

The Locus Sulus Concept as Local Wisdom in Building Planning and Development

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Abstract—The aim of this study is to examine the relationship between Article 6 paragraph (1) letter b Act number 26 Year 2007 on Spatial Planning, which states that spatial arrangement is organized by taking into account the cultural element and Regional Regulation of Bali Province number 16 Year 2009 on Bali Regional Spatial Plan Year 2009-2029, which lists the principle of local wisdom through the philosophy of Tri Hita Karana. The method of analysis used in this study is prescriptive analysis method that is to examine the relevant primary legal materials. The results showed regional Regulation of Bali Province number 16 Year 2009 provides a philosophical reinforcement of spatial arrangement, especially for buildings, with the rules of height of 15 meters or as high as coconut trees. It stipulates the requirements of building architecture that aims to realize buildings that have traditional Balinese architectural style and character in general as well as local architectural patterns, are harmonious and integrated with the environment and to realize legal certainty in the implementation of buildings planning and development in order to establish buildings that fit the principles of traditional Balinese architecture.

Keywords— *spatial planning and development; local wisdom; building*

I. INTRODUCTION

Environmental grouping as a result of human works is an artificial environment so that humans can live optimally. One type of artificial environments is building, which is one of the primary human needs. As one of the artificial environments, building is closely related to the socio-cultural aspects of the community where the building is located. Building as a part of spatial planning is inseparable from problems that must be addressed seriously. This is caused by the increase of population growth and the increase of facilities and infrastructure for the community, which is also increasing, but on the other hand it cannot be denied that space or land is constant in nature. Spatial problems are caused not only due to limited land, but also by rapid economic growth in Indonesia. As a result, the use and utilization of space is increasing. If the planning of buildings is associated with culture, then a building can be characteristic of a region. Indonesia is a pluralistic country where each region or region has various characteristics that affect the architecture of the building. In the modern era with a very remarkable influence from globalization will certainly bring effect on spatial planning. Globalization must

be accepted as a real situation, but problems will arise if globalization threatens the uniqueness or locus sulus of a cultural identity of the architecture of the building. Hence, Bali has regional regulations that regulate the concept of Balinese architecture as an inseparable part of the building.

A 2012 research conducted by Purwanto entitled “Transformation of Philosophical Value in Regional Regulation number 16 Year 2009 on Spatial Planning of Bali Province Year 2009-2029”. In study, Purwanto analyzed the embodiment of philosophical value of Tri Hita Karana in the formulation of Regional Regulation of Bali Province no. 16 Year 2009 and the embodiment of philosophy Tri Hita Karana in the formulation of norms of public participation on the transformation of philosophical values Tri Hita Karana. The recent study focuses on the implementation of local wisdom in regional regulations, in buildings in Bali. Development process and the environment are two different but interplaying sides. Development process by utilizing the environment with all the natural resources contained therein will be able to improve the living standard of the society and provide economic impact for the society and the State. In addition, the development of buildings can result in the decrease of environmental quality and threat to the carrying capacity of the environment. Construction will still be implemented as long as causing the damage or pollution to the environment, which later known as the policy of eco-development or sustainable development [1]. Hence, the environment is actually very important and is very decisive for the existence and survival of humans, as well as for culture and civilization. In this context, Environmental Management Law regulates the management of the environment in order to achieve harmony between human and the environment, both physical environment and socio-cultural environment. Therefore, the aforementioned environmental law objectives can be realized through concrete procedures in order to preserve harmonious and balanced environmental capability to support sustainable development sector for the improvement of the welfare of society [2].

The existence of spatial planning plays crucial role in the sector of development, particularly due to pressure on the increasing use of space due to economic factors and growth of the population, as it will affect the growth of the area and settlements. In regard to the above elaborated evidence, this study is aimed at examining philosophical value of Bali’s local

wisdom in spatial planning and legal regulations for the local wisdom strengthening.

II. METHOD

This research is a normative law research. Data is collected based on the type of legal materials, comprising legal material collected by conducting a positive law inventory related to this research and secondary law material obtained through library search of the relevant literature to the issue analyzed in this research. The data analyzed by identifying and classifying, categorizing, systemizing, and arranging the legal materials according to the source and hierarchy. Prescriptive analysis, the way of thinking in making interpretation, was performed to draw conclusions under study based on the view on principles, doctrine, legal theories from various jurists.

III. RESULT AND DISCUSSION

A. *The Philosophical Values of Local Wisdom in Spatial Planning in Bali*

Understanding philosophical value should be based on the essence of philosophical meanings. Philosophy is derived from the term “philosophia” that means love of wisdom. Meanwhile according to The Great Dictionary of the Indonesian Language, philosophy means “knowledge and intellectual research of everything that possesses cause, origins, and law [3]. Wisdom has two meanings: the first is, the process of deep understanding that ones have to go through in making decision and gain understanding, while the second meaning is, a correct decision that is made (to be specific, a good and right decision) [4]. Philosophy deals with everything from the past, the present, and the future.

