

Legal Protection of Farmers' Rights to Manage Agricultural Land for Tourism Development in Kintamani District

I Dewa Agung Istri Mas Dwitya Taraningrum¹, I Wayan Rideng², I Ketut Kasta Arya Wijaya³

¹Master of Law Warmadewa University

^{2,3}Warmadewa University

ABSTRACT: The objectives to be achieved in this study are to analyze the legal protection given to farmers for the conversion of agricultural land into tourism activities. The research method used is an empirical research method that looks at *das sollen* and *das sein*, between laws and regulations and facts in the field. The problems are: How is the protection of farmers' rights to manage agricultural land in Kintamani District, and What is the impact on farmers of managing agricultural land for tourism activities in Kintamani District. The results of this study are that the legal protection given to farmers must be based on legislation, creating a just and prosperous society. As a manifestation of the government in providing welfare to farmers, the government has stipulated Law Number 19 of 2023 concerning the protection and empowerment of farmers which includes planning, protection, empowerment and funding. The positive and negative impacts of managing agricultural land into tourism are: the positive impact is advancing the local community's economy in developing tourism, and the negative impact is the narrowing of agricultural land due to sustainable tourism activities.

KEYWORDS: Legal Protection, Farmers, Land Management, Agriculture or Farming, Tourism.

I. INTRODUCTION

Land holds a significant role in law as it affects the legal relationships between individuals and society. To prevent conflicts, regulation through land law is necessary, as governed by Law Number 5 of 1960, known as the Basic Agrarian Law (UUPA), as affirmed in Article 2 Paragraph (1) (Kurniyanto, 2019). Article 2 Paragraph (1) of the Basic Agrarian Law (UUPA) refers to Article 33 Paragraph (3) of the 1945 Constitution, which states that the land, water, and natural resources are controlled by the state as a representation of the people's sovereignty. (Humaidi, 2018). With this authority, the state has the right to determine land use planning policies. The purpose of this policy is explained in Article 14 of the Basic Agrarian Law (UUPA), which is to plan the allocation, use, and availability of natural resources for the benefit of the people and the state.

The utilization of natural resources must be carried out optimally, one of which is through the development of the tourism sector. Tourism aims to drive national growth, create employment opportunities, develop regions, showcase Indonesia's tourism potential, and strengthen international relations. Although it brings positive economic impacts, tourism development also presents social, cultural, and legal challenges. Land, as a vital element in human life and indigenous communities, is inseparable from customary law. For Hindu communities, land is regarded as Mother Earth the source of life for all beings.

Land holds a crucial legal role in human life because it influences the existence and continuity of legal relationships, both individually and in relation to others. To prevent conflicts of interest in society, it is necessary to regulate the control and use of land through a land law system (Kurniyanto, 2019). Regulations concerning land law are contained in Law Number 5 of 1960, commonly known as the Basic Agrarian Law (UUPA) (Supriadi, 2007).

Land carries not only legal value but also social, economic, and ecological significance. Its social value reflects the vision of populism and social justice, while its economic value supports the fulfillment of human needs both now and in the future. Its ecological value is essential for maintaining the sustainability of natural resources, biodiversity, and the quality of soil, water, and human health. To realize protection and justice, these principles are enshrined in the Constitution, particularly Article 28 Paragraph (1) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), which guarantees the right to recognition, protection, and fair legal certainty for every person (Rachman, 2017).

Legal Protection of Farmers' Rights to Manage Agricultural Land for Tourism Development in Kintamani District

Indonesia, as an agrarian country with a strategic geographical location, tropical climate, and fertile soil, relies heavily on the agricultural sector as the main livelihood of its people. However, land conversion the change of land use from its original plan to another function can have impacts on the environment and land potential. Therefore, land use must be optimized and aligned with the Spatial Planning and Land Use Plan, as regulated in Government Regulation Number 16 of 2004 and Law Number 26 of 2007 on Spatial Planning.

Land conversion in Indonesia continues to increase every year and has become a serious issue concerning land availability, especially agricultural land. This phenomenon is not new, as population growth and economic development drive the rising demand for land. Although it cannot be entirely avoided in the development process, land conversion needs to be controlled. Development should not only pursue material progress and personal satisfaction but also maintain a balance with environmental sustainability and the sustainable use of natural resources (Rachmadi Usman, 1993).

Provisions regarding tourism are stipulated in Article 5 letter e of Law Number 10 of 2009, which emphasizes the principle of empowering local communities; residents living in tourism areas should be prioritized in benefiting from tourism activities. Over time, tourism has developed rapidly and impacted economic, social, and cultural aspects. These impacts can be both positive and negative, thus requiring regulation, supervision, and the establishment of legal sanctions to control adverse effects. In the context of state administrative law, supervision aims to ensure that policies are implemented according to plan. Sujanto states that supervision is an effort to assess whether the implementation of an activity complies with applicable regulations (Nindyaprasista Putri, I Gusti Ayu Pryanka, Budiarta, I Nyoman Putu dan Sriasih Wesna, 2022).

In addition to Law Number 10 of 2009 concerning Tourism, Bali Province, which relies on the tourism sector as the primary source of regional income, has also established specific regulations through Bali Provincial Regulation Number 2 of 2012 on Balinese Cultural Tourism. In this regional regulation, particularly Article 3, the objectives of tourism development are set with a focus on protecting the community and preserving Balinese culture. This includes preserving culture based on Hindu religious values, improving the economy and welfare, creating businesses and employment opportunities, conserving the environment and resources, strengthening national identity, and fostering international relations.

