

## Harmonization of Regional Regulations in Protecting Island Tourism in Indramayu Regency from the Perspective of State Administrative Law

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### Abstract

*This research aims to analyze the harmonization of regional regulations in the development and protection of island tourism in Indramayu Regency from the perspective of State Administrative Law. The focus of the research includes the identification of regional regulatory forms, the regulation of regional government authority, and the mechanism of regulatory harmonization to support the sustainable management of tourist islands. The research method uses a qualitative approach with juridical-normative and descriptive-analytical methods thru the study of regional regulation documents, interviews with Indramayu Regency Dispara officials, and regulatory synchronization analysis. The research results show that regional regulations, including Regional Regulation No. 1/2018, Regional Regulation No. 6/2024, and Regional Regulation on Spatial Planning (RTRW) No. 1/2012, provide a clear normative framework for tourism management, but the effectiveness of implementation is influenced by administrative capacity and fiscal resources. Regulatory harmonization is carried out by aligning the RIPPARKAB with provincial and national regulations, in accordance with the principles of legal harmonization and the general principles of good governance (AUPB), thereby enabling sustainable and accountable island tourism management. This research provides theoretical and practical contributions to strengthening regional tourism governance, bridging the gap between legal norms and policy implementation, and emphasizing the importance of local government administrative capacity.*

**Keywords:** *Harmonization, Regulation, Regional Regulation, Tourism Protection, Regional Government*

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## INTRODUCTION

Tourism is one of the government affairs that plays a strategic role in regional development, especially in driving local economic growth, improving community welfare, and optimizing the potential of regional resources. The paradigm of modern tourism development no longer emphasizes just the number of tourist visits, but also demands sustainability and integration between social, cultural, economic, and environmental aspects. In the literature on sustainable tourism, it is explained that effective destination management must be supported by an inclusive policy framework and coordinated among stakeholders, including the central government, regional governments, business operators, and local communities (Lolkary & Laurens, 2024).

In the context of regional government, tourism development cannot be separated from the authority of local governments in formulating and implementing policies and regulations as instruments of state administrative law (Kholil et al., 2024). Regional governments have a wide administrative space to formulate strategies and policies that are responsive to local characteristics, especially in terms of licensing, spatial planning, and empowering local communities as part of tourism attractions. This administrative authority is based on the principles of regional autonomy and the general principles of good governance (AUPB), such as legal certainty, transparency, and proportionality, which all serve as benchmarks in assessing the legitimacy of the regional government's administrative actions (Rudiyansah & Sucipto, 2025).

Indramayu Regency has coastal and island characteristics that hold potential for marine tourism and ecotourism. The magnitude of this potential necessitates the local government to formulate a comprehensive regulatory framework. The goal is that the direction of tourism development does not solely pursue visitor numbers, but also ensures the preservation of the area

as a regional asset. In this context, regional regulations serve as instruments of administrative control in spatial planning and integrated management of tourist attractions. The regulation must not only be strong normatively but also harmonized with national policies and other sectoral regulations to avoid jurisdictional conflicts that could harm the implementation of tourism policies (Sukarno & Ulum, 2025).

From the perspective of State Administrative Law, regional tourism regulation is part of the regulatory function of regional governments, which derives from attribution and delegation of authority. Regional governments have a strategic role in formulating regional regulations and administrative policies to regulate the tourism sector according to the characteristics and needs of their regions (Syamsul Bahri Siregar & Sonjaya, 2021). The regulation serves as the legal basis for local government actions in tourism management, including the issuance of permits, area zoning, and the development of tourism business operators. The concept of *regeling* becomes the normative foundation for local government administrative actions in tourism management, including the issuance of permits, area zoning, the development of business operators, and the supervision of tourism activities at the local level. The same is emphasized by Suhardiman et al., (2025), that permits and other administrative actions in tourism must adhere to the principles of legal certainty and proportionality so that policies are not discriminatory and have strong legal legitimacy.

