

## Balinese Customary Law and Tri Hita Karana: A Philosophical Foundation for Sustainable Law in Indonesia

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### ABSTRACT

*This article examines the philosophical significance of Balinese customary law and the Tri Hita Karana principle as a normative foundation for the development of sustainability-oriented law in Indonesia. Using a normative juridical method with statutory and conceptual approaches, the research analyzes legal doctrines, regulatory frameworks, and scholarly discourse to evaluate how Tri Hita Karana contributes to legal philosophy and legal policy. The findings show that Balinese customary law institutionalizes sustainability through spiritual, social, and ecological harmony, demonstrated in resource governance, dispute resolution, family law, economic institutions, and tourism regulation. The study identifies the potential of Tri Hita Karana to shape a national sustainability legal framework through cultural-philosophical integration, strengthening community-based legal institutions, and harmonizing legislation with ethical responsibility to nature and culture. The article concludes that Tri Hita Karana offers a culturally grounded philosophical paradigm capable of enriching national legal development for environmental, social, and cultural sustainability*

**Keywords:** Balinese customary law, legal philosophy, sustainability, traditional wisdom, Tri Hita Karana

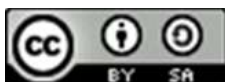
### INTRODUCTION

Balinese customary law represents one of the most enduring forms of legal culture in Indonesia, characterized by a normative system rooted in religious, philosophical, and communal values. Unlike positive national law, which is derived from state legislation and legal codification, Balinese customary law is intrinsically intertwined with the worldview of Hindu Balinese society, where law is not merely an instrument of regulation but a reflection of cosmological balance. One of the foundational philosophical elements underpinning Balinese customary law is the principle of Tri Hita Karana, which emphasizes balance among humans, nature, and God. In the contemporary legal context, the exploration of Tri Hita Karana is increasingly relevant because it offers a holistic legal paradigm capable of advancing sustainability-oriented law and bridging the divide between anthropocentric and ecocentric regulatory approaches. Its normative relevance is especially visible in the fields of environmental protection, cultural preservation, and tourism governance, where legal policy requires harmonization between economic development and ecological-cultural protection.<sup>1</sup>

The philosophical dimension of Tri Hita Karana continues to influence contemporary governance and legal developments in Bali, particularly in the tourism

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<sup>1</sup> A. A. N. A. Wibisana and A. A. S. L. Dewi, "Tri Hita Karana as a Concept of Local Wisdom in The Development of Sustainable Tourism in Bali," *International Conference on Changing of Law: Business Law, Local Wisdom and Tourism Industry* (2023): 65-72



sector. Several legal studies have shown that the evolution of sustainable tourism policy in Bali is inseparable from efforts to preserve cultural identity and environmental integrity, which are conceptualized as a unified legal value rather than separate fields of regulation. Normative legal scholars argue that the Tri Hita Karana orientation provides a framework for sustainable tourism governance based on the idea that human welfare cannot exist without spiritual and ecological harmony.<sup>2</sup> This perspective has increasingly influenced legal instruments concerning land acquisition, cultural sites, and spatial planning for tourism development. Sustainable tourism regulations in Bali demonstrate that Tri Hita Karana is not only an ethical foundation but also a guiding legal principle that shapes public policy.

The significance of Tri Hita Karana for legal studies extends beyond the tourism field. Its normative influence is also seen in conflict resolution, community-based resource management, financial institutions, and social cohesion mechanisms. For instance, the resolution of village boundary conflicts demonstrates that customary legal institutions apply Tri Hita Karana as a normative reference to restore balance among conflicting communities rather than imposing adversarial sanctions. This illustrates a restorative model of law that prioritizes social equilibrium, consensus, and collective welfare.<sup>3</sup> The same orientation is reflected in the Subak irrigation system, where the regulation of water distribution is based on obligations, spiritual values, and ecological responsibilities, illustrating that law in Bali traditionally functions as an instrument of sustainability rather than merely rights enforcement.<sup>4</sup> Therefore, Balinese customary law and Tri Hita Karana challenge the conventional notion that law must derive solely from state authority and demonstrate that justice and sustainability can be constructed through cultural and philosophical foundations.