Tourism provisions aim to create equitable welfare for the people, thus requiring regulations that govern the rights and obligations of tourism actors, including the protection of local communities in tourism areas. Legislation has granted priority rights to local communities to benefit from tourism activities. Tourism law also regulates the roles and responsibilities of communities, businesses, tourists, and the government. Farmers, as part of the local community, contribute significantly, both directly and indirectly, to maintaining tourism attractiveness, especially through the preservation of culture and the environment. Unfortunately, attention to protecting farmers' rights in tourism practice remains minimal. Meanwhile, rural tourism offers authentic experiences in non-urban environments, such as staying in homestays, farming, or participating in local cultural activities. This type of tourism not only enriches visitors' experiences but also provides positive economic impacts for rural communities through the consumption of local goods and services (Wesna Astara, Wayan, Slamet, 2023).

Kintamani, as one of Bali's main tourist areas, offers a combination of attractive natural and cultural potentials, such as Mount and Lake Batur as natural tourism sites, and Pura Batur and Trunyan Village as cultural tourism attractions. Recognizing this potential, the local and central governments continue to develop Kintamani with the primary goal of increasing tourism revenue in Bangli Regency. Based on Bali Provincial Regulation Number 16 of 2009 concerning the Bali Spatial Planning for 2009– 2029, Kintamani is designated as a Strategic Area for Special Tourism Destination (DTWK) that prioritizes cultural and environmental preservation. Regional Regulation Number 2 of 2012 affirms that Bali's tourist destinations are an integrated whole of various areas and attractions according to spatial planning. Kintamani District has 26 tourist attractions with significant potential, especially in agriculture and tourism sectors. The government needs to design tourism development involving stakeholders and tourism actors to ensure strategies align with local conditions and potentials. Furthermore, the community as tourism actors is expected to play an active role in developing tourist sites in this area (Dalem, I Gusti Agung Bagus Satria, Wijaya, Komang Adi Sastra dan Supriyanti, 2021).

Local communities, especially farmers, often receive insufficient attention in land use for tourism activities, resulting in a gap between the legal objectives of tourism management and the reality on the ground. Protecting local communities is crucial to achieving sustainable tourism, considering the relatively marginal position of farmers compared to tourism entrepreneurs who have greater capital and power. This injustice reflects a violation of tourism law and the principles of tourism development. Based on the background above, it is important to conduct a further study on the Legal Protection of Farmers' Rights over Agricultural Land Management for Tourism Development. The rapid growth of tourism and the gap in protecting farmers' rights become an interesting topic for this research, particularly concerning efforts to realize fair and sustainable tourism supported by the agricultural sector. The objectives of this study are to analyze farmers' rights in managing agricultural land in Kintamani District and to examine the impact of farmers' income on land use for tourism activities in Kintamani District.

II. RESEARCH METHOD

The type of research used is empirical legal research, as there is an indication of a gap between the ideal provisions in the law (*das sollen*) and the reality on the ground (*das sein*). This gap relates to the difference between legal theory and legal facts, as well as a lack of awareness, which becomes the focus of the problem formulation. Law Number 10 of 2009 concerning Tourism states that tourism development must be based on community empowerment, meaning that local communities, including farmers, have the right to benefit from tourism development. With the rapid growth of the tourism sector in Kintamani District, especially with the opening of various natural tourist attractions such as camping and fishing areas that utilize agricultural land. The types of approaches that can be used to obtain information about the researched issue. According to Peter Mahmud Marzuki in his book titled *Legal Research*, there are several approaches used in legal research: the statute approach, the case approach, the historical approach, the comparative approach, and the conceptual approach (Peter Mahmud Marzuki, 2016).

III. RESULT AND DISCUSSION

A. LEGAL PROTECTION OF FARMERS' RIGHTS OVER AGRICULTURAL LAND MANAGEMENT IN KINTAMANI DISTRICT

Kintamani is a district in Bangli Regency, Bali, known as a tourist area with attractive scenery for both local and international visitors. The region was affected by the 1917 eruption of Mount Batur, resulting in soil containing magma ranging from basic to acidic and forming a caldera. Some of the land is fertile and used for agriculture and horticulture. Covering an area of approximately 366.92 km², Kintamani is largely utilized for rice fields, plantations, and other land uses. The majority of its population works in the agricultural sector, and the district consists of 48 villages or sub-districts.

Tourism development in Bali as a source of regional income is regulated through Bali Provincial Regulation Number 2 of 2012, which is the implementation of tourism law. At the national level, tourism development is governed by various policies such as laws, presidential decrees, and regional regulations. Tourism remains an important sector for economic development with a comprehensive, integrated, and participatory approach, taking into account economic, technical, socio-cultural aspects, energy efficiency, as well as nature and environmental preservation. In this regard, law plays a vital role by providing a clear regulatory framework to manage infrastructure, services, and protect cultural and environmental assets as tourist attractions.

Based on an interview with the Secretary of the Bangli Regency Tourism Office, tourism development in Kintamani District currently focuses more on subak rice field tourism or abian as a UNESCO cultural heritage. Government policies prioritize tourism development that integrates cultural aspects. Additionally, this cultural tourism development must also include business licensing, cultural protection, and environmental management. Tourism development in Bangli Regency still has untapped potential. Tourism management should not only be carried out by the government but also involve local communities to develop agro-tourism and nature tourism. This is the main goal in developing tourism products in the region.

