

The Nature of Democratic Regional Regulation Formation in Regional Government Administration

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ABSTRACT

The objectives of this research are to (1) determine, analyze, and explore the nature of substantively just regional regulations within the Indonesian legal system, particularly those related to tourism, and (2) determine, analyze, and examine the implementation of such substantively just regional regulations in the tourism sector. This study is classified as empirical legal research because it views law not only as a set of written norms or legislation but also as a social reality that operates within society, particularly in relation to the processes of formulating regional regulations that embody substantive justice. The findings indicate that the creation of substantively just regional regulations in the tourism sector requires a comprehensive approach that integrates collaboration among multiple stakeholders. Essential elements include the digitalization of micro, small, and medium enterprises (MSMEs) to enhance efficiency, the utilization of emerging technologies such as the metaverse to create innovative tourism experiences, the development of an investment climate conducive to economic recovery, and the recognition of indigenous community rights to cultural and environmental sustainability. To achieve effectiveness, such regulations must emphasize gender equity and inclusivity, reduce dependence on large corporations that may exacerbate inequality, and be supported by a robust legal framework, an efficient dispute resolution mechanism, and harmonized legal interpretations. By maintaining a balance among ecological, social, and economic dimensions, these regulations can serve as a foundation for sustainable and inclusive tourism development. The research recommends that the creation of fair and effective tourism regulations should adopt a data-driven approach, encourage active participation from local communities, and promote collaboration with the private sector to foster a sustainable investment environment. Effective implementation also requires strengthening law enforcement capacity through education and training, fostering community-based collaborative enforcement, and leveraging technology to monitor compliance. Future studies should focus on integrating sustainable policy frameworks and analyzing emerging challenges, including food security and climate resilience, to support the growth of an inclusive and sustainable tourism sector in Indonesia.

Keywords: Substantive Justice, Regional Regulations, Tourism Law, Environmental Protection, Legal Framework, Indonesia, Empirical Legal Research, Inclusivity.

INTRODUCTION

As a nation founded on Pancasila and the 1945 Constitution, Indonesia is a state based on law, as stated in Article 1(3). Therefore, all aspects of national and governmental life must adhere to the rule of law. In a democratic

legal state, law plays a crucial role in shaping and legitimizing public policies.

To achieve a lawful state, an orderly system of law-making is required, from planning to enactment. The formation of Regional Regulations (Perda) represents regional autonomy, serving to address specific local needs and implement higher laws. Perda functions as an instrument of local democracy and social transformation toward good local governance.

The process of forming Perda must follow established principles and involve thorough planning, preparation, discussion, approval, and promulgation. The planning phase requires deep analysis to determine whether an issue should be regulated by Perda or other legal instruments.

Perda is also linked to the goal of achieving a clean government. Although regional autonomy aims to improve public welfare, in practice, the use of Perda sometimes deviates from its intended purpose. Research by Ann Seidmann and colleagues in several countries (including South Africa, China, Nepal, Mozambique, and Sri Lanka) found that the legal system itself can contribute to unclean governance and ineffective development. The position of Regional Regulations (Peraturan Daerah or Perda) within the national legal system, as well as the position of regional governments in the implementation of regional autonomy, consistently presents various legal phenomena that are interesting to examine, both theoretically and practically. The Republic of Indonesia, which is organized based on the 1945 Constitution (hereinafter referred to as the 1945 Constitution), regulates the administration of regional governance.

From a theoretical standpoint, a state structure that adopts decentralization as the foundation of its organization can be found in both unitary and federal states. In a unitary state, decentralization takes the form of lower levels of government (territorial or functional) that have the authority to regulate and manage part of governmental affairs as their own domestic matters.

In the practice of regional governance, the principle of discretionary power (*freies Ermessen*) is recognized, granting regional governments freedom of action in various administrative matters. The main purpose of granting such discretion is to facilitate the execution of regional government duties in realizing their vision, mission, and strategic goals. One key aspect of this discretion is the freedom to act within the field of law.

Indonesia's national legal politics are directed toward the creation of a fair, consistent, and non-discriminatory national legal system, ensuring coherence between all laws and regulations at both the national and regional levels, and preventing contradictions with higher-level laws. This was formalized through Law No. 12 of 2011 on the Formation of Laws and Regulations, later amended by Law No. 23 of 2014 on Regional Governance. These laws provide a legal foundation for the formation of legislation at both national and regional levels and comprehensively regulate the system, principles, forms, and contents of legislation, including preparation, discussion, ratification, promulgation, dissemination, and public participation.

