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## RESEARCH ARTICLE

# THE ARRANGEMENTS OF TOURISM THROUGH CULTURAL PERSPECTIVE IN BALI TOWARDS SUSTAINABLE TOURISM

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### ABSTRACT

Bali is one of the famous tourism destinations in the world. It offers not only the beauty of its natural resources, but also the uniqueness of its culture. Development of economic in Bali is also shown through the marketing activities conducted in tourism sector. People marketing the natural resources and the result of human culture and to create tourism products on regional and community activities. This article aims to discuss the impacts of Tourism in the cultural perspective and the tourism arrangements in the cultural dimensions towards sustainable tourism. This article uses normative legal research that applies statutory, concept of law and comparative approaches. Paradise attracts tourists, at the same time the tourists undermine the paradise. One example of positive impacts of tourism in Bali is it has major contribution both to the central and local government of Bali. Meanwhile the negative impacts (including social impacts) are the life orientation of the people has shifted from efforts of pursuing "peace of life 'in the direction of looking for the" pleasures of life", the constantly evolving "touristic culture", shift in the population employment sector from agriculture to non-agricultural sectors, and the emergence of a competitive qualities, leaving the communal values (*menyamabraya* or mutual assistance). The arrangement of tourism in cultural dimensions towards sustainable tourism has been realized in the form of legislation: Law on Tourism and other related laws, as well as at the provincial level has been established several Provincial Regulation of Bali, including regulated also in the Regional Medium Term Development Plan and the Regional Long Term Development Plan. It seems that developing what so called "CBT" (Community Based Tourism) that fully supported by the Government can be one solution to this issue.

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## INTRODUCTION

Freedom to travel and enjoy free time in the form of traveling is now classified as Human Rights. Developing countries are generally still not paying attention to the field of human rights related to the Right to Tourism. It is different from those in the Developed Countries, such as the European Union (the EU), they are quite attentive and one of their focus of concentration is the right of every person to tourism, which are connected with improving the quality of human life (Laheri. 2015). The concern of The EU on the right of everyone to tourism which is categorized as human rights declared explicitly by Antonio Tanjani, the European Union Commissioner for Enterprise and Industry by stating that: "Travelling for tourism today is a human right.

Human Rights legal instrument that gives the juridical basis of the existence of the right to tourism "can be found in Article 24 of the 1948 Universal Declaration of Human Rights as follows: Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay (Dharmawan *et al.*, 2011). State of Indonesia as we all know is one of the developing countries that has a wide variety of tourism potential, both natural attractions and cultural tourism because Indonesia has various tribes, customs, and culture as well as the geographical location of Indonesia as a tropical country that produces the beauty of nature and wildlife. Indonesia has a vast territory with the support of the natural resources of diverse potential to be processed and utilized. Besides the Indonesian state is also rich in cultural arts, customs, relics of previous history, and no less interesting is the beauty of its natural scenery, potential enough to be developed properly. The island of Bali is one of the destinations for the people of the European Union. Relatively many tourists from Europe spend time off, relax and enjoy the holiday in the

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beautiful island of Bali famous for its uniqueness, customs and culture. Even the island of Bali has been twice awarded the Best Island in the world. Through tourism, tourists may momentarily forget the job-related affairs that demands a high concentration. The relaxing situation and refreshed condition after travel eventually will bring a new freshness to move back the real world is one of the important factors that is needed to improve the quality of human life, as believed by thinkers of proponents of travelling as part of human rights. When tourism was established by the government in the Guidelines of State Policy (GBHN) and The Five-Year Development (in 1970's), at that time the Bali government was aware of this, that tourism was as excellent potential for Bali. Even in its development, it was found to contribute revenue exceeded the agricultural sector and other service industries (Depdikbud, 1998). It is explicitly stated by the Government of Bali about the concept of "Cultural-based development". It is understood that Bali does not have natural resources as much as other regions in Indonesia. Furthermore, as a result of the support of the existing infrastructure, the development of tourism in Bali improves drastically. Several hotels of international level have been constructed, international airport has been improved and expanded to anticipate the increasing tourist visits. Therefore, it becomes important to discuss the issues of the impacts of Tourism in the cultural perspective and the tourism arrangements in the cultural dimensions towards sustainable tourism. This article uses normative legal research method of which implementation was carried out methodically, systematically and consistently (Ibrahim, 2006) that applies statutory, concept of law and comparative law approaches. Analysis of the existing legal materials was conducted by using qualitative descriptive analysis technique.

