

LAND USE, PERSPECTIVES, IMPLEMENTATION AND THE PROBLEMS IN SUSTAINABLE TOURISM DEVELOPMENT IN THE GLOBAL ERA

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Abstract

Sustainable Tourism often watches videos and is echoed by tourism experts around the world. The aims of this research are to discuss the use of Land, Investment, Tourism, Local Wisdom and Globalization and to find out the problem of the availability of land in Bali. This study uses a normative research method by combining land and tourism regulations. The result of this research shows that Tourism activities require the conversion of land, land and resources. In the context of globalization, the presence of investors from one country to another is a necessity. The current problems related to land are exacerbated by the emergence of: (a) Globalization, (b) Socio-cultural changes, (c) orientation of shifting values towards materialistic (d) Changes in patterns and lifestyles increasingly towards consumerism, (e) Individualistic and hegemony personal.

Keywords: Globalization, Land, Sustainable Tourism.

I. INTRODUCTION

Tourism development is highly dependent on the quantity, quality, and characteristics of available land (Morrison, 2022). Sustainable tourism is often discussed and echoed by tourism experts around the world. These shows how important the management and development of a tourism destination is for a region/country. It takes the care (awareness) of many parties so that this important concept runs well. The support from the United Nation World Tourism Organization (UNWTO) further strengthens the importance of the concept of Sustainable Tourism. Three things are put forward to be the main focus of attention, namely economic impact, social impact, and environmental impact. The principle of sustainability is practiced in the management of an area or tourist destination. Long-term sustainability is a major concern.

Sustainability has become a central issue for the future of tourism planning and development (Paunović & Jovanović, 2017). Sustainable tourism carries at least 2 important objectives: a) Development Goals: focus on economic growth through a grassroots approach to development that focuses on satisfying people's basic needs; b) Environmental Goals, Sustainable: preserving and protecting the environment, especially conserving non-renewable resources.

The World Tourism Organization (WTO) states that sustainable tourism is "tourism that takes full account of its current and future economic, social and environmental impacts, addressing the needs of visitors, the industry, the environment, and host communities". The explanation can be defined that

sustainable tourism is a concept of tourism development /development that takes into account the full economic, social, and environmental impacts of the present and future.

Through the explanation above, it can be concluded that sustainable tourism is a concept that is practiced, both by the community, which in this case is not only a tourist service provider, but also tourists and the host community and local government. The WTO and the United Nations Environment Program (2005) have also formulated at least 12 main objectives of sustainable tourism development, as follows:

1. Economic Viability, ensuring the continuity and competitiveness of tourist destinations so that they can receive economic benefits in the long term.
2. Local Prosperity, maximizing the contribution of tourism to the economy of local communities in the destination environment.
3. Employment Quality, improving the quality of human resources who are in charge / involved in tourism activities, including in terms of wage receipts, gender and racial equality.
4. Social Equity, providing a broad and equitable distribution of economic and social benefits, including increasing opportunities for engagement, income, and services.
5. Visitor Fulfillment, to provide a satisfying experience for visitors, including the exchange of knowledge in tourist activities.
6. Local Control, involving and empowering local communities in planning and making decisions regarding the management or development of tourism.
7. Community Wellbeing maintains and strengthens the quality of life of local communities, including social structures and access to resources, facilities, and life support systems.
8. Cultural Richness, respecting and raising awareness of the historical heritage, authentic culture, traditions and peculiarities of the host community in the tourist destination.
9. Physical Integrity, maintaining and improving the quality of the destination landscape, both urban and rural.
10. Biological Diversity supports all forms of conservation systems for natural areas, habitats, and wildlife.
11. Resource Efficiency, minimizing the use of scarce and non-renewable resources in the development and operation of tourism facilities
12. Environmental Purity, minimizes air, water, and soil pollution as well as waste deposits by tourist destinations and tourists

II. RESEARCH METHOD

In examining the problems that arise in this study, using the type of normative legal research (Hartono, 1994) which is a process of reviewing the author to obtain validity based on scientific logic from a normative perspective. This research uses a normative research method by combining land and tourism regulations

III. RESULT AND DISCUSSION

1. Land, Investment, Tourism, Local Wisdom and Globalization

The Government of Indonesia in Law Number 10 of 2009 concerning Tourism adopts tourism management based on/through the principles of: benefit, kinship, fairness and equality, balance, independence, sustainability, participatory, sustainable, democratic, equality; and unity.

