

Legal Protection for Buildings with Traditional Architecture in the Modern Era of Bali

I Putu Andika Pratama^{1*}, Ni Made Anggia Paramesthi Fajar², Nathan Franklin³, Putu Chandra Kinandana Kayuan⁴, I Made Artana⁵

^{1,2,4,5} Faculty of Law Ngurah Rai University, Denpasar, Indonesia

³ Charles Darwin University, Australia

*Corresponding Author: pratamaiputuandika@gmail.com

Abstract

Along with the times, Balinese traditional architecture is increasingly being eroded by modern architectural art and also by the occurrence of damages. The purpose of this paper is to analyze the protection of traditional architectural buildings in the modern Balinese era and problems related to the preservation of traditional architecture in the modern Balinese era. This research adopts the doctrinal research and uses primary, secondary and tertiary legal materials. These legal materials were collected using a card system with a statute approach, a fact approach, and an analytical conceptual approach. Findings of the study show that: first, according to national law, Balinese traditional architecture is a cultural heritage and is regulated in Indonesian Law Number 5 of 1992 concerning Cultural Heritage Objects. Meanwhile, in the Province of Bali, Balinese traditional architecture is regulated in the Regional Regulation of the Province of Bali Number 5 of 2005 concerning Architectural Requirements for Buildings; secondly, one of the ways taken by the Government of Bali Province to preserve Balinese traditional architecture is to apply it to buildings. Balinese architecture, besides being used in the physical form of buildings, is also applied to the design of fences and gates along the main roads and streets in the environment. Balinese architecture is also required to be applied to government-owned houses or buildings, and official residences.

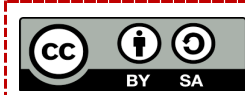
Keywords: *Traditional Architecture; Building; Preservation*

Abstrak

Arsitektur tradisional Bali seiring perkembangan jaman semakin tergerus oleh seni arsitektur modern dan juga terjadinya kerusakan-kerusakan. Tujuan penulisan ini adalah menganalisis perlindungan bangunan arsitektur tradisional di era Bali modern dan permasalahan terkait pelestarian arsitektur tradisional di era Bali modern. Penelitian ini merupakan *Doctrinal Research* dengan menggunakan bahan hukum primer, sekunder dan tersier. Teknik pengumpulan bahan hukum dilakukan dengan sistem kartu dengan pendekatan perundang-undangan, pendekatan fakta, dan pendekatan analisis konseptual. Hasil dari penelitian ini yaitu: *Pertama*, Secara hukum nasional, arsitektur tradisional Bali merupakan salah satu cagar budaya dan diatur di dalam Undang-Undang Nomor 5 Tahun 1992 tentang Benda Cagar Budaya. Sedangkan di Provinsi Bali, arsitektur tradisional Bali telah diatur di dalam Peraturan Daerah Provinsi Bali Nomor 5 Tahun 2005 tentang Persyaratan Arsitektur Bangunan Gedung; *kedua*, Salah satu cara yang dilakukan oleh Pemerintah Provinsi Bali untuk pelestarian arsitektur tradisional Bali adalah dengan mengaplikasikannya pada bangunan gedung. Arsitektur Bali selain digunakan dalam bentuk fisik dari bangunan gedung, juga diberlakukan untuk desain pagar dan gerbang disepanjang jalan raya dan jalan lingkungan. Arsitektur Bali juga diwajibkan

untuk digunakan terhadap bangunan atau gedung milik pemerintah, rumah dinas maupun rumah jabatan.

Kata Kunci: Arsitektur Tradisional; Bangunan; Pelestarian



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A. INTRODUCTION

The era of technological progress in Indonesia is developing more rapidly so that people are currently given the convenience to develop economic activities, especially in tourism activities.¹ These conveniences have a positive impact on the process of national development in Indonesia. National development will actually be carried out well if it is supported by potentials that become a mainstay in a region. These potentials can be in the form of natural wealth or man-made works that are characteristic of the region.

