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AGRICULTURAL LAND CONVERSION AND ITS IMPLICATIONS FOR THE EXISTENCE OF PURA SUBAK: A LEGAL PROTECTION STUDY BASED ON THE TRI HITA KARANA PHILOSOPHY

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Abstract:

Purpose:
Agricultural land conversion in Denpasar City has increasingly affected the sustainability of the Subak system, including Pura Subak as a centre of religious, social, cultural, and customary-law activities. This study analyses the implications of agricultural land conversion for the existence of Pura Subak and identifies the legal and institutional protection measures required to sustain it.

Methodology:
This study employs an empirical legal research design with a qualitative approach. Data were collected through field observations, in-depth interviews, and document analysis at Subak Intaran and Subak Renon in Denpasar City.

Findings:
Agricultural land conversion has reduced the area of rice fields, weakened the economic and institutional foundation of Subak, and increased threats to the continuity of the religious functions of Pura Subak. Subak Intaran still retains opportunities for preservation through Subak-based agrotourism and farmer incentives, whereas Subak Renon has experienced a drastic decline in agricultural land under intense urban development pressure. The existing awig-awig have not been fully effective in controlling land conversion.

Implication:
The protection of Pura Subak requires an integrated approach that combines national law, Balinese customary law, the values of Tri Hita Karana, land-use policy, and multi-stakeholder collaboration. Such protection should address the entire Subak ecosystem rather than the physical preservation of sacred buildings alone.

INTRODUCTION

Urban development in Denpasar City over the past several decades has driven substantial conversion of agricultural land into residential, commercial, service, and investment areas. This phenomenon is a consequence of increasing spatial demand resulting from population growth, urbanisation, and the expansion of economic development. On the one hand, development contributes positively to regional economic growth; on the other hand, it reduces the area of productive agricultural land that sustains Bali's agrarian communities (Sutaryono, 2021). Such changes in land use affect not only the agricultural economy but also the continuity of the Subak system as a World Cultural Heritage system with ecological, social, religious, and customary-law dimensions (UNESCO, 2012).

Subak is a traditional Balinese organisation that functions not merely as an agricultural irrigation system but also as a socio-religious institution integrating the relationship between humans and God (parhyangan), among humans (pawongan), and between humans and the environment (palemahan), as embodied in the Tri Hita Karana philosophy (Lansing, 2006). Accordingly, agricultural land is closely intertwined with the continuity of Subak institutions, including Pura Subak as the centre for religious rituals that constitute an inseparable part of Bali's traditional agricultural management system (Ardika, 2018).

Field research conducted at Subak Intaran and Subak Renon in Denpasar City shows that Subak Intaran still maintains approximately 67 hectares of rice fields out of the roughly 80 hectares previously managed, whereas Subak Renon has experienced a very substantial decline, from approximately 400 hectares in 1998 to about 40 hectares at the time of the study. These conditions demonstrate that the pace of land conversion in urban areas

has had tangible implications for the continuity of Subak institutions and for Pura Subak as a centre of religious activity among Bali's agrarian communities.

The reduction in agricultural land directly decreases the number of active farmers who are members of Subak organisations. This condition weakens Subak's institutional functions, reduces the resources available to support customary and religious ceremonies, and heightens threats to the continuity of Pura Subak as the spiritual centre of Subak communities. Although customary communities continue to maintain religious rituals passed down across generations, economic pressures arising from increasing land values and high demand for urban land have made Subak preservation increasingly complex.

The findings also indicate that awig-awig, as an instrument of customary law, have not been fully effective in controlling the rate of agricultural land conversion. This limitation is attributable to the predominance of individual land ownership, the rising economic value of land, and the limited authority of customary villages to regulate the use of land held under individual rights. These circumstances show that the protection of Subak cannot rely solely on customary-law mechanisms but also requires government support through spatial-planning regulation, agricultural land protection, and synergy among stakeholders (Wiranata, 2018).

