THE LEGAL CONSTRUCTION OF SPIRITUALITY, ETHICAL AND SUSTAINABLE TOURISM OF TEMPLES IN MALANG RAYA, INDONESIA

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Abstract: Temples has become one of the main tourism destinations in which a lot of people look for spiritual fulfilment. However, there are many weaknessess on protection and management of temples in Malang Raya that do not consider spirituality, ethics and sustainable tourism aspects. The paper aims to construct integrated law regarding protection and management of temples in Malang Raya based on the principle of spirituality, ethics and sustainable tourism. This research is a socio-legal study integrating legal, economics, cultural studies. The research data was collected from library research and observation of 29 temples, followed by cross-examination analysis techniques to formulate the solution. The results identify challenges encountered in the protection and management of the temples in Malang, in terms of regulation, economics, market, attraction, accommodations, environment, and ethics. Hence, the integrated legal construction covering all sectors is a key to protection and management of temple tourism in Malang Raya. The changing from government-based to community-based has its urgency to be applied to help involve more participation of the society. Furthermore, optimizing this transformation of paradigm can be accelerated through education program such as hands-on training or formal education.

Key words: legal construction, temples, spiritual, ethic, sustainable tourism

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INTRODUCTION

Temples are a cultural legacy laden with traditional values, spirituality, and it symbolises connection between God and His humankind (Asante et al., 2015). Malang Raya which consists of Regency of Malang, Malang City, and Batu City, represents historical values and is considered an old city in Indonesia. In the 13th century, Malang was the hub of Singhasari Kingdom and had been the centre of Majapahit Kingdom in the following phase, and it has left 29 temples as heritage (Fadli et al., 2019a). The people of Indonesia, who are mostly Muslims and highly tolerant, play a significant role in the maintenance of temples in the city. Temples are available for the government to attract tourists, and this has imposed a significant number of implications on the maintenance of the temples as a cultural legacy. Some tourists use temples for spiritual purposes or as a place of worship, meditation, healing, and so forth, and the rest come to temples as part of their vacation and to capture the beauty the temples can offer in their camera lens but show little respect to this legacy, violating the ethics of courtesy and overlooking the function and the values of spirituality attached to the temples (Timothy and Nyaupane, 2009). This, in turn, erodes the sacredness of the temples, irritates pilgrims, and degrades the process of sustainable tourism. This paper is presented to discuss preservation of temples in Malang by constructing the principle of spirituality, ethics, and sustainable tourism into a

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legal framework that is integrated. In terms of protection and development of temple tourism in Indonesia, there are several key principles that lay the groundwork for the establishment of policy framework as follows (Ardika, 2015):

1. The concept of 'living in harmony' or the principle of *tri hita karana*, emphasising the relationship between God and His humankind; between human and human; and between humankind and environment (Budarma and Suarta, 2016);
2. Complying with Global Code of Ethics for Tourism (1999a) and all types of international conventions in tourism sector;
3. Guaranteeing sustainable management of tourism.

All these principles have not been fully stipulated and elaborated comprehensively and have not even been integrated into laws and regulations concerning preservation of cultural heritage, especially regarding temples in Indonesia (Fatimah et al., 2019). The local governments of Malang do not have any elaborate blue print of conservation of temples that also takes the preservation of aspects of spirituality, ethics and sustainable tourism into account.

On the other hand, the local regulation keeps improving its economic aspect in tourism through varied programs and development. Following the Government Regulation Number 68 of 2019, for example, the Regency of Malang is planning to establish Special Economic Zone (SEZ) of Singhasari on 120.3 ha of land. The master plan of the SEZ also involves the development and establishment of both Singhasari and Sumberawan temples as part of attraction for tourists (Dewan Nasional Kawasan Ekonomi Khusus, n.d). The local governments of Malang have had their effort to raise the number of tourists with all strategies such as (a) forming integrated tourist destinations and embedding traits to sharpen and highlight the image of tourism in Malang; (b) improving the quality of management of tourist attraction, facilities, and accessibilities; (c) creating new tourist attractions such as food-, education-, and religious-based tourism; (d) and so forth (Setioko, 2019).

Furthermore, in the 2019 work plan set by Tourism Agency of Batu City (2019), Product and Tourist Destination Development Coaching Program and Tourism Promotional Program and marketing become the main core of the performance of Tourism Agency of Batu City to be implemented in 2020. In 2019, the number of visits to Batu reached 6,047,460 (Central Bureau of Statistics, 2020). In 2020, this figure is expected to keep increasing (Richa, 2020).

