

TOURISM LAW DEVELOPMENT BASED ON COLLABORATIVE GOVERNANCE

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Abstract

This research aims to identify a tourism law development based on collaborative governance in Madura. A collaborative policy is needed to support the economic development. One of the fields that strengthen this is the legal sector. the development of tourism in Madura in recent years has shown an increase in the economy and has an impact on the welfare of the community. therefore, strengthening is needed by all parties, both from the private sector and the government. collaborative governance is an interesting issue to be studied in relation to these problems. This study used a socio-legal research approach which was analyzed qualitatively based on primary data in the form of interviews with tourism offices, village community empowerment offices, industry and trade offices and managers of tourist objects managed by village-owned enterprises in each district in Madura while secondary data consists of regulations related to tourism and village-owned enterprises, related literature and scientific journals. The findings of this study are: first, agencies related to tourism development such as the tourism office, the village community empowerment service and the industry and trade office have coordinated to develop tourist objects based on their main tasks and functions, but there is no specific form of policy from the relevant agencies regarding collaboration to develop tourism, especially collaboration with the private sector. Second, Therefore, based on the first finding, the law development strategy that is appropriate to the context in Madura based on collaborative governance is in the form of a Memorandum of Understanding between stakeholders consisting of government and private elements.

Keywords: *legal development; tourism; collaborative governance;*

A. Introduction

Indonesia is a country consisting of thousands of islands with a government structure ranging from the center to the regions, and the smallest government area is the village.¹ According to KBBI, a village is a "unit of territory inhabited by a number of families that has a self-government system (headed by a village head)". Meanwhile, according to the law, a village is "a legal community unit that has territorial boundaries that is authorized to regulate and manage government affairs, the interests of the local community based on community initiatives, origin rights, and/or

¹ "Article 2 Paragraph (2) of Act Number 23 of 2014 on Regional Government" (n.d.).

traditional rights that are recognized and respected in the system of government of the Unitary State of the Republic of Indonesia".²

In Indonesia, there are several villages that are able to optimize the potential that exists in the village area. One of them is Ponggok village, which is located in Polanharjo sub-district, Klaten district, Central Java province. Ponggok village can be an independent village because it has a lot of income from Umbul Ponggok tourist attraction. Village revenues that were previously tens of millions of rupiah became tens of billions of rupiah after being managed professionally, one of which is the Umbul Ponggok tourist attraction.³ In fact, Village-Owned Enterprises (VOEs) of Ponggok was once named the best Village-Owned Enterprises nationally because it was able to generate 16 billion rupiah.⁴

In East Java province, there is also a village that is famous or viral as a billionaire village, namely Sekapuk village, Ujung Pangkah sub-district, Gresik Regency. Sekapuk village's income can reach billions of rupiah, and its flagship is Setigi (Selo Trto Giri) tourism.⁵ Setigi Tourism is a former limestone mine that is managed and then used as a tourist attraction.⁶

The two villages above are examples of two villages that have successfully managed the potential in their respective villages, especially the potential in the form of tourism objects. In addition to the tourism potential factor, the factor that supports the progress of the village economy is the management of potential carried out by Village-Owned Enterprises. VOEs business entities that are already in the form of legal entities make them able to be managed professionally. The development of tourism potential managed by VOEs is expected that villages in Madura can realize the independence and welfare of rural communities.⁷ The multiplier effect aspect of the existence of a tourist attraction which is then welcomed by the village community by contributing to serving the tourists is one way of independence in question. The development of the concept of halal tourism is expected to make Madurese people excited and motivated, because the religious culture is very strong. The choice to develop the concept of halal tourism villages is not only because of the Madurese

² "General Provisions of Act Number 23 of 2014 Concerning Regional Government Jo Act Number 6 of 2014 Concerning Villages" (n.d.).

³ "<https://Batam.Tribunnews.Com/2019/05/09/Cara-Junaidi-Ubah-Desa-Ponggok-Dari-Termiskin-Jadi-Desa-Terkaya-Pendapatan-Rp-12-Miliar>, Accessed on 15 Januari 2023," n.d.

