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## Property law, customary tenure, and tourism-driven land conversion in Bali, Indonesia: An empirical socio-legal study

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### ABSTRACT

This article examines property law in Bali as a plural socio-legal system in which national land statutes, provincial regulation, desa *adat* authority, subak irrigation institutions, and tourism-driven markets interact. The study uses a doctrinal and empirical socio-legal design. Open data from Statistics Indonesia for Bali, Bali legal-information systems, reports attributed to the Bali regional office of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, and published government statistics are combined with peer-reviewed scholarship on Indonesian land law, legal pluralism, property rights, and Bali's subak landscape. The empirical results show a central governance tension. Bali has very high formal land-registration coverage, reported at 2,035,418 registered parcels or 95.4% of estimated parcels in 2023, yet registration has not prevented rapid changes in land use and market access. Reported rice-field area declined from about 70,995.82 ha in 2019 to 64,474 ha in 2024, with Denpasar and Gianyar experiencing particularly steep proportional losses. Only 39,973 ha of the 2024 rice-field area was classified as protected sustainable food agricultural land, leaving an estimated gap of more than 16,000 ha if the 87% national protection benchmark is applied. Tourism recovery after the COVID-19 shock intensified demand: direct foreign arrivals returned to 6.33 million in 2024, while accommodation and food services dominated Bali's fourth-quarter 2024 GRDP structure. The paper argues that Bali's property law problem is not merely weak titling; it is the misalignment between title security, spatial control, customary obligations, and market incentives. Policy reforms should integrate cadastral, spatial, and beneficial-ownership data, strengthen LP2B enforcement, and protect *adat* and subak land as social-ecological property rather than as ordinary alienable commodities.

**Keywords:** Bali, property law, *adat* land, land registration, subak, tourism, land conversion, Indonesia

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## 1. INTRODUCTION

Property law in Bali is frequently discussed through the narrow lens of whether land is formally owned, registered, leased, or controlled through tourist investment. That lens is necessary but incomplete. Bali's land is not only an asset class; it is a basis of household security, a jurisdictional object of national agrarian law, a sacred and territorial component of *desa adat*, a productive resource in subak irrigation systems, and a spatial platform for tourism, housing, roads, villas, and hospitality businesses. A scientific account of property law in Bali must therefore begin from the proposition that rights in land are bundles of authority, exclusion, access, use, transfer, management, and social obligation rather than a single right of dominion. This approach is consistent with property-rights scholarship that distinguishes access, withdrawal, management, exclusion, and alienation as separable interests (Schlager & Ostrom, 1992), and with legal-pluralist studies of Indonesia in which state law, *adat*, local government, and market practice interact rather than operate in isolation (Bedner & van Huis, 2008; Fitzpatrick, 2006; Henley & Davidson, 2008).

Bali provides a particularly rigorous case for examining property law because formal legal security has expanded while land-use pressures have intensified. The province is small, with a total area of approximately 5,780.06 km<sup>2</sup> distributed across eight regencies and Denpasar City. Its tourism economy is globally visible, and its customary institutions are still socially influential. At the same time, Bali's agricultural land and water systems are under pressure from conversion, price escalation, and the growth of villa and accommodation markets. This is not a marginal empirical problem. The official BPS release on paddy in Bali reported that rice-harvested area fell from 108,514 ha in 2023 to 103,804 ha in 2024, and that paddy production declined from 673,581 tons of dry unhusked rice to 635,473 tons in the same period (BPS Bali, 2025b). Reports attributed to the Bali regional office of ATR/BPN also indicate a fall in rice-field area from roughly 70,996 ha in 2019 to 64,474 ha in 2024. These data suggest that the legal status of land cannot be separated from food security, water governance, and spatial planning.

The research problem addressed in this article is the gap between formal property-law architecture and empirical land outcomes. Indonesia has a national agrarian framework built around the Basic Agrarian Law of 1960, the social function of land, the state's controlling function, and a hierarchy of rights such as hak milik, hak guna bangunan, hak pakai, hak guna usaha, and hak pengelolaan. Bali adds locally distinctive layers: *desa adat* governance under Bali Provincial Regulation No. 4 of 2019, formal recognition of customary villages as subjects of communal land rights through ministerial policy, and a 2026 provincial regulation aimed at controlling productive-land conversion and prohibiting nominee land ownership. Yet market transactions, tourism rents, and informal arrangements may still redirect the benefits of land toward actors with greater capital or access to legal intermediaries. For that reason, this paper treats property law as a governance system, not merely as a set of doctrinal categories.

The article makes three contributions. First, it synthesizes national land law, provincial *adat* regulation, and local land-use policy into a single analytical account of Bali's property regime. Second, it provides empirical tables using open and verifiable data on spatial area, rice-field decline, sustainable agricultural land protection, paddy production, land registration, and tourism pressure. Third, it advances a socio-legal argument relevant to high-level property-law and governance scholarship: title registration alone cannot solve Bali's land problem unless it is coupled with enforceable spatial planning, beneficial ownership transparency, *adat* safeguards, and incentives that allow farmers and customary communities to keep productive and culturally significant land within socially beneficial use.

The central research questions are: How does Bali's property-law framework allocate authority among state law, private title, customary land, and land-use regulation? What empirical trends reveal the pressure exerted by tourism, urbanization, and productive-land conversion? What regulatory reforms would better align

title security with ecological resilience, food security, and fairness in a plural legal setting? The analysis is not intended to replace local ethnographic fieldwork; rather, it offers a data-based socio-legal synthesis suitable as a platform for further empirical research and policy evaluation.

