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Legal Aspects In Management And Development Of Wet Land Tourism Village In Barito Kuala Regency

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ABSTRACT

The existence of the village is expected to be able to realize independence in order to improve the welfare of the community in the village. This creativity is important considering that the law provides a relatively wider space and mandate for villages to manage and optimize their potential. So that every village is required to be able to elaborate every village potential into a force that can prosper its citizens. The idea of developing a tourist village in Barito Kuala Regency received a very positive response from various circles. For example, the Minister of Tourism and Creative Economy Sandiaga Uno who fully supports the development of the Anjir Muara Tourism Village so that it can become a quality and sustainable tourism icon in South Kalimantan. Efforts to develop a tourist village in Barito Kuala Regency do not yet have an adequate legal aspect, especially in the form of regional regulations. To support and support the development of tourist villages, a legal aspect is needed in the form of regional regulations regarding tourist villages in Barito Kuala Regency, one of the impacts of which is that the Regional Government can allocate a budget for the implementation of tourism villages in the Regional Revenue and Expenditure Budget of Barito Kuala Regency.

Keywords: legal aspect, tourism village, wetlands

INTRODUCTION

In its development in Indonesia, the existence of the village is expected to be able to realize independence to improve the welfare of the community in the village. This creativity is important considering that the law provides a relatively wider space and mandate for villages to manage and optimize their potential. So that every village is required to be able to elaborate every village potential into a force that can prosper its citizens.

The era of regional autonomy encourages every region in Indonesia to develop the local potential of each region, including the potential of every village in Indonesia. Village is one of the autonomous regions in Indonesia. The existence of the village has existed since before the independence of Indonesia (Hardiyanti M & Diamantina A, 2022).

Government Regulation Number 50 of 2011 concerning the National Tourism Development

Master Plan 2010-2025 stipulates that one of the efforts to increase creativity in villages is to "develop the potential of local resources through tourism villages". Therefore, legal instruments at the central level have given a mandate in the development of tourist villages (President Republic of Indonesia, 2011).

Tourism villages are expected to be an economic driver in rural areas which so far have not been fully explored. Local governments promote prosperity in rural areas through the establishment of tourist villages. This is important because the potential of a tourist village with its cultural and natural wealth that has not been explored becomes a village wealth that has its own economic value.

The development of tourist villages will be able to boost the community's economy if access to the required infrastructure facilities is fulfilled. The development of tourism village infrastructure is very important to be able to compete with other

tours. To get optimal results, it must be supported by adequate facilities and human resources (Santoso AB, 2019).

According to Ristina Yudhanti, the principle of developing a tourist village is as one of the alternative tourism products that can provide impetus for sustainable rural development and has management principles, including (Yudhanti R, 2021).

1. The provision of facilities and infrastructure owned by local communities which usually encourages community participation and ensures access to physical resources is a milestone for the development of tourist villages.
2. Encourage increased income from the agricultural sector and other traditional economic activities.
3. The local community has an effective role in the decision making process about the form of tourism that utilizes the environmental area and the local community obtains an appropriate share of income from tourism activities.
4. Encouraging the development of local community entrepreneurship.

The more tourists who visit, of course, regional income will increase and can be used for development purposes in the area. Considering that tourism is indeed one of the main factors in supporting the acceleration of development.

The Barito Kuala Regency, South Kalimantan is no exception. Barito Kuala Regency is one of the district governments in the province of Barito Kuala South Kalimantan, Indonesia. Capital This district is in Marabahan. This district has an area of 2.996,46 km² and a population of 318,044 people (the results of the 2020 Indonesian Population Census). Part of the Barito Kuala area is included in the candidate for the Banjar Bakula Metropolitan Area. Barito Kuala Regency borders the province of Central Kalimantan, precisely in Kapuas Regency, and is located on the edge of the sea.

Condition of the wetlands that exist in Barito Kuala Regency, becomes a separate value for Barito Kuala Regency to be able to develop tourism objects through tourist villages. It is noted for

example that Barito Kuala has several deltas called island. The island is located in the middle of the Barito river which divides the Barito Kuala district. The Barito River is more than 1 km wide. These deltas include:

1. Pulau Kembang (tourist forest, habitat for long-tailed macaques)
2. Bakut Island (there is a Barito bridge)
3. Kaget Island (a nature reserve, habitat for long-nosed macaques, namely proboscis monkeys)
4. Sugara Island (inhabited island)
5. Alalak Island (inhabited island)
6. Pulau Sewangi (inhabited island)

The idea of developing a tourist village in Barito Kuala Regency received a very positive response from various circles. For example, the Minister of Tourism and Creative Economy Sandiaga Uno who fully supports the development of the Anjir Muara Tourism Village so that it can become a quality and sustainable tourism icon in South Kalimantan (Amin M, 2021).

