

THE LEGAL POLITICAL PERSPECTIVE OF TOURISM DEVELOPMENT IN LAMPUNG PROVINCE ACCORDING TO TOURISM LAW

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Abstract

This study aims to determine the legal political perspective of tourism development in Lampung Province according to Law Number 10 of 2009 concerning Tourism. This study uses a normative legal research method with a statutory and conceptual approach to legislation. The results of this research are: First, tourism development in Lampung Province is realized through the development of tourism based on local wisdom (community based tourism), environmentally friendly, while still prioritizing the goals and principles mandated by Law Number 10 of 2009 concerning Tourism. Second, the need for a synergistic collaboration between the government, society and stakeholders. Third, the growth of the tourism industry in Lampung Province is able to contribute to increasing employment opportunities for the community (income from the economic side will improve the social side of the community, such as reducing the crime rate and social disparities between communities). The unemployment rate in Lampung Province also decreased by 4.43% in February 2017. Based on data from the Lampung Province BPS, the working population increased by around 150 thousand people compared to August 2016. The tourism sector also opens opportunities for small and medium enterprises for the people of Lampung, especially those in the tourist area.

Keywords: law politics; tourism; Lampung Province.

A. Introduction

The tourism sector is one of the largest contributors to the economy in Indonesia, tourism is one sector that has an important role in the development of a country, because tourism is considered to directly contribute more to the regional

income where the tourist attraction is located.¹ The tourism sector can be used as one of the leading sectors in an effort to earn foreign exchange, create jobs and reduce poverty. The same explanation was also conveyed by Lumaksono et al. that the tourism sector plays an important role in the Indonesian economy, both as a source of foreign exchange earnings as well as job creation and business opportunities.

This important role is reinforced by data from the performance report of the Indonesian Ministry of Tourism (Kemenpar), that the tourism sector contributes 10% of national GDP (the highest in ASEAN), ranks 4th as a contributor to national foreign exchange at 9.3%, contributes 9.8 million jobs or 8.4%, and within five years employment grew 30%. The following table shows the development of the number of tourists in Indonesia in the period from 2014 to 2019.

Table 1. Development of the Number of Tourists to Indonesia in 2014-2019

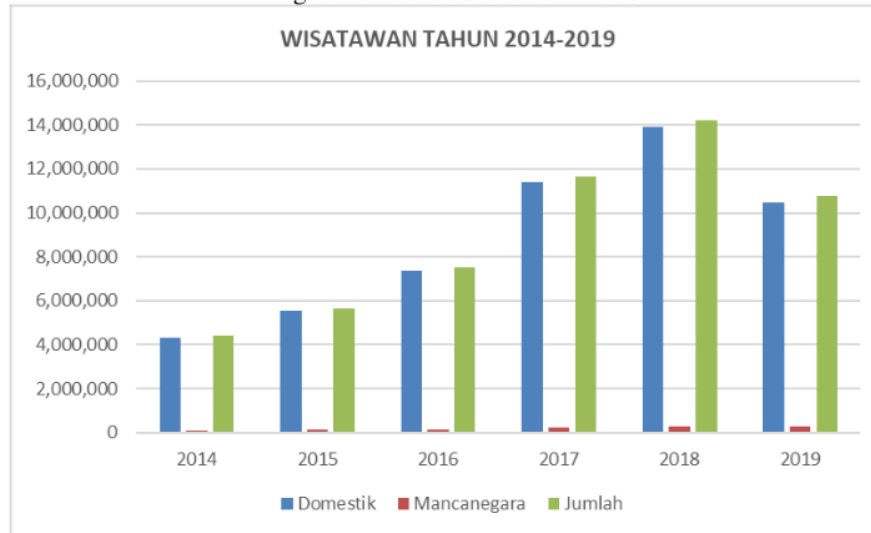
YEAR	TRAVELER		TOTAL
	Archipelago (Movement)	Overseas (Visit)	
1	2	3	4
2014	4.327.188	95.528	4.422.716
2015	5.530.803	114.907	5.645.710
2016	7.381.774	155.053	7.536.827
2017	11.395.827	245.372	11.641.199
2018	13.933.207	274.742	14.207.949
2019	10.445.855	298.063	10.743.918

Source: LKIP DISPAREKRAF 2019

² Foreign tourist visits since 2014 have continued to increase while the highest number of domestic tourist visits was in 2018 which reached 13.8 million. The graph of the development of the number of tourist visits can be seen in the following graphic image:

¹Meiwany A.K. Tapatfeto & Juita L.D Bessie, *Strategi Pengembangan Objek Wisata dalam Upaya Peningkatan Kunjungan*, Jurnal of Management Vol.6, May (2018): 1-20

Figure 1. Tourist Chart 2014-2019



The tourism sector is very likely to be able to encourage economic growth due to the availability of various existing tourism potentials as well as local government support in the form of regulations. The purpose of development and development of tourism in Lampung Province is as a leading tourist destination in Indonesia which becomes the locomotive of development and provides increased welfare for the community, with tourism strategies:

- Increasing domestic and foreign tourism promotion activities through a market analysis approach and collaboration between DTW, MPU and international tourism destinations.
- Conducting guidance and coordination with regencies/cities in order to create tourism products that are ready to sell and strong, able to compete in order to attract tourist interest and attraction.
- Establishing the tourism sector as a regional development priority by establishing a tourism development area to support Lampung tourism objects and attractions.
- Encouraging investors to invest in the Lampung area.
- Increasing the participation of the community and the arts and culture of the Lampung region to play an active role in regional development and tourism in particular.

