

Regional Tourism Management in Increasing Regional Original Income Reviewed From the Perspective of the Business Cooperation Law

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Abstract

The purpose of this study was to examine the nature of regional government authority over regional tourism management business cooperation agreements and the legal consequences of regional tourism management business cooperation agreements in increasing Regional Original Income. This study uses normative legal research methods with statutory and conceptual approaches. The results of the study show that the regional government's authority in the field of tourism is in principle one of the implementation of the government's choice of affairs which is the authority of the Regency/City Regional Government, this is based on the provisions of Article 12 paragraph (3) letter b of Law no. 23 of 2014 concerning Regional Government, but specifically the authority of the Regency Government in the field of tourism is regulated in the provisions of Article 30 of Law no. 10 of 2009 concerning Tourism. The regulation of regional tourism business licensing has legal consequences for local governments to carry out tourism business licensing as a preventive juridical effort as an administrative instrument in the tourism business in increasing Regional Original Income.

Keywords: management; tourism; business cooperation; local revenue.

Abstrak

Tujuan studi ini untuk mengkaji hakekat kewenangan Pemerintah Daerah terhadap perjanjian kerjasama usaha pengelolaan pariwisata daerah dan akibat hukum terhadap perjanjian kerjasama usaha pengelolaan pariwisata daerah dalam peningkatan Pendapatan Asli Daerah. Studi ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan dan konseptual. Hasil studi menunjukkan bahwa kewenangan pemerintah daerah di bidang pariwisata pada prinsipnya merupakan salah satu implemmentasi urusan pilihan pemerintahan yang menjadi kewenangan Pemerintah Daerah Kabupaten/Kota, hal ini didasarkan pada ketentuan Pasal 12 ayat (3) huruf b UU No. 23 Tahun 2014 tentang Pemerintahan Daerah, namun demikian secara khusus

kewenangan Pemerintah Kabupaten di bidang pariwisata, diatur dalam ketentuan Pasal 30 UU No. 10 Tahun 2009 tentang Pariwisata. Penataan perizinan usaha pariwisata daerah berakibat hukum bagi pemerintah daerah dapat menyelenggarakan perizinan usaha pariwisata sebagai upaya yuridis preventif sebagai instrumen administrasi dalam usaha pariwisata dalam peningkatan Pendapatan Asli Daerah.

Kata Kunci: *pengelolaan; pariwisata; kerjasama usaha; pendapatan asli daerah.*

1. INTRODUCTION

The Unitary State of the Republic of Indonesia is divided into provincial regions and provincial regions consist of districts and cities (Article 18 of the 1945 Constitution of the Republic of Indonesia). The state organizes state government to achieve the goals of the state, namely to achieve a just, prosperous, and equitable society based on Pancasila and the 1945 Constitution. In order to organize government in accordance with the mandate of the 1945 Constitution, government affairs are divided between the central government and regional governments. Regional governments are given authority based on broad autonomy, where regional governments have the authority to regulate and manage their own government affairs according to the principles of autonomy and assistance tasks. The granting of broad autonomy to regions is directed at accelerating the realization of community welfare through improving services, empowerment, and community participation. In addition, through broad autonomy, regions are expected to be able to increase competitiveness by paying attention to the principles of democracy, equality, justice, privileges and specialties as well as the potential and diversity of regions in the system of the Unitary State of the Republic of Indonesia. Along with the issuance of the new Regional Government Law, namely Law Number 23 of 2014 concerning Regional Government, the division of affairs between the central government and regional governments is divided as referred to in Article 9 paragraph (1), paragraph (3), and paragraph (4), as follows:

- (1) Government Affairs consist of absolute government affairs, concurrent government affairs, and general government affairs;
- (3) Concurrent government affairs as referred to in paragraph (1) are Government Affairs divided between the Central Government and provincial regional governments and district/city regional governments;

- (4) Concurrent government affairs delegated to the Regions become the basis for the implementation of Regional Autonomy.

Furthermore, concurrent government affairs that are the authority of the Region consist of Mandatory Government Affairs and Optional Government Affairs. Mandatory Government Affairs consist of Government Affairs related to Basic Services and Government Affairs not related to Basic Services. Meanwhile, tourism affairs are affairs included in Optional Government Affairs.

