

Management of Tanah Laba Pura as a Supporting Facility for Tourism in Ubud Village

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ABSTRACT

This paper aims to find an ideal concept in managing Tanah laba pura to support tourism and provide benefits for the temple itself and for tourism. The problems discussed are how the conversion of Tanah laba pura is used as a means of supporting tourism and how the legal protection of Tanah laba pura is used as a means of supporting tourism in Ubud Village. The type of research used is empirical legal research, with a statute approach, a conceptual approach, and a sociological legal approach. The sources of research data are primary and secondary data sources. Furthermore, it is analyzed using sociological or teleological interpretation analysis techniques. The results of the study show that the benefits of converting Tanah laba pura in Ubud Village are to repair and maintain the temple building, to cover all religious ceremonial activities of the temple such as piodalan, to help the krama desa in the cost of repairing and maintaining the temple building, and to support tourism facilities in improving the quality of tourism in Ubud. Legal protection of temple land used as a means of supporting tourism in Ubud Village is regulated in the Decree of the Minister of Home Affairs No. SK.556/DJA/1986, where temples are declared as state legal entities that can own land with ownership rights

KEYWORDS

Tanah laba pura; benefits of Tanah laba pura; legal protection.

INTRODUCTION

Land is an inseverable part of life of human. In addition to being a place to live, land also provides a livelihood for humans. With the increasing importance of land in the future, the government has formed a law that regulates land, namely Law Number 5 of 1960 concerning Basic Agrarian Principles, known as the Basic Agrarian Law (UUPA). The basis for the formation of this UUPA is Article 33 paragraph (3) of the 1945 Constitution.

Current development often raises problems in the land sector, one of which is agricultural land that is narrowed due to housing or industrial development on the land. This occurs not only in urban areas, but also in rural areas. Therefore, the role of the people is very important in maintaining the integrity of the land in its customary law area (Efrianto, 2023; Jabalnur et al., 2019). Article 3 of the UUPA has regulated customary land and communal land.

Customary rights are limited by the existence of individual rights to land (individual ownership rights to land) (Efrianto, 2023; Murray Li, 2020; Narayana, 2023; Uktolseja & Radjawane, 2019; Wala, 2023). In this case, if individual ownership rights to land are very strong, then customary rights are weaker, conversely, if customary rights are stronger, then individual rights are weaker. After the issuance of the provisions on the conversion of UUPA No. 5 of 1960 in Article 2 of the provisions on the conversion of UUPA, it is explained that customary land controlled by individuals can be converted as ownership

rights.

Customary land is land owned jointly by a particular customary law community (Didace, 2020; Laturette, 2023; Wala, 2023). This land is a legacy from the ancestors or forefathers of the customary law community as a support for the life of the customary law community (Efrianto, 2023; Nuar & Lunkapis, 2019). Until now, customary land rights can still be found in areas where there are still customary law communities (Amira & Apriliana, 2020; Aredo & Regassa, 2007; Efrianto, 2023; Regina & Tanawijaya, 2019; Setiawan, 2016). According to Article 1 paragraph (2) of the Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency Number 5 of 1999 concerning Guidelines for Resolving Customary Rights Problems of Customary Law Communities, a piece of land with customary rights from a certain community with respect to customary law is known as customary land.

In Bali, land that is given customary village rights is called *druwe desa* or village land (Subanda et al., 2023; I. M. S. Suwitra et al., 2023; Wiasta et al., 2020). The *druwe desa* land includes village land, *pura laba* land, village yard land, and village *ayahan* land.

The lands owned by the Temple (*laba pura*) used to have the status of customary land or customary rights of the traditional village, so that legal protection for the Temple lands was considered very lacking. However, the Temple is a religious body that has land rights based on the Decree of the Minister of Home Affairs of the Republic of Indonesia SK/556/DJA/1986 dated September 24, 1986, so that until now the Temple controls the land with the status of freehold land and with the existence of this Decree of the Minister of Home Affairs, the Temple lands have legal certainty regarding their ownership status.

Each temple in Bali has two types of land, namely *Palemahan* land and *Tanah laba pura* (Cahyadi Wiguna, 2019; Windia, 2014). *Palemahan* land is the land where the temple building (*pelinggih*) and other buildings for religious activities stand (Suwitra et al., 2021), while *Tanah laba pura* is the land that supports the ceremonial needs of the temple, this land is usually agricultural land, fields or plantation land. The profits from these lands will be used to fund ceremonies at the temple, or used to maintain and repair all buildings in the temple (Sari et al., 2021).