Tourism according to Law Number 10 of 2009 concerning Tourism is all tourism activities that are supported by various facilities and services that have been provided by the government, businessmen, and the community. Article 4 of Law Number 10 of 2009 concerning tourism, states that there are 10 (ten) tourism objectives in Indonesia, namely: 1) Increasing economic growth, 2) Improving people's welfare, 3) Conserving natural resources, 4) Overcoming poverty, 5) Overcoming unemployment, 6) Fostering a sense of love for the homeland, 7) Strengthening friendship between nations, 8) Overcoming unemployment, 9) Elevating the nation's image, and 10) Reinforcing identity and strengthening the

nation.

However, according to Oka Yoeti, unplanned tourism development will cause social and cultural problems, especially in areas or places where there are differences in social level between migrants and local residents.² In addition, there can also be imbalances in tourism development and development between superior tourism objects and tourism objects that are not yet superior. Therefore, the existence of tourist objects in the area needs to be taken seriously and managed professionally so that the tourism sector becomes a leading sector that can increase the State Budget and Regional Revenue and Expenditure Budgets.

Various programs of participation and assistance in tourism development have been carried out in several regions by international institutions, the central government, regional governments, scientific institutions, non-governmental organizations, private sector and individuals to support the development of the tourism sector in an area. The development of tourism in Indonesia must be adapted to the principles, the ideology based on the global tourism ideology, the green tourism ideology (green tourism) and the cultural tourism ideology based on local wisdom.

Based on the results of the Kagungan study, one of the goals of developing the tourism sector in Lampung province is to improve the welfare of local communities, with various advantages of tourism and cultural potentials that are owned in each Regency/City.³ Pesawaran Regency, for example, as one of the strategic tourism areas in Lampung Province, has a flagship program "one village one destination" based on the Decree of the Regent of Pesawaran Number 320/IV.04/HK/2018 concerning the Determination of a Tourism Village (One Village One Destination) which means the Regency Government Pesawaran is trying to develop villages to be used as tourist destinations (one village, one tourist destination) and the next policy step is to encourage villages in Pesawaran Regency to have their respective advantages, both culture, crafts, agro-tourism, waterfalls and other potential that can be used as a new tourist destination that can improve the standard of living and the economy of the local community. Of the 148 villages in Pesawaran Regency, currently 50 villages have developed tourist destinations.

Furthermore, from the 50 villages that already have tourist destinations, 10 competitive villages will be selected with their leading destinations, including: Sungai Langka Village, Gedung Tataan District, which has agro-tourism, Village (Pekon) Ampai, Marga Punduh District, develops traditional house cultural destinations, State village Katon as a filter embroidery village, Muncak Village, Teluk Pandan District has marine binoculars and the majority of marine tourism, Gunung Rejo Village, Way Ratai District has the potential for waterfall tourism, agro-tourism and other destinations. In the one village one destination program, it is expected to be able to present a tourist attraction according to the potential of the region.

Other regencies in Lampung Province, namely Tanggamus Regency,

² Oka. A. Yoeti, *Perencanaan dan Pengembangan Pariwisata*, 2008.

³ Dian Kagungan, *Kebijakan Pembangunan Kepariwisata Teluk Kiluan*. Yogyakarta: Graha Ilmu, 2019.

have established several leading tourist areas, among others, the leading tourist areas of Terbaya Beach and Way Lalaan Waterfall are carried out according to their priorities, namely:

- a. Improved coordination and integration of program policies between relevant agencies in the context of developing the Terbaya Beach and Way Lalaan Waterfall tourism areas. This policy is supported in the Tanggamus Regency Spatial Plan;
- b. Improving road infrastructure to the Terbaya Beach area and Way Lalaan Waterfall and completing other infrastructure facilities to support the progress of ecotourism at Terbaya Beach and Way Lalaan Waterfall;
- c. Development of community-based ecotourism with the assistance of Non-Governmental Organizations and Local Governments and other stakeholders;
- d. Improving the quality of Human Resources through formal and non-formal education systems;
- e. Strengthening village institutions based on local wisdom.

In this regard, it means that Lampung Province must "open up" to local and foreign tourists from various backgrounds as well as other tourist destinations in the country, Yogyakarta, Bali for example. By opening up to various kinds of tourists who come from various backgrounds, the consequence is that Lampung Province must provide various kinds of needs and facilities from these tourists. Meanwhile, sociologically, Lampung Province has a Muslim majority population and has cultural values and local wisdom that are different from other countries that regulate tourism activities "freely".

Based on the majority of the population of Lampung Province, namely the majority of Muslims, it is not wrong if the author believes that the potential for tourism with Islamic nuances (halal) should be developed, but in reality we do not know where the legal politics of tourism development in Lampung Province is going. The formulation of the problem in this research is how is the legal political perspective of tourism development in Lampung Province according to the Tourism Law?

