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ENFORCEMENT OF REGIONAL REGULATION NUMBER 5 OF 2020 CONCERNING STANDARDS FOR THE IMPLEMENTATION OF BALINESE CULTURAL TOURISM (CASE STUDY OF ILLEGAL TOUR GUIDES IN THE TANJUNG BENOA REGION, SOUTH KUTA DISTRICT, BADUNG REGENCY)

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Abstrak

This research analyzes the enforcement of Regional Regulation Number 5 of 2020 Concerning the implementation of Balinese cultural tourism in the Tanjung Benoa area, South Kuta District and to find out legal remedies related to the existence of illegal tour guides in the Tanjung Benoa area, South Kuta District. The problems in this study, (1) how enforcement of Regional Regulation Number 5 of 2020 concerning Standards for the Implementation of Balinese Cultural Tourism in the region Tanjung Benoa South Kuta District and (2) What are the legal remedies related to illegal tour guides in the Tanjung Benoa area, South Kuta District. This study uses empirical legal research methods, with a statutory, conceptual and case approach, then analyzed qualitatively descriptively. The enforcement of Regional Regulation Number 5 of 2020 Concerning Standards for the Implementation of Balinese Cultural Tourism in the Tanjung Benoa area, South Kuta District, has been running effectively. It can be proven by cooperation between the relevant government and the community to reduce the activities of illegal tour guides who can provide inaccurate information to tourists about tourist attractions in the Tanjung Benoa area. Then legal remedies that can be taken are carrying out raids in tourist destinations, providing coaching in the form of verbal warnings also summons by making a written statement not to carry out illegal tour guide activities and giving sanctions that are adjusted to the applicable laws and regional regulations are a form of law enforcement.

Keywords: Enforcement; local regulation; illegal tour guide

1. INTRODUCTION

Tourism is an activity in traveling with the aim of getting satisfaction, knowing something, improving health, enjoying sports and resting. Broadly speaking, tourism can be interpreted as a temporary trip from one place to another, whether carried out by individuals or groups to seek balance and happiness with the environment in the social, cultural, natural and scientific dimensions (Ruastiti, 2019). Tourism indirectly makes the largest and most diverse industry developed throughout the world as an inseparable part of human life regarding social, cultural

and economic activities. Tourism can be said to be the biggest generator of economic development for the Balinese people. Many people think that the natural and cultural beauty of Bali is the main attraction of Bali tourism. The existence of tourism as the largest industry has created many opportunities and challenges for countries that depend on the tourism industry, including the Province of Bali, as one of the most popular tourist destinations in Indonesia (Yanti, 2020)

As a Tourist Destination Area (DTW) and a favorite tourist destination in Indonesia, Bali consistently places the tourism sector as a mainstay sector, which

implicitly includes the mission of Balinese Culture in every development activity. Based on the Bali Provincial Regulation Number 5 of 2020 Concerning Standards for the implementation of Balinese Cultural Tourism, it is stated that, tourism is all activities related to tourism and are multidimensional and multidisciplinary in nature that arise as a manifestation of the needs of each person and country as well as interactions between tourists and local communities, fellow tourists, Government, Local Government and Entrepreneurs (Bali Provincial Regulation Number 5 of 2020).

The condition of Bali's tourism which is full of culture causes the demand for tour guide services to remain high. The ability of the tour guide in conveying the interpretation of tourist attractions can shape the cognitive experience for actual tourists. Some of the roles of tour guides include providing information, giving impressions, creating atmosphere, translators, education providers, service providers, and cultural protectors. However, now a days there are many illegal tour guides that are disturbing the tourists so that the image of tourism, especially tourism in the Tanjung Benoa area, South Kuta District becomes bad. The problem of illegal tour guides certainly makes the image of tourism in South Kuta District worse and as a result, tourists will no longer visit tours in the southern Kuta district, especially marine tourism in the Tanjung Benoa Traditional Village. If this condition is allowed to continue, it can pose a threat of adverse impacts on tourism and tourist destinations in the Tanjung Benoa area, South Kuta District. For this reason, the Badung Regency Government and the Bali Provincial Government must synergize to establish strategic steps to maintain the image of Bali, especially in the Tanjung Benoa area, South Kuta District, Badung Regency as a safe, peaceful and prosperous area as an International Tourism Destination. If this condition is allowed to continue, it can pose a threat of adverse impacts on tourism and tourist destinations in the Tanjung Benoa area, South Kuta District. For this reason, the Badung Regency Government and the Bali Provincial Government must synergize to establish strategic steps to maintain the image of Bali, especially in the Tanjung Benoa area, South Kuta District, Badung Regency as a safe, peaceful and prosperous area as an International Tourism Destination. If this condition is allowed to continue, it can pose a threat of adverse impacts on