Tanah laba pura is currently not only used as agricultural land, fields or plantations, but also leased to other parties if the *Tanah laba pura* is not productive. For *Tanah laba pura* that is no longer productive, action must be taken immediately so that it does not become abandoned land and the rights to the land are lost (Wijaya et al., 2022).

Among the biggest industries is the tourism sector (Hannam, 2008; Holjevac, 2003; Katta & Patro, 2019; Lew, 2011), including in Ubud. The tourism development, especially in Ubud, is currently very rapid. Ubud is one of the villages located in Gianyar. Various tourism potentials are found in Ubud such as nature, art and culture, and rural climate (Darmawan, 2018; Miarta, 2019). Various accommodation facilities needed to support tourism such as villas, hotels, bungalows and others have been built around the tourist areas in Ubud (Darmawan, 2018). Therefore, Ubud is one of the most frequently visited tourist attractions (Larasati & Sastrawan, 2021), so the existence of customary lands in the Ubud area cannot be separated from the influence of tourism development (Dewi et al., 2018). The presence of customary land turned into a tourist attraction, such *Tanah Pelaba Pura*, which serves as a hotel and parking area for visitors, is evidence of this. This happens because one of the problems currently being faced is the lack of parking lots which is the main factor in traffic jams in the Ubud area.

The development certainly requires land that is specifically located around tourist attractions or can also be in places that have strategic locations such as rice fields, cliffs, or around rivers. *Tanah Laba Pura* is also the target of the development of tourism support

facilities. The Tanah Laba Pura is no longer productive. Not all Tanah Laba Pura can be easily utilized for tourism support facilities, because many conditions must be met in order to maintain the environment around the temple if the Tanah Laba Pura is near the temple.

Based on the background that has been described above, the problems that will be discussed are 1) What are the benefits of the conversion of Tanah Laba Pura as a supporting facility for tourism in Ubud Village? 2) How is the legal protection of Tanah Laba Pura which is used as a supporting facility for tourism in Ubud Village? The objectives of this study are 1) to analyze the conversion of Tanah Laba Pura which is used as a supporting facility for tourism in Ubud Village, 2) to analyze the legal protection of Tanah Laba Pura which is used as a supporting facility for tourism in Ubud Village.

RESEARCH METHODS

The statute approach, conceptual approach, and sociological approach to law are all applied in this empirical legal research. This study used both primary and secondary data sources for its data. In this study, primary data were gathered through observation and interview methods. While secondary data were collected using documentation and recording. The informants in this study were the Bendesa Adat of Ubud Village and Kelian Pura. The respondents in this study were residents around Tanah Laba Pura in Ubud Village. The primary legal materials used are Law Number 5 of 1960 concerning Basic Agrarian Principles, Law Number 10 of 2009 concerning Tourism, Bali Provincial Regulation Number 3 of 2001 concerning Desa Pakraman, Bali Provincial Regulation Number 3 of 2003 concerning Amendments to Bali Provincial Regulation Number 3 of 2001 concerning Desa Pakraman, and the awig-awig of Ubud Village. The sociological or teleological interpretation analysis approach was employed as the data analysis method in this investigation.

RESULTS AND DISCUSSION

Benefits of Converting Tanah Laba Pura to Support Tourism

Ubud Village is one of the Pakraman Villages located in Ubud District, Gianyar Regency. The area of Ubud District is 42.38 km². The geographical location of Ubud District is 8° 27' 17" - 8° 34' 43" south latitude 115° 13' 45.7" - 115° 16' 51.7" east longitude. The population is 71,352 people. Geographically, Ubud Village is located at 8°25'19"S and 115°14'42"E, and is at an altitude of 325 m above sea level.

The function of the *tanah laba pura* is as a place for sacred buildings/*pelinggih*, a place for the *perantenan* building, *bale gong*, *wantilan* and also as a source of funds for all the interests and needs of the temple. However, of these functions, the most commonly known by the public is as a source of funds for the interests and needs of the temple.

Tanah laba pura or *Pelaba Pura* can be simply interpreted as a plot of land used for the benefit of the temple. *Tanah laba pura* can be divided into two types, namely land that is specifically used for temple buildings and land that is intended to fund the needs of the temple.