B. Research Methods

This research is a normative legal research, which examines various laws and regulations that are used as the basis for legal provisions to analyze the legal political perspective of tourism development in Lampung Province according to tourism laws. The legal research model used is a comprehensive and analytical study of primary legal materials and secondary legal materials. Considering that this research includes normative legal research, the approach in this study uses a statutory approach (statute approach), and a conceptual approach (conceptual approach).⁴ The data were analyzed qualitatively by describing the data generated from the research into a systematic explanation form so that a clear picture of the

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problem under study could be obtained, the results of the data analysis concluded deductively.

C. Discussions and Analysis of Results

Etymologically, Imam Syaukani and A. Ahsin Thohari explain that the term legal politics is an Indonesian translation of the Dutch legal term *rechtspolitiek* which is formed from two syllables, namely *recht* and *politiek*. The word *politiek* in the Dutch dictionary written by Van der Tas means *beleid*. The word *beleid* in Indonesian means wisdom. So etymologically, legal politics means legal policy (*legal policy*).⁵

Meanwhile, Sofian Effendi said¹³ that legal politics as a translation of legal³⁶ *policy* has a narrower meaning than legal politics as a translation of legal policy. *politics of law* atau *politics of the legal system*.⁶ Based on the²⁰ two views, according to Otong Rosadi, the term legal politics is a translation of *politics of law* or *politics of the legal system*, because the study of legal politics has a very broad scope to¹ touch on issues of legal order or system.⁷

Experts differ on the definition of legal politics; Padmo Wahjono said that legal politics is a basic¹ policy that determines the direction, form, and content of the law to be formed.⁸ Satjipto Rahardjo defines legal politics as the activity of choosing and the methods to be used to achieve a social goal with certain laws in society.⁹ Meanwhile, Mahfud MD argued that legal polit²⁶ is a legal policy or official line (policy) on law that will be enforced either by making new laws or by replacing old laws, in order to achieve the goals of the State.¹⁰

Meanwhile, according to the terminology, the understanding of legal politics can be observed using two approaches. First, legal politics can be understood by the approach of giving each meaning of the word politics and law (divergent) and then combining the two terms (convergent). Second, an approach that directly interprets one breath (one unit) as a phrase that has a complete meaning. The phrase legal politics has a broader meaning than legal policy, law formation, and law enforcement. That is, as a phrase, the understanding of legal politics is the entire activity as intended.³⁴

Seeing the various thoughts that have been described by the legal experts above, it can be concluded that legal politics is the process of forming and implementing a system or legal order that regulates people's lives in a country nationally. So the understanding of legal politics does not only mean the formation of law through the formation of laws and regulations (legal substance)

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⁵Imam Syaukani, & Thohari, *Dasar-dasar Politik Hukum*. Jakarta: Raja Grafindo Persada, 2007, hlm. 19-25.

⁶Sofian Effendi, *Politik Hukum (politics of the legal system) atau Kebijakan Hukum (legal policy)*, 2009, hlm. 47.

⁷Otong Rosadi. *Studi Politik Hukum, Cetakan Pertama*. Yogyakarta: Thafa Media, 2012.

⁸ Padmo Wahjono, *Indonesia Negara Berdasarkan Atas Hukum*, (Jakarta: Ghalia Indonesia, 1986, hlm. 160), dalam Moh. Mahfud MD, *Politik Hukum di Indonesia*, (Jakarta: RajaGrafindo Persada, 2012), hlm 1.

⁹ Satjipto Rahardjo, *Ilmu Hukum*, (Bandung: Citra Aditya Bakti, 1991), hlm. 352-353.

¹⁰ Moh. Mahfud MD, *Politik Hukum di Indonesia, ... Op.Cit.*, hlm. 2.

as understood so far, but also in the sense of strengthening law enforcement and law enforcement facilities (legal structure) and developing legal culture (legal culture).

According to Utrecht and Moch Saleh, the existence and position or locus of legal politics as part of the study of legal science or the study of political science often create debate among legal experts. This is because there are legal experts who think that legal politics is part of political science and there are also those who say that legal politics is part of legal science.

Legal experts who say that legal politics is part of political science include E. Utrecht and Moch Saleh Djindang, said that the act of aspiring to the law, namely imagining the law, is an act of legal politics and we doubt whether the law that aspires to becomes the object of legal science. In his opinion, the aspired law is a project of political science.¹¹

In addition, Kusumadi Pudjosewojo said that in the current legal system there are buds about the legal system that will be realized in the future. This fact must be cultivated consciously in order to really be implemented. Thus, efforts are made to establish the law as expected, namely, among others, implementing the legislation, but also even in elaborating the contents of the applicable law. Especially in a legal system that is still in its infancy, such as the Unitary State of the Republic of Indonesia, mixing of the current law with the existing law is not uncommon.¹²

In observing the legal politics of tourism development in an area, it cannot be separated from its relation to the subject or actor in the administration of tourism. The implementation of tourism activities in a destination, including in Indonesia, in principle cannot be separated from the role of business actors and the responsibilities of the stakeholders involved and contributing to the development of tourism in the destination area itself. Based on Law no. 10 of 2009, there are at least 3 (three) components of business actors and stakeholders of tourism development in Indonesia, namely: First, the Government and/or Regional Governments; Second, Private/Industrial Parties, both foreign investors and or domestic industry players; Third, the relevant community parties, both as workers, actors in tourism business activities and as hosts.

