

Mapping of Local Government Authorities in Creative Economy Sector to Encourage Tourism Industry Development

Ahmad Saleh
Constitutional Law
Lampung University
Lampung, Indonesia
ahmadsleh989@gmail.com

Malicia Evendia
Constitutional Law
Lampung University
Lampung, Indonesia
0000-0003-0794-3135

Martha Riananda
Constitutional Law
Lampung University
Lampung, Indonesia
marthamahdi@gmail.com

Candra Perbawati
Constitutional Law
Lampung University
Lampung, Indonesia
perbawaticandra@yahoo.com

Abstract—This study aims to analyze and map the authority of local governments to develop the creative economy to encourage economic development, especially the development of the tourism industry. In essence, the granting of autonomy to regions is directed at accelerating the realization of community welfare, through the implementation of government affairs. Post-reform regional autonomy is a new chapter in governance that leads to a bottom-up approach. Regional governments through decentralization have great authority and responsibility in developing their regions, including in the development of the creative economy. This study uses a normative legal research method with a statutory and conceptual approach. The results of this study indicate that: government affairs in the tourism sector are concurrent government affairs that are divided between the central government and local governments. Concurrent government affairs are the basis for local governments to implement regional autonomy. Based on local government legal regimes and sectoral legal regimes, at least local governments have the authority to develop the creative economy which includes, integrating creative economic development in regional development planning documents, increasing the capacity of creative economy actors, and developing creative economy ecosystems. Therefore, in realizing the regional authority so that it can be felt by the community, the regional government needs to put it in the form of regional policies through the formation of regional legal products.

Keywords—creative economy; tourist; regional authority; autonomy.

I. INTRODUCTION

Tourism is one sector that the government is encouraged to expand abroad, and it is also a sector that

will help national development. Tourism is an industry that can spur rapid economic growth in terms of employment opportunities, income, the standard of living, and inactivating other sectors in the tourist receiving countries. In addition, the tourism industry can help revive other sectors such as the tourism industry and the handicraft industry [1]. Tourism is also a service industry which is classified as the third industry, which plays an important role in determining policies regarding employment opportunities, due to the increasing urgency of the demand for permanent employment opportunities in connection with the increasing tourism in the future [2].

With the enactment of regional autonomy where the government gives authority to regions to manage their households, in the context of accelerating development, this can be utilized to the maximum extent possible by regional governments to develop regional potential, including the tourism sector. Tourism is one of the potential opportunities to bring in Regional Original Income and economic growth in the region. Tourism is not only a source of foreign exchange but is also a factor in determining the location of industries in the development of areas that are poor in natural resources so that tourism development is one way to advance the economy in these less developed areas as a result of the lack of natural resources [3].

Tourism in the region is hoping to grow in the current era of regional autonomy. Local governments have several strategies they need to carry out. One strategy that can be used is the development of the creative economy. The creative economy has been proven to be an effective way to increase the value of a

product in facing all the challenges of an increasingly global economy. This is further supported that Indonesia has a wealth of cultural heritage that needs to be utilized into products that create added value through the development of a creative economy to promote public welfare. [4].

Creativity is the main capital in the face of increasingly rapid economic globalization. The development of technology is so massive, making economic globalization increasingly felt. This is certainly an opportunity as well as a challenge that needs to be addressed. Economic globalization will be an opportunity for market expansion, and a challenge because it is a demand that the community, especially economic actors, can adjust to such a fast current to be able to compete and not be left behind.

Currently, creative economic actors in tourism development are still limited. The still limited resources in producing innovative products is a problem that needs to be solved. Considering that there are currently big challenges in facing economic globalization, the community must also have the ability and competitiveness to continue to advance and develop. The central government in this case has issued a policy through Law Number 24 of 2019 concerning the Creative Economy, as a legal guide in seeking the development of the creative economy.

The transformation of the development of the economic structure which was originally based on natural resources turned into human resources, requires a good creative economic ecosystem. The central government and local governments in this case play an important role in efforts to develop the creative economy, including in overcoming the obstacles or problems experienced by creative economy actors. Some of these obstacles include limited access to banking, promotion, infrastructure, capacity building for Creative Economy Actors, and synergy among stakeholders.

