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The Exercise of Local Government Authority in the Governance of Sustainable Tourism in Central Halmahera Regency

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Abstrak

Pemerintah daerah memiliki kewenagan melalui otonomi daerah untuk melaksanakan pembangunan di daerahnya, salah satunya yaitu pembangunan dan pengelolaan dalam sektor kepariwisataan yang bertujuan untuk mensejahterahkan masyarakatnya. Penelitian ini bertujuan untuk menjawab implementasi kewenagan pemerintah daerah sekaligus mengungkap tata kelola pengembangan pariwisata yang baik dan berkelanjutan di Kabupaten Halmahera Tengah. Penelitian ini menggunakan tipe penelitian hukum empiris, dengan menggunakan data yang bersumber dari fakta-fakta pengelolaan pariwisata di lapangan yang selanjutnya dianalisis dengan menggunakan ketentuan peraturan perundang-undangan terkait, melalui tekni analisa data kualitatif. Hasil peneltian menunjukkan bahwa pemerintah daerah Kabupaten Halmahera Tengah memiliki kewenangan atributif dan delegasi yang kuat berdasarkan ketentuan peraturan perundang-undangan. Sehingga, memiliki dasar hukum untuk menyusun payung hukum yang memberikan legitimasi pelaksanaan tata kelola pariwisata di Halmahera Tengah berlandaskan pada prinsip keadilan sosial dan konsep negara hukum kesejahteraanyang menempatkan masyarakat pesisir dan lokal sebagai pelaku utama. Penelitian ini diharapkan dapat memberikan kontribusi teoritis dalam pengembangan literatur hukum fiskal daerah, sekaligus memberikan rekomendasi praktis bagi pemerintah daerah dalam menyusun kebijakan dan strategi yang lebih efektif untuk optimalisasi retribusi pariwisata.

Kata Kunci: Kewenangan; Pemerintah Daerah; Pariwisata.

Abstract

Through regional autonomy, local governments have the authority to carry out development in their respective regions, including the development and management of the tourism sector, which aims to improve the welfare of their communities. This study aims to examine the implementation of local government authority while also identifying good and sustainable governance practices for tourism development in Central Halmahera Regency. This study employs an empirical legal research design, utilizing data derived from on-the-ground tourism management practices, which are subsequently analyzed using relevant legal provisions through qualitative data analysis techniques. The results indicate that the local government of Central Halmahera Regency possesses strong attributive and delegated authority based on applicable laws and regulations. Consequently, it has a legal basis for formulating an overarching legal framework that legitimizes the implementation of tourism

governance in Central Halmahera, grounded in the principles of social justice and the concept of a welfare-oriented rule of law that positions coastal and local communities as key actors. This study is expected to contribute theoretically to the development of the literature on regional fiscal law, while also providing practical recommendations for the local government in formulating more effective policies and strategies to optimize tourism revenue.

Keywords: *Authority; Local Government; Tourism.*

INTRODUCTION

Tourism is a strategic sector in regional economic development in Indonesia that not only contributes significantly to Local Revenue,[1] but also serves as a driver of the local economy within the framework of improving community welfare through job creation and the development of microenterprises. This sector has great potential to support regional fiscal autonomy through fees levied on tourist attractions. From the perspective of authority, a gap has been identified between the extent of authority that local governments normatively possess and the degree to which that authority is actually exercised in the administration of tourism governance.[2] Legally, local governments have the authority to regulate, plan, develop, foster, and oversee the tourism sector. However, the mere existence of this normative authority does not in itself guarantee the realization of effective and sustainable tourism governance. The issue lies precisely in how these authorities are translated into local regulations, planning documents, institutional frameworks, programs, cross-sectoral coordination, destination management, and on-the-ground oversight.

The tourism potential of Central Halmahera Regency as a tourist destination has not yet been optimally managed; this potential includes marine ecotourism, mangrove tourism, and cultural tourism rooted in coastal communities and local traditions. This is not in line with the dynamics of tourism management, as evidenced by the decline in the number of tourists visiting Central Halmahera in 2023—from 64,875 tourists in 2022 to 56,479 tourists—while the average contribution of tourism fees to local revenue during 2019–2023 was only 0.63%. From the perspective of legitimate revenue sources, it is also evident that the revenue potential from this sector has not yet been fully realized.[3]

Governance issues have become increasingly complex because tourism development in Central Halmahera is occurring alongside changes in land use and the expansion of extractive industries. Research findings have identified that the

[1] Tri Wulan Suryaning Dewi and Muhammad Farid Ma'ruf, "Pengelolaan Wisata Daerah Untuk Meningkatkan Pendapatan Asli Daerah (Studi Pada Pengelolaan Wisata Unggulan Kayangan Api Kabupaten Bojonegoro)," *Media Hukum Indonesia (MHI)* 3, no. 3 (2025), https://ojs.daarulhuda.or.id/index.php/MHI/article/view/1742.