One of the many regions in Indonesia is Bali Province. Bali is well-known at the international level as a province with a tourism destination and has a unique local wisdom. In addition to tourism destinations that are of interest to foreign tourists, one of the characteristics and uniqueness of the Province of Bali is the traditional architectural design of each building. Buildings lined up along the road, whether used for residential or functioned for business, on average use Balinese architectural designs. This can be found in many houses or buildings featuring Balinese carvings on the walls, pillars or at the entrances to these buildings along the all roads.² Moreover, Balinese traditional architecture is one of the ethnic architectures which is part of the richness of Indonesian archipelago's architecture.

Moving on across history, Balinese traditional architecture has been known since the 8th century.³ It continues to develop and experience changes in line with developments and changes in the culture of society. Over time, architecture continued to undergo changes starting from the Pre-Hindu period, the ancient Balinese kingdom, to the Balinese royal period under the influence of the Majapahit Kingdom. Likewise, in the colonial era, the independence period and the current millennial era. This indicates that Balinese architecture still exists and continues to evolve with the times.⁴

¹ Lena Ellitan, "Competing in the Era of Industrial Revolution 4.0 and Society 5.0," *Jurnal Maksipreneur: Manajemen, Koperasi, Dan Entrepreneurship* 10, no. 1 (2020): 1–12, <https://doi.org/http://dx.doi.org/10.30588/jmp.v10i1.657>.

² I Kadek Merta Wijaya, "Perubahan Wujud Arsitektur Angkul-Angkul Pada Rumah Tinggal Etnik Bali Di Kota Denpasar," *UNDAGI: Jurnal Ilmiah Arsitektur* 5, no. 2 (2017): 40–46, <https://doi.org/https://doi.org/10.22225/undagi.5.2.412.41-46>.

³ I. Ketut Ardhana, "Female Deities in Balinese Society: Local Genius, Indian Influences, and Their Worship," *International Journal of Interreligious and Intercultural Studies* 1, no. 1 (2018): 42–61, <https://doi.org/10.32795/ijis.voll.iss1.2018.36>.

⁴ I Nyoman Susanta, "Makna Dan Konsep Arsitektur Tradisional Bali Dan Aplikasinya Dalam Arsitektur Masa Kini," *Ruang: Jurnal Lingkungan Binaan* 4, no. 2 (2017): 199–212, <https://doi.org/https://doi.org/10.24843/JRS.2017.v04.i02.p08>.

Basically, Balinese traditional architecture always tries to be in harmony with its environment while still following the guidelines of local religious traditions.⁵ Balinese traditional architecture seems to blend with nature as a philosophical form of the teachings of *Tri Hita Karana* which in this case is the concept of balance between humans, nature and the Creator. To date, Balinese architecture still maintains and develops 3 (three) types of architecture, viz.: (1) heritage architecture (ancient); (2) Balinese traditional architecture, and (3) non-traditional architecture in the style of Balinese traditional architecture.

According to national law, Balinese traditional architecture is one of the cultural heritages that deserves to be preserved. This matter has been regulated in Law Number 5 of 1992 concerning Cultural Conservation Objects (hereinafter referred to as Law No. 5 of 1992). Balinese traditional architecture is said to be a cultural heritage and as one of the most important forms of Indonesian cultural wealth, because it can be used to develop science, history and culture. Meanwhile, in the Province of Bali, Balinese traditional architecture has been regulated in the Regional Regulation of the Province of Bali Number 5 of 2005 concerning Architectural Requirements for Buildings (hereinafter referred to as Regional Regulation No. 5 of 2005).

Establishment of laws and regulations concerning architecture is very necessary to do. It is because architecture has very important benefits, so it is necessary to protect and maintain this cultural heritage. What is more, as time goes by, influences from outside Bali are unavoidable, thereby bringing changes to Balinese traditional architectural forms. This issue appears as a “challenge” in the millennial era like today, because all aspects of life are designed to be practical and convenient so there are fears that it will erode existing local wisdom, including Balinese traditional architecture.