In formulating policies, the government must consider the lives of local communities, especially those who still strongly adhere to customary law, as this influences the implementation of government laws. Indonesia, with its vast territory and unique natural and cultural wealth, has tourism assets spread throughout the archipelago. These assets represent important potential that can generate foreign exchange and benefits for local communities. Therefore, tourism needs to be developed with clear concepts and definitions. Tourism development is also part of economic development aimed at promoting economic growth, creating jobs, and increasing the income and welfare of the people. The main objective of tourism development is to increase the number of tourist visits and extend their length of stay in the developed areas (Spllane James J. Dr, 1987).

In developing tourism in a region, it is important to pay attention to the potentials it possesses, whether social, cultural, or natural aspects. The more potentials available, the more feasible the area is to be designated as a tourist destination. Additionally, regions that are new to tourism development need to create a comparative advantage, meaning unique potentials that other regions do not have, so they can compete with more developed areas. By developing this advantage, tourism management will become more effective and strategic, attracting tourists to visit (Handoko, 1992). In the development of tourism in a tourist destination area, it is important to determine the facilities and infrastructure needed so that the development runs effectively and meets feasibility criteria (Jumingan, 2009).

Tourism is included as a concurrent government affair in the form of optional affairs, as regulated in Law Number 23 of 2014 concerning Regional Government, which divides authority among the Central Government, Provinces, and Regencies/Cities. Additionally, the tourism sector is specifically regulated under Law Number 10 of 2009 concerning Tourism. These regulations serve as the main basis for implementing tourism development in regions, along with other implementing regulations. At the national level, tourism development has been governed through various policies, including laws, presidential decrees, and regional regulations. Tourism remains a strategic sector relied upon for economic development, thus its development is carried out with a comprehensive, integrated, and participatory approach, taking into account economic, technical, socio-cultural aspects, energy efficiency, as well as nature and environmental preservation.

Legal Protection of Farmers' Rights to Manage Agricultural Land for Tourism Development in Kintamani District

In developing tourism in a region as a tourist destination or area, it is important to consider the potentials it possesses, whether social, cultural, or natural aspects. The more potentials available, the more feasible the area is to be developed into a tourist destination. Additionally, especially for regions that are still beginners compared to more advanced areas, it is necessary to create a comparative advantage in the form of unique potentials not found elsewhere, thus attracting tourists specifically. In this way, tourism development will be more effective and strategic. Furthermore, determining the necessary facilities and infrastructure is also important to ensure that tourism development meets feasibility criteria (Jumingan, 2009).

Bangli Regency has great tourism potential from social, cultural, and natural aspects, although its utilization is not yet optimal and many potentials remain undeveloped. Kintamani District, especially the Mount and Lake Batur area, is internationally recognized as a geopark with beautiful panoramas, making it highly potential to be developed as a long-term tourist destination. Although facilities and infrastructure such as hotels and restaurants are available, the development of this area has not yet shown significant progress. Kintamani is one of four districts in Bangli, covering an area of 366.9 km² and consisting of 48 villages, each with unique natural and cultural potentials. This area is known for its exotic natural panoramas, such as Mount and Lake Batur, Mount Abang, as well as fertile agricultural land that adds to its tourism appeal. In addition to natural beauty, the cultural diversity of the local community also serves as an inexhaustible tourism resource.

The Kintamani tourist area has great potential, especially due to its stunning natural beauty, such as the expanse of Mount and Lake Batur, as well as natural mineral resources like sulfur-containing hot springs beneficial for health. Additionally, the unique culture in several villages, particularly the burial traditions in Trunyan Village, adds a strong tourism appeal. These various potentials and cultural diversity have successfully attracted tourists, as evidenced by the increasing number of both domestic and international visitors each year. Due to these special features, the Batur Caldera in Kintamani was designated as a Global Geopark Network (GGN) by UNESCO on September 20, 2012, in Portugal.

Efforts to protect and empower farmers have so far lacked support from comprehensive, systematic, and holistic legislation, resulting in insufficient legal certainty and justice for farmers and agricultural entrepreneurs. Existing laws remain partial and have yet to clearly and fully regulate protection and empowerment. Protection and empowerment of farmers involve planning, safeguarding, empowerment, financing, supervision, and community participation, implemented based on the principles of sovereignty, independence, utility, togetherness, integration, transparency, fair efficiency, and sustainability.

To realize a just and prosperous agricultural society that fulfills the basic rights of citizens, the government regulates the protection and empowerment of farmers in a planned and sustainable manner through Law Number 19 of 2013 concerning the Protection and Empowerment of Farmers. This law was enacted because farmers face challenges such as climate change, natural disasters, business risks, globalization, economic fluctuations, and an unfair market system, making farmers a marginalized group require adequate protection and empowerment.

Until now, the government has not shown equitable policies for all Indonesian people, so the status as a state of law has not been fully realized in practice. According to Gustav Radbruch's Legal Purpose theory, law functions as a regulative and constructive benchmark. Without purpose, law loses its meaning and does not reflect a sense of justice in its implementation. Soerjono Soekanto's opinion also affirms that as long as there are parties who become victims, the purpose of law justice has not been fully achieved (Gustav Radbruch, 1991).

