

## Legal Implications of The Formation of Tourist Villages on Collective Community Rights In The Management of Community Based Tourism Destinations

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### Abstract

*The establishment of tourist villages as a local development strategy has grown rapidly along with increasing awareness of the importance of community involvement in managing the tourism sector. Community-managed tourist villages serve not only as a means of economic development but also as an instrument for sustainable cultural and environmental preservation. However, this process poses legal challenges, particularly regarding the recognition and protection of community collective rights over local resources. The study aims to analyze the legal implications of the establishment of tourist villages on community collective rights, emphasizing the importance of participatory and equitable community-based governance. The method used is normative juridical research with a legislative and conceptual approach. The analysis was conducted on Law Number 6 of 2014 concerning Villages, Law Number 10 of 2009 concerning Tourism, and Regulation of the Minister of Villages, Development of Disadvantaged Regions, and Transmigration Number 7 of 2023, which stipulates the priority use of village funds, including for the tourism sector. The research results indicate that despite the existence of a supporting legal framework, there is still a gap between normative regulations and implementation in the field. The lack of harmonization between national and local regulations, weak oversight of village funds, and the risk of commercializing village assets without community involvement are key challenges. Strengthening village regulations, establishing fair cooperation mechanisms, and active community involvement are needed to ensure that tourism villages truly become spaces for strengthening collective rights and village independence.*

**Keywords:** Tourism Village, Collective Rights, Village Funds, Community-Based Tourism, Legal Regulations.

### Abstrak

Pembentukan desa wisata sebagai strategi pembangunan lokal telah berkembang pesat seiring dengan meningkatnya kesadaran akan pentingnya keterlibatan masyarakat dalam mengelola sektor pariwisata. Desa wisata yang dikelola masyarakat tidak hanya berfungsi sebagai sarana pembangunan ekonomi tetapi juga sebagai instrumen untuk pelestarian budaya dan lingkungan yang berkelanjutan. Namun, proses ini menimbulkan tantangan hukum, terutama mengenai pengakuan dan perlindungan hak kolektif masyarakat atas sumber daya lokal. Studi ini bertujuan untuk menganalisis implikasi hukum dari pembentukan desa wisata terhadap hak-hak kolektif masyarakat, menekankan pentingnya tata kelola berbasis masyarakat yang partisipatif dan merata.



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Metode yang digunakan adalah penelitian yuridis normatif dengan pendekatan legislatif dan konseptual. Analisis dilakukan terhadap Undang-Undang Nomor 6 Tahun 2014 tentang Desa, Undang-Undang Nomor 10 Tahun 2009 tentang Pariwisata, dan Peraturan Menteri Desa, Pembangunan Daerah Tertinggal, dan Transmigrasi Nomor 7 Tahun 2023, yang mengatur prioritas penggunaan dana desa, termasuk untuk sektor pariwisata. Hasil penelitian menunjukkan bahwa meskipun ada kerangka hukum pendukung, masih ada kesenjangan antara regulasi normatif dan implementasi di lapangan. Kurangnya harmonisasi antara peraturan nasional dan daerah, lemahnya pengawasan dana desa, dan risiko komersialisasi aset desa tanpa keterlibatan masyarakat adalah tantangan utama. Penguatan peraturan desa, pembentukan mekanisme kerja sama yang adil, dan keterlibatan masyarakat yang aktif diperlukan untuk memastikan bahwa desa wisata benar-benar menjadi ruang penguatan hak kolektif dan kemandirian desa.

**Kata Kunci:** Desa Wisata, Hak Kolektif, Dana Desa, Pariwisata Berbasis Masyarakat, Peraturan Perundang-Undangan.

## INTRODUCTION

The growth of tourist villages in Indonesia has shown a significant trend in recent years. Tourist villages have become a strategic tool for boosting the local economy and preserving the cultural and environmental riches of rural communities.<sup>1</sup> Both central and regional governments have begun to encourage the establishment of tourist villages through various programs and incentives, including regulatory and funding support.<sup>2</sup> Rural communities are expected to be the primary subjects in the development of this sector, not merely objects of development. Local potentials such as traditional wisdom, nature, culture, and MSME products are leveraged as tourism attractions. This process creates space for strengthening community-based economic structures.<sup>3</sup>

