



Urgency and Model of Village Tourism Village Regulation in Sriharjo in Realizing People based Tourism

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ARTICLE INFO

Keywords

Village Regulations; Village Government; Touristvillage

ABSTRACT

Tourism Villages have a strategic role in realizing prosperity and prosperity while providing protection and preservation of culture, economy and the environment. Likewise, Sriharjo Village, Imogiri District, Bantul Regency, Yogyakarta Special Region Province, has an extraordinary landscape that has the potential to become a tourist attraction. The existence of this diverse tourism on the other hand can also be a threat because the potential for tourism always attracts the attention of the government, the community, and investors so that it has the potential to cause conflict between the three. Worse yet, society is often in a position weakened by ignorance. Therefore, the Sriharjo Village Government initiated the formation of village regulations as guidelines for the implementation of the Sriharjo Tourism Village. The purpose of this research is to formulate the implementation of the Tourism Village in Sriharjo Village, to formulate the urgency of the formation of the Village Regulation Draft regarding the tourist village and to formulate the philosophical, sociological and juridical basis of the formation of the Village Regulation Draft regarding Tourism Village in Sriharjo Village. This article uses normative research method, where every aspect of legal research is always related to *das sollen* which is the basis of the norm. In addition to the normative aspect, this research is also empirical in nature, namely finding the direct sources used. The results of the study indicate the need for the establishment of village regulations and the results of the research also produce an academic text that will be used to formulate the Sriharjo Village Regulations. In the future, in the implementation of the Sriharjo Tourism Village, both the village government, the community, and the private sector can fulfill the provisions in the Sriharjo Village Regulation.



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Introduction

Referring to Hans Antlov's opinion, in a unitary state, both centralized and decentralized, which grants autonomous rights to regions or organs or institutions, is a gift from the central government, the granting of autonomous rights can be withdrawn either by

authority or by laws and regulations at the regional level without having to ask for prior approval. first from the area (Muin, 2014).

With the existence of regional autonomy which gives the rights, authorities and obligations of the regions to be able to regulate and manage their own government affairs and the interests of the local community in accordance with statutory regulations. Given that local governments are considered to be more familiar with their respective regions, so that they will be able to develop their regions more through the given regional autonomy (Ristanti & Handoyo, 2017).

Based on the perspective of the regional authority to regulate and manage their own regional government, it also has an impact on the village. According to Geertz, the village comes from Sanskrit which means a suburb, place, area that depends on a higher power or an area ruled by a power outside the region (Ni'Matul, 2015). Meanwhile, according to Law Number 6 of 2014 concerning Villages (UU no. 6/2014), mentions:

“Village is a village and traditional village or what is called by another name, hereinafter referred to as Village, is a legal community unit that has territorial boundaries that are authorized to regulate and manage government affairs, the interests of the local community based on community initiatives, origin rights, and/or rights. recognized and respected in the legal system of government of the Unitary State of the Republic of Indonesia”.

Based on the substance of the article, within the scope of regional government, villages have the authority to regulate and manage their respective affairs, according to the circumstances and needs of the village. The authority of the village to regulate and manage its government affairs is not without reason, this is because each village has its own topographical, economic, social and cultural conditions and legal needs. Like Kalurahan Sriharjo, Imogiri District, Bantul Regency, Yogyakarta Special Region Province, it has an extraordinary landscape that has the potential to become a big tourist attraction. The tourism potential in Sriharjo Village has an attraction in the form of the Oya River valley flanked by verdant karst hills. Not only that, there are still many interesting locations that tourists need to visit, including Sri Keminut, Taman Nggirli Indah, (Jogya, 2020).

