



Local Legal Products Formation on Tourist Contribution to Natural and Cultural Protection

I Wayan Rideng^(✉)

Law Doctoral Program, Universitas Warmadewa, Denpasar, Indonesia
wayanrideng@gmail.com

Abstract. During the Covid-19 pandemic, tourism conditions were very bad which resulted in the joints of the Balinese economy experiencing a sharp decline in contraction, concrete efforts were needed in handling it. The government has passed and is enforcing Law Number 32 of 2009 concerning Environmental Protection and Management, and Law Number 5 of 2019 concerning the Promotion of Culture, which regulates the cultural landscape. The Bali Provincial Government is working to create a noble culture that encompasses a variety of characteristics in the form of; customs, traditions, arts and culture, and local wisdom in an effort to promote overall development, particularly those related to conserving natural ecosystems. The policy is enforced through the Bali Provincial Regulation Number 1 of 2022 concerning the Contribution of Tourists for the Protection of the Natural and Cultural Environment of Bali.

Keywords: Local Legal · Tourist Contribution · Cultural Protection

1 Introduction

Since Indonesia's declaration of independence, efforts have been made to implement regional autonomy. When writing the 1945 Constitution, the state's founding fathers recognized the need for a system of regional autonomy. Of course, this is backed by the nation of Indonesia's geographic setting and sociological state within the context of *Bhinneka Tunggal Ika*, which includes diversity in terms of ethnicity, religion, race, and class.

The effects of implementing regional autonomy from Law Number 5 of 1974 to Law Number 23 of 2014 show that the regional administration has the power to determine the direction of regional development in a Regional Regulation as a result of regional law. Planning and knowledgeable persons with expertise in legislative drafting are necessary for the drafting process of regional legal products. Taking into account that regional law products serve as a legal framework for implementing regional autonomy.

Different regulatory or stipulation items are included in regional legal products (decisions). Regulations of this kind are referred to as regional regulations, joint regional regulations, and regional house of representatives regulations (DPRD) [1]. Examples of decisions in the form of decisions include Regional Head Decrees, House of Representatives Decrees, House of Representative Leader Decrees, and Decrees of the Honorary

Body of the House of Representatives Body. Considering this, the existence of Regional Regulations (Perda) reaches the maximum level on regional legal products based on hierarchical levels.

In general, the idea of regional rules can be understood as a set of legal tools provided to regional governments for the purpose of carrying out regional administration in each autonomous territory. According to Jimmy Asshidiqie [4], regional regulations serve as the Act's higher degree of implementation regulations. Regional regulations have legal authority since such authority has been established by legislation. Regional regulations, however, may also be established to control areas where the law does not expressly grant the government the power to do so [2]. This is permissible in accordance with the 1945 Constitution's provisions, which are mentioned in Article 18 paragraphs (3) and (4).

"Provincial Regional Regulations or other names and Regency/City Regional Regulations or other names, herein referred to as Regional Regulations, are laws and regulations established by the House of Representative with the joint approval of the Regional Head," states the Regulation of the Minister of Home Affairs Number 1 of 2014 concerning the Establishment of Regional Legal Products." The existence of province and district/city regional rules is not clearly included in the definition of regional regulations in Regulation of the Minister of Home Affairs Number 1 of 2014 about the Establishment of Regional Legal Products [3]. Only in broad strokes is it indicated that the Regional Head and Regional House of Representatives work together to develop Regional Regulations. This means that Regional Regulations are made with the mutual consent of the Regional Head, who is known by different names depending on the level: Governor at the provincial level, Regent at the regency/city level, and Mayor at the city level. The Regional House of Representative, also known as the Provincial House of Representative at the provincial level and the Regency/City House of Representative at the regency/city level, creates Regional Regulations.

The Law on the Establishment of Legislation, as amended by Law Number 15 of 2019 concerning Amendments to the Law on the Establishment of Legislation, and its derivatives as outlined in Regulations of Minister of Home Affairs Number 120 of 2018 concerning Amendments to Regulation of Minister of Trade Number 80 of 2015 concerning the Establishment of Regional Legal Products, must be adhered to during the drafting process.

