



Indigenous People Between Recognition and Disclaimer of Legal Pluralism Perspective

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Abstract

This article aims to examine the ethical and unethical perspectives behind the recognition and abandonment of indigenous people by the state, the influence of morality and legal awareness on indigenous people of the dichotomy between recognition and neglect in tourism development. Normative research method with a statutory approach. Supported by primary and secondary legal materials as well as legal hermeneutic analysis techniques. The results of the study show that neglect of indigenous people is considered unethical because it can lead to injustice, on the contrary it is ethical if the recognition of indigenous people is accommodated in the substance of the Regional Regulation. Legal morality can fortify everyone to do good, including local governments and indigenous people. Subjective legal awareness has implications for neglect, so it is necessary to build objective legal awareness that provides space for recognition of indigenous people in reorganizing the regulation of Article 26 paragraph (2) of the Bali Provincial Regulation No. 2 of 2012 which is ambiguous by incorporating the substance of the obligations of indigenous people and local governments in managing tourist area with local regulations based on semi-autonomous legal pluralism.

Keywords: *Indigenous People; Waiver; Recognition; Legal Pluralism*

Introduction

The protection of the social, cultural, political and economic rights of indigenous peoples in independent countries has been stipulated in Article 1 letter a of the 1989 ILO (International Labor Organization) convention (Retno Kusniati, 2011). (Koivurova, T., & Heinämäki, 2006), This momentum indicates that the aspirations of indigenous peoples have been accommodated through international law institutions to fight for rights with the characteristics of local wisdom to achieve their goals. This is in line with the theory of legal pluralism (Sally Falk Moore, 1978), the semi-autonomous social field. Based on this theory, the semi-autonomous social field has the capacity to create rules and means that cause or compel a person to submit to its rules, as well as being within a wider social frame of reference. With regard to the pluralism of state law, in the midst of the plurality and complexity of the constitutional issues of the Republic of Indonesia, it is precisely the indigenous peoples with their legal systems that cannot be denied

having enriched the repertoire of the state legal order. Making state law a position to determine the applicability of other legal orders, such as customary law. According to (Griffiths, 2005), State recognition of customary law is a phenomenon of weak legal pluralism to create a parallel legal system in which centralism or state legal control remains the main focus. (Sukirno, 2013), The 1989 ILO Convention No. 169 has not been ratified by the Government of Indonesia. However, the Government of the Republic of Indonesia has also signed the United Nations Declaration on the Rights of Indigenous Peoples AJNDRIP at the UN General Assembly on September 13, 2007 which recognizes the differences between indigenous peoples and other communities. As a distinct society according to the characteristics of Kingsbury (R.H. Barnes, 1995). Based on the reality and international legal instruments that have been signed by the Government of the Republic of Indonesia, the government should not impose its will by limiting but giving freedom, so that indigenous peoples can develop naturally and naturally. (Kusniati, 2011), There are rights attached to human dignity with institutional facilities in the state. Therefore, it is important for the government and local governments to integrate the standards of respect, protection, and fulfillment of human rights into their policies in the work unit area so that the achievement of human rights can be accepted and realized. (Sudantra, 2018), The subject of ownership of common rights (communal rights) is the indigenous people. In this case the regulation of the recognition of indigenous people in tourism development with local regulations.

In line with the regulation of recognition of indigenous peoples with local regulations. In line with the view (Tamanaha, 2004), The law as an instrument of government must not only be certain and made democratically, but also must be fair and beneficial for citizens in improving their welfare. It can be interpreted as a constitutional basis for legal politics, in the context of achieving a law that is just, beneficial, and with certainty. (Abdurrahman, 2011), The politics of legal pluralism, especially regarding the plurality of customary law orders, is Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, namely the law that recognizes and respects indigenous peoples and their traditional rights as long as they are alive and in accordance with community development and the principles of the Unitary State of the Republic of Indonesia . Furthermore, the explicit acknowledgment of indigenous peoples is also regulated in Article 4 letter j of MPR Decree No. IX/MPR/2001 concerning Agrarian Renewal and Natural Resource Management that still protects and respects the rights of indigenous people and the nation's cultural diversity (RI, 2001). Recognition of indigenous peoples in development is regulated in Law No. 25 of 2000 concerning the 2000-2004 National Development Program (Negara Republik Indonesia, 2000). In Bali, indigenous people are characterized by a self-governing community with Desa Adat as a manifestation of the spirit of local democracy. Recognition of indigenous people with regional regulations is reflected in Article 103 letter (b) of Law Number 6 of 2014 concerning Village (Negara Republik Indonesia, 2014). In terms of realizing the role of indigenous people as agents of development, it can be seen from their recognition in the tourism sector based on Article 24 of the Bali Provincial Regulation Number 2 of 2012 concerning Balinese Cultural Tourism (Bali, 2012). It is interpreted that legally formally, the community, including the indigenous people, has received recognition in the development and preservation of Balinese cultural tourism. There is also the Bali Provincial Regulation No. 4 of 2019 regarding Desa Adat (Bali, 2019).