As regional tourism policies develop, regulations governing this sector often intersect with other regulations. This condition demands the harmonization of regulations so that every policy and regional regulation can operate in harmony within a neat and consistent legal system. Regulatory harmonization in this context is understood as an effort to adjust and align legal norms to support the effectiveness of local government administration in the field of tourism, as well as to reduce uncertainty and policy duplication. This is as found in other studies, where tourism regulations in West Nusa Tenggara indicate that the disharmony between Regional Regulations and higher regulations can create potential conflicts of authority and affect the effectiveness of sustainable tourism management (Permana & Anggratyas, 2026).

The placement and position of harmonization in the formation of regional regulations are regulated based on the principle of the hierarchy of legislation, where regional regulations must align with higher regulations to ensure the legal system remains consistent and does not create normative conflicts (Elcaputera et al., 2022). The harmonization of regional regulations is carried out by aligning, adjusting, and rounding off the conceptual drafts of regulations so that they are systematically organized, non-conflicting, and non-overlapping. Thus, the existence of regional regulations becomes an important element to ensure legal certainty and a planned direction for tourism management to develop further.

Previous research tends to highlight tourism development from the aspect of community participation and the role of stakeholders in managing tourist destinations. Other studies place more emphasis on the aspect of ecotourism and the utilization of natural potential as a regional tourism attraction. However, studies specifically discussing the harmonization of regional regulations in the protection and strengthening of tourism in island regions from the perspective of State Administrative Law are still relatively limited in the current literature. This indicates a significant research gap in understanding how regional regulations can be comprehensively harmonized to support sustainable tourism development without neglecting legal certainty and administrative order.

The formulation of the problem in this research includes:

1. What are the forms of regional regulations that govern the development and protection of tourism in Indramayu Regency?
2. How does the Indramayu Regency Regional Government regulate tourism to strengthen regulations as part of the regional government's administrative authority?

3. How is the harmonization of regulations by the Indramayu Regency Regional Government in supporting the protection and sustainable management of tourist islands within the framework of State Administrative Law?

Based on this, this research focuses on the harmonization of regulations in the protection and development of tourism in Indramayu Regency, emphasizing the role and authority of the local government as a legal subject of state administration. This research is expected to provide a normative overview of the forms and regulations of local regulations that support the strengthening of tourism, as well as its contribution to realizing orderly, sustainable, and good governance-based regional tourism management.

According to (Suyatna et al., 2023), State administrative law, administrative law, is the entire body of law that relates to (regulates) administration, government, and governance. Globally speaking, on one hand, Administrative Law is a legal instrument used by the government to actively engage in societal life, and on the other hand, Administrative Law is a law that can be used by members of the community to influence and obtain protection from the government. So, HAN contains regulations regarding government activities.

And according to (Rahman & Putra, 2023), the tourism sector plays an important role for the country, one of which is being a source of foreign exchange from tourists as state revenue. In addition, the tourism industry can drive economic growth at both the regional and national levels. One of the regions with potential as a tourist destination is West Lombok Regency, West Nusa Tenggara Province. The authority of the local government as the implementer of regional regulations, namely Regional Regulation of West Lombok Regency Number 6 of 2016 concerning the Regional Tourism Development Master Plan for 2016-2025, must maximize tourism policies for the advancement of tourism. However, the people of Lombok Barat, Batu Layar are the Sasak tribe who have customs, traditions, and a culture that must be preserved. The problem faced by the government is the legal gap between regional tourism development regulations and the local indigenous community.

According to Sukarno and Ulum (2025), AUPB demands fair and transparent rules in the administration of the state. Disharmony of norms and authority in tourism management can disrupt the principles of legal certainty and proportionality. Another important theory to understand in the context of this research is the concept of sustainable tourism governance and policy harmonization in the era of regional autonomy. In the study of destination governance and tourism planning, the integrated tourism governance approach emphasizes the need for cross-sector coordination and collaboration to avoid policy fragmentation and ensure that tourism development can proceed harmoniously and sustainably (Hajar et al., 2026). This study shows how the complexity of managing tourist destinations, such as those in super-priority tourism areas, requires strong policy integration across various layers of government to address the challenges of fragmentation and overlapping authority (policy fragmentation) in tourism governance.

