

The Role of Religion in Public Policy
The Case of Height and Distance Limitation on Tourism Infrastructure Building in
Regional Regulation on Spatial Planning Province of Bali

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Disclaimer:

This document represents part of the author's study programme while at the International Institute of Social Studies. The views stated therein are those of the author and not necessarily those of the Institute.

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Dedication

To the A's of my life: my husband Adhiputra, my first born Arkatama, and my second born baby A our future miracle.

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List of Acronyms

GoI	Government of Indonesia
ISS	International Institute of Social Studies
PHDIP	Parisada Hindu Dharma Indonesia Pusat

Abstract

This study focuses on Bali Regional Regulations on Spatial Planning no. 16/2009 and the amendment no. 3/2020. The study starts by, first, analysing specific articles that stipulate the height limitation of tourism-related building, which cannot exceed 15 meters – the average height of coconut trees. It then discusses the arbitrary agreements between residents that control the distance between tourism related buildings to sacred temples and preserves. These regulations have set certain limitations that are perceived to be an important factor in protecting and maintaining the sustainability of the island from a massive expansion of the tourism industry. This study tries to understand the reason of the continued existence of this regulation by looking through the policy cycle lens that focuses on the policy maintenance, agenda setting, policy formulation, and legitimation steps in the policy making processes. It also identifies the stakeholders involved and their motivations, especially by looking at the role that religion plays in representing Balinese people's way of life. Using qualitative interview methods and desk review, this research aims to discover the role of religion in the public policy making process. The study argues that religion plays an important role in upholding regulation articles about the distance and height limitations of tourism related buildings in Bali. Actors' motivations are also influenced by this, despite opportunities for policy-making interventions by the Indonesian central government. The government maintains these regulations that limit the distance and height of tourism-related buildings mainly based on the notion that they are instrumental in preserving the island, despite Bali being a favourite tourism destination that is highly dependent on the tourism sector.

Keywords

Bali, spatial planning, religion, policy cycle

Relevance to Development Studies

The role of religion in development has declined since the introduction of secularism that separates religion from the political. Secularism that started in Europe during the industrialisation period has spread to many countries, separating the governance of a country from religious beliefs and practices, which is closely related to people's pursuance of spiritualism. The tragedy of 9/11 can be seen as a turning point to the revival of religion in development studies. Starting from faith-based organisations to the public policy on the "war on terror", religion that has been influential in the development has more recognition as influential factors in development. This thesis tries to give an example of how religion becomes a driving force in the enactment of certain rules that defy mainstream understanding of development as a pursuance of economic gain. By showing an example from a small island in Indonesia, called Bali, where religion is perceived as an important factor in achieving development goals while maintaining the sustainability of the island. Bali is a case study on how religion has always played a part in development, which has often been left unrecognized.

Chapter 1 Introduction

1.1 Nature of The Problem

Indonesia is not a secular country that separated the matter of religion and political, or a religious country that uphold certain religion as way of governing. The matter of religion in Indonesia is the realm of central government, this is to prevent each region in Indonesia to govern on the based of major religion within the region. The inclusion of religion in Indonesia is reflected administratively through inclusion of religion in the netizen identity card, and in people daily lives. As per June 2021 the majority of Indonesian citizens identify as Muslims with total of 236,53 million from the overall Indonesia population of 272,23 million people or approximately 86,88% (Kusnandar, 2021). This majority is consistent in most provinces across the archipelago, with some exceptions in small provinces like in Bali where majority of people are Hindus, or East Nusa Tenggara where the majority of people are Christians. Religion has a strong influenced on people's behaviours, extending into people's socio-political realities.

The Indonesian constitution gives the mandate to manage religious affairs to the Indonesian central government, however exceptions have been granted to the provinces in Aceh, Papua, dan West Papua where religious affairs are managed locally – a compromise made to dissuade separatist movements in these regions (Nasution, 2016). Special titles have also granted to the Special Region of Yogyakarta and the Special Capital Region of Jakarta, which grant the provinces some exceptions that are not applicable to other provinces (Ibid, 2022). The special statuses granted to the provinces above is a way to allow better state management, considering the strategic status of the area and as a way of accelerate development.

Despite not being directly regarded as special area, there is a Bali Province Regional Regulation no. 4/ 2019 on Indigenous Villages in Bali (*Peraturan Daerah Provinsi Bali Nomor 4 Tahun 2019 tentang Desa Adat di Bali*). This allows local people of Bali to enact *Desa Adat*, an indigenous-based government that upholds laws and regulations based on culture and religion within a specified, designated area. The position of not secular or religious might be applicable at the central government level, but at the local government level the religious beliefs held by the majority of people in the area have been formalised into rules and regulations. This contradicts to the fact that decentralization in Indonesia places foreign policy, national security and defence, high court, monetary and national fiscal policies, and religious matters within the mandate of the central government (Nainggolan, 2020).

However, the enactment of decentralization has allowed local governments to govern political and economic matters in their regions. One example is the regional regulations on spatial planning. Spatial planning is a way of mitigating future risks to the environment that usually comes from investment to the development, by reducing the risk of developing within an area that is considered vulnerable to ensure the overall sustainability to the environment (Berkke and Smith, 2009). It is protecting the future of the space by focusing on finding solutions that will ensure that the existing space is sustainable by regulating the use of land (Widiadteja, 2022).

Spatial planning regulations in Bali province has been changed, replaced, and revised several times. Currently, the existing regulation is the Bali Province Regional Regulation no. 16/ 2009 on Spatial Planning in Bali (*Peraturan Daerah Provinsi Bali Nomor 16 Tahun 2009 tentang Rencana Tata Ruang Wilayah Provinsi Bali*) and its amendments in the Bali Province Regional Regulation no. 3/ 2020 on Spatial Planning (hereinafter referred to as Regional Regulation no. 3/2020). Both regulations stipulated on how to make use of space in Bali. Aside from being based on higher laws, regulations on spatial planning in Bali also place importance to Hindu Philosophical values, which are included in both versions of the regional regulation on spatial planning above.

The Hindu philosophical values in the regulations emphasize that space is something limited and unrenewable, that must be managed wisely following Bali philosophy of *Tri Hita Karana* and *Nangun Sad Kerti Loka Bali*. *Tri Hita Karana* is a philosophy that means “three causes of prosperity in life”, which is about harmonious relations between humans and God, among humans, and humans and their environment. By maintaining these harmonious relations, humans will achieve balance and wellbeing in life. *Nangun Sad Kerti Loka Bali* is a about preserving Bali’s sacred and harmonious nature. For Balinese people, to live a prosperous and happy life in accordance to the *Bung Karno Trisakti* principal of political sovereignty, economic independence, culture as identity through patterned, comprehensive, planned, targeted, and integrated development under the legitimacy of the State of the Republic of Indonesia Based on the Values of *Pancasila*¹ (Regional Regulations no. 3/2020: 105-106). The use of these philosophical values as consideration differentiates spatial planning regulations in Bali to other regulations in Indonesia because the use of Hindu philosophy is specific to the province due to its Hindu majority population.

¹ Derived from the Sanskrit language *panca* means five and *sila* means principles. It is a foundational ideology of the Indonesian state.

From a total of 150 articles in the regulation there are two articles that this research will focus on. The first is Article 44 that regulates the distance of infrastructure development from/to sacred temples and preserved area, and the second is Article 122 about the zoning regulations on height limitation for tall buildings. Both articles regulate the development of all infrastructure buildings in Bali, especially those used for tourism. The overall verses in the regulation, restrict the specific places and height of tourism building. It prevents people and investors in Bali from constructing buildings higher than 15 meters (which is believed to be the average height of coconut trees) and within a certain radius from sacred temples and preserved areas. The implication of these articles is that tourism-related buildings will be built wider and takes up more spaces from Bali, which is a small island that is only 5,780 km² in size. This is what Widiatēja (2022) refers to as a spatial failure, where the regulations that is supposed to promote the sustainability on the island have an opposite affect towards the environment, for instance the case of Tanjung Benoa reclamation project and The Mulia Hotel project.

Considering the high reliance Bali has on the tourism sector, there is a lot of interests to promote the development of tourism-related infrastructure. To date tourism has contributed to the overall GDP of Indonesia and is the major source of income for the province. Since the COVID-19 pandemic the growth domestic product of Bali Province has dropped significantly due to travel restriction that reduce the number of tourists to Bali. In 2019 the regional GDP growth was 5.51%, this dropped significantly to -9.33% in the first quarter of 2020 and continued to decrease by -12,21% in the last quarter of 2020. This number increased to 3,04% by the second quarter of 2022 (BPS Provinsi Bali, 2021; BPS Provinsi Bali, 2022) after COVID-19 restrictions were relaxed. This significance contraction comes from tourism related-industries, because of its significant contribution to Bali's overall GDP calculation and the impact it sustained due to the COVID-19 pandemic. These industries include transportation and warehouse with 31,79% contractions, accommodation, and food beverages with 27,52 contractions (Widyasanti, 2021: 21). The failure to cope with the effects of COVID-19 has felt by countries worldwide. However, in Bali especially this has shown that the island is highly dependent on its tourism sector.

This research aims to understand the role of religious philosophical values in influencing public policy. Spatial planning that specifically discusses tourism-related buildings is an important topic for multiple stakeholders, from central government, local government, business owners, and the people of Bali. This research will try to elaborate this case and discuss the

reasons for the continued existence of religious philosophical values at the base of spatial planning regulation, identify the stakeholders and their motivations. To do so, this study uses a policy cycle lens by focusing only on specific steps, which are the policy maintenance, agenda setting, policy formulation, and legitimation aspect. This research aims to understand how this regulation came about and is maintained.

1.2 Research Question and Objectives

This research aims to understand the role of religion in influencing the policymakers' decision-making process on the Bali Province and its amendment Regional Regulations no. 3/2020. With this as the subject, I have formulated my main research question and sub research question as follow:

Main Research Question:

Why does this regulation (enforcing building heights and distance control from sacred and preserved are) continues to exist as an important rule considering Bali's high reliance on tourism sector?

Sub Research Question

1. Who are the main stakeholders in the development of the policy around Regional Regulation no. 16/2009 and its amendment no. 3/ 2020? In which stage of the policy cycle did they intervene?
2. How can the continued existence of Regional Regulation no. 16/2009 and its amendment no. 3/ 2020 be explained by referring to stakeholders' motivation?

1.3 Research Methodology

This section will elaborate on the qualitative interview method used in this research to answer the research questions. There is no single method fit enough to analyse the course of social science problems (King, et. al, 2019). Qualitative interview is a method that is used to find more nuance and explanatory answer from a research question (King, 2019; Kvale and Brinkman, 2009). The researcher's goal is discovering "meaning and experience" from specific people in order to understand their experiences, narratives, within the theoretical framework (King, 2019; Galette and Cross, 2013). In the creating of qualitative interview designs there are several aspects that must be considered and this section will explain each aspect and how the method is used to guide this research. According to King (2019: 52) there are four aspects

of consideration when creating qualitative research designs, which are framing the research question, choosing what type of interview is being used, defining sample and recruitment of the interviewee, and developing the interview guidelines.

To begin with, when choosing the research question to understand the complexity of the problem I focus on the why, who, and how questions. By focusing on the main research question of why the regulation still existed even though a) Bali is a relatively a small island, and b) the people and the island itself have a very high reliance on tourism. In answering the sub-questions, I will be to identify the stakeholders (who) and discuss their motivations (what).