It is inevitable that tourism holds huge economic values. It is essential to keep natural resources as the backbone of the national economy alive. Therefore, protection and management of cultural heritage require the involvement of regulation that considers dynamic environment and the structure of society living around the temples (Kunasekaran et al., 2017). In other words, the value of heritage significance in the aspects of spirituality, society, ethics, and sustainable tourism is considered important in the preservation of temples (Australian Heritage Commission & Cooperative Research Center for Sustainable Tourism, 2001; Warrack, 2013). Thus, this paper aims to building integrated legal framework concerning protection and management of temples in Malang Raya based on spirituality, ethics, and sustainable tourism.

LITERATURE REVIEW
Emerging Trend of Spiritual Tourism

The term *spirituality* is derived from Latin word *"spiritus"* meaning 'breath of life'. This word was taken from Greece *"pneuma"* written in New Testament to explain the soul of an individual following the guidance of God (Chaudhuri and Ray, 2018). Back to ancient times, there was a strong relationship between tourism and spirituality. Spiritual tourism is the oldest and the most common journey ever done in human history (Kaelber, 2006). The term religious tourism and spiritual tourism are often considered similar, but in line with modern tourism development, vivid difference between religious tourism and spiritual tourism is more apparent (Table 1). Through the development of the world which is closer to the materialistic society, human beings look for spiritual fulfilment, battery recharge, self-reassessment, personal reflection, well-being and the meaning of good life (Buzinde, 2020; Choe and O' Regan, 2020a). Some studies have shown that conceptual debate concerning tourism leans more towards the nuance of spirituality instead of religiosity (Heidari et al., 2018). In the last three decades, there is a new paradigm of relationship between tourism and spirituality, where in contemporary tourism, tourism is defined as a sacred journey, a secular spiritual experience (Sharpley, 2016). Furthermore, Haq and Medhekar (2018) define spiritual tourism in two perspectives: travelling to and visiting (1) spiritual sites like mosques, churches, or temples; (2) natural sites such as forests, seas, lakes, gardens, caves, and many more for the purpose of spirituality towards the Almighty God, peace of soul, and others. What makes spiritual tourism unique is because there is not much about traditional religion. Most tourists travel to some tourist sites where they often perform spiritual practices on their own without having to be affiliated to a certain religion (Tomljenović and Dukić, 2017). For example, some tourists are often found to spend their time practicing yoga or meditation without having to label them as Hindu or Buddhist (Norman, 2011; Choe and O' Regan, 2020b). Furthermore, most tourists have little or even no relationship with their local traditions on day-to-day basis.

Table 1. Boundaries Between Religiosity and Spirituality in the Context of Tourism (Data Source: Cheer et al., 2017)

Spirituality	Religiosity
Wellness and Healing	Religious Observance
Personal Development	Ritualised Practice
Personal Quest	Special Occasion
Socialization	Socialization
Journeying	Identity
Recreation/ Leisure	Cultural Practice

The Ethics of Tourism

Ethical tourism is a tourism model specially designed as a measure to stimulate tourism industries and visiting tourists to consider ethical values in their conduct and to stay away from activities that could impose violation of ethics affecting tourist attractions (Smith et al., 2010). As guidelines to implement ethical tourism, United Nation World Tourism Organization (UNWTO) issued Global Code of Ethics for Tourism through Resolution A/RES/406(XIII) at the thirteenth WTO General Assembly held in Santiago, Chile on the 27th of September – the 1st of October 1999. There are 10 principles comprising elements of tourism in economic, social, cultural, and environmental fields intended to maximize the utilisation and minimise

possible negative impacts that may emerge. Although Code of Ethics is not legally binding, Indonesia as a member of UNWTO (2019) can implement several recommendations from Code of Ethics in its national law (UNWTO, 2020).

Global Code of Ethics for Tourism (1999b) is aimed to enhance responsible and sustainable tourism open to all people. In terms of management of temples, specifically this code governs the essence of maintaining spiritual values and tourism in a sustainable way as intended in some articles. Some principles of spiritual tourism stipulated in this code involve:

1. Upholding tolerance and appreciation to ethical, moral, religious and philosophical values, social condition and cultural tradition along with day-to-day life of the people and minority group or local people (Article 1 paragraph (1));

2. Carrying out all tourism-related activities in harmony with the characteristics of the region or the host country for tourists and assuring that the activities appreciate law, local customs and traditions people (Article 1 paragraph (2)); and

3. Business people in tourism playing a role in helping fulfil both cultural and spiritual need of the visitors without overlooking to give a chance to tourists to perform their religious practices (Article 1 paragraph (3)).

The principles of sustainable tourism development involve:

1. All stakeholders of tourism development that have their responsibility to preserve their environment for better economic development (Article 3 paragraph (1)); and

2. Consideration over the capacity of visitors to tourist attractions made to anticipate any damage of attractions or cultural heritage (Article 3 paragraph 3).