In the considerations of the Decree of the Minister of Home Affairs Number SK.556/DJA/1986 specifically in the section considering point b, it is stated that in accordance with the teachings of the Hindu religion, the temple and its *palemahan* land are a single functional unit that cannot be separated, consisting of three areas called Tri Mandala, namely:

- a. The *utama mandala* is the temple area or *tegak* temple where sacred buildings are located.

- b. The *madya mandala* is the area where complementary buildings are built to support religious ceremonial activities at the temple.
- c. The *kanista mandala* is an area belonging to the temple which is used for purposes directly related to religious ceremonial activities.

According to (Utomo, 1992), land conversion is defined as changing the use of all or a portion of the land from its original purpose to one that negatively affects the environment and the land's potential (Kuswanto, 2016). The conversion of land function is caused by factors, in general, factors to meet the needs of the increasing population and factors to increase demands for a better quality of life.

In Gianyar Regency Regional Regulation Number 2 of 2023 concerning the Gianyar Regency Spatial Planning Plan in Article 1 number 71, it is explained that:

An area that is part of one or more village/sub-district administrative areas and has the potential for tourist attractions, high accessibility, public facilities available, and tourism facilities available, along with community-based social and cultural activities that support each other in realizing tourism, is referred to as a tourism area.

For the community, especially the Balinese community, Bali tourism has become one of the sources of economic livelihood for the community. With these conditions, management must be directed to the welfare of the nation's elements. In accordance with the basic values established by Law No. 10 of 2009 concerning tourism, it states that tourism creates a conducive climate so that tourism businesses develop and provide equal opportunities in facilitating and providing legal certainty.

Tourism encompasses a range of tourism-related activities that are facilitated by a range of community, business, and regional government buildings and services. The main facility that makes a tourist spot alive and developing in order to provide services to visiting tourists is tourism infrastructure. Facilities from companies that provide services to tourists are called tourism facilities. Tourism facilities are services to tourists either directly or indirectly and their lives and livelihoods depend heavily on the arrival of tourists, on the other hand, tourism infrastructure consists of all the facilities needed for tourism establishments to exist, grow, and offer services to a range of visitors.

According to the Big Indonesian Dictionary, facilities are everything that can be used as a tool to achieve an aim or goal, a tool, a media. The entirety of a tourist destination that is required to meet visitors' demands and enable them to enjoy a tour is known as its tourism facilities. It is necessary to adapt the development of tourism amenities in popular tourist locations or specific tourist attractions to the needs of travelers in both quantitative and qualitative ways. The number of required tourism amenities is referred to as the tourism facilities quantitatively. When we talk about tourism facilities, we're talking about the quality of service that visitors receive, which is measured by their level of satisfaction. Its link to the kind and quality of services provided by tourism facilities in tourist locations has been organized in a national and worldwide tourism standard, allowing providers of tourism facilities to select or decide exclusively on the kind and quality of services to be offered.

Land use has grown over time, with many lands being used to support tourism needs causing a condition where there is utilization of village lands such as *tanah laba pura*. Development in the tourism sector continues to be increased by the government, both local and central governments, which aims to support national development. With such conditions, it will encourage land use to support tourism.

Development and expansion in the tourism sector is one of the driving factors for the increasing need for land as a tourism investment. As is known, the development of tourism facilities and infrastructure in the form of villas, hotels, resorts, restaurants, lodging, tourist

cottages, beach clubs, and other facilities causes land to have high economic value and has the potential to weaken socio-religious values in society. This is inseparable from the aim of realizing a tourism area that is in accordance with the current development of tourism in the Ubud area.

As explained in Gianyar Regency Regional Regulation No. 2 of 2023 concerning the Gianyar Regency Regional Spatial Planning, Article 50 paragraph (9) states that:

The realization of the tourism area as referred to in paragraph (6) letter d, includes:

- a. Development and strengthening of supporting facilities, infrastructure and transportation services as well as tourism support in an integrated manner;
- b. Development of sustainable tourism areas based on ecotourism;
- c. Strengthening and developing tourist destination areas with a sustainable ecotourism concept;
- d. Development and strengthening of community-based tourism villages;
- e. Integration of cleanliness, health, safety and environmental sustainability systems and certification in tourist destinations in tourism areas; and
- f. Strengthening the role and function of institutions in managing tourism areas.

