



## Penglipuran Tourism Village, Kubu Village, Bangli District, Bali in Maintaining Bali Local Wisdom Values

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### ABSTRACT

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Development of the Penglipuran tourism village based on Balinese local wisdom is a solution to the settlement of AYDs land cases in the Penglipuran Traditional Village in the legal and cultural context associated with Law Number 10 of 2009 concerning tourism-related to the issuance of Bali Province Regional Regulation No. 5 of 2020 regarding standards for the implementation of Balinese cultural tourism. Article 1, paragraph b, Tourism Village However, ideologically, culturally, and legally, there is a hidden potential for conflict. The problem of tourist villages can be solved using absorption methods from research results to provide solutions for managing tourist villages. The methods used in legal issues in the management of tourism villages include focus group discussions, mentoring, lectures on legal studies, dissecting cases related to tourism village institutions, and finding potential strategies for Balinese local wisdom to strengthen wisdom-based tourism villages.

## **INTRODUCTION**

Bali has cultural potential that cannot be fully explored in developing the interests of local communities and indigenous peoples to become a source of sustenance. The strength of Bali is its culture, customs, traditions, and Hindu religion. Mass tourism provides a large space for intensive capital inflows into a tourist area and tends to undermine local community participation. The growth of tourism in Bali continues to increase, but it has not been matched by maximally embracing the local workforce; even the position of the workforce of residents of the Island of the Gods in the tourism industry, especially hotels, is still small. Balinese krama workers in the tourism sector have a low bargaining position in terms of placement or job positions (I Wayan Wesna Astara, et al., 2020: 1).

Penglipuran Tourism Village has a unique "angkul-angkul" and traditional community culture centered on the village temple vortex in a beautiful environment. Furthermore, the Penglipuran Customary Village of Kubu Village, Bangli Regency, Bali, is unique from a cultural aspect in the highlands at sea level of 600–800 meters, so the air is cool. In 1995, the government determined that this traditional village would be the first tourist village in Indonesia. The area of the village is around 112 hectares, and not all of the village land is used as a resident's house. About 40% of the village's land is bamboo forest. Cutting bamboo trees in this village should not be done haphazardly without permission from local community leaders. The Penglipuran indigenous people have a culture of respecting the value of monogamous marriage, which means that women are respected because there is a village rule that prohibits men from practicing polygamy. If a man has another wife, he will be placed in a mixed reef (this man is ostracized). Apart from having a culture of respecting nature, Penglipuran Bangli villagers also have a culture and tradition of respecting women. Because there is a village rule that prohibits men from practicing polygamy, if they are caught doing it, they will be punished by being exiled from the village. According to Wayan Wesna Astara, in Bali, in managing tourism and ecotourism villages, there is a battle of culture and legal politics in managing cultural assets. Justice in managing the Penglipuran tourism village if legal certainty becomes a legal norm in the legal process. (I Wayan Wesna Astara, 2022). Development of tourist villages The strategy for developing tourist villages in Bali requires the management of local wisdom values to give meaning to the potential for tourist villages in Bali; each traditional village has its own uniqueness (I Wayan Wesna Astara, et al., 2020). Penglipuran traditional village to improve human resources in managing tourism villages by increasing human resources and developing existing potential (I Nengah Arya Wibawa, 2019). Penglipuran Tourism Village was already established during the New Order, but the dynamics for the continuity of developing the potential of traditional villages in realizing a culture-based tourism village with an emphasis on local wisdom values immediately received the attention of servants in managing cultural assets, the environment, the economic potential of local communities, and community empowerment. The potential that exists in Penglipuran village is important to foster for 3 (three) years in the Partner Village Development Program by focusing on cultural potential, "designing" solutions to potential land conflicts with