## 2. LITERATURE REVIEW AND THEORETICAL FRAMEWORK

A theoretical analysis of Bali's property law should begin with the idea that property is a legally and socially constructed relationship among people with respect to things. In the natural-resource literature, property-rights regimes are understood as bundles of claims rather than as absolute ownership. [Schlager and Ostrom \(1992\)](#) distinguish authorized users, claimants, proprietors, and owners by the specific rights they hold, including access, withdrawal, management, exclusion, and alienation. This distinction matters in Bali because a household may have a certificate, a subak member may have water-management obligations, a *desa adat* may exercise customary territorial authority, and a tourism investor may control economic benefits through leases or contractual arrangements. The most powerful actor in practice may not be the actor with the most visible legal title. Access theory therefore complements property-rights analysis by asking who can derive benefits from land, through what means, and under whose authority ([Ribot & Peluso, 2003](#); [Sikor & Lund, 2009](#)).

The Indonesian case has long been central to legal-pluralism debates. The Basic Agrarian Law attempted to unify diverse rights under a national framework while recognizing *adat* to the extent that it did not conflict with national interests and higher law. Scholars have shown that this attempt at unification did not eliminate pluralism; instead, it created a layered legal field in which state registration, local recognition, customary authority, and development policy interact ([Bedner & van Huis, 2008](#); [Fitzpatrick, 1997, 2006](#)). In the post-decentralization period, *adat* has been revived as a political and legal category, but recognition is ambivalent. It may strengthen communities against dispossession, yet it may also open new questions about representation, elite control, internal exclusion, and market incorporation ([Henley & Davidson, 2008](#); [Li, 2014](#)). Bali's *desa adat* and customary land are therefore best understood as both protective institutions and sites of contestation.

Bali-specific scholarship confirms the analytical importance of territoriality and cultural space. [Suartika's \(2007\)](#) study of *adat* land and state land regulations in Bali shows that the customary and market systems may overlap in ways that produce ambiguity over territorial belonging and alienability. Later work on Balinese development emphasizes that ideology, religion, and aesthetics shape the production of urban and spatial form ([Suartika et al., 2018](#)). These studies are important because they challenge the idea that land-use change is only an economic decision. In Bali, conversion of a rice field, transfer of a family plot, or construction of a villa may also alter temple relationships, social membership, water management, ritual responsibility, and landscape identity.

Subak institutions give the property question an ecological dimension. Classic studies of Balinese water temples and irrigation demonstrate that rice terraces are not merely privately cultivated parcels but coordinated socio-ecological systems that depend on timing, cooperation, pest management, water flow, and ritualized governance ([Lansing, 1987](#); [Lansing & Kremer, 1993](#)). More recent modeling of Bali's ancient rice terraces shows adaptive self-organization in which farmers' choices and irrigation coordination create landscape-level effects ([Lansing et al., 2017](#)). These findings imply that property law should not treat all paddy parcels as isolated commodities. When a parcel leaves rice production, the effect may extend beyond the individual owner to water scheduling, pest cycles, heritage landscapes, and food availability.

Tourism adds another layer of property pressure. Tourism has produced employment, infrastructure, and fiscal value, yet it has also intensified land prices, changed settlement patterns, and increased demand for water and space. [Cole's \(2012\)](#) political ecology of water equity in Bali shows how tourism, power, and ecological constraints can generate inequitable resource distribution. In land markets, similar dynamics appear

when villas, hotels, and restaurants compete with agriculture and customary uses. The issue is not whether tourism should exist; it is whether property law and spatial governance can prevent tourism rents from externalizing costs onto farmers, water users, customary communities, and future generations.

International land-governance literature further helps interpret Bali. Land registration can increase tenure security, reduce disputes, and support investment, but the evidence is uneven and context-dependent (Deininger & Feder, 2009; Feder & Nishio, 1998). Registration is most effective when records are accurate, disputes are manageable, spatial rules are enforced, and credit and market institutions operate fairly. In places with unequal bargaining power or high land speculation, formalization may instead facilitate transfer out of weaker communities unless protective rules and public oversight are present. Global research on land rushes and the foreignization of space also shows that market demand can transform land from a livelihood and identity resource into an investment platform (Cotula, 2012; Hall, 2013; Zoomers, 2010). Bali's nominee-ownership problem should be analyzed in this broader context: it is not only a violation of national restrictions on foreign ownership; it is a mechanism through which market access may circumvent the public purposes embedded in agrarian law.

The literature therefore supports a combined doctrinal-empirical approach. Doctrinal analysis identifies the rules that allocate legal authority, while empirical data reveal whether those rules are consistent with observed outcomes. In Bali, the relevant outcomes include registered parcels, land conversion, rice-field protection, paddy production, tourism arrivals, and the accommodation economy. These outcomes do not prove causality by themselves, but they do identify governance pressure points and provide a factual basis for evaluating the adequacy of property law.

### **2.1. Legal Framework of Property in Bali**

Indonesia's national property framework is rooted in the Basic Agrarian Law, Law No. 5 of 1960. The statute affirms the state's controlling function over land, water, and natural resources and recognizes land rights that may be held by individuals, legal entities, or public institutions. Its most important property categories include hak milik, the strongest individual ownership right generally reserved for Indonesian citizens; hak guna bangunan, a right to build; hak pakai, a right of use; hak guna usaha, a right to cultivate; and other derivative or management rights. The national framework does not conceptualize land as an unlimited commodity. Land rights have a social function, meaning that ownership and use must be consistent with public welfare, national interests, social justice, and environmental considerations. This social-function principle is central for Bali because land scarcity, tourism pressure, and agricultural conversion make the consequences of individual land decisions highly collective.