State recognition of indigenous peoples has been stipulated in the constitution, MPR RI Decrees, laws and various other legal products including regional regulations. At the regional regulation level, there is still a juridical problem of ambiguity in the recognition of indigenous peoples. Recognition of the existence of indigenous peoples as supporters of cultural survival, it is appropriate that their rights and obligations in managing cultural tourism should be explicitly regulated. Constitutionally, Article 18B (2) of the 1945 Constitution of the Republic of Indonesia recognizes that their rights are protected by the constitution (Indonesia, 1945). Furthermore, the provisions of the articles of the Regional Regulation on Cultural Tourism, show that there is no single article that explicitly states what the rights and obligations of indigenous people are in the management of cultural tourism. The enactment of the Bali Provincial Regulation Number 2 of 2012 concerning Balinese Cultural Tourism which regulates the Participation of the Indigenous People in Chapter IX, Article 24, (1), (2), Article 25, while in Chapter X, Article 26 (2) the

Rights, Obligations, and Prohibitions: "Indigenous people and traditional institutions have the right to develop rural tourism according to local potential" (Bali, 2012). The provisions of this article only regulate the right to develop rural tourism, but do not further stipulate what obligations must be carried out and how to regulate and implement these rights. It is considered to overlap with the Bali Provincial Regulation No. 4 of 2019 concerning Desa Adat, in Article 23 it is emphasized that the authority of indigenous people includes authority based on origin rights and local authority on a scale of indigenous people, including in the development of sustainable tourism. (Bali, 2019). It is also emphasized in Article 24 letter (j), that the indigenous population based on the authority of origin participates in determining decisions and implementing development in Wewidangan indigenous peoples. This needs to be emphasized because customary villages in regulating their tourism objects, in addition to being guided by written rules (Regional Regulations, Statute) also make rules in their awig-awig or perarem in their management.

Judging from a number of products of Regency Regional Regulations in Bali in relation to the management of Balinese Cultural Tourism, the articles do not implicitly regulate how the rights, obligations and authorities of the indigenous people in their management Indigenous people's participation in cultural tourism must be clarified the position of indigenous peoples as a unitary community with their autonomy. Indigenous people whose existence maintains order and security by maintaining balance and harmony as a fortress of Balinese culture must be emphasized in their position in the management of Balinese cultural tourism as a form of empowerment as well as their participation in supporting Balinese Cultural Tourism, both in management, tourism business, tourism attraction development, coaching and supervision. The juridical problem has not implicitly regulated the recognition of indigenous people in the development of sustainable tourism which has an effect on sociological problems. The sociological problem of injustice felt by the natives. Currently, there is still a tendency to practice exploitation of natural resources for the benefit of the state in the territory of the indigenous population. (Muazzin, 2014), The problem with the existence of indigenous peoples seems to be dealing with state or government policies that have an impact on their survival and their rights. These facts are reinforced by the occurrence of the phenomenon of law violations. (Karnayanti, N. M. D., & Mahagangga, 2019), In the Bongkasa Pertiwi Tourism Village, the indigenous people are not involved in making decisions regarding the management of the tourist village but only appoint one community that is seen as qualified in the tourism sector. (Dewi, 2013), There is a subordination of the local government of the Tabanan district to the indigenous people in the revenue-sharing system for managing Jatiluwih tourism assets. (Adikampana, I. M., Pujani, L. P. K., & Nugroho, 2015), The profit sharing system between the local government of Karangasem Regency and the native Candidasa is through the provision of incentives that are classified as low through sharing funds. A number of problems of injustice to the indigenous population reflect the phenomenon of weak legal politics as in the view of (Griffiths, 2005), there is denial of efforts to reorganize a democratic national legal system (Tamanaha, 2004) and the semi-autonomous social field (Sally Falk Moore, 1978), Upholding the integration value of legal pluralism which was built in the midst of pluralism for the purpose of comprehensively realizing justice, benefit and certainty for indigenous people. Differences in the perception of the recognition of indigenous people in tourism development between the Government and indigenous people. This is where the pros and cons of recognizing indigenous peoples lie with the regional regulations in question. The local government's perception that the policy of recognizing indigenous peoples through the legal product of a regional regulation has been assessed as relevant. Before the regional regulation is enacted, of course, requesting input from expert staff in the field of law and community representatives regarding the needs of developing cultural tourism in the province of Bali. The preparation of regional regulations has also been guided by the direction of sustainable tourism development targets as mandated by Article 4 of Law No. 10 of 2009 (Indonesia, 2009). The local government's concern for indigenous people is reflected in Article 11 of the Bali Provincial Regulation No. 2 of 2012, that regional tourism development is oriented towards equitable distribution of economic growth, increasing job opportunities, reducing poverty, and preserving culture and the environment. The problem that is considered by the tourism industry is not fully recruiting local workers due to consideration of the competitiveness and productivity of local workers in Indonesia in general and in Bali Province in particular, which is relatively low. One of the main reasons is that the education level of the workforce is still low. Based on data from the Central Statistics Agency of Bali

