

---

# Harmonization Of Law In Rural Tourism And Social Economic Development

Ronny Winarno<sup>1</sup>, Ardhiwinda Kusumaputra<sup>2</sup>, Endang Retnowati<sup>2</sup>

<sup>1</sup>Faculty of Law Merdeka Pasuruan University; Email :ronny.winarnoprof@gmail.com

<sup>2</sup>Faculty of Law Wijaya Kusuma Surabaya University; Email : [ardhiputra82@gmail.com](mailto:ardhiputra82@gmail.com)

<sup>3</sup>Faculty of Law Wijaya Kusuma Surabaya University; Email : [endangr7@gmail.com](mailto:endangr7@gmail.com)

DOI:<https://doi.org/10.32528/issn.v1i2.202>

\* Correspondence:

Ronny Winarno

Email:

[ronny.winarnoprof@gmail.com](mailto:ronny.winarnoprof@gmail.com)

Published: Juli, 2022



**Copyright:** © 2022 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution (CC BY NC) license (<http://creativecommons.org/licenses/by/4.0/>).

**Abstract:** The regulation of rural tourism is beneficial in improving the standard of living of the community. Rural tourism as a source of village potential management for village socio-economic development based on Law no. 6 of 2014 and Law No. 10 of 2009 Regional Government according to Law no. 23 of 2014 plays a role in developing tourism. However, it is ironic that there is disharmony in budget allocations, that in rural areas ADD and DD funds are supported, while in Kelurahan funds are limited, as a result, Kelurahan tourism is not optimal. So it is necessary to harmonize the laws governing tourism management. The purpose of this study is to determine the components of legal harmonization, the research method is in the form of normative juridical research through a statutory approach. The results of the research/findings, that (1) The legal position of the village has an autonomous priority for community empowerment and regional potential based on Law no. 6 of 2014. Meanwhile, Kelurahan is only administratively based on PP RI No. 73 of 2005 (2) Rural tourism is supported by ADD and DD funds, while Kelurahan must be independent. In conclusion, the local government is responsible for harmonizing tourism management laws through regional regulations based on Law no. 23 of 2014.

**Keywords :** Harmonization of law, tourism, socio-economic

---

## INTRODUCTION

The background of tourism management based on the philosophical values of Law no. 10 of 2009, that tourism is an integral part of strategic national development that has economic value in accordance with national development goals.[1] Local Governments and Village Governments have important responsibilities and roles in tourism development based on the legal aspects of Law no. 23 of 2014, Law no. 6 of 2014 and Law no. 10 of 2009. So that the development of rural tourism and in the Kelurahan area must be harmonious for the welfare of the people. This is where the main basis for the need for harmonization of law as a form of responsibility for tourism management.

According to Linda's research, tourism requires protection of the safety and comfort of tourists, especially in high-risk tourism activities, namely in the form of preventive and repressive legal protection, including the protection of tourists' rights through the provision of insurance.[2] Meanwhile, according to Putu, tourism must pay attention to the responsibility of managers to tourists who have accidents at tourist sites.[3] The two research results are important components in compiling the components of harmonization of tourism management laws.

Normatively tourism as part of government affairs in the tourism sector in Article 12 paragraph (3) letter b of Law no. 23 of 2014, includes tourism destinations, management of tourist attractions and management of strategic tourism areas.

---

Realizing the development of rural tourism requires management institutions that involve village leaders and local communities and are based on the principle of benefit not profit oriented. Tourism management includes planning, implementation and supervision, including the exploitation of economic activities that can be developed from tourist villages (micro small and medium entrepreneurship). The achievement is that the community will develop a sense of belonging (sense of belonging) to the development of tourism in their village, as both managers and beneficiaries.[4]

Competition between villages in tourism development is a necessity, because each village is trying to realize the potential of the village into advantages that can provide economic value. However, in its development there was disharmony, that rural tourism was pampered while the Kelurahan area had to fight independently. So it is necessary to conduct research on the harmonization of tourism law, that is not only on the issue of village competitiveness, protection of tourist comfort, the responsibility of tourism management actors. But the most important thing is that there is a need for harmonization of tourism regulatory laws in the aspect of financial support for the fulfillment and support of tourism which is carried out not only in rural areas but also in urban areas that have tourism potential. Like the existence of Bekacak Dam, a relic of the Dutch colonial period in Kolorsari Village, Bangil District, Pasuruan Regency, is related to the history of the struggle of P. Saker, a hero who defends the underprivileged people. Both places can be used as river tubing tourism and religious tourism.[5]

Based on the weakness of philosophical values, juridical values and sociological values in this aspect of tourism development, the position of tourism development at the village level will be left behind if there is no harmonization of village tourism laws based on Law no. 6 of 2014 which must be in harmony and in harmony with village tourism within the scope of PP RI No. 73 of 2005. Harmonization is the responsibility of the Regional Government to issue environmentally friendly Regional Regulations in line with the values of the green constitution, the 1945 Constitution of the Republic of Indonesia.