Government Regulation No. 18 of 2021 modernizes and consolidates rules on right to manage, land rights, apartment units, and land registration. The regulation forms part of a broader national policy to simplify land administration and investment-related governance after the Job Creation framework. For Bali, the relevance of this regulation lies in the interaction between land titles, electronic registration, rights over units, and the legal pathways available to investors. The regulation does not erase the nationality principle that restricts full ownership by foreigners; rather, it operates within a structured system of rights and conditions. In practice, however, the existence of permissible limited rights has not prevented attempts to use nominee arrangements, long-term contractual devices, or layered corporate structures to gain functional control over land.

Bali's customary-property layer is anchored in *desa adat*. Provincial Regulation No. 4 of 2019 on *Desa Adat* in Bali recognizes customary villages as institutions with traditional rights, duties, and authority in the Balinese social and cultural order. The regulation is not simply cultural symbolism. It has property implications because *desa adat* authority is connected to communal assets, customary territory, ritual obligations, customary rules, and the protection of local identity. In 2017, ministerial policy recognized *desa adat* as potential subjects of communal property rights over land. This recognition is significant because it permits registration and legal subjectivity for customary villages, yet it also requires careful safeguards. If communal land is transformed

into a formal title without strong rules on decision-making, inalienability, transparency, and benefit distribution, formalization can create new channels of alienation rather than protection.

Agricultural land is regulated through national and local instruments. Law No. 41 of 2009 on the Protection of Sustainable Food Agricultural Land provides a framework for designating and protecting LP2B. The purpose is to maintain the availability of food agricultural land and prevent uncontrolled conversion. Bali's 2026 provincial regulation on control of productive-land conversion and prohibition of nominee transfer adds a more targeted local response. Its title alone reveals the two governance problems that dominate contemporary property debates in Bali: productive land is being converted, and ownership or control may be shifted through nominee mechanisms. The regulation's policy logic is consistent with the social-function principle of land law: private benefits from conversion should not be allowed to undermine food security, ecological balance, customary life, or legal certainty.

The legal framework can therefore be summarized as a multi-level system. National agrarian law defines the taxonomy of rights and the state's controlling function. National registration rules define how rights are recorded and transferred. Bali's *adat* regulation defines customary institutional authority. Agricultural-land protection law defines land-use obligations and conversion limits. Spatial planning and licensing rules define whether a particular parcel can be used for tourism, housing, commerce, or agriculture. Civil and notarial practice shapes contracts, leases, powers of attorney, and nominee risks. The legal challenge is coordination: each layer can be formally valid while the overall system still produces inconsistent outcomes if cadastral records, spatial zoning, customary approval, licensing, and beneficial ownership are not integrated.

### 3. METHODOLOGY

This study uses an empirical socio-legal method. It combines doctrinal analysis of statutes and regulations with descriptive statistics from open public data. The doctrinal component identifies the legal categories relevant to property in Bali: national land rights, *adat* authority, sustainable agricultural land, registration, foreign-investor restrictions, and nominee arrangements. The empirical component compiles province-level and regency-level indicators related to spatial distribution, agricultural land, paddy production, land registration, tourism arrivals, and the accommodation economy. The purpose is not to estimate a causal model, because available open data are not sufficiently granular for parcel-level causal inference. The purpose is to produce a transparent empirical baseline that can inform legal interpretation and policy reform.

The core data sources are Statistics Indonesia for Bali, including Bali Province in Figures 2025, the official March 2025 release on Bali paddy harvested area and production, BPS tourism data on foreign visitors arriving directly in Bali for 2019-2024, and BPS releases on Bali's fourth-quarter 2024 economic structure. Land-registration data are taken from public reporting of the Bali ATR/BPN office. Rice-field land decline by regency is taken from public reporting that attributes the data to BPN Bali; because the underlying administrative dataset is not fully reproduced on the reporting site, these figures are treated as reported administrative data rather than independently audited cadastral records. Legal sources include national legislation, Government Regulation No. 18 of 2021, Bali Provincial Regulation No. 4 of 2019, and Bali Provincial Regulation No. 4 of 2026. Academic interpretation draws on peer-reviewed literature, prioritizing journals and publishers commonly indexed in Scopus and Web of Science. Final database verification is recommended before journal submission because database coverage can vary by title and year.

Data were analyzed using descriptive calculations. Percent shares were calculated for regency area, rice-field loss, LP2B coverage, land-registration coverage, and changes in paddy production. All calculations are shown in tables and notes. Because several variables use different administrative definitions - for example, rice-field land, harvested area, and sustainable agricultural land are not identical - the paper avoids treating them as interchangeable. Instead, each indicator is interpreted as evidence of a different legal-governance

dimension: physical spatial pressure, productive agricultural performance, protection coverage, formal title security, and tourism demand.

### 3.1. Empirical Findings

The empirical evidence points to a core paradox. Bali is institutionally sophisticated: it has strong customary institutions, high public attention to land, extensive formal registration, and a legal system that formally restricts uncontrolled foreign ownership. Yet the data show continuing pressure on productive land and spatial use. The following tables organize the evidence around the relationship between law and land outcomes.