In more detail, the parties, roles and functions of each of these components can be described as follows:

1. Government and/or Local Government

In many countries including Indonesia, the position of the Government and/or Regional Government still has a very important and strategic role and function in the development of the tourism industry in a destination. In Indonesia itself, the role of the Government (National) in addition to still functioning as the main regulator in determining the Norms, Standards, Procedures and Criteria for tourism development, is also still directly involved in the management of tourism development. The main role was to function as a facilitator in national tourism

¹¹ E. Utrecht & M. Saleh, *Pengantar Dalam Hukum Indonesia*, Cetakan Kesebelas, PT. Penerbitan dan Balai Buku Ictiar, Jakarta, 1982.

¹² *Ibid.*

promotion and marketing programs as well as the development of National Tourism Destinations (DPN), National Tourism Strategic Areas (KSPN) and National Tourism Special Areas (KKPN). The Government's responsibility in managing tourism has been realized and stipulated in Government Regulation Number 50 of 2011 concerning the Master Plan for National Tourism Development.

For the Provincial Government, in addition to having the function of carrying out assistance tasks, it also has an important role and authority in developing Provincial Tourism Destinations as contained in the Regional Regulations of each Province regarding Development Plans, Provincial Tourism as mandated by Law Number 10 of 2009 concerning Tourism. As for the Regency/City Government, it has the main role to cooperate with other stakeholders (Industry and Society), as well as to prepare Regency/City Regional Regulations concerning the Master Plan for Regency/City Regional Tourism Development in accordance with the mandate of Law no. 10 of 2009.

2. Private/Tourism Industry

Tourism development that is held from the national level to the regional level cannot be separated from the responsibility of tourism industry players who play a role in the private sector. The business spirit of tourism business actors in the private sector mainly views that tourism development efforts are an opportunity to gain added value and gain profits through the procurement of goods and service providers needed by tourists or the tourism market. For example, in the business activity of providing accommodation, transportation, scouting services, tourist attractions and attractions, tourism areas, restaurants, souvenirs and other service providers related to tourism.

According to Law no. 10 of 2009 concerning Tourism, there are private institutions that are designated as working partners of the government, local governments and communities in managing tourism in Indonesia. The two private institutions are: the Indonesian Tourism Promotion Board and the Regional Tourism Promotion Board; and the Indonesian Tourism Industry Association whose membership represents elements from: Tourism Entrepreneurs, Tourism Business Associations, Professional Associations, and other Associations directly related to tourism.

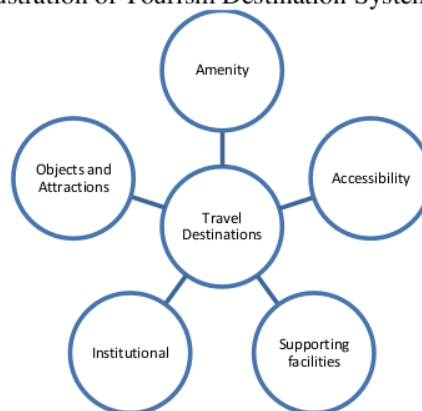
3. Tourism Society.

Local people who live around the destinations visited by tourists play a very important role, both as business actors, workers and as hosts in organizing tourism activities in a destination. Generally, people have positioned tourism activities in their area as opportunities to get jobs and income as well as other added value outside of economic aspects such as pride, identity, cleanliness, beauty and better environmental quality. The relationship between the government, the tourism industry/private sector and related communities as an important component of a tourism destination should be built properly in good tourism governance.

This synergistic and symbiotic mutualistic relationship of all components of the actors will be one of the determining factors for the carrying capacity and success of tourism implementation in a tourism destination. Apart from the synergy of these tourism actors, tourism destinations have an important position in tourism development. Various grids of understanding about tourism destinations as well as adapted from the many limitations of understanding that have been given by experts, such as: Cooper, Fletcher, Gilbert, Shepherd and Wanhill (1998), essentially coincide in the same goal that the framework for developing Tourism Destinations at least should include the following main components:

- a. Objects and Attractions, which include attractions that can be based primarily on natural, cultural, or artificial/artificial wealth, such as events or what is often referred to as special interest.
- b. Accessibility, which includes transportation system support which includes: transportation routes or routes, terminal facilities, airports, ports and other modes of transportation.
- c. Amenities (Amenities), which include supporting and supporting tourism facilities which include: accommodation, restaurants (food and baverage), retail, gift shops, money exchange facilities, travel agencies, tourist information centers, and other convenience facilities.
- d. Supporting Facilities (Ancillary Services), namely the availability of supporting facilities used by tourists, such as banks, telecommunications, postal services, hospitals, and so on.
- e. Institutions are related to the existence and role of each element in supporting the implementation of tourism activities, including the local community as hosts.