According to Asshidiqie, the concept of green constitution is important for all components of the Indonesian nation to understand, that (1) strengthens the concept of environmental management and sustainable development with an environmental perspective and (2) the 1945 Constitution as the supreme law of the land. [6]

The opportunity for tourism development which is a regional government affair based on Article 12 paragraph (3) letter b of Law no. 23 of 2014, it is also the responsibility of the village government to manage village tourism in order to realize village socio-economic development with the allocation of the use of funds sourced from village funds (DD) and village fund allocations (ADD). However, in other conditions, administratively the Kelurahan area has not received optimal attention from the development and development of tourism aspects with adequate financial support.

If viewed from the perspective of tourism development which is still not in sync with the regulation, it is necessary to harmonize tourism laws in order to avoid conflicts of interest in tourism management, regional ego and community empowerment gaps. Several previous studies focused only on the aspect of protecting tourists or the responsibilities of tourism managers. Therefore, this research intends to achieve balance, equality and benefit of equitable tourism development opportunities for the community. So the purpose of this research is the harmonization of tourism law as a form of local government responsibility in managing tourism in both rural and urban areas based on the creative economy (Parekraf) in accordance with Law no. 23 of 2014. So that the values of jus-

stice and legal harmonization of tourism development and management become more beneficial and are able to encourage the realization of socio-economic development. Meanwhile, in the regulatory phase of the regulation of Regional Regulations in the tourism sector, they still pay attention to the values of the green constitution as laws and policies that are obedient and obedient to the constitution as a reflection of realizing good governance.

## METHOD

This research is a normative juridical research on the formation of harmonization of law in the management of rural and urban tourism that prioritizes justice, equality and equality of opportunities for tourism development based on the principles of the green constitution with an approach to legislation. The analytical knife used is based on the welfare state theory. Regarding the methodology used in this paper include:

1. The scope of research is related to legal harmonization in the management of rural tourism with a statutory approach.
2. Legal research methods and materials include laws, textbooks, research results, legal journals according to the urgency of writing including Popular Scientific Dictionary, General Indonesian Dictionary, Legal Dictionary.[7]
3. The technique of collecting research legal materials is carried out by searching and searching for relevant laws and regulations.
4. Technical analysis of legal materials is carried out qualitatively with a deductive method, focusing on and guided by:
  - a. The principle of the formation of appropriate laws and regulations, as the basis and limit for the implementation of government activities [8].
  - b. General principles of good governance (AUPB).
  - c. The principles of green constitution.

## RESULTS AND DISCUSSION

### A. Understanding Harmonization of Law and Tourism.

If based on the program of the ministry of tourism and creative economy based on Law no. 10 of 2009 and the substance and spirit of Law no. 23 of 2014 and Law no. 6 of 2014 regarding the tourism sector, there are two important things that need attention, namely:

1. The enactment of several related laws and regulations.

In this case, it is necessary to pay attention to the UU no. 32 of 2009; UU no. 8 of 1999; UU no. 39 of 1999; UU no. 11 of 2008; UU no. 14 of 2008; UU no. 11 of 2010 and Law no. 17 of 2019.

2. The legal position of villages and sub-districts in empowering rural tourism.

However, in reality regarding the role of Regional Government, there are several regional policies in strengthening tourism implementation institutions, it is necessary to harmonize legislation at the regional level that is able to facilitate the interests of villages and ex-village villages in order to prevent legal conflicts in tourism development. Including harmonization of tourism arrangements carried out by investors in a particular village, which should pay attention to and not turn off tourism developed by the village.

The general understanding of harmonization according to the Popular Scientific Dictionary is defined as harmonization, alignment, and harmonization. [9] Correlation to laws and regulations,

---

that in this case the making of laws and regulations must be in accordance with the rules for making them, which include the principles of legislation, especially on the principle of the hierarchical level, *lex specialis derogat lex generalis*, *lex posteriori derogat lex priori*, and so on.

Ontologically, the word harmonization comes from the word harmony which in Indonesian means a statement of feelings, actions, ideas and interests: harmony, harmony. The word harmonization, in English is called harmonize, in French it is called harmonie, and in Greek it is called harmonia.[10] While the term harmonization of law itself appeared in the study of legal science in 1992 in Germany. This study of legal harmonization was developed with the aim of showing that in the world of law, government policies, and the relationship between the two, there is diversity that can lead to disharmony.

