

# Management Model of Traditional Village-based Tourism Objects in the Perspective of Tourism Law

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## ABSTRACT

This study examines and analyzes existing regulatory instruments regarding the management model for traditional village-based tourism objects from the perspective of tourism law. The method used in this research is normative legal. This conceptualizes law as the thing in which it is written and contained in the applicable laws and regulations, thus existing regulations with regard to the model of managing traditional village-based tourism objects can be known. The legal basis for regulating tourism in Indonesia is regulated in Law Number 10 of 2009 concerning Tourism. In article 2, things regarding the implementation of tourism are set forth, like principles of benefit, balance, independence, participation, preservation, and sustainability. Bali, with its Traditional Villages, has the value of local wisdom in developing tourism. Hinduism, cultural customs, nature, and local law traditions (*awig-awig*) provide added value to the development of Cultural Tourism.

**Keywords:** *Management Model, Tourism Object, Traditional Village, Tourism.*

## 1. INTRODUCTION

Tourism provides chances and challenges for the countries that depend on the tourism industry. For Indonesia, the tourism industry is as prospective commodity that believed to take essential role in encouraging national development. Thus, it is not surprising that Indonesia pays special attention to the tourism industry. This is further strengthened by the fact that Indonesia has considerable natural and cultural potential, which can be used as capital to evolve tourism industry.

In the country like, Indonesia, the ways for increasing foreign exchange income includes state income in particular and people's income in general - expanding working opportunities and employment opportunities and encouraging the activities of supporting industries and other side industries are goals of tourism development. Indonesian tourism has a basic legal arrangement in law number 10 in 2009 regarding tourism [1]. As stipulated in the article 2 of the law, the principle of benefit, the principle of balance, the principle of independence, the principle of participation, the principle of preservability, and the principle of sustainability are the principles that underlie the development of tourism in the country.

Furthermore, for other aspects of the nation's life, the development of Indonesian tourism also has objectives,

that is, as determined through article 4 of the tourism law. The article states that the aims of Indonesia's tourism development such as increasing economic growth, improving people's prosperity, eradicating poorness, passing unemployment, maintaining the environment and natural resources, and also promoting culture. These goals should be realized on the absolute principle. Religious norms and values shall not be set aside but become the manifestation of the concept of living. Relationship of human and God, relationship of human and fellow humans, and relationship of human with the environment are as the principles that must be upheld and maintain nature and the environment.

In addition to the principles described above, Indonesian tourism development - contained in the provisions of article 5 of tourism law - also has other principles, like cultural diversity, upholding human rights, local wisdom, and also communities empowerment. This indicates that culture and also local wisdom-based tourism is such an aspect that concerning on the development of tourism in Indonesia. Bali, as one of the provinces in Indonesia, the development of the aspect is realized through the development and management of traditional village-based tourism objects. The development of this type of tourism is because Bali has become an island that is the most visited tourist destination. To realize the goals and principles of national tourism development, a more efficient and effective legal

arrangement, which controls the management of the development of these tourism objects, has an important role, so it urgently needs to be established. Thus, tourism management will become more structured and invite more visitors, and thus, it will ultimately improve the community's economy.

Aspects of industry, destinations, marketing, and tourism agencies are the coverage aspects of Indonesia's tourism development. The tourism development is conducted based on the development of national tourism, provincial tourism development master plan, and regency/city tourism development master plan. As the follow-up to the provisions mentioned above, government regulation number 50 in 2011 regarding the national tourism development master plan (*ripparnas*) for 2010-2025 was stipulated by the government for the national interest. Bali is as one of 50 national tourism destinations [2], which to own the potential to encourage and strengthen the sustainable tourism development that focuses on the preservation of environment and culture. As the follow-up to law number 10 in 2009 and *ripparnas* number 50 in 2011, the provincial government of Bali issued Bali provincial regulation number 2 in 2012 with regard to Balinese cultural tourism and regional regulation number 10 of 2015 [3], with regard to the master plan for regional tourism development (*rippardarda*) of Bali province of 2015 – 2029 [4]. In the article 2, number 2 of regional regulation 2012, implementation of Balinese cultural tourism should be conducted based on the principles of benefit, kinship, independence, balance, sustainability, participatory, sustainable, fair and equitable, democratic, equality and unity which is imbued with Hindu religious values by applying the philosophy of *tri hita karana*. Furthermore, in article 3 paragraph 1 of Bali province *rippardarda*, it is observed that the implementation of *rippardarda* shall be carried out in an integrated manner by the provincial government, regency/city governments, the business world, and the community.

These things were formed in order to create a tourism industry that is competitive, credible, open vast public participation space, is environmentally and socio-culturally responsible and encourages the realization of sustainable tourism. Observing the above laws and regulations, it can be claimed that tourism development in Bali is not only an effort to increase the economy, income distribution, and employment opportunities but also emphasizes the involvement of the government, the community, and the private sector in the tourism sustainability and preservation of Bali's natural and cultural resources, that is based on the values of Hinduism and the *tri hita karana* philosophy. Currently, there are 116 villages that have been designated as tourism villages by the regent or mayor in Bali. From the eight regencies and one city in Bali, some of them already have regulations regarding the tourism villages but are not entirely by the objectives or principles of tourism implementation; therefore, there is a void of norms at the

level of the Bali provincial regulations in the establishment of tourism villages.