[2] Muhammad Mas Davit Herman Rudiyansah and Sucipto Sucipto, "Regulatory Fragmentation of Tourism within Regional Autonomy and Its Implications for the Challenges of Destination Management by Local Governments," *Jurnal Pariwisata Nusantara (JUWITA)* 4, no. 2 (2025): 52–59, https://doi.org/10.20414/juwita.v4i2.14170.

[3] Badan Pusat Statistik Kabupaten Halmahera Tengah, "Kabupaten Halmahera Tengah Dalam Angka 2024," accessed October 16, 2026, https://haltengkab.bps.go.id/id/publication/2024/02/28/443cb5329c0a1f77368169c1/kabupaten-halmahera-tengah-dalam-angka-2024.html.

expansion of the mining sector poses challenges to the integration of tourism spatial planning and increases the need to protect areas with ecological value and tourism potential. Therefore, tourism governance requires integration between tourism development plans and policies on spatial planning, environmental protection, the management of coastal areas and small islands, and overall regional development.[4]

In this context, the Regional Tourism Development Master Plan is essential as a legal and policy instrument that guides destination development, area designation, facility construction, institutional development, community empowerment, and the protection of tourism resources. This instrument should also be closely aligned with the Regional Spatial Plan (RTRW) and other regional development documents. Therefore, efforts to strengthen tourism governance in Central Halmahera must focus on integrating tourism policies with regional spatial planning, particularly to ensure appropriate land use, protect landscapes and ecologically sensitive areas, and provide legal certainty for destination development.[5] Thus, the problem at hand is not merely a lack of potential, but rather how regional authority is used to develop regulatory and planning instruments capable of ensuring the necessary space for sustainable tourism development.

In addition to regulatory issues and integrated planning, tourism governance also has an institutional dimension that determines the effectiveness of its implementation and oversight.[6] The management of tourism cannot be the sole responsibility of a single local government agency. Destination development requires coordination between local government agencies responsible for tourism and those handling development planning, the environment, land-use planning, infrastructure, community empowerment, and village governance. Beyond the government, the involvement of business operators, traditional institutions, community groups, tourism awareness groups, and residents living near the destination is necessary to ensure that development decisions take economic, social, cultural, and environmental interests into account in a balanced manner.[7] Therefore, sustainable tourism governance fundamentally requires collaborative mechanisms among stakeholders. Coordinated relationships between local governments, private developers, customary institutions, and local communities are essential for the management and oversight of destinations.

From a constitutional law perspective, the low collection of tourism fees indicates challenges in the exercise of regional autonomy, which should be carried out in accordance with the principles of good governance, such as accountability,

[4] Muhammad Agung Darmawan, "When Conservation Meets Investment: Legal Conflicts over Coastal Development in Indonesia's Tourism Frontier," *Indonesian Studies on Natural Resources Law and Environmental Governance* 1, no. 2 (2024), https://doi.org/10.65815/gr95xp80.

[5] Rina Susanti et al., "Kebijakan Pembangunan Pariwisata Berkelanjutan Di Kawasan Agrowisata: Studi Di Kabupaten Kuningan," *Bina Hukum Lingkungan* 11, no. 1 (2026), https://doi.org/10.24970/bhl.v11i1.614.

[6] I. Dewa Gede Herman Yudiawan et al., "Reconstructing The Authority of Customary Villages in the Governance of Culture-Based Tourism in Bali Through the Perspectives of Legal Pluralism and Collaborative Governance," *Jurnal Mahkamah : Kajian Ilmu Hukum Dan Hukum Islam, June* 20, 2026, 291–308, https://doi.org/10.25217/jm.v11i1.7655.