Harmonization of laws is an effort or process that seeks to overcome the boundaries of differences, contradictory matters and irregularities in the law. The effort or process in question is to realize harmony, conformity, compatibility, compatibility, balance between legal norms in laws and regulations as a legal system within a unified framework of the national legal system.[11]

So it is concluded that legal harmonization is defined as an effort or process of adjusting the principles and legal system, in order to realize legal simplicity, legal certainty and justice. Harmonization of law as a process in the formation of laws and regulations, overcoming contradictory matters and irregularities among legal norms in laws and regulations, so that a harmonious national legislation is formed, in the sense of being harmonious, harmonious, balanced, integrated and consistent, and adhere to the principles.

The definition of tourism according to Article 1 point 3 of Law no. 10 of 2009 is defined as various kinds of tourism activities and supported by various facilities and services provided by the community, businessmen, government and local governments. Meanwhile, tourism according to Article 1 point 4 of Law no. 10 of 2009 is defined as all activities related to tourism and are multi-dimensional and multidisciplinary in nature that arise as a manifestation of the needs of each person and country as well as interactions between tourists and local communities, fellow tourists, the Government, Regional Governments, and entrepreneurs.

Another opinion according to Pitana, tourism is the whole of related elements (tourists, tourist destinations, travel, industry, etc.) which are the result of tourist trips to tourist destinations, as long as the trip is not permanent. [12]

If based on the flow of thought UU no. 23 of 2004 and Law no. 6 of 2014, that tourism is a preferred government affair based on Article 12 paragraph (3) letter b of Law no. 23 of 2014. Meanwhile, according to Article 4 letter d of Law no. 6 of 2014, confirms that village regulations aim to encourage village community initiatives, movements, and participation for the development of village potential and assets for mutual prosperity. With regard to the scope of tourism, it shows that there is a connection in every tourism development, it is necessary to harmonize the law.

Furthermore, by taking into account the position of the Village, in accordance with the constitution, the 1945 Constitution, the position of the Village according to Article 5 paragraph (1) letter b of PP RI No. 73 of 2005 also has the right of the community in the Kelurahan area to be considered and it is necessary to empower the community to realize mutual prosperity through the Kelurahan's duties in carrying out statutory orders.

There are many types of tours that can be done. In line with the enactment of Law no. 10 of 2009, there is a grouping of types of tourism based on their object, namely cultural arts tourism

(cultural tourism), health tourism (recuperational tourism), commercial/shopping tourism (commercial tourism), sports tourism (sport tourism), political tourism (political tourism), social tourism (social tourism), religious tourism (religion tourism), and water tourism (marine tourism). [13]

With regard to the management and utilization of natural resources owned by the Indonesian people in the perspective of the Government as a party or institution that has the authority to manage and utilize them by implementing harmonization of laws in tourism development. This is an important capital in the process of national development, especially socio-economic development.

If the implementation of national development is only devoted to the interest of increasing state income and foreign exchange (state revenue), then the use of natural resources will be carried out without paying attention to the principles of justice, democratization and the sustainability of the function of natural resources. The implications arising from the practice of utilizing natural resources that prioritize economic growth alone, will slowly but surely cause damage and degradation, both in terms of the quantity and quality of natural resources.

### **B. The urgency of harmonization of law to balance tourism optimization opportunities.**

The urgency of harmonization of the law on the balance of opportunities for optimizing tourism in the context of rural and urban areas, in essence, cannot be separated from the concept of sustainable development which has become a global agenda in every development process. Therefore, all stakeholders including the government and local governments in various development sectors must apply the principles of sustainable development in every policy and development plan that will be implemented.

Substantively the application of the concept of sustainable development in the tourism sector is known as the concept of sustainable tourism development, which in essence contains the notion of tourism development that is responsive to tourist interest and direct involvement of the local community while emphasizing protection and management efforts that are long-term oriented. Efforts to develop and manage resources must be directed to fulfill economic, social and aesthetic aspects. at the same time can maintain the integrity and or preservation of ecology, biodiversity, culture and living systems.[14]The concept of sustainable tourism development essentially emphasizes the following four (4) principles:

1. The principle of economically feasible (economically feasible), which means that the development process must be economically feasible, carried out efficiently in order to provide significant economic value for both regional development and improving the welfare of local communities.
2. The principle of being environmentally sound (environmentally feasible), means that the development process must be responsive and pay attention to efforts to preserve the environment (natural and cultural), and to a minimum avoid negative impacts that can reduce environmental quality and disrupt the ecological balance.
3. The principle is socially acceptable, meaning that the development process must be socially acceptable, where development efforts are carried out in order to pay attention to the values, norms that exist in the community environment, and that the impact of development must not damage the order.
4. Principles can be applied technologically (Technologically Appropriate), meaning that the development process implemented is technically applicable, efficient and utilizes local resources and can be easily adopted by the local community for a long-term oriented management process

Some of these principles are needed in the management and development of tourism where the principles referred to are interrelated and bound. Therefore, among these principles should not be weakened, because it can affect the achievements and objectives of the tourism organization. for that iThe integration of sustainable tourism development is directed at 3 achievement targets, namely::

1. Quality of environmental resources (natural and cultural)
2. The quality of life of the local community (socio-economic), where tourism development must be able to have a positive impact (benefit) for the socio-economics of the local community.
3. The quality of the travel experience (tourists), where tourism development must be sensitive to the level of tourist satisfaction.