The government is fully aware of the existence of tourism and that the state of nature, flora, and fauna, as a gift of God Almighty, as well as ancient relics, historical relics, arts, and culture owned by the Indonesian nation are resources and capital for tourism development to increase prosperity and welfare of the people as contained in Pancasila and the Preamble to the 1945 Constitution of the Republic of Indonesia.

Tourism is an integral part of national development which is carried out systematically, planned, integrated, sustainable, and responsible while still providing protection for religious values, culture living in society, environmental sustainability and quality, and national interests. In the law, it is also formulated that tourism aims to: increase economic growth, improve people's welfare, eliminate poverty, overcome unemployment, preserve nature, environment, and resources, promote culture, raise the image of the nation, cultivate a sense of love for the homeland, strengthen identity and national unity; and strengthen friendships between nations.

Meanwhile, in the Regulation of the Minister of Tourism No. 14 of 2016 concerning Guidelines for Sustainable Tourism Destinations, there are 4 (four) main pillars in tourism development. This pillar is also a criterion that has been formulated by the Global Sustainable Tourism Council, which includes:

1. *Sustainability Management*
2. *Social-Economy*
3. *Culture*
4. *Environment*

The four pillars above have actually been clearly stated in the Tourism Law, where the performance of tourism development is not only measured and evaluated based on its contribution to economic growth, but also for its contribution to improving community welfare, reducing unemployment and poverty, preserving natural resources / environment, cultural development, improving the image of the nation and national identity so that it can strengthen unity. In building sustainable tourism, a change in the mindset and awareness of all stakeholders is needed. This is an important key to strengthen and lay down the concept of sustainable tourism development.

With good planning and effective management, tourism can have a positive impact on the economy, socio-culture, and the environment. On the contrary, it can also happen if development planning is prepared carelessly and does not pay attention to the rules of sustainable development.

The explanation of the 4 (four) pillars of sustainable tourism development is as follows:

- a. Sustainable Tourism Destination Management: Tourist destinations are expected to have compiled and applied long-term strategy development by considering environmental, economic, social, cultural, quality, health, safety, and aesthetic issues developed together with the community. Monitoring and evaluation systems must also be implemented to minimize all impacts caused by tourism activities. In addition, tourism destinations are expected to have effective organizations, groups or committees, responsible for coordinating the development of sustainable tourism by involving the private sector and the government. The organization also plays a role in providing regular oversight and reporting to the public.
- b. Economic Utilization for Local Communities: sustainable tourism development requires tourist destinations to provide equal employment opportunities to all communities. Organizations must also have a system that encourages community participation in goal planning and sustainable decision-making. Economic utilization for local communities can also be shown by the existence of a system that supports local communities and small and medium entrepreneurs to be able to promote and develop their local products in a sustainable manner. The local products in question can be food and beverages, handicrafts, art performances, agricultural products, and others;
- c. Cultural Preservation for People and Visitors: Cultural values that are ancestral heritage must be preserved. The preservation of this culture can later also become an attractive attraction for tourists so that it becomes a means of education and knowledge transfer. In addition, with the existence of tourist attractions in the form of local wisdom / culture, it will bring tourists to be able to respect and appreciate the culture in every tourist destination they visit. Tourist destinations are also expected to have a visitor management system, including actions to maintain, protect, and strengthen natural and cultural resource assets. To support this system, tourist destinations can provide or publish appropriate visitor behavior guidelines on sensitive websites. These information and guidelines should also be adapted to the local culture developed through collaboration with the community.