Studies on land conversion have generally focused on its effects on food security, spatial change, agricultural productivity, and environmental conditions (Sumardjono, 2018; Suwitra, 2018). By contrast, research specifically addressing the implications of agricultural land conversion for the existence of Pura Subak as an integral component of the Subak system remains relatively limited. Most previous studies have treated Pura Subak primarily as a cultural element without comprehensively examining its legal protection in the context of urban development. Consequently, a research gap remains concerning the relationship between agricultural land conversion, the sustainability of Pura Subak, the effectiveness of customary law, and national legal protection for cultural heritage rooted in customary communities.

This study seeks to address that gap by analysing the implications of agricultural land conversion for the existence of Pura Subak in Denpasar City through an integrated perspective encompassing national law, Balinese customary law, and the Tri Hita Karana philosophy. This approach is expected to generate more comprehensive legal-protection recommendations for Pura Subak as an inseparable component of the Subak ecosystem and Balinese cultural identity.

From a juridical perspective, this study is grounded in Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which affirms state recognition of and respect for customary law communities and their traditional rights. Law No. 5 of 2017 on the Advancement of Culture further provides a legal basis for protecting, developing, utilising, and fostering objects of cultural advancement as part of national identity. The protection of agricultural land is also regulated under Law No. 41 of 2009 on the Protection of Sustainable Food Agricultural Land, which emphasises the importance of maintaining agricultural land to safeguard community livelihoods and national food security. Accordingly, protection of Pura Subak should not be understood merely as the preservation of sacred buildings but as part of the protection of the entire Subak system, which encompasses religious, cultural, social, ecological, and customary-law values.

METHODS

This study employs empirical legal research with a qualitative approach to examine the implications of agricultural land conversion for the existence of Pura Subak in Denpasar City. Empirical legal research views law as social behaviour and analyses how legal norms operate in community life (Soekanto, 2019). Primary data were obtained through field observations and in-depth interviews with administrators and members of Subak Intaran and Subak Renon, while secondary data were drawn from legislation, scholarly literature, and supporting documents. The data were analysed descriptively and qualitatively through data reduction, data presentation, and conclusion drawing to obtain a comprehensive account of the effectiveness of legal protection for the existence of Pura Subak (Sugiyono, 2022; Miles, Huberman, & Saldaña, 2014).

RESULTS AND DISCUSSION

A. Condition of Subak Intaran

The findings show that Subak Intaran remains capable of sustaining the Subak system despite the pressure of agricultural land conversion resulting from urban development in Denpasar City. Field observations and

interviews with Subak administrators indicate that approximately 67 hectares of rice fields remain under active cultivation out of the roughly 80 hectares previously managed by the Subak. This condition suggests that most agricultural land has been retained, notwithstanding some decline caused by increasing residential, commercial, and service-sector development.

The findings further demonstrate that agricultural land remains the principal foundation of the Subak organisation because rice fields are the primary setting for the operation of traditional irrigation systems, farmers' social activities, and various religious rituals centred at Pura Subak. This finding is consistent with J. Stephen Lansing (2006), who describes the Subak system as an integration of irrigation organisation, social institutions, and the religious life of Balinese communities that cannot be separated from agricultural land. UNESCO (2012) likewise emphasises that the Subak cultural landscape is a manifestation of the Tri Hita Karana philosophy, which harmoniously connects humans, nature, and God.

Subak Intaran administrators stated that the development of Subak-based agrotourism and the provision of incentives to farmers constitute potential strategies for maintaining agricultural land while preserving the function of Pura Subak as a centre of community religious activities.

B. Condition of Subak Renon

In contrast to Subak Intaran, Subak Renon has experienced a very substantial decline in agricultural land. The findings indicate that rice fields covering approximately 400 hectares in 1998 have been reduced to only about 40 hectares as a result of rapid urban development. This decline has reduced the number of active farmers, weakened Subak institutions, and increasingly constrained the ecological space that supports the continuity of the Subak system.

