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## BIOREGIONALISM TO REALIZE THE UTILIZATION OF SUSTAINABLE AND ENVIRONMENTALLY FRIENDLY TOURISM SPACE BASED ON LOCAL WISDOM IN BALI

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### Abstract

*This study aimed at formulating a new regulation model which is capable of integrating economic and ecological aspects in a bioregionalism concept for the utilization of tourism space based on local wisdom in Bali. Considering the Balinese tourism industry is vulnerable to environmental damage, there should be protection for the sustainability of the tourism industry in a regulation arrangement which emphasises on preservation aspect. Bioregionalism proposes an idea of self-sufficiency, self-fulfilling, and economic sovereignty to fulfil all of the needs of the local people based on the existing natural sources and potency by synchronizing the local nature. To support sustainable development, the environmental support and capacity must be accommodated in a space management cycle. It is conducted to support the potency of the investment issue. It is an analytical descriptive study which was designed in 2 years with a qualitative approach. The data collection was done through in-depth interviews in which the informants were purposively selected. This study produced a regulation model of space utilization in tourism areas based on bioregionalism to realize sustainable and environmentally friendly Balinese development. This study becomes a new reference in environmentally sustainable development in the tourism sector. Through the bioregionalism concept, the negative impact of the activity involving the environmental, social and economic aspects can be revealed.*

**Keywords:** Space Utilization, Tourism, Bioregionalism, Local Wisdom.

### Introduction

Tourism development is like a double-edged sword, on the one hand, it makes a positive contribution to people's lives, but on the other hand, it causes various problems that have a direct impact on space capacity. To support sustainable development, in the land use planning cycle, environmental capacity and resilience must be taken into account to maximize the potential generated for investment purposes. The natural panorama of the island of Bali attracts investors looking for profits. This area of Bali, which is mainly surrounded by coastal views, has a high selling value and a very strategic location. This opportunity creates a conflict of interest between investors and the customary communities living in *Pakraman* Village between doing business and maintaining local wisdom. Considering that the tourism industry is very vulnerable to environmental damage, it is necessary to protect the sustainability of the tourism industry in a legal order that prioritizes conservation aspects. Tourism policy implementation is still local, causing many overlapping policies, and not creating consensus on cross-sector benefits related to space violations. Several violations of land use caused by tourism activities in Bali, including violations of river boundaries, beach boundaries, sacred temple radius and violations of the green line in several tourist areas, such as Ubud and Pecatu, in the Badung region. Another study found that every year Bali's agricultural land decreases.

PICA research estimated that over six years, the area of rice fields in Bali has increased from 87,850 hectares to 82,644 hectares. Dramatic land use changes in Bali's tourist areas also threaten the continuity of local intellectual values. The relationship between the environment and tourism is not always a positive and beneficial symbiosis, which is why conservation, appreciation and education efforts are undertaken to ensure that the relationship between the two parties is stable. Spatial planning violations are caused by weak law enforcement, inconsistent government policies, and lack of legal certainty, which indicates that the implementation of development in the tourism sector is inappropriate. In line with the mission of Tourism Law No. 10 of 2009, in the implementation and regional planning, consolidation and survival of the community and the local wisdom of the community are not regulated by Law No. 26 of 2007 concerning Regional Plans, therefore it seems that this issue is not approved by The Law of Regional Plans (Sudira 2021).

The concept of bioregionalism is a solution to build a model to regulate land use planning in tourist areas. Bioregionalism promotes the idea of self-sufficient, self-fulfilled and economic sovereignty to develop the lives of all local communities based on the potential and existing natural resources by adjusting the rhythm of life, and local natural rhythms. This concept invites humans to organize their lives both economically and

ecologically in harmony and peace with nature. Development plans in each region are made based on the natural potential of each region without giving in to the tricks of global capitalism. This concept is in line with the current vision and mission of the development of the Province of Bali, namely *Nangun Sat Kerthi Loka Bali* which is based on *Tri Hita Karana* and *Tri Mandala* principles.