Based on the general provisions of the Republic of Indonesia Law Number 19 Year 2013 concerning the Protection and Empowerment of Farmers, the definition of Farmer Protection according to Article 1 point 1 is all efforts to assist farmers in overcoming problems such as difficulties in obtaining infrastructure and production facilities, business certainty, price risks, crop failures, high-cost economic practices, and climate change. Meanwhile, Farmer Empowerment according to Article 1 point 2 is all efforts to improve farmers' abilities to run their farming businesses better through education and training, extension and mentoring, development of marketing systems and facilities for agricultural products, consolidation and guarantee of agricultural land area, ease of access to knowledge, technology, and information, as well as strengthening farmer institutions.

The 2013 Republic of Indonesia Law on the Protection and Empowerment of Farmers does not specifically regulate legal protection for farmers concerning the utilization of agricultural land in tourism development. Such protection is important to provide legal certainty and safeguard farmers' rights, thus requiring clearer regulation within the law. Until now, efforts to protect and empower farmers have not been supported by comprehensive, systematic, and holistic regulations, resulting in insufficient guarantees of legal certainty and justice for farmers and agricultural business actors. Existing regulations remain partial and have not explicitly and comprehensively addressed protection and empowerment. Protection and empowerment of farmers encompass planning, protection, empowerment, financing, supervision, and community participation, implemented based on principles of sovereignty, independence, benefit, togetherness, integration, transparency, just efficiency, and sustainability.

There are two meanings of legal certainty. First, it refers to general rules that explain what actions individuals are allowed or prohibited to do. In the context of tourism law, general rules and related regulations serve as guidelines for stakeholders to

Legal Protection of Farmers' Rights to Manage Agricultural Land for Tourism Development in Kintamani District

formulate policies and determine prohibitions or permits for certain actions. Second, legal certainty also means the existence of protection or security for individuals from government power. With clear regulations, individuals understand the limits of state authority over them. This protection is especially important for local communities, including farmers, to prevent them from being disadvantaged in the implementation of tourism development by governmental bodies. If governmental bodies violate rules or abuse their authority, such actions contradict the general principles of good governance and can serve as a benchmark in assessing such violations (Peter Mahmud Marzuki, 2008).

Legal protection is crucial to safeguard long-term interests and support the principles of sustainable development in tourism. This protection also ensures that the interests of local communities in tourist destinations are not overlooked. These interests include:

- a) Avoidance of exploitation.
- b) Assurance of social structure stability within the community.
- c) Protection from the negative impacts of cultural commercialization.
- d) Prevention of excessive materialism and individualism.
- e) Preservation of access to natural resources.
- f) Guarantee of safety and comfort for the local community.

Dasar hukum dalam penelitian ini terkait perlindungan hukum bagi petani atas pemanfaatan lahan pertanian dalam pembangunan pariwisata di Kabupaten Bangli merujuk pada hukum positif, khususnya Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (UUD 1945). Beberapa ketentuan penting dalam UUD 1945 yang mengatur perlindungan petani antara lain:

- I. Pasal 28H ayat (4) yang menyatakan bahwa setiap orang berhak atas hak milik pribadi dan hak tersebut tidak boleh diambil secara sewenang-wenang.
- II. Pasal 33 ayat (3) yang mengatur bahwa bumi, air, dan kekayaan alam dikuasai oleh negara untuk sebesar-besarnya kemakmuran rakyat.

In the Tourism Law, which regulates the protection of local communities, including farmers involved in tourism development, there are several provisions as follows:

- I. Article 2 of the Tourism Law states that the implementation of tourism must be based on the principles of benefit, kinship, justice and equity, balance, independence, sustainability, participation, continuity, democracy, equality, and unity.
- II. Article 3 states that tourism functions to fulfill the physical, spiritual, and intellectual needs of tourists through recreation and travel, while also increasing state revenue to realize the welfare of the people.
- III. Article 4 outlines the objectives of tourism, including increasing economic growth, public welfare, eradicating poverty, overcoming unemployment, preserving nature and resources, promoting culture, strengthening the nation's image, fostering patriotism, consolidating national identity and unity, as well as enhancing international friendship.
- IV. Article 5 states the principles of tourism implementation, such as upholding religious norms and cultural values, respecting human rights and local wisdom, providing benefits for welfare and justice, maintaining environmental sustainability, empowering local communities, ensuring integration among sectors and regions, complying with international tourism codes of ethics, and strengthening the integrity of the Unitary State of the Republic of Indonesia.
- V. Article 19 paragraphs (1) and (2) guarantee the right of every person to have the opportunity to meet tourism needs, run tourism businesses, work in the tourism sector, and participate in tourism development. In addition, communities living in or around tourism destinations have priority rights to become workers, consignees, and/or managers of tourist attractions.

Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA). Within the UUPA, there are provisions regarding land rights that emphasize that land has a social function. This regulates the obligation of landowners to manage or cultivate their land themselves, as well as to prevent actions that could harm the public interest. Some important provisions include:

- I. Article 6 of the UUPA states that all land rights have a social function.
- II. Article 10 paragraph (1) of the UUPA regulates that every person or legal entity holding rights to agricultural land is obligated to actively manage or cultivate the land themselves and avoid exploitative practices.