Considering that Ubud Village is one of the tourism areas in Bali, most of which is a place or tourist attraction in the area and is a special attraction. The combination of natural and cultural tourism resources makes the Ubud area not only a place for recreation and ordinary vacations, but also a place of rest for tourists who want to get away from the hustle and bustle and routine in the urban environment. The Ubud tourism area is supported by a very strategic topography consisting of very beautiful natural landscapes such as rice fields, ravines, hills and rivers.

With the current condition of tourism development in Ubud, the development of tourism facilities is being intensively carried out by business actors. The development of tourism facilities targets development locations that are close to one of the tourist attractions. This is done through a planning process carried out before the development of the tourism facilities, because there are many things that need to be considered for the development of tourism facilities.

Along with the current rapid development of tourism facilities, customary land is also inseparable from the development of tourism facilities. Customary land located around the tourist area is most often used as a location for the development of tourism facilities, such as what happened in Ubud Village, namely the *tanah laba pura* which was converted into a supporting tourism facility.

The conversion of the *tanah laba pura* into a supporting facility for tourism in Ubud Village, namely *Pura Dalem Ubud*. It is one of the *tanah laba pura* s located in Banjar Sanggingan, Ubud, Ubud District. This *tanah laba pura* was converted into a hotel called the Pita Maha Hotel. In addition to the *Pura Dalem Ubud*, there is also *Pura Batu Karu* located on Jl. Suweta No. 18, Ubud, Ubud District, which was converted into a parking lot. Third, the *Pura Dalem Puri* which was converted into a hotel located in Banjar Sakti, Ubud District.

According to the opinion of the Head of Ubud Village, Tjok Raka Kerthyasa, the *Tanah laba pura* can facilitate tourism destinations without reducing the ethics and sanctity of the temple itself, so it will be productive. The *Tanah laba pura* is located in Sanggingan, namely the *Pura Dalem Ubud* which is contracted by the village and the *Pengempon Pura* for tourism facilities, namely the Pita Maha Hotel. This provides benefits from the Laba Pura. Given the current conditions, not many people work in agriculture and plantations and the land is not productive for plantations and agriculture. However, if managed properly, it will provide results but requires capital, one of which is by contracting or

collaborating.

Ubud has an attraction that is visited by many tourists from various countries in the world. All societal levels must contribute to Ubud tourism's success if it is to continue as a hub for cultural tourism. Support for active participation of the Ubud community is to implement the seven charms and understand what tourism really is and what benefits are obtained from developing and supporting tourism. The parts of the seven charms include security, order, cleanliness, coolness, beauty, hospitality and tranquility.

With several tourist attractions in the Ubud area, local and foreign tourists flock to these tourist attractions. This causes unavoidable traffic jams. The traffic jam is caused by several factors, including the disproportionate width of the road to the number of motorized vehicles, the use of the road as a parking lot because the community and entrepreneurs do not have garages and parking, low compliance with traffic signs, and the difficulty of finding land for parking.

There have been many seminars and research on how to overcome and reduce traffic jams in Ubud, but often the implementation is not optimal. Tourists also have difficulty parking their vehicles, due to limited parking spaces. Traffic jams not only cause discomfort to the surrounding community but also to tourists. Therefore, it is necessary to provide parking areas to overcome traffic jams.

With the presence of a parking lot in Ubud Village, precisely in *Batu Karu* Temple, whose land has been converted into a parking lot. Of course, it is expected to overcome the existing traffic jam. Currently, a parking ban has been implemented on the highway around the Ubud area. So that tourists can find parking easily and the existing traffic jam can be resolved slowly.



Figure 1. Ubud central parking area

Tourists, especially foreign tourists, certainly have a tourist destination to Ubud area not only for a day. Some of them choose to travel to Ubud area for more than a day. This certainly makes tourists need a villa or hotel for their overnight stay. Of course, these tourists want the best for them while traveling in Ubud area. Various kinds of lodgings are then built around Ubud for tourism support facilities.

One of the famous hotels in the Ubud area is the Pita Maha Hotel located in Banjar Sanggingan, Ubud. The hotel is a conversion of the *tanah laba pura* of *Pura Dalem Ubud*. The *tanah laba pura* was converted into a hotel to support tourism facilities in Ubud. With the hotel, tourist activities can be carried out because the hotel certainly offers the best facilities and the a very strategic location.

