



Legal Protection of Tourism Conscious Groups in the Development of Tourism Villages in Indonesia

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Abstract. The world of tourism today continues to experience significant growth. One of its forms can be seen from the increasing number and development of tourism in the area which is packaged in the form of a tourism village. Tourism villages are efforts to develop local community-based tourism development that has a sustainable development flow. One of the important aspects in the development of tourism villages is the existence of the Tourism Conscious Group (known as Pokdarwis). Pokdarwis is a community institution consisting of business actors in the tourism sector who have a sense of concern and responsibility as driving agents in maintaining and developing regional tourism. The existence of tourism villages and Pokdarwis in carrying out their activities needs to be strengthened with a legal protection to ensure legal certainty. To answer these problems, the type of research used is juridical normative by examining various laws and regulations and literature that are relevant to the theme discussed. So that this study came to the conclusion that there is a legal emptiness related to tourism villages as an effort to develop tourism in Indonesia, the legal emptiness results in not optimal duties, functions and roles of Pokdarwis in efforts to advance tourism villages.

Keywords: Legal Protection · Tourism Conscious Groups · Tourism Villages

1 Introduction

Every year the development of the world of tourism continues to experience significant developments. One of these developments can be seen with the increasing number of tourism based on village development. The presence of tourist villages has the aim of increasing economic growth and people's welfare by means of local wisdom and culture while simultaneously preserving nature and the environment. The importance of developing a tourist village as one of the aspects that encourage progress in terms of social, cultural and economic aspects of the village. The benefits are great so that local governments need to pay more attention to the potential of each village in their area to be appointed or developed in order to increase the benefits and can produce a high productivity that has an impact on the welfare of the local community.

The role of the government as a policymaker cannot be divorced from the development of tourist settlements. The central government has delegated to local governments

the authority to identify settlements with cultural potential that can be developed into village-based tourist destinations. The policy is formulated as a regional rule containing the procedure and growth of communities into tourist villages.

The development of a tourist village cannot rely just on the government's involvement, but requires the backing of two interested parties, both internal and external in this situation. External factors are influenced by the support of local governments and Community Social Institutions who care about the development of tourist villages, whereas internal factors are influenced by the participation and active role of the community who recognize the significance of developing tourist villages in the region.

Pokdarwis is an important element in the development of a tourist village. Pokdarwis, which stands for Tourism Awareness Group, is a community-level institution 1 Peter Mahmud Marzuki, *Penelitian Hukum*, (Jakarta: Kencana Prenada Media: 2013), hlm. 3. 60 tourist industry actors with a sense of care and responsibility and an active role as a driving force in attempts to establish a climate conducive to the growth and development of tourism that has an impact on the well-being of the surrounding community. Given this perspective, it is clear that Pokdarwis plays a significant role in the establishment of a tourism village. Pokdarwis is crucial to the growth and empowerment of a tourist community.

2 Method

Legal research is the act of resolving legal difficulties; it requires the ability to discover legal problems, perform legal reasoning, analyze problems found, and give remedies for these problems [1]. Normative legal study is sometimes known as doctrinal legal research since it focuses solely on written laws and other legal documents [2]. This study is an illustration of normative legal research (legal research). The goal of normative juridical research (legal research) is to uncover the truth of coherence, i.e., whether there are legal rules according to legal norms, norms in the form of orders or prohibitions according to legal principles, and whether actions are consistent with legal norms or legal principles [3].

The methodologies utilized in this article are the legal and conceptual approaches. The authors utilize primary, secondary, and non-legal legal sources to assist in the resolution of these issues. The entire legal material is obtained from the literature study. These legal materials are then assembled and used as support in answering the legal issues being studied.

3 Result and Discussion

Today, tourism is a crucial aspect in a country's development. Tourism is a major contributor to economic growth, particularly in Indonesia. As time passes, an increasing number of tourism development models exist in Indonesia, one of which is tourism based on indigenous knowledge, also known as tourist villages. A tourist village is a village administration area that possesses both potential and local-based knowledge so that it has a unique tourism appeal, namely the life experiences and traditions that exist

in rural communities and all the potential they possess. According to data from the Ministry of Tourism and Creative Economy, there are 1838 settlements recognized as tourist villages till 2021 [4]. 4 Tourist settlements can be seen based on the following criteria:

1. Has the potential for tourist attraction, both in the field of natural, cultural and creative tourism.
2. Have a community.
3. Has the potential for involvement of local human resources in the development of tourist villages.
4. Have a tourism village management institution.
5. Having infrastructure that supports tourism activities.
6. Has the potential to market the tourist market.

The tourist village is also a form of effort to preserve and empower the potential of local culture and the value of local wisdom. There are several types of tourist villages, namely [6]: 6

1. Tourism village based on the uniqueness of natural resources, namely a tourist village whose main attraction is natural conditions such as mountains, beaches, lakes and others.
2. A tourist village based on the uniqueness of local cultural resources, namely a tourist village whose main attraction is the uniqueness of traditional customs and the daily life of the community in carrying out daily activities such as work, religious life and others.
3. Creative tourism villages are tourist villages whose main attraction is the local community's industrial activities which are manifested in the creative economy, in the form of crafts and artistic activities as an attraction.
4. Combination-based tourism village is a tourist village whose main attraction is a combination of several types of tourist village concepts that are mixed into one, such as a combination of the concepts of nature, culture and the creative economy.