Based on the objectives of tourism development and the position of the principles of the concept of sustainable tourism development, then with a statutory approach, toThe importance of legal harmonization is expected to be a guideline and alternative for tourism regulation, especially for:

1. Realizing the achievement of integrated tourism management both from the rural and sub-district side which has distinguishing characteristics and power, is economically feasible and can be accepted by the community and is able to raise the community's economy to be more prosperous.
2. Facing the diversity of community development policies with dynamics that require constitutionalization at the global level related to the WTO and the need at the regional level to develop norms in regulating concurrency aspects in the field of tourism development. [15]
3. Realizing legal protection for all interests of tourism organizers in the community, especially or community empowerment and containing novelty values that can be developed in the development of science.
4. Prevent discrimination and inequality at the village and sub-district levels by providing space for proportional tourism development based on local government policies through the formation of regional regulations that favor the interests of the community.
5. Shows the genuine concern and concern of the Regional Government to realize the nation's national goals as a consequence of Indonesia as a welfare state.
6. Preventing prolonged conflicts, both between the community as victims and the Government as the policy holder and provider as well as with the concession holder (company). According to Bruce Mitchel, the management of environmental resources will experience 4 (four) main situations, namely (a) change; (b) complexity (complexity); (c) uncertainty; and (d) conflict.

If the urgency of this legal harmonization is carried out a legal analysis based on the theory of the welfare state (welfare state) in principle, it is increasingly visible that Indonesia as a state of law (Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia) which can be interpreted as a state that adheres to modern welfare ), is also a modern legal state or a state of law in a material sense or understands the state of welfare law (verzorgingsstaat). The concept of the welfare state is an alternative to 20th century constitutional democracy. This thought gave birth to the argument "the least government is the best government" which means that a little government is the best.

This understanding of the welfare state introduces the concept of a broader role of the state. According to Utrecht, government jobs in a modern legal state are very broad, namely maintaining

---

social security in all fields of society.[16] The welfare state is a legal state that pays attention to efforts to realize the welfare of the people.

According to Mac Iver, in new liberalism, the state is seen as an agency of services or a modern legal state/state of material law. The characteristics are as follows:

1. The style of the state is a welfare state, a state that prioritizes the interests of the people;
2. Staatsonhouding has been replaced with staatsbemoeienis, meaning that the state intervenes in all fields of people's lives;
3. The liberal economy has been replaced with an economic system that is more led by the central government (centraal geleide Economie).
4. The task of a welfare state is bestuurszorg, which is to organize the general welfare.
5. The task of the state is to maintain security in a broad sense, namely social security in all fields of people's lives.

Thus, in the theory of a modern legal state, in addition to requiring every state/government action based on law, it also carries out broad roles, duties and responsibilities, namely the welfare of the people. So that the state/government is bound by three main aspects, namely:

1. The political aspect, related to realizing a government that is sovereign by the people, means that, among other things, there are restrictions on state power;
2. The legal aspect is related to efforts to guarantee and realize the rule of law, which means the rule of law, the principle of legality and the rule of law;
3. Socio-economic aspects, namely how to realize social justice and public welfare.

In relation to tourism development, the results of the analysis of the theory of the welfare state of the Regional Government in carrying out government affairs in the tourism sector as stipulated in Law no. 23 of 2014 is responsible for implementing and realizing harmonization of tourism arrangements both in the rural and sub-district level with the aim of realizing the welfare and prosperity of the community.

### **C. Harmonization in Tourism Regulations Based on a Green Constitution (Green Constitution).**

Substantively, according to the considerations, letter c of Law no. 10 of 2009 in principle, that tourism is an integral part of national development which is carried out in a systematic, planned, integrated, sustainable and responsible manner while still providing protection for religious values, culture that lives in society, sustainability and quality of the environment, and national interests.

In line with this, according to Suwantoro, tourism is a process of temporary departure from one or more persons to a place other than their place of residence. The impetus for his departure was due to various interests, whether due to economic, social, cultural, political, religious, health interests, or other interests such as simply wanting to know, adding experience or learning.[17]

The development of tourism in the current global era shows symptoms of optimizing the potential for community social development characterized by a creative economy. Regarding the creative economy itself, it is an economic activity that relies on (creative) ideas or ideas to manage materials sourced from the surrounding environment to add economic value.

