



Model of Space Utilization in Tourism Areas in Gianyar

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Article Info

ISSN (online): 2583-6536

Volume: 04

Issue: 06

November - December 2025

Received: 13-09-2025

Accepted: 15-10-2025

Published: 09-11-2025

Page No: 52-55

Abstract

Gianyar Regency as one of the main tourism destinations in Bali is experiencing serious problems in the use of space due to the high conversion of agricultural land into tourist areas and settlements. The growth of the tourism industry sector has become one of the indicators of the success of Bali's economic development and at the same time a challenge in environmental management. In some areas, it is very clear that changes in the physical environment can be seen, especially in the center of tourism industry development. Reducing the area of productive land, as well as having an impact on the sustainability of the tourism sector based on culture and nature. If not controlled, uncontrolled land conversion can result in environmental degradation, conflicts of spatial interest, and imbalances in the economic and social development of the Gianyar community. This study aims to analyze the pattern of space use in the tourism area of Gianyar Regency, identify the impact of land conversion on the environment and society, and evaluate the effectiveness of the regulations that have been implemented, especially regarding Spatial Planning in accordance with Gianyar Regency Regional Regulation Number 2 of 2023 concerning the Gianyar Regency Regional Spatial Plan for 2023-2043. Through this fundamental research, the researcher offers a new concept of space utilization in tourism areas in Gianyar Regency through Strengthening Regulation and Digital Monitoring and Revitalization of Tri Hita Karana-based tourist areas. This research uses empirical legal research methods with a regulatory and legal sociology approach. Data was obtained through literature studies, field observations, and interviews with stakeholders, tourism business actors, and related government agencies, such as the Public Works and Spatial Planning Office of Gianyar Regency and the Gianyar Regency Investment and One-Stop Integrated Services Office (PMPTSP). The analysis technique used is qualitative descriptive to understand the gap between policy and implementation in the field. The results of this research are expected to make an academic contribution to the development of spatial planning law and become a reference for local governments in developing more effective policies to control land conversion. The environment in Gianyar Regency can be maintained.

DOI: <https://doi.org/10.54660/IJLL.2025.4.6.52-55>

Keywords: Alihi Function, Agricultural Land, Gianyar Utilization, Space, Tourism Areas

1. Introduction

Sustainable development is a conscious and planned effort that integrates environmental, social and economic aspects into a development strategy to ensure the integrity of the environment as well as the safety, capabilities, welfare and quality of life of current and future generations. In the Regional Regulation on Spatial Planning in accordance with the Regional Regulation of Gianyar Regency Number 2 of 2023 concerning the Regional Spatial Plan of Gianyar Regency for 2023-2043. Based on data from the Central Statistics Agency of Bali Province, empirically the fact of land conversion shows that the area of rice fields in Bali was recorded to have decreased by 536 hectares or 0.67 percent. Gianyar 44 hectares, through data taken by satellite imagery through an area sample framework scheme, the area of raw rice fields in Indonesia has decreased by 7.1 million hectares, whereas the previous area reached 7.75 million hectares (BPS 2013).²³ Based on the above empirical facts, it shows that the high level of land conversion that occurs in Indonesia, especially in Bali, is very concerning and if not addressed quickly, it will disrupt the survival of Bali's nature in the future.

Where Bali, which was originally a rice self-sufficiency area, has now gradually narrowed into an industrial area. Head of the Gianyar Regency Agriculture Office, Made Raka, said that many agricultural lands in Gianyar Regency have experienced land conversion. Rice fields have turned into residential areas, including in the form of tourism and settlements. The conversion of agricultural land is due to the community's insistence on the need for settlements. From 2016 to 2021, the number of agricultural lands in Gianyar Regency decreased. Data from the Agriculture Office, in 2016 the area of agricultural land was 14,376 Ha, in 2017 it was 14,320 Ha, in 2018 it was 13,690 Ha, in 2019 it was 13,690 Ha, in 2020 it was 13,474 Ha and in 2021 the agricultural land area was 13,456 Ha until March. The decline in the number of agricultural lands in Gianyar Regency almost evenly occurred in all sub-districts in Gianyar. Until 2021, Gianyar District has transferred the function of agricultural land to 147 hectares. Blahbatuh sub-district has been converted to 181 hectares of agricultural land, Ubud sub-district 91 hectares, Tampaksiring 66 hectares, Payangan 44 hectares, and Sukawati 169 hectares. The highest land conversion in Tegallalang District is 222 Ha^[1].