Concerning the material used in creating programs to create local legal items. The list of drafts is compiled based on instructions from higher laws and regulations, regional development plans, the execution of tasks involving regional autonomy and assistance, local community aspirations, and the reasons or foundations for the formation of regional legal goods.

It can also be referred to as a political product in the construction of a regional legal product. Because the United States is a constitutional democracy, the laws and regulations that are enacted serve to limit government authority and prevent arbitrary use of it. Citizens' rights are thus better safeguarded. This is also evident from the outset of the 1945 Constitution's drafting, when the understanding of integrity and democracy, as well as the spirit of unity and integrity, was a significant viewpoint.

The execution of local government is based on the following guiding principles: a) de-concentration; b) co-administration; and c) decentralization. According to the de-concentration concept, areas that carry out rules and other central decisions that do not take the form of regulations and do not take the initiative to make other types of decisions to be carried out independently should receive central power... Laica Marzuki explained that de-concentration is an *ambtelijke decentralisatie* or *delegatie van bevoegheid*, Specifically, the transfer of power to subordinate agencies to carry out specific tasks in the conduct of governance from state apparatus at the center. Additionally, Maddick contends that the delegation of authority to staff members of a central department who are located outside the headquarters is sufficient for the fulfillment of specific responsibilities.

Bali province is part of 34 provinces in Indonesia, in its development implementation is aimed at improving the welfare of its people. For this fulfillment, strengthening is carried out through the potential and uniqueness possessed in supporting the development of the tourism sector [6]. The island of Bali has the natural beauty and uniqueness of Balinese culture which is sourced from the values of the Tri Hita Karana philosophy and is conceptualized in the local wisdom of Sad Kerthi which is the main resource of Bali which makes Bali's tourism excellence so that it attracts the attention of the world.

During the Covid-19 pandemic, tourism conditions were very bad which resulted in the joints of the Balinese economy experiencing a sharp decline in contraction, concrete efforts were needed in handling it. The Governor of Bali through the declaration of the New Bali Era was realized by fundamentally and comprehensively rearranging the implementation of development which includes three main aspects, namely; nature, people, and Balinese culture, which are sourced from the values of Sad Kerthi's local wisdom, namely 6 (six) main sources of welfare and happiness in human life. Bali has wealth, uniqueness, and cultural excellence which includes various elements such as; customs, traditions, arts, and culture, and local wisdom. This precious wealth, of course, must be maintained as strong as possible through various policies to strengthen and advance Balinese culture so that it remains strong and sustainable in the face of globalization. The implementation of Bali tourism, in addition to requiring a healthy natural ecosystem, superior human resources, and a beautiful culture. Another infrastructure is also needed, related to road access, increasing internet access networks, and the development of other tourist areas. All of these activities require adequate funding sources. On the other hand, the capacity of regional finance to support funding is very limited. Including the clash of authorities granted by the Government and based on Law Number 28 of 2019 concerning Regional Levies and Taxes, as well as Government Regulations Number 65 and 66 of 2021 concerning Types of Regional Levies and Regional Taxes. The limited funding sources require a new funding source, adjusted for the existing potential through the presence of tourist visits from various parts of the world (tourists). Especially those who care and love Bali very much. This policy is enforced by the Bali Regional Regulation Number 1 of 2022 concerning the Contribution of Tourists to the Protection of the Natural and Cultural Environment of Bali. This policy is based on the provisions of Article 236 paragraph 4 of Law Number 23 of 2014, which states, ...' Regional regulation can contain local content under the provisions of the legislation [5].

2 Discussion

2.1 Regulation on Environment and Culture

Currently, the Government has implemented development, through the construction of various infrastructure developments in various regions of the country. The development carried out has touched the aspects; land, air, and sea are undertaken in a connected and integrated manner [7]. In strengthening the sense of national unity and integrity, it is also necessary to develop a balance of hard infrastructure and soft infrastructure. This affirmation has been conveyed by President Jokowi. It is said that there is a need for a balance between hard infrastructure which is currently being intensively built in various regions in the country, with soft infrastructure in the form of character and national identity developed through cultural means. For this reason, macro-cultural policies are needed in the context of the process of human civilization. "We talk too often about hard infrastructure issues. About roads, about bridges, about ports. We never talk about soft infrastructure, namely culture. Furthermore, it is stated that culture is the breath of the nation's survival, becomes the blood of personality, and becomes the mentality and national values of our students.