The research aims to formulate policies in the spatial planning of tourist areas in Bali using the concept of bioregionalism to realize the development of Bali "BERSAINING (*Berkelanjutan Berwawasan Lingkungan/Sustainable with Environmental Insight*). The development of "BALI BERSAINING" is a concept of sustainable development with an environmental perspective, which is a conscious and planned effort, which integrates the environment, including resources, into the development process to ensure the capabilities, welfare and quality of life of present and future generations. This step was taken as an effort to integrate environmental, social and economic aspects into development strategies to ensure the integrity of the environment as well as the safety, capabilities, welfare and quality of life of current and future generations.

### Research Method

This is empirical legal research. Empirical legal research as revealed by Mukti Fajar focusing on the existence of law cannot be separated from the social conditions of society and human behaviour related to these legal institutions (Dewata and Achmad 2013). In this regard, the research is relevant to the issues raised. As empirical research, the emphasis is on field data. Data was collected using the interview method which was equipped with a tool in the form of a list of questions or an interview guide, then the data was processed qualitatively and the results were presented in an analytical descriptive form.

### Discussion

#### The Effectiveness of Space Utilization in Tourism Space Based on Local Wisdom in Bali

Population growth makes land use planning difficult, especially in Bali. The rapid growth of tourism in Indonesia, especially in Bali, faced serious challenges in terms of control and utilization of space. By creating locally protected spaces (sacred areas, borders, green spaces) as part of the areas covered by Bali Provincial Regulation No. 16 of 2009, then amended by Bali Provincial Regulation No. 3 of 2020 concerning the Bali Province Spatial Planning Plan, some people think that it is unfair because it is seen as limiting the use of property rights to their lands in the region. As a result, there is a lot of fraud in planning space in areas that are tourism destinations, especially in areas that are designated as protected areas.

At the implementation level, the establishment of zoning regulations in Bali is problematic. In the field of land use planning, the Bali Provincial Government issued Bali Provincial Regulation No. 16 of 2009 concerning the Bali Province Regional Spatial Planning Plan 2009-2029, which was later amended by Bali Provincial Regulations No. 3 of 2020 concerning the Bali Province Regional Spatial Planning Plan hereinafter abbreviated *Perda RTRW*.

Article 42 of the Regional Regulations regulates the existence of protected areas, including local protected areas. The definition of a protected area is regulated in Article 1 No. 26, which defines protected areas as "designated areas whose primary function is the protection of environmental sustainability, including natural and artificial resources". The scope of this local protection area includes holy places, borders (beaches, rivers, lakes, ravines) and urban green open spaces (Article 44). According to Article 1, 41, holy sites include "areas around temples that are kept sacred within a certain radius following the status of the temple as determined in the *Bhisama Kesucian Pura Parisadha Hindu Dharma Indonesia*". According to the Parisada Hindu Dharma Indonesia, the purity/sanctity of this temple varies. In Bhisama of PHDIP No. 11/Kep/I/PHDI/1994 dated January 25 1994, details of the radius of the holy place are stated. The access is as follows: (1) For the temple Sad Kahyangan is determined by the size of *Apeneleng Agung*, which is a minimum of 5 km from the temple. (2) For Dang Kahyangan Temple, the size of *Apeneleng Alit* is determined, which is a minimum of 2 km from the temple. (3) For Kahyangan Tiga Temple and others, the size of *Apenimpug* or *Apengengker* is applied.

*Perda RTRW* of Bali also defines the width of the boundaries that must be preserved. For river boundaries, a width of 3 to 150 meters is determined depending on the location and condition of the river, whether the river is in a rural or urban area, and whether the river is at risk of flooding or not. For beaches, the width of the shoreline is defined to cover the land area as 100m from the highest tide point towards land. Regarding the lake boundary, it is determined that it covers an area of land 50 to 100 meters wide from the highest tide point of the lake. For defined canyon boundaries, the width is at least twice the depth of the canyon and at least 11m from the edge of the canyon towards the plane (Article 50).