solutions from the aspects of tourism law, local law (awig-awig traditional village), development of village tourism management, awareness of tourism legal culture, and development of a creative economy based on local wisdom. Planning for the development of a tourist village starts in 2021 and ends in 2023. Hidden conflicts have emerged related to the Tanah Ayahan Desa (AYDs) land. The history of the emergence of conflicts due to the transfer of land rights can occur over land that was originally controlled according to customary law and then converted according to the UUPA (Suwitra, 2020: 157). These lands in Bali are known as customary land in various types, namely land that is controlled communally, such as profit temple, profit banjar, village profit (adat), setra land, market land, field land, and land owned individually, such as village yards (PKD) and village fatherland (AYDs) (Suwitra, 2020: 157). The affinity of communion with the land it occupies has a very close relationship and is religious-magical. Van Vollenhoven's customary law community's right to this land is called "beschikkingsrech". About these hulatory rights, in each region of Indonesia, the terms are different; for example, patuanan (Ambon), Panyampeto (Kalimantan), Wewenkon (Java), Prabumian (Bali), ulayat (Minangkabau), Nuru (Buru). Based on Bangli Regent Regulation No. 16 of 2014, concerning Tourism Villages, the tourism sector is a driver of the community's economy as one of the leading sectors that are expected to run sustainably. Next, pay attention to the Regional Regulation of Bangli Regency Number 2 of 2018, concerning the Regional Tourism Development Master Plan for 2019–2025. Article 1, number 35: Rural areas that have unique and special characteristics become tourist destinations, including the natural environment, traditions, and 11 cultures that are still held by the community, special food, agricultural systems, and kinship systems. Penglipuran Village as a tourism village: how to carry out the Bangli Regent's vision, namely the RIPPARDA Vision as referred to in Article 2 paragraph (3) letter a, namely the realization of tourism development inspired by regional culture to improve the community's economy based on Tri Hita Karana (Article 6). Article 14, letter (d): Increasing community participation in the management of the DTW area This is a priority in PPDM community service in Penglipuran in the first year of 2022-2023. Partners' problems are (1) the need to develop local wisdom values in cultural aspects in synergy with natural aspects (bamboo forest) in Penglipuran traditional village; and (2) the need to make Kerta Desa effective in resolving legal issues over the Ayahan Village Land (AyDs) in customary cases.

## **METHODOLOGY**

The Penglipuran indigenous community empowerment activities in managing our tourism village involve a group of policymakers, namely Jro Bendesa Adat and Prajuru Adat villages, the Tourism Village Management Agency, and the Kerta Penglipuran traditional village. First, the servant conducted an FGD with the Prajuru traditional village with the hope that problems related to local wisdom values, namely the philosophy of Tri Hita Karana, would have obstacles when it came to natural resources in Penglipuran Village. Bamboo forests as a support for traditional houses characterized by bamboo roofs are the result of bamboo forest products. The development of the

Penlipuran Servant Tourism Village provides counseling and assistance to the community.



Figure 1. The Servant Provides Legal Enlightenment at the Location of the Bamboo Forest

## RESEARCH RESULT AND DISCUSSION

### *Bali Tourism in a New Era of Life: Local Wisdom Values and Tourist Culture*

In the new order of life in the COVID-19 pandemic of tourism in Bali, various cultural tourism efforts have collapsed. The agricultural sector then began to become an alternative for tourism workers to fill the void of returning to earn a living. The COVID-19 pandemic has had an impact on various areas, especially the tourism sector, namely trip cancellations by tourists, restrictions on social movements, and travel bans by various regions of the world, resulting in a decline in the tourism travel business. Various efforts to restore Bali tourism have been carried out by the government, one of which is the possession of a new-era life order certificate as a guarantee of security and trust for tourists. A lack of understanding of the order of life in the new era can be seen in the small number of companies that have this certificate. Commitment to implementing health protocols is the main key for foreign tourists visiting Bali tourist destinations to enter a new era of life.