Values in philosophy are vital because as human, we desire to achieve or realize values through our actions. As Aristoteles states, there is the will to chase good things in his actions. Values can be interpreted as the quality of anything useful for human, both physical and spiritual. Thus, values are closely related to the activity of reviewing, which is connecting one thing to another and then making decisions and determining whether the orientation of these decisions belongs to material value or spiritual value [4]. These values are tied to space and time, and in harmony with particular space and time. These values shape the culture, as in Bali where its culture originates from Hinduism. Not only these values originate from Hinduism, their existence also continues to grow and maintained in the community from generation to generation. These two aspects make those values local wisdom. Etymologically, local wisdom means wisdom, knowledge, or prowess to discover, know, understand, approve, differentiate, find out, investigate, and acknowledge what is right and wrong. All of these are reflected in ones’ skills in living with the community in a locality. Local wisdom is cultural treasure that prospers in the community. It grows and develops in a community, it becomes familiar with the community, and it is trusted by the community. It becomes an integral part in their social life.

Local wisdom is a part of culture. It is the wisdom that human and the community possess, which is based on

philosophy, values, ethics, methods, and behavior that traditionally manage natural resources, human resources, and cultural resources [5]. This management aims for the sustainability of those three resources in order to live a sustainable life [5]. Each community has a set of understanding and behavior, both from previous generations and the experience of the community. It is some kind of power that the community uses to properly solve problems and difficulty that they face. Over time, that set of behavior and understanding crystallizes into a set of values or moral teaching, which, later, is commonly known as local wisdom. Substantially, the elements of local wisdom includes: concept, folklore, ritual, belief, and a system of taboos/advice. Meanwhile, functionally, local wisdom includes: potential, method/approach, direction/aim that emphasizes on harmony, balance, and sustainability. Concretely, there are some types of local wisdom as the elements of living culture in Bali [5]:

- Concept: Tri Hita Karana, the pattern of Pempatan Agung (catuspatha), Kahyangan Tiga (PuraPuseh, PuraDesa/Bale Agung, and Pura Dalem), Banjar, the value of spatial planning (Hulu-Teben-Tri Mandala).
- Ritual: Tumpek (a ceremony held once in 6 months), Pecaruan and Nyepi (held once a year)
- Belief: sacred (tenget) places that are related to flora, fauna, spring, lake, and sea.
- A system of taboos/advice: pollution (Subak), karangluang/karangbengang or karangkekeran, taman-gumi-banten.

In spatial planning in Bali, there is an important philosophical value called Pempatan Agung or catuspatha. It takes form in two crossed roads (north-south and east-west) with an empty space in the middle as the center of orientation and a place to hold religious ceremony. The space/midpoint of Pempatan Agung symbolizes the center of the country, and in this sense, the country is seen as a miniature of the universe. The center of government activities and the royal palace (Puri Agung) are usually in the northeast (kaja-kangin). The park or the main square, as a recreation center, is located in the southeast. The market is in the southwest, and the wantilan, as the center of social activities, is in the northwest. In addition, Pempatan Agung usually has lawa or “door” in the four cardinal points, located in each road that forms the Pempatan Agung [6]. This pattern becomes a characteristic of the local wisdom that deals with spatial planning, ranging from villages (the smallest area) to regions as well as cities, since this pattern has both sacred and profane meanings.

The Balinese view space not as a homogeneous, neutral, geometric space, but as a unique and sacred ontology space [7]. Ontology space is related to the nature of space. It also has various values and sacred directions. There are two pairs of sacred directions, with each pair is composed by two opposing directions. These two pairs of direction are: kaja-kelod (mountain-sea) and kangin-kauh (sunrise-sunset). Kaja has good connotation, as it associates with divinity and prosperity, everything that is related to heaven. The opposite direction, kelod is associated with the underworld (the ground), cruelty, and worldly power. Kangin is in the same category with kaja,

meanwhile kauh with kelod. Basically, local wisdom has a universal value in order to maintain the balance of the universe, so that the management is sustainable for the future generation. From the aspect of sustainability, the preservation of artificial environment, which has been created from the creation, sense, and intention of the predecessors, is a step that must be taken both through daily life and legal protection by means of laws and regulations.

B. Local Wisdom Strengthening in Buildings through

At national level, spatial planning is regulated in Act Number 26 Year 2007. In Article 1 point 1, the definition of space as the container for building is:

“Everything which includes land, sea, and air, as well as space in Earth, is a unity of territory where human and other living creatures live, perform activities, and maintain their survival.” God gifts human with space as a place for them to live and natural resource to use. Thus, space in Indonesia is an asset that people must utilize in a coordinated, integrated, and effective manner by taking other aspects into account such as economy, social, culture, human rights, and environmental preservation to encourage a balanced and harmonious development.