Province (Bali, 2020), per Februari 2020, The Open Unemployment Rate (TPT) was recorded at 1.21 percent, an increase of 0.02 percent compared to the February 2019 TPT which was recorded at 1.19 percent, marked by an increase in 1,065 unemployed people. Judging from the level of education, the TPT for Diploma I/II/III is still the highest among other levels of education, which is 3.77 percent. The low quality of human resources from local workers affects competitiveness with workers from outside the region and foreign workers, especially in the current MEA era. Indigenous people's perceptions actually assess that subordination in decision-making is only based on appointments, not initiatives or representatives of indigenous people so that it is considered that the aspirations conveyed do not target the needs of indigenous people in the field. The profit-sharing system that has been implemented between the local government and the indigenous population is actually considered by the natives as a place to exploit the potential of the region to increase income without further distribution for structuring tourist areas in the native population. The local government is considered by the natives to be still minimal in providing assistance in terms of certified free apprenticeship training that can prepare skilled workers in the tourism sector.

Responding to the pros and cons that occurred, on the one hand the recognition of indigenous people in tourism development has existed, but there are still injustices for indigenous people both in terms of involvement in area management, recruitment of local workers, decision making and profit sharing balance. Moral indicators are not good allegedly as one of the causes of neglecting the recognition of indigenous people in tourism development. Local governments with tourism promotion programs encourage indigenous people to maintain traditional, customary and cultural values which are the financial objects of tourism assets. Indigenous people feel that so far what has been done to support government programs has been considered in vain. The income from the tourism sector in some indigenous people was found not to be distributed properly for the improvement of supporting facilities for cultural tourism. Some tourism places are found abandoned and not supported by good maintenance facilities. The lack of involvement of indigenous leaders in polling forums in the field of tourism management causes the aspirations of the indigenous people to have not been properly accommodated. So far, the membership of the indigenous population has not been able to forge compromises to establish transparent partnerships with the mechanism of the audit control system. Indigenous people also still do not have the courage to reveal the form of marginalization of tourism area management. Sanctions against parties who exploit tourism areas in indigenous areas do not actually cause a deterrent effect, but a gap in the blurring of norms contained in Chapter X, Article 26 (2) of the Bali Cultural Tourism Regulation which has not explicitly regulated the rights and obligations of indigenous people in managing the tourism area is used to exploit the area clandestinely in the name of adat through profit-sharing cooperation to boost the image of the government's success in tourism management. Indigenous people are in a position as a tool to support increased regional income, on the other hand the indigenous people have not fully fulfilled their rights. The natives are also afraid to tell the truth.