Figure 2. Illustration of Tourism Destination System Construction

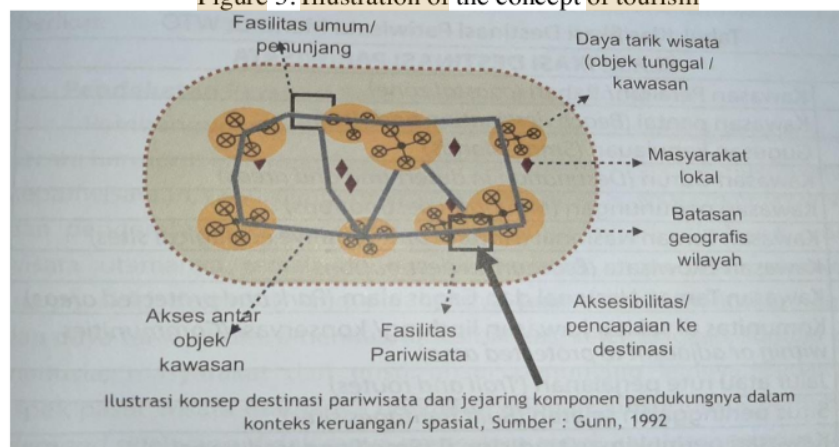


Tourism destinations in the understanding as described above, it is not enough to just be understood as a form of a collection of tourist objects and attractions with a dominant theme, but more than that, it must be understood

holistically as a systemic relationship between objects and tourist attractions along with all supporting elements such as accessibility, amenities, local communities and other supporting elements that work synergistically in a unified system that supports and complements each other. So overall, these systemic interactions will form a strong destination character and have competitiveness and comparative advantage vis a vis the surrounding destinations.

The description of the spatial implications of the concept of tourism destinations can then be visualized as shown in the following scheme:

Figure 3. Illustration of the concept of tourism



Source: Gunn, 1992.

However, in addition to the theoretical understanding as described above, in defining the construction of tourism destinations operationally, it is also necessary to consider a wider perspective, including the most important thing is to consider the perception of the market and tourism industry players towards the construction of the tourism destination. So that the perspective of tourist destinations must be better understood from a market perspective or from a tourism product marketing perspective. This perspective is very important, because it is the market that will basically decide whether to buy and visit the developed destination or not.

Tourism is an activity that directly touches and involves the community, thus providing various impacts on the local community. Even tourism is able to make local people experience changes in various aspects of their lives, both ideologically, politically, economically, socially, culturally, defense and security. This is what causes the impact of tourism to be the study that most often gets public attention because of the dynamic nature of tourism and involves many stakeholders.

Tourism will of course have an impact, both positive and negative impacts. The development of tourism and increased tourist visits can have a positive or negative impact or influence and those affected are the community,

environment, economy, and social. According to Triwahyudi, there are several main benefits of tourism, namely:

- a. Tourism can create product diversification, making the local economy not only dependent on the main sector.
- b. The tourism sector is a labor-intensive sector, so it can create great job opportunities for the younger generation.
- c. The growth of the tourism sector results in the addition and improvement of facilities that are not only used by tourists, but also by residents.
- d. Tourism creates opportunities for the emergence of new products, service facilities and the development of existing businesses.
- e. Tourism can accelerate settlement development of settlements.
- f. Tourism can increase the opportunity to get higher education for the community.
- g. Tourism underlines the need for proper regulation through effective policies and plans, to ensure environmental sustainability is maintained.
- h. Tourism can increase social interaction between the community and domestic and international tourists which will broaden the horizons of the local community.
- i. Tourism can improve infrastructure.
- j. Tourism also creates job opportunities. Tourism facilities such as hotels and travel are “labor-intensive” businesses.

Furthermore, Article 4 of Law Number 10 of 2009 concerning Tourism regulates tourism which aims to:

- a. Increase economic growth;
- b. Improving people's welfare;
- c. Eradicating poverty;
- d. Overcoming unemployment;
- e. Preserving nature, environment, and resources;
- f. Advancing culture;
- g. Raising the nation's image;
- h. foster a sense of love for the homeland;
- i. Strengthen national identity and unity; and
- j. Strengthen international friendship.

Tourism activities certainly aim to attract tourists to visit tourist objects in an area. However, is it true that tourism activities only have that simple goal. Referring to Gursoy's opinion where he describes tourism activities as:

*“tourism is “not only a meeting of different sets of people and each of their desires, intentions and practices, but it is also, inevitably, the new cultural forms and choices that arise out of such meetings”.*¹³

According to Gursoy, tourism activities are not just visits made by a number of

people/tourists to satisfy their desires, but there is also the possibility that a new culture will occur as a result of the innate nature of these tourists colliding with local culture which produces new choices in the context of tourism. ²⁵

Law Number 10 of 2009 concerning Tourism is a substitute for Law Number 9 of 1990 concerning Tourism, the change in this arrangement of course has the consequence of giving birth to a change in paradigm, conception and changes in regulations in the field of tourism in Indonesia. This is reflected in the principles of tourism implementation in Article 5 of Law Number 10 of 2009, namely:

