Implementation of Eco-Humanism in Resolving Tourism Disputes in Sigedang Village, Based on Restorative Justice

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Abstract

This study finalizes the settlement of tourism disputes in tourism villages based on eco-humanism. The purpose of this study is to find out and analyse the results of exploration of tourism dispute resolution in villages/tourist destinations based on eco-humanism. By using qualitative research methods through primary and secondary data sources, this study examines the contribution to the application of eco-humanism as the basis for sustainable ecotourism development, in resolving tourism disputes in Sigedang Village based on restorative justice. The results of the study show that tourism disputes in the civil field (management of tourist attractions) and in the criminal field (adultery and extortion) are resolved in a non-litigation manner, by applying eco-humanism, based on restorative justice. The recommendations given require an active role in synergy between stakeholders (Village Apparatus, Village/Tourist Spot managers, Communities, Regional Governments and academics) in realizing the making of legal rules that reflect eco-humanism in Tourism Villages.

Keywords: Eco-Humanism, Tourism Villages, Restorative Justice, Tourism Disputes, Sustainable Ecotourism.

Introduction

Indonesia is a paradise on the earth, as a country that has cultural and natural diversity. There are 6022 Tourism Villages in Indonesia, which have various social patterns of cultivation and natural beauty. All of them have the potential to realize a golden Indonesia in 2045. The management of tourist villages is a form of effort to maximize the potential of existing resources.

The role of the community in developing tourism awareness potential is very appropriate towards the goal of a golden Indonesia 2045. Tourism Villages must be orderly, conducive and free of disputes. The settlement of disputes in Tourism Villages can be easily resolved if there are Village regulations made based on local wisdom that is *restorative justice* towards *sustainable ecotourism*. The concept of eco-humanism is the initial concept of *sustainable ecotourism*, which is a concept that balances human welfare and natural welfare. The concept of eco-humanism, through the synergy of the role of the local community and/or the management of the Tourism Village, in an effort to improve the quality of the Tourism Village in resolving tourism disputes.

Literature Review

Eco Humanism is an eco-humanist concept. It consists of two words, namely eco and humanism. Eco-humanists belong to Ecology(Müller, 2024). It is a branch of biological science that studies the interaction between living things and the surrounding environment. The word 'humanism' means a philosophical thought that prioritizes human values and positions as the main factor in improving welfare. Improving welfare in sustainable development (Pilotti, 2024). The field of sustainable development consists of synergy between ecology, socio-culture and economy. Eco humanism, in essence, there is a synergy between nature and humans. Apply the principles of equality, unity, solidarity, fairness, duty,

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responsibility, trust, privacy (Biswas Mellamphy & Vangeest, 2024). A strategy related to the protection of nature and human rights. Eco humanism applied in Tourism Villages is a sustainable concept. Tourism in villages that apply the concept of sustainable tourism, there is a synergy between ecology, socio-culture and economy (= sustainable eco tourism).

A Tourism Village is a village that carries out tourism functions. As a village, a Tourism Village is a legal community unit that has certain territorial boundaries, has the authority to regulate and manage government affairs, community interests, origin rights, and/or traditional rights that are respected by the State (Fidian et al., 2024). Tourism villages carry out tourism functions, namely tourism activities, from the interaction of stakeholders, are multidimensional and multidisciplinary (See Article 1 of the Village Law and the Tourism Law). Tourism Village is a form of integration between attractions, accommodations, and supporting facilities presented in a community life structure that is integrated with applicable ordinances and traditions. (See Article 1 of Purworejo Regency Regional Regulation Number 15/2019 concerning Tourism Villages).

The characteristics of tourism are temporary, it is a system consisting of several components, carried out through visits, to seek pleasure, not aimed at earning income/livelihood in tourist attractions. Types of tourism, in general, there are natural tourism, (ethnic/cultural, nature reserves, hunting, agro); socio-cultural tourism (historical-cultural relics, museums). Characteristics of tourist villages: have good access in transportation; have an object of interest, whether natural, cultural, or other; supported by all members of the community; security is guaranteed; availability of accommodation and telecommunications; implementing sapta pesona (safe, orderly, cool, beautiful, friendly and memorable); close to other tourist attractions(Juliana et al., 2023).

