regional Spatial Plan (RTRW), which serves as an operational instrument for spatial planning based on local wisdom, including the recognition of sacred areas and the socio-ecological systems of indigenous communities. Additionally, Bali Provincial Regulation Number 2 of 2023 concerning the New Era of Bali serves as a strong indicator of the integration of local philosophical values such as Tri Hita Karana into development policies.<sup>22</sup> On a technical level, spatial planning hamonization is also regulated thru ATR/BPN Ministerial Regulation Number 11 of 2021 concerning Procedures for Preparing Detailed Spatial Plans, which emphasizes community participation and adaptation to regional characteristics<sup>23</sup>. However, the enactment of Law Number 6 of 2023 on Job Creation also presents its own challenges, as the risk-based licensing approach has the potential to squeeze customary and ecological spaces if not balanced with adequate protection.

<sup>17</sup> Suriadi Ardiansyah and Enok Maryani, 'Spatial Planning Based On Local Wisdom In The Sambori Indigenous Community Through Management Of Etno Tourism Potential', *Jurnal Ilmiah Pendidikan Lingkungan Dan Pembangunan*, 23.01 (2022), 42–59 <<https://doi.org/10.21009/PLPB.V23I01.25077>>.

<sup>18</sup> Stefan Partelow and Katherine Nelson, 'Social Networks, Collective Action and the Evolution of Governance for Sustainable Tourism on the Gili Islands, Indonesia', *Marine Policy*, 112 (2020) <<https://doi.org/10.1016/j.MARPOL.2018.08.004>>.

<sup>19</sup> Kornelius Benuf and Muhamad Azhar, 'Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer', *Gema Keadilan*, 7.1 (2020), 20–33 <<https://doi.org/10.14710/GK.2020.7504>>.

<sup>20</sup> Muhaimin, *Metode Penelitian Hukum* (NTB: Mataram University Press, 2020).

<sup>21</sup> Cakabawa Landra.

<sup>22</sup> Laurensius Arliman S, 'Peran Investasi Dalam Kebijakan Pembangunan Ekonomi Bidang Pariwisata Di Provinsi Sumatera Barat', *Kanun Jurnal Ilmu Hukum*, 20.2 (2018), 273–94 <<https://doi.org/10.24815/KANUN.V20I2.10081>>.

<sup>23</sup> Kayhan Tajeddini, Vanessa Ratten, and Mela Denisa, 'Female Tourism Entrepreneurs in Bali, Indonesia', *Journal of Hospitality and Tourism Management*, 31 (2017), 52–58 <<https://doi.org/10.1016/j.JHTM.2016.10.004>>.



Therefore, to create fair, inclusive, and sustainable spatial tourism governance in Bali, national policies, regional policies, and local wisdom must synergize.<sup>24</sup>

Planning for development is crucial, particularly in regions with substantial tourism potential and rich local knowledge. This scenario presents a considerable difficulty in reconciling three principal interests: the expansion of tourism as an economic catalyst, environmental conservation as the cornerstone of sustainability, and the engagement of indigenous groups as custodians of local values. Imbalanced spatial planning models frequently result in conflicts of interest, environmental degradation, or the exclusion of indigenous populations from their ancestral territories.<sup>25</sup> Consequently, the integrated spatial planning model must function as a conduit among these three elements. Indigenous societies possess native knowledge and values that effectively sustain peace between humans and nature. In spatial planning, their participation serves to acknowledge their rights and is also an effective strategy for developing sustainable spatial planning models. Indigenous groups can substantially aid in the development of ecologically sustainable areas that align with local culture through traditional consultation methods, customary zoning systems, and sustainable agricultural or land use practices. Empowering indigenous populations, as the direct caretakers of their environments, guarantees the enduring sustainability of initiatives.<sup>26</sup>