As a nation founded upon Pancasila and the 1945 Constitution, all aspects of social, national, and state life, including governance, must always be based on law. The regional government system in Indonesia is a sub-system of the central government, conceptually adhering to and implementing the principle of a rule of law (*rechtsstaat*).

This principle requires that every act—whether by state officials, central government officers, regional administrators, or citizens—must always be grounded in law. Any violation or neglect of this principle renders the act illegal.

However, challenges often arise when a necessary government action lacks sufficient legal basis—either because the law does not exist, is incomplete, or is ambiguous in its interpretation. In such situations, actions taken may risk being considered illegal. To prevent this, regional governments must be granted limited discretion to create local regulations in order to fill legal vacuums and ensure their actions remain lawful.

Nevertheless, excessive use of discretionary power can lead to negative consequences, where regional authorities may tend to exercise power arbitrarily, potentially drifting toward a state of power (*machtsstaat*) rather than a rule of law (*rechtsstaat*). To avoid this, discretionary actions must be formalized through lawful instruments such as Regional Regulations (Perda), ensuring they remain within the framework of legality.

Abuse of power by regional governments can result in negative practices such as unlawful acts (*onrechtmatige overheidsdaad*), acting without authority (*onbevoegdheid*), arbitrariness (*willekeur*), abuse of authority (*détournement de pouvoir*), and exceeding authority (*ultra vires*).

The Qur'an also emphasizes the proper use of power in making decisions and regulations that promote public welfare. As stated in Surah An-Nisa (4:58):

“Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allah instructs you. Indeed, Allah is ever Hearing and Seeing.”

This verse underscores several key principles relevant to the formulation of Perda:

1. Trust and Justice – Lawmakers must act responsibly and justly, as unjust regulations betray the trust of the people.

2. Human Rights and Social Balance – Justice in legislation means upholding individual rights and ensuring social equity.
3. Divine Oversight – Every decision, including the creation of Perda, must align with divine values of justice and accountability.
4. Impartiality – Decisions should be free from personal or group interests, maintaining objectivity and fairness.

In the spirit of democratization in various aspects of national life, regional governments are also expected to reflect democratic values in local lawmaking. This raises questions about the balance of power—whether citizens have the opportunity to participate and critique local legislation, and whether good legislative principles are implemented.

Regional autonomy, as stated in Law No. 9 of 2015 (Second Amendment to Law No. 23 of 2014 on Regional Governance), emphasizes community-centered autonomy rather than government-centered. This means that the autonomous region's authority to regulate and manage local interests is based on its own initiative and the aspirations of the people. The role of local government is to serve, facilitate, and empower the community.

Regional autonomy grants broad authority to manage local affairs under national law. It is not merely a transfer of power, but a form of independence that allows regions to make their own decisions and govern themselves, which is vital for regional progress. For this purpose, regional governments must establish local legal instruments (Perda) to provide the best services to their citizens.

Regional autonomy should be viewed as a mechanism for adjusting governmental authority to meet local needs—thus, it is not an end in itself, but a means to achieve broader goals such as public welfare and empowerment.

According to Article 18 paragraph (6) of the 1945 Constitution, regional governments have the right to enact Perda and other regulations to carry out autonomy and co-administration tasks. However, Perda must not conflict with public interest or higher-level laws.

While Law No. 23 of 2014 provides wide discretion for local governments to innovate in creating local legal instruments, excessive discretion can be counterproductive, resulting in defective or unlawful regulations. Hence, the exercise of discretionary power within regional governance is inherently dilemmatic—it can be positive in addressing legal vacuums but also negative if it produces invalid or harmful laws.

Under Indonesia's decentralized legislative system, the Regional People's Representative Council (DPRD) shares responsibility with the regional head in drafting and enacting Perda.

