



Policy Regulation of Tourism Development with Integrated Agriculture in Bali

Anak Agung Dalem Ariyudha, Simon Nahak, Ni Made Jaya Senastri

Master of Law, Universitas Warmadewa, Denpasar-Indonesia

Email: agungariyudha94@ymail.com

Published: 30/09/2021

How to cite (in APA style):

Ariyudha, A. A. D., Nahak, S., & Senastri, N. M. J. (2021). Policy Regulation of Tourism Development with Integrated Agriculture in Bali. *Jurnal Hukum Prasada*, 8(2), 122-135. doi: <https://doi.org/10.22225/jhp.8.2.2021.122-135>

Abstract

Balinese agriculture as a culture that becomes Balinese cultural tourism identity should still receive protection in line with the rapid development of tourism. However, in reality, the rapid and uncontrolled development of tourism is accused of having a big impact on the conversion of agricultural land in Bali. The disharmony that occurs can be used as a sign that the existing regulations have not been able to complete and integrate tourism and agricultural development. In this case, tourism development is not accompanied by legislation to protect agricultural land. This study aims to examine the legal arrangements related to tourism development with integrated agriculture in Bali and to examine the efforts that the government can take to integrate tourism development with agriculture in Bali. Empirical legal research is the type of this study. In addition, the approach used in this study is legislation approach, legal concept analysis approach and facts approach. The results of this study revealed that 1) the existing regulations relating to tourism development and agricultural development in Bali have provided an opportunity for integration between tourism development and agriculture in Bali, however, the regulations have not been optimal in preventing and reducing the negative impacts of rapid and uncontrolled tourism development. 2) In the perspective of *ius constituendum*, Bali tourism development must continue to provide protection for living cultural values, one of which is agriculture because basically Bali tourism development is based on Balinese culture which is imbued with the values of Tri Hita Karana and Sad Kerthi.

Keyword: Agriculture; Culture; Integration; Tourism.

INTRODUCTION

Bali as a center for the development of national tourism is experiencing a very rapid tourism transformation. The development of tourism in Bali which continues to increase is marked by the flow of foreign tourist arrivals and the number of tourism accommodations which continues to increase. The Central Statistics Agency recorded that the number of foreign tourists visiting Bali has increased every year, from 2010 there were 2,546,023 visits, the following year it continued to increase and in 2017 foreign tourist visits to Bali have been reached 5,682,248. There are two positive factors that cause the number of foreign tourist visits to Bali to continue to increase, namely, first, the condition of safety and comfort for travelling that continues to be conducive and second, the trend of increasing global tourist movements which continues to be linear. The rapid development of tourism in Bali has had a positive impact in the form of job and investment, but on the other hand, the rapid development of tourism has caused various development problems that affect the carrying capacity of space in Bali, among others, the increasing conversion of agricultural land, the increasing need for land, both for settlements and tourism activities.

The conversion of agricultural land in Bali is relatively high compared to other regions

in Indonesia. In one year, land conversion on average reaches 700 hectares. This was conveyed by the Head of the Department of Agriculture and Food Security of the Province of Bali. In Bali, one of the causes of the conversion of agricultural land is the tourism industry which is growing very rapidly. The rapid development of the tourism industry causes the need for land for the tourism industry to also increase. Bali's GRDP (Gross Regional Domestic Income) data shows that the contribution of the agricultural sector (category A: Agriculture, Forestry, Fisheries) continues to decline, since 2010 it has been recorded at 17.2%, then the contribution continues to decline almost consistently every year and in 2010 2018 recorded a 13.8% contribution to Bali's GRDP which was announced in February 2019. If this is allowed to continue as usual, it can be predicted that the contribution of value-added to the agricultural sector will get dimmer in Bali. Of course, this will also have an impact on the difficulty of preserving Balinese culture through agriculture, whereas as part of the realization of Tri Hita Karana, in Bali, agriculture is not only seen as a livelihood contributor to the economy, but also as worship. On the other hand, the contribution of tourism to the Balinese economy is very high, the data recorded that the tourism sector contributes close to 70% of the GDP. The dominance of the tourism sector in Bali certainly has a negative side, because this sector is very vulnerable to global issues such as security. The growth of an ideal region does not rely on one sector because if you rely on one sector and that sector experience a sudden decline, the economy will decline. For instance, Bali, which relies on tourism, ultimately depends on the arrival of foreign and domestic tourists.

Since the rapid development of the tourism industry, there has been disharmony between the two sectors driving Bali's economy, namely tourism and agriculture. When the tourism sector promises fast and multiplied results, the agricultural sector is then neglected. Agriculture is neglected in policy but exalted when talking about the high civilization of Balinese culture. Bali with its relatively narrow area of course has limited resources supportability. With a narrow area, dense population and the development of inter-sectoral development, especially the agricultural sector and the tourism sector, which is very unequal, it causes land conversion that cannot be avoided.

Law Number 10 of 2009 concerning Tourism (hereinafter referred to as the Tourism Law), mandates that tourism development is an integral part of national development which is carried out in a systematic, planned, integrated, sustainable and responsible manner while still providing protection for religious values, living culture and national interest. So basically tourism development must be sustainable and responsible for the culture that lives in the community and still ensure the sustainability of the environment. In line with that, tourism development must be carried out based on the principle of sustainability and is carried out with the principle of upholding religious norms and cultural values, providing benefits for the welfare of the people, preserving nature and the environment and ensuring integration between sectors (the provisions of Article 2 and Article 5 of the Tourism Law).

