



Sustainable National Tourism Development Based on The Conservation of Nature and Culture of Traditional Law Communities

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| ARTICLE INFO | ABSTRACT |
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| <p>Article History Received Revised Accepted Published</p> <p>Keywords Tourism1 Conservation2 Traditional Law3</p> | <p>Indonesia has a wealth of invaluable natural resources and potential cultural resources for developing national tourism, such as strategic geographical location, living and non-living natural resources, ethnic and linguistic diversity, historical and ancient heritage, and arts and traditions of inviting people. The aim research is to know the sustainable national tourism development based on the conservation of nature and culture of traditional law communities. the method used empirical research, a statutory approach, a conceptual approach, a case study approach, and a sociological approach. The result shows that Sustainable tourism development by the UNWTO is defined as a conscious effort and carried out in a planned manner by integrating economic, environmental, and socio-cultural elements of society into tourism development that is oriented towards improving the welfare of the local community. This means that the performance of sustainable tourism development is not solely intended to pursue economic growth to increase state income and foreign exchange (state revenue), but must be carried out in harmony with the interests of environmental conservation and preserving cultural traditions and social life of the people in and around destinations local tourism.</p> |
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1. INTRODUCTION

Indonesia has a wealth of invaluable natural resources and potential cultural resources for developing national tourism, such as strategic geographical location, living and non-living natural resources, ethnic and linguistic diversity, historical and ancient heritage, and arts and traditions of inviting people. Admiration of tourists from foreign and domestic. Therefore, this cultural wealth and natural resources can become natural capital and socio-cultural capital to drive the tourism industry to increase foreign exchange and state income in sustainable national development. They are oriented to the welfare and prosperity of the people as mandated by the 1945 Constitution of the Republic of Indonesia.

Sustainable tourism in the vision of World Tourism Organisation is defined as it follows: "Sustainable development of tourism meets the

current needs of tourists and of the accommodation segments, protecting and enhancing opportunities for the future (Turcov and Apetri 2015). The management of all resources must be conducted in a manner that would allow the satisfaction of the economic, social and aesthetic needs while maintaining cultural integrity, essential ecological processes, biological diversity and life support systems" (Budiarta and Mohamad 2022).

International organizations, in this case, The United Nations World Tourism Organization (the UN-WTO), recognize that the tourism sector has become a leading sector in development, becoming one of the critical factors for regional development in a country and increasing welfare Public. This is because growing tourism destinations and investment further advance the tourism sector as a mainstay factor in increasing state income and foreign exchange, opening

business opportunities and creating jobs, developing regional infrastructure, and improving the welfare of people in the regions (Feng and Fan 2012).

The development of tourism in the millennium era has become a global phenomenon to fulfill basic needs. Therefore, it is part of human rights that must be respected and protected by tourism business actors. Consequently, the government and regional governments, tourism business actors, and the community must mobilize and spur tourism development within the sustainable national development scheme as stipulated in the 2005–2025 National Long-Term Development Plan (Permatasari, Widiati, and Suryani 2019).

The legal and policy instrument for regulating the governance of national tourism development is Law Number 10 of 2009. Tourism means that all tourism-related activities are multidimensional and multidisciplinary and arise as a manifestation of the needs of each person and country, as well as interactions between tourists and the local community, fellow tourists, the government and regional governments, and tourism business actors. The physical, spiritual, and intellectual needs of every tourist with recreation and travel increase the income and foreign exchange of the state in the framework of realizing people's welfare (Budiartha 2020).

