IHDN
Denpasar

PROCEEDING

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Dharma Duta Faculty International Seminar

on Communication, Tourism, Culture, Law and Social Science

2017

PROCEEDING
The 1st Dharma Duta Faculty International Seminar
on Communication, Tourism, Culture, Law and Social Science

IHDN Denpasar
June 2, 2017

Organized by:
Dharma Duta Faculty Institut Hindu Dharma Negeri (IHDN) Denpasar Bali

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Greeting From Chair Of Commitee
Dear honorable guests and participants,

It is our pleasure to welcome you on this happy occasion. We feel very honoured to carry out the 1st International Seminar organized by the Faculty of Dharma Duta, State Hindu Dharma Institute (IHDN) of Denpasar with the main themes of the seminar are Communication, Tourism, Culture, Law, and Social Sciences, held on Friday, the 2nd June 2017 at The Inna Grand Bali Beach Hotel in Sanur Bali, Indonesia. The Balinese Life Concept of *Tri Hita Karana* The is one of fundamental philosophies of the **Hindu Religion concept** taking three angle points of harmony life concept. The concept of *Tri Hita Karana* is very popular as well as implemented throughout the Balinese life. Furthermore, it is also implemented by hotels, restaurants, tourist destination area, governments, campus, schools, hospitals and other buildings. Moreover, other countries have also adopted this life concept because very important to keep the life balances and earth. The Balinese Traditional Architecture is not only monumentally, but also has the aspect philosophies and religious. The cosmogony is oneness of three worlds (*Tri Bhuana*) which is called *Bhuhloka*, *Bhwahloka*, as well as *Swahloka*. Each of this world (*Loka*) has habitats it self.

In addition of this three concepts cosmogony, it is also own contextual with Hindu Religion Concept. This Balinese Life Concept is called by *Tri Hita Karana* (three of the harmony or balance to create the peaceful as well as happiness). Tri Hita Karana word is come from Sanskrit Language that has meaning to keep the harmony as well as balance between human to God, human-to-human and human to environment. Furthermore, these three Balinese life concepts are most popular in Bali spread out as follows: (1) *Parhyangan* is one of the three concept related to the god. Furthermore, the human is demanded to keep the harmony and balance with the god. This concept has huge meaning where the Balinese discipline as well as full confidence to do this. It is not only praying at the temple, however it is cover all the activities which has a good thing in the life such as build the temple, cleaning the temple, keep the religion symbols well and a lot of thing we can do on this concept; (2) *Pawongan* in this concept is required to keep the harmony as well as balance between human to human. This concept has emphasized how to keep good relation with others. The simple ways to execute the implementation of this concept are conducting three good things such as good thinking, speaking the good things and execute the good thing. By conducting three good things that is called Tri Kaya Parisuda, then it is ensure we can conduct this concept; (3) *Palemahan* is come from *Lemah*. It is meaning the land or environment. Generally, the Pelemahan in *Tri Hita Karana* or Balinese Life Concept is all aspects related to the environment. The Balinese has treated the environment well as well as they believe that the good environment will give their life better. We can see the example when Balinese treat the environment on *Tumpek Uduh Day* (Balinese calendar). On this day, the Balinese give the offerings to the tree with the purpose that the tree has given them prosperity. Moreover, they keep the environments well by cleaning the area with *Gotong-Royong* System (mutual cooperation), plan the trees based in the right day and much more they can do. Despite, we can still find some garbage in particular plastics in some where but it is a progress to educate them.

In retrospect, Prof. Dr. I Nengah Duija, M.Si., the Rector of State Hindu Dharma Institute (IHDN) of Denpasar, who was very wise when he offered us, the Faculty of Dharma Duta, State Hindu Dharma Institute (IHDN) of Denpasar to conduct the The 1st International Seminar under their authority and guidance. We hope that through our International Seminar, with various disciplines topics, we can strengthen our unity and relationships as Asian countries. We can also hope that in the near future we can be more prosperous physically, socially and spiritually. It is now our time to show the world that we as Asian countries have the cultural legacy that we can use as the foundation of our civilization based on peace, mutual understanding, and shared prosperity. The importance of Asian culture communication with its carious tangible and intangible aspects, has become more crucial in today's world in which nations must work together to survive and prosper.

On behalf of the Committee of the 1st International Seminar organized by the Faculty of Dharma Duta, State Hindu Dharma Institute (IHDN) of Denpasar, I would like to thank Prof. Dr. I Nengah Duija, M.Si, the Rector of State Hindu Dharma Institute (IHDN) of Denpasar, for supporting this International Seminar. I would also like to thank the Dean of Faculty of Dharma Duta, Dr. Drs. I Wayan Wastawa, M.A., who has given us the opportunity to carry out this prestigious International academic program. My sincere gratitude also goes to all the plenary speakers, all the speakers in parallel sessions, and all other participants of 1st International Seminar organized by the Faculty of Dharma Duta, State Hindu Dharma Institute (IHDN) of Denpasar 2017. I hope that you all can broaden your academic and social networking for mutual benefit. To all our collegues and media partners, I would like to extend my appreciation, also to the organizing committee members whom I cannot mention one by one.

Our Faculty of Dharma Duta, State Hindu Dharma Institute (IHDN) of Denpasar has prepared this 1st International Seminar 2017 for over six months. Hundreds of full paper have been sent to the 1st International Seminar committee to be selected, but not all of them can be accepted by the committee. We have done our best to carry out this International Seminar. We apologize to you if our hard work does not fulfil your expectation. Have an enjoyable International Seminar and Welcome to Paradise Island!

Dr. I Dewa Ayu Hendrawathy Putri, S.Sos., M.Si.
Chairperson of Organizing Committee,
Lecturer of State Institute of Hindu Dharma Denpasar

Speech From The Rector Of Institut Hindu Dharma Negeri (Ihdn) Denpasar.

Bali is one of the provinces in Indonesia that has a superiority in the field of culture. The cultural superiority is Hindu culture and religion which cannot be separated in building the Balinese civilization itself. Implementation of Hinduism is reflected in the culture and soul or spirit of that culture is Hinduism[1]. The strong intertwining of the two entities led to the patterns of community life and Balinese culture referring to the spirit of the Hindu religion. Whether in the value system, ideas, norms, social systems, and cultural products are always related to the spirit of Hinduism, in a theological perspective can build a concept called cultural theology[2].

Based on the braided of cultural entities and Hindu religion, Balinese cultural life and society have two orientations, namely vertical and horizontal. Vertical brings out the concept of religiosity to the Creator as the main and the most important part, while the horizontal brings out the concept of human relationships with humans and humans with the environment. This basic philosophy of value pattern is called the philosophy of *Tri Hita Karana*[3]. The foundation of the three concepts of relationship is a local genius[4] which is the superiority of Bali in managing cultural resources, so as to survive as one of the main destinations of international tourism. As the main destination of international tourists, Bali cannot be separated from the global context. Balinese modernization is a spiral transformation that adopts modernization in tradition to a new form, but its value is still steady. This sharpness of value enables the development of the harmony of Balinese society, albeit in the face of modernization and even globalization today. The Balinese blend

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[1] I Gusti Bagus Sugriwa: Balinese art or Balinese Hindu cultural art that lives turbulent until now, is essentially a child or branch of twig of Balinese Hindu religion. Art with this religion has a very close relationship in general cannot be separated from each other. To be sure, if the Balinese Hindu religion is destroyed from Bali, there can be no slow-spirited Balinese-Hindu art that includes literary arts, singing arts, dance, carving, visual art and painting and sounds will also *parama satia* killing Him. Conversely, if the art of Bali-Hindu is lost, maybe also Hindu-Bali religion even then also supernatural. "*Seni Budaya Hindu Bali*" in Majalah Kebudayaan. Jakarta. Lembaga Kebudayaan.1952. Page.22.

[2] Paul Tilllich provides an analysis of religious and cultural relations can be explained that religion as the main concern is a cultural substance that gives meaning while culture is the totality of forms in which the basic religious concerns reveal themselves. In short: religion is a substance of culture, while culture is a form of religion. *Teologi Kebudayaan: Tendensi, Aplikasi dan Komparasi.* Published by IRCISoD. page. 49.

