



Strengthening the Existence of Indigenous Community Within the Purview of Tourism Management on Bunaken Island

Riyad Riyad Imam Koeswahyono

Ph.D. Candidate Faculty of

Law, Brawijaya University

Imam Koeswahyono

Professor Faculty of Law,

Brawijaya University

Rachmad Syafa'at Dhiana Puspitawati

Professor Faculty of Law, Brawijaya

University

Dhiana Puspitawat

Associate Professor Faculty of Law,

Brawijaya University

Abstract

This research aims to strengthening the existence of indigenous communities in the management of tourism on the Bunaken Island. This type of normative legal research describes and analyzes the dynamics of strengthening through legal protection of customary law communities in the management of tourism areas. The results showed that by regulation, the Manado local government has given space to indigenous peoples in the tourism territory of Bunaken Island which is handled by the Bunaken National Park Center. However, field findings show that the rights of Bunaken indigenous people are still marginalized by the dominance of the Bunaken National Park Hall institution, and is often not included in the planning and management of tourism development on Bunaken Island. Up till now, there is still a status quo on the status of their customary land, and also on other land rights due to the determination of protected forest status in the Bunaken island area. Thus, it is necessary for the state to intervene in strengthening the existence of Indigenous Peoples, considering that Indonesia is an archipelagic country where most of its territory is inhabited by Indigenous Peoples for generations, especially in national tourism destinations, such as Bunaken Island.

Keywords: Indigenous Community, Bunaken Tourism, Tourism Management

Introduction

Indonesia, characterized as a state of law amidst its archipelagic splendor, boasts breathtaking natural landscapes endowed with immense economic potential (Puspitawati, 2021). It is poised to emerge as a pivotal tourism hub, offering a lucrative avenue for bolstering the nation's foreign exchange reserves. Moreover, Indonesia's rich tapestry of cultural diversity, traditions, ethnicities, and vernacular languages, encapsulated within the ethos of '*Bhineka Tunggal Ika*' ('Unity in Diversity'), serves as a foundational pillar for the nation and its government to strategically harness the latent potential residing within its myriad islands with the support of the National Indigenous Community-Based Tourism Development (Hartanti and Ardhana, 2022).

One of the tourism potentials in Indonesia is Bunaken Island, renowned for its captivating underwater beauty, situated in Manado City, North Sulawesi Province. The

island is inhabited by indigenous communities that have lived there for generations, such as the Sangir and Borgo ethnic groups, among others.

With the presence of these various ethnic groups, each undoubtedly possesses its own customary laws and local wisdom that have been applied in their daily lives for generations. Additionally, national laws heavily influence their implementation in both societal interactions and overall governance.

In the management of Bunaken Island, which is part of the Bunaken National Park, the Government has appointed the Ministry of Environment and Forestry of the Republic of Indonesia through Presidential Regulation Number 56 of 2019 concerning the National Action Plan for Integrated Management of National Parks and National Marine Conservation Areas for the Period 2020-2025. This regulation is derived from Law Number 5 of 1990 concerning the Conservation of Biological Natural Resources and Ecosystems and Law Number 32 of 2009 concerning Environmental Protection and Management. Additionally, in terms of its tourism aspect, it is regulated under Law Number 10 of 2009 concerning Tourism, and in terms of the attractiveness of its management, it should be part of the responsibilities of local governments as mandated in Law Number 32 of 2004 in conjunction with Law Number 12 of 2008 concerning Regional Governance. Moreover, coastal areas and small islands are regulated under Law Number 1 of 2014 in conjunction with Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands under the authority of the Ministry of Marine Affairs and Fisheries of the Republic of Indonesia. Matters related to spatial planning refer to Law Number 26 of 2007 concerning Spatial Planning under the jurisdiction of the Ministry of Agrarian and Spatial Planning of the Republic of Indonesia.

Additionally, the state must recognize the existence of its Indigenous Communities as regulated in the 1945 Constitution of the Republic of Indonesia (henceforth referred to as the 1945 Constitution). However, in the implementation of Bunaken Island management, issues arise, including the disregard for the rights of indigenous communities on Bunaken Island. Ideally, the State should involve indigenous communities in the management of Bunaken Island.