**Table 1. Main Legal Regimes Governing Property in Bali**

Regime	Main legal source	Property-law function	Bali-specific implication
National agrarian rights	Basic Agrarian Law, Law No. 5/1960	Defines land-right categories, state control, social function of land, and nationality principle	Sets the baseline for ownership, building rights, use rights, cultivation rights, and transfer limits
Land registration and land-right modernization	Government Regulation No. 18/2021	Consolidates rules on right to manage, land rights, apartment units, and registration	Supports formal certainty but must be coordinated with spatial and customary rules
Customary village authority	Bali Provincial Regulation No. 4/2019 and ministerial recognition of <i>desa adat</i> as rights subject	Recognizes <i>desa adat</i> authority and communal interests	Protects cultural-territorial land but requires transparent governance and anti-alienation safeguards
Sustainable food agricultural land	Law No. 41/2009 and spatial-planning instruments	Protects designated food agricultural land from uncontrolled conversion	Central for rice-field, subak, and food-security protection
Control of productive-land conversion and nominee ownership	Bali Provincial Regulation No. 4/2026	Targets conversion of productive land and nominee land-control arrangements	Responds to tourism, foreign-capital, and speculative land pressure

**Note:** Legal matrix compiled by the author from national and provincial legal instruments. The table is analytical and does not replace the official texts.

Table 1 shows that Bali's property system should be analyzed as a plurality of rights and institutions. A parcel may have a certificate, but the certificate does not exhaust the relevant legal relations. A rice field may be subject to subak obligations; land within a *desa adat* territory may carry customary responsibilities; a tourism project may require spatial conformity and licensing; and a transfer involving foreign capital may raise nominee concerns even where the formal certificate is in the name of an Indonesian citizen. The legal problem is therefore not the absence of rights. It is the need to coordinate multiple rights and obligations across institutions.

**Table 2. Area of Bali by Regency/Municipality**

Regency/municipality	Area (km <sup>2</sup> )	Share of province (%)	Administrative type
Jembrana	841.80	14.56	Regency
Tabanan	1,013.88	17.54	Regency
Badung	418.62	7.24	Regency
Gianyar	368.00	6.37	Regency
Klungkung	315.00	5.45	Regency
Bangli	490.71	8.49	Regency
Karangasem	839.54	14.52	Regency

Buleleng	1,364.73	23.61	Regency
Denpasar City	127.78	2.21	Municipality
Province of Bali	5,780.06	100.00	Province total

**Note:** Computed from BPS Bali area statistics. Percentages may not sum perfectly because of rounding.

Table 2 provides the spatial baseline. Buleleng and Tabanan account for the largest area shares, while Denpasar City is geographically small but urban and economically central. Area distribution matters because conversion pressure is not uniform. Denpasar's small area and urban intensity make remaining agricultural land highly vulnerable. Tabanan's larger area and cultural association with rice landscapes make it central to food and heritage policy. Badung and Gianyar, although smaller than Buleleng and Tabanan, are major zones of tourism expansion and land-price pressure. Property law that assumes a homogeneous provincial land market will therefore miss the regency-specific relationship between title, spatial planning, and market demand.

**Table 3. Reported Rice-Field Area Decline in Bali, 2019-2024**

Regency/municipality	2019 rice-field area (ha)	2024 rice-field area (ha)	Loss (ha)	Loss (%)
Klungkung	3,572.22	3,251	321.22	8.99
Badung	9,072.48	8,301	771.48	8.50
Bangli	2,210.45	1,967	243.45	11.01
Buleleng	8,860.66	8,015	845.66	9.54
Gianyar	11,780.80	10,035	1,745.80	14.82
Jembrana	7,139.68	6,691	448.68	6.28
Tabanan	19,611.39	18,897	714.39	3.64
Karangasem	6,584.14	5,976	608.14	9.24
Denpasar City	2,164.00	1,341	823.00	38.03
Province total	70,995.82	64,474	6,521.82	9.19

**Note:** Computed from public reporting of BPN Bali figures. The provincial total uses the sum of listed regency/city data; minor differences from rounded public figures may occur.

Table 3 is the central empirical table for this paper. It shows a reported province-wide rice-field decline of 6,521.82 ha from 2019 to 2024, equal to approximately 9.19% of the 2019 baseline. Denpasar City had the steepest proportional decline, falling by about 38.03%, while Gianyar lost about 1,745.80 ha and declined by 14.82%. Tabanan's percentage decline was smaller at 3.64%, but its absolute remaining rice-field area is still very large, making it a strategic district for protection policy. These figures support three legal inferences. First, conversion pressure exists even where land is formally regulated. Second, the highest percentage losses occur in zones where urban or tourism demand can overwhelm agricultural returns. Third, provincial regulation must be coupled with local spatial enforcement because the pattern is spatially uneven.

The table also highlights a conceptual issue in property law. A registered owner's ability to transfer or develop land may appear efficient from a private-market perspective. However, when many owners act under the same price incentives, the cumulative outcome may erode the subak landscape, food production, hydrological functions, and community identity. This is precisely the kind of setting in which the social function of land becomes more than a doctrinal phrase. It becomes a practical justification for conversion controls, compensation mechanisms, and community-based monitoring.