The existence of this variety of tourism on the other hand can also be a threat. The tourism potential always attracts ants, namely between the government, the community and investors, so there is a potential for conflict between the three. Even worse, people are often in a position of being 'weakened' because of ignorance. Titik Istiyawtun as the Head of Sriharjo Village firmly conveyed to the residents on the Focus Group Discussion (FGD) agenda of the Academic Manuscript of the Village Regulation on the Establishment of a Tourist Village, "don't let tourism development in Sriharjo Village, residents will only become spectators, or even just become laborers or builders. wash dishes". In this context, Titik Istiyawatun also said that investor urgency is indeed needed in terms of injection of funds for development, so Titik is not anti-investment,

The 1945 revolution marked a new chapter in the regime of the Unitary State of the Republic of Indonesia, then the 1998 reform marked a new chapter in the regional autonomy regime

as a response to the centralization of government run by Suharto. The year 2014 became another round of geo-political transformation in Indonesia, namely with the enactment of Law no. 6/2014 on Villages became a new chapter of the village government regime. Through this new regulation, villages are encouraged to have the authority to manage their own households in the fields of politics, administration and law. Thus, it is natural for villages to issue legal products such as village regulations or village regulations and village regulations or *perkals*, to protect the interests of their citizens and increase the capacity and capability of the village government.

The Sriharjo sub-district government in this context has the authority and independence in managing administration, policies, and social capacity in the village. As part of the representation of the state to protect the interests of its citizens, the Sriharjo Village Government can make *Kalurahan* Regulations to make this happen. In Roscoe Pound's theory, the understanding of law as a tool of social engineering means that the legal product issued is part of an effort to engineer society as it should (*das sollen*) (Sidik, 2013).

Based on this analysis, it has become an urgency for the Sriharjo Village Government to establish a Village Regulation on Tourism Villages so that it is able to regulate as well as become the legal basis for every policy taken by the Sriharjo Village Government for the benefit of all villagers. In addition, the Draft Village Regulation will later become a solution to the lack of legitimacy or basis in the management and development of tourism in Sriharjo Village.

Methodology

The type research use in this article is normative research (Marzuki, 2009), where every aspect of legal research is always related to *das sollen* which is the basis for the norm side. In addition to the normative aspect, this research is also empirical in nature, namely looking for direct sources that are used, especially sociological. so, the type of approach uses a sociological juridical approach, namely examining the legal provisions that apply as a basis or basis for the formation of the *Kalurahan* Regulations. The data uses primary data and secondary data. Primary data is data taken directly from sources, namely, Sriharjo Village (including documents), related Tourism Offices and representatives from Sriharjo community elements. Primary data was obtained through Focus Group Discussion (FGD) and interviews with related parties. Secondary data includes Laws, Government Regulations, Ministerial Regulations, Regional Regulations or Governor Regulations (primary legal materials). Secondary data were obtained from books, articles, journals and searches on the internet (secondary legal materials).

Results and Discussion

The urgency of the *Kalurahan* Regulation regarding the People-Based Tourism Village in Sriharjo Village

Sriharjo Village, Imogiri District, Bantul, Yogyakarta Special Region. As an area with an area of 501.36 ha with the typology of rice fields, fields, gardens, livestock, crafts and small

businesses. In the north, Sriharjo Village is directly adjacent to Kebonagun Village, Iogiri District, Mangunan Village, Kec. Dligo, in the south is bordered by Selopamioro Village, Kec. Imogiri, on the west is bordered by Srihardono Village, Kec. Pundong, and to the east of Sriharjo Village, it is directly adjacent to Mangunan Village, Kec. Dlingo.

Democracy in Sriharjo Village experienced a turning point, after Titik Istiyatun Khasanah managed to win the Village Head's Choice without money politics. There are several capitals used to win the Village Head Election without money politics, namely; 1) self-confidence, 2) social capital, 3) network capital, 4) real brothers, and 5) socialization. The emergence of democracy without money politics is one of the important points in developing a better village. To be able to create a clean, innovative and good governance village government system, 3 (three) main prerequisites are tiered in nature, namely:

- a. Political process
- b. Bureaucracy and governance
- c. Product of law

The political process is the main determinant, because a bad political process will create a political burden that will have an impact on the administration of village governance. The existence of democracy without money politics in the succession process of village head leadership in Sriharjo has set a positive precedent for building a better village. After the political process is good, then next is the governance of the bureaucracy and government, namely by fostering and developing human resources. The last is a good legal product and is able to accommodate both Village Regulations, Village Head Regulations, and Village Head Decrees.

Fulfilling the community's need for good statutory regulations (village law products) cannot be separated from how the making of a statutory regulation is carried out with a good method. These laws and regulations have a very important role in the development of law in Indonesia because their function is to create public order and legal certainty and justice for all Indonesian people (Irawan Febriansyah, 2016).