Principally, the Republic of Indonesia, *de jure*, recognizes and respects the Unity of Indigenous Communities (henceforth referred to as KMHA). This is reinforced based on the results of studies on the considerations of the status of recognition of indigenous communities. First, indigenous communities currently have a solid constitutional juridical status as regulated in Article 18B paragraph (2) and Article 28I paragraph (3) of the 1945 Constitution, further strengthened by juridical guarantees from several sectoral laws regulating their traditional rights. Second, the formulation of indigenous communities is not limited to issues of rights, obligations, ownership, and control over movable and immovable property, material and non-material assets alone, but may also encompass the protection of the intellectual property rights of traditional communities. Third, the status of indigenous communities and traditional rights will be reinforced if the central government translates them into more concrete legal regulations (Thontowi, 2013). The indigenous communities as legal subjects, legal objects, and the authority of the indigenous communities are described as follows: the indigenous communities in Indonesia were built based on territorial, genealogical, and territorial-genealogical similarities, all representing diverse forms of the communities across regions (Adnyani, 2021).

Further, the respect for the values of indigenous customary wisdom is also regulated in Article 2 of Law Number 32 of 2009 concerning Environmental Protection and Management (UUPPLH), which stipulates that environmental protection and

management are based on the principles of ecoregions and local wisdom. In general, the principle of ecoregion is described as the protection and management of the environment, taking into account the characteristics of natural resources, ecosystems, geographical conditions, local cultural norms, and local wisdom. Meanwhile, the principle of local wisdom entails that the protection and management of the environment must consider the noble values that apply within the community.

In relation to how the indigenous people manage their own environment, there is no doubt that they are highly conscientious in their daily efforts to preserve their surroundings on Bunaken Island, as quoted from the environmental wisdom legal doctrine of Safa'at, 2015:

“The concept of environmental wisdom is rooted in the traditional system of regulation and management practiced by indigenous communities. This is due to their close relationship with the environment and natural resources. Through prolonged interaction and adaptation with the environment and natural resources, indigenous communities have been able to develop ways to sustain their livelihoods by creating value systems, lifestyle patterns, institutional systems, and laws that are in harmony with the conditions and availability of natural resources in the areas they inhabit. ”

The local wisdom system reflected in local knowledge and technology systems across various regions of the archipelago is predominantly characterized by customary values, as evidenced by the ways in which conservation principles, management, and exploitation of spatial utilization are conducted. The theoretical framework employed here is the theory of the rule of law (Tamanaha, 2004), substantive and formal justice, and the environmental wisdom teachings introduced by Rachmad Syafa'at, which are crucial in applying tourism management based on local wisdom. The extensive process undertaken by indigenous communities to interact with and adapt to the environment has resulted in their ability to develop means of sustaining livelihoods through value systems, lifestyle patterns, and institutional systems that are tailored to their surroundings. Local wisdom here emphasizes the realization of articulation, embodiment, and forms of traditional knowledge understood by humans or communities interacting with their surrounding environment, including spatial utilization in tourist areas.

At the national level, the development of the tourism sector has been articulated through various governmental policies. Policies regarding the development of the tourism sector are increasingly incorporated into laws, presidential decrees, and regional regulations. The tourism sector continues to be considered as one of the sectors expected to drive economic growth. Consequently, tourism development is pursued through a comprehensive, integrated, and participatory approach, employing criteria that encompass economic, technical, socio-cultural, energy efficiency, environmental conservation, and preservation considerations.

In formulating policies, the Government must consider various factors, including the livelihoods of local communities. Observing the lives of local communities, especially those deeply rooted in customary law, significantly influences the implementation of laws established by the Government. Geographically, Indonesia is a vast country rich in natural resources and unique culture, with tourism assets scattered throughout the archipelago. The existence of these assets represents tourism potential that can generate revenue for the country, especially for local communities. Given its constructive function for the nation and local communities, tourism needs to have clear concepts and definitions.

