



Strengthening Legal Governance and Partnerships for Sustainable Tourism Villages Based on SDGS in Bongan Village, Tabanan

I Dewa Agung Gede Mahardhika Martha¹ | I Nyoman Sutama¹ | Gde Deny Larasdiputra¹

1. Universitas Warmadewa,
Indonesia

Correspondence Address to:
I Dewa Agung Gede Mahardhika Martha, Universitas Warmadewa
Email address:
dewaagungdhika.martha@gmail.co
m

Abstract. This community service aims to strengthen legal governance and establish a multi-stakeholder partnership in managing Bongan Tourism Village, Tabanan, Bali. The program included focus group discussions (FGDs), legal and entrepreneurship training, and drafting a Memorandum of Understanding (MoU) among local institutions. The results show the preparation of a village regulation draft, increased community capacity, and a transparent partnership model. This program contributes to achieving SDG 8, 11, and 17

Keywords: legal governance; partnership; tourism village; SDGs



This article published by Fakultas Hukum, Universitas Warmadewa is open access under the term of the Creative Common, CC-BY-SA license

Introduction

A tourism village represents a concrete manifestation of community-based development that places local residents as the primary actors in managing natural, cultural, and economic resources. Within the framework of national law, the development of tourism villages is regulated through Law No. 6 of 2014 on Villages, which grants authority to village governments to regulate and manage their own affairs based on their original rights. However, in practice, many villages face difficulties in translating this autonomy into operational legal instruments. Bongan Village, located in Tabanan Regency, Bali, exemplifies a village with considerable natural and cultural tourism potential but lacking adequate regulatory support. The absence of a specific Village Regulation (Peraturan Desa or Perdes) governing tourism management has led to a normative vacuum, resulting in weak legal certainty, institutional coordination, and accountability in local economic management.

From the perspective of developmental law, as emphasized by Mochtar Kusumaatmadja (2002), law functions not only as a tool of social control but also as an instrument of social reform (law as a tool of social engineering). This principle underscores that legal frameworks at the village level should aim to transform social behavior and mindset in alignment with development goals. This aligns with the concept of good governance, which upholds transparency, accountability, and participation as the three pillars of modern governance (Dwiyanto, 2016). Sustainable tourism village development, therefore, cannot be separated from the application of sound legal governance principles, where local regulations serve as a legal umbrella for synergy among the village government, BUMDes (Village-Owned Enterprises), tourism groups (Pokdarwis), and tourism entrepreneurs.

Bongan Village possesses remarkable ecotourism potential, encompassing rice field landscapes, agrarian culture, and deeply rooted Balinese traditions. However, this potential remains underutilized due to the absence of clear legal foundations within the tourism village institution. Preliminary observations indicate that working relations between BUMDes and Pokdarwis are informal, without specific regulations defining roles, responsibilities, and profit-sharing mechanisms. Such uncertainty often leads to overlapping authority and potential conflicts of interest. Hadjon (2014) asserts that legal certainty is a fundamental principle of public administration that must be realized through clear, implementable written instruments. Consequently, drafting a Village Regulation for Bongan Tourism Village is an urgent need to actualize responsible local autonomy.

Furthermore, the legal discourse surrounding tourism villages cannot be detached from the broader framework of sustainable development. The United Nations Development Programme (UNDP, 2015), through the Sustainable Development Goals (SDGs), emphasizes the importance of building strong, transparent, and accountable institutions

(SDG 16) and strengthening partnerships to achieve development goals (SDG 17). In this context, law serves as a key instrument for integrating sustainability values into local policies. Through the establishment of tourism village regulations, law not only protects community rights but also ensures the preservation of resources and the equitable distribution of economic benefits among all residents.

According to Soetandyo Wignjosoebroto (2008), effective legal development must emerge from the grassroots level because the living law grows out of societal needs rather than mere state authority. This notion is particularly relevant to the socio-cultural fabric of Bongan Village, where customary norms and gotong royong (mutual cooperation) remain central to community life. Thus, strengthening legal governance cannot rely solely on top- down mechanisms; it must adopt a participatory approach that enables local communities to engage in the rule-making process. This approach aligns with Satjipto Rahardjo's (2012) theory of responsive law, which emphasizes that law should adapt to social needs and

resolve real societal problems.