## RESULTS AND DISCUSSION

### The Development of Tourism in Bali

Tourism is an activity that provide accommodation, transportation, food, recreation and other related services. As a form of trade in services, tourism is a system of trading services that includes various components of trade in services, such as; actors, forms of services, consumer services, and transaction services that connects providers of services and consumer services (Putra, 2010). The tourism activities in the era of globalization inevitably have a positive impact in the form of profits in the economic sector, such as; revenue from the tax sector and expansion of employment opportunities, especially for countries that became a tourist destination. But on the other hand tourism can also have negative impacts, such as environmental damage. Many studies show the growth and the development of the tourism industry that lead to both positive and negative impacts for the destinations. The positive impact are an increase in tax revenues, opening up job opportunities, construction of adequate infrastructure, and others. On the other sides are the negative impacts of environmental damage i.e. natural ecosystems such as their impact on air pollution, exploitation of water resources, the damage of coral reefs and also the environment damage in social aspects such as the behavior of tourists that sometimes conflict with the local culture (Dharmawan, 2012).

Indonesia is located in the Asia Pacific region, is a very well known tourist destinations in the world. Therefore Tourism has a huge influence on the economy of the people, where tourism has a positive role as the income generator for the people, opening job opportunities, as a source of foreign exchange earnings, encouraging exports (especially goods of handicraft industry), and changing the structure of the economy into more balanced economy (Rudy, 2015). When we observe the society, there are some facts that show a group of SMEs in tourism are still marginalized and unable to compete with the larger one, namely (Rudy, *ibid*):

- Group of hawkers and street vendors of SMEs who sell craft items have frequently been chased by the municipal police when they hold their merchandise in front of or around artshops that in fact belonged to the large enterprise. Here certainly be questioned about the policy of the local government in economic development areas that are often campaigning slogan of "community-based tourism" and the development of social economy. Hawkers and street vendors should have been given easier access to its market by providing a place to sell their products, so that those concerned can share in the economic progress due to the influence of tourism.
- The proliferation of artshops or souvenir shops selling all kinds of souvenirs and regional specialties. Their existence is, clearly has interfered with the traditional markets and the art markets generally made up of SMEs. In response to this phenomenon, which needs to be questioned is the impartiality of the Local Government obviously still at large businesses. Local Government and large employers pay less attention to the interests of society in general that mostly composed of SMEs.
- Such condition gives the hotels as exclusive places of providing all the needs of travelers, ranging from food, souvenirs, clothes and many more, so that hardly any travelers spend their money that can be enjoyed by the SMEs. The question is why the hotels as places to stay also serve as places to trade that depriving businesses of traditional society. Such phenomenon is contrary to the principle of "community-based tourism" (Sutjipta, 2005).
- Capital constraints and limitations experienced by SMEs make them difficult to be able to grow and develop naturally. The big orders from customers are often rejected due to insufficient capital. Each submission of loans through banks or cooperatives are often rejected because of insufficient collateral (Nusa Bali, 28 Januari 2014).
- Related to the culture in tourism, philosophical problem that arises is that how the culture has to be maintained and improved towards sustainable tourism. In terms of sociological problems that the people do not evenly enjoy the yield of tourism, and legally there are rules or government policy that have been impartial and harmonious with the needs of the people.

## The Impacts of Tourism in the Cultural Perspective

"Trust me, Bali is not going to change, Bali would remain Bali. In the past, 100 years ago, now, and hundreds of years to come, Bali never mortgaged itself to tourism. The Balinese already determined that tourism must submit to Bali. Tourism for Bali, not Bali for tourism" (Picard, 1992). That was the speech quotation of the former governor of Bali Ida Bagus Oka. Upon hearing the word of Bali, two things immediately bear in our minds, namely tourism and paradise. Both of these are inherent features in Bali, and also contradictory. Paradise attracts tourists, at the same time the tourists undermine the paradise. We frequently hear about how the actors of the tourism and their institutions spoil the people and their culture as a result of tourism development. Are native cultures damaged or protected, ruined or otherwise strengthened by tourism? It is said that Bali is almost declined, which no longer like Bali it used to be. Noble traditions inherited from ancestors of Bali has been much abused and has even converted to the needs of tourism. Balinese artistic creativity as if the mere memories, while the various religious ceremony turned into a commercial spectacle. Basically the Balinese people tend to be materialistic, so everything is sold, in short, money defeating the culture of Bali.