- d. **Environmental Preservation:** Environmental preservation is carried out to reduce and prevent environmental damage caused by tourism activities. In this case, when developing tourist destinations, organizations are required to identify environmental risks and their handling processes/systems. In addition, tourist destinations must play a role in providing protection of the wild, both flora and fauna by providing systems that are adapted to local, national, and international laws.

Tourism activities require the conversion of land, land and resource functions. In the context of globalization, the presence of investors from one country to another (such as Indonesia) is a necessity. A presence that can never be denied because basically globalization never even knocks on the door asking for permission to be present in our midst. The presence of the Investment Law Number 25 of 2007 hints that we no longer dictate foreign investment and domestic investment but even unite it with investment alone. The treatment given to investors must also be the same without discriminating against the origin of the investor's country. Capital security is organized based on the principles of: legal certainty, openness, accountability, equal treatment and does not distinguish the origin of the State, togetherness, togetherness, fair efficiency, sustainability, environmental insight, independence, and the balance of progress and unity of the national economy. However, this same treatment still affects the national interest (Article 4 of the Investment Law).

For Indonesia, the allotment of land is as much as possible for the prosperity of the community and the State. Land has a philosophical meaning, where the land is integrated with the personal self of the owner. It is not surprising that in a number of regions in Indonesia give the meaning of land in local wisdom. In Java: "Sedumuk cough, almost earth, tohing nyowo, wutahing ludira, tumekaning pati"; In Bali: known as "Tri Hita Karana", meaning "Ajeg Bali"

Investment in macro and micro perspectives in reality has implications for land conversion, including land ownership. In the structure of indigenous peoples towards modern society comes the dichotomy of weakening the concept of communal ownership towards the strengthening of the concept of individual ownership.

Data from the Agriculture and Food Service of Badung Regency shows that the area of rice fields over the past three years has continued to decrease. In 2017 alone, rice fields in 'Gumi Keris' were recorded covering an area of 9,974.58 hectares. Furthermore, in 2018 it was reduced to 9,940.24 hectares. Meanwhile, based on the latest data in 2019, the area of rice fields has decreased again to 9,456 hectares. Even researcher Prof. Suparta said that around 1000 hectares per year in Bali there is a land function change

2. Agrarian Renewal, Saving Land amid Various Conflicts of Interest

If we look at the Mandate of the MPR TAP Number IX/2001, the Agrarian Renewal and Natural Resources Management is stated in the thinking:

Agrarian resources and natural resources as the Mercy of God Almighty to the Indonesian Nation are national treasures that must be grateful for. Therefore, it must be optimally managed and utilized for the present and future generations in order to realize a just and prosperous society;

- a. The People's Consultative Assembly of the Republic of Indonesia has a constitutional duty to establish a direction and basis for national development that can answer various problems of poverty, inequality and socio-economic injustice of the people as well as damage to natural resources;
- b. The management of agrarian resources and natural resources that have been going on so far has caused a decrease in the quality of the environment, inequality in the structure of control, ownership, use and utilization and caused various conflicts;
- c. Laws and regulations relating to the management of agrarian resources and natural resources overlap and conflict with each other;
- d. fair, sustainable, and environmentally friendly management of agrarian resources and natural resources must be carried out in a coordinated, integrated manner and accommodating the dynamics, aspirations and participation of the community, as well as resolving conflicts;

- e. To realize the lofty ideals of the Indonesian nation as stated in the Preamble of the 1945 Constitution, an earnest political commitment is needed to provide a basis and direction for agrarian renewal and fair, sustainable and friendly management of natural resources

But in reality, the mandate is difficult to realize, because:

- a. Land is a strategic resource; problems in its management include not only economic aspects, but also political, sociocultural, and even defense (implications of empirical conditions),
- b. Land problems stem from the accumulation of various current problems but also with historical aspects and socio-political dynamics so far, even the direction of social change which is empirically influenced by changes in the strategic environment.
- c. Any update or change means changing the status quo. Social turmoil due to reluctance (perhaps even rejection) and enthusiasm (even demands) from different groups of people will arise in that period so it needs to be anticipated so that it does not develop into a widespread and difficult-to-overcome conflict.

