

Legal Reformulation of Coastal Land Utilization for Beach Club Businesses as a Support for Sustainable Tourism in Bali

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Abstract. *The rapid growth of beach club enterprises along Bali's coastal areas reflects the ongoing transformation of tourism from a cultural-spiritual model toward a commercial paradigm that often disregards ecological, social, and cultural dimensions. The use of coastal land as business space is not merely an economic or spatial planning issue; it also deeply engages with the religious-magical values of Balinese society, which are grounded in the Tri Hita Karana philosophy. However, within the framework of national law, beach clubs have yet to be recognized as a distinct business entity, neither under Law No. 10 of 2009 on Tourism, Law No. 26 of 2007 on Spatial Planning, nor within the KBLI classification system or the OSS-RBA licensing mechanism. This legal vacuum creates room for the exploitation of coastal areas, leading to conflicts of interest among investors, indigenous communities, and the environment. Through a normative and socio-juridical approach, this study proposes a comprehensive regulatory formulation, including the addition of a specific business classification within national tourism policy, revision of the KBLI, and the establishment of local zoning regulations for coastal areas that are participatory and rooted in local wisdom. The findings highlight the importance of recognizing beach clubs as tourism-supporting businesses that adhere not only to the principles of lex certa and lex scripta but are also in harmony with the social and spiritual fabric of Balinese society. This reformulation is expected to serve as a convergence point between legal certainty, environmental protection, and the sustainability of local culture in the pursuit of a holistic and just tourism development model for Bali.*

Keywords: *Beach Club; Coastal Land; Legal Reformulation; Local Wisdom; Sustainable Tourism.*

1. Introduction

The rapid growth of the tourism industry in Bali has given rise to various new forms of businesses that are recreational, commercial, and entertainment-oriented (Antara & Sumarniasih, 2017; Rosalina et al., 2025). One of the business forms that has grown significantly over the past decade is the beach club—an integrated entertainment and dining venue located along the coastline, featuring an exclusive atmosphere, electronic music, culinary offerings, and architecture that blends with the natural open landscape (Bahari et al., 2023). The presence of beach clubs along various coastal areas of Bali—such as Canggu, Seminyak, and Uluwatu has become a new magnet in the modern tourism industry, attracting both domestic and international tourists. However, the growth of these establishments is closely linked to a range of complex and multidimensional issues, particularly in relation to legal, social, cultural, and environmental aspects.

Beach clubs possess significant economic appeal. They not only boost the entertainment and culinary service sectors but also create employment opportunities, increase property values, and attract foreign direct investment (FDI) into coastal areas. These economic benefits have driven more private investors to compete in exploiting beachfront land, including setback zones and coastal areas that were once considered public or even sacred from the perspective of Balinese culture. This phenomenon highlights the immense potential of coastal land as an economic asset, while simultaneously exerting pressure on traditional values, local spirituality, and the sustainability of coastal ecosystems. Conflicts have since emerged between the demands of investment and the communal and spiritual values of the Balinese people. From the perspective of indigenous communities, the coastline is not merely an economic space, but also a cosmological realm imbued with sacredness. This is reflected in the Balinese Hindu cosmology known as *Tri Hita Karana*—the principle of harmony between humans (*pawongan*), nature (*palemahan*), and the divine (*parahyangan*). In local tradition, coastal areas are used for various religious ceremonies, such as *melasti* (a purification ritual before *Nyepi*, the Balinese Day of Silence), underscoring that the beach is not just a physical space, but also a spiritual medium that connects communities with nature and ancestral spirits.