Concept of Sustainable Tourism

The definition of sustainable tourism was first formulated in Our Common Future (also known as the Brundtland Report) (United Nations, 1987). It is said *sustainable* when "it meets the needs of the present without compromising the ability of future generations to meet their own needs". In Earth Summit taking place in Rio de Janeiro in 1992, three main pillars of sustainable development were formulated, involving economic development, social responsiveness, and environmental protection (Information Resources Management Association, 2018; Mundt, 2011). All these three pillars serve as fundamental concepts of sustainable tourism. The key principles aimed to optimise sustainable tourism are as follows (UNEP and UNWTO, 2005):

1. Utilising environmental resources, maintaining ecological process, and helping conserve cultural heritage and biodiversity.

2. Appreciation given to the authenticity of socio-culture and local communities, maintenance of heirlooms and contemporary traditions, traditional values, and contribution to understanding culture and tolerance.

3. Assurance of long-term economic activities that are valuable for all parties

Sustainable tourism is a global standard requiring the existence of formulation of national policy by involving participation, empowerment, transparency, and justice (Arintoko et al., 2020). In Indonesia, the vision of tourism development is formulated according to Indonesian Long-term Development Visions: for independence, development, justice, and welfare of Indonesia and for development that is more pro-poor people, development for growth, employment, and environment (Kementerian Negara Perencanaan Pembangunan Nasional, n.d.). Sustainable tourism can obviously give contribution to achieving the projection as set in national development of 2025 and as expected. Furthermore, Article 2 paragraph (4) of Government Regulation of the Republic of Indonesia Number 50 Year 2011 concerning Master Plan of National Tourism Development (https://jdih.setkab.go.id/PUU doc/17379/PP0502011.pdf) mentions the vision of tourism which states that "Indonesia with its competitive, sustainable, and superior tourist destinations is expected to stimulate the development of regions and welfare of the societies".
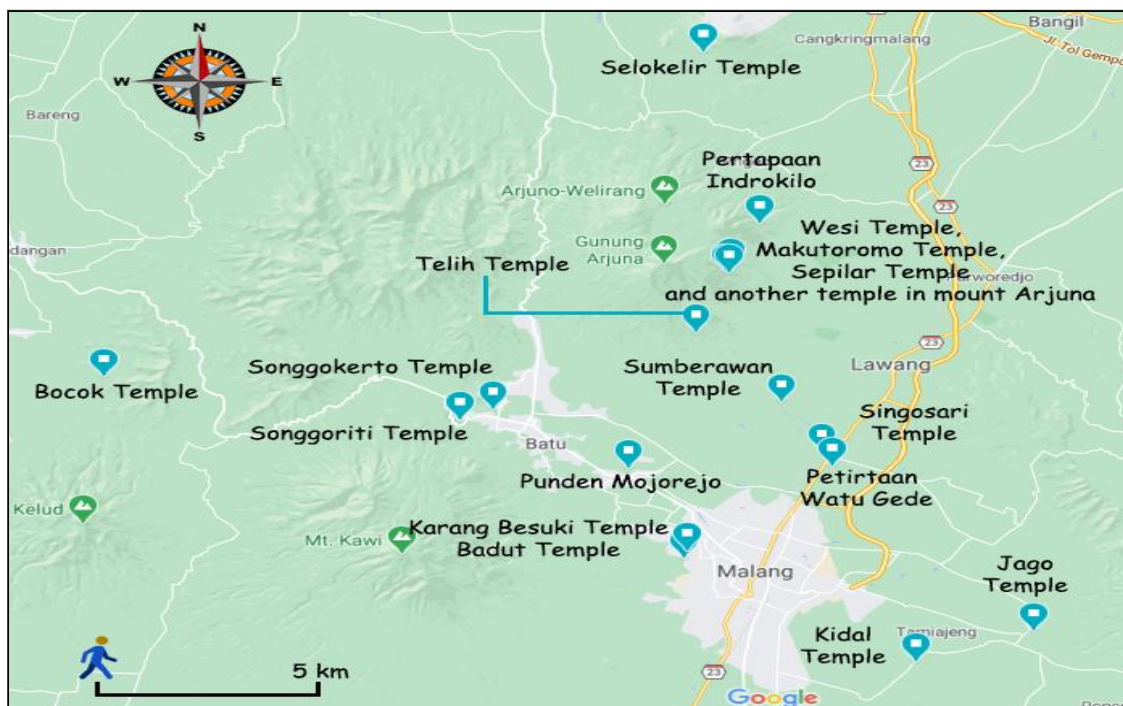
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Figure 1. Mapping of Temples in Malang Raya, East Java, Indonesia (Source: compiled by the authors)

There are 29 temples in Malang Raya that become the object of sustainable tourism namely: (1) Jago Temple; (2) Kidal Temple; (3) Singhasari Temple; (4) Sumberawan Temple; (5) Selokelir Temple; (6) Complex of Jawar Ombo Temple; (7) Bocok Temple; (8) Petirtaan Watugede; (9) Ngabab Temple; (10) Gunung Telih Temple; (11) Badut Temple; (12) Songgoriti Temple; (13) Punden Mojorejo; (14) Bhatara Guru Temple; (15) Kembang Temple; (16) Lepek Temple; (17) Madrin Temple; (18) Wesi Temple; (19) Hyang Semar Temple; (20) Makutarama Temple; (21) Patung Lesung Temple; (22) Rancang Kencana Temple; (23) Rhatawu Temple; (24) Sepilo Temple; (25) Watu Ireng Temple; (26) Laras Temple; (27) Gua Gambir; (28) Indrikilo; (29) Satria Manggung. For more detail location of temples, it can be seen from the maps below.

