



Legal Study on the Development of Leading Tourist Areas to Increase Community Participation

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Abstract

Tourism development has become an important strategy for regional economic growth and community welfare improvement. However, tourism development often faces challenges related to limited community involvement, weak institutional coordination, and the effectiveness of legal frameworks in ensuring inclusive participation. This study aims to examine the legal aspects of developing leading tourism areas to increase community participation, particularly through the implementation of tourism regulations in Kuningan Regency. This research employed a normative juridical method with a statutory and conceptual approach. Data were obtained through the analysis of primary legal materials, including tourism laws, regional regulations, and village regulations, supported by secondary legal materials from relevant academic literature. The data were analyzed using the theory of legal effectiveness, focusing on legal factors, law enforcement factors, facilities and infrastructure, and community cultural factors. The results show that the development of leading tourism areas in Kuningan Regency has a strong legal foundation through national, regional, and village-level regulations. The implementation of these regulations has encouraged community participation through community-based tourism management, particularly through the role of Village-Owned Enterprises (BUMDes) in Cibuntu Tourism Village and Kaducla Tourism Village. However, several challenges remain, especially regarding infrastructure improvement and institutional strengthening. This study concludes that effective legal arrangements supported by institutional capacity and community awareness are essential for creating sustainable tourism development. The findings contribute to tourism governance literature by emphasizing the importance of regulatory effectiveness in strengthening community participation.

INTRODUCTION

Tourism is one of the sectors that has an important role in regional development (Agustin et al., 2021; Ndjurumbaha et al., 2024). In addition to contributing to economic growth, the tourism sector is also able to create jobs, increase community income, and encourage the sustainable use of regional potential (Sulastris, 2019; Cahyowati et al., 2022). Therefore, the development of the tourism sector not only requires the support of natural resources and human resources, but also requires a legal foundation that is able to provide direction, certainty, and protection in its implementation (Setiawan et al., 2026; Manuhutu et al., 2024). The development of tourism policy in Indonesia shows that tourism development is no longer only oriented towards increasing the number of tourist visits (Bagus et al., 2024). Currently, tourism development is also directed to realize community welfare through the involvement of various stakeholders (Rochaeni & Fujilestari, 2022). This is reflected in Law Number 18 of 2025 concerning the Third Amendment to Law Number 10 of 2009 concerning Tourism which emphasizes that the development and development of tourism must be carried out in a quality,

inclusive, integrated, and sustainable manner by paying attention to aspects of community empowerment. In fact, Article 55A of the Law provides equal rights and opportunities to the public to actively participate in the implementation of tourism (Rudy & Mayasari, 2019). This provision shows that the community is no longer positioned as a mere object of development, but as an important part of the development of the tourism sector (Rahu & Suprayitno, 2021).

One form of tourism policy implementation is the development of leading tourist areas. The development of superior tourist areas is an effort made to optimize tourism potential that has certain advantages so that it can provide economic, social, and cultural benefits for the region and society (Mulyan & Isnaini, 2022). In practice, the development of tourist areas is not only related to the development of tourist destinations, but also includes institutional development, tourism promotion, improving the quality of human resources, and empowering the community around tourist areas (Muliawanti & Susanti, 2020). Thus, the success of the development of leading tourist areas is greatly influenced by the level of community involvement in various tourism activities (Rifdah & Kusdiwanggo, 2024). The existence of the community in tourism development has a strategic position because the community is a party that directly interacts with tourism activities. The community not only receives the impact of tourism activities, but also plays a role as actors who help determine the success of the development of tourist areas. Therefore, community participation is one of the important elements in realizing sustainable tourism development (Wibowo & Belia, 2023). The higher the level of community participation, the greater the opportunity to create economic and social benefits that can be directly felt by the local community.

In the context of regional autonomy, local governments have the authority to develop regional potential through policies and regulations that are in accordance with the characteristics of their regions. Kuningan Regency as one of the regions that has the potential for natural, cultural, and ecotourism tourism has stipulated Kuningan Regency Regional Regulation Number 2 of 2013 concerning the Implementation of Tourism as a legal basis in the development of the regional tourism sector. The regional regulation regulates various aspects of tourism implementation, ranging from the authority of local governments, the development of tourist destinations, tourism promotion, partnerships, to the role of the community in the implementation of tourism. The implementation of Kuningan Regency Regional Regulation Number 2 of 2013 can be seen through the development of several leading tourist areas in Kuningan Regency, such as Cibuntu Tourism Village and Kaduella Tourism Village. The development of the two tourist areas shows the involvement of the community in various tourism activities, ranging from homestay management, culinary businesses, micro, small and medium enterprises, to various other economic activities that support tourism activities. This condition shows that the development of leading tourist areas has a close relationship with increasing community participation in the implementation of tourism (Chan et al. 2021; Giampiccoli et al. 2018; Malek et al. 2015; Singgalen et al. 2019; Thetsane 2019).

