



10.5281/zenodo.8397966

Vol. 06 Issue 09 Sept - 2023

Manuscript ID: #01018

LEGAL STUDY ON THE POTENTIAL OF TOURISM VILLAGES IN WEST KUTAI DISTRICT, EAST KALIMANTAN PROVINCE, INDONESIA

By: [Maisyarah dan Fatimah Asyari](#)

Lecturer at the Faculty of Law, University of 17 August 1945 Samarinda

Email: Asyari280182@gmail.com and asyarifatimah@gmail.com

Submission: 04-09-2023 Acceptance: 01-10-2023 Published: 03-10-2023

ABSTRACT

In line with tourism development objectives, the Government is developing tourist villages that aim to increase economic growth, and people's welfare, eradicate poverty, overcome unemployment, preserve nature, the environment and resources, and advance culture. The development of tourist villages is also a form of accelerating integrated village development to encourage social, cultural, and economic transformation of villages. The research objectives are: (1) to examine which villages have tourism potential to be developed into tourist villages in West Kutai Regency; and (2) to examine the problems faced in the management and development of tourist villages in West Kutai Regency. The research was carried out from June to September 2021 in West Kutai Regency. The research uses legal research methods, namely by conducting Normative Juridical and Empirical Juridical legal research. The stages of research activities are (1) problem identification; (2) inventory of required legal materials related to tourist villages, systematization and analysis of legal materials; (3) observation and data collection; (4) data analysis; and (5) reporting. The results of the research show that: (1) In West Kutai Regency there are 5 (five) villages that are suitable to be designated as tourist villages, namely: (1) Beloa Village, tourism potential in the form of fisheries resources; (2) Tanjung Jaan Village, tourism potential in the form of natural tourism, namely Jempang Lake; (3) Tanjung Isuy Village, tourism potential in the form of cultural tourism at the Tanjung Isuy Festival event; (4) Juaq Asa Village, tourism potential in the form of natural tourism including Hemaq Beniung Water Tourism and Hemaq Beniung Traditional Forest; and (5) Lakan Bilem Village, tourism potential in the form of natural tourism in the form of recreational tourism, camping, ground, out bound, trail adventure, mountains, waterfalls and beautiful natural scenery, and (2) problems and/or obstacles faced in general at tourist attractions in West Kutai Regency include: (1) not yet implementing the 3S principles, namely something to see, something to do and something to buy, (2) there is no uniqueness or branding (identity) of the Tourism Village., (3) The packaging for the attraction of becoming a Tourism Village is still not well structured, (4) There is no spatial planning for the Tourism Village, (5) Judging from the geographical conditions, the obstacle faced is the number of houses. , the population, characteristics, and area of the Tourism Village do not yet exist, (6) There is no major commitment from the village government or community to jointly develop and advance the tourist village; (7) The legality of tourist attraction land managed by the West Kutai Regency Government is still in the process of being completed and improved, and (8) Another obstacle is the lack of infrastructure availability, including transportation service facilities, electricity facilities, clean water, drainage and so on.

KEYWORDS: Legal Studies, Tourism Village, West Kutai.



This work is licensed under Creative Commons Attribution 4.0 License.

INTRODUCTION

Villages are the lowest government organization in the structure and government system of the Unitary State of the Republic of Indonesia. Villages are regulated in Law Number 6 of 2014 concerning Villages and Government Regulation Number 43 of 2014 concerning Implementation Regulations of Law Number 6 of 2014 concerning Villages.

Villages have original and traditional rights in organizing and managing the interests of local communities and play a role in realizing the ideals of independence based on the 1945 Constitution of the Republic of Indonesia. Currently, the Government has attempted to give more attention to Villages in the form of appropriate village fund allocations. sourced from the State Revenue and Expenditure Budget which is based on Government Regulation Number 60 of 2014 concerning the Allocation of Village Funds which is sourced from the State Revenue and Expenditure Budget as amended by Government Regulation Number 22 of 2015 concerning Amendments to Government Regulation number 60 of 2014 regarding Village Funds Sourced from the State Revenue and Expenditure Budget.

A tourist village is a rural area that offers an overall atmosphere that reflects the authenticity of the village in terms of socio-economic, socio-cultural life, daily customs, has unique building architecture and village spatial structure, or economic activities that are unique and interesting and have the potential for developing various tourism components, such as attractions, accommodation, food and drink and other tourism needs (Hadiwijoyo, 2012).