The importance of community involvement in managing tourist villages is not only a participatory development strategy, but also a form of respect for collective rights that have been recognized by national law.<sup>4</sup> Community-based tourism emphasizes the active involvement of village residents, from planning to evaluation so that the economic and social benefits of tourism do not fall on dominant outside groups.<sup>5</sup> This concept requires strengthening local institutions, deliberation-based management, and clarity on the status of village assets. This way, local economic sustainability can be maintained while increasing the community's capacity to manage its resources independently. Collaboration between the government and the community is a prerequisite for the successful development of community-based tourism villages.<sup>6</sup>

Tourism villages cannot be separated from their underlying legal basis. Law No. 6 of 2014 concerning Villages explicitly stipulates that villages have authority based on

<sup>1</sup> C.S. Maak et al., "Strategi Pengembangan Ekowisata terhadap Ekonomi Lokal pada Desa Wisata Fatumnasi," *OECONOMICUS Journal of Economics* 6, no. 2 (2022): 102–15.

<sup>2</sup> N.M. Ummah et al., "Collaboration Between Actors in the Management of Colorful Jodipan Village Tourism in Malang City," *Qoumun: Journal of Social and Humanities* 1, no. 1 (2025): 16–26.

<sup>3</sup> J. Al Kausar et al., "PENGEMBANGAN PARIWISATA DESA TELUK BERBASIS POTENSI LOKAL MENGGUNAKAN PRINSIP COMMUNITY BASED TOURISM," *Journal Of Rural Community Development* 1, no. 2 (2024): 85–107.

<sup>4</sup> Muhammad Ihsan Maro Arisnawawi et al., *GELIAT MASYARAKAT PEDESAAN PESISIR MEMBANGUN EKONOMI BIRU* (CV Azka Pustaka, 2025).

<sup>5</sup> O. Mtapuri et al., "Advancing Community-Based Tourism Approaches for the Sustainable Development of Destinations," *Sustainable Development* 30, no. 3 (2022): 423–32.

<sup>6</sup> M.A. Paramita et al., "KOLABORASI ANTAR AKTOR DALAM PENGEMBANGAN DESTINASI WISATA KAMPUNG WARNA WARNA JODIPAN KOTA MALANG," *Triwikrama: Jurnal Ilmu Sosial* 8, no. 9 (2025): 101–10.

ancestral rights and local authority at the village level, including in the management of economic and cultural potential.<sup>7</sup> This authority provides a legal basis for villages to draft village regulations to determine the status and management of tourist villages.<sup>8</sup> This legitimizes village governments and local communities to legally take initiatives in the tourism sector. Furthermore, Law No. 10 of 2009 concerning Tourism opens up space for active community participation as the primary actors and beneficiaries of this sector.<sup>9</sup> The harmony between these two laws forms the constitutional basis for the recognition of collective rights in the management of tourist villages.

The collective rights of indigenous peoples are constitutionally guaranteed through Article 18B paragraph (2) of the 1945 Constitution, which states that the state recognizes and respects customary law communities and their rights as long as they remain alive and in accordance with current developments.<sup>10</sup> This recognition is not merely symbolic; it must be implemented in policies and regulations that address shared ownership rights and the communal management of resources. Tourism villages located in customary areas or with traditional social structures require special attention to ensure that their management does not undermine communal rights to land, culture, and income (Rahmandari, et al. 2024). Constitutional Court Decision No. 35/PUU-X/2012 affirms that customary forests are no longer state forests, meaning management must be carried out by the communities entitled to them. It provides a strong basis for ensuring that village tourism assets cannot be monopolized by the government or third parties that do not represent the local community.<sup>11</sup>

The practice of collective rights in managing tourist villages is evident in the form of communal ownership and management of tourism facilities, land, agricultural products, and cultural heritage that serve as tourist attractions.<sup>12</sup> This concept of shared ownership is a fundamental pillar for creating social justice and economic sustainability within village communities. When communities are involved as owners, they will feel a sense of responsibility for the preservation and development of their tourism village.<sup>13</sup> It's not uncommon for a profit-sharing system to be implemented based on community deliberation, with the resulting funds being used for collective needs such as infrastructure, education, or other social programs. It prevents potential conflict and social jealousy that often occurs when profits are only enjoyed by a handful of parties.