tourism and tourist destinations in the Tanjung Benoa area, South Kuta District. For this reason, the Badung Regency Government and the Bali Provincial Government must synergize to establish strategic steps to maintain the image of Bali, especially in the Tanjung Benoa area, South Kuta District, Badung Regency as a safe, peaceful and prosperous area as an International Tourism Destination.

2. METHODS

This research uses empirical legal research methods by analyzing problems associated with applicable laws and regulations and existing theories (Waluyo, 2002). The type of approach used is descriptive empirical which aims to accurately describe the characteristics of a particular individual, situation, symptom or group (Amirudin & Asikin, 2003). Primary data is obtained directly from primary sources and secondary data is obtained from primary legal materials in the form of legislation, secondary legal materials such as legal papers and tertiary legal materials such as encyclopedias. Data collection techniques with document study techniques, field research and a list of questions and interviews. Descriptive qualitative analysis related to the object of research (Amirudin & Asikin, 2003). As a closing step, conclusion is the final process of a research. From this conclusion, the questions in the problem formulation will be answered.

3. DISCUSSION

Enforcement of Regional Regulation Number 5 of 2020 Concerning Standards for the Implementation of Balinese Cultural Tourism

Balinese culture is the culture of the Balinese people which is imbued with Hindu religious values. Balinese Cultural Tourism is Balinese tourism based on Balinese Culture which is imbued with the teachings of Hinduism and the philosophy of "Tri Hita Karana" as the main potential by using tourism as a vehicle for its actualization, so as to realize a dynamic reciprocal relationship between tourism and culture that makes both of them develop harmoniously. synergistic, harmonious and sustainable to be able to provide welfare to the community, cultural and environmental sustainability. In Bali, in general, the implementation of tourism and its management with the concept of culture, it is necessary to make efforts to manage, preserve, and develop assets

owned by the region, especially the cultural heritage that makes the object and attraction that can organize and also promote cultural heritage that can preserve cultural heritage. Therefore, it needs to be managed properly because seeing the tendency of tourists who want to enjoy a pristine culture, then tourism is one of the most effective ways to preserve and strengthen culture (Sudiarta, 2021).

In a state of law, every government legal action must always be based on the principle of legality or must be based on applicable legislation. That is, the government's legal action is basically an action taken in the context of implementing the provisions contained in the applicable laws and regulations or in the context of regulating and serving the public interest which is crystallized in the provisions of the relevant legislation (Ridwan, 2018). In the Bali Provincial Regulation Number 5 of 2020 Concerning Standards for the Implementation of Balinese Cultural Tourism, in the consideration, directing tourism in Bali based on "Tri Hita Karana". "Tri Hita Karana" are the three causes of happiness, namely a balanced or harmonious life attitude to worship God, serve fellow human beings, and love the environment (Bali Provincial Regulation Number 5 of 2020).

"Tri Hita Karana" The core elements of the value of harmonious relations between humans and God (Parhyangan), are reflected in the form of efforts to protect sacred places and sacred areas which are believed to have sacred values, as a place for humans to connect themselves with God. Elements of the value of balance and harmony in the relationship between humans and humans (Pawongan) are reflected in the form of efforts to structuring and managing residential areas as a place or space for humans to carry out social interactions in a safe, peaceful and civilized manner as well as being able to guarantee the development of human resources optimally and elements of value. the balance and harmony of the relationship between humans and the natural environment (Palemahan) is reflected in the form of efforts to organize and manage natural resources so that they can be used sustainably (Parimartha, 2020).