[3] Tri Hita Karana is a philosophical foundation in making, establishing, solving every problem that arises in Balinese society especially, Indonesia generally. That is, the orientation of problem solving refers to the vertical and horizontal relationship, which has the foundation of religious values (*parahyangan*), based on the harmonious relationship between the human component itself sociologically, both the rich-poor, social relations, power and so on (*pawongan*) and Have a connection with the cosmological balance associated with the environment (*palemahan*) Read: *Butir-Butir Tercecer Tentang Adat Bali* 2, 1994. page 85-90. *Bandingkan, Tim Penyusun, 2007. Kamus-Istilah Agama Hindu. Pemkab Bangli*. page 120. *Tri hita karana*, not the quantity of the relationship that becomes the indicator of achievement, but the intensity of the relationship that leads to the happiness of the birth and the inner humanity.

[4] The concept of local genius is actually a concept known and popular among archaeologists. The term local genius was first put forward by HG Quarith-Wales (1946) which was later developed by FDK Bosch (1952). It is these two factions that conceptually formulate the notions contained by the term local genius, Ayatrohaedi edtor, 1986; *Kepribadian Bangsa* (Local Genius). Jakarta: Pustaka Jaya dan Heri Santosa,2003. page 101. "*Sumbangan Pemikiran Local Genius bagi Pengembangan Paradigma Ilmu Sosial Indonseia*". In Preambule journal August Edition. Yogyakarta: Pusat Studi Pancasila UGM.

new and alien ideas into traditional forms. This allows the inhabitants to keep creating new styles, to continue to incorporate new life into their culture, and at the same time they never lose their hallmark as Balinese[5]. To maintain the tranquility of Balinese culture in the midst of modernization today, Bali needs local, regional and international diplomacy strategy. One of the diplomacy strategies is the international cultural diplomacy that has occurred since the era of independence until today. Various Balinese delegations through art and cultural festivals have explored the international world as an important part of Balinese cultural tourism development.

To support the effectiveness and quality of cultural diplomacy, the role of communication becomes very important. In some semiotic literature theaters mentioned that a message conveyed by the sender of the message, then the message can be poured in various forms of activity, text, costume, performance, then received by the recipient then there will be a response. Bali as a "cultural text" has reproduced many meanings from various circles trying to uncover what is behind the text. The reproduction of that meaning has been communicated throughout the world, both about the Balinese landscape, the cultural traditions, the culinary, the execution of Hinduism and the various aspects of Balinese life have become the most important part of the international world. If the various meanings that have been reproduced cannot be communicated in the local, national and international context, then Bali is just a small island just like any other area that is actually no less beautiful with Bali.

The sincerity of managing communications as part of the management of natural resources and cultural resources is reflected in the intensity of the relationships of various stakeholders to keep improving the quality of Balinese civilization and the world generally through various national and international events. One of them is the implementation of International Seminar on Communication, Tourism, Culture, Law and Social Science organized by Communication and Information Department of Religious Affairs, and Cultural Tourism Department, Dharma Duta Faculty, Institut Hindu Dharma Negeri (IHDN) Denpasar on June 2nd, 2017 at Grand Inna Bali Beach Hotel, Sanur, Bali.

As the head of the Institut Hindu Dharma Negeri Denpasar, I really appreciate the spirit of the participants to build a communication network to build human civilization in the future. I thank the organizing committee and all those who have worked hard from the preparation to the implementation of this international-scale academic event can come true. May good thoughts come from all directions. In the future we hope this international prestigious event like this can continue to be held to give weight to the existence of participating universities institutions as well as human resources in the institutions concerned. On behalf of all academic community of IHDN Denpasar, we congratulate all delegates and participants from various institutions both from domestic and abroad, hopefully everything goes smoothly.

Denpasar, June 2nd, 2017
Rector,
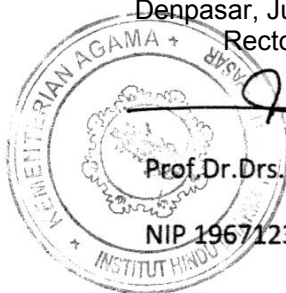
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[5] Covarrubias, Michael.. *Island of Bali.* New York: Alfred A. Knopf Co.1937. Page.22

Speakers of Plenary Session

THE ROLE OF BUDDHIST ETHICS AND COMMUNICATION IN THE CONTEMPORARY WORLD CRISIS

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ABSTRACT

In reality, man cannot live without communication; at least, he communicates something with himself, thoughts, for instance. In order to successfully communicate something as such, ethics concerning any kinds of communication should be taken into a critical examination; what kind of speech one should speak out, what kind of speech one should not speak out. In this article, an attempt was purposely made to discuss the role of Buddhist ethics and communication in the contemporary world crisis. In this, it is argued by Buddhist ethics that the communication should be subject to ethics because of man's ideal life, without it, such communication will pose the danger to the chance in obtaining the goal, ideal life.

Introduction

It is a well known fact that man is a social animal in many senses, political, economical, cultural and communicative sense, for instance. When it comes to communicative sense, while living as a member of society, he himself intentionally communicates what he really wants and what he does not really want to others. It can be claimed that the communication becomes inseparable part of man's life. At the present time, man's communication has been being advanced through the most effective means provided by the miracle of science and technology such as the highest speed internet. Man in the present society can communicate faster than the past by the help of the mentioned technology. It seems that most of the contents man communicate with others are as the same as were done in the primitive times. What have been introducing into society are just only varieties of channel wherein the roles earlier played by a sender-receiver are complicatedly bound by various technological roles. In connection with these ways, a question is put that should the communication be subject to ethics. On the one hand, some argued that the communication should not be subject to ethics because the communication is the only means not the end, on the other hand, some argued that it should be subject to ethics because the end expected by parties involved cannot be morally obtained unless the means in question is morally followed. Before, this article proceeds to discuss the role of Buddhist ethics concerning the communication; the types of communication are needed to be explained.

Types of Communication

According to the theory of communication,[6] six types of communicative ways are provided as follows:

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[6] Saundra, Hybels and Richard, L. Weaver II, **Communicating Effectively**, (8th Ed.), (Boston: McGraw Hill, 2007), PP. 15-20.

1. Intrapersonal Communication; this basically means the communication one has within oneself relating to one's thoughts, feelings and the way one looks at oneself. Since this kind of communication involves with the communicator then the message is produced out of one's thoughts and feelings through one's brain. Although it does not directly involve with other, yet it by nature determines one's experience on how one thinks to oneself.

2. Interpersonal Communication; this kind of communication occurs one communicates on a one-to-one basis wherein the informal and unstructured setting are not usually made up. It is usually said that most of the times it happens between two or more people depending upon situations coming up. According to this type of communication, all elements of communicative process are needed. Examples can be given as follows: while two or more people, friends, for instance, coming to meet, they certainly introduce their experiences to communicative processes. In conversation, each can becomes as a sender-receive. In this matter, the verbal and non-verbal symbols are utilized in their messages. Since this communication involves with two or more people, then the chance in creating feedback is open.

3. Small-Group Communication; this kind of communication arises when a small number of people comes with a view to solve their problem. According to this, there should not be a big number of people because each member will not be able to get an opportunity in communicating what should be spelt out. The different channels are not found when it comes to channels used in this method comparing to the interpersonal method.

4. Computer-Mediated Communication; this type of communication arises out of a wide range of technologies facilitated by computer networks. In this regard, it basically refers to the utilization of e-mail, Web-page, online social media etc. It is said that at the present time our world becomes borderless owing the existing advancement of sciences and technologies. Consequently, most of communications have been being widely and normally made through the mentioned channels of computer applications including the present various brands of tablets, mobile handset and many more. By virtue of this, such variety of communication contains very complicated ways whereby a sender-receiver would be made anonymous.

5. Public Communication; by and large, this communication has formal setting and in this communication, a sender-receiver just sends a message to the audience. The message delivered in this way is normally structured. The channels used by this are as the same as were used by interpersonal and small-group communication. However, the channels used in this communication are somehow exaggerated which are more public than the interpersonal techniques due to its audience. For example, the voice articulated in this way would be louder. Furthermore, many questions might be put by people who have some doubt.