Regional governments in order to increase the effectiveness and efficiency of the implementation of regional autonomy, need to pay attention to the relationship between government structures and between regional governments, the potential and diversity of regions. The aspect of the relationship of authority pays attention to the specificity and diversity of regions within the Unitary State of the Republic of Indonesia. The aspect of financial relations, public services, utilization of natural resources and other resources are implemented fairly and harmoniously. In addition, it is also necessary to pay attention to the opportunities and challenges in global competition by utilizing developments in science and technology. In order to be able to carry out their roles, regions are given authority accompanied by the granting of rights and obligations to organize regional autonomy within the unity of the state government system.

Law No. 23 of 2014 concerning Regional Government adopts the principle of broad, real and responsible autonomy. This means that regions are given the authority to regulate and manage government affairs outside of the central government affairs that have been stipulated by law. The implementation of regional government in carrying out its duties, authorities, obligations and responsibilities and with the authority of higher laws and regulations can create regional-level laws and

regulations or determine regional policies formulated in regional regulations, regional head regulations and other regional provisions.

Relation to the authority of regional government in managing regional tourism, where tourism is an activity that directly provides, touches and involves the community so that it has an impact on the local community (Pita & Gayatri, 2005: 109). Tourism also touches various aspects of community life including socio-economic, socio-cultural, and environmental. In addition, the tourism industry is not only related to tourist attractions, but also related to other industries, such as hotels, restaurants, transportation (land, sea and air) and other industrial products. The development of tourism today is very rapid and provides opportunities for national and regional economic growth. For this reason, tourism development continues to be accelerated and the government is confident that tourism can become a mainstay sector to replace oil and natural gas which have so far been the government's mainstay in supporting state revenues (Tjitroesmi, 2003: 105).

Tourism has a very broad meaning, not only traveling and sightseeing, but also related to the objects and tourist attractions visited, the means of transportation used, services, accommodation, restaurants and eateries, entertainment, social interaction between tourists and local residents and tourism businesses. Therefore, tourism can be seen as an institution with a lot of interaction, culture with its history, a collection of knowledge, and millions of people who feel themselves as part of this institution, so that tourism as a concept can be viewed from various different perspectives (Purwowibowo, 1998: 4). Broadly speaking, tourism can be seen as an activity to develop the potential of objects and tourist attractions and potential tourist areas in a sustainable manner (sustainable tourism development) and activities that have multidimensionality from a series of development processes).

The development of the tourism industry in Indonesia is currently being developed and utilized to increase state foreign exchange, expand employment opportunities and equalize business opportunities, especially for

local communities. In addition, the tourism industry also plays a role in encouraging regional development and introducing nature and regional culture that are very unique and interesting. Therefore, the development of the tourism industry cannot be directed to economic or cultural development alone but to preserve culture and nature (Monawati, 2000: 1). Tourism development and development are carried out while still paying attention to maintaining national culture and personality. For this reason, it is necessary to take more targeted steps and regulations based on integrated policies, including in the fields of promotion, provision of facilities and quality, and smooth service (Pendit, 2012: 64).

The tourism sector as one of the mainstay sectors (leading sector) in addition to small industries and agro-industry, is an instrument to generate foreign exchange and at the same time is expected to expand and equalize business opportunities, employment and foster a sense of love for the homeland. For this reason, tourism development is necessary. The development of the tourism sector is an integral part of national development whose implementation involves three key stakeholders, namely the government, the private sector and the community. The development of this sector is carried out cross-sectorally involving many institutions at the local, regional, national and even international levels (Hidayat, 2000: 79).

An important aspect of development is development in the economic sector, where tourism is one of the development sectors that is expected to support the rate of equality in the development of the Indonesian economy, through various aspects contained therein such as foreign exchange earnings, equal distribution of people's economic income, expanding employment opportunities and even tourism is currently also burdened with an economic approach in participating in alleviating poverty (Pro Poor Tourism). Thus, as a driver of sustainable development, tourism is burdened with two targets, namely socio-economic and socio-cultural targets. As a socio-economic target, tourism functions as a source of foreign exchange, equalizing community income, and equalizing employment opportunities, while socio-cultural targets encourage the maintenance of national culture