Tourism development as part of economic development has several impacts on regional governments and communities, including: encouraging accelerated regional and community economic growth, increasing regional and community income, creating employment opportunities, and fostering community creativity in developing and displaying their cultural potential. by a community or region; and foster a sense of love for each culture and region.

Tourism development generally focuses on minimizing environmental impacts, preserving culture, and improving the economy through community participation (Kim, Uysal, & Sirgy, 2013; Xu, Barbieri, Anderson, Leung, & Rozier-Rich, 2016). Munir & Fitanto (2008) further stated that the development of tourist villages aims to improve the quality of life by creating better conditions for economic growth, job creation, and assisting local governments in improving the provision of services for their citizens.

Support for village/village development is not only carried out through Village Fund Allocations from the State Revenue and Expenditure Budget, but village development is also through development planning from various sectors and fields according to conditions, including by exploring sources of funds based on the potential they have and the potential that can be developed. by the village, one of which is village development planning through the establishment of a Tourism Village.

Tourism Village is a form of integrity between attractions, accommodation, and supporting facilities presented in a structure of community life that is integrated with applicable procedures and traditions. Village potential that can be developed by planning a Tourism Village includes (1) natural potential such as; lakes, water tourism, nature tourism, mountain natural potential, and other natural tourism potential; (2) cultural potential such as; customs, traditional arts, cultural attractions; and (3) historical heritage that can be developed as part of a tourist attraction that can attract domestic and

foreign tourists. These potentials can be developed as a source of attraction that can attract domestic and foreign tourists which will ultimately generate income for the village government and village communities.

Apart from that, the potential for cultural tourism and cultural attractions such as traditional arts, celebration of traditional events, and so on can also be developed and well preserved. With this potential, the village has the right to develop it as an asset that can be used as an attraction for visitors to the village, both domestic, domestic and foreign tourists. In West Kutai Regency 5 (five) villages are suitable to be designated as tourist villages, namely: (1) Beloan Village, tourism potential in the form of fisheries resources; (2) Tanjung Jaan Village, tourism potential in the form of natural tourism, namely Jempang Lake; (3) Tanjung Isuy Village, tourism potential in the form of cultural tourism at the Tanjung Isuy Festival event; (4) Juaq Asa Village, tourism potential in the form of natural tourism including Hemaq Beniung Water Tourism and Hemaq Beniung Traditional Forest; and (5) Lakan Bilem Village, tourism potential in the form of natural tourism in the form of recreational tourism, camping, ground, outbound, trail adventure, mountains, waterfalls and beautiful natural scenery.

By looking at the existing potential, one way that the Regional Government can develop tourism development in regions and villages is to establish a Tourism Village after going through a process of identification, verification, assessment of the tourism potential of the village, then launching and designation of the village as a tourist village.

However, the current phenomenon is that many villages claim and/or recognize their villages as tourist villages, but what are the indicators, criteria, and requirements for a village so that it can be categorized and designated as a tourist village, there are no regulations yet? arrange it. Therefore, for legal certainty and ease in determining the priority scale for development in the tourism sector in West Kutai Regency, it is necessary to regulate the criteria, indicators, or requirements for a village to be designated as a tourist village.

The research objectives are: (1) to examine which villages have tourism potential to be developed into tourist villages in West Kutai Regency; and (2) to examine the problems faced in the management and development of tourist villages in West Kutai Regency.

RESEARCH METHODS

The research was carried out from June to September 2021 in West Kutai Regency. This research uses legal research methods, namely by conducting Normative Juridical and Empirical Juridical legal research. The stages of research activities are: (1) identifying the problems faced by the District Government and DPRD of West Kutai district in the management and development of Tourism Villages. This identification stage was carried out through library research, interviews with respondents, and forum group discussions (FGD); (2) inventory of required legal materials related to tourist villages, systematization and analysis of legal materials; (3) observation and data collection; (4) data analysis; and (5) reporting.

RESULTS AND DISCUSSION

A. Study of the Conditions and Problems Faced by Tourism Villages in West Kutai Regency

In West Kutai Regency, the number of visits and growth of tourists tends to fluctuate. Based on the 2018 West Kutai Regency Book in Figures, the growth of tourists from 2013-2016 has decreased every year, especially for domestic tourists. Heading into 2017, based on the same book, the number

of tourists has increased again, both domestic and foreign tourists. In 2017, the number of tourists who came to West Kutai Regency was 28,974 tourists, consisting of 28,584 domestic tourists and 390 foreign tourists.