Every temple has its own history and function. For instance, Jago Temple, Singhasari Temple, Kidal Temple and Badut Temple was built for the purpose of recognition to the King. Whereas, Sumberawan Temple has a function as the place of worship. Therefore, in maintaining sustainability, it is important to consider utilize and authenticity of the objects.

METHODOLOGY

This paper is a socio-legal research that studies law not only in terms of text, but also in terms of context through interdisciplinary approach by integrating legal, economics, and cultural studies into a single approach (Creutzfeldt, 2020). The observation took place in 29 temples in Greater Malang, East Java, Indonesia.

Data collection was obtained from library research and observation. Observation of the 29 temples was intended to gain empirical evidence. The data was analyzed and divided into 7 categories of protection and management of the temples in Greater Malang according to spirituality, ethical and sustainable tourism: (a) regulations (5 indicators); (b) economics (4 indicators); (c) market (5 indicators); (d) attractions (3 indicators); (e) accommodation (5 indicators); (f) environment (2 indicators); dan (g) ethics (4 indicators). Based on the analysis of the weaknesses of the aforementioned 7 categories, the author came up with a solution by means of cross-examination techniques.

RESULTS AND DISCUSSION
Challenges of Temple Protection in Malang Raya regarding Spirituality, Ethics, and Sustainable tourism

Review of local governments' policies is essential to supervise the growth of tourism industries in a particular region. Tourism policies are intended to instruct the development of tourism in a country (Goeldner and Ritchie, 2011a). Initiative on tourism design taken by local governments for more structured policies lead to favorable outcomes in tourism management at national level. Malang Raya has 29 temples out of 149 all over the regions of Indonesia (Fadli et al., 2019b). Of the 29 temples, five are registered as the sites of cultural heritage at national level, including Candi Jago, Candi Kidal, Candi Singhasari, Candi Sumberawan, and Candi Badut. Supriatmo, a staff of Data and Statistics Centre of Directorate General of Education and Culture, Ministry of Education and Culture, suggests that only historical sites having the Decree of Ministry are validated, and this validation has set the temples as national cultural heritage. In other words, some other temple sites are under the responsibility of each local government for validation (Nana, 2018).

Indonesia ratified 1972 UNESCO Convention concerning the Protection of the World Cultural Heritage (hereinafter the 1972 World Heritage Convention) on 6th of July (UNESCO, n.d). Furthermore, the 1972 World Heritage Convention was adopted by Indonesian national law specifically in Law Number 5 of 1992 concerning Heritage Objects (https://peraturan.bpk.go.id/Home/Download/35315/UU%20Nomor%205%20Tahun%201992.pdf), which was further amended to Law Number 11 of 2010 concerning Cultural Conservation (https://sherloc.unodc.org/cld/uploads/res/ document/idn/law-11-of-2010_html/ind_act11_10_clther_entof.pdf). However, since the Law Number 11 of 2010 concerning Cultural Conservation (https://sherloc.unodc.org/cld/uploads/res/document/idn/law-11-of-2010_html/ind_act11_10_clther_ entof.pdf) was in place, there have not been any regulations to implement the law. This situation seems to present problems preserving the cultural heritage. Some other laws and regulations concerning protection and management of cultural heritage are overlapping, and this situation has blurred the responsibilities that both central government and the local governments should carry out; they even seem to blame each other (Astuti, 2017). Indonesian government has been aware of and recognised the concept of sustainable tourism development, but change in the paradigm of sustainable tourism has just been implemented clearly and in a more structured way since the issuance of the Regulation of Tourism Minister of Tourism Number 14 of 2016 concerning Guidelines of Sustainable Tourist Destinations. These guidelines have put communities as the main actors in tourism development in every region. However, from the hierarchical perspective of laws and regulations in Indonesia, the minister regulation encounters its own issues when it meets local regulation. The minister regulation, although it is legal, will not have its capacity to serve as a legal basis with which sustainable tourism development in Malang Raya complies for as long as the provision of the guidelines is not accommodated in the local regulation. In addition, spiritual aspect and ethics are not the main focus to consider in the protection and management of cultural heritage. Malang Raya consisting of three cities has different local regulation concerning protection and management of cultural heritage. The Regency of Malang has issued Local Regulation of Regency of Malang Number 3 of 2011 concerning Cultural Heritage (http://jdih.malangkab.go.id//sites/default/ files/prduk-hukum/Nomor_3_Tahun_2011_tentang_Cagar_Budaya.zip), Malang city has Local Regulation of Malang City Number 1 of 2018 concerning Cultural Heritage (https://jdih.malangkota.go.id/API_JDIH/storage/upload_file_hukum/ SALINAN_PERDA_1_TAHUN_2018_TENTANG_CAGAR_BUDAYA.pdf), and Batu has its Local Regulation of Batu Number 1 of 2014 concerning Management and Preservation of Cultural Heritage (https://jdih.batukota.go.id/wp-content/uploads/2019/08/PERDA-1-TAHUN-2014.pdf). All these three local regulations have their different provisions in terms of spiritual, ethical, and sustainable tourism aspects. This paper presents the analysis of standard applied in the protection and management of temples in Malang Raya based on the aspects of spirituality, ethics, and sustainable tourism (Table 2). Based on the Table above, there are drawbacks of protection and management of temples in Malang Raya in terms of:

1. Regulation

The existing regulation is still government's paradigm-based. The role of the local governments is too much dominant instead of being focused on stimulating the participation of the members of public. Moreover, the number of the laws made is still limited. There are no special regulations issued by Regent/Mayor regarding the protection and management of temples, while temples have their unique characteristics distinct from the rest of cultural heritage objects. The 1972 World Heritage Convention and the Law Number 11 of 2010 concerning Cultural Conservation have required central and local government to involve people actively in protecting and managing cultural heritage. Unfortunately, the involvement of the people is limited and there is lack of support coming from the government to facilitate and to give stimulus to people's participation. Furthermore, good legislation should be applicable or useable for a long term. However, none can guarantee this proportional implementation since power to issue a local regulation lies in the hands of a Regent/a Mayor along with DPRD (Regional House of Representatives). Ruling period is only five years, meaning that revisions or amendment of regulations are highly possible.

Table 2. Indicators on Protection and Management of Temples in Malang Raya
based on Spirituality, Ethical and Sustainable tourism (Data Sources: Weaver, 2006; author analysis)

Categories	Indicators	Areas		
		Malang Regency	Malang City	Batu City
Regulations				
Control	Community based	Government based	Government based	Government based
Quantity	High	Low	Low	Low
Principle	Public Intervention	Limited	Limited	Limited
Accent	Community well being	Yes	Yes	Yes
Timeframe	Long term	Relative	Relative	Relative
Economics				
Earnings	Low	Yes	Yes	Yes
Leakages	Low	Not Found	Not Found	Not Found
Multiplier Effect	High	Low	Low	Low
Role of tourism	Supplemental	Yes	Yes	Yes
Market				
Segment	Allocentric to midcentric	Allocentric	Allocentric	Allocentric
Volume	Small, on their own	Yes	Yes	Yes
Length of Stay	Long	Short	Short	Short
Seasonality	Without seasons	Yes	Yes	Yes
Origin	Without dominant markets	Yes	Yes	Yes
Attractions				
Characteristics	Pre-existent, authentic	Yes, but unorganized	Yes, but unorganized	Yes, but unorganized
Accent	Moderately commercial	Yes	Yes	Yes
Orientation	For locals and tourists	Yes	Yes	Yes
Accommodation				
Size	Small scale	Yes, but unorganized	Yes, but unorganized	Yes, but unorganized
Spatial model	Dispersed	Yes, but unorganized	Yes, but unorganized	Yes, but unorganized
Density	Low	Yes, but unorganized	Yes, but unorganized	Yes, but unorganized
Architecture	Local and original	No	No	No
Ownership	Local, family	Yes	Yes	Yes
Environment				
Development control	Formal controls over development of site and measures of disruptive behaviour	Yes	Yes	Yes
Waste management	Sewage management from site	Not found	Not found	Not found
Ethics				
Promotion	Values of humanity, tolerance, diversity of religious, philosophical and moral beliefs	No	Yes	No
Information	Providing objective, honest, and clear information	Not Found	Yes	Not Found
Visitors	Responsibility to acquaint themselves	No	No	No
Security	Guarantee on safety from thefts and violence against persons	Yes	Yes	Yes

2. Economics

The number of those visiting temples in Malang Raya is quite low since the management of the temples is not optimal and the marketing approach is not massively carried out. In the context of spirituality, ethics, and sustainable tourism, it is expected that tourism can still earn more money despite low figure for visitors by providing appropriate supervision and making adjustment to the visitors' preference of local/original products. Unfortunately, micro, small, and medium enterprises (UMKM) responsible to produce genuine products or services are in limited existence, and it holds true for the capital they have, where it fails to cover market demand. As a result, it is essential to enhance UMKM in all sectors with the intention to gradually replace mass tourism with other more accommodating sectors, while the objects of tourism themselves could serve as additional sector in local economy.