UN WTO (United Nation World Trade Organization) has been looking for a "good" tourism formula i.e. the development of tourism that can benefit both the destinations and the tourists, without neglecting the interests of the international tourism industry. Before discussing the negative impacts arising from tourism, there are some things that have positive impacts on tourism seen from the cultural perspective, including the followings:

- The early interest of tourists to Bali was Cultural tourism. At first Bali relied on this type of tourism to underlie the emergence of other types of tourism. With this type of tourism made Bali famous for a lot of people who came to do research and publications.
- With culture as the flagship of tourism in Bali, then it makes the tourists to be amazed, and the Balinese people to be more proud of their culture and ultimately open their hearts to be more creative in developing the culture of Bali.
- From an economic perspective, it has been recorded that thanks to the insightful cultural tourism has a major contribution to both the central and the local government.

Besides the positive impacts, tourism negatively impacts (including the social impacts) the Balinese culture (Depdikbud, *Op.Cit*):

- The life orientation of the people has shifted from efforts of pursuing "peace of life 'in the direction of looking for the" pleasures of life". In other words, the change of orientation in search of material rather than the spiritual quest. It is reflected in the life of free sex, drug abuse, nightclub lifestyle or in Bali commonly referred to as "café", extravagant religious

ceremonies are enlivened not primarily because of the quality of devotion to God, but for the purpose of showing off to others or to the tourists.

- The constantly evolving "touristic culture". The characteristics are: a. The venues can be seen almost anywhere, b. Stage time is shortened, a series of events tailored to the travelers' needs, c. It can be packaged in accordance with the requests / tastes of the tourists.
- The *Subakor* Balinese traditional farming system institutional roles have diminished. Participation of land owners in the villages who lived in the city sorely lacking in developing their villages. The quality of *ngayah*, or Balinese voluntarily social works also declined.
- Shift in the population employment sector from agriculture to non-agricultural sectors. Their fields or land are condemned for tourism supporting use.
- Increasing crime rates, especially those of economically motivated crimes, even the stolen objects are in the form of sacred objects.
- The emergence of a competitive qualities, leaving the communal attitudes / values (*menyambraya* or mutual assistance), more concerned with personal interests.

## Tourism Policies: Sustainable Tourism

Definition of tourism and visitors as referenced in the UN WTO Global Code of Ethics for Tourism if it is associated with Law on Tourism of Indonesia, it seems that the definition is closer to the definition of "tourist", although in Indonesia the period limitation of traveling only mentioned in a "temporary" period of time, whereas in the definition of the UN WTO Global Code of Ethics (UNWTO, 2011) explicitly mentioned the limitation is of "not more than one year". Thus, because of this time range, it can be studied the human rights issues related to a tourism activity.

In the national perspective in Indonesia, in line with the definition of sustainable development as set out in the UN WTO Global Code of Ethics for Tourism, through the provisions of Article 1 (3) of Law Number 32 of 2009 on the Protection and Management of Environment also raised the notion of sustainable development as a conscious and planned efforts that combine environmental, social, and economic aspects into development strategies to ensure the environmental integrity and safety, capability, prosperity and quality of life of the present and the future generations. In the Indonesian Law on Tourism the arrangement on sustainable development is specified in the section of " the Consideration on the letter c" which states that tourism is an integral part of national development undertaken in a systematic, integrated, sustainable, and responsible manners while providing protection against the values of religions, the living cultures in the community, sustainability and environmental quality, as well as the national interests. In connection with the achievement of sustainable development of tourism there are three important pillars that must be considered and maintained harmony namely: the balance of economic, environmental and social pillars and coupled with climate change.