In terms of its implementation, a norm is applied which is based on the existence of an efficiency. The establishment of regulations has been required to be able to meet various needs. First, it can be implemented; Second, enforceable; Third, in accordance with the legal principles and the regulated equality of target rights; and Fourth, able to absorb the aspirations of the community (Teak, 2012).

The spirit of regional development that wants to give the widest possible autonomy to the people, in essence comes from the basic norms standard, namely the 1945 Constitution which is in article 18 which reads "The Unitary State of the Republic of Indonesia is divided into provincial regions and the provincial regions are divided into districts and cities, where each province, district and city has a regional government regulated by law.

Based on the mandate of the article, it can be said that the designer of the Indonesian state has tried to prepare so that we have local cultural wisdom and develop self-government through regional autonomy. Economic development carried out by the government must

experience growth and change, because the purpose of economic development itself is to increase the economic growth of the community and also changes in the community's economy, so that regional income will also increase (Ristanti & Handoyo, 2017). Development is a process that is identical to multidimensional which involves various fundamental changes in social structures and social institutions, in addition to accelerating economic growth, equalizing income inequality, and eradicating poverty (Wibisana, 2019).

The village is one of the most important parts in the implementation of development or it can be said that the village is the spearhead of the success of development. Villages are areas that have great natural potential and each village in Indonesia has different topography, economy, social and culture. These natural resources and wealth owned by the village can be used as a driving force to increase economic development (Andini, 2015). One way to increase or explore the economic potential of the village to be more advanced and empowered is to carry out village development in the tourism sector. With the development of the village in the field of tourism, the economic improvement of the villagers will be carried out so that they become a developed village (Ristanti & Handoyo, 2017).

A tourist village is a rural area that offers an overall atmosphere that reflects the authenticity of the countryside. The authenticity is in the form of: socio-economic life, socio-culture, customs, health, having a typical building architecture and village spatial structure, unique and interesting economic activities and has the potential to develop various components of tourism. The components developed include attractions, accommodation, eating and drinking, and other tourist needs (Amalia et al., 2018). Because rural areas offer authenticity both in terms of socio-culture, customs, daily life, traditional architecture and are synonymous with nature, this is an object that people who live outside the village seek for vacations.

There are four aspects that need to be considered in offering tourism products as a totality of products and with the existence of these four supporting aspects of tourism products, it is possible for tourist travel destinations to be achieved as expected. The four aspects are (Yulianto, 2017):

1. *Attractions*

The availability of attractions in tourist destinations or destinations to attract tourists, can be in the form of natural, community and cultural attractions.

2. *Accessibility*

Availability of means of transportation so that domestic and foreign tourists can easily reach tourist destinations.

3. *Amenities*

The availability of main and supporting facilities at a destination in the form of accommodation, restaurants, facilities, gift centers, and other supporting facilities related to tourist activities at a destination.

4. *Ancillary*

The existence of tourist travel organizers so that tourism activities can take place. This aspect can be in the form of tour guides, travel agencies, ticket reservations, and the availability of information about destinations.

With the development of the village in the field of tourism, the economy of the villagers will increase and make the village a developed one. Conditions like this give rise to a new way or method in terms of building the village economy, namely through community empowerment and existing human resources (Andini, 2015). The community has a very important role in the development of tourism in an area, but the role of the community in tourism development requires various empowerment efforts. Empowerment needs to be done so that the community is able to play an active and optimal role so that the goals of tourism development can be achieved and the community can get positive results with the development activities carried out (Suryawan, 2016).

According to Safri Miraj and Sumarno stated that empowerment is an effort to enable the community with all its existence to empower, with the center of activity must be in the hands of the community with a starting point from the community and its benefits for community empowerment. According to the Strategic Plan in the guidebook for the Tourism Awareness Group, community empowerment in the context of tourism development is (Suryawan, 2016):

"Efforts to strengthen and increase the capacity, roles and initiatives of the community as one of the stakeholders, to be able to participate and play an active role as subjects or actors as well as beneficiaries in sustainable tourism development"

The reason that encourages the formation of community-based tourism places is the existence of opportunities and opportunities as well as motivation from the community to improve their welfare while preserving local wisdom and sustainability. The sustainability aspect of tourist attractions should indeed be a major concern for tourism in the Sriharjo Village area, considering the many tourist objects that are sloped and unstable (Rikumahu, & Gobel, 2016). For example, the Sono Seneng tourist attraction in the Ngunut Kalurahan Sriharjo hamlet is overshadowed by the potential for landslides behind its beauty (Jogja, 2019).

