

Optimizing the Role of Local Governments in Improving the Fulfilment of Tourist Rights

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Abstract. Regulations related to tourism have existed but are still lacking at the implementation level, especially related to fulfilling tourist rights. The lack of facilities for visitors, especially vulnerable groups, and the lack of protection of a sense of security and comfort in tourist attractions is a problem that needs to be resolved. To increase the number of tourist visits, especially in the regions, one of which is in Bangkalan Regency. For this reason, it is necessary to optimize the role of local governments and increase the fulfilment of tourist rights. This study uses empirical legal research methods supported by statutory and case approaches. It can be concluded from the results of the study, first, that there are regulations related to tourism nationally, and there are also rules at the provincial, regency/ city levels which also contain the rights of tourists. Second, the lack of implementation of the fulfilment of tourist rights is a significant concern, especially by local governments. With its function as the administration of government, local governments not only stop making regulations (become regulators) but also coordinate (coordinators) with related parties, including facilitators, stimulators, and motivators, so that the policy that contains the fulfilment of the rights of tourists is carried out, albeit gradually.

Keywords: Local government, Rights of tourists, Tourism

1 Introduction

Both under normal conditions and entering the Covid-19 pandemic, in fact, the tourism sector is an important component of the Indonesian economy.[1] As well as providing income as one of the country's foreign exchange.[2] Various policy steps were taken to revive the tourism industry. Related efforts to increase and develop tourism that should not be forgotten are related to tourist attractions (DTW). DTW is everything that has uniqueness, beauty, and value in the form of a diversity of natural wealth, culture, and artificial products that are the target or destination of tourist visits.[3] Some things that attract tourists to visit various tourist attractions are influenced by three components known as 3 A, namely attraction products, accessibility, and amenities (facilities).) [4]. Although outside of factor 3 A there are still other factors, namely ancillary related to the availability of an organization or people who take care of the destination. There are several parties who are indeed in charge of managing / managing the destination. If it is a tourist village, it is usually managed by the village through Village-Owned Although outside of factor 3 A, there are other factors, namely ancillary related to the availability of an organization or people who take care of the destination. Several parties are indeed in charge of managing the destination. If it is a tourist village, it is usually managed by the village

through Village-Owned Enterprises (BUMDes), or it can also be managed by private parties, which are usually artificial tourism. Even the relevant governments. This institution or tourist organization is needed to develop a framework for tourism development, regulate the tourism industry and promote tourist destinations. This is done in order to increase the number of tourists who come. This includes the need for coordination and sound strategies in tourism development efforts.

The development of the tourism industry cannot be separated from the presence of tourists or people who do tourism. Of course, the increase in the number of tourists will also depend on how the rights of these tourists can be fulfilled. This is in line with the principle of tourism implementation as stated in Article 5 of Law Number 10 of 2009 concerning Tourism, "upholding human rights, cultural diversity, and local wisdom." Because traveling is part of human rights, parties related to the implementation of tourism certainly have a share based on increasing the number of tourists and promoting tourism.

However, in practice, especially entering the Covid-19 period, there was a significant decrease in the number of tourists, which was also felt by local tourist attractions. Moreover, it is currently working to revive the tourism sector again. However, what is noted is that some tourist rights are still restricted and cannot be

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fulfilled. So sometimes, the applicable law lacks the power to protect tourists. Another study stated that "in the world of tourism, the protection of foreign and domestic tourists is still quite low.". So sometimes, the applicable law lacks the power to protect tourists.[5]. For example, the right to special facilities for vulnerable groups such as persons with disabilities and seniors. Not all attractions provide special toilets or roads, especially for natural attractions. As one example in Bangkalan Madura. Almost most tourist attractions have not been able to provide these facilities. Facilities supporting the prevention and spread of Covid-19 are also less than maximal. There are still illegal levies when entering the attraction; accidents occur when taking advantage of attractions in tourist attractions. As happened at the Kenjeran Waterpark Surabaya, where "the slides" (in Indonesian, we can call it "Perosotan") used collapsed, resulting in 16 visitors being injured[6]. In another case in 2018, 2 children became drowning victims at Nepa Sampang Beach, carried away by the waves.[7]. In 2020 a student died drowning at Tlangoh Beach, Tanjung Bumi Bangkalan[8]. It will be different in artificial tourist attractions that are managed by the private sector, which does require considerable costs when we enter with complete facilities that are safe and comfortable. For this reason, the need for this study is one of the efforts to fulfill the rights of tourists, one of which is by optimizing the role of local governments.