However, the existence of a regulation does not necessarily guarantee the achievement of the expected goals. The effectiveness of a regulation is greatly influenced by various factors that determine whether or not a legal norm is successfully implemented in people's lives. According to Soerjono Soekanto, the effectiveness of the law is influenced by legal factors, law enforcement factors, facilities and infrastructure factors, community factors, and cultural factors. Using this theory, the effectiveness of Kuningan Regency Regional Regulation

Number 2 of 2013 can be analyzed to find out the extent to which regulations regarding the development of superior tourist areas are able to support increased community participation. In addition, there are still various problems related to facilities and infrastructure, institutional coordination, and social conditions of the community that have the potential to affect the effectiveness of the implementation of applicable legal provisions (Malek et al. 2015; Rismana et al. 2025).

Indonesia represents one of the countries with significant tourism potential due to its natural resources, cultural diversity, and local wisdom. The Ministry of Tourism and Creative Economy reported that Indonesia's tourism sector contributed approximately 4.1% to national GDP in 2023 and continued to become a priority sector for economic recovery and regional development. Nevertheless, tourism development in Indonesia still faces structural problems, including uneven distribution of tourism benefits, limited community empowerment, and differences in the capacity of local governments to manage tourism potential. Many tourism destinations have been developed based on physical infrastructure and promotional strategies, while community participation as a fundamental element of sustainable tourism governance has not always received adequate attention. Therefore, strengthening regulations and governance mechanisms becomes essential to ensure that tourism development creates long-term benefits for local communities (Jackson 2025; Khater et al. 2025).

At the regional level, Kuningan Regency in West Java has substantial tourism potential through natural tourism, cultural tourism, and village tourism development. The regional government has established Kuningan Regency Regional Regulation Number 2 of 2013 concerning Tourism Implementation as a legal framework for managing tourism development. Several leading tourism areas, including Cibuntu Tourism Village and Kaduella Tourism Village, demonstrate efforts to integrate tourism development with community empowerment through activities such as homestay management, culinary enterprises, micro and small businesses, and tourism services. However, the existence of regulations does not automatically guarantee effective community participation because implementation depends on various factors, including regulatory effectiveness, institutional coordination, infrastructure availability, and community awareness.

Previous studies have examined the relationship between tourism development and community participation from various perspectives. Research by Tosun (2006) explained that community participation in tourism development is often constrained by structural, operational, and cultural barriers, particularly in developing countries. Meanwhile, Aas, Ladkin, and Fletcher (2005) found that stakeholder collaboration is a crucial factor in creating sustainable tourism governance because tourism involves multiple actors with different interests. Another study by Nunkoo and Ramkissoon (2011) emphasized that community support for tourism development is influenced by perceptions of economic benefits, trust in government institutions, and the effectiveness of governance mechanisms. These studies provide important insights into community participation; however, most previous research primarily focuses on tourism management, social acceptance, and economic impacts rather than examining the legal framework that regulates and facilitates community participation.

Although previous studies have contributed significantly to understanding sustainable tourism and community involvement, there remains a research gap regarding how legal instruments function as mechanisms for increasing community participation in leading tourism

area development. Existing literature tends to discuss community participation from sociological, economic, or managerial perspectives, while limited research investigates the effectiveness of tourism regulations at national, regional, and village levels in creating participatory tourism governance. Furthermore, studies examining the synchronization between tourism laws, regional regulations, and village-level regulations in Indonesia remain limited. This gap is important because regulations serve as the foundation for ensuring that communities obtain formal rights, opportunities, and institutional spaces to participate in tourism development processes.

The urgency of this research is strengthened by the increasing demand for sustainable and inclusive tourism development after the global tourism recovery period. Without effective legal arrangements and implementation mechanisms, tourism development may produce unequal benefits, marginalize local communities, and create conflicts between investors, governments, and residents. Therefore, evaluating the effectiveness of tourism regulations in supporting community participation is necessary to ensure that tourism development aligns with sustainable development principles. In the context of regional autonomy in Indonesia, local governments have significant authority to manage regional tourism potential, making the evaluation of regional tourism regulations highly relevant for improving governance quality and strengthening community-based tourism models.

