



Reinforcement of Local Wisdom Law in The Protection Of Bali Cultural Tourism

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Abstract—Tourism is often considered a factor that can damage culture, where parties who oppose the existence of culture-based tourism assume that the arrival of tourists or visitors to a place can cause damage to nature and the authenticity of a cultural product. With this background, the problem studied is how the authority of the local government strengthens local wisdom laws in efforts to protect Balinese cultural tourism. The type of research used is normative law, which is research based on secondary data. It can be stated as research that is more focused on analyzing research objects in the form of legal norms. In principle, culture is a value that is always inherited, implemented, and believed based on habits that live in society and the process of social change. The implementation of the values of this culture is a manifestation and recognition given to the cultural community. Therefore, the existence of noble cultural values in tourism must be strengthened in the form of laws and regulations.

Keywords— *Legal Protection; Local Wisdom; Tourism.*

I. INTRODUCTION

Indonesia has a vast diversity of tourist destinations, where all tourism development activities cover people's lives, including transportation, accommodation, food and beverages, souvenirs, and services.[1] Otto Soemarwoto stated that tourism development is a complex activity concerning tourists, activities, infrastructure, objects and attractions, supporting facilities, environmental facilities, and so on. The tourism industry's development has proliferated, which aligns with the current era.

One of the provinces in Indonesia where tourism is a job commodity is the Province of Bali, which uses cultural tourism, which highlights the natural beauty and also the beauty of Balinese art and culture; this is stated in the Regional Regulation of the Province of Bali Number 5 of 2020 concerning the Standards for Organizing Balinese Cultural Tourism.[2] The concept of cultural tourism in Bali aims to provide entertainment to every tourist who visits Bali by introducing the Balinese people's unique and exciting cultural life. The development of tourism is experiencing dynamics in terms of social, economic, and political. The dance art attractions performed to tourists aim to provide an understanding related to the rituals of community life in a village, which currently also exist in various activities without considering the cultural values contained therein and tend to be carried out for commercial purposes only.

Indonesia is also rich in culture and the wisdom of the local community.[3] Each region in Indonesia has different local wisdom; this difference is caused by the challenges of nature and different life needs, so their experiences in meeting their life needs give rise to various knowledge systems related to the environment and society.[4] However, each local wisdom in various places or regions has the same function as a guideline, controller, and sign for behaving and interacting with nature. Local wisdom is defined as "wisdom in the traditional culture" of ethnic groups. In a broad sense, wisdom is not only in the form of cultural norms and values but also all elements of ideas, including those that have implications for technology, health care, and aesthetics. With this understanding, what is included in the description of "local wisdom" are various patterns of action and the results of its material culture. In a broad sense, it is interpreted that "local wisdom" is described in all cultural heritage, both tangible and intangible.[5] The community uses local wisdom to control daily life in family relationships, with fellow siblings, and with people in the broader environment. Because its scope is knowledge, culture, and local knowledge intelligence, local wisdom is also known as local knowledge, local wisdom, or local genius. S. Swarsi said that conceptually, local wisdom and excellence are human policies based on the philosophy of values, ethics, methods, and behaviors that are traditionally institutionalized. Local wisdom can last long and even be institutionalized because the values are reasonable and proper.

In the era of globalization like today, the development of advanced technology from time to time can certainly be seen through the many innovations that have been present and developed today, continuously undergoing revolution and developing drastically.[6] With the presence of globalization, the central and regional governments should make it easier to promote the uniqueness of culture and local wisdom owned by the Indonesian people as a cultural tourism destination.

Unfortunately, the existence of tourism is often considered a factor that can damage culture, where parties who oppose the existence of culture-based tourism assume that the arrival of tourists or visitors to a place can cause damage to nature and the authenticity of a cultural product. Tourism activities can result in a shift or modification of local culture, which is considered a tourism need. The party also mentioned that local culture can be modified to have a selling value to visitors, resulting in the erosion of the purity of cultural values. The purpose of this study is to analyze the extent of the role of local wisdom in society and government in protecting Balinese culture from the tourism industry. With this background, the problem studied is how the regional government's authority is strengthened in strengthening local wisdom law in efforts to protect Balinese cultural tourism.