Legal weaknesses at the local level also stem from limited human resource capacity in understanding regulatory structures and legislative drafting techniques. Village officials often lack formal training in preparing systematic and hierarchically consistent legal documents. Therefore, this community service program conducted by Warmadewa University's legal team is not only aimed at drafting the Village Regulation but also at improving the legal capacity of local administrators and community institutions. Through focus group discussions (FGDs), legal drafting workshops, and the formulation of Memorandums of Understanding (MoUs), villagers are expected to manage their tourism potential autonomously under a strong and transparent legal framework.

Moreover, strengthening legal governance functions as a means of fostering collective legal awareness. As Friedman (1975) explains, an effective legal system consists of three interrelated components: legal structure (institutions and officials), legal substance (rules and policies), and legal culture (public awareness and behavior). These elements must operate harmoniously to enable the law to function optimally. Through this program, the legal structure is reinforced via tourism village institutions, legal substance is clarified through the Village Regulation, and legal culture is cultivated through education and participatory engagement.

Hence, this initiative is motivated not merely by administrative needs but also by an academic and social mission to establish participatory and sustainable legal governance. The approach is expected to transform Bongan Village into a model of local legal governance aligned with the SDGs, where law, economy, and culture interact within an equitable and sustainable village tourism system. Strong local law serves as the cornerstone of sustainability because a clear regulatory framework enhances community trust and encourages consistent public participation in tourism management.

Method

The implementation method of this community service activity in Bongan Village employed a combined juridical-empirical and participatory approach. According to Creswell (2016), participatory methods in social research empower communities to become active subjects rather than passive objects of study. This approach was used to understand both the legal and social dynamics within the village while developing context-based solutions derived from the community's own needs. The juridical aspect was applied to examine relevant legal frameworks, while the empirical aspect analyzed real institutional practices and social interactions at the local level.

The initial stage involved *legal mapping and situational analysis*. The team conducted observations of institutional documents, interviews with village officials, and assessments of both legal and managerial issues within tourism governance. This mapping was essential to identify the extent to which existing regulations aligned with the principles of sound legal governance. Data were analyzed qualitatively, guided by the developmental law theory (Kusumaatmadja, 2002) and good governance theory (Dwiyanto, 2016).

The second stage comprised *Focus Group Discussions (FGDs)*, serving as a participatory platform to collect input from all stakeholders—village leaders, BUMDes managers, Pokdarwis representatives, and community elders. Each group contributed perspectives on institutional structures, legal norms, and inter-organizational mechanisms. The discussions were conducted in a deliberative manner, reflecting Habermas's (1984) concept of *communicative action*, wherein law is regarded as the outcome of social dialogue.

The third stage involved the *drafting of the Village Regulation (Perdes)* and *Memorandums of*

Understanding (MoUs) between institutions. A bottom-up legal drafting approach was adopted, enabling villagers to participate directly in formulating norms and articles. The draft regulation defined mechanisms for tourism management, institutional authority, and public accountability. The drafting process adhered to the hierarchy of legislation as stipulated in Law No. 12 of 2011 on the Formation of Laws and Regulations.

The fourth stage focused on *capacity building through legal and entrepreneurial training*. Training materials included the fundamentals of village law, document preparation, financial management, and ethical tourism business practices. As Moleong (2019) explains, *action learning* enables participants to internalize both theoretical and practical aspects of law. The goal was to strengthen legal literacy and managerial competence so that villagers could autonomously implement the regulation.

The final stage encompassed *evaluation and sustainability mentoring*. Evaluation measured improvements in legal capacity, regulatory comprehension, and institutional collaboration effectiveness. Continuous mentoring was conducted through periodic consultations and field visits. As Neuman (2014) notes, the success of socio-legal programs should be assessed not only by short-term outcomes but also by the community's ability to sustain achieved transformations.

Results and Discussion

Strengthening Legal Governance in Tourism Village Management

Effective legal governance forms the cornerstone of transparent and equitable village administration. In the context of Bongan Tourism Village, the absence of a Village Regulation had created a normative gap and legal uncertainty among BUMDes, Pokdarwis, and the village government. Law No. 6 of 2014 confirms that villages have the authority to manage their affairs according to their original rights and customs. However, as Jimly Asshiddiqie (2015) argues, village autonomy is meaningful only when exercised within a responsible and orderly legal framework.

