



**Coexistence of State Law and Customary Law in the Determination of Protected Rice Field Land in Tourism Accommodation Development in Badung Regency, Bali Province**

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**ABSTRACT**

The Indonesian government has sought to protect *lahan sawah dilindungi* (LSD), or protected paddy fields, from conversion to tourism, housing, and industrial developments through policies such as the Minister of ATR/BPN Decree Number 1589/SK-HK.02.01/XII/2021, which designates Protected Rice Field Maps in provinces including Bali. Paddy fields in Bali support food security, cultural heritage, and the economy, notably via the *Subak* irrigation system. However, growing tourism development threatens these fields due to imbalanced priorities between agriculture and tourism sectors. This research examines two issues: (1) the impact of tourism accommodation development on protected paddy fields in Badung Regency, and (2) the legal protections under state and *adat* (customary) law in this context. Empirical legal analysis shows that tourism accommodations in Abiansemal District have caused unlicensed conversion of protected paddy fields, resulting in environmental harm and erosion of local wisdom. Contributing factors include economic pressures from tourism, weak enforcement, and inconsistent policies. The study recommends stronger enforcement, preventive measures such as agricultural zoning and incentives, and revitalization of *adat* law institutions. Harmonizing state law with *adat* law is essential for effective land protection, sustaining food security, and preserving Balinese culture amid tourism development. This integrated legal approach supports balanced development that respects both environmental sustainability and customary land rights.

**Keywords:** Protected Rice Fields, Accommodation, Tourism

**INTRODUCTION**

Soil is an essential component of human life, serving not only as a habitat but also as a foundation for various human activities. Efforts to preserve and balance the environment reflect the need for balanced development across regions, as unplanned development leads to regional shrinkage and ecological imbalance. Such regional imbalances can be minimized through spatial planning that harmonizes with *pengendalian pemanfaatan ruang* (control of spatial utilization). Without proper control, agricultural land is increasingly threatened by conversion to non-

agricultural uses, primarily driven by growing livelihood demands and industrialization. To protect agricultural land for food security, the government issued Law Number 41 of 2009, although its effectiveness remains limited (Anggrainy & Isharyanto, 2022; Mukau, 2016; Rosalina, 2020; Suryadi et al., 2023). The conversion of *lahan sawah* (rice fields) to non-agricultural uses is further regulated under Presidential Regulation Number 59 of 2019, aiming to mitigate negative impacts by establishing protected rice field maps, managing conversion rates, empowering farmers, and providing comprehensive land data. Policies from the Minister of Agrarian Affairs and Spatial Planning also seek to establish protected land maps in various provinces.

However, concerns arise from Law Number 11 of 2020 on Job Creation, which allows the utilization of agricultural land for *kepentingan umum* (public interest), potentially exacerbating land conversion (Al Amri, 2022; Dadi et al., 2023; Hasril, 2020; S. et al., 2020; Yunani et al., 2023). Harmonization between rice field protection policies and investment promotion is crucial to safeguarding food security. Land, as a vital life resource, must be managed for community welfare in accordance with the constitution and the Basic Agrarian Law (López Hernández, 2022). Yet, rapid tourism-driven development in Bali accelerates the reduction of agricultural land, threatening the sustainability of agriculture—a sector vital to the national economy.

Population growth in Bali intensifies demands for housing and infrastructure, often at the expense of farmland. Unchecked land conversion risks decreasing food production and increasing import dependence. Despite agriculture's importance, tourism development often receives higher priority. In this context, the *Subak* system, an *adat* institution managing irrigation and agricultural traditions, plays a crucial role in balancing water use and preserving cultural values. Bali's Law Number 15 of 2023, which includes funding from tourism levies, underscores the economic importance of tourism. However, government attention to regulating local customary law and *subak awig-awig* (Subak's traditional regulations) remains insufficient, leading to inconsistencies between national law and *adat* law. Collaborative integration of these legal frameworks is necessary to sustain *Subak*, which depends on interconnected traditional institutions and must be protected holistically covering institutional, technical, economic, ecological, socio-cultural, and environmental aspects.

Bali faces significant challenges as agricultural lands shrink due to conversion into tourism settlements. The population, reaching 4.32 million in 2020, fuels the need for housing and accelerates land conversion. Although Indonesia is fundamentally agrarian, food import dependence increases while farmers are marginalized by land speculation and insecure tenure. Maintaining food sovereignty and addressing community needs requires prioritizing agricultural sustainability and local cultural preservation.

