



The Principles of Tri Hita Karana in Harmonizing Rural Spatial Planning Local Wisdom Based (Study in Bugbug Traditional Village, Karangasem)

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Abstract

In principle, rural spatial planning local wisdom based on a sustainable spatial planning system is an embodiment of immaterial and material harmonization or balance of life between humans and God, between humans and humans and humans and the environment. Local wisdom on spatial planning in rural areas is interpreted as a system of values, culture, politics, law, economics and religiosity which functions to guide patterns of behaviour in understanding space as a place to live. This study aims to examine legal culture as a value system in the formation of the legal system elements and the principle of Tri Hita Karana as a harmonization of spatial planning in Bugbug traditional village. This study used an exploratory method and this type of research is a qualitative descriptive study of law. The results of this study showed that spatial planning of rural areas local wisdom based is very important as a recognition of the rights of rural communities. In fact, spatial planning arrangements for rural areas with local wisdom aim to protect and manage the environment in a sustainable manner for the benefit of every generation and become the basis for planning, utilizing and controlling sustainable spatial planning. The concept of regulating rural spatial planning local wisdom based in managing rural spatial planning local wisdom based through customary village autonomy in the Bugbug Traditional Village is to create spatial planning in favour of village communities through a rural spatial planning model based on traditional villages through implementing the Tri Hita Karana principle in the spiritual environment, social environment, and natural environment.

Keywords: autonomy; local wisdom; spatial planning; traditional village

I. INTRODUCTION

The enactment of Law Number 6 of 2014 concerning Villages is actually the starting point for regulating rural spatial planning local wisdom based on the principle of autonomy for the village government as the smallest government in the life of the nation and state in the context of the Unitary State of the Republic of Indonesia. Apart from official villages, according to the provisions of Article 6 paragraph (1) Traditional Village is one of type of village that has received recognition. Article 103 of the Village Law regulates the authority of the Traditional Village as follows:

The authority of the Traditional Village is based on the origin rights as referred to in Article The 19 letters a are:

- arrangement and implementation of government based on the original arrangement;
- customary arrangement and management or customary territory;
- preservation of the sociocultural values of the Traditional Village;
- settlement of customary disputes based on customary law in force in the Traditional

Village in an area that is in harmony with the principles of human rights by prioritizing settlement by deliberation;

convening traditional village court peace sessions in accordance with the provisions of laws and regulations;

maintenance of peace and order in the Traditional Village community based on customary law applicable in the Traditional Village; and

development of customary law life in accordance with the socio-cultural conditions of the Indigenous Village community.

From the regulation of this article, contextually, the customary village has the authority to regulate customary areas, including the arrangement of rural spaces in their customary territories. Rural areas must be used to fortify rural areas including customary territories from large-scale businesses (mining, plantations, forestry and agriculture) that compete freely with small-scale people's businesses. Rural Areas are not synonymous with village administrative areas, they can be in the form of customary areas in rural areas (not urban areas) or within village administrative areas because we often encounter village administrative areas that are different from customary areas. In rural areas, there are areas where the community has planned to collaborate with large-scale businesses (partnerships). This needs to be placed outside the rural area but still within the village area or customary territory.

Historically, all local communities in Indonesia have strong local wisdom that contains a spirit of adequacy, balance and sustainability, especially in managing natural resources and people. Among this local wisdom, there are several rules of customary law which regulate matters of governance, resource management, social relations, and so on. In principle, the local rules are intended to maintain balance and sustainability in the relationship between humans and the relationship between humans and nature and God. Philosophically it is clear that before the administration above it existed, the Village first existed. Therefore, the village should become the foundation and part of the governance arrangements afterwards. Villages that have an older system of governance should also be the spearhead in every administration of government, development and community affairs (Naskah Akademik UU, 2012).

In Bali there is a dualism in the notion of the village, namely the official village and customary village, however, both the official village and customary village have genuine autonomy based on local customary law at the same time, so the official village and customary village are both autonomous villages. In Bali, there are several old villages, one of which is Bugbug Traditional Village, which is unique in terms of spatial planning of its customary territory. Bugbug Village is one of Bali Aga villages located in Karangasem District, Karangasem Regency, Bali Province, Indonesia. The area of Bugbug Village is approximately 815 m². The area of Bugbug Village is divided into 7 service banjar areas and 12 banjar adat areas. 7 banjar service. With the enactment of the Regional Regulation of the Province of Bali Number 4 of 2019 concerning Traditional Villages in Bali, this local regulation in Bali regulates the development of rural areas based on traditional villages. Rural development is a development process aimed at rural communities; therefore, the urgency of this research is to explore the concept of customary village autonomy in rural spatial planning as a stronghold in efforts to preserve and empower communities in utilizing space with the principles of local wisdom because in reality the dimension of intervention from the state and the socio-cultural dimension of society also influences the life of society as a whole (Damsar, 2016:212).