The converted *tanah laba pura* as above provides benefits for the development of tourism, especially in the Ubud area. In addition to being beneficial for the temple itself, it

is also beneficial for the sustainability of tourism in Ubud Village. With the current state of tourism in Ubud, the demand for land is increasing along with the need for tourism facilities needed to support tourism. Various companies and business actors are competing to create these tourism facilities.

Tanah laba pura that is no longer productive is then approved by the *Pengempon Pura* to be converted into a tourism facility. Before there is a decision to convert the function of the *tanah laba pura*, a *paruman* (meeting) will be held by the *Pengempon Pura* with the *prejuru pura* to discuss whether the *tanah laba pura* can be converted or not. If there is no decision from the *Pengempon Pura* after the *paruman*, the *tanah laba pura* cannot be converted.

Legal Protection of Tanah Laba Pura in Supporting Tourism in Ubud Village

The conversion of the *tanah laba pura* as a tourism facility can be interpreted as an effort to support the development of tourism in Ubud Village. The conversion of the *tanah laba pura* was carried out due to the increasing number of tourist visits and supporting tourism facilities in Ubud. The conversion of the *tanah laba pura* that occurred in the Ubud area was in the form of hotels, villas, restaurants and other supporting facilities.

Many efforts have been made by the Ubud community to preserve arts and culture, namely by holding regular arts and culture performances at the *balai banjar* in Ubud. As a means of promoting tourism, the Ubud community has routinely held international events such as the Ubud Festival and the Ubud Writers Readers Festival. Therefore, there are quite a few investors who invest in tourism in Ubud, one of which is by renting a plot of *tanah laba pura* that is no longer productive in Ubud.

One of the *tanah laba pura* that was converted into a hotel is *Pura Dalem Ubud* which is located in Banjar Sanggingan, Ubud, Ubud District. According to the explanation from Mr. I Nyoman Ada as the *pengempon* of *Pura Dalem Ubud*, since the beginning of his time as the *pengempon* of the temple, he found the condition of *Pura Dalem Ubud* in an unsuitable state (*kaon*) and he had the initiative to convert the *tanah laba pura* by renting it out to obtain profits that would later be used for the needs of the temple. On the other hand, at that time tourism in the Ubud area was increasing.

Mr. I Nyoman Ada said that the *tanah laba pura* that was converted into a hotel called Hotel Pita Maha has had its lease term extended and has been agreed by both parties and stated in the deed of land lease extension by the Notary. According to him, the first contract has been running for about 30 years, has now been extended and this second contract has been running for approximately 10 years.



Figure 2. Pita Maha Hotel

The same thing also happened to the *tanah laba pura* of *Pura Dalem Puri*, which was

converted into a resort and spa. According to the explanation from the *pengempon pura*, the function of this *tanah laba pura* is to become a resort and spa. The resort and spa are located close to the Ubud tourism center.

This *tanah laba pura* was converted from the demolition of the *pelinggih pura* which was to be repaired. Due to lack of funds and the *prajuru pura* do not want to burden the *krama pura*, this *tanah laba pura* land was then converted by being contracted out to be able to provide operational costs for the temple. This was also supported by the development of tourism in the Ubud area at that time and the converted *tanah laba pura* was contracted out which was then used by the party contracting the land as a place of business.

One of the *tanah laba pura* located not far from the center of Ubud, was converted by being rented and then built into a resort and spa. Several strong reasons underlie the decision to convert this *tanah laba pura*, one of which is the lack of temple operational costs and the condition of the *tanah laba pura* which is no longer productive.



Figure 3. Sakti Garden Resort & Spa

The conversion of the *tanah laba pura* will not disrupt the sustainability of the surrounding area or disrupt the activities related to the temple. The location of the *tanah laba pura* that was converted is different from the location of *Pura Dalem Puri*. Likewise, the *tanah laba pura* of *Pura Dalem Ubud* is in a different location so it will not disrupt activities at the temple.

As explained by the Ubud Traditional Village Head, the *tanah laba pura* can be converted without reducing the ethics and sanctity of the temple itself. Gianyar Regency Regulation No. 2 of 2023 concerning the Gianyar Regency Spatial Planning in Article 1 number 100, explains:

The area surrounding the temple, known as the holy place area, is required to be kept clean within a specific radius based on the temple's status as stated in the 1994 Bhisama Kesucian Pura Parisadha Hindu Dharma Indonesia Pusat (PHDIP).