National tourism development is intended to increase economic growth, improve people's welfare, reduce poverty, overcome unemployment, preserve the environment and natural resources, promote culture, enhance the national image, foster love for the motherland, strengthen national identity and unity, and strengthen the friendship between nations (Article 4 of Law Number 10 of 2009 concerning Tourism). Therefore, the principles that must be referred to in tourism development are: (1) upholding religious norms and cultural values as the embodiment of the concept of life in a balanced relationship between humans and God Almighty, the relationship between humans and fellow human beings, and the relationship between humans with the natural environment; (2) upholding human rights, cultural diversity, and local wisdom; (3) provide benefits for people's welfare, justice, equality, and proportionality; (4) preserving nature and the environment; (5) empower local communities; (6) ensure integration between sectors, between regions, between the center and the regions which constitute a systemic unit within the

framework of regional autonomy, as well as integration among stakeholders; (7) comply with the world tourism code of ethics and international agreements in the field of tourism; and (8) strengthening the integrity of the Unitary State of the Republic of Indonesia (Article 5 of Law Number 10 of 2009 concerning Tourism).

In Government Regulation Number 50 of 2011 concerning the National Tourism Development Master Plan for 2010 – 2025, it is explicitly stated that national tourism development is oriented towards (1) community empowerment through tourism, potential development, gender optimization, regulation preparation, expansion by developing small and medium industrial products, increasing awareness and participation of the community and stakeholders in realizing *sapta charms* to create a conducive climate for local tourism; and (2) strategies for developing potential, capacity, and community participation; as well as the development of investment in tourism and incentives from tourism investment.

Furthermore, in the Presidential Instruction of the Republic of Indonesia Number 6 of 2005 concerning the Culture and Tourism Development Policy, it is emphasized that the Ministry of Tourism carries out tourism development by preparing complete information in the field of culture and tourism, increasing cooperation with regions and international cooperation to support the promotion of Indonesian tourism, encouraging the development of a leading tourism industry, and increasing public awareness of the preservation of cultural heritage and tourist attractions.

In the Regulation of the Minister of Tourism Number 14 of 2016 concerning Guidelines for the Sustainable Tourism Industry, it is explicitly mandated that governors, regents, and mayors who have tourism destinations in their regions further improve their regional tourism information and promotion systems, prepare regional tourism development master plans, conduct supervision and control environmental damage, develop information on investment opportunities in the field of tourism, and increase the implementation of tourism awareness through the *Sapta Pesona* program. This is done by providing convenience in the areas of licensing the tourism industry and permitting the use of locations for film shooting, structuring tourist destinations and preparing village infrastructure, developing tourist attractions for domestic tourists, and preserving traditions,

values, and customs through holding regional art performances .

To realize the Instruction of the President of the Republic of Indonesia Number 6 of 2005 concerning the Culture and Tourism Development Policy, as referred to above, the Minister of Tourism Regulation Number 14 of 2016 concerning Guidelines for Sustainable Tourism Development was enacted, which is directed at increasing economic growth, empowering and welfare of the community, through sustainable tourism industry management, utilization of financial resources and preservation of local culture and environmental conservation. Thus, the principles of sustainable tourism management, as referred to above, must be used as a reference for national tourism development for national economic growth, preservation of the environment and natural resources, and the protection of social and cultural resources of the people in the regions.

Sustainable national tourism development is an integral part of national development, namely the development of tourism that combines economic interests, preservation of the natural environment, social protection, and community culture to fulfill the interests of present and future generations. The basic principle of sustainable tourism development is to maintain a balance in fulfilling the economic, environmental, and socio-cultural interests of the community by utilizing natural resources, ecological services, and community culture, which government actors and local governments, tourism business actors and local communities in a sustainable manner carry out.

Natural tourism destinations and cultural tourism in strategic tourism areas rely on natural resources and cultural resources which have the potential to become superior regional tourism as stipulated in the provisions of Article 12 of Law Number 10 of 2009 concerning Tourism Based on the requirements of Government Regulation Number 50 of 2011 concerning The National Tourism Development Master Plan for 2010 - 2025, has determined 88 National Tourism Strategic Areas (KSPN), including Kintamani-Lake Batur and its surroundings (Bali) and Bromo-Tengger-Semeru and its environs (East Java). The management of tourism destinations in the two KSPNs is correlated with the involvement and fulfillment of the local indigenous peoples' economic and cultural rights in the region's tourism development.