When moving on to the issue of Balinese architectural art, it is marked by the rise of buildings that do not use Balinese traditional architecture. Development process in the current era uses modern architectural art because the design is considered “up to date” and looks more modern than the traditional one. Besides that, in terms of financing, modern architecture minimizes costs more than Balinese architecture. Let alone, the emergence of the trend of minimalist architectural style is also one of the triggers for the eroding of Balinese traditional architecture in the modern era of Bali.⁶

If we move on to previous research, there are 4 (four) similar research using Balinese architectural themes, namely: (1) *Seni Arsitektur Bali dalam Bangunan-Bangunan Bali (Kajian Filosofis)* by Ida Ayu Devi Arini and Ida Bagus Gede Paramita; (2) *Arsitektur Tradisional Bali Pada Desain Hybrid Bangunan Retail di Kuta Bali* by Ida Ayu Dyah Maharani and Toddy Hendrawan Yupardhi; (3) *Konsep dan Makna Arsitektur Tradisional Bali dan Aplikasinya dalam Arsitektur Bali* by I Nyoman Susanta and I Wayan Wiryawan; and (4) *Arsitektur Tradisional Bali pada Bangunan Puri sebagai Daya Tarik Wisata Minat Khusus dalam Mendukung Pengembangan Pariwisata Berkelanjutan di Bali* by Ni Made Ayu Natih Widhiarini, Putu Eni Oktavian, and Ni Putu Feby Devira Permanita. However, the focus of the

⁵ Ida Ayu Dyah Maharani and Toddy Hendrawan Yupardhi, “Arsitektur Tradisional Bali Pada Desain Hybrid Bangunan Retail Di Kuta Bali,” *Jurnal Segara Widya* 2, no. 2 (2014): 204–314, <https://doi.org/https://doi.org/10.31091/sw.v3i0.211>.

⁶ Gde Palgunadi, “Langgam Minimalis Ancam Identitas Arsitektur Bali,” Bali TravelNews, 2017, <http://bali-travelnews.com/2017/01/30/langgam-minimalis-ancam-identitas-arsitektur-bali/>.

four researches is more on philosophical application and spatial planning aspects. While this research focuses on legal protection related to Balinese architecture in buildings in the modern era.

The issue of people's views on Balinese traditional architecture needs attention, in addition to the damage that has occurred which has caused many of these architectures to be lost but there has been special protection from law. Motivated by these circumstances, problems in this research are formulated into: (1) how are traditional architectural buildings legally protected in the modern era of Bali? and (2) what happened regarding the preservation of traditional architecture in the modern era of Bali?

B. METHOD

This research uses the doctrinal research method.⁷ Doctrinal research is a study that produces a systematic explanation of the legal norms governing a certain category of law which in this case examines the relationship between legal norms, explains difficult areas and also provides descriptions in the form of predictions regarding the development of future legal norms (*ius constituendum*).⁸

This study also uses primary, secondary and tertiary legal materials.⁹ The primary legal materials used include laws and regulations that apply both at the national and local levels.¹⁰ In addition, this study uses secondary legal materials in the form of literature, journal articles and papers that are related and relevant to the issues under the study.¹¹ The tertiary legal material used is a dictionary that is used to find the meaning of foreign terms that need to be translated.

The legal materials used in this study were collected using a card system by tracing, reading and noting various important contents of the literature that have links with the issues under this study.¹² This study also uses several approaches to provide clarity on the description of the substance of scientific work. The approaches referred to are the statute-approach, the fact approach and the analytical conceptual approach.¹³

⁷ P. C. K. Kayuan and I. P. A. Pratama, "Blaming the Victim Pada Kasus Pelecehan Seksual Di Perguruan Tinggi Dalam Perspektif Hukum Pidana," *Jurnal Ilmiah Raad Kertha* 5, no. 2 (2022): 42–53, <https://doi.org/https://doi.org/10.47532/jirk.v5i2.685>.

⁸ N. D. Khariati, "Perlindungan Hukum Konsumen Bagi Penarikan Paksa Kendaraan Oleh Debt Collector," *Perspektif Hukum* 20, no. 2 (2020): 247–368, <https://doi.org/https://doi.org/10.30649/ph.v20i2.84>.