Law Number 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land (hereinafter referred to as the PSFAL Law) mandates that Indonesia as an agricultural country needs to ensure the provision of sustainable food agricultural land as a source of work and a decent living for humanity by prioritizing the principles of togetherness, efficiency fair, sustainable, environmentally sound, and self-reliant, as well as by maintaining balance, progress, and national economic unity. In line with this, Article 2 of the PSFAL law states that the protection of sustainable food agricultural land is carried out based on the principles, among others: benefits, sustainability and consistency, integration and environmental sustainability and local wisdom. Thus, agricultural development in this case must be carried out by providing the maximum benefit for the welfare and quality of life of the people, both current and future generations. In addition, the agricultural development is carried out by integrating various interests that are cross-sectoral, cross-regional, and cross-stakeholder and must also pay attention to the preservation of the environment and its ecosystem as well as its cultural and regional characteristics in order to realize sustainable development.

Bali Provincial Regulation Number 5 of 2020 concerning Standards for the Implementation of Balinese Cultural Tourism (hereinafter referred to as the Bali Cultural

Tourism Regional Regulation), mandates that Balinese culture is imbued with the Tri Hita Karana philosophy which is sourced from the cultural values and local wisdom of Sad Kerthi and is based on Balinese taksu which is the main foundation of Bali's tourism development. In line with this, Article 3 paragraph (2) of the Bali Cultural Tourism Regional Regulation states that the Standard Setting for the Implementation of Balinese Cultural Tourism aims to preserve the natural environment and Balinese culture which is imbued with the Tri Hita Karana philosophy based on the values of local wisdom of Sad Kerthi and to improve the quality of the implementation of Bali Tourism.

The provisions above have provided the basis that Bali tourism development must be integrated with agricultural development in Bali, in the sense that between the two must be integrated and mutually beneficial to each other, however, the reality is that these two sectors collide, Bali's tourism development is far more dominant than agricultural development, and the rapid and uncontrolled development of tourism in Bali is accused of having a major impact on the conversion of agricultural land and making generations of farmers almost extinct. In fact, if agriculture disappears, then Bali tourism will lose its "taksu" as a cultural-based tourism destination.

The disharmony between tourism and agricultural development in Bali that is still happening today can be used as a sign that the existing regulations have not been able to complete and integrate tourism and agricultural development in Bali. In this case, tourism development is not accompanied by legislation to protect agricultural land which is used as a supporting object of tourism development. So it needs a regional regulation in Bali that is comprehensive and is expected to accommodate the interests between tourism and agricultural development.

The study related to tourism development with integrated agriculture has been previously studied by several researchers, they are [Budiasa et al. \(2014\)](#), [Pramesti et al. \(2020\)](#) and [Wisnumurti et al. \(2020\)](#). The study conducted by Budiasa et al. (2014) examined Community Based Agro-Tourism as an Innovative Integrated Farming System Development Model towards Sustainable Agriculture and Tourism in Bali. The result of their study showed that to continually support sustainable agro-tourism, the government should intensively and consistently facilitate the local community especially through capacity building programs related to agro-tourism development. Some corporate social responsibility (CSRs) activities might become additional financial sources to accelerate and improve the community-based agro-tourism development, sustainably. Meanwhile, a study conducted by [Pramesti et al. \(2020\)](#) that focused on The Role of Agrotourism in Sustainable Tourism Development in Bali Province, revealed that agrotourism will slowly push Bali Province into an agro tourism destination that has the concept of green economy, namely the economy of Bali Province that is able to improve the welfare of the community while maintaining environmental sustainability for the sake of generational continuity in the future. In addition, a study conducted by [Wisnumurti et al. \(2020\)](#) that examined Tourism Policy and the Impact of Tourism on Bali Island, showed that destination quality negatively moderated the relationship between cultural activity policies and tourism development. In contrast, destination quality did not moderate the relationship between infrastructure development policies and tourism development. The research results also show that the relationship between policies for nature and recreational activities and tourism development is positively moderated by destination quality. Thus, based on the previous studies above, it can be stated that tourism development with integrated agriculture needs to be discussed in depth especially from the perspective of law since the legal arrangements related to tourism development with integrated agriculture in Bali have not been done yet. Therefore, this study aims to examine the legal arrangements related to tourism development with integrated agriculture in Bali and to examine the efforts that the government can take to integrate tourism development with agriculture in Bali.

METHOD

The type of research used in this study is empirical legal research, using a legislation approach, legal concept analysis approach and facts approach. Empirical research is a study of the law in reality in society (law in action) which studies and examines the

reciprocal relationship between law and other social institutions. Soekanto & Mamudji (1995) explained that empirical or sociological legal research is legal research conducted by examining primary data. Empirical legal research focuses on behavior (*behavior*) that develops in society, or the workings of law in society. So the law is conceptualized as real behavior (*actual behavior*) which includes actions and their consequences in social life relationships. Empirical legal research in this study means to analyze legal problems, namely the problem of the gap between *das Sollen* and *das Sein*, in the form of disharmony and imbalance between tourism development and agricultural development in Bali. This study intends to examine the existing legal materials in answering the problem of legal arrangements related to tourism development and the efforts that the government can take to integrate tourism development with agriculture in Bali.