Furthermore, tourism is also developed to advance economic, social, and regional development in order to implement Law Number 10 of 2009 concerning Tourism

(Tourism Law), which stipulates that tourism, as a source of regional income, must be able to improve the welfare and prosperity of the people, as well as enhance regional development to make Indonesia a tourist attraction. The growth and development of tourism in the region are also carried out in Manado City, specifically in the Bunaken Island area, which boasts beautiful natural attractions and unique cultural heritage. The development of tourism as a tool for advancing economic growth should not only focus on its own progress but also consider the livelihoods of the surrounding communities, as this relates to the inherent rights of those communities. Often, cases arise where the government, in promoting tourism development, overlooks the rights of local communities, particularly indigenous communities. Therefore, in this study, the researcher aims to delve deeper into the existence of the indigenous community in the management of tourism on Bunaken Island.

Literature Review

Indigenous Community

The term "customary law community" was coined and used by customary law experts, predominantly for theoretical and academic purposes. It identifies indigenous groups with their legal systems and traditions, distinguishing them from European and Far Eastern groups that follow written legal systems and traditions (Abdurrahman, 2015). According to Ter Haar, a customary law community is a structured group that resides in a specific area and possesses its authority and wealth (both tangible and intangible), where each member naturally experiences life in the community. No member contemplates dissolving or permanently abandoning these established ties (Abdurrahman, 2015).

In legal terms, such communities that adopt a semi-autonomous concept have the authority to create regulations, customs, and symbols internally, possess the capacity to enact laws and promote and enforce compliance among their members. Moreover, these communities generate laws as socially enforced binding rules through diverse legal levels within their alliances, emerging spontaneously from social life (Sasmita, 2016). Given that indigenous communities existed before Indonesia's independence, the nation's founders incorporated recognition and respect for these communities in Article 18B paragraph (2) of the 1945 Constitution. Specifically, this article stipulates that recognition and respect for the unity of customary law communities and their traditional rights must be based on conditions that they are still in existence, in accordance with societal developments and the principles of the Unitary State of the Republic of Indonesia, and regulated by law (Rahman et al., 2011).

Tourism Management

Tourism management involves exploring a tourist destination, organizing tours, arranging travel, and managing logistics services. It also includes marketing efforts to attract tourists to specific domestic and international destinations. The management of the tourism industry is influenced by various elements such as culture, peace, security, developed infrastructure, visa facilities, global population, education, income levels, language diversity, and accommodation facilities (Imran, 2022).

Developing the tourism sector in a location is known as tourism development. At its most basic level, tourism development can be defined as devising strategies and plans to enhance, develop, and promote tourism in a specific destination. There are four key steps to successful tourism development (Imran, 2022):

1. **Information Availability:** A fundamental issue faced by visitors is the lack of information. Tourism site managers need to promote better information regarding

occupancy rates, tourist arrivals, and weather conditions and develop expertise to monitor trends in the tourism industry.

2. Establishment of Sustainable Tourism Strategies: Sustainable tourism involves developing a tourism concept that can have a long-term impact on the environment, social structures, culture, and economy, benefiting both the local community and future visitors. In developing sustainable tourism, the Ministry of Tourism and Creative Economy has four focus pillars: sustainable business management, long-term economic sustainability, continuous enhancement and preservation of culture, and environmental sustainability aspects (Kementerian Pariwisata dan Ekonomi Kreatif/Badan Pariwisata dan Ekonomi Kreatif, 2021).

3. Community Participation– Successful tourism management requires all stakeholders to unite under one strategy without any party feeling disadvantaged.

4. Funding Provision– When a country is committed to tourism growth, it will make appropriate investments in this process. The most obvious source is the tourists, who contribute to boosting the tourism business, which in turn helps provide more jobs for the community and improve the economy.

These four key steps to successful tourism development are expected to drive future tourism management characterized by integrating marketing and planning within a diverse destination system that facilitates social, economic, and cultural justice. By combining management with diversity, the new sustainability paradigm overcomes the political nature of planning and development far more effectively than the old modernist paradigm, prioritizing scientific knowledge and measurement over local and customary knowledge and participation and featuring authoritative and top-down decision-making rather than holistic and participatory approaches (Jamal and Jamrozy, 2006).