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<sup>7</sup> N. Pratiwi et al., "Pelaksanaan Kewenangan Kepala Desa Dalam Penyusunan Peraturan Desa Menurut Undang-Undang Nomor 6 Tahun 2014 Tentang Desa," *Journal of Lex Generalis* (JLG 2, no. 3 (2021): 1117–32.

<sup>8</sup> D.S. Lindawaty, "Pembangunan Desa Pasca Undang-Undang No. 6 Tahun 2014 tentang Desa [Village Development Post Law No. 6 of 2014 on Villages]," *Jurnal Politica Dinamika Masalah Politik Dalam Negeri Dan Hubungan Internasional* 14, no. 1 (2023): 1–21.

<sup>9</sup> D. Ikhlas and A. Agustar, "Peran Masyarakat Lokal dalam Pengelolaan Destinasi Wisata," *Jurnal Niara* 16, no. 3 (2024): 623–31.

<sup>10</sup> I.K. Soetijono et al., "Pengakuan Konstitusional Hak Masyarakat Adat Atas Sumber Daya Alam di Indonesia," *KUNKUN: Journal of Multidisciplinary Research* 2, no. 1 (2025): 75–93.

<sup>11</sup> P.P.P. Fajar et al., "Implikasi Putusan Mahkamah Konstitusi Nomor 35/PUU-X/2012 Terhadap Pengaturan Hutan Adat Dan Dampaknya Terhadap Hak Masyarakat Adat," *Perkara: Jurnal Ilmu Hukum Dan Politik* 2, no. 2 (2024): 39–61.

<sup>12</sup> A.R. Hamid and A. Suryana, "Dinamika Konversi Hak Atas Tanah Ulayat (Studi Kasus Tanah Ulayat Di Bali)," *Jurnal Kolaboratif Sains* 7, no. 12 (2024): 4739–50.

<sup>13</sup> S. Ulum and S. A. Dewi, "Partisipasi Masyarakat Dalam Pengembangan Desa Wisata Gamplong," *Jurnal Manajemen Publik dan Kebijakan Publik* 3, no. 1 (2021): 14–24.

The significance of legal guarantees for village governance encourages the establishment of an adequate legal framework.<sup>14</sup> The Village Law provides villages with ample scope to design and implement development policies tailored to their local characteristics. It includes the authority to establish Village-Owned Enterprises (BUMDes) or other village business units that can be used as instruments for managing tourist villages.<sup>15</sup> BUMDes can be a legal entity that bridges village potential and the business world while still paying attention to the collective interests of the community.<sup>16</sup> The role of village government as a policymaker must not override the participatory principle that is a key characteristic of villages as the front-line government unit.

In practice, village financial management is a crucial instrument in supporting the development of tourism villages.<sup>17</sup> Government Regulation Number 43 of 2014 and its amendments stipulate that village funds can be used to finance programs related to economic development and infrastructure development, including the tourism sector.<sup>18</sup> This opens up opportunities for tourist villages to utilize village funds to finance the development of attractions, facilities, and tourism promotion. However, the use of these funds must be carried out transparently, accountably, and based on village deliberations. The process of preparing the Village Government Work Plan (RKPDes) and the Village Revenue and Expenditure Budget (APBDes) must consider the priorities and needs of the whole society.<sup>19</sup>

The strengthening of the legal framework regarding the priority use of village funds is further clarified through Regulation of the Minister of Villages, Development of Disadvantaged Regions, and Transmigration Number 7 of 2023. It emphasizes that village funds are prioritized for village economic development programs, including strengthening tourism villages based on local potential. The regulation explains that community-based tourism management is an integral part of village empowerment efforts. Villages have the authority to map tourism potential, establish management institutions, and design promotions in accordance with local wisdom. The priority strengthens the position of villages as key actors in local resource-based development.<sup>20</sup>

This policy also clarifies that village funds can be used to support training activities, institutional capacity building, and infrastructure development that supports tourism activities. It provides a crucial foundation for systematic community empowerment, ensuring that not only the physical sector is developed but also social, cultural, and institutional aspects. When national regulations explicitly support community-based

<sup>14</sup> C.R. Hudaya and I. Triadi, "Perlindungan Hukum Terhadap Hak Masyarakat Desa di dalam Pemerintahan Desa:(Legal Protection of the Rights of Village Communities in Village Government," *Indonesian Journal of Law and Justice* 1, no. 4 (2024): 10.