⁴ "<https://Www.Balipost.Com/News/2019/11/29/93591/Mandiri-Kelola-Potensi,BUMDes-Ponggok...Html#:~:Text=Such%20as%20the%20inn%20and%20equipment%20concept,Million%20to%20Rp%20600%20million.&text=So%2C%20the%20total%20in%20a%20year%20is%20generated%20by%20enter>," n.d.

⁵ "<https://Beritajatim.Com/Politik-Pemerintahan/Desa-Sekapuk-Gresik-Raup-Rp-12-Miliar-Berkat-Kelola-Wisata-Setigi/>, Accessed on 15 Januari 2023," n.d.

⁶ "<https://Daerah.Sindonews.Com/Read/155500/704/Kisah-Desa-Tertinggal-Di-Gresik-Yang-Jadi-Desa-Miliarder-1599318550>, Accessed 15 Januari 2023," n.d.

⁷ Village-Owned Enterprises, hereinafter referred to as BUM Desa, are legal entities established by villages and/or jointly with villages to manage businesses, utilise assets, develop investment and productivity, provide services, and/or provide other types of businesses for the greatest welfare of the Village community. "Article 1 Paragraph (1) of Act of the Republic of Indonesia Number 11 of 2021 Concerning Village-Owned Enterprises." (n.d.).

culture that adheres to religious teachings but also because Indonesia is the number one country in the world, in 2019 and occupies number 2 in 2022, which is most visited by Muslim tourists from all over the world.⁸

Seeing the progress and independence of the two villages above, villages on the island of Madura are expected to become the next billionaire villages. This is very possible because villages in Madura have promising tourism potential. In addition, the government also issued a program in the form of Dewi Cemara (Smart, Independent and Prosperous Tourism Village), which aims to increase investment and regional economic growth that has an impact on regional and national economies. So to accelerate this goal, the Dewi Cemara program was formed, one of which is Madura.⁹ Based on data obtained from the Tourism Village Association (Asidewi), there are 4 tourist villages in the potential category and 2 tourist villages in the advanced category spread across 3 districts, namely Bangkalan, Sampang and Sumenep.¹⁰

In addition to the development of halal tourism, this study will also examine the strengthening and legal protection of village-owned enterprises to support the development of halal tourism. Based on previous research from researchers on the urgency of village regulations in developing tourist villages, it was found that existing village management was still not based on village regulations.¹¹ In addition to village regulations, the role of stakeholders from both the government and the private sector is also needed. Therefore, a study using the theory of collaborative governance¹² is needed to determine and identify the role of stakeholders in developing tourism in Madura. Another urgent thing about strengthening and protecting village-owned enterprises is that if there is a conflict related to tourism management objects, there is no legal power and certainty, so that the purpose of managing tourism objects professionally and for the welfare of the village community will be disrupted and difficult to achieve. Especially after the covid 19 pandemic that hit starting in 2020 until entering the endemic period at the end of 2022, it is necessary to accelerate and develop tourism objects by providing protection and legal certainty for stakeholders.

⁸ “Mastercard-CrescentRating Global Muslim Travel Index (GMTI) Report 2019 and 2022,” n.d.

⁹ “Presidential Act Number 80 of 2019 Concerning the Acceleration of Economic Development in the Gresik - Bangkalan - Mojokerto - Surabaya - Sidoarjo - Lamongan Region, the Bromo - Tengger - Semeru Region, as Well as the Wilis Circular and Southern Cross Arc” (n.d.).

¹⁰ “<https://Asidewi.Id/Berita/Persebaran-Asosiasi-Desa-Wisata-Asidewi-Jawa-Timur/>, Accessed on 15 Januari 2023,” n.d.

¹¹ Achmad Badarus Syamsi and Adiyono, “Urgensi Pembentukan Peraturan Desa Tentang Pengelolaan Wisata Syariah Dalam Meningkatkan Kemandirian Ekonomi Kabupaten Sumenep,” *KABILAH : Journal of Social Community* 5, no. 2 (December 25, 2020): 58–69, <https://doi.org/10.35127/KBL.V5I2.4147>.

¹² collaborative governance is a process and structure that involves many parties who are not limited to their organisation but cross their organisational boundaries. Collaboration is implemented to describe a form of cooperation that is formal, active, explicit and has common goals in management and public policy. The principles of collaborative governance become an integrated whole and cover every stage of public policy in the context of public administration studies. N. L. Y. Dewi, “The Dynamics of Collaborative Governance in Public Policy Studies,” *Scientific Journal of Social Dynamics* 3, no. 2 (2019): 200, <https://doi.org/doi.org/10.38043/jids.v3i2.2188>.