Customary tourism villages, namely cultural and traditional values, are the main attractions; aims to preserve culture; tourism resources are integrated with the community; the purpose of tourists is to know and understand customs; The existence of an interaction process between local communities is an integral part of the tour package.

Natural tourism/conservation villages, namely there is natural beauty that is the main attraction; aims to conserve the environment/nature; tourism resources are integrated or can be separated from the community; the goal of tourists is to appreciate the beauty of nature; The existence of an interaction process between local communities can be an external part of the tour package(Nuh et al., 2024; Putra et al., 2023).

Creative economy tourism village: handicraft products/creative economy are the main attraction; aiming for community economic development; tourism sources are integrated or separate from the community; the goal of the tourist to have the product; There is a process of interaction between local communities into external or internal parts into tour packages.

Tourism villages must develop, through a strategy of two approaches, namely the market approach (indirect, direct or mixed) or physical (converting all or part of the potential owned. Factors that affect the development of tourism villages are the attraction of natural-cultural potential, accommodation, public facilities, tourism support facilities, and the active role of the community as hosts. Factors that affect the non-development of tourist villages are internal conflicts, improper management of funds, lack of coordination, lack of attention from the government, lack of supporting facilities.

The implementation of eco humanism in tourist villages, namely the planning and design of buildings or areas that humanize humans and conserve the surrounding environment, does not damage the environmental ecology, in the form of homestays. The existence of a program to reduce pollution and environmental damage; utilizing nature without exploiting. There is a synergy between ecology, socioculture and economy.

Tourism Disputes, are disputes or disputes that occur in the tourism sector. The literature on the actors of tourism disputes, highlights the subject of law. The study, conducted by Nia Kurniati, Suryani and

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Naufal Riza, emphasized on the review of the perpetrators of tourism disputes in Bali, between foreign tourists and tourism village managers. In Bogor, it occurred between the manager of the Cikuluwung Waterfall tourist village and the residents of neighboring villages and the Cibitung Wetan village government. (Nia Kurniati, 2021) A dispute over the tourism object regarding the results of the management of the Tibumana waterfall tourism occurred between the Bangunlemah Kawan Traditional Village and the Perbekel of Apuan Village, Susut District, Bangli Regency. The solution is through mediation, in the form of a cooperation agreement on the distribution of management results Customary Villages 90% and BUMDesa 10%. (Survani et al., 2022). The situation will be different, if there is a dispute between the people of the Traditional Village who have not received recognition related to the management of the territory by the State, as happened in Sendi Village, Mojokerto, East Java. (Naufal Riza et al., 2018)

The literature on the object of tourism disputes, highlights the object of law. The study conducted by Putra(Putra et al., 2023), emphasizes tourism disputes that discuss from the perspective of the civil sector. The literature on the object of tourism disputes, highlights the object of law. The study conducted by Suryani (Suryani et al., 2023). emphasizes tourism disputes which discuss from the perspective of the criminal field of literature regarding the object of tourism disputes, highlighting the object of law. The study conducted by Zamroni (Zamroni, 2019a). Emphasizing tourism disputes that discuss from the perspective of the administrative field.

The literature on the object of tourism disputes, highlights legal procedures. The study was conducted (Kusumastuti et al., 2024), Kusuma(Kusuma & Asyhadie, 2023), Wijayanti (Asri by Kusumastuti Wijayanti & Slamet Suhartono, 2020; Julaicha et al., 2022; Wijayanti, 2023b; Wijayanti et al., 2022) and Zamroni (Zamroni, 2019b). Emphasis on tourism disputes that discuss from the perspective of the field of tourism dispute resolution procedures

The criminal law rules against the alleged violation of criminal acts of morality are regulated in Article 281 of the Criminal Code jo. Article 406 of Law Number 1 of 2023, namely:

Table 1. Criminal Violations of Morality

Article 281 of Article 406 of Law 1/2023 Whoev

281 of the Criminal Code	
Whoever deliberately and openly violates	
morality	

- Whoever deliberately and in front of others who are there against his will violates morality
- Threatened with imprisonment of 2 years and 8 months or a fine of Rp. 4.5 million
- Everyone violates decency in public
- Everyone violates decency in front of other people who are present without the will of the person present.
 - Threatened with imprisonment of 1 year and 8 months or a maximum fine of category II, which is Rp. 10 million
- The explanation of violating morality is committing acts of showing nudity, genitals and sexual activities that are contrary to the values that live in the community in the place and time the act is carried out.