RESULT AND DISCUSSION

Legal Regulations Related to Tourism Development with Integrated Agriculture in Bali

Law Number 10 of 2009 concerning Tourism mandates that tourism development is an integral part of national development which is carried out in a systematic, planned, integrated, sustainable and responsible manner while still providing protection for religious values, living culture and national interests. Basically, tourism development must be sustainable and responsible for the culture that lives in the community and still ensure the sustainability of the environment. In line with that, tourism development must be carried out based on the principle of sustainability and is carried out with the principle of upholding religious norms and cultural values, providing benefits for the welfare of the people, preserving nature and the environment and ensuring integration between sectors (the provisions of Article 2 and Article 5 of the Tourism Law). Article 59 also mandates:

"The Regional Government allocates a portion of the income obtained from the implementation of tourism for the benefit of nature and cultural preservation".

Thus, agriculture as one of the cultures of the Balinese people and most importantly is the identity of Balinese tourism, its sustainability must be considered by combining the two sectors, namely the tourism and agriculture sectors so that both can benefit each other, besides the integration and synergy between the tourism and agriculture sectors can ensure the sustainability of environmentally friendly tourism and is expected to provide added value to the Balinese people, most of whom work as farmers.

The Bali Provincial Regulation Number 5 of 2020 concerning Standards for the Implementation of Balinese Cultural Tourism (hereinafter referred to as the Bali Cultural Tourism Regional Regulation) mandates that Balinese Cultural Tourism is Balinese tourism based on Balinese Culture which is imbued with the *Tri Hita Karana* philosophy which is sourced from cultural values and traditions and local wisdom of *Sad Kerthi* and based on based in *taksu* Bali. *Sad Kerthi* is an effort to purify the soul (*atma kerthi*), preserve forests (*wana kerthi*) and lakes (*danu kerthi*) as a source of clean water, sea and beaches (*segara kerthi*), social harmony and dynamic nature (*jagat kerthi*), and build the quality of human resources (*jana kerthi*). Article 3 paragraph (2) of the Bali Cultural Tourism Regional Regulation states:

"Setting the Standards for the Implementation of Balinese Cultural Tourism aims to preserve the natural environment and Balinese culture which is imbued with the *Tri Hita Karana* philosophy based on the values of *Sad Kerthi* local wisdom and to improve the quality of the implementation of Bali Tourism".

Article 24 states:

"The implementation of Balinese Cultural Tourism must pay attention to: a. the local wisdom sourced from the philosophical values of *Tri Hita Karana* based on the values of *Sad Kerthi*'s local wisdom; b. the protection of the natural environment and Balinese culture in a sustainable manner; c. the empowerment of the community's economic potential; d. the compliance with security, safety and health standards; and e. sustainable tourism business".

The Bali Cultural Tourism Regional Regulation has provided an opportunity for synergy between tourism and agriculture, because Balinese Cultural Tourism is Balinese tourism based on Culture inspired by the teachings of Hinduism and the *Tri Hita Karana* philosophy as the main potential by using tourism as a vehicle for its actualization. The Balinese agriculture as one of the cultures, livelihoods and identities of Balinese tourism should receive more attention in line with the rapid development of tourism, so that a dynamic reciprocal relationship is realized between tourism and culture (in this case agriculture) which makes both of them develop synergistically, harmonious and sustainable to be able to provide welfare to the community, cultural and environmental sustainability.

The legal ideals of national tourism development have mandated that tourism development is an integral part of national development which is carried out in a systematic, planned, integrated, sustainable and responsible manner while still providing protection for religious values, living culture and national interests. The legal ideal of Bali tourism development also mandates that Balinese culture is the main foundation in tourism development. So basically tourism development in Bali must be carried out in a sustainable and responsible manner towards the culture that lives in the community and still ensures the sustainability of the environment.

The Law for the Protection of Sustainable Food Agricultural Land (hereinafter referred to as the PSFAL Law) mandates that Indonesia as an agricultural country needs to ensure the provision of sustainable food agricultural land as a source of decent work and livelihood for humanity by prioritizing the principles of togetherness, efficiency, fairness, sustainability, environmental insight, and independence, as well as by maintaining balance, progress, and national economic unity. In line with this, Article 2 of the PSFAL law states that the protection of sustainable food agricultural land is carried out based on the principles, among others: benefits, sustainability and consistency, integration and environmental sustainability and local wisdom. Thus, the agricultural development in this case must be carried out by providing the maximum benefit for the welfare and quality of people's life, both current and future generations. In addition, agricultural development is carried out by integrating various interests that are cross-sectoral, cross-regional, and cross-stakeholder and must also pay attention to the preservation of the environment and its ecosystem as well as its cultural and regional characteristics in order to realize sustainable development. In the Regional Regulation of the Province of Bali Number 3 of 2020 concerning the Spatial Planning of Bali Province in 2009-2029, Article 60 paragraph (3) mandates that the management of allotted agricultural areas is carried out through the development of policies to integrate the agricultural sector with tourism.

The legal ideals of tourism and agricultural development are sufficient reasons that tourism and agriculture must go hand in hand, complement each other and benefit each other, so that the synergy between these two sectors is expected to provide welfare for the community, cultural and environmental sustainability and most importantly these two sectors become a joint force driving Bali's economy. So the government has seen that in Bali these two sectors are interrelated sectors because Balinese agriculture with its various unique cultural values is the identity of Balinese tourism, and the tourism sector is a place where Balinese agriculture can distribute its agricultural products, so that these two sectors are expected to synergize with each other with the aim that these two sectors can benefit each other and most importantly can provide welfare for the Balinese people in general and especially for tourism actors and farmers.