The value of local wisdom The philosophy of Tri Hita Karana is implemented in cultural activities and environmental cleanliness as sociological cultural awareness grows instinctively among Penglipuran residents to manifest and externalize the obligation to preserve cleanliness along with dialectical relations in the form of objective awareness. In this awareness of objectification, each resident is always moved to take responsibility wholeheartedly and without coercion for keeping Penglipuran Village clean. This attitude then has an impact on a deeper mood, namely cultivating clean behavior as an awareness of internalization in their daily lives (I Wayan Muliawan, 2017). The contents of local wisdom substantially cover three categories: (1) categories concerning the scope of local wisdom consisting of concepts, folklore, rituals, beliefs, various taboos and recommendations, values, philosophies, and ideologies; (2) the categories regarding methods and ways of promoting wisdom and policies

include: dedication, ethics, humanism, rationality, taste, and meaning; (3) categories regarding the direction and goals to be realized such as sustainability and natural preservation, strengthening identity, social morality, balance and harmony, spiritual strengthening, saving resources, tolerance, and protecting local rights (I Putu Gelgel, 2021: 51).

The value of local wisdom regarding the environment related to bamboo forests is legally enforceable as a legal norm; a rule of law must be made in accordance with the correct procedures and not conflict with other regulations, especially with higher regulations. A customary law rule must also meet such juridical requirements. In Penglipuran Traditional Village, a rule of customary law, whether in the form of perm or contained in the awig-awig, must fulfill the agreed-upon juridical requirements. Awig-awig must be approved by 2/3 (two-thirds) of Penglipuran customary village staff. This is stated in the Awig-Awig of Penglipuran Traditional Village, Sargah VII Panguah Awig-Awig Paos 64. This awig-awig was signed by Prajuru Adat Village, Head of Penglipuran Environment, Kubu Village Head, and Bangli Regent (I Gede Januariawan, I Nyoman Nadra, 2022: 89).

***Legal Theory of Cultural Meaning: Ecotourism Based on Local Wisdom Values: (Maintaining local wisdom values from the internal community)***



Figure 2. Penglipuran Traditional Village Provides the Main Ideas in the Development of Nature-Based Ecotourism by Synergizing with the Tri Hita Karana Philosophy in Cultural Ecotourism

The spatial pattern and the unique traditional settlement of the Penglipuran Traditional Village community are the main attractions for tourists visiting the village. To maintain its sustainability, an agreement or regulation was made, among others, not to make changes to the spatial pattern and architecture of traditional buildings, which are the hallmark or identity of the Penglipuran Traditional Village. The existence of such regulations requires them to develop adaptation strategies against the influx of modernization or globalization influences. The types of adaptation strategies referred to include making rules

that aim to maintain the existence of weak aspects. The regulations referred to include those related to business development such as stalls, shops, homestays, and others that must be carried out in the yards of each house without changing the existing spatial conditions and patterns of their traditional settlements.



Figure 3. The Angkul-Angkul Pattern is a Characteristic of Penglipuran Traditional Village and the Cleanest Village in the World

Another weakening element that is also a potential tourist attraction is the bamboo forest. The existence of a bamboo forest area in the Penglipuran Traditional Village, apart from having an ecological function, also has an economic and social-religious function. Therefore, the management of bamboo forests as a tourist attraction is carried out while still paying attention to these functions. For example, making pedestrian or trekking routes in a bamboo forest area is done by following pre-existing footpaths. To increase the safety and comfort of tourists, the footpaths in the bamboo forest area are made pedestrian-friendly using paving block materials.

Penglipuran Village has an area of up to 112 hectares. Of this area, about 45 hectares, or 40%, are surrounded by bamboo forests. In this case, the existence of a bamboo forest has many benefits for the Penglipuran people. This forest is used for materials such as kitchen roofs, crafts, and traditional ceremonial equipment. The main function of this forest is to provide water in the dry season and absorb water in the rainy season (Fathorrahman, 2020).

Penglipuran is indeed geographically and culturally situated, and its people embrace Hinduism and are given the gift of history in the process of Indonesian culture and the nature of the island of Bali, which strengthens the growth and development of a culture- and nature-based tourist village. The process of becoming a tourist village has its own history in cultural politics and law to ensure legal certainty to become a tourist attraction.