In the Article 1 point 2 of the Act Number 26 Year 2007, it is stated that spatial planning is “the structural manifestation of space and spatial pattern.” Structural manifestation of spatial utilization refers to the composition that forms natural environment, social environment, and artificial environment, which is hierarchically related to each other. Meanwhile, the pattern of spatial utilization includes: the pattern of location, the distribution of settlement, industrial workplace, agriculture, and the pattern of land use in the city and village, in which the unplanned spatial planning is space that formed naturally, such as river, cave, mountain, etc.

Furthermore, Article 1 point 5 of the Act Number 26 Year 2007 reads that spatial planning is “a system of spatial designing, spatial utilization, and spatial control.” This is an important element in designing, and from legal perspective, designing cannot be separated from constitutional law and the law of state administration. Designing is a form of wisdom, and it makes designing a species of genus of wisdom. As a result, designing becomes an integral part in the process of decision making, the implementation, and the permitting system.

The manifestation of spatial planning is a field activity to determine which space is required for certain activity in accordance with the spatial design. An instance of this manifestation can be found in the implementation of environmental permitting system. If the permitting system is implemented in development activity, this activity must regard spatial planning as an instrument of environmental protection and management [8]. Spatial planning, as a process of spatial designing, spatial utilization, and spatial control, is a systematic system that cannot be separated from each other. To create a harmonious spatial planning, an equally harmonious legislation is required, especially from the lowest level of legislation to the highest. This harmony will lead to coordination in spatial planning.

In order to attain complete understanding on spatial planning, the process of spatial planning cannot be separated from the nature of sustainable development, since the value of sustainable development plays a significant role in the process of law making. In sustainable development, spatial planning, as a part of environment, can be defined as a paradigm of development used to ensure that necessities of the present generation and the future generation are fulfilled, so that they can prosper and achieve a better life. In legal theory, legal rules have the power to apply philosophically, in the sense that it is in accordance with the ideals of the law that reflect the value of justice in the society, sociologically applied (accepted and acknowledged) as norms in accordance with values that grow in the society, and apply juridically [9]. There are five dimensions in sustainable development [9]:

- Sustainable development integrates development issues with environmental issues that previously tended to be opposed.
- Development is not to be defined as economic growth only, but also includes the development of human resources.
- Sustainable development realizes the limit of technology and environment in supporting the process of development.
- Sustainable development emphasizes on several aspects: social, justice, and democracy, which all are inseparable aspects of the environment.
- Sustainable development realizes that there is an imbalance that affects the difference on targets and priority in the process of development between developing and developed countries.

Sustainable development covers a wide dimension, not only environmental dimension but also social, economic, and legal dimension. Realizing sustainable development requires good governance as its core. Good governance is implemented through all policies in the domestic, social, and environmental levels [10].

Article 2 Act Number 26 Year 2007 states:

In the framework of the Republic Indonesia, spatial planning is implemented based on several principles as follows:

- Integration;
- Harmony and balance;
- Sustainability;
- Usability and effectiveness;
- Openness;
- Togetherness and partnership;
- Protection of public interest;
- Legal certainty and justice; and
- Accountability.

Then, in Article 3, it stated that the aim of spatial planning as follows: “The implementation of spatial planning aims to create a safe, comfortable, productive and sustainable national territory based on the Wawasan Nusantara (Archipelagic Outlook) and National Defense by:

- The realization of harmony between the natural environment and the artificial environment;
- The realization of integration in the utilization of natural resources and artificial resources with respect to human resources; and
- The realization of the protection of spatial function and the prevention of negative impact on the environment due to space utilization.

Article 6 paragraph (1) Act Number 26 Year 2007 emphasizes on regulating spatial planning that is implemented with regards to the cultural element.

Legal pluralism in such a pluralistic country like Indonesia is a fact that cannot be disregarded. The thought of legal pluralism arises in response to the notion of centralized law. However, Irianto has point of view on this. He argues that state law, customs, and religious law will interact and create social balance as expected. The thought that state law will be more dominant than the others is actually limited to its authority to draw a line whether a customary law belongs to a certain community can be applied to other communities. This is closely related to the political aspect of law, since it is the basic policy of the state organizers in legal aspect that will be, is, and has been applied, that derived from the values in the community, in order to achieve the aim of the State [11].