<sup>15</sup> L. Judijanto, "Hukum Pidana dan Kejahatan Siber: Menanggulangi Ancaman Kejahatan Digital di Era Teknologi," *Indonesian Research Journal on Education* 5, no. 1 (2025): 968–72.

<sup>16</sup> M.Z. Arifin et al., "Membumikan Teori Negara Kesejahteraan Dalam Penguatan Dana Desa Untuk Pengentasan Kemiskinan Menurut Keadilan Distributif," *Journal Of Law And Social Society* 1, no. 2 (2024): 29–42.

<sup>17</sup> M.S. Siregar et al., "The Role of the Regional Inspectorate in Supervising Village Financial Management," *Journal La Sociale* 6, no. 2 (2025): 498–505.

<sup>18</sup> I. Zitri et al., "Implementasi Dana Desa dalam Meningkatkan Kesejahteraan Masyarakat Desa Berdasarkan Undang-Undang Nomor 6 Tahun 2014 Tentang Desa," *Journal of Governance and Local Politics (JGLP)* 2, no. 2 (2020): 164–90.

<sup>19</sup> N. Adeliya, "Partisipasi Masyarakat Dalam Penyusunan Anggaran Pendapatan Dan Belanja Desa (APBDes)," *Jurnal Civic Hukum* 2, no. 2 (2017): 42–54.

<sup>20</sup> Y. Widodo et al., "Pengembangan Potensi Wisata: Penyuluhan Meningkatkan Ekonomi Masyarakat Berbasis Kearifan Lokal dan Hukum," *Abdimas Mandalika* 4, no. 3 (2025): 178–86.

tourism, villages not only have legal legitimacy but also legitimate and targeted funding instruments. The method allows to ensure that the success of tourism villages is not solely the result of government programs, but also the fruit of the active participation and collective awareness of village residents.

Thus, the alignment between the 1945 Constitution, the Village Law, the Tourism Law, and Regulation of the Minister of Villages, Development of Disadvantaged Regions, and Transmigration Number 7 of 2023 forms a comprehensive legal framework for the development of community-based tourism villages. The collective rights of communities are not only recognized but also given the space to be concretely realized through various legal and administrative instruments. Villages, as the lowest level of government, have considerable authority to regulate, plan, and manage their territories independently. When villages are authorized to develop according to their local strengths, tourism villages become not only destinations but also symbols of independence and social justice. Understanding and strengthening collective rights within this legal framework are key to the successful management of sustainable tourism destinations.

## **RESEARCH METHODS**

This research uses a normative juridical method, an approach that focuses on the analysis of written and applicable legal norms, both in the form of laws and other legal documents. The purpose of this method is to systematically examine how the existing legal framework regulates the formation of tourist villages and its implications for the collective rights of communities in managing community-based tourism destinations. The approach used in this research consists of two types: a statutory regulatory approach and a conceptual approach. The statutory regulatory approach is used to explore and understand relevant legal provisions, such as Law Number 6 of 2014 concerning Villages, Law Number 10 of 2009 concerning Tourism, and Regulation of the Minister of Villages, Development of Disadvantaged Regions, and Transmigration Number 7 of 2023 concerning Priority Use of Village Funds. Meanwhile, the conceptual approach is used to explain and deepen understanding of legal concepts such as collective rights, community-based tourism, and participatory village governance. By combining these two approaches, this research not only analyzes legal norms textually but also links them to relevant legal theories and social concepts, so that a comprehensive picture can be obtained regarding the legal position of the community in managing tourist villages and the challenges faced in their implementation.

## **RESULTS AND DISCUSSION**

### **Analysis of Legal Regulations for the Establishment of Tourism Villages and Participatory Governance in the Framework of Protecting the Collective Rights of Local Communities**

The establishment of tourist villages in Indonesia has a clear legal basis, particularly with regulatory support from the central and regional governments. Article 26, paragraph (2) of Law No. 6 of 2014 concerning Villages states that village heads have the authority to organize governance, development, community development, and community empowerment. One form of this empowerment can be realized through the establishment of tourist villages. Tourist villages are established through Village Regulations (Perdes), and if they are part of a regional development plan, they can also be strengthened through Regional Regulations (Perda). This determination clarifies the legal status of tourist villages and strengthens the legality of community involvement and the use of village funds for the tourism sector.