For Balinese people, *Subak* transcends irrigation; it embodies a lifelong *philosofi* rooted in ancestral traditions. Water distribution is equitable, and collective decision-making governs planting schedules and rice varieties. The concept of *Tri Hita Karana*—promoting harmony among humans, *yang Tuhan* (God), others, and nature—is the foundation of *Subak*. Nevertheless, challenges such as population growth, declining *Subak* membership, rising agricultural costs, and

youth disinterest threaten the system. Indecisive government policies on land conversion exacerbate these issues.

Law Number 41 of 2009 mandates agricultural land protection for food security; however, violations of land conversion permits by authorities persist. Regional Regulation Number 9 of 2012 recognizes *Subak*'s role in community welfare and food sovereignty, but weak enforcement and shrinking membership threaten its survival. If unaddressed, continued land conversion risks transforming Bali's rural landscapes into concrete zones, contravening the 1945 Constitution's mandate to prioritize agricultural land for public welfare. Maintaining food sovereignty is thus a shared national responsibility.

Bali has enacted multiple regional regulations (Perda) concerning spatial planning, from Regional Regulation Number 6 of 1989 through Number 16 of 2009, aligning with tourism sector growth and regional autonomy. Though Balinese indigenous communities are not formally structured in governance, their role in spatial planning remains significant, especially as the *Subak* heritage faces spatial allocation pressures. Autonomy and economic development demand regulatory adaptations to preserve green open spaces, as stipulated in Law Number 26 of 2007 (Afif Maulududin, 2021; Katiandagho, 2020; Maiyori et al., 2023; Ulenaung, 2020). Protected rice fields are critical for livelihoods, yet legal problems arise from weak supervision and inadequate regulations, often leading to economic-driven land conversion. The Protected Rice Fields Map aims to control such conversion, but challenges like land ownership disputes and decreasing land values undermine effectiveness. In Badung Regency, rice fields shrank from 9,072.48 hectares in 2019 to 6,741.70 hectares in 2023, reflecting a loss of 2,330.78 hectares within four years.

Irianto (2016) identifies causes of land conversion including land use competition from economic growth, higher land exchange values for development compared to agriculture, and farmers' needs to sell land for children's education. This phenomenon is pronounced in Badung Regency, affected by the Protected Rice Fields Map. Implementation issues of the Minister of Agrarian and Spatial Planning's decree necessitate technical guidelines to resolve conflicts between protected rice fields and spatial plans.

Previous studies offer context for this research. Irianto (2016) highlights economic and social drivers of land conversion but overlooks legal mechanisms for protecting agricultural land and interplay between state and customary law—critical in Bali where *Subak* is integral. Purnama and Yuliana (2020) assess policy effectiveness on Protected Rice Fields Maps, noting enforcement and regulatory weaknesses but neglecting the complementary role of local *adat* law. This research thus addresses these gaps by analyzing law enforcement and legal protection of protected rice fields, emphasizing integration of state and customary law.

Focusing on the disparity between formal legal norms and practical enforcement, this study contributes theoretically and practically to society, students, and government, offering insights to resolve ongoing challenges in land protection and customary law within a tourism development context.

## **RESEARCH METHOD**

This study employs empirical research, which examines law in action by investigating the relationship between law and social institutions. Empirical research involves direct investigation at the research site to observe phenomena occurring within society, institutions, or communities. It focuses on social facts and aims to understand the social interactions and current conditions of social units, such as individuals, groups, or institutions. In legal studies, empirical research analyzes law as patterned social behavior influenced by ongoing interactions within society.

This study specifically investigates legal protection under state and customary law for protected rice fields in Sibang Gede village, Abiansemal District, Badung Regency, by observing the social and legal realities in the field.

## **RESULTS AND DISCUSSION**

### **Legal Protection of Rice Fields Protected According to State Law and Customary Law Related to the Development of Tourism Accommodation in Badung Regency**

#### ***The legal protection of rice fields is protected according to state law and customary law related to the development of tourism accommodation in Badung Regency***

Legal protection of the existence of rice fields as part of food agricultural land in Indonesia has obtained systematic and integral regulations within the framework of national laws and regulations. This regulation is designed as a preventive and repressive instrument to ensure the sustainability of the function of food agricultural land, especially in order to face the threat of land conversion into non-agricultural areas, such as the development of increasingly massive tourism accommodation infrastructure in strategic areas, including in leading tourist destination areas.