There are four elements of a criminal act of morality, namely whose property, intentionally, is open (in public) and violates morality. The definition of "whose goods" is from the criminal element of morality, which is only the subject of individual law (naturlijk person) (Wijayanti, 2023b). The definition of "intentionally" from the criminal element of morality, namely intentional as the intent and purpose of the perpetrator; intentional as an awareness of the existence of certainty/necessity, the consequences that occur are not the goal of the perpetrator, but the goal to achieve the intended result must be done by other actions; intentional as awareness of the possibility/conditional, where the perpetrator has awareness of the

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possibility of other consequences that are actually unwanted, but this awareness does not make the perpetrator cancel his intention, and it turns out that the consequences of the unintended actually occur.

The meaning of "open (in public)" from the criminal element of morality, namely in a place where the public can come to that place, which can be seen, heard or witnessed by other people who are in that place. The definition of "violating morality" from the criminal element of morality, which is an act related to sexual relations between a man and a woman to increase or satisfy lust or arousal, which is done in public and is seen as an outrageous act and if others see it, can result in unpleasant feelings / displeasure and shame.

The criminal law rules against alleged violations of extortion are regulated in Article 368 of the Criminal Code jo. Article 482 of Law Number 1 of 2023, namely:

Table 2. Criminal Offences of Extortion

Article 368 of the Criminal Code	Article 482 of Law 1/2023	
- Whoever with the intention of unlawfully benefiting himself or others, compels a person by force or threatens violence to give something which is wholly or partly the property of another person, or to create a debt or write off a receivable.	 Any person with the intent to unlawfully benefit himself or others, coerces a person by violence or threat of violence to: giving an item that belongs partly or wholly to another person, or giving a debt, making a debt acknowledgment, or writing off a receivable. 	
- Threatened with imprisonment for a maximum of 9 years	- Threatened with imprisonment for a maximum of 9 years	
	- The explanation of violating morality is committing acts of showing nudity, genitals and sexual activities that are contrary to the values that live in the community in the place and time the act is carried out.	

There are four objective elements of the criminal act of extortion, namely the act of coercion; there is someone who is forced; there are attempts to force with violence or threats of violence; the existence of a purpose, which is the result of an act of coercion by using an attempt or threat of violence to get others to hand over goods, give debts, and write off debts. There are two subjective elements, namely with the intention of benefiting oneself or others; and against the law.

Restorative Justice is an alternative perspective of case resolution based on the recovery of victims and the community environment, not based on retaliation/punishment(Faried et al., 2022). The nature of recovery to the victim, perpetrator and/or community is material and/or spiritual or peaceful (Tri Wibowo & ., 2023). The principle of restorative justice consists of justice, proportionality, public interest, and crime as the last alternative, fast, simple and low-cost.

Based on Prosecutor's Regulation Number 15 of 2020 concerning the Termination of Prosecution based on Restorative Justice, it is required that there has been peace between the suspect and the victim; The victim's losses have been returned to their original state, good relations between the suspect, the victim and the community have been restored, the level of represence is low, it does not cause public unrest, the suspect's living conditions are clearly understood and the reason for the suspect's actions is known.

The problem discussed in this study is to know and analyze the results of exploration of tourism dispute resolution in Tourism Villages based on eco-humanism. This research problem is very important because tourism disputes must be resolved as complex research objects, from the perspective of substance and procedure as well as from tourism disputes (Chamdani et al., 2023). Exploration of tourism

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disputes, from the substance of legal subjects (relations between stakeholders), substance of legal objects (civil, criminal and administrative perspectives), and procedures in seeking dispute resolution with an eco-humanism-based approach *restorative justice*, as a whole.