in tourist destinations, both material and immaterial, thus tourism and cultural development efforts are related. The implementation of tourism is essentially carried out on the basis of several things that motivate and meet the needs of everyone who travels, whether for family, business, cruises, health, religion, conferences, sports matches, education, or anything else. In tourism, it is referred to as an attraction that is related to natural and cultural elements and other life activities, which involve or are related to the community at the destination. Therefore, the destination of the tourist trip is referred to as a Tourism Destination, which in Law No. 10 of 2009 concerning Tourism, (hereinafter referred to as Law No. 10 of 2009), defines: "Tourism Destination Area, hereinafter referred to as Tourism Destination, is a geographical area located in one or more administrative areas in which there are tourist attractions, public facilities, tourism facilities, accessibility, and communities that are interrelated and complement the realization of tourism" (Article 1 point 1 of Law Number 10 of 2009 concerning Tourism. Based on the basic principles of this idea, tourism development efforts must be carried out in line with fulfilling the motivation and needs of tourists (travelers/travelers) as well as the interests and needs of the community at the destination of the trip. In its implementation, tourism development efforts involve various stakeholders who are mutually needed and require each other, namely: government (central and regional), business actors (industry), environment (nature and culture), community, tourists (foreign and domestic tourists). Therefore, the concept of managing Tourism Destinations should be based on a management model that involves stakeholders at the destination location concerned, not including tourists in a Destination Management Organization (Care Tourism, 2015).

Various tourism potentials owned by tourist destination areas, both in developed and developing areas, are the basic capital for developing Indonesian tourism. However, relying on natural resources, culture and art alone is not enough to boost the number of tourist visits, strategic steps are needed to market and design tourism development patterns that are in accordance with the character of the local area. Like selling a

product, tourism needs a reliable and targeted marketing strategy. Good tourism marketing can encourage an increase in adequate employment opportunities, because in it there are productive economic activities ranging from crafts, arts, food, transportation, travel, herbs and other potentials. Tourism development needs to be directed at creating employment and business opportunities in areas around tourist attractions. The tourism cooperation sector, especially in the field of regional tourism management, can be used as one source of regional income that can be explored in order to increase PAD. Based on the above, the problem of cooperation in regional tourism management businesses will be outlined in a study on regional tourism management in increasing regional original income from the perspective of business cooperation law.

2. METHOD

The legal research used is the normative legal research method. The normative legal research method is a legal research from an internal perspective with the object of research being legal norms. The research approach used is the statute approach and the conceptual approach. The sources of legal materials used in this article are primary, secondary and tertiary legal materials. After the legal materials are collected, an analysis is carried out to obtain the legal interpretation technique, namely in the form of a final argument in the form of an answer to the problem being studied in this article. specifications. to provide an objective picture of the reality of the object being studied After (Pitriyantini & Adnyani, 2023).

3. RESULT AND DISCUSSION

3.1 The Nature of the Authority of the District Government regarding the Regional Tourism Management Business Cooperation Agreement

Indonesia is one of the countries that has various types of tourism, including natural tourism, social or cultural tourism spread from Sabang to Merauke (Walet, 2021: 34). Indonesia is one of the countries where almost every region has complete tourist attractions, namely the beauty of nature, flora, fauna and historical relics (Safriana, 2018: 1). In Law No. 10 of 2009 concerning Tourism in CHAPTER I Article 1 in paragraph (6) it is stated that tourist destinations hereinafter referred to as Tourism Destinations are geographical areas located in

one or more administrative areas, in which there are tourist attractions, public facilities, tourism facilities, accessibility, and communities that are interrelated and complement each other in realizing tourism.

Based on the mandate of Government Regulation Number 49 of 2009 concerning the Establishment of the Work Organization of the Regency Regional Office, which is then further elaborated by Regency Regional Regulation Number 11 of 2011, the Culture and Tourism Office as the SKPD is responsible for formulating technical policies, granting permits and implementing public services, technical guidance, guidance for the Technical Implementation Unit of the Office in the field of culture and tourism, management of the Office's administration, implementation of other tasks in the field of culture, tourism which are given in accordance with their duties and functions.

Vision and Mission Statement Based on the background and basis of thought that has been put forward, it has been depicted the desire in the development of culture and tourism which are various basic thoughts formulated as guidelines in the Development of Culture and Tourism of the Regency in the future which is full of hope and challenges, which must be guided by cultural and tourism people to play a greater role in implementing planned and sustainable regional development (Adawiyah, Leviza & Harianto, 2024). For this reason, the Culture and Tourism Office formulates the following Vision: "The realization of a cultural tourism area with creative management to realize community welfare."

In implementing the vision of cultural and tourism development above, the Department of Culture and Tourism, guided by the main tasks and functions as a regulator and facilitator in the development of culture and tourism that is transparent, accountable and prioritizes the interests of the community, which has the following missions: 1. Carrying out preservation and cultural policies based on noble values. 2. Supporting globally competitive tourism destination and marketing policies. 3. Implementing cultural and tourism resource policies. 4. Creating clean and accountable governance and friendly public services.