- a. Uphold religious norms and cultural values as the embodiment of the concept of life in the balance of the relationship between humans and God Almighty, the relationship between humans and fellow humans, and the relationship between humans and the environment;
- b. Upholding human rights, cultural diversity, and local wisdom;
- c. Provide benefits for people's welfare, justice, equality, and proportionality;
- d. Maintaining sustainability and the environment;
- e. Empowering local communities;
- f. Ensure inter-sectoral, inter-regional, inter-central and regional integration, as well as inter-systemic integration within the framework of regional autonomy and among stakeholders;
- g. Comply with the world tourism code of ethics and international agreements in the tourism sector; and
- h. Strengthen the integrity of the Republic of Indonesia ¹⁷

Philosophical values do not escape the basis of Law No. 10 of 2009 concerning Tourism was held. It is found in the 2nd, 3rd and 5th precepts, each of which can be translated into tourism objectives, in Articles 2, 3 and 4 of Law Number 10 concerning Tourism. That the welfare of the people, the unity of the people in realizing the love of the homeland, justice and equality in the people's economy is the beginning of the tourism being held. An understanding of the values of Pancasila is able to become the basis for the formation and implementation of this law and the philosophy contained in the 2nd, 3rd and 5th precepts is also able to make the goals of tourism run well.

When analyzed from a philosophical point of view, this tourism law is able to draw some knowledge, such as legal philosophy which says that in laws that are regulating, binding, coercing and sanctioning those who violate it, it has the advantage of being a basis for an activity to be carried out.

The existence of the law functions to humanize humans, namely as a tool to achieve the goals of happiness and prosperity that are achieved by glorifying humans. The existence of this law is a tool to achieve goals and legal politics as a direction that must be taken in law making and enforcement in order to achieve the ideals and goals of the nation. Legal politics must be based on ²⁹ following basic framework: National legal politics must always lead to the ideals of the nation, namely a just and prosperous society based on Pancasila. National legal politics ⁷ aimed at achieving state goals, including:

- a. Protect the entire nation and the entire homeland of Indonesia;
- b. Promote the general welfare;

- c. Enrich the ⁵ of a nation;
- d. Implement world order based on freedom, lasting peace and social justice;
- e. National legal politics must be guided by the values of Pancasila as the basis of the state, including: based on religious morals; respect and protect human rights without discrimination; unite all elements of the nation with all primordial ties; and build social justice. ⁵
- f. Bound with the ideals of a constitutional state in ⁵ Indonesia, national legal politics must be combined with the obligation to: protect ⁵ elements of the nation for the sake of integration or national integrity which includes ideology and territory; realizing social justice in the social economy; realizing democracy and nomocracy; create religious tolerance based on civility and humanity.
- g. To achieve goal ⁵ and achieve goals with these foundations and combinations, the national legal system that must be built is the Pancasila legal system. Such a legal system at least brings together the elements of the three value systems and places them in a balanced relationship.

Tourism does not only talk about its sector or object, but also its institutions, legal subjects that include tourists and their procedures. If a law does not underlie an activity that has a lot of potential, it is certain that it will be able to create a negative impact that is not small. The philosophy of law asserts that a law applies to the welfare of its people. The law provides protection and justice for all people. ⁸

Tourism is an integral part of national development which is carried out in a systematic, planned, integrated, sustainable and responsible manner while still providing protection for religious values, culture that lives in society, environmental sustainability and quality, and national interests. Tourism development is needed to encourage equal distribution of business opportunities and gain benefits and be able to face the challenges of changing local, national and global life. ⁴⁴

The Law on Tourism is one source ⁵⁰ of economic law in the form of legislation. The legal basis for economics in Law No. 10 of 2009 concerning Tourism can be seen in its considerations, namely on the basis of considering and on the basis of remembering. ³¹ the basis of consideration, it has been explained that the function of tourism is to increase the prosperity and welfare of the people as contained in Pancasila and the 1945 Constitution of the Republic of Indonesia.

¹⁴ Then it was also emphasized in the binding basis for Article 20 and Article 21 of the 1945 Constitution of the Republic of Indonesia which states that the DPR has the right and authority to form draft laws. ⁶ Article 33 of the 1945 Constitution also says about social welfare. Also contained in the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia, which explicitly states the goal of realizing ⁷ social justice for all Indonesian people. ¹⁷

In addition, the ¹⁷ Minister of Home Affairs Regulation No. 33 of 2009 concerning Guidelines for Regional Ecotourism Development also directs the use of nature for tourism in order to prosper the people and the people's economy. In the composition of the Long-Term Development Plan contained in Law No. 17 of

2007 concerning 2005-2025 RPJPN, each region pays attention to the continuity of the implementation of development in the tourism sector by considering several things, including increasing employment, encouraging national equity, and contributing to the country's foreign exchange earnings, playing a role in alleviating poverty which in the end will improve the welfare of the people. Tourism also plays a role in efforts to improve national identity and encourage public awareness and pride in natural and cultural wealth.

These regulatory frameworks as products of national law are closely related to legal politics. According to Mahfud M.D, legal politics is an official definition or line that is used as a foothold and a way to make and implement laws in order to achieve the goals of the nation and state. This is an effort to make law a process of achieving state goals so that legal politics is also an answer to the question of what the law wants to do in a formal state perspective in order to achieve state goals.