Referring to the above issues, there is a report issued by the World Tourism Organization (WTO) indicating several new trends and developments in the world of tourism that began to emerge in the 1990s. With the tendency of the global, regional, and national communities to return to nature, the hope for Bali, apart from mass tourism, is to develop tourism that is oriented towards the natural environment, known as ecotourism or ecological tourism. This fact is the antithesis of the tourism activities that have developed so far, which are more in the style of mass tourism. Ecotourism must be maintained by local guides who understand Balinese culture, local cultural values, and traditions related to the philosophy of Tri Hita Karana. Tourists and Caucasians do not understand Balinese culture or Indonesian positive law. In this case, it is not just based on "law". According to Satjipto Rahardjo, the law holds hegemony over a legal order. It is the law that determines when a person exists when someone has something, how to have it, etc. In the extreme, it can be said that without law, everything becomes nothing (Satjipto Rahardjo, 2007:22).



Figure 4. I Wayan Wesna Astara (a team of servants in Penglipuran traditional village provides legal enlightenment related to the customary village chief's initiative to develop natural bamboo ecotourism in synergy with culture-based ecotourism)

In the context of law, it has a cultural meaning, namely creating law from a legal perspective that lives in Balinese society (living law) with the approach, interests, and real needs of the Balinese Hindu community in regulating ecotourism in Bali (I Wayan Wesna Astara, 2022: 236). Legal products can be in the form of customary village awig-awig and/or pararem to provide legal certainty in the management of ecotourism and/or tourism villages in Bali, particularly in Penglipuran, which manages tourism villages. Legal products with cultural meaning can be attached to the theory of creative justice, which holds that everyone in each traditional village manages the potential of their village.

According to Roscoe Pound, in essence, discretion lies between the law and morals. The factors that influence law enforcement are the legal factor itself, law enforcement factors, facilities or facilities, community factors, and cultural factors. Cultural pluralism will result in the emergence of pluralism in law

enforcement. Regarding the influence of legal culture on law enforcement, for example, related to tourism in Bali after the COVID-19 pandemic, mass tourism and ecotourism in Bali have slumped. In the sociological aspect of the law, the Governor of Bali not only strengthens cultural tourism but also farmer culture; it is necessary to develop millennial farmers by providing legal protection for the work of farmers, in addition to developing subak ecotourism. Subak ecotourism can be a means to prevent the conversion of agricultural land in Bali.



Figure 5. Bamboo nature tourism in Penglipuran Traditional Village: "Philosophy of Tri Hita Karana Aspects of Palemahan Bamboo tourism is developed for nature conservation as well as being a tourist object that is integrated with culture, customs, and traditions in Penglipuran traditional village, Village development concept

Ecotourism products will allow tourists to meet with the local community as hosts. According to Nugroho (2011), ecotourism is unique and tied to local environmental and cultural conditions. In Nugroho's view (2011), an ecotourism product can be categorized as an ecotourism product if it meets the following criteria: (a) is responsible for the impacts on the natural and cultural environment it causes; (b) is carried out in natural areas or managed according to natural rules; (c) involves elements of education and understanding of the cultural environment of ecotourism destinations as well; (d) supports conservation efforts and increases local community income (Nyoman Suksma Arida, 2016: 31).

Referring to Law Number 10 of 2009 concerning tourism, Government Regulation Number 67 of 1996 regarding the organization of tourism, and Regional Regulation of the Province of Bali Number 5 of 2020 regarding Standards for Implementing Balinese Cultural Tourism Balinese tourism is based on Balinese culture, which is imbued with the philosophy of Tri Hita Karana, which originates from the cultural values and local wisdom of Sad Kerthi and is based on Balinese taksu (Article 1, number 12). Then, in traditional villages, there is potential, such as tourist attraction, hereinafter abbreviated as DTW, which is everything that has uniqueness, beauty, and value in the form of a diversity of natural, cultural, spiritual, and man-made assets that are the target or destination

of tourist visits (Article 1, number 28). In the development of ecotourism and/or tourist villages, you can explore the potential of traditional villages.