As global legal discourse moves toward sustainability, Indonesian law increasingly recognizes the value of indigenous legal systems. Scholars of legal philosophy argue that modern sustainability law must reconcile economic interests with ecological balance to prevent irreversible environmental degradation.<sup>5</sup> International frameworks promoting sustainable culture, eco-governance, and green development have reshaped the understanding that sustainability must be internalized within legal norms, not limited to policy slogans. Within this context, Tri Hita Karana provides profound ethical grounding to constitutionally embed sustainability into legal systems. It offers a philosophical pathway to unify state law and customary law by promoting holistic justice rooted in ecological and spiritual responsibility, rather than a purely anthropocentric perspective.

Despite its growing relevance, several research gaps remain. First, Wibisana and Dewi (2023) examined Tri Hita Karana as a conceptual foundation for sustainable tourism development but did not analyze its legal normativity within national legal doctrine. Second, Wijaya and Artajaya (2020) discussed its role in resolving village boundary conflicts but did not extend the analysis to broader policy frameworks. Third, Budiana and Suderana (2019) examined and reflected environmental law in the local

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<sup>2</sup> I. A. T. D. Manuaba, I. D. A. S. A. Ramaswari, and I. W. K. J. Utama, "Implementation of Land Acquisition of Customary Property Rights for Sustainable Tourism Development in the Tri Hita Karana," *Proceedings of the 3rd International Conference on Business Law and Local Wisdom in Tourism* (2023): 295

<sup>3</sup> M. H. Wijaya and I. W. E. Artajaya, "Tri Hita Karana in Balinese Customary Law as a Basis for the Settlement of the Village Boundary Conflict in Bali," *Sociological Jurisprudence Journal* 3, no. 1 (2020): 59–64

<sup>4</sup> N. Suryawan, I. W. Wiryawan, I. W. Gata, and I. W. Kandia, "Subak Bentuk Kearifan Lokal Bali Berbasis Tri Hita Karana dan Tantangannya pada Era Globalisasi," *Sphatika: Jurnal Teologi* 14, no. 1 (2023): 61–73

<sup>5</sup> W. D. Putro and A. W. Bedner, "Ecological Sustainability from a Legal Philosophy Perspective," *JILS* 8 (2023): 595

wisdom concept of Balinese people but did not assess its integration within national legal development. Therefore, the novelty of this research lies in constructing a philosophical interpretation of Tri Hita Karana as a normative foundation for the development of sustainable law in Indonesia, bridging the values of Balinese customary law with national legal philosophy. The purpose of this study is to doctrinally examine how the Tri Hita Karana principle can contribute to the development of sustainability-based law in Indonesia through integration of philosophical ethics, customary norms, and national legal theory.

## METHODS

This study employs a normative juridical method because the research object concerns the philosophical foundation and legal doctrine that frames the relationship between Balinese customary law, Tri Hita Karana, and the development of sustainability-oriented law in Indonesia. The normative juridical method focuses on legal principles and doctrines rather than empirical social observation, allowing deep theoretical analysis of the legal conception of sustainability and the philosophical basis of Balinese law. The statutory approach is used to analyze legal instruments governing customary institutions and sustainable development in Bali, while the conceptual approach allows an examination of the fundamental philosophical elements embedded in Tri Hita Karana and their relevance to Indonesian legal theory on sustainability.<sup>6</sup>

Primary legal materials in this research include statutory regulations and regional policies regarding Balinese customary governance, tourism regulation, and sustainable development. Secondary legal materials consist of scholarly works on Tri Hita Karana, legal philosophy, and sustainable governance, while tertiary materials include legal encyclopedias and terminological references. Legal materials were collected through library research, which is the standard data collection technique for normative legal studies. All legal materials were examined using prescriptive and analytical interpretation, enabling the identification of philosophical propositions, legal arguments, and normative constructs suitable for integrating Tri Hita Karana into sustainability-based legal development in Indonesia.<sup>7</sup> The ultimate goal of the legal analysis is to formulate doctrinal recommendations for national legal reform that preserves cultural identity while strengthening sustainability principles within the Indonesian legal system.