## RESEARCH METHODS

This research uses a qualitative approach with a juridical-normative method combined with a descriptive-analytical approach (Marzuki, 2017, p. 35). The juridical-normative approach is used to examine legal norms in the Regional Regulation of Indramayu Regency with Law Number 10 of 2009 concerning Tourism (hereinafter referred to as the Tourism Law) (Undang-undang, 2009). The descriptive-analytical approach is used to describe and analyze the potential disharmony of regulations at the article level from the perspective of State Administrative Law, particularly related to regulatory authority (regelung), the principle of participation, and the general principles of good governance.

There are legal materials used in this research, consisting of primary legal materials, including the Tourism Law and the Regional Regulation of Indramayu Regency that regulates the development and protection of tourism in Indramayu Regency. In addition, there are secondary legal materials obtained from books, scientific journals, state administrative law articles, and previous research results related to regulatory harmonization and sustainable tourism development (Marzuki, 2017).

In this research, data were collected thru a literature study using identification and inventory techniques of regulations related to tourism management, regional government authority, destination management, and the protection of island tourism areas. There were also clarifying interviews with the Tourism, Youth, and Sports Office (hereinafter referred to as Dispara) of Indramayu Regency. The research also highlights regional policies, tourism development planning documents, and other supporting data.

This research focuses on several aspects, namely the harmonization of legal norms, the authority of local governments in tourism management, the protection of island tourist areas, the development of sustainable tourist destinations, and the application of general principles of good governance in regional tourism policies. Then, the analysis was conducted on the vertical synchronization between regional regulations and national regulations. Data analysis was conducted qualitatively using legal interpretation, legislative synchronization analysis, and a conceptual approach in administrative law. The analysis was carried out thru stages of legal data reduction and prescriptive conclusion drawing. This research uses an analytical model to analyze the harmonization of regulations based on the Tourism Law, which is based on the approach of regional government authority and the principles of sustainable tourism development.

## **RESULTS AND DISCUSSION**

### **Result**

Based on field data obtained thru interviews with the Indramayu Dispara officials, it appears that the tourism regulation conditions in the Indramayu district are in a situation that is quite complex from a legal standpoint. The complexity in question is not solely of an internal nature within the region, but is closely related to the division of authority between different levels of government, namely between the Indramayu Regency Government and the West Java Provincial Government. This condition demands good coordination and harmonization of regulations between different levels of government to ensure the effective implementation of tourism policies in accordance with the principles of the hierarchy of legal norms and the general principles of good governance.

There are several regional regulations governing the development and protection of tourism in Indramayu Regency, such as Indramayu Regency Regulation No. 1 of 2018 (Dinas Pariwisata Indramayu, 2018), Indramayu Regency Regulation No. 6 of 2024 (Perda, 2024), and Indramayu Regency Regulation No. 1 of 2012 concerning RT/RW of Indramayu Regency 2011-2031 (Kostaman, 2012). Based on the results of the interview, it was revealed that the main regulatory instrument used by the Indramayu Regency Tourism Office is Regional Regulation No. 1 of 2018 concerning the Indramayu Regency Tourism Development Master Plan (hereinafter referred to as RIPPARKAB) which is valid for the period 2018 and ends in 2026. This regulation reflects the fulfillment of the mandate of the Tourism Law, especially in Article 8 paragraph (1) in conjunction with Article 9 paragraph (3), which requires each regional government to prepare a Regional Tourism Development Master Plan (hereinafter referred to as RIPPARDA) as a long-term planning instrument. Furthermore, the regency's authority to formulate and determine this is stipulated in Article 30 letter (a) of the Tourism Law. The same is also emphasized in Article 13 letter (a) of Indramayu Regency Regulation No. 1 of 2018, which

states, “The regency government has the authority to formulate and determine the regency's tourism development master plan”.