II. LITERATURE REVIEW

A. *Local Wisdom*

Local culture is usually defined as the original culture of a particular community group. According to J.W. Ajawaila, local culture is the characteristic culture of a local community group.[7] Meanwhile, according to Britannica, the term local culture is usually used to characterize the experience of everyday life in certain identifiable places. The term local culture can also refer to the culture of the native population (inlander), which has been viewed as a cultural heritage. Local wisdom and local culture are similar because they are rooted in tradition and passed down from generation to generation. They contain values and norms that regulate social life and serve to maintain community identity. In addition, both are often related to environmental conservation and can adapt to changing times while maintaining society's core values.

Local wisdom represents a venerable set of values that flourishes within traditional community existence.[8] Emerging from the distinctive characteristics of communities coexisting harmoniously with nature, it profoundly influences their lifestyle, actions, and thought patterns. This dynamic interplay between life and nature gives rise to what is commonly known as local wisdom—a collective heritage ingrained in the noble life of traditional communities, passed down through generations and enshrined as policies governing their way of life. Local wisdom in indigenous peoples cannot be separated from how indigenous peoples come into contact with nature, including the forest. The sustainability of forests is fundamental at this time in the midst of an increasingly worrying issue of global warming. The concept of forest protection is inversely proportional to the number of forest explorations and exploitation by not paying attention to forest and environmental sustainability aspects. Especially if we look at the basis of the Indigenous peoples themselves who have territorial areas, even though, in practice, the existence of these areas is marked, and in other cases, it is also sometimes difficult to find.

Local wisdom in Penarungan Traditional Village, Bali, reflects the cultural richness that has been passed down from generation to generation by the local community. One of the main wisdoms is the Tri Hita Karana philosophy, which emphasizes the harmonious relationship between humans and God (Parhyangan), fellow humans (Pawongan), and nature (Palemahan). This philosophy is the basis for maintaining a balance between

tourism activities and the preservation of culture and the environment. In addition, the Subak system, which is traditional irrigation for agricultural land, especially rice fields, is also maintained as a form of respect for nature and fair management of air resources. The Penarungan Village community also maintains spiritual wealth through traditional and religious ceremonies, such as odalan and ngaben, which are an important part of daily life and cultural tourism attractions. The value of mutual cooperation is still strongly applied in various social activities and ceremonies, displaying a sense of togetherness and community solidarity. In addition, Penarungan Village also has a penglukatan place in Paluh Beji, which is often used for spiritual self-purification rituals, emphasizing the importance of air and the environment in the spiritual life of the Balinese people. This local wisdom is not only the cultural identity of the village, but also plays an important role in maintaining the authenticity and sustainability of Balinese traditions amidst the development of tourism.

Bali's socio-cultural capital is so unique when compared to other regions in Indonesia[9]; Bali has excellent potential in the effort to develop cultural tourism, which is based on Balinese culture. It can be concluded that Balinese culture in the context of developing cultural tourism is as follows: relating to elements of Balinese culture (religious systems, science, livelihoods, equipment, arts, social organizations, and Balinese language) and some cultural tourism-based development in Bali, namely culinary tourism, beach tourism, and mountain nature tourism.

In connection with the principal socio-cultural capital owned by Bali, the government should, both the central and regional governments, always see the potential of Bali as a tourism development area that is based on Balinese culture. Bali cannot be compared to other regions in Indonesia, which have vast demographic areas, which makes it possible to build an economy based on regional breadth. Bali, with all its cultural uniqueness, should be built based on its socio-cultural potential, which the unique socio-cultural potential has proved to make Bali one of the most prominent tourist destinations in the world.

B. *Legal Protection*

Legal protection can be interpreted as a combination of "protection" and "law." KBBI defines *protection* as something or an act that protects.[10] Then, the law can be interpreted as a regulation or custom officially considered binding, which the authorities or government confirms. Legal protection can be interpreted as an effort to protect carried out by the government or authorities with several existing regulations. In short, legal protection is a function of the law itself, providing protection. Starting from this simple definition, the Legal Dictionary defines legal protection as mandatory regulations that determine human behavior in the community environment. These regulations are made by authorized official bodies, and violations of these regulations will result in action.