[7] Kirana Dinantia, "Tourism Licensing and Community Participation in Indonesia's Priority Tourism Destinations: A Justice-Based Analysis of Local Decision-Making," *Indonesian Tourism Justice Review* 3, no. 2 (2026): 81–94, https://doi.org/10.65815/czy9w578.

transparency, effectiveness, efficiency, and public participation. These principles serve as key parameters for assessing the extent to which local government authority is utilized to maximize the people's prosperity, in accordance with the mandate of Article 18, paragraph (2) of the 1945 Constitution of the Republic of Indonesia.[8]

The issues outlined above indicate that although local governments have authority under Law No. 1 of 2022, the exercise of that authority has not yet been effective. The low contribution of tourism fees in many regions, including Central Halmahera, is due to the weakness of good local governance systems in managing public resources. In reality, some regions have not yet been able to optimally establish policies regarding rates, subjects, and mechanisms for collecting these fees. Furthermore, the lack of sanctions for violations of local regulations has resulted in weak oversight, which in turn has led to suboptimal local revenue from the tourism sector.

Therefore, this study aims to examine the alignment of the implementation of these regulations with the principles of good governance—specifically regarding transparency, accountability, efficiency, and the benefits perceived by the community—in relation to the governance of tourism fees. Research on optimizing tourism levy revenue is crucial in the context of strengthening local fiscal capacity. Given that tourism is a continuously growing sector, efforts to improve the governance of tourism levies—whether in terms of regulations, collection systems, public participation, or technology—are urgently needed. This research is necessary to identify the factors that hinder and support the implementation of tourism fee policies in local governments. Furthermore, it is also important to evaluate the effectiveness of existing policies and formulate strategies that local governments can implement to increase fee revenue in a sustainable manner.

Therefore, in order to strengthen local fiscal autonomy by optimizing sources of local revenue (PAD), including tourism fees, it is necessary to strengthen the exercise of local government authority in the management of these fees—covering regulatory, institutional, and oversight aspects—to achieve a fair and sustainable local fiscal system.

Legal scope and governing framework

The legal framework must be read as amended: Law 10 of 2009 on Tourism remains the foundational statute, with later changes including Law 6 of 2023 and Law 18 of 2025 (the Third Amendment). A reference to a tourism-amending 'Law 6 of 2003' is not reliable and cannot supply the proposed division of governmental competences. Law 23 of 2014 on Regional Government and its annex must be used to classify governmental functions, while Article 18(6) of the Constitution supplies the general capacity to enact regional regulations rather than an unlimited sector-specific licence.[9]

Regency authority, provincial authority and central government authority intersect rather than merge. Tourism destination planning and certain local service functions do not transfer mining licensing, environmental approvals or marine

[8] Sarkawi -, "Kewenangan Daerah Otonom Dalam Menjalankan Fungsi Pemerintahan Di Indonesia," *JATISWARA* 30, no. 3 (2017), https://doi.org/10.29303/jtsw.v30i3.116.

[9] Republic of Indonesia, Law No. 18 of 2025 concerning the Third Amendment to Law No. 10 of 2009 on Tourism, https://peraturan.bpk.go.id/Details/334481/uu-no-18-tahun-2025.

spatial jurisdiction to a regent by implication. Attribution arises from primary law; administrative delegation requires an identifiable delegator, delegatee, legal instrument and allocation of responsibility. This distinction also controls the legality of local levies, consultation requirements and any proposed enforcement mechanism.[10]

RESEARCH METHOD

In this study, the author employs an empirical legal research method, which involves analyzing statutory provisions and comparing them with actual conditions on the ground. In addition to examining or defining the research subject from the perspective of positive law, this study also examines various legal phenomena emerging in society. The research method relies on empirical facts, such as legal behavior—that is, the actual behavior of individuals or society that conforms to what is deemed appropriate by prevailing legal norms.[11] The types of data used in this study are primary and secondary data to address the main issues examined in this study; primary data was collected through field research, while secondary data was obtained through a literature review. The primary data sources used by the author are data obtained directly from interviews with relevant parties, while secondary data are sourced from laws, books, and legal scholarly works relevant to the issues raised by the author. The data analysis technique used in this study is qualitative data analysis, which is a systematic process of collecting and processing various data sourced from interviews, field observations, and document (literature) reviews to produce research findings.[12] The data were processed and analyzed qualitatively using a deductive method to produce conclusions that are truly accurate, reliable, and reflect scientific truth consistent with the title of the author's research.

RESULTS AND DISCUSSION

The Exercise of Local Government Authority in the Governance of Sustainable Tourism in Central Halmahera Regency

The tourism industry is currently a key focus of development efforts being promoted and expanded by the government, both at the central and local levels. This is because the tourism industry is a highly promising sector that plays a vital role in the national economy and development; among other things, it contributes to the country's foreign exchange earnings alongside other sectors such as oil and natural gas, helps create new jobs, and serves as a means of promoting cultural awareness.[13]

The tourism potential in Central Halmahera Regency is actually quite significant, encompassing both land-based and marine/beach tourism. The natural attractions in Central Halmahera Regency are found primarily within nature reserves and protected forests, ensuring that the flora and fauna within these forests remain pristine. The marine areas and small islands also retain natural charm that

[10] Republic of Indonesia, Law No. 23 of 2014 concerning Regional Government, including its allocation-of-functions annex.

