

Local Authority at the Village Level in Spatial Planning of Tourist Villages

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Abstract. The tourist village is a form of integration between attractions, accommodation and supporting facilities that are presented in a structure of community life that is integrated with applicable procedures and traditions (Nuryanti, Wiendu: 1993). In its development, tourism villages must also pay attention to the capabilities of the community that can be utilized and determine the type and level of community empowerment appropriately. However, in reality, the development of tourist villages is less than optimal and has not been in synergy with the District Medium-Term Development Plan (RPJMD). Because of this, it is necessary to understand the division of authority between the district government and the village government regarding the authority for the preparation and management of spatial planning. The method in this study uses an empirical juridical approach with the type of qualitative research, where this study will examine the authority in spatial planning of tourist villages and focus on the authority of the Lerep tourism village in village spatial planning.

Keywords: Authority, Tourist Village, Spatial Planning

1 Introduction

Desa Wisata is a rural area that offers an authentic atmosphere reflecting the true essence of the countryside. It encompasses social and cultural aspects, customs, daily life, distinctive architectural buildings, and the characteristic village spatial structure. It also involves unique and interesting social-economic activities or economic practices, which have the potential for various tourism components development, such as attractions, accommodations, food and beverages, souvenirs, and other tourism-related needs. [1]

Desa Lerep is one of the tourist villages in Semarang Regency that already has a village spatial planning design of its own. However, it has not been officially ratified due to several inhibiting factors. On the other hand, the spatial arrangement of the tourist village is a crucial element for the village's development in line with the prevailing RPJMD (Regional Medium-Term Development Plan).

According to Law Number 6 of 2014, in addition to being expected to be more independent in managing good governance (managing all potential within the village), villages are also given the authority to create regulations regarding their own spatial planning.[2], this is a step to empower the villages, which is further supported by the establishment of the Ministry of Villages. The Village Law distinguishes between the concepts of "village development" and "village self-development." In village development, the state plays a major role, whereas in "village self-development," the village itself has the autonomy to develop according to what is stated in the Village Law.

Besides the challenges in realizing village spatial planning regulations, the involvement of the community in every stage of the spatial planning process remains minimal. However, it is essential to conduct a participatory process in formulating spatial planning policies this is because the community is the most knowledgeable about itself and the issues surrounding it. Participatory planning provides a greater opportunity for the creation of integrated and synergistic spatial utilization. [3] On the other hand, the participation of the community (individuals, groups, or private entities) in planning, utilization, and control of spatial planning is crucial to avoid deviations in spatial utilization. Their involvement ensures that decisions are made with a better understanding of local needs, aspirations, and challenges. This way, potential misuse or mismanagement of space can be minimized, leading to more sustainable and balanced development. [4]

With the various issues mentioned above, it is essential to have the participation of the community in spatial planning, which is participatory or bottom-up in nature, as well as a clear distribution of authority between the district and the village concerning spatial planning, especially in a tourist village. This article will examine the authority of the village in the spatial planning of a tourist village, with a particular focus on the authority of the Lerep tourist village in its spatial planning

2. Method

In this study, the author utilizes a qualitative research approach. According to Bogdan and Taylor [5] qualitative research is a research procedure capable of producing descriptive data in the form of speech, writings, and behaviors of the observed individuals. The qualitative method is chosen because of its sensitivity, allowing it to adapt and provide in-depth insights into the values' patterns faced by the researcher. The aim of this research is to obtain facts related to the authority of the village in the spatial planning of a tourist village. The type of research used by the author is empirical juridical research. Empirical juridical research is commonly known as field research because it examines the applicable legal provisions and their actual implementation within society. This

research is classified as empirical juridical as it seeks to understand the authority of the village in spatial planning within a tourist village.

3. Discussion

3.1 Local Authority at the Village Level in Spatial Planning of Tourist Villages

In his research, Anthonius Ibori states that a village can be designated as a tourist village, at least due to several factors, such as: [6]:

1. The presence of unique attractions or distinctive charms of the village itself.
2. The availability of tourism facilities and accommodations such as lodging, dining facilities, souvenir or snack centers, and visitor centers.
3. The existence of tourism activities such as weaving, enjoying scenic views, and others.
4. The implementation of general development efforts to create a tourist destination that provides the best services for tourists, including: zoning and area division, visitor management, and communication services.