Meanwhile, if we context it with the legal political direction of tourism development in Lampung Province according to Law Number 10 of 2009 concerning tourism, it can be inventoried that tourism development in Lampung Province is realized through the implementation of tourism development plans, which are contained in the Lampung Tourism Development Master Plan (2012). - (2031), as regulated in Lampung Provincial Regulation Number 6 of 2012 concerning the Regional Tourism Development Master Plan (RIPPDA) of Lampung Province, taking into account the diversity, uniqueness and uniqueness of culture and nature as well as human needs for tourism.

Basically, tourism is a relative sector that can be developed anywhere by creating attractiveness and accessibility development as well as carrying out effective promotional activities to the targeted tourist market segment. Of course, this development must refer to development signs and cultural norms. On this basis, the development and development of Lampung tourism with the principle of reducing regional inequality will:

- a. Prioritizing tourism development in areas that are relatively underdeveloped and or areas that have been designated as leading tourist areas (KWU) of Lampung Province and do not prioritize the development of areas that are already developed and dense.
- b. Prioritizing and providing supporting facilities and infrastructure, especially road infrastructure in the Province's Superior Tourist Area (KWU) and or tourist areas that have not yet developed but have the potential to become Featured Tourist Areas.

All sectors and related parties, including decision makers, must support and provide continuous commitment to equitable development in Lampung Province, with this concept tourism becomes a tool to reduce inequality in the development of the Lampung region.

By placing it at this level of understanding, tourism development is translated into sustainable tourism destination policies that are able to realize appropriate national tourism development according to local culture, socially acceptable, prioritizing local communities, non-discriminatory and

environmentally friendly. This is in accordance with the principles of tourism implementation as contained in Article 5 of the Tourism Law.

We can see legal policies in tourism development in Lampung Province from the issuance of regional legal products, including: Lampung Province Regional Regulation Number 1 of 2018 concerning Zoning Plans for Coastal Areas and Small Islands of Lampung Province for 2018-2038. Article 12 paragraph (1) of Lampung Province Regional Regulation Number 1 of 2018, stipulates that the tourism zone includes sea type natural tourism sub-zones, underwater natural tourism sub-zones, coastal/coastal natural tourism sub-zones and small islands, and sub-zones water sports tourism. Article 12 paragraph (6) of this rule confirms that the direction of developing a tourism zone is carried out by:

- a. increasing the attractiveness and marine tourism destinations;
- b. development of education and participation for tourists and local communities;
- c. development of supporting facilities and infrastructure for marine tourism activities including accommodation, restaurants, transportation, and several other public facilities that do not exceed the carrying capacity of the environment;
- d. increasing the capacity of human resources and institutions in the tourism sector;
- e. integration of marine tourism activities with other spatial uses that have strategic potential including aquaculture, capture fisheries, conservation and sea lanes; and
- f. controlling the negative impacts of tourism activities in coastal areas and small islands.

The provisions of Article a quo are a legal development related to tourism objects/areas.

Then there is the Lampung Province Regional Regulation Number 12 of 2019 concerning Amendments to Regional Regulation Number 1 of 2010 concerning the Lampung Province Spatial Plan for 2009-2029. Article 74 paragraph (1) of this regulation stipulates that tourism areas consist of: National Tourism Strategic Areas (KSPN); and Regional Tourism Destinations (DPD). The amendment to the Lampung Province spatial plan also regulates regional tourism areas. the provisions of Article a quo will essentially result in harmony in efforts to develop regional tourism.

The Lampung Provincial Government in implementing tourism development cannot be separated from the mandate and line of authority regulated in Law Number 23 of 2014 concerning Regional Government, as has been amended several times, most recently by Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government.

Thus, the legal political direction of tourism development in Lampung Province according to Law Number 10 of 2009 is to be able to realize appropriate national tourism development according to local culture, socially acceptable, prioritizing local communities; community as the main actors in tourism development. Based on the Lampung Tourism Development Master Plan (2012-

2031), the aim of development and development of tourism in Lampung Province is as a leading tourist destination in Indonesia which becomes the locomotive of development and provides increased welfare for the community. Some strategic issues of tourism development and development in Lampung Province are:

- a. Coordination of the implementation of tourism development among stakeholders
The role of the province in coordinating development, in this case the Lampung Provincial Government after the Regional Government Law, is needed as a cross-regional and cross-sectoral development coordinator. Coordination must be carried out at the government level as well as between government-private-academics-general public related to tourism development and development.
The uniformity of operational forms of tourism development and management that can be adopted throughout the Lampung Province tends to be considered to be beneficial to many parties. The well-coordinated development and management of Lampung Province tourism is considered to be a conducive environment for the tourism investment climate. In order to achieve a good coordination, it is necessary to pay attention to the legal aspects that can bind the parties involved in tourism development.
- b. Environmentally friendly Lampung Province Tourism Development
Awareness of the importance of preserving the environment can be seen from the consistent emergence of environmental conservation issues, both in strategic issues of Lampung Province development, Lampung Province tourism development issues and those formulated in discussion forums. The development of tourism products must therefore use a sustainable tourism approach that puts the pillars of ecology, socio-culture and socio-economics in the development and development of tourism.
- c. Tourism as a tool to achieve equitable development in Lampung Province
Inequality of development also occurs in regencies/cities in Lampung Province, especially for areas that are relatively undeveloped in voicing the interests of equitable development in their respective regions. Inequality of development between regions in this case will hinder the development and development of tourism as a whole. Therefore, it is necessary to have a synergistic cooperation between regions in Lampung Province.
- d. Socio-economic aspects of tourism development in Lampung Province
Improving the quality of Human Resources (HR) and the quality of community life through tourism development is a strategic issue. Human resources involved in tourism development must have high knowledge and skills to increase competitiveness. In addition, tourism must be able to provide social benefits, not only economic benefits.
- e. The formation of the identity of the people of Lampung
Tourism should be a tool for preserving and forming the identity of the people of Lampung. The use of cultural and traditional elements for tourism should not be seen as a mere economic commodity.
- f. Improving the quality of tourism products