The legal ideal of tourism development with agriculture which wants the synergy of these two sectors, experiences challenges and obstacles, conditions that occur in fact these two sectors in the development of unequal and unbalanced. The tourism sector with its so fast and multiplied income is growing very rapidly and tends to be out of control. The uncontrolled development of the tourism sector has a detrimental impact on the agricultural sector, many agricultural lands are then converted into infrastructure supporting the tourism industry, and this causes the weakening of agriculture in Bali. Bali's GRDP (Gross Regional Domestic Income) data shows that the contribution of the agricultural sector (category A: Agriculture, Forestry, Fisheries) continues to decline, since 2010 it has been recorded at 17.2%, then the contribution continues to decline almost consistently every year and in

2010-2018 recorded a 13.8% contribution to Bali's GRDP announced in February 2019. If this is allowed to continue as usual, it can be predicted that the contribution of value-added to the agricultural sector will get dimmer in Bali. Of course, this will also have an impact on the difficulty of preserving Balinese culture through agriculture. Whereas as part of the realization of *Tri Hita Karana*, in Bali agriculture is seen not only as a livelihood contributor to the economy, but also as worship and most importantly that agriculture in Bali is the identity of Balinese cultural tourism.

The conditions above have shown that there is a gap between the legal ideals of tourism development and what is actually happening today in society. Furthermore, the causes of disharmony or gaps between tourism development and agriculture in Bali will be explained. In this study, sample data will be presented from 3 districts in Bali whose tourism sector is growing very rapidly, namely Denpasar City, Badung Regency and Gianyar Regency. The author will analyze the disharmony that occurs with the theory of the legal system.

Legal System Theory is a theory found by Lawrence M. Friedman, [Friedman \(1984\)](#) argued that the absence of effective law enforcement depends on the legal system which includes three components or sub-systems, namely the legal structure, the legal substance and legal culture. The legal structure is related to institutions or law enforcement including their performance (implementation of law). The legal substance is related to existing legal values, principles and norms, this legal substance is a reference in law enforcement so that it has an important role as a guide for law enforcers in carrying out their authority, while legal culture is related to the attitude of the community towards the law, regarding beliefs, values, ideas, and people's expectations about the law. No matter how good the arrangement of the legal structure to carry out the stipulated legal rules and no matter how good the quality of the legal substance that is made without being supported by legal culture by the people involved in the system and society, law enforcement will not run effectively. Thus, this theory is used to analyze problems related to disharmony that occurs between tourism development and agriculture in Bali (Denpasar City, Badung Regency and Gianyar Regency), which will then be described based on the three existing subsystems, namely in terms of Legal Structure, Legal Substance and Legal Culture.

Denpasar City

Table 1

Table of Rice Field Area in Denpasar City

YEAR	RICE FIELD LAND ACREAGE
2013	2.506 Ha
2014	2.509 Ha
2015	2.479 Ha
2016	2.444 Ha
2017	2.409 Ha
2018	2.170 Ha
2019	1.958 Ha

Source: Denpasar City Agriculture Office

The table above shows that every year rice fields have decreased and land conversion in Denpasar City has averaged 91.83 hectares per year. The decline in rice fields is caused by the conversion of land functions from rice fields to non-agricultural land (buildings). This can be said as a form of disharmony between tourism development and agriculture, because the agricultural sector is strongly suppressed by other sectors such as the tourism sector.

Judging from the legal substance components, this disharmony occurs partly because the development of the tourism sector and the flow of a rapid urbanization in the city of Denpasar, besides that, the regulations regarding the Protection of Sustainable Food Agricultural Lands do not exist yet in Denpasar City. As the results of the interview on January 7, 2021 with IGAA Puspayeni.STP.MSI as PLT Secretary of the Agriculture Service and Ni Ketut Sari Dewi.STP as Head of the Sub-Division of Data Planning and Reporting, the informant stated that the regulations related to the Protection of Sustainable

Food Agricultural Land are in the planning stage, although the regulation does not exist yet in the form of a Regional Regulation, the Denpasar City Government continues to strive to provide empowerment and protection for farmers, among others by reducing the rice field tax and even free rice fields tax for productive agricultural land, facilitating cooperation between farmers and Darma Wiguna cooperative, so that if there are farmers which is difficult to sell their agricultural products, agricultural products can be purchased by cooperative and purchased by employees at the Denpasar city agriculture office, there is a policy of providing insurance for farmers called Rice Farming Insurance, and the most interesting is the policy regarding the establishment of Subak Lestari in Denpasar City, namely: Subak Umadesa, Umalayu, Anggabaya, Intaran Barat and Subak Intaran Timur. The determination of Subak Lestari is one of the efforts made by the Denpasar City Government to preserve agricultural land so that agriculture can be carried out in a sustainable manner, farmers are comfortable in carrying out agricultural activities with various forms of protection and support for adequate irrigation and water network infrastructure, agricultural production infrastructure, support policies from production to post-harvest, so that farmers do not convert their agricultural land and most importantly provide welfare for farmers.

Judging from the components of the legal structure, law enforcement by the competent authority has not been optimal enough in law enforcement related to the conversion of agricultural land that occurs, one of the contributing factors is that the ownership of agricultural land belongs to farmers, so that farmers can easily convert their agricultural land if desired, and the government is in a weaker position, so that the Denpasar City Government can carry out prevention efforts while still providing empowerment and protection for farmers so that farmers feel comfortable in carrying out their agricultural activities and most importantly can prevent farmers from converting their agricultural land. In addition, related to the form of protection by the authorized institution, the absence of rules regarding the protection of sustainable food agricultural land in the form of a regional regulation become a separate obstacle so that the authorized institution has not been able to carry out its duties optimally in the community.