The National Park Concept

Various types of ecotourism rely on natural attractions, which can be developed in the national tourism sector, one such ecotourism object being National Parks. According to Law Number 5 of 1990 concerning the Conservation of Biological Natural Resources and Ecosystems, a National Park is defined as "a natural preservation area that has native ecosystems, managed through a zoning system that is utilized for research, science, education, supporting cultivation, tourism, and recreation purposes." Currently, there are 54 National Parks in Indonesia, six of which are World Heritage Sites, nine are part of the World Network of Biosphere Reserves, and five are internationally protected wetlands under the Ramsar Convention. These 54 National Parks include Cultural Heritage National Parks, Mountain National Parks, Forest National Parks, and Marine National Parks, one of which is Bunaken National Marine Park located in North Sulawesi Province (Shelter Jelajah, 2023).

Results and Discussion

A. General Overview of Bunaken Island



Figure 1 Map of Bunaken Island

Bunaken is an island spanning 8.08 km² in the Bay of Manado, located north of the Sulawesi island, Indonesia. It is part of the city of Manado, the capital of North Sulawesi Province in Indonesia. Bunaken Island can be reached by speedboat or chartered boat, and it is about 30 minutes from the port of Manado City. Surrounding Bunaken Island is the Bunaken Marine Park, which is part of the Bunaken National Park. This marine park boasts one of the highest marine biodiversity in the world, attracting many visitors for scuba diving. Overall, Bunaken Marine Park covers an area of 75,265 hectares, encompassing five islands: Manado Tua Island (Manarauw), Bunaken Island, Siladen Island, Mantehage Island and its several smaller islands, and Naen Island. Despite covering an area of 75,265 hectares, diving locations are limited to the beaches surrounding these five islands (Buol, 2021).

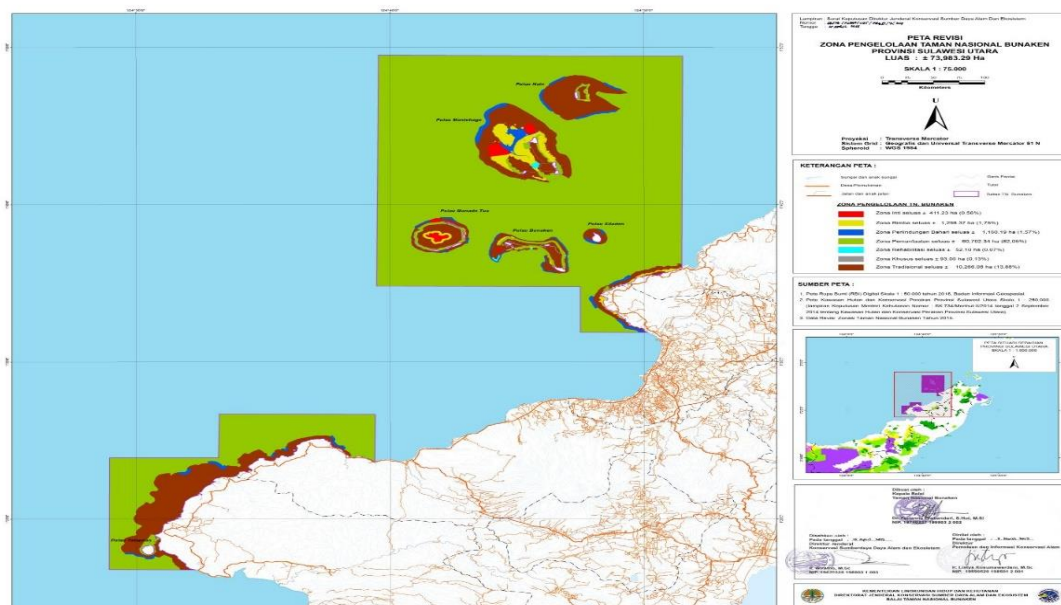


Figure 2 Detail of Bunaken Islands

As one of the tourism icons of North Sulawesi Province, Bunaken possesses a specific allure, namely its Marine Park, which stands as one of the world's exquisite diving destinations for both domestic and international tourists. The Bunaken Marine Park entices divers with its 20 diving spots ranging in depth from 10 meters to 1,344 meters.