## RESULTS AND DISCUSSION

### **Tri Hita Karana as a Philosophical Foundation for the Construction of Sustainable Law in Indonesia**

Tri Hita Karana offers a philosophical paradigm that positions law not merely as a mechanism of social control but as an instrument for maintaining harmony between humans, nature, and God. In the context of legal philosophy, this concept represents a synthesis between anthropocentric and ecocentric legal orientations, where human welfare and ecological balance are inseparable. Thus, Tri Hita Karana contributes to the philosophical reconstruction of sustainable law by embedding ethical responsibility toward the environment and spiritual values into legal regulation. Legal scholars emphasize that sustainability is not solely a technical regulatory issue but requires

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<sup>6</sup> I. W. W. Astara, "Bali Tourism Law and Philosophical-based Ecotourism Management Tri Hita Karana," *International Conference on Business Law and Local Wisdom in Tourism* (2021): 239–244

<sup>7</sup> N. K. S. Adnyani, "Pengakuan atas Kedudukan dan Keberadaan Masyarakat Hukum Adat: Kajian Pengaturan Subak dalam Perspektif Hukum Negara," *Jurnal Pendidikan Kewarganegaraan Undiksha* 9, no. 2 (2021): 463–473.

ontological grounding to ensure coherence between ecological protection and cultural identity.<sup>8</sup> Within this structure, Tri Hita Karana provides an ethical-normative foundation that transforms sustainability from a policy goal into a legal philosophy.

The orientation of Tri Hita Karana toward sustainability is reflected in the evolution of Balinese customary law, where legal norms are constructed to preserve natural balance and communal relations rather than to promote private rights without restriction. This worldview aligns with legal doctrines of public interest environmental law, where the notion of justice extends beyond humans to include ecological continuity. The philosophical contribution of Tri Hita Karana therefore lies in articulating sustainability as a moral duty embedded in legal obligations rather than a negotiable policy preference. This is consistent with global scholarly arguments that ecological sustainability requires a transformation of legal values rather than mere regulatory adaptation.<sup>9</sup> Within this theoretical frame, Tri Hita Karana enriches Indonesian legal philosophy by reaffirming that responsibility to nature is a legally meaningful moral value.

Tri Hita Karana also illustrates that sustainable legal philosophy requires balancing economic development with environmental protection. Evidence from legal governance in Bali demonstrates that the incorporation of Tri Hita Karana into sustainable tourism regulations creates a model in which cultural preservation and ecological protection are integral to economic planning. This approach contrasts with conventional development policies that assess environmental protection only as a secondary interest. Tourism governance embedded in Tri Hita Karana shows that legal instruments can institutionalize cultural ethics to reduce excessive exploitation of natural resources.<sup>10</sup> This contribution is crucial for Indonesia, where legal conflicts between development and environmental protection frequently arise due to the dominance of extractive economic interests.

Legal philosophy rooted in Tri Hita Karana also offers a foundation for sustainable land governance. In customary land acquisition cases, customary property rights are not interpreted through absolute ownership but through shared moral responsibility toward the natural and spiritual environment. This conceptualization demonstrates that land law does not have to follow a purely market-based rationale but can reflect values of ecological justice. Therefore, the Tri Hita Karana orientation introduces a balancing mechanism to prevent unsustainable land commodification by integrating cultural ethics into land governance.<sup>11</sup> This approach contributes to doctrinal innovation in agrarian sustainability and highlights the role of indigenous philosophy in modern legal development.