6. Intercultural Communication; as it was said earlier, our world becomes global community wherein all people are politically, economically and culturally interwoven. Therefore, it is necessary for us to understand each other better. Based on this, it necessitates intercultural communication; such communication arises when two or more people from different culture need interaction. To understand each other rightly, the different systems of knowledge, values, beliefs, customs and behaviours followed by different groups of people should be fully made to be understood before. Otherwise, such communication would turn out to be futile.

From those categories of communication, no matter how reasonable they are, they can be summarized into the following specific purposes: 1) the communication is assigned to inform something to someone, 2) the communication is made to persuade someone to do or not do something, 3) the communication is made to convince someone to do or not to do something, and 4) the communication is done to entertain someone.[7] All communication is centred on human beings' purpose and

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[7] Betty, M. Dietsch, **Reasoning & Writing Well**, (4th Ed.), (Boston: McGraw Hill, 2006), p. 7.

it is deliberately made by a sender-receiver. Under these circumstances, it is subject to ethics because it involves with man's intention which is by nature derived from one's sets of belief and value. Let's see how can Buddhist ethics deal with the communication successfully.

Dimensions of Buddhist Ethics on Communication
When it comes to Buddhist ethics concerning main types of communication, there are many discourses given by the Buddha appearing in various Suttas, but here it is focused on particular one, Abhayarãjakumãrasutta.
In *Majjhimanikãya*,[8] as it appeared when the Buddha had discussion with Prince Abhaya about what kind of speech he would utter, he said that:
"Whatever speech the Tathãgata knows to be not fact, not true, not connected with the goal, and that is not liked by others, disagreeable to them, that speech the Tathãgata does not utter. And whatever speech a Tathãgata knows to be fact, true, but not connected with the goal, and not liked by others, disagreeable to them, neither does the Tathãgata utter that speech. And whatever speech the Tathãgata knows to be fact, true, connected with the goal, but not liked by others, disagreeable to them, the Tathãgata is aware of the right time for explaining that speech. Whatever speech the Tathãgata knows to be not fact, not true, not connected with the goal, but that is liked by others, agreeable to them, that speech the Tathãgata does not utter. And whatever speech the Tathãgata knows to be fact, true, but not connected with the goal, yet liked by others, agreeable to them, neither does the Tathãgata utter that speech. And whatever speech the Tathãgata knows to be fact, true, connected with the goal, and liked by others, agreeable to them, the Tathãgata is aware of the right time for explaining that speech".[9]
The mentioned sayings can be further explained into six points as follows: 1) it is not good for the Buddha to speak about what is not of fact, of truth, of goal and it is not liked and agreed by others, 2) it is not good for the Buddha to speak about what is not connected with goal, not liked and agreed by others despite being fact and true, 3) it is not good for the Buddha to immediately speak about what is not liked and agreed by others despite being fact, true and connecting with the goal; he would find the appropriate time to utter it, 4) it is not good for the Buddha to speak about what is not fact, true and without the goal in spite of being liked and agreed by others, 5) it is not good for the Buddha to speak out what is of fact, truth, and yet being liked and agreed by others if it is not connected to the goal, and finally 6) it is good for the Buddha to timely and righty speak out what is of fact, truth, connecting with the goal and being liked and agreed by others.
Viewed from the aforesaid categories of what ought to be spoken out, it clearly showed that the last sixth one is better than the rest former ones because such communication done through words is of fact and truth wherein one's goal can be actualized. Moreover, it also is not contradictory to what is not disliked and disagreed by involved party. In Buddhist ethics, the word 'goal' used in this discussion actually embraces the ideal life where one's suffering is completely got rid of.

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[8] Majjhimanikāya. I. 395., "Evameva kho, rājakumāra, yaṃ tathāgato vācaṃ jānāti abhūtaṃ atacchaṃ anatthasaṃhitaṃ sā ca paresaṃ appiyā amanāpā, na taṃ tathāgato vācaṃ bhāsati. Yampi tathāgato vācaṃ jānāti bhūtaṃ tacchaṃ anatthasaṃhitaṃ sā ca paresaṃ appiyā amanāpā, tampi tathāgato vācaṃ na bhāsati. Yañca kho tathāgato vācaṃ jānāti bhūtaṃ tacchaṃ atthasaṃhitaṃ sā ca paresaṃ appiyā amanāpā, tatra kālaññū tathāgato hoti tassā vācāya veyyākaraṇāya. Yaṃ tathāgato vācaṃ jānāti abhūtaṃ atacchaṃ anatthasaṃhitaṃ sā ca paresaṃ piyā manāpā, na taṃ tathāgato vācaṃ bhāsati. Yampi tathāgato vācaṃ jānāti bhūtaṃ tacchaṃ anatthasaṃhitaṃ sā ca paresaṃ piyā manāpā tampi tathāgato vācaṃ na bhāsati. Yañca tathāgato vācaṃ jānāti bhūtaṃ tacchaṃ atthasaṃhitaṃ sā ca paresaṃ piyā manāpā, tatra kālaññū tathāgato hoti tassā vācāya veyyākaraṇāya.
[9] **The Collection of the Middle Length Sayings (Majjhima-Nikāya)**, translated by I. B. Horner, (Delhi: Motilal Banarsidass, 2004), PP. 62-63.

Relevance of Buddhist ethics in Communication

Here, it is necessary that those six categories of communication utilized by general people in our society should be taken into a critical examination in order to see the real benefit of the communication. Since in all kinds of communication both the sender and the receiver are human being then such communications, intrapersonal, interpersonal, small-group, computer-mediated, public and intercultural communication, should be actively done in the way that their ideal life can be actualized; it ought not to be done in the way that their ideal life is in danger. In this matter, it can be argued that while sending certain messages, a sender himself/herself has an important ethical duty to play not only to him/her but also to others; the harmful messages should not be sent to anyone even himself/herself. The online social media and Webpage in the present time can be given as the obvious evidences in the case wherein the message has been sent by certain sender without taking any responsibility on its contents as to whether it is going to harm other's benefit or not. If there are messages which are not conducive to human being's goal, perfect happiness, they will not ever be sent or delivered by the Buddha.

Conclusion

From the previous discussion, it can be concluded that according to Buddhist ethics, the communication in any form should be subject to ethics because it is deliberately articulated; it by nature contains certain purpose. A sender-receiver in the process of communication is a human being and a human being in Buddhist ethics needs ideal life wherein suffering is got rid of. As long as the communication in any form is being done in accordance with one's ideal life, then the prevailing intractable problems over the global world will be completely solved.

References

Hybels, Saundra, and Weaver, Richard, L. II, *Communicating Effectively*, (8th Ed.), Boston: McGraw Hill, 2007.

Dietsch, Betty, M., *Reasoning & Writing Well*, (4th Ed.), Boston: McGraw Hill, 2006.

Majjhimanikãya, *Chattha Sangãyanã*, (Version 3), Vipassanã Research Institute, Dhammagiri, Igatpuri, Nasik, Maharashtra, India, 1999.

The Collection of the Middle Length Sayings (Majjhima-Nikãya), translated by I. B. Horner, Delhi: Motilal Banarsidass, 2004.

Speakers of Plenary Session

ETHICS OF SOCIETY AND ETHICS OF COMMUNICATION:
Hindu Dharma Perspective

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ABSTRACT

The speech presents an overview of ethics of society and ethics of communication from the perspective of Hindu Dharma with special reference to *Mimamsa* and *Vedanta* – two mainstream philosophical schools of Hinduism. Approaching the four-fold goals of human life (*Purushartha Chatushtaya*) from Dharma perspective, the speech highlights that Dharma has been the essence of ethics in Vedic Hindu social life. And, the other three P*urusharthas* (*Artha, Kama* and *Moksha*) are in a continuum with *Dharma*. Drawing on two communication models constructed and developed from Hindu perspective, the speech describes how the ethics of communication is in congruence of the ethics of society in Hindu milieu. In this course, a recent trend in communication theorization with special reference to Asia is also discussed thereby emphasizing on the need of Re-Orientation (not just De-Westernization) in order to embrace the ethical paradigm in communication.

Key words: Communication, Dharma, Ethics, Hinduism, Re-Orientation, *Sadharanikaran* Model of Communication, *Sahridayata*.