Based on the explanation above, the author is interested in examining the Tourism Law Development Strategy in Madura Based on Collaborative Governance. This research is field research using a socio legal approach. This research is expected to find a form of halal tourism that is supported by stakeholders, so that it leads to the welfare of the people of Madura.

B. Correlation of Legal Development and Collaborative Governance

The society in which consists of a variety of different individuals with their respective uniqueness, of course, has the potential to create social conflicts that occur due to the relationship between these individuals. Therefore, society needs order, protection and certainty regarding the behavior of others in relation to their interests. Society and its order are two things that are very closely related. Order in society is created together by various institutions together. Law is not the only institution that creates order in society.¹³

Life in society, which more or less runs in an orderly and regular manner, is supported by the existence of an order. It is because of this order that community life becomes orderly. The demands of how to behave in relation to one another are formed through a process of objectivation, develop and then gain objective power. This means that the demands for how to behave have general applicability, applicable to everyone in the same social situation, so that all people in the same social situation are required to behave in that particular way. The demand to behave in a certain way that has the power to apply objectively is called a rule or norm.¹⁴

Thus the existence of rules or norms is something that is inherent when humans interact with other humans in society. Rules or norms always contain or contain provisions about the need to behave in a certain way. The meaning of the rule is in the form of provisions about what behavior and or how may, which may not, and which must be carried out by humans in the association of life with each other. The rules that regulate human attitudes and behavior are essentially to maintain the balance and order of interests in social life.¹⁵

There are three time scales of legal functions related to this. First, the short-term time scale, the function of law is to resolve conflicts that occur in society. Second, the medium-term time scale, the movement of norms towards nomos can also occur in the context of law carrying out the function of social control. Third, on a long-term time scale, the law functions as a social engineering tool.¹⁶ The function of law in Indonesia's developing society is not enough to guarantee certainty and order. According to Mochtar Kusumaatmadja, the law is expected to function more than that, namely as a "means of community renewal" or "law as a tool of social engineering" or "means of development". Law as a means of community renewal is based on the

¹³ Satjipto Rahardjo, *Legal Studies* (Bandung: PT. Citra Aditya Bakti, 2000).

¹⁴ L.J. van Apeldoorn, *Introduction to the Law* (Jakarta: Pradnya Paramita, 1993).

¹⁵ Marwan Mas, *Introduction to the Study of Law* (Jakarta: Ghalia Indonesia, 2004).

¹⁶ Shidarta, "Socio-Legal in the Development of Legal Research Methods," in *In Interdisciplinary Legal Research: An Introduction to Socio-Legal* (Yogyakarta: Thafa Media Publishers, 2016), 42–43.

assumption that the existence of order or order in development and renewal efforts is something that is desired or deemed necessary. Another assumption contained in the conception of law as a means of reform is that law in the sense of rules or legal regulations can indeed function as a tool or means of development in the sense of channeling the direction of human activities in the direction desired by development and reform.¹⁷

Adequate law must not only view the law as a set of rules and principles governing human life in society, but must also include the institutions (institutions) and processes (processes) needed to realize the law in reality ". The definition of law above shows that to understand the law holistically does not only consist of principles and rules, but also includes institutions and processes. The four components of the law work together integrally to realize the rules in reality in the sense that the first legal development is carried out through written law in the form of legislation.¹⁸

Legal development as described above requires the existence of institutions or actors who then carry out the process to realize the law into reality. In order for legal development to be directed and conical to accommodate the interests of the community is to use the concept of collaborative governance. The following is an explanation of collaborative governance.

The word governance contained in the phrase collaborative governance according to Stoker is the procedure for obtaining a decision through a system in an organization.¹⁹ In addition, governance also includes a way to make a policy that involves parties consisting of the public sector, namely the government (state) and the private sector or non-government (private) and the general public from the formulation stage to the implementation of its policies.²⁰ One of the keys to the success of a government that applies the principles of collaborative governance is determined by public trust in its government. According to Emerson et. al., trust is one of the elements of collaborative dynamics in the form of share motivation in building collaborative governance. One way to build trust is through openness in governance that is manifested through information transparency.²¹

The definition of collaboration is presented by Kramer as a process of thinking by the actors/stakeholders involved in seeing the space of differences from a problem

¹⁷ Mochtar Kusumaatmadja, *Law, Society, and National Legal Development* (Bandung: Binacipta Publishers, 1995).