THEORETICAL FRAMEWORK

This study is grounded in the theoretical understanding of the rule of law and Administrative Law, emphasizing the role of Regional Regulations (Perda) as legal instruments that embody democratic governance and regional autonomy in Indonesia. Within the framework of a state governed by law (*rechtsstaat*), every aspect of governance, including regional administration, must operate under legal norms that ensure justice, accountability, and public participation. According to Philipus M. Hadjon, Administrative Law serves three main functions that underpin the theoretical foundation of this research: the normative function, the instrumental function, and the guarantee function. These three functions collectively explain how Perda, as an administrative legal product, contributes to realizing clean, just, and participatory governance. The normative function concerns the establishment of legal norms that regulate the exercise of governmental power. In the context of tourism Perda, this ensures that the regulation provides clear, fair, and enforceable legal standards governing tourism activities, environmental management, and public participation. The instrumental function positions Perda as a tool for executing government authority and implementing public policy. In tourism governance, it serves as a means to regulate tourism development, promote investment, empower local communities, and balance economic objectives with ecological and cultural sustainability. Meanwhile, the guarantee function ensures the protection of citizens' rights and provides legal certainty for both the government and the people. Through this function, tourism Perda safeguards public interests, prevents administrative abuse, and promotes equitable access to the benefits of tourism development. The theoretical framework also recognizes the interdependence between law, society, and governance. The success of tourism Perda in achieving substantive justice depends on three key influencing factors: socioeconomic, cultural, and environmental considerations. Socioeconomic factors highlight the need for Perda to address the real conditions of local communities by creating employment opportunities, encouraging entrepreneurship, and improving income distribution.

This reflects the principle of substantive justice, where law serves as a means to promote social equity rather than merely fulfilling formal legal requirements. Cultural factors emphasize that Perda must align with local traditions, values, and social norms to gain legitimacy and public support. A culturally grounded Perda reinforces social harmony and ensures that local wisdom becomes an integral part of regional tourism development.

Environmental factors, on the other hand, underscore the importance of sustainable natural resource management. A tourism Perda that prioritizes environmental preservation demonstrates the integration of legal, economic, and ecological dimensions, ensuring the long-term sustainability of regional tourism. From the rule of law perspective, these three factors reflect the principle that law must not only be formally valid but also substantively just, in line with the goals of the Indonesian Constitution (UUD 1945). The formation, implementation, and validity of a tourism Perda must therefore satisfy both procedural and substantive requirements—anchored in transparency, accountability, and fairness. In this regard, the theoretical contribution of this framework lies in positioning Perda not merely as a regulatory instrument but as a legal and social mechanism that embodies good local governance. It bridges the relationship between administrative authority and public interests, ensuring that regional autonomy leads to equitable development, community empowerment, and sustainable tourism management. Thus, the theoretical framework of this research rests on the integration of Administrative Law theory, the rule of law principle, and substantive justice, forming the conceptual foundation for analyzing how substantively just tourism Perda can function as an effective legal instrument for achieving clean, accountable, and sustainable regional governance in Indonesia.

RESULTS AND DISCUSSIONS

The Nature of Forming Substantively Just Regional Regulations in Indonesia's Legal System, Especially in Relation to Tourism

In Indonesia's legal system, the formation of fair and effective regional regulations is crucial, especially in the rapidly growing tourism sector. Tourism serves as a vital driver of the national economy, contributing not only to regional revenue but also to the preservation of culture and the environment. Therefore, regulations should be designed to address challenges in sustainable and inclusive development while ensuring the participation of local communities. This process must be carried out carefully to ensure that the interests of all stakeholders are represented and that no form of discrimination occurs in the implementation of the law. The importance of good regulation stems from the understanding that law is not merely a set of rules but also an instrument of justice that protects people's rights and promotes the general welfare.

Within Indonesia's legal framework, regional regulations play a significant role in ensuring substantive justice in the tourism sector. The country's legal system derives from multiple sources such as the Constitution, statutes, government regulations, and local bylaws, all of which aim to establish a framework for sustainable development. The use of big data in tourism reveals great potential for assessing and monitoring the social and economic impacts of existing regulations. Thus, it is vital to develop local laws that are both fair and substantive so that tourism can grow sustainably and contribute to Indonesia's broader development goals.

Regional regulations hold an essential role in Indonesia's governance, particularly in managing vital sectors like tourism. Within the context of regional autonomy, these regulations are expected to create real justice and encourage sustainable economic growth. The success of a region in attracting investment often depends on clear and efficient local policies, emphasizing the need for legal certainty. Moreover, the integration of big data into tourism management provides valuable insights for managing social, economic, and environmental impacts, highlighting the importance of cooperation between local governments and communities in formulating fair regulations. In this way, local regulations not only function as legal instruments but also as foundations for regional progress and sustainability.