In the discussion of tourism and its impact on local wisdom, several theories of legal protection can be identified[11]: (1) The Theory of Sustainable Development. This theory emphasizes the need to balance tourism development with the preservation of cultural and environmental values. It advocates for the responsible management of resources to ensure that tourism activities do not harm indigenous cultures or the environment. It is reflected in the principles outlined in Law No. 10/2009, which advocates for the development of tourism based on the uniqueness of culture and nature. (2) The Theory of Legal Protection of Culture. This focuses on protecting cultural heritage, especially indigenous cultures, from the detrimental effects of tourism. This theory is evident in the role of local governments, which create regional regulations (Perda) to preserve local wisdom, manage cultural areas, and enforce rules to protect cultural values in the face of modern tourism. (3) The Theory of Community Empowerment. This theory is essential in ensuring local communities benefit from tourism while retaining control over their cultural assets. It is reflected in the various initiatives that promote community empowerment, such as legal assistance, capacity-building workshops, and cultural tourism management based on local wisdom. (4) The Theory of Legal Protection in the Context of Regional Autonomy. This theory involves the role of local governments in protecting cultural tourism by formulating regulations, overseeing compliance, and providing infrastructure and support. It also includes empowering local communities and encouraging sustainable tourism development, as outlined in Bali Provincial Regulation No. 5 of 2020 and Badung Regent Regulation Number 22 of 2021. These theories collectively support the idea that when appropriately implemented, legal mechanisms can help mitigate the negative impacts of tourism and promote the sustainable development of local wisdom and cultural heritage.

III.METHOD

The type of research used is empirical legal research which is a research based on data obtained to reveal legal behavior in society, especially in resolving legal problems faced.[12] In this case, the research was conducted in Penarungan Traditional Village by conducting direct observation, in addition, the research is more focused on analyzing the object of research in the form of partner problems. This research uses a factual approach and a sociological approach that studies the reciprocal relationship between law and others. Data sources include legal documents such as Law No. 10/2009, Bali Provincial Regulation No. 5/2020, and Badung Regent Regulation No. 22/2021. These legal frameworks, combined with field observations, interviews, and local wisdom practices, provide insights into tourism's socio-economic, cultural, and environmental impacts. This study emphasizes cultural tourism based on the Tri Hita Karana philosophy of balancing development and cultural preservation.

IV. RESULT AND DISCUSSION

A. *Legal Strengthening of Local Wisdom in the Protection of Balinese Cultural Tourism*

The tourism industry has now proliferated, along with the development of the era and technology.[13] In the world of tourism, there are tourism businesses that fulfill tourists' needs for goods and services. Tourism is an activity that directly involves the community, and it can have a positive or negative impact on the community, especially on indigenous communities.[14]

It is also mentioned that tourism has a huge driving passion, which is capable of bringing society, especially local communities, to change towards improvement or decline in every aspect of human life. *Tourism* is a social phenomenon that involves several related parties, such as humans, society, organizational groups, and holistically in the cultural order.[15] Article 1 number 3 of Law No. 10/2009 states that tourism is a variety of activities supported by various facilities and services provided by the community, entrepreneurs, and the government. Tourism is also one of the activities currently needed by every human being.

The tourism development types in Indonesia are diverse; of course, this still requires study to strengthen and maintain tourism development. The development of the era can have positive and negative impacts; the positive impact is a method to promote areas that become tourist attractions and make access to tourist attractions easy. Tourism development hurts culture and social order, which causes an imbalance in society; the impact of tourism arises because of the interaction where the tourism industry involves three things, namely tourists, society, culture, and the relationship between society and tourists. Socio-cultural impacts arise when there is interaction between tourists and society when[16]:

1. Tourists buy products from the community according to their wishes, so there are demands that must be met,
2. Tourism brings relationships that were initially informal, but tourism entrepreneurs change people's spontaneous attitudes into commercial transactions and
3. Tourists and the community meet face to face, exchanging information or ideas, which can result in new ideas or concepts emerging.
4. Tourism brings development changes to the cultural system of society.