Speakers of Plenary Session

THE GREAT BETRAYAL: POTENTIAL STATELESSNESS AFTER LIVING DECADES IN MOTHER INDIA

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Short Abstract: An amendment in the Indian Citizenship Act (2005) may render millions of citizens stateless with the new clause of "illegal migrant" without any cut-off date, as most of the immigrants particularly from Eastern Bengal, came to India facing persecution and without any legal document of immigration.

Long Abstract: After the Partition, repeated waves of Bengali immigrants came to West Bengal till Bangladesh Liberation War in 1971 when Hindus in Bangladesh faced ethnic cleansing by the Pakistani Army. In the absence of any refugee law safeguarding the rights of the refugees,the immigrating population willing to stay in India are left with three options: a) to commingle with the local citizens and eventually manage the citizenship documents; b) to continue with the citizenship of their country of origin and regularly renew their visas; and c) to stay in India as illegal migrants. An amendment of the Citizenship Act—drafted by the "secular" Congress Government in 2003 and legalised in 2005 by the NDA Government led by the "Hindu Nationalist" BJP—inserted a new disqualifier in citizenship in the form of "illegal migrant" without any cut-off date. Thus at any point of time since the birth of India, if one of the parents of a citizen born and/or living in Independent India proves to be an "illegal migrant"—a foreigner who has entered into India without valid documents or stayed beyond the permissive period—he/she might lose the Indian citizenship. Despite being born and/or living in India for decades one can become stateless, if one of his/her parents is found to be an 'illegal migrant' at a later date. Nearly 20 million Indian citizens having a root in the other side of the border, like this author, have become vulnerable with this amendment fearing to become stateless persons if the authorities turn hostile against them which often run along the religious/ethnic line in India.

CITIZENSHIP AND NATIONALITY IN INDIA

The legal and constitutional provisions of citizenship and nationality in India are ridden with controversies which are often overlooked by the national and international human rights bodies and organisations. A closer look at the nature of Indian citizenship acts and the constitutional provisions associated with the citizenship in India will hopefully unravel this in detail. Since independence, the laws related Indian Citizenship and Nationality as well as the relevant articles of the Constitution of India provide single citizenship applicable to people of the entire country. According to this principle, a person living in any part of the country can become an Indian citizen provided he/she fulfils all the conditions laid down by the relevant laws and the Constitution of India. Moreover, an Indian ceases to become a citizen once he/she accepts the citizenship of another country.

The most important event guiding the basic principles of Indian citizenship is the Partition of the Subcontinent as the Independent India was created by partitioning the Indian Subcontinent. The birth of the two nations—India and Pakistan—has resulted influxes and outfluxes of millions of people in both the newly born countries who were uprooted from their own natural habitat. The citizenship at the commencement of the Constitution of India was framed accordingly. The persons domiciled in the territory of India as on 26 November 1949

automatically have became Indian citizens by virtue of operation of the relevant provisions of the Indian Constitution coming into force on 26 January 1950. Following this, the Constitution of India also made provisions regarding citizenship for the migrants from territories of Pakistan, which were earlier parts of British India before the partition. The leaders in India also framed the first Indian Citizenship Act in 1955 keeping in view of the transient nature of the part of Indian population during the first decade of Independence particularly in the eastern and western part of the country. Later the Act was amended several times during the last seven decades e.g. 1986, 1992, 2003 and 2005. These amendments, particularly the last two incorporated in 2003 and 2005, have changed the concept of Indian citizenship and nationality substantially.

The nationality law of India mostly guided by the *jussanguinis* (citizenship by right of blood) as opposed to the *jus soli* (citizenship by right of birth within the territory).Both these provisions have its own features in the Indian nationality law. Under*jus sanguinis*in India -

a) Persons born outside India on or after 26 January 1950 but before 10 December 1992 are citizens of India by descent if their father was a citizen of India at the time of their birth; or
b) Person born outside India on or after 10 December 1992 are considered as citizens of India if either of their parents is a citizen of India at the time of their birth; or
c) From 3 December 2004 onwards, persons born outside of India shall not be considered citizens of India unless their birth is registered at an Indian consulate within one year of the date of birth; or
d) In certain circumstances it is possible to register after 1 year with the permission of the Central Government. The application for registration of the birth of a minor child must be made to an Indian consulate and must be accompanied by an undertaking in writing from the parents of such minor child that he or she does not hold the passport of another country.

On the other hand, under *jus soli* in India -

a) Any person born in India, on is or after 26 January 1950 but prior to the commencement of the 1986 Act on 1 July 1987 is a citizen of India by birth; or
b) A person born in India on or after 1 July 1987 is a citizen of India if either parent was a citizen of India at the time of the birth; or
c) Those born in India on or after 3 December 2004 are considered citizens of India only if both of their parents are citizens of India or if one parent is a citizen of India and the other is not an illegal migrant at the time of their birth the citizen can be an Indian or a foreigner.

One can also get Indian citizenship by registration as the Central (Federal) Government may, on an application, register any person (not being an illegal migrant) as a citizen of India under section 5 of the Citizenship Act 1955 if he/shefulfils any of the following criteria:

a) a person of Indian origin who is ordinarily resident in India for seven years before making application under section 5(1)(a) (throughout the period of twelve months immediately before making application and for six years in the aggregate in the eight years preceding the twelve months); or
b) a person of Indian origin who is ordinarily resident in any country or place outside undivided India; or
c) a person who is married to a citizen of India and is ordinarily resident in India for seven years before making an application for registration; or
d) minor children of persons who are citizens of India; or
e) a person of full age and capacity whose parents are registered as citizens of India; or
f) a person of full age and capacity who, or either of his parents, was earlier citizen of independent India, and has been residing in India for one year immediately before making an application for registration; or
g) a person of full age and capacity who has been registered as an overseas citizen of India for five years, and who has been residing in India for one year before making an application for registration. Indian citizenship can also be acquired by a foreigner by naturalisation who has resided in India for twelve years. The only condition attached to

this criterion is that the applicant must have lived a total of 12 years in India in a period of 14 years, and must have lived in India for 12 months uninterrupted before applying for citizenship.

One can renunciatehis/her citizenship which is covered in Section 8 of the Citizenship Act 1955. Under this section, if an adult "of full age and capacity" makes a declaration of renunciation of Indian citizenship, he loses Indian citizenship. In addition,the minor child of that person (if any) also losses Indian citizenship from the date of renunciation.The child canapply for the resumption of his/her Indian citizenship, when he/she reaches the age of eighteen. Termination of Indian citizenship, which differs from the renunciation provision as it applies to "*any citizen of India*" and is not restricted to adults, is covered in Section 9 of the Citizenship Act, 1955. Under this section of the Act, any citizen of India who by naturalisation or registration acquires the citizenship of another country shall cease to be a citizen of India. This provision also extends if the citizenship is obtained for the child by his/her parents or by birth in a foreign soil.

CONSTITUTIONAL PROVISIONS ON CITIZENSHIP AND NATIONALITY IN INDIA

The Constitution of India haslaid down the provisions of citizenship at the commencement of the Constitution which were incorporated in Articles 5 to 11 in Part II of the Constitution of India. Article 5 described the issues of citizenship at the commencement of this Constitution. Under this section, every person who has his domicile in the territory of India and

a) Who was born in the territory of India; or
b) Either of whose parents was born in the territory of India; or
c) Who has been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement, shall be a citizen of India.

Article 6 of Indian Constitution ensures the rights of citizenship of certain persons who have migrated to India from Pakistan as these people can be considered as a citizen of India at the commencement of Indian Constitution if -

a) he or either of his parents or any of his grand-parents was born in India as defined in the Government of India Act, 1935 (as originally enacted); and
b) (i) in the case where such person has so migrated before the nineteenth day of July, 1948, he has been ordinarily resident in the territory of India since the date of his migration,   or
   (ii) in the case where such person has so migrated on or after the nineteenth day of July, 1948, he has been registered as a citizen of India by an officer appointed in that behalf by the Government of the Dominion of India on an application made by him therefore to such officer before the commencement of this Constitution in the form and manner prescribed by that Government - Provided that no person shall be so registered unless he has been resident in the territory of India for at least six months immediately preceding the date of his application.