Bali Provincial Regulation Number 2 of 2012 concerning Balinese Cultural Tourism. This regulation was established as the main foundation for tourism development in Bali, aiming to develop tourism potential within the context of local, national, and global life. The primary goal of Bali tourism is to promote equitable business opportunities and provide maximum benefits for the welfare of the community, thus realizing tourism ideals that focus on Bali for the Balinese people. This regulation also contains general provisions regarding legal protection for local communities in Bali's tourism development, including: I. Article 3 explains the objectives of Balinese cultural tourism, which are to:

- a) Preserve Balinese culture based on Hindu religious values;

- b) Increase economic growth and community welfare;
- c) Create business opportunities and jobs;
- d) Preserve nature, the environment, and resources;
- e) Enhance the nation's image;
- f) Strengthen patriotism and national unity;
- g) Foster international friendship.

II. Article 11 regulates that the development of tourism destinations must consider:

- a) Local wisdom based on Tri Hita Karana and Hindu religious values;
- b) Preservation of culture and the environment, including traditions, customs, and environmental regulations;
- c) Economic potential of the community by providing opportunities for local businesses, such as crafts and agricultural products, to be promoted in hotels, restaurants, and tourist sites;
- d) Sustainability of tourism businesses.

Bangli Regency Regional Regulation Number 2 of 2018 concerning the Regional Tourism Development Master Plan for the Years 2019–2025. This regulation serves as a guideline for designing the direction of tourism development policies in Bangli Regency during the period 2019 to 2025. Its purpose is to establish a structured and sustainable tourism sector involving all stakeholders:

I. Article 8 stipulates that regional tourism development aims to:

- a) Improve the quality and quantity of tourist destinations and enrich tourist attractions based on local social, cultural, and environmental potential;
- b) Implement marketing strategies involving cooperation between local government, private sector, academics, and the community through effective, efficient, and accountable media;
- c) Create a tourism industry that supports local economic growth and prioritizes the interests of the community;
- d) Develop institutions and tourism governance capable of synergizing destination development, marketing, and industry aspects professionally and efficiently.

II. Article 10 regulates that tourism destination development policies include:

- a) Strategies for tourism destination development;
- b) Policies on the development of tourism marketing and markets;
- c) Policies on the development of the tourism industry;
- d) Policies on strengthening tourism institutions.

The utilization of agricultural land by farmers in tourism development requires legal instruments that can guarantee legal certainty and protection of farmers' rights. In Kintamani District, for example, there is a revenue-sharing mechanism from the management of tourism destinations based on agreements among managers, government, pakraman villages, and local communities. Policies that accommodate farmers' rights in tourism development have gained a legal foundation in legislation, particularly in the context of protecting local communities. However, the concrete implementation of these policies requires active participation from tourism stakeholders to create a tourism system that is community-oriented. In this regard, understanding tourism law becomes critically important.

The government plays an important role in supervising tourism management practices to ensure that the principles of legal certainty and protection of community rights, especially those of farmers, are upheld. Achieving legal objectives namely justice, certainty, and benefit cannot be separated from the existence of sanctions for violations of legal provisions. Mochtar Kusumaatmadja's perspective in the Development Law Theory emphasizes that law has a coercive nature through state authority because without power, law is merely a set of advisory norms. Therefore, authority becomes an essential element in establishing social order, although that authority itself must be limited by law. Legal protection is one of the fundamental elements in a state governed by law. The importance of this aspect lies in the fact that the formation of any state is always accompanied by the establishment of a legal system that regulates the lives of its citizens. In this context, the reciprocal relationship among citizens gives rise to interrelated rights and obligations. Therefore, legal protection is not only a right for every citizen but also an obligation of the state to fulfill.

Substantively, legal protection is a form of protection provided to legal subjects through legal instruments, both preventive and repressive, in oral or written form. In other words, legal protection reflects the fundamental function of law itself, which aims to create justice, order, certainty, benefit, and peace. Legal protection can be classified into two forms: preventive and repressive legal protection. Preventive legal protection is preventive in nature and, in this context, can be realized through legal assistance such as the drafting of core-plasma partnership contracts for local farmers. This form provides space for farmers to express objections or opinions before a decision is definitively made.

Legal Protection of Farmers' Rights to Manage Agricultural Land for Tourism Development in Kintamani District

Land is one of the natural resources that plays an important role in supporting various human needs. In accordance with the objectives of the state as stated in the Preamble to the 1945 Constitution of the Republic of Indonesia, the state has the obligation to “protect all the people of Indonesia and the entire homeland of Indonesia, advance the general welfare, educate the life of the nation, and participate in maintaining world order based on independence, eternal peace, and social justice.” Furthermore, Article 33 paragraph (3) of the 1945 Constitution affirms that: “The earth, water, and natural resources contained therein are controlled by the state and utilized for the greatest prosperity of the people.”

Based on these provisions, the utilization of land, water, and other natural resources must be fully aimed at the welfare of society. Therefore, the protection of agricultural land is very important, especially to prevent the conversion of land to other uses such as industrial areas, commercial centers, or residential developments. Land conversion, which is the change of all or part of the land's original function to another function, can cause negative impacts on the environment as well as agricultural productivity. This phenomenon is often triggered by economic growth and an increase in population. Hence, comprehensive and sustainable policies are needed to support the agricultural sector, particularly at the regional level.