2 Research Methods

The method used is an empirical juridical research method and a statutory approach. As well as equipped with a case approach. Primary data and secondary data also support it. This study also made observations in several tourist attractions in Bangkalan Regency.

3 Discussion

3.1 Travel Rights and tourist rights

In general, Indonesia already has regulations related to protecting human rights, including the right to travel, which is included in the economic, social, and cultural rights in line with The International Covenant on Economic, Social, and Cultural Rights (ICESCR). It is also mentioned in the Global Code of Ethics for Tourism established by the United Nations World Tourism Organization (UNWT) in point 8, mentioning the fundamental or basic right to travel. It shows that Tourism and the right to travel are interrelated.

The right in the view of the legal theory of nature, where humanity has its rights solely because of its dignity as a human being[9], so it has an inherent principle. It is different if the existence and content of rights in the view of positivists, as Austin suggests, can only be derived from state law[9]. So there needs to be recognized in the written law. Where Indonesia is a country of law, the rule of law is an absolute requirement for fulfilling human rights. Suppose it is related to the implementation of tourism. In that case, Indonesia already has regulations on human rights which are stated

explicitly in the Third Part concerning Self-Development in Article 13 of Law Number 39 of 1999 concerning Human Rights; there are also tourism rules which also contain the rights of tourists. Law Number 10 of 2009 concerning Tourism regulates the rights of tourists, which are expressly stated in Articles 19 and 20. Article 19 states that tourists are entitled to obtain;

- a. accurate information regarding tourist attractions;
- b. tourism services by standards;
- c. legal and security protection;
- d. health services;
- e. protection of personal rights; and insurance coverage for high-risk tourism activities.

Not only that, Article 20 provides an emphasis on vulnerable groups, where "Tourists who have physical disabilities, children, and the elderly are entitled to special facilities according to their needs." Tourists will undoubtedly feel safe and comfortable if their rights can be fulfilled during a tourist trip, being in a tourist attraction.

The Fourth section discusses the development of tourism accessibility to support the comfort of tourists. At the regional level, East Java Province has Regional Regulation (Perda) Number 6 of 2017 concerning the East Java Tourism Development Master Plan for 2017-2032. Bangkalan also has a Regional Regulation (Perda) of Bangkalan Regency Number 1 of 2020 concerning the Master Plan for Tourism Development for 2020-2035.

The rule will be a pile if it is not implemented. This then becomes a problem, where rules relating to the rights of tourists exist but are weak in their implementation. This has an impact on the lack of fulfillment of tourists' rights. Lack of adequate facilities, the difficulty of accessibility to tourist attractions, especially in nature tourism, and tourist attraction activities that have not been equipped with security procedures. This allows accidents to occur, impacting the lack of a sense of security and comfort for tourists. There is no Tourist Information Centre or TIC. Not all DTWs are equipped with space/place for health services. This is also a problem, especially in some tourist attractions in Bangkalan. According to data from the Tourism Office, Bangkalan Regency has 21 DTWs which are already divided into natural tourism, cultural tourism, and artificial tourism.[10]. Most of them need improvements in accessibility to tourist attractions and facilities, especially for vulnerable groups, for example, Labuhan Beach, Sepuluh District, Cakraningrat Museum, City Recreation Park (TRK), Blue Beach, Tlngoh Beach, and others. There is still a lack of maximum safety in attraction activities. There is still much garbage in tourist sites. This also becomes less comfortable for tourists. Including not all of them have TIC.