The response stimulus to the growing legal issue is that there is still a norm ambiguity that occurs in Article 26 (2) of the Bali Cultural Tourism Regional Regulation which indicates that there is a fraudulent loophole in the recognition of indigenous people in tourism development. The theory of justice (Rawls, 1971), justice as fairness. Precisely justice does not only apply to a few people but applies to everyone equally. Guided by the theory of justice, the regulation of recognition of indigenous peoples in tourism development must pay attention to the rule of game according to justice procedures, from the Government and from indigenous people. It is urgent for the government to implement a sophisticated system of quality auditing for the development of tourist areas and the management of controlling tourist visits in developed countries, such as early check-in and late check-out of tourist area management. Building partnerships between the Regional Government through the Tourism Office, the Association of Hotels and Restaurants of the Republic of Indonesia and related indigenous people as a manifestation of a triple helix mutual synergy.

Method

This article uses a normative legal research typology. (Marzuki, 2010), A process to find the rule of law, legal principles and legal doctrines in order to answer the legal issues faced in order to achieve legal goals that reflect the values of justice. (Bambang Sunggono, 2009), Analyze the legal norms that have been set by the authorized official. (Nurbani, 2014), The normative legal research method is needed in presenting a legal argumentation. The study of this article is based on the existence of an arrangement for the recognition of indigenous people in tourism development which is interpreted as a blurring of norms between Article 26 (2) of the Regional Regulation of the Province of Bali No. 2 of 2012 concerning Balinese Cultural tourism with Article 23 of the Bali Provincial Regulation No. 4 of 2019 concerning Desa Adat. (Mamudji, 2009), The approach used in normative legal research is the statute approach. (Muhammad, 2004), The legal materials used in the preparation of this article are primary legal materials in the form of laws and statutory regulations as the main legal materials, while secondary legal materials include legal reports, legal records, and other legal papers that only have persuasive power. (Suandi, 2003), Primary and secondary legal materials are collected using a card system based on subject matter to facilitate analysis and concepts related to certain legal issues are recorded on the cards. As a theoretical framework in this study, the theory of legal pluralism is used (Sally Falk Moore, 1978); (Griffiths, 2005); rule of law theory (Tamanaha, 2004) and the theory of justice (Rawls, 1971). (Sidharta, 1999), The technique of analyzing legal materials uses legal hermeneutic techniques using legal interpretation methods so that the rules meet the elements of logic and develop rational arguments by explaining the results of legal interpretation, legal construction and legal reasoning.

Discussion

Is a Disclaimer of Indigenous Confessions Ethical?

According to Van Apeldorn, law is not enough to be interpreted as a rule that binds its citizens, but must have aspects of justice and other principles that are useful for protecting citizens fairly and guaranteeing legal certainty for every citizen, without exception. (Juanda, 2017). One of the important means to realize justice in society is legal norms that are formulated from the values that apply in the community which include ethical and moral values, therefore law enforcement in the community must also be carried out with the accompaniment of ethical and moral values. *Quid leges sine moribus* in the sense that the law does not mean much, if it is not imbued with morality (Suadi, H. A., & SH, 2018). In line with Suadi & SH's view, ethical indicators are largely determined by morality. The perception of most respondents revealed that ignoring the recognition of indigenous people in tourism development as an unethical act from a moral point of view contained in every substance of the legal rules that have been set. Categorized as unethical because it can cause harm not only to individuals but also to the state. The existence of an indigenous recognition arrangement that reflects semi-autonomous legal pluralism.

Based on this semi-autonomous pluralism perspective, state recognition of indigenous peoples through local regulations is still limited to indigenous peoples as a collective unit. In the study of the recognition of indigenous peoples with a legal pluralism approach, indigenous peoples are positioned according to their views (Griffiths, 2005), A semi-autonomous social area is a social group that is identified and engaged in regulatory activities (laws) in which individual behavioral processes and processes of interaction within and between semi-autonomous areas affect the effectiveness of the law at a particular location and time. For example, the Regional Regulation of each Regency/City places different treatments according to the characteristics of the region. Can be analyzed the provisions of Article 25 of Law no. 2 of 2012 emphasizes that there is more emphasis on cooperation between indigenous people and local governments in preserving Balinese cultural tourism. In practice, the indigenous people of Kuta, which incidentally is the center of tourism in Bali, are considered more capable of building partnerships with local governments in the field of cultural tourism development, compared to the indigenous people of Jati Luwih