This research introduces novelty by integrating legal analysis with the concept of community-based tourism governance through the perspective of legal effectiveness theory. Unlike previous studies that mainly analyze tourism participation from economic and social perspectives, this research examines how legal norms, implementing institutions, supporting facilities, and community culture influence the success of tourism regulations in increasing community participation. By focusing on Kuningan Regency Regional Regulation Number 2 of 2013 and its relationship with village-level tourism regulations, this study provides a comprehensive understanding of how multi-level legal arrangements contribute to sustainable tourism development. The research also highlights the role of Village-Owned Enterprises (BUMDes) as institutional mechanisms that transform community participation from a normative concept into practical tourism management activities.

The objective of this research is to analyze the legal aspects governing the development of leading tourism areas in increasing community participation and to examine the effectiveness of tourism regulations in Kuningan Regency. Specifically, this study aims to identify the legal basis for community involvement in tourism development, evaluate the implementation of tourism regulations based on legal effectiveness factors, and analyze the implications of community-based tourism management supported by local institutions. Through this approach, the research seeks to provide a deeper understanding of the relationship between legal frameworks and sustainable tourism governance.

The contribution of this research lies in providing theoretical, practical, and policy implications for tourism development in Indonesia. Theoretically, this study enriches legal and tourism governance literature by demonstrating how regulatory effectiveness influences community participation in tourism management. Practically, the findings can serve as a reference for local governments, village governments, and tourism managers in strengthening participatory tourism policies, improving institutional capacity, and developing supporting infrastructure. Furthermore, the research benefits communities by emphasizing their role as

active subjects in tourism development rather than merely recipients of tourism impacts. Ultimately, this study supports the achievement of sustainable tourism development by promoting inclusive governance, stronger legal certainty, and equitable distribution of tourism benefits.

METHOD

This research used a normative juridical approach because the focus of the research is directed at the study of the legal aspects that govern the development of superior tourist areas to increase community participation. This approach was chosen considering that the main object of the research is the provisions of laws and regulations related to the implementation of tourism, especially Law Number 18 of 2025 concerning the Third Amendment to Law Number 10 of 2009 concerning Tourism and Regional Regulation of Kuningan Regency Number 2 of 2013 concerning the Implementation of Tourism. The study was carried out through the study of primary legal materials, secondary legal materials, and tertiary legal materials that are relevant to the research problem. Primary legal materials are in the form of laws and regulations that regulate the implementation of tourism, while secondary legal materials are obtained from books, scientific journals, and the results of previous research related to the development of superior tourist areas, community participation, and legal effectiveness. Through this approach, this study not only examines how legal arrangements regarding the development of leading tourist areas and community participation are regulated in laws and regulations, but also examines the extent to which these arrangements are able to support increased community participation in tourism implementation practices. Therefore, the research analysis was carried out using the theory of legal effectiveness to assess the effectiveness of Kuningan Regency Regional Regulation Number 2 of 2013 in supporting the development of superior tourist areas to increase community participation.

RESULTS AND DISCUSSION

Legal Aspects of Leading Tourism Area Development to Increase Community Participation

The development of leading tourist areas is basically not only aimed at increasing tourism attractiveness and regional economic growth, but also directed at encouraging community involvement in tourism activities. Therefore, community participation is one of the important elements in the implementation of tourism that requires clear regulatory support. In this context, the regulation of community participation has obtained a legal basis both at the national, regional, and village levels.

At the national level, community participation in the implementation of tourism is regulated in Article 55A paragraph (1) of Law Number 18 of 2025 concerning the Third Amendment to Law Number 10 of 2009 concerning Tourism which provides equal rights and opportunities to the community to actively participate in the implementation of tourism. This provision shows that the community is no longer positioned as a mere object of development, but as a subject who has a role in the development of the tourism sector. The regulation was then strengthened through Kuningan Regency Regional Regulation Number 2 of 2013 concerning the Implementation of Tourism. Article 40 stipulates that the community can participate in the implementation of tourism by providing suggestions, considerations,

opinions, responses, and inputs to the development of regional tourism. According to the author, these provisions show that the Kuningan Regency Government has provided legal space for the community to be involved in the development of leading tourist areas as part of regional development.