The main normative foundation in this context is reflected in the provisions of Law Number 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land (PLP2B), which affirms that the state, through the authority of the central and regional governments, has a legal obligation to establish and protect sustainable food agricultural land areas (LP2B) from unplanned and unauthorized conversion processes. This provision is explicitly manifested in Article 44 paragraph (2) of Law Number 41 of 2009 concerning PLP2B, which in the article stipulates that changes in the designation or function of agricultural land can only be carried out through a planning and determination mechanism in accordance with laws and regulations and considering factors of ecological balance, national food needs, and environmental carrying capacity in a sustainable manner. In order to ensure compliance with these legal norms, Article 72 of Law Number 41 of 2009 concerning PLP2B, regulates criminal and administrative sanctions against any party who is proven to have committed illegal conversion or land conversion or conversion. The criminal threat includes imprisonment or fines, while administrative sanctions can be in the form of revocation of permits, termination of activities, or land restoration obligations. This provision is a manifestation of the principle of strict liability or the principle of absolute responsibility in environmental and agrarian law, where this principle is a legal concept that states that a person can be held responsible for the losses caused, without the need to prove the existence

of mistakes or negligence and this principle as a form of protection for the social function of agricultural land is positioned as a priority in the framework of national food security and justice Ecological.

As a form of technical implementation of the provisions of Law Number 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land (PLP2B), the central government has stipulated Government Regulation Number 1 of 2011 concerning the Determination and Transfer of Function of Sustainable Food Agricultural Land. This regulation regulates in detail the procedures and substantive and administrative requirements in terms of the transfer of agricultural land for food. The regulation emphasizes that the process of land conversion can only be carried out if a comprehensive study of its impact has been carried out, which includes aspects of national food security, environmental ecosystem sustainability, and the stability of the social system of local communities.

Furthermore, local governments have a legal obligation to establish a map of sustainable food agricultural land, including the category of perennial agricultural land, which juridically has stronger protection because its function cannot be transferred, except in exceptional circumstances determined by laws and regulations. This extraordinary situation must be proven through the process of determining national policies that are urgent and strategic, and still require permission from the central government authorities. Badung Regency, as one of the regions with the highest growth of the tourism sector in Bali, faces a big challenge in maintaining the preservation of rice fields. One of the areas that experiences a fairly high pressure on land conversion is Abiansemal District, an area that has productive agricultural land and is also close to the tourist area of Ubud and its surroundings. Administratively, Abiansemal District has several subaks that are productive as agricultural land, such as subak duaji, subak saradan, and subak umeso. Where these subaks have begun to be threatened because several subaks in Abiansemal District have begun to experience land conversion due to economic factors and also the increasing community growth from year to year. From the results of an interview with I Made Cakek on 17-11-2024 who is a pekaseh from Subak Duaji, where in the interview it was stated that in the development in the Abiansemal sub-district area there is an increase in land use transfer and changes in the function of protected land which were originally (as planned) to other functions that result in negative impacts or problems on the environment and the potential of the land itself. In the interview, he also mentioned that there are many factors that cause the transfer of land functions, one of which is the economic factor of production from rice fields and also the amount of living necessities that are increasingly expensive every day and the high selling price of rice fields, resulting in many farmers then selling their rice fields. It aims to fulfill daily life and improve a better standard of living.

A concrete case that can be raised occurred in Bongkasa Pertiwi Village, Abiansemal District. In 2022, the local community highlighted the construction of a number of villas and eco-resorts that stand on productive rice fields without a permit to change land allotments. Some of these buildings are suspected of not having building permits (IMB) that are in accordance with the

function of agricultural land in the Badung Regency RTRW. The village government even had time to raise objections to the district government, but the development continued under the pretext of improving the local economy. This shows that there is a mismatch between the enforcement of spatial planning laws and the encouragement of tourism investment. In addition to having an impact on the loss of productive land, this case also triggered social unrest as farmers who previously depended on rice fields lost their livelihoods and economic pressure pushed them to sell their land to investors.

The indecisiveness in the supervision of spatial planning and the weak implementation of administrative and criminal sanctions as stipulated in Article 72 of Law 41/2009 make legal protection of rice fields in the field less effective. The Badung Regency Government should strengthen protection by officially establishing LP2B in the Abiansema area and rejecting any application for a permit to build tourist accommodation on land that is still actively used as rice fields. In addition, the participation of the community and village customary institutions (traditional villages) also needs to be involved in supervising the use of space so that local wisdom and agrarian sustainability can be maintained.

At the regional level, the Badung Regency Government has regulated regional spatial planning through Badung Regency Regional Regulation Number 2 of 2023 concerning the Badung Regency Regional Spatial Plan (RTRW) for 2023–2043. In this regional regulation, the Badung Regency area is divided into several land use zones, including agricultural zones, residential zones, trade and service zones, and tourism zones. Rice fields that are in agricultural zones or green zones are not allowed to be converted into land for the construction of tourism accommodation such as hotels or villas. However, in practice, violations of RTRW still often occur, both due to weak supervision, overlapping licensing, and due to economic pressure from the tourism sector which is very lucrative.