## 2. METHOD

The type of research used is normative legal. This research is carried out by reviewing library. Normative research is also known as doctrinal research or library research [5]. This research includes legal principles and legal systematics, legal synchronization, legal history, and comparative law [6]. In this research, the law is often conceptualized as the written in the legislation (law in the book), or the law is conceptualized as a norm, that is a benchmark for people's attitude towards what is considered appropriately [7]. This type of normative legal research is because of the absence of norms in the regulations related to the traditional village-based tourism management model in the perspective of tourism law.

## 3. RESULT AND DISCUSSION

### 3.1 Regulations regarding the Management of Traditional Village-based Tourism Objects

Indonesia is a country with potential natural wealth, flora and fauna, ancient relics, historical relics, arts and culture as resources and capital for development of tourism to encourage the standard of living, prosperity, and welfare as contained in Pancasila and the Preamble to the State Constitution of Indonesia in 1945. Tourism activities in Indonesia is known as one of the most significant contributors to the increase in the state's foreign exchange as the tourism destination.

The development of the tourism industry in Indonesia is included in the priority scale, especially for the poor areas in the natural resources. To the statement of the International Union of Official Travel Organization (IUOTO) at a conference in Rome in 1963, tourism is essential not only as the source of foreign exchange but also as the determining factor of the location of industry and in the development of areas that are poor in natural resources. This shows that tourism as a service industry has a significant role in distributing development to underdeveloped areas [8].

Tourism has become one of the industries that can increase economic growth through providing employment and stimulating other tourism supporting productivity sectors. For the Province of Bali, the development of the tourism industry is a top priority, and agriculture and small industries. Tourism is the largest industry and will continue to grow as stated by The World Tourism Organization (hereinafter referred to as UNWTO), that "Tourism has become a major sector of economic activity since the latter part of twentieth-century and all indications are that it will continue growing in the years to come [9]."

The legal basis for regulating tourism in Indonesia is contained in Law Number 10 in 2009 with regard to the Tourism. In article 2, the implementation of tourism

should be based on balance, independence, participation, preservability, benefits, and also sustainability. The development of tourism potential is guided by the tourism law. In the article 8 of the tourism law, “tourism development shall be carried out based on the master plan of tourism development which consists of the master plan of national tourism development, the master plan of provincial tourism development, and the master plan of regency/city tourism development.” In the provisions of Article 9 paragraph (1) of the Tourism Law, “the master plan for the development of national tourism shall be regulated in a Government Regulation.”

The government enacted the Government Regulation Number 50 of 2011 concerning the National Tourism Development Master Plan of 2010-2025 (referred to as PP 50 Tahun 2011) as the way of conducting regulation of the Tourism Law as the guideline for the preparation of the Provincial Tourism Development Master Plan as stated in the article 4 of the Government Regulation Number 50 in 2011. In the provisions of Article 28 letter c of the Government Regulation No. 50 of 2011, the policy direction for the community empowerment in the tourism sector includes the way to increasing the potential and capacity of local resources, through the development of productive businesses in the tourism sector, and one of the strategies that can be taken to increase this potential is to evolve the potential of local resources through tourism village as stated in the Article 29 paragraph (3) letter b, Number 50 in 2011 of the Government Regulation. The stipulation of the Government Regulation Number 50 in 2011 is the basis for developing the potential of local resources using the tourism villages, which increasing community participation in the tourism through the development of tourist villages that used to develop the potential of local resources.

By the formulation in Article 1 point 3 of Law Number 10 in 2009 regarding tourism, tourism is various activities supported by various facilities and services provided by the community, businessmen, government, and local governments. Article 1, number 5 of Law Number 10 in 2009 concerning Tourism explains that tourist attraction refers to everything with uniqueness, beauty, and also value in the form of the diversity of natural, cultural, and man-made wealth which is the target of tourist visits. Tourism destination area are geographical area in one or even more administrative areas. There are tourist attractions, public facilities, tourism facilities, accessibility, and even communities that complement the realization of tourism.

With regard to the Bali Provincial Regulation Number 3 in 2001 [10], juncto Number 3 in 2003 concerning Pakraman Village, Article 6 paragraph (b), Pakraman village has the right to take part in determining every decision in the implementation of development in its territory, especially those relating to *Tri Hita Karana* [11]. Grounded with the article’s description above, Pakraman village has the right to organize the management of tourism potentials in its territory.

### **3.2 Management Model for Traditional Village-based Tourism Objects**

Tourism village appears as the development of village area that does not shift, but tends to develop the potential of the existing village by empowering the capabilities of the elements in the village, that serves as an attribute and makes the tourism products on the small scale into a series of tourism activities and can give also fulfill a series of travel needs, both in terms of attractiveness and as supporting facilities [12]. The development of a tourist village make the best use of natural resources to attract tourists to visit the area concerned to bring the benefits and prosper the surrounding community.