Among these, 12 spots are most frequented by divers and admirers of underwater beauty, owing to their diverse array of ornamental fish and distinctive coral reefs. Here, colossal coral walls, known as underwater great walls or hanging walls, extend vertically and curve upwards along considerable lengths. These coral walls serve as both a food source and breeding grounds for various fish species. In addition to the coral reef's splendor, Bunaken's waters are home to 91 fish species, including groupers, parrotfish, rabbitfish, snappers, flounders, trevallies, barracudas, and the coelacanth, alongside dozens of ornamental fish species and other marine life forms. This beauty captivates divers, compelling them to spend hours immersed in its exploration.

The extraordinary marine wealth has begun to attract the government's attention. Recognizing this potential, the government has begun implementing various conservation regulations to preserve its sustainability. Additionally, the government is striving to develop tourism due to the vast potential of this area to attract tourists. Based on Non-Tax State Revenue (PNBP) data, the total number of visitors from April 29 to May 8, 2022, reached 2,477 individuals (Bunaken National Park, 2022).

B. The Existence of Indigenous Communities in the Management of Tourist Destinations

In essence, spatial utilization control is closely related to the local wisdom values encompassing KMHA. Several forms of local wisdom, including customary law, cultural values, and existing beliefs, are highly relevant to be incorporated into the processes or principles of regional or area planning and development. The values of the local wisdom are found, among other places, in Manado City, specifically on Bunaken Island.

Local genius or local wisdom found within the social and cultural scope of traditional villages essentially represents the ability to control and guide the development of the local community's life. There are several characteristics associated with the local wisdom of a community, such as the ability to withstand external cultures, accommodate foreign cultural elements, integrate external cultures into the original culture, control and direct the development of community culture, develop cumulatively, evolve over time, and not always be visibly apparent externally. Thus, the local wisdom of traditional villages has the capacity to control and guide the development of local community life (Utama, 2007), aligning with the principles articulated by Rachmad Syafa'at through the teachings of Environmental Wisdom of Indigenous Communities as described above.

Based on the indicators above, it can be understood that the local wisdom of traditional villages is the result of a thought process aimed at solving problems, with formulation emphasizing local aspects rather than temporal aspects, as summarized below (Atmaja et al., 2016):

- a. Local wisdom in traditional villages places greater emphasis on the context of the region, place, or locality, thereby suggesting that local wisdom does not exclusively entail knowledge passed down from generation to generation (traditional wisdom)
- b. Local wisdom emerges from the collective thought process of a community in response to the challenges they encounter, drawing upon knowledge inherited from preceding generations that are perceived as relevant, as well as from experiences
- c. Traditional wisdom (old) is acquired from previous generations orally or through examples of actions, which may hold authority akin to law or not. In contrast, contemporary wisdom (nowadays) constitutes newly emerged knowledge within a community.

The socio-cultural life of traditional villages constitutes the substance of tourism, wherein traditional villages should rightfully have a space in their management. As legal subjects, traditional villages also receive recognition to participate.

Various regulations across different sectors implicitly recognize the existence of indigenous communities. However, mere recognition by the government through legislation spatially is not sufficient to protect the existence of indigenous communities in Indonesia. The 1945 Constitution explicitly mandates that the existence of indigenous communities and their local wisdom is regulated by law. This mandates the necessity for implementing regulations down to the lowest levels, such as regional regulations, to be urgently formulated so that indigenous communities in various regions have legal protection and local governments are better informed about the communities and local wisdom in their respective areas. Local governments must have a profound understanding of the importance of formulating and implementing effective policies in tourism activities. Tourism is not only related to the phenomenon of people traveling, but it also impacts issues such as achieving social and cultural goals, foreign policy, economic development, environmental protection, and sustainable development plans.

Indigenous communities, as supporters of customary law, play a crucial and strategic role. To obtain the right to manage tourism areas in their region, there are several criteria for the presence of indigenous communities that must consider cultural tourism management policies in their area, including the preservation under the ownership of the traditional village. The paradigm of cultural tourism management is a scheme that positions Bunaken Island as the custodian or cultural hub, with the indigenous community (traditional village) as the primary supporting subject due to the integral bond between culture and indigenous communities.