This condition raises serious problems between the development needs of the tourism sector and the state's obligation to ensure food security and the preservation of local agrarian culture. Therefore, synchronization between tourism development policies and legal protection of agricultural land is needed so that development can run in a sustainable and fair manner.

At the level of regional authority, the Badung Regency Government has regulated the direction and policy of its regional spatial arrangement through Badung Regency Regional Regulation Number 2 of 2023 concerning the Regional Spatial Plan (RTRW) of Badung Regency for 2023–2043. This regulation is a juridical instrument that defines the spatial structure and spatial pattern of the region, including the classification of land use zones into several strategic categories, such as agricultural zones (green zones), residential zones, trade and service zones, and tourism zones. In the context of spatial planning law, a green zone is a protected area or agricultural cultivation area that is determined to be preserved and is not allowed to undergo arbitrary changes in spatial function, including conversion into land for the construction of tourism accommodation facilities such as hotels and villas.

Although normatively these provisions are imperative, empirical facts show that violations

of the allocation of space in the RTRW still often occur. This is due to several factors, including weak supervision and law enforcement systems at the regional level, disharmony or overlap between licensing regulations (e.g. between location permits, environmental permits, and building permits), as well as strong economic impetus from the tourism sector which is the main driver of the local economy. As a result, there is an illegal practice of changing the use of rice fields that are contrary to the provisions of the RTRW that have been stipulated in regional regulations.

In the scope of national law, Law Number 26 of 2007 concerning Spatial Planning provides a broader and stronger legal basis related to the management and protection of space, including agricultural space. This law stipulates that every use of space must refer to the applicable spatial plan and be implemented in a sustainable manner, taking into account the carrying capacity and carrying capacity of the environment as well as the social and ecological functions of the space. In the event of deviations or violations of the spatial plan, Articles 61 to 69 of this law give the government the authority to impose administrative sanctions, including in the form of written reprimands, termination of development activities, cancellation of permits, and restoration of spatial functions (restoration) as they were before. The construction of tourism accommodation carried out on rice fields that have been designated as part of sustainable food agricultural land or green zones in the RTRW, juridically constitutes a violation of the applicable spatial law. This kind of practice not only threatens the region's food security and ecology, but also harms the principles of sustainable development that are constitutionally mandated.

In the context of regional autonomy, Law Number 23 of 2014 concerning Regional Government gives authority to local governments to regulate and manage their regional spatial planning, including the control of land conversion. This means that the Badung Regency Government has a legal obligation to keep tourism development from sacrificing productive agricultural land. However, major challenges still occur in the field, such as weak supervision of the implementation of regional regulations, interventions in economic interests, and the lack of optimal land and zoning information systems.

Although normatively state law has provided quite strong protection for the existence of rice fields, especially from the threat of conversion of functions for the development of tourism accommodation, its implementation still faces various obstacles. Therefore, efforts are needed to strengthen the supervision system, law enforcement, and increase transparency in the licensing and spatial control process, so that the main goal of legal protection of paddy fields can be achieved in real terms in the field.

Legal protection of rice fields in the context of the development of tourism accommodation in Badung Regency can be analyzed in more depth through the legal protection of rice fields in the context of the development of tourism accommodation in Badung Regency can be analyzed in more depth using the framework of Legal Protection Theory as stated by Philipus M. Hadjon. According to this theory, legal protection consists of preventive and repressive protection. Preventive protection aims to prevent violations of the rights of legal subjects, while repressive protection is provided when violations have occurred, through dispute resolution and restoration

of rights.

Legal protection of Protected Rice Fields (LSD) in Badung Regency is a crucial aspect in maintaining environmental sustainability and food security, especially in the midst of the rapid development of tourism accommodation. From the perspective of preventive legal protection, protection efforts are directed at preventive measures so that there are no violations of the law or losses to the interests of the public and indigenous peoples. This protection is carried out through strict regulations in laws and regulations, spatial planning, licensing, and community involvement in decision-making. Normatively, state law provides protection through Law Number 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land (PLP2B), as well as through its derivative regulations that stipulate LSD zoning. However, in practice, this provision is often weakened by investment interests and weak coordination between agencies, including in the implementation of the OSS system which tends to be insensitive to local wisdom.

From the point of view of customary law, the Balinese people, especially in Badung Regency, have a preventive mechanism that is ecological and spiritual in nature through the subak system, customary village awigs, and local wisdom in maintaining the balance between humans and nature (Tri Hita Karana). However, customary law has not been optimally recognized as a formal instrument in the state licensing system, so the role of indigenous peoples in protecting LSD is often overlooked. This is where the concept of legal coexistence becomes very important. Coexistence requires the recognition and unification of functions between state law and customary law synergistically to strengthen preventive protection. The implementation of legal coexistence can be carried out through formal recognition of customary institutions as part of the licensing review process and supervision of land use transfer.