The purpose of this study is to analyze the role of the local community and/or the manager of the Tourism Village, in an effort to improve the quality of the Tourism Village in resolving tourism disputes. To achieve this goal, this study discusses the following research questions: What is the form of tourism disputes in Sigedang Tourism Village (destination)? This research seeks to explore the form of tourism disputes in the Tourism Village. What is the value of local wisdom that can be a source of dispute resolution in Sigedang Tourism Village (destination)? This research seeks to explore autonomous laws or local legal rules, which are in the form of customary laws or customs that apply in the Tourism Village (destination). Can local rules (values that live in the community of Sigedang Tourism Village, in resolving tourism disputes) be the basis for regulating *restorative justice-based* Tourism Villages, in order to create an orderly, conducive and dispute-free atmosphere? This study seeks to analyze the implementation of autonomous laws that apply the concept of eco humanism in resolving tourism disputes in the Tourism Village.

Research Methods

This legal research uses qualitative research methods through primary and secondary data sources, this study explores tourism disputes that occur in villages/tourist attractions in Indonesia, including in Sigedang Village, Central Java Province, based on the substance and procedures. An exploratory qualitative approach through focus group discussions (FGD) with stakeholders, namely village officials, tourist attraction managers/business actors, tourists, the community and the government. In this study, theoretical triangulation and source triangulation were used, to maintain *trustworthiness* was carried out with a quantitative approach of data analysis survey using Spradley.

Discussion

The results of the exploration of tourism disputes in **Sigedang Village**, Kejajar District, Wonosobo Regency, Central Java province.

The condition of the Sigedang Village area. Sigedang Village, located in Kejajar District, Wonosobo Regency, Central Java Province. Sigedang Village is divided into two hamlets, namely Sikatok Hamlet and Segedang Hamlet. There are 18 Neighborhood Units (RW) and 16 Neighborhood Units (RT). The population is 3,322 people, with 1,727 males, and 1,595 females, and consists of 1,082 heads of families. Sigedang Village, is one of the 15 villages in the Kejajar sub-district area, which is located at the foot of Mount Sindoro, with an area of 1,185.00 h.a, right between the border line of Wonosobo Regency and Temanggung Regency. Sigedang Village is a very beautiful fertile village. Located in a valley on the slopes of Mount Sindoro. The landscape is full of vegetables namely potatoes, cabbage, and some tobacco. Most of the people are farmers. Sigedang Village is located about 1500 meters above sea level 20 km from the Dieng plateau. In the morning, it is like a land above the clouds, because the position of the clouds is always lower than the village.

The boundaries of Sigedang Village, the north is bordered by Tretep Village, the south is bordered by Buntu Village, the east is bordered by Canggal Village, the west is bordered by Tambi Village and Kejajar Village. Sigedang Village has three tourist destinations, namely Sikatok Tea Garden, Sibuthak Climbing, and Sikendil Climbing.

Sikatok Tea Garden is a tea cultivation area with an area of about 830 hectares above an altitude of 800-2,000 meters above sea level. This plantation has been established since 1865. Since then, the garden has been used as a source of income for the surrounding community. Only 6.6 hectares are managed for the Sikatok tea garden tourist destination.

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Sikatok Wonosobo Tea Garden, has the potential to be a good tourist attraction, because of its beautiful scenery, lush plants, very suitable for self-relaxation; view of Mount Sindoro accompanied by white clouds, complementing the beauty of the Sikatok tea garden; there are instagramable photo spots (view of Mount Sindoro, trees and tea plants, bridges and bamboo towers); see the process of picking the leaves in the morning; Thematic café with the characteristic wooden glass for drinking tea.

The substance of the tourism dispute in Sigedang Village. There are five findings of the substance of tourism disputes in Sigedang Village, namely tourism disputes in the civil sector (construction and management of Sikatok tea garden tourist attractions); tourism disputes in the criminal field (theft, drinking alcohol, adultery) and tourism disputes in the administrative field (water management disputes).