¹⁸ Mochtar Kusumaatmadja, *Legal Development in the Framework of National Development* (Bandung: Binacipta Publishers, 1986).

¹⁹ G. Stoker, *Transforming Local Governance: From Thatcherism to New Labour* (Macmillan International Higher Education, 2017).

²⁰ T. Kurniawan, "Public Administration Paradigm Shift: From Classical Behavioural Model and NPM to Good Governance," *Journal of Public Administration Science* 7, no. 1 (2007).

²¹ K. Emerson, T. Nabatchi, and S. Balogh, "An Integrative Framework for Collaborative Governance," *Journal of Public Administration Research and Theory* 22, no. 1 (2012): 1–29, <https://doi.org/https://doi.org/10.1093/jopart/mu r011>.

being faced and getting answers to the problem of differences.²² Furthermore, Bardach said that collaboration is an effort to increase value by working together through relationships between two or more institutions,²³ while another definition states that successful collaboration is based on the value of synergy between the parties in the form of resources, knowledge and finance combined to overcome problems that cannot be answered by one organization/party alone, as well as the shared belief / common purpose that is committed.²⁴

The term Collaboration is different from coordination and cooperation. The difference lies in the nature of the purpose of cooperation and the form of dependence. Coordination and cooperation are defined as the efforts of an organization from different parties to produce a common goal, with a fixed goal and the relationship between organizations in coordination and cooperation is independent. Meanwhile, collaboration is the cooperation of all parties with their respective abilities in building an agreement to reach a decision in problem solving and produce benefits for all parties.²⁵

According to Dewi, collaborative governance is a process and structure that involves many parties who are not limited to their organization but cross organizational boundaries. Collaboration is implemented to describe a form of cooperation that is formal, active, explicit and has common goals in management and public policy. The principles of collaborative governance become an integrated unit and cover every stage of public policy in the context of public administration studies.²⁶

A very popular definition by Ansell and Gash states collaborative governance as:²⁷

"A governing arrangement where one or more public agencies directly engage non-state stakeholders in a collective decision-making process that is formal, consensus-oriented, and deliberative and that aims to make or implement public policy or manage public programs or assets".

The important elements contained in this definition are: (1) The establishment of a place/entity that becomes a medium for public institutions/institutions and the actors in it; (2) Participants who are part of the group include participants from non-government actors; (3) Participants are directly involved in making and playing a role in decision making not only as a place to consult; (4) The forum is formally managed

²² R. Kramer, "Collaborating: Finding Common Ground for Multiparty Problems," *Academy of Management Briarcliff Manor* NY 10510 (1990), <https://doi.org/https://doi.org/10.5465/amr.1990.4309133>.

²³ E. Bardach, *Getting Agencies to Work Together: The Practice and Theory of Managerial Craftsmanship* (Brookings Institution Press., 1998).

²⁴ R. Agranoff and M. McGuire, *Collaborative Public Management: New Strategies for Local Governments* (Georgetown University Press., 2003).

²⁵ R. Munt, "Building Collaboration, Stronger Families Learning Exchange," *Bulletin*, 2003.

²⁶ Dewi, "The Dynamics of Collaborative Governance in Public Policy Studies."

²⁷ C. Ansell and A. Gash, "Collaborative Governance in Theory and Practice," *Journal of Public Administration Research and Theory* 18, no. 4 (2007): 543–71, <https://doi.org/https://doi.org/10.1093/jopart/mu m032>.

and conducts regular and structured meetings; (5) The purpose of the forum is to reach consensus, and (6) Collaboration focuses on public policy.

The integrative framework with collaborative governance has a set of dimensions in which different components and elements are placed to work together in a dynamic, non-linear and iterative manner. Specifically, the oval shape in the figure illustrates the multidimensional field, system context including political dynamics, policy legal framework, resource conditions, network connectedness, socio-economic, environmental, and cultural diversity, learning from past failures to address issues, and level of conflicts/trust that influence and are influenced by the Collaborative Governance Regime (CGR).