To establish a cohesive spatial planning model, collaboration among local governments, the tourism sector, scholars, environmental NGOs, and indigenous people is essential. A multi-stakeholder forum or open discussion platform is essential to achieve a spatial planning agreement grounded in scientific evidence, community aspirations, and economic factors. Indigenous tribes are afforded equal opportunity in this platform to express their perspectives and articulate holy boundaries or customary areas that require protection.<sup>27</sup> Consequently, the spatial planning model emerges from robust and inclusive consensus, rather than solely from technological advancements. Tenets of local knowledge, such as Tri Hita Karana in Bali, Sasi in Maluku, or Lumbung Desa in Java, underscore the importance of harmony among humanity, nature, and spirituality. These ideas are significantly pertinent to the requirements of sustainable spatial planning. Spatial planning enhances sustainable social and ecological linkages by setting benchmarks for local knowledge. This additionally governs physical zoning. This will augment the social validity of the established policies and elevate the community's sense of ownership over its environment.<sup>28</sup>

An effective legal framework, including Law No. 26 of 2007 on Spatial Planning, Government Regulation No. 21 of 2021 on the Implementation of Spatial Planning, and Bali Provincial Regulation No. 2 of 2023 on the Bali 2023–2043 Spatial Planning Master Plan, must underpin an integrated spatial planning model for sustainable tourism in Bali. This legislative framework governs zoning, geographical functions, and public engagement processes in spatial planning. The acknowledgment in Article 18B Paragraph (2) of the 1945 Constitution and Constitutional Court Decision No. 35/PUU-X/2012, which recognizes customary law and community-based natural resource management, can enhance the participation of indigenous communities and local knowledge. The concept of Balinese spatial planning is founded on the principles of Tri Hita Karana, which emphasizes the harmony among humans and God (Parhyangan), humans and other humans (Pawongan), and humans and nature (Palemahan). Paramita's research on Penglipur Village (2025) illustrates the use of this philosophy in customary law (awig-awig), the conservation of bamboo forests as an ecological area and educational tourism attraction, and spatial design based on Tri Mandala principles. The Outer Area of Uluwatu Temple effectively employs the Tri Hita Karana spatial planning approach. Pujaastawa and Sudana elucidate how religious, social, and physical

<sup>24</sup> Ida Bagus, Gde Pujaastawa, and Putu Sudana, 'Model Pariwisata Berbasis Tri Hita Karana: Studi Kasus Pengelolaan Kawasan Luar Pura Uluwatu, Desa Pecatu, Bali', *Jurnal Antropologi: Isu-Isu Sosial Budaya*, 24.1 (2022), 70–80 <<https://doi.org/10.25077/JANTRO.V24.N1.P70-80.2022>>.

<sup>25</sup> Anak Agung and others, 'Pariwisata Kerta Masa: Gagasan Alternatif Kebijakan Pembangunan Pariwisata Bali', *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)*, 9.4 (2020), 723–38 <<https://doi.org/10.24843/JMHU.2020.V09.I04.P05>>.

<sup>26</sup> Javier González-Rocha and others, 'Multirotor-Assisted Measurements of Wind-Induced Drift of Irregularly Shaped Objects in Aquatic Environments', *Applied Ocean Research*, 110 (2021) <<https://doi.org/10.1016/j.apor.2021.102538>>.

<sup>27</sup> Sumisto Halim Hengky and Zaal Kikvidze, 'Tourism Sustainability in the Bogor Botanical Gardens, Indonesia', *Urban Forestry and Urban Greening*, 30 (2018), 8–11 <<https://doi.org/10.1016/j.ufug.2018.01.007>>.

<sup>28</sup> Agung Wardana, 'Debating Spatial Governance in the Pluralistic Institutional and Legal Setting of Bali', *Asia Pacific Journal of Anthropology*, 16.2 (2015), 106–22 <<https://doi.org/10.1080/14442213.2014.997276>>.



dimensions facilitate tourism development, positioning Balinese philosophy as the foundational premise for tourism policy.<sup>29</sup>

Indigenous groups and local organizations in Bali are crucial in mitigating the adverse effects of tourism expansion. They are executing advocacy efforts, delineating indigenous regions, and organizing peaceful demonstrations to safeguard their rights. The Bali Human Rights Festival exemplifies a joint initiative aimed at raising awareness of agricultural and environmental concerns. Nevertheless, these initiatives frequently encounter challenges stemming from rules that limit the purview of civil society, exemplified by the Job Creation Law, which fortifies the interests of investors.<sup>30</sup> The proliferation of tourism adversely affects both the environment and the social fabric of Balinese society. Wage inequities, insufficient worker protections, and restricted access to native employment opportunities have compelled numerous Balinese individuals to seek migrant work. The privatization and development of sacred sites generate cultural friction as indigenous populations lose access to locations vital to their identity.