Thru the interview results, it can be analyzed that structurally, the Indramayu Tourism Development Master Plan operationalizes four pillars of tourism development, namely: (1) nature tourism, (2) artificial tourism, (3) cultural tourism, and (4) special interest tourism. Based on these four pillars, island tourism destinations are categorized as special interest tourism, which is conceptually appropriate given the purposive nature of the tourism activities, such as fishing, snorkeling, and diving. From the perspective of the hierarchy of norms, the position of RIPPARKAB is at a layer that must align with RIPPAPROV (hereinafter referred to as the Provincial Tourism Development Master Plan) and RIPPARNAS (hereinafter referred to as the National Tourism Development Master Plan). As the theory of legal norms hierarchy (Stufentheorie) states, legal norms are structured in a tiered and layered manner within a hierarchy of legal norms. Lower legal norms are applicable, sourced, and based on higher legal norms, and so on, up to the highest legal norm that cannot be traced further and is hypothetical and fictitious in nature, namely the basic norm (Grundnorm) (Nurfaqih, 2020). This vertical harmonization is in line with the AUPB principle, which emphasizes legal certainty and accountability in policy planning.

This was emphasized in an interview with the Indramayu Regency Dispara, which stated that the RIPPARKAB period 2026 to 2045 that has been prepared still refers to and is in harmony with RIPPAPROV and RIPPARNAS (*Dprd Indramayu | Rapat Kerja Pansus 20 DPRD Indramayu Tentang Rencana Induk Pembangunan Kepariwisata Kabupaten (RIPARKAB) Tahun 2025-2045*, n.d.). This statement indicates a good normative awareness among local officials regarding the importance of vertical consistency in regulatory formation. On the other hand, one of the most significant findings in this interview is the response regarding the implementation of Indramayu Regency Regional Regulation No. 6 of 2024, which reveals a gap between the normative scope of the regulation and the factual reality of its target area. The Regional Regulation of Indramayu Regency No. 6 of 2024 on the Development and Empowerment of Tourism Villages, which substantively aims to empower local village-based communities in tourism development, cannot be implemented in island areas (such as Biawak Island) and the surrounding cluster of islands. The reason is factual and geographical, as the area in question is an uninhabited region, thus definitively not meeting the elements required for the formation of a “tourist village”, which necessitates the presence of a community or society as the subject of empowerment. In one of the books, it is explained that one of the important elements that must be present in a tourist village is accommodation, which is the local residents' houses converted into homestays, meaning the residents' houses are used as lodging or places for tourists to stay (Revida et al., 2021)

## Discussion

This condition, from the perspective of administrative state law, gives rise to what can be termed as “norms without relevant legal subjects”, which is a situation where legal norms have been perfectly formed procedurally but cannot be operationalized substantially due to the mismatch between the scope of the norms and the factual conditions on the ground. The absence of clear parameters or appropriate subjects of enforcement causes the rule to be ineffective in government practice, thereby creating legal uncertainty in policy implementation (Muksalmina et al., 2025).

As mentioned earlier, tourism development cannot be separated from the authority of local governments in forming and implementing policies and regulations. The results of the interview revealed a deeper legal issue, namely the distribution of authority over the management of island areas between the Indramayu Regency Government and the West Java Provincial Government. The Indramayu District Tourism Office firmly stated that the island area (such as Biawak Island) is under the regulatory authority of the West Java Provincial Government.

Indramayu Regency only has a geographical position, without substantive regulatory authority over the area. This condition is actually a direct consequence of Law Number 23 of 2014 on Regional Government (hereinafter referred to as the Regional Government Law) (Undang-undang (UU), 2014), which has transferred the authority to manage marine, coastal, and small island areas from regencies/cities to the provincial government. Thus, what has been conveyed is not merely a factual condition, but also a juridical condition that has been normatively established in higher regulations. From the perspective of potential regulatory overlap, the Dispara of Indramayu Regency assesses that normatively there is no overlap considering that authority and responsibility have been clearly distributed.

