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# The Role of Traditional Land Owners in the Impact of the Covid-19 Pandemic on Tourist Visit Guides

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Abstract: One of the interesting tours is the approach to nature and cultural destinations typical of local indigenous people that do not exist elsewhere. Local customary leaders play an important role in controlling the land for possible tourist guides which has the potential to cause paranoia to close the area of authority of customary leaders after the Covid-19 pandemic as well as regulations from the government. The role of local governments in making regulations on new normal tourism can provide educational outreach and legal certainty for tourists and local indigenous peoples. This can also play a role in increasing local income and improving the economy of the local community. This type of research is descriptive with a qualitative approach in the form of a description of the participation of indigenous peoples in developing tourism potential. The results of the study show that the concern of the customary leaders of the local community with the local government to emphasize and synergize in the tourism service business can be done by implementing health protocols and issuing several policies from the Customs Chair, village and regional regulations to improve tourist visit guides.

## 1 INTRODUCTION

The day's dense activities in government offices, in banking, and in cities that take up all day work (must be in an ac room so that the comfort of work is not hot) after work to go home to a place where there is a lot of vehicles so they choose to live near work. Houses that are densely populated, such as living in flats, in densely populated places, small houses do not have a yard with a common courtyard in a densely populated urban apartment, this is a necessity to visit areas (tours) with original natural environments and beautiful panoramas.

Scientifically, the *beschikkingsrecht* (ulayat rights) of the customary law community is quite interesting in the reform era. Because the issue of customary land in Indonesia during the New Order era was very much dominated by land policies that tended to be centralized and ignored the rights of the indigenous peoples of the land to land. This situation is reversed at this time after the fall of the New Order power in Indonesian politics (21 May 1997) which is more directed to efforts to decentralize the land sector, *mutatis mutandis* the conservation of indigenous peoples' rights to land. The broader implication is the increasingly heated discussion

about the problem of Covid-19, which during this pandemic, there is no vaccine, viruses that cannot be seen with the eye and lack of education in customary land areas and lack of medical equipment and personal protection such as masks and sanitaizer. The high price of masks that are produced in accordance with health standards and were empty in the community was taken over by home mask products that were not in accordance with health standards.

Communities who live from generation to generation, an environment that is close to their original nature is formed from habits that are carried out, namely the customs adhered to by the indigenous community whose daily social activities are carried out as law for all people who live permanently and who visit these areas must adapting to the cultural customs here led by the Customary Chairman. The government accepts rules established and implemented by indigenous people, called *Perdes*. Guides with a distinctive culture, the tourists who come from local visitors and visitors to foreign tourists as well as domestic tourists accept the local situation.

The customary rights of indigenous peoples to land in Indonesia which note bene are a developing country, even now it can be called a developing

country. The urgency is that land rights are found for indigenous people (indigenous people or indigenous people or native peoples) who naturally need legal protection that automatically attaches to customary rights, so legal policy on ulayat rights will automatically be responsive.

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As time goes by, more and more visitors, regulations and management only by customary leaders and local communities (lacking skills both from management science and / or from resources and science). Lack of tourism education so that tourism development becomes slow and lacks management. This is because the government is closed down by the local Customary leader who feels the Customary leader as the government will seize land and the environment that has been controlled from generation to generation from several degrees of descent from one family. However, the government is not tired of providing promotions and socializing, inviting discussions, creating village clusters, inviting meetings, inviting comparative studies of regions whose tours are known to the world such as the Island of the Gods, Denpasar Bali. Becoming the patron of the Dewata Denpasar Bali island, the government and its people work together because each region that lives in a family, establishes associations, foundations and / or forms of legal entities where this legal entity is used to hand over leases of part of the community's land to be managed modern and tourism-class tourism awesome world. Government cooperation with investors to lease a portion of local customary land is managed by using management rights by investors and the lease of native land does not disappear because the form of rent to investors and rent goes to associations made by indigenous peoples of the same group.

Regions can exercise control by making a regulation called Regional Regulation (*Perda*), abbreviated and written as (*Perda*), and Regional Government confirms the policy decided by *Perda*. The difficulty of changing habits is that the customary leader and the local community acknowledge and practice habits so that the regional regulation must be firm so that it is carried out by the customary leader in the area being led. Thus the government does not make dualism of health regulations and protocols in order to improve health and regional income as well as reform the entire tourist area so that visiting the term is like a king in tourist sites.

## 2 METHOD

From the point of view of the nature of the research, a statutory approach and the concept of Regional Regulation are used and references to the national law of Law Number 10 of 2009 concerning Tourism, District / City Regional Regulations and regulations agreed upon by all the customary leaders and organizations in these tourist attractions. The conceptual approach is used by various opinions of legal and historical experts. The books used in writing use books related to tourism. Data collection techniques were carried out using document studies.

## 3 RESULTS AND DISCUSSIONS

The theory used in this research dissection is the rule of law theory. Indonesia is a rule of law country with proof of the III amendment (10 November 2011) to the Constitution of the Republic of Indonesia Article 1 paragraph (2) and the theory of legal certainty by Hans Kelsen. According to Hans Kelsen, law is part of the norm. Norms should be viewed from the *das sollen* aspect as a rule. Norms are Deliberative behavior, laws containing general rules serve as guidelines for individuals behaving in society, both in public relations with the government. The existence of these rules and the implementation of these rules results in legal certainty.