The second aspect is choosing the type of interview. Here I chose the semi-structured interview, which combines open-ended questions that inquire participants to answer more with their experiences, in order to connect their responses with existing theory that is being used as an analytical framework to answer the research question (Galette and Cross, 2013). The next step is defining the sample and the recruitment process, which I in my case meant finding the right person to be interviewed. This was a matter of networking and identifying the people that I needed to answer the research questions. I focused on finding several informants that has different backgrounds and fields of interest to achieve diversity of research participants. This is considered as common category in qualitative study (King, 2019:57). The first category of participants was the policymakers or the government officials, and the second category was the people living in Bali that were aware of the policy and had been affected by it. To have more specific participants I decide to find people who were the implementer of the policy, such as a civic engineering consultant, scholars who understand the process and implications of public policy, law practitioners and advocates, and ordinary people such as a fisherman who was affected directly by the policy.

As for the recruitment method, I coordinated with one of my friends who is also a student at the ISS but held a position as a civil servant in the Indonesian National Development Agency. From her I got to interview a representative from the Spatial Planning Office in Bali. Some participants were people I knew personally or through personal connections, such as a neighbour that lived beside my house in Bali, or the policy implementer who was a friend that had been working closely with one of my family members. As for the rest I got their contacts by calling their offices, and from them I obtained contacts to other informants as well.

Lastly the interview guidelines work as a procedure to practice the approach of care and ethics in doing research. At the beginning of every interview, I explained the purpose of the interview and how the findings from the interview will be used, and asked informants whether they consented to me recording the whole interview and including their name in the report. I also gave interviewees a chance to revisit or clarify their answers and look through the transcript if they wanted to. During the interview I maintained my position as both outsider and insider. Outsider in the context I am not involved in the policy-making process and I have no interest towards the creation or revision of the regulation. Insider as my identity as a Balinese person became clear to all the interviewees as I offered this information as part of my explanation as to why I chose this topic. For the interview process I first introduced myself in detail asked interviewees similar details related to their role and in accordance with the guiding questionnaire I have provided.

The result of using qualitative interview method is the production of explanatory, rather than descriptive, knowledge through our “conversational reality” (Kvale and Brinkman, 2009). I chose the case of Bali’s restrictions over buildings’ heights and distance from sacred place and preserved area because the seemingly contradictory interests between developing Bali’s tourism sector and the restrictions the region place on tourism-related buildings and infrastructure. The case of Regional Regulation no. 16/2009 and its amendment no. 3/2020 is an interesting case study that allows us to understand how religion influences public policy. To analyse the interviews I collected, I refer to the policy cycle theory, by focusing on the policy maintenance, agenda setting, policy formulation, and legitimation processes, which will be explained in Chapter 2.

1.4 Data Collection

1.4.1 Primary Data: Semi Structured Interview

I conducted all the interviews via zoom because I could not travel back home to Indonesia due to personal reasons and circumstances. I found scheduling interviews to be a significant challenge as I had to adjust to the 6-hour time difference between Bali, Indonesia, where my respondents lived, and The Netherlands, where I am currently residing. Most of the interviews were conducted in the evening Netherlands time zone, but there was one interview that was scheduled at 8am in Bali time zone, which was around 2am in the Netherlands. I conducted a total of ten interviews with three categories of interviewees: 1) government, 2) scholars, 3) law practitioner, and consultant, and fisherman. The selection of the interviewee

was based on my own interpretation from the research question I have, which is focused on the stakeholders and reasons for the existence of the law. From that then I have decided to have a list of interviewees that came from the three different categories mentioned above, as government officials, scholars, and members of the general public, and interviewed them on how the regulation relates to their interests and their lives.

Table 1.1 List of The Interviewee

Number	Interviewees	Position and Institution	Date of Interview	Gender	Interview Codes
1	Government Official 1	Hindu Religious Advisor at Religion Office of District Bangli Bali	18 August 2022	Male	G1
2	Government Official 2	Section Head of Spatial Development at Public Work and Housing Office of Province of Bali	22 August 2022	Male	G2
3	Government Official 3	Vice Major of Karangasem Bali	03 September 2022	Male	G3
4	Balinese Scholar 1	Lecture in Faculty of Business Economy and Tourism at Universitas Hindu Indonesia Denpasar Bali	17 August 2022	Male	S1
5	Balinese Scholar 2	Lecture in Faculty of Law at Universitas Udayana Bali	19 August 2022	Male	S2
6	Balinese Scholar 3	Lecture at Universitas Indonesia	07 September 2022	Male	S3
7	Law Practitioner 1	Partner Manager at Gede Aditya & Partners	19 August 2022	Male	P1
8	Civil Engineer Consultant	Technical Expert in Civic Engineering at Project Development Consultant	28 August 2022	Male	P2
9	Law Practitioner 2	Director at Legal Aid Institute Bali	06 September 2022	Female	P3
10	Local People 1	Berongbong Fisherman Community Leader	7 September 2022	Male	P4

Source: own interview list

Nine out of ten interviewees were male, which may seem to suggest that spatial planning in Bali is a male-dominated world. It might be true considering socio-culture relations in Bali is highly patriarchal. So, it is common for men to have high and important positions in society. But it might also be because the particular network that I gained access to led me to have a male-dominated group of informants. Whether my group of respondents can be interpreted to suggest male dominance in the field or just an issue with research constraints that coincidentally led me to this particular group is a matter that, while important, can be left for a separate discussion. In this research, the knowledge produced from all the interviews is used

to answer the research questions of this research, without any intention of excluding women's voices and more nuanced perspective from women.

The interviews result from above informants are analysed by using the application, Atlas.ti. The first step after I finish all the interviews is to read through all the transcription to find the most related codes that will help me solve the research question of my research. After careful consideration and consultation with my supervisor I have manage to come with 15 codes and each of them has several numbers of quotations:

Table 1.2 Codes and Quotations

Code Groups	Codes	Quotations
Policymaking Process	Agenda Setting: Laws, Ministerial Regulation, and National Development Plan	10
	Legitimation: Local Government	4
	Legitimation: Central Government	6
	Local Substance: Economy	6
	Local Substance: Environment	8
	Local Substance: Religion and Culture	35
	Policy Formulation: Local Government	14
Policy Implementation Process	Policy Formulation: Central Government	19
	Policy Formulation: Public and Private Sectors	11
	Public and Private Sector	11
	Local Government	5
	Monitoring	11
	Relevance and Perception	15
	Violation	21
Total	15 codes	176

Source: atlas.ti

From the codes and quotations above, the findings will be elaborated in the chapter 4 of this research.

1.4.2 Secondary Data

This study is also based on analysis of two forms of secondary data. The first is the Bali Province Regional Regulations no. 16/2009 and no. 3/ 2020 on Spatial Planning for The Province of Bali. The use of regional regulation soft copy is very important as this is the main topic of this research, and as explained earlier I focus my analysis on two key articles²:

² Source of the Regional Regulations no. 16/2009 on Spatial Planning <https://jdih.baliprov.go.id/produk-hukum/peraturan/abstrak/14475>. Source of the Regional Regulations no 3/2020 The Amendments to Regional Regulations no. 16/2009 <https://jdih.baliprov.go.id/produk-hukum/peraturan-perundang-undangan/perda/28549>

- Article 44 paragraph 10, 11, 12: Distance Control for Building Close to the Sacred Temple
- Article 122: About the Heights Limitation for designated tourism area in Strategic Area of Regional Tourism and Special Strategic Area of Regional Tourism

The second source of secondary data came from a television broadcaster published on YouTube and Lectures Bali TV Channel, which consisted of a ten-minute television announcement on the official national television channel of Bali. This is where the Governor of Bali, I Wayan Koster, announced the Spatial Planning Regulation no. 3/2020 (revised version from the Regional Regulation no. 16/2009). The news was published on 29 May 2020 with the link as follow: <https://www.youtube.com/watch?v=UIrvfxzA9TA>. I transcribed the broadcasting news, and use the transcription as reference to triangulate between the regulation policy making procedures and the real situation of the policy making process which will be further discuss in chapter 4.

1.5 Scope, Positionality, and Limitation

The scope of the research is on the public policymaking at local government level in Bali, with the case study on regional regulations on spatial planning. The purpose of the study is understanding the driving forces of public policymaking through the policy cycle perspective with focus on agenda setting, policy formulation, and legitimation. More specifically, this research aims to understand to what extend religion has influenced the process because Bali is a religious province where most people identify as Hindus and their everyday life is highly entangled with their beliefs. This research initially wanted to understand only the revised of the Regional Regulation no. 3/2020, however I found that during the process of data collection the revised version and the previous Regional Regulations no. 16/2009 are intertwined, and both complement and are implemented with each other.

During the research my positionality as a Balinese Hindu has helped me to get trust from the interviewees. Most of the interviews went very smooth and since we share the same language and religious beliefs, they become very friendly and helpful. Some government institutions, and even the vice head of Karangasem district, were willing to be interviewed without me going through the formal process of sending formal letters requesting an audience. The topic is also well known in Bali because everyone in Bali knows that in Bali you cannot build infrastructure higher than 15 meters (estimated height of a coconut tree) nor very close to the temples.

As a Balinese I have a strong interest to the topic. My interest in the topic comes from my identity as a Balinese Hindu. I want to analyse this regulation because I personally thought that there is a downside to this regulation. Even though I understand how the people of Bali worshipped the religion, there are two main problems that I have about this regulation. The first one is the inclusion of religious philosophy into the regulations may violate and taint the value of the philosophy. Religion is something that is supposed to be held privately, which might be one of the reasons the government of Indonesia giving the mandate of governing religion to the central government, despite some exception to several regions. Religion is pursuance of spiritual wellbeing, while government must work for collective physical wellbeing that is different from the religious goals. The use of philosophical based is common in any form of governance. But the point I against is mixing a religious philosophical value into high politics, such as through the policymaking process, this is what I consider as tainting the value of religious philosophy. The second is the inclusion of philosophical values that are highly religious in a province where most of the people are Hindus, allows for the use of religion as a political tool to get legitimation from the people. Since the people of Bali will be in favour of the regulation because of their shared belief or value, this becomes a consideration to maintain spatial planning regulations that governs the whole island.

Throughout the research process my basic knowledge on the island and religion has become an added value to the research. However, there are several limitations I have encountered. The first is to is to maintain my position as both outsider and insider. Outsider in a context I where I am not involved in nor have any stakes on the matter. Insider because I am Balinese, so I understand the contextualization of religion in people's lives. However, I tried to be neutral and focus as a researcher that tries to understand the perspectives of each interviewee and find the answers to my research questions. The second is the difficulty on finding interviewees from people of Bali that sold or lost their land for tourism-related buildings. I had considered this an important perspective to understand whether a policy that is supposed to accommodate the interest of people, ever violated and/or conflicted with people's interests. However, probably because of my limited network and being constrained to online connections and interviews, I was unable to explore the perspectives of people that live around the sacred places, touristic areas, and areas classified as a preserved zone.

1.6 Organization of Research Paper

This research is divided into 5 chapters as follow:

- a. The first chapter, the introduction, explained the nature of the problem of spatial planning in Bali that maintains restrictions on the heights and distance of tourism-related buildings from sacred places and preserved areas despite Bali's high reliance on the tourism sector. This chapter also discussed the research questions that guided this research and the qualitative interview method, the data collection process, and the scope and limitations in answering the research question.
- b. The second chapter will elaborate on policy cycle lens, the analytical framework that is used in this research. The policy cycle will be explained by specifically explaining the sequential process and reasons of why I focus only on agenda setting, policy formulation, and legitimation steps.
- c. The third chapter will present a brief explanation about spatial planning regulations in Bali. Emphasizing also on the religious context in Bali and how the implementation of spatial planning regulations has affected the tourism infrastructure development in Bali.
- d. The fourth chapter is the analysis chapter, which will be divided into three sections to answer the three research questions I introduced at the beginning of the research.
- e. The fifth chapter is the conclusion of the research study and policy recommendations that come out of the study.