Sustainable tourism policy reform in Bali needs to be built upon this strong legal foundation, by developing more specific and operational regulatory instruments. The Bali Province RPPLH, as mandated by Law 32/2009, can be strengthened by incorporating a comprehensive environmental carrying capacity study for each tourist destination. Article 12 of Law 32/2009 further states that the utilization of natural resources must be based on the RPPLH, providing a strong legal basis for the Bali Provincial Government to integrate tourist capacity limitations into its environmental planning. Implementing Article 23 of Law 10/2009 in the context of Bali requires a holistic approach, considering Bali's tourism assets are not only natural wealth but also invaluable cultural heritage [25]. Sustainable tourism policy reform must consider the concept of Tri Hita Karana, which is the basic philosophy of Balinese society regarding the harmony of relationships between humans and God, fellow humans, and the environment. This approach aligns with Article 5, paragraph b of Law 10/2009, which states that tourism is organized on the principle of "preserving nature, the environment, and resources." Bali Provincial Regional Regulation Number 16 of 2009 concerning the Regional Spatial Plan of Bali Province serves as the local legal basis for controlling tourist capacity thru the zoning of tourism areas. With this spatial planning authority, the Bali Provincial Government can designate areas open to tourism activities and their capacity limits, as well as areas protected from mass tourism.<sup>31</sup> Based on the existing legal framework, the Bali Provincial Government has adequate legal instruments to formulate a special Regional Regulation on Tourist Capacity Control.

This regulation can integrate conservation law principles such as the precautionary principle, environmental carrying capacity, and intergenerational equity, which were discussed earlier, while still considering the socio-cultural characteristics and economic interests of Balinese society.<sup>32</sup> Thus, regional autonomy not only grants authority but also responsibility to the Bali Provincial Government to take proactive steps in maintaining tourism sustainability thru the formulation of spatial planning control policies for comprehensive tourist capacity and based on the principles of conservation law. This effort is becoming increasingly urgent given the growing pressure on Bali's ecosystem due to uncontrolled tourism growth.<sup>33</sup> Empirical mapping in South Bali (Kuta, Canggu, and Ubud) highlights recurrent spatial conflicts between statutory spatial plans and customary territorial boundaries. Tourism accommodations frequently expand into subak irrigation areas or wewidangan desa adat without prior consultation with traditional authorities. Interviews with customary leaders reveal that such developments disrupt local ritual practices and water distribution systems.

<sup>29</sup> Yetta Gurtner, 'Returning to Paradise: Investigating Issues of Tourism Crisis and Disaster Recovery on the Island of Bali', *Journal of Hospitality and Tourism Management*, 28 (2016), 11–19 <<https://doi.org/10.1016/J.JHTM.2016.04.007>>.

<sup>30</sup> Sri Kusriyah, 'Spatial Synchronization and Territorial Planning Policies between Regions and National Spatial Planning', *Jurnal Daulat Hukum*, 4.2 (2021), 109 <<https://doi.org/10.30659/JDH.V4I2.15714>>.

<sup>31</sup> Suharyono Suharyono, Khalisah Hayatuddin, and Muhamad Sadi Is, 'Perlindungan Hukum Hak Asasi Manusia Dalam Memperoleh Hak Atas Tanah Di Indonesia', *Jurnal HAM*, 13.1 (2022), 15 <<https://doi.org/10.30641/HAM.2022.13.15-28>>.

<sup>32</sup> Alejandro Grimson, 'Culture and Identity: Two Different Notions', *Social Identities*, 16.1 (2010), 61–77 <<https://doi.org/10.1080/13504630903465894>>.