Article 6 of the Bali Provincial Regulation Number 5 of 2020 Concerning Standards for the Implementation of Balinese Cultural Tourism provides tourism

destination standards related to tourist attractions (DTW) both natural tourist attractions (DTW), cultural tourist attractions (DTW), and tourist attractions (DTW) spiritual, so article 6 can be said to be a form of principle from Parhyangan in the Bali Provincial Regulation Number 5 of 2020 Concerning Standards for the Implementation of Balinese Cultural Tourism. Article 6 paragraph (4) also emphasizes additional standards, namely paying attention to local wisdom which is stated in the explanation of Article 6 paragraph (4) which states that local wisdom is a service that reflects local Balinese culture and is based on philosophy "Tri Hita Karana". Etymologically, local wisdom consists of two words, namely wisdom (wisdom) and local (local). The KBBI (Big Indonesian Dictionary) in Sudini states that local means local, while wisdom is the same as wisdom so that when viewed etymologically, local wisdom can be interpreted as local (local) ideas that are wise, full of wisdom, values that are embedded and followed by members of the community (Sudini, 2022).

In Chapter 2 of the Regional Regulation of the Province of Bali Number 5 of 2020 Concerning Standards for the Implementation of Balinese Cultural Tourism relating to Pawongan This is in order to achieve standards for implementing Balinese cultural tourism, such as the establishment of facility standards, attention to people with disabilities, safety standards for tourists and local communities. Chapter 3 of the Bali Provincial Regulation Number 5 of 2020 Concerning Standards for the Implementation of Balinese Cultural Tourism also regulates tourism areas, tourist transportation services, tourist travel services, food and beverage services, providing accommodation, organizing entertainment and recreational activities, organizing meetings, incentive trips, conferences and exhibitions, tourism information services, tourism consulting services, tour guide services, water tourism, spa and health tourism. Of all the above businesses are required to meet standards such as security, safety and health.

In Chapter 4 of the Bali Provincial Regulation Number 5 of 2020 concerning Standards for the Implementation of Balinese Cultural Tourism which regulates tourism marketing related to the Pawongan principle, this regulation has also determined tourism marketing

standards whose goal is harmony in accordance with the Pawongan principle in "Tri Hita Karana". Karana" as well as the existence of permits and certificates so that there is no monopoly in the implementation of tourism in Bali. Chapter 9 of the Regional Regulation of the Province of Bali Number 5 of 2020 Concerning Standards for the Implementation of Balinese Cultural Tourism, regulates the guidance and supervision, which in terms of implementing the principles Pawongan, namely to create a harmony in the relationship between humans, it is necessary to have guidance and supervision carried out by the Governor and carried out by the Provincial Service as a leader or can also be interpreted as Guru wisesa in Hinduism.

The standard of tourist destinations as regulated in Article 6 of the Regional Regulation of the Province of Bali Number 5 of 2020 Concerning Standards for the Implementation of Balinese Cultural Tourism, that the management of tourist attractions (DTW) is required to meet several standards, one of which is related to the principle of Palemahan contained in Article 6 paragraph (2) letter (i) Regional Regulation of the Province of Bali Number 5 of 2020 concerning Standards for the Implementation of Balinese Cultural Tourism which states that the manager of a tourist attraction (DTW) must have a cleaning officer, in Article 6 paragraph (2) letter (l) The Bali Provincial Regulation Number 5 of 2020 Concerning Standards for the Implementation of Balinese Cultural Tourism states that the manager of a tourist attraction (DTW) has adequate trash can facilities and waste management of course this is related to the principle of palemahan, which means that by having cleaning staff and having adequate trash and waste management, the aim of which is to preserve the environment and prevent environmental pollution that can be caused by garbage or waste in the process of implementing tourism in areas that have tourist attractions (DTW). Article 10 paragraph (2) of the Bali Provincial Regulation Number 5 of 2020 concerning Standards for the Implementation of Balinese Cultural Tourism regulates the Palemahan principle which suggests that entrepreneurs in carrying out tourism are required to provide public facilities and infrastructure to support tourism facilities in the form of providing waste and waste management with the aim of in order to create

environmental balance in the area of tourism activities.

The sanctions regulated in the Bali Provincial Regulation Number 5 of 2020 Concerning Standards for the Implementation of Balinese Cultural Tourism are administrative sanctions and criminal sanctions. Administrative sanctions in the form of written warnings, temporary suspension of business activities, temporary revocation of permits, permanent revocation of permits and administrative fines. Meanwhile, the criminal sanction as a form of violation is in the form of imprisonment for a maximum of 3 months or a fine of a maximum of Rp. 50,000,000 (fifty million rupiah). In addition to violations of criminal sanctions, sanctions can be imposed for a crime in which the implementation of tourism is found to have an element of crime and the form of sanctions is adjusted to the provisions of the legislation in accordance with the form of the crime. Then in addition to national sanctions, "Tri Hita Karana" especially the principle Pawongan.