In fact, not only landslides, floods have also overshadowed a number of tourist attractions in the Sriharjo area which are on the banks of the river. Here, what needs to be considered is the resilience aspect that needs to be managed, namely the community's capacity to manage disasters through the adaptation process and the defense of basic community functions for post-disaster recovery.

Regarding management in Sriharjo Tourism Village, the local community actively participates in exploring the village's potential. The philosophy that is the basis of values in the Sriharjo Village is the value of togetherness which is expressed in the form of gotong royong. Community participation in the management of tourist villages can have an impact

on the economic development of the community itself, regionally and even nationally. The tourism sector is a potential field to contribute to the economic growth of a country. According to I Gde Pitana added that tourism development must be carried out properly, so that it can provide benefits for tourists and the host community.

Tourism can raise the standard of living of those who host it through the economic benefits it brings to the area (Suryawan, 2016). An example of a successful area in the tourism sector is Bali. Bali is one of the areas in Indonesia that is a tourist destination, both domestic and foreign tourists, and one of its attractions is a tourist village or Bali can be said to be one of the most famous international tourist destinations in the world. The tourism sector has become a driving force for the economy and development in Bali (Widari, 2015).

In the current era, villages have the authority to build and manage their respective villages based on their authority, including developing tourist villages. Sometimes the ambition of a village to form a tourist village is not based on an adequate standard of eligibility. This is a factor that makes a tourist village stop on the road or arguably fail. In a process of developing a tourist village, it requires support or cooperation from various parties, both the community, and the village government must also involve the private sector, which in this case is closely related to investors who have capital.

An investor is a person, or a group of people or an association of legal entities or not legal entities, both domestically and abroad, making investments to get a profit. So an investor has an ability to carry out an activity in the economic field in an area that is a country. When talking about investors, of course, it cannot be separated from investments to support a development process.

Investment plays an important role in determining employment. Good infrastructure will also stimulate an increase in people's income, due to increasing economic activity as a result of higher mobility of production factors and trade activities (Sukwika, 2018). Often, the investor-friendly concept is in a diametrical position with the popular economy concept. Investment is more on the pattern of capitalization of capital and human resources, while the people's economy is more on balanced participation.

The large accumulation of capital from investors often makes the community's position weaker, therefore to create a balanced and 'equal' climate, the state should intervene to protect the interests of the community without being 'anti' against investment. Don't let the influx of investors make the public become 'watchers' of economic development around them, so that in the end they only become workers with lower positions due to lack of skills. In terms of investment, there needs to be arrangements that can accommodate the interests of the community and healthy investment.

Thus, the village government must protect the community and strive to create healthy investments. In the development of the Sriharjo Tourism Village, the Sriharjo Village Government facilitates various activities to support the formation of the Sriharjo Tourism Village. Seeing the development of tourism in the Sriharjo Village which has become a tourist attraction, the government took the initiative to encourage tourism development, but on the one hand it is worried about the realization of the tourist village, because it is feared that investors will enter by investing unhealthy. In an effort to protect the

community and the surrounding environment, the Sriharjo Government initiated the Kalurahan Regulation. The Kalurah regulation is to support development, be a supervisor, and protect the local community and environment.