Tri Hita Karana's legal relevance extends to normative conflict resolution. In customary dispute mechanisms, the objective of adjudication is not retribution but restoration of social and ecological balance. This principle aligns with restorative justice and natural resource governance, where conflict resolution promotes reconciliation rather than legal victory. Such an orientation is increasingly relevant in global legal debates in which sustainability requires reconciliation between human activity and

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<sup>8</sup> W. D. Putro and A. W. Bedner, "Ecological Sustainability from a Legal Philosophy Perspective," *JILS* 8 (2023): 595

<sup>9</sup> M. Munib et al., "Conservation Environmental Sustainability in the Perspective of Islamic Legal Philosophy," *Samarah* 6, no. 2 (2022): 556–572

<sup>10</sup> A. A. N. A. Wibisana and A. A. S. L. Dewi, "Tri Hita Karana as a Concept of Local Wisdom in The Development of Sustainable Tourism in Bali," *ICCLB* (2023): 65–72

<sup>11</sup> I. A. T. D. Manuaba, I. D. A. S. A. Ramaswari, and I. W. K. J. Utama, "Implementation of Land Acquisition of Customary Property Rights for Sustainable Tourism Development in the Tri Hita Karana," *ICBLT* (2023): 295

ecological protection. The doctrinal value of Tri Hita Karana therefore lies in offering legal rationality that unites restorative justice and environmental ethics.<sup>12</sup> This contribution enriches Indonesia's sustainability legal framework by grounding legal principles in cultural and spiritual values.

### **Institutionalization of Tri Hita Karana in Balinese Customary Law and Regional Legal Policy**

The institutionalization of Tri Hita Karana within Balinese customary law is evident from the manner in which customary institutions integrate philosophical values into community governance. Customary regulations and adat institutions operationalize legal norms that reflect spiritual, social, and ecological harmony. One example is the mechanism of village boundary dispute settlement, where Tri Hita Karana functions not as symbolic rhetoric but as an ethical-normative reference to balance collective interests, restore social relations, and prevent long-term conflict. These dispute resolution practices show a substantive application of philosophical values through enforceable customary norms.<sup>13</sup> Thus, institutionalization of Tri Hita Karana is not abstract but operates concretely within community-level adjudication.

Beyond dispute resolution, Tri Hita Karana has been formally integrated into regional legislation in Bali. The Bali Provincial Regulation on Cultural Tourism mandates that tourism governance must be based on cultural preservation and ecological sustainability in line with Tri Hita Karana principles. This demonstrates a unique form of normative transformation from philosophy to regulatory obligation. Scholars emphasize that this regulatory model illustrates that customary values can guide contemporary legal policy without losing cultural authenticity.<sup>14</sup> Such developments reveal the compatibility of Balinese customary philosophy with modern lawmaking and serve as a model for integrating indigenous wisdom into national legal development.

Institutionalization of Tri Hita Karana also intersects with financial and economic governance. Village Credit Institutions in Bali apply Tri Hita Karana by managing financial services based on values of solidarity, accountability, and communal welfare rather than pure profit orientation. This economic governance model demonstrates how legal norms rooted in local wisdom can shape financial institutions to support sustainable development. The incorporation of Tri Hita Karana into the organizational governance of Village Credit Institutions indicates that legal institutions can internalize philosophical values to reinforce ethical conduct and community-oriented economic development.<sup>15</sup> Therefore, Tri Hita Karana proves adaptable for shaping governance beyond cultural and environmental domains.

In the field of agrarian and natural resource governance, the Subak irrigation system reflects the institutionalization of Tri Hita Karana in water management and land use regulation. Traditional leaders ensure that irrigation entitlements are allocated not only based on human needs but also on ecological preservation and spiritual

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<sup>12</sup> I. W. W. Astara, "Bali Tourism Law and Philosophical-based Ecotourism Management Tri Hita Karana," *ICBLT* (2021): 239–244.

<sup>13</sup> M. H. Wijaya and I. W. E. Artajaya, "Tri Hita Karana in Balinese Customary Law as a Basis for the Settlement of the Village Boundary Conflict in Bali," *Sociological Jurisprudence Journal* 3, no. 1 (2020): 59–64

<sup>14</sup> M. H. Wijaya and P. L. O. Permadhi, "Prinsip-Prinsip Tri Hita Karana di Dalam Pengaturan Hukum Kepariwisata di Bali," *Jurnal Hukum Saraswati* 3, no. 1 (2021)