The number of domestic tourist visits in West Kutai Regency only accounts for 0.5% of the number of domestic tourist visits at the East Kalimantan Province level. When compared with the number of visits in other regencies/cities, West Kutai Regency is in 9th place out of 10 regencies/cities in East Kalimantan Province.

West Kutai Regency has 5 (five) villages that are suitable to be designated as tourist villages, namely: (1) Beloan Village, tourism potential in the form of fisheries resources; (2) Tanjung Jaan Village, tourism potential in the form of natural tourism, namely Jempang Lake; (3) Tanjung Isuy Village, tourism potential in the form of cultural tourism at the Tanjung Isuy Festival event; (4) Juaq Asa Village, tourism potential in the form of natural tourism including Hemaq Beniung Water Tourism and Hemaq Beniung Traditional Forest; and (5) Lakan Bilem Village, tourism potential in the form of natural tourism in the form of recreational tourism, camping, ground, outbound, trail adventure, mountains, waterfalls and beautiful natural scenery.

The obstacles generally faced by tourist attractions in West Kutai Regency include:

1. Tourist villages in West Kutai Regency in developing tourism have not yet implemented the 3S principles in their entirety. The newly implemented principle is something to see and something to do, where the tourist village only develops natural tourism objects that it feels can be seen to be developed into a tourist village and what can be done in the tourist village. However, the local community has not fulfilled anything to buy, where tourists who come need necessities at tourist attractions ranging from food, and drinks, to souvenirs. Tourism Villages should have additional knick-knacks that visitors or tourists can buy, which will automatically have an impact on helping the local community's economy.
2. There is no uniqueness or branding (identity) of the Tourism Village. Each tourist village should determine and/or have a product or brand that is unique and rare among competing tourist villages and valuable for tourists, where tourist products in one place should not be easily imitated, duplicated, or imitated by other competitors or new competitors.
3. The packaging for the attraction of becoming a Tourist Village is still not well structured.
4. There is no spatial arrangement for the tourist village.
5. Judging from the geographical conditions, the obstacles faced are the number of houses, population, characteristics, and area of the Tourism Village, which do not yet exist.
6. From the aspect of the belief system and society in a village community, the obstacles faced are:
 - a. There is no major commitment from the village government or community to jointly develop and advance the tourist village. The development of a tourist village must start with the village government and the community to jointly develop and advance the tourist village independently.
 - b. Lack of understanding from the village government and local community regarding the importance of developing tourism with the existence of tourist villages.

- c. In 2021 the West Kutai Regency Tourism Office has implemented human resource improvements in the community through tourism awareness groups (POKDARWIS). This year the Tourism Office also issued Decrees for several 14 (fourteen) Tourism Awareness Groups spread across Districts and Villages that have tourist attractions.
 - d. The legality of tourist attraction land managed by the West Kutai Regency Government is still in the process of being completed and improved.
7. Another obstacle is the availability of infrastructure, including transportation service facilities, electricity facilities, clean water, drainage, and so on, in more detail as follows:
- a. There are no supporting facilities available including accommodation facilities, places to eat and drink, as well as shopping facilities to support tourism activities.
 - b. Access roads in several tourist villages are still rocky and have potholes;

The results of research by I Made Pujiwiyasnawa and I Gusti Agung Oka Mahagangga (2018) show that there are several problems/problematics in the development of tourist villages in Bayung Gede Village, namely waste, infrastructure maintenance, equalization of the Tourist Village's vision and mission, not having souvenir icons, and marketing. The four problems above are not yet fully recognized by local communities.

B. Juridical Basis

The juridical basis for the preparation of regional regulations regarding tourist villages in West Kutai Regency cannot be separated from aspects related to the formation of regional regulations as binding and generally applicable juridical instruments. This is in line with the provisions contained in the 1945 Constitution of the Republic of Indonesia article 18 which states that provincial, district, and city governments regulate and manage government affairs themselves according to the principles of autonomy and assistance duties.