The results study conducted by Senastri (2021) in analysing the concept of regulations of spatial planning in rural areas based on local wisdom in a sustainable national spatial planning system, showed the results that regulating sustainable spatial planning in rural areas based on local wisdom, the cultural dimension should precede other dimensions as it contains a set of values. Meanwhile, the results study conducted by Ulfatjanovna (2022) in examining the role of legal culture in the development of modern society, showed that legal culture is one of the elements of universal culture, and just as national spiritual culture gives integrity and integration to the whole society, legal culture

also determines the principles of legal behaviour of the individual, the system of legal values.

Based on the background and the previous studies above, this study aims to examine legal culture as a value system in the formation of the legal system elements and the principle of *Tri Hita Karana* as a harmonization of spatial planning in Bugbug traditional village.

II. METHOD

The legal research approach used for the object of the problem "The Principle of *Tri Hita Karana* in Harmonizing Rural Spatial Planning Local Wisdom Based (Study in Bugbug Traditional Village, Karangasem)" is a combination of conceptual approaches and an empirical approach to the existence and applicability of the principle of *Tri Hita Karana* in the harmonization of rural spatial planning local wisdom based, which aims to compile the concepts contained in traditional villages in rural spatial planning local wisdom based (Direktorat Jenderal Pembangunan dan Pemberdayaan Masyarakat Desa, 2015:16-38). This study used an exploratory method that aims to explore and study various values, principles and potential factors that contribute to the values and principles, of the concept of customary village autonomy in rural spatial planning. This type of research is a qualitative descriptive study of law, namely research that prioritizes non-numeric explanations as a whole with a ' *Sui-Generis* ' (Irawan, 2007:293) character on issues of values, principles and legal norms for rural spatial planning that applies in the context of *local-wisdom* and regulations. village legislation in one unified whole chain. Considerations for the use of a qualitative descriptive approach which is explorative in this study are partly because the substance of the discussion of values and principles in rural spatial planning is very philosophically charged.

III. DISCUSSION

Legal Culture as A Value System in The Formation of The Legal System Elements

In developing and realizing law in people's lives, there must be a balance between law and society, meaning that law is created to protect the interests of society. According to Bernard L. Tanya, the starting point of all legal theorists basically pivots on one thing, namely the relationship between humans and law. The more the basis of a theory shifts to regulatory factors, the more it regards law as a legalistic formality, conversely the more it shifts to humans, the more the theory opens and touches the social mosaic of humanity (Yunus, 2015).

To carry out the development of national law, of course, it cannot be separated from the legal system which consists of several elements that are related to each other to achieve the goals of the law itself. The existence of Indonesia which is very diverse with various ethnicities, languages, cultures and religions will certainly affect how the process of developing national law is being pursued. Friedman's legal system theory states that there are three elements that make up the legal system, namely legal substance, legal structure and legal culture. The legal structure is a structural component or organ that operates within a mechanism, both in making regulations and in implementing regulations. The legal substance is a product of the legal structure, both regulations made through formal structural mechanisms or regulations born out of habit.

Legal culture is the values, thoughts, and expectations of the rules or norms in the social life of society. The three elements that make up the legal system are related to each other and the three elements are harmonized in the process of achieving the goals of the law itself. Strengthening the national legal culture is of course inseparable from the basic norms or values that are mutually agreed upon as a nation and state, namely Pancasila and the Constitution of the Republic of Indonesia 1945 (Purba, 2017).

It can be concluded that in the legal culture what is important is consistency in formulating policies by policy-formulating institutions so that policy formulation remains oriented towards a philosophical value system, is open to people's aspirations, and is fair. Indonesia, which has a plural social structure, requires political wisdom that can be carried

out with a cultural approach.

Indonesian society is *Bhinneka Tunggal Ika*, the meaning is different in unity, one of the forms of this diversity is that there are many local legal systems that have functions and roles in people's lives. The local legal system is a legal process that is linked from the past, present and future so this local legal system is an ideal pattern that is aspired to and materialized in the form of concepts, perspectives, and legal norms as a legal system (Kantaprawira, (1983) in Syariah, (2008)).

Local wisdom values based on Balinese culture imbued with strict religion are used as considerations in Regional Regulation Number 16 of 2009 concerning Provincial Spatial Plans (*RTRWP*) as the spatial dimension of the Bali Provincial *RPJPD*, which is expected to be able to realize a unified spatial planning dynamic and can anticipate the demands of development developments that lead to efforts to preserve the environment in accordance with the philosophy of *Tri Hita Karana*. *Tri Hita Karana* contains elements of the balanced value of the relationship between humans and God, between humans and humans, and between humans and their environment, and the elements of its application can be seen in the lives of people in Bali.