Chapter II The Policy Making Process

Scholars have explained several forms of what a policy making process is. Kingdon (2014:2-3) define it as 1) setting the agenda, 2) coming up with alternatives of choices, 3) authoritative action of choosing the alternatives, 4) implementation of the choices. His understanding of the complexity of the process, makes him emphasize that this process is among other processes that usually occurred during the policymaking process. HM Treasury's The Green Book (2003) introduced the ROAMEF cycle terminology which stand for Rational of policy, Objective identification, Appraisal of options, Monitoring, Evaluation, and Feedback (in Bochel and Duncan, 2007: 3). Another famous cycle is the policy cycle, a terminology that explain "sequential" steps in the policy making process (Blomkamp. et.al, 2017). The examples above make it seem as if policymaking processes can be easily defined through several steps, which are criticized and regarded as a simplification of the complexity of the policy-making process (Bochel and Duncan, 2007; Kingdon, 2004; Cairney, 2020). The use of multiple approaches to understanding policymaking processes is a way to untangle the complexity of the process (Cairney, 2020). From the three definitions above I choose policy cycle as research framework on this research because despite it seems as if policy cycle is a simplification method that disregard the complexity of policy making process. It is however, offers a way to at least understand the overall complexity by putting the stakeholder into several step of categorization of what their role, how their motivation involved, and why a regulation maintains it succession.

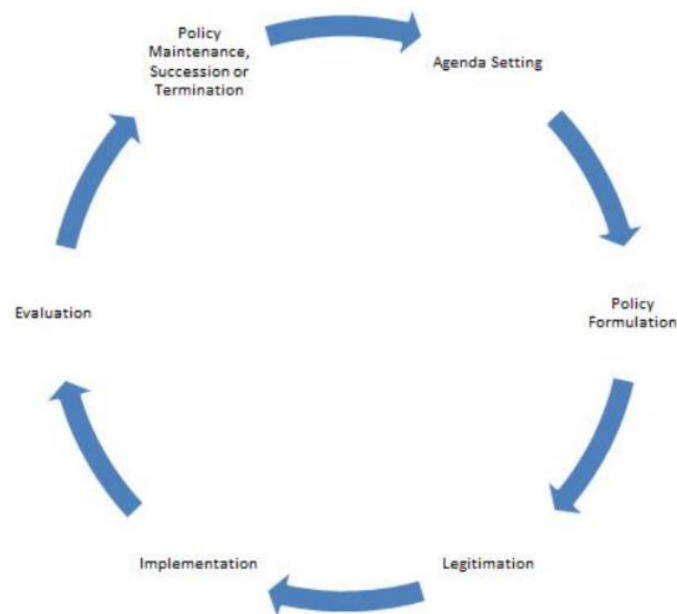
2.1 The Policy Cycle

Policy can be defined as set of decisions that has certain goals and aim for certain outcomes that are influenced and involved by many parties regardless of the their authority (Cairney, 2012:22). The debate on public policy is complex and scholars have tried to understand the overall complex mechanism. The policy cycle can be seen in two ways as a "prescription" to which a policymaker should consider as standard operating procedures, or as "description" to explain how policymakers work on the policy creation (Hogwood and Gunn 1984: 42-43 in Cairney 2012:26). The latter is what used in this research. Using the policy cycle to describe how policymakers in Bali and stakeholder's collaborative or non-collaborative action in the creation of spatial planning policy. However, I acknowledge that the policymaking process does not exactly occur like the steps in the cycle, as some steps might overlap each other, or

get skipped, there might be simplifications, and there might not be any evaluation being carried out (Blomkamp, et. Al, 2017). The reason of putting the process into steps like this is to understand stakeholders' experiences and perspectives during a policymaking process.

There are 6 steps in the policy cycle which are agenda setting, policy formulation, legitimation, implementation, evaluation, policy maintenance/succession or termination. According to Cairney (2012: 26-27) agenda setting is the process of choosing which issue should be addressed by the government, policy formulation is defining what are the goals and analysis from existing possibilities or options that can tackle the issue, legitimation is when the relevant stakeholders agree with the chosen alternatives, implementation is the circulation of the policy to be followed through by relevant stakeholders, evaluation is the measuring process of how the policy work in the field is considered successful or unsuccessful, policy maintenance/ succession/ termination is the next step to decide if a policy should be replaced, changed, or revised.

Figure 2.1 The Generic Policy Cycle



Source: Cairney, 2012: 34

From the six steps illustrated in the above figure, I will focus on the four steps from the policy maintenance to the agenda setting, policy formulation, and the legitimation. The reason of focusing only on these four steps is because this is aligned with the research questions in this research, which try to understand why the policy continues to exist. Analysing policy maintenance is essential to discuss how the policy continues to exist in its revised

version. The policy I analyse here is an existing policy and its revision on spatial planning regulation in Bali. On both the previous and revised versions, the verses controlling the height and distance of infrastructure continue to prevail. This is what needs to be analysed by looking at the policy maintenance step in the cycle.

The sub question of who are the stakeholders can be seen from the first step of the agenda setting, by looking back at how spatial planning in Bali became a subject in the first place. Who proposed the policy, then after it was accepted as alternatives that need to be re-established, who was involved in its formulation. These questions will be answered by analysing the policy formulation process. Finally, the last step, when the formulation is completed, who is doing the legitimation and establishment of the policy? Legitimation process requires us to identify who are the relevant stakeholders or actors behind the policy itself. The stakeholders' motivation will be analysed from the value and opinion the stakeholders shared with me in the interviews and will be presented in separate section of explanation.

2.2 Closer Look at Steps Within the Policy Cycle

2.2.1 Policy Maintenance: Succession or Termination

This is the last step in policy cycle, but this is also the determination phase for a policy to either get revised as succession or terminated and replaced with a new one (Cairney, 2012:33). The policy maintenance is like the cue for a policy succession or termination. The common practice of policy maintenance can be seen from the practice of changing a name of certain policy or jargon to a new term or jargon when the people in power change. Like the naming of presidential cabinet of ministries. Every president has their own naming and terminology, but the point is the cabinet is consisted of ministries that oversees certain affairs related to the governance of Indonesia. This shows that people in power often just change the terminology, while the conception is the same. This is applicable as well for policymaking processes, instead of going through the hassle of policy creation, revision of policy and continuance of certain regulations are far simpler compared to recreating everything from scratch.

2.2.2 Agenda Setting: The Power Relation

The agenda setting itself is a process of choosing from various topics of interest and decide to work and focus on one topic while disregarding others (Kingdon, 2014). During the policy making process the agenda setting is a clear arena where power is exercised by the policy-makers. Power relations in agenda setting can be used as an explanation as to why a certain

issue becomes important and become a topic of interest while other issues are deemed as unimportant or currently irrelevant (Ibid, 2014). This leads us to a realization that at some point in asserting the power in agenda setting, there is an imbalanced relation between “individuals, social groupings, and institutions” (Cairney, 2012: 53). That makes agenda setting change overtime depends on who is in power, what issues attract a lot of attention, and/or display conflicting interests between the various stakeholders (Kingdon, 2014:2).

Most of the time power is defined using Weber’s famous definition as an ability to achieve certain goals (Uphoff, 1989: 299). This is a widely known definition that is often used, and leads to common dichotomies in politics such as carrots and the sticks, or hard power and soft power. A discussion about power varies from forceful means to make others do what we want, to the subtle influence that make people willing to do something for us (Cairney, 2012:53). Within policymaking processes power can be defined as a set of structures that are displayed in our life as cultural beliefs (Ibid, 2012: 37). Policymakers exercise certain degrees of power in changing, making, setting the agenda, and seeking for legitimation of a policy. This exercise of power is obvious but the acceptance of the enforcement and implementation of a policy by the people related to the policy is what we can use as a parameter to assess the successful exercise of power.

In the case of Bali regional regulation on spatial planning, this exercise of power from the government institutions (central government and local government of Bali), social groups *Parisada Hindu Dharma Indonesia Pusat- PHDIP* (prominent religious Hindu group in Indonesia), and other stakeholders will be assessed. This assessment will define how each actor has exercised their power and who is the powerful and the powerless in the process. At some point in the process of setting the agenda, it is interesting to understand how the specific regulation on heights and distance control maintains its position as something that needs to be preserved by the government of Bali.

The power relation here can be understood in the form of social structure, which Berner (1998) explains as a set of rules and institutions that shape agencies’ ability to prioritise “collective goods over individual interest”. Balinese people consider the inclusion of existing regulations that control the height and distance of building construction is for the sake of public interest of protecting sacred places and preserved areas. The acceptance over this value is comes naturally to the people, because this set of values has been embedded as truth of their social life. However, it is also important to acknowledge that the social structure was invented and continues to change, power is exercised differently, and a social structure might

survive for a certain time period and replaced or changed overtime (Berner, 1998). This makes values might be devalued by the people, depends on the knowledge creation or interest being promote over certain period of time. The relation on the agenda setting in the social structure of Bali will be further assessed and analysed in the chapter 4 by emphasizing how the specific regulations controlling distance and heights of buildings maintain its existence in the spatial planning of Bali.

2.2.3 Policy Formulation: The Hierarchical Condition

Policy formulation is the step when the issue is already set in the agenda setting and policy-makers decide on possible alternatives. Here the executive and legislative actors identified the objectives, costs and benefits, impacts of the solution, and formulating everything into several policy tools (Cairney, 2016). The tools work like the solution to tackle the issue, and among several tools the policymakers chose the best tools to address the issue. In this process we can also clearly identify who are the real players in the policymaking process. We can see who created the policy draft, did the research, who discussed alternatives, and to what extent each participant contributed to the creation of the policy (Kingdon, 2014: 21).

From the perspective of the Indonesian government, there are three distinctions of power that are channelled through legislative, executive, and judicative bodies as a distribution of power to ensure a system of check and balances (Yani, 2008). It is important to understand that a policy formulation will be about the power divisions between these bodies, and the struggle of power from the people that expect their interests to be accommodated in the creation of public policy. Aside from that it is also necessary to understand that in Indonesia there is five layers of executive bodies, which are divided into central government, provincial government, district/regencies and municipalities, sub-districts, and villages (Nasution, 2016). Since the enactment of decentralization with the establishment of Laws No 22/1999, No. 25/1999, Laws No 32/2004, the local government from the provincial, district, and municipalities have the authority to manage their own political and economic relations, a mandate to govern certain aspects in order to promote the development and prosperity of a region (Nasution, 2016; Putro, n.d: 11). The consideration of giving local governments the authority to govern within their territories is for them to promote the development of their regions and improve prosperity of its people with the notion that local people understand their interests better (Putro,n.d). However, the autonomy given to local governments come with some limitations, which is stated in the Ministry of Home Affairs Regulation Number

80/ 2015 that regulations established by local governments should not violate the higher constitution, laws, and regulations, and they will be kept accountable through monitoring, consultation, and mandated approval from the Ministry of Home Affairs. The decentralization granted an autonomy but with a hierarchical check and balances mechanism.

2.2.4 Legitimation: Five Base of Consideration

Legitimation is supporting the policy that was formulated by policymakers. This includes a lot of things from consultation and approval with executive and legislative actors, to including public opinion during the process (Cairney, 2016). “Legitimation” itself is defined by the Cambridge Dictionary as, “the act of result of making something legitimate (considered reasonable and acceptable)”.