The challenge faced by Sriharjo Village in the implementation of this tourist village is the issue of regulations that can regulate the parties involved in the implementation of the Sriharjo Tourism Village. The challenges faced by the community and the village government in organizing the Sriharjo Tourism Village were presented at the FGD by several parties including the community, the Village Government, the Bantul Tourism Office, the Bantul PMD Service, Imogiri Camat Representatives, AMPTA Yogyakarta, Tourism Managers, Representative from Srigethuk, Tourism Awareness Group and others in November 2020, namely:

- a. The need for regulation;
- b. People who still do not understand related to the implementation of the Sriharjo Tourism Village (related to the role of the community, investors and village government);
- c. The emergence of negative stigma regarding investors from several parties, therefore legal certainty is needed;
- d. Limitation of land use to be used as tourist attractions;
- e. Constrained by the cost to build a tourist village;
- f. Financial management;
- g. Related to tourism business;
- h. Regulation of community rights;
- i. Division of authority related to the management of tourist villages;
- j. BUMDes;
- k. Pokdarwis; and
- l. Management of community assets and village government.

Model of Kalurahan Regulations on People-Based Tourism Villages in Sriharjo Village

1. Range And Direction Setting

Target

The targets in the preparation of the Academic Manuscript and Draft Regulation of the Sriharjo Village regarding Tourism Villages are as follows:

- a. Creating legal certainty through regulatory certainty at the village level;
- b. Increase the certainty of tourism management institutions;
- c. Organizing tourism based on local community empowerment;
- d. Improving the local economy;
- e. Increase the quantity and quality of tourist attractions;
- f. Creating a tourism-aware society with the principle of Sapta Pesona;
- g. Provide protection for local/rural social and economic capacities;
- h. Provide fair investment arrangements;

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- i. Realizing open, professional, harmonious and sustainable tourism planning and management by adhering to values, norms, culture, and being environmentally friendly.

Setting Range

The range in the settings based on the previous elaboration and description is as follows:

- a. The implementation of Tourism Village-based tourism must be able to prosper and prosper the village community;
- b. The implementation of the Tourism Village is accompanied by increasing the capacity and competence of the residents managing and surrounding tourism by empowering the community;
- c. A more just and equal arrangement of investors or financiers so that they do not place funding capital as the main focus, but rather social capital that comes from the community;
- d. Control over a more harmonious, harmonious, and sustainable Tourism Village by taking into account values, norms, culture and the environment.

2. *Scope of Contents of Village Regulations*

The scope of this Draft Village Regulation is substantially: set some points or main things, namely as follows:

- a. Principles, purposes and objectives of the establishment of a Tourism Village;
- b. Procedures for the establishment of Tourism Villages and Tourism Businesses;
- c. Investment procedures;
- d. Fulfillment of the rights of persons with disabilities;
- e. Formation of Tourism Awareness Group (Pokdarwis);
- f. The role of BUM Desa; and
- g. Ban.

Conclusion

Based on this analysis, the Sriharjo Village government has the right and authority to make Sriharjo Village Regulations concerning the Establishment of Tourism Villages and Tourism Awareness Groups for Sriharjo Villages as part of the authority based on origin rights and local village authority. This becomes very important because it is part of the effort to organize a Tourism Village in the Sriharjo Village. The establishment of this draft Kalurahan Regulation aims to actualize various village authorities and at the same time place village authorities clearly (legal certainty) in the functions of empowerment, protection and development as well as supervision and control. The village is a representation of the state to create a prosperous and prosperous community life by cultivating all the potential and resources in the village properly and sustainably. Tourism Villages have a strategic role in realizing prosperity and welfare while providing protection and preservation of culture, economy and the environment. Tourism Villages can encourage various capacity building of villagers through empowerment so as to increase knowledge, attitudes, skills, behavior, abilities, awareness, and competence in the field of tourism. That the Kalurahan Government

has the authority to make regulations in order to regulate, encourage, supervise, examine and protect the interests of the community members as well as their functions, duties and authorities. In the future, in the implementation of the Sriharjo Tourism Village, both the Sriharjo Village Government, the community, and the private sector can comply with the provisions in the Sriharjo Village Regulation, because without the legal awareness of the parties to comply with the Sriharjo Village Regulation, there will be no harmonious tourism village. Perdes Sriharjo Kelurahan is the initiation of Istiyawtun as the Head of Sriharjo Village so that if Mrs. Titik Istiyawtun is no longer the Head of Sriharjo Village, it is hoped that the Sriharjo Village Head can then continue to maintain Sriharjo Village. Regulations as guidelines for Sriharjo Tourism Village. The Village Government has an important role or power to oversee the implementation of the provisions of the Sriharjo Village Regulation to create a harmonious Tourism Village.