Therefore, the drafting of the Bongan Village Tourism Regulation serves as a strategic effort to operationalize the rule of law and ensure substantive, not merely administrative, autonomy. Within administrative law theory, such a regulation represents an autonomous legal product aligning village authority with functional decentralization principles (Hadjon, 2014). The substance of Bongan's regulation encompasses institutional structures, financial accountability, and environmental protection, reflecting the good governance principles codified in Law No. 30 of 2014 on Public Administration—legal certainty, transparency, and proportionality.

Following Satjipto Rahardjo's (2009) idea of progressive law, the drafting process aimed to transform law into a community empowerment tool rather than a bureaucratic control instrument. The FGDs held in Bongan became a forum for participatory legal learning, engaging village officials, customary leaders, women, and youth in deliberating the draft articles. This aligns with Friedman's (1975) legal system framework—linking legal structure, substance, and culture in a coherent governance model.

Substantively, the draft integrates the SDGs framework, embedding norms on environmental preservation, community empowerment, and cultural-based tourism promotion. This approach operationalizes SDGs 8, 11, and 16, echoing Amartya Sen's (1999) assertion that just development must treat law as a liberating, not coercive, force. Consequently, strengthening Bongan's legal governance has produced not merely a normative document but also expanded civic participation and social empowerment.

Legal training programs demonstrated tangible improvement in participants' understanding of legal hierarchies—from national law to village ordinances. This confirms Wignjosoebroto's (2008) view that grassroots legal education fosters *social compliance* through awareness, not coercion. The combination of structured legal drafting and civic participation thus positions Bongan Village as a model of responsive, community-based legal governance.

Multi-Stakeholder Partnership Model for Tourism Sustainability

Multi-stakeholder partnerships constitute a fundamental principle of equitable tourism governance. Under Law No. 10 of 2009 on Tourism, development must integrate efforts among government, businesses, and communities. In Bongan Village, partnerships between BUMDes, Pokdarwis, and tourism entrepreneurs were formalized through a *Memorandum of Understanding (MoU)*—a legal instrument outlining cooperation and responsibility-sharing mechanisms. As Mertokusumo (2010) explains, agreements represent legal acts based on mutual consent; thus, Bongan's MoU embodies the principle of *pacta sunt servanda* as codified in Article 1338 of the Civil Code.

From an administrative law perspective, the MoU serves dual functions: as a contract for economic collaboration and as a governance instrument ensuring transparency. Clauses on financial reporting, profit distribution, and dispute resolution reflect a mature legal awareness among tourism managers. Dwiyanto (2016) emphasizes that public-private partnerships grounded in legal norms produce efficient and accountable governance. Accordingly, Bongan's partnership model not only generates economic value but also institutional integrity.

Anchored in Article 33 of the 1945 Constitution, which mandates that economic activity be organized on cooperative principles, the MoU demonstrates local implementation of collective economic justice. Kelsen's (1961) hierarchy of norms theory clarifies that local legal instruments are legitimate when consistent with higher laws. The Bongan MoU exemplifies a *community-based legal innovation* aligned with both statutory and customary law.

A *Tourism Village Communication Forum* established through this partnership acts as a social oversight body for planning, policy evaluation, and conflict resolution. This mirrors Rahardjo's (2012) notion of responsive law—flexible, adaptive, and community-centered. Consequently, disputes can be resolved through deliberation without resorting to litigation, preserving social harmony and reducing costs.

The MoU also safeguards community rights and ensures equitable benefit distribution. Clear contractual obligations guarantee fair compensation and enforce corporate social responsibility principles, embodying Fuller's (1969) ideal of *legal certainty* as a pillar of justice. Additionally, the creation of Standard Operating Procedures (SOPs) for digital promotion, asset management, and local intellectual property protection demonstrates the village's compliance with Law No. 11 of 2008 on Electronic Information and Transactions.

Overall, Bongan's partnership model reveals how law can serve as an effective medium for social and economic integration. By combining normative and empirical approaches, this initiative realizes the *Pancasila* legal ideal—social justice for all Indonesians—through community-led legal innovation.