The impact of tourism is a change that can occur in society as a component of the environment, both before and after tourism activities are carried out. Impact identification can be interpreted as determining the influence of socio-economic changes and societal values before and after development. The impact of tourism on Indigenous peoples and communities in tourist destinations includes three main aspects: the impact on socio-economics, the impact on socio-culture, and the impact on the environment.

The development of the era and technology has resulted in a shift in understanding by tourism and tourism developers. The shift in understanding can be seen from the many changes in the local wisdom system that already exists in the Balinese traditional community, such as changes in the use of rice fields such as the subak system into hotels, restaurants, and other supporting facilities. In addition, many sacred and coastal and river areas have changed in terms of their designation; the boundaries of sacred areas, which are used as supporting places for tourism, no longer pay attention to the provisions of the cultural system and local wisdom. Such tourism development will undoubtedly damage the local wisdom and cultural system in Balinese society; the Balinese cultural values that have become the basis for the behavior of indigenous peoples are shifting.

The shift in tourism must undoubtedly be a particular concern; this is to maintain the traditional culture of the Balinese indigenous people so that traditional culture can still be the basis for the behavior of the Balinese people and tourism that is again based on cultural tourism with the philosophy of *tri hita karana*. [17] To implement and maintain Balinese tourism to survive the onslaught of the times, namely by developing and implementing a cultural tourism system. Cultural tourism is one type that uses cultural culture as its main attraction. Cultural tourism invites visitors to recognize local culture and communities, traditions and historical places, and performing arts from the local community. The concept of cultural tourism in Bali aims to provide entertainment to every tourist who visits Bali by introducing the Balinese people's unique and exciting cultural life. The development of tourism is experiencing dynamics in terms of social, economic, and political. The dance art attractions shown to tourists aim to provide an understanding related to the rituals of community life in a

village, which currently also exist in various activities without considering the cultural values contained therein and tend to be carried out for commercial purposes only.

Cultural values that are taught must be based on values, norms, and customs. It is still applicable in life. One of the values that exist is the existence of wisdom. Locals are a part of the cultural public, which cannot be separated from the language public alone. Knowledge is usually lowered from generation to generation through mouth to mouth. According to Paul Freire, education based on local wisdom teaches students always To be specific about What There is in front. Wisdom local is the idea that the local is wise and full of wisdom, and it marks kindness owned together and followed by the member public. As expressed by Sunaryo, where wisdom is mentioned locally, it can be found in the form of understanding local, Which is integrated with system trust, normative, and culture, Which is reflected in long customers.

Forming or shaping wisdom locally, according to Haryanto, is peace in practice, religious form, activity, and social based on the local wisdom culture. Culture matters marks, norms, morals, trust, custom customs, and rules that are special from wisdom local in public. Values highest related to wisdom local, like one's own love for the Creator's natural universe And man Which stays inside, as well as not quite enough answer, always Honesty, always discipline, as well as flavor respect, love Darling, as well as concern And attention, No fast give up, own justice at a time tolerance And flavor solidarity. Judistira said wisdom local is a form of a scheme of culture based on Good And bad, And local culture serves the perfect cultural area, Which is part of the most critical national culture.

Article 1 number 3 of Law No. 10/2009 states that tourism is a variety of activities supported by various facilities and services provided by the community, entrepreneurs, and the government.[18] The tourism industry is more intangible, *unlike the* manufacturing industry, such as the cement, shoe, or garment industries, so some experts say that tourism is a *smokeless* industry or an industry without chimneys. Other experts also mention tourism as a *travel industry*, or some call it a *hospitality industry* or a service industry that sells its hospitality. Of course, with these provisions, the local government must follow up on making a policy on tourism based on cultural tourism.

In principle, culture is a value that is always inherited, implemented, and believed based on habits that live in society along with the process of social change in society. Implementing the values of this culture is a manifestation and recognition given to cultural communities. Noble cultural values, especially in Indonesia, are used to build tourism that has differences and advantages with tourism in other countries.