Of all the tourism that exists, it is the regional budget revenue (PAD) of the district/city. The government (Department of Tourism and Culture) is currently in the implementation stage of the tourism object policy program in the district/city, the last few years have been maximized, this method is a step forward to increase tourism in the district/city and to support all tourism programs, especially in the Department of Tourism and Culture of the Regency/City.

Tourism can be a potential development tool, can help reduce poverty, can generate economic growth, be verified economically and can create reciprocal relationships between other products and the service provider sector (Kurniawan, 2013: 48). Tourism is part of economic development that aims to provide employment, to expand and equalize opportunities in business and community welfare, the meaning of welfare here is a safe, peaceful, prosperous, peaceful state of mind and body, so that life is free from poverty, fear, worry, ignorance.

The importance of development in the tourism sector, tourism development must be based on the principles of benefit, joint effort and family. Development carried out in the tourism sector by paying attention to the ability to encourage and improve the economy and socio-culture as well as the views of life values that exist and grow in society. In addition, it is also necessary to pay attention to aspects of cultural sustainability and environmental quality and the sustainability of the tourism business itself. Community welfare is a measure of the results of community development in achieving a better life (Rulloh, 2018: 22). Ideally, tourism activities will increase the involvement, participation and role of the local community, because the indigenous people who live there indirectly own the location according to their rights and customs (customary rights) (Albasir, 2020: 2).

In Law Number 10 of 2009 concerning Tourism, it is explained that the Implementation of Tourism is aimed at the welfare and prosperity of the people, expanding and equalizing business opportunities and employment, encouraging regional development, introducing and utilizing tourist objects and attractions in

Indonesia and fostering a sense of love for the homeland and strengthening friendship between nations.

The development of Tourist Objects and Attractions (ODTW) that can drive the economic sector requires cooperation from all business actors or all stakeholders, in Law Number 10 of 2009 concerning Tourism there are three components of business actors and/or stakeholders in Indonesia, namely: the government and/or local government, private sector or industry and related communities. Management and development strategies carried out by business actors or stakeholders are one of the important components in improving the welfare of the surrounding community. Welfare is not only reviewed from the element of fulfilling basic physical needs, but what must also be a benchmark is that there are several efforts that can be made by the community in achieving their level of welfare (Helln, 2017: 35).

The authority of the District Government in the tourism sector is based on Article 12 paragraph (3) letter b of Law No. 23 of 2014 concerning Regional Government, specifically. The authority of the District Government is regulated in Article 30 of Law No. 10 of 2009 concerning Tourism (Adnyani, 2021). The Regional Government with its authority can regulate, direct, control and at the same time protect the community as well as natural resources and artificial resources. Tourism development is attempted to be developed with an approach to economic growth and equality for the welfare of the people and development that is oriented towards regional development, relies on the community, and is empowering the community which covers various aspects including cooperation in management efforts. The regional government must be able to position tourism within the framework of tourism development balanced with good tourism planning and management and efforts to improve the competence of quality human resources. Thus, the Karawang Regency Regional Government must immediately make efforts to formulate regional policies in the tourism sector, especially the Regional Regulation on Partnership Pattern Cooperation which is based on objective policies on the Regional Tourism Development Master Plan and the Tourism Object

Development Master Plan as detailed planning for integrated and sustainable tourism sector development in Karawang Regency.

3.2 Legal Consequences of Regional Tourism Management Cooperation Agreements in Increasing Local Original Income

The tourism industry plays an important role in the development and development efforts of a region. In many regions, it has been shown that the tourism industry is able to lift the region from backwardness and make it the main source of income. Cooperation in regional tourism management carried out between the regional government and the wider community aims to ensure that the various tourism potentials owned by the region with its tourist destinations are the basic capital for tourism development.

Regional tourism investment activities must be supported by regulations that are able to create justice, fairness, efficiency, legal certainty, and tranquility which are legal principles in a modern country, especially for the tourism cooperation sector, especially in the field of regional tourism management, which can be used as one source of regional income in order to increase local original income. Legal problems that exist in tourism management cooperation include those concerning the authority of the Regional Government to enter into regional tourism management cooperation agreements, the legal consequences of regional tourism management cooperation agreements and concerning inhibiting factors and efforts to solve problems from regional tourism management cooperation carried out.