The issue of climate change has an influence either directly or indirectly to the development of economic and social culture (Chatarayamontri, 2009). The obligations and responsibilities to the environment seem to have always existed in various concepts of tourism development known as sustainable tourism. In Law Number 10 of 2009 on Tourism, although it is not explicitly stated referring to or ratified the UN WTO Global Code of Ethics for Tourism, but the recognition and its compliance with the Soft Law is actually reflected in Article 5 (g) which states "Complying with the code of ethics of world tourism and international agreements in the field of tourism" (Dharmawan *et al.*, 2011). It has been described above related to the definition of sustainable tourism and has been referred by the UN WTO and the national policies in Indonesia. One of the points desirable in sustainable tourism is tourism development should pay attention to the cultural development of society in harmony with the environment and so forth. It also has long been considered about the concept of culture in 1980 in Manila at the World Tourism Conference, which emphasized the new priorities on the social, cultural and educational tourism. "..... Tourism has taken a cultural and moral dimension that must be protected against any negative distortions caused by economic factors". Other world statements about the recognition and protection of tourism and cultural relations were emphasized in various world conferences. "All cultures are part of a variant of the human race. Therefore, it should be recognized the equal dignity of all world cultures and the rights of all ethnic groups and all cultural communities to express, preserve and respect for cultural identity. "(UNESCO, 1982, article 4 & 9 in Picard, *Op.Cit*).

### Bali Tourism Policy

The relevance of cultural recognition in the legal politics of tourism can be seen from the perspective of realizing the ideology (*Rechtsidee*). Perspectives of ideology of the urgency of cultural recognition in national and local tourism becomes very important because the legal order which operate within a society is basically an application of the ideology of the applicable law in society into the various rules of law, legal institutions and processes (Sudantra,2016).Abandonment of Indonesian ideology has resulted in a foreign ideology freely and easily in marginalizing the characters or ideology of Indonesian (*Pancasila*), destroying the livelihood of the Indonesian nation, destroying the identity marker to the substance of Indonesian identity (Putra, 2016). One of them, such as the destruction of the cultural system. For example: the destruction of characters, attitudes and religious behaviors into attitudes, characters and behaviors of deceptive behaviors, from the social brotherhood prefer to adopt the attitude, characters and commercial behaviors and selfishness (Putra, 2016, *Ibid*). Related to the protection of the cultural system in tourism in Indonesia, it has been made the process of legislation on tourism. In the consideration part of point c of Law on Tourism stated that tourism is an integral part of national development undertaken in a systematic, planned, integrated, sustainable and responsible manners while still providing protection for religious values, cultures living in the community, and preservation of natural environment quality. In Article 4 point e and f of Law on Tourism states that tourism aims to preserve the nature, environment and cultural resources

as well as to promote culture. The emphasis on preserving nature, the environment and resources is a must i.e. the comparative advantage of Indonesian tourism. Directly and indirectly, the political will be a driving force of tourism in Indonesia. Reform on tourism (Law of Tourism) which is cultural based tourism as a figure of law or a tool for development and the changes that occur in society (Widiatedja, 2011).Law on Tourism specified the manual procedure, the size criteria and guidelines for performance in restoring and preserving cultural property as one of the most important assets of our tourism. This is an important capital in the face of internal and external challenges in the future. In addition to Law Number 10 of 2009 on Tourism, a number of tourism-related policies have been established, among other things:

- Government Regulation of Republic of Indonesia Number 67 of 1996 on the Implementation of Tourism;
- Presidential Decree of Republic of Indonesia Number 18 of 2003 on Visa Free for Short Visit;
- Presidential Decree of Republic of Indonesia Number 103 of 2003 on the Amendment of Presidential Decree Number 18 of 2003;
- Presidential Instruction of Republic of Indonesia Number 16 of 2005 on Development Policy of Culture and Tourism;
- and other related policies.

As the Bali Provincial government's commitment to maintain a culture of Bali in the development of tourism, it has been established a new regional regulation related to tourism, namely Bali Provincial Regulation Number 2 of 2012 on Cultural Tourism of Bali. Under this rule the Bali provincial government to consider several matters related to policy about tourism namely: a. that the culture of Bali as part of Indonesian culture is the main foundation of Bali tourism development, which is capable of moving the tourism potential in the dynamics of the local, national, and global life; b. that tourism development in Bali aims to encourage equal opportunity for employment and to benefit as much as possible for the welfare of the community to realize the ideals of tourism for Bali, not Bali for tourism.