Policies regarding the sustainable protection of agricultural land have emerged as a response to the need to preserve agricultural areas and land in the long term. The primary objectives of these policies include protecting food agricultural areas to ensure their sustainable availability, realizing national food independence, resilience, and sovereignty, as well as guaranteeing land ownership rights for farmers. Additionally, these policies aim to improve the welfare and prosperity of farmers, strengthen farmer empowerment, create decent employment opportunities, maintain ecological balance, and promote the revitalization of the agricultural sector.

As a form of the state's responsibility to ensure public welfare, the government enacted Law Number 19 of 2013 concerning the Protection and Empowerment of Farmers. This law regulates various important aspects, ranging from planning, farmer protection, farmer empowerment, financing, funding, to supervision and community participation. Its implementation is based on principles of sovereignty, independence, usefulness, integration, transparency, efficiency, justice, and sustainability. The presence of Law No. 19 of 2013 represents a beacon of hope for farmers, as this law provides guarantees for protection against farming business risks, ensures the availability of agricultural facilities and infrastructure, and supports the development of farmers' skills and capacities to manage their farming businesses independently and sustainably.

One of the important principles in the implementation of farmer protection and empowerment is the principle of transparency. This principle requires that the entire process of protecting and empowering farmers be carried out by considering the aspirations of farmers as well as other stakeholders. In practice, this is realized through transparent and easily accessible information services for the wider community. In line with this, the concept of legal protection includes two main approaches: preventive and repressive, whether written or unwritten. Essentially, this legal protection reflects the fundamental function of law itself, which is to guarantee justice, order, legal certainty, benefit, and to create peace within society.

Based on the interview results with the Head of Infrastructure, Facilities, and Marketing Division, Ida I Dewa Ayu Mas Mahayuni, it is known that protection for farmers, especially in the Kintamani District area, is carried out through empowerment efforts oriented towards improving community welfare. This empowerment includes the development of agricultural financing institutions capable of meeting farming business needs, enhancing the capacity and quality of farmers and their institutions in managing farming businesses that are productive, modern, value-added, competitive, have clear market shares, and are sustainable. In addition, these efforts also aim to provide legal certainty in the implementation of farming businesses.

Article 35 of Bangli Regency Regional Regulation Number 11 of 2018 regulates the obligation of the Regional Government to enhance the capacity of farmers. The provision emphasizes that the Regional Government is obliged to organize continuous education and training for farmers to improve their expertise and skills. The implementation of education and training can be conducted by the Regional Government or by accredited bodies or institutions in accordance with the prevailing laws and regulations. Farmer competency improvement can also be carried out through competency certification programs. To support this, the Regional Government is required to facilitate farmers, as referred to in Article 11 paragraph (2), to obtain competency certification. The technical provisions related to the implementation of education, training, and competency certification will be further regulated in a Regent Regulation.

Law Number 19 of 2013 concerning the Protection and Empowerment of Farmers is a form of public policy that plays a role in regulating certain activities of the state, society, as well as the relationship between the government and farmers. This law is specifically designed to provide protection and empowerment to farmers with the primary goal of improving their welfare. In the context of policy formulation, this law reflects a strategic choice by the state, embodied in written legal norms, to realize the goal of fair and sustainable agricultural development (Farried dan Andi Syamsu, 2012).

Law Number 19 of 2013 contains definitions and the scope of protection for farmers. Article 1, paragraph (1), defines farmer protection as a series of measures undertaken to address various problems faced by farmers, such as limited access to production

Legal Protection of Farmers' Rights to Manage Agricultural Land for Tourism Development in Kintamani District

facilities, business uncertainties, risks of price fluctuations and crop failures, as well as the impacts of climate change and high-cost economic practices. Meanwhile, Article 1, paragraph (3), defines farmers as Indonesian citizens, either individually or together with their families, who manage farming businesses in the fields of food crops, horticulture, plantations, or livestock.

Furthermore, Article 3 of this law establishes the strategic objectives of farmer protection and empowerment, which include: realizing farmer sovereignty and independence to improve welfare; providing adequate agricultural infrastructure; ensuring certainty in farming businesses; protecting farmers from economic and climate risks; and enhancing the capacity of individual farmers and farmer institutions towards advanced and sustainable agriculture, including through the development of agricultural financing systems. As a developing country with agrarian characteristics, Indonesia plays a crucial role in the agricultural sector. This sector not only functions as a food provider for the community but also serves as a source of national income, job creation, investment opportunities, and foreign exchange earnings through the export of agricultural products. However, activities in the agricultural sector face significant uncertainties and risks, which have traditionally been borne entirely by the farmers.

The state has an important responsibility to balance the comprehensive needs of the people, in accordance with the mandate of Article 33 paragraphs (2) and (3) of the 1945 Constitution of the Republic of Indonesia. The agricultural sector is a vital component of the national economy because fluctuations in the availability and prices of agricultural products can affect other related sectors. The scope of the agricultural sector includes food crops, livestock, horticulture, plantations, fisheries, and forestry. Furthermore, this sector plays a strategic role in providing food to achieve food security, which is part of the public's right to food. In the context of tourism development, the role of farmers and the utilization of agricultural land, whether directly or indirectly, benefit the management of Tourism Destination Areas (DTW) and surrounding businesses. Therefore, farmers have the right to obtain protection for their land as well as capital and authority that must be respected as part of the local community in the implementation of tourism activities.