For the converted *tanah laba pura*, the *pengempon pura* is required to supervise the *tanah laba pura*. Supervision of the construction of the *tanah laba pura* is to ensure that the construction is in accordance with the agreement that has been agreed upon at the beginning, if it is not in accordance then the *pengempon pura* can warn the contractor regarding the agreement that has been agreed upon regarding the management of the *tanah laba pura*.

The provisions in Article 28 D paragraph (1) of the 1945 Constitution explain that:

Everybody is entitled to equal treatment under the law, acknowledgment, assurances, protection, and fair legal certainty.

The land sector is likewise covered by the aforementioned regulations. The 1945 Constitution's Article 33, paragraph (3), which emphasizes that the state controls the land,

water, and natural resources contained therein to be used for the greatest prosperity of the people, contains provisions on government authority to regulate the land sector. These provisions are then reinforced in the UUPA. Additionally, it is evident in a number of Presidential Decrees, Presidential rules, Government Regulations, and rules issued by the leaders of technical agencies within the land sector.

The provisions of Article 2 paragraph (2) of the UUPA, specifically in terms of the authority to regulate and organize the allocation, use, supply, and maintenance of land as well as determining and regulating legal relationships between people with legal acts regarding land, serve as the foundation for the government's authority to regulate the land sector with regard to land law and utilization. The kinds of land rights that the state may grant and that legal subjects may hold are specified in Article 4 of the UUPA.

Land rights are granted or determined in an effort to give the holders of those rights legal clarity, including in all land issue resolutions. The Law directs the government to conduct land registration throughout Indonesia that is of a *Rechtskadastro* nature, which means the purpose of guaranteeing legal certainty and certainty of rights as regulated in Article 19 of the UUPA, in order to provide legal certainty, which is one of the main objectives of the UUPA.

Land registration encompasses all government-planned actions that are carried out consecutively, constantly, and sequentially. Examples of these activities include data collection, processing, bookkeeping, and the presentation or maintenance of physical and legal data in the form of land plot-related maps and lists. Land registration is done to ensure legal certainty and to satisfy governmental and community requirements (Gayatri, Seputra, & Suryani, 2021).

Land registration will provide land rights holders a sense of security and assurance regarding the legality of their land rights, as well as protection from the law. In order to provide legal certainty in the land sector, including the issuance of evidence and its maintenance, Boedi Harsono defines land registration as a series of ongoing and regular activities carried out by the state/government in the form of gathering specific information or data regarding certain lands in certain areas, processing, storing, and presenting them for the benefit of the people (Harsono, 2008).

Land registration activities are carried out for land rights holders and for other parties are activities aimed at obtaining information related to the truth of the land. Land plots with ownership rights, business use rights, building use rights, land management rights, *waqf* land, ownership rights to apartment buildings, mortgage rights, and state land are the objects of land registration, according to government legislation on the subject.

Land registration efforts are an obligation for rights owners to guarantee and request legal certainty from related institutions. This is also a manifestation of the state's existence in providing legal certainty for ownership and implementation of land registration for the community, so that land can be used for the welfare of the wider community (Kumara, Wijaya, & Suryani, 2021). To achieve a good land registration system, it only exists if a series of activities have been carried out to collect, invest, and at the same time supervise the traffic from the issuance of land title certificates. This activity will be recorded in a general list or what is often called a land book, which is carried out by the government of the National Land Agency (BPN) in this country (Sutedi, 2012).

From the outset, the UUPA has acknowledged customary law, as seen by the Consideration's declaration that "a national agrarian law, which is based on customary law on land," is necessary. Furthermore, "the agrarian law that applies to the earth, water, and space is customary law," according to Article 5 of the UUPA. According to Herman Soesang Obeng's interpretation of customary law, there is a close relationship between

humans and land, and in the fabric of thought (*participierend denken*), it is said that this relationship is magical and religious, with elements of supernatural power (mystical) as a manifestation of human-supernatural dialogue with the spirits they revere (Sutarja, and Suwitra, 2019).

Customary land rights are the object of customary land law, consisting of customary rights and customary property rights. Customary rights are the entitlements of communities governed by customary law to govern their land, to control its use and administration for the benefit of the legal community, and to maintain an unbreakable bond as an integral part of the legal community. While customary property rights are individual rights or control rights that are individual and personal in nature, because the land is intended only to fulfill personal and family needs.