The indigenous community of Bunaken, in its participation, exercises control and access over tourism management, particularly within the territorial jurisdiction of Bunaken Island (wewidangan). The community is entitled to manage tourism areas within its customary jurisdiction; apply local knowledge, technology, and wisdom in tourism management; receive support and facilitation from the government and/or local authorities and NGOs for empowerment purposes; obtain protection from the government and/or local authorities; participate in tourism management and oversee the operationalization of the tourism industry. Additionally, the indigenous community also has obligations to preserve and safeguard tourism areas from damage; utilize tourism areas according to their primary function; be in accordance with the stages of tourism area utilization in the traditional village area, and pay land and building taxes for the traditional village land.

The recognition and respect for customary law and the rights of indigenous communities in Indonesia are deeply ingrained in the fabric of the nation, as explicitly enshrined in Article 18B (2) of the 1945 Constitution. This provision asserts the State's acknowledgment and reverence for the unity of indigenous communities, along with their traditional rights, as long as they endure and remain in harmony with societal evolution and the principles of the Unitary State of the Republic of Indonesia (NKRI). Furthermore, Article 28 I (3) emphasizes the importance of respecting cultural identities and the rights of traditional communities, aligning them with the evolving trends of time and civilization.

In a broader context, Indigenous Peoples should receive protection, and the State should be present for them. This state commitment is part of the grand design of international commitments in treating Indigenous Peoples better, in accordance with the United Nations commitment through Article 5 of the Declaration on the Rights of Indigenous

Peoples, which was adopted on September 7, 2007, stating that Indigenous Peoples have the right to maintain and strengthen their political, legal, economic, social, and cultural institutions.

The provision makes it clear that there is a form of regulation regarding the recognition of the existence of indigenous communities, with two conditions that must be met: in accordance with societal developments and not conflicting with the principles of the Unitary State of the Republic of Indonesia. As part of the social reality in Indonesia, the existence of indigenous communities cannot be overlooked in its significance. There is even a tendency for their existence to be preserved and advocated for as cultural rights within the framework of human rights stipulated in the constitution and agreed upon internationally for compliance among nations.

The existence of the Bunaken indigenous community is legally recognized through legislation in Indonesia, specifically in the Regional Regulation of North Sulawesi Province Number 1 of 2017 Regarding the Zoning Plan of Coastal and Small Island Areas of North Sulawesi Province for the Period 2017-2037 (Regional Regulation of North Sulawesi No. 1 of 2017) and the Regional Regulation of Manado City Number 2 of 2020 Regarding the Master Plan for Regional Tourism Development for the Period 2020-2025 (Regional Regulation of Manado No. 2 of 2020). The presence of these regional regulations brings a breath of fresh air regarding the existence of the Bunaken indigenous community, which is increasingly recognized by the state. Furthermore, through these regional regulations, the government also initiates sustainable tourism development based on community empowerment by empowering the local people of Bunaken.

The Provincial Government of North Sulawesi and the Municipal Government of Manado are spearheading the development and expansion of community-based tourism, championing full protection and empowerment for the Bunaken community to actively engage in tourism development initiatives on Bunaken Island. The safeguarding and formal recognition of the Bunaken community's rights are enshrined in Articles 1(42) and 1(50) of the North Sulawesi Regional Regulation No. 1 of 2017. Moreover, this legislation delineates the authority bestowed upon the North Sulawesi regional government, empowering the indigenous community to responsibly utilize local coastal spaces and resources, as articulated in Article 16(7), while also ensuring direct oversight by the regional government, as outlined in Article 21(5). Furthermore, the Regional Regulation of Manado No. 2 of 2020 delves into the specific mechanisms for community empowerment within the framework of tourism development on Bunaken Island, specifically addressing the involvement of the indigenous community. It outlines detailed provisions in Article 7(c), Article 8, Article 10(e), Article 26(1), Article 30, and Article 31, elucidating the pathways for meaningful participation and empowerment of local communities in the tourism sector

The Bunaken indigenous community constitutes a vital element in the development of tourist destinations within the Bunaken Island region. An essential aspect of sustainable tourism development lies in concurrently constructing tourist attractions while empowering the indigenous community (community-based development). Community-based development can be simplistically defined as development aligned with the needs of the community, planned and executed by the community, leveraging natural resources to the fullest extent and accessible to local residents. Thus, community-based development should originate from community needs rather than being formulated by external entities or societal elites who presume to understand and formulate development strategies suitable for the community.