Article 7 of the Indian Constitution, on the other hand, has permittedpeople who have, after the first day of March, 1947, migrated from the territory of India to the territory now included in Pakistan to gaining citizenship of India and those who have migrated to the territory of India after 19th July, 1948 under proper permit for resettlement or permanent return.Article 8 deals with the rights to acquire citizenship of certain persons of Indian origin residing outside India, Article 9 of the Constitution annuls citizenship of those persons who have acquired citizenship of a foreign State, Article 10 gives rights of a citizen to continue as a citizen and Article 11 gives power to the Parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship.

THE CONTROVERSY

The controversies associated with Indian citizenship and nationality aremultilayered and multifaceted and often less emphasised by the national and international scholars on human rights and jurisprudence. The most important aspect of this debate is the absence of a refugee law in India which can safeguard the rights of the refugees within the territory of India. This is despite the fact that India now hosts nearly 207816 refugees and asylum

seekers from various parts of the Subcontinent (UNHCR 2015). But the observers believe that the real number far exceeds the UNHCR estimation. Most of these people are from like Pakistan, Bangladesh, Sri Lanka, Tibet, Afghanistan, Kashmir and more recently Rohingya Muslims from Burma. The internally displaced persons (IDP) in India, who are sometimes in even worse situation than the refugees and asylum seekers, are not included in this figure.Since there is no official refugee in India, the people living within the territory of India are either the citizens or non-citizens who are either foreigners with valid visas and "illegal migrants".

One can see the origin of this debated from the event of Partition of Indian Subcontinent though we must emphasise that the Partition of the Subcontinent and refugee problem are not synonymous for the obvious reason that people living in the different parts of Subcontinent and in their own natural habitat since centuries of coexistence until the Partition separated them and the two new countries were born in the 15th of 1947. From the day of the Partition to the date of the commencement of the Constitution of India i.e. the 26th January of 1949, people were considered as internally displaced. Even after the commencement of the Indian Constitution, minorities from the other side of the border continued to come regularly to India and settled in the country. The waves of influxes were further caused by hasty and erratic borderline drawn by (Sir) Radcliffe driven across Bengal which created abrupt disruption of the live and livelihood of thousands scores of Bengalis living in the border areas who suddenly found themselves living in their own home in the enemy territory (Sengupta 2003; Bandopadhyay 2004; Chakrabarti 2004).The leaderships in both newly born countries also wanted create a distinction between partition and refugee problem in the Subcontinent due to an overwhelming fear of the influx of teeming millions of displaced persons into both India and Pakistan. Our leaders understood that the total 'population exchange' was never possible and neither was it intended during the Partition. Moreover, a total population exchange would have devastating effects for both the newly born countries with meagre resources. Leaders of both the countries had agreed in principle to protect the minorities and if needed, honour their will to shift. These leaders were committed during the independence of both the countries to take the responsibilities of the refugees created due to the Partition.

The situation in the undivided province of Bengal was somewhat different than the rest of the country during the time of Partition. When the minorities in the western part of the Subcontinent were aware of the Partition and many of them were taking preparing to shift, the many people of Bengal were not quite sure about the partition of Bengal. The reason of such an oblivious situation had arisen due to an ongoingeffort from some political quarters for a separate autonomous "Subba" (province) within India which gave a glimmer of hope to the people of Bengal that the province will be spared from partition. Eventually the effort was foiled mostly by the communal elements in the major political parties as well as by religious fundamentalists (Chatterji 1995). But unlike the rest of the country, people of Bengal were unsure about the Partition till the date of its actual enactment i.e. 14th and 15th August, 1947 (Masani 1954). As a result, while the western part of India witnessed most of refugee influxes during period of Partition, repeated waves of refugees struck eastern India till the Bangladesh War in 1971 rendering 1948 deadline meaningless. The volume of influxes from the East Pakistan differed at different points of India which were related with the internal situation in that part of the Subcontinent. While a huge chunk of Hindu minorities entered India during the few years following Partition, many preferred to stay back for the sake their livelihood. But with the commencement of the Bangladesh Liberation War an ethnic cleansing was initiated by the Pakistan Army when the Bengali Hindu population were targeted and killed or persecuted. During this phase of history another major influx of population happened in India as the minorities in East Pakistan came to India and never went back.

Most of these people, displaced from their own home until 1970s and came to India to avoid persecution, were almost pauperised as many of them had to leave empty handed. The resettlement programmes were also ridden with controversies as differential treatments were found on the refugee resettlement between the western part and the eastern part of India.

While the most people coming Western Pakistan were settled with the help of the Central Government of India and huge funds were allocated for this programme, the refugees from Eastern Pakistan did not receive much support from the Central Government and the Provincial Government of West Bengal did not have much resources to support nearly 40 million Bengali refugees coming from the Eastern Part of Pakistan. Part of this apathy may, however, be explained by the repeated waves of refugees from eastern Pakistan who settled in West Bengal at different points of time unlike the western part of India where almost all the refugees were settled within a few years of Partition which was easier for the administration to implement the resettlement policies. But the central question remained—how these people could be absorbed in the Indian population. After the commencement of the Constitution of India these people had three options a) to stay in India with valid visa; or b) to stay as "illegal migrants"; or c) to mingle with the local population and somehow manage the documents of citizenship which most of them have done.

THE BETRAYAL
Since 1955, repeated amendments of the Nationality Law were made ostensibly because of the changing nature of challenges facing the country. These challenges were never really clearly spelt out by our lawmakers or the executive. But from the overall trend of these amendments after 1955 it seems that by and large there was consent among the leadership in India that keeping the doors ajar for the millions of Bangladeshi refugees may not be prudent as it will put serious constraints on the meagre resources of the newly born country. There was another apprehension among the leadership in India that continuous influx of refugees, particularly from the eastern side of Pakistan will change the demographic nature of the province of West Bengalas the authority in India will not be able to limit the influx for the Hindu minorities and many Muslim refugees may also sneak in India. While not denying the reality of the influx of large number of Muslim people from East Pakistan/Bangladesh in West Bengal and Assam, one must not forget the fact that the entire leadership of both the countries during the Partition understood that the exchange of entire minority population in both countries will result massive exodus of refugees which cause havoc to both the newly born countries and both the countries were committed to safeguard the minorities in their countries. Indian Constitution incorporated special rights of the minorities in the articles 26, 29, and 30 while in Pakistani Constitutionarticles 205, 206, and 207 were specially drafted for the minorities and backward castes/classes. While Indian Government could not provide reservation on the basis of religion meaning minorities as per the decision of the apex court in India, in Pakistan 20 % jobs were reserved for the minorities– 10% for the scheduled castes, 9% for high caste Hindus and 1% for the Buddhists. In addition, Pakistan incorporated the rights of minorities in their national flag as a white strip. All these were meant to instill confidence among the minorities and prevent them from leaving their country. As an additional measure to build confidence among the minorities in both countries, the prime ministers of both the countries were engaged in a landmark treaty which is known as the Nehru-Liyakat Treaty in 8th April, 1950. As a follow-up of this treaty, two ministers of the provincial government of West Bengal – CharuchandraBiswas and Anil Chanda – went to East Pakistan after the commencement of Indian Constitution to persuade the minorities not to leave the land and promised to stand by the minorities in Pakistan in case of difficulties. These persuasions along with various measures from the Pakistani Government many minorities preferred to stay in East Pakistan. Despite all the measures, the ambience of insecurity prevailed over various parts of East Pakistan and minorities began to leave the country. If one gauges the nature of influxes from East Pakistan one can find that initially the literate, rich, high caste Hindus started to leave as they could leave the land more easily than the illiterate, poor low caste/dalit Hindus. The reason of such an attitude of this section of population was their cultural capital in terms of education and social capital in the form of various networks with the people of West Bengal. Many of them could exchange their properties in the East Pakistan with the properties of the Bengali Muslims in West Bengal who were ready to leave India for East Pakistan. This was possible because of the networks

they had with the other side of the border due to the clout they enjoyed within the Bengali speaking Hindus in both the countries (Chakrabarti 2007).

The poor, uneducated, and dalit Hindus in East Pakistan, on the other hand, preferred to stay back during the first two decades of the Partition because they were not confident to survive with their limited means and skills in a new land. In addition, they were providing some basic services to the population in East Bengal which they continued to do so. For them, only the masters changed—from high caste Hindus to the newly formed Muslim ruling class (Bagchi 1998). It is mainlyduring the Bangladesh Liberation War, when the Pakistani Army started systematic ethnic cleansing targeting the Hindu minorities, the poor, uneducated, and dalit Hindus started to leave East Bengal.