3. Markets

Most coming visitors who visit temples in Malang Raya are categorised as allocentric tourists—those who dare take a risk to visit untouched and secluded places they believe are more authentic and natural than the 'destination' itself (Hashimoto, 2015). To date, the figure for those visiting temples and their surrounding is considered low, while the average number of

visitors decide to not stay longer around the temples they visit due to insufficient accommodations. Visiting temples is not seasonal, but most visitors are often found around the middle of the year, the end of the year, or during public holidays or religious holidays. There is no dominating market in the management of temples in Malang Raya, and this is simply because no significant investors are attracted to invest their money for temples.

4. Attractions

Malang Raya has varied traditional arts that potentially attract visitors such as *Grebeg Wiratama* dance, *Wayang topeng* Malang, *Beskalan Putri* dance, *Bantengan*, *Serimpi Lima* dance, *Bedayan* dance, and *Macapat Malangan*. These traditional arts exist among other forms of modern art, musical art, fine art, dances, and some other contemporary arts (Malang Guidance, 2011a). There has been a lack of management in traditional arts, and traditional artists have fewer opportunities to perform regularly. Traditional arts are only performed in particular events such as during holy days, Indonesian Independence Day, or festivals (Malang Guidance, 2011b). Furthermore, the local governments only give limited finance and facilities for the development of traditional arts. This situation has led to low income for artists since the art performance they give is not commercial and is only presented for the locals or the visiting tourists.

5. Accommodation

There is growing number of hostels and homestays organised by the locals. These accommodations are also common in some tourist spots. However, most accommodations require better management to help them give additional values in terms of spiritual tourism. Moreover, the architecture of local culture does not fully emerge, and thus it fails to attract tourists.

6. Environment

The primary criterion in protection and management of cultural heritage is to preserve the environment of cultural heritage objects and surrounding areas. There are several challenges encountered in environmental management that involves:

a. Waste

Flocks of people visiting the temples contribute waste (Yadav, 2013). Waste management is present as a challenge since those in charge of managing temples are not well supported with sufficient infrastructure to tackle this problem.

b. Pollution

Spiritual tourism is characterized by peace and tranquility that visitors seek when visiting the temples, but pollution spoils this spiritual quality. The common problems with pollution involve water pollution, air pollution, noise pollution, and land pollution (Singhasari and Songgoriti Temples, for example, have spring water and it demands special management to keep the water clean). Emission coming from vehicles at the area of the temples has contributed to both air and noise pollution. Moreover, people's awareness of not littering is still low, and it potentially leads to land pollution (Dhamija, 2020).

c. Climate change

The lands and sites on which temples have stood for thousands of years have greater intimacy than modern ones, but the changing climate also affecting the change in soil moisture, temperature, salt weathering, erosion, wind change, and storm can trigger structural damage to the temples. In addition, climate change also has impacts on social and cultural aspects of the people, where it has encouraged them to change their way of life, which also has affected spiritual authenticity of the cultural heritage (Dastgerdi et al., 2019).

d. Overcrowding.

Regional governments of Greater Malang have taken some measures to attract more visitors. On one hand, this helps to improve the economic condition of the locals. On the other hand, massive number of visitors poses a threat to the temples and the cultural values of the locals in the heritage sites. Those in charge of the management of the temples are not sufficiently knowledgeable about physical, economic, social, and biophysical concepts that positively contribute to tourism (Zubiaga et al., 2019; Cros and Kong, 2020). Thus, control over physical buildings, environment and waste management is required. The local governments in Malang Raya have the regulation concerning the control policy, but involvement of technology based on the principle of efficiency in the implementation of the policy is required.

7. Ethics

The ethics in cultural heritage preservation are social norm embodied in moral standard that is aimed to guide the behavior of every individual involved in the preservation of cultural heritage. The local governments have their authority to set ethics required in the preservation, but unfortunately the Regency of Malang, Malang city, and Batu city do not have specific regulations concerning cultural heritage preservation. Since new tourist spots keep growing in Malang Raya, there is also growing likelihood of visitors violating sacred places, such as theft of cultural objects, inappropriate clothes, forbidden access to sacred places, inappropriate use of sacred places, and so forth.

The Legal Construction of Spiritual, Ethical and Sustainable tourism of Temples in Malang Raya

Tourism policy taken by the local governments is considered very important to help provide guidelines, instructions, objectives, and strategies needed in the development or promotion of tourism either for a long term or for daily routine of the locals living around the tourist spots (Goeldner and Ritchie, 2011b).