Tourism has become a critical component of Indonesia's economic recovery following the COVID-19 pandemic. The sector not only significantly contributes to GDP but also creates job opportunities and attracts foreign investment, which are essential for economic revitalization. To address these challenges, the use of big data and digitalization in Indonesian tourism can assist in managing tourist destinations and strengthening cooperation between the public and private sectors. However, sustainable management of natural resources, particularly marine ecosystems, is also necessary to maintain the ecological balance that supports tourism. By formulating fair and well-designed local regulations, Indonesia can maximize the tourism sector's potential to achieve balanced and sustainable development in line with national policy objectives.

The main challenge in formulating fair regulations in Indonesia lies in the complexity of interactions among diverse stakeholders, especially in the tourism sector. Each region has distinct characteristics that require context-specific approaches and community participation. The use of big data in tourism management can offer insights into social and economic impacts; however, challenges remain in harmonizing policies between public and private sectors. Therefore, collaboration among governments, communities, and businesses is crucial for creating regulations that are not only fair but also sustainable.

In the process of developing substantively just local regulations—particularly in tourism—the purpose and significance of this research are highly relevant. This study aims to assess the challenges and opportunities in

formulating regulations that comply with existing laws while supporting the economic and social sustainability of local communities. Considering the role of big data in revitalizing the tourism sector post-COVID-19 and the importance of attracting foreign investment to stimulate growth, this research seeks to identify strategic steps necessary for improvement. Additionally, sustainable marine resource management remains a key concern, where innovative governance approaches can mitigate ecosystem pressures while enhancing community welfare. The study provides a comprehensive understanding of the significance of regional regulations in achieving sustainable tourism.

The process of forming local regulations in Indonesia cannot be separated from historical and social dynamics. Historically, regional autonomy emerged as a response to the need for more effective local resource management, especially in growing sectors like tourism. Thus, local regulations should reflect the aspirations of local communities while adhering to principles of substantive justice. However, challenges persist in terms of unequal law enforcement, as regulations often fail to accommodate cultural diversity and regional uniqueness. It is therefore essential to establish a synergistic framework between national and regional policies to produce regulations that are not only functional but also inclusive. Protecting local rights and cultural values must remain the cornerstone of fair regulatory design to prevent potential conflicts arising from public dissatisfaction.

The evolution of regional autonomy in Indonesia since the reform era has granted local governments greater authority to manage their own affairs. A crucial aspect of this autonomy lies in developing fair and effective regulations to ensure good governance, particularly in tourism as a key economic sector. Sound regulation not only facilitates investment but also safeguards community interests and environmental sustainability. Studies show that several countries have successfully undergone legal reform to strengthen their economies—a lesson Indonesia can draw upon to improve its local regulatory framework. However, ensuring effective public participation in policymaking remains a challenge, necessitating a transdisciplinary approach involving multiple stakeholders.

In the tourism sector, local regulations are heavily influenced by national legislation. The recognition of local community rights under international instruments provides a solid foundation for creating just and inclusive regulations. Existing laws that protect land and resource rights are crucial to maintaining cultural identity. Legislative frameworks such as Presidential Regulation No. 83 of 2018 and the National Action Plan on Marine Plastic Waste Management demonstrate the government's commitment to addressing environmental issues that affect tourism. As sustainability-based policies become increasingly prioritized, harmonizing local policies with national and international legal standards is key to building substantively fair and effective regional regulations.

Ensuring that regional regulations in the tourism sector achieve substantive justice requires a strong theoretical foundation rooted in legal philosophy, justice theory, and the principles of good governance. Substantive justice emphasizes the importance of fairness in the outcome of law, not merely its formal procedures. This principle aligns with John Rawls' concept of justice as fairness, which focuses on equality of opportunity and the protection of individual rights within the framework of social cooperation. In the context of local regulation, substantive justice demands that policies benefit all social groups, especially marginalized communities whose livelihoods depend on tourism and environmental sustainability. Therefore, fairness must be reflected not only in the formulation of rules but also in their implementation and enforcement, ensuring that the distribution of benefits and burdens within the tourism sector is equitable.

From a legal positivism perspective, the validity of a regulation depends on its conformity with higher laws, such as the Constitution and national legislation. However, legal positivism alone cannot ensure fairness because it tends to focus on procedural legitimacy rather than moral or social outcomes. This is where the concept of substantive justice becomes essential—to ensure that regulations do not merely comply with formal legal structures but also embody the moral and ethical values upheld by society. For instance, a regional tourism regulation that complies with national law but disadvantages local communities would fail to achieve substantive justice. Thus, regional policymakers must integrate philosophical, sociological, and ethical considerations into every stage of regulatory development to ensure that the law truly serves the public interest.