<sup>15</sup> I. G. W. D. Wijaya and I. G. N. P. Suryanata, "Akulturasi Nilai Filosofi Tri Hita Karana Di Lembaga Perkreditan Desa (LPD) Kesiman," *E-Jurnal Ekonomi dan Bisnis Universitas Udayana* 10, no. 1 (2021): 23–32

obligations. This tradition demonstrates that legal governance rooted in Tri Hita Karana possesses institutional durability and ecological effectiveness in resource distribution. Globalization, however, challenges the sustainability of this model due to increasing tourism pressure, land conversion, and modernization of agriculture. Therefore, institutionalizing Tri Hita Karana requires not only customary compliance but also legal protection from the state.<sup>16</sup> This condition reinforces the necessity of integrating classical philosophical values into modern statutory frameworks.

Institutionalization of Tri Hita Karana can also be found in dispute resolution of family and marriage conflicts. Customary courts in Bali resolve family disputes by restoring social and spiritual harmony rather than focusing solely on legal fault. This demonstrates that Tri Hita Karana operates as an ethical basis that prioritizes relational balance over punitive measures. Legal studies on marriage disputes highlight that Tri Hita Karana provides normative legitimacy to restorative family settlement and reduces social fragmentation.<sup>17</sup> Therefore, the institutionalization of Tri Hita Karana expands the role of customary governance in shaping social order and promoting sustainability-oriented justice.

### **The Potential Integration of Tri Hita Karana into Indonesia's National Legal Development for Sustainability**

The relevance of Tri Hita Karana extends beyond regional and cultural boundaries and has the potential to contribute significantly to the development of sustainability-based legal doctrine at the national level. Indonesian statutory law has increasingly recognized the need to incorporate indigenous values into legal reform as a response to ecological degradation, cultural erosion, and social inequality. Within this framework, Tri Hita Karana provides a philosophical foundation capable of bridging customary and national law through a normative orientation toward environmental responsibility, social balance, and spiritual ethics. The philosophy reinforces the conception that sustainability must be grounded in moral values and cultural identity to be functionally embedded into legal norms. This aligns with contemporary legal theory, which argues that national sustainability law cannot be shaped solely by economic or technological considerations but requires a philosophical paradigm that defines the ethical objectives of legal regulation.<sup>18</sup> In this context, Tri Hita Karana can strengthen the moral foundation of Indonesian legal development toward sustainability.

The integration of Tri Hita Karana into national legal reform also aligns with the modern shift toward sustainable cultural governance. Legal studies demonstrate that cultural-based sustainability strategies in Bali are not merely incidental but represent a systematic legal model that aligns economic progress with ecological preservation and social cohesion. This orientation mirrors international sustainability frameworks that emphasize local culture as a legal resource for sustainable development. The legal administration of tourism villages such as Keliki illustrates how Tri Hita Karana is applied as a framework for legitimizing cultural sustainability through binding local

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<sup>16</sup> N. Suryawan, I. W. Wiryawan, I. W. Gata, and I. W. Kandia, "Subak Bentuk Kearifan Lokal Bali Berbasis Tri Hita Karana dan Tantangannya pada Era Globalisasi," *Sphatika: Jurnal Teologi* 14, no. 1 (2023): 61–73

<sup>17</sup> N. Herlinawati, N. E. Ningsih, and M. R. Fauzan, "Penyelesaian Sengketa Perkawinan Berbasis Hukum Adat Bali," *Jurnal Humaniora dan Sosial Sains* 2, no. 2 (2025): 222–227.

<sup>18</sup> R. A. Windari, N. K. S. Adnyani, and Dantes Amaritasari, "Legal Politics of Indonesian National Legal Development in the Perspective of Legal Theory and Legal Philosophy," *International Conference on Scientific Studies* 1, no. 1 (2023): 36–44

policies.<sup>19</sup> This evidence supports the argument that Tri Hita Karana can be adopted as a doctrinal basis for national legal development in sectors beyond tourism, including environmental policy, natural resource management, and spatial planning.