Tourism needs to be developed because tourism development in a particular area depends on policymakers through research or assessment of all aspects related to tourism. Starting from the potential of the area, the living habits of the surrounding community, the beliefs held, to the behavior or habits of tourists who are planned to be attracted to visit the area [5]. Efforts for the development of the tourism industry can be done by developing a creative economy.

Whether or not the development or improvement of the implementation of tourism is highly dependent on the policies set by the Government as outlined in various regulations in the field of tourism. So it is not wrong if, in the implementation of tourism in the sense of developing and improving tourism, the government and local governments have a very decisive role in the policies contained in the form of regulations.

Amendments to the Law on Regional Government through Law Number 23 of 2014 concerning Regional Government as last amended by Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government provide space for regions to develop their territories alone. The provisions of Article 17 paragraph (1) of Law Number 23 of 2014 stipulate that "Regions have the right to determine Regional policies to carry out Government Affairs under the authority of the Regions."

The Regional Government in making policies in the context of implementing regional autonomy must be based on and following the authority it has. The basis of authority is important for the legitimacy of government actions, including local governments in the development of the creative economy. The creative economy has a strategic position in developing the national and regional economy. Therefore, mapping the authority of local governments in the development of the creative economy to encourage the development of the tourism industry is very necessary, to optimize the role of local governments.

II. RESEARCH METHODS

This research is a way of looking at laws and regulations to understand how they affect regions and the creative economy. The legal research model I used was a comprehensive and analytical study of primary legal materials and secondary legal materials. The approach of this study includes a statutory approach and a conceptual approach [6]. The data were analyzed by the qualitative description of the data so that a systematic explanation of the problem could be formed and the results of the data analysis concluded.

III. DISCUSSIONS AND ANALYSIS OF RESULTS

To understand and answer research problems, the following will be presented in the following sub-chapters description and analysis.

A. *Tourism as a Concurrent Government Affairs*

God has given Indonesia great wealth. Wealth in the form of a strategic geographical location, diversity of languages and ethnic groups, natural conditions, flora and fauna, ancient relics, as well as historical, artistic, and cultural relics are resources and capital to increase the prosperity and welfare of the Indonesian nation [7]. These resources and capital need to be used in the most effective way possible through the implementation of tourism.

Tourism development is needed to encourage the equal distribution of business opportunities and gain benefits and be able to face the challenges of changing local, national, and global life [8]. The definition of tourism as regulated under Article 1 point 3 of Law Number 10 of 2009 is a variety of tourism activities supported by various facilities and services provided by the community, businessmen, government, and local governments. One important definition of tourism is a

travel activity that often involves visiting places for recreational purposes, personal development, and studying the uniqueness of the places visited in a temporary period.

The definition of tourism according to YoeTi is a trip that is carried out for a while, which is organized from one place to another, with the intention not to try or earn a living in the place visited but solely to enjoy the journey of life for sightseeing and recreation or fulfilling various desires [5]. Tourism is included in the national development program in Indonesia as one of the sectors of economic development [9].

The topic of discussion regarding tourism is an interesting matter both from a legal and development perspective. The presence of Law Number 10 of 2009 concerning Tourism, as a substitute for Law Number 9 of 1990 concerning Tourism, indicates that there is a new policy direction in tourism development. Tourism is one of the important things in the administration of the state, talking about tourism is inseparable from development efforts.

The considering section in Law Number 9 of 1990 concerning Tourism, one of which also describes that:

"Tourism has an important role in expanding and equalizing business opportunities and employment opportunities, encouraging regional development, increasing national income in the context of improving the welfare and prosperity of the people and fostering a sense of love for the homeland, enriching the national culture and strengthening its development to strengthen national identity and strengthen national identity. the friendship between nations."

This means that since decades ago, the government has realized that Indonesia has huge tourism resources and potential, which need to be optimized through the implementation of tourism.

Currently, Law Number 9 of 1990 concerning Tourism is no longer valid and was revoked by Law Number 10 of 2009 concerning Tourism, because it is not following the demands and developments of tourism. Then at the end of 2020, the government has issued an omnibus law on job creation, through Law Number 11 of 2020 concerning Job Creation. One of the contents has changed the provisions in Law Number 10 of 2009 concerning Tourism.