The results of the study show that arrangements regarding community participation are also implemented at the village level through Cibuntu Village Regulation Number 05 of 2016 concerning Tourism Village Management and Kaduella Village Regulation Number 06 of 2024 concerning Tourism Village Development. In the Cibuntu Village Regulation, Article 4 letter a emphasizes that the management of tourism villages aims to encourage community participation in managing and utilizing the potential of village tourism. In addition, Article 7 paragraph (1) stipulates that the management of tourist villages is carried out in an integrated manner by involving the community and local tourism actors. Meanwhile, Kaduella Village Regulation Number 06 of 2024 places the principle of participation as one of the bases for the development of tourist villages and emphasizes that the management of tourist areas must be directed to improve the welfare of the village community.⁴

According to Endang Sutrisno, development oriented towards community welfare must be carried out in an integrated manner so that the benefits of development can be felt directly by the community. In this study, the integration is reflected in the synchronization of regulations starting from Law Number 18 of 2025, Kuningan Regency Regional Regulation Number 2 of 2013, to Village Regulations in each tourist village. According to the author, the existence of regulations at various levels shows that increased public participation in the development of leading tourist areas has obtained a sufficient legal basis. However, the existence of these legal norms needs to be analyzed further to find out the extent to which its implementation is able to increase community participation in the practice of managing superior tourist areas.

Analysis of the Effectiveness of the Law on the Development of Leading Tourist Areas to Increase Community Participation

According to Soerjono Soekanto, the effectiveness of the law is influenced by several interrelated factors, namely legal factors, law enforcement factors, facilities and facilities, and community culture. In this study, the effectiveness of developing leading tourist areas to increase community participation is analyzed based on these factors.

Legal Factors

From the legal aspect, the development of leading tourist areas in Kuningan Regency has a fairly adequate legal basis. Regulations regarding community participation are not only regulated in Article 55A of Law Number 18 of 2025, but are also strengthened through Kuningan Regency Regional Regulation Number 2 of 2013 as well as Cibuntu Village Regulation Number 05 of 2016 and Kaduella Village Regulation Number 06 of 2024. According to the author, the existence of the regulation shows the synchronization of regulations from the national level to the village level in supporting community involvement in the tourism sector. The existence of Article 55A of Law Number 18 of 2025 which gives the right to the community to participate in the implementation of tourism is then further translated through the Regional Regulation of Kuningan Regency Number 2 of 2013 as well as village regulations that explicitly regulate community participation in the management of tourist

villages. Thus, from the perspective of legal factors, the goal of increasing community participation has gained a clear normative foundation.

Factors of Law Enforcement Apparatus and Policy Implementers

The success of a regulation is not only determined by the quality of legal norms, but also by the apparatus that implements these provisions. Sanusi stated that the implementation of a policy is greatly influenced by the government's ability to translate regulatory objectives into concrete actions. In this study, the implementation of the development of superior tourist areas involves the Kuningan Regency Government, village governments, and tourism managers through BUMDes. The results of the study show that Cibuntu Tourism Village and Kaduela Tourism Village apply a community-based tourism management model through BUMDes which function as a manager of village tourism activities. According to the author, these conditions show that existing regulations have received support from policy implementing apparatus so that the goal of increasing community participation can be realized through tourism management that directly involves the community.

Facilities and Infrastructure Factors

In addition to legal factors and implementing apparatus, the effectiveness of the development of leading tourist areas is also influenced by the availability of supporting facilities and infrastructure. According to Soerjono Soekanto, the success of the implementation of the law cannot be separated from the availability of facilities that support the implementation of a rule. The results of the study show that tourism development in Kuningan Regency still requires improvements in several aspects of infrastructure to support sustainable tourism activities. According to the author, the existence of regulations and high community participation will not provide optimal results if it is not supported by adequate facilities and infrastructure.

Community Cultural Factors

The cultural factors of the community also have an influence on the effectiveness of the implementation of regulations. In the context of this research, the culture of mutual cooperation and public awareness to be involved in tourism management becomes social capital that supports the success of the development of leading tourist areas. The results of the study show that the people of Cibuntu Tourism Village and Kaduela Tourism Village are not only beneficiaries of tourism development, but also actively involved in the management of homestays, culinary businesses, tourism services, and various other economic activities through BUMDes. According to the author, the high level of community involvement shows that there is a compatibility between the goals of regulation and the social values that develop in society. This condition is an important factor that supports the effectiveness of the development of leading tourist areas.