The principle of participatory governance also plays a key role in achieving substantively just regulations. Meaningful public participation ensures that local communities are not merely objects of regulation but active subjects in the decision-making process. The inclusion of stakeholders such as local governments, indigenous communities, tourism entrepreneurs, and environmental organizations strengthens the legitimacy and fairness of the resulting policies. Participation in lawmaking embodies democratic values and fulfills the constitutional mandate that sovereignty lies with the people. Moreover, public engagement fosters transparency, accountability, and trust in government institutions, which are essential for sustainable development and effective tourism governance.

In addition to participatory principles, the principle of proportionality must guide the formation of regional tourism regulations. Proportionality ensures that any limitation or intervention imposed by law is appropriate, necessary, and balanced in relation to the objectives pursued. For example, restrictions on tourism development in protected areas should not merely serve economic interests but must consider environmental protection and

community welfare. The proportional application of law guarantees that no party bears an unfair burden while ensuring that the benefits of tourism are shared equitably. In this sense, proportionality serves as a bridge between the pursuit of economic growth and the protection of social and ecological justice.

Ultimately, achieving substantively just regional regulations in Indonesia's tourism sector requires an integrated approach combining legal theory, empirical data, and moral reasoning. The use of big data can enhance evidence-based policymaking by providing insights into tourism patterns, environmental impacts, and community needs. When integrated with legal and ethical frameworks, such data can help policymakers draft regulations that are both fair and practical. Therefore, the formation of regional regulations should not be viewed merely as an administrative duty but as a moral and constitutional responsibility to realize justice, equality, and sustainability in Indonesia's legal system.

Factors Influencing the Enforcement of Substantively Just Local Regulations in the Tourism Context

In the field of tourism, local regulations play a crucial role in achieving substantive justice, impacting both local communities and visitors. The importance of addressing this issue lies in understanding the factors that may affect the implementation of such regulations. On one hand, rules designed to protect the environment, culture, and local economy often face obstacles in enforcement. On the other hand, tensions between the interests of tourism businesses and local communities can undermine the intended goals of these regulations. By examining the social, political, and economic context surrounding tourism, it becomes evident that local regulations are not merely legal instruments but also reflections of social values and justice. Therefore, an in-depth analysis of these influencing factors is essential to improve the enforcement of substantive justice within local regulations.

Local regulations in tourism play a vital role in creating a fair and sustainable framework for this sector. Their importance lies in their ability to address challenges arising from the dynamic nature of tourism, including issues related to local rights and environmental protection. For example, such regulations can ensure community participation in decision-making processes that directly affect their local economy and environment, thereby promoting real justice. In this regard, awareness of local communities' rights, including the right to fair administrative action, is essential for protecting them from unjust or harmful decisions. However, implementing these regulations often faces barriers such as a lack of transparency and accountability, reducing their effectiveness. Furthermore, variations in legal systems across different countries create additional challenges in enforcing tourism-related regulations, requiring a more harmonized approach to dispute resolution to achieve justice. Hence, all stakeholders must collaborate to develop regulations that not only support tourism development but also safeguard the rights of local communities.

Law enforcement in tourism is essential to maintain stability and justice within the social and economic interactions of the sector. Injustices such as abuse of power by industry actors or violations of local community rights can harm both residents and tourists. This highlights the strong link between local regulations and proper law enforcement, emphasizing the need for alignment between policy and practice. Weak law enforcement can create uncertainty among tourists, affecting the sustainability of the tourism industry. Moreover, incorporating faster dispute resolution mechanisms such as arbitration can provide greater investment certainty and protection of rights. Thus, clarity and firmness in law enforcement are vital to creating a fair, secure, and sustainable tourism environment. Strengthening these legal aspects should therefore be a priority for all stakeholders involved in the tourism sector.

The legal framework governing local regulations plays an important role in enforcing substantive justice, especially in the rapidly growing tourism sector. Many of these regulations are designed not only to protect local interests and natural resources but also to ensure that communities are not exploited by tourism activities. Studies on the impact of major sporting events on human rights highlight the need to review policies and legislative frameworks to better support collaborative practices and compliance with local laws. This aligns with findings that co-management legal frameworks can strengthen civil society organizations in resource management, particularly in rural areas. By understanding existing institutional dynamics, government accountability and community participation in decision-making can be enhanced. Therefore, the development of effective and responsive local regulations is key to achieving sustainable and equitable tourism governance.