Another important aspect that the leaders of India seem to have forgotten the fact that at the dawn of our Independence our iconic leaders like Gandhi, Nehru, Ballavbhai Patel were committed to safeguard the entire population of this Subcontinent.PanditNehru told in a statement that even if the Subcontinent was divided the population remained the same and the people on the other side of the border were also our brothers and sisters. Mahatma Gandhi told that those Sikhs and Hindus who were living in Pakistan could come to India at any point of time if they did not want to live there. SardarBallavbhaiPatel told the Hindus and other minorities in the East Pakistan were the same people and could not be regarded as aliens (Sengupta 2007). After all these commitments from these stalwarts, the minorities were left on their own in the East Pakistan who faced all sorts of religious hostilities particularly under Pakistani regime and by the Muslim fundamentalists in the recent past. In addition, the nationality law has been tightened from time to time to prevent the entry of these poor, uneducated, and dalit Hindus who have no other alternatives but to face persecution in their own country creating a sense of betrayal among these uprooted people.

The sense of betrayal gets strengthened when we have a closer look at the Citizenship (Amendment) Act 2003, and the Citizenship (Amendment) Act, 2005. These amendments have changed the provisions of "citizenship by birth" in India. As per the present provisions, "Citizenship by birth" - every person born in India-

a) on or after the 26th day of January, 1950, but before the 1st day of July, 1987;
b) on or after the 1st day of July, 1987, but before the commencement of the Citizenship (Amendment) Act, 2003 and either of whose parents is a citizen of India at the time of his birth;
c) on or after the commencement of the Citizenship (Amendment) Act, 2003, where-
   – (i) both of his parents are citizens of India; or
   – (ii) one of whose parents is a citizen of India and the other is not an illegal migrant at the time of his birth, shall be a citizen of India by birth.

These amendments also specify that a person shall not be a citizen of India by virtue of this section if at the time of his birth-

a) either his father or mother possesses such immunity from suits and legal process as is accorded to an envoy of a foreign sovereign power accredited to the President of India and he or she, as the case may be, is not a citizen of India; or
b) his father or mother is an enemy alien and the birth occurs in a place then under occupation by the enemy.".

The Citizenship (Amendment) Act 2003, and the Citizenship (Amendment) Act, 2005 further amended the section 2 of the Citizenship Act, 1955 as the following clause shall be substituted,

(b) "illegal migrant" means a foreigner who has entered into India-
   – (i) without a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf; or
   – (ii) with a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf but remains therein beyond the permitted period of time;';

These amendments are dangerous from two aspects:
   a) It effectively ends the provision of getting citizenship by registration; and
   b) There is no cut-off date for identifying 'illegal migrants' – so a person living in India for 40-50 years can suddenly find him/herself as aliens.

These amendments made the lives of nearly 20 million people vulnerable, particularly those who have some roots in the erstwhile East Pakistan or the present day Bangladesh. The persons migrating from Bangladesh can very seldom have legal papers as they had to flee their houses to escape the persecution which many cases led to death and in most of the cases it happened within a very short period mostly after surviving a communal riot (Das 1993). Their offspring, who have born here and/or did not even see Bangladesh or Pakistan, can become stateless people without the right adult franchise, education, job, bank account etc. if they cannot prove their both of their parents were not illegal migrant. Such a person can easily land in police custody as even personal animosity within a neighbourhood can result such a situation. Moreover, these amendments are not in accordance with international human rights standard as the international jurisprudence does not allow any retrospective implementation of a legal provision. International community have seen with dismay one such retrospective implementation of a legal/constitutional provision which annulled the citizenship of Rohingya Muslims in Burma who are facing one of the worst ethnic cleansing since World War II. In the debate during the tabling of these amendments in the Indian Parliament, the Foreign Minister of India argued that the amendments became imperative to facilitate Indians to gain citizenship in the advanced countries like US, UK, Canada etc though no such provisions in these amendments actually reflected it. Dr. Manmohan Singh, the leader of opposition during that period i.e. 2004-2005, argued on the floor of the parliament that this Act should incorporate some basic human rights standards which are in accordance with the international standard. However, the Citizenship (Amendment) Act, 2005 was passed without any amendment in the parliament during the NDA regime led by BJP. Ironically, the Congress Party led UPA ruled India for the next two five year terms under the leadership of Dr. Manmohan Singh which did not bother to have a relook at this Act. More curiously, Dr. Manmohan Singh was himself born in village which is now in Pakistan and had to leave his native land during the Partition. Belying the popular belief, both the Congress Party and its leader Dr. Singh failed to change the narrative of ignoring the apprehension of the human rights workers in this regard.

THE FULL CIRCLE
This circle completes with the introduction of The Citizenship (Amendment) Bill 2016 in the lower house of Indian Parliament on July 19, 2016. This Bill seeks to amend the Citizenship Act, 1955 to make illegal migrants who are Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, eligible for citizenship if they have arrived on or before 31 December, 2014. The glaring omission from this list is the category of Muslim illegal migrants. Jews and Baha'i, which form a negligible proportion in the subcontinent, are also omitted from this list of permissible illegal migrants. This Bill also seeks to amend, one of the requirements for citizenship by naturalisationwhich required an applicant to reside in India during the last 12 months, and for 11 of the previous 14 years. The Bill proposes to lower the 11 year requirement to six years for persons belonging to the same six religions and three countries. For the first time in the history of independent India a Bill seeks some special provisions in citizenship on the basis of religion as the Bill, when passed by both the houses in India Parliament and becomes an Act, will make illegal migrants from the aforesaid six religions eligible for citizenship. This Bill may be violative of the principle enshrined in Article 14 of the Indian Constitution which guarantees right to equality. The Bill has been referred to a Joint Parliamentary Committee for observation and the Committee is yet to submit the report though it was due on the last of the first week of the Winter Session, 2016. This Bill marks the completion of the circle that was initiated in 2005 with the passage of The Citizenship (Amendment) Bill 2005.

REFERENCES

Bagchi, A., 'Studies on the Economy of West Bengal since Independence', *Economic andPolitical Weekly*, vol. XXXIII, nos 47–48, November 21–27/28 – December 4, 1998,pp. 2974–75.

Bandyopadhyay, Sekhar (ed.) *Bengal: Rethinking History. Essays in Historiography*, NewDelhi: Manohar 2001.

—— *Caste, Culture and Hegemony: Social Dominance in Colonial Bengal*, New Delhi,Sage Publications, 2004.

——*From Plassey to Partition: A History of Modern India*, New Delhi: Orient Longman, 2004.

Chakrabarty, B*., The Partition of Bengal and Assam, 1932–47:* Contour of freedom,London, New York: RoutledgeCurzon, 2004.

Chakrabarty, D., 'Remembered Villages: Representations of Hindu–Bengali Memories in the Aftermath of the Partition', *South Asia*, vol. XVIII, Special Issue, 1995, pp. 109–29.

—— *Provincializing Europe: Postcolonial Thought and Historical Difference*, Princeton, NJ: Princeton University Press, 2000.

—— '"In the Name of Politics": Sovereignty, Democracy, and the Multitude in India', in D. Chakrabarty, R. Majumdar and A. Sartori (eds) *From the Colonial to the Postcolonial.* New Delhi: Oxford University Press, 2007.

Chatterji, J., *Bengal Divided: Hindu communalism and partition, 1932–1947*, Cambridge:Cambridge University Press, 1995.

—— 'The Fashioning of a Frontier: The Radcliffe Line and Bengal's Border Landscape,1947–52', *Modern Asian Studies*, vol. 33, no. 1, 1999, pp. 185–242.

Das, Suranjan, *Communal Riots in Bengal 1905–1947*, Delhi: Oxford University Press,1993.

Masani, M.R., *The Communist Party of India: A Short History*, London: Derek Verschoyle,1954.

Sengupta, D. (ed.) *Map Making: partition stories from 2 Bengals*, New Delhi: Srishti, 2003.

Sengupta, N., *Bengal Divided: The Unmaking of a Nation (1905–1971),* New Delhi:Penguin, 2007.