This system in fact gives rise to four important drivers in the model depicted as the triangular wedge of perceived uncertainty, consequential incentive interdependence and leadership. These drivers help initiate the CGR, represented by the second oval with a dashed line. During and after the formation of CGR, actors engage in collaboration dynamics consisting of three dynamic and interacting components: principle engagement, shared motivation and capacity for joint action. Through a continuous cycle, actors/stakeholders develop common goals, common targets and changes to achieve these goals.

Collaborative governance regime (CGR) and collaborative governance (CG) theories are the two most popular CG theories today. Both have several differences as mentioned by Aptery in his thesis as follows: (1) In terms of collaboration participants and actors, Emerson and Nabatchi's theory states that it can occur across organizations, while Ansell and Gash only the government is the initiator and appoints non-government actors directly; (2) In terms of institutions, Emerson & Nabatchi argue that the cooperation of the parties is long term and sustainable while according to Ansell and Gash the nature of the institution is short term / temporary; and (3) In terms of the pattern of relationships / relationships established in the collaboration process according to Emerson and Nabatchi is horizontal and flexible while Ansell and Gash are vertical and formal.²⁸

After describing legal development and collaborative governance above, to strengthen and accelerate the development of tourism law in Madura, effective and efficient steps are needed, namely by implementing a memorandum of understanding to underlie the cooperation and performance of stakeholders. collaboration between stakeholders should be outlined in a joint decree, because this joint decree contains agreements for the benefit of achieving common goals. So that the stakeholder members of the collaboration will obey and obey the decision letter.²⁹ Especially for stakeholders from the government, after carrying out their main duties and functions,

²⁸ A. P. Aptery, "Construction of Collaborative Governance in Drug Prevention in DKI Jakarta Province" (University of Indonesia, 2019), <https://library.ui.ac.id/detail?id=20495070&location=local>.

²⁹ L. Aris Tri Haryanto, "Collaborative Governance In The Development Of Blangkon Handicraft In Serengan Sub-District Of Surakarta City," *JIAIP* 3, no. 1 (2016), <https://ejurnal.unisri.ac.id/index.php/MAP/article/view/1195>.

it is necessary to form a memorandum of understanding as a means of supervision so that the cooperation and performance of the parties can run more easily and effectively.³⁰

C. Tourism Law Development Strategy in Madura Based on Collaborative Governance

The role of law in development is to ensure that change is in an orderly manner. Such orderly change can be assisted by legislation or court decisions or a combination of both. Orderly change through legal procedures, whether it takes the form of legislation or decisions of judicial bodies, is better than irregular change using force alone.³¹

Orderly change through legal means is always sought in line with efforts to protect the interests of society. The laws that are developed are those that are urgently needed by society and the nation. Law in a democratic and just state is law that is built for the benefit of the community so that it is more prosperous and its human rights are protected, not for the benefit of the group or the interests of the ruler. The national legal system must be a force that provides balance between conflicting values in society. The legal system must be able to provide "points of balance" in the country's efforts to carry out development which changes very quickly.

One of the changes that occurred was the pattern of behavior and everything related to daily activities in various sectors during the covid-19 pandemic. These rapid changes will essentially cause the loss of the old balance, both in relationships between individuals and groups in society. This situation naturally requires the restoration of this balance through various means. In this case, the national legal system that regulates relations between individuals, both materially and formally, provides an opportunity for the disturbed balance to adjust to the new environment, as a result of these changes. Restoration through legal means is possible because in the turmoil that occurs, the legal system provides a grip of certainty through the formulation of clear and definitive norms, thus opening up opportunities for the restoration of a new balance that provides a sense of justice through orderly procedures.

The development of national law as a system, with its elements (legal substance, legal structure, and legal culture) that support each other is very important, because the law must basically be able to ensure the emergence of positive aspects of humanity and inhibit the negative aspects of humanity.³²

³⁰ Neng Qoyimah, Dinul Wardana, Maulana Rifki Susi et al., "Collaborative Governance: A Model of Participatory Surveillance Based on the Women's Watch Movement [Collaborative Governance: A Model of Participatory Surveillance Based on the Women's Watch Movement," *Journal Politica: Dynamics of Domestic Political Issues and International Relations* 13, no. 2 (2022), <https://doi.org/doi.10.22212/jp.v13i2.3317>.