Culture exists due to the agreement on norms that have been made by a community, which is rooted in the noble values of character possessed by the community group. Local wisdom includes traditional views and knowledge that become reference in behaving and has been practiced from generation to generation to meet the needs and challenges in the society life. Local wisdom functions and is meaningful in society, both in preserving natural and human resources, keeping customs and culture, and being useful for life. Local wisdom includes the activities, knowledge, and also beliefs in the way of managing nature that is oriented towards environmental sustainability. Each region has different local wisdom, based on the level of understanding and intelligence and the adaptability of local humans to their environment [13].

Guidelines for the scope of sustainable tourism development can be seen in the Regulation of the Minister of Tourism of the Republic of Indonesia Number 14 in 2016 concerning Sustainable Tourism Destinations [14]. The sustainable emphasis is not only on sustainable environmental preservation and economic development, but also on the cultural sustainability. Bali has the value of local wisdom in developing tourism. Hinduism, culture, nature, and local legal traditions (awig-awig) give additional value in the way of developing cultural tourism.

Related to tourism development in Bali Province, some regulations affect cultural tourism which serves as the basis for its management, such as the Bali Provincial Regulation Number 2 in 2012 concerning on Balinese Cultural Tourism which regulates spiritual tourism {Article 8 paragraph (m)} and in fact, it has not involved ecotourism in the text (article) of Cultural Tourism. In the view of cultural tourism in Bali, local wisdom should be considered, like the beliefs of the Balinese people, which are based on *Tri Hita Karana* and inspired by Hinduism (Article 11 paragraph (a) of Regional Regulation, Number 2 of 2012).

Traditional village-based tourism is very influential on the development of economic in the traditional village or even pakraman village. The management of potentials, which exist in the traditional villages of each region on the island of Bali, has its charm and characteristics. The

government has provided narration to improve tourism potential. Regulations related to the management of custom-based tourism villages have not yet been regulated explicitly in the legislation with regard to the tourism in the legal tourism order in Indonesia.

In managing tourism villages, every traditional village has the right to manage its villages and cooperate with local governments, the private sector, and others. The region-scale joint venture made with a memorandum of understanding model between the local government and pakraman village is followed up with the Regent's decision to implement the Management of Tourist Attractions and Objects. Implementing Public Policy Law in the sustainable management of traditional village or pakraman village-based tourism villages, whether managed by traditional villages or even managed by the Regional Government, needs regulations governing investors as the form of embodiment of tourism activities in Bali, which is contained in Regional Regulations. This aims to synchronize local government and traditional villages with regard to the management of traditional village-based tourist destinations in the Province of Bali. Thus, the regional regulation, later, can become strong legal umbrella for the traditional villages in managing the tourism potentials in their area. However, this is done while still upholding the values of Hindu religious teachings, namely *Tri Hita Karana* in every management. The goal is about to create the sustainability of the tourism and preserve the natural environment, social culture, and also religious systems of the pakraman village community. Thus, traditional village-based village tourism can be realized, provide welfare for the surrounding community, and maintain Taksu on Bali's island.

#### 4. CONCLUSION

Of course, the development of tourism potential is guided by Law Number 10 in 2009 concerning Tourism. Article 8 of the Tourism Law stipulates that "tourism development shall be carried out based on the tourism development master plan consisting of the national tourism development master plan, a provincial tourism development master plan, and a regency/municipal tourism development master plan." In the provisions of Article 9 Paragraph (1) of the Tourism Law, "the master plan for the development of national tourism shall be regulated in a Government Regulation." The government also states in the Government Regulation Number 50 in 2011 concerning National Tourism Development Master Plan 2010-2025 as the implementing regulation of the Tourism Law. In the provisions of Article 28 letter c of PP Number 50 in 2011, the policy direction for the community empowerment with the tourism includes increasing the potential and capacity of the local resources through the development of productive businesses in the tourism sector. One of the strategies that can be taken to increase the potential in question is to develop the potential of local resources through tourism villages, as stated in Article 29 paragraph (3) letter b of

Government Regulation Number 50 in 2011. Stipulation of the Government Regulation is undoubtedly the basis for evolving the potential of local resources through tourism villages that includes encouraging community participation in the tourism through the development of tourist villages, which used to develop the potential of local resources.

Traditional villages have the authority to manage their villages and collaborate with local governments, the private sector, and also others regarding the management of tourist villages. The regional cooperation agreement made with the model of the memorandum of understanding between the local government and Pakraman village is then followed up with the Regent's decision on the Appointment of Implementing the Management of Tourism Objects and Attractions. Implementing Public Policy Law in the sustainable management of traditional village or pakraman village-based tourism, whether managed by traditional villages or jointly managed by local governments, needs regulations governing investors as the form of embodiment of tourism activities in Bali, which is contained in the regional regulations. Thus, traditional village-based village tourism can be realized, provide welfare for the surrounding community, and maintain Taksu on Bali's island

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