[11] Muhaimin, Metode Penelitian Hukum (Mataram University Press, 2020), 85.

[12] Muhaimin, Metode Penelitian Hukum, 209.

[13] Anggita Permata Yakup and Tri Haryanto, "Pengaruh Pariwisata Terhadap Pertumbuhan Ekonomi Di Indonesia," *Bina Ekonomi* 23, no. 2 (2019): 39–47, https://doi.org/10.26593/be.v23i2.3266.39-47.

has yet to be fully explored. Furthermore, the sociocultural conditions in Central Halmahera Regency are evident in several areas, including the sociocultural conditions of the local ethnic groups living in villages—who maintain interethnic harmony—as well as their relationships with ethnic groups who have migrated from outside the region. Social interactions are well-maintained between local and migrant ethnic groups, which is a positive factor in regional development.

Through regional autonomy and in accordance with their respective authorities, local governments are required to work hard to carry out development in their regions, including the development and management of the tourism sector to improve the welfare of their communities.[14] Article 18 of the 1945 Constitution can be considered the starting point for regional autonomy, which local governments use to manage their own local affairs.[15] Regional autonomy is a constitutional consequence of the application of the principle of decentralization in the administration of government in Indonesia. Within the framework of decentralization, governmental responsibilities are distributed between the central government and local governments based on the division of responsibilities and authorities established by law.[16] Decentralization, therefore, is not only related to the division of responsibilities in the administration of government, but also to the determination of the basis of authority that enables local governments to regulate and manage governmental affairs in accordance with the principle of regional autonomy.[17]

Constitutionally, Article 18, paragraph (6) of the 1945 Constitution of the Republic of Indonesia stipulates that local governments have the right to enact local regulations and other regulations to implement autonomy and assist in the fulfillment of government duties. This provision serves as the constitutional basis for the formulation of local legal instruments as a means to translate local government authority into regulations that align with the needs, characteristics, and development priorities of the region, provided that they remain within the bounds of their authority and do not conflict with higher-ranking laws and regulations.

The local government in question may regulate and manage its own governmental affairs in accordance with the principles of autonomy and auxiliary duties. Local governments exercise the broadest possible autonomy, except for governmental affairs that fall under the jurisdiction of the central government, with the aim of improving public welfare, public services, and regional competitiveness. Based on Law No. 23 of 2014 on Regional Government, it has been stipulated that

[14] Djakaria M. Nur, "Otonomi Daerah Dalam Pengembangan Sektor Pariwisata," *Jurnal Geografi Gea* 8, nos. 1, April (2008): 24–32, https://doi.org/10.17509/gea.v8i1.1688.

[15] Fatma Faisal and Nasrah Hasmiati Attas, "Implementation of Village Autonomy: A Normative Study of Law Number 6 of 2014 Concerning Villages," *Journal of Legal Contemplation* 1, no. 2 (2025): 105–12, https://doi.org/10.63288/jlc.v1i2.10.

[16] Dian Agung Wicaksono, "Transformasi Pengaturan Distribusi Urusan Pemerintahan dari Pemerintah Pusat Kepada Pemerintahan Daerah," *PADJADJARAN JURNAL ILMU HUKUM (JOURNAL OF LAW)* 2, no. 3 (2015): 463–82.

[17] Septi Nur Wijayanti, "Hubungan Antara Pusat Dan Daerah Dalam Negara Kesatuan Republik Indonesia Berdasarkan Undang-Undang Nomor 23 Tahun 2014," *Jurnal Media Hukum* 23, no. 2 (2016): 186–99, https://doi.org/10.18196/jmh.2016.0079.186-199.

optional governmental affairs include tourism, as stated in Article 12, paragraph (3), letter b.[18]

Law No. 10 of 2009 on Tourism, as amended by Law No. 6 of 2023, technically defines the authority of regency governments. On the other hand, the 2025–2029 National Medium-Term Development Plan emphasizes that the development direction for the Maluku region—including North Maluku—is to become a maritime hub for the eastern region, with North Maluku's development priorities centered on becoming a nickel industry hub, an agricultural center, and a world-class tourism destination. Furthermore, the development of priority tourism areas targeting both international and domestic tourists has been designated not only in Morotai but also in Central Halmahera—a pilot center for economic equity with tourism zones boasting local attractions ranging from the maritime charm of the small islands, the natural beauty of Boki Moruru Cave in Sagea, to the rich cultural heritage sites in Central Halmahera Regency. Tourism development has also been integrated into the Spatial Plan, particularly the spatial patterns for cultivation areas—namely, tourism zones.