The Department of Tourism, Youth, and Sports of Indramayu Regency in the implementation of regulations for the protection of island tourism areas, the obstacles are not of a juridical-normative nature, but rather explicitly point to fiscal obstacles, namely budget limitations from the side of the Indramayu Regency Government. In the perspective of legal effectiveness, the existence of good regulations normatively does not guaranty the achievement of the regulatory objectives if it is not supported by adequate fiscal resources (Bayunegara & Tohari, 2025). In other words, there is a gap between the normative dimension (*das sollen*) and the implementative dimension (*das sein*) that does not stem from the weakness of the regulation itself, but rather from the fiscal capacity of the government as a prerequisite for policy execution. In the framework of contemporary state administrative law, there is a close relationship between the administrative capacity of local governments and the effectiveness of public policy implementation. Local governments with low administrative capacity, particularly in fiscal management, budget management, and implementation resources, tend to struggle in translating good normative rules into operationally effective policies (legal effectiveness) (Pangestu et al., 2025). Thus, administrative capacity, including budget management, planning, and regional financial functions, becomes a key factor in the effectiveness of policy implementation across all domains of regional government (including the tourism sector).

The preparation of the new RIPPARKAB by the Indramayu Regency Government is designed to continue adhering to the framework of national and provincial regulations, reflecting a commitment to the principle of hierarchical norm alignment. This harmonization process conceptually aligns with what is known in constitutional law doctrine as legal harmonization, which requires the absence of conflicts, both vertical (between regional regulations and higher regulations) and horizontal (between regional regulations and other regional regulations of the same level) (Arifin & Maarif, 2025). Such harmonization not only serves as a mechanism for synchronizing norms but also as a preventive oversight instrument in the formation of regional regulations to reduce the risk of norm conflicts and enhance legal certainty in governance.

In the context of regional autonomy, it is important to emphasize that although Indramayu Regency has the right to manage its own governmental affairs, including in the field of tourism, such authority remains subject to the limitations set by the higher government. Moreover, decentralization in Indonesia emphasizes granting extensive political and administrative authority to regions, but still within the framework of coordination with the central government to maintain policy alignment and national stability (Riyanti, 2025). In practice, this means that Indramayu Regency can formulate tourism policies in a promotive, facilitative, and coordinative manner, but must still align with provincial and national regulations, thereby creating a balance between local autonomy and central government control.

## CONCLUSION

Based on the analysis conducted, it can be concluded that the development and protection of tourism in Indramayu Regency are regulated thru several interrelated regional regulations,

including Indramayu Regency Regional Regulation No. 1 of 2018 on the Master Plan for Tourism Development in the Regency, Indramayu Regency Regional Regulation No. 6 of 2024 on the Development and Empowerment of Tourism Villages, and Indramayu Regency Regional Regulation No. 1 of 2012 on the Regional Spatial Plan. These regulations form a clear normative framework for the local government to manage various pillars of tourism, ranging from natural, cultural, and artificial tourism to special interest destinations such as islands, while ensuring alignment with the principles of the hierarchy of norms and the general principles of good governance (AUPB), including legal certainty, openness, proportionality, and accountability.

The regulation of regional governments emphasizes the administrative role in formulating policies that are promotive, facilitative, and coordinative. However, the effectiveness of its implementation is influenced by administrative capacity and fiscal resources, resulting in a gap between the normative dimension (*das sollen*) and the implementative dimension (*das sein*). The concept of administrative capacity is key in ensuring that normative rules can be operationally applied and achieve tourism management goals. This gap shows that the quality of regulation alone is not enough; rather, fiscal support, thorough planning, and human capacity in local government also determine the success of policy implementation.

Regulatory harmonization in Indramayu is carried out by aligning the RIPPARKAB with provincial and national regulations, reflecting vertical and horizontal alignment in accordance with the principles of legal harmonization and the framework of government decentralization. With this harmonization, local governments can continue to perform their autonomous functions while coordinating with the central government, thus achieving a balance between local independence and higher regulatory control. The application of AUPB serves as a guide throughout this process, ensuring that every administrative action, development policy, and management of the island tourism area remains in accordance with legal principles, transparent, proportional, and accountable. Overall, the research results indicate that island tourism management in Indramayu Regency can operate sustainably and effectively, provided that regulatory harmonization, fiscal capacity, and the application of AUPB principles are the main determining factors for the successful implementation of policies.

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