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

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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 the formation of laws and regulations. The problems studied in this research are: First, how is participation 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 regulations 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 normative/socio legal approach. The results obtained in this study are: First, how is the participation of the people of Bangkalan Regency in the process of forming regional regulations which are considered not fully in accordance with the provisions of Law Number 12 of 2011. Second, there are no rules regarding sanctions related to non-participation community participation in the process of forming local regulations/legislation. This is because the local government has not maximized the use of third party services in the process of forming local regulations in the preparation of 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 the economy of a country. According to Law No. 10 of 2009 concerning tourism, tourism is an activity that aims to provide tourism services, provide tourist objects
and attractions. So it cannot be denied that tourism makes people’s needs for tourism activities or travel (travelling) very attractiv.²

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 so broad. However, until now the availability of official information regarding halal travel guides is still minimal, especially for the East Java region. This is why tourism actors are still not very interested in the concept of halal tourism and only a few business actors are involved in halal tourism. Bangkalan Regency has a strategic position as the gateway to the island of Madura, in which there are various potential natural resources, culinary delights, and historical places that support tourism and are very likely to become halal tourist destinations.

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

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 itself has a Regency Tourism Development Master Plan (RIPPARKAB)⁴ which is implemented in an integrated manner by the Central

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² Muhammad Ersya Faraby, fachur Rozi, "the potential of Bangkalan Regency to become a Halal Tourism Destination", Scientific Journal of Islamic Economics, 7(01), 2021, 67-74
³ Law No.10 of 2009 concerning tourism Chapter III article 5 paragraph (1)
Government, Provincial Government, Regency Government, the business world and the community. Which in the future tourism 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 that it is necessary to form regulations that must be implemented as soon as possible and must be accountable to the public so that later good regional regulations will be born.

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 as well as for realizing harmonious, balanced and harmonious tourism management. In this regard, currently the community can provide perspectives in maintaining the natural resources they have and involve the community in the formation of halal tourism regulations.

Involving the community in the process and development of tourism is very important, so that the community itself 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.

Formation of regional regulations in the field of tourism from the perspective of this community requires more significant policy direction in
accordance with 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:

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 in implementing 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 or 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 being involved in determining the vision, mission and objectives of tourism development, identifying resources that are protected, developed and utilized for the development and management of halal tourist attractions in Bangkalan Regency.

**Research Methods**

This research is empirical juridical in nature, in which empirical juridical legal research is a legal research to solve problems with sociological research and can be referred to as field research, which examines the legal provisions that apply

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5 Article 22, PERDA BANGKALAN Number 10 of 2020, Concerning the Bangkalan Regency Tourism Development Master Plan for 2020-2035
and what has happened in people's lives. The type of research in the form of normative juridical law was chosen because it was 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 through the results of interviews with respondents to support the accuracy of the questionnaire data, the following is the data: community stakeholders, tourism object managers, Tourism Office, Regional Government, DPRD Bangkalan. After the data is collected then it is processed and analyzed with qualitative analysis with 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 from the results of the analysis of the data obtained are described sequentially and carefully in accordance with 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\(^6\) regarding the existence of a halal tourism plan is 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 halal tourism rules. However, the youth who are already in remote villages of Bangkalan, the majority of scholars agree with the halal tourism plan, but there are some remote communities where most parents

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\(^6\) Excerpted from the results of an interview with Mr. Abu Sholeh who serves as a Legal Officer in the Bangkalan Regional People's Legislative Council
don't understand the rules, they just don't care and don't understand the rules that have been made.

Based on the data that has been obtained from the DPRD above, according to the researcher's opinion, it is not sufficient 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 districts that agreed (Bangkalan, Socah District, Kamal District, Burneh District). Even though on the same hand, Bangkalan Regency is visibly eligible to have regional regulations regarding halal tourism.