In the context of regional autonomy, the authority of local governments becomes crucial in creating tourism-related regulations, particularly regarding substantive justice. Local governments must establish regulations that go beyond administrative needs and address the rights of both communities and local entrepreneurs. However, enforcement is often hindered by substantive and procedural issues within the national legal system. Ambiguities in jurisdictional boundaries may cause legal uncertainty, undermining fair enforcement. Thus, integrating standards of substantive justice into local government policies is essential to ensure regulations are more effective and equitable for all tourism stakeholders.

In the realm of local regulations related to tourism, national and international laws play significant roles in determining how justice can be applied. National laws governing tourism-related rights and obligations often need

to be harmonized with international legal principles to ensure practical consistency. For example, international law plays a major role in governing transactions and dispute resolution that influence legal certainty. Additionally, conflicts arising from differing legal systems between countries can complicate the implementation of tourism-related local laws, particularly in the enforcement of claims and rights. Therefore, a clear understanding of the relationship between national and international law is crucial for developing fair and effective tourism regulations.

In tourism, the interplay between national and regional regulations often shapes how substantive justice is applied at the local level. While regional regulations may better address community-specific needs and promote public participation, they are often constrained by rigid national laws that fail to reflect local realities. This lack of trust in state-driven regulations may create alienation within rural communities, leading to rejection of policies perceived as irrelevant or unfair. For example, the adoption of new technologies in resource management has shown how local innovation can enrich existing regulations and contribute positively to sustainable tourism. Therefore, understanding this dynamic relationship is vital to creating frameworks that support justice and regulatory effectiveness in tourism governance.

In the enforcement of local tourism laws, judicial interpretation plays a crucial role in assessing the fairness and effectiveness of regulations. When courts interpret such laws, they not only consider the literal text but also evaluate the underlying social values and conflicting interests, as highlighted in studies on the tension between formalism and flexibility in law enforcement. Moreover, international law and public policy can also influence judicial decisions. This indicates the importance of fostering dialogue between local norms and international standards to ensure fair and effective regulatory implementation. Consequently, intelligent judicial interpretation can enhance legal compliance in the tourism sector, supporting its sustainable and inclusive development.

Case studies of successful and unsuccessful tourism regulations illustrate the challenges in achieving justice within local governance. Interactions between law and public policy are often hindered by conflicting local interests, reducing regulatory effectiveness. For instance, political and economic transitions after the fall of communism revealed that democratization could improve environmental governance and regulatory enforcement. However, non-collaborative approaches frequently led to policy failures in conflict-prone areas. This suggests that effective regulation must involve multiple stakeholders and flexible approaches, considering the uncertainty and complexity of tourism-related issues. Insights from such case studies can guide improvements in future regulatory strategies.

Research on factors influencing the implementation of substantively just regulations in tourism aims to understand the underlying difficulties of local governance. This study explores political dynamics, governmental roles, and complex social interactions that shape the enforcement of justice in tourism regulations. A deeper understanding of the relationship between administrative practices and political decision-making is emphasized, as is the systemic approach to assessing how various actors impact regulatory effectiveness. Thus, this analysis not only clarifies existing challenges but also offers new perspectives on achieving substantive justice within tourism governance.

CONCLUSION

The essence of establishing substantively just regional regulations within Indonesia's legal system lies in the effort to realize genuine justice for all levels of society, particularly in the management and development of the tourism sector. Regional regulations are not merely formal legal instruments but also serve as tools to achieve social welfare, environmental protection, and the preservation of local culture. Substantive justice requires that every regional policy carefully balance moral, social, economic, and local community rights considerations. In this regard, public participation, transparency, and accountability become essential elements in the formulation process. The use of technology such as big data can support evidence-based decision-making and strengthen the implementation of fair regulations. Therefore, the essence of substantively just regional regulation is to create an inclusive, adaptive legal system oriented toward social justice and sustainable tourism development in Indonesia. The implementation of regional regulations in the tourism sector has shown fairly effective results, although it has not yet fully reflected the principles of substantive justice. Most policies have been properly carried out, yet inconsistencies in application and inequalities affecting local communities remain evident. Substantive justice emphasizes that regulatory implementation should not only focus on formal compliance but must also provide tangible benefits to society while maintaining environmental sustainability. Therefore, improving transparency, accountability, and public participation is essential to achieving a fair and sustainable implementation of regional tourism regulations in Indonesia.

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