References

- Amalia, N., Kusumawati, A., & Hakim, L. (2018). Partisipasi Masyarakat dalam Pengembangan Desa Wisata serta Dampaknya terhadap Perekonomian Warga di Desa Tulungrejo Kota Batu. *Jurnal Administrasi Bisnis (JAB)*, 61(3), 48–56.
- Andini, U. H. (2015). Pemberdayaan Ekonomi Masyarakat Dari Desa Tertinggal Menuju Desa Tidak Tertinggal (Studi Di Desa Muktiharjo Kecamatan Margorejo Kabupaten Pati). *Jurnal Administrasi Publik Mahasiswa Universitas Brawijaya*, 3(1), 7–11.
- Irawan Febriansyah, F. (2016). Konsep Pembentukan Peraturan Perundang-Undangan Di Indonesia. *Perspektif*, 21(3), 220–229. <http://jurnal-perspektif.org/index.php/perspektif/article/view/586>
- Jati, R. (2012). Partisipasi Masyarakat Dalam Proses Pembentukan Undang-Undang Yang Responsif. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 1(3), 329. <https://doi.org/10.33331/rechtsvinding.v1i3.88>
- Jogja, I. T. (2019). *Ada Potensi Bencana Longsor di Balik Indahnya Wisata Alam Sono Seneng*. IDN Times Jogja.
- Jogya, T. (2020). *Desa Wisata Sriharjo Bantul, Tawarkan Wisata Lengkap dari Lembah hingga Sungai*. Tribun-Video.Com.
- Marcia Violetha Rikumahu, dan Alieftiyani Paramita Gobel, U. (2016). Analisis Stabilitas Lereng Terhadap Permukiman di Dusun. *Mahasiswa Program Magister Teknik Pertambangan UPN "Veteran" Yogyakarta*, 124–129.
- Marzuki, P. M. (2009). *Penelitian Hukum*.
- Muin, F. (2014). Otonomi Daerah Dalam Persepektif Pembagian Urusan Pemerintah-Pemerintah. *Fiat Justisia Jurnal Ilmu Hukum Volume*, 8(1), 69–79.
- Ni'Matul, H. (2015). *Hukum Pemerintahan Desa*. Malang: Setara Press Kelompok Intrans Publishing.
- Ristanti, Y. D., & Handoyo, E. (2017). Undang-Undang Otonomi daerah dan Pembangunan Ekonomi Daerah. *Jurnal Riset Akutansi Keuangan Volume*, 2(2), 115–122.
- Sidik, S. (2013). Dampak Undang-Undang Informasi Dan Transaksi Elektronik (Uu Ite) Terhadap Perubahan Hukum Dan Sosial Dalam Masyarakat. *Jurist-Diction*, 1(3), 933–948.
- Sukwika, T. (2018). Peran Pembangunan Infrastruktur terhadap Ketimpangan Ekonomi Antarwilayah di Indonesia. *Jurnal Wilayah Dan Lingkungan*, 6(2), 115. <https://doi.org/10.14710/jwl.6.2.115-130>
- Suryawan, A. (2016). Peran Kelompok Sadar Wisata (POKDARWIS) Sendang Arum dalam
-

-
- Pengembangan Potensi Pariwisata (Studi Kasus di Desa Wisata Tlahap Kecamatan Kledung Kabupaten Temanggung). *Jurnal Elektronik Mahasiswa Pend. Luar Sekolah-S1*, 5(6), 143-152.
- Wibisana, A. G. (2019). Menulis di Jurnal Hukum: Gagasan, Struktur, dan Gaya. *Jurnal Hukum & Pembangunan*, 49(2), 471-496.
- Widari, D. A. D. S. (2015). Perkembangan Desa Wisata Jatiluwih setelah UNESCO Menetapkan Subaknya sebagai Bagian dari Warisan Budaya Dunia. *JUMPA*, 2(1), 61-78.
- Yulianto, A. (2017). Analisis Objek Day Tarik Wisata Favorit Berdasarkan Jumlah Pengunjung di Daerah Istimewa Yogyakarta. *Jurnal Media Wisata*, 15(2), 555-567.