In the practice of ecotourism and mass tourism, there are now unpleasant problems that are being carried out by tourists visiting Bali. Various problems arise from riding motorbikes that are not dressed properly, taking pictures in places that are sacred to Balinese Hindus, climbing mountains that do not comply with cultural arrangements, traditional traditions, and local culture that live in society, and various forms of cultural violations that live in Balinese indigenous people. This problem can be answered by conducting tourism research from the Ipoleksosbudhankam perspective. Of course, this study will assist the Bali government and the Center in developing quality, dignified, sustainable tourism that does not violate the cultural human rights of the local community. It should be emphasized that the human rights of travelers and the human rights of the host (Balinese indigenous people) are balanced in tourism interactions in Indonesia. The very important thing in building Balinese culture is a fairly long process, as is the development of the concept of cultural tourism, which is rooted in Hinduism, the Trihita Karana philosophy, adat, culture, and local traditions that live among Balinese indigenous peoples. The challenges facing the Balinese people now in digital globalization are certainly different from when tourism was just developing in the 1970s. Bali Tourism Design with Balinese Cultural Tourism Implementation Standards based on one unified territory, one island, one pattern, and one governance (Article 3, number 1)

A tourism village is a village administrative area that has the potential and uniqueness of a unique DTW, namely experiencing the uniqueness of life and traditions of rural communities with all their potential (Article 1, Number 29), which is imbued with the philosophy of Tri Hita Karana, which originates from the local wisdom of Sad Kerthi, including a. being environmentally friendly; b. continuity; c. balance; d. alignment with local resources; e. independence; f. citizenship; g. togetherness; h. participatory; i. transparency; j. accountable; and K. benefit.

Dalam konsep pariwisata budaya di Penglipuran mengaplikasikan filisofi *Tri Hita Karana, Sacred Place (Temple)* The existence of holy places (temples) has long been the most popular tourist attraction in Bali. Related to this, Bali is also known by the nickname *The Island of Thousand Temples* or "*Island of a Thousand Temples*". Religious nuances and a distinctive architectural style make the temple a tourist attraction that is in great demand by tourists. Like traditional villages in Bali in general, Penglipuran Traditional Village has several sacred places that have the potential to become tourist attractions. In addition to the sacred places belonging to the family or *sanggah* located in each *paumahan* reef, in Penglipuran Traditional Village, there are at least 18 temples, consisting of 12 temples belonging to traditional villages and 6 sacred places belonging to certain family groups or *dadia*. In essence, Balinese culture is classified as an expressive type of culture that emphasizes religious values as the dominant value. This gives the impression that there are almost no phenomena or events that, in totality, are truly profane or secular in nature but always contain religious overtones. The thickness of religious overtones in Balinese culture is inseparable from the conception of the *sekala* (natural) and *Niskala* (supernatural) environments. Every phenomenon or event that is visible, besides having a *sekala* aspect, is also believed to have an abstract aspect. In this

*regard, various life problems are not only solved using sekala methods but also in an abstract way (Pujaastawa, 2014). Likewise, the management of tourism in Penglipuran Traditional Village also pays close attention to abstract aspects. According to the beliefs of the local community, the benefits derived from the tourism sector are also pasuwecan (a gift) from the abstract world. Therefore, to maintain a harmonious relationship between humans and the spiritual environment, the traditional village, through the Penglipuran Tourism Village Management Institute, always makes offerings (mabanten) to ask for blessings and safety.*

In terms of legal theory, it has a cultural meaning in its relevance to ecotourism in Penglipuran traditional village as a cultural village that is synergized with the natural environment of bamboo that grows in Penglipuran village. So villages with natural bamboo can be synergized with the cultural values of their indigenous peoples. The bamboo area in Penglipuran 45 Ha traditional village has this potential, but it has not been professionally worked out by the traditional village. For this reason, according to Kelian adat Penglipuran village I Wayan Budiarta, regulations are needed at the customary village level in the form of awig-awig by including substances related to the management of cultural village synergies with natural bamboo for the benefit of the Penglipuran indigenous village community's welfare. Apart from being able to include the legal substance in the awig-awig, if the awig-awig is not possible, then it can be made in the form of a separate paragraph regarding the management of bamboo ecotourism. The legal substance that is expected to be included in the Awig-awig is that natural ecotourism is fully managed by the Penglipuran customary village by forming the Bamboo Natural Ecotourism Management Board. As a traditional village, it can form a Baga Utsaha Padruwen Traditional Village (BUPDA) by the Prov. Bali Number: 4 of 2019 concerning Traditional Villages, articles 22, 25, and 31, by developing the traditional village economy, maintaining the security of traditional villages, and carrying out other tasks assigned by the government and regional governments. In Article 23, customary village authority includes authority based on origin rights and local authority on a traditional village scale. Article 25 paragraph (1) local authority on a customary village scale as stated in Article 23 covers the management of a holy place and sacred area; b. customary forest; c. water sources; d. pass and sea; e. padruwen customary village/customary territory; f. agriculture, plantation, fishery, and animal husbandry; g. food industry and people's crafts; h. traditional village markets and tenten; i. boat moorings; j. public baths; k. art, culture, and pasraman galleries; i. libraries and reading gardens; m. tourist destinations and/or attractions; residential neighborhood.