The Principle of Tri Hita Karana as a Harmonization of Spatial Planning in Bugbug Traditional Village

Local wisdom in Bali is sourced from the teachings of Hinduism which are called *Tri Hita Karana*, which is a philosophy of life for Hindus in building the right attitude toward life according to the teachings of Hinduism. The right attitude to life according to Hindu teachings is to have a balanced attitude between belief and devotion to God, by serving fellow human beings and loving nature based on *Yajna*. Etymologically, the Sanskrit term *Tri Hita Karana* comes from the words "*Tri, Hita, Karana*". *Tri* means three, *Hita* means happiness, and *Karana* means cause. Thus, *Tri Hita Karana as a term means "three causes of happiness"* (Wiana, 2007:5).

From the balance of the relationship between humans and God, humans and fellow humans, and humans and nature, three living environments will arise, namely: (1) The Spiritual Environment in *Parhyangan*; (2) Social Environment in *Pawongan*; (3) Natural Environment in *Palemahan*. It means the arrangement of *Parhyangan* is to maintain the existence of the spiritual environment as a medium for serving God. The arrangement of *Pawongan* is to maintain the existence of the social environment so that human beings live to serve one another in accordance with their respective *swadharma*, while the arrangement of *Palemahan* is to maintain the existence of the natural environment so that it is always a source of life and livelihood for all living things in this nature (Wiana, 2007:23).

These three living environments must be maintained a balance of existence so that it continues continuously, if there is a gap between the three environments, then building a happy life as the main goal of *Tri Hita Karana* will be hindered. Humans are a central element in the teachings of *Tri Hita Karana*, because if a harmonious relationship is created between humans and God, humans and humans, and humans and their natural environment, humans are the first to feel this happiness. With three balanced life attitudes, new humans will be able to enjoy a happy life.

In the teachings of *Tri Hita*, because the temple in the area of the Traditional Village is the spiritual environment in *Parhyangan*; in Bugbug Traditional Village there are several types of temples, namely: Village Temple and Puseh Temple Bugbug Village are located in the middle of a residential area. The central area of Bugbug Village is indeed functional as a zone of Main Mandala. There is uniqueness in this Puseh Temple in Bugbug Village that it has its headwaters in a west direction, while Puseh Temples in other villages generally have their headwaters in an east or north direction.



Figure 1. Village Temple and Puseh Temple of Bugbug Village



Figure 2. Village Temple and Puseh Temple of Bugbug Village

Meanwhile, Pura Dalem, Bugbug Traditional Village, is located quite far from the residential area, which is located in the south of the residential area, close to the beach. This *Setra* covers a fairly large area. In these *Setra* areas, there is a clear arrangement or division of areas between *banjar* with one another. This is indicated by the presence of a marker or barrier made of concrete.



Figure 3. Pura Dalem Desa Bugbug

Bale Agung Temple is in the middle of a residential area in the Main Mandala zone close to Village Temple and Puseh Temple. In this temple area, there is a *bale* known as *Bale Agung* or *Bale Panjang* which functions as a centre for the activities of the villagers, especially religious activities.



Figure 4. Bale Agung Temple Area

The social environment in the village is a manifestation of *Pawongan*; Wantilan of Bugbug Village is located in a residential area to the north. The Wantilan functioned as a centre for community activities such as dance practice for children to village meetings.



Figure 5. Wantilan of Bugbug Village

Bale Banjar Bugbug Village area is divided into 7 service banjar areas and 12 adat banjar areas. Each banjar has a banjar bale. Most of the bale *banjar* buildings in each village look rather striking because they use bright colours that look different from the houses of the surrounding residents. An example is the Adat Madia bale Banjar building which uses blue and Adat Garia bale Banjar which uses yellow.



Figure 6. Adat Madia Bale Banjar



Figure 7. Adat Garia Bale Banjar



Figure 8. Adat Baruna Bale Banjar

Bugbug Traditional Village Market or also known as Sri Market Sedana is located at southeast of the residential area. This location is easy to reach because it is located on the side of the Karangasem Regency Road.



Figure 9. Bugbug Traditional Village Market

In this residential area, there is a public bath in the form of a shower, which it's located in the adjacent west sea. Although the average residents in Bugbug Village already have a private bathroom in their house, there are still some residents who bathe in this shower.



Figure 10. Public bathing area

The natural environment in the village is a form of *Palemahan*; Even though it is classified as a Bali Aga Village (mountain village), geographically, Bugbug Village is not located in a mountainous area. Precisely Bugbug Village is located in the lowlands and close to the beach. As for the names of the beaches in Bugbug Village, such as Candidasa beach, South beach (*Pasih kelod*) and *Pasir Putih* beach or what is known as Virgin Beach. The natural conditions in Bugbug Village are still in good condition. The area of Bugbug Village is surrounded by 2 hills, namely Asahan Hill in the south and Penyu Hill in the west, and is crossed by a river called *Tukad Buu*. The water flow in *Tukad Buu* is still routinely used by residents of Bugbug Village to carry out their daily activities, such as bathing, washing, or just playing in the river. To the north of Bugbug Village lie fields and rice fields as a place of livelihood for the Bugbug Village residents.