Based on the analysis of relevant laws and regulations, the preparation of the West Kutai Regency Regional Regulations regarding Tourism Villages has a juridical basis, namely as follows:

1. Law Number 10 of 2009 concerning Tourism.
2. Law Number 12 of 2011 concerning the establishment of Legislative Regulations.
3. Law Number 6 of 2014 concerning Villages.
4. Law Number 23 of 2014 concerning Regional Government.
5. Government Regulation Number 67 of 1996 concerning the Implementation of Tourism.
6. Government Regulation Number 50 of 2011 concerning the National Tourism Master Plan.
7. Government Regulation Number 43 of 2014 concerning Guidelines for Implementing Law Number 6 of 2016 concerning Villages.
8. Regulation of the Minister of Culture and Tourism Number: PM.04/UM.001/MKP/2008 concerning Tourism Awareness.
9. Minister of Home Affairs Regulation Number 33 of 2009 concerning Guidelines for Ecotourism Development in Regions.
10. Regulation of the Minister of Culture and Tourism Number PM.26/UM.001/Mkp/2010 concerning General Guidelines for the National Community Empowerment Program (PNPM) Mandiri Tourism Through Tourism Villages.
11. Minister of Home Affairs Regulation Number 114 of 2014 concerning Village Development Guidelines.

12. Minister of Home Affairs Regulation Number 80 of 2015 concerning the Formation of Regional Legal Products, as amended by Minister of Home Affairs Regulation Number 120 of 2018 concerning Amendments to Minister of Home Affairs Regulation Number 120 of 2015 concerning the Formation of Regional Legal Products.
13. Minister of Tourism Regulation Number 10 of 2018 concerning Electronically Integrated Business Licensing Services for the Tourism Sector.

c. There are no Complementary Facilities including Public Toilets, Places of Worship/Mosques, Tourist Guides, Information Centers, Parking Lots, and Directions to Get to the Tourist Village.

The impact of implementing regulations regarding Tourism Villages in West Kutai Regency will directly or indirectly affect aspects of people's lives. This is related to tourist villages, namely:

1. Guidelines for Tourism Management and Development

This regional regulation on tourist villages will later become the legal basis and guidelines for all parties in determining a village to be a tourist village. This regional regulation on tourist villages must regulate firmly the criteria and requirements for a village to be designated as a tourist village. as well as the rights and obligations of the government, local communities, and other related parties. The existence of these regional regulations will have an impact on legal certainty and openness in their implementation.

2. Preservation of cultural values

It is very important to preserve the cultural values of the Indonesian people so that they are not eroded by foreign cultures or become extinct and forgotten. The existence of Kampung Wisataa is an effort to preserve cultural values that grow and develop and are preserved in a village so that these cultural values are sustainable and maintained.

3. Increased economic growth

Tourist villages encourage local village communities to support economic growth, including by preparing eating and drinking facilities for visitors or tourists, preparing accommodation facilities for visitors or tourists, and producing handicraft knick-knacks as souvenirs that are bought and sold with the characteristics of each tourist village concerned. In this way, the existence of a tourist village will increase economic growth and be able to contribute to the welfare of the local community, as well as create jobs.

4. Planning and Development of Tourist Villages

Regional Regulations on Tourist Villages will motivate village governments to better plan and develop local tourist villages because tourist villages have quite promising potential in improving the standard of living and/or economy of local communities if managed well and professionally.

Regarding the impact of the implementation of Regional Regulations on Tourism Villages on the Regional Financial Aspects of West Kutai Regency, because regional regulations are regional legal products formed by the Government together with the Regional People's Representative Council (DPRD) of West Kutai Regency, then all matters mandated in regional regulations must be implemented, both by the West Kutai Regency Government and by the West Kutai Regency DPRD. In practice, the West Kutai Regency Government is the implementer, while the West Kutai Regency DPRD plays a role in monitoring, evaluation and budgeting.