Tourism disputes in the civil sector related to the construction of the Sikatok tea garden tourist attraction in Sigedang Village, occurred at the beginning of the opening (launching). tourist attractions of Sikatok tea plantation. In January 2018, the idea of opening a tourist attraction came to the Sikatok Tea Garden. In April-May 2028, the Sikatok tea garden tourist attraction was bullied by hundreds of residents, who rejected the existence of the Sikatok tea garden as a tourist attraction. Rejection from the community led by elders or figures. The reason for the rejection is that there is a fear of the occurrence of adverse or unfavorable circumstances, many of its bad values (mudharat), because it is used as a place of immorality (adultery) (Interview with Habib Soebandy, Head of Sigedang Village on September 14, 2024).

Tourism disputes in the civil sector related to the management of Sikatok tea garden tourist attractions in Sigedang Village, began with the need for funds to manage Sikatok tea garden tourist attractions in Sigedang Village. After obtaining a tea plantation management permit from PT Perhutani to open a tourist attraction, Rp 64 million is needed to build facilities and pay workers every day, which is obtained from a local investor (Abdul Jamil). For the investment, it was agreed that a refund would be taken 60% of the management results. The remaining 40% is for managers. It only takes seven months to return the capital (Interview with Sutrisno, Head of Sigedang Tourism Awareness Group on September 15, 2024).

After the funds return to the investor, the manager revises the clause of the cooperation agreement between the manager and the investor, namely the addition of the clause "every 3 months there must be the construction of a new vehicle. If there is an accident, it will be borne 100% by the investor, seven days if an extension agreement is not signed, then it is considered a withdrawal". There is a strategy to eliminate local investors in the form of additional provisions of the Cooperation Agreement. Because local investors have passed the deadline and have not expressed their willingness to sign the agreement, they are considered to have withdrawn from capital participation (investment). Because there are no more investors, the manager changed the composition of the distribution of the results of the management of the Sikatok tea plantation tourist attraction in Sigedang Village, namely PT Perkebunan Tambi tea 30%, the village 10%, the investor 36% and the manager 24%. The 36% share for investors is given to 25 local financiers (= residents) who have invested capital of 135 million Rupiah (Interview with Sutrisno, Head of Sigedang Tourism Awareness Group on September 15, 2024).

Tourism disputes in the field in Sigedang Village, occurred at the Sikatok Tea Garden tourist attraction before it became a tourist attraction. There were four criminal acts that occurred at the Sikatok Tea Garden, before it became a tourist attraction at the Sikatok Tea Garden, namely the theft of helmets from tourists who were visiting. extortion of very expensive parking fees (=palak), making and drinking liquor (=ngoplos) and adultery (=fat). Adultery is a sexual relationship between a man and a woman without a marriage bond. The trade of raincoats/coats in the Sikatok Tea Garden, before becoming a tourist attraction in the Sikatok Tea Garden, was abused for its purpose to cover adultery activities (= adol mantel).

The negative impact of immoral activities carried out in the Sikatok Tea Garden, before it became a tourist attraction, in the form of adultery, drinking, affects the negative behavior of elementary school (SD) children. They peep at tourists who commit adultery and ngoplos (drinking). Furthermore, imitate the negative deeds of the tourists at school.

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Procedures for resolving tourism disputes in Sigedang Village. The procedure for resolving tourism disputes in the civil sector related to the development and management of the Sikatok tea garden tourist attraction in Sigedang Village, is carried out through intensive communication and mediation, carried out by the village head (Habib Soebandy). Communication was carried out individually, Habib Soebandy, visited the parties in conflict one by one several times. After that, the two parties were met. And Mr. Sutrisno, the initiator and manager of the Sikatok Tea Garden tourist attraction can prove that after the Sikatok Tea Garden tourist attraction is opened, there is no

There are two procedures for resolving tourism disputes in the criminal field, namely adultery, extortion of very expensive parking fees (= palak). The settlement of the three cases that occurred was carried out on a non-litigation basis. It is not carried out in litigation by applying the rules of criminal law. Even though he was caught committing a criminal act in violation of the provisions of Article 281 and Article 368 of the Criminal Code, the perpetrator was not reported to the police. The perpetrator was only summoned by the Village Head to be advised and only made a statement not to repeat his actions at the Sikatok tea plantation.

