

ABSTRAK

Pengelolaan wisata desa melalui kerja sama antara Badan Usaha Milik Desa (BUM Desa) dan Kelompok Sadar Wisata (Pokdarwis) merupakan strategi pemberdayaan ekonomi masyarakat berbasis potensi lokal. Dalam praktik pengelolaan Wisata Krahiga di Desa Kramat, Kabupaten Bangkalan, kerja sama tersebut belum didukung oleh perjanjian tertulis yang mengikat secara hukum sehingga menimbulkan permasalahan dalam pembagian hasil. Terjadi selisih bagi hasil yang tidak dipenuhi oleh pihak Pokdarwis kepada BUM Desa Karomah sebagaimana kesepakatan awal, yang berimplikasi pada terjadinya wanprestasi. Penelitian ini difokuskan pada pemenuhan perjanjian akibat selisih bagi hasil serta mekanisme penyelesaian sengketa antara para pihak dalam pengelolaan wisata desa. Penelitian ini menggunakan metode hukum empiris dengan pendekatan yuridis sosiologis. Data diperoleh melalui wawancara dengan pengurus BUM Desa, Pokdarwis, pemerintah desa, masyarakat sekitar wisata, serta forum group discussion (FGD), yang didukung oleh studi kepustakaan terhadap peraturan perundang-undangan dan literatur hukum perjanjian. Analisis data dilakukan secara deskriptif kualitatif dengan mengaitkan fakta lapangan dengan norma hukum perdata. Hasil penelitian menunjukkan bahwa ketiadaan perjanjian tertulis menyebabkan lemahnya kepastian hukum dalam pembagian hasil sehingga membuka ruang terjadinya wanprestasi oleh Pokdarwis dalam memenuhi kewajiban pembayaran kepada BUM Desa. Pemenuhan selisih bagi hasil belum berjalan optimal karena pendapatan lebih difokuskan pada operasional internal pengelola wisata tanpa sistem akuntabilitas yang jelas. Penyelesaian sengketa dilakukan melalui mediasi pemerintah desa, namun belum memberikan pemulihan hak secara efektif, sehingga diperlukan penguatan perjanjian tertulis serta mekanisme pengawasan keuangan yang transparan.

Kata kunci: Wanprestasi, Perjanjian Bagi Hasil, Wisata Desa, Penyelesaian Sengketa.

ABSTRACT

Village tourism management through cooperation between Village-Owned Enterprises (BUM Desa) and Tourism Awareness Groups (Pokdarwis) constitutes a strategy for community economic empowerment based on local potential. In the management practice of Krahiga Tourism in Kramat Village, Bangkalan Regency, such cooperation has not been supported by a legally binding written agreement, resulting in problems related to profit-sharing distribution. A discrepancy in revenue sharing occurred in which Pokdarwis failed to fulfill its payment obligations to BUM Desa Karomah as initially agreed, leading to a breach of contract. This study focuses on the fulfillment of payment arising from profit-sharing discrepancies and the mechanisms for dispute resolution between the parties in village tourism management. This research employs an empirical legal method with a socio-legal approach. Data were collected through interviews with BUM Desa administrators, Pokdarwis managers, village government officials, local communities, and forum group discussions (FGD), supported by library research on statutory regulations and contract law literature. Data analysis was conducted using a descriptive qualitative method by linking field findings with civil law norms. The findings indicate that the absence of a written agreement has weakened legal certainty in profit-sharing arrangements, thereby creating opportunities for breach of contract by Pokdarwis in fulfilling its payment obligations to BUM Desa. The fulfillment of profit-sharing discrepancies has not been implemented optimally, as revenues have primarily been allocated to internal operational expenses without a clear accountability system. Dispute resolution has been carried out through mediation by the village government; however, it has not effectively restored the rights of BUM Desa, highlighting the need to strengthen written agreements and transparent financial supervision mechanisms.

Keywords: Breach Of Contract, Profit-Sharing Agreement, Village Tourism, Dispute Resolution.