

## The Right to Manage Coastal Tourism to Support Indigenous People's Income in the Perspective of Coastal Community Welfare

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### Abstract

**Introduction:** The right to manage coastal tourism to support the customary income of the land of West Seram Regency from the perspective of the welfare of coastal communities, where it can be said that tourism management is one of the efforts made by the community and government to preserve tourist attractions.

**Purposes of the Research:** The tourism management responsibilities that are interesting to carry out research, especially the tourism management of Negeri Eti in the Baray part of Seram Regency and providing management obligations to the Negeri Eti community in the West Seram Regency as well as research related to the welfare allocation or it could be said to be the results of the allocation of customary land to be managed for beach tourism.

**Methods of the Research:** The research method used is in accordance with the research objectives where the type of research used is sociolegal (sosiolegal research) namely a research method combining doctrinal legal research and empirical legal research methods.

**Results of the Research:** The results of this research show that developing tourism potential in an area requires information, physical factors and a good coastal environment which includes accessibility, supporting facilities and infrastructure. There is Village Regulation Number 1 of 2022 concerning Management of Land, Coastal and Marine Natural Resources. Eti Village, West Seram District, Maluku Province, can be implemented by Eti Village to provide welfare for coastal indigenous communities in the future.

**Keywords:** Management Rights; Negeri Ety; West Seram

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## INTRODUCTION

Land is a very important factor in the life of a society, especially the scope of society where the allocation is given to the people. Land rights are divided into several types, namely land rights, among others, as follows: ownership rights, business use rights, building use rights, use rights, management rights, lease rights, land clearing rights and rights to collect forest products. In addition, other rights regulated in other regulations and other rights that have a temporary nature. <sup>1</sup>

The definition of a management right is a right of control from the State whose implementation authority is delegated to the holder. Based on the provisions of Article 41 of the Basic Agrarian Law Number 5 of 1960. The issuance of Government Regulation

<sup>1</sup> Anshari Siregar, *Mempertahankan Hak Atas Tanah* (Medan: Multi Grafik, 2005), p. 2.

Number 18 of 2021 concerning Management Rights, Land Rights, apartment units and land registration.

Management Rights originating from State Land and Customary Land. Management Rights originating from State land are granted to Central Government Agencies, Local Governments, State-Owned Enterprises/Region-Owned Legal Entities, Land Bank Agencies or legal entities appointed by the Central Government. Meanwhile, management rights originating from Customary Land are assigned to customary law communities.<sup>2</sup>

This management right originating from customary land is also found in the Negeri Eti area of West Seram Regency. As it is established that tourism management is one of the efforts made by the community and the government in preserving tourism objects. However, tourism management itself needs to pay attention to the impact and intersection of customs or culture of the community around the tourist destination.

The provisions in the management rights themselves of course that are controlled must be clear orderly administration and designation. So that there are no parties who abuse the authority. Provisions of Article 7 of Government Regulation No. 18 of 2021 concerning Management Rights, Land Rights, Flat Housing Units, and Land Registration. property rights distinguish from other rights.

Cultivation Rights originating from customary land rights are determined by Ministerial Decree. The Ministerial Decree can be made electronically. Cultivation rights are required to be registered at the Land Office. So is the right to manage beach tourism in Negeri Eti, West Seram Regency. In addition to making land administration orderly and managing tourism management is a set of roles performed by a person or group of people who point to the functions inherent in the role of planning, directing, organizing, coordinating and controlling.<sup>3</sup>

Furthermore, as a consequence of the state's recognition of land rights, the state is obliged to provide a guarantee of legal certainty over the land rights, so that every person and/or legal entity that has the right can defend their rights. To provide protection and legal certainty, the Government conducts land registration, including customary land. The final product of land registration is a land title certificate, which has a main function, namely as a strong and not absolute means of proof.<sup>4</sup>

## METHODS OF THE RESEARCH

The research method used in this research is in accordance with the problems and objectives of this research, the type of research used is sociolegal research,<sup>5</sup> which is a combination research method between doctrinal legal research methods and empirical legal research methods Doctrinal research is intended to conduct literature research by identifying laws and regulations and collecting other data related to the problem under

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<sup>2</sup> G Kataspoetro and Dkk, *Hukum Tanah Jaminan UUPA Bagi Keberhasilan Pendayagunaan Tanah* (Jakarta: Penerbit Rineka Cipta, 1991), p. 1.