Village-scale local authority is explicitly regulated in Article 19, paragraph (2), letter c of the Village Law, which states that villages have authority based on ancestral rights and village-scale local authority, which includes managing the village's economic and socio-cultural potential. The provision is reinforced by Regulation of the Minister of Villages, Development of Disadvantaged Regions and Transmigration No. 7 of 2023, specifically Article 1, number 4, which defines village development as an effort to improve the quality of life of the community through the utilization of local potential. Article 11 of Ministerial Regulation No. 7/2023 specifically stipulates that village funds can be used for the development of productive economic enterprises managed by the community and/or Village-Owned Enterprises (BUMDes), including in the tourism sector. This provision affirms that villages have the legal basis to establish and develop tourism villages as part of local autonomy.

The governance of village funds for tourism is based not only on budget availability but also on participatory decision-making mechanisms. Article 10 of Ministerial Regulation No. 7/2023 emphasizes that the priority use of village funds must be determined through Village Deliberations (Musyawarah Desa), the highest decision-making forum at the village level. This process ensures that every development activity, including the development of tourism villages, is truly the result of a collective agreement among residents. Citizen participation ensures that development directions do not neglect the collective interests of the community, while also promoting transparency and accountability in the implementation of village activities.

The Village Deliberation as a planning mechanism is further elaborated in Articles 13 to 15 of Ministerial Regulation No. 7/2023, which regulates the stages of idea generation, discussion, and decision-making. This entire process must be outlined in planning documents such as the Village Work Plan (RKPDes) and Village Budget (APBDes). Article 17 stipulates that the results of Village Deliberations must be published openly for public access. It is part of the principles of transparency and public oversight, which are crucial in tourism village governance. Managing village funds without active community participation risks conflicts of interest and misuse of funds.

The use of village funds for the tourism sector must adhere to the principles of utility and sustainability. Article 20 of the Minister of Villages, Development of Disadvantaged Regions and Transmigration Regulation No. 7 of 2023 stipulates that activities funded by village funds must increase community income and strengthen village competitiveness. In this regard, tourism village development must be designed not only for the short term but also as part of the village's long-term economic strategy. Investment in community training, development of supporting facilities, promotion of local culture-based tourism, and institutional strengthening are the focus of sustainable fund use. Villages must ensure that tourism programs not only benefit external investors but also have a tangible impact on all residents.

Legal recognition of the collective rights of local communities in managing tourism villages is reflected in Law No. 10 of 2009 concerning Tourism. Article 5, letter g states that tourism development must guarantee community participation. Article 26, paragraph (1) states that the community has the right to have the opportunity to play a role in tourism activities, including in the management of tourist attractions. It provides a strong legal basis to ensure that village communities are not merely seen as additional, but have equal rights in tourism planning and management. The implementation of these articles must be visible in the organizational structure of tourist villages, profit-sharing schemes, and community involvement in the process of destination promotion and management.

The Village Law also provides similar reinforcement through Article 67 paragraph (1), which states that village communities have the right to obtain information, participate in development, and enjoy the fruits of village development. Active citizen participation in the management of tourist villages is a manifestation of these rights. Local communities should not be positioned as spectators in the management of potential originating from their own region. While regulations provide clear space for communities, villages have an obligation to ensure that every tourism management process is truly inclusive and adheres to the values of social justice.

The case study of Bali, specifically the management of traditional villages or Desa Pakraman, provides a relevant example of implementing legal recognition of collective community rights in the tourism sector. Desa Pakraman has a customary structure legally recognized through Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali. In practice, the management of tourist destinations such as temples, cultural attractions, and beaches is managed communally by the traditional villages. Revenue generated from entrance fees or tourist contributions is shared based on mutual agreement and used for customary interests and the welfare of the local community. This model demonstrates how collective rights can be institutionalized through regional regulations and reinforced by customary laws.

The management of community-based tourism villages in Bali also demonstrates the importance of clear agreements between the local government, traditional villages, and tourism businesses. The distribution of levies, protection of customary land, and limits on investor involvement are legally regulated through agreements and regional regulations. It creates a tourism ecosystem that is not only economically profitable but also preserves cultural values and strengthens local identity. This study can serve as a reference for other regions in formulating regulations that can ensure the sustainability of tourism villages while protecting the collective rights of local communities.