It is described in the Regional Regulation that the Cultural Tourism of Bali Bali is based on the Balinese culture imbued with the teachings of Hinduism and the philosophy of *Tri Hita Karana* or three reasons for prosperity as the main potential by using tourism as a means for the actualization, to realize a reciprocal dynamic relationship between tourism and culture that make them evolve in synergy, harmony and sustainability to provide prosperity for the people, the preservation of culture and the environment. Meanwhile, *Tri Hita Karana* is the Balinese philosophy of life that includes three elements that build balance and harmony among people, harmony with nature or environment, and harmony with God. It is the source of prosperity, peace and happiness to human life. Culture of Bali inspired by Hinduism in its existence shows unique characteristics, rich in varieties and it has foundations and a very long historical journey, in essence, it is very potential for improving tourism in Bali. Culture encompasses a broad scope covering three forms (ideal, behavior and material) as well as the seven principal elements (equipment and technological

systems, livelihood systems, social systems, languages, arts, knowledge systems, and religious).

In the meantime, the development of tourism in Bali until today has reached a point that is particularly important for the future development. It is characterized by a sharp increase in the number of tourist visits in the last several years, which is recognized as a result of deregulation and de-bureaucratization, especially in sub-sectors of tourism. This trend is expected to remain the case in the future due to positive internal and external factors. Based on the source and basic potential as well as the objective conditions of Bali, the tourism developed in the region is Cultural Tourism. The purpose of the tourism development is to suit the purpose of national tourism development, namely to foster a sense of patriotism, to enhance friendship among nations, to expand business opportunities and employment, to encourage local development, and to increase the incomes of the local government and the people in order to improve the prosperity of the people.

Cultural Tourism is one type of tourism that in its progress and development use the culture of Bali which is part of the Indonesian National Culture as a potential basis of the most dominant, which also implied the aspiration for the reciprocal relationship between tourism with culture, so that the two aspect scan increase in harmonious and balanced ways. To develop such cultural tourism, it is necessary to have regulatory measures to create an integration efficiently and effectively as well as to prevent negative impacts on various aspects of life, so it really can be realized ideals of tourism for Bali, not Bali for tourism. For that reason, it is necessary to have consolidation of the provisions on Cultural Tourism.

The commitment to protect the culture of Bali, the government remains giving consistent attention to the culture as outlined in the Medium Term Development Plan for the Province of Bali byreferring to the vision of the National Development Plan which intends to make Indonesia a prosperous, democratic and fair Country and the vision of the Long Term Development Plan 2005-2025 of Bali Province, that intends to realize *Bali Dwipa Jayabased on Tri Hita Karana*, the direction and development agendas of national and provincial development contain any provisions on the importance of human resource development, economic development, regional development, social development, culture, and government development.

In one of the strategies under taken is to increase the development of Cultural Tourism and Creative Economy. The rapid development of tourism in Bali isas the result of Bali society's success in maintaining the elements of the local culture. The local government will be proactive in facilitating the process and the development agenda that can preserve the values of the local culture, as well as provide more opportunities for the development that oriented to the development of local culture and creative economy. Not only the Medium Term Development Plan, but also the government of Bali has established the Bali Provincial Regulation Number 10 of 2015 on the Regional Tourism Development Master Plan 2015-2029 of Bali Province. It is given that tourism development master plan is a guideline of tourism development in order to promote equality of opportunity

for employment and obtain benefits and be able to face the challenges in local, national, and global of life changes to increase the prosperity of the people With the enactment of Law Number 10 of 2009 on Tourism and Government Regulation Number 50 of 2011 on the National Tourism Development Master Plan, mandated the provincial government to develop a Regional Tourism Development Master Plan. To carry out the mandate of the provisions of the legislation in question, the Government of Bali has formulated Bali Tourism Development Master Plan. It is concretely provide the vision, direction and a clear plan for the development of tourist areas either already growing and potential to be developed. Bali Tourism Development Master Plan also will provide guidance or direction for stakeholders.

