



The Existence of Tourism Villages in Bali on Overview of Village Government and Traditional Village

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Abstract. The development of sustainable tourism in Indonesia has encouraged the formation of tourist villages that take advantage of the potential of the village as well as its characteristics, for example in the fields of culture, tradition, natural beauty, and other uniqueness as a tourist attraction. The term tourism village appears along with the history of tourism development in Bali and can also be said to be the pioneer of current tourism, namely a traditional village-based tourism village within the scope of the Tri Hita Karana philosophy, covering its natural beauty (palemahan), the friendliness of the people (pawongan), and religious activities (parahyangan). Its existence in traditional villages is arranged, managed, and preserved by customary law so that tourism villages can be sustainable until now. The development of tourist villages by the government in its implementation and regulation uses laws and regulations made by the government whose implementation reaches the lowest level, namely the village government or official village. At the village government level, efforts to provide support for the development and promotion of tourist villages have not been maximized because there are several obstacles, such as lack of budget, road infrastructure, public facilities, and so on. The village government cannot stand alone and must coordinate with the city district government. On the other hand, traditional villages partially feel burdened with the responsibility of preserving customs and culture. For this reason, it is necessary to have good cooperation and synergy between the village government and traditional villages through harmonization and complementary of positive legal rule and local customary village law products. So that the village government and traditional villages can legally and formally contribute to the development of tourist villages, for example, through budget allocations, collaboration with various parties, sustainable promotion, and so on. Finally, it realizes the goal of the preservation of nature, customs, culture, and the welfare of the local community.

Keywords: Traditional Village · Tourism Village · Village Government

1 Introduction

Tourism as an economic sector resource can assist the government in fostering economic expansion and growth. The tourism industry reaches not just the elite economic classes,

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but also the lower economic classes. The community surrounding the tourism attraction can develop economic commercial operations, such as hotels, motels, money changers, transportation services, stalls, etc. These initiatives can boost the local community's income and decrease unemployment.

Tourism development can bring about numerous perks and benefits. The objective of tourist development is to expand tourism to the point that it can compete with other economic activities. Employment, community income, regional and state income, and foreign exchange profits are enhanced through the development and utilization of tourism potential. It is stated in undang-undang kepariwisataan No. 10 year 2009 bab 2 pasal 4 that the impact of tourist development in Indonesia is quite broad since the law grants each region authority in regional development matters. Significant progress has been made in the establishment of tourist communities, but many obstacles and challenges remain.

In other words, the tourist village became an integral part of the traditional village, such as Panglipuran Village in Bangli, Tenganan Pegriingsingan Village in Karangasem, and Sangeh Tourism Village in Ubud, Gianyar Bali. In the course of the history of the birth of tourism in Bali, tourist villages have developed far before the government massively launched the tourism village program. The development of the potential and regulation of tourist villages amid traditional village social-community activities as a whole must be subject to customary law communities both in setting norms and governance.

Tourism villages that were born and formed by the government are shaded by legislation, where the village government and traditional villages work together to encourage and explore the tourism potential of their villages. Synergy in terms of statutory regulations and positive legal norms, especially in Bali, the village government is only coordinating. The existence of traditional villages among indigenous peoples has been able to regulate the existence of the potential of their traditional villages as the Balinese philosophy of life, namely Tri Hita Karana, namely the balance of humans with the creator (Ida Sang Hyang Widhi Wasa), the balance of humans with nature, and human harmony with each other. This philosophy has become the basis, motivation, and inspiration for the Balinese people in all aspects of life and has become the basis for strengthening and believing in the Balinese people. Indeed, the Tri Hita Karana philosophy teaches Balinese people to live in harmony and balance apart from commercial goals because religious and traditional life for Balinese people has become their daily routine. From the description above, the author is interested in making the title of the existence of a tourist village in Bali in terms of 2 (two) village government institutions and traditional villages. The research aims are To know what is the role of the traditional village in the formation of a tourist village which is the responsibility of the village government and what is the role of the traditional village and the official village in supporting the development of tourist villages in Bali seen from the existence of these two institutions.

2 Method

The type of research used is normative legal research. According to Peter Mahmud Marzuki, normative legal research is a process to find the rule of law, legal principles, and legal doctrines to answer the legal issues faced. This is following the prescriptive

character of legal science. As a prescriptive science, jurisprudence studies the purpose of the law, values of justice, the validity of the rule of law, legal concepts, and legal norms.

The approach is the researcher's perspective in choosing the spectrum of the discussion space which is expected to provide clarity in the description of the substance of scientific work. In this study, the author uses the following approaches: A statute approach is a conceptual approach, this approach is used because the legal issues that are the subject of discussion are related to certain legal concepts that are interrelated with one another.

The technique of collecting legal materials is normative legal research conducted by literature studies on primary, secondary, tertiary, or non-legal legal materials; searches are conducted by reading, viewing, listening, and now primarily via internet media; primary and secondary legal materials are collected based on written media. Systematic, recorded, and organized based on subject matter to assist the interpretation and application of concepts pertaining to particular legal situations.

In normative legal research, collected legal materials are studied utilizing the techniques of description, systematization, and explanation. The description is carried out by describing the substance and structure of positive law, which is researched in the sense of carrying out an understanding to define the meaning of the rule of law. At this point, a description is conducted to ascertain the meaning of the legal rules contained in the statutes and regulations used in this debate.