Within these protected areas (local protection), some of them are included in the area as property status packages. With the conversion of this land into a protected area, landowners are no longer free to use the land for their benefit and those involved receive no compensation from the government. Zoning protected areas for permanent ownership is contrary to the nature of land ownership. According to Article 20 of the Law of Basic Agrarian Principles, property rights are the strongest and most complete inheritance rights to land that humans can obtain on land. Thus, freehold holders can use their land for any purpose, including construction. Article

38 paragraph (2) of the Law of Spatial Planning indeed regulates that for space utilization to be following regional spatial planning, the Government can provide compensation to owners in the form of tax reductions, compensation, cross-subsidies, fees, rent, shares, etc. People do not benefit from these incentives unless the land is used for public utilities like building roads, houses, etc. That's the problem, it's a violation of justice. The people, feeling they did not receive justice, took revenge by breaking the reserve rules. The economic value of land has also increased drastically, encouraging landowners to use their land in protected areas as sites for tourist facilities, such as villas or other commercial buildings. Many landowners sell or lease their land in a protected area for investors. For example, violations can occur in the Ubud area, one of the tourist areas of Gianyar Regency. In this area, many villas violate the border regulations along the Ayung River in the Ubud Kedewatan area. Apart from villas, there are many commercial buildings in this area in the form of semi-permanent huts and permanent houses. Even though there has been a sign prohibiting the building. The implementation of the sanctity of temple areas in Bali is also problematic. As a result of restrictions on the use of land affected by the radius of the sacred area, the community greatly complained. They feel injustice because they are prohibited from building on their land, just because their land is included in the sacred area of the temple. Many of them put up a fight by ignoring these restrictions. The phenomenon of violations of land use planning because people who use their land in protected areas have difficulty accessing justice shows that justice has not been carried out in controlling land use. Instead of being able to control the use of space, regulations regarding land use planning harm environmental conservation. Therefore, there needs to be a solution to regulate space use so that this use can maintain a balance between protecting the environment and its benefits for community welfare. Although the implementation of locally informed spatial and area use regulations is regulated in regional *RTRW* regulations, their enforcement must also be accompanied by government compensation for land owners whose land is included in protected area planning.

#### **The Design of Regulation Model of Space Utilization in Tourism Space Based on Local Wisdom with the Concept of Bioregionalism to Realize the "BALI BERSAING"**

The concept of bioregionalism is a model for organizing and building sustainable human social life, namely a society that lives according to patterns or habits of life where the economy and ecology are closely related and cannot be separated. The bioregionalism model is the development and fulfilment of life's needs by regulating the ecology of local communities by protecting and caring for ecosystems to support the economic life of the community. This is in line with Article 2 Letter h of The Law of Environmental Protection and Management, according to which environmental protection and management is carried out based on the principle of ecological zones, namely that environmental protection and management must be concerned with environmental characteristics, natural resources, ecosystems, geographical conditions, local community culture, and local wisdom.

Economy and ecology are two realities and practical life that are intertwined in the culture of the local community. Harmonization of spatial use control in tourist areas according to the environment by optimizing the local wisdom of the local community is very beneficial for the development of sustainable tourism. Utilization of natural resources in undeveloped areas can be maximized by supporting the development of ecotourism by doing justice and welfare for the local community, as stipulated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, land, water and natural resources must be controlled by the state and used optimally for the welfare of the people.

Economically, bioregionalism promotes the idea of self-fulfilling, self-sufficiency and economic sovereignty for the fulfilment of the whole life of the local community on the potential and existing natural resources by adjusting to local natural rhythms. Ecology requires humans to utilize local natural resources efficiently by nurturing, caring for, cultivating and ultimately using them wisely. This is the meaning of living in harmony with nature, and developing an economy in harmony with natural laws and conditions. Nature is not conquered but respected and served because it provides people with necessary resources including food, water, air, energy, sunlight and climate are all important to the human economy.

The concept of development relies on nature and the local environment to support tourism activities that do not damage the existing environment and will be in harmony with nature. Therefore, the utilization of natural resources on community land in undeveloped areas can be utilized optimally to support tourism development to improve the standard of living of the local community. The concept of environmentally friendly development combined with nature is one solution, for example in Bali, the upstream concept is used to determine the direction, location, and layout in the construction of houses combined with the "*Tri Mandala*" concept which is one of the local concepts. Intelligence is a pattern that divides territory, region and/or yard which is divided into three levels consisting of *utama mandala*, *madya mandala* and *nista mandala* (Dharmayudha and Santika 1991). This philosophical value is applied in the utilization of land that is in the no-building zone because the concept in question does not damage the surrounding nature.