⁹ I. G. A. A. Utama, D. G. S. Mangku, and N. P. R. Yuliantini, "Yurisdiksi International Criminal Court (ICC) Dalam Penyelesaian Kasus Rohingnya Dalam Perspektif Hukum Internasional," *Jurnal Komunitas Yustisia* 3, no. 3 (2020): 208–19, <https://doi.org/https://doi.org/10.23887/jatayu.v3i3.32867>.

¹⁰ Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Rajawali Pers, 2015), <https://opac.perpusnas.go.id/DetailOpac.aspx?id=1174906>.

¹¹ T. U. N. Pelayun, I. M. Suwitra, and I. M. Sepud, "Plagiasi Hak Cipta Karya Seni Rupa Di Bali," *WICAKSANA: Jurnal Lingkungan Dan Pembangunan* 1, no. 1 (2017): 40–52, <https://doi.org/https://doi.org/10.22225/wicaksana.1.1.2017.40-52>.

¹² Setyo Yuwono Sudikni, *Pengantar Karya Ilmiah* (Jakarta: Aneka Ilmu, 1983).

¹³ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2008), <https://lib.ui.ac.id/detail?id=20373484>.

C. RESULTS AND DISCUSSION

1. Rules of Law on Balinese Traditional Architecture

The province of Bali is synonymous with buildings that are designed and constructed with traditional architecture, both applied to traditional buildings and to modern buildings. According to the *Kamus Besar Bahasa Indonesia* (The Great Indonesian Dictionary), architecture is the art and science of designing and constructing buildings, bridges and so on. Meanwhile, traditional architecture according to the dictionary is the embodiment of space to accommodate human life activities by repeating forms from generation to generation with little or no change, which is motivated by religious norms and based on local customs and imbued with the conditions and potential of the natural environment.¹⁴

Balinese traditional architecture is a form of sustainable architectural concept. Balinese traditional architecture can be interpreted as the spatial layout of the life of the Balinese people, which has developed from generation to generation with all the rules inherited from ancient times.¹⁵ Balinese traditional architecture is one of the ethnic architectures, which in this case is part of the richness of the archipelago's architecture. Balinese traditional architecture, as part of culture, is motivated by religious norms, local customs and habits and is also based on local natural conditions.¹⁶

Conceptually, norms that apply in the use of traditional architecture in Bali in the building construction process are written traditions passed down from generation to generation in terms of Balinese traditional architecture. The norms are as follows.

1. *Asta bumi* (norms in site determination and design);¹⁷
2. *Asta kosala kosali* (norms for building design and building implementation);¹⁸
3. *Janantaka* (norms for the use of building materials);¹⁹
4. *Bhama Kertih* (ritual norms in the traditional building construction process).²⁰

However, there are distinctions between Balinese traditional architecture and heritage architecture, even though both are Balinese architecture. In other words, heritage architecture

¹⁴ Ida Ayu Devi Arini and Ida Bagus Gede Paramita, "Seni Arsitektur Bali Dalam Bangunan-Bangunan Bali (Kajian Filosofis)," *Maha Widya Duta* 5, no. 1 (2021): 76–86, <https://doi.org/https://doi.org/10.55115/duta.v5i1.1251>.

¹⁵ Ni Made Ayu Natih Widhiarini, Putu Eni Oktavian, and Ni Putu Feby Devira Permanita, "Arsitektur Tradisional Bali Pada Bangunan Puri Sebagai Daya Tarik Wisata Minat Khusus Dalam Mendukung Pengembangan Pariwisata Berkelanjutan Di Bali," *Pustaka* 2, no. 2 (2019): 46–52, <https://doi.org/https://doi.org/https://dx.doi.org/10.33649/pusaka.v1i2.18>.

¹⁶ Ayuni Widya Kusuma Wardhani and Elda Franzia, "Penggambaran Kepercayaan Sekala Dan Niskala Di Masyarakat Bali Pada Film 'The Seen and Unseen,'" *Jurnal Dimensi DKV Seni Rupa Dan Desain* 5, no. 1 (2020): 19–32, <https://doi.org/https://doi.org/10.25105/jdd.v5i1.6851>.