In terms of natural uniqueness, geographically, Penglipuraan village is overgrown with Mambu forest. Due to the presence of bamboo, the Penglipuran community uses bamboo as a raw material for community living facilities. This means that using bamboo materials, the Penglipuran people make roofs and house walls from bamboo. With bamboo, the Penglipuran people also develop handicrafts and household industries for the needs of the tourism community.

As a comparative study with Penglipuran ecotourism/village and Pandawa Beach ecotourism, Kutuh traditional village. That the legal issues related to Bali Provincial Regulation Number 4 of 2019 concerning traditional

villages require an in-depth study of whose interests are being fought for. The laws that are formed are not always complete and clear. Sometimes the makers of laws and regulations either intentionally or unintentionally use terms or understandings that are general in nature so that the result can be given more than one meaning. Furthermore, sometimes the terms used in laws and regulations do not have a clear meaning or cannot be realized in the reality of a society that has experienced development and change (Abintoro Prakoso: 59). Another thing is that sometimes you can find problems in society that don't exist or haven't been regulated by laws and regulations. In this statement, the author dissects the case based on Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages, Article 60, Letter B. Traditional Villages have Utsaha Desa Adat, which consists of BUPDA.

Article 62, number 1, BUPDA as referred to in Article 60, letter b, is Utsaha Desa Adat in the economic sector and the real sector; paragraph number 2, the BUPDA as referred to in paragraph (1) is formed, regulated, and managed based on customary law; paragraph 3, further provisions regarding guidelines, mechanisms, and the establishment of BUPDA are regulated in Regional Regulations. Article 104 of this Regional Regulation shall come into force on the date of promulgation in the Regional Gazette of the Province of Bali Year 2019 Number 4 Noreg Regional Regulation of the Province of Bali: (4-131/2019), Promulgated in Denpasar on May 28, 2019, Regional Secretary of the Province of Bali. In the reality of culture, customary law, and economic phenomena in traditional villages. For example, in the traditional village of Kutuh, the birth of a traditional village business under the name BUMDA (Baga Utsaha Manunggal Desa Adat) in 2014 The existence of BUMDA in the Kutuh traditional village found arrangements in the village administration through village regulations number 08 of 2014 concerning the formation of BUMDA. Furthermore, Bendesa adat Kutuh also issued Decree Bendesa adat No. 12/KEP.DAK/XII/2014, dated December 12, 2014, regarding the same matter. According to customary law, it turns out that the Head of the Kutuh Desa customary village has issued the Pararem of the Kutuh Traditional Village Number 01 of 2014 concerning the Formation and Management of the Utsaha Manunggal Baga of the Traditional Village (BUMDA) of the Kutuh customary village, which was stipulated by the Head of the Kutuh Traditional Village, I Ketut Suwena, S.Pd.H., on June 16, 2014. Related to the Regional Regulation on Traditional Villages No. 4 of 2019, regarding traditional villages, this BUMDES existed before the enactment of the regional regulation. In the context of a large rule-of-law nation, people are needed who can grasp the meaning of the development of the rule of law well and intelligently. The rule of law is not just a document but a project that goes far beyond words and concepts. The point is that the rule of law is also the behavior of the people who implement it (Satjipto Rahardjo, Kompas, 9/23/2002). The value dimension, which lives in society as the value of local wisdom, is the philosophy of Tri Hita Karana, which is the guideline for the Balinese Hindu community in managing the environment of traditional villages. Traditional villages have genuine autonomy to regulate their territory based on village interviews. Can make legal products to regulate traditional villages for the

benefit of the community in the form of awig-awig and pararem. If you want to develop bamboo nature tourism, you can arrange it with awig-awig and/or pararem, taking the example of the traditional village of Kutuh in managing the bamboo nature tourism village.