In Indonesia, legitimation is obtained by abiding to the regulations because the system requires that each action taken by the government must be justified by and aligned with existing laws and regulations (Ghofur, 2018). According to Laws No. 12/2011 about the creation of laws and regulation, it is stipulated that qualified laws and regulations must fall into three grounds which are the philosophical, juridical, and sociological (Ibid, 2018). The same notion is also mentioned by the Indonesian *Mahkamah Agung* (High Court), that to ensure the quality of a regulation it must fit within 5 grounds, adding political and economic grounds into considerations (Mahkamah Agung, 2013):

- a. the first is philosophical grounds (*filosofische grondslag, filosofische gelding*): a regulation is considered to have a philosophical base if the summary and norms are considered philosophically correct. It must have a correct reasoning that can be justified and aligned with the nation’s ideology, morality, and ethical values based on ideals of social life that promotes truth, justice, and morality.
- b. The second is sociological grounds (*sociologische grondslag, sociologische gelding*): a regulation is considered to have sociological grounds if the provisions are aligned with common beliefs and public awareness. This is to ensure the established regulation is being followed naturally by the people and reduces the hassle of giving institutional direction on the policy implementation, because people understand the concept and how it works. That is why this ground emphasize on reflecting the real values and everyday practices within the society.

- c. The third is juridical grounds (*juridische grondslag, juridische gelding*): a regulation must be supported by the constitution and higher laws above, which can support the establishment of the regulation. Conditions that must be met to have juridical grounds are:
- It must be established by government official
 - The regulation must be established by the government official that has the mandate to issued regulation on specific field
 - It must be created by following the correct procedures
 - It must not violate and conflict higher laws and regulation
- d. The fourth is political grounds (*politische grondslag, politische gelding*): a regulation is expected to be aligned with the political values that rule and direct the government administration.
- e. The fifth is economical grounds (*economische grondslag, economische gelding*), which tightly intertwined with ecological grounds regarding environment sustainability. This ground is optional and only used if the regulation contains factors that are related to the economy.

From the legitimation step it is important to understand that each stakeholder has different authorities to legitimate the regulations and its hierarchical relation.

Chapter III Bali and The Spatial Planning Regulation

3.1 Bali

Bali is a small island of 5,7880,06 km² (BPS Provinsi Bali, 2021). This is relatively small compared to other islands and provinces in Indonesia. The majority of the population in Bali identify as Hindus.

Map 3.1 Map of Bali



Source: Badan Pusat Statistik Provinsi Bali, 2020

For the Balinese people, the environment is a very important part in their daily life. There are five categorizations of rituals or ceremonies that *panca yadnya*, which means five sincere sacrifices. These include (a) *Dewa yadnya*, a sincere sacrifice to the God where people present *bebantenan*, sacraments like fruits, food, their harvest, flowers to the God of their belief as a symbol of gratitude to the life they have. (b) *Rsi Yadnya* a sincere sacrificed to the *pinandita*, *sulinggih* religious leader and scholars that learn about our Veda scripture and Hindu philosophy. (c) *Manusa yadnya*, a sincere sacrifice to human beings, like the *mepandes* ceremony where the young adults' upper teeth are chiseled as sign of throwing away all the bad traits that exist in a human. (d) *Pitra yadnya* a sincere sacrificed to the deceased ancestors, this is like *ngaben* where a body is burnt, and the ashes spread into the sea. And (e) *Bhuta yadnya* a sincere sacrifice to the environment and the unseen the evil spirits so they don't bother the good life of people in the physical world. All these religious ceremonies are held in temples and also

in sacred areas in Bali, like the mountains, the sea, the lake, the springs, the cliffs. Most major temples are located within the areas mentioned above.

From the figure 1.2 above, we see the map of Bali that is divided into 9 districts. In each district there is a temple that are categorized as below (Babad Bali, n.d; National Library of Indonesia, 2014; Triguritno, 2021):

1. *Kahyangan Jagat* are major temples in Bali that is further divided into more categories of temples based on their location position, function, and God that is worshipped there.
2. *Kahyangan Tiga* are temples that are built to worship *Tri Murti* Gods Brahma, Vishnu, and Siva.
3. *Pura Swagina* are temples that worship God from the specific occupations of worshipers, such as *Pura Melanting* for merchants, *Pura Pabean* for fishermen, *Pura Ulun Danu*, *Masceti*, and *Subak* for farmers.
4. *Pura Kawitan* are family temples to worship family ancestors, usually located in every village.

The categorization of temples are very important for Balinese people. During special ceremonies thousands of people will go to *Kahyangan Jagat* to pray and worship God. As for the worshipping method, both men and women play important roles in the ceremony. The roles are divided clearly where women will have to make the offerings and men are in charge with the decorations and cooking. The type of offerings varies, but in every large ceremony men always are the ones who cook everything, women assisting and helping them when needed. While for praying, men, women, and children all participate without any restriction or differentiation. The priests also can be men and women.

Figure 3.1 People in Besakih Temple



Source: Tribun Bali, 2022

Figure 3.2 Melasti Ceremony



Source: CNN Indonesia, 2018

Just like how the temple is used as a place for worshipping God, nature is also worshipped in the same way. As the majority of people are Hindus, the Balinese people have a very strong and religious way of life. Every day they will make a sacrament in their house in the morning after they called *ngejot*. An everyday routine, *ngejot* involves them sharing what they have cooked to the God and unseen beings that they believe co-exist with them. In the evening, they will do *mebanten*, another sacrament where they offer flowers, fruits, water, and essence to God. This is what they do on a daily basis. Another example of their religious behaviour also can be seen from their strong belief in *karmapala* and reincarnation. *Karmapala* is a belief that what goes around will come back around, thus they must always treat other people very nicely, which contributes to strengthening the common presumption that the Balinese people are very friendly. They also worship their ancestors and believe that the deceased elder will one day be reborn and reunited with them again. Overall, the practice or religion is embedded as daily routines and has become the identity of the people and the island.

3.2 Spatial Planning in Bali

Spatial planning is directly governed by the provincial, district and municipality-level governments. The hierarchical mechanism requires that the districts and municipalities will adjust their spatial planning regulations in accordance with direction from the provincial government. The regional regulation on spatial planning is one of the authorities of the local government of Bali. According to (Taru Gumi Bali, 2022; Sonora, 2021; JDIH Bali, 2022) below is the timeline of Bali spatial planning regulations:

Table 3.1 Year by Year Regional of Bali Spatial Planning Regulations

Number	Year	Type of Regulations	Name of Regulations	Status
1	1971	Decree of Governor of Bali Kdh. Tk. I Bali 22 November 1971 Number 13/Perbang. 1614/II/a/1971	Building height limitation: To not exceed the coconut tree or 15 meters	Repealed
2	1989	Regional Regulations Number 6/1989	General Spatial Plan for the Provincial Level 1 Bali	Implemented
3	1999	Regional Regulations Number 4/1999	1 st Amendment of General Spatial Plan for the Provincial Level 1 Bali	Repealed
4	2005	Regional Regulations Number 3/2005	Bali Provincial Spatial Planning	Implemented
5	2009	Regional Regulations no. 16/2009	Bali Provincial Spatial Planning 2009-2029	Implemented
6	2020	Regional Regulations no. 3/2020	Amendment to Regional Regulation Number 16 of 2009: Bali Provincial Spatial Planning 2009-2029	Implemented

Source: Multiple sources combine by author

From time to time the government has changed and revised the regulations to be more updated and relevant to the current situations. The regional regulation on spatial planning in Bali is supposed to be an important consideration for infrastructure development in Bali. It regulates how a building infrastructure should be built in accordance with what is deemed as important aspects to preserve Bali as an island and other considerations as well. According to table 1.4, there has been in total six changes the existing regulations on spatial planning. With another amendment is expected to occur in 2022 that will merge the spatial planning regulation with the zoning plans for coastal and small islands (*Rencana Zonasi Wilayah Pesisir dan Pulau Pulau Kecil- RZWP3K*) which fall under one spatial planning policy promote by the GoI (Siagian, 2022).

Spatial planning regulation that being discussed in this research however, is not including the next amendment regulation, because it is about coastal and small islands that discuss different matter of space management. This research focus on the spatial planning regulation, where the government of Bali have set certain distance control and heights limitation on every area in Bali especially on tourism related infrastructure.

3.2.1 Control over Distance

There are several categories that determine the types of areas that are defined as preserved and the distance from a preserved area where building infrastructure can be built. Table below will give an overall summary of the areas and the radius of protected areas:

Table 3.2 Provincial Spatial Management Regulation on Distance Limitation: Articles 41-56

Type of The Area	Area Coverage	Distance Limitation Regulations 3/2020		Notes
		Number 16/2009	Number 3/2020	Notes
Area that provides protection to its subordinate areas	Protected forest and water infiltration area: Protected forest area of 96,687,86 hectares equal to 17,28% of Bali area. A total of 18 protected forests and all other forest and river upstream area	Spatial use within this area will be further stipulated in the district/ city spatial planning	Forest that has 40% or more of slope. Forest that are located at an altitude 2000 meters above the sea.	Additional area from only 17% in the previous regulation
Local protected areas;	Sacred Area: Mountains, lakes, estuary where rivers meet, the beach, the sea, and water springs.	Mountains with limitation of 45 degrees slope from the base to the top of the mountain. As for estuary 50 meters for area prone to flood. As for the sea, beach, and springs are set according to setback regulations.	Mountain with limitation of 45 degrees slope from the base to the top of the mountain. As for estuary 50 meters for area prone to flood. As for the sea, beach, and springs are set according to setback regulations.	The same
	Sacred Temple Area Kahyangan Jagat - <i>Sad Kahyangan</i> - <i>Dang Kahyangan</i>	<i>Sad Kahyangan:</i> <i>Apeneleng agung</i> equal to 5000 meters from the outside fence of the temple <i>DangKahyangan:</i> <i>Apeneleng alit</i> equal to 2000 meters from the outside fence of the temple	The same	Additional category of others <i>Kahyangan Jagat</i>
	- <i>Kahyangan Desa</i> - <i>Kahyangan tiga</i> - Other <i>kahyangan desa</i>	<i>Apenimpug</i> or <i>apenyengker</i> the distance is decided by discussing with the people within the area. But it must be built outside the fence of the temple	The same	Additional category of others <i>kahyangan desa</i>
	Another sacred temple: - <i>Pura Swagina</i> - <i>Pura Kawitan</i>	<i>Apenimpug</i> or <i>apenyengker</i> the distance is decided by discussing with the people within the area. But it must be built outside the fence of the temple	The same	Additional category of temple owned by the people and community

	Beach or Coastal Setback: 616.46 meters from the beach line	A minimum 100 meters from the tide point	Removed	The same
	River Setback: Every river in district, municipalities, sub district, and villages in Bali	3 meters, 10 meters, 15 meters, and 30 meters depend on the depth of the river. Exception for city areas vulnerable to big flood, from 3 meters, 25 meters, 50 meters, and 100 meters. In prone to big flood in village area is 5 meters, 50 meters, 100 meters, and 150 meters.	Removed	The same
	Cliff Setback: Every cliff in Bali	45degree slope, 5 meters depth, and 11 meters distance when calculated from the above ground.	Removed	The same
	Lake and Reservoir	50 to 100 meters from the highest tide of the lake. 200 meters from reservoir.	Removed	The same
	City open space: The area of open space is available in every district and municipalities in Bali, with the size of approximately 30% from the district area		<u>The same</u>	<u>The same</u>
Conservation Area	Sanctuary, Mangrove, National Park and National Marine Park, Beach or Coastal Conservation,	130 meters from coastal line in a mangrove area multiply by the distance during yearly low and high tide measurement	Removed	Previously regarded as nature conservation and cultural reserve areas
Geological protected areas	Geological Sanctuary, geological prone to disaster area, Water Infiltration Reservoir	Accordingly.	Removed	The same
Prone to Natural Disaster Area	Prone to landslide area, prone to high tide area, prone to flood area	This is depending on where is the location of the prone to natural disaster area. The distance varies from 50 meters, 250 meters, 500 meters, to 1000 meter maximum.	Removed	The same
Cultural Heritage	- World Cultural sites - Cultural Buildings - Cultural Objects			Additional category
Others preserved area	Mangrove, and germplasm areas			The same

Source: Regional Regulations no. 16/2009 and amendments no. 3/2020

Data above is derived from the existing Regional Regulation no. 16/2009 and the amendment no. 3/2020. Using a desk review I analysed and compared both regulations. The

definition of preserved areas and the required distance between it and construction of building infrastructure is stipulated in Articles 41-56 about the main purpose of spatial planning, which is intended to protect preserved areas and cultivation areas. In the Amendments Articles number 49-56 are erased and Articles number 41-48 have some revisions and additions. Since the focus of this research is on the preserved area thus the data above only presented related topic.