¹⁷ Cokorda Putra and Puja Gayatri, "Proses Pembangunan Bale Daja Studi Kasus Bale Daja Di Desa Kesiman Denpasar," *Widya Teknik* 19, no. 1 (2023): 44–54, <https://doi.org/https://doi.org/10.32795/widyateknik.v19i1.4148>.

¹⁸ I Made Endra Wiartika P et al., "Augmented Reality Book Sistem Rumah Tradisional Bali Berdasarkan Asta Kosala-Kosali," *Jurnal Nasional Pendidikan Teknik Informatika (JANAPATI)* 2, no. 5 (2013): 234–42, <https://doi.org/https://doi.org/10.23887/janapati.v2i3.9810>.

¹⁹ N. Pradonawati, D. P. Noviyanti, and B. Mudiantoro, "Implementasi Izin Mendirikan Bangunan (IMB) Di Kota Denpasar Yang Berwawasan Lokal Sebagai Upaya Penataan Ruang Berkelanjutan," in *Prosiding Seminar Pembangunan Wilayah Dan Kota Berkelanjutan* (Jakarta, 2019), 247–54, <https://doi.org/https://doi.org/10.25105/pwkb.v1i1.5287>.

²⁰ I Made Dwitayasa, "Karang Panes Dan Fenomenanya Dalam Lontar Bhama Kertih," *Vidya Samhita: Jurnal Pelelitian Agama* 7, no. 1 (2021): 43–61, <https://doi.org/https://doi.org/10.25078/vs.v7i1.2544>.

refers to architecture that has existed since ancient times and has been passed down from generation to generation until now; usually reflected in historic buildings made in the past. According to Article 1 Number 10 of Bali Regional Regulation No. 5 of 2005, heritage architecture is architecture from the past in the Province of Bali, either maintained/utilized according to its function or not maintained/not used according to its function, movable or immovable, in the form of a unit or group or parts thereof or the rest, which are considered has important values for science, history, culture, and other significant values, as stipulated in laws and regulations.

Conversely, definition of Balinese traditional architecture according to Article 1 Number 7 of Bali Regional Regulation No. 5 of 2005 is a spatial plan and form whose development is based on values and norms, both written and unwritten, that have been passed down from generation to generation.

Despite their differences, both Balinese traditional architecture and heritage architecture must be protected and preserved. Moreover, when referring to national laws, Balinese traditional architecture is recognized as a cultural heritage. This is reflected in the Indonesian Law No. 5 of 1992, one of which regulates the existence, supervision and preservation of architectural cultural heritage in tangible and intangible forms and regulates the categories of the living cultural heritage and (dead) cultural heritage which no longer function because they were abandoned by their supporters (dead monuments). The cultural heritage is defined as a very important form of Indonesian cultural wealth, because it can be used to develop science, history and culture.²¹

If it is observed thoroughly, Balinese traditional architecture is generally very identical to the shape and decoration of buildings. Regarding definition of the building, it is specified in Article 1 point 6 Bali Regional Regulation No. 5 of 2005. In the regulation in question, buildings refer to the physical form of the results of construction work that are integrated with their place of domicile, part or all of which are above and/or in the land and/or water which functions as a place for humans to carry out their activities, both for occupancy or residence, religious activities, business activities, social activities, culture or special activities.

2. Protection of Traditional Architecture in the Modern Era of Bali

The development of the modern era, as it is today, encourages the need for protection of Balinese traditional architecture. Balinese traditional architecture is now increasingly being eroded in the midst of modernization, marked by the rise of modern architectural styles used in the construction of buildings. Besides that, there are no buildings using traditional architecture that are timeless. This is due to the influence of environmental factors that cause damage, weathering and, eventually, soiling process.²² One way that can be done is restoration.

²¹ Hamka, Sri Winarni, and Amar Rizqi Afdholy, "Metaverse Dalam Arsitektur Sebagai Media Pelestarian Arsitektur Nusantara Di Indonesia," *Prosiding SEMSINA* 3, no. 1 (2022): 178–83, <https://doi.org/https://doi.org/10.36040/semsina.v3i1.5102>.