Based on these four factors, it can be understood that the development of leading tourist areas in Kuningan Regency has been quite effective in increasing community participation. This can be seen from the existence of a clear legal basis, the support of policy implementing apparatus, community involvement through BUMDes, and a community culture that supports community-based tourism management. However, improving tourism facilities and infrastructure is still needed so that the goal of increasing community participation can be achieved more optimally.

Legal Implications of Community-Based Tourism Management in the Development of Superior Tourism Areas

The results of the study show that the development of leading tourist areas in Kuningan Regency is not only supported by regulations at the national and regional levels, but also strengthened through regulations at the village level. The existence of Cibuntu Village Regulation Number 05 of 2016 concerning Tourism Village Management and Kaduella Village Regulation Number 06 of 2024 concerning Tourism Village Development shows that the community participation policy has been translated into more operational rules in accordance with the needs of the local community. According to the author, this condition shows the synchronization of legal arrangements from the national level to the village level in supporting the development of superior tourist areas. In addition, this study found that tourism management in Cibuntu Tourism Village and Kaduella Tourism Village is carried out through Village-Owned Enterprises (BUMDes) which involve the community directly in various tourism activities. The findings show that community participation regulated in various laws and regulations does not only stop at the normative level, but has been realized through village institutions that provide space for the community to play the role of managers as well as beneficiaries of tourism activities.

From a legal perspective, the existence of BUMDes as a manager of tourism activities has important implications for the implementation of the principle of community participation in the implementation of tourism. The community is no longer positioned as an object of development that only receives the impact of government policies, but as a subject directly involved in the process of planning, managing, and utilizing the results of the development of leading tourist areas. According to the author, this condition is in line with the goal of regulating tourism which places the community as an important part of the sustainable development of the tourism sector.

Thus, the legal implications of the development of leading tourist areas in Kuningan Regency lie not only in the formation of regulations that regulate community participation, but also in the emergence of a community-based tourism management model supported by village institutions. The model shows that the effectiveness of a regulation can be achieved if the legal norms formed receive support from the institutional structure and culture of the community that develops in the practice of implementing tourism.

CONCLUSION

Based on the results of the research, the development of superior tourist areas to increase community participation in Kuningan Regency has a sufficient legal basis. These arrangements are not only contained in Law Number 18 of 2025 concerning the Third Amendment to Law Number 10 of 2009 concerning Tourism and Regional Regulations of Kuningan Regency Number 2 of 2013 concerning the Implementation of Tourism, but are also strengthened through Cibuntu Village Regulation Number 05 of 2016 concerning Tourism Village Management and Kaduella Village Regulation Number 06 of 2024 concerning Tourism Village Development. The existence of these regulations shows the synchronization of legal arrangements from the national, regional, and village levels in supporting increased community participation in the development of leading tourist areas. Based on Soerjono Soekanto's theory of legal effectiveness, the development of leading tourist areas in Kuningan Regency can be

said to have run quite effectively. From the legal factor, there are arrangements that provide space for community participation. From the factors of the implementing apparatus, local governments, village governments, and tourism managers have implemented policies through community-based tourism management. From the cultural factors of the community, the high involvement of the community in tourism management shows that there is a collective awareness to support the development of the tourism sector as a source of increased welfare. As for the facilities and infrastructure factors, it is still necessary to strengthen infrastructure and tourism supporting facilities to support the sustainability of the development of leading tourist areas. The results of the study also show that community participation is not only manifested in the form of involvement in tourism activities, but also through tourism management based on Village-Owned Enterprises (BUMDes) in Cibuntu Tourism Village and Kaduela Tourism Village. The existence of BUMDes shows that the community is no longer positioned as an object of development, but as a subject directly involved in the management and utilization of village tourism potential. Thus, the purpose of regulations to increase community participation has obtained a tangible form of implementation in tourism implementation practices. Therefore, the Kuningan Regency Government needs to continue to strengthen the implementation of Kuningan Regency Regional Regulation Number 2 of 2013 through increasing coordination with the village government and tourism managers, as well as strengthening tourism supporting facilities and infrastructure. On the other hand, village governments and BUMDes need to increase institutional capacity and expand community involvement in the management of leading tourist areas so that the economic and social benefits of the tourism sector can be felt more evenly and sustainably.

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