Nevertheless, customary communities and Subak members (krama Subak) continue to perform religious rituals at Pura Subak as a means of preserving religious and cultural values inherited across generations. This condition shows that Pura Subak continues to be regarded as a symbol of Balinese spiritual identity despite the contraction of agricultural land. According to Ardika (2018), Pura Subak is an integral part of Bali's agrarian cultural system and therefore performs a religious function while simultaneously strengthening social solidarity within customary communities.

These findings indicate that the continuing contraction of agricultural land may undermine the sustainability of Subak organisational activities unless it is accompanied by adequate protective policies.

C. Effectiveness of Awig-Awig

The study finds that awig-awig, as an instrument of customary law, have not been able to optimally control the rate of agricultural land conversion. Although awig-awig regulate the obligations of Subak members to maintain land sustainability and perform customary ceremonies, their implementation faces several constraints, including rising land values, the predominance of private ownership rights, and community demand associated with urban development.

According to Suwitra (2018), customary law remains binding insofar as it continues to receive legitimacy from the customary community. In practice, however, the effectiveness of customary law is often constrained when it confronts economic interests and the national legal system governing land rights. This view is reinforced by Wiranata (2018), who explains that the effectiveness of customary law depends heavily on community compliance and support from government regulation.

The findings show that awig-awig remain effective in sustaining religious rituals but have not been able to prevent landowners from deciding to convert the use of their land.

D. Legal Protection Analysis

The findings demonstrate that agricultural land conversion affects not only the reduction of rice-field area but also the existence of Pura Subak as a centre of religious, social, and cultural activities within Subak communities. Consequently, the protection of Pura Subak cannot be separated from the protection of the Subak ecosystem as a whole.

Constitutionally, such protection is grounded in Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which recognises customary law communities and their traditional rights. Law No. 5 of

2017 on the Advancement of Culture also provides a legal basis for the protection and preservation of objects of cultural advancement, while Law No. 41 of 2009 on the Protection of Sustainable Food Agricultural Land mandates the protection of agricultural land as a source of community livelihood.

Philipus M. Hadjon (1987) explains legal protection as the state's effort to provide preventive and repressive safeguards for community rights. Accordingly, the protection of Pura Subak cannot be limited to preserving sacred buildings; it must also be realised through policies controlling land conversion, strengthening customary law, providing incentives to farmers, and fostering synergy among local government, customary villages, Subak organisations, and the community. This approach is also consistent with Gustav Radbruch's theory of justice and legal utility (1946), which emphasises that law should provide legal certainty, justice, and benefit to society.

E. Discussion and Integrated Legal Protection Model

Agricultural land conversion in Denpasar City not only reduces the area of rice fields but also has implications for Pura Subak as a centre of religious, social, and cultural activities within Subak communities. Pura Subak is an integral component of the Subak system, which serves to maintain balance in the relationships between humans and God, among humans, and between humans and the environment. Therefore, the protection of Pura Subak must be understood as part of the protection of the entire Subak ecosystem (UNESCO, 2012; Lansing, 2006).

Within the framework of legal protection, the state is obliged to safeguard the continuity of cultural values living within customary communities. According to Philipus M. Hadjon (1987), legal protection comprises preventive and repressive protection. Preventive protection seeks to avert violations of rights through regulation and policy, whereas repressive protection operates through law enforcement after a violation has occurred. In the context of this study, controlling land conversion through spatial-planning policies, agricultural land protection, and incentives for farmers constitutes preventive protection for the existence of Pura Subak.

An analysis based on Gustav Radbruch's theory indicates that law must fulfil three fundamental values: legal certainty, justice, and utility (Radbruch, 1946). Legal certainty requires clear regulation concerning the protection of agricultural land and Subak areas. Justice requires policies that do not merely favour investors and urban development but also protect the rights of customary communities and farmers. Legal utility, meanwhile, is reflected in efforts to sustain Subak, which contributes ecological and cultural functions as well as food security for Balinese society.