²² Direktorat Perlindungan Kebudayaan, "Permasalahan Dan Tantangan Pelestarian Cagar Budaya," Indonesiana, 2015, <https://shorturl.at/ahrv5>.

One way to preserve Balinese traditional architecture is to apply it to buildings. Besides being used on the physical form of buildings, Balinese architecture is also applied to the design of fences and gates along the main roads and streets in the environment. The enforcement is based on the provisions of Article 15 of Regional Regulation of Bali Province No. 5 of 2005. Balinese architecture is also required to be used in government-owned houses or buildings and official residences as stipulated in Article 15 of Regional Regulation of Bali Province No. 5 of 2005 said.

Building construction obligations to use Balinese traditional architecture always have a purpose. Regulatory objectives regarding the use of architecture as a requirement for building construction are regulated in Article 3 of the Regional Regulation of the Province of Bali No. 5 of 2005, which essentially specifies that the purpose of the regulation is to create buildings in the province of Bali that have the style and character of Balinese traditional architecture. In addition, regulations regarding the use of Balinese traditional architecture are intended to guarantee legal certainty in the management of buildings.²³ This is intended so that buildings in accordance with the principles of Balinese traditional architecture can be actualized.

Apart from being mandated in regional regulations, the form of architectural preservation in Bali Province also involves the participation of all parties, especially the community. This is reflected in Article 21 and Article 22 of Regional Regulation of Bali Province No. 5 of 2005, which in essence states that the governor shall coordinate the control of building architectural requirements with district/city governments and the participation of all elements of society in taking control of the application of architectural requirements in the construction of buildings. If this article is interpreted, it has implications as a form of control involving district/city governments as well as the community to play a role in implementing the architectural requirements for buildings.

In matters regarding Balinese traditional architecture, efforts are needed to optimize the participation of the Regional Government and district/city regional governments of Bali Province. This is in consonance with what was stated by Gustav Radbruch, that law enforcement has the objectives, that is to say, certainty, justice and utility.²⁴ All forms of regulations or policies made by the government must always have legal certainty in their application in order that justice can be realized, and also have benefits, especially good benefits for future generations.²⁵

However, problems then arise. They are caused by the provisions of the Regional Regulation of Bali Province No. 5 of 2005 which does not contain provisions on the imposition of sanctions on violations by buildings that do not use Balinese architecture. Moreover, in each district in the Province of Bali there are still no regional regulations that specifically regulate Balinese traditional architecture, so it is very difficult to impose sanctions if violations occur.

²³ Mario Julyano and Aditya Yuli Sulistyawa, "Pemahaman Terhadap Asas Kepastian Hukum Melalui Konstruksi Penalaran Positivisme Hukum," *Jurnal Crepido* 1, no. 1 (2019): 13–22, <https://doi.org/https://doi.org/10.14710/crepido.1.1.13-22>.

²⁴ Muhamad Erwin, *Filsafat Hukum: Refleksi Kritis Terhadap Hukum* (Jakarta: Rajawali Pers, 2015), <https://opac.perpusnas.go.id/DetailOpac.aspx?id=968458>.

²⁵ A. Irhandayaningsih, "Peranan Pancasila Dalam Menumbuhkan Kesadaran Nasionalisme Generasi Muda Di Era Global," *HUMANIKA* 16, no. 9 (2021): 1–10, <https://doi.org/https://doi.org/10.14710/humanika.16.9>.

The absence of sanctions has led to the proliferation of buildings that do not use Balinese architecture. Moving on to the context of the formation of laws and regulations as stipulated in Law Number 12 of 2011 concerning the Formation of Legislation (hereinafter referred to as Law No. 12 of 2011), the application of sanctions for violations prevailing at the regional level usually refers to the content material of regional regulations, that is, in the criminal provisions as contained in Article 15 of Law No. 12 of 2011. Penal provisions, apart from functioning as a form of control, are also matters that really need to be considered by the government given the need for preservation of Balinese traditional architecture.