Customary lands, especially in Bali, in addition to having an economic function in the sense of supporting the economic needs of traditional villages, also have a socio-religious function because the land is also used for socio-religious purposes. In accordance with the provisions of the conversion of the UUPA as stated in Article II, customary land rights in Bali are known as “*tanah ha katas druwe desa*”, which are of various types such as *Tanah Druwe Desa*, *Tanah Laba Pura*, *Tanah Karang Desa*, *Tanah Ayahan Desa*, *Tanah Bukti*, and *Tanah Pecatu*.

This customary land often causes several disputes which generally originate from the unclear status of rights and the subject of the land rights concerned. One of them is the *tanah laba pura* which is still recognized by the Balinese people and is often a source of vulnerability in the land sector, especially in Bali. This occurs because the status and subject of the land rights of the temple in question are unclear, which often causes disputes.

Temple land in Bali can be classified into two, namely, *Tanah Tegak Pura* is land where temple buildings and other buildings support religious activities and *Tanah Laba Pura* is land whose results are used for the benefit of the temple, both for ceremonies and temple repairs. The position of this land is usually not in the temple area and its use can also be done independently or rented to other parties. Related to the problems experienced by this *tanah laba pura*, it is usually caused by the strategic location of the land and supports tourism, which gives rise to the desire of certain parties to control the land.

With the issuance of the Decree of the Minister of Home Affairs No. SK.556/DJA/1986, the temple was declared a state legal entity that can own land with ownership rights. Land related to the *tanah laba pura*, both the *tegak pura* and the *pelaba pura* can be certified with ownership rights status according to the UUPA. Based on the Decree of the Minister of Home Affairs Number: SK.556/DJA/1986, the status of the *tanah laba pura* in Bali is now clear, namely the status of temple ownership rights. Before the issuance of the Decree of the Minister of Home Affairs, the conversion of customary lands in Bali, especially the *tanah laba pura*, was still unclear. Although this land is a *druwe pura*, in terms of the subject or rights holder, it is not clear whether it is controlled by the temple caretaker from generation to generation or managed by the village administrator where the temple is located.

The temple administrators make various efforts to maintain the status of ownership of the temple land, namely by conducting data collection and registration of land owned by the temple. Article 19 of the UUPA Article 2 paragraph (2) states that legal certainty regarding temple land needs to be registered in accordance with the established rules. As is known, the UUPA explains the functions of the existence of rights to land or guarantees where Indonesia also has applicable customary law.

The land of the temple with its registration process still guarantees the material aspect of the temple activities both for the cost of ceremonies and the cost of temple maintenance.

Land that has become the property of the temple in the form of agricultural land (rice fields, fields) is then its cultivation is handed over to the *pengempon pura* and the profits are prioritized for the benefit of the temple.

The presence of customary land, particularly in Bali, has a significant impact on how land is evaluated for its strategic importance and economic worth in sustaining community life. This includes customary land, which is susceptible to changing from one use to another and even changing ownership from communal to private, among other issues that could ultimately destroy the unique character of the customary land. The idea of the land's social and economic functions, which forms the foundation for excessive land use, is what frequently turns into a land crisis. The economic value of land is very high due to the growing development of tourism facilities. *Tanah Pekarangan Desa*, *Tanah Ayahan Desa*, and *Tanah Laba Pura* are examples of customary lands that have developed tourism support facilities. This suggests that the original dominant socio-religious function of customary land has given way to a more dominant economic function.

Alongside the tourism industry's explosive rise are the values of capitalism, consumerism, and individualism spreading across society. This has an impact on the management pattern of the *tanah laba pura* which was originally used for the benefit of the temple and managed communally but is now moving towards individual management which is used for personal interests (Santosa, 2021).

Given that the Tourism Law governs the organizing principles of tourism that uphold religious norms, including cultural values as a manifestation of the concept of balance between humans and God, humans and humans, including humans and their environment, the use of *tanah laba pura* as a means of promoting tourism has the potential to create a conflict of values and interests. The concepts of arranging tourism that support local wisdom are also emphasized by the Tourism Law.