These regulations demonstrate that the establishment and management of community-based tourism villages is not simply a development policy but also a legal recognition of the community's collective rights. The Village Law, the Tourism Law, and Regulation of the Minister of Villages, Development of Disadvantaged Regions, and Transmigration No. 7 of 2023 provide complementary foundations for supporting village independence and active community involvement. Legality and participation are two inseparable aspects of inclusive and sustainable tourism village governance. When villages are able to manage tourism potential with fair and transparent regulations, tourism villages become not only a source of income but also an instrument for strengthening the rights and dignity of local communities.

### **Legal Implications and Challenges of Implementing Tourism Village Management on Collective Community Rights in the Local Wisdom-Based Tourism Sector**

The legal approach to managing tourist villages by local communities is a crucial aspect of protecting collective rights guaranteed by the constitution and various laws and regulations. Article 18B paragraph (2) of the 1945 Constitution states that the state recognizes and respects the unity of customary law communities and their rights. Independent management by communities reflects the application of the principle of decentralization of authority adopted in the Indonesian government system. Law Number 6 of 2014 concerning Villages, Article 26 paragraph (4) letter c, stipulates that village heads are obliged to develop village potential and assets for community welfare, including through the tourism sector. Local communities have the legal legitimacy to manage tourist destinations if they are regulated through village regulations or official

institutions such as BUMDes. The existence of this legal framework strengthens the community's position as the primary managers, rather than marginalized parties in tourism activities.

Community access to funding for tourist village development is a crucial instrument for ensuring independence and sustainability. Article 11 of the Minister of Villages, Disadvantaged Regions and Transmigration Regulation Number 7 of 2023 stipulates that village funds can be used for the development of productive economic enterprises based on local potential, including tourism. This article provides the legal basis for villages to allocate funds directly to community-managed tourism programs. Access to this funding ensures that the economic benefits of tourism are not concentrated in the hands of a select group but are distributed fairly to all community members. This equitable distribution is crucial to ensure that collective rights are not merely formal but are realized through increased welfare. Village funds are not merely a fiscal instrument, but a means to strengthen local capacity in resource management.

The distribution of profits from tourism activities is integral to the sustainability of collectively managed tourism villages. Article 26, paragraph (2), of Law Number 10 of 2009 concerning Tourism, emphasizes that communities have the right to benefit from tourism activities. The distribution can be achieved through profit-sharing mechanisms for village enterprises or Village-Owned Enterprises (BUMDes), collective capital participation, or social programs aimed at all residents. When the benefits of tourism are directly felt by the community, community participation is strengthened. The sustainability of a tourism village is determined not only by the success of promotions or increased visits, but also by how equitably the economic benefits are distributed. This scheme also encourages communities to maintain service quality and environmental sustainability.

The regulatory gap between national and local regulations often hinders the implementation of village tourism programs. The Village Law and the Tourism Law provide space for participatory and decentralized governance, but not all regional or village governments have consistent regulations. Tourism villages are often established without a strong legal basis, or the village regulations are not aligned with regional and national policies. This lack of synchronization has the potential to create legal uncertainty, particularly regarding asset management, business licensing, and partnerships with third parties. Minister of Home Affairs Regulation No. 111 of 2014 concerning Technical Guidelines for Village Regulations requires that each Village Regulation be formulated based on higher-level laws and regulations. When regulations are not aligned, villages become vulnerable to external intervention and lose control over their tourism resources.

Another significant challenge is the weak monitoring and accountability mechanisms for the use of village funds. Article 18 of the Minister of Villages, Development of Disadvantaged Regions and Transmigration Regulation No. 7 of 2023 stipulates that all activities funded by village funds must be implemented transparently and accountably to the community. Although the regulation establishes the principle of accountability, in practice, many villages still fail to systematically compile accountability reports. The inability is often caused by limited human resources, low administrative capacity, and suboptimal internal village oversight systems. Without strict controls, village funds allocated for the tourism sector can be misused, ultimately harming the community itself. Participatory reporting and auditing systems need to be strengthened as an effective oversight measure.

Conflicts of interest between investors and communities are becoming an increasingly real challenge as the popularity of tourist villages increases. When village tourism potential attracts investors, asset takeovers often occur by outsiders, disregarding the rights of local communities. Law Number 5 of 1960 concerning Basic Agrarian Regulations protects community land rights, including customary rights held by indigenous communities. However, in practice, communities often struggle to prove these rights administratively. The absence of collective ownership certificates or the legalization of communal assets weakens communities' legal standing when confronted by powerful parties. Such disputes can lead to community marginalization and the loss of management rights over their own tourism resources.