In the perspective of legal protection theory, as stated by Satjipto Rahardjo, the law is not only tasked with enforcing norms, but also to provide a sense of security and justice for society. Preventive legal protection in this context must favor vulnerable groups—in this case, indigenous peoples and subak farmers—who have the potential to become victims of exploitative land conversion. Meanwhile, if viewed from John Rawls' theory of justice, development that marginalizes local communities and sacrifices food land does not meet the principles of distributive justice or procedural justice. Fair preventive protection is one that not only guarantees the formal continuity of the law, but also pays attention to the balance between economic, social, cultural, and ecological interests. Preventive legal protection of LSD in Badung Regency requires an approach that is not only legalistic, but also based on the values of justice and local benefits. The coexistence of state law and customary law must be used as a basis for building a protection system that is socially just, responsive to local wisdom, and able to anticipate future spatial conflicts. This integration can be carried out through strengthening the role of customary villages in the supervision and licensing process, harmonization between Regional Spatial Plans (RTRW) and customary territories, and explicit recognition of customary law values in rice field protection policies.

However, the implementation of this preventive protection still faces various problems.

Existing regulations are not accompanied by effective supervision in the field, socialization to the community is not optimal, and weak commitment from local government officials in preventing illegal land conversion. As a result, economic pressure on farmers to sell their land to tourism accommodation developers is difficult to control.

Meanwhile, the repressive legal protection of rice fields in Badung also shows weaknesses. When there is a violation of LSD, legal action is often not decisive. Administrative, criminal, or business license revocation sanctions against violators are rarely applied consistently. Many farmers who have experienced losses have difficulty accessing legal channels to defend their land rights, either due to limited legal knowledge, high legal process costs, and lack of assistance from the government and legal institutions. However, in substance, the law has regulated the repressive protection of Protected Rice Fields (LSD). The repressive protection of Protected Rice Fields (LSD) in Law Number 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land (PLP2B) is an important part of the law enforcement system that functions to provide strict sanctions against violations, especially the conversion of agricultural land that does not comply with the provisions. This protection is realized through criminal and administrative mechanisms imposed after a violation of the law. Article 72 of Law No. 41 of 2009 explicitly stipulates that anyone who deliberately converts sustainable food agricultural land, including Protected Rice Fields (LSD), without permission from the government will be subject to criminal sanctions in the form of imprisonment for a maximum of five years and/or a maximum fine of one billion rupiah. If the violation is committed by the corporation, then the management can be subject to criminal penalties and accompanied by additional sanctions such as revocation of business licenses, freezing of activities, and even dissolution of legal entities.

In addition to criminal sanctions, repressive protection is also manifested in the form of administrative sanctions as stipulated in Article 73, such as written reprimands, cessation of activities, revocation of permits, and the obligation to restore land functions. This is emphasized in Article 74 which requires the perpetrators of land conversion without a permit to restore the function of the land as before. This action demonstrates a legal approach that not only punishing, but also emphasizes aspects of environmental restoration and the sustainability of agricultural functions.

However, the effectiveness of this repressive protection still faces challenges at the implementation level. Weak supervision by local governments, overlapping authority between agencies, and lack of integrated LSD spatial data are serious obstacles in law enforcement. In addition, in many cases, economic and political interests often intervene in the legal process, especially in the context of the development of tourism accommodation in areas with high investment value. Therefore, although the legal tools for repressive protection against LSD are available normatively, its success is highly dependent on the commitment of law enforcement, the integrity of supervisory institutions, and the active participation of the community in overseeing the process of protecting agricultural land in a sustainable manner.

Through the perspective of Legal Protection Theory, it can be concluded that the protection

of rice fields in Badung Regency in the face of the pressure of tourism development has not been running optimally. Preventive efforts tend to be mere formalities, while repressive efforts are not able to provide a deterrent effect to the perpetrators of violations. As a result, the rights of subak farmers to defend their agricultural land are not effectively protected. For this reason, it is necessary to strengthen the supervision mechanism, empower farmers, apply strict sanctions, and the active involvement of customary villages and local communities in maintaining the sustainability of rice fields as an integral part of cultural identity and food security in Badung Regency.

The protection of rice fields in Bali is not only regulated by state law, but is also firmly maintained through the customary legal system that lives and develops in Balinese society. Customary law in Bali has high normative and social power, especially because it is based on the values of local wisdom, Hinduism, and traditional community structures such as customary villages and subak.