3 Result and Discussion

3.1 The Role of the Traditional Village in the Formation of a Tourist Village is the Responsibility of the Village Government

Traditional villages are the forerunner of the birth of tourism in Bali. We can prove the role of traditional villages in strengthening and strengthening tourism in Bali in several tourist villages such as Ubud Tourism Village in Gianyar, Penglipuran Tourism Village in Bangli, Tenganan Pegringsingan Tourism Village in Karangasem. These tourist villages inspire the development of tourist villages both in Bali and throughout Indonesia because traditional villages in Bali have an autonomous role in the implementation of religion, cultural preservation, and strengthening customs. Based on inward responsibility and outward responsibility. The responsibility to enter into a traditional village must be able to protect its territory and be able to preserve its culture and strengthen its customs in carrying out its beliefs, especially in religion following Hindu religious beliefs.

Religious, cultural, and traditional life is the daily life of Balinese society which is autonomously regulated by traditional villages. This is a central point as a tourism attraction in Bali and becomes the spirit of cultural tourism itself. As long as Balinese people still adhere to Hinduism, the spirit of cultural tourism will not become extinct. This is where the role of the traditional village in preserving the customs and culture is inherited from the Hindu community, especially in Bali. Balinese people carry out a philosophy known as Tri Hita Karana which is described in social life to achieve a balance on a real-unreal scale and in regulating social life, traditional villages use customary law norms.

Traditional villages have external responsibilities in addition to internal responsibilities. Traditional villages as part of the Unitary State of the Republic of Indonesia, are subject to the prevailing laws and regulations in the State of Indonesia. The Undang-undang No. 10 tahun 2009 about tourism. The law mandates the Village Government and all the potential that exists in the village can only be implemented by the village government itself. The Village Government has the responsibility to develop and provide support and promote tourism villages in the village itself. In tourism development, the village administration must be supported by meticulous planning and must represent three dimensions of interest: the tourism industry, the carrying capacity of the environment or natural resources, and the improvement of the quality of life for the local people.

The development of tourism villages requires the cooperation of the local population, which must be balanced with government and private sector roles. In actuality, however, the community plays a far smaller role than the other two groups. This is due to their limited access to information and their poor participation in the village's decision-making process. To realize the development of well-developed and well-managed tourism, according to Sunaryo (2013; 218), the most fundamental step is to facilitate the involvement of local communities in the development process and maximize the value and social and economic benefits of tourism activities for local communities, such as establishing a tourism awareness group (POKDARWIS). The formation of a tourist village, as required by law, is the responsibility of the local government.

3.2 The Role of Traditional Villages and Village Governments in Supporting the Development of Tourist Villages in Bali is Seen in the Existence of These Two Institutions

The development of tourist villages in Bali is very unique because the tourism potential is in the territory of traditional villages, but according to the rules and regulations in the formation of tourist villages, as mandated in Law No. 10 of 2009 concerning tourism, the responsibility for the formation and development of tourism in the village can only be carried out by the village government. In this case, the traditional village has authority over the area and potential in its area. So, in this case, synergy or harmony is needed from both institutions, both traditional villages, and village governments. Traditional villages do not have the authority in positive law to issue regulations both regarding levy rates and tax rates related to levies. Cooperation between the village government and traditional villages has been widely carried out, especially in tourism villages that have developed.

In Bab IV pasal 18 and 19 of Law No. 6 Tahun 2014 Regarding Villages, it is stated that the village has authority over village development and village community development. Village authorities consist of authority based on the right of origin, village-scale local authority, authority delegated by the provincial government and district/city regional government, and other authorities delegated by the government in accordance with the provisions of laws, regulations, and other provisions. In planning the formation and development of the village's inherent potential, the village government is obligated to incorporate all local-scale communities, such as traditional villages, community groups, and community leaders.

4 Conclusion

Based on the description above, it can be concluded;

1. The potential of a tourist village that was born in a traditional village is an embryo of tourism in Bali and becomes a spirit of cultural tourism which is reflected in the lives of Balinese people who are Hindus and carry out a philosophy of life with a no-scalable balance based on Tri Hita Karana, among others; human balance with God, human balance with nature, and human balance with each other.
2. The village government and traditional villages must work together in the formation and development of the village's potential to realize a tourist village. This synergy is important because the establishment of a tourist village is a mandate from the law implemented by the village government and all the potential possessed by the village in the autonomous village area.

References

- Suroso, 2011, Pengantar Ilmu Hukum, PT. Sinar Grafika, Jakarta.
Zainal Asikin, 2012, Pengantar Tata Hukum Indonesia, Rajawali Press, Jakarta.
Riduan Syahrani, 1999, Rangkuman Intisari Ilmu Hukum, Citra Aditya Bakti, Bandung.
Peter Mahmud Marzuki, 2010, Penelitian Hukum, Edisi ke-1 Cet VI, Kencana Prenada Media Group, Jakarta
Sunaryo, Bambang. 2013, Kebijakan Pembangunan Destinasi Pariwisata.
Oka, 2007, Pengantar Ilmu Pariwisata Edisi Revisi, Bandung, Penerbit Angkasa

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