Based on the formulation of local government authority as stipulated in Law No. 23 of 2014, government affairs in the field of tourism are optional government affairs that may be administered by local governments in accordance with the region's distinctive potential. From the perspective of the theory of authority, the provisions of Article 12(3)(b) of Law No. 23 of 2014 in conjunction with Article 30 of Law No. 10 of 2009 clearly indicate that the authority to regulate and manage the tourism sector in Central Halmahera is an attributive authority derived directly from the law. According to Ateng Syafrudin and Philipus M. Hadjon, this attributive authority has been delineated through the division of state power under the Constitution.[19]

The implementation of regional autonomy through Law No. 23 of 2014 on Regional Government grants broad rights and authority to regency governments to manage concurrent governmental affairs, including the tourism sector. In the context of administrative law, the execution of regional affairs stems not only from attributive and mandated authority but also through delegated authority. In Central Halmahera Regency, the exercise of this delegated authority serves as a crucial instrument for optimizing the potential of local tourist attractions—ranging from the maritime charm of the small islands, the natural beauty of Boki Moruru Cave in Sagea, to the richness of cultural heritage sites.

Delegated authority in tourism refers to the transfer of full authority and responsibility from the central government or provincial government to the Regent of Central Halmahera, which is then partially delegated to technical agencies (the Department of Culture and Tourism) and subdistrict governments. Findings from the field reveal that the exercise of this delegated authority covers several key areas:

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[18] Syifa Munawwarah, "Kepastian Hukum Kewenangan Pengelolaan Sektor Wisata Aceh Singkil Dalam Upaya Meningkatkan Pendapatan Asli Daerah (PAD) (Studi Dinas Pariwisata, Badan Pengelolaan Keuangan Kabupaten Aceh Singkil Dan BKSDAE)," *Iuris Studia: Jurnal Kajian Hukum* 1, no. 2 (2020): 90–106, https://doi.org/10.55357/is.v1i2.36.

[19] Rafly Rilandi Puasa et al., "Kewenangan Pemerintah Desa Dalam Peningkatan Perekonomian Di Desa Mahangiang Kec. Tagulandang Kab. Kepulauan Sitaor," *Eksekutif: Jurnal Ilmu Pemerintahan* 1, no. 1 (2018), https://ejournal.unsrat.ac.id/v3/index.php/jurnaleksekutif/article/view/21120.

1) The formulation of technical regulations and a master plan: in this case, the Central Halmahera Regency Government has enacted a Regional Regulation (Perda) and a Regent's Regulation (Perbup) regarding the Regional Tourism Development Master Plan (RIPPARDA). This authority serves as a means to legally establish zoning for natural and cultural tourism areas, ensuring they are not eroded by the rapid expansion of the mining industry prevalent in the region;
2) Management and Licensing of Tourism Businesses: Through delegated authority to issue operating permits, local governments have the right to issue licenses to providers of tourism facilities and infrastructure, such as lodging, local tour guides, and marine transportation services. This measure promotes regulatory integration between environmental protection and the legality of local businesses;
3) Community Empowerment and Tourism Villages delegate some authority to the subdistrict and village levels, facilitating the formation of tourism awareness groups (*Pokdarwis*) and the designation of Tourism Village status. This creates an effective bottom-up approach to enhancing the capacity of tour guides as human resources (HR).

The implementation of delegated authority in Central Halmahera faces a number of challenges, including limited fiscal resources, overlapping land-use planning with mining industrial zones, and the readiness of basic infrastructure. Therefore, the delegation scheme requires a multisectoral, coordinated approach. Local governments need to establish strategic partnerships (Public-Private Partnerships) with the private sector and the community to maintain a balance between environmental and economic considerations.

The tourism potential and development of Central Halmahera Regency offer comparative advantages in the tourism sector, ranging from its marine resources and the unique karst landscape to its historical and cultural heritage. The integration of the tourism sector into regional planning documents—particularly the spatial planning for tourism zones in the Final Draft of the Regional Medium-Term Development Plan (RPJMD) for Central Halmahera Regency—serves as the legal and strategic foundation for sustainably optimizing this potential. This demonstrates the region's rich and highly diverse natural and cultural resources, particularly in three key areas of tourism appeal: 1) Marine Attractions and Small Islands; 2) The Natural Beauty of Boki Moruru Cave; and 3) The Richness of Cultural Reserves and Historical Heritage.