3.2.2 Heights Limitation

Article 95 verses 1,2, and 3 in the Regional Regulations no. 16/2009, imposed restrictions over the height of buildings. This stipulation is also included in its amendment no. 3/2020 in which there is a revised version of its article 95 verses 1 and 2, while verse number 3 has been removed. Both in the previous and revised versions, the directive of air utilization which related to the heights of buildings in Bali is to ensure aviation safety and security, to maintain the holiness of sacred places, and public convenience. The additional directive on this article is to also ensure that buildings maintain the uniqueness of Bali's natural landscape. All the tall buildings that are going to be built must not exceed the 15 meters limit. There are additional verses in the revised version that clarifies that the 15 meters is calculated from the ground level up to the ceiling that intersect with the roof. There are exceptions given to certain buildings that are permitted to build higher than 15 meters. In the revised version, the number of buildings that can receive this exception have increased and include public-related buildings and special buildings such as: aviation-related buildings, religious buildings, defence and security-related building, disaster mitigation buildings, telecommunication-related building, buildings for natural disaster observation, navigation safety-related buildings, power stations, and hospitals, with a limit of adding a maximum of 5 floors.

3.2.3 Tourism-related Buildings in Bali

Since this research focuses on the tourism-related buildings and infrastructure, it is necessary for me to explain how many hotels there are in Bali. According to the BPS (2021) there is total of 3521 hotels in Indonesia. The province with the most hotels is West Java with a total of 521 hotels, followed by Bali in second place, with 403 hotels, DKI Jakarta in third place, with 384 hotels, DI Yogyakarta in fourth place, with 333 hotels, and East Java in the fifth place with a total of 283 hotels (Ibid., 2021). All the hotels were mainly located on the Java Island that has total size of 128,297 km², which is approximately 22 times larger compared

to Bali. This shows that the number of hotels in Bali is very packed and it is accounted to 11,44% from the total hotel in Indonesia.

Hotel buildings in Bali are commonly built in a vast area to compensate the inability to build very high. The Mulia Hotel Bali is one of the world's best hotels, it was built on 30 hectares of land located in Nusa Dua resort area, which is very close to the coastal area (Janna, 2018). Aside from The Mulia Hotel, Capella Ubud, Belmond Jimbaran, and The Ritz Carlton, Nusa Dua was also awarded as top 100 best hotels in the world (Ramadhian, 2020). From time to time, hotels in Bali have been awarded prestigious titles as the world's best hotel or the most luxurious hotel in the world, like the Amankila Hotel in Karangasem Bali. This hotel is built in the middle of the jungle like the Capella Ubud, or very close to the coastal and cliff areas like The Ritz Carlton, the Mulia Hotel, and Belmond Jimbaran Puri. The development of these hotels in the middle of natural sites, seem to sell a combination of luxury ambience with the exoticism of the island. Making it an exquisite mixture that is rarely found in other places, which is really appealing for tourists.

Figure 3.3 Mulia Hotel Nusa Dua Bali



Source: The Lux Voyager, 2021

Despite regulations that specifically control the distance and heights of tourism-related buildings, in the reality the construction of hotels still occur in areas that are considered as preserved areas. This is as if the hotel construction is inevitable considering the demand from the industry, despite the number of tourists that have declined significantly due to COVID-

19 pandemic. To offer a clearer illustration, these are the hotel distribution based on the district/city where its located:

Table 3.3 The Number of Hotels in Bali

Number of Hotels in Bali Based on Type and Location						
Districts/City	5 Stars	4 Stars	4 Stars	2 Stars	1 star	All Class
	2021	2021	2021	2021	2021	2021
Jembrana District	0	1	3	1	0	5
Tabanan District	1	0	2	0	0	3
Badung District	60	102	119	26	1	308
Gianyar District	11	12	6	1	1	31
Klungkung District	1	0	2	0	0	3
Banglo District	0	0	0	0	0	0
Karangasem District	1	4	3	1	0	9
Buleleng District	1	4	4	2	0	11
Denpasar City	3	11	8	11	0	33
Total for Bali Province	78	134	147	42	2	403

Source: BPS Provinsi Bali (2021)

From the table above it is clearly seen that from 403 hotels, 308 of them are located in Badung District. Even by the end of 2022, Bali is expected to have three more five-star hotels, which are Hotel Jumeirah in Pecatu Jimbaran, Kimpton Resort Nusa Dua, and Lavaya Resort Tanjung Benoa (Ruhlessin, 2022). The location of the new hotel is within the District of Badung. The beauty of Badung may be captivating, but to have more hotels within the area is a big question mark to what it might be contributed to the environment of Badung.

Chapter IV Spatial Planning in Bali: A case of Height and Distance

As explained in Chapter One, I have carried out semi-structured interviews to find the reasons for the continued existence of spatial planning regulations that control the height and distance of tourism-related building from temples and preserved areas in Bali. I conducted a total of ten interviews, with interviewees from different backgrounds. Three interviewees represent the government sector, another three are scholars, and two law practitioners and advocates, one consultant, and one fisherman. As for the categorization of the informants the government representatives can be categorized as policymakers and policy implementers, the consultant as a policy implementer, and the scholars, law practitioners, and fisherman as people affected by the policy. From these interviews there are several main findings that will be presented in this chapter. Followed by findings from desk review from related Regional Regulations no. 16/2009 and no. 3/2020, and from the broadcasting publication by the Governor of Bali that is published on Bali TV a local television channel of Bali.

This chapter will be divided into three sections. The first section will answer the main research question of why the spatial planning regulation that controls buildings' height and distance from temples and sacred areas continues to exist despite Bali high reliance on tourism. I answer this question by viewing the last step in the policy cycle, which is policy maintenance succession of policy. The second section will answer the first sub-research question on the main stakeholders in the policymaking process to identify who is suggesting the policy revision, who is doing the analysis, who is formulating and revising the regulation, and who is in charge of the approval and establishment. This section will explain these different roles from the three steps in the policy cycle agenda setting, policy formulation, and the legitimation. The third section will discuss stakeholders' motivation in creating the policy and explore the motives and the driving forces that make stakeholders think that parts of the regulation that controls height and distance of buildings to temples and preserved areas are very substantial to spatial planning regulations and need to be maintained.

4.1 Policy Maintenance and Succession: The Reason Behind the Continued Existence of The Regional Regulations on Spatial Planning

In this chapter I will elaborate the result of the qualitative interview in order to answer the research question that formulated in this research. The informants that have been interviewed will be written down in abbreviation as indicated in the list of the interviewee in the chapter 1 of this research. The G's abbreviation indicated informants from the government sector which divided into G1, G2, G3. The S' abbreviation indicated the informant from the academic sector or the scholars that divided into S1, S2, and S3, and the P's abbreviation indicated the informant from the people of Bali that comes from background as consultant, law practitioner, and the fisherman that divided into P1, P2, P3, and P4.

From the interviews with representatives of the local government sector informant G1, he indicated that Bali is unique, and this is what attracts foreigners to come to Bali to see the culture and traditions. The regulation on spatial planning, especially the articles controlling the height and distance of building from temples and preserved areas, is perceived as a way to prevent a massive expansion of tourism-related building to sacred areas. Sacred areas are deemed as holy and an important part of Balinese people's daily lives. According to informant G1 in order to support the goals of keeping the island safe from massive expansion, the prominent Hindu leaders in Bali have then established the *Bhisama* Hindu. The *Bhisama* Hindu is the highest regulation from the Hindu Leaders in Indonesia which was created in 1994, based on the holy manuscript Veda and other scripts. Informant G1 also emphasize that the main idea is that development, globalization, and fast flow of people and information are inevitable but it is paramount to continue development without sacrificing the island and its people. The prominent Hindu leaders in Bali have predicted that tourism will become a massive industry in Bali, thus the specific areas defined as sacred, preserved areas must be protected by establishing specific articles within the regulations that limit the massive development and its possible implications toward the environment and the holiness of the temples.

The Regional Regulation no. 16/2009 and its amendment no. 3/2020 are now implemented at the provincial level, and this should be followed by adjustments in all districts in Bali. After the establishment of the regional regulations, the informants G3 said that Karangasem District has already implemented the Regional Regulations no. 16/2009 and its amendment no. 3/2020 by creating Local Regulations Number 17/2020, where the Spatial

Planning Office of Karangasem District plays an important role on this. The regulation is binding and everyone in Bali must abide with the regulations. The informant P2 stated that, “As consultants we abide with the regulation, we apply for the right permits with the related offices to know how tall we can build, number of basements, and all contractors in Bali are aware and understand this regulation.” The side effect of being unable to build tall buildings and the consequence of building horizontally is the need for land conversion. Informant S1 dan P3 spoke on their experience that land conversion from rice paddy fields to resorts or hotels is easier to negotiate because people are willing to sell their land for certain compensations, and usually people’s lands are bought based on appropriate market value.

Since Bali is a favourite tourism destination, environmental protection is highly needed with regards to its small size. Allowing massive expansions on the island will harm Bali as an island. If the regulations hamper the tourism infrastructure building in Bali, informant G1 offering an alternative option of building supporting infrastructure to make Bali more accessible from the closest provinces surrounding it, or if people in Bali cannot build vertically upwards, what about building it underground. The problem now if we open our browsers and look for 5-star hotels in Bali, we can see a lot of luxury hotels built very close to the coastal areas, in the middle of the forest or hill, in the mountain slopes, or cliffs. The violation to the spatial planning regulation is visible, but the construction of hotel buildings continues and the expansion is allowed.

One controversial case is the reclamation of *Tanjung Benoa Bay*. Originally, Tanjung Benoa Bali was a preserved area that is categorized as water conservation, however during the process of reclamation the status of the area was changed from preserved to “general utilization including tourism” (Widiadteja, 2022: 32-33). The process of changing the status was decided immediately and without any hearings and inclusion of the people that lived in the area (Ibid., 2022). The reclamation of Tanjung Benoa is an example how the regional regulation on spatial planning is revised to accommodate interests of certain groups of people, thus ignoring the fact that since the beginning the area was marked as a preserved area in Bali. The regional regulation failed to protect the area of Tanjung Benoa, and the reclamation project was finally postponed only after community-based and environment protection organizations organised massive protests. Despite the government and investor failed to respect the regulation, the protest is an example of public participation succession on the policy implementation. The project is currently postponed and revisited because local people expressed strong opposition against it, this is what informant S2 refer as violation by the

investor will result in protest, while built within legally allowed areas would not cause protest or commotion since they have legal protection.

From the policy implementation it is clearly indicated that the implementation of the regional regulations on spatial planning still contains a gap between what is written in the regulation versus what is going on in the field. Aside from the case of Benoa Bay, the exclusion of people's participation also happened in another national strategic project of Power Station in Celukan Bawang Gerokgak Buleleng. Here according to informant P4 the government has failed to disseminate the information on the power plant construction to residents of the area. One of my key informants P4 stated that "Since during the initial phase we had no idea of the project as the government did not socialise their plans. Turns out it was a power plant and the people were oblivious of its consequences, and we just learned recently that the power plant is using coal as the source of power. This can pollute the ocean because it contains sulphur and mercury and in the long run it can endanger the animals that lives in the sea." The regional regulation clearly states that during the project design process public participation is important through hearing, FGDs, and dissemination of information on the project design to the general public. However, facts in the field from the case of Tanjung Benoa presented by Widiatedja, and informants P2 and P4, have indicated that public hearing is often only formalities and there is no meaningful inclusion of the people in the process. The public hearing or known as *musrenbang* failed to be a useful event to inform the people in the area, there is also a lack of inclusivity especially for marginal groups (Blomkamp et.al., 2017).