UNHCR *Trends at a Glance: 2015 in Review*. http://www.unhcr.org/576408cd7.pdf (accessed on 02/02/2017)

CHAPTER 1 : COMMUNICATION

CHAPTER 2 : TOURISM

CHAPTER 3 : CULTURE

CHAPTER 4 : LAW

CHAPTER 5 : SOCIAL SCIENCE

DOMESTIC TRAVELLERS'S SATISFACTION TOWARDS PADAWA BEACH

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ABSTRACT

Bali is the most famous island in the world, with the beautiful beach, lake, mountain, villages, and charming people. One of the new destination is Pandawa Beach, and social community develop the access to the beach, in 2011. This research seeks to analyze the satisfaction rating of the Pandawa beach, existence of Pandawa beach for tourists, tourist attractions, accessibility, amenities, and quality of service. The problems in this study is "Satisfaction of Domestic Travellers toward Pandawa Beach". Determine the factors that influence satisfaction of domestic tourists, covering aspects: attractions, facilities, accessibility, and quality of service at Pandawa Beach. The results are domestic traveller's satisfaction towardsPandawa beach can be classified into four aspects, Attractions, Accessibility, Amenities and Quality of Services. In aspect Attractions, highest is waves, 4.53 (Very Good). Next is Cleanliness, 4.47 (Very Good), clean area, 4.27 (Very Good), and the wind, 3.95 (Very Good). In the aspect of accessibility, information is easily obtained, 3.71. the road, 3.68. transport, 3.67. In the aspect Amenities, the highest is Toilet, 3.93 (Very Good), Trash, 3.88 (Very Good), Telecommunications, 3.80 (Very Good), Parking, 3.79 (Very Good), and Souvenir, 3.73 (Very Good). In aspects of performance, sub highest is information, 4.19, Life Guard, of 4.12, and Hospitality, 3.64.

***Keywords :** Pandawa Beach, Travellers, Perception, Attractions, Accessibility, Amenities and Services*

INTRODUCTION

Bali island became known world at the end of the 16th century. Michel Picard in Bali : Tourism Culture and Tourism Culture mentioned that the contact between Bali with the Western world (Europe) recorded was in 1597, that is, when a fleet of Dutch merchant ship who first tried to sail to the east and stopped at the island to look for supplies of food and drinking water. Originally known as the Pandawa Beach, social community develop tourist destination at Secret Beach. Nongovernment makes the access road to the beach, in 2011.

This research seeks to analyze the touristssatisfaction rating of the Pandawa beach, Pandawa beach existence for tourists, measured from tourist attractions, accessibilities, and the quality of service.The problems in this study is"Domestic Travellers Satisfaction toward Pandawa Beach". This study aims to reveal the satisfaction of domestic tourists to the Pandawa Beach, and determine the factors that influence satisfaction of domestic tourists, covering aspects: attractions, facilities, accessibility, and service at the beach of Pandawa. These research findings are expected to contribute and enrich the development of tourism in Bali and the development of social control. This research also give contribution as alternative sources to create a policy to the circumstances of local communities, especially Kutuh village's communities. Limitations of this study is the inability to reveal the tourists number in a period since Pandawa Beach opened as destination, from 2011 until 2015. Sample of this research was the tourists who visit Pandawa Beach in July 2015, and is focused on domestic travelers.

PRIOR RESEARCH

Results of previous studies by Suradnya (1999) regarding the factors is the main attraction for foreign tourists to visit Bali include 9 factors, whereas in this study the number of factors tourist attraction that has been identified is the 8 factors. The interesting finding is

that the pull-factor "shopping or shopping" no longer appear as a stand-alone appeal, but became part of the newly formed eight factors, namely the price of the price (prices) and the appeal of culture (culture).

This change can be explained by looking at the fact that, (1) the existence of a trend where the traveler becomes more critical or cautious in spending money as a result of the declining purchasing power of travelers in general, (2) shopping or shopping is no longer a priority for the tourists during their do travelling, (3) high repeat visits, reaching a figure of 47% so that the tourists are becoming better understand the price level areas visited tourist destinations.

Suradnya research results (2006) describes that the factor analysis (factor analysis) were carried out, it has been identified eight factors that form of tourist attraction for choosing Bali as a tourist destination of their choice which represents 65.28% of the total variance that exists. This figure exceeded the minimum criteria required in the use of factor analysis (factoranalysis).

The eight factors tourist attraction may include, (1) Price Price (prices) tourist products fair, (2) Culture (culture) with any form of appeal, (3) Beach (beach) with attractions on offer, (4) Convenience (convenience) for conducting traveled, (5) opportunities for relaxation (relaxation), (6) image (image) or a reputation or a big name that Bali, (7) the beauty of nature (natural beauty), and (8) The hospitality of the locals (people). Shifting the tourist market (market shifts) as discussed in the paper "Plan Strategic Marketing To Bali As Tourism Destination Region of the World" delivered in a one day seminar "Managing Bali As Regional TujuanWisata World", September 24, 2004 at STP Nusa Two (Suradnya, 2004), has influencing the factors that became a tourist attraction of Bali. These changes included, the number of pull-factor as well as the order of importance of each of these factors for tourists visiting Bali.

THEORIES

Study theories used is Madiun, Sihite, and Inskeep Also Bukart & Medlik. Sihite (200: 49) explains that tourists can be divided into domestic tourists and foreign tourists. Traveller rating Nusantara is domestic or domestic travelers. Foreign tourists are citizens of a country who travel out of the neighborhood country travel to another country. Travelers who referred in this study are those who are registered as residents of Indonesia who came to the Pandawa Beach located in the village Kutuh, for the purpose of fun, rest and leisure.

Madiun (2008:2) describes the importance of managing the various potentials for development of tourism in Bali has put the position of planning as one of the very important elements that must be implemented in earnest and careful, to be able to control the various environmental impacts and culture brought about by the development of The tourism sector. This is consistent with that expressed by Inskeep (1991: 162), that as a tourist area that is integrated, it should be able to provide a wide range of tourist facilities that are exclusive, unique, different in the eyes of travelers, whether it be the beach, recreation under the sea, the wild mountains , the remains, the remains of history, sports arenas, and the combination of all the attractions.

Satisfaction rating is a situation and the conditions in which the hopes and desires of tourists are met (Kotler in Rangkuti, 2003: 23).Kotler (2000: 40) defines a satisfied customer is a customer who was getting value from producers or service providers. This value can be derived from the product, service, system or something that is emotion. If the customer says that value is a quality product, the satisfaction occurs when customers get a quality product. If the value for the customer is convenience, the satisfaction will come when the services acquired right - really comfortable.

Travellers who are satisfied are customers who will share the satisfaction with manufacturers or service providers. In fact, customers are satisfied, will share feelings and experiences with other customers. It will be a reference for the company concerned. Therefore, both customers and service providers, will be equal - equally benefiting if satisfaction occurs. By looking at this relationship, it is clear that customer satisfaction should be one of the main goals of each company.

Basically, the purpose of a business is to satisfy the customer. Satisfaction itself by Kotler (1997) in Rangkuti (2003: 23) is defined as feeling happy or disappointed someone as a result of a comparison between the achievements or products are perceived and the expected (a person's feeling of pleasure or disappointment the resulting from Comparing a product is received performance (or out come) in relations to the person's expectation). The majority of the villagers with container Kutuh Hindu community named custom banjo. South Kuta District residents mostly have a livelihood as a fisherman as many as 6644 people, or 15.06 percent. It is based on the suitability of natural conditions and environment of South Kuta area surrounded by waters that strongly supports the activities of the population, especially in marine aquaculture activities. Other types of livelihoods that dominate the population in the District of South Kutais work as private employees as much as 13 636 or 30.91 percent. These jobs typically dominated by the people who work as employees in the field of tourism and hospitality.

ANALYSIS

Based on the results of research, tourists who come to visit on the Pandawa Beach can be classified as follows data on most survey respondents were aged 20 to 30 years, by 70%, from an average 500 to 700 tourists per day. The second is the next most respondents belonging to the teens, by 20%.