According to Mr. Abu Soleh from the DPRD Bangkalan section, he explained that related to the response of the Bangkalan people with 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 about halal tourism and we as the DPRD do not blame those who socialize it, but the people of Bangkalan who lack especially enthusiastic villagers who think they are being restrained following the rules made by the local government, so the table above can explain that there are only 4 sub-districts (Socah, Kamal, Bangkalan Kota 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 a halal tourism can make them innovate in terms of trade, which according to Mr. 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 that have been drafted by the Bangkalan Government will later have a positive impact on the village,

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7 Excerpted from the results of an interview with Mr. Abu Sholeh who serves as a Legal Officer in the Bangkalan Regional People's Legislative Council

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which will strengthen community relations with the full support of village officials. However, for now the sub-district head is still testing and outreach to the community regarding the response to the halal tourism plan.

Community Participation in the formation of regional regulations is regulated in 10Chapter XI of Law Number 12 of 2011 Article 96 paragraph (3) explaining that individuals or groups of people have an interest in the substance of draft laws and regulations. In the elucidation of paragraph (3) it is stated that including groups of people include community groups/organizations, professional groups, non-governmental organizations, and indigenous peoples.

In addition to knowing the role of the community in a 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. Because the participation of the community for planning, discussing, and drafting must also be involved in the plan for making regional regulations for halal tourism in Bangkalan Regency.11

So with an overview of the law and interviews that community participation is very important in the formation of regional regulations in the field of tourism, which is also in accordance with 12Article 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:

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

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10 Law Number 12 of 2011 concerning the formation of laws and regulations
11 Extract the results of interviews with Mrs. Ila, Mr. Wahyudi, Mr. Abu Soleh who are at the Tourism Office, Regional Government Service, and the Bangkalan DPRD
12 Article 22, PERDA BANGKALAN Number 10 of 2020, Concerning the Bangkalan Regency Tourism Development Master Plan for 2020-2035
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\(^\text{13}\) Number 7 of 2017 concerning tourism organizers, article 66 there explains that community participation is as follows:

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:
   1) Provide supporting facilities.
   2) Providing information and providing input to local governments related to tourism operators.

3) Within the framework of the decision-making process, the regional government can involve the community as referred to in paragraph (1) through the submission of suggestions, opinions, recommendations and considerations.

So that 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 effective and effective for the surrounding community. In addition, community participation is also important in realizing democratic values, which as citizens are positioned as

\(^{13}\) Bangkalan Regency regional regulation Number 7 of 2017 concerning tourism organizers article article 66
owners of government who must be able to act together to achieve something better.

**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 Mr. Abu Soleh as Pranata Bangkalan DPRD public relations stated that in the process of formation 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 to this, Mr. 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 in accordance with 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. In the formation of a legal product that is only made by legislators (regional heads and DPRD) which in the

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14 Excerpted from the results of an interview with Mr. Abu Sholeh who serves as a Legal Officer in the Bangkalan Regional People's Legislative Council

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process of its formation also involves the participation or participation of the community.

Based on\(^{16}\) Law Number 23 of 2014 concerning local government in article 354 paragraph (7) which explains community participation that it has not been fully implemented by local governments. Even though there are regions that 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 participation is only in the form of derivatives and "copies" of the above laws. So this should be the container for local government in accelerating community participation in drafting local regulations.

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. In 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\(^{17}\) Law Number 12 of 2008, Article 139 states that the public has the right to provide input orally or in writing in the framework of preparing or discussing draft regional regulations.

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. In which the participation of the community also needs to be involved so that there is a guarantee of justice running and also should provide sanctions for local governments when the manufacturing process does not involve participation. the community so that an increase in the process of forming regional regulations makes the rules that the surrounding community really wants.

\(^{16}\) Law number 23 of 2014 concerning regional government article 354

\(^{17}\) Law number 32 of 2004 Jo law number 12 of 2008 concerning regional government article 139


**Conclusion**

1) Community participation in the process of 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.

2) Until now there has been no regulation of sanctions related to the non-participation of the community in the process of 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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