When there was a violation of morals committed by two tourists caught by a resident, committing adultery in the Sikatok tea plantation, the resident took the tourist's trousers. Furthermore, the trousers of tourists who are committing adultery at the Sikatok Tea Garden in the morning, before becoming a tourist attraction of the Sikatok Tea Garden, then the trousers are handed over to the Village Head. From morning to evening, the two tourists hid under the thicket of tea plants. They didn't dare to go out because they didn't have their trousers. In the afternoon (after Maghrib), the tourists' trousers were returned and they were taken to the village head's house to be advised and asked to make a statement not to repeat again, because the act violated the provisions of Article 281 of the Criminal Code jo. Article 406 of Law Number 1 of 2023.

After the Sikatok Tea Garden tourist attraction was completely opened, what happened was the opposite. Immoral activities stopped, because the tea garden became brighter, cleaner and there was a guard, namely the manager of the tourist attraction. peace between the suspect and the victim; the victim's losses have been returned to their original state, good relations between the suspect, the victim and the community have been restored, the level of reprehensibility is low, it does not cause public unrest, the suspect's living conditions are clearly known and the reason for the suspect's actions are known.

In reviewing the settlement of tourism disputes in Tourism Villages (destinations), this discussion interprets the findings and analysis of the results of exploration of tourism dispute resolution to stakeholders. The following table outlines the substance of legal subjects and legal objects as well as procedures related to the resolution of tourism disputes in Tourism Villages. By observing the components or elements of the study, it will be possible to understand how tourism villages resolve tourism disputes that occur in their area.

Table 3. Substance and Procedure for Resolving Tourism Disputes in Sikatok Village (Destination)

Category	Sigedang Village
Region	Kejajar District, Wonosobo Regency, Central Java Province
Substance of Legal Subject	Head of Sikatok Village
	Manager of Sikatok Tea Garden Tourist Attraction
	Investors of Sikatok Tea Garden Tourist Attractions
	Local Government
Substance of Legal Object	Sendut-sendut (adultery, moral offenses)
	Parking fee extortion

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	Distribution of business proceeds from the management of the Sikatok Tea Garden Tourist Attraction				
D 1					
Procedure	Individual and/or group communications	Retorative justice			
	Consensus deliberation				

The settlement of tourism disputes in Sigedang Village in the civil and criminal fields is resolved on a non-litigation basis. Applying the concept of sustainable tourism, there is a synergy between ecology, socio-culture and economy (=sustainable eco tourism). To maintain ecological sustainability, especially tea plantations, the people of Sigedang Village have tried to maintain a peaceful atmosphere, comfortable socio-cultural conditions, through keeping the tea garden area clean from their environment from acts of adultery and extortion. The management of the Sikatok tea plantation as a tourist attraction, of course, has been able to increase people's income and welfare

Conclusion

The concept of eco humanism, as the basis of the concept of sustainable ecotourism, which synergizes the ecological, socio-cultural and economic fields, has become the basis for how to resolve tourism disputes in Sigedang Village. Tourism disputes in the civil sector (management of Sikatok Tea Plantation tourist attractions) are resolved by consensus deliberation with profit sharing, namely PT Tambi Tea Plantation gets 30%, Village gets 10%, investors get 36% and Managers get 24%. The 36% share for investors is given to 25 local financiers (residents)

Tourism disputes in the field of criminal matters, namely criminal acts of adultery and extortion, are carried out through non-litigation in the form of deliberation. The tourists who were caught were taken to the village head's house to be advised and asked to make a statement not to repeat it again, even though the act violated the provisions of Article 281 of the Criminal Code jo. Article 406 of Law Number 1 of 2023. For the perpetrators of extortion parking in the Sikatok tea plantation, they are also given a deterrent effect only with advice, making a statement not to repeat their actions again, even though the act can meet the elements of the existence of a criminal act of extortion based on Article 281 and Article 368 of the Criminal Code.

Recommendations

An active role is needed in synergy between stakeholders (Village Apparatus, Village/Tourist Attraction managers, Communities, Regional Governments and academics) in realizing the making of legal rules that reflect eco humanism (sustainable eco tourism) in villages or tourist destinations

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