CONCLUSIONS AND RECOMMENDATIONS

A. Conclusion

1. In West Kutai Regency 5 (five) villages are suitable to be designated as tourist villages, namely: (1) Beloan Village, tourism potential in the form of fisheries resources; (2) Tanjung Jaan Village, tourism potential in the form of natural tourism, namely Jempang Lake; (3) Tanjung Isuy Village, tourism potential in the form of cultural tourism at the Tanjung Isuy Festival event; (4) Juaq Asa Village, tourism potential in the form of natural tourism including Hemaq Beniung Water Tourism and Hemaq Beniung Traditional Forest; and (5) Lakan Bilem Village, tourism potential in the form of natural tourism in the form of recreational tourism, camping, ground, outbound, trail adventure, mountains, waterfalls and beautiful natural scenery.
2. Problems and/or obstacles generally faced by tourist attractions in West Kutai Regency include: (1) Tourist villages in West Kutai Regency in developing tourism have not yet implemented the 3S principles in their entirety. The newly applied principle is something to see and something to do. However, the local community has not yet fulfilled something to buy, (2) There is no uniqueness or branding (identity) of the Tourism Village. Each tourist village should determine and/or have a product or brand that is unique and rare among competing tourist villages and valuable for tourists, where tourism products in one place should not be easily imitated, duplicated or imitated by other competitors or new competitors, (3) Packaging the attraction of becoming a Tourist Village is still not well structured, (4) There is no Spatial Arrangement for a Tourist Village, (5) Judging from the geographical conditions, the obstacles faced are in the form of the number of houses, population, characteristics and area of the Tourist Village, not yet there is, (6) There is no big commitment from the village government or community to jointly develop and advance the tourist village. Lack of understanding from the village government and local community regarding the importance of developing tourism with the existence of tourist villages, (7) The legality of tourist attraction land managed by the West Kutai Regency Government is still in the process of being completed and improved, and (8) Another obstacle is regarding the availability of infrastructure, including transportation service facilities, electricity facilities, clean water, drainage and so on.

B. Suggestions

To prepare regulations regarding Tourism Villages in the form of regional regulations that regulate the roles, rights, and obligations of each relevant party, both individually and institutionally and/or institutionally.

BIBLIOGRAPHY

A. BOOKS AND JOURNALS

- Hadiwijoyo, S. S. 2012. Community-based rural tourism planning: A conceptual approach. Yogyakarta: Graha Ilmu.
- I Made Pujiwiyasnawa a, 1, and I Gusti Agung Oka Mahagangga. 2018. Local Community Problems in the Development of the Bayung Gede Tourism Village, Kintamani District, Bangli Regency. *Journal of Tourism Destinations* 6 (2): 368-370.
- Kim, K., Uysal, M., & Sirgy, M. J. 2013. How does tourism in a community impact the quality of life of community residents. *Tourism Management*, 36, 527-540.
doi:10.1016/j.tourman.2012.09.005.
- Munir, R., & Fitanto, B. 2005. Participatory local economic development: Problems, policies and guidelines for implementing activities. Jakarta: Local Governance Support Program, USAID.
- Widiyanto, D., Handoyo, J. P., & Fajarwati, A. 2008. Rural tourism development (A proposed strategy for the Ketingan Tourism Village). *Sustainable Earth*, 8(2), 205-210.
- Xu, S., Barbieri, C., Anderson, D., Leung, Y. F., & Rozier-Rich, S. 2016. Residents' perceptions of wine tourism development. *Tourism Management*, 55, 276-286.
doi:10.1016/j.tourman.2016.02.016.

B. LEGISLATION

- Law Number 10 of 2009 concerning Tourism.
- Law Number 12 of 2011 concerning the formation of Legislative Regulations.
- Law Number 6 of 2014 concerning Villages.
- Law Number 23 of 2014 concerning Regional Government.
- Government Regulation Number 67 of 1996 concerning the Implementation of Tourism.
- Government Regulation Number 50 of 2011 concerning the National Tourism Master Plan.
- Government Regulation Number 43 of 2014 concerning Guidelines for Implementing Law Number 6 of 2016 concerning Villages.
- Minister of Culture and Tourism Regulation Number: PM.04/UM.001/MKP/2008 concerning Tourism Awareness.
- Minister of Home Affairs Regulation Number 33 of 2009 concerning Guidelines for Ecotourism Development in Regions.
- Minister of Culture and Tourism Regulation Number PM.26/UM.001/Mkp/2010 concerning General Guidelines for the National Community Empowerment Program (PNPM) Mandiri Tourism Through Tourism Villages.
- Minister of Home Affairs Regulation Number 114 of 2014 concerning Village Development Guidelines.
- Minister of Home Affairs Regulation Number 80 of 2015 concerning the Formation of Regional Legal Products, as amended by Minister of Home Affairs Regulation Number 120 of 2018 concerning Amendments to Minister of Home Affairs Regulation Number 120 of 2015 concerning the Formation of Regional Legal Products.
- Minister of Tourism Regulation Number 10 of 2018 concerning Electronically Integrated Business Licensing Services for the Tourism Sector.

C. OTHERS

- Empirical Research at the West Kutai Regency Tourism Office.