The potential integration of Tri Hita Karana into national law also relates to institutional strengthening. The experience of Bali shows that the institutionalization of sustainable values can occur not only through legislation but also through community-based institutions capable of producing and enforcing norms. For example, Subak demonstrates that traditional resource governance grounded in cultural values can achieve ecological balance where state-based regulatory systems have faced challenges. The philosophical value of Tri Hita Karana therefore offers a reference for designing national institutional arrangements that support community-based sustainability governance.<sup>20</sup> Integration of Tri Hita Karana into national law can improve the legitimacy of environmental governance by reinforcing the cultural meaning of sustainability and strengthening community participation in legal implementation.

The shift toward sustainability-based legal philosophy in Indonesia is also reflected in corporate governance and economic regulation. Scholars have shown that modern business sustainability frameworks increasingly emphasize ethical alignment with local wisdom as a source of competitive advantage and long-term resilience. In Bali, corporate governance models inspired by Tri Hita Karana illustrate how spiritual and ecological values can be institutionalized as organizational principles that regulate business conduct.<sup>21</sup> This suggests that the integration of philosophical customary values into legal governance does not hinder modernization but instead provides a cultural foundation that promotes long-term economic stability and social welfare. In this sense, Tri Hita Karana offers a philosophical grammar that enables Indonesia to navigate global economic dynamics without neglecting cultural identity and ecological responsibility.

The integration of Tri Hita Karana into national legal development requires refinement of legal philosophy, statutory design, and institutional structure. Philosophically, Tri Hita Karana provides the ontological foundation for sustainability as a normative legal value. Statutorily, it requires the formulation of sustainability-oriented legislation that recognizes cultural ethics as a binding legal principle. Institutionally, it necessitates synergy between the state and customary institutions to ensure that sustainability is implemented through both formal and community-based governance. Research in legal theory and legal philosophy shows that national legal development succeeds when it harmonizes universal legal principles with cultural identity and local wisdom.<sup>22</sup> This provides doctrinal grounding for integrating Tri Hita Karana into Indonesia's sustainability legal agenda as an effort to strengthen national law without erasing indigenous legal philosophy.

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<sup>19</sup> P. P. Bali, "Tri Hita Karana Implementation as the Foundation for Sustainable Cultural Development, in Keliki Tourism Village," *The 4th International Hospitality Entrepreneurship and Innovation Conference* (2024): 722

<sup>20</sup> I. P. Sarjana, I. P. Gelgel, and I. W. B. Utama, "The Dynamics of Tri Hita Karana Implementation in the Balinese Hindu Residence in South Denpasar," *International Journal of Interreligious and Intercultural Studies* 3, no. 2 (2020): 58–68.

<sup>21</sup> I. G. B. R. Utama, C. P. Trimurti, and I. G. A. Mertayasa, *The Hita Karana sebagai Pilar Keberlanjutan Bisnis Modern Berbasis Kearifan Lokal Bali* (2025)

<sup>22</sup> I. N. Budiana and I. W. Suderana, "The Reflection of Environmental Law in Local Wisdom Concept of Balinese People in Bali," *Vidyottama Sanatana* 3, no. 1 (2019): 47–56

## CONCLUSIONS

This study concludes that Tri Hita Karana provides a profound philosophical foundation for sustainable law in Indonesia by unifying spiritual, social, and ecological values into a legal principle that promotes holistic justice. The philosophy does not merely serve as a cultural symbol but forms a normative orientation that shapes legal obligations to maintain balance between humans, nature, and God. The institutionalization of Tri Hita Karana within Balinese customary law demonstrates that philosophical values can operate as legal norms through dispute resolution, tourism governance, resource management, and community-based financial institutions. In addition, the integration of Tri Hita Karana into regional regulatory frameworks shows that indigenous values can be transformed into binding legal principles while preserving cultural authenticity.

For future national legal development, Tri Hita Karana can serve as a doctrinal basis for constructing sustainability-oriented law by embedding ethical responsibility to nature and culture within legal systems. Legal reform grounded in Tri Hita Karana requires the recognition of cultural identity, the articulation of sustainability as a legal value, and collaboration between state and customary institutions to strengthen legal implementation. Through this integration, Indonesia can build a sustainable legal framework that promotes ecological protection, economic welfare, and cultural resilience simultaneously.

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