Explicitly in, the Global Code of Ethics for Tourism (GCET), as a product of the United Nations World Tourism Organization (UNWTO) General Assembly resolution in 1999, contains global principles of sustainable tourism development as a guide for related parties (stakeholders) such as the government, tourism business actors and the community, to optimally improve welfare and suppress the negative impacts of tourism on environmental degradation and damage to the socio-cultural life of local communities living in and around tourism destinations.

The GCET as referred to above basically contains 10 global principles of sustainable tourism development, which harmonize economic interests, protect the environment, and preserve social institutions and local community cultural traditions, namely: (1) tourism must build understanding and respect for the social and cultural life of the community local; (2) tourism has the role of fulfilling individual or collective needs; (3) tourism functions as part of sustainable development; (4) tourism provides space to enjoy world cultural heritage and contributes to the preservation of human culture; (5) tourism must make a clear and tangible contribution to the State and communities in and around tourism destinations; (6) tourism has regulates the obligations of interested parties (stakeholders) in tourism development; (7) tourism must regulate people's rights in traveling; (8) tourists are given the freedom to move from one tourist destination to another; (9) tourism must regulate the rights of the community and tourism business actors in the development of the tourism industry; and (10) tourism regulates obligations for countries in the world to realize and implement the global principles of the tourism code of ethics.

Tourism destinations in the region are, in fact, within the customary rights area of regular law community units, which the State constitutionally recognizes based on the provisions of Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states: "The state recognizes and respects community units customary law along with its traditional rights as long as they are still alive, by the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated in law." The provisions mentioned above are then elaborated in the National Long-Term Development Plan for 2005-2025, which states that in sustainable

national tourism development, the government is obliged to uphold human rights; appreciate and protect cultural diversity and local wisdom; provide benefits for the welfare of the local community, realizing justice, equality, and proportionality; maintain the preservation of nature and the environment, and empower local communities.

Thus, customary law community units in the regions are constitutionally guaranteed to receive protection, have the right to play a fundamental role, and enjoy a share of the results of national tourism development in the areas of tourism destinations in the regions. To understand customary law community units in the region as a social and cultural system, it can be identified from the existence of traditional villages in areas with various names such as *desa* and *Banjar pakraman* (Bali), *desa* and *hamlet* (Java), *Nagari* (Sumatra, West), *gampong* (Aceh), *clan* (South Sumatra), *lembang* (Toraja), *banua* or *wanua* (West Kalimantan), *country* (Maluku), *tiuh* or *pekon* (Lampung), *kedamangan* (Central Kalimantan), *huta* or *nagori* (Sumatra North), or by other names in the area.

Juridically, the existence of traditional villages scattered in the regions has received recognition and is regulated by Law Number 6 of 2016 concerning Villages, which states that villages are villages and traditional villages or what is called by other names (Sukadana, Sutama, and Karma 2022). These, namely legal community units, have territorial boundaries. The territory that has the authority to regulate and manage government affairs, and local community interests, is based on community initiatives, origin rights, and traditional rights, which are recognized and respected in the system of government of the Unitary State of the Republic of Indonesia .

Regarding the development of sustainable national tourism and the management of tourism destinations in the regions, the existence of traditional local villages is a supporting actor. He determines the success of the government and local governments in developing the tourism sector because customary law community units that have been passed down for centuries and passed down for generations live their lives in the area of tourism destinations in the region. Therefore, it is the obligation of the government and regional governments in tourism development to take into account their existence by giving them a fundamental role and priority rights proportionally, in addition to improving

the welfare of indigenous and tribal peoples, as well as preserving the natural environment and cultural resources of the local community. The research aim is to know the Sustainable National Tourism Development Based on The Conservation of Nature and Culture of Traditional Law Communities.