METHODS

The type of this research is normative legal research. Normative legal research is research that doctrinally examines the basic rules and regulations (Saptomo A, 2007). Through normative legal research, there will be a study of primary legal materials, secondary legal materials and tertiary legal materials relating to Tourism Village Management. The research approach used in conducting normative legal research are (Marzuki PM, 2014):

A. Legislative Approach (Statute Approach)

The approach is taken by reviewing all laws and regulations related to legal issues handled by researchers

B. Conceptual Approach (Conceptual Approach)

Conceptual approach (conceptual approach) is an approach that moves from the view and doctrines that develop in the science of law, to find ideas that give birth to relevant legal understandings, concepts, and principles, as a basis for building a legal argument in solve legal issues.

RESULTS

A. The Authority of the Regional Government in the Establishment of a Tourist Village

In Indonesia, the basis of authority according to the principle of legality is the principle of the rule of law, so that all actions are determined by law. This means that the authority must have a statutory basis and that the content of the authority is determined by law (Ridwan HR, 2011).

The regulation of tourist villages is a government affair in the tourism sector, which is an optional government affair based on the provisions of Article 12 paragraph (3) of Law no. 23 of 2014, Law Number 10 of 2009 concerning Tourism, Government Regulation Number 50 of 2011 concerning the Master Plan for National Tourism Development 2010 – 2025, and Regulation of the Minister of Villages, Development of Disadvantaged Villages, and Transmigration Number 1 of 2015 concerning Guidelines for Authority Based on Origin Rights and Village-Scale Local Authorities are the legal basis for local governments to regulate tourist villages with local regulations.

The provision of Article 18 paragraph (6) of the 1945 Constitution of the Republic of Indonesia states "Regional governments have the right to stipulate regional regulations and other regulations carry out autonomy and assistance tasks". And the provisions of Article 17 paragraph (1) of Law no. 23 of 2014 states that "Regions have the right to determine Regional policies to carry out Government Affairs which are Regional authorities", as for the Elucidation of Article 17 paragraph (1) "What is meant by "Regional policies" in this provision are Regional Regulations, Regional Regulations, and regional head decisions". Thus the regulation of tourist villages with regional regulations fulfills the provisions of Article 18 paragraph (6) of the 1945 Constitution of the Republic of Indonesia and Article 17 paragraph (1) of Law no. 23 of 2014, the suitability of the hierarchy of tourist village arrangements is regulated by regional regulations.

B. The Need for the Establishment of Regional Regulations on Tourism Villages

Article 17 regulates the Regional Tourism Development Strategy, including:

a. Tourism product development strategy.

b. Marketing and promotion strategy.

c. Facilities and infrastructure development strategy.

d. Business development strategy.

At the regulatory level in the regent's regulation, there is the Barito Kuala Regent Regulation Number 42 of 2019 concerning the Development Plan for Agrotourism Rural Areas of Barito Kuala Regency for 2019-2024. This Regent's Regulation is based on Government Regulation Number 47 of 2015 concerning Amendments to Government Regulation Number 43 of 2014 concerning Implementing Regulations of Law Number 6 of 2014 concerning Villages, it is stated that Regencies with special characteristics need to make Development Plans with Rural Area scale.

The establishment of the Barito Kuala Regency Regional Regulation on Tourism Villages is a legal requirement in the context of tourism development in Barito Kuala Regency. The Regional Regulation which will be determined by the Regent with mutual agreement with the Barito Kuala Regency DPRD will become the legal basis (legality) for the Barito Kuala Regency Government through the relevant Regional Apparatus in the context of establishing, developing, fostering, and empowering tourist villages in Barito Kuala Regency.

The tourist village that was formed in Barito Kuala Regency did not only rely on its natural potential, but what became its own icon, namely the culture of the local village community. Therefore, promotion is needed by the relevant Regional Apparatus to carry out coaching and promotion, to introduce local wisdom of tourist villages in Barito Kuala Regency. The weakness of the lack of promotion of tourist villages in Barito Kuala Regency needs to get a separate regulation portion in the Barito Kuala Regency Regional Regulation on Tourism Villages which will be prepared through the initiative of the Barito Kuala Regency DPRD. This is important in today's technological developments, packaging of tourism products in tourist villages must be able to be an attraction for tourists to come to tourist villages in Barito Kuala Regency.