According to Aprillia Theresia, community-based development implies that development should be rooted in local resources, grounded in social capital, founded on local culture, and based on local wisdom embraced and believed in by the local community. Furthermore, Aprillia Theresia asserts that community-based development is often associated with bottom-up development, which is considered superior to top-down development approaches (Theresia et al., 2014).

Understanding community-based natural resource management is synonymous with understanding community participation in tourism management. The involvement of the indigenous community in the management of indigenous community resources can be regarded as a process of granting authority, responsibility, and opportunities to the community to manage their own resources based on their needs, desires, and aspirational objectives.

In the management of tourist destinations, there is a strong correlation with the local wisdom of the indigenous community. Menski's theory of the pluralist triangle posits that in legal practice, there are three main interacting and negotiating elements: society, the state, and the elements of values and ethics. This theory of the pluralist triangle is aptly applied to the development of tourist destinations alongside the development of indigenous communities (Menski, 2015). The application of the pluralist triangle in the development and management of tourist destinations involves engaging the indigenous community, government, and its regulations, as well as the values of local wisdom within the community. These three main elements constitute a key component in the development of a model for managing tourist destinations.

Fundamentally, the rights held by indigenous communities are safeguarded by law; moreover, the government also grants full authority to indigenous communities to manage natural resources within their territories, including tourism. This is because the government has endorsed community-based tourism. However, in reality, indigenous communities are still marginalized, and their rights are monopolized by private entities, resulting in the inability of indigenous communities to fully exercise the authority granted by the government to manage their own natural resources, including tourism. Many tourism development initiatives still exclude indigenous communities. This is evidenced by the establishment of the Indigenous Community Organization "Parimponang", formed with the aim of enhancing the welfare of the Bunaken Island community and protecting their rights.

To develop tourist destinations and achieve the well-being of indigenous communities, there must be synergy between the government and the indigenous communities, which possess the local wisdom of their indigenous community. Indigenous communities have various roles to play in the management of tourist destinations. In undertaking the development and management of tourist destinations, communities must identify the potential that can be developed within their tourist sites, and such development efforts should also receive support from local government authorities. The management of the Bunaken Island tourist destination, as a community-based marine tourism site, should remain imbued with local wisdom values, fostering harmonious relationships between the community and tourists, the community and the environment, and the community and their spiritual beliefs.

Conclusion

The Bunaken indigenous community, as a legal entity, plays a significant role in the development and management of tourism on Bunaken Island, particularly with the issuance of the Provincial Regulation of North Sulawesi Province No. 1 of 2017 on the Zoning Plan for Coastal Areas and Small Islands of North Sulawesi Province for the Period 2017-2037, and Regional Regulation of Manado City No. 2 of 2020 concerning

the Master Plan for Regional Tourism Development for the Period 2020-2025. These regulations endorse the development of community-based sustainable tourism by empowering the Bunaken indigenous community. In this context, the government grants full authority to the Bunaken indigenous community to manage Bunaken tourism in accordance with the cultural values of the Bunaken community, thus ensuring that the rights of the Bunaken community are recognized and fulfilled as an indigenous community with its local cultural values. However, in reality, the implementation of community-based tourism development on Bunaken Island has not been executed effectively due to the monopolization of many indigenous rights. For instance, in tourism development, indigenous communities are not involved, leading the Bunaken indigenous community to establish the Indigenous Community Organization called Parimponang, aimed at enhancing the welfare of Bunaken Island's community and safeguarding their rights.

References

Abdurrahman (2015) Draft Laporan Pengkajian Hukum Tentang Mekanisme Pengakuan Masyarakat Hukum Adat. Jakarta: Pusat Penelitian Dan Pengembangan Sistem Hukum Nasional Badan Pembinaan Hukum Nasional Kementerian Hukum dan Hak Asasi Manusia R.I.

Adnyani NKS (2021) Perlindungan Hukum Kesatuan Masyarakat Hukum Adat Dalam Pengelolaan Pariwisata Berbasis Kearifan Lokal. Media Komunikasi FPIPS 20(2): 70–80.

Atmaja GMW, Aryani NM, Utari AAS, et al. (2016) Pluralisme Konstitusional Dalam Pengakuan Kesatuan Masyarakat Hukum Adat: Studi Interpretasi Atas Putusan Mahkamah Agung Dalam Perkara Permohonan Keberatan Hak Uji Materiil Terhadap Peraturan Daerah Provinsi Bali Nomor 16 Tahun 2009. Yogyakarta: Penerbit Andi.