According to Roscoe Pound, in the context of national community development, law functions as a tool of social engineering. Pound categorizes human interests that need legal protection into three main groups: public interests, community interests, and individual interests. Within this framework, farmers receive legal protection covering both public interests and community interests. The public interests protected by law include matters related to the safety of the broader society, such as security, health, and social guarantees. Meanwhile, community interests encompass protection of aspects such as property ownership, freedom in drafting wills (testaments), freedom to conduct industry and contracts, as well as protection of legitimate expectations regarding potential profits.

Protection is an effort to safeguard farmers from various threats that have the potential to cause negative impacts. In general, protection can be understood as providing a sense of security and comfort. Meanwhile, empowerment aims to enhance the capacity and strength of individuals or groups who are weak or disadvantaged. Empowerment involves a process of building community capabilities by encouraging, motivating, and raising awareness of the potential they possess, so that this potential can develop into concrete actions.

Law exists as an instrument to regulate order and simultaneously improve welfare in social life. Gustav Radbruch stated that the fundamental purposes and values of law include utility and legal certainty. The presence of law for farmers aims to realize justice, just as other professions also receive legal protection. In its implementation, the law must uphold the value of justice for all farmers. The regulations formulated must have a real function in providing legal protection as well as empowerment to farmers, thereby improving their welfare. The definition of protection for farmers is specifically regulated in Law Number 19 of 2013 Article 1 paragraph (1).

In practice, the existing laws and regulations, which have served as the legal framework, have been considered insufficient in providing protection for farmers against various risks encountered in agricultural activities. Therefore, on August 6, 2013, the then President of the Republic of Indonesia, H. Susilo Bambang Yudhoyono, enacted Law Number 19 of 2013 on the same day. This law regulates two main aspects that the government must achieve to both empower and protect farming enterprises. Protection and empowerment of farmers include planning for protection, farmer empowerment, financing and funding, supervision, as well as community participation. Furthermore, the law also stipulates criminal sanctions against perpetrators of crimes that harm agricultural enterprises. The entire administration is based on the principles of sovereignty, independence, usefulness, togetherness, integration, transparency, efficiency, justice, and sustainability (Dandi Septian dan Gabriel Cahya Anugrah, 2014)

B. IMPACT ON FARMERS FROM THE MANAGEMENT OF AGRICULTURAL LAND FOR TOURISM ACTIVITIES IN KINTAMANI DISTRICT

The conversion of agricultural land into tourism areas must comply with spatial planning and land use regulations. Changes in land function require objective technical recommendations as a basis for issuing permits and guiding future development. The shift of fertile land from agricultural to non-agricultural uses occurs due to the weaker economic position of the agricultural sector

Legal Protection of Farmers' Rights to Manage Agricultural Land for Tourism Development in Kintamani District

compared to other sectors, as well as the relatively weak legal and political standing of agriculture in land resource management (Yunus Wahid A.M., 2014). Land use planning must be developed based on the principles of land utilization to achieve community welfare. In this process, the role of the government is crucial. However, there remains debate about the extent of government intervention required, especially in the context of economic development (Agustomi Masik, 2005).

Tourism development requires resource support to generate positive impacts on the local economy. Active community participation is essential to create a positive image of tourist destinations, attract visitors, and encourage repeat visits. Honest and friendly attitudes from the community leave a lasting impression on tourists, fostering a conducive atmosphere for tourism growth. According to Cohen, the socio-economic impacts of tourism on local communities include eight aspects: foreign exchange earnings, community income, employment opportunities, prices, profit distribution, ownership and control, general development, and government revenue.

Legal protection of farmers' rights over agricultural land and their role in tourism development must be a priority for all stakeholders, including the government. Farmers' rights such as participation in managing tourist destinations and the use of their local products need to be guaranteed through fair policies and clear technical implementation. The law plays a crucial role in guiding development so that it does not harm communities, especially marginalized groups like farmers. Therefore, regulations should be designed based on principles of justice and take into account social, cultural, and anthropological aspects to create an orderly and harmonious society.

The conversion of agricultural land to non-agricultural uses directly impacts the decline in production and the value of agricultural output in a region. Without concurrent improvements in technology and infrastructure, such as irrigation systems, this decline in production is difficult to avoid. Land is a vital resource for human needs, both for agriculture and non-agricultural purposes like housing and public facilities. Population growth and regional development increase pressure on land, making wise management essential. If mismanaged, land conversion can lead to conflicts, environmental degradation, and a reduction in productive land (Utomo, M., Rifai, E., 1992).

Land use changes generally transform the original function of the land into other uses, which can have both positive and negative impacts. The conversion of agricultural land to non-agricultural purposes directly results in decreased agricultural production, changes in farmers' livelihoods, and potential environmental damage. Indirect impacts include urbanization of peripheral areas, increased development, and shifts in the socioeconomic conditions of local communities. Government policies permitting land conversion are often perceived as unfavorable to farmers, as they lead to reduced agricultural land, decreased income, and shifts in farmers' employment.

Tourism plays a vital role in Indonesia's development as an industry sector capable of increasing foreign exchange and driving economic growth both nationally and regionally. With its abundant natural resources and cultural diversity, Indonesia has great potential to attract both domestic and international tourists. The government continues to promote regional tourism development as a means to increase income and improve community welfare. However, tourism growth also triggers land conversion, especially as demand for non-agricultural commodities grows faster than food demand. Law No. 41 of 2009 emphasizes the importance of protecting sustainable agricultural land as a foundation for national food sovereignty, so land conversion must be managed wisely to avoid disrupting food security.