The cultural value dimension of the Penglipuran traditional village is village yard land (PKD), which is land prepared for those who are polygamous. Tanah PKD, Karang Memadu, is a symbol of how sociologically the law acts on legal values and ideas and on beliefs and collective institutions that aspire to these values and understand these ideas and manifest themselves in "normative facts," which are immediately the source of validity (validity), namely the validity of the positivity of all laws (Sabian Uthman, 2016: 117).

### *Making Kerta Desa effective in resolving the legal issues of the Ayahan Village Land (AyDs) in customary cases*

In carrying out the duties of a village peace judge, the head of the Penglipuran customary village assigned Kerta Desa as the village head, who assists the customary chief of the village. The results of the study show that the customary law arrangements in Bali are contained in Bali Province Regional Regulation No. 4 of 2019, which requires that every customary village have an awig-awig (village rules governing the rights and obligations of customary village residents) in Bali. The authority of the customary kertadesa to hold customary courts and impose sanctions is an authority that is directly granted by laws and regulations, which are contained in the Regional Regulations of the Province of Bali. The legal force of the decision given by the customary village head is binding and final for anyone who violates the customary village rules.

The Balinese people have a rule in every traditional village to deal with customary issues in their area known as awig-awig. These existing rules become guidelines for regulating the lives of traditional village communities in Bali. Kertadesa adat is a special institution that has the authority to handle cases of violations of awig-awig norms that occur in the wewidangan (territory) of traditional villages.



Figure 6. The servant held an FGD and provided legal counseling to Kerta Penglipuran Traditional Village, Prajuru Village, and Sabha Village related to cases that might arise because they were related to AyDs land

Customary law in Indonesia itself has been recognized in the state constitution. The result of the second constitutional amendment, namely the 1945 Constitution of the Republic of Indonesia, has produced article 18B paragraph (2), which states "the state recognizes and respects customary law community units..." This provides a juridical basis for the fact that indigenous peoples are protected and their rights are guaranteed in Indonesia. The application of customary law in Bali itself is a teaching that originates from traditional religious-magical values that exist in Balinese society. Based on the Reception of Complex Theory, which was first put forward by C.F. Winter and Salomon Keyzer in 1823-1868 and continued by L.W.C. van den Berg in 1845-1927, this theory explains that: "orang Islam di Jawa menerima masuknya hukum Islam secara integral, sehingga mengikat masyarakat bersangkutan, dengan kata lain hukum Islam mengikat bagi penduduk asli yang beragama Islam."

The meaning of the theory is that religious law applies as a law that applies in society. So religious law becomes part of customary law in society. This theory also applies to indigenous peoples in Bali because Hindu law binds people of the Hindu religion. So that the Balinese indigenous people will be bound by the customary law rules that developed in the area. The existence of customary law as a regional law is explained in von Savigny's view. According to him, customary law is part of the culture of a society. Utrecht himself thinks that the law that the natives enforce is their own customary law. Therefore, the application of customary law in Bali is based on Hindu law (Putu Eva Ditayani Antari, I Kadek Budiadinata Satriatama Adnyana, 2023: 191).