Figure 11. (From top to bottom) the expanse of rice fields with Agung Mountain background, plantation fields, Tukad Buu, and children who are coming to Tukad Buu

IV. CONCLUSIONS

Spatial planning of rural areas local wisdom based is very important as a recognition of the rights of rural communities. In fact, spatial planning arrangements for rural areas with local wisdom aim to protect and manage the environment in a sustainable manner for the benefit of every generation and become the basis for planning, utilizing and controlling sustainable spatial planning. The concept of regulating rural spatial planning local wisdom based in managing rural spatial planning local wisdom based through legal culture in indigenous peoples in Bugbug Traditional Village is to create spatial planning in favour of village communities through a rural spatial planning model based on traditional villages through implementing the principle of *Tri Hita Karana* in the spiritual environment, social environment, and natural environment.

REFERENCES

- Damsar, I. (2016). *Pengantar Sosiologi Perdesaan*. Jakarta: Kencana.
- Direktorat Jenderal Pembangunan. (2015). *Buku Acuan: Kepimimpinan Desa (Pertama)*. Jakarta: Kementerian Desa, Pembangunan Daerah Tertinggal dan Transmigrasi Republik Indonesia.
- Irawan, P. (2007). *Logika dan Prosedur Penelitian*. Jakarta: STIA-LAN Press.
- Kantaprawira, R. (1983). *Sistem Politik Hukum Indonesia: Suatu Pengantar*. Bandung: Sinar Baru.
- Purba, I. P. (2017). Penguatan Budaya Hukum Masyarakat Untuk Menghasilkan Kewarganegaraan Transformatif. *Jurnal Civics: Media Kajian Kewarganegaraan*, 14(2), 146–153. doi:10.21831/civics.v14i2.16050
- Senastri, N. M. J. (2021). *The Concept of Regulations of Spatial Planning in Rural Areas Based on Local Wisdom in a Sustainable National Spatial Planning System*. In *Proceedings of the 2nd International Conference on Business Law and Local Wisdom in Tourism (ICBLT 2021)*. Atlantis Press SARL. doi:https://doi.org/10.2991/assehr.k.211203.081
- Syariah, R. (2008). Keterkaitan Budaya Hukum Dengan Pembangunan Hukum Nasional. *Jurnal Equality*, 13(1), 32–40.
- Ulfatdjanovna, M. N. (2022). The Role of Legal Culture in The Development of Modern Society. *Eurasian Journal of Humanities and Social Sciences*, 5, 14–18. Retrieved from <https://geniusjournals.org/index.php/ejhss/article/view/524>
- Wiana, I. K. (2007). *Tri Hita Karana menurut Konsep Hindu*. Surabaya: Paramita.
- Yunus, N. R. (2015). Menciptakan Budaya Hukum Masyarakat Indonesia Dalam Dimensi Hukum Progresif. *Jurnal Supremasi Hukum*, 11(1), 39–57. Retrieved from file:///C:/Users/aisbj/Downloads/JurnalSupremasiHukum-Januari2015-004-BudayaHukumMasyarakatIndo-NurRohim.pdf
- Penjelasan Perda Nomor 6 Tahun 2009 Tentang RTRW Provinsi Bali
- Naskah Akademik UU. Desa (Dirjen Pemberdayaan Masyarakat dan Desa, Kementerian Dalam Negeri, Jakarta, Tahun 2012), hlm. 13
- In the Elucidation of Regional Regulation No. 6 of 2009 concerning the RTRW of the Province of Bali, what is meant by ' *Tri Hita Karana*' is the philosophy of life of the Balinese people which contains three elements that build balance and harmony in the relationship between humans and God, humans and humans and humans and their environment which are the source of welfare, peace and happiness for human life.
- The application of the elements of each of these philosophies is explained as follows:
- Elements of the value of balance and harmony in the relationship between humans and God, are reflected in the form of efforts to protect holy places and sacred areas that are believed to have sacred values, as a place for humans to connect themselves with God, which will further be included in this RTRWP. designated as areas whose existence must be protected, both within protected areas and cultivation areas.
- Elements of the value of balance and harmony in the relationship between humans and humans are reflected in the form of efforts to organize and manage residential areas as places or spaces for humans to carry out social interactions in a safe, peaceful and civilized manner, and are able to guarantee the optimal development of human resources.
- Efforts to arrange and manage natural resources in a sustainable manner have elements of the value of balance and harmony in the relationship between humans and the natural environment for the benefit of the present and future Balinese generations.