However, the national legal framework has yet to adequately accommodate the sacred and communal dimensions in the management of coastal land. Law No. 10 of 2009 on Tourism, for instance, does not explicitly regulate *beach clubs* as a distinct business entity within the tourism industry. Article 14 does mention several types of tourism-related businesses, but it does not include or adapt to the development of contemporary business models in coastal areas. As a result, the management of beach clubs often operates in a legal "grey area" or *rechtsvacuüm*, where there is no legal certainty regarding zoning, licensing, or the socio-cultural impacts of such activities. Regulations concerning the management of coastal areas and small islands, as stipulated in Law No. 27 of 2007 in conjunction with Law No. 1 of 2014 on the Management of Coastal Areas and Small Islands, also do not specifically address the phenomenon of modern entertainment businesses in coastal zones (Ali et al., 2020; Suparto & Pahlevi, 2021; Wardana, 2018; Yulianingsih, 2025). Although this law regulates the principles of sustainability and the rights of indigenous communities through the mechanism of Coastal Area Management Rights (HPWP), in practice, the implementation of these rights has not been effective due to overlaps with regional policies, investment pressures, and

weak legal protection of customary land or *ulayat recht*. In this context, it can be seen how beach clubs have taken over spaces that were previously communally managed by indigenous communities, without public consultation or active participation in the decision-making process. In licensing practices, there is also a regulatory gap. The risk-based licensing system as regulated in Government Regulation No. 5 of 2021 and the Indonesian Standard Industrial Classification (KBLI) system regulated under BPS Regulation No. 2 of 2020 do not explicitly list beach clubs as a distinct business category. This loophole allows business actors to classify their operations under more general business types—such as restaurants, bars, or nightclubs—thereby avoiding specific coastal spatial planning requirements, environmental impact assessments, and social consultations. In the Dutch legal tradition inherited by Indonesia, such a situation is referred to as *lacune in de wet*, or a legal vacuum that must be filled through juridical interpretation or derivative regulations.

This legal uncertainty also results in weak oversight by local governments and horizontal conflicts with local communities. In many cases, beach clubs are developed without regard for Environmental Impact Assessments (AMDAL), or even by restricting public access to the beach. Such actions disregard the principles of due process of law and community participation as guaranteed in the Indonesian legal system. On the other hand, the lack of legal clarity puts local governments in a dilemma between boosting local revenue (PAD) and protecting cultural values and the environment. This tension reflects the ongoing conflict between positive law (*ius constitutum*) and ideal law (*ius constituendum*), which, in the Continental European legal tradition, is a central concern in the formulation of just and socially equitable public policies.

2. Research Methods

This study employs both normative and socio-legal approaches to examine the use of coastal land in Bali within the context of beach clubs as a supporting element of sustainable tourism (Suteki, 2018). The normative approach is used to analyze the applicable positive legal norms, including the Tourism Law, the Law on the Management of Coastal Areas and Small Islands, as well as regulations related to risk-based licensing and spatial zoning. Meanwhile, the socio-legal approach is applied to understand the interaction between legal norms and the social, cultural, and economic realities of local communities, particularly in the context of spatial conflicts, the sacred value of beaches, and local wisdom. The analytical technique used is qualitative, relying on literature studies (legal documents, scholarly journals, and government policies), along with empirical data drawn from case studies, field observations, and interviews with relevant stakeholders. This approach aims to provide a comprehensive picture of the gap between normative law and practical implementation in the field.

3. Results and Discussion

3.1. Philosophical Foundations of Coastal Land Management in Bali

The regulation of coastal land use in Bali cannot be separated from a philosophical understanding that views land not merely as an economic resource or a physical object, but as a living and sacred spiritual entity (Haq, 2025; Sadiyani et al., 2025). In the cosmology of the Balinese Hindu community, land is believed to possess *atma* (soul) or spirit, making it an integral part of the universe. The use of land especially in coastal

areas considered to be the meeting point between the human world and the spirit world—is carried out with great caution and spiritual awareness. Therefore, any activity involving land, particularly for commercial purposes, must be preceded and accompanied by religious ceremonies as a form of respect for the divine forces believed to reside within it. Land is not merely a means of production but also a symbol of sanctity, ancestral heritage, and a spiritual link between humans and the Divine.