In the implementation of development, especially in tourism development, environmental aspects are often ignored. To support the development of tourism, which is related to supporting tourism accommodation, such as the construction of hotels and restaurants which are generally carried out by owners of large capital, sometimes ignoring environmental factors [9]. Therefore, tourism development that enters the global landscape requires planning and programming. Because for the development of tourism and culture, in essence, it aims to be sustainable. In essence, it has to do with initiatives to make sure that the natural, social, and cultural resources we use to build tourism in this generation can be conserved. To control the environment, the government enacted Law Number 32 of 2009 Concerning Environmental Protection and Management.

Indonesia has enormous potential to influence global civilisation as a superpower in the sphere of culture. A cultural promotion strategy that is created from the ground up, starting at the district/city level, moving up to the province level, then to the national level, taking the shape of a Cultural Strategy, will play a crucial role in the execution of cultural promotion in the field [10]. The strategy for the promotion of culture will be the basis for the formulation of the Master Plan for the Advancement of Culture, which will become the main reference in the preparation of the Short, Medium, and Long Term Development Plan in the field of culture. Mainstreaming culture in national development is seen as very strategic in realizing sustainable development.

The national objective of the Indonesian nation is set forth in the preamble of the 1945 Constitution, which is to protect the entire Indonesian nation and the entirety of Indonesia as well as to advance public welfare, educate the populace, and take part in the implementation of a global order based on independence, perpetual peace, and social justice. Additionally, the Republic of Indonesia's 1945 Constitution's Article 32 paragraph 1 demands that "The State shall advance the Indonesian national culture among world civilization by ensuring the people's freedom to maintain and develop their cultural values."

Indonesian National Culture is the whole process and result of inter-Cultural interactions that live and develop in Indonesia. These developments are dynamic, which is marked by the interaction between cultures both within the country and with other cultures from outside Indonesia in the dynamic process of world change. This context, of course, raises various challenges and opportunities [8]. In order to foster culture through conservation, development, utilization, and direction, strategic actions must be taken. Consequently, up until the publication and adoption of Law Number 5 of 2017 regarding the Advancement of Culture.

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Enforcement of Contribution of Foreign Tourist Regulations for the Natural and Cultural Environment

Bali sebagai destinasi wisata dunia yang sudah tersohor di berbagai negara- negara belahan dunia. Senantiasa menjadi kunjungan wisatawan dari berbagai negara (wisman). Kunjungan wisatawan berbagai negara ditunjukkan dengan sebelum terjadinya pandemi Covid-19 pada tahun 2018 sebanyak 6.070.472 orang wisman, dan pada tahun 2019 sebanyak 6.275.210 orang wisman. Namun pada masa Covid-19 yang terjadi di tahun 2020 dan tahun 2021 terjadi penurunan angka yang sangat tajam. Menurut Badan Statistik Provinsi Bali mencatat, pada tahun 2020 sebanyak 45 wisman, dan sepanjang pada periode Januari s/d Desember 2021, wisatawan yang langsung ke Bali sebanyak 51 orang wisman.

Bali is a world tourist destination that has been famous in various countries around the world. As always becomes a tourist visit from various countries (tourists). Tourist visits from various countries were shown before the Covid-19 pandemic in 2018 there were 6,070,472 homesteads, and in 2019 there were 6,275,210 foreign tourists. However, during the Covid-19 period that occurred in 2020 and 2021, there was a very sharp decline in the number of visits. According to the Bali Provincial Statistics Agency, in 2020 there were 45 foreign tourists, and during the period from January to December 2021, there were 51 tourists who went directly to Bali. All of this cannot be separated from the policies of countries that carried out lockdowns and prohibitions for citizens to travel abroad.