The existence of Pura Subak is likewise inseparable from the Tri Hita Karana philosophy, which harmonises the relationship between humans and God (parhyangan), among humans (pawongan), and between humans and the environment (palemahan) (Lansing, 2006). Land conversion that reduces agricultural space potentially disrupts all three dimensions simultaneously. The decline of rice fields affects not only farmers' economic conditions but also reduces ecological space and weakens the basis for conducting religious rituals at Pura Subak.

Constitutionally, the protection of Pura Subak is grounded in Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which recognises and respects customary law communities and their traditional rights insofar as they remain living and consistent with societal development. This provision affirms the state's obligation to protect the Subak system as part of the traditional rights of Balinese customary communities.

Furthermore, Law No. 5 of 2017 on the Advancement of Culture provides a legal basis for the protection, development, utilisation, and fostering of objects of cultural advancement. The cultural values embedded in the Subak system, including Pura Subak, form part of a cultural identity that must be preserved sustainably. Law No. 41 of 2009 on the Protection of Sustainable Food Agricultural Land also underscores the importance of maintaining agricultural land to ensure the sustainability of community livelihoods and national food security.

From the perspective of Balinese customary law, awig-awig regulate the obligations of Subak members to maintain the continuity of the agricultural system and to perform religious ceremonies. The findings, however, show that the effectiveness of awig-awig remains limited because of high land values and the predominance of individual land ownership (Wiranata, 2018; Suwitra, 2018). Protection of Pura Subak therefore cannot rely solely on customary-law mechanisms.

This study proposes a Government-Customary Village-Subak collaborative model as a more comprehensive protection strategy. Government contributes through spatial-planning regulation and economic incentives;

customary villages strengthen supervision based on awig-awig; and Subak organisations maintain the continuity of the social and religious functions of Pura Subak. The novelty of the study lies in integrating national legal protection, Balinese customary law, and the Tri Hita Karana philosophy within a single protection model for Pura Subak as an inseparable part of the Subak ecosystem in an urban setting.

The legal protection model proposed in this study is constructed through a collaborative approach (collaborative legal protection model) involving local government, customary villages, Subak organisations, communities, and academics. Local governments have a strategic role in formulating spatial policies that support the protection of sustainable food agricultural land in accordance with Law No. 41 of 2009 on the Protection of Sustainable Food Agricultural Land. In addition, governments need to provide economic incentives to farmers to encourage the continued agricultural use of land and to strengthen oversight of land-use changes.

Customary villages have a role in strengthening awig-awig and pararem as customary-law instruments governing community obligations to maintain the continuity of Subak and Pura Subak. According to I Gede A. B. Wiranata (2018), customary law is effective when it enjoys social legitimacy and is supported by state policy. Strengthening customary law should therefore be integrated with the national legal system to provide stronger binding force.

Subak organisations are responsible for sustaining religious rituals, conserving irrigation networks, and strengthening solidarity among farmers. This is consistent with J. Stephen Lansing's (2006) view that Subak is an institution that harmoniously integrates ecological, social, and religious functions. Communities act as the principal agents in maintaining agricultural land through active participation in Subak activities and the preservation of local culture. Academics, meanwhile, contribute through research, policy recommendations, and assistance to government and communities in developing evidence-based protection strategies.

The proposed model is also grounded in Philipus M. Hadjon's (1987) theory of legal protection, which emphasises preventive protection through regulation and repressive protection through law enforcement against violations. Gustav Radbruch's theory (1946) further states that law must realise legal certainty, justice, and utility. Accordingly, protection of Pura Subak should not only provide certainty regarding its legal status but also deliver justice to customary communities and benefits for environmental sustainability.