2. METHOD

This study uses empirical research, a statutory approach, a conceptual approach, a case study approach, and a sociological approach. Sources of data used include primary data, secondary data, and tertiary legal materials. Primary data collection used observation and interview techniques, while secondary data and tertiary legal materials were obtained using literature review techniques (study documents). The data sources were then analyzed using qualitative methods and interpretation techniques (Utami 2022).

3. RESULTS AND DISCUSSION

3.1 The Concept of Sustainable Tourism Development

Tourism is an integral part of national development, which is carried out in a systematic, planned, integrated, sustainable, and responsible manner while still protecting religious values, a culture that lives in society, preservation and quality of the environment, as well as national interests so that tourism development necessary to encourage the equal distribution of business opportunities and gain benefits as well as being able to face the challenges of changes in local, national, and international life. Therefore, developing a sustainable national tourism industry is intended as one of the efforts to increase the welfare and prosperity of the people while maintaining the sustainability of the natural environment and preserving the culture of the local community.

Ideologically tourism development can be used to develop an awareness of national identity and togetherness in the diversity of nations and countries. Therefore, the development of the tourism and tourism industry is economically developed with an approach to economic growth and equity for people's welfare and development that is oriented towards regional development, with a focus on local communities, empowering human resources, developing potential tourism destinations, promotion, and marketing, empowering small and medium enterprises,

growth of tourism information and technology systems, integration across sectors and increased cooperation between countries, as well as responsibility for the use and protection of natural resources and respect for the culture of the local community.

- 1) The concept of sustainable tourism development includes 3 (three) interrelated aspects: (1) ecological sustainability, namely sustainable tourism development, must pay attention to the interests of environmental conservation and the life system and culture of the local community. In this case, investors in tourism development must not solely pursue economic gains by sacrificing environmental preservation, let alone destroying nature which destroys habitats in that environment.
- 2) Social adaptability, namely tourism development, must be harmonized with the conditions of the social and cultural life of the local community so that there is a synergy between the interests of the tourism business and the obligation to safeguard interests for the welfare and preservation of the traditions and social life of the local community. In this regard, the district must be played as a subject in the development of the tourism industry, not merely as an object that only benefits tourism business actors, ignoring the existence and participation of the community in tourism development in the regions.
- 3) cultural sustainability, namely preserving the traditions and culture of the local community must be a priority in tourism development, as a form of ancestral heritage and cultural capital that must be kept sustainably, not just as an object of commercialization for the benefit of the economy so that it can damage the nation's cultural traditions.

As referred to above, the concept of sustainable tourism development is also related to the idea of community-based development, which is oriented towards the recognition and protection of the community's economic, social, and cultural rights by naturally involving the community in development management to increase welfare. Community, social interests, preservation of cultural traditions, and protection of the natural environment in tourism destination areas (Utami 2017).

In Law Number 10 of 2009 concerning Tourism, it is stated that tourism development is realized through the implementation of tourism development plans by taking into account the diversity, uniqueness, and cultural and natural uniqueness as well as human needs for tourism.

Therefore, the determination of strategic tourism areas is carried out by taking into account aspects of natural tourism resources and cultural tourism that have the potential to become tourism attractions, as well as protection of tourism areas by conserving the carrying capacity of the environment, readiness, and support as well as the uniqueness of the cultural traditions of the community in tourism destination areas.

In other words, the development of strategic tourism areas must pay attention to and consider aspects of the natural, social and cultural environment, including the local community's religious system, in addition to paying attention to the interests of economic development, which can improve the welfare of the local community, predominantly indigenous and tribal peoples in tourism destination areas (Law, no 12), as intended and aligned with the principles of tourism management agreed upon by the World Tourism Organization in the form of the Global Code of Ethics for Tourism (Global Code of Ethics for Tourism).