One form of customary law protection of rice fields in Bali is through the subak institution, which is a traditional farmer organization that regulates irrigation systems, agricultural calendars, water distribution, and communal rice field governance. Subak has been recognized by UNESCO as a world cultural heritage, because it not only has a technical function, but also contains a philosophy and spiritual values called Tri Hita Karana (three harmonious relationships), which emphasizes harmony between humans and God (parhyangan), humans and others (pawongan), and humans and nature (palemahan). The subak system, rice fields have sacred and spiritual values that cannot be simply converted without going through deliberation and agreement between members (krama subak). The decision-making process in subak is carried out collectively and democratically through paruman (customary meetings), and every decision is socially and spiritually binding.

In Balinese customary law, violations of subak rules or customary village decisions related to rice fields can be subject to customary sanctions, which are moral, social, and spiritual. The form of sanctions can be in the form of harsh reprimands, the obligation to participate in cleaning ceremonies (pecaruan), customary fines (ayahan fines), to social exclusion or not being involved in traditional religious activities. This is an effective mechanism in keeping rice fields from being sold or converted carelessly, especially to outsiders who want to build villas, hotels, or other tourism accommodations.

The existence and enactment of customary law, including Balinese customary law, has a strong constitutional basis in Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia. This provision affirms that the state recognizes and respects the traditional rights of customary law communities as long as they are alive, in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia. In addition, the juridical strengthening of the existence of customary villages is also affirmed through Law Number 6 of 2014 concerning Villages, which provides authority for customary villages to conduct government affairs based on the rights of origin and customs of the local community.

Agricultural land protection, Balinese's customary legal system plays an important role through social and religious structures such as subak and customary villages. Rice fields are seen not only as an agrarian object, but as part of the cultural and spiritual heritage that is integrated in the concept of Tri Hita Karana. Therefore, the decision-making mechanism for land use changes in indigenous peoples is carried out deliberatively through paruman and is manifested in the form of perarem (written customary rules), which are socially and spiritually binding.

However, the implementation of customary law in maintaining agricultural land in Badung Regency faces serious challenges due to the urgency of globalization, land market liberalization, and the expansion of the tourism sector. There is a tendency to weaken customary law authority due to investor intervention, weak customary sanctions, and uneven customary legal arrangements written in all customary villages. In some cases, the absence of explicit provisions on the prohibition on the conversion of rice fields provides gray space for outsiders to use.

Even so, there are still many indigenous communities in Badung who actively defend their customary laws. Some villages have issued a decree prohibiting krama from selling rice fields to non-krama or for the construction of villas. In addition, initiatives such as subak-based tourism development or agrotourism have emerged, which aim to harmonize the preservation of rice fields with the economic potential of tourism. This initiative reflects the adaptation of customary law to the modern context without losing its basic value.

Thus, the legal protection of rice fields according to Balinese customary law is holistic and community-based, not only protecting rice fields as physical assets, but also as cultural and spiritual heritage. In situations such as in Badung Regency, the power of customary law needs to continue to be strengthened through the establishment of a firm parliament, revitalization of the subak function, and synergy with state law so that the protection of rice fields can take place in a sustainable and dignified manner.

The legal protection of rice fields through the Balinese customary law system not only has historical and cultural value, but is also relevant to be analyzed through the framework of environmental law theory, spatial planning law theory, and legal protection theory. These three theories are the basis for understanding how customary law functions substantively in maintaining environmental sustainability and community living space governance.

Legal protection theory emphasizes the importance of preventive and repressive for society, especially groups that are vulnerable to economic exploitation. In this context, Balinese customary law plays the functions of protective (protecting) and conservative (maintaining values and order), which not only provide normative protection, but also maintain cultural identity and local sovereignty. When the state sometimes fails to effectively enforce the law on the conversion of rice fields, customary law becomes the last line of defense in maintaining the sustainability of agricultural functions and local food security. This is in line with the principle of access to justice in the theory of legal protection, which is to provide substantive legal access for people to defend their rights against adverse external threats.

***Obstacles and Efforts of the Regional Government of Badung Regency in Providing Legal Protection of Protected Rice Fields According to State Law and Customary Law Related to the Development of Tourism Accommodation in Badung Regency***

The protection of rice fields has been comprehensively regulated through several legal instruments, both at the national and regional levels. At the national level, Law Number 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land (PLP2B) is the main legal basis that establishes the obligation of the state, including local governments, to protect agricultural land from uncontrolled conversion (Rahmanto et al., 2022; Susmiyati & Al-Hidayah, 2020; Syawal, 2023). The law also provides directions to establish agricultural land, develop spatial plans that favor food security, and provide incentives and legal protection for farmers. At the regional level, the Badung Regency Government has followed up with Regional Regulation (Perda) No. 8 of 2016 concerning LP2B, as well as Regional Regulation No. 2 of 2023 concerning the Regional Spatial Plan (RTRW) of Badung Regency. However, in its implementation, there are a number of obstacles that hinder the effectiveness of legal protection of rice fields.