Such inconsistencies in values certainly pose a threat to the concept and purpose of the *tanah laba pura*. In a situation like this, the Balinese people should immediately be aware, understand, and maintain the essence and meaning of the temple with its *palemahan* land which is a functional unity that cannot be separated. The Balinese people should be able to apply the *Tri Mandala* concept to maintain the *tanah laba pura* so that it can be utilized and managed properly in accordance with its ideal purpose, namely for the benefit of the temple itself.

The conversion of the *tanah laba pura*, one of which occurred in the Ubud area, especially in *Pura Dalem Puri*. Where the *tanah laba pura* has been certified with a Certificate of Ownership Number: 932 with a land area of 3020 M2 registered in the name of *Laba Pura Dalem Puri*. Thus, before the conversion of the *tanah laba pura* occurred, the *tanah laba pura* had been certified as the property of the temple.

The *tanah laba pura* was converted by renting it out and will later be managed as a supporting facility for tourism in Ubud. The lease agreement has been made and accepted by both parties using the terms and conditions as agreed by both parties which are then stated in the lease deed by the Notary. One of them is the lease term, rental fee and guarantee provided by the land owner.

Likewise, what happened to one of the *tanah laba pura* in *Pura Dalem Ubud*. Land with an area of 14,800 M2 which was converted into a supporting facility for tourism in Ubud. Just like the *tanah laba pura* above, this *tanah laba pura* was converted by being rented and then managed by the lessee. According to information provided by the *pengempon pura* of *Pura Dalem Ubud*, this *tanah laba pura* has undergone a contract extension according to the agreement of both parties.

In relation to land ownership certificates, the certificate is very important for customary

lands, especially *tanah laba pura* in Bali. Those who qualify receive the certificate. The certificate serves as a very reliable proof of rights, demonstrating the nature of the rights, the subject, and the land. Because land registration is carried out with the aim of providing a guarantee of certainty of land rights, it must be attempted so that all information contained in its administration always matches the actual situation.

Lease is basically an agreement. Legally speaking, a lease is defined as an arrangement whereby one party commits to granting the other party the use of all things for a predetermined period of time in exchange for a fee that the other party agrees to pay (Article 1548 of the Civil Code). Lease agreements such as sales and purchases and other agreements are generally consensual agreements, which means they are valid and can be implemented immediately after an agreement is reached on two essential aspects, namely goods and price. The responsibility of one party is to hand over the product for the enjoyment of the other party, while the obligation of the second party is to pay rent.

Since it is a broad agreement, withdrawal requires the consent of both parties. As an agreement, the validity of a rental agreement is if it is in accordance with the provisions of a valid agreement as stated in Article 1320 of the Civil Code, namely subjective requirements include aspects of the agreement of the parties and the capacity to make an agreement, in addition to objective provisions covering a certain matter and a lawful reason.

When a written rental agreement is signed, it terminates at the conclusion of the term mentioned in the agreement. If the rental agreement is only in verbal form, then the rental agreement ends when one party notifies the other party that he wants to terminate the lease.

With the conversion of the *tanah laba pura* by means of rent as in the example above, in this case the lease deed plays a very important role in protecting the *tanah laba pura* from legal violations that will later become a source of disputes over the land. The deed can not only guarantee the security of one party, but both parties will also be guaranteed security during the rental process. This deed must also be made or issued by a Notary Official legally and with several provisions regarding the making of the deed.

CONCLUSION

1. The benefits of converting the function of the *tanah laba pura* as a supporting facility for tourism in Ubud Village are to repair and maintain the temple building, to cover all religious ceremonial activities of the temple such as *piodalan*, to help the *krama desa* in the cost of repairing and maintaining the temple building, and to support tourism facilities in improving the quality of tourism, especially in Ubud which has increased quite significantly from time to time. This land conversion is not intended to change the ownership of the *tanah laba pura*, but only its use or benefits can be converted.
2. Legal protection of the *tanah laba pura* used as a supporting facility for tourism in Ubud Village. With the issuance of the Decree of the Minister of Home Affairs No. SK.556/DJA/1986, the temple was declared a state legal entity that can own land with ownership rights. In order for the *tanah laba pura* to receive protection and legal certainty of its existence, the land needs to be registered. After the issuance of the *tanah laba pura* certificate, the certificate can be one of the proofs that the *tanah laba pura* legally receives protection and legal certainty of the land. For *tanah laba pura* used for supporting facilities for tourism, in this case the land is rented, the legal protection is in the form of making a lease deed containing an agreement between the owner and the lessee carried out by a Notary.

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