DISCUSSION

One of the important points in Law no. 6 of 2014 is that the village has local rights on a village scale. It means source resources that are in the local area and related to the life of the village community are handed over to the village government the right to manage them independently. This condition is different from the previous one where the lowest government institution was the Regency/City. The village as a de facto thing that exists in people's lives is covered to the extent of implementing co-administration tasks. Changes in status that have implications for increasing authority provide great opportunities for villages to develop themselves.

In accordance with the provisions of Article 12 letter p paragraph (1) Regulation of the Minister of Villages, Disadvantaged Village Development, and Transmigration Number 1 of 2015 concerning Guidelines for Authority Based on Local Rights and Village-Scale Local Authorities (State Gazette of the Republic of Indonesia of 2015 Number 158) states that " Village-scale local areas in the field of Village local economic development as referred to in Article 9 letter c include but are not limited to:

"Village tourism development outside the regency/city tourism development master plan".

The translation of village-scale local rights delegated to the village includes village development, village community, and village community empowerment. Regarding village development rights, the village government has the authority to develop the local economic potential of the village, one of which is managing tourism in villages that are outside the direction of the development of the Regency Tourism Development Master Plan.

The provisions of Article 23 paragraph (1) Permendes No. 1 of 2015 states that "Villages are authorized to levy fees on business services such as public baths, village tours, village markets, boat moorings, fish cages, fish auctions, and others". Thus, the establishment of a tourist village will provide new opportunities in increasing village income from the management of tourist villages. In the context of developing and managing tourism potential in this village, the Village Government can build cooperation with other parties outside it as an innovation for optimizing village potential. One of the parties that can be invited Cooperation

is the Regional Government which is by status above the Village Government and functions as a coach. The possible form of cooperation is through the establishment of rural areas.

The establishment of rural areas is the domain of the Regional Government as a form of top-down village development strategy. This strategy is combined with the village development strategy bottom-up. With the meeting of these 2 (two) concepts, the Village Government through the village development strategy took the initiative to build cooperation with the management of tourism potential in the village and synergized with the village development strategy of the Regional Government through the development of rural areas.

Doing promotions regional tourism is a very important thing to attract tourists to visit these attractions. Promotions can be carried out by the community around the tourist attraction through social media such as Facebook, Instagram, Twitter, through websites or tourist sites. You can also do promotions by using advertising services in various media such as radio, television, tabloids, or newspapers.

The strategic steps taken to develop a tourist village are (Ariesta PA & Widianara B, 2022):

1. Identify the potential of the tourist village.
2. Identifying problems that can be obstacles to the development of tourist villages ranging from physical, non-physical/social, internal, and external.
3. Maintain a strong commitment from all village components to equalize opinions, perceptions and raise the potential of the village to become a tourist village.
4. Identify the positive and negative impacts of a tourism activity in accordance with the uniqueness of each village.
5. Have a strong commitment from all village components to cooperate with local government and the private sector.
6. Prepare all set of rules/regulation norms.
7. Managing and making innovations in developing the potential of tourism villages.

8. Strive for various media to introduce and publicize tourism potential in the village.

9. Learn about the success of other tourist villages.

The rapid development of tourism village as one of the major tourism industry sectors in Indonesia need clear and integrated guidance, especially in the disruptive era which should be speedier and more informative for tourists. The study of tourism village development with the smart village concept, then become the starting point of the integrated tourism village planning (Rudwiarti et al, 2021).

Based on the background of the problems above, it becomes important to prepare a Draft Regional Regulation of Barito Kuala Regency regarding Tourism Villages. With the drafting of the regional regulation, it is hoped that it can serve as a guide in the formation of tourist villages in Barito Kuala Regency, by providing budget allocations sourced from the Barito Kuala Regency Regional Revenue and Expenditure Budget and the Village Revenue and Expenditure Budget, so that an Academic Paper is prepared to outline the philosophical basis, sociological, and juridical on the Draft Regional Regulation of Barito Kuala Regency concerning Tourism Villages.

CONCLUSION

Efforts to develop a tourist village in Barito Kuala Regency do not yet have an adequate legal aspect, especially in the form of regional regulations. In fact, the Barito Kuala Regency Government has the authority to develop, foster and empower tourism villages provided by the provisions of the legislation. To support and support the development of tourist villages, a legal aspect is needed in the form of regional regulations regarding tourist villages in Barito Kuala Regency, one of the impacts of which is that the Regional Government can allocate a budget for the implementation of tourism villages in the Barito Kuala Regency Regional Revenue and Expenditure Budget in accordance with the provisions of laws and regulations and adjust to local financial capacity.

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