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Speculative Hypotheses on Political Direction of Tourism Law in Indonesia; Community Base Tourism (CBT) Development

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Abstract. Tourism is one sector with fairly high development potential, even the tourism sector makes a large contribution to GDP and GRDP. According to the Law of the Republic of Indonesia Number 10 of 2009 concerning Tourism and the Regulation of the Minister of Home Affairs Number 33 of 2009 concerning Guidelines for Ecotourism Development in the Regions, it is stated the importance of community participation in tourism development. Based on this, this study aims to; 1). Studying the political direction of tourism law in Indonesia, 2). Mapping the internal and external environment for Community Base Tourism (CBT) development, and 3). Develop speculative hypotheses related to the CBT development strategy. The sources of the study are secondary data originating from books and publications related to Tourism Law Politics and CBT Development. Strategic Management matrix; EFAS/IFAS and Garnd Matrix were used in this study. Hope that the results of the study become an influence for next research related to the development of CBT from the perspective of Political Law

Keywords: Legal Politics, Tourism, Community Base Tourism (CBT)

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1. Introduction

The tourism sector is a significant foreign exchange contributor for Indonesia. Overall, the tourism sector was the number 5 contributor in 2008, number 4 in 2009 and number 5 in 2010. If you look at the contribution of the non-oil and gas sector, the tourism sector ranks 2nd and 3rd (Dewi, 2011). The tourism sector is one of the largest foreign exchange contributors after oil and gas. The tourism sector is also one of the development sectors that has a double benefit or multiplier effect economically for local governments through increasing Regional Original Income (PAD) and the community's economy through expanding job opportunities and increasing income (Untari, 2019; Martaleni et al, 2021)



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The development of tourism, in general, has a double impact on the environment and society. Conventional tourism development often has a negative impact on the environment and community culture (Postma and Schmuecker, 2017). Ecological impacts such as land conversion, disturbance to the habitat of some flora and fauna due to the physical development of tourism and shifts in community culture (Comerio and Strozzi, 2018). The influx of culture from outside which is a consequence of the arrival of tourists influences the existence of the culture of origin. The inability of society to filter cultural values and ethnocentrism behavior leads to the erosion of the original cultural values (Stock, 2007). In addition to the negative impact, tourism development also has a positive impact in the form of increasing the community's economy which is followed by an increase in welfare (Zaen and Zaen, 2013).

Regulations related to the operationalization of the tourism sector are regulated in Law of the Republic of Indonesia Number 10 of 2009 concerning Tourism. Chapter II Article 4 states that tourism aims to increase economic growth, improve people's welfare, eradicate poverty, overcome unemployment, preserve the natural environment and resources and promote culture. And reinforced by the Minister of Home Affairs Regulation Number 33 of 2009 concerning Guidelines for Ecotourism Development in the Region which states that ecotourism development must empower local communities. This is in accordance with the ecotourism principle, namely the active role of the surrounding community in planning, utilizing, and controlling ecotourism activities by respecting the socio-cultural and religious values of the community around the tourist area.

Tourism development as much as possible involves the community in its management. The concept of Community base Tourism (CBT) is used by designers, tourism development activists, strategies to mobilize communities to actively participate in tourism development (Pramanik et al, 2019). Conceptually, the basic principle of CBT is to place the community as the main actor through community empowerment in various tourism activities (Sunuantari, 2017). Thus, the maximum benefit of tourism is intended for the welfare of the community. Based on this, this study aims to; 1). Studying the political direction of tourism law in Indonesia, 2). Mapping the internal and external environment for Community Base Tourism (CBT) development, and 3). Develop speculative hypotheses related to the CBT development strategy. The results of the study are expected to become an umbrella for research related to the development of CBT in the perspective of Political Law.

2. Method

The object in this study is the direction of the Political Law of Tourism according to the Law of the Republic of Indonesia Number 10 of 2009 concerning Tourism and the Regulation of the Minister of Home Affairs Number 33 of 2009 concerning Guidelines for Ecotourism Development in the Region. The approach method used in the study is normative and conceptual where the data obtained are sourced from secondary data originating from books and publications related to Tourism Law Politics and CBT Development. The elaboration of library sources will then be mapped based on strengths, weaknesses, opportunities, and threats, then further analysis using the Strategic Management matrix; EFAS/IFAS, and Grand Matrix to generate a policy direction strategy that can be implemented in the development of CBT.