In terms of legal culture, the people of Denpasar City and urbanites are not interested in pursuing the agricultural sector because agricultural products are considered insufficient to meet their needs so that people pursue other sectors that are considered more promising, in addition to the lack of land and high land prices in urban areas as well as low profits from farming. This causes the agricultural sector cannot be used as the main hanger for the economy of the urban community. The development of such diverse industries in Denpasar City which promises higher yields from the agricultural sector to become another factor of people of Denpasar City does not pay attention to the agricultural sector.

Badung regency

Table 2

Table of Rice Field Area in Badung Regency

YEAR	RICE FIELD LAND ACREAGE
2013	10.144 Ha
2014	9.984 Ha
2015	10.006 Ha
2016	9.976 Ha
2017	9.847 Ha
2018	9.576 Ha
2019	9.567 Ha

Source: Department of Agriculture and Food of Badung Regency

From these data, it can be seen that there has been a land conversion every year and the average number of land conversions has reached 96.16 Ha per year. The conversion of agricultural land in Badung Regency is caused by various factors; one of them is the construction of supporting infrastructure for tourism activities such as accommodation and restaurants. This condition can certainly be said as a condition that is not ideal and disharmony, because uncontrolled tourism development is allegedly the main cause of the

decline in the agricultural sector.

Judging from the legal substance component, in terms of the rules there are already rules that accommodate the synergy or integration between tourism development and agriculture in Badung Regency, namely Badung Regency Regional Regulation Number 8 of 2019 concerning the Protection of Sustainable Food Agricultural Land, where in this Regional Regulation there are rules that mandates that the control of sustainable food agricultural land is carried out by several strategies, for example, providing incentives to farmers in the form of property tax relief and the development of agricultural infrastructure. In addition, through a protection strategy, it prohibits the conversion of sustainable food agricultural land except for the public interest. The regulation is expected to provide welfare to farmers and most importantly can reduce the amount of conversion of agricultural land in Badung Regency. Next is the Regional Regulation of Badung Regency Number 1 of 2018 concerning the Protection and Empowerment of Farmers, in this Regional Regulation there are various arrangements that are used as strategies so that farmers are comfortable in carrying out their agricultural activities and prevent the conversion of their agricultural land. Among these regulations, the Regional Government provides a guarantee for the area of agricultural land for farmers, which are carried out by providing convenience to obtain Free State land that is designated as an agricultural area. Facilitation for Farmers to obtain Agricultural land as referred to above is provided in the form of lease rights, concession permits, management permits, or utilization permits. The most important thing is that farmers who get these facilities are prohibited from converting agricultural land into non-agricultural ones, because they must maintain the sustainability of the agricultural land in a sustainable manner. Other regulations related to strategies for providing protection for farmers in the regions through: guarantees for agricultural production infrastructure and facilities; agricultural business certainty; agricultural commodity prices; elimination of high cost economic practices; compensation for crop failure due to extraordinary events; early warning system development and impact management; and the provision of agricultural insurance.

Judging from the components of the legal structure, law enforcement by the competent institutions related to the rampant conversion of agricultural land that occurs is still not optimal, land ownership which is directly privately owned by farmers is one of the causes of suboptimal law enforcement, so that many farmers are then easily convert their agricultural land because they are more interested in the tourism sector. As the results of the interview on January 11, 2021 with Ir. I Gusti Agung Rai Tirtayasa, MM as the Head of Planning and Reporting Subdivision, the informant stated that the agricultural service as the leading sector in agricultural development in Badung Regency has made optimal efforts so that farmers feel more comfortable in carrying out their agricultural activities by hoping not converting their agricultural land, as for the efforts that have been made, among others, by waiving the land tax for productive rice fields, providing subsidies for fertilizers and seeds as well as various agricultural operational needs, providing counseling and training assistance for farmers, providing insurance for farmers called RFI (Rice Farming Insurance), Badung regency agriculture and food service also facilitates the provision of markets in the case of farmers having difficulty in selling their agricultural products, namely marketing through Bina Sejahtera Cooperative, Badung Regency. In addition, the efforts made by the Badung Regency Agricultural Service are conducting an agricultural cultural festival in the North Badung area with the hope of marketing various agricultural products in the Badung district and a means of promoting agriculture-based tourism in the North Badung area. Badung Regency also designs the integrity between agriculture and tourism by focusing on North Badung as a center for processing and packaging agricultural products and South Badung as a center for marketing agricultural products to modern markets such as hotels and restaurants.

In terms of the legal culture of the community, most of the people of Badung Regency have been complacent with what the tourism sector can provide, for example, income that is doubled and far exceeds that of pursuing the agricultural sector. The development of the tourism industry is very fast and promising, making this sector the main choice for the people of Badung Regency.