**Table 4. Protection Gap for Sustainable Food Agricultural Land (LP2B) in Bali**

Indicator	Value	Calculation or meaning
Total rice-field land, 2024	64,474 ha	BPS Bali figure cited in public reporting
LP2B classified land	39,973 ha	Protected sustainable food agricultural land
LP2B share of rice-field land	62.00%	39,973 / 64,474
Illustrative 87% benchmark target	56,092.38 ha	0.87 x 64,474
Estimated protection gap	16,119.38 ha	Benchmark target minus classified LP2B

**Note:** Calculated by the author from reported BPS Bali rice-field land and LP2B figures. The 87% figure is used as a policy benchmark discussed in public reporting; it is applied here only for descriptive estimation.

Table 4 links rice-field area to sustainable agricultural land protection. If Bali had 64,474 ha of rice-field land in 2024 and only 39,973 ha was classified as LP2B, then approximately 62.00% of rice-field land was formally protected under that category. If an 87% benchmark is used, the implied protected-area target would be 56,092.38 ha, leaving a gap of about 16,119.38 ha. The gap does not mean that all unprotected rice-field land will be immediately converted, but it does indicate that a large share of productive land lacks the strongest form of agricultural protection. This is an enforcement and planning problem, not only a farming problem.

The LP2B gap also reveals a conflict between two kinds of legal certainty. Investors and landowners often seek certainty that land can be developed, leased, sold, or used as collateral. Farmers and communities require certainty that irrigation systems, productive land, and food landscapes will not be dismantled by a sequence of individual conversions. A coherent property regime must reconcile these forms of certainty. The 2026 Bali regulation is best interpreted as an attempt to shift legal certainty away from speculative conversion and toward productive-land continuity.

**Table 5. Paddy and Rice Production Indicators in Bali, 2023-2024**

Indicator	2023	2024	Absolute change	Percent change
Harvested paddy area (ha)	108,514	103,804	-4,710	-4.34%
Paddy production, dry unhusked rice/GKG (tons)	673,581	635,473	-38,107	-5.66%
Rice production for food consumption (tons)	379,870	358,379	-21,491	-5.66%

**Note:** Figures from BPS Bali official release, March 3, 2025. Percent changes are BPS-reported or directly calculated from the same figures.

Table 5 shows that land-use pressure coincides with declining agricultural production indicators. Harvested area fell by 4.34% between 2023 and 2024, while paddy production and rice for consumption both declined by 5.66%. These changes cannot be attributed only to land conversion; weather, input costs, labor, pest conditions, water supply, and cropping intensity can also affect production. Nevertheless, the data reinforce the legal importance of protecting productive agricultural land. A property regime that allows cumulative conversion without safeguards may reduce the land base available for future recovery even when other production factors improve.

**Table 6. Foreign Visitors Arriving Directly in Bali by Entrance, 2019-2024**

Year	Ngurah Rai Airport	Seaports	Total direct foreign arrivals
2019	6,239,543	35,667	6,275,210
2020	1,059,198	10,275	1,069,473
2021	43	8	51
2022	2,154,045	1,702	2,155,747
2023	5,248,113	25,145	5,273,258
2024	6,308,541	24,819	6,333,360

**Note:** BPS Bali tourism data. Dots and commas in the source were standardized to English thousands separators.

Table 6 shows the demand-side context. Foreign tourist arrivals collapsed in 2021 due to the pandemic, then recovered sharply to 6,333,360 direct arrivals in 2024, slightly above the 2019 level. This recovery is economically positive, but it reactivates demand for accommodation, restaurants, transport infrastructure, villas, and lifestyle real estate. Because land is fixed and Bali's cultural landscapes are place-specific, tourism recovery can translate into renewed pressure on agricultural, coastal, and peri-urban property. Property law must therefore treat tourism data as legally relevant evidence. A surge in visitors is not only a tourism statistic; it is a signal of future land-use pressure.

**Table 7. Land Registration and Certification Indicators in Bali, 2023**

Indicator	Value	Calculation or source meaning
Registered land parcels	2,035,418 parcels	Reported by Bali ATR/BPN in 2023
Registration coverage	95.4%	Registered parcels as share of estimated parcel universe
Estimated total parcel universe	2,133,562 parcels	2,035,418 / 0.954
Estimated unregistered parcels	98,144 parcels	Estimated total minus registered parcels
Certificates issued	1,939,237 certificates	Reported certificate count
Certificate issuance share of estimated parcels	90.89%	1,939,237 / 2,133,562

**Note:** Computed from public reporting of Bali ATR/BPN registration data. Estimated totals are rounded to the nearest parcel.

Table 7 shows a second paradox: high registration coverage coexists with conversion risk. Formal registration in Bali was reported at 95.4% of estimated parcels in 2023, with certificate issuance at approximately 90.89% of the estimated parcel universe. This is an impressive administrative achievement. It supports tenure security and reduces some uncertainty over parcel identity. Yet the earlier tables show that registered land can still be converted, speculated upon, or controlled through contractual devices. Registration clarifies who holds formal rights; it does not by itself determine whether land use is socially desirable, spatially legal, or free from beneficial-ownership manipulation.

**Table 8. Selected Tourism and Economic Pressure Indicators Relevant to Property Law**

Indicator	Value	Legal relevance
Bali economy, Q4 2024, current-price GRDP	IDR 78.36 trillion	BPS Bali economic release
Bali economy, Q4 2024, constant-price GRDP	IDR 43.83 trillion	ADHK 2010=100
Bali annual economic growth, 2024	5.48%	Cumulative quarter-to-quarter annual figure
Accommodation and food services share, Q4 2024	21.75%	Largest production-side contribution

Direct foreign arrivals, 2024	6,333,360 persons	BPS Bali tourism data
Rooms in classified hotels, 2024	61,094 rooms	BPS Bali hotel-room table

**Note:** Indicators are from BPS Bali releases and tables. They are used as contextual evidence of land-use demand rather than as direct proof of causation.