Formulating the policy of tourism must be interdisciplinary and multidisciplinary. Moreover, there are several other characteristics that have to be met (Goeldner and Ritchie, 2011c):

1. Focus is given to macro policy, and this involves all aspects of policy concerning direction that has to be taken to develop the tourism at regional, national, and international level;

2. The policy is supported by long-term scenario;

3. The policy made has to be able to meet the need and to grab the potential of tourism by adapting to the availability of limited natural resources;

4. Scientific researches, either conducted normatively or empirically, are as the main fundamental in policy making;

Table 3. Cross Examination on Regulations of Protection and Management of Temples in
Malang Raya based on Spirituality, Ethical and Sustainable Tourism (Data Source: author analysis)

Parameter	Existing Legal Framework	Recommendation
Regulations	There is no single government regulation serving as an implementing regulation for the Law of the Republic of Indonesia Number 11 Year 2010 concerning Cultural Conservation (https://sherloc.unodc.org/cld/uploads/res/document /idn/law-11-of-2010_html/ind_act11_10_clther_entof.pdf)	Urging the government to pass Government Regulation concerning Cultural Heritage is required.
	There is no comprehensive and integrated blue print regarding protection and management of temple tourism in Malang Raya	Making blue print regarding protection and management of tourism of the temples in Malang Raya is required by involving experts from several disciplines.
	There are only five out of 29 temples registered as sites of national cultural heritage	- Local Governments are expected to add other 24 temples for registration in proposal to the Central Government for registration of national cultural heritage. - Local government need to do consecration because many temples in Malang Raya are not used for spiritual activities, even become ruined and abandoned (Hermawan, 2019)
	- More government-based. Participation of people in the local regulation making is governed, but the implementation method is not detailed. Every local regulation has its own policies in term of involving people. Some juridical hindrances are seen in people's participation (Rumesten, 2012: 146): a. There are many local regulations that are more toward the interest of people. b. There are no regulations forcing governments to involve people in the process of local regulation making. c. There is no assurance guaranteeing that people will receive information. d. Corruption seems more common under legal protection e. There are many regulations governing the responsibilities of the people but overlooking their rights. f. There is no socialisation of regulations/policies.	Change of paradigm to community-based system is required. Several strategies are recommended: a. Support is given by policy makers: 1) Consistency in delivering campaigns to public and mass media 2) Aggressive promotion of temple tourism-related events through literature that will be updated yearly, indicating popular attractions and prices (Okonkwo et.al., 2020) b. Rooms for public participation are required, either before or after a policy is made, so is the participation of the people in implementing and monitoring the policy c. Local people, *adat* leaders, and several local experts should be actively involved in decision making in some important policies.
Economics	- Utilising cultural heritage is aimed for the great prosperity and welfare of the people, but in reality the policies made are not focused on stimulating the development of UMKM.	- Increasing the quantity of UMKM opened in the areas of the temples as part of the program aimed to improve both the quality and quantity of UMKM. - Policy implying that most goods and services should be obtained from local resources. - Locals should welcome visiting tourists with open arms by: a. Conceptualising restaurants and souvenirs based on local identity b. Providing local guides knowledgeable about Hinduism/ Buddhism.
Market	There is absence of policies made by local governments in the Regency of Malang, Malang city, and Batu city specifically governing market of tourism.	- Transforming tourism market segments from allocentric to midcentric—solo or small group trevel intending to stay longer and usually avoiding peak holiday seasons—is needed. - Policies regulating business people involved in tourism are to be made with the intention to stimulate them to support local products and services better.
Attractions	Local regulations issued by the regency of Malang, Malang city, and Batu city have regulated the protection, management, and utilisation of cultural heritage must refer to the principle of *Bhineka Tunggal Ika* (Unity in Diversity) and the principle of archipelago, meaning that local wisdom and image of local uniqueness of tourism are upheld. However, there are shortcomings in regulating the management of tourist attractions; there is no vivid grand design coming from the government regarding how traditional arts in Malang Raya should be presented as captivating attractions available for all local and foreign tourists.	- It is essential that the local governments of Malang Raya issue grand design of traditional art performances. With it, it is expected that the attractions performed have the quality of management, allow tourists to enjoy the performances, and add values for the development of temple tourism in Malang Raya. -The attractions performed should meet the national quality standard. - There should be supports, monitoring, and evaluation performed gradually by the local governments to help improve the innovation and quality of traditional art performances and to allow the art performance to coexist with the temples.
Accommodation	There are no strict regulations concerning management of tourism accommodations in Malang Raya since the progress of the development of tourism accommodation around the tourist locations depend on market demand in which big investors have more opportunities to realise the development.	- Increasing the number of small-scale accommodations near tourist spots is required. - Prioritising accommodations organised by the majority of locals is required.
	There are no policies upholding traditional architectural design of the accommodation buildings near temples.	- Setting standard of traditional architecture for local accommodation buildings.
Environment	Local regulations issued by Malang regency, Malang city, and Batu city have regulated environmental impacts imposed by restoration and the utilisation of the cultural heritage by involving the participation of experts. However, there are not policies governing how to restore damaged objects of cultural heritage due to natural disaster and no structured and integrated policies governing waste/garbage management caused by tourists.	- Structured and integrated control aimed to protect cultural heritage from natural disaster is required. - Control over cultural heritage preservation is required. - Number of visitors should be restricted in regards to the capacity the infrastructure can hold. - Proposed recycling programs.