Local wisdom in everyday life can also be seen in practice in various forms[19], namely:

1. Social control is usually played by various social institutions as a form of regulation or management of shared ownership in making decisions, resolving conflicts, using traditional law, demanding rights and obligations, and performing ceremonies.
2. The form of social network is a family network that impacts the centralization of power to determine relations, natural resources, human resources, and the allocation of sources of power, among other things.
3. Forms of qualification and quantification regarding the quality and quantity of material cultural wealth or natural resources, for example, the concept of a cultural community in grouping animals, plants, soil, forest water, and seasons, including local methods in calculating the number of goods.
4. The form of the teaching system is where the local community disseminates knowledge through various innovations and divisions based on culture.
5. The form of the herding system in the livestock sector, for example, regulates the duties and functions of the shepherd.
6. The agricultural system includes regulating a community to manage the agricultural system, intensification, monoculture, diversification, etc.
7. Forms of forest and plantation management, namely methods for implementing forest and plantation management that contain plants, and also local understanding regarding the relationship between humans and forests and plants (plantations, food, horticulture, and others).
8. Traditional forms of water management can manage water sources and flows using traditional techniques in water conservation, irrigation, and other fields.
9. Forms of human use of land, land control, land protection, and so forth.
10. The human utilization of plants as food for livestock or their use for medicines, perfumes, soaps, etc.
11. Forms of life and development that also include animal behavior.
12. About the overall worldview of a community regarding the nature of humanity, myths, human relations with the environment, and customs.

In Law No. 10/2009, tourism development cannot be separated from sustainable development. it can be seen in Article 6, which states that tourism development is carried out based on the principles referred to in Article 2, which is realized through the implementation of tourism development plans by taking into account the diversity, uniqueness, and distinctiveness of culture and nature, as well as human needs for tourism.[20] While in Article 7, it states that tourism development includes:

1. Tourism Industry;

2. Tourism Destinations;
3. Marketing; and
4. Tourism Institutions

Penarungan traditional village is a traditional village geographically located in Badung Regency, one of the villages whose tourism management is carried out through traditional villages. Strengthening traditional villages in developing and managing cultural tourism is regulated in Bali Provincial Regulation No. 5 of 2020 concerning Balinese Cultural Tourism Implementation Standards. In addition to these provisions, strengthening cultural tourism in the Penarungan traditional village is also regulated in the Penarungan traditional village regulations regarding tourism management and development, which always refers to cultural tourism based on the *tri hita karana philosophy*. Traditional villages and tourism management institutions have played a vital role in maintaining culture-based tourism in the Penarungan traditional village environment. The traditional village of Penarungan, which has become a tourist village since 2021 based on Badung Regent Regulation Number 22 of 2021, has several tourist destinations such as Taman Anyar Balinese Village, which foreign tourists better know to introduce the culture in Bali, in addition, there is Puri Lumbung tourism which is used for recreation with family, there is also the presence of a Jogging Track which is equipped with beautiful and beautiful rice field views to accompany exercise, water recreation namely Tubing Lazy River which will bring a new experience to explore Penarungan Village via the river, not to mention religious tourism in the form of Taman Penglukatan Paluh Beji. Based on initial observations made, especially on the Taman Anyar Balinese Village tour, in the interviews that have been conducted, there are several partner problems. Based on the situation analysis that has been carried out, the details of the problems experienced by partners are as follows: 1. Legal Assistance Sector, namely where partners have difficulty in preparing legal documents such as contracts and legal advice, due to a lack of understanding of the substance and legal format of documents. 2. The Empowerment Sector, namely the need for partner knowledge regarding the empowerment of cultural tourism based on local wisdom and the utilization of residents in managing the environment of traditional villages, makes partners less than optimal in providing services in the tourism sector. 3. Administration Sector, namely the lack of partner knowledge related to the formation of a legal entity as a legal container for a business engaged in the tourism industry and tax administration so that this will have an impact on the existence of partners in the sustainability of cultural tourism based on local wisdom. 4. The Education Sector, namely partners, needs to maximize aspects of education and learning to improve the quality of tourist services provided to visiting tourists and promote environmentally friendly activities and products. In addition, partners do not maximize attractive features as a medium for promoting tourism through online media (website, Instagram, Facebook, Tiktok), which is due to limited skills and understanding of operating online promotional media and the lack of supporting facilities and infrastructure at partner locations such as the internet, social media, paid website management, and information technology training.