³¹ Kusumaatmadja, *Legal Development in the Framework of National Development*.

³² *Ministry of National Development Planning/National Development Planning Agency, National Medium-Term Development Plan 2015-2019. Book I of the National Development Agenda, Jakarta, 2014, n.d.*

The discussion of tourism law development strategies in Madura based on collaborative governance is divided into 3 sub-sections, namely system context, drivers or related stakeholders, collaboration dynamics:

1. System Context

The system context refers to the layered environment in which collaborative governance operates. It encompasses various influences such as political, legal, socio-economic, and environmental factors that can either facilitate or hinder the implementation of collaborative governance. This context shapes the collaborative governance system and can be influenced by the actions taken within that system. Key elements that may affect collaborative governance include resource conditions, existing policy and legal frameworks, historical conflicts, and the degree of trust among stakeholders. Understanding this context is crucial for identifying opportunities and constraints in the collaborative governance process.³³

Instead of being a set of starting conditions, the System Context in this framework is portrayed as a three-dimensional space because external conditions—such as elections, economic downturns, or the enactment of new regulations—can impact the dynamics and performance of the collaboration at any point during the collaborative governance process, creating opportunities or presenting unforeseen difficulties. Based on the aforementioned notion of the expansion of halal travel in the Madura area, the dynamics of social, political and cultural conditions and religion become elements of the system context. The concept of halal tourism development planning has progressed with the issuance of Regional Regulation Number 6 of 2017 concerning the East Java Provincial Tourism Development Master Plan 2017-2032, which in its appendix states that Madura as one of the provincial tourism destinations (DPP) of East Java which carries the concept of halal tourism and marine tourism,³⁴ so based on this there should be an action plan in the development and management of halal tourism.

Madura region is an area that has the potential for halal tourism development. The existing potential is expected to be an important influence in various aspects, such as natural resource empowerment, environmental carrying capacity, economic, social, and cultural advancement, and defense and security. Several tourist destinations such as kedatim mangrove tourism in Sumenep, Salt Eduwisata in Pamekasan, Lon Malang Beach in Sampang and Blue Beach Tourism in Bangkalan are expected to become tourist areas that are able to encourage economic growth in the area. Actors play a role in collaborative governance in tourist areas in Madura. Related actors are the government (tourism office, village community empowerment office), VOEs that manage tourism, and the private sector.

2. Drivers (stakeholders)

The most influential element in the framework of drivers, as an aspect of collaborative governance, is leadership. Development of the concept of tourism in

³³ Ansell and Gash, "Collaborative Governance in Theory and Practice."

³⁴ "Appendix II on the Regional Map of Tourism Destination Development in East Java Provincial Act No. 6 of 2017" (n.d.).

Madura should be based on the concept of halal tourism. Because all of that is in the East Java Province Tourism Development Master Plan 2017-2032. The Tourism Development Master plan is a detailed statement of the regional leader's vision and mission that reflects future policy goals.. The commitment and consistency of the East Java regional government in implementing the development of halal tourism areas in Madura has been designed through Regional Regulation Number 6 of 2017 concerning the East Java Provincial Tourism Development Master Plan 2017-2032. With the existence of these regional regulations, related to the development of halal tourism in the Madura region, the district government in Madura should welcome this by immediately adjusting the existing regulations in its area.

The halal tourism development agenda must be immediately designed and collaborated in all regional policies that support halal tourism. An important note in the development of tourism in Madura must be in line with the East Java Provincial Tourism Development Master Plan 2017-2032. Therefore, the role of the Regional Head as a leader will greatly affect the development of halal tourism in Madura. In addition, the Regional Head must be able to identify and map the potential of the region and maximize this potential by issuing a policy. The current problem is that there is still no common understanding of the concept of halal tourism,³⁵ especially from the ulama³⁶. This causes the local government to hesitate to develop halal tourism in the Madura region. The driving dimension in the context of the leadership element that describes leadership in the Local Government environment in Madura, must be able to map in the midst of the diversity of interests and identities of each actor and sectoral ego between governments that can be an obstacle to the development of halal tourism in Madura.