Ethics	- The local governments have power to set ethics of preservation of cultural heritage, but to date the regency of Malang, Malang city, and Batu city have not issued any elaborate regulations concerning the Ethics of Cultural Heritage Preservation.	- The local governments are expected to set a policy concerning Ethics of Cultural Heritage Preservation. - The local governments are expected to improve measures of promotion to help preserve cultural heritage by means of advertising on mass media, brochures, socialisation and interaction with tourists when they arrive at the airport or when they stay in the accommodation. - It is important to give clear information about requirement tourists have to comply with when they visit temples.

1. The policy is intended to stimulate organised creativity;
2. The policy serves as a facility to support dynamic and sustainable social process;
3. The policy serves as breakthrough of paradigm transcending traditional boundaries in the sector of tourism industries;
4. Tourism policy becomes part of economic system policy at regional and national level;
5. The policy that is capable of appropriately situating business competition and partnership among stakeholders in a proper context and portion.

Supported by spiritual values, ethics, and sustainable tourism, tourism policies are expected to realise the distinct, innovative, and beneficial development and management for the locals living near temples. Thus, there is urgency to plan a framework of temple tourism that is supposed to give unique experience as part of added values to tourists. This is possible only by strengthening regulations on the basis of people participation, management in economic and market sectors, event management, accommodation development, environmental protection, and application of tourism ethics. Moreover, some improvement in the above sectors is recommended in Table 3.

Based on the above analysis, regulations play an essential role in the protection and management of temple tourism based on the principle of spiritual, ethical, and sustainable tourism. Local governments need to immediately perform a transformation of paradigm from government-based to community-based policy. Participation of people in policy making, economic and market stimulation, infrastructure development especially in accommodation for tourists, events of traditional art performance, environmental and temple preservation through ethical values serves as principle fundamentals in sustainable tourism development and as the infrastructure aimed for the prosperity of the people living near temples.

To maximize the transformation of paradigm, to accelerate implementation of policy change, and to transform the people's culture, the development of education program for government's apparatus, cultural heritage management, volunteers, and members of public are essential to be conducted in either hands-on training or formal education (Sirirat, 2019a). Principally, education is intended to increase awareness and participation of all parties, including:

Table 4. Education is aimed to provide protection and support the management of temples in
Greater Malang based on spiritual, ethical, and sustainable tourism principles (Sirirat, 2019b; author analyzed)

Trainer/ Facilitator	Material	Target	Method
Policy makers/ Tourism Management	Introducing laws and regulations Introducing governments' programs regarding temple tourism Facilitating partnership among stakeholders	Host communities Local Guide Small business owners Scholars Volunteers	Focus group discussion
Community Leader/ Local guide	Local culture Temples and their history Festivals/ Events Facilities	Tourists Volunteers	Reflection on site Training Online
Scholars	Interpretation and implementation of laws and regulations Research collaboration	Tourism Management Small business owners Local Guide Community	Focus group discussion Training Online

Top-down and bottom-up approaches are expected to contribute to effective strategies in developing temples into spiritual tourist destination based on the principles of ethic and sustainable tourism. The primary focus of the local governments on stimulating socio-economic development of local people through spiritual tourism attraction deserves appreciation and support. However, negative impact of the economic development can be hampered by implementing a policy aimed to protect environment, maintain, and conserve cultural heritage. Governments, along with tourism management and the people, must perform regular evaluation for improvement.

CONCLUSION

This paper concludes that development of integrated legal construction by considering spiritual, ethical, and sustainable tourism values represents the key factor in protection and management of temples in Malang Raya. To date, there are legal loopholes regarding the management of temples especially in terms of aspects such as economy, markets, attractions, accommodations, environment and ethics. The regulations made are mostly government-based, and this leads to minimum participation of people. This paper initiates the transformation of paradigm from government-based to community-based system. Legal loopholes in terms of the aspects such as regulations, economy, markets, attractions, accommodations, environment and ethics are constructed into a single integrated regulation. Furthermore, the transformation of paradigm is

optimized through education program such as hands-on training and formal education. Eventually, the principle of spirituality and ethics are integrated into a unity of values useful to implement sustainable tourism. Economic, environmental, and cultural aspects can work in harmony and can lead to the great prosperity and welfare for the people of Indonesia.

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