The Tri Hita Karana philosophy forms the conceptual foundation of this model because it places the balanced relationships between humans and God (parhyangan), among humans (pawongan), and between humans and the environment (palemahan) at the core of Subak management (UNESCO, 2012). Thus, the proposed legal protection model is oriented not only towards preserving Pura Subak as a sacred place but also towards protecting agricultural land, sustaining Subak organisations, and preserving Balinese culture comprehensively. The research novelty lies in the development of an Integrated Legal Protection Model for the Existence of Pura Subak that combines the following elements:

1. National legal protection under the 1945 Constitution of the Republic of Indonesia, Law No. 5 of 2017, and Law No. 41 of 2009.
2. Balinese customary law through the strengthening of awig-awig and pararem.
3. The Tri Hita Karana philosophy as a normative and cultural foundation.
4. Multi-stakeholder collaboration involving local government, customary villages, Subak organisations, communities, and academics.

Unlike previous studies that have focused primarily on land conversion or Subak preservation in general, this study proposes a legal protection model that positions Pura Subak at the core of the Subak ecosystem. Protection of Pura Subak is therefore not understood merely as protection of a sacred building, but as a legal strategy for sustaining the Subak system as living cultural heritage amid the pressures of urban development. This model constitutes a conceptual contribution that may inform the formulation of Subak protection policies in other urban areas facing similar challenges.

CONCLUSION

Based on the findings and discussion, agricultural land conversion in Denpasar City has significant implications for the existence of Pura Subak as an integral component of the Subak system. The decline in agricultural land at Subak Intaran, and particularly at Subak Renon, has reduced both the area of rice fields and the

number of active farmers while weakening the continuity of Subak institutions that have long supported the religious, social, and cultural functions of Pura Subak. Although customary communities continue to perform religious rituals at Pura Subak as an expression of their commitment to preserving tradition, the sustainability of these functions is threatened if land conversion continues without effective control.

The study also demonstrates that awig-awig, as an instrument of customary law, have not been fully capable of controlling agricultural land conversion because they face strong economic pressures, rising land values, the predominance of individual land ownership, and increasingly rapid urban development. These conditions confirm that the protection of Pura Subak cannot rely exclusively on customary-law mechanisms; it requires reinforcement through national legal instruments, spatial-planning policies, sustainable agricultural land protection, and synergy among stakeholders.

From the perspective of Philipus M. Hadjon's theory of legal protection, Pura Subak requires preventive protection through policies controlling land conversion, incentives for farmers, and strengthened spatial-planning regulation, as well as repressive protection through law enforcement against violations that threaten the continuity of the Subak system. Under Gustav Radbruch's theory, such protection must balance legal certainty, justice, and utility so that urban development does not come at the expense of customary law communities and their cultural heritage. The Tri Hita Karana philosophy further provides a normative and cultural foundation by affirming that Pura Subak is inseparable from harmonious relationships between humans and God (parhyangan), among humans (pawongan), and between humans and the environment (palemahan).

Juridically, the protection of Pura Subak is legitimised by Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, Law No. 5 of 2017 on the Advancement of Culture, and Law No. 41 of 2009 on the Protection of Sustainable Food Agricultural Land. Nevertheless, implementation at the local level still requires stronger and more integrated policies involving local government, customary villages, Subak organisations, and communities.

The principal contribution of this study is the proposed Integrated Legal Protection Model for the Existence of Pura Subak, which positions Pura Subak as an inseparable component of the Subak ecosystem. The model integrates national legal protection, the strengthening of Balinese customary law through awig-awig and pararem, the application of Tri Hita Karana values, and multi-stakeholder collaboration involving local government, customary villages, Subak organisations, communities, and academics. Protection of Pura Subak is therefore no longer understood merely as preservation of a sacred building, but as a comprehensive effort to sustain agricultural land, Subak institutions, cultural identity, and ecological balance as an integrated living system. This model constitutes the study's novelty and is expected to serve as a reference for formulating Subak protection policies in urban areas while strengthening the sustainable preservation of Balinese cultural heritage amid the dynamics of modern development.

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