based on the findings of previous research. (Dewi, 2013), There is a subordination of the local government of the Tabanan district to the indigenous population in the profit-sharing system for the management of the central tourism area. agree with (Sally Falk Moore, 1978), A semi-autonomous social area is defined and constrained not by its organization, but by the characteristics of the process, the fact that within that area it can create laws (rules) and compel or encourage obedience within that area. (Pradhani, 2020), State court decisions recognize and sometimes amend customary law provisions in concrete cases. (Simarmata, 2019), Indigenous people's rights are recognized in various laws and regulations at various levels of government and also in court decisions. The regulation on the recognition of indigenous peoples by the State already exists, but the substance of the regulation is still unclear regarding the obligations of indigenous people in tourism development between Article 26 paragraph (2) of the Regional Regulation of the Province of Bali No. 2 of 2012 with Article 23 and Article 24 letter (j) of the Regional Regulation of the Province of Bali No. 4 of 2019. Input for local governments, especially legal drafters, to include arrangements for explicitly recognizing the obligations of indigenous people in the development of cultural tourism in the Bali Provincial Regulation No. 2 of 2012. (Irianto, 2012), Not only actors who continue to move are the focus of the study of legal pluralism, but also actors who are silent and become recipients who interact with actors who are moving. Recognition of indigenous peoples as partners of local governments is required with the lack of involvement of indigenous peoples indicating a moral degradation based on democracy, in terms of moral ethics it is considered unethical because it has denied the aspirations of people's sovereignty. Feedback as a form of control from traditional villages is very much needed which is still considered vacuum. Constructive input and criticism from indigenous peoples at local, national and international levels also influences the indigenous resistance movement as described (Barnes, 1992), in the Malind indigenous people's resistance movement against the Merauke Integrated Food and Energy Estate project. The essence of recognition as mandated by Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia is in line with the views of (Selznick, 1978), One impact of legal pluralism is to increase the opportunity for a group of people or organizations such as indigenous people to participate in law-making. Criticizing without contributing will also be in vain, it is not wise to blame the performance of the Regional Government which is considered less democratic, while the procedurally made policies have been asked for input through polling forums. The perception of some parties is unethical when the indigenous people are faced with the problem of being constrained in sending their envoys as representatives to convey their aspirations. Job opportunities for local workers who are considered unfair, unilateral decision-making and the existence of unequal profit-sharing funds after being traced to the background of a leader who is present in the community from the government have not been judged to have succeeded in meeting the moral ethical standards of the legal profession because the indigenous people who were sheltered during it feels neglected. In a democratic state of law, it is considered unethical if transparent and responsible partnerships between the parties have not been able to be built.

It is very necessary for a complete idealism for a law enforcement apparatus, and legal norms that contain ethical values and justice. Further than that, according to Soerjono Soekamto in (Sitompul, J. M., Ikhsan, R., & Adisti, 2020), The ideal law enforcement is only possible if it is supported by four important elements, namely: 1. Good legal norms 2. Good law enforcement apparatus 3. Good legal society 4. Good legal facilities and infrastructure. It is considered ethical if the arrangement for the recognition of indigenous peoples in an ideal tourism development is realized, it is at least necessary to harmonize the four elements mentioned above. The harmonization of the four elements is believed to be the arrangement of the recognition of the indigenous population with the Regional Regulation will be able to realize the ideal orientation, but from all of that the orientation of justice is the main orientation in regulating the recognition of the indigenous population. Agree with (Sally Falk Moore, 1978); (Griffiths, 2005), The diversity of culture and cultural values of the Indonesian nation which is a cultural tourism asset substantially will certainly greatly affect the value of formal justice, norms for recognizing customary villages with laws and regulations in accordance with Article 7 of Law no. 12 of 2011 concerning the Establishment of Legislations (Negara Republik Indonesia, 2011), Agree with (Tamanaha, 2004). So that sometimes the value of formal justice, the norms of recognition of indigenous peoples is not the same as the values of justice of certain cultures, referring to Article 18B paragraph (2) of the 1945 Constitution (Indonesia, 1945), in the phrase

that it is further regulated by law, in conditions like this, it is certain that the law must return to its basic essence, namely justice (John Rawl, 1971), where the regulation of the recognition of indigenous people in tourism development with regional regulations depends on the politics of legal pluralism developed by each region as a tool for realizing justice must be in favor of justice, without neglecting certainty and utility.