This philosophy is systematically formulated in the concept of *Tri Hita Karana*, a guiding principle of Balinese life that reflects harmony among three fundamental elements: the relationship between humans and God (*parahyangan*), humans and fellow human beings (*pawongan*), and humans and nature (*palemahan*) (Hadat, 2020; Jaya, 2021; Narti, 2024). This concept serves as the philosophical foundation for spatial governance in Bali, including the regulation of coastal areas. The coast, as an open natural space, holds spiritual significance in the performance of religious rituals, ecological functions as a buffer between marine and terrestrial ecosystems, and social functions as a public space used by the community for various cultural activities. Any form of coastal land use such as the development of beach clubs should not contradict this principle of harmony. Violating any of the elements within *Tri Hita Karana* is believed to disrupt the balance and bring disharmony to community life.

In addition to being a spiritual entity, land in Balinese society holds strong social and communal values. In traditional views, land is not owned individually but collectively by the customary community or *krama desa* (Putra et al., 2024; Sasrawan & Pidada, 2024; Sundari & Pemayun, 2024; Utama & Sari, 2024). Based on the literature review, land ownership is subject to customary law and is managed according to the principles of *ayahan desa* (kewajiban terhadap desa adat) (M. K. Putri et al., 2024; Surata et al., 2024; Suriata, 2024; Utama & Sari, 2024; Yulianingsih, 2024). Land serves as a social bond that reflects the structure and social identity of the community. Inherited land from ancestors is preserved not merely as an asset, but as an essential part of one's identity and a responsibility to maintain intergenerational harmony. Therefore, the conversion of coastal land for commercial purposes by external parties, without consent or involvement of the customary community, is regarded as a serious violation of the social values upheld in Balinese society.

In this context, the privatization of coastal land for beach club businesses stands in stark contrast to these values. In many cases, beaches that were once open to the public and used for religious rituals such as *melasti* or *meajar-ajar* have now become inaccessible due to control by investors who have transformed them into exclusive zones. Such actions not only disregard the community's right to access but also sever the spiritual and social bonds that have long been maintained by local communities. If not managed wisely and philosophically, coastal development may distance the Balinese people from their cultural roots and lead to cultural dislocation.

Therefore, the regulation of coastal land in Bali requires a strong philosophical foundation to prevent imbalances between economic interests and the preservation of local values. Positive law must be grounded in the substantive values that live within society, not merely accommodate market and investment demands. Local concepts such as *Tri Hita Karana*, customary traditions (*adat*), and communal land rights (*ulayat*) must be explicitly integrated into the legislative framework, both at the national and regional levels. This includes revisions to the Tourism Law, formal recognition of sacred customary areas in

spatial planning, and the drafting of regional regulations (*Perda*) that prioritize the participation of indigenous communities in decision-making processes regarding coastal land use.

By placing this philosophical foundation at the heart of law and policy, coastal land management in Bali can be steered toward a sustainable tourism system that upholds local cultural identity. Land use will not be seen merely through the lens of administrative legality, but must also undergo mechanisms of respect for the spiritual and social values embedded within it. Thus, the law will fulfill its function as a bridge between certainty and justice, between the needs of modernization and the preservation of local culture.

3.2. Formulation of Beach Club Business Licensing Regulations in Bali

The widespread development of beach clubs along Bali's coastal areas highlights a major legal issue: the absence of a clear legal basis regarding the classification and regulation of such businesses within the national licensing system. In the context of *rechtszekerheid* (legal certainty), this situation creates uncertainty for business operators, local communities, and regional governments alike.

Beach clubs, which in practice engage in culinary services, entertainment, event space rentals, and beach parties, are not explicitly listed in Law No. 10 of 2009 on Tourism nor in the current classification of tourism-related businesses. As a result, many beach clubs operate under licenses designated for restaurants, cafés, or bars, thereby failing to capture their core function and activities—which involve the use and control of coastal spaces—within the formal regulatory system.

The ambiguity in classification creates a legal loophole often exploited by investors to avoid strict oversight as well as the environmental and socio-cultural regulations that apply in coastal areas. In Dutch legal practice, there is a principle known as *leemte in de wet*, which refers to a legal vacuum—a situation where the law has not yet specifically regulated a certain phenomenon. In Indonesia, this legal gap is clearly evident in coastal zone management policies, which have yet to anticipate the emergence of hybrid business models such as beach clubs.