2. Discussion

Made Raka said that the cause of the conversion of agricultural functions was caused by several factors. This includes the increasing population development that requires a place to live. "The conversion of agricultural land is also due to pressure from the tourism sector. Land values are increasingly soaring, an indicator that people are diverting agricultural land for settlements. Agricultural land is also shrinking due to its use for public purposes, social needs of the public such as highways and public facilities. In addition, land conversion is also a challenge for the development of tourism in Bali which is sourced from cultural tourism and its natural beauty. In addition, in the context of spatial planning, the Government has also issued Law Number 26 of 2007 concerning Spatial Planning (hereinafter referred to as the UUPR). In the provisions of Article 2 of the UUPR, it is stated that spatial planning is carried out based on the principles of sustainability, legal certainty and justice. Thus, it can be understood that the control of the use of space for natural resources, especially land, which is regulated through laws and regulations will always uphold the value of justice for the welfare of the community. Article 35 of the UUPR stipulates that the control of space utilization is carried out through the stipulation of zoning regulations, licensing, the provision of incentives and disincentives, and the imposition of sanctions. Community participation in the management and utilization of space is relevant and very important. To formulate the principle of usability/usefulness in the use of space for the welfare of the local community. According to Bentham's teachings, in essence the principles of law must be able to provide the greatest guarantee of happiness for the multitude, "the greatest happiness of the greatest number"^[2]. The problem of space utilization in tourist areas in Gianyar Regency, Bali, is often related to environmental, social, and economic aspects. Some of the main problems that can be found include: Overtourism Gianyar Regency, which is one of the main tourist destinations in Bali, often faces problems related to over tourism, which is a very high number of

tourists in some tourist destinations. This causes environmental damage, pressure on infrastructure, and an imbalance in the distribution of visitors between destinations. Environmental Damage The use of tourism spaces that is not properly managed can have negative impacts on the environment, such as coral reef damage, pollution, garbage, and land degradation. Many tourist destinations, especially those in coastal areas or natural areas, have been damaged due to the high volume of visitors. Environmentally friendly development cannot be separated from space which is a very important need in everyone's life so that the use of space will reflect a very close relationship between humans and humans and humans and their environment. Pollution and the volume of waste generated by tourism activities, especially plastics and other wastes, are often a big problem. Highly congested tourist attractions often lack adequate waste management infrastructure, resulting in pollution in the area. Unplanned Infrastructure Development The use of space for the rapid and unplanned development of tourism infrastructure can disrupt the natural and social balance. Sometimes, the construction of hotels, restaurants, and other tourist facilities is carried out without regard for sustainability and its impact on the environment and the local community. The model of developing tourist areas that is receiving attention from various circles and will be an important agenda in the tourism development process in the future is the empowerment of communities (local communities) in destinations through tourism business activities. Tourism has become a generator of economic development for the Balinese people. From the existing empirical data, ± 80% of all Balinese people make tourism as a source of livelihood. Shifting Land Functions To support tourism, many agricultural areas or green areas have been converted into tourist areas or commercial land. The tourist area of Ubud, often faces problems with high traffic density. The large number of private vehicles and tourists that come causes congestion, which in turn damages the comfort of tourists and disrupts the mobility of the local community. Development in all fields as a form of accommodation for human activities has various impacts. In rural areas, more and more agricultural land is being converted into various types of buildings. Meanwhile, in urban areas, there is less and less open land. It is undeniable that population growth triggers development growth, resulting in various problems. The use of space for tourism activities sometimes does not pay attention to the principles of sustainability in the management of natural resources, such as water, forests, and coastal areas. Gianyar Regency has a Regional Spatial Plan (RTRW) and a Detailed Spatial Plan (RDTR) which are a reference in the structuring of development, including the tourism sector. The RDTR is regulated in the Gianyar Regent Regulation and each sub-district in Gianyar has a regulation in the Gianyar Regent Regulation. For example, the Payangan District RDTR with Perbub No.23 of 2024, Sukawati District with Perbub Number 24 of 2023, Tegallalang District with Perbub No.1 of 2024, Gianyar District with Perbub No.41 of 2014, Regent Regulation Number 39 of 2024 concerning the Detailed Spatial Plan of Blahbatuh District for 2024–2044. Perbub No. 7 of 2023 concerning the Detailed Spatial Plan of Ubud District for 2023-2043. Tourism zoning is determined to regulate the construction of hotels, restaurants, homestays, villas, and other tourism businesses in accordance with the