Does Moral Affect the Neglect of Indigenous Recognition?

The novelty of this paper is that it not only describes the legal pluralism approach related to the recognition of indigenous peoples and the regulation of indigenous recognition in tourism development, but also shows how the pluralism approach is applied in studies of political law pluralism legal recognition of indigenous peoples with local regulations. The application of the legal pluralism approach in the legal pluralism politics of indigenous recognition is not limited to the relationship between customary law and state law, but also to international law. The perspective of the legal pluralism approach does not understand the regulation of the recognition of indigenous peoples as an isolated legal order, but continues to interact dynamically with other legal orders. The juridical problem of obscurity of norms in Article 26 paragraph (2) of the Bali Provincial Regulation No. 2 of 2012 has implications for the sociological problem of unfair recognition of indigenous people in tourism development. The lack of a sense of justice in law enforcement in society is due to the imperfect moral escort for law enforcement officials in law enforcement (E., 2016). Philosophers say that moral law will give meaning to people's lives if it is enforced by officials who have good moral values. Measures of objective morality that are based on norms include religious norms, ideologies, customs or traditions, and laws. (Subiharta, 2015), Researching the morality of law enforcement and justice for the community, and also discussing the morality of society, the results of research between law and morals are interrelated, so a good law is a moral law, if the law is immoral then the law should be replaced. Law is part of a system of moral teaching. Moral teachings are principles and moral principles contained in various religions, ideologies, philosophies and traditions of society. (Harris, 2010), The categorical imperative that comes from Kant is perhaps the most famous yardstick in all of moral philosophy that grabs the attention of the public. The imperative category is "actions only conform to the (moral) maxim by which you at the same time find that the action will become a universal law." That is, an action is in line with morals if it contains universal values.

The perception of the majority of people answered that the obligations of recognizing indigenous people in tourism development with local regulations agreed to be fulfilled because morals impede everyone to do good. (Fond, 2007), In general, Indonesian people expect people to do the right thing, including fulfilling their moral duties, namely obligations that are in accordance with basic human feelings about right and wrong (sense of right and wrong) which people must follow. There are some basic human feelings about right and wrong that qualify it as conscience. Conscience as a measure of morality is identified through the conscience's response to the actions taken. Can inspire local governments in evaluating the ambiguity of norms that occurs in Article 26 (2) of the Bali Cultural Tourism Regional Regulation by containing regulations regarding the obligations of indigenous people and government partners that must be fulfilled in managing tourist areas within the territorial scope (wewidangan) of traditional villages. The reality so far is that there has been a shallow philosophical understanding of the law, where all parties, law enforcement and the community including government officials and members of the legislature, understand the value of morality that accompanies legal norms, because simply at the beginning of studying legal science it has been explained that law is a the crystallization of social values that grow in a society that contains high moral values (Ghozali, 2019). H.L.A. Hart said that to create justice, the law must include three elements of value, namely obligations, morals and rules. Therefore the law cannot be separated from the moral dimension (Tanuwijaya, 2014). According to Murphy & Coelman, in *The Philosophy of Law*, so if you want to create justice in society, the moral element must be fulfilled (Murphy, 2013). Inspired by justice, where the regulation of the recognition of indigenous people in tourism development with local regulations, based on the results of an important opinion forum including the regulation of indigenous people's obligations as a refinement of rules 26 (2) of the Bali Cultural Tourism Regional Regulation, equipped with supporting media such as partnership-based control between the

government and indigenous people by implementing an early check-in and late check-out system for tourism area management.

Does Legal Culture Affect Indigenous Disclaimer?