Tourism village regulations so far have not been specifically and comprehensively regulated. Tourism-related items are governed by Law No. 10 of 2009 pertaining to Tourism (Tourism Law). Tourism is described under Article 3 of the Tourism Law as a variety of activities supported by a variety of facilities and services provided by the community, entrepreneurs, the government, and regional governments. Government Regulation of the Republic of Indonesia Number 50 of 2011 on the Master Plan for the Development of National Tourism for 2010–2025 further regulates the development of national tourism. Based on these restrictions, it is evident that the ultimate goal of Development in the tourism business is to increase people's income, which can promote community welfare. Until further notice, village regulations are controlled by Law No. 6 of 2014 pertaining to Villages (Village Law). Article 1 point 1 of the Village Law defines the Village as a legal community unit with territorial boundaries with the authority to regulate and manage government affairs, the local community's interests

based on community initiatives, origin rights, and/or traditional rights that are recognized and respected by the system. The government of the Unitary State of the Republic of Indonesia.

Based on the notion of the two regulations, it is clear that a village is the growth of a village's function or features, as well as activities from the village or community sector that are packaged into a tourism product with the selling value of local knowledge. If successful, the establishment of tourist villages will have a substantial impact on the economic prosperity of local communities. The Tourism Law seeks to achieve equitable distribution of tourism development and its advantages through the creation of tourist settlements.

As the Central Government's representation in the region, the Regional Government must evaluate the possibilities of the villages below. So that the village's potential is exploited as efficiently as possible for the community's benefit. The absence of special constraints from the central government in the form of a hierarchy of rules and regulations that clearly regulate the establishment of tourist villages is an impediment to the development of tourist villages. Prior to this point, the implementation of Regional Regulations on Tourism Communities, which not all regions have, was required for the development of tourist villages.

The absence of a legal umbrella regarding tourist villages that is evenly distributed in each region causes the development of tourist villages to be not maximal because there is no guarantee of legal certainty for business actors in it. One of the components affected by the vacuum of regulations regarding tourist villages is Pokdarwis. The Tourism Law number 10 of 2009 regulates tourism-related products (Tourism Law). Article 3 of the Tourism Law defines tourism as a spectrum of tourism-related activities supported by a variety of facilities and services provided by the community, entrepreneurs, the government, and regional governments. Government Regulation of the Republic of Indonesia Number 50 of 2011 on the Master Plan for National Tourism Development for 2010–2025 further regulates the national tourist development. Based on these restrictions, it is evident that the ultimate goal of Tourism Development is to increase people's income, which in turn can improve the community's welfare. Village regulations are currently governed by Law No. 6 of 2014 related to Villages (Village Law). Article 1 point 1 of the Village Law defines the Village as a legal community unit with territorial boundaries with the authority to regulate and manage government affairs, the local community's interests based on community initiatives, origin rights, and/or traditional rights recognized and respected by the system. The administration of the Republic of Indonesia's Unitary State.

Based on the notion of the two rules, it is clear that a village is the growth of a village's function or features, as well as activities from the village or community sector that are packaged as a tourism product with the selling value of local knowledge. If successful, the establishment of tourist villages will have a substantial effect on the economic expansion of local communities. As envisioned by the Tourism Law, the creation of tourist villages is one method for achieving the equitable distribution of tourism development and its benefits.

As the representative of the Central Government in the region, the Regional Government must investigate the potential of the settlements listed below. This is important

in order to maximize the village's potential for the benefit of the local community. The issue in the development of tourist towns is the absence of central government rules in the form of a hierarchy of laws and regulations that particularly regulate the development of tourist villages. The expansion of tourist villages has thus far been limited to the approval of Regional Regulations on Tourism Villages, of which not all areas have a regulation controlling tourist villages.

Based on the understanding and function of Pokdarwis, it can be seen that Pokdarwis is a group that is initiated by the community by means of self-help in which the presence of Pokdarwis has benefits in increasing the development of tourist villages. The void of norms in hierarchical regulations regarding tourist villages has caused the role of Pokdarwis in developing tourist villages to not run optimally. The active role of the Regional Government in making regulations in the form of Regional Regulations is very important, in order to support the existence of Pokdarwis, so that in the implementation of the development of Pokdarwis tourism villages, they can find out which tasks, principals, and functions will have an impact on guaranteeing legal certainty for Pokdarwis.

4 Conclusion

The tourist industry in Indonesia continues to enjoy substantial growth. The expansion of tourism is evidenced by the increasing number of tourism developments in villages. Dea tourism contributes significantly to the economic development of rural areas. As representatives of the central government in the regions, local administrations have not optimally packaged tourist villages as premium tourism products. This is because the central government as a policy maker has not been able to optimally develop tourist villages because there is still a legal vacuum in the regulation of tourist villages. So far, the legal product of Law no. 6 of 2014 concerning Villages has not been maximized in providing legal certainty guarantees for tourist villages. This is because the function and purpose of the tourist village is different from the psda villages in general. This legal vacuum resulted in the non-optimal task, function and role of Pokdarwis as a non-governmental organization in an effort to promote tourism villages.

References

1. Bambang Waluyo, *Penelitian Hukum Dalam Praktek*, (Jakarta: Sinar Grafika: 2008), hlm. 13.
2. Peter Mahmud Marzuki, *Penelitian Hukum*, (Jakarta: Kencana Prenada MediaGroup: 2013), hlm. 3. 60.
3. Kementerian Pariwisata dan Ekonomi Kreatif, *Buku Pedoman Kelompok Sadar Wisata*, (Jakarta: Sadar Wisata: 2019), Hlm 23
4. Kementerian Pariwisata, *Pengembangan Desa Wisata*, (Jakarta: Tim Sapta Pesona: 2019), Hlm. 3
5. Kompas, *Berapa Jumlah Desa Wisata di Indonesia?* Halaman all - Kompas.com, diakses pada tanggal 8 Agustus 2021

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