Table 8 combines several indicators of tourism-driven pressure. Bali's economy grew by 5.48% in 2024, and accommodation and food services accounted for 21.75% of the fourth-quarter 2024 production structure. BPS tourism data recorded more than 6.33 million direct foreign arrivals in 2024, and BPS hotel-room data show 61,094 rooms in classified hotels in the same year. These figures are not negative in themselves. They show a strong tourism economy. The legal concern is that tourism's spatial footprint may be inconsistent with agricultural, ecological, and customary land protections unless land-use law is enforceable and market benefits are distributed fairly.

#### 4. DISCUSSION

The first implication is that Bali's property law should be understood as an integrated land-governance system. National land rights establish legal form, but land outcomes depend on the interaction among registration, spatial planning, licensing, *adat* governance, subak organization, investment practice, and enforcement. A policy that accelerates registration without synchronizing spatial data may increase the liquidity of land but not necessarily protect socially valuable uses. Conversely, a policy that recognizes *adat* authority without transparent governance may protect local identity in some cases while producing uncertainty or internal conflicts in others. The key reform principle is integration: cadastral records, spatial plans, LP2B maps, *desa adat* boundaries, subak networks, licensing data, and beneficial-ownership records should be capable of being checked against one another before transactions and permits are approved.

The second implication concerns the nominee problem. Indonesian land law restricts full ownership rights for foreign citizens, but Bali's property market has long attracted foreign capital. Where foreign investors seek functional control through Indonesian nominees, powers of attorney, loan agreements, or layered contracts, the formal title no longer represents the real distribution of benefits and control. Such arrangements are problematic for at least four reasons. They undermine the nationality principle in land law, distort land prices, weaken tax and regulatory transparency, and expose Indonesian nominees and foreign investors to legal uncertainty. The 2026 Bali regulation directly addresses this problem at the provincial level. However, enforcement requires more than prohibition. It requires notary and land-deed official due diligence, beneficial ownership screening, suspicious-transaction reporting, coordination with immigration and corporate registries, and sanctions that reach facilitators as well as nominal parties.

The third implication concerns *adat* and communal land. Recognizing *desa adat* as a rights-bearing subject can strengthen Bali's customary institutions, but formalization must be designed to prevent alienation. Customary land is not simply another asset in the market. It may support temples, public rituals, communal facilities, village identity, and collective welfare. A registry system for communal rights should therefore include safeguards such as clear maps, public village deliberation, consent rules, restrictions on transfer, benefit-distribution rules, dispute-resolution pathways, and external review where land will be leased or used commercially. Without these safeguards, the language of recognition may become a pathway to commodification.

The fourth implication is that subak and LP2B should be linked. Subak is not identical to a land title and LP2B is not identical to a water institution, but the two are functionally connected. A rice-field parcel can remain productive only if water and collective coordination remain viable. Bali's property law should therefore support social-ecological easements or land-use obligations that bind registered parcels within subak networks. Such obligations could include restrictions on conversion, obligations to maintain irrigation channels, public

notification before changes in use, and compensation mechanisms where land is kept in agriculture for public benefit. The objective is not to freeze farmers in poverty. It is to ensure that the economic burden of protecting landscape, food security, and heritage is not placed only on individual farmers.

The fifth implication concerns incentives. Prohibition alone is unlikely to stop conversion where tourism rents are much higher than agricultural income. A credible property regime should combine restrictions with incentives. These may include land and building tax relief for protected rice fields, payments for ecosystem services, support for organic and high-value agriculture, guaranteed water infrastructure, agri-tourism models controlled by farmers and subak, and public procurement schemes that raise farm income. Where development rights are restricted for public reasons, compensation or benefit-sharing can improve legitimacy. The law should make it more attractive to keep productive land productive, not merely more punishable to convert it illegally.

The sixth implication concerns data transparency. Bali already has many relevant datasets, but they are fragmented. The public can access BPS tourism, agriculture, and economic statistics; provincial legal information; and some *Satu Data* indicators. However, policy evaluation would be stronger if parcel-level or village-level land-use change, LP2B designation, conversion permits, beneficial-ownership enforcement, and sanctions were published in a consistent open-data format. Transparency would allow scholars, journalists, desa *adat*, subak organizations, and citizens to monitor whether regulations are actually changing outcomes. It would also reduce uncertainty for legitimate investors who need to know which land is eligible for development and which land is protected.

The findings also contribute to theory. In Bali, property law is not adequately described as a transition from customary tenure to modern title. Both systems persist, and both are transformed by tourism. *Adat* can resist commodification, but it can also be pulled into market transactions. Registration can enhance certainty, but it can also make land easier to transact. Tourism can fund local livelihoods, but it can also create exclusion and conversion. This complexity confirms access theory: the ability to benefit from land often depends on capital, legal knowledge, networks, and authority as much as on title. It also confirms social-ecological property theory: the effects of parcel-level decisions can cascade across irrigation, heritage, food systems, and ecological resilience.