William argues that law includes regulations, administration and case law as an important and legal source (Falah, 2018). Of course, as an ethical guideline for a person, it is manifested in moral awareness which contains beliefs as to whether something is right or not, the feeling that arises that he will be wrong to do something he believes is not right departs from moral norms and self-respect. Legal culture can affect the neglect of indigenous people's recognition because so far it has been dominated by the measure of morality which lies in the relativity of the truth of conscience because it is subjective, depending on the awareness of each person. The values of subordination, passive, non-democratic, and closed are born from the practice of subjectivity that has so far colored the neglect of indigenous people's recognition. The ambiguity between Article 26 paragraph (2) of the Provincial Regulation of Bali No. 2 of 2012 with Articles 23 and 24 of the letter (j) of the Regional Regulation of the Province of Bali No. 4 of 2019 shows a juridical problem that is influenced by the weak legal awareness between legal drafters and indigenous people in adopting the need for recognition indigenous peoples in tourism development. It is different if the preparation of regional regulations is guided by the legal awareness of the community from the perspective of objective morality measures that are based on norms including religious norms, ideologies, customs or traditions, and laws. The study of legal pluralism in the study of indigenous recognition can be observed in the dispute resolution process. The parties will make a selection to determine which law and forum is the most appropriate in accordance with the interests of the party (forum shopping). On the other hand, each dispute resolution forum also selects accepted cases that fall within its jurisdiction (shopping forum). With this forum, the juridical problems faced can be reconstructed with ideal legal norms related to the recognition of indigenous people in tourism development in the formulation of the substance of the Regional Regulation. This is inseparable from the provisions of Article 27 paragraph (2) and Article 28D paragraph (2) of the 1945 Constitution of the Republic of Indonesia, every Indonesian citizen has the right to get decent work and receive compensation for the work. (Indonesia, 1945). The task of the state in this case the government as a legislator is to create prosperity. Law enforcement is a social sub-system, so its enforcement is influenced by a very complex environment such as political, economic, social, cultural developments, defense and security, science and technology, education and so on (Nurudin, 2016). Law enforcement must be based on what is stated in the 1945 Constitution and the legal principles that apply within a civilized nation, so that law enforcers can avoid negative practices as a result of this very complex environmental influence. Therefore, the responsibility of law enforcement officials is to strive to uphold justice not only to enforce written rules/norms, thus law enforcement officers should truly understand the legal spirit that underlies the legal regulations that must be enforced, related to various dynamics that occur in the law-making process.

Conclusion

State legal recognition of indigenous peoples in tourism development through statutory regulations can be found in the substance of the Bali Provincial Regulation No. 2 of 2012 concerning Cultural Tourism and the Bali Provincial Regulation No. 4 of 2019 concerning Traditional Villages. Indigenous recognition arrangements reflect semi-autonomous legal pluralism (Sally Falk Moore, 1978); (Griffiths, 2005), in practice there is still the influence of the State on the determination of the recognition of indigenous peoples. The juridical problem of obscurity of norms has not fulfilled the fulfillment of justice and welfare for indigenous people because of neglect in terms of participation in the management of tourist areas. It is motivated by morally unethical indicators and weak legal awareness with a subjective orientation between the government and indigenous peoples, the effect is the neglect of indigenous people's recognition. On the other hand, the rule of law theory (Tamanaha, 2004) can show the side of substantial justice and formal justice if legal ethical indicators, legal morality and legal awareness that are objective can be built and the theory of justice. (Rawls, 1971), Affirming that justice is the main virtue in social institutions of semi-

autonomous legal pluralism regulating the recognition of indigenous peoples in tourism development, as well as truth in the system of thought. There needs to be harmony between the interests of the indigenous population and the interests of the state. Regarding the sociological problem of indigenous peoples' injustice, a technical arrangement regarding the absorption of local labor from the indigenous population is needed. It is also important for the government to design a certified apprenticeship program to assist indigenous villages in developing human resources. The profit sharing system implemented must be more transparent with a control mechanism system through program audits every year. Consensus deliberation forums in the form of Focus group discussions, seminars, important workshops invite figures who are representatives of each stakeholder, including indigenous leaders. It is important for local governments to facilitate complaints services against local government public services in the form of a complaint box that can accommodate criticism and suggestions and be used as a medium for sharing information by indigenous people on government performance. To support the realization of a transparent revenue-sharing system in the future, it is important for local governments and indigenous people to design partnership-based control management by implementing an early check-in and late check-out system including a performance audit management system. This research is still limited in its studies on the recognition of indigenous peoples in the scope of local and national settings so it is important for future researchers to develop at regional and international levels. The new variables studied are related to ethics, morality and legal awareness which can then be developed into more complex variable domains such as leadership attitudes, government performance and public services.

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