The activities of illegal tour guides who continue to work guiding tourists can also have an impact on tourism aspects in Bali such as attractiveness aspects, facilities aspects, and transportation aspects (Spillane, 1994). Illegal tour guide activities will have an impact on the attractiveness aspect of tourist attractions which can lead to misconceptions about the tourist attraction itself. Based on information obtained from one of the residents in the Tanjung Benoa Traditional Village area on behalf of I Putu Agus Aris Setiawan, stated that there was illegal tour guide activity (street gacong) which disturbed the surrounding community and tourists visiting tourist destinations in the area. In this case.

Mr. I Wayan Sudiana SH, MH who served as the Head of Tanjung Benoa Village made a report on the incident which was addressed to the Head of the South Kuta Sub-district. Furthermore, the Head of the South Kuta Sub-district, together with the Tanjung Benoa Traditional Village Prajuru and the Bualu Traditional Village Prajuru, held a coordination meeting and obtained the following agreement: law enforcement and enforcement were carried out starting from entrepreneurs who collaborated with illegal tour guides (street gacong) by seeking information from the perpetrators (tour guides). illegal / street

gacong) who market their business on the streets. If it is proven that there is a cooperative relationship between the actors (illegal tour guides / street gacong) and certain companies, legal action will be taken in accordance with applicable regulations, such as: temporary suspension up to permanent dismissal and customary sanctions as a result of the decision of the local adat barum (meeting). In carrying out the action in the field, it involves: the Civil Service Police Unit of Badung Regency and Bali Province, Badung Regency Tourism Office, Badung Regency and Bali Province Transportation Service, Badung Regency Licensing Office, South Kuta District, Benoa Village, Tanjung Benoa Village, South Kuta Koramil, Sector Police South Kuta, the Company concerned, and the Traditional Village.

The enforcement of Regional Regulation Number 5 of 2020 Concerning Standards for the Implementation of Balinese Cultural Tourism in the Tanjung Benoa area, South Kuta District, can be said to have been running effectively. This is evidenced by the good cooperation between the government, village officials and the community in the Tanjung Benoa area so that it can reduce the activities or activities of illegal tour guides that can harm and provide inaccurate information to tourists about Balinese Culture.

Legal Efforts Related to Illegal Tour Guides in the Tanjung Benoa Area, South Kuta District.

A tour guide is someone who is in charge of providing instructions about a tourist attraction (Ismayanti, 2010). A tour guide must have good foreign language skills, so as not to cause confusion for tourists who want to be guided when on vacation in Bali. This introduction and explanation is not only intended to increase knowledge for tourists, but also aims to avoid harmful misperceptions about traditions in Bali. Based on the Decree of the Minister of Tourism, Post and Telecommunications KM.82/PW.102/MPPT-88, a tour guide is someone who is in charge of providing guidance, information, and instructions about tourist objects and assisting with everything needed by tourists. The tour guide is given a certificate (after passing the courses and exams) and there is an identification (badge) by the Governor of the Head of the Level I Region which can be classified as Young Tour Guides and Intermediate Tour Guides. In the Bali Provincial Regulation Number 5 of 2020

Concerning Standards for the Implementation of Balinese Cultural Tourism, Article 22 paragraph (2) states that the tour guide as referred to in paragraph (1) is required to have a Tour Guide Identity Card (KTPP) in carrying out tourist guiding duties, furthermore in Article 22 paragraph (3) states that every tour guide as referred to in paragraph

(1) letter a must have a certificate of competence and a certificate of knowledge of Balinese culture.

According to Mr. I Wayan Suharyana SH, MH who served as Danru of the Civil Service Police Unit BKO South Kuta in an interview conducted on May 12, 2022, at 09.30 WITA, stated that the perpetrators of illegal tour guides in the Tanjung Benoa area, South Kuta District, on average are people Local people who come from the Province of Bali listed in the address of the Resident Identity Card (KTP) in question are subject to raids. Then, for the age of the illegal tour guides, on average, they are classified as adults and are married (married). The criteria for illegal tour guides in the Tanjung Benoa area, South Kuta District, are not having good ethics, where they usually stop tourists in the middle of the road. Furthermore, these illegal tour guides work without any organization or work individually.

