

## COMMUNITY PARTICIPATION IN THE FORMATION OF REGIONAL REGULATIONS IN BANGKALAN REGENCY IN THE FIELD OF TOURISM BASED ON SUSTAINABLE TOURISM

**Novi Eka Syarifatul Laila<sup>1</sup>, Nurus Zaman<sup>2</sup>**

<sup>1,2</sup>Faculty of Law, University of Trunojoyo Madura, Indonesia

<sup>1</sup>novieka112000@gmail.com

<sup>2</sup>nurus.zaman@trunojoyo.ac.id

### ***Abstract***

*The legal basis for community participation is regulated in Chapter XI of Law Number 12 of 2011 Article 96, which states that the community has the right to provide input orally/in writing in forming laws and regulations. The problems studied in this research are: First, how is the participation of the people of Bangkalan Regency in planning, compiling and discussing local regulations on halal tourism. Second, what are the legal consequences if the formation of regional rules in the field of tourism does not involve the participation of the community? The methodology used in this research is empirical juridical research with a socio-legal approach. The results obtained in this study are as follows: First, how is the participation of the people of Bangkalan Regency in forming regional regulations considered not entirely by the provisions of Law Number 12 of 2011? Second, there are no rules regarding sanctions related to non-participation community participation in forming local regulations/legislation. This is because the local government has not maximized the use of third-party services to form local regulations in preparing academic papers and/or regional regulations.*

**Keywords:** *Halal tourism, sustainable tourism, community participation.*

### **Introduction**

Tourism is one sector that has the potential to contribute to improving a country's economy. According to Law No. 10 of 2009 concerning tourism, tourism is an activity that aims to provide tourism services, tourist objects, and attractions. So,

it cannot be denied that tourism makes people's needs for tourism activities or travel (travelling) very attractive.<sup>1</sup>

Madura Island itself has many areas that have the potential to be developed as a tourist attraction. The tourist destination on the island of Madura is an area that has many tourist objects, including natural tourism and cultural tourism, which are very broad. However, until now, official information regarding halal travel guides has been minimal, especially for the East Java region. This is why tourism actors are still not interested in halal tourism, and only a few business actors are involved. Bangkalan Regency has a strategic position as the gateway to the island of Madura, where various potential natural resources, culinary delights, and historical places support tourism and are likely to become halal tourist destinations.<sup>2</sup>

Halal tourism is one of the tourism sectors that has developed quite well and is widely known among tourists. Many domestic and foreign tourists are interested in halal tourism, such as Sharia hotels and halal culinary or Islamic destinations. According to Law No. 10 of 2009 Chapter III Article 5, paragraph (1), the principle of tourism must be carried out by upholding religious norms and cultural values. So, halal tourism as a value refers to practices under Islamic Sharia principles and can also compete with other countries to benefit from the liberalization of economic activities in the tourism sector.<sup>3</sup>

The concept of halal tourism branding has a significant influence on increasing the competitiveness of the tourism industry and the number of tourists. Bangkalan Regency has a Regency Tourism Development Master Plan (RIPPARKAB), which integrates the Central Government, Provincial Government, Regency Government, the business world, and the community. In the future, tourism

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<sup>1</sup> Muhammad Ersya Faraby, "Potensi Kabupaten Bangkalan Menjadi Destinasi Wisata Halal," *Jurnal Ilmiah Ekonomi Islam* 7, no. 1 (March 1, 2021): 67, <https://doi.org/10.29040/jiei.v7i1.1649>.

<sup>2</sup> Agung Ali Fahmi, Muwaffiq Jufri, and Ansori, "The Implementation of Islamic Value Absorption in Regional Regulations on Districts at Madura," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 15, no. 1 (2020): 157-58, <https://doi.org/http://doi.org/10.19105/al-ihkam.v15i1.2682>.