Despite its failure to include people during the agenda setting and formulation steps, and failure on the implementation due to lack of monitoring and evaluation mechanisms, the regional regulation on spatial planning is inevitably an important regulation for the management of a region. Thus, from time to time the policies on spatial planning has been revised, replaced, and continued its existence because it is related to the matter of spatial management that in the beginning of this research I mentioned as something limited, unrenewed, but highly needed for the people.

In this research the focus of the study is the continued existence of articles that stipulated about controlling the height and distance of tourism-related infrastructure from temples and preserved areas. The key informants from the government, scholars, and residents all agree that Bali has its own uniqueness that needs to be preserved. In order to preserve Bali's uniqueness, one way to do it is by prohibiting the construction of tourism buildings too close

to sacred temples. This rule is widely known by all Balinese people. The notion of maintaining distances from sacred temples are commonly known as *apeneleng agung* equal to 5 kilometres, *apeneleng alit* equal to 2 kilometers, and *apenyengker* or *apenimpug*, and together with the fact that tourism infrastructure cannot exceed the height of 15 meters tall - or in the past referred to as not exceeding the average height of coconut trees – they constitute local understandings of spatial planning in Bali.

Here the religion comes into the picture as a value that is highly regarded by the people of Bali, often accepted as truth without being questioned. Criticisms towards the religious value was present during interviews but it was subtle, like it is a taboo to question religious beliefs that have been practiced and held as a truth for so many years. One of the key informants G3 even stated that, “No matter how high one’s education is we cannot say that we are more superior than our ancestors, our ancestors have the ability to communicate with the universe the environment, do not let our intellectuality as an excuse to change what has been a value that keeping the harmony of this island, we have to keep this island or we will regret it in the future.”

The conception of controlling the height and distance of tourism-related buildings from sacred areas is because in every temple there is a sacred space that cannot be mixed with mundane life like the tourism industry. This according to informant P1 is derived from *Bhisama* Hindu the highest regulation established by Hindu’s prominent religious group (Parisada Hindu Dharma Indonesia) that is elaborated through a long meeting that consists of high priest (*pinandita*) from Hindu Religion. The limitations stipulated in the regional regulation are expected to ensure the holiness of the temples in Bali. Informant P1 even emphasize that if there weren’t any regulations, hotel expansion will be uncontrollable, night clubs and cafes may want to open and operate very closely to the temple because it has a beautiful view, and there is concern that this will disturb the social stability of Bali. This is where religion comes into the regulation, becomes the basis of spatial planning regulations in Bali, because this is a highly regarded belief and it is deemed as an effective value that will block the potential expansion of the tourism industry. Knowing that the high reliance on tourism sector is inevitable, this is a very effective philosophy that is relevant to protect the island.

4.2 Identified Stakeholders: Three Steps in Policy Cycle from Agenda Setting, Policy Formulation, and Legitimation

4.2.1 Agenda Setting

During one interview one respondent S3 questioned whether local government understand their role "to protect the citizens of Indonesia, improve citizens' wellbeing, educate/enlighten the nation". One way to ensure that local government is working toward improvement of its region's prosperity is by creating a relation that allow central government to be in coordination with the local government, without reducing their autonomous authority. Local government has its own autonomy, but to ensure that there is no arbitrary exercise of power by either local government or central government. Informant S3 referred to finding the balance between the degree of intersection and degree of freedom. The relationship between central and local government as stated in The Constitution is a relation of evaluation, consultation, and approval.

In the amendments of regional regulation on spatial planning, to understand the agenda setting process it is important to know what is the purpose of the amendments itself. Based from the established revised version Regional Regulation no.3/2020 the revision occurred to adjust the regional spatial planning to achieve harmonious spatial planning management from national to provincial level. Among many things that need to be addressed by the local government of Bali, the decision to focus on revising the spatial planning regulation, comes from the notion of aligning with the National Development Plan. The decision to focus on the above matters is at the forefront of the establishment of revised version from the Regional Regulation no.16/2009 to Regional Regulation no. 3/2020.

The national development plan of Indonesia that relates to this is the National Development Plan 2015-2019. From the document of the development plan one of the general policy directions is to develop and equalize regional development by accelerating the spatial planning adjustment at the provincial level. This can be considered as one of the bases from the revision of the spatial planning regulation in Bali. Aside from that, since the regional regulations no. 3/2020 was established in May 2020, there is a new window opportunity that comes for another amendments. This is the Law Number 11/ 2020 on Job Creation (hereinafter refer as Law on Job Creation). The Law on Job Creation specifically addresses that the overlapping regulation on spatial planning is a hindrance to investment and creation of employment opportunities (Prawiranegara, 2021).

To ease the business process and to encourage investment, we need to have available space to build on first. This is what makes spatial planning important because the space we have is limited and unrenovable, while the number of populations is growing, and humans have unlimited activities within limited space that we share with other living beings (Ibid, 2021). To support the main notion of Law on Job Creation, the central government has instructed local governments to adjust their spatial planning regulations in their regions to integrate between the usage of land, air, water and coastal area, which is referred to as the "one spatial planning policy". This is intended to allow easier access for investors when they want to invest in Indonesia, because we have an organised database that can be accessed digitally. Looking through the Regional Regulation no. 3/2020 there are total 15 laws and regulations that were taken into consideration when making the amendments. The 15 laws and regulation include laws, government regulations, presidential regulations, regulations of ministry of home affairs and ministry of agrarian and spatial planning. This suggests that agenda setting by the local government is driven by the need to adjust policies with established regulations at higher levels.

Due to the complexity of the procedure, informant G2, who is a representative of spatial planning offices Bali, suggested that I look through the power point presentation from the Ministry of Agrarian Affairs and Spatial Planning and National Land Agency that explained about the procedure of creating a regional regulation on spatial planning. The power point presentation was developed for upcoming revisions to the Regional Regulation no. 3/2020, that is planned to be finalised in 2022. Despite it being a reference for upcoming 2022 spatial planning amendments, the informant G2 explained that the overall procedure was relatively the same as when setting the agenda to revise Regional Regulation no. 16/2009 to no. 3/2020, which was set to keep up and reference the latest policies established by the central government. The regulations that informant G2 referred to were Government Regulation Number 21/ 2021 on Spatial Management, Regulation of Minister of Agrarian and Spatial Planning/ National Land Agency Number 11 2021, and Regulation of Minister of Agrarian and Spatial Planning/ National Land Agency Number 14 2021. These regulations will be use to explain the policy formulation section in the next sub chapter. The disclaimer here is to avoid confusion as to the year difference between the revised version (no. 3/2020), and the regulation that is being referenced, which is dated 2021. From both the existing revised version number 3/2020 and the upcoming revision planned in 2022, the window of opportunities for revision comes from the initiative of central government.

Looking back to the agenda setting mechanism, to have better comprehension, from the agenda setting we can identify stakeholders who were involved in the setting the agenda as follow:

Table 4.1 The Stakeholder and Their Role on Agenda Setting

Institution	Position	Role
The President of Republic Indonesia	President	Establishment of National Development Plan
Ministry of National Development Planning	Minister and office	Establishment of National Development Plan
The Governor of Bali	Governor	Proposing the revision of existing regulation
The Regional House of Representatives	Member of Regional House of Representatives	Proposing the revision and assessing the possibilities of revision
The Spatial Planning Office of Bali	Minister and office	Analysis and draft creation

The creation of a policy is a form collaboration between central and local government. With this as a starting point the spatial planning regulation in provinces in Indonesia must be adjusted accordingly. This is how the notion of amending the regulation on spatial planning became an issue. The process of the agenda setting can be seen from how the policy established by the central government is translated by the government of Bali with the amendment of the spatial planning regulations no. 16/2009 to the current version of Regional Regulations no. 3/2020 and will be further revised in 2022.

4.2.2 Policy Formulation

The policy formulation is a process of setting the alternatives to tackle the issue. For the case of Regional Regulations on Spatial Planning, the issue according to Indonesia's National Development Plan 2015-2019 is to accelerate development in all areas from the further, the one in the border line, urban and rural. The direction is very clear form the central government that want the provinces in Indonesia to adjust their spatial planning regulation. According to Government Regulation number 21/2021 articles 60-84 (Windyawati, 2022: 5) the policy formulation consisted of nine steps form the draft-making to discussions, joint approval from several ministries, final approval from the ministries of home affairs, signed and establishment by the governor of Bali. Various stakeholders from the central government that consisted of several ministries and local government from the provincial level and offices were involved in this process. The following is the figure of the policy formulation process (Windyawati, 2022: 5):

Figure 4.1 The Policy Formulation on Regional Regulation



From the above figure we can see that central government plays a major role in evaluating, cross-examining, discussing, and approving the Regional Regulation on Spatial Planning. This is the ideal conception of the check and balances system that is used by the GoI, which gives autonomy to local governments but within certain limitations to ensure no abuse of power occurs. According to informant G1, G2, and G2 local and central government work closely on the policy formulation and legitimation phases. Even though, ideally speaking the informant S2 and S3 explained that the initiatives for policy formulation should start from the House of Representatives together with the executive branch, since they have the budgeting and monitoring roles, despite in the field lot of the work was actually being done by third parties, like consultant. The informant P2 adding that the role of the Regional House of Representatives is also assessing the draft to see if the interests of the people has been accommodated within the proposed draft. However, informant P3 stated that the Regional House of Representatives was not transparent enough during the policymaking process, the ongoing regulation process happened very fast and the general public are often left unaware of the content and implications of certain regulations being proposed.

The fact that there is a regulation that stipulated on how a policy making process should follow several hierarchical coordination is reflected from the interview and the broadcast airing the governor announcement on the Regional Regulations no.3/2020. There the governor of Bali has explained that the procedure being followed is in accordance to the standard operating procedures. Below is a timeline for a regulations draft must go through

before it is established as regulations. The time expected for a spatial planning regulation to be completed since the first draft is a total of 18 months (Ibid, 2022: 5).

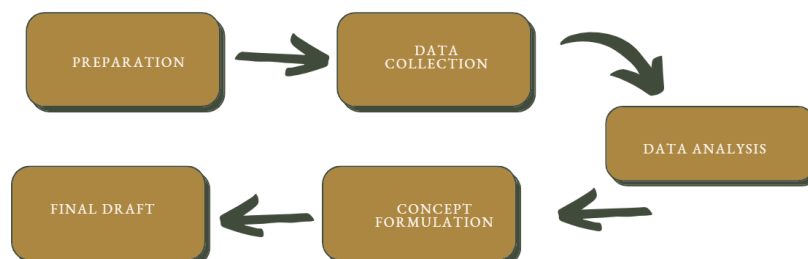
Table 4.2 The Timeline of The Regional Regulation on Spatial Planning Completion

Action	Estimated Time of Completion
Policy Formulation: validation from related ministries	Max 10 working days
Discussion on the draft by the Governor of Bali, Regional House of Representatives, and related offices	Max 10 working days
Cross Sectoral Discussion by the related ministries, governor of Bali, Regional House of Representatives	Max 20 working days
Joint approval, evaluation, and establishment of the approved regulations	Max 2 months

Referring to the official broadcaster by the Governor of Bali I Wayan Koster, the process of cross-sectoral discussion and joint approval started on 28 January 2020 and was approved on 8 May 2020 (Bali TV, 2020). The total of time completion was 3 months which far exceeds the maximum time of policy completion, leading the Governor to acknowledge that, “this is relatively fast process” (Ibid, 2020). This could be the case that other provinces might experience longer time of completion, but I assume the Governor was speaking based on his years of experience as a technocrat.