This demonstrates the importance of the rich and highly diverse natural and cultural resources in Central Halmahera Regency, supported by legal frameworks and integrated planning as outlined in the Spatial Plan (Land Use Pattern for Cultivation Areas); in this case, the tourism sector has been formally and legally integrated into the Regional Spatial Plan (RTRW), specifically within the designation of the Agricultural Zone Spatial Pattern as a tourism zone. This spatial zoning aims to ensure the optimal utilization of tourism areas without neglecting environmental protection functions.

The designation of tourism areas within the spatial plan for this agricultural zone is in line with the Final Draft of the Regional Medium-Term Development Plan (RPJMD) for Central Halmahera Regency. This integration underscores the local

government's commitment to making the tourism sector one of the pillars of sustainable, targeted economic development, with legal certainty regarding land use.

Strengthening Regional Tourism Governance to Foster Sound and Sustainable Tourism Development in Central Halmahera Regency

The Central Halmahera Regency Government has formulated a policy on the use of marine areas to be utilized jointly, along with resources that can be collectively owned for the benefit of the community (common property).[20] This utilization is guaranteed by the Constitution of the Unitary State of the Republic of Indonesia in Article 33, paragraph (3), which states that the earth, water, and natural resources contained therein are controlled by the state and used for the greatest possible prosperity of the people. Within the systematic framework of the marine spatial plan and structure, tourism development is included in the marine spatial plan for general-use areas designated as tourism zones along the coastal areas of the islands in Central Halmahera Regency.

In accordance with Law No. 27 of 2007 on the Management of Coastal Areas and Small Islands, in conjunction with Law No. 1 of 2014 Amending Law No. 27 of 2007 on the Management of Coastal Areas and Small Islands Small Islands, Law No. 26 of 2007 on Spatial Planning, and Law No. 23 of 2014 on Regional Government, a comprehensive integration of policies is required to manage marine tourism potential. This is developed through regional spatial plans and master plans for tourism development as guidelines and policy directions, thereby fostering regional autonomy and harnessing regional potential, with an emphasis on maintaining the carrying capacity and sustainability of marine tourism areas and involving local communities to ensure the continued sustainability of marine tourism development.

The development of tourism governance in Central Halmahera Regency is carried out by the Department of Culture and Tourism through attributive and delegated authorities. The implementation of these authorities is aimed at coordinating regional planning, managing permits for tourism facilities, and establishing the Regional Tourism Development Master Plan. However, the dynamic expansion of the extractive mining industry in the Central Halmahera region poses unique challenges to the integration of tourism spatial planning. Therefore, a responsive and integrated tourism governance framework is an absolute prerequisite for minimizing land-use conversion and preserving the environment.

Strengthening regional tourism governance in Central Halmahera requires a multidimensional approach that encompasses the three main pillars of sustainable development: ecological sustainability, economic sustainability, and socio-structural sustainability. In this regard, the strengthening of regulations and the protection of Ecological Zones—supported by the region's delegated authority—are utilized to establish strict conservation zoning regulations for strategic tourist sites. Furthermore, the enactment of a Regional Regulation on the Central Halmahera Regional Tourism Development Plan (RIPPARDA) serves as a legal framework to restrict land exploitation in sensitive landscape areas, such as karst regions and the Sagea karst river system. This ensures that the development of tourist attractions

[20] Resdianto Willem, "Pemanfaatan Ruang Pesisir Dan Laut Yang Berkeadilan," *Bina Hukum Lingkungan* 2, no. 2 (2018): 154–66.

does not compromise the environment's carrying capacity. Through Institutional Partnership Integration (Multi-Stakeholder Governance), tourism governance no longer relies solely on the local government but instead implements a partnership framework based on coordinated relationships among the Central Halmahera Regency Government, private developers, customary institutions, and local communities. This framework ensures joint oversight of the implementation of environmental operational standards at tourist destinations.