3. Result and Discussion



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Tourism Law Politics in Indonesia

The tourism industry in Indonesia has grown rapidly. In creating a conducive climate, especially in tourism development, Law Number 10 of 2009 concerning Tourism (hereinafter referred to as the Tourism Law) has been enacted which has revoked Law Number 9 of 1990 concerning Tourism as a legal instrument for tourism implementation.

Law Number 10 of 2009 concerning Tourism provides comprehensive arrangements regarding the management and utilization of tourism potentials in Indonesia. The management of the tourism sector must also have the greatest welfare impact for the people of Indonesia (Kurnia, 2019). This is in line with the 5th precept and the Preamble to the 1945 Constitution of the Republic of Indonesia, especially in the fourth paragraph which states that "to protect the entire Indonesian nation and the entire homeland of Indonesia and to promote public welfare". This provides a clear direction and description that the direction of all policies, including those related to tourism, aims to provide welfare for all Indonesian people. Made (2015) states that tourism development is not only providing welfare and justice for certain individuals, groups, or groups. In this context, the management of the tourism sector must also depart from the perspective of realizing the goals of the welfare state (Kurnia, 2019).

Indonesia is rich in diversity both in terms of culture and natural ecology. This potential is spread throughout Indonesia. In the Law no. 32 of 2004, concerning Regional Government and Law no. 25 of 1999, concerning the Central and Regional Financial Balance, gives the authority to regulate and manage their respective regions in accordance with the potential possessed by the regions to be developed, this is a consequence of the implementation of regional autonomy. As a consequence, to increase regional income, the Regional Government must be able to see opportunities and take advantage of them as much as possible.

Ecological, geographical, and ethnographic differences are the triggers for a tourist trip (Untari, 2020; Pawaskar et al, 2020). Shaw and Williams (2002) add that an understanding of tourist motivation and decision-making processes is the key to successful tourism planning.

Tourism development planning cannot be separated from the concept of regional policy. In general, the term policy is used to designate the behavior of an actor (eg an official, a group, or a government agency) or several actors in a particular field of activity (Winarno, 2012). Policy implementation is the stage of implementing decisions between the formation of a policy, such as only articles of legislative law, the issuance of an executive regulation and the issuance of a court decision or the issuance of regulatory standards and the consequences of policies for the community that affects several aspects of their lives (Tahir, 2014).

In the Minister of Home Affairs Regulation Number 33 of 2009 concerning Guidelines for Ecotourism Development in the Regions, it is stated that ecotourism development must empower local communities. This is in line with the concept of sustainable development (Figure 1) where the three main pillars are environmental ecology preservation, socio-cultural improvement of the community, and economic improvement (Untari et al, 2018).



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The concept of National Development is basically to achieve economic growth in meeting basic needs, increasing living standards, and creating jobs. Rapid development is marked by increased progress in various fields, including increased development in the industrial sector which in turn has an impact on people's lives, both positive and negative impacts (Jannah et al, 2017).

Community-based development is a discourse that must be put forward to achieve successful development in various sectors, including the tourism sector. The discourse on the development of Community Base Tourism (CMT) is currently often used as the basis for tourism development both nationally, regionally, and internationally (Amerta, 2017). Community-based tourism is synonymous with sustainable tourism development and is often associated with alternative tourism that wants to balance natural resources, social and community values so that it benefits positively for local communities and tourists.

Based on the results of the elaboration of each problem captured from the literature review that has been carried out, the dimensions in the study are divided into two, namely internal and external dimensions. In strategic management, the internal dimensions are related to strengths and weaknesses, while the external dimensions are related to opportunities and threats. In implementing CBT policies related to Tourism Law in Indonesia. Next, the alignment of the two dimensions is outlined in the EFAS/IFAS matrix (table 1).

Table 1. EFAS/IFAS Matrix

No	Description	Weight	Rank	Total
INTERNAL FACTORS				
Strength				
1	Tourism products can be developed based on their potential	0.19	4	0.76
2	The public's desire to participate is very high	0.14	2	0.28
3	Regulations related to tourism have been passed down to regional governance	0.19	4	0.76
				1.8
Weakness				
1	HR limitations	0.19	4	0.76
2	CBT development initiatives that are still uneven	0.19	4	0.76
3	Understanding of the implementation of the tourism law is still minimal	0.1	4	0.4
		1.0		1.92
EXTERNAL FACTORS				
Opportunity				
1	The demand for tourism based on local wisdom	0.15	4	0.6



	is quite high			
2	Government attention regarding CBT is quite good	0.2	2	0.4
3	Indonesia have a lot of diversity	0.2	4	0.8
				1.8
Threats				
1	The entry of investments with high capital and with private company management	0.1	4	0.4
2	Many entrepreneurs in the tourism sector are state officials	0.2	4	0.8
3	The direction of CBT development is not sustainable	0.15	3	0.45
				1.65
		1.0		