---

There is also another understanding, that the creative economy is the creation of added value based on ideas born from the creativity of human resources (creative people) and based on knowledge, including cultural and technological heritage (Kemenparekraf).[18] .

A creative economy that relies on (creative) ideas or ideas if it is associated with tourism development as part of managing natural resources, of course, must pay attention to the values of the green constitution in the 1945 Constitution of the Republic of Indonesia by referring to the principles of the Republic of Indonesia.sustainable tourism development. One of the concepts that can be implemented is by applying the values of the green constitution in the preparation of regional regulations governing tourism development as described in the Attachment of Law no. 23 of 2014 regarding matrix of the division of concurrent government affairs between the Central Government and the Provinces and Districts/Cities in letter Z, Division of Government Affairs in the Tourism Sector.

The problem of tourism development related to the implementation of rural tourism is growing faster than at the ex-Village level tourism, especially on the issue of the cost of tourism empowerment. If this is related to the concept of green construction, then it becomes a challenge for the Regional Government to pay attention to and resolve the problem in question. Very realistic Villages are more capable of being independent with ADD and DD funds in supporting tourism development. Meanwhile, for Kelurahan which has tourism potential, it is still difficult and not optimal in developing its tourism. As happened in the Kolursari Village and Kalianyar Village, Bangil District, Pasuruan Regency, Pokdarwis have been formed but the tourism program has not been maximized. [19]

When viewed from the laws and regulations related to tourism development, there are various related regulations that apply simultaneously in the same time and space, such as regulations relating to local government, on villages, consumer protection, human rights, information disclosure, ITE and other sources. water power, etc., of course it will bring consequences that can lead to legal disharmony. For example, the occurrence of overlapping authorities and conflicts of interest, such as the use of water for the benefit of bathing tourism, must pay attention to the interests of the community for daily water needs. There can also be egocentricity in the interests of corporations or local governments that cooperate in tourism development, such as in Kenjeran Surabaya, <https://surabaya.kompas.com> 7 May 2022) which collapsed injuring 16 people.[20]

Based on the goal of tourism development to realize the welfare of the community, tourism development must be supported by efforts to realize harmonization of tourism arrangements by adopting the values of the green constitution in the 1945 Constitution of the Republic of Indonesia. Implementation of various kinds of laws and regulations together without efforts to harmonization of law or alignment and harmonization, of course, will cause conflicts of interest between institutions. This is because each statutory regulation has (1) goals, (2) strategies to achieve goals, and (3) guidelines for implementing strategies where these three things are often formulated in the form of policies. Therefore, the main purpose of authority, according to Ernawan, as quoted by Atang, is not just implementing regulations, but realizing the state's goal of creating a prosperous and prosperous life (social gerechtigheid) for the community. Sorequired "constitutional awareness" of all citizens.[21]

If this is related to the regulation of rural tourism development and kAs a juridical consequence of the establishment of the authority of the Regional Government to determine, direct and



carry out the development of tourism, based on the approach to legislation, there are several things that strengthen harmonization efforts in tourism arrangements based on a green constitution. In this case, it is necessary to look at the characteristics of Regency/City Regional Governments and Village Governments based on Law no. 23 of 2014 and UU no. 6 Year 2014 which becomes the specification for determining the components of legal harmonization in tourism development.

The components of harmonization of tourism law are based on: UU no. 23 of 2014, Law no. 6 of 2014 and Law no. 10 of 2009 that need to be done, namely:

1. Use the principle of autonomy as widely as possible as the basis for regulating tourism.

Regional Government is the head of the region as an element of regional administration who leads the implementation of government affairs which are the authority of the autonomous region (Article 1 point 3 of Law no. 23 of 2014)

The substance:

a. This shows that the regional government in implementing the government according to the principle of autonomy and co-administration with the principle of broadest autonomy must carry out the orders of the 1945 Constitution of the Republic of Indonesia to carry out the management of regional potential for the greatest prosperity of the people.

b. The regional head is an element of regional government organizer who leads the implementation of government affairs which are the authority of the autonomous region.

c. Government affairs in the regions are the power of government and become the authority of regional government administrators to protect, serve, empower, and prosper the community both in the rural and sub-district scope.