The issue of improving the quality of tourism products is actually implicitly a combination of other strategic issues because the success of tourism products is determined by various aspects. In addition to attractiveness of high value and uniqueness, a tourism product must be supported by good management and development climate. The attraction that is considered to be the strength of Lampung is the attractiveness of the natural environment.

¹⁴ Based on data from the Central Statistics Agency (BPS), Lampung is one of the 11 provinces most frequently visited by tourists. Lampung is one of the provinces in Indonesia that has promising tourism potential. Through its natural beauty, the Lampung Provincial Tourism Office has determined seven strategic tourism prime areas, including the Way Kambas National Park, Kiluan Bay, Mount Anak Krakatau, and Bukit Barisan Selatan National Park (TNBBS), with all their potential, proven tourist visits Visiting Lampung Province is quite large, especially foreign tourists. In the last five years, foreign tourists have grown about seven times. The economy of Lampung Province also grew by 5.17%, strengthening compared to 2016 of 5.15%. Lampung's economic growth is ranked fourth on the island of Sumatra.

The increase in tourist visits to Lampung Province is in line with the impact of economic growth obtained by the local government and the people of Lampung. An example of economic growth through increasing sources of income/community income through the tourism service sector is the opening of employment opportunities for people in the tourism sector as staff in hotels, restaurants, gift shops, and sectors that support tourism. The growth of the tourism industry in Lampung Province is able to contribute to increasing employment opportunities for the community (income from the economic side will improve the social side of society such as reducing crime rates and social inequality between communities).

The unemployment rate in Lampung Province also decreased by 4.43% in February 2017. Based on data from the Lampung Province BPS, the working population increased by about 150 thousand people compared to August 2016. The tourism sector also opens up opportunities for small and medium enterprises for the community of Lampung, especially in the tourist attraction area.

With the increasing growth of tourist visits to Lampung Province, it also indirectly introduces Lampung Province specialties such as seruit, pisro, segubal, and tempoyak to tourists. The increase in the economy of the Lampung Provincial Government also provides an opportunity to attract investors to develop Lampung Province. Based on data from PT Kustodian Sentral Efek, for investors in Lampung Province as of August 2017 the number reached 5,025 investors, ranking the 17th largest number of investors out of 34 provinces in Indonesia. Specifically in Bandar Lampung, it reached 60%, an increase of 18% from last year. The tourism sector is a new source of the economy in Lampung Province, in addition to the agricultural, fishery and forestry sectors which are the sectoral drivers of increasing economic growth in Lampung Province. The tourism service sector has an impact on many sides, ranging from tourism destinations, government, to local communities.

Local communities play a role in all lines of development, both as planners, investors, implementers, managers, monitors and elevators. However, although community-based tourism development emphasizes the community factor as the main component, the involvement of the government and the private sector is needed. The local community or those who live in the destination have a role in upholding the success of their regional tourism development.

The role of the community in maintaining natural and cultural resources that have the potential to become a tourist attraction cannot be ignored. In this context, the most important thing is the effort to empower local communities by involving them in various tourism development activities. For this reason, the government as a facilitator and other stakeholders must be able to encourage and motivate the community to be willing to actively participate in tourism development. Although it does not mean that local communities have absolute rights, community-based tourism development will not be realized if local residents feel neglected, or only used, and feel threatened by tourism activities in their area, are non-discriminatory and environmentally friendly and must pay attention to the goals and principles contained in the tourism law.

Figure 4. *Community Based Development*



With the direction of the legal politics of tourism development in Lampung Province while still observing or paying attention to social, cultural, religious values and so on, the potential for conflicts will be very small, with the consequence that they must provide various kinds of needs and facilities from tourists with various backgrounds. For example, what happened in Bali where several foreign tourists from various backgrounds had to adapt to the local

community, respect the values of local wisdom of the community, the surrounding environment and be able to understand the social and cultural values of the local community.

D. Conclusions

Based on the previous section, it can be concluded that: The legal political perspective of tourism development in Lampung Province is realized through the development of community based tourism and environmentally friendly tourism, while prioritizing the goals and principles mandated by Law Number 10 concerning Tourism. The growth of the tourism industry in Lampung Province is able to contribute to increasing employment opportunities for the community (income from the economic side will improve the social side of society such as reducing crime rates and social inequality between communities). The tourism sector also opens up opportunities for the small and medium micro-enterprise industry for the people of Lampung, especially those in tourist attraction areas. In an effort to improve tourism development in Lampung Province, it is necessary to have a synergistic collaboration between the government, the community and stakeholders.

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