The privatization of village tourism assets poses a significant risk if there is a lack of adequate legal protection. When tourist attractions are fully commercialized by private parties, local communities are reduced to mere workers or service providers with no control over the direction of development. This situation can lead to cultural erosion, as tourism interests often encourage the commodification of traditions and the erasure of local values. Article 7 of Law Number 5 of 2017 concerning the Advancement of Culture states that the government is obliged to protect cultural heritage as a national treasure inseparable from community identity. Loss of control over local culture due to commercial tourism intervention is an indirect violation of the principle of cultural protection as stipulated in the law.

Legal solutions to prevent this risk can be implemented through the establishment of Regional Regulations or Village Regulations that explicitly regulate the limits of third-party participation, cooperation mechanisms, and the protection of community rights. Law Number 23 of 2014 concerning Regional Government authorizes regional governments to establish local policies according to the needs of their respective regions. Villages also have the right to create village regulations, based on Article 69 of the Village Law, which stipulates that village regulations serve as legal instruments for regulating village community life. Regional Regulations and Village Regulations can be used as tools to mitigate conflict and protect communal assets from the threat of privatization. The existence of these regulations must be accompanied by law enforcement and ongoing monitoring to prevent them from becoming mere formalities.

Conflict mediation mechanisms between communities and investors must also be strengthened as part of fair and expeditious dispute resolution. Minister of Home Affairs Regulation No. 110 of 2016 concerning the Village Consultative Body states that the Village Consultative Body (BPD) functions as a mediator between residents and the village government or external parties. The institution can be used to voice community interests and facilitate peaceful conflict resolution. Furthermore, the drafting of a cooperation agreement (MoU) between the village and investors must include clauses on protecting community rights, profit sharing, and guaranteeing the preservation of local culture. The agreement must be ratified through a Village Consultative Forum and kept as a public document for all residents to access.

Participatory audits of village fund use are one of the most effective oversight instruments. Article 24 of the Minister of Villages, Development of Disadvantaged Regions and Transmigration Regulation No. 7 of 2023 stipulates that the community has the right to know, monitor, and provide input on the implementation of activities funded by village funds. Community audits involving community leaders, representatives of women, youth, and vulnerable groups can be a mechanism to ensure that funds are used according to their intended purpose and are not misused unilaterally. These audits also

serve as an educational platform for villagers regarding the importance of accountability in public budget management. When residents have legal awareness and active involvement, the governance of tourist villages will be stronger, more resilient, and more just.

## **CONCLUSION**

The development of community-based tourism villages is a form of decentralization and recognition of the collective rights of communities to local resources. National legal frameworks such as Law Number 6 of 2014 concerning Villages, Law Number 10 of 2009 concerning Tourism, and Regulation of the Minister of Villages, Disadvantaged Regions, and Transmigration (PDTT) Number 7 of 2023 have provided a strong normative basis for villages to independently design and manage their territories, including the tourism sector. The establishment of tourism villages through Village Regulations (Perdes), collective asset management, and the utilization of village funds to support local potential reflect the central role of communities as subjects of development. This legal framework affirms the community's position as rights holders, not merely policy implementers. However, strengthening community participation and capacity remains a real challenge, particularly in terms of regulatory synchronization, budget transparency, and protection against external exploitation. The success of tourism villages is measured not only in economic terms, but also by the extent to which communities are involved, enjoy the benefits, and exercise control over the entire management process.

To achieve equitable and sustainable tourism village governance, improvements are needed in both regulatory and implementation aspects. Village and regional regulations need to be drafted harmoniously, ensuring the protection of the rights of indigenous communities and vulnerable groups. Cooperation mechanisms with investors must be framed within the principles of equality and transparency, and actively monitored by village institutions and the community itself. Social audits and participatory oversight are crucial steps in maintaining accountability for the use of village funds. Furthermore, strengthening the legal and technical capacity of village officials and local communities needs to be a priority. When communities have adequate legal understanding and managerial skills, tourism villages become not only development products but also instruments for strengthening community sovereignty over their territory, culture, and future.

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