Table 3

Table of Rice Field Area in Gianyar Regency

YEAR	RICE FIELD LAND ACREAGE
2013	14.706 Ha
2014	14.575 Ha
2015	14.420 Ha
2016	14.376 Ha
2017	14.320 Ha
2018	13.690 Ha
2019	11.474 Ha

Source: Gianyar Regency Agriculture Office

The data above shows that there has been a land conversion every year and the average number of land conversions has reached 538.6 Ha per year. The conversion of agricultural land in Gianyar Regency is caused by various factors; one of them is the construction of infrastructure supporting tourism activities such as accommodation and restaurants which rely a lot on agriculture as the mainstay of the landscape. This condition can of course be regarded as a condition that is not ideal and disharmony, because for Gianyar Regency that wants to realize sustainable and integrated cultural tourism between other economic sectors, the synergy between tourism and agriculture must be the main concern, however, what happened was that uncontrolled tourism development was allegedly the main cause of the decline in the agricultural sector.

Judging from the legal substance component, in terms of the rules there are already rules that accommodate the synergy or integration between tourism development and agriculture in Gianyar Regency, namely through Gianyar Regency Regional Regulation Number 1 of 2020 concerning the Protection of Sustainable Food Agricultural Land, where in this Regional Regulation there are regulations which mandates that Sustainable Food Agricultural Land is a field of agricultural land that is determined to be protected and developed consistently in order to produce staple food for self-reliance, security, and food sovereignty in the region to support national food sovereignty. In addition, the protection of sustainable food agricultural land is carried out by integrating various interests that are cross-sectoral, cross-regional, and cross-stakeholder. There are various forms of protection in this Regional Regulation, including through the development, guidance, control and protection and empowerment of farmers, but what is still an obstacle related to its implementation is that more specific rules are needed or implementation rules that have not been regulated by Regent Regulations, for example related to provisions for fostering, controlling and protecting and empowering farmers. Implementing provisions in the form of this Regent's Regulation must be made immediately, so that in its implementation it can be carried out optimally and has more specific rules. As the results of the interview on November 17, 2020 with Ir. I Made Raka, M.Si as Head of the Agriculture Service and I Wayan Suarta, SP.M.Si as Head of Food Crops and Horticulture, the informants stated that although there are no more specific rules governing, Gianyar district government has made efforts to provide protection and empowerment for farmers, for example by providing counseling to each farmer group in the context of increasing agricultural yields, policies for distributing free seeds, distributing subsidized fertilizers, reducing land taxes on rice fields and providing insurance for farmers.

Judging from the components of the legal structure, which is related to law enforcement agencies, in this case the authorized institutions are not optimal enough in law enforcement related to the conversion of agricultural land that occurs, one of the contributing factors is that the ownership of agricultural land belongs to farmers, so farmers can easily can convert their agricultural land if desired. In addition, related to the form of protection by the authorized institution, the absence of a more specific implementing regulation in the form of a Regent's Regulation is a separate obstacle so that the authorized institution has not been able to carry out its duties optimally in the community.

Judging from the component of legal culture, there are still many farmers who then

convert their agricultural land to be rented or sold and then pursue the tourism business, besides the factors of production facilities and infrastructure which are quite expensive become a burden for farmers in rural areas, so that if it continues to happen, rural farmers prefer not to do agricultural business.

Data from the three regencies above, namely Denpasar City, Badung Regency and Gianyar Regency, the author will summarize the causes of disharmony that occurs between the tourism sector and the agricultural sector with an analysis of the legal substance, legal structure and legal culture of the community, the conditions that are not ideal, where disharmony occurs or the unbalanced growth between the tourism and agriculture sectors in Bali is caused by several factors, including:

In terms of legal substance, the existing regulations are not sufficient to prevent the conversion of agricultural land; a more specific rule is needed in the form of a policy that can guarantee protection for farmers in terms of carrying out their agriculture from the planting process to post-harvest, so as it provides a sense of security and comfort for farmers in carrying out their agriculture and indirectly can make farmers continue to pursue their agricultural activities.

In terms of the legal structure, law enforcement by the authorized institution on the conversion is deemed not optimal, because the government is in a weaker position considering that the converted agricultural land is agricultural land owned by farmers.

In terms of legal culture, people in general prefer to engage business in the tourism sector, because the tourism sector is considered more prestigious and promising, besides that in terms of income it can provide faster and multiple results than the agricultural sector.

Efforts that the Government Can Take for Integration between Tourism Development and Agriculture in Bali

The efforts that can be made by the government to realize integrated tourism development with agriculture in Bali will be presented with a SWOT analysis, so that it will make it easier to find out possible and appropriate policies to be carried out in Bali in supporting the synergy between the tourism and agriculture sectors. SWOT Analysis is a method of strategic planning used to evaluate the strengths, weaknesses, opportunities and threats, which is done by analyzing the internal factors (strength and weakness) and external (opportunity and threat) tourism potential in Bali Province.

The result of the combination of the internal and external factors interaction will produce strategies: SO, WO, ST and WT, so here there are 4 alternative strategies that can be taken against various possibilities in making policy decisions. The result of the interaction between internal strategy and external strategy can show the best dominant strategy for the solution chosen as the mainstay strategy. In SWOT matrix analysis, there is a combination of strategy interactions which include a combination of internal-external strategy interactions that consists of:

SO (*Strength - Opportunity*) strategy, creates a strategy that uses strengths to take advantage of opportunities.

ST (*Strength-Threat*) strategy, creates a strategy that uses strength to overcome threats.

WO (*Weakness-Opportunity*) strategy, creates a strategy that minimizes weaknesses to create opportunities.

WT (*Weakness-Threat*) strategy, creates a strategy that minimizes weaknesses to overcome threats.

Before heading to the explanation combination of the interaction of internal and external strategy, the author will explain beforehand about the strength, weakness, opportunity and threats of tourism development in Bali Province.