2. Synergize selected government affairs, especially in the tourism sector, wisely to prevent conflicts of interest.

Tourism is one of the preferred government affairs in accordance with Article 2 paragraph (2); Article 12 paragraph (3) letter b; Article 5 paragraph (4); Article 13 paragraph (4) of Law no. 23 of 2014

The substance:

a. The Regional Government has a strong policy foundation in an effort to develop the tourism sector in all its government areas based on:

1. Article 18 of the 1945 Constitution of the Republic of Indonesia.

2. Article 3 UU no. 10 of 2009.

3. Article 3 number 4 UU no. 8 of 1999.

4. Article 2 of Law no. 39 of 1999.

5. Article 2 of Law no. 11 of 2008.

6. Article 3 letter a of Law no. 14 of 2008.

7. Article 3 of Law no. 11 of 2010.

8. Article 3 letter e of Law no. 17 of 2019.

b. This condition shows that the Regional Government as a state institution and becomes a state administrative body to regulate tourism development within the scope of rural and urban areas.

c. The Regional Government has the authority to issue a Decree on the implementation of tourism in its area.

d. The Regional Government has the authority to issue Regional Regulations with regard to harmonization in tourism development in both rural and urban areas which includes aspects of tour-

---

ism destinations, tourism marketing, creative economic development through the use and protection of intellectual property rights as well as the development of tourism resources and the creative economy.

This is where the need for harmonization of regional regulations from the perspective of enacting various related laws and regulations as well as preventing discrimination in tourism development policies in the region. Therefore, there is a need for harmonization related to the management of tourist attraction management, strategic area management, tourism destination management and establishment of business registration marks.

3. Determine the regulation of Village and Sub-District opportunities within their authority for tourism development.

Tourism development in rural areas based on Article 2; Article 4 letters d and h; Article 26 paragraphs (1) and (2); Article 27UU no. 6 of 2014. While the Village based on PP RI No. 73 of 2005.

Villages have the authority to administer Village Government, carry out Village development, Village community development, and empower Village communities.

The substance:

a. The Village Government and Village Heads have the right to advance their regions by developing village potential and becoming village competitiveness to improve the village economy and village social development including tourism development.

b. The Village Head according to his authority and in administering the Village administration has the responsibility to be submitted to the Regent/Mayor, so that in this case it reflects the aspect of responsibility that has legal consequences and legal consequences.

Thus, in the interests, duties and authorities of the Regional Government, it must be able to build the nation's commitment and be able to maintain and be responsible for carrying out its duties and authorities fairly, because the Regional Government has legal power based on laws and regulations in the context of realizing the country's goals, namely the prosperity of the people.

According to Rahendro, dIn the welfare state, it is very necessary to establish good laws and regulations that can be accepted and obeyed by the community. This shows that there is a function of law and law in running the government.[22]

Based on the components of the harmonization of tourism law, then if a legal analysis is carried out according to the theory of the welfare state, it can be understood as follows:

1. Local governments have responsibilities under Law no. 23 of 2014 to carry out the mandate to realize and implement laws in accordance with the principles and the applicable legal system, in order to realize the benefits of law, legal certainty and justice. If there is an imbalance in tourism development, then it should be determined that there is harmonization of the law.

2. There is a logical consequence for Indonesia as a legal state to carry out the principles of respect, to protect and to fulfill in order to carry out the state's duties which not only protect the state and government, but also intervene in achieving the state's goals of realizing social justice, general welfare and as much as possible. the prosperity of society. [23]

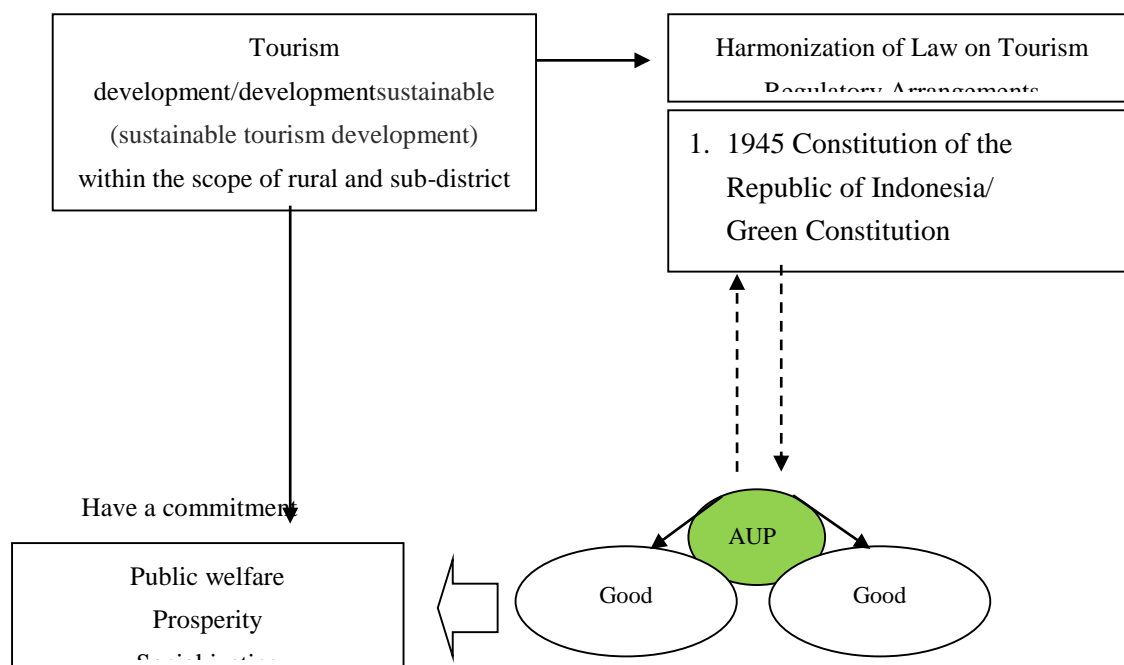
3. Maintaining the values of local wisdom and customs that apply in society, because by the formation of harmonious Regional Regulations will increase development socio-economic community becomes more prosperous and efficient.