However, in its implementation, there are many cases where land conversion permits are still granted, especially in areas that are included in agricultural zones. This legal loophole is exacerbated by the practice of spatial revision tailored to the interests of villa and hotel construction. On the other hand, weak supervision and law enforcement are also the main obstacles. The lack of coordination between agencies, as well as the still finding indications of collusion and conflicts of interest between capital owners and government officials, cause existing regulations to often only be normative on paper.

In addition, the high economic pressure from the tourism sector causes local governments to be faced with a dilemma between protecting the ecological and agricultural functions of rice fields, or supporting tourism investments that make a significant contribution to Regional Original Revenue (PAD). In many cases, the development of tourism accommodation is prioritized without considering the carrying capacity and carrying capacity of the environment.

One of the main obstacles is the conflict between land protection policies and the pressure of tourism development. Badung Regency, especially areas such as North Kuta, Canggu, and its surroundings, is the center of growth of Bali's tourism industry. The high pressure on the availability of land for the construction of tourist accommodation (such as hotels, villas, resorts) has led to massive conversion of rice fields, even in areas that have been designated as agricultural areas in RTRW and LP2B. In many cases, the procedure for land conversion is carried out by relying on legal loopholes, for example through revisions of spatial planning, changes in land status, or the issuance of permits that are not in accordance with zoning. This shows that there is a gap between regulations and their implementation in the field.

The next obstacle is weak supervision and law enforcement. Although protection regulations have been established, monitoring of violations of land conversion is still not optimal. Many cases of rice field conversion were not followed by strict sanctions, and were even allowed to continue even though they violated zoning provisions. This is due to limited supervisory resources, weak

coordination between agencies such as the Agriculture Office, the One-Stop Investment and Integrated Services Office (DPMPTSP), and Satpol PP. In addition, there are indications of a conflict of interest between local officials and investors, which causes the application of the law to be non-neutral.

Another obstacle lies in the lack of commitment of the local government in making the protection of rice fields a development priority. Although normatively local governments are obliged to maintain food security and environmental carrying capacity, in reality many development policies are more inclined towards the tourism sector which is considered to be faster to produce PAD. This short-term perspective has a negative impact on the sustainability of agrarian space and resources. In fact, if referring to Article 33 of the 1945 Constitution and Law No. 26 of 2007 concerning Spatial Planning, local governments are obliged to regulate the use of space that is fair, sustainable, and protects the long-term public interest.

However, the Badung Regency Government has made a number of efforts to overcome this problem. One of them is through the determination of LP2B zoning in the RTRW, as well as including a ban on land conversion in the Regional Regulation and planning documents. In addition, the government also encourages agricultural incentive programs, such as fertilizer assistance, agricultural tools, and support for the development of subak-based agro-tourism, as a strategy to combine agriculture and tourism in a sustainable manner. Another effort is to strengthen the land database and digitize permits so that the licensing process becomes more transparent and avoids manipulation.

On the legal side, the Badung Government has also begun to develop an approach based on environmental law and spatial planning law, taking into account the ecological impact of land conversion. In this case, the principle of sustainable development has begun to be adopted in spatial planning and licensing policies. Public awareness efforts are also carried out through legal education and regulatory socialization, so that the community understands the importance of protecting agricultural land for the sustainability of Balinese life and culture.

Theoretically, this approach to legal protection is closely related to environmental law theory which emphasizes the importance of maintaining the ecological function of land and the balance between humans and nature. The protection of paddy fields can also be linked to the legal theory of spatial planning, which places land as a vital element in spatial systems and demands spatial justice and sustainability. Meanwhile, state actions (in this case local governments) should provide a sense of legal security to farmers, prevent losses caused by arbitrary conversion, and ensure the sustainability of the right to a decent living space for the entire community.

Thus, the legal protection of rice fields according to state law in Badung Regency still faces great challenges in terms of regulation, implementation, and development dynamics. Strong commitment, consistent law enforcement, and inter-agency synergy are needed to ensure that legal protection is not only a written norm, but actually implemented at the practical level. Only in this way, rice fields as a source of food, ecology, and culture can be protected in the midst of the onslaught of the tourism industry that continues to grow.