The existence of unwritten customary law in Bali has developed to the point where at present every customary village in Bali is required to draw up an awig-awig, and those who already have an awig-awig must register it with the Regional Government of the Province of Bali under the provisions of Article 13 paragraph (5) of the Regional Regulation Bali Province Number 4 of 2019, which was then followed by Bali Governor Regulation Number 4 of 2020 Concerning Regulations for Implementing Regional Regulation Number 4 of 2019 Concerning Traditional Villages in Bali. In this Governor Regulation, the procedures for Awig-Awig correspondence are regulated in Articles 3 and 4. Based on the provisions of Article 4, the Awig-Awig for Traditional Villages must be prepared based on the Guidelines for Writing Awig-Awig for Traditional Villages prepared by the Traditional Village Assembly (MDA) of the Province of Bali and facilitated by the Indigenous Peoples Promotion Service. Based on Pasamuhan Agung II, MDA Bali Year 2021 Number: 03/KEP-PSM.II/MDABALI/X/2021 Concerning Guidelines for Awig-Awig Letters for Traditional Villages Therefore, the existence of customary law (awig-awig) in Bali is based on its form, which is a law that is documented (recorded) to preserve its customary values.

Traditional villages that currently do not have an awig-awig should already be compiling an awig-awig, which is contained in Article 14 of the Regional Regulation of the Province of Bali Number 4 of 2019, which states that the awig-awig of a traditional village is obliged to regulate aspects of Tri Hita Karana, namely aspects relating to the relationship between humans and God

(Parahyangan), aspects related to the relationship between fellow human beings (Pawongan), and aspects related to the relationship between humans and the natural environment (Palemahan). Then Article 15 of the Bali Traditional Village Regulation states that the contents of the Awig-Awig Traditional Village include: a. Sukreta Tata Parahyangan; b. Pawongan arrangement Sukreta; and c. Sukreta of customary village administration.

Related to legal issues in the Penglipuran customary village, especially the Ayahan Village Land, which is worked on by the Penglipuran customary Krama and is certified as land ownership by the Krama Adat. Based on the results of interviews with customary village head I Wayan Budiarta and FGD, for the land of Ayahan Desa that was certified, after the issuance of the certificate, it was mandatory to submit it to the customary chief of the village to serve as proof that the certificate was a customary village right. After being given an understanding of land law, after the post-test test, there was an increase in understanding of land law and customary conflicts, which increased by 20%.

The Penglipuran community is still able to survive and continue to carry out natural conservation of the bamboo forest and its environment because the indigenous village community adheres to the provisions of customary law contained in the awig-awig and perarem. The customary law rules regarding environmental preservation meet the validity requirements of a rule of law, so they are effective. The customary law rules also meet the requirements of social, juridical, and moral validity.

## **CONCLUSIONS AND RECOMMENDATIONS**

Commitment to implementing health protocols is the main key for foreign tourists visiting Bali tourist destinations to enter a new era of life order, including the Penglipuran tourist village. Penglipuran traditional village is managing a tourism village based on local wisdom. In the context of a new order of life in the post-COVID-19 pandemic, recovery was held, and there were standards regarding cultural tourism in Bali based on the philosophy of Tri Hita Karana. In cultural reality, with the philosophy of Tri Hita Karana, this can be optimally implemented in developing culture-based tourism village management, and it is planned again to develop nature-based bamboo tourism.

Legal theory with cultural meaning can practically be used to solve legal problems that exist in the Penglipuran tourism village, according to what was conceptualized by I Wayan Wesna Astara. In Bali, every traditional village has original autonomy and the right of origin in the administration of the traditional village. Local customary law uses awig-awig and pararem as a means to resolve customary disputes. However, in the context of the customary village state, it is actually only a semi-autonomous group because, in the implementation of customary village autonomy, they still have to submit to state power.

The role of Kerta Penglipuran traditional village in maintaining local wisdom values through awig awig and perarem The application of customary law in Bali itself is a teaching that originates from traditional religious-magical values that exist in Balinese society. Kerta Desa has the duty and authority to

receive, examine, and resolve customary and speech cases that occur in the traditional village based on Penglipuran customary law.

One of the issues that still needs to be discussed is the certificate model that is the output of the registration process for PKD and AYDS land classes, especially regarding the subject of the rights included in the certificate. Who is listed as the subject of land rights in the certificate, whether in the name of the village or the name of an individual village headman? If it's in the name of the village, there is a possibility of resistance (rejection) from the village krama who control the land, especially for PKD and AYDS lands where the character of individual rights is already so strong (I Ketut Sudantra, 2018: 560).

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