The Regional Government in the tourism sector is based on Article 12 paragraph (3) letter b of Law No. 23 of 2014 concerning Regional Government, specifically the authority of the Regency Government is regulated in Article 30 of Law No. 10 of 2009 concerning Tourism. The Regional Government with its authority can regulate, direct, control and at the same time protect the community as well as natural resources and artificial resources. Tourism development is attempted to be developed with an approach to economic growth and equality for the welfare of the people and

development that is oriented towards regional development, based on the community, and empowering the community which covers various aspects including cooperation in management efforts. The regional government must be able to position tourism within the framework of tourism development balanced with good tourism planning and management and efforts to improve the competence of quality human resources. The birth of a new spirit and a more democratic and more decentralized vision (Haba, 2020: 103).

The implementation of a more autonomous government system is recommended to apply the 'good governance' approach (Radjab, 2013: 244). Law Number 23 of 2014 concerning Regional Government provides broader authority to regional governments in managing their regions, which implies greater responsibility and demands to explore and develop all potential resources owned by the region in order to support the regional development journey (Sari, 2022: 18). Regional government is a situation that requires regions to be able to carry out all rights and obligations and optimize all the best potentials owned by the region (Hariadi & Sastrawati, 2020: 242).

The transfer of government management and development to city and district areas is also accompanied by the granting of authority to seek sources of funding in implementing the management (Jessy, 2014: 1604). The sources of funding are obtained from Regional Original Income (PAD), central government assistance, and other legitimate sources. The implementation of regional government remains supervised by the central government so that it is created and maintained within the framework of a unitary state (Asmar, 2015: 2).

In realizing the objectives of organizing tourism in the Regency/City, it is necessary to integrate the roles of regional governments, business entities and the community in a harmonious, balanced and balanced manner in order to realize the potential of regional tourism that has competitiveness at the national and global levels. The implementation of tourism must provide benefits to all levels of society, where every citizen has the right to have the opportunity to play a role and enjoy the results (Achnes & Kurniawati, 2014: 17).

In order for conditions that support the implementation of tourism to be created, the Regency/City government carries out guidance by means of regulation, guidance, supervision and control of the community and tourism businesses. Tourism business management refers to management principles that emphasize environmental sustainability values, communication and social values that allow tourists to enjoy their tourism activities.

Tourism business management techniques combine several aspects that support tourism success. These aspects are accessibility aspects, level of social interaction, relevance or compatibility with other sectors, resilience to tourism impacts, level of resistance of local communities.

In order to support success in the tourism sector, cooperation between all parties is needed. The participation of all related parties, both the wider community, the private sector and the government, is very much needed for the success of tourism development. Regional policies are formulated in regional regulations and regional head regulations. Therefore, in principle, regional regulations are legal instruments that are legally formally given to regional governments in organizing regional government. Thus, the arrangement of regional tourism business permits has legal consequences for regional governments to be able to organize tourism business permits as a preventive legal effort as an administrative instrument in tourism efforts to increase Regional Original Income.

The tourism industry has an important role in the development and development of a region. In many areas, it is shown that the tourism industry is able to lift the region from backwardness and make it a major source of income. Business cooperation in regional tourism management carried out between the regional government and the wider community aims to ensure that the various tourism potentials owned by the region with its tourist destinations are the basic capital for tourism development. Regional tourism investment activities must be supported by a regulation that is able to create justice, fairness, efficiency, legal certainty, and tranquility which are legal principles in a modern country, especially for the tourism cooperation sector,

especially in the field of regional tourism management, it can be used as one source of regional income in order to increase regional original income.

4. CONCLUSION

The authority of the regional government in the tourism sector is in principle one of the implementation of the choice of government affairs that are the authority of the Regency/City Regional Government, this is based on the provisions of Article 12 paragraph (3) letter b of Law Number 23 of 2014 concerning Regional Government, but specifically the authority of the Regional Government in the tourism sector is regulated in the provisions of Article 30 of Law Number 10 of 2009 concerning Tourism. In order to support success in the tourism sector, cooperation from all parties is needed. The participation of all related parties, both the wider community, the private sector and the government, is very much needed for the success of tourism development. Regional policies are formulated in regional regulations and regional head regulations. Therefore, in principle, regional regulations are legal instruments that are legally formally given to regional governments in organizing regional government. Thus, the regulation of regional tourism business permits has legal consequences for regional governments to be able to organize tourism business permits as a preventive legal effort as an administrative instrument in tourism efforts to increase Regional Original Income. To maximize existing tourism potential, the government, especially the Regency/City Tourism Office, is currently taking several strategic steps to develop tourism as stated in the Regency/City Regional Tourism Development Master Plan (RIPPDA).

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