In addition to being regulated in a sectoral legal regime, tourism is also included in the scope of the regional government legal regime as regulated in Law Number 23 of 2014 concerning Regional Government as amended several times, most recently by Law Number 11 of 2020. This is not without reason, There are several factors that, according to the author, are behind, such as:

- The potentials that exist in the regions will be difficult to develop if the policies are still only centralized. This is because the region has a

better understanding of the conditions and potentials that exist in its territory;

- each region has different tourism potentials from other regions, it is necessary to have appropriate regional policies that can overcome obstacles and tourism developments that exist in the region.;
- Tourism is part of regional development. The progress of tourism development in the region will have a positive impact on regional development.

Tourism itself has a function and purpose, this is contained in Article 3 and Article 4 of Law Number 10 of 2009 concerning Tourism. Article 3 stipulates that "Tourism has the function of meeting the physical, spiritual and intellectual needs of every tourist with recreation and travel as well as increasing state income to realize people's welfare.", while Article 4 stipulates that Tourism aims to: a). increase economic growth; b). improve people's welfare; c). eradicating poverty; d). overcoming unemployment; e). conserving nature, environment, and resources; f). promote culture; g). raise the image of the nation; h). foster a sense of love for the homeland; i). strengthen national identity and unity, and J). strengthen international friendship.

With decentralization, government affairs are shared between the central government and local governments. Article 18 paragraph 2 of the 1945 Constitution, which stipulates that the constitution of the region shall regulate and manage its affairs according to the principles of autonomy, is the regional constitutional basis to regulate and manage its affairs.

Regional autonomy gives rights, authorities, and obligations to regional governments to regulate and manage their households. The scope and limitations of rights, authorities, and obligations for regions will be reflected in laws for regional governments. Government affairs, by definition, are the powers of government under the authority of the President, the implementation of which is carried out by state ministries and local administrators to protect, serve, empower and prosper the community. Further regulation in Article 9 of Law Number 23 of 2014 stipulates that:

- Government Affairs consist of absolute government affairs, concurrent government affairs, and general government affairs.
- Absolute government affairs as referred to in paragraph (1) are Government Affairs which are fully under the authority of the Central Government.
- Concurrent government affairs as referred to in paragraph (1) are Government Affairs which are divided between the Central and Provincial Governments and Regency/Municipal Regions.

- Concurrent government affairs that are handed over to the Regions become the basis for the implementation of Regional Autonomy.
- General government affairs as referred to in paragraph (1) are Government Affairs under the authority of the President as head of government.

Furthermore, Article 11 explains further related to concurrent affairs which are the basis for the implementation of regional autonomy, namely:

- Concurrent government affairs as referred to in Article 9 paragraph (3) which become the authority of the Regions consist of Mandatory Government Affairs and Preferred Government Affairs.
- Mandatory Government Affairs as referred to in paragraph (1) consist of Government Affairs relating to Basic Services and Government Affairs not relating to Basic Services.
- Mandatory Government Affairs relating to Basic Services as referred to in paragraph (2) are Mandatory Government Affairs, some of which constitute Basic Services.

Article 12 then details what constitutes mandatory government affairs and optional government affairs which are concurrent affairs of local governments:

a) Mandatory Government Affairs relating to Basic Services as referred to in Article 11 paragraph (2) include:

- education;
- health;
- public works and spatial planning;
- public housing and residential areas;
- peace, public order, and community protection; and
- social.

b) Mandatory Government Affairs that are not related to Basic Services as referred to in Article 11 paragraph (2) include:

- labor;
- empowering women and protecting children;
- food;
- land;
- environment;
- population administration and civil registration;
- community and village empowerment;

- population control and family planning;
- communication;
- communication and informatics;
- cooperatives, small and medium enterprises;
- capital investment;
- youth and sports;
- statistics;
- cipher;
- culture;
- library; and
- record management.

c) Elective Government Affairs as referred to in Article 11 paragraph (1) include:

- marine and fisheries;
- tourist;
- Agriculture;
- forestry;
- energy and Mineral Resources;
- trading;
- industry; and
- transmigration.

According to these provisions, tourism is one of the optional choices of government affairs. These concurrent affairs are the basis for the implementation of regional autonomy. However, the authority of the regions and the authority of the central government is not only regulated by the law but also have authority. The division of concurrent government affairs between the Central Government and the Provinces and Regency/City Regions is listed in Attachment of Law Number 23 of 2014. This is an integral part of the Law.