One important principle is the principle of public participation in sustainable tourism development, as adopted in the provisions of Article 19 of Law Number 10 of 2009 concerning Tourism, which states as follows: (1) Everyone has the right to play a role in the tourism development process; and (2) Every person and/or community in and around tourism destinations has priority rights to become workers/labor, consignment, and/or tourism management.

The principle of community participation in tourism development is translated into not just a "right." Still, more than that, it becomes a "priority right" in national tourism development to emphasize that the government and regional governments, as well as tourism business actors, must involve the community in and around it. Tourism destinations aim to increase welfare and preserve the local community's natural environment, traditions, and culture.

Constitutionally, the provisions of Article 18 paragraph (2) of the 1945 Constitution of the Republic of Indonesia state that the state recognizes and respects customary law

community units and their traditional rights as long as they are still alive and by the development of society and the principles of the Unitary State of the Republic of Indonesia. In this regard, it empirically shows that tourism destinations in the region are in coastal and sea areas as well as areas of small islands, hilly regions, watersheds, in and around forest areas, paddy field landscapes, and fields, which are part of the area. Customary law community customary rights in the site. Therefore, to establish regulations for managing tourism destinations just for the local community, indigenous and tribal peoples must be given a clear role and obtain proportional benefits from the income from the management of tourism destinations carried out by the local government.

In other words, the management of tourism destinations by the government and regional governments as well as tourism business actors, which are in the area of customary rights of local everyday law communities, which become familiar village territorial units as referred to in Law Number 6 of 2014 concerning Villages, must be given priority rights in the performance of the management of tourism destinations carried out by the local, regional government and obtaining a proportional share of the results of tourism management in an equitable manner, in addition to improving the welfare of the community as well as preserving the traditions and culture of indigenous and tribal peoples and conserving the local natural environment.

Thus, the national tourism development policy accommodates the aspirations and interests of the community, in addition to the welfare and prosperity of the people, as well as the interests of conserving the natural environment and preserving the culture of the community in tourism destination areas in the regions. Therefore, the determination of strategic tourism areas is carried out by taking into account aspects of natural tourism resources and cultural tourism that have the potential to become tourism attractions, as well as protection of tourism areas by conserving the carrying capacity of the environment, readiness, and support as well as the uniqueness of the cultural traditions of the community in tourism destination areas.

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welfare and prosperity of the people, as well as the interests of conserving the natural environment and preserving the culture of the community in tourism destination areas in the regions.

3.2 Sustainable National Tourism Development Policy

September 27 is celebrated as International Tourism Day. To be precise, September 27 2017 was also proclaimed as the International Year of Sustainable Tourism Development by the United Nations World Tourism Organization (UNWTO), as a form of campaign that was echoed to build awareness and support programs for sustainable development goals (Sustainable Tourism). Development Goals) launched by the United Nations (UN), in particular to build awareness of the international community in achieving sustainable tourism development goals.

4. CONCLUSION

Sustainable tourism development by the UNWTO is defined as a conscious effort and carried out in a planned manner by integrating economic, environmental, and socio-cultural elements of society into tourism development that is oriented towards improving the welfare of the local community. This means that the performance of sustainable tourism development is not solely intended to pursue economic growth to increase state income and foreign exchange (state revenue), but must be carried out in harmony with the interests of environmental conservation and preserving cultural traditions and social life of the people in and around destinations local tourism.

In the Code of Ethics for Global Tourism (the Global Code of Ethics for Tourism/GCET) which contains global principles of sustainable tourism development as a guide (guidance) for related parties (stakeholders) to improve welfare optimally, reduce the impact of environmental degradation, and preventing damage to the social and cultural life of the local community living in and around tourism destinations. Therefore, tourism must build understanding and respect for the institutions of social and cultural life of the local community; tourism provides space to enjoy world cultural heritage and contributes to the preservation of human culture; and tourism must make a clear and tangible contribution to the communities in and around tourism destinations.

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