Now the next puzzle is to find nongovernment actors’ roles during the policy formulation. From the publication of Ministry of Agrarian and Spatial Planning (Ibid., 2022), the role of nongovernment actor is during the regulation’s draft-making process. The draft is a robust plan that include a lot of preparation. Overall, there is 5 steps of the draft formulation as follow:

Figure 4.2 The Draft Formulation Process of Regional Regulations on Spatial Planning



Source: Ministerial Regulation of Ministry of Agrarian and Spatial Planning (Ibid, 2022: 9)

Ideally, nongovernment actors’ role pertains public opinion. The nongovernment actors here are the people of Bali, the scholars, business people. According to informant G2 Public opinion matters during the policy formulation process, as citizens should be involved in

public testing and FGDs that are part of the process. However, informant P2 and P3 stated that policymaking is a political process that decides whose interests are being included and whose interests are being excluded; elite lobbying groups have the upper hand, while members of public that are included in the process do not properly represent society and are only there to complete the process. The figure above is the ideal process of composing a regulation draft. From the 5 steps above, public participation is during the data collection and concept formulation stages. During the data collection the primary data is the people's aspiration, which is gathered through interviews, questionnaire, and field surveys (Ibid., 2022: 9). The next public participation is during the concept formulation where active involvement is expected through a dialogue and public consultation, focus group discussion, and seminars, to which the public has their right to propose their opinion and object to the draft conception (Ibid, 2022: 9).

To have a better understanding, the stakeholders from the policy formulation will be presented in the table below referring to the institutions where they come from, the position, and their role in the policy formulation process:

Table 4.3 The Stakeholder and Their Role on Policy Formulation

Institution	Position	Role
Ministry of Home Affairs	Minister and office	Evaluation and Approval
Ministry of Agrarian and Spatial Planning	Minister and office	Coordination and cross examination
The Governor of Bali	Governor	Propose the draft, discussion with regional house of representatives and ministries, cross examination, approval, establishment
The Regional House of Representatives	Member of Regional House of Representatives	Draft assessment, discussion, cross examination, approval
The Spatial Planning Office of Bali	Minister and office	Coordination, cross examination, approval
Public Participation	People of Bali	Source of data collection. Draft testing: dialogue, public consultation, focus group discussion, seminars.

From the explanation above the table and figures we can identify different stakeholders involved in the process. This is supposedly the ideal process, however whether the process is being followed in accordance by the policy maker is hard to find the answer. The informant G2, and G3 which are the policy maker in Bali explain normatively as the local government is following the direction from the central government. The idea of following then further emphasize by the informant G2 as following the procedure based on the established regulations. The informant P3 and P4 strongly stated that the public participation are only

formalities, people invited to the formulation process and draft making process did not represent the population of people that affected by the revision of the regulation. This is understandable, because the government official that involved in the formulation process like the spatial office Bali are expected to finish the draft making process and able to include all aspect into the draft. To criticize the process will become a criticism towards their own integrity.

4.2.3 Legitimation: The Hierarchical Role

The legitimation is a hierarchical joint approval from local and central government officials, and the Regional House of Representatives. Both informant G2 and S3 explained the step as a tiered stage where the House of Representative, the spatial planning office of Bali, propose to the Ministry of Home Affairs and other technical ministries; after receiving their approval the Governor of Bali then signs and establishes the regulations. Within this chapter the legitimation aspect, aside from looking through who signed and established the regulation, it will also be viewed from the five grounds of creating good regulations which are the philosophical grounds, the sociological ground, the juridical ground, the political ground, and the economical ground.

1. The philosophical and sociological grounds (*filosofische grondslag, filosofische gelding*): the Regional Regulation on Spatial Planning got this legitimation by including the decree established by the prominent Hindu religion group (PHDIP). Here the value is tightly intertwined with the sociological ground, which is why I merge these two grounds under one umbrella of explanation.

The temples are considered sacred, preserved areas that are important for the Balinese people because of their strong beliefs in harmonious living with their environment, among humans, and to God (Tri Hita Karana). This made the articles controlling the construction of buildings' height and distance from tempels and sacred areas easily accepted as a truth and value that must be sustained. The inclusion of religious philosophy to protect the holiness of Bali because that is the identity of Bali, and inclusion of philosophical consideration into a regulation is acceptable as long as it does not violate higher constitution and laws (G2). At the same time almost all informants from the three categories agreed that the culture and religion in Hindu is inseparable and the people is highly appreciative to it (G3, S1, S2, P3). Thus, if a philosophy is a good value in promoting the sustainability and protection of the island, the use of such ideas is considered still relevant.

Religion and culture in Bali is intertwined, but it is clearly not a religious-based policy since Indonesia is a secular country and religion is a matter of the central government. However, the central government recognizes traditional rights, indigenous values as long as it does not violate the constitution and law (G1 and S3). If we say religion is the basis then that would be a violation to the constitution, because religion is recognized, but the agenda setting is based on cultural values, not religion, so that did not violate higher constitutions and laws (S3). The definition of religion itself is also full of complexity. But often religion is equal to the cultural values, mystical beliefs, or pursuance of spiritual wellbeing (Fountain, 2013). Therefore, despite the government and scholars refusing to say it is based on religious value, rather they say it is cultural, but at the core of it is the Hindu religion itself. The people of Bali will naturally follow this because the value is embedded in themselves as part of their life identity. We can assume that including the philosophy of Hindu religion makes the regulation more acceptable for the people.

2. The juridical and political grounds also will be discussed together because the political goals of the government in power have manifested into a set regulations and laws that must be follow by the provincial level government and its subordinates. The revised version, Regional Regulation no. 3/2020, is revisited due to national development plan that is issued by the ministries of development planning and signed by the president of Republic Indonesia. The ministries are also issuing related regulations to support the adjustment process. All this administrative procedure issued by the government officials, stipulated clear mechanism, indicator, and timeline of completion of policy creation.
3. The economic grounds and environment sustainability. The Regional Regulation on Spatial Planning needs to be revised because it must support the notion of equalize development in all region of Indonesia. The pursuance of equalize development is closely related to improving economic gain. The articles that control height and distance of tourism-related buildings from temples and sacred areas continue to exist is contradict but in practice the constructions of hotels are still allowed and there are cases when construction occurs within areas that are considered preserved areas. Thus, the sustainability aspect is being addressed by maintaining the distance control and height limitation, the economic aspect is fulfilled with the fact that hotel development is still happening in Bali.

Chapter V Conclusion and Recommendation

5.1 Conclusion

Control over the height and distance of tourism-related buildings from temples and sacred areas as stipulated in Bali's Regional Regulation on Spatial Planning clearly indicates that religion is omnipresent in Balinese people's lives. It is fit to be put as part of the agenda setting, and it is included during the formulation, and at the same time this is also widely accepted by the people as something that needs to be retained in order to protect the island. Despite the term religion is refer as philosophical and cultural values. But from the beginning, the philosophical values embedded in the Regional Regulations on Spatial Planning was based on Hindu philosophical values.

The regulation on distance control and heights limitation continue to exist since it is a relevant guide that will help with preserving the island. Despite people's concerns that restrictions over tourism-related buildings' height and distance from temples and sacred areas, can cause inefficiency, especially the height limitation, the value it has is strong enough for the policymakers to keep the restrictions in revised versions of the regional regulations on spatial planning. There is indeed some exception for certain buildings and infrastructure that might go beyond the 15 meters height limit, but this exception does not apply to tourism-related buildings and infrastructure. Despite Bali's high reliance on tourism, the policymakers believe that this regulation will not hamper the overall tourism development in Bali.

However, there are a lot of violations to this regulation that are clearly evident. When one does a Google search for five-star hotels in Bali, one will see that several hotels have been built either in the middle of the forest, a hill, or very close to the cliff. This violation is clear but the hotel still exists and the construction of hotel continue to occurs. Policy and its implementation are often expected to be aligned, but in practice, the two often contradict each other. In terms of concerns that the policy might be a hindrance to real development (Mosse, 2004), the inclusion of height and distance restrictions into a policy gives it the validation needed to make it and its interventions more acceptable for the public.

The regulation has a very good intention but the violation on this regulation that keep happening is what need to be considered in the upcoming policy revision. As the government is currently discussing 2022 amendment on the Regional Regulation on Spatial Planning to aligned with central government's "One Spatial Planning Policy" directives, this could be an

opportunity to either strengthen the government capacity for monitoring and evaluation or imposing stronger sanctions to those violate the regulation. The spatial planning is indeed a very important aspect on the space management and usage. The distance control and heights limitation also has evidently has prevented massive expansion from tourism sector especially in the sacred temple area. However, it is clearly not a good intention if they kept certain articles just to appease the people and act as if they are preserving the island, while at the same time allowing violations to continue.

5.2 Policy Recommendation

- Robust monitoring and evaluation mechanism that keeping the implementation process are align with the regulation not only during the initial phase of tourism infrastructure construction, but during the construction, after the construction finished
- Imposing stronger sanction on parties that has violated the regulation, to show the government commitment on fixing the problem and ensuring that the future tourism related construction will be in accordance to the regulation
- Inclusion of more people, increasing the diversity by including the marginalised group of women, people that live within the area that is define as preserved area, and people that will clearly affected by any construction related to spatial planning management

References

- Auri Adham Putro (n.d) *Telaah Kritis Otonomi Daerah Di Indonesia, JKAP (Jurnal Kebijakan dan Administrasi Publik)*, 4(2), pp. 1–16. doi: 10.22146/jkap.8453.
- Babad Bali (n.d) *Pura Kahyangan Jagat*. Available at: https://www.babad-bali.com/pura/kahyangan_jagat.htm (Accessed: 17 August 2022)
- Badan Pusat Statistik. (2021) *Jumlah Akomodasi, Kamar, dan Tempat Tidur yang Tersedia pada Hotel Bintang 2019-2021*. Available at: <https://www.bps.go.id/indicator/16/307/1/jumlah-akomodasi-kamar-dan-tempat-tidur-yang-tersedia-pada-hotel-bintang.html> (Accessed: 31 October 2021)
- Badan Pusat Statistik Provinsi Bali. (2021a) *Banyaknya Hotel Bintang Menurut Kelas dan Kabupaten/ Kota Provinsi Bali 2019- 2021*. Available at: <https://bali.bps.go.id/indicator/16/222/1/jumlah-hotel-bintang.html> (Accessed: 31 October 2022)
- Badan Pusat Statistik Provinsi Bali. (2021b) *Pertumbuhan Ekonomi Bali Triwulan I-2021*. Available at: <https://bali.bps.go.id/backend/images/Infografis-Pertumbuhan-Ekonomi-Triwulan-1-2021-ind.JPG> (Accessed: 31 October 2022)
- Badan Pusat Statistik Provinsi Bali (2022a) *Provinsi Bali Dalam Angka*. Available at: <https://bali.bps.go.id/publication/2022/02/25/80c22b56df75888ff3ecee4e/provinsi-bali-dalam-angka-2022.html> (Accessed: 16 September 2022)
- Badan Pusat Statistik Provinsi Bali. (2022b). *Pertumbuhan Ekonomi Provinsi Bali Tri Wulan II- 2022*. Available at: <https://bali.bps.go.id/backend/images/Infografis-PDRB-Tw-2---2022-ind.png> (Accessed: 31 October 2022)
- Bemer, E. (1998) *Social structure and human agency: An introduction*. Basic text for INT 101. pp: 1-7
- Bochel, H. M. and Duncan, S. (2007) *Making policy in theory and practice*. Bristol: Policy.
- Cairney, P. (2012) *Understanding public policy: theories and issues*. London: Red Globe Press (Textbooks in policy studies)
- Cairney, P. (2016) *Policy in 500 Words: If Policy Cycle Does Not Exist What Do We Do*. Available at <https://paulcairney.wordpress.com/2016/05/21/policy-in-500-words-if-the-policy-cycle-does-not-exist-what-do-we-do/> (Accessed 17: August 2022)