From these four factors, it is evident that in a tourist village, spatial planning regulations are crucial to be established in order to manage the distribution or composition of areas so that the supporting factors for a tourist village can continue to function effectively and leave a lasting impression on tourists. Spatial planning is already regulated in the regulations of the district/city. However, the village, as the first implementing entity at the local level, is considered to have its own legal instrument specifically governing the implementation of spatial planning within the village. In general, according to Bahar, a village (in this case, a tourist village) has authorities that include the following:

1. Matters of services and development that must be agreed upon with the District/City Government (Pemda Kabupaten/Kota):
 - a. Matters that arise from the original rights and obligations and/or initiatives of the local community.
 - b. Government matters that have been agreed upon between the village community and the regional government to be designated as village matters. Since the administration of the village is not considered a separate government, after being agreed upon by both parties, these two matters are no longer referred to as "government matters" but will be called "village matters."
2. Matters that do not require agreement with the District/City Government (Pemda Kabupaten/Kota):

- a. Matters that arise from assistance tasks and attributive authority arising from legislation (at the central/provincial level).
- b. Matters related to law enforcement for certain customary law communities that must receive agreement from the judicial institution represented by the local district court's chief with the mandate of the Chief Justice of the Supreme Court and also in accordance with Law Number 6 of 2014 concerning Villages, the village's authorities are grouped into four parts, namely:
 - Authorities based on original rights and obligations;
 - Local authorities at the village level;
 - Authorities assigned by the Government, Provincial Government, or District/City Government; and
 - Other authorities assigned by the Government, Provincial Government, or District/City Government in accordance with the provisions of the legislation.

From the above description, it can be understood that spatial planning in the Village Law is included in the original authority of the village, based on its original rights and local authority at the village level. According to Article 16, paragraph (4) of the Village Law, which states:

"The Draft Village Regulation on Village Revenue and Expenditure Budget, levies, spatial planning, and village government organization must undergo an evaluation by the Regent/Mayor before being enacted as Village Regulation."

This article means that spatial planning in a tourist village falls under the jurisdiction of the village itself. The enactment of the Village Law No. 6 of 2014 (hereinafter referred to as the Village Law) is seen as a constitutional path to reinforce the state's recognition of the diverse existence and unique history of villages in this republic. The juridical arguments underlying the birth of this law are at least enshrined in the 1945 Constitution, which mandates in Article 18 point b the recognition of customary law communities and their traditional rights. Therefore, the village, as the lowest level of government in Indonesia, has its own identity and entity and needs to be regulated separately through the form of the Village Law.

There are at least three reasons why village regulation on spatial planning is essential for the village development planning process. First, village spatial planning is crucial for the preparation of the Medium-Term Development Plan of the Village (RPJMDes). Without a spatial development plan,

the village cannot effectively implement the RPJMDes and ensure the sustainability of the development results. The village will face various problems, such as the deterioration of agricultural and forest ecosystems, leading to increased development burdens to ensure their sustainability and a healthy environment for the growing population, the opening up of the village area to urban areas, and the increasing vulnerability of natural resources to sustain livelihoods.

Second, the absence of a spatial planning plan leads to increased conflicts of interest between villages, regions, and private sectors that have an interest in natural resources and human resources in the village. These conflicts often harm the village and its community, such as bearing the burden of environmental damage, food and biological resource insecurity, and the loss of village income sources.

Third, until now, spatial planning has only been prepared by the district authorities, dividing the rural and urban areas, while rural areas themselves are not developed within each territorial unit or inter-village cluster with similar geographical, economic, social, and cultural characteristics.

Based on the above explanation, it is evident that the function of spatial planning in a village (in this case, a tourist village) is to ensure that the concept of tourist village development can be planned in accordance with the potential and dynamics of the village's development. Therefore, spatial planning is necessary as an effort to arrange space for development purposes or normatively, as an effort to utilize spatial resources for the greatest prosperity of the people, as stated in Article 2, paragraph 3, of Law No. 5 of 1960 concerning the Basic Agrarian Principles. The importance of spatial planning needs to be regulated at the village level, considering several factors, including the decreasing availability of land that can be managed by the community due to the increasing interests in the region.

From the perspective of customary law, since ancient times, customary law communities have adopted an ecological-spiritual-theological approach to spatial planning. They built their village space by balancing the three elements: humans with nature (ecological), humans with their God (spiritual), and humans with humans (theological). These elements have been preserved and protected by indigenous village communities, making the village forest an integral part of the spatial planning in the rural area. However, with the increasing economic advances, the village has often been transformed into an industrial source for urban areas. Agricultural and plantation lands are converted into concrete areas, and the village community is negatively impacted by these developments, such as worsening air quality and water absorption.

According to Article 3 of Law Number 6 of 2014 concerning Villages, Tourist Villages have the principles of recognition and subsidiarity. The authority of Tourist Villages based on their original rights (recognition) gives them the right to govern based on their own local initiatives, following the indigenous culture, as long as it is not contrary to the law (Rosidin, 2019). Meanwhile, the principle of subsidiarity provides Tourist Villages with the authority to manage their village locally, as stated in the Village Law, enabling them to create Village Regulations concerning spatial planning with the hope that village development will be stronger, leading to greater prosperity and promoting healthier growth in cities.