Therefore, it is crucial to establish a new legal formulation within the national legal framework, particularly by expanding the types of tourism businesses listed under Article 14 letter (g) of Law No. 10 of 2009. The inclusion of a new clause that explicitly mentions “tourism activity operators in coastal areas and special events within designated zones” would provide a solid legal foundation to regulate such businesses comprehensively.

The existence of beach clubs must be explicitly included in the Indonesian Standard Industrial Classification (KBLI), which is currently regulated under the Regulation of the Head of Statistics Indonesia (BPS) Number 2 of 2020. The KBLI serves as the primary reference in the risk-based licensing system through the Online Single Submission Risk-Based Approach (OSS-RBA), as stipulated in Government Regulation Number 5 of 2021 (Dharmayanti & Yasa, 2022; Laila et al., 2024; N. K. Y. Putri & Udytama, 2024). Without a specific classification in the KBLI, the OSS-RBA system will be unable to categorize the environmental, social, and cultural risks inherent to beach club businesses. In this regard, a separate KBLI code for beach clubs needs to be established so that such

businesses can be assigned a high-risk rating, considering their location in sensitive ecosystems and culturally sacred areas.

Related Regulations	Issues	Recommendations
Law No. 10 of 2009 on Tourism	No explicit classification for beach clubs	Add coastal business classification under Article 14
Government Regulation No. 5 of 2021 on OSS-RBA	Beach clubs not categorized as high-risk	Create a specific KBLI code for beach clubs
BPS Regulation No. 2 of 2020 (KBLI)	No specific KBLI for beach clubs	Establish a new KBLI with coastal and socio-cultural parameters
Absence of Specific Zoning Regional Regulation (Perda)	Overlapping zones, conflicts with customary land	Issue a Custom-Based Coastal Zoning Perda

In addition to adjustments at the level of national laws and central government regulations, the successful regulation of beach clubs also heavily depends on local policies, particularly in the form of Regional Regulations (*Perda*) on coastal zoning. Currently, many regions in Bali lack specific *Perda* governing the use of coastal spaces for tourism activities, including boundaries that separate public spaces, customary land, and commercial zones. Clear zoning regulations are essential to prevent conflicts between business actors and indigenous communities who feel that their sacred spaces are being unilaterally taken over. This highlights the importance of a participatory approach in drafting zoning policies—one that involves *krama desa adat* (customary village members), *pemangku* (temple priests), community leaders, and customary institutions such as the *Majelis Desa Adat* (MDA).

Indigenous community participation in the licensing system is not only a form of recognition of their *collectief recht* (collective rights) over customary land but also a concrete application of the principle of Free, Prior, and Informed Consent (FPIC), as stipulated in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). FPIC requires the consent of local communities before any project that could affect their land or livelihood is implemented. In the context of Bali, this means the government must ensure that permits for new beach club businesses are not issued without consultation and approval from the local *desa adat*. This also strengthens *rechtsbescherming* (legal protection) for local communities against spatial exploitation by large-scale capital.

Therefore, the formulation of beach club business licensing regulations must be carried out comprehensively and in layers—from revising national laws, updating the KBLI and OSS-RBA systems, to drafting adat-based zoning *Perda*. This approach will provide *rechtszekerheid* (legal certainty), *doelmatigheid* (legal effectiveness), and *gerechtigheid* (legal justice) in the management of Bali's coastal areas. Only with a strong legal framework grounded in local values can beach club enterprises be directed to become a dignified and sustainable part of Bali's tourism system.

3.3. The Existence of Beach Club in the Perspective of Local Wisdom

The existence of beach clubs along Bali's coastal areas reflects a fundamental shift in how beach spaces are perceived and utilized. Traditionally, in Balinese society, the beach has been viewed as a sacred space—not only as part of the natural ecosystem but also as a site for religious rituals such as *melasti*, *nganyut*, and other purification ceremonies. The beach holds deep spiritual meaning in Balinese Hindu cosmology, where the sea

symbolizes *segara*, a place of spiritual cleansing. However, the rise of modern tourism, marked by the proliferation of beach clubs, has commercialized this sacred space into areas of entertainment and consumption. This shift not only diminishes the spiritual significance of beach spaces but also leads to the erosion of values embedded within the local belief system.