Local communities play a key role in developing tourist attractions due to their direct involvement in various tourism activities. However, without careful planning and management, tourism development can lead to negative impacts, both economically and socio-culturally. Research findings indicate that one of the economic impacts is a decline in income for farmers and farm laborers, especially for those who still depend on cultivating land affected by land-use conversion.

IV. CONCLUSIONS

Based on the discussion of the main issues outlined above, the researcher can draw the following conclusions:

- 1) The legal protection implemented by the government for farmers has been running well, but it still requires greater attention. This can be seen from the existence of regulations issued by both local and central governments concerning the protection of farmers, who are part of the local community. The government's efforts to provide protection include requiring contributions from business owners who utilize land as tourism destination areas (DWT). With the involvement of both the government and business owners, the welfare of farmers continues to improve, contributing to the realization of sustainable tourism development.
- 2) There are both positive and negative impacts of tourism development on farmers. One positive impact experienced by farmers is that agricultural land becomes more preserved and is less likely to be converted into industrial zones. Farmers' productivity also positively contributes to tourism development, as it helps meet the growing demands of the tourism sector. This can serve as a reference point for strengthening the welfare of farmers.

REFERENCES

- 1) Agustomi Masik, 2005, Hubungan Modal Sosial Dan Perencanaan, Jurnal Perencanaan Wilayah dan Kota, Vol.16, No. 3.
- 2) Dalem, I Gusti Agung Bagus Satria, Wijaya, Komang Adi Sastra dan Supriyanti, Ni Wayan, 2021, Pengembangan Pariwisata Oleh Dinas Pariwisata Dan Kebudayaan Kabupaten Bangli, Fakultas Ilmu Sosial dan Ilmu Politik Universitas Udayana.
- 3) Dandi Septian dan Gabriel cahya Anugrah, 2014 Perlindungan Petani Melalui Konsep Asuransi Pertanian Pada Gabungan Kelompok Tani Desa Argorejo, Kabupaten Bantul, Jurnal Penelitian Hukum, Vol.1, No.2.
- 4) Farried dan Andi Syamsu, 2012, Studi Kebijakan Pemerintah, PT Refika Aditama, Bandung.
- 5) Gustav Radbruch, 1991, Einfuhrung in die Rechtswissenschaft, Stuttgart, K.F.koehler, dalam Satjipto Rahardjo, Ilmu Hukum, Alumni, Bandung.
- 6) Handoko, T. Hani. 1992. Manajemen, Ed. II. BPFE, Yogyakarta.
- 7) Jumingan, Drs., 2009, Studi Kelayakan Bisnis. PT. Bumi Aksara, Jakarta.
- 8) Kurniyanto, M. Nur Laili Dwi, 2019, Peranan Undang-Undang Pokok Agraria Bagi Masyarakat Indonesia yang Bersifat Agraris, www.kompasiana.com
- 9) Nindyaprasista Putri, I Gusti Ayu Pryanka, Budiarta, I Nyoman Putu dan Sriasih Wesna, Putu Ayu, 2022, Pengawasan dan Sanksi Hukum Terhadap Pramuwisata Legal berdasarkan Peraturan Daerah Provinsi Bali Nomor 5 Tahun 2016 Tentang Pramuwisata, Jurnal Prefensi Hukum, Vo. 4, No.1.
- 10) Peter Mahmud Marzuki, 2008, Pengantar Ilmu Hukum, Kencana Prenada Media Group, Jakarta.
- 11) Peter Mahmud Marzuki, 2016, Penelitian Hukum Edisi Revisi, Predanamedia Group, Jakarta.
- 12) Rachmadi Usman, 1993, Pokok-pokok Hukum Lingkungan Nasional, Akademika Pressindo, Jakarta.
- 13) Rachman, Noer Fauzi 2017, land Reform & Gerakan Agraria Indonesia, Insist Press, Yogyakarta.
- 14) Spillane James J. Dr. 1987. Ekonomi Pariwisata, Sejarah dan Prospeknya, Kanisius, Yogyakarta.
- 15) Supriadi, 2007, Dalam terminologi bahasa Indonesia Agraria merupakan urusan tanah, pertanian, perkebunan lihat Supriadi, Hukum Agraria, Sinar Grafika, Jakarta.
- 16) Utomo, M., Rifai, E., & Thahir, A, 1992, Pembangunan dan Alih Fungsi Lahan. Universitas Lampung, Lampung.
- 17) Wesna Astara, Wayan, Slamet, I Ketut dan Suky Luxiana, 2023, Pendampingan Desa Wisata Sembilan Desa Mitra Kintamani Barat, Jurnal Abdi Daya, Vol.3, No.1.
- 18) Yunus Wahid, A.M., 2014, Pengantar Hukum tata Ruang, Kencana Prenadamedia Group, Jakarta.



There is an Open Access article, distributed under the term of the Creative Commons Attribution – Non Commercial 4.0 International (CC BY-NC 4.0) (<https://creativecommons.org/licenses/by-nc/4.0/>), which permits remixing, adapting and building upon the work for non-commercial use, provided the original work is properly cited.