With several partner problems, several activities were carried out to resolve partner problems such as:

1. Legal Assistance in Drafting Cooperation Contracts and legal documents at Taman Anyar Balinese Village using:
 - a. Legal assistance in drafting contracts
 - b. Assistance in providing legal consultations for business owners regarding legal documents in collaboration with LBH Unmas with the aim of partners being able to prepare contract documents.
2. Community Empowerment in Services for cultural tourism based on local wisdom using:
 - a. We are holding workshops on cultural tourism management.
 - b. The management mechanism and training of local communities in cultural tourism, based on the local wisdom of partners, are able to provide optimal service.
3. Education about the formation of legal entities and tax administration using:
 - a. Socialization regarding the understanding of the formation of a Partner body capable of carrying out administration, especially related to tax law and taxpayer management.
 - b. Assistance in tax administration in a cultural tourism system based on local wisdom. Legal entity taxation
4. Optimizing Online Media to Improve Service Quality and Increase Understanding of Education and Learning to improve service quality by:
 - a. Assistance in the use of attractive features through online media (website, Instagram, Facebook, TikTok) as a form of optimizing service promotion
 - b. Socialization of improving tourism services Partners have online media operating skills (website, Instagram, Facebook), so they can improve the promotion of rehabilitation services and attract better human resources for tourism improvement efforts.

In addition, the local government has a vital role in strengthening laws related to local wisdom to protect cultural tourism, especially in Bali. This authority covers several aspects, including[21]:

1. Regulations and Regional Regulations. Regional governments can create regional regulations (Perda) to preserve local wisdom. For example, Perda regulates the procedures for implementing traditional ceremonies, preserving arts and culture, and managing tourist areas that have cultural value.

2. Supervision and Enforcement. Local governments have the authority to supervise and enforce regulations. This includes conducting routine inspections, imposing sanctions for violations, and ensuring that tourism activities do not damage local cultural values.
3. Empowering Local Communities. Local Wisdom is often rooted in local communities. Local governments can play a role in empowering local communities by providing training, supporting cultural activities, and promoting community participation in tourism management.
4. Provision of Infrastructure and Facilities. Local governments are responsible for providing adequate infrastructure, such as transportation access, public facilities, and cultural information centers, to support cultural tourism. Good infrastructure helps promote and protect cultural sites.
5. Collaboration with Other Parties. Local governments can collaborate with other parties, such as the central government, traditional institutions, cultural communities, and the private sector. This collaboration is essential to support efforts to preserve local wisdom in cultural tourism.
6. Promotion and Marketing Policy. Local governments can develop promotion and marketing strategies for cultural tourism, including holding cultural festivals and art exhibitions and promoting cultural tourism destinations through social media and other platforms.
7. Environmental Conservation. Local Wisdom is often closely related to the natural environment. Local governments must ensure that tourism activities do not damage the environment and remain sustainable.

By exercising this authority, the local government can help maintain and promote local wisdom so that cultural tourism in Bali can develop sustainably and still respect existing cultural values.

V.CONCLUSION

The development of cultural tourism is undoubtedly significant in maintaining Balinese tourism from the onslaught of changing times and technological developments. Rapid changes in the times require anticipatory policies to maintain cultural tourism, which is the basis of the behavior of Balinese people. To protect and maintain existing cultural values, it is necessary to apply legal protection theories, such as the theory of sustainable development, legal protection of culture, community empowerment, and protection in the context of regional autonomy. The local government has a vital role in regulating and supervising the implementation of culture-based tourism and empowering local communities to utilize their cultural potential sustainably. The government needs to provide a policy on the protection of cultural tourism to maintain traditions and behavioral systems in Balinese society; policies made by the government to provide legal protection include strengthening regional regulations for tourism development based on cultural tourism and making awig-awig in each traditional village so that tourism development is based on cultural tourism.

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