4. Valuesgreen constitutionIn the 1945 Constitution of the Republic of Indonesia, it is stated in Regional Regulations as a filter for tourism development not only concerned with economic value income but also maintaining the consistency of sustainable tourism development.[24]

Thus, if the principles of harmonization can be applied properly and accommodate the values of the green constitution, it can be said that regional regulations support the realization of community economic improvement and the realization of socio-economic development. Of course, challenges and obstacles will always occur. This is in line with the thinking of Talcott Parson's theory,in it there are components and processes (regularities) in a system and interdependence (integrative functions).[25]

In fact, the dynamics of tourism development will become more humanist, participatory and concerned about sustainable tourism development.

**Schematic 1.** Flow of harmonization legal aspectstourism arrangement based on a green constitution.



Source of data: The results of the legal analysis of the functions of the Regional Government in Law no. 23

Year 2014 based on the theory of the welfare state (welfare state). May 2022

Based on Scheme 1, it shows the importance of the Regional Government in determining the regulation of tourism development and creative economy for the welfare of the community, but must maintain the values of the green constitution and related laws and adhere to the principles of AUPB and be guided by the commitment to realize good governance and good government. If the legal product is implemented in accordance with Law no. 12 of 2011 in conjunction with Law no. 15 of 2019 will fulfill the national goals expected in the constitution. This is where basic thinking is needed to realize the harmonization of tourism arrangements that provide legal benefits and protection.

That the harmonization of regulations carried out and set forth in Regional Regulations is in principle a reflection of the goals of socio-economic development that will determine the progress or decline of a country. A country will be superior if it always pays attention to the interests of its people. Therefore, the government's tourism development must respond quickly with appropriate and good public decisions and policies by adhering to the AUPB, [26] in order to avoid the emergence of disharmony at the level of application of laws and regulations.

### CONCLUSION

Harmonization of tourism law based on UU no. 23 of 2014 it needs to be done by local governments as a consequence local governments have the authority and responsibility to regulate and form regional regulations (Perda) on tourism management that are able to synergize the legal position of villages and sub-districts based on the principle of regional autonomy without reducing the village's right to use the allocation of ADD and DD funds, prevent conflicts of interest and the occurrence of gaps in the empowerment of community potential. The clause in the regional regulation (Perda) must contain the basic substance, that the management of tourism on natural resources is in accordance with Article 33 of the 1945 Constitution of the Republic of Indonesia, because it involves the livelihood of the community. So that the values of harmonization of tourism law must be able to create harmony, balance, equality and benefit the wider community to realize justice, benefit, legal certainty and the prosperity of the people. One of them emphasizes the principle of cooperation in the management of tourism potential between villages and sub-districts based on the basic values of good government and green constitution.

### ACKNOWLEDGMENT

Thus the writing of this article was compiled, thank you for your attention and cooperation in conducting the review of this article.

### REFERENCES

- [1] Lathif Arafat A. Faktor Eksternal Industri Pariwisata di Kota Padang Dari Pendekatan Pestel Analysis, *Jurnal Pariwisata Pesona*, Vol. 03, No 2, Desember 2018, hlm. 146.
- [2] Laporan penelitian, Linda Dwi Anggraini, *Perlindungan Hak Wisatawan Melalui Asuransi Berdasarkan Pasal 20 Huruf f UU No. 10 Tahun 2009*, Skripsi, Fak. Hukum Unmer Pasuruan, 2020.
- [3] Laporan penelitian, Putu Taufan Ardita, *Tanggung Jawab Pengelola Terhadap Wisatawan Yang Mengalami Kecelakaan Di Lokasi Obyek Wisata (studi kasus tenggelamnya wisatawan di danau beratan)*, Skripsi. Fak. Hukum Universitas Udayana, 2016. <https://www.unud.ac.id/in/tugas-akhir/1003005248.html> Diakses 10 Maret 2022.
- [4] <https://wisatahalimun.co.id/pengembangan-desawisata>. Diakses 20 Maret 2022.
- [5] Laporan penelitian dan hasil monev Pokdarwis Banyuwili dan Religi Kolursari, 2021.
- [6] Jimly Asshidiqie, 2010, *Green Constitution*, PT Radja Grafindo Persada, Jakarta, 2010. hlm. x.
- [7] Peter Mahmud Marzuki. *Penelitian Hukum*, Kencana Prenada Media Group. Jakarta. 2008. Hlm. 35-36