Empirically, tourism in Indonesia, especially CBT, is quite worrying, where in terms of factors, internal weaknesses dominate. Meanwhile, on external factors, challenges dominate. Visually the results of EFAS/IFAS are presented in the Grand Matrix Strategy (Figure 1)

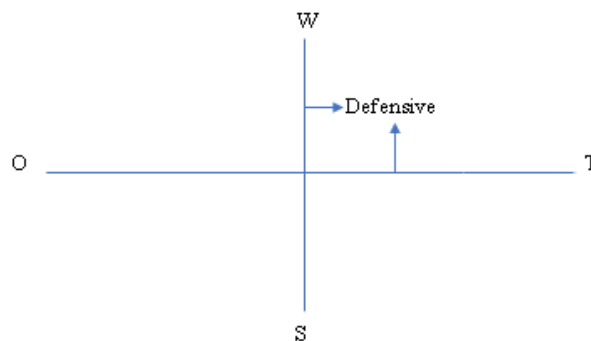


Figure 1. Grand Matrix Strategy

Based on Figure 1, the position of tourism in Indonesia, especially CBT is in a defensive position, so the logical strategy to do is to carry out vertical integration and conglomerate diversification (Fred, 2008).

Community Base Tourism (CBT) Development Strategy

Legislation is a very important factor in the national legal system, especially in Indonesia. Where legislation is one instrument that is believed to be very effective in law reform due to its binding and coercive strength. This is where the important role of legal politics is. The formation of laws and regulations



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and national law is strongly influenced by the existence of legal politics, because legal politics is the basic guideline in the process of determining values, stipulating, forming, and developing national law in Indonesia. One of the mechanisms for the creation of laws and regulations was formed through the Political Law that was desired by the rulers at that time. Through legal politics can determine the direction of government policy.

In relation to the Law of Tourism in Indonesia, based on the results of mapping the position of the external and internal environment and visualized in the Grand Matrix Strategy, the direction of CBT development is towards vertical integration and conglomerate diversification. In general, vertical integration consists of cross-sectoral mergers of components (for example, between hotels and airlines) (Laerty and Fossen, 2001). Inter-regional cooperation is becoming increasingly important with the stipulation of more detailed arrangements in Law No. 23/2014 on Regional Government. According to Article 364 of the Law, inter-regional cooperation is an obligation to be carried out by border regions for the administration of government affairs that have cross-regional externalities; and the provision of more efficient public services if managed together. One of the potential activities of inter-regional cooperation is cooperation in the field of tourism. The types of cooperation that can be developed include inter-provincial cooperation, cooperation between provincial regions and regencies/municipalities within their respective regions, cooperation between provincial regions and regencies/municipalities from different provinces, cooperation between regencies/municipalities from different provincial regions. , cooperation between regencies/cities in one province.

The second alternative strategy is unrelated diversification (conglomeration), which is a diversification effort in which community-based tourist destinations serve several different segments that are not related to the core segment of the destination. This is in line with Law Number 10 of 2009 concerning Tourism which prioritizes the utilization of every existing tourism potential. For its implementation, it takes courage and creativity from the community (especially Pokdawis) and the Government to innovate and cultivate every potential, map market segmentation and target marketable targets to be served.

4. Conclusion

Tourism development is an implementation of the concept of Sustainable Development. However, in the development of tourism, the community is not only a spectator or just a market that is the object of tourism marketing, but the community must have a role in tourism management. Community Base Tourism (CBT) is an absolute requirement in optimizing the positive impact of tourism activities for the community. The law exists, to ensure fair legal certainty and equal treatment before the law for its citizens. Ensuring that the ideals of the Indonesian people to realize prosperity for all Indonesian people can be realized. The speculative hypothesis that can be conveyed in this study is that the development of CBT can be carried out with two alternative strategies, namely vertical integration by building cooperation with the area around the destination in an effort to prepare to form tourism supply and demand. The second alternative is conglomerate diversification by optimizing existing potential so that it can map out new target markets. In



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this case, the government's policy in building a tourism atmosphere that favors the community is urgently needed as the implementation of the Law of the Republic of Indonesia Number 10 of 2009 concerning Tourism and the Regulation of the Minister of Home Affairs Number 33 of 2009 concerning Guidelines for Ecotourism Development in the Region.

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