From the above description, it is clear that the regulation of Tourist Villages concerning spatial planning is necessary to avoid development disparities between villages and cities while preventing exploitation or discomfort resulting from village development by involving the community directly in the formulation of village regulations. This aligns with the principles of openness and integration stated in Article 2 of Law Number 26 of 2007 concerning Spatial Planning, meaning that spatial planning must be conducted by providing the broadest possible access to the public to obtain information related to spatial planning. By establishing village regulations on spatial planning, the local community can directly participate in the formulation of village policies and avoid any discomfort in the final outcome of the spatial planning regulation. The Tourist Village Regulation on spatial planning is also in line with the principle of integration, which means that spatial planning should be conducted by integrating various interests across sectors, regions, and stakeholders, including the government, local government, and the community. With the village regulations on spatial planning, the formulation process involves the direct participation of the community, accommodating the interests of the surrounding community, not just those of the government.

3.2 Lerep Village's Spatial Planning

In the Regional Regulation No. 6 of 2011 concerning the Spatial Planning of Semarang Regency, there are several tourism potentials in the West Ungaran Subdistrict, and one of them is Lerep Tourist Village, which is part of Urban Planning Region 1 with a tourism designation. Lerep Village is considered one of the potential tourist villages according to Decree of the Regent of Semarang Regency No. 556/0424/2015 on the Designation of Tourist Villages in Semarang Regency.

Lerep Village covers an area of approximately 682 hectares, consisting of 64 RT (neighborhood units), 10 RW (community units), and eight hamlets. It has a development direction called "Tunggu Gunung Kudu Wareg," which means developing Lerep Village while preserving natural resources for the welfare of the community (Suaramerdeka, 2021).

Granting spatial planning authority to the village government (in this case, Lerep Village) can have both positive and negative impacts. When village spatial planning is well-implemented, it can effectively address issues such as water absorption and disputes between the government and the village community, and it provides opportunities to advance the village community as it aligns with the village community's initiatives. However, village spatial planning can also lead to problems if there is inadequate coordination between institutions. Therefore, the formation of village regulations should undergo a coordination process involving various parties, especially between the village government and the district authorities. Without proper communication, conflicts between village areas may arise as each village area may have its own development focus.

According to Article 36 of the Semarang Regency Regional Regulation No. 6 of 2011 on the Spatial Planning of Semarang Regency 2011-2031, Lerep Village is designated as a tourist village and an art village. Being a tourist village with numerous tourist spots, arts, and cultural aspects, Lerep encourages the village government to create its own regulations governing the spatial pattern in Lerep Village. According to the Village Secretary, Sri Lestari S.Kom, Lerep Village is currently in

the process of developing village regulations on spatial planning as an implementation of the provisions in the village law. The village regulations on spatial planning, according to Mrs. Dewi, representing the Planning and Development Division of the Office of Community and Village Empowerment in Semarang Regency, must be aligned with the Medium-Term Development Plan of Lerep Village (RPJM Des) and the Village Development Work Plan of Lerep Village (RKP Des). This is because village spatial planning is an elaboration of the village's vision and mission, and it should be conducted based on the village's original rights and local authority at the village level. The participation of the community is also necessary in the drafting of Lerep Village regulations to ensure that the final regulation complies with legal aspects and can be effectively implemented according to its objectives. Community participation can involve providing input and ideas in the formulation of the regulations.[7] This is intended so that the final outcome of the village regulations being drafted can fulfill legal validity aspects and be implemented in accordance with its intended purpose. Community participation can take the form of input and ideas in formulating the substance of the regulations.

From the above description, according to the author, a significant influential constraint is the lack of support from the district government. There is a lack of synchronization between the local government and the government of Lerep Village, where the local government assumes that the village government does not have the authority over spatial planning, or in other words, there is a lack of awareness about the urgency of developing village regulations. This reality becomes a reason why currently, the villages in Semarang Regency do not have regulations concerning spatial planning.

Despite facing challenges in formulating spatial planning regulations, Lerep Villag continues to carry out development in line with what is mandated by the Semarang Regency's regional regulations regarding spatial planning and territory. For instance, in Lerep Village, there are the Pangus River and Sebligo embankment built and designated for tourism purposes, managed through the Village-Owned Enterprises (Bumdes) Tourism unit. The embankment has also been developed into a center for traditional culinary delights, water duck attractions, rabbit parks, and an audiovisual building for educational film screenings.

4 Conclusions

Tourist villages are considered important to have their own village regulations related to village spatial planning. Spatial planning regulations are crucial to be present and regulate the distribution or composition of the area so that the supporting factors for a tourist village can continue to function effectively and leave a lasting impression on tourists. Spatial planning falls under the original authority of the village based on its ancestral rights and local authority at the village level. On the other hand, Desa Lerep has already drafted its village regulation on spatial planning but has not been approved yet. A significant influential constraint is the lack of support from the district government. There is a lack of synchronization between the local government and the government of Lerep Village, where the local government assumes that the village government does not have the authority over spatial planning or, in other words, there is a lack of awareness about the urgency of developing

village regulations. This reality becomes a reason why currently, the villages in Semarang Regency do not have village regulations concerning spatial planning.

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