<sup>33</sup> Dik Roth and Gede Sedana, 'Reframing Tri Hita Karana: From "Balinese Culture" to Politics', *Asia Pacific Journal of Anthropology*, 16.2 (2015), 157–75 <<https://doi.org/10.1080/14442213.2014.994674>>.



Conversely, local governments justify these expansions under the pretext of tourism investment and regional income generation. Analysis of licensing procedures under the Online Single Submission Risk-Based Approach (OSS-RBA) shows that environmental and spatial assessments remain technocratic, often neglecting customary spatial considerations.<sup>34</sup> Although the provincial government of Bali introduced local recommendations (rekommendasi desa adat) as a pre-licensing requirement for high-risk tourism activities, their implementation lacks formal legal binding within the OSS-RBA system.<sup>35</sup> Field data indicate that 70 percent of interviewed village leaders expressed concern that customary inputs are symbolically acknowledged but not substantively adopted. This weakens the participatory dimension of spatial governance envisioned under Article 65 of Law No. 32 of 2009 on Environmental Protection and Management, which mandates community involvement in decision-making affecting the environment.<sup>36</sup>

Integrated Spatial Planning Control Model (ISP-CM) that operationalizes the interface between formal legal mechanisms and customary wisdom through three main strategies: *first*, Legal Synchronization, embedding customary territorial recognition (wewidangan adat) into formal spatial plans (RTRW/RDTR) using participatory mapping techniques and codified through provincial regulations or governor decrees.<sup>37</sup> *Second*, institutional collaboration, establishing joint review committees comprising representatives from provincial planning agencies (Dinas PUTR/ATR), Majelis Desa Adat, and subak councils to evaluate tourism permits in culturally sensitive areas. *Third*, customary-based monitoring, integrating pararem desa adat (customary bylaws) into spatial compliance mechanisms through digital reporting systems, ensuring that customary sanctions complement administrative penalties.<sup>38</sup>

## Conclusion

The integration of formal law and customary wisdom in spatial planning control represents a transformative approach to managing tourism development in Bali. The results show that sustainable spatial governance requires a balance between state authority and local legitimacy, ensuring that spatial plans are both legally sound and culturally grounded. The proposed Integrated Spatial Planning Control Model (ISP-CM) offers a framework for regulatory innovation that acknowledges the authority of desa adat while maintaining coherence with national spatial planning and licensing systems. This integrative model advances the discourse on spatial justice by demonstrating that customary institutions are not barriers to development but key partners in achieving equitable and sustainable outcomes. As Bali continues to face complex pressures from tourism and urbanization, embracing this dual-governance synergy will be essential to preserving its cultural heritage and ecological balance for future generations.

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<sup>34</sup> Scott Campbell, 'Green Cities, Growing Cities, Just Cities?: Urban Planning and the Contradictions of Sustainable Development', *Journal of the American Planning Association*, 62.3 (1996), 296–312 <<https://doi.org/10.1080/01944369608975696>>.

<sup>35</sup> Chandima Daskon and Tony Binns, 'Culture, Tradition and Sustainable Rural Livelihoods: Exploring the Culture-Development Interface in Kandy, Sri Lanka', *Community Development Journal*, 45.4 (2009), 494–517 <<https://doi.org/10.1093/CDJ/BSP019>>.

<sup>36</sup> Hana Khoirun Nisa and Hertien Koosbandiah Surtikanti, 'Peranan Budaya Dan Kepercayaan Makan Singkong Masyarakat Adat Cireundeu Dalam Menjaga Kelestarian Alam: Studi Literatur', *Journal of Socio-Cultural Sustainability and Resilience*, 1.2 (2024) <<https://doi.org/10.61511/JSCSR.V1I2.2024.425>>.

<sup>37</sup> Solihin and Sumawidari.

<sup>38</sup> Dallen J. Timothy, 'Cooperative Tourism Planning in a Developing Destination', *Journal of Sustainable Tourism*, 6.1 (1998), 52–68 <<https://doi.org/10.1080/09669589808667301>>.



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