In the context of Balinese customary law, rice fields are not only seen as economic assets or agricultural production tools, but also as an integral part of the local wisdom, spirituality, and social system of Balinese society. This is reflected in the existence of subak as a traditional irrigation system that has been recognized by UNESCO as a world cultural heritage, as well as in the values of customary law contained in awig-awig and perarem. Conceptually, rice fields are considered part of the tri harta or three sacred heritages that must be maintained by the village krama (members of indigenous peoples), namely pura (sacred place), palemahan (land/nature), and pawongan (human). However, although customary law has great moral and social power, there are various obstacles that hinder the optimal legal protection of rice fields from the perspective of customary law in the midst of the rapid flow of tourism development.

The first striking obstacle is the weakening of the influence of customary institutions in land governance. Along with modernization and globalization, the role of indigenous villages in decision-making regarding agricultural space and land began to be eroded by the state's formal legal system. Many decisions on land conversion are made without going through the deliberation mechanism of customary villages or without paying attention to the values of local wisdom. As a result, the sacred value of rice fields as part of the palemahan is no longer respected, and is replaced by a purely economic view. Customary villages often do not have the positive legal authority to reject development, even though such development is customarily contrary to the value of the sanctity of space.

The next obstacle is the lack of integration between customary law and state law in spatial and land planning. Although subak plays an important role in water and agricultural management systems, its existence is not always officially involved in the development planning process by local governments. In fact, subak is customarily authorized to determine agricultural zones and regulate water distribution, which is closely related to the sustainability of rice fields. The absence of a solid bridge between customary law and formal regulation has led to fragmented and ineffective protection efforts. In fact, some customary villages have not updated their awig-awig to explicitly prohibit the conversion of rice fields, so that the customary sanction mechanism is weak and cannot be used as a strong deterrent.

In addition, changing the orientation of indigenous peoples, especially the younger generation, is also a big challenge. Many village youth are no longer interested in farming or involved in subak management because they see agriculture as a non-promising job. On the contrary, economic opportunities from tourism make people more interested in selling their rice fields to build villas or guesthouses. This process occurs systemically and changes the customary social order where land is no longer positioned as an ancestral inheritance (huluning jagat), but as a commodity that can be traded freely. This situation erodes the sacredness of customary law in regulating agrarian space and resources.

Despite facing many obstacles, the Badung Regency Regional Government together with customary institutions have made several strategic efforts. First, encouraging customary villages to revitalize awig-awig and perarem by including a clause for the protection of paddy fields, a

prohibition on conversion of functions, and customary sanctions for violators. The government also supports subak empowerment programs, both in terms of institutions and funding, in order to be able to compete in the modern economic system. In addition, the government has begun to adopt a culture and agriculture-based tourism approach (agrotourism) that not only keeps rice fields productive, but also makes them a tourist attraction. This approach is seen as a form of synergy between traditional values and contemporary economic needs.

In a theoretical framework, the protection of customary law for rice fields can be associated with environmental law theories that prioritize the principle of harmonization between humans and nature, as manifested in the Tri Hita Karana philosophy. Customary law also serves as a form of non-formal legal protection theory, which provides a guarantee of moral- and social-based justice for indigenous peoples. Meanwhile, from the perspective of spatial law theory, Balinese customary law has substantially contained the principles of sustainable and equitable spatial planning, through the prohibition of building in sacred zones, rice paddy fields, or water catchment areas.

Therefore, to strengthen the legal protection of paddy fields in the context of tourism development, a stronger integration between customary law and state law is absolutely necessary. The government must give more space to customary institutions in spatial planning decision-making, as well as recognize the existence of customary law as a living source of law in the regional development planning system. By strengthening the role of customary villages and subaks as ecological and cultural protectors, rice fields can be preserved without sacrificing the economic potential of the region.

## CONCLUSION

The development of tourism accommodations in Abiansema District, Badung Regency, has led to the conversion of Protected Rice Fields (*lahan sawah dilindungi*) into tourist areas, threatening agricultural land and the traditional *Subak* irrigation system. This conversion, driven by economic pressures from tourism, is exacerbated by weak spatial planning, low public awareness, and misalignment between state law and customary law. Although Law No. 41 of 2009 provides legal protection, enforcement remains weak, and customary institutions like *Subak* are marginalized. This study underscores the need for stronger law enforcement, better harmonization between state and customary laws, and preventive measures such as legal counseling, zoning policies, and support for agro tourism. While sanctions exist under both legal systems, more effective implementation and coordination are critical to safeguarding agricultural land and preserving local culture. Future research should explore the integration of state and customary law in land protection policies and investigate the role of local communities in promoting sustainable development practices.

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