<sup>3</sup> Boedi Harsono, *Hukum Agraria Indonesia, Sejarah Pembentukan Undang-Undang Pokok Agraria Isi Dan Pelaksanaannya* (Jakarta: Djambatan, 2003), p. 176.

<sup>4</sup> Harsono, *Hukum Agraria Indonesia, Sejarah Pembentukan Undang-Undang Pokok Agraria Isi Dan Pelaksanaannya*.

<sup>5</sup> Sulistyowati Irianto, *Memperkenalkan Studi Sosiolegal Dan Implementasi Metodologisnya, Dalam Sulistyowaty Dan Sidharta (Eds), Metode Penelitian Hukum Konstelasi Dan Refleksi, Hlm 177. Lihat Juga Dalam Sulistyowati Irianto Dalam Buku Yang Sama, Praktik Hukum: Perspektif Sosiole* (Jakarta: Yayasan Obor, 2009).

study. Empirical research is intended to identify the Beach Tourism Management Rights to support the Customary Revenue of Negeri Eti of SBB Regency to increase the original revenue of the country and the local government.<sup>6</sup>

## RESULTS AND DISCUSSION

### A. Responsibility of Tourism Manager in Negeri Eti in West Seram Regency in providing manager obligations to the Negeri Eti Community in West Seram Regency

Responsibility is to carry out all duties and obligations seriously and be prepared to bear all risks for one's own actions. Described in the first formulation above, namely how the responsibility of the village tourism manager in the western seram district. Desa/Negeri Eti has nine hamlets that can manage beach tourism in accordance with binding oral agreements and can provide welfare for indigenous peoples on an ongoing basis. One of the businesses pursued by indigenous peoples is tourism.<sup>7</sup>

The development of tourism potential in an area must require information, physical factors and a good coastal environment that includes accessibility, supporting facilities and infrastructure. One of the areas that is trying to develop tourism potential is Osi Island beach tourism, Village/Negeri Eti sub-district, West Seram Regency.<sup>8</sup> In addition to accessibility, supporting facilities and infrastructure are also very important to support tourism activities in Eti Village/Negeri, West Seram Regency. According to Soekadijo, Infrastructure is a facility for the needs of society in general and its development is a big effort, because it is usually handled by the Government using state finances. Not only is the availability of accessibility and infrastructure needed to support tourism activities, facilities are also one of the factors in determining the progress of a tourist attraction.

Based on an oral agreement between Negeri / Eti Village and several hamlets that have beach tourism to support the lives of indigenous peoples in general, always cooperate in building tourist facilities including resorts or lodging towards the sea for local and foreign tourists. There are pictures of beach tourism lodging or resorts in Osi Hamlet.<sup>9</sup> Agreements made orally generally tend to be considered as weak agreements considering that oral agreements are more difficult to prove because they are easier to deny by the other party when compared to agreements made in writing and set out in a deed that clearly contains clauses regarding the rights and obligations of the parties. Based on the description above, tourism development and development programs play a very important role in the economic development strategy in a region, especially in the country/village of Eti, West Seram Regency. This is because the contribution of the tourism sector in economic development can be measured easily from various benchmarks. In this case the most important is the contribution to the balance of payments, the original income of the village / country, the occurrence of job creation and other ancillary sectors of the tourism sector.<sup>10</sup>

According to Lexy Tuhuteru as Chairman of the BPD at the Eti District Government Office stated that one of the tourism development programs plays a very important role in

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<sup>6</sup> Sunaryati Hartono, *Penelitian Hukum Di Indonesia Akhir Abad Ke XX*, (Bandung: Alumni, 1994).

<sup>7</sup> Peter Mahmud Marzuki, *Batas-Batas Dalam Kebebasan Berkontrak*, *Jurnal Yuridika Vol. 18 No. 3* (Jakarta: Djambatan, 2003).

<sup>8</sup> I Wayan Agus Wijayantera, "Kajian Hukum Perdata Terhadap Penggunaan Perjanjian Tidak Tertulis Dalam Kegiatan Bisnis," *Jurnal Komunikasi Hukum (JKH) Universitas Pendidikan Ganesha* 6, no. 1 (2020): hlm 118.