For business and management scholarship, the analysis has direct relevance. Bali's land market is central to tourism investment, hospitality strategy, real estate development, and local entrepreneurship. Yet investors face legal and reputational risk when projects are built on ambiguous title, protected agricultural land, nominee structures, or contested customary space. A sustainable investment strategy should therefore include socio-legal due diligence: checking certificates is not enough. Investors should verify spatial conformity, *adat* consent where relevant, LP2B status, subak impacts, water availability, beneficial ownership compliance, and community benefit arrangements. Such due diligence is not only a legal requirement; it is a form of risk management and stakeholder governance.

#### **4.1. Analytical Synthesis: Property Conflicts and Governance Trade-offs**

The first conflict is between formal title and customary legitimacy. A registered title is crucial for legal certainty, but in Bali a certificate does not automatically settle every question of social legitimacy. Land may be located within a desa *adat*, attached to temple obligations, used by a kin group, or embedded in subak relations. A transfer that is technically valid under national registration procedures may still generate conflict if customary consent, ritual responsibility, or community benefit has not been addressed. This does not mean that *adat* should override all statutory rights. It means that property due diligence in Bali must be plural. A purchaser, lender, developer, or government agency should ask not only who is registered as right holder, but also whether the land carries customary obligations, whether a banjar or desa *adat* decision is required, whether the use affects subak infrastructure, and whether the intended project is consistent with local spatial plans. The legal system should make these checks routine rather than exceptional.

The second conflict is between alienability and food-security function. Modern land markets rely on the ability to sell, lease, mortgage, or develop land. Agricultural-land protection relies on limiting that freedom when land performs public functions. Bali's rice fields are valuable not only because they produce rice, but also because they store water, shape landscape identity, support tourism aesthetics, and anchor ritual and cooperative institutions. If property law treats rice fields as merely private parcels, conversion becomes a rational individual response to high tourism rents. If the law treats them as social-ecological assets, conversion must be assessed against cumulative provincial costs. The empirical decline in rice-field area therefore supports a stronger interpretation of the social function of land. Social function should not be rhetorical; it should operate through enforceable LP2B maps, conversion-permit thresholds, sanctions for illegal conversion, and public incentives for farmers who maintain land in production.

The third conflict is between local sovereignty and global capital. Bali's attractiveness to foreign visitors and investors produces business opportunities, but it also generates legal pressure at the boundary of national land restrictions. Nominee arrangements are a symptom of this pressure. They emerge when foreign capital seeks control that the formal land-right system does not permit. The resulting structure can be unstable for all parties. Foreign investors may lose enforceability, Indonesian nominees may face civil or criminal exposure, communities may lose effective control without transparent compensation, and the state may lose the ability to regulate land use. A serious anti-nominee policy should therefore not be framed as anti-investment. It should be framed as lawful investment governance. Foreign capital can still participate through legally recognized rights, leases, business entities, and partnerships, but it should not obtain disguised ownership that contradicts the public purposes of agrarian law.

The fourth conflict is between legal certainty and adaptive governance. Investors often define certainty as a stable right to build or use land. Farmers and customary communities may define certainty as protection against sudden conversion, displacement, or loss of water. Government may define certainty as reliable spatial planning and enforceable public authority. These forms of certainty can conflict. For example, rezoning a rice field into a tourism zone increases certainty for developers while reducing certainty for subak members. The solution is not to reject certainty, but to specify whose certainty is being protected and on what grounds. A high-quality property regime should make zoning stable, publish rules in advance, protect legitimate expectations, and still allow adaptive response to climate, water scarcity, food-security risk, and cultural-heritage needs. In Bali, adaptive governance is especially important because tourism cycles, climate variability, and land prices change faster than customary institutions and agricultural systems can easily absorb.

The fifth conflict is between individual consent and collective externalities. Indonesian land law generally requires valid consent for transfer, and private contract law values autonomy. However, land-use decisions in Bali often produce external effects that are not fully captured in the transaction. A farmer may consent to sell because the price is attractive, but the sale may disrupt an irrigation block. A village may approve a lease because it promises short-term revenue, but the development may change access roads, water demand, or ritual space. A developer may secure a certificate and permit, but neighboring subak members may experience drainage or pest effects. These externalities justify a procedural model of property law in which major land-use changes require public notification, affected-community participation, and technical assessment. Consent should be broadened from a bilateral transaction to a governance process where the effects are collective.

The sixth conflict is between cultural heritage and everyday livelihood. International and national narratives often celebrate Bali's rice terraces, subak, temples, and landscape beauty. Yet farmers who maintain those landscapes may receive lower income than landowners who convert land to villas or restaurants. This imbalance creates a moral hazard: society praises the landscape but leaves individual farmers to bear the opportunity cost of preservation. Property law should recognize this problem by connecting restrictions to livelihood support. If land is designated as LP2B or part of a protected subak landscape, farmers should receive meaningful benefits, such as tax relief, irrigation maintenance, crop insurance, premium-market access,

and agri-tourism rights controlled by local producers. Protection without compensation risks becoming unfair; compensation without protection risks becoming ineffective. The law must combine both.

These conflicts indicate that Bali requires a relational model of property. Relational property does not deny individual rights; it situates them within obligations to neighbors, customary institutions, ecological systems, and public law. This model fits Indonesia's social-function principle and Bali's plural institutional setting. It also provides a stronger basis for empirical monitoring. If property is relational, then indicators should not stop at number of certificates issued. They should include conversion permits, LP2B compliance, subak continuity, disputes, nominee investigations, water availability, and distribution of tourism benefits. Such indicators allow government to ask whether property law is producing secure, legitimate, and sustainable land relations rather than merely faster transactions.