Strength of Bali tourism

Bali as one of the world's tourist destinations has developed very rapidly. The physical development of tourism facilities and other supporting facilities is in line with the

increasing number of tourist visits, both domestic and foreign. Bali is made the main destination, because Bali is rich in natural beauty and most importantly, its unique arts and culture. Because it has its own unique culture that is inspired by Hinduism, Bali is increasingly famous and known as the Island of the Gods. The factor that causes Bali to become a major destination is that, apart from being supported by adequate tourism facilities and infrastructure, Bali has a major strength in its cultural uniqueness that other regions do not have.

Weakness of Bali tourism

The weakness of Bali tourism is the lack of awareness of the Balinese people towards local culture, besides that it is also triggered by very unequal development between sectors, the development is too focused on the tourism sector while the agricultural sector as the basis for supporting Balinese cultural tourism does not receive more attention. The unintegrated tourism sector with agriculture will certainly cause and trigger cultural degradation.

Opportunity of Bali tourism

With the support of complete facilities and infrastructure and also supported by the strength of its cultural uniqueness, Bali already has its own branding, namely as a major cultural tourism destination. In addition, international and national events are often held in Bali so that they can become a promotional event for Bali tourism. So the opportunity for Bali tourism lies in the interest in Balinese culture by tourists.

Threat of Bali tourism

Bali as the center of national tourism development continues to experience a very rapid increase. The development of tourism in Bali continues to increase marked by the flow of tourist visits and the number of tourism accommodations which continues to increase. The development of tourism certainly has a good impact on regional and community income as well as the opening of wide employment opportunities, but on the other hand the rapid and uncontrolled development causes high demand for land as a means of supporting the tourism industry which causes agricultural land to be sacrificed and conversion. The decrease in agricultural land due to conversion of course causes the agricultural culture to fade, there is not enough agricultural land available, agricultural production is decreasing and the charge profession. Uncontrolled development/over carrying capacities can disturb comfort and damage the environment.

From the Bali Tourism SWOT analysis, it can be identified internal and external factors that influence Bali tourism which ultimately results in an analysis that *first*, the strength of Bali tourism is culture-based tourism. *Second*, the weakness of Balinese tourism is the lack of attention to the agricultural sector which is the basis for supporting the concept of Balinese cultural tourism. Furthermore, the *third* is the opportunity for Bali tourism, namely tourists are still interested in Balinese culture. The *fourth* and last is the threat from tourism in Bali, namely uncontrolled tourism development/over carrying capacities that can interfere with comfort and damage the environment and the need for land is increasing causing the conversion of agricultural land as infrastructure to support the tourism industry.

From the results of the SWOT analysis by combining groups of internal factors (*Strength, Weakness*) with external groups (*Opportunity, Threat*) will result in a combination of strategy interactions: SO, WO, ST and WT which later can be used as normative and policy solutions that can be taken by the Bali Provincial Government to realize integrated tourism and agriculture in Bali, which will be explained as follows:

SO (*Strength-Opportunity*) Strategy

The policy that can be taken by Bali Provincial government based on the SO strategy is a policy that will be taken by optimizing the strength of Bali Province tourism which lies in its cultural tourism, to take advantage of opportunities from Bali Province tourism, namely the strong branding of Bali which is the main destination for traveling and still high tourist interest in Balinese culture, policies that can be taken are:

Policy of protection and development of cultural values.

Policy of protection and empowerment for farmers.

ST (*Strength-Threat*) Strategy

The policy that can be taken by Bali Provincial Government based on the ST strategy are policy that will be taken by optimizing the strengths possessed in cultural tourism, to overcome the threat of conversion of agricultural land as facilities and infrastructure to support the tourism industry, policy that can be taken are:

Policy for developing local-based tourism supporting facilities.

Subak development policy as an agro-tourism-based tourism destination.

Empowerment program and development of farmer resources as the main actors in agro-tourism activities.

WO (*Weakness-Opportunity*) Strategy

The policy that can be taken by Bali Provincial Government based on the WO strategy are policy that will be taken by minimizing weaknesses, namely the lack of attention to the agricultural sector which is the basis for supporting the concept of Balinese cultural tourism, to create opportunities in the form of strong Balinese branding which is the main destination for travel and the high tourist interest in Balinese culture, policy that can be taken are:

Adequate budget allocation for protection and preservation of the agricultural sector from the Regional Revenues and Expenditures Budget.

Hotel and Restaurant Tax allocation policy for the agricultural sector.

Assist in the marketing of agricultural products.

WT (*Weakness-Threat*) Strategy

The policy that can be taken by the Bali Provincial Government based on the WT strategy are policy that will be able to minimize weaknesses in the form of a lack of attention to the agricultural sector which is the basis for supporting Balinese cultural tourism, to overcome threats in the form of conversion of agricultural land as facilities and infrastructure to support the tourism industry. The policies that can be taken are:

A definite policy to prevent the conversion of agricultural land.

The policy of exempting rice fields tax.

Build an agricultural product processing industry.

From the results of the SWOT analysis by combining the group of internal factors (*Strength, Weakness*) with the external group (*Opportunity, Threat*) which results in a combination of strategy interactions: SO, WO, ST and WT, the authors get several policy formulations that can be taken by Provincial Government of Bali as the steps of integration between tourism development and agriculture are as follows:

Policy for protection and development of cultural values.

Policy of protection and empowerment for farmers.