Through licensing accountability and environmental oversight, the delegation of authority for issuing tourism business permits—such as for lodging facilities, restaurants, and tour guides—is required to comply with a rational local environmental impact analysis. A system of periodic monitoring is implemented to prevent waste pollution and preserve the authenticity and biodiversity of marine and land-based tourism areas.[21]

The benefits of tourism development for local communities—with the primary goal of strengthening sustainable tourism governance—are to ensure that the tourism sector has a direct positive impact on the people of Central Halmahera. This can be seen in three key benefits for local communities: economic benefits, sociocultural benefits, and human resource capacity-building benefits.

This can be seen in the strengthening of regional tourism governance in Central Halmahera Regency, which is based on the principle of sustainability and can only be realized through the consistent and accountable optimization of regional authority (both inherent and delegated). For tourism areas, this can be achieved by local governments through the strict enforcement of regulations governing tourism zones, the strengthening of community-based tourism institutions, and cross-sectoral collaboration, which serve as the main supporting pillars. Consequently, this inclusive governance approach has proven not only to safeguard the environment's carrying capacity from the threat of ecological damage but also to deliver tangible benefits in terms of economic well-being, socio-cultural strengthening, and human resource capacity building for the people of Central Halmahera in the tourism sector.

Economic Benefits: In this context, the implementation of the concept of community-based tourism (CBT) creates new job opportunities and diversifies residents' income. The establishment of Tourism Villages and Pokdarwis (Tourism Awareness Groups) in villages surrounding tourist destinations fosters the growth of local MSMEs, such as businesses offering local culinary specialties, marine tourism transportation, scuba gear rentals, and homestay accommodations. Socio-Cultural Benefits: Strengthening local institutions fosters a collective sense of pride among the community regarding their regional identity and traditions. The utilization of local wisdom in destination management preserves traditional values and promotes the conservation of cultural heritage sites and traditional performing arts, ensuring they are not eroded by the tide of modernization. Human Resource Capacity-Building Benefits: Capacity-building programs provided by technical agencies down to the village level enhance the skills of local communities. Training in conflict management, tourism entrepreneurship, foreign languages, and tour

[21] Rian Hidayatullah, "Pengawasan Izin Lingkungan Hotel/Wisma dan Penginapan," *Jurnal Demokrasi Dan Otonomi Daerah* 16, no. 3 (2019), https://jdod.ejournal.unri.ac.id/index.php/JDOD/article/view/6815.

guide certification boosts the competitiveness of the local workforce in their own hometowns.

According to George C. Edward III's theory of policy implementation, there are four factors or variables that influence the success or failure of policy implementation—including in the tourism sector—namely communication, resources, dispositions, and bureaucratic structure.[22] Communication regarding the administration of government affairs in the field of tourism by regency and city governments refers to the process of conveying policy information from policymakers to policy implementers. Public policy information must be conveyed to stakeholders so that they can know and understand the content, objectives, direction, and target groups of the policy. This enables stakeholders to properly prepare and take the necessary actions to implement public policy, ensuring that the policy's objectives and targets are achieved as intended.[23]

Resource factors related to the administration of government affairs in the field of tourism by the regency government also play an important role in the implementation of policy-makers' responsibilities to carry out policies and in providing the resources needed to perform their duties effectively. These resources, as previously mentioned, include human resources, financial resources, and material resources (buildings, equipment, land, and other assets) necessary for implementing policies.[24]

The success of district and city governments in administering tourism affairs is determined not only by the extent to which policymakers (implementers) know what needs to be done and are capable of doing it, but also by their willingness to demonstrate a strong commitment to the policies being implemented. This commitment refers to the willingness, desire, and inclination of these policymakers to carry out the policies earnestly so that the policy objectives can be achieved.[25]

The administration of government affairs in the field of tourism by the regency government may still be ineffective due to deficiencies in the bureaucratic structure. This bureaucratic structure encompasses aspects such as organizational structure, the division of authority, and relationships between organizational units. Therefore, the bureaucratic structure includes dimensions of fragmentation and standard operating procedures (SOPs) that will facilitate and standardize the actions of policy implementers in carrying out their respective duties.[26]

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[22] Widodo, Analisis Kebijakan Publik: Konsep Dan Aplikasi Analisis Proses Kebijakan Publik (Bayu Media, 2011), 96.

[23] Muhammad Nur et al., "Penyelenggaraan Kewenangan Pemerintah Daerah Dalam Pengembangan Pariwisata Bahari Yang Berkeadilan Bagi Masyarakat Pesisir Di Kabupaten Halmahera Selatan," *JURNAL HUKUM PELITA* 6, no. 2 (2025): 790–808, https://doi.org/10.37366/jhp.v6i2.6219.