<sup>3</sup> Heri Pratikto, *Halal Development: Trend, Oportunities and Challenges*, *Halal Development: Trends, Oportunities and Challenges* (Leiden, The Netherlands: CRC Press/Balkema, 2021), <https://doi.org/10.1201/9781003189282-6>.

in Bangkalan Regency can be used as a strong legal umbrella for tourism development that is integrated with all fields that are useful for the welfare of the surrounding community. However, until 2022, there are no regional regulations in Bangkalan Regency in the field of halal tourism, even though in the previous year, it had been proposed through the House of Representatives that Bangkalan was proposed as a destination for halal tourism. So, it is necessary to form regulations that must be implemented as soon as possible and accountable to the public so that good regional regulations are born later.<sup>4</sup>

The draft regional regulation of Bangkalan Regency in the field of tourism must be based on the premise that tourism development has a very strategic role in ensuring the continuity of tourism implementation that is beneficial for improving people's lives and realizing harmonious, balanced and harmonious tourism management. In this regard, the community can currently provide perspectives on maintaining their natural resources and involve the community in forming halal tourism regulations.<sup>5</sup>

Involving the community in the process and development of tourism is very important, so the community has a sense of responsibility to preserve the potential of its natural resources. Besides that, community participation is very decisive in the development of halal tourism in Bangkalan Regency. In order not to be separated from the cultural values of the local community, halal tourism is used as a reference so that there is no decrease in environmental quality and even later in Bangkalan Regency itself already has regional regulations in the field of halal tourism, which will also provide economic benefits.<sup>6</sup>

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<sup>4</sup> Fredy Kurniawan et al., "Pemetaan Potensi Wisata Halal Di Kabupaten Sumenep, Jawa Timur, Indonesia," *Dinar: Jurnal Ekonomi Dan Keuangan Islam* 5, no. 2 (April 6, 2019): 70–83, <https://doi.org/10.21107/dinar.v5i2.5002>.

<sup>5</sup> Faraby, "Potensi Kabupaten Bangkalan Menjadi Destinasi Wisata Halal."

<sup>6</sup> Muchammad Satrio Wibowo and Lutfi Arviana Belia, "Partisipasi Masyarakat Dalam Pengembangan Pariwisata Berkelanjutan," *Jurnal Manajemen Perhotelan Dan Pariwisata* 6, no. 1 (March 24, 2023): 25–32, <https://doi.org/10.23887/jmpp.v6i1.58108>.

Formation of regional regulations in the field of tourism from the perspective of this community requires more significant policy direction following article 22 of Regional Regulation Number 10 of 2020 concerning the Bangkalan Regency Tourism Development Master Plan for 2020-2035 there, explaining community participation in tourism development, namely as:<sup>7</sup>

- 1) Mapping the potential and needs for strengthening the capacity of local communities in tourism development.
- 2) Empowering the potential and capacity of local communities in tourism development.
- 3) Increasing community participation in the planning and implementation of tourism development.
- 4) Strengthen community and government institutions at the local level in encouraging community capacity and participation in tourism development.

Halal tourism management will be realized if the community takes over the implementation of the progress of halal tourism in Bangkalan Regency, which aims for shared prosperity. The principle of implementing good tourism governance at its core is the existence of coordination between existing stakeholders and the involvement of active participation that is synergistic (integrated and mutually reinforcing) between the government, the private sector, the tourism industry, and the relevant local communities. The form of related community participation is to supervise and control the development of existing halal tourism by determining the vision, mission and objectives of tourism development and identifying protected, developed and utilized resources for developing and managing halal tourist attractions in Bangkalan Regency.

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<sup>7</sup> Nasrulloh Nasrulloh, Elfira Maya Adiba, and Mohamad Nur Efendi, "Pengembangan Potensi Pariwisata Halal Pesisir Bangkalan Madura: Identifikasi Peranan Bank Syariah," *Muslim Heritage* 8, no. 1 (June 30, 2023): 79–102, <https://doi.org/10.21154/muslimheritage.v8i1.4989>.