The contemporary problems associated with this land are further exacerbated by the emergence of: (a) Globalization (land is increasingly multi-functional), (b) Socio-cultural changes, (c) orientation shifting values towards materialistic (d) Changes in patterns and lifestyles are increasingly towards consumerism, (e) Individualistic and personal hegemony.

A number of studies that have been carried out have come to the conclusion of a general vortex of land problems related to: (a) Distribution and distribution of population compared to inadequate land, (b) Patterns of investment and regional development, (c) Unequal land tenure area, (d) Uncontrolled conversion of productive agricultural land, (e) Weak land administration system, (f) Implementation of inconsistent spatial rules, (g) indigenous societal structures that are not functioning optimally.

As an area with a very high potential in the field of tourism, Bali is absolutely an absolute realization of sustainable tourism. But what about the "conditio sine qua non" land field? An Agrarian Bali with a UNESCO-UN recognized water management organization, Subak, as an intangible heritage? Do our children and grandchildren only know this adiluhung organization through visualization at the Subak Tabanan Museum?

Refers to the Basic Agrarian Law where on land is attached a certain amount of land: Property rights, business use rights, building use rights, use rights, lease rights, land opening rights, rights to collect forest products, and other rights that are not included in the aforementioned rights that will be stipulated by law and rights that are temporary in nature. Is it not appropriate that the concepts of conversion and transfer of land rights have begun to be considered and reflected on the restrictions?

It feels like it's not too late for us "Balinese" owners to think of a progressive Balinese with the philosophy of Tri Hita Karana and Ajeg Bali making concrete efforts to:

- a. Realizing a Land Bank for long-term investor/investment preparation
- b. Providing legal certainty of overall land rights
- c. Fundamental positioning of pakeraman village institutions in providing recommendations for land conversion and transfer of ownership of certain lands
- d. Awareness of balinese ajeg and the attitude of the citizens of balinese community that are compact are not partial in responding to the problem
- e. The government socializes spatial planning openly whose spatial arrangement involves all elements of society
- f. Increased community participation in maintaining Balinese ajeg and reducing the opportunity for total transfer of land rights / waiver of individual rights
- g. Optimizing land allotment for Tourism in the Global Era without having to sacrifice the essential Bali.

IV. CONCLUSION

Tourism is an integral part of national development which is carried out systematically, planned, integrated, sustainable, and responsible while still providing protection for religious values, culture living in society, environmental sustainability and quality, and national interests. In the law, it is also formulated that tourism aims to: increase economic growth, improve people's welfare, eliminate poverty, overcome unemployment, preserve nature, environment, and resources, promote culture, raise the image of the nation, cultivate a sense of love for the homeland, strengthen identity and national unity; and strengthen friendships between nations. The Regulation of the Minister of Tourism No. 14 of 2016 concerning Guidelines for Sustainable Tourism Destinations, there are 4 (four) main pillars in tourism development. This pillar is also a criterion that has been formulated by the Global Sustainable Tourism Council, which includes; sustainability Management; Social-Economy; Culture; Environment. And The contemporary problems associated with this land are further exacerbated by the emergence of: (a) Globalization (land is increasingly multi-functional), (b) Socio-cultural changes, (c) orientation shifting values towards materialistic (d) Changes in patterns and lifestyles are increasingly towards consumerism, (e) Individualistic and personal hegemony. A number of studies that have been carried out have come to the conclusion of a general vortex of land problems related to: (a) Distribution and distribution of population compared to inadequate land, (b) Patterns of investment and regional development, (c) Unequal land tenure area, (d) Uncontrolled conversion of productive agricultural land, (e) Weak land administration system, (f) Implementation of inconsistent spatial rules, (g) indigenous societal structures that are not functioning optimally.

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