Based on Dr. I Ketut Gede Arta. AP. SH, M.Si who serves as the Head of South Kuta Sub-district in an interview conducted on May 12, 2022, at 13.00 WITA, the community in the South Kuta District area can be said to have a life that is sufficient and is classified as prosperous. This is supported by the rapid development of tourism which attracts foreign and domestic tourists to visit the Tourist Destinations (DTW) in the South Kuta area. Noting the rapid development of tourism in the South Kuta District area, it can have positive and negative impacts on the community in the South Kuta District area. One of the negative impacts that are troubling the community is the presence of illegal tour guides in the Tanjung Benoa area, South Kuta District.

According to Mr. I Wayan Suharyana SH, MH who serves as the Team Commander of the Civil Service Police Unit under Operational Control (BKO) in South Kuta in an interview conducted on May 12, 2022, at 10.00 WITA, raids have also been frequently carried out by a combination of the Civil Service Police Unit. Praja of Badung Regency and Bali Province, Badung Regency and Bali

Province Tourism Office, Badung Regency and Bali Province Transportation Service, South Kuta Trantib, Tanjung Benoa Village Element, South Kuta Koramil, South Kuta Police, Tanjung Benoa Gahawisri, and Tanjung Benoa Traditional Village, as an effort to enforce the law against illegal tour guides. Things that are of concern when raids are carried out are the completeness of the tour guide, such as the Tourist Guide Identity Card (KTPP) and the clothes worn by the tour guide when guiding tourists. Because based on Article 37 paragraph (1) of the Bali Governor's Regulation Number 28 of 2020 concerning Bali Tourism Governance, it states that a tour guide must wear Balinese Traditional Clothing with a standard design and use a company pin.

Based on the narrative of Mr. I Kadek Agus Alit Juwita SH, MAP who serves as Head of the Sequence and Order Section of South Kuta District in an interview conducted on 12 May 2022, at 11.15 WITA, the reason why the tour guide does not have a Tour Guide Identity Card (KTPP) or license for their standard of professional competence is due to the lack of information about the training activities, as well as the examination for the tour-guiding that is held, as well as the uncertain timing of the implementation. This stems from the lack of awareness of tour guides about the importance of making a Tour Guide Identity Card (KTPP) as proof of the competence of a tour guide to guide tourists. Also because of the lack of socialization about the schedule of activities for the implementation of training and competency tests for tour guides.

Thus, it is necessary to have legal certainty which is determined based on the law itself, the existence of law enforcers, legal facilities, a supportive community and culture. As for legal remedies that can be taken in overcoming illegal tour guides in the Tanjung Benoa area, South Kuta District, namely providing guidance in the form of warnings and summons, including making a written statement not to carry out illegal tour guide activities, then if the warning and summons are not obeyed then the sanctions are criminal acts. which was tried at the Denpasar District Court. Furthermore, in the Badung Regency Regional Regulation Number 7 of 2016 concerning Public Order and Public Order, the article that was violated was Article 25 letter a of Social Order related to activities and activities that disturb the streets and traffic lights. The legal consequences are the Criminal Provisions of Article 32

paragraph (1) criminal imprisonment for a maximum of 3 (three) months or a fine of a maximum of 25,000,000.00 (twenty-five million rupiah).

4. CONCLUSION

Based on the description above, the following conclusions can be drawn:

The enforcement of Regional Regulation Number 5 of 2020 Concerning Standards for the Implementation of Balinese Cultural Tourism in the Tanjung Benoa area, South Kuta District, has been running effectively in relation to illegal tour guide activities. This is evidenced by the existence of good enforcement synergies between the relevant governments such as the Badung Regency Civil Service Police Unit, the South Kuta Civil Service Police Unit (BKO), South Kuta District Trantib and village officials who reflect the elements of pawongan,

Legal efforts related to illegal tour guides in the Tanjung Benoa area, South Kuta District, are in the form of carrying out raids in tourist destinations, providing coaching in the form of verbal warnings also a summons that is accompanied by making a written statement not to carry out illegal tour guide activities as well as giving Minor Crime Sanctions

that are adjusted to the applicable Laws and Regional Regulations area form of law enforcement that reduces the number of illegal guides.

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