The emergence of Covid-19 that hit the global world, signalled to arrange the development fundamentally and comprehensively in Bali. Implementation includes three main aspects: natural aspects, human aspects, and Balinese cultural aspects, which are sourced from the values of Sad Kerthi's local wisdom, namely the source of prosperity and happiness in human life. The sources include; Atma Kerthi; the purification and glorification of the atman/soul; Segara Kerthi; the purification and glorification of the coast and the sea; Danu Kerthi, namely the purification and glorification of water sources; Wana Kerthi namely the purification and glorification of plants; Jana Kerthi; namely the purification and glorification of man; and Jagat Kerthi, namely the purification and exaltation of the universe. Overall, it is a movement to build the foundation of Balinese tourism based

on culture. To support these activities, several policies have been issued and enacted as outlined in several other regional legal products, which are innovative breakthroughs to maintain a clean and harmonious natural ecosystem. Regional legal products related to nature, among others; Bali Governor Regulation Number 97 of 2018 concerning restrictions on single-use plastic waste, Bali Regional Regulation Number 8 of 2019 concerning the Implementation of the Organic Agriculture System, Bali Governor Regulation Number 45 of 2019 concerning Bali's Clean Energy Policy, Bali Governor Regulation Number 48 of 2019 concerning the Use of Electric Motorized Vehicles Battery-Based, and Bali Governor Regulation Number 24 of 2020 concerning Policies for the Protection of Lakes, Springs, Rivers, and Seas. When it comes to regulations that are related to culture, some examples include Bali Regional Regulation Number 1 of 2019 concerning the Implementation of Cultural Attractions, Bali Regional Regulation Number 4 of 2020 concerning Strengthening and Advancing Balinese Culture, and Bali Regional Regulation Number 5 of 2020 concerning Standards for Organizing Balinese Cultural Tourism.

The issuance of several regional legal products aims to protect the natural and cultural ecosystem of Bali. Bali is a world-famous tourist destination, in addition to its natural beauty, also because of its culture. The culture that is owned is very religious which is rich, unique, and superior and includes various elements in the form of; customs, traditions, arts, culture, and local wisdom. This gift in the form of wealth needs to be maintained as strong as possible through various policies such as the issuance of several regional legal products, to strengthen the preservation of the natural environment and to remain strong and sustainable in the face of the swift currents of local, national and global development dynamics.

All of Bali's development efforts, especially those related to protecting clean natural ecosystems, beautiful culture, and quality infrastructure so that the implementation of Bali tourism is maintained and improved, need to be supported by adequate funding. The limited funding that supports this effort requires new sources of funding according to the existing potential, including through tourists, especially tourists from abroad (tourists) who have a concern and love for Bali. Through the implementation of the foreign tourist contribution policy which is regulated by the Bali Provincial Regulation Number 1 of 2022. Voluntary contributions in the form of goods or the form of money. The use of these contributions will be prioritized for the protection of the natural environment, culture, and infrastructure, to improve the quality and competitiveness of the implementation of Bali tourism to serve foreign tourists visiting Bali.

3 Conclusion

Based on the explanation above, the following conclusions can be drawn:

1) The government has passed and is enforcing Law Number 32 of 2009 concerning Environmental Protection and Management, and Law Number 5 of 2019 concerning the Promotion of Culture, which regulates the cultural landscape.

2) The Bali Provincial Government is working to create a noble culture that encompasses a variety of characteristics in the form of; customs, traditions, arts and culture, and local wisdom in an effort to promote overall development, particularly those related to

conserving natural ecosystems. To support the whole, requires adequate funding. Given the limited availability of funding, new sources of funding are needed according to the existing potential through foreign tourists who care and love Bali. The policy is enforced through the Bali Provincial Regulation Number 1 of 2022 concerning the Contribution of Tourists for the Protection of the Natural and Cultural Environment of Bali.

4 Suggestions

1). To The Bali Provincial Government so that the collected contribution funds can be managed professionally with the principles of transparency and accountability. Its use is prioritized for the protection of the natural environment, culture, and infrastructure development to improve the quality and competitiveness of the implementation of tourism in Bali. So that there will be no saturation of foreign tourists coming to visit because of damage to the natural environment, and the erosion of a noble culture due to the influence of globalization.

2). To business actors, especially those engaged in the tourism sector to assist and facilitate the implementation of the policy for the issuance of the Bali Provincial Regulation Number 1 of 2022 as an effort to improve the quality of tourism services for homesteads. Figures and tables should be placed either at the top or bottom of the page and close to the text referring to them if possible.

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