3. Dynamics of Collaboration

In principle, collaboration should benefit all stakeholders in tourism development, because it increases the potential for sharing dan using existing resources. This is what we called the capacity for joint action as one of the elements of collaborative dynamics. In the regulatory context, its implementation is dynamics. Regulation of the Minister of Tourism of the Republic of Indonesia No. 10 of 2016 on Instructions for developing a Master Plan for tourism development at the provincial and district/city levels clearly stipulates the tasks of planning the development of tourist areas. Furthermore, the problem in the development of halal tourism in Madura is the lack of coordination and communication between stakeholders, especially the relevant agencies, namely the tourism office and the village community empowerment office, with tourism managers and the private sector. The position of balance in collaborative governance in the region has not been able to run well, due

³⁵ Interviews with the tourist offices of Sumenep, Pamekasan, Sampang and Bangkalan districts (n.d.).

³⁶ Madurese people consider Ulama as one of the parties that is highly respected and obeyed, in Madurese terms Ulama is called 'guru'. Mien A. Rifa'I, *Madurese Man: His Manners, Behaviour, Work Ethic, Appearance and View of Life as Estimated by His People* (Yogyakarta: Pilar Media, 2007).

to the lack of private role in the collaboration. The great potential of the private sector in the development of halal tourism in Madura is still not well optimized by the local government. Policies in tourism development in Madura tend to be top-down and not in accordance with local government projections.

Although there is already an East Java Provincial Tourism Development Master Plan 2017-2032, but because it has not been responded to by the local government in Madura, the relationship between actors has not been determined with clear goals. The division of tasks and roles of each actor in the development participation process of halal tourism in Madura has been based on the main tasks and functions of each actor. Actors who come from the government, in this case the tourism office and the community and village empowerment office, perform their main tasks and functions such as the role of the four community and village empowerment offices on the island of Madura in developing the management of VOEs is in terms of guidance, direction and sharing and assistance. Each VOEs in Madura has its own potential and the role of community and village empowerment office is to assist each VOEs so that the existing potential can be managed properly until it finally makes a profit and the end point will prosper the village community.³⁷

Furthermore, the need for regional development must continue to involve local authorities, so the collaboration process tends not to go smoothly. Another issue of collaboration concerns the development of halal tourism in Madura must be based on local wisdom because the characteristics of Madura are ancestral cultural heritage. Tourism management in Madura so far has not been able to encourage the optimization of cultural empowerment of local communities. Good collaborative governance should be able to encourage the optimization of local culture by the local government. Cooperation in the development of halal tourism in Madura must pay attention to local wisdom considering that one of the legal foundations of society comes from customary law.

Responding to actors who act according to their duties, principal and function, and this is considered still unable to answer the problem to develop and advance tourism which will prosper the community. So a commitment based on legal certainty is needed which has implications for the legal protection of private stakeholders and VOEs. There are regulations governing this matter, namely the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 22 of 2020 concerning Procedures for Regional Cooperation with Other Regions and Regional Cooperation with Third Parties. This regulation can be used as the first basis for acceleration, so that agencies in Madura can cooperate with other agencies that have developed and advanced tourism management. Second, to provide legal certainty, the agency and other stakeholders can conduct a memorandum of agreement. The regulations are guidelines for local governments to cooperate both between agencies and with the

³⁷ Interviews with the community and village empowerment offices of Sumenep, Pamekasan, Sampang and Bangkalan districts (n.d.).

private sector. This cooperation is needed in order to prosper the community and accelerate the fulfillment of public services.³⁸

Thus, the strategy for developing tourism law in Madura based on collaborative governance is to implement a memorandum of understanding between stakeholders; memorandum of understanding between the government and the private sector; memorandum of understanding between VOs and the private sector.

D. Conclusion

The role of stakeholders, especially related tourism development agencies such as the tourism office and the village community empowerment office, has coordinated to develop tourism objects based on their main tasks and functions. However, there is still no specific policy form from the relevant agencies on collaboration to develop tourism, especially collaboration with the private sector. The legal development strategy that is in accordance with the context in Madura based on collaborative governance is in the form of a Memorandum of Understanding between stakeholders consisting of government and private elements.

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