- 
- [8] Maria Farida Indrati. Ilmu Perundang-undangan. Buku -2. Kanisius. Yogyakarta, 2007. Hlm. 228
- [9] Pius A Putranto dan M. Dahlan Al Barry, Kamus Ilmiah Populer, Arkola, Surabaya, 2022. Hlm.220
- [10] Suhartono, Harmonisasi Peraturan Perundang-undangan Dalam Pelaksanaan Anggaran Belanja Negara, Desertasi Program Doktor Ilmu Hukum Fakultas Hukum Universitas Indonesia, 2011, hlm. 94.
- [11] Kusnu Goesniadhie, 2006, Harmonisasi Hukum Dalam Perspektif Perundang-undangan (Lex Specialis Suatu Masalah), JP Books, Surabaya, hlm. 45
- [12] Pitana, I.G., 2005, Sosiologi Pariwisata : Kajian Sosiologis Terhadap Struktur, Sistem dan Dampak-Dampak Pariwisata, Andi, Jogjakarta, hlm.
- [13] Esti Cemporaningsih, Destha Titi Raharjana, Janianton Damanik, Ekonomi Kreatif sebagai Poros Pengembangan Pariwisata Di Kecamatan Kledung dan Bansari, Kabupaten Temanggung, Jurnal Nasional Pariwisata, UGM, Vol. 12, No.2, September 2020, hlm. 106-125.
- [14] Direktorat Pemberdayaan Masyarakat Destinasi Pariwisata, Direktorat Jenderal Pengembangan Destinasi Pariwisata, Kementrian Pariwisata dan Ekonomi Kreatif, Pedoman Pengembangan Desa Wisata.
- [15] Jimly Asshidiqie, Konstitusi Ekonomi, Kompas, Jakarta, 2010, Hlm. 118.
- [16] Terkutip dalam W. Riawan Tjandra, Hukum Administrasi Negara, Universitas Atma Jaya, Yogyakarta, 2008, hlm.4
- [17] Suwanto G, Dasar-Dasar Pariwisata, Andi, Yogyakarta, 2004, hlm. 25.
- [18] Dikutip El Hasanah, L.L.N., 2018, Pengembangan Wirausaha Muda Ekonomi Kreatif Berbasis Budaya di Daerah Istimewa Yogyakarta. Jurnal Studi Pemuda, 4(2), 268.<https://doi.org/10.22146/studipemudaug.m.36812>
- [19] Laporan Penelitian, Problematika Pokdarwis Di Wilayah Kelurahan Yang Memiliki Pokdarwis, Fakultas Hukum Unmer Pasuruan, 2020.
- [20] <https://surabaya.kompas.com> Diakses 7 Mei 2022.
- [21] Atang H. U., Kesadaran Hukum Masyarakat & Pemerintah Sebagai Faktor Tegaknya Negara Hukum Di Indonesia, Jurnal Wawasan Hukum, Vol. 30 No. 1 Feb 2014, hlm. 27
- [22] Rahendro Jati, Partisipasi Masyarakat Dalam Proses Pembentukan UU Yang Responsif, Jurnal Rechts Vinding, Vol. 1, No. 3, Des 2012, hlm. 330.
- [23] Bagir Manan, Politik Perundang-undangan Dalam Rangka Mengantisipasi Liberalisasi Perekonomian, Bandar Lampung, FH Unila, 2000, hlm. 16
- [24] Ronny Winarno, Politik Hukum Pengaturan Pengusahaan Air Tanah, Desertasi PDIH Universitas Brawijaya, 2013.
- [25] Mohammad Syawaludin, Alasan Talcott Parsons Tentang Pentingnya Pendidikan Kultur, Jurnal Pengembangan Masyarakat, Ijtima'iyya, Vol. 7, No.1, Februari 2014, hlm. 155,
- [26] Ronny Winarno. Kebijakan Hukum Pada Industri Pariwisata Akibat Dampak Pandemi Covid-19, Segi Hukum Terhadap Implikasi Covid-19 Di Indonesia, Hasil Pemikiran Kritis Pimpinan APPTHI, Kencana, Jakarta, 2020. Hlm 410

## CONSTITUTION

1945 Constitution of the Republic of Indonesia  
UU no. 10 of 2009 concerning Tourism  
UU no. 23 of 2014 concerning Regional Government  
UU no. 6 of 2014 concerning Villages.  
PP RI No. 73 of 2005 concerning Kelurahan.