Sustainable development creates the environment part of the dynamics of national development, which increasingly crystallizes in the reality of national life. Development must be ecologically, socially and economically sustainable (Salim 1993). Emil Salim stated that sustainable development requires us to manage

natural resources properly. This means that natural resources are processed, as long as they are reasonable and wise. So, we need a way of development with attention to the environment, namely eco-development. Siti Sundari Rangkuti further stated that the draft environmental legislation was prepared to support the Environmental Law as a place to formulate environmental policies that would be a solution to environmental problems (Rangkuti 2005). For this purpose, law as a means of development and social engineering with its role as an agent of change is the basis for sustainable development (Kusumaatmadja 1975). Thus, environmentally sustainable development can be formulated or interpreted as a development perspective that is used to meet needs.

The concept of bioregionalism does not conflict with Hindu philosophy which is related to efforts to maintain the balance of the universe and its contents, namely *Tri Hita Karana*. According to this philosophy, prosperity, peace and happiness in human life in this world can only be achieved if there is a balanced relationship between the elements of *Tri Hita Karana*, namely *Sang Jagat Karana* (God the Creator), *Manusa* (human) and *Bhuana* (nature) (Sudantra and Windia 2012). The *Tri Hita Karana* philosophy is very appropriate to be used as a foundation for life guidelines in building and maintaining a balanced relationship between humans and the space in which humans live. The philosophy of *Tri Hita Karana* is made one of the important principles in the Spatial Plan for the Province of Bali, in addition to other principles, namely *Sad Kertih*; continuity; usefulness and success; cohesiveness; harmony, compatibility, and balance; openness; togetherness and partnership; protection of public interests; legal certainty and justice; and accountability. So that in the future we can realize the development of "Bali Bersaing". The basic principle of sustainable community development focuses on economic equality of local communities in line with the principles of distributive justice promoted by Aristotle which states that "Justice consists in treating equals equally and unequals unequally, in proportion to their inequality", is the distribution of justice to natural wealth, owned by society to maintain a balance between what she gets and what she deserves (Darmodihardjo 1996). Including the use of natural resources in synergy with the local environment to support tourism activities. Space utilization regulations must be sourced from the values of justice that exist in society. "Justice as fairness" in the view of John Rawls which focuses on justice as the main virtue in social institutions, there needs to be balance, comparability and harmony between the interests of each individual and the interests of society, including the state (Rawls 1971).

## Conclusion

The concept of controlling spatial distribution in tourist areas towards community welfare is an integral part of the dynamics of national development through the principles of sustainable development, respecting the environment, and recognizing ecological development. The basic principles of sustainable development are regulated in Articles 1, 3, Law No 32 of 2009 concerning environmental management, that sustainable development is a conscious and planned effort to integrate environmental, social and economic aspects into development strategies to ensure environmental integrity and safety, capacity, welfare and quality of life for present and future generations. This concept is consistent with Article 2 of the Law of Spatial Planning, spatial planning is carried out based on the principles of sustainability, legal certainty and justice, as confirmed in Article 5 of the Law No. 10 of 2009 concerning Tourism, that tourism is carried out based on the interests of happiness, justice, equality and proportionality.

The concept of bioregionalism is a model for organizing and developing human social life in a sustainable manner, namely communities that live according to patterns or lifestyles that are closely related to economics and ecology. The bioregionalism model is changing and satisfying life's needs by regulating the ecology of local communities by protecting and caring for ecosystems to support their economic life. This is in line with Article 2 Letter h of The Law of Environmental Protection and Management, according to which environmental protection and management is carried out based on the principle of ecological zones, namely: Environmental protection and management must pay attention to the characteristics of natural resources, ecosystems, geographical conditions, local community culture and local wisdom. Economy and ecology are two realities and practical life that are intertwined in the culture of the local community. Harmonizing the control of space utilization in tourist areas according to the environment by optimizing the local wisdom of local communities is very beneficial for the development of sustainable tourism. The use of natural land resources in areas that have not been developed can be maximized by supporting the development of ecotourism to achieve justice and welfare of local communities as regulated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that, land, water and the natural resources contained therein are controlled by the State and used optimally for the prosperity of the people.

The establishment of zoning regulations in Bali causes problems because people whose land is included in protected areas feel that they do not receive justice because they do not receive compensation from the government. The suggestion is that people should be given compensation following existing mechanisms. So, the concept of bioregionalism, which is a model for organizing and developing the life of human society in a sustainable manner, namely a society that lives in a pattern or habit of life where economy and ecology are inseparably united, can be realized.

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