If there is still no action on the issue of the absence of legal sanctions, there is concern that the Balinese traditional architectural style will change in such a way as to become a minimalist or modern architectural style. This is due to the absence of rules and regulations in the form of regional regulations in each district/city in Bali Province which contain the enforcement of legal sanctions for violations that may occur. It is feared that gradually the Balinese traditional architecture will be eroded due to the development of an increasingly advanced era.

The void of norms makes it difficult to enforce legal sanctions in violations of the requirement for buildings to use Balinese traditional architecture. As a solution, the government can take action to use discretionary power,²⁶ especially in terms of making policies related to the problem of the absence of the norms.²⁷ This can be done by the government as long as it is in compliance with the General Principles of Good Governance (AAUPB) and is also intended for the public interest.

The proportion is in line with the provisions stipulated in Article 23 of Law Number 30 of 2014 concerning Government Administration which states that the government may make decisions or actions in the form of policies according to discretionary power because laws and regulations do not regulate, are incomplete or ambiguous. If the substance of the article is interpreted, it can be said the discretionary power possessed by the Government of Bali Province for the protection of Balinese traditional architecture can be realized and implemented in the form of policies.²⁸

However, discretion does not guarantee that all forms of violations can be minimized. The effectiveness of the discretion exercised by local governments is uncertain. Therefore, it is necessary to establish regional regulations in each district/city along with the application of legal sanctions that strictly regulate, in order to achieve legal certainty and minimize possible violations.²⁹

In addition, application of legal sanctions is one of the juridical aspects of preserving Balinese traditional architecture so it does not experience extinction. This has forced the Government to immediately make Regional Regulations in each district, the articles of which

²⁶ Ali Marwan HSB and Valentina Shanty, "Diskresi Sebagai Dasar Pertimbangan Pembentukan Peraturan Perundang-Undangan," *Law Jurnal* 1, no. 2 (2021): 1–12, <https://doi.org/https://doi.org/10.46576/lj.v1i2.1126>.

²⁷ HSB and Shanty.

²⁸ I Gusti Ayu Apsari Hadi, "Pertanggungjawaban Pejabat Pemerintahan Dalam Tindakan Diskresi Pasca Berlakunya Undang-Undang No. 30 Tahun 2014 Tentang Administrasi Pemerintahan," *Kertha Patrika* 39, no. 1 (2017): 33–46, <https://doi.org/https://doi.org/10.24843/KP.2017.v39.i01.p03>.

²⁹ Marten Bunga, "Model Pembentukan Peraturan Daerah Yang Ideal Dalam Penyelenggaraan Otonomi Daerah," *Jurnal Hukum & Pembangunan* 49, no. 4 (2023): 818–33, <https://doi.org/10.21143/jhp.vol49.no4.2342>.

contain provisions regarding sanctions, both administrative sanctions and criminal sanctions for violations that may occur.³⁰ Formation of regional regulations is one solution that can be said to greatly minimize violations, especially for buildings that do not use Balinese traditional architecture.

D. CONCLUSION

The following are the conclusions of this study which are drawn in reference with the description in the previous section. First, according to national law, Balinese traditional architecture is a cultural heritage and is regulated in Law Number 5 of 1992 concerning Cultural Heritage Objects. Meanwhile in the Province of Bali, Balinese traditional architecture has been regulated in the Regional Regulation of the Province of Bali Number 5 of 2005 concerning Architectural Requirements for Buildings. Second, one of the methods used by the Government of Bali Province to preserve Balinese traditional architecture is to apply it to buildings. Balinese architecture, apart from being used in the physical form of buildings, is also used in the design of fences and gates along main roads and neighborhood roads. Balinese architecture is also required to be used in government-owned buildings or buildings, such as official houses.

Based on the findings of this study, the following recommendations are made. First, there is a need for awareness and participation from the Provincial Government of Bali and district/city local governments in highlighting Balinese traditional architecture in every form of building construction. Second, regional regulations in each district/city in the Province of Bali regarding Balinese traditional architecture must be formed immediately.

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