Remained consistent with the commitment to develop the culture of Bali, the Bali Provincial Regulation Number 6 of 2009 on Regional Long Term Development Plan (RPJPD) of Bali Province 2005-2025 stated that the Balinese culture is one of the cultures of the Indonesian archipelago that is very unique and has the typical identity. That identity is a blend of physical, institutional and styles of local, integrated with a belief system, community system and system of philosophy. Universal values such as religious harmony, aesthetic appreciation, solidarity and balance are the main characteristics of Balinese culture that is supported by most of the population who embraced Hinduism. A strong spiritual concept makes the Balinese culture to be unique and famous all over the world. To maintain this culture, efforts to stabilize, coaching, development and cultural preservation are conducted through the revitalization and improvement of quality, among others through the implementation of the Bali Arts Festival which is consistently implemented since 1979. It is one of the Bali provincial government commitment in order to continue to develop and improve the quality of local Balinese culture. In addition, the Balinese cultural heritage are numerous and varied and it has unique characteristics as ethnic, national and world cultural heritage.

Observing the policies taken by the Bali Provincial Government continuously revised and developed to meet these growing needs. As described above, some of these policies are:

- Bali provincial regulation Number 3 of 1991 on Cultural Tourism replaced by Bali Provincial Regulation Number 2 of 2012 on Cultural Tourism of Bali
- Bali Provincial Regulation Number 3 of 2005 on Spatial Planning of Bali Province
- Bali Provincial Regulation Number 7 of 2007 on Water Sports Business Services.
- Bali Provincial Regulation Number 5 of 2008 on Tour Guide.
- Bali Provincial Regulation Number 4 of 2014 on Bali Cultural Heritage Conservation
- Bali Provincial Regulation Number 6 of 2009 on Regional Long Term Development Plan (RPJPD) of Bali Province 2005-2025
- Bali Provincial Regulation Number 10 of 2015 on the Tourism Development Master Plan of Bali Province of 2015-2029
- and other related Bali Provincial Regulations.

## CBT as a Solution for Bali

The term CBT (Community Based Tourism) has a positive connotation because in this case there is a recognition of community rights to active participation and job opportunities (Prodi Magister UNUD, 2015). It is more appropriate than by building something new and not based on the society, cultural and environmental sustainability. CBT has received special attention by the member countries of APEC (Asia Pacific Economic Cooperation) in 2000, that CBT can be used as a tool in development because of its role in achieving sustainable development. CBT concept is closely related to sustainable tourism development (Prodi Magister UNUD, *Ibid*). Model of CBT is believed to help the local people to gain revenues, diversify the local economy, culture and environmental preservation as well as the provision of educational opportunities. Here, the local communities have control on involvement in its development and management, substantially the proportion of the benefits have largely remained in the hands of the community. Some models in Bali for the implementation of CBT that can be said to be successful are: the village of Pemuteran, the village of Tanah Lot, the village of Kedonganan, the village of Pecatu, the village of Ceking, Tenganan Dauh Tukad and the *Pandawa Beach*. This system is very appropriate to Bali because Bali has a social capital in the form of welfare system. Balinese society's values that all citizens are brothers (*nyama Braya*). This spirit can bring passion to work collectively toward a common goal. The local government support the community development programs in order to increase awareness and knowledge about tourism. Community is given the space and opportunity to develop and manage the potential tourist attraction in their respective village (Prodi Magister UNUD, *Ibid*).

## Conclusion and Recommendation

Bali is just a small island in Indonesia but very famous as one of the best tourism destination in the world because the beauty of its natural resources and the uniqueness of its culture. Famous comes with double sides of impacts. Therefore, tourism activities from the cultural perspective have positive and negative impacts (including social impacts). The arrangement of tourism in cultural dimensions towards sustainable tourism has been realized in the form of legislation: Law on Tourism and other related laws, as well as at the provincial level has been established several Provincial Regulation of Bali, including regulated also in the Regional Medium Term Development Plan and the Regional Long Term Development Plan.

To maintain cultures of Bali that related to tourism, therefore, measures of coaching, development and cultural preservation should be done through the revitalization and improvement of quality, among others, the need for full commitment of the Provincial Government of Bali in order to continue to develop and improve the quality of local Balinese culture. That commitment needs to be more comprehensive in its implementation by conducting: a. Establishment of bodies or institutions related to tourism which have been determined (For example :Listibya, Tourism Industry Association etc.) the

existing local regulations need to be immediately implemented and the human resources that manage them have to possess high integrity and credibility; b. Developing CBT (Community Based Tourism) that should be fully supported by the government including its training and supervision.

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