## Methods

This research is empirical legal research. Empirical legal research is legal research that solves problems with sociological research. It can be called field research, which examines the legal provisions that apply and what has happened in people's lives.<sup>8</sup> The type of research in the form of normative juridical law was chosen to answer legal issues relating to all forms of existing laws and regulations and facts on the ground, namely Community Participation in Forming Bangkalan District Regional Regulations in the Sector of Tourism Based on Sustainable Tourism. In this study, primary data was obtained through direct respondents, and the results of interviews with respondents were used to support the accuracy of the questionnaire data.<sup>9</sup> The following is the data: community stakeholders, tourism object managers, Tourism Office, Regional Government, DPRD Bangkalan. After the data is collected, it is processed and analyzed with qualitative and inductive logic. This inductive thinking pattern for analyzing data is specific to be drawn to the general public, namely identifying local regulations on tourism and the concept of halal tourism. Then, the results of the data analysis are described sequentially and carefully following the problems studied.

## Discussion

### Community Participation in The Process of Forming Regional Regulations

The participation of the Bangkalan Regency/City community in the stages of the planning, drafting and discussion process in regional regulations regarding the existence of a halal tourism plan around 30% who agree to the halal tourism plan for the Bangkalan area, according to the Regional People's Representative Council (DPRD) which agrees that there is an area of Bangkalan City, Socah, Kamal, and Burneh. Apart from these areas, people are still indifferent to the formation of

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<sup>8</sup> Victor Imanuel W. Nalle, "The Relevance of Socio-Legal Studies in Legal Science," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 27, no. 1 (February 15, 2015): 179, <https://doi.org/10.22146/jmh.15905>.

<sup>9</sup> Amiruddin dan Zainal Asikin, *Pengantar Penelitian Hukum* (Jakarta: Rajawali Pers, 2018).

halal tourism rules. However, among the youth already in remote villages of Bangkalan, most scholars agree with the halal tourism plan. Still, there are some remote communities where most parents don't understand the rules, they don't care and don't understand the laws that have been made.<sup>10</sup>

The data obtained from the DPRD above is not sufficient, according to the researcher's opinion, as a basis for the preparation and formation of regional regulations related to halal tourism. This is because it has not fulfilled at least 51% of the number of sub-districts in Bangkalan, about 30% from each of the 4 agreed districts (Bangkalan, Socah District, Kamal District, Burneh District). On the other hand, Bangkalan Regency is visibly eligible to have regional regulations regarding halal tourism.

Abu Soleh from the DPRD Bangkalan section explained that related to the response of the Bangkalan people to the existence of a halal tourism plan. They are still experiencing difficulties even though there has been socialization because the actors/community do not understand halal tourism. We, as the DPRD, do not blame those who socialize it. Still, the people of Bangkalan lack especially enthusiastic villagers who think they are being restrained following the rules made by the local government, so the table above explains that there are only four sub-districts (Socah, Kamal, Bangkalan and Burneh) out of 18 sub-districts that agree with the halal tourism plan.

Communities who agree with the existence of a halal tourism plan think that the existence of halal tourism can make them innovate in terms of trade, which, according to Abu Soleh as the Bangkalan DPRD explained that there had been socialization by DESPERINDAG with MSMEs carried out by public officials (sub-district heads). Bangkalan Regency village officials, like the sub-district head, responded well to this because any policies drafted by the Bangkalan Government will later positively impact the village, strengthening community relations with the

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<sup>10</sup> Agung Ali Fahmi: Muwaffiq Jufri; Ansori, "Bentuk Penerapan Dan/Atau Penyerapan Hukum Islam Dalam Produk Hukum Daerah Di Madura," *Simposium Hukum Indonesia* 1, no. 1 (2019): 57.

full support of village officials. However, for now, the sub-district head is still testing and reaching out to the community regarding the response to the halal tourism plan.