¹ Sudira I. Control of Space Utilization in Tourism Areas Oriented to Justice and Community Welfare. Actual Justice. 2021:140–63.

² Adnyani SNK, Windia IW, Sukerti NN, Wife AA DA. Exploitation of Space Utilization in the Development of Tourist Areas. Pendetca. 2021:354–67.

carrying capacity of the environment, local cultural character, and maintaining a balance between conservation, settlements, agriculture, and tourism areas. With zoning, it is hoped that tourism growth will not be sporadic, but directed, sustainable, and in line with the vision of the development of Gianyar Regency as a quality cultural and tourism destination. An example of an RDTR customer case that occurred, for example the case of Parq Resort in Ubud, which is a tourism support accommodation business built on a green path.

If there are tourism business actors who establish or operate businesses outside the area that has been determined in the zoning, then the steps that can be taken by the Gianyar Regency Tourism Office are Cross-OPD Coordination in collaboration with the PUPR Office, the Investment & PTSP Office, Satpol PP, and related agencies to conduct field verification:

1. Giving a Written Reprimand
2. Convey a warning to business actors to immediately adjust to the applicable licensing and spatial planning provisions.
3. Coaching and Mediation
4. Provide guidance, including options for relocation or adjustment of business functions according to zoning.
5. Recommendation/Permit Closure/Revocation

If the violation is not followed up, the Tourism Office may recommend the revocation of the operational license or not provide a recommendation for the extension of the business license. Enforcement of Regional Regulations If necessary, coordinate with Satpol PP to take action in accordance with the provisions of local law. Prevention Efforts Periodic socialization regarding zoning and spatial planning rules to the community and business actors. Alignment of the OSS-based licensing system with RTRW/RDTR so that from the beginning no permits are issued outside the zoning. Regular monitoring and evaluation of the development of tourist areas in Gianyar.

As the times develop, it will have a great impact on the growth of the world economy. Indonesia is one of the countries that relies on economic growth by relying on the tourism sector. The State of Indonesia has several areas that can be used as a strategic tourism sector, one of which is the Bali Region. Bali is one of the largest and best industrial sector holders in Southeast Asia for now and is a tourism area in Indonesia.

Bali is one of the jewels for the Indonesian state which has a great impact on the development of the Tourism sector in Indonesia. Thus, the Bali region often brings in foreign investors to invest capital and develop tourism projects. However, as time goes by, the negative impact experienced by the Balinese people is due to the development of the Tourism Industry sector in Bali not using the Tri Hita Karana pajamas or foundations in the process of designing buildings and others.