- Cairney, P. (2017) *5 Images of The Policy Process*. Available at <https://paulcairney.wordpress.com/2017/07/10/5-images-of-the-policy-process/> (Accessed: 17 August 2022)
- CNN Indonesia (2018) *Bali Memulai Melasti Hari Ini*. Available at <https://www.cnnindonesia.com/gaya-hidup/20180314163233-269-282951/bali-memulai-ritual-melasti-hari-ini> (Accessed: 16 September 2022)
- Directorate General on Spatial Planning (2022) *Mekanisme Penyusunan & Penetapan Rencana Tata Ruang Wilayah*: Jakarta
- Ebaugh, H. R. F. (2006) *Handbook of Religion and Social Institutions*. New York: Springer (Handbooks of sociology and social research). doi: 10.1007/b102451.
- Fountain, P. (2013) 'The Myth of Religious NGOs: Development Studies and Return of Religion', in G. Carbonnier, M. Kartas, and K. T. Silva. Houndmills, *Religion and Development*. Basingstoke, Hampshire: Palgrave Macmillan (International development policy). pp 09-30
- Galletta, A., & CROSS, W. E. (2013) *The Semi-Structured Interview as a Repertoire of Possibilities*. In *Mastering the Semi-Structured Interview and Beyond: From Research Design to Analysis and Publication* (pp. 45–72). New York: NYU Press. Available at: <http://www.jstor.org/stable/j.ctt9qgh5x.7> (Accessed: October 25, 2022)
- Ghafur, J. (2018) *Indonesia Darurat Peraturan Sebuah Opini*. Available at: <https://law.uui.ac.id/blog/tag/landasan-sosiologis-sociologische-grondslag/> (Accessed: 31 October 2022)
- Harruma, I. (2022) *Daerah Daerah Khusus Dan Istimewa di Indonesia*. Available at: <https://nasional.kompas.com/read/2022/02/16/01150071/daerah-daerah-khusus-dan-istimewa-di-indonesia> (Accessed: 31 October 2021)
- Hitchcock, M. and Putra, I. N. D. (2007) *Tourism, Development and Terrorism in Bali*. Farnham: Ashgate Pub (Voices in Development Management). Available at: <https://ebookcentral-proquest-com.eur.idm.oclc.org/lib/eur/reader.action?docID=429626&ppg=28> (Accessed: July 4, 2022).
- I Ketut Murdana, et.al. vs Governor of Bali & Regional House of Representatives (2013) *Putusan MAHKAMAH AGUNG Nomor 65 P/HUM/2013*. Available at <https://putusan3.mahkamahagung.go.id/direktori/putusan/62cf12a6788c7f7eb5651c2dd6bd0579.html> (Accessed: 17 August 2022)

- JDIH Provinsi Bali (2022) *Jaringan Dokumentasi Dan Informasi Hukum Provinsi Bali*: Biro Hukum Sekretariat Daerah Provinsi Bali. Available at <https://jdih.baliprov.go.id/beranda> (Accessed: 30 August 2022)
- Kusnandar, V. B. (2021) *Sebanyak 86.88% Penduduk Indonesia Beragama Islam*. Available at: <https://databoks.katadata.co.id/datapublish/2021/09/30/sebanyak-8688-penduduk-indonesia-beragama-islam> (Accessed: 7 November 2022)
- Mariana, I. G. (2021) *Di Bali Kok Tidak Ada Gedung Tinggi? Ternyata Ini Alasannya*. Available at: <https://sonorabali.com/news/di-bali-kok-tidak-ada-gedung-tinggi-ternyata-ini-alasannya/> (Accessed: 30 August 2022)
- Jana, N.P. (2018) *Kiat The Mulia Bali Mendapatkan Peringkat Salah Satu Hotel Terbaik Dunia*. Available at: <https://lifestyle.kontan.co.id/news/kiat-the-mulia-bali-mendapat-predikat-salah-satu-hotel-terbaik-dunia> (accessed: 31 October 2022)
- King, N., Horrocks, C. and Brooks, J. (2019) *Designing an Interview Study in. Interviews in qualitative research*. Second edn. Los Angeles: Sage. (pp: 52-70)
- Kvale, S. and S. Brinkmann (2009) *Interviews. Learning the Craft of Qualitative Research Interviewing*. Los Angeles etc.: Sage. (Chapter 3: Epistemological Issue of Interviewing, pp. 47-60).
- Kim, J. and Army War College (U.S.) (2009) *Cultural Dimensions of Strategy and Policy*. Carlisle, PA: Strategic Studies Institute, U.S. Army War College (The Letort papers). Available at: INSERT-MISSING-URL (Accessed: May 12, 2022).
- Nasution, A. (2016) *Government Decentralization Program in Indonesia*. ADBI Working Paper 601. Tokyo: Asian Development Bank Institute. Available: <https://www.adb.org/publications/government-decentralization-program-indonesia/> (Accessed: 30 October 2022)
- Mosse, D. (2004) *Is Good Policy Unimplementable? Reflections on the Ethnography of Aid Policy and Practice*. *Development and Change* -The Hague then London-, 35(4), pp. 639–671.
- Lindsay, J. (2017) *Challenging the Secularist Assumption: Religion, Public Policy and Civil Service Culture*. *Social Compass*, (201704). doi: 10.1177/0037768617697915.
- Madeley, J. T. S. (2003) *Religion and politics*. Aldershot, Hants, England: Ashgate/Dartmouth (The international library of politics and comparative government).

- Moutusi, Paul Choudhury (2015) *The Sacred and the Secular: Influence of Religion on George W. Bush's Foreign Policy*. *Jadavpur Journal of International Relations*, 19(2), pp. 159–183. doi: 10.1177/0973598416639413
- Nainggolan, E.U.P. (2020) *Kepala Daerah Mau, Daerah Maju*. Available at: <https://www.djkn.kemenkeu.go.id/artikel/baca/12954/Kepala-Daerah-Mau-Daerah-Maju.html> (Accessed: 31 October 2022)
- National Library of Indonesia (2014) *Temples of Indonesia: Bali*. Available at: https://candi.perpusnas.go.id/temples_en/deskripsi-bali (Accessed: 17 August 2022)
- Prawiranegara, M. (2021) 'Penyelenggaraan Penaraan Ruang (PP 21/2021) dan Persetujuan Bangunan Gedung (PP 16/2021)' [Power Point Presentation] Direktorat Perencanaan Detail Tata Ruang Kawasan Daya Dukung Lingkungan Wilayah II Kementerian Agraria dan Tata Ruang/ Badan Pertahanan Nasional. Jakarta
- Provinsi Bali (2009) *Peraturan Daerah Provinsi Bali Nomor 16 Tahun 2009 tentang Rencana Tata Ruang Wilayah Provinsi Bali Tahun 2009 – 2029*. Available at <https://jdih.baliprov.go.id/produk-hukum/peraturan/abstrak/14475> (Accessed: 31 October 2022)
- Provinsi Bali (2020) *Peraturan Daerah Provinsi Bali Nomor 3 Tahun 2020 tentang Perubahan Atas Peraturan Daerah Nomor 16 Tahun 2009 Tentang Rencana Tata Ruang Wilayah Provinsi Bali Tahun 2009-2029*. Available at: <https://jdih.baliprov.go.id/produk-hukum/peraturan-perundang-undangan/perda/28549> (Accessed: 31 October 2022)
- Ramadhian, N. (2020) *4 Hotel di Bali Masuk Daftar Hotel Terbaik di Dunia, Apa Saja?* Available at: <https://travel.kompas.com/read/2020/07/12/090000427/4-hotel-di-bali-masuk-daftar-hotel-terbaik-di-dunia-apa-saja?page=all>. (Accessed: 31 October 2022)
- Ruhlessin, M. F. (2022) *Hingga Akhir 2022, Bali akan Punya Tiga Hotel Bintang 5 yang Baru*. Available at <https://www.kompas.com/properti/read/2022/04/18/174053421/hingga-akhir-2022-bali-akan-punya-tiga-hotel-bintang-5-yang-baru>. (Accessed: 31 October 2022)
- Sari, N. L. P. W. (2022) *Tawur Tabuh Gentuh dan Karya Ida Bhatara Turun Kabeh di Pura Besakih Dipadati Ribuan Pemedek*. Available at <https://bali.tribunnews.com/2022/03/17/tawur-tabuh-gentuh-dan-karya-ida>

- bhatara-turun-kabeh-di-pura-besakih-dipadati-ribuan-pemedek (Accessed: 16 September 2022)
- Siagian, E. (2022) 'Rapat Pelaksana Evaluasi Raperda Tentang Rencana Tata Ruang Wilayah' [Power Point Presentation]. Kementerian Dalam Negeri Republik Indonesia. Jakarta
- Taru Gumi Bali (2016) *Fakta dan Analissi RTRWP Bali- 01 Pendabuluan Integrasi RZWP-3-K Ke Dalam RTRWP Bali*. 16 June 2022. Available at <https://www.youtube.com/watch?v=apvS7PhLdOE> (Accessed: 30 August 2022)
- The Luxe Voyager (2021) Available at: <https://www.theluxevoyager.com/luxe-hotels/indonesia/the-mulia-hotel-resort-villas-nusa-dua-bali/> (Accessed: 31 October 2021)
- Trigutno, J. (2021) *Berbagai Jenis Dan Fungsi Pura Swagina DI Bali*. Available at <https://www.kintamani.id/berbagai-jenis-dan-fungsi-pura-swagina-di-bali/> (Accessed: 17 August 2022)
- Uphoff, N. (1989). Distinguishing Power, Authority & Legitimacy: Taking Max Weber at His Word by Using Resources-Exchange Analysis. *Polity*, 22(2), 295–322. <https://doi.org/10.2307/3234836>
- Widiastuti Widiastuti and Syamsul Alam Paturusi (no date) *Tata Bangunan Fasade Di Koridor Legian, Kuta*. *Ruang-Space: Jurnal Lingkungan Binaan*, 1(2). doi: 10.24843/JRS.2014.v01.i02.p04.
- Widiatedja, I. G. N. P. (2022) *The Regulatory Failure of Spatial Planning and Its Environmental Impact: A Case Study of Hotel Projects in Bali, Indonesia*. *Journal of Property, Planning and Environmental Law*, 14(1), pp. 25–44. doi: 10.1108/JPEL-10-2021-0048
- Widyasanti, Amalia Adininggar (2021) *Peta Jalan Ekonomi Bali Menuju Bali Era Baru: Hijau, Tangguh, dan Sejahtera*. Kementerian PPN/ Bappenas & Provinsi Bali. Available at: <file:///C:/Users/ASUS/Downloads/Peta%20Jalan%20Ekonomi%20Kerthi%20Bali%20Menuju%20Bali%20Era%20Baru%20Hijau%20Tangguh%20dan%20Sejahtera.pdf> (Accessed: May 15, 2022)
- Windyawati, R. (2022) 'Mekanisme Penyusunan dan Penetapan Rencana Tata Ruang Wilayah' [Power Point Presentation]. Direktorat Jendral Tata Ruang Kementerian Agraria dan Tata Ruang/ Badan Pertanahan Nasional. Jakarta

Yani, A. (2008) *Indonesian Government System: Theory and Practice Approaches of 1945' Constitution*. Universitas Padjadjaran. Bandung doi: <http://dx.doi.org/10.30641/kebij-akan.2018.V12.119-135>