Data on the frequency of respondents visiting The Pandawa beach explain as much as 18 respondents 43.6% visited the Pandawa beach more than three times. A total of 15 respondents 40.9% visited the Pandawa Beach between 2-3 times. And as much as 14.4% of respondents 67 visited the beach for the first time. Most of the tourists, 48 people or 60.7% of total survey respondents, visiting The Pandawa beach for some reason the atmosphere is pleasant. Respondent visit Pandawa Beach for recreation, as many as 67 people, or 79%, travellers who visit the grounds visiting family, for 11 people, or 10%, and traveler visit the business reasons for 8 people, or 7.2%, and the travellers visiting Pandawa Beach for research, amounting to 14 people, or 3.6%. Most travelers visit Pandawa Beach because of information obtained from family or friends, 65 people, or 62.7%, 5 people, or 11.8% visitPandawa beach by information obtained from the Electronic Media, 15 people or 10.9%, visit Pandawa Beach because of information obtained from the Travel Agent, 10 people or 10% visit Pandawa Beach because of information obtained from mass media such as newspapers or magazines, 5 people or 4.5% visit Pandawa Beach because of information obtained from the Tourist Information Centre.

There are four aspects that affect the perception of tourists who visit Pandawa Beach, by Bukart & Medlik Satisfaction Theory. The four aspects are aspects Attractions, aspects of Accessibility, Amenities aspects, and aspects of the Service.

RESULTS

Taveller perception towards Pandawa Beach can be classified into four, which is based on aspects Attractions, Accessibility, Amenities and Services.the perception of tourists to the Pandawa beach can be classified into four, which is based on aspects Attractions, Accessibility, Amenities and Services. In the aspect Attractions, sub highest aspect is the waves, amounted to 4.53 (Very Good). Next is sub aspects Cleanliness, 4.47 (Very Good), then sub aspect to cleanly Region, amounting to 4.27 (very good), and the next, sub aspects of the wind calm, 3.95 (Very Good) , In the aspect of accessibility, sub highest aspect is that information is easily obtained, amounting to 3.71. Sub next aspect is the Way, amounting to 3.68. Then sub aspects of transport, of 3.67. In the aspect Amenities, sub aspect Toilet highest, amounting to 3.93 (Very Good). Next is sub aspect Trash, 3.88 (Very Good), sub aspects of Telecommunications, 3.80 (Very Good), sub aspect Parking, 3.79 (Very Good), and sub aspects Souvenir, 3.73 (Very Good). In the aspect of performance, sub highest aspect is information, amounting to 4.19. Next is sub aspects of Life Guard, of 4.12. Then sub aspects of Hospitality, 3.64.

SUGGESTION

Although tourists have a perception of the Pandawa Beach including excellent in all four aspects, Attractions, Accessibility, Amenities and Services, manager and the communities should also involve other areas as a comparison and motivate the growth and development of other tourist destinations as well, such as Dreamland Beach, Nusa Dua Beach, Padang-Padang Beach, Medewi Beach, and others.

REFERENCIES

Anonim, Undang – Undang Republik Indonesia No.9 Tahun 1990 Tentang Kepariwisataan

Brannen, Yulia. 1997. *Metode Penelitian Kualitatif dan Kuantitatif.*Yogyakarta:Pustaka Pelajar.

Bukart and Medlik. 1981, *Tourism: Past, Present and Future.* London: Ohio. Grid Inc. Heinemann

Dajan, Anto. 1996. *PengantarMetode Statistik.* Jakarta:LP3ES

Damardjati, R.S. 2003.*Istilah – istilah Dunia Pariwisata*, Jakarta:Pradnya Paramitha

Dinas Pariwisata Propinsi Bali, 2004. Data Obyek dan Daya Tarik Wisata 2004.Tidak Dipublikasikan

Friedman, J. 1993. *Anthropology and Native in Global Sruggle for Identity.*Will the Real Hawaian Please Stand.

Jennings, Gayle. 2007. *Water – Based Tourism, Sport, Leisure, and Recreation Experiences*, UK: Burlington. Elseiver Inc.

Karyono, Hari.1997. *Kepariwisataan.* PT Grasindo. Jakarta

Karang, I.B. 2008. *"Penilaian Wisatawan Manca Negara Terhadap Produk Water Sport di Tanjung Benoa – Bali"* (tugas akhir). Nusa Dua : Sekolah Tinggi Pariwisata

Kodhyat, H. 1996. *Sejarah Pariwisata Dan Perkembangannya di Indonesia.* Jakarta: PT.GramediaWidisarana Indonesia.

Kotler, Philip, et al. 2002. Pemasaran Perhotelan dan Kepariwisataan. Edisi Kedua. Versi Bahasa Indonesia. Jakarta: PT Prenhallindo.

Kusmayadi da*n* Sugiarto, Endar.2000. *Metodologi Penelitian dalam Bidang Kepariwisataan.*Jakarta: P. Gramedia Pustaka Utama.

Lastara, I M. 1997.*Peraturan Kepariwisataan,* Bali : PT. Mabhakti Offset

Paturusi, Syamsul Alam. 2005.

Materi Perkuliahan Perencanaan dan Pengembangan Kawasan Pariwisata Program Pascasarjana, Program Studi Kajian Pariwisata. Denpasar : Universitas Udayana.

Pendit, S. Nyoman. 2002. *IlmuPariwisata :Sebuah Pengatar Perdana.* Jakarta: Pradnya Paramita.

Pitana, Gd & Gayatri G. *2005. Sosiologi Pariwista. Kajian Sosiologis Terhadap Struktur, System dan Dampak – Dampak Pariwisata.*Yogyakarta:Andi

Ramalatu, Gilbert A. 2006.

"Analisis Tingkat Kepuasan Wisatawan Domestik Terhadap Produk Wisata Water Sport di Obyek Wisata Bedugul Kabupaten Tabanan" (tugas akhir). Nusa Dua : Sekolah Tinggi Pariwisata

Rangkuti, Freddy. 1996. *Riset Pemasaran.* Jakarta: PT. Gramedia Pustaka Utama

Rangkuti, Freddy. 2003. *Measuring Customer Satisfaction.* Jakarta:PT. Gramedia Pustaka Utama.

Sihite, Richard. 2000. *Tourism Industry.* Surabaya : SIC

Sirait, M.T dan Budhi D.K. 2000. *Tata Niaga Usaha Perjalanandan Wisata.* Jakarta : PT. Pradnya Paramitha.

Soekadijo, RG. 1996. *Anatomi Pariwisata, Memahami Pariwisata Sebagai "Systemic Linkage".*Jakarta : PT Gramedia Pustaka Utama.

Stewart, Ian Charles; Shaw, Judith (1983). *Indonesians, Portraits from an Archipelago* (book). Singapore: Paramount Cipta. Bibcode:533135. ISBN 9971-83-772-2.

Sugiarto, Endar. 2000. *Metodologi Penelitian Dalam Bidang Kepariwisataan.* Jakarta: PT. Gramedia Pustaka Utama

Sukarno, Teguh H. 2007. *"Strategi Pengembangan Rekreasi Air di Objek Wisata Tanjung Benoa"* (tesis). Denpasar :Universitas Udayana.

Supranto, J. 1997. *Pengukuran Tingkat Kepuasan Pelanggan. Untuk Menaikkan Pangsa Pasar.* Jakarta : PT. Rineka Cipta.

Spillane, James. 1997. *Ekonomi Pariwisata :Sejarah dan Prospeknya.* Yogyakarta : Kanisius.

Suwantoro, Gamal. 1997. *Peningkatan Tingkat Kepuasan Pelanggan :Untuk Menaikkan Pangsa Pasar.* PT. Rineka Cipta Karya.

Tjiptono, Fandy. 2004. *Manajemen Jasa.* Yogyakarta : ANDI

UU No. 27 Tahun 2007, Tentang Pantai

UU No. 10 tahun 2009 Tentang Kepariwisataan

Yoeti, Oka. A. 2001. *Ilmu Pariwisata, Sejarah, Perkembangan dan Prospeknya.* Jakarta : PT. Pertja.

Yoeti, Oka. A. 2002. *Perencanaan Strategis Pemasaran Daerah Tujuan Wisata.* Jakarta : PT. Pradnya Paramitha.

http://kebudayaan.kemdikbud.go.id/museumnasional/2014/06/20/eksotika-pulau-bali-dikenal-dunia-sejak-abad-ke-16/ (diunduh 27 Januari 2015)

http://travel.kompas.com/read/2013/01/02/18454158/Jumlah.Turis.ke.Bali.Melampaui.Target (diunduh 10 Januari 2013)