Community Participation in forming regional regulations is regulated in Chapter XI of Law Number 12 of 2011 Article 96, paragraph (3), explaining that individuals or groups of people are interested in the substance of draft laws and regulations. In the elucidation of paragraph (3), it is stated that groups of people include community groups/organizations, professional groups, non-governmental organizations, and indigenous peoples.<sup>11</sup>

In addition to knowing the role of the community in regulation according to the law, here also explains the role of the Bangkalan Regency community according to the Tourism Office, Regional Government Service, Bangkalan Regional People's Representative Council through interviews, which state that the community's role is very important for the stage of forming regional regulations because the DPRD does not necessarily issue halal tourism regulations without prior socialization to the public. The community must also participate in planning, discussing, and drafting the plan to make regional regulations for halal tourism in Bangkalan Regency.

So, with an overview of the law and interviews, community participation is very important in the formation of regional regulations in the field of tourism, which also following Article 22 of Regional Regulation Number 10 of 2020 concerning the Bangkalan Regency Tourism Development Master Plan for 2020-2035 there explains community participation in tourism development, namely as:<sup>12</sup>

- 1) Mapping the potential and needs for strengthening the capacity of local communities in tourism development.

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<sup>11</sup> Encik Muhammad Fauzan, "Konstitusionalitas Perlindungan Petambak Garam Melalui Regulasi Daerah," *Jurnal Kebijakan Sosial Ekonomi Kelautan Dan Perikanan* 10, no. 1 (June 30, 2020): 77, <https://doi.org/10.15578/jksekp.v10i1.8349>.

<sup>12</sup> Faraby, "Potensi Kabupaten Bangkalan Menjadi Destinasi Wisata Halal."

- 2) Empowering the potential and capacity of local communities in tourism development
- 3) Increasing community participation in the planning and implementation of tourism development.
- 4) Strengthen community and government institutions at the local level in encouraging community capacity and participation in tourism development.

In addition, there are also rules regarding community participation in the process of tourism regional regulations, which are regulated in Bangkalan Regency Regional Regulation Number 7 of 2017 concerning tourism organizers. Article 66 explains that community participation is as follows:<sup>13</sup>

- 1) The community has the same and widest opportunity to participate in tourism administration.
- 2) Community participation, as referred to in paragraph (1) can be carried out in the form of:
  - a) Provide supporting facilities.
  - b) Providing information and input to local governments related to tourism operators.
- 3) Within the decision-making process framework, the regional government can involve the community, as referred to in paragraph (1), by submitting suggestions, opinions, recommendations and considerations.

With the participation of the community in the process of making regional regulations, the aim is that decentralization can be achieved, where the local government knows better about the interests and needs of the community in the area so that the policies or regulations formed are practical and effective for the surrounding community. In addition, community participation is also important in

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<sup>13</sup> Muhammad Mufli, "East Java Halal Tourism Outlook: Potential Analysis and Strategy for East Java Halal Tourism Development," *East Java Economic Journal* 2, no. 2 (August 5, 2021): 187-209, <https://doi.org/10.53572/ejavec.v2i2.19>.



realizing democratic values, which, as citizens, are positioned as owners of government who must be able to act together to achieve something better.<sup>14</sup>

### **Legal Consequences of Not Involving the Community in the Formation of Regional Regulations**

Legal Consequences if it does not involve community participation in the formation of regional regulations, according to Abu Soleh, as Pranata Bangkalan DPRD public relations stated that in the formation process, there is no community participation, so it cannot be continued to the next stage. For now, the people of Bangkalan are still having a hard time; we, as the Regional People's Legislative Council (DPRD), do not necessarily immediately issue halal tourism regulations without prior socialization to the public. In addition, Abu Soleh also revealed that if we force the will of the people, then what happens is mentally prepared because it is considered to regulate the people's right to life. Therefore, in the process of the socialization stage, it takes a long time to convince the public that the rules that will be made will be what the community wants because the community's participation in planning, discussing, and drafting must also involve the plan for making regional regulations for halal tourism in Bangkalan Regency.