In order to follow up the mandate of Act Number 26 Year 2007, Bali Province makes Regional Regulation of Bali Province Number 16 Year 2009 on Spatial Planning in Bali Province Year 2009-2029. Preamble letter (a) of this regional regulation explicitly states Tri Hita Karana as a philosophical foundation:

“That space is a limited and non-renewable component of the environment that must be sustainably utilized as a unity of space in a dynamic order based on Balinese culture imbued by Hinduism in accordance with Tri Hita Karana.” Article 1 paragraph 6 Regional Regulation of Bali Province Number 16 Year 2009 elaborates more on the definition of Tri Hita Karana as follows: “Tri Hita Karana is Balinese philosophy of life that contains three elements which create balance and harmony between human and God, human with human, and human with the environment. These three elements serve as the source of prosperity, peace, and happiness for human. All spatial planning must reflect the elements of Tri Hita Karana: Parahyangan (harmony between human and God), Palemahan (harmony between human and human), and Pawongan (harmony between human and the environment).

According to Article 2 Regional Regulation of Bali Province Number 16 Year 2007, the principles of Spatial Planning in Bali are:

- Tri Hita Karana;
- Sad Kertih;

- Integrity;
- Harmony and balance;
- Sustainability;
- Usability and effectiveness;
- Openness;
- Togetherness and partnership;
- Protection of public interest;
- Legal certainty and justice; and
- Accountability.

Furthermore, Article 13 paragraph (6) explains that the strategy of preservation and improvement of socio-cultural value in Bali covers:

1) the strategy of preservation and improvement of socio-cultural value in Bali includes:

- Increasing people’s love toward socio-cultural value that reflects Balinese identity;
- Developing the implementation of local socio-cultural value in community life;
- Increasing attempts to preserve local socio-cultural value and local heritage sites;
- Protecting local socio-cultural assets and value from decline and extinction; and
- Controlling activities around sacred areas and holy places that can reduce the value of the sanctity of the area.

2) the strategy of preservation and improvement of the value of the areas designated as cultural heritage includes:

- Preserving physical authentic as well as maintain its ecosystem balance;
- Improving the quality of local tourism;
- Improving science and technology;
- Preserving cultural heritage; and
- Preserving the environment.

The Article 95 paragraph (2) letter b Regional Regulation of Bali Province Number 16 Year 2009 states that: the height of buildings that utilize air space above the earth’s surface is limited to a maximum of fifteen meters, except for public buildings and special buildings requiring height more than fifteen meters such as: transmitter towers, high-voltage utility columns, lighthouses, towers for religious activity, buildings for aviation safety, defense and security buildings, and other buildings for public safety and security. However, the implementation of these buildings must be based on proper studies and also regarding to the safety, comfort, and harmony with the surrounding environment. In addition, it also requires coordination with related agencies. Bali already has regional regulation that specifically deals with architecture of the building as the implementation of cultural elements in spatial

planning, namely Regional Regulation of Bali Province Number 5 Year 2005 on Architectural Requirements of Buildings. Its philosophical and sociological foundations are:

- Buildings are constructions that have cultural functions and architectural functions;
- Buildings can determine the safety of its occupants and environment, as well as affect the community cultural identity, including the Balinese as a community that possess culture imbued by Hinduism;
- Buildings must be able to guarantee the safety of its occupants and environment, as well as accommodate the noble values of Balinese culture. Thus, in order to achieve that, implementation of the buildings must be based on Tri Hita Karana, the Balinese values in architecture, the principals of Balinese traditional architecture, and the requirements, forms, characters, and principals of architecture.

Meanwhile, Article 3 mentions that: the regulation on architectural requirements of buildings aims to:

- Realize buildings that have a traditional Balinese architectural style and character in general as well as local architectural style, which is in harmony and integrated with the surrounding environment; and
- Realize legal certainty in implementation of the buildings in order to develop buildings that fits the principles of traditional Balinese architecture.

Attempts to strengthen preservation of the architecture of the buildings in Bali must be implemented to create conservation and legal certainty so that people can enjoy cultural heritage sustainably. In addition, there are movements to retain the characteristics (the locus sulus concept) that distinguish a building from other buildings in order to create a humane environment that possesses a personality [12]. The concept of locus sulus is coined by an Italian architect called Aldo Rossi. Rossi is also the one who spearheaded the La Tendenza movement as a protest against the influence of modern architecture that affects the whole world, and also an address to the demands of public facilities and infrastructure, the limitations of the settlements, the decline in employment, and so on. This movement provides an understanding on how important aspects of cultural preservation are in the architecture of buildings as an asset that must also be enjoyed by future generations.

IV. CONCLUSION

Based on the analysis, it is found that philosophical value of local wisdom in Bali in spatial planning is inspired from Hinduism, which is embodied in the Balinese culture on the

concept Tri Hita Karana reflected in all aspects of community life both in the sacred and profane dimensions. Additionally, local wisdom strengthening over buildings is inspired legal protection and legal certainty in response to the attempts to maintain the uniqueness of Balinese architectural culture, so architecture itself is adhered to and in accordance with the valid regulations. The strengthening of local wisdom is regulated in a hierarchical manner from legislation at the national level to the one at the regional level.

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