Natural beauty has its own characteristics in the development and construction of a tourist object or a tourist area which has an impact, namely a positive impact as well as a negative impact. The positive impact of developing tourist objects in tourism development should be based on participatory development patterns. Planning with a participatory approach or commonly referred to as participatory planning, if linked to Friedmann's opinion, is actually a political process to obtain a collective agreement through negotiation activities among all development actors (stakeholders). The political process is carried out in a transparent and accessible manner so that the community will have convenience in every development process carried out and at every stage of its development. In this case, participatory planning is more of a decision-making tool which is expected to minimize conflict between stakeholders. Participatory planning, namely: Increasing the community's economic expenditure or expenses for tourists to shop in an area it visits, will spur growth in economic sectors, and Increase tourism government revenue can increase regional income, by providing

facilities for tourists so that the local government can collect fees retribution funds such as the entrance gate to each tourist attraction. Expanding job opportunities and business opportunities, not only in the tourism sector but in other sectors that are directly related to tourism development. Generating entrepreneurship and growing economic endeavors in socio-economic development. Encouraging the development of facilities and infrastructure, especially in areas that are not implemented, except with the implementation of tourism activities. The negative impact of tourism development is prominent in the social sector, namely on the lifestyle of people in tourist destination areas. This lifestyle includes changes in attitudes, behavior and behavior due to direct contact with tourists who come from different cultures.

Legal theory must begin by determining the object material, namely the meaning of law which functions as a separate characteristic in the customary areas of various people from various societies from time to time, we know that all tourist objects turn out to be an order of human behavior as a whole norm and have reasons to treat them. in accordance with the customs passed down from generation to generation,

The efforts made in developing a tourist object from the government are as follows: - Developing further the potential of a tourist object that is owned in supporting tourism Promoting these tourist objects through electronic media, print media, or from individual to other individual, and make trainings for resources and invite customary leaders to synergize in making rules as living law.

Build all necessary facilities using self-help funds and funds from the government in accordance with the short-term and long-term planning with the hope that the facilities built can be used by visitors and the local community such as arranging the sale of food and souvenirs, souvenirs, parking, viewing seats bathrooms, walkers, wheelchair users and crowd arrangements. If there are things that tourists do not want, such as earthquakes and others, in their vacation activities, tourists feel safe and comfortable and finally want to visit again.

The methods used are primary literature descriptions and presidential regulations and regional regulations as well as Village Rumpun / Village Rules in accordance with the needs of the local population and secondary some observations of visitor convenience.

Some writings translate the term policy as "politics". "policy", "politick", "beleid", especially meant in the meaning of "wijsbeleid" or "wisdom". Political law consists of a series of political and legal

words. Mahfud MD explained that law is a political product.

2 Law is seen as the dependent variable (affected variable) and politics as the independent variable (influential variable). With such assumptions, Mahfud MD. formulating legal politics as "legal policies that will be or have been implemented nationally by the government: it also includes an understanding of how politics affects the law by looking at the configuration of forces behind the making and enforcement of the law.

Law cannot only be viewed as articles that are imperative or obligatory, but must be viewed as a subsystem which in reality is not impossible to be determined by politics, both in the formulation of the material and its articles as well as in its implementation and enforcement.

Legal development includes three main components, namely material (substance), institution (structure) and culture (culture) of law. Legal development is carried out on the basis of legal reform while maintaining the plurality of the prevailing legal order and the effects of globalization.

The government regulates all orders for clean food vendors and the price of each menu is listed on the menu list, in order to avoid worrying food orderers. Visitors must know how much the cost of the food ordered, in order to avoid disappointment for visitors who order food, the price is known after eating the food they ordered, but the price is not as expected (the large portion and the taste of the food ordered makes the visitors disappointed). In this case, it results in a bad reputation of the tourist area because the visitor will become a funnel for the surrounding to convey things around him and to the entire wide audience which is not limited because the information has been in hand, meaning that through cellphones the whole world can be broadcast.

Providing convenience for investors, both domestic and foreign investors, in investing their capital in the tourism factor by synergizing with the chairman of Customs and the Government. Investors must work together to create a system that does not intersect with the philosophy of the ancestors and the goal of the state to prosper society. Customary land will be certified under the name of one clan, may be an association, may be another legal entity, then leased to the lease recipient is the association of one clump that has been formed to an investor or to the government for 25 years and may be extended as needed.

The benefits of leasing a tourist land lease are so that legal certainty and investors focus on managing and managing seriously, professionally. Furthermore,

customary communities who own land from their ancestors do not lose their ownership rights because it is a guardian for the name of their deceased parents. In this case, the name of the customary land is not lost and the rent can be used to open a business in a tourist spot, the economic value of the indigenous people of the customary land is not lost, the work field is open, the area is known to the world and the local business is global.

Increasing the ability and expertise of Human Resources (HR) in terms of providing services to tourists such as tour guides, and so on are needed. The role of the private sector is an agency that deals directly with tourists and provides services alternately in a series of tour trips. This agency also plays a very important role in the back and forth of the world of national tourism. The image shown by the business world as an intermediary is the image of the Indonesian nation nationally. The tasks carried out by the business world are as follows: Provide the tourism accommodation facilities needed by tourists to make tour packages and carry out tour travel events to tourist destination areas. The role of a travel agency is such as depositing part of the profits in the form of taxes, the amount of which is determined by the government. A means of transportation in collaboration with local governments.

Local governments must be able to build a system that is not in conflict with village regulations and health protocols and traditional and customary community leaders to ensure legal certainty.

## 4 CONCLUSIONS

One of the obstacles faced by natural tourism areas which are occupied by homogenous communities is the lack of availability of potential human resources in the tourism sector and public awareness to preserve the tourism objects and land. In general, land in the area does not have a certificate, the release of land rights is based on a customary ceremony, namely gathering all relatives to eat together, after eating the ceremony to give land in words witnessed by other relatives and traditional leaders. There is no writing, signature and thumbprint of the right thumb or so-called fingerprints. The following do not synergize Customary leaders with local governments as well as investors.

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