Bunaken National Park (2022) Memantau Aktivitas Pengunjung di Kawasan Taman Nasional Bunaken. Available at: <https://tn-bunaken.com/2022/06/08/memantau-aktivitas-pengunjung-di-kawasan-taman-nasional-bunaken/> (accessed 15 June 2024).

Buol RA (2021) Visualisasi: Selang Januari – Juni 2021 Ada 8.018 Orang Kunjungi Tn Bunaken, , accessed on. Available at: <https://zonautara.com/2021/08/12/visulisasi-selang-januari-juni-2021-ada-8-018-orang-kunjungi-tn-bunaken/> (accessed 12 June 2024).

Hartanti PS and Ardhana D (2022) Bhinneka Tunggal Ika: Indonesia Circumscribed Norm Multiculturalism. Global: Jurnal Politik Internasional 24(1): 143–165.

Imran AM (2022) Textbook of Tourism Management Grade X. Islamabad: Ministry of Federal Education and Professional Training.

Jamal T and Jamrozy U (2006) Collaborative Networks and Partnerships for Integrated Destination Management. In: Buhalis D and Costa C (eds) Tourism Management Dynamics. Oxford: Elsevier Butterworth-Heinemann, p. 166.

Kementerian Pariwisata dan Ekonomi Kreatif/Badan Pariwisata dan Ekonomi Kreatif (2021) Destinasi Wisata Berbasis Sustainable Tourism di Indonesia. Available at: <https://kemenparekraf.go.id/ragam-pariwisata/Destinasi-Wisata-Berbasis-Sustainable-Tourism-di-Indonesia> (accessed 5 July 2024).

Menski W (2015) Perbandingan Hukum Dalam Konteks Global Sistem Eropa, Asia, Dan Afrika. Bandung: Nusa Media.

Puspitawati D (2021) Indonesia's Archipelagic State Status: Current Development. Indonesian Journal of International Law 8(4): 693–715.

Rahman IN, Triningsih A, Harumdani A, et al. (2011) Dasar Pertimbangan Yuridis Kedudukan Hukum (Legal Standing) Kesatuan Masyarakat Hukum Adat Dalam Proses Pengujian Undang-Undang Di Mahkamah Konstitusi. Jakarta: Mahkamah Konstitusi Republik Indonesia.

Safa'at R (2015) Kearifan Lingkungan Masyarakat Adat Dalam Pengelolaan Sumberdaya Alam Berkelanjutan : Analisis Kasus Masyarakat Baduy Dalam Konteks Pelaksanaan Otonomi Daerah. Malang: Surya Pena Gemilang.

Sasmita T (2016) Masyarakat Hukum Adat: Persekutuan Hukum (Rechtsgemeenschappen) atau Subjek Hukum? In: The National Symposium on Masyarakat Adat II, Jakarta, 16 May 2016, pp. 12–13. Universitas Pancasila. Available at: https://www.epistema.or.id/download/Tody_Sasmita--Masyarakat_Hukum_Adat.pdf (accessed 27 June 2024).

Shelter Jelajah (2023) Taman Nasional Di Indonesia, Ada Sih Manfaatnya. Available at: <https://shelterjelajah.com/taman-nasional/> (accessed 5 July 2024).

Tamanaha BZ (2004) On the Rule of Law: History, Politics, Theory. Cambridge: Cambridge University Press.

Theresia A, Andini KS, Nugraha PGP, et al. (2014) Pembangunan Berbasis Masyarakat: Acuan Bagi Praktisi, Akademisi, Dan Pemerhati Pengembangan Masyarakat. Bandung: Alfabeta.

Thontowi J (2013) Perlindungan dan Pengakuan Masyarakat Adat dan Tantangannya dalam Hukum Indonesia. Jurnal Hukum IUS QUIA IUSTUM 20(1): 21–36.

Utama IMA (2007) Hukum Lingkungan Sistem Hukum Perizinan Berwawasan Lingkungan Untuk Pembangunan Berkelanjutan. Bandung: Pustaka Sutra.