Conclusion

The community service program in Bongan Tourism Village demonstrates that strengthening legal governance is the foundation for sustainable, inclusive, and equitable tourism management. Through a comprehensive process involving legal analysis, FGDs, training, and the drafting of both the

Village Regulation and inter-institutional MoUs, significant transformation occurred in community legal awareness and institutional capacity. When law is utilized as an instrument of social empowerment—as conceptualized by Kusumaatmadja (2002)—it transcends mere normative function and becomes a transformative social force capable of reshaping community structures and behavior.

Bongan Village now possesses a clear regulatory framework, measurable partnership systems, and more accountable mechanisms of public oversight. Conceptually, this experience reinforces Rahardjo's (2012) idea of *responsive law*, which positions society as the central actor in law formation and implementation. The outcomes not only enhanced local legal capacity but also strengthened the legitimacy of law as a foundation for SDG-based rural development, particularly Goals 16 and 17—strong institutions and partnerships for development.

Several strategic recommendations emerge:

Local governments and academic institutions should expand legal assistance programs to ensure every development policy has a strong juridical basis and participatory formulation.

Villages should develop *internal legal audit systems* to maintain transparency, accountability, and sustainability in tourism operations.

Strengthening *public-private partnerships* among BUMDes, Pokdarwis, entrepreneurs, and educational institutions must be institutionalized through formal legal instruments ensuring equality and shared benefit.

Village regulations should be periodically updated to stay relevant to evolving social, economic, and environmental contexts.

Legal scholars and practitioners should continue developing *adaptive local legal governance* models that harmonize local wisdom with global transformation—embodying Wignjosoebroto's (2008) vision of a *living law* responsive to its society.

Through these efforts, Bongan's model of legal governance and partnership can be replicated nationally, advancing tourism governance that is just, sustainable, and grounded in progressive law.

Reference

Arida, I. N. S. (2020). *Tourism village development in Bali: Challenges and strategies*. Pustaka Larasan.

Kurniawan, B. (2019). Village institution-based tourism village development strategy. *Journal of Regional Development*, 11(3), 89–101.

Law of the Republic of Indonesia Number 6 Year 2014 on Villages.

Nugraha, M. (2020). Tri Hita Karana: The concept of harmony in sustainable tourism management in Bali. *Journal of Tourism*, 8(2).

Pratama, R., & Anggraini, S. (2022). Digitalisation of village tourism marketing: Strategy and implementation. *Journal of Tourism Technology and Marketing*, 6(3), 75–88.

Putra, I. G. (2021). *Tourism village development in Bali: Between potential and challenges*. Warmadewa University.

Rahardjo, S. (2019). *Contract law theory: Perspective of legal practice in tourism management*. Rajawali Press.

Sari, I. (2023). The importance of village regulations in tourism management in Bali. *Journal of Law & Society*, 12(1), 45–60.

Sari, M. (2018). Community participation in the formulation of village regulations. *Journal of Democracy and Villages*, 6(4), 213–225.

Setiawan, A. (2017). Challenges of legal assistance in villages. *Journal of Community Service*, 4(1), 56–67.

Subekti. (1983). *Principles of Indonesian civil law*. Intermasa.

Suhardini, R. (2018). Implementation of village autonomy in local economic development. *Journal of Legal Science*, 12(2), 45–58.

Susilo, H., & Nurhidayati, T. (2019). Cooperation contract in the management of BUMDes. *Journal of Law and Business*, 7(1), 98–112.

Sutedi, A. (2009). *Legal protection in tourism business management*. Sinar Grafika.

Sutedi, A. (2009). *Tourism law and tourism village development*. Kencana.

Sutedi, A. (2009). *Tourism village management: The role of BUMDes and Pokdarwis in improving the village economy*. Sinar Grafika.

Widodo, S., & Rahayu, D. (2020). Empowerment of BUMDes in tourism village management. *Journal of Village Economy*, 8(2), 78–90.

Yuniarti, A., & Kurniasih, M. (2021). Management and marketing strategy of tourism village. *Journal of Sustainable Tourism*, 5(3), 123–137.