[24] Muhammad Nur et al., "Penyelenggaraan Kewenangan Pemerintah Daerah Dalam Pengembangan Pariwisata Bahari Yang Berkeadilan Bagi Masyarakat Pesisir Di Kabupaten Halmahera Selatan."

[25] Muhammad Nur et al., "Penyelenggaraan Kewenangan Pemerintah Daerah Dalam Pengembangan Pariwisata Bahari Yang Berkeadilan Bagi Masyarakat Pesisir Di Kabupaten Halmahera Selatan."

[26] Muhammad Nur et al., "Penyelenggaraan Kewenangan Pemerintah Daerah Dalam Pengembangan Pariwisata Bahari Yang Berkeadilan Bagi Masyarakat Pesisir Di Kabupaten Halmahera Selatan."

The policy direction for marine tourism development in Central Halmahera Regency is formulated based on the authority of the local government as stipulated in Article 30 of Law No. 10 of 2009. This is a key priority for the Central Halmahera Regency Government, including: 1) Formulating and adopting a master plan for regency tourism development; 2) Designating regional tourism destinations and attractions, including marine tourism; and 3) Conducting community outreach programs to foster tourism awareness.

Thus, the direction of marine tourism development policies that protect the rights of coastal communities must prioritize local potential, environmental sustainability, and community participation as the main pillars of destination management. Pursuant to the provisions of Law No. 10 of 2009 and Law No. 27 of 2007, as amended by Law No. 1 of 2014, the local government of Central Halmahera Regency has the authority to plan, regulate, foster, and oversee the development of marine tourism while ensuring the priority rights of coastal communities to work, conduct business, and manage destinations within their territory.

Reviewer-Driven Doctrinal Clarification and Evidentiary Limits

The assertion that weak local governance caused lower arrivals or lower tourism-levy receipts remains unproven without a common observation period, the original BPS series and a defined revenue denominator. Tourism visits, hotel occupancy, tourism-specific retribution and total local own-source revenue (PAD) are different measures. The manuscript's 0.63 per cent claim should not be represented as a verified proportion until the numerator, denominator and financial year are documented. Alternative causes include access, shocks, investment, and shifts in reporting. Accordingly, this article treats the alleged decline as a problem requiring investigation rather than as demonstrated administrative causation.

No official number, enactment date and source copy of a Central Halmahera tourism master-plan bylaw was supplied with the reviewed manuscript. Any draft RIPPARDA, coastal zoning proposal or local policy agenda must therefore be distinguished from operative regional legislation. An enforceable roadmap should verify the relevant RIPPARDA, spatial-planning provisions, environmental approvals and coastal-management instruments through regional JDIH records before characterising any proposed measure as mandatory law.[27]

Operationally, lawful oversight would require (i) identification of the competent licensing or inspecting authority for each site; (ii) publication of permit conditions and environmental indicators; (iii) documented community consultation, including affected coastal groups; (iv) recorded inspections and corrective directions by the legally empowered institution; and (v) sanctions only where authorised by a specific statute or regulation. Interview testimony, published plans, BPS tables and legal instruments should be identified as distinct evidence classes, not blended as proof of the same regulatory condition.

Table: Legal analysis and evidentiary requirements (Article 734)

Governance object	Authority to verify	Documentation required
Tourism planning and	Regency / province under	Enacted local plan and

[27] Republic of Indonesia, Law No. 10 of 2009 on Tourism, as most recently amended by Law No. 18 of 2025.

Governance object	Authority to verify	Documentation required
destination management	applicable tourism and regional-government rules	designated functional authority
Mining and environmental permits	Competent authorities under sectoral and regional-government legislation	Licence, spatial basis, AMDAL/UKL-UPL as applicable
Coastal and marine space	Competent marine/coastal and spatial-planning bodies	Effective zoning instrument and participation record
Tourism retribution / PAD	Competent local fiscal administration	Enacted tax/levy basis, annual nominal collection and denominator

Source: Authors' doctrinal synthesis based on the authorities identified in Article 734; missing primary evidence is labelled expressly.

CONCLUSION

Central Halmahera may formulate tourism policies only within the distribution of powers established by the Tourism Law as amended, Law 23 of 2014 and applicable planning, coastal and environmental legislation. The reviewed manuscript does not provide sufficiently specified fieldwork records, enacted local master-plan details or comparable fiscal series to establish the asserted causal effects. The recommended course is an auditable authority map, verification of operative regional legislation, documented community participation and an inspection-and-complaint framework assigning each function to its lawful institution. Any PAD improvement is a policy objective, not an empirically established result of this study.

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