Regional Regulations (Perda) as regulations formed by the Regional People's Representative Council (DPRD) both at the Provincial and Regency/City levels together with the Regional Head (Governor/Regent/Mayor) are statutory regulations whose contents are in the context of implementing regional autonomy and the tasks assistance and accommodate regional special conditions and/or further elaboration of higher laws and regulations. The formation of a legal product that is only made by legislators (regional heads and DPRD) also involves the participation or participation of the community.

Based on Law Number 23 of 2014 concerning local government in Article 354

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<sup>14</sup> Otto Andri Priyono, "Halal Tourism Opportunities And Challenges In East Java," *Ulumuna: Jurnal Studi Keislaman* 4, no. 2 (December 10, 2018): 118–33, <https://doi.org/10.36420/ju.v4i2.3479>.

paragraph (7), which explains community participation that local governments have not fully implemented. Even though some regions have issued regional regulations regarding procedures for community participation in drafting regional regulations, the "specifications" for participation are not clearly stated. The substance of public involvement is only in the form of derivatives and "copies" of the above laws. So, this should be the container for local government to accelerate community participation in drafting local regulations.<sup>15</sup>

Apart from that, the obstacle in realizing participatory regional regulations is that from the point of view of laws and regulations, it is not explicitly regulated that the process of forming laws and regulations (regional regulations) must have community participation. Article 53 of Law Number 10 of 2004 that the public has the right to provide input orally or in writing in the context of establishing or discussing draft laws and draft regional regulations. Furthermore, in Law Number 32 of 2004, as amended several times and the last amendment by Law Number 12 of 2008, Article 139 states that the public has the right to provide input orally or in writing in preparing or discussing draft regional regulations.<sup>16</sup>

As a realization of the integrity of the Indonesian state that is even better, it is fitting for all citizens to participate in increasing the guarantee of justice.<sup>17</sup> The community's participation also needs to be involved so that there is a guarantee of justice running, and sanctions should be provided for local governments when the manufacturing process does not include participation. The community increases in the process of forming regional regulations and makes the rules that the surrounding community wants.

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<sup>15</sup> Nura Damayanti Ariningsih, Windy Ratna Yulifa, and Aris Prio Agus Santoso, "Legal Protection For Workers Through Social Security Program," *Journal Research of Social, Science, Economics, and Management* 1, no. 1 (August 31, 2021): 18–30, <https://doi.org/10.36418/jrssem.v1i1.2>.

<sup>16</sup> Auria Patria Dilaga, "Politics of Law on Protection to Folklore in a Regional Autonomy Perspective: Rights for Indigenous People," *Journal of Indonesian Legal Studies* 2, no. 1 (2017): 25–36, <https://doi.org/10.15294/jils.v2i01.16634>.

<sup>17</sup> Haposan Siallagan, "Penerapan Prinsip Negara Hukum Di Indonesia," *Sosiohumaniora* 18, no. 2 (2016): 131–37, <https://doi.org/10.24198/sosiohumaniora.v18i2.9947>.

## Conclusion

Community participation in developing halal tourism to form regional regulations for Bangkalan Regency can still be assessed as not fully complying with the provisions of Bangkalan Regional Regulation Number 10 of 2020, article 20 concerning the Bangkalan Regency tourism development master plan for 2020-2035. This is due to the lack of knowledge from related parties, as evidenced by the lack of even distribution of public support for the wishes of local governments when conducting public consultations regarding plans to form and draft local regulations on halal tourism. Until now, there has been no regulation of sanctions related to the non-participation of the community in forming statutory regulations. Therefore, the potential and space for public compliance with statutory regulations is still low, in addition to the ineffectiveness of implementing a regulation.

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