For legal scholarship, the Bali case illustrates why doctrinal analysis and empirical data must be combined. A purely doctrinal paper could describe hak milik, hak pakai, desa *adat*, and LP2B but miss the scale of land pressure. A purely empirical paper could quantify rice-field loss and tourism arrivals but miss why the legal categories matter. The combined approach shows that legal categories are themselves instruments of governance whose effectiveness must be evaluated against observable outcomes. This approach is especially appropriate for high-ranking journal research because it links legal theory, institutional design, and real data in a way that can be tested, criticized, and expanded.

#### **4.2. Policy Recommendations**

Based on the doctrinal and empirical analysis, the paper recommends six policy directions. First, Bali should establish an integrated land-governance dashboard that links cadastral parcels, spatial plans, LP2B status, subak networks, desa *adat* boundaries, licensing, and enforcement outcomes. The dashboard need not reveal sensitive personal data, but it should permit public verification of whether a parcel is protected, convertible, licensed, or under investigation. Second, all land-transfer and land-use approval processes should require automated checks against LP2B and spatial-plan layers before a deed or permit can be completed. This would shift enforcement from after-the-fact demolition toward prevention.

Third, the nominee prohibition should be operationalized through professional gatekeepers. Notaries, PPAT officials, property agents, developers, and corporate service providers should be required to document source of funds, beneficial ownership, and the economic purpose of land-control arrangements. Administrative sanctions should apply not only to nominal owners but also to intermediaries who knowingly facilitate prohibited arrangements. Fourth, communal and *adat* land registration should include mandatory village deliberation, clear internal consent thresholds, public disclosure of proposed leases or partnerships, and restrictions on alienation of sacred, communal, or strategic land.

Fifth, LP2B protection should be supported by economic incentives. Farmers who keep land in production provide public goods: food supply, landscape beauty, flood mitigation, cultural continuity, and tourism value. Policy should recognize these public goods through tax relief, direct payments, irrigation support, crop value upgrading, and farmer-controlled agri-tourism. Sixth, academic and government institutions should develop a regular Bali land report, updated annually, that tracks rice-field area, conversion permits, enforcement actions, land-price indicators, disputes, and tourism-driven development. This would turn property law from a reactive dispute system into a monitored governance system.

#### **4.3. Data Availability and Ethical Considerations**

The data used in this paper are public administrative or statistical sources, and the study does not use human-subject interview data. Nevertheless, ethical issues remain important because land data are socially sensitive. Parcel-level land records can reveal wealth, family relations, customary obligations, and potential disputes. For that reason, the paper uses aggregated regency and provincial indicators rather than identifying individual landholders or villages. This choice limits causal precision, but it avoids exposing private or communal land information without consent. Future research using cadastral or village-level records should

include a protocol for data anonymization, community consultation, and careful handling of disputes that may already be before customary or state institutions.

A second ethical issue concerns the interpretation of legality. The presence of foreign investment, villas, leases, or land transfers does not automatically imply legal violation. Many projects are lawful and contribute to livelihoods. The concern addressed here is the subset of arrangements that circumvent ownership restrictions, ignore spatial plans, convert protected productive land, or externalize costs onto farmers and communities. The paper therefore avoids treating investors, migrants, or tourists as a single problematic group. The legal target is not economic activity as such, but activity that violates the social function of land and weakens lawful, transparent, and sustainable governance.

#### **4.4. Limitations and Future Research**

This study has limitations. First, it relies on open secondary data rather than parcel-level fieldwork. Second, some land-conversion figures are based on public reporting of administrative data and should be verified against the underlying BPN datasets when accessible. Third, the tables describe trends but do not estimate causal effects. Fourth, the paper focuses on provincial-scale property governance and does not provide detailed village-level analysis. Future research should combine cadastral data, spatial imagery, interviews with *desa adat* and subak leaders, notarial-practice analysis, and case studies of land disputes or nominee enforcement. Such research would allow stronger causal inference and deeper understanding of how property law operates in practice.

## **5. CONCLUSION**

Bali's property law is best understood as a plural and empirical governance problem. National agrarian law provides the formal categories of rights, Bali's *adat* system supplies communal and cultural authority, subak institutions coordinate ecological production, and tourism markets create powerful incentives for conversion and investment. The empirical data show that high registration coverage is compatible with significant land-use pressure. Reported rice-field area fell by more than 6,500 ha from 2019 to 2024, and only about 62% of the 2024 rice-field area was classified as LP2B. At the same time, foreign tourist arrivals returned to more than 6.33 million in 2024, reinforcing demand for land-intensive accommodation and services.

The legal lesson is clear. Bali does not need property law that merely accelerates transactions. It needs property law that aligns title security with spatial integrity, food security, ecological balance, cultural continuity, and lawful investment. The 2026 regulation on productive-land conversion and nominee ownership is therefore timely, but its effectiveness will depend on implementation. Registration, zoning, *adat* recognition, LP2B protection, subak governance, and beneficial ownership enforcement must be treated as one system. When these institutions are fragmented, market pressure can exploit the gaps. When they are integrated, property law can support both economic development and the long-term survival of Bali's land-based social and cultural order.

### **Ethical Approval**

This study is a systematic literature review based exclusively on published academic sources and did not involve human participants, personal data collection, or experimental procedures. Therefore, formal ethical approval was not required.

### **Informed Consent Statement**

Not applicable because this study did not involve human participants.

### Authors' Contributions

Not applicable

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### Data Availability Statement

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