It refers to the policy theory that policy does not stop at formulation but also implementation. The implementation process includes "actions by individuals/officials or government or private groups directed at achieving the goals outlined in policy decisions[11]. So that the rights related to the implementation of tourism, especially the rights of

tourists, do not only stop at the recognition contained in the written law but come to the commitment to fulfil it. Come to the evaluation stage.

3.2 The Role of Local Governments in Improving the Fulfilment of Tourist Rights.

Local government is implementing regional autonomy as mandated by Law Number 23 of 2014 concerning Regional Government, especially in Article 1, paragraphs 2 and 3. So local governments have a significant role in advancing the potential in the regions, including advancing tourism. The increasing number of tourists will be very profitable for all parties. Even the community around DTW. This will also affect the image of tourism. However, not a few DTWs are abandoned, even minimally tourists. These hindering issues need to be brought to attention, one of which is by local governments, mainly if the DTW is managed directly by the local government.

The great responsibility of providing ease of service, security, complete facilities, and comfort for tourists is essential for increasing the tourism industry. It does not just stop at attractions. Because this obligation is also contained in Article 23 of Law Number 10 of 2009 concerning Tourism, where the obligations of the government and local governments are: providing tourism information, legal protection, and security and safety to tourists;

- a. providing tourism information, legal protection, and security and safety to tourists;
- b. creating a climate conducive to the development of tourism business which includes opening up equal opportunities in doing business, facilitating, and providing legal certainty;
- c. maintaining, developing, and preserving national assets that are tourist attractions and potential assets that have not been explored; and
- d. supervise and control tourism activities to prevent and overcome negative impacts in the broader community.

Article 10, letter a is closely related to the fulfilment of the rights of tourists. In line with that, the role of the government is not only as a policy shaper or as a regulator. However, it can be related to the theory presented by Blakely in managing tourism, so the role of local government can include coordinators, facilitators, stimulators, and motivators. As a coordinator, the role of local governments is to coordinate with related parties through the tourism office and spatial planning together with managers, both private and village governments. To ensure that the information services program, facility improvements, and other things needed by tourists can be fulfilled. As a facilitator, the local government assists and provides training, education, skill improvement, and service improvement, especially to parties involved in tourism management. So it has specific standards. Local government as a simulator, although not directly related to the rights of tourists, local governments, through the tourism office, can develop strategies that will later be implemented in developing tourism. Do promotions,

such as child-friendly, disability-friendly, and other tours. This one has not been caught much. As a motivator, managing and developing tourism that can meet tourists' needs and ensure their rights are fulfilled is not easy, so its implementation requires support from the community, including the private sector/entrepreneurs in the field of tourism. Because many successful DTWs can develop with the involvement of the private sector. Although DTW in Bangkalan, most of its management is managed by villages / BUMdes, the local government itself, the Foundation, and individuals.

In the end, the role of local government cannot be performed if it is performed only by one of them since this role is closely related. Regulation can provide benefits if the regulation can be implemented properly. Moreover, it can be felt by many parties, especially tourists as connoisseurs of tourist attractions. Moreover, it will impact the surrounding community, organizers, micro, small and medium enterprises (MSMEs), and local governments. Considering that currently, tourists visiting Bangkalan is still low and needs to be improved with exciting natural and cultural potential. The role of local governments as regulators, coordinators, facilitators, stimulators, and motivators needs to be optimized. This is solely for the advancement of tourism in Bangkalan Regency.

4 Conclusion

The role of the government in efforts to increase the fulfilment of the rights of tourists, which are still often consumed, not only stops at forming regulations but also coordinates and becomes a facilitator, simulator, and motivator. While still involving all elements of society. It is considering that even though the rights of tourists are part of social and cultural economic rights, their fulfilment is different from civil rights. However, it is still part of human rights, which are inherent and should not be ignored.

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