<sup>9</sup> R. Suyono Bakir, *Buku Pintar* (Tangerang: Kharisma, 2008).

<sup>10</sup> Nandi, "Pariwisata Dan Pengembangan Sumberdaya Manusia," *Jurnal GEA* 8, no. 1 (2008): 2.

the strategy to generate the original income of the village / Negeri Eti is very reliable. However, tourism development efforts have not received serious support from the West Seram Regency Government, due to the limited support of supporting facilities and infrastructure that need attention. According to him, the support of facilities and infrastructure is an important factor for the sustainability of tourism activities, such as the provision of access, accommodation, tourist transportation and other supporting infrastructure. In addition to beach tourism that is already known by local tourists and foreign / foreign tourists who have enjoyed the beauty of nature, there are still several locations in the hamlets in the country / village of Eti that are more beautiful and can provide their own original village income.<sup>11</sup>

Furthermore, the same thing was also said by Hermanus Tuheteru as the Acting Village Administrator of Eti that there has been no coordination between local government institutions and tourism stakeholders, such as cooperation between the government of West Seram Regency with tourist attraction managers, hotels, restaurants, transportation, telecommunications, tour guides and effective tourism promotion. So far, local tourists have dominated tourism activities there.<sup>12</sup>

In contrast to the statement of Jusuf Siolimbona as the Head of Osi Hamlet that several hamlets included in the Eti Village Government have long wanted tourism activities, because these activities can provide the welfare of coastal communities and support life there. This is a picture of the interview of the research team of Pattimura University Faculty of Law Lecturers with the Head of Osi Hamlet.<sup>13</sup> According to Jusuf Siolimbona as the Head of Osi Hamlet, the development of the tourism sector can improve community welfare on an ongoing basis.

## **B. The Welfare of the Indigenous Coastal Community of Negeri Eti in the Beach Tourism Area**

Humans are the most important element in the success of an organization. Susanto said that the most important organizational asset and must be considered by management is human resources. This boils down to the fact that the goals of innovation and the achievement of organizational goals. Humans are the only resources that can make other organizational resources work and have a direct impact on the welfare of the company."

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<sup>11</sup> Pendit S. Nyoman, *Ilmu Pariwisata Sebuah Pengantar Perdana* (Jakarta: Pradnya Paramita, 2006).

<sup>12</sup> R. G Soekadijo, *Anatomi Pariwisata: Memahami Pariwisata Sebagai System Linkage* (Jakarta: Gramedia Pustaka Utama, 2000).

<sup>13</sup> P. Chumsri, P., Chanin, O., & Sriprasert, "Guidelines on Developing Community Base Tourism to Sustainable Management of Tourist Attractions," *Journal of Economics, Business and Management* 3, no. 6 (2015): hlm. 653-655, <https://doi.org/https://doi.org/10.7763/joebm.2015.v3.260>.

Village Regulation concerning the management of Land, Coastal and Marine Natural Resources of Eti Village. As well as Village Regulation.

According to Hermanus Tuheteru as the Acting Eti Village Administrator, Lexy Tuheteru as the Head of BPD and several Hamlet Heads stated that Village Regulation No. 1 of 2022 concerning the Management of Land, Coastal and Marine Natural Resources of Eti Village, West Seram District, Maluku Province, can be implemented by Eti Village to provide the welfare of coastal indigenous communities in the future.<sup>14</sup>

## CONCLUSION

The development of tourism potential in an area must of course require information, physical factors and a good coastal environment which includes accessibility, supporting facilities and infrastructure. The existence of Village Regulation Number 1 of 2022 concerning Management of Land, Coastal and Marine Natural Resources of Eti Village, West Seram District, Maluku Province, can be implemented by Eti Village to provide the welfare of coastal indigenous people in the future.

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<sup>14</sup> Chumsri, P., Chanin, O., & Sriprasert, "Guidelines on Developing Community Base Tourism to Sustainable Management of Tourist Attractions."

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Conflict of Interest Statement: The author(s) declares that research was conducted in the absence of any commercial or financial relationship that could be construed as a potential conflict of interest,

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