Policy for developing local-based tourism supporting facilities.

Subak development policy as a tourism destination based on agro-tourism as well as educational tourism.

Empowerment program and development of farmer resources as the main actors in agro-tourism activities.

Adequate budget allocation for the protection and preservation of the agricultural sector from the Regional Revenues and Expenditures Budget.

Hotel and Restaurant Tax allocation policy for the agricultural sector.

Assist in the marketing of agricultural products.

A definite policy to prevent the conversion of agricultural land.

The policy of exempting rice fields tax.

Build an agricultural product processing industry.

Some of the policies mentioned above can be used as future policy formulations to be implemented in Bali. Policy formulation by the government is important because guaranteeing the welfare of the community is the responsibility of the government, so based on the theory of benefit, in terms of accommodating two different interests, namely the interests of tourism development and agricultural development, thus, to ensure happiness and welfare for tourism actors and also agricultural actors, the government must form a rule in the form of a policy that can accommodate these two interests, so that the welfare of most Balinese people can be guaranteed by an integrated policy between tourism development and agriculture. In addition, if viewed from responsive legal theory, policies by the government are very necessary to ensure the welfare of the community, especially for tourism actors and also farmers, the most important thing is the policies to be formed are based on the wishes of the community and have the aim of serving the needs and social interests of the community, so that in the future, it is hoped that the policy will be implemented effectively because it is sourced from what is desired by the community.

CONCLUSION

Based on the results and the discussion described above, thus it can be concluded that the existing regulations related to tourism development and agricultural development in Bali has provided opportunities for integration between tourism development and agriculture in Bali. The policies on the Protection of Sustainable Food Agricultural Lands have not been able to prevent and reduce the impact of uncontrolled tourism development which causes many agricultural lands in Bali to conversion into supporting infrastructure for the tourism industry, so this not only threatens the sustainability of the agricultural sector but also indirectly will threaten the identity of Balinese cultural tourism which is very dependent on Balinese agricultural culture. The government's efforts to integrate tourism development with agriculture in Bali can be carried out by formulating policies which of course must provide benefits not only for tourism actors but also farmers, the policies in question include: Policy on protection and development of cultural values; Protection and empowerment policies for farmers; Policies for developing local-based tourism supporting facilities; Subak development policy as a tourism destination based on agro-tourism as well as educational tourism; Empowerment and development programs for farmers' resources as the main actors in agro-tourism activities; Adequate budget allocation for the protection and preservation of the agricultural sector from the Regional Revenues and Expenditures Budget; Hotel and Restaurant Tax allocation policy for the agricultural sector; Assist in the marketing of agricultural products; A definite policy to prevent the conversion of agricultural land; The policy of exempting rice field land tax; Build an agricultural product processing industry.

REFERENCES

- Badan Pusat Statistik, 2019, *Jumlah Kedatangan Wisatawan Mancanegara ke Indonesia menurut Pintu Masuk 1997-2017*, www.bps.go.id, URL: <https://www.bps.go.id/statistable/2009/04/14/1387/jumlah-kunjungan-wisatawan-mancanegara-ke-indonesia-menurut-pintu-masuk-1997-2017.html>, accessed on April 25, 2020.
- Badan Pusat Statistik, 2019, *Jumlah Kedatangan Wisatawan Mancanegara ke Indonesia menurut Pintu Masuk 1997-2017*, www.bps.go.id, URL: <https://www.bps.go.id/statistable/2009/04/14/1387/jumlah-kunjungan-wisatawan-mancanegara-ke-indonesia-menurut-pintu-masuk-1997-2017.html>, accessed on April 25, 2020.
- Balipost, 2019, *Alih Fungsi Lahan Pertanian di Bali*, URL: <http://www.balipost.com/news/2020/01/17/99216/Alih-Fungsi-Lahan-Pertanian-di...html>, accessed on April 28, 2020.
- Balipost, 2019, *Pertanian Dalam Perekonomian Bali*, URL: <http://www.balipost.com/news/2019/04/09/72598/Pertanian-dalam-Perekonomian-Bali.html>, accessed on April 28, 2020.
- Budiasa, I. W., Agung, I. G., & Ambarawati, A. (2014). Community Based Agro-Tourism as an Innovative Integrated Farming System Development Model towards Sustainable Agriculture and Tourism in Bali. *Journal of ISSAAS: The International Society for Southeast Asian*

Agricultural Sciences, 20(1), 29–40. Retrieved from <http://issaasphil.org/wp-content/uploads/2020/02/J-Issaas-v20n1-June-2014-Full-Journal.pdf#page=32>

Friedman, L. M. (1984). *American Law: An Introduction*. New York: W.W. Norton and Co.

Pramesti, I. G. A. A., Putra, G. B. B., & Yuesti, A. (2020). The Role of Agrotourism in Sustainable Tourism Development in Bali Province. *Proceeding 1st International Conference of Innovation on Science and Technology (ICISTSD)*, 1(1), 71–76. Retrieved from <http://e-journal.unmas.ac.id/index.php/ICISTSD/article/view/2217>

Soekanto, S., & Mamudji, S. (1995). *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*. Jakarta: Raja Grafindo Persada.

Wisnumurti, A. A. G. O., Darma, K., & Putra, I. N. G. M. (2020). Tourism Policy and the Impact of Tourism on Bali Island. *Journal of Hunan University (Natural Sciences)*, 47(12), 95–104. Retrieved from <http://jonuns.com/index.php/journal/article/view/489>