The implementation of spatial planning in the Bali area is currently the center of public attention, especially for the Balinese people. Some foreign investors who carry out development on the land of Bali do not apply the concept of Tri Hita Karana which causes an imbalance of Bali's nature with other ecosystems. The current Spatial Planning Law is Law Number 26 of 2007 concerning Spatial Planning, which has been amended and supplemented several times, especially by Law Number 11 of 2020 concerning Job

Creation. This law replaces the previous law (Law No. 24 of 1992) and aims to create an orderly, integrated, and sustainable spatial planning throughout Indonesia.

If studied based on the purpose of making this regulation regarding Spatial Planning based on Law Number 26 of 2007 concerning Spatial Planning, it is to create integration, order, and balance of development throughout Indonesia, as well as to arrange spaces to be safe, comfortable, productive, and sustainable.

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In the Philosophy of Law, there are several elements that can be used as a guideline in studying related to this spatial arrangement, namely the elements of epistemology, axiology and ontology. The ontological element about the nature of space in Bali is that it has three main axes, namely:

1. **Religious Axis:** on this axis it is based on following the sunrise as the main value and the direction of sunset as the lowest value
2. **Earth's Axis:** centered on the mountains as the higher value and the direction of the sea as the lowest value
3. **Cosmic Axis:** which refers to the direction of ascending or descending

The relationships on these axes are not separate, but rather interconnected to form a holistic view of the world and how humans interact with it. The second element is the Element of Epistemology, which is one of the elements of knowledge. Sources of knowledge related to spatial planning in Bali can be divided into several sources, namely:

1. **Oral Tradition:** Knowledge is passed down from generation to generation through stories and teachings
2. **Lontar:** Ancient manuscripts such as Asta Kosala-Kosali are an important source of written knowledge about the structure of spatial buildings.
3. **Direct Practice:** knowledge can also be obtained through observation and direct experience in daily life.

The last element is the Axiological Element which is the value and purpose of spatial planning in the Bali area. In this axiological element, there are several elements that are derivative of this element, namely:

1. **Harmony and Balance:** Spatial planning aims to create harmony between humans, nature, and the spiritual world. This is reflected in the arrangement of houses, yards, and settlements.
2. **Spiritual and Social Purpose:** the design of a building is believed to influence its occupants, both spiritually and socially. Spatial planning that is in accordance with philosophical values is believed to bring a harmonious and prosperous life to its inhabitants
3. **Modernization Challenges:** The era of modernization creates challenges in maintaining the axiological order

If associated with the Theory of Legal Certainty and the Theory of Balance related to the cases that are rampant in Bali, especially in this spatial planning case, every company that will plan the development of the industrial sector in Bali must take care of all administrative matters that are legal in order to provide legal certainty. If all licensing documents are not taken care of properly, then the local government has the right to execute the company. In addition to the Theory of Legal Certainty, there is a theory of equilibrium used in this article. This Theory of Balance characterizes the existence of a good balance between humans and humans, humans and nature, and humans and the universe. This aims to ensure continuity in the implementation of spatial planning in Bali.

3. Conclusions

The Gianyar Regency Government already has Regional Regulation No. 1 of 2023 concerning the Gianyar Regency Regional Spatial Plan for 2023-2043. This regional regulation has been followed up with the establishment of a regulation of the Regent of Gianyar which regulates the detailed spatial plan of each sub-district in Gianyar.

Sanctions given for violations of the above rules can be in the form of giving written reprimands, coaching and mediation, recommendations for closing/revocation of permits. If the violation is not followed up, the Tourism Office can recommend the revocation of the operational license or not provide a recommendation for the extension of the business license.

It is necessary to socialize tourism business actors about Regional Regulation No.2 of 2023 in order to minimize the occurrence of violations, before making investments

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How to Cite This Article

Suryawan IGB, Sutama IN, Widyantara IMM. Model of space utilization in tourism areas in Gianyar. *Int J Justice Law*. 2025;4(6):52-55. doi:10.54660/IJLL.2025.4.6.52-55.

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