The privatization of beach space by beach club operators has led to violations of the cultural rights of local communities. Many cases show how previously public beaches have been fenced off, restricted by entrance fees, or entirely closed to local access, as the land has been taken over by private investors. This situation infringes upon the *ulayat* (customary) land rights of indigenous communities—rights that are constitutionally protected under Article 18B (2) of the 1945 Constitution and Article 3 of the 1960 Basic Agrarian Law (*UUPA*). In Dutch legal tradition, the concept of *erfelijk gebruiksrecht* (hereditary use rights) recognizes community rights over land passed down through generations—a principle that is particularly relevant in the context of Bali's customary land. When the government fails to involve indigenous communities in decisions about the conversion of coastal land into beach clubs, it effectively violates the principle of *rechtsbescherming* (legal protection) for traditional communities.

The phenomenon of beach club tourism has even given rise to a new form of tourism referred to by some observers as “terror tourism”—tourism that culturally, ecologically, and socially intimidates or disrupts local communities. Instead of supporting Bali's identity as an *eco-cultural* tourism destination, beach clubs tend to promote exploitative tourism that prioritizes profit. Noise pollution, late-night parties, alcohol and drug use, and the visual exploitation of bodies in formerly sacred spaces generate a cultural clash between local traditions and global hedonistic tourism values. This creates a sense of social anxiety among Balinese communities, especially those in coastal areas who once lived in harmony with nature and spirituality.

Beyond the cultural threat, beach club development also carries serious ecological implications. Many projects are carried out without proper environmental assessments (*AMDAL*), leading to beach erosion, mangrove ecosystem destruction, seawater pollution, and decreased environmental carrying capacity. These actions potentially violate the provisions of Law No. 32 of 2009 on Environmental Protection and Management and Law No. 27 of 2007 on the Management of Coastal Areas and Small Islands. Coastal zones, which should function as buffer areas for climate change and natural disasters, are instead being overtaken by commercial buildings that degrade shorelines. In Dutch legal thought, the *het voorzorgsbeginsel* (precautionary principle) emphasizes that environmental policies must prioritize early prevention of damage—a principle often ignored in beach club development projects.

Uncontrolled development of beach clubs also risks creating social inequality. On one hand, large investors reap significant profits from the exclusivity and commercialization of coastal zones; on the other, local communities gain little economic benefit and instead lose access to their own living space. Those who previously relied on livelihoods such as traditional fishing or spiritual tourism are increasingly marginalized both socially and economically. This disparity threatens the principles of *sociale rechtvaardigheid* (social justice) and sustainable development that underlie both national and global development planning.

Therefore, it is crucial to reassess the position of beach clubs within Bali's tourism system. Planning must be based on local wisdom values such as *Tri Hita Karana*, the *desa kala patra* principle (place, time, and circumstance), and the active involvement of indigenous communities in the planning, monitoring, and evaluation of development. If not properly regulated, beach clubs may become not only symbols of social exclusion and ecological destruction, but also signs that Bali is losing its cultural identity amid globalization. Law must therefore function as a tool for *ordering* (spatial ordering) and *normering* (norm-setting) to protect the noble values of Balinese culture while guiding development in a just, sustainable, and dignified direction.

4. Conclusion

Based on the analysis above, it can be concluded that the legal reformulation of coastal land use for beach club businesses in Bali is an urgent necessity to address the normative gaps found in Law No. 10 of 2009 on Tourism, Law No. 26 of 2007 on Spatial Planning, and Law No. 32 of 2009 on Environmental Protection and Management. The lack of clear business classification in the Indonesian Standard Industrial Classification (KBLI) and the OSS-RBA system further highlights the need to introduce a specific category for beach clubs as a standalone tourism-supporting enterprise. Derivative regulations are required, including binding regional zoning regulations that substantively involve indigenous communities. With this legal foundation, beach clubs can operate within a clear regulatory framework, maintain alignment with the religious-magical values of Balinese society, and strengthen the path toward sustainable and socially just tourism development.

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