In addition to referring to the provisions in the regional government legal regime, the basis for regional authority to administer tourism affairs also refers to the provisions in the sectoral legal regime. As mandated in Law Number 10 of 2009 concerning Tourism as the legal basis for tourism development, it is stated in Article 18 that "The Government and/or Regional Governments regulate and manage tourism affairs following the provisions of the legislation".

Thus, following the provisions stipulated in Law Number 23 of 2014 concerning Regional Government and Law Number 10 of 2009 concerning Tourism, local governments should contribute and be responsible for tourism development. This is because the tourism sector is a concurrent government affair which is the right, authority, and responsibility of the regional

government as a form of implementing regional autonomy.

B. Creative Economy in the Scope of Tourism Industry Development

The creative economy is one sector that is expected to be able to become a new sustainable national economic force and emphasizes adding value to goods through human thought and creativity. The Creative Economy is one sector that is closely related to tourism. The high level of free trade and the increasing popularity of e-commerce, encourage the economy to be more competitive. The creative economy in this case is an alternative solution in the face of increasingly fierce and competitive competition.

Since 2019, there has been a change in the nomenclature of the Ministry of Tourism to become the Ministry of Tourism and Creative Economy. The change in nomenclature was motivated by various things. However, in substance, it cannot be avoided that tourism and the creative economy are two sides that become one. The creative economy and tourism will further strengthen each other.

Tourism as a strategic sector in improving the community's economy cannot only rely on natural resources. The creativity-based economy is currently growing and will encourage tourism development. Regions need to innovate and be creative in developing tourism potential, one of which is by optimizing the creative potential of the community. This has something to do with and relate to the tourist destination itself. According to Oka A. Yoeti, a tourist destination must meet three conditions, namely [10]:

- The area must have what is called "something to see" meaning that the place must have tourism objects and tourist attractions that are different from what other regions have.
- The area is provided with what is called the term "something to do" which means that in addition to many things that can be seen and witnessed, recreational facilities must also be provided that can make them feel at home staying longer in that place.
- The area must have what is called "something to buy" which means that the place must have facilities for shopping (shopping), especially souvenir items and folk crafts as souvenirs to take back to their respective places of origin.

Discussing the tourism industry will not be separated from the existing provisions in the regulation of tourism, namely Law Number 10 of 2009 concerning Tourism. Article 6 of this law stipulates that tourism development is carried out based on the principles as referred to in Article 2 which are realized through the implementation of tourism development plans by taking into account the diversity, uniqueness, and uniqueness of culture and nature, as well as human

needs for tourism. So it is clear that what is considered in tourism development is to see the condition of cultural diversity and the growing human need for tourism.

Development in the field of tourism has the ultimate goal of increasing people's income which in turn can improve the welfare of the community [11]. Tourism development itself includes several aspects, namely: a). tourism industry; b). tourism destinations; c). marketing; and D). tourism institutions.

The tourism industry is one part of tourism development. The tourism industry is a collection of interrelated tourism businesses in the context of producing goods and/or services to fulfill the needs of tourists in the implementation of tourism [12]. In this provision as contained in the elucidation of Article 7 of Law Number 10 of 2009, it is explained that what is meant by the development of the tourism industry, among others, is the development of the structure (function, hierarchy, and relationship) of the tourism industry, the competitiveness of tourism products, tourism business partnerships, business credibility. as well as responsibility for the natural and socio-cultural environment. Thus, the creative economy in this case can try to take a role in tourism development through the tourism industry.

The development of the creative economy is one of the efforts in the development of sustainable tourism industry. Good and sustainable tourism management should be able to provide opportunities for economic growth in a tourism destination, also if it is supported by innovative business products from the tourist destination. The results of the creative economy generated by the community can later increase tourist attraction.

There is a strong relationship between local government, the creative economy, and the development of the tourism industry. The need for the role of local governments in developing the creative economy, the hope is to develop new products that are more competitive and following market needs.

C. Mapping of Regional Authorities in Creative Economy Development

One of the goals of the Unitary State of the Republic of Indonesia as stated in the Preamble to the 1945 Constitution of the Republic of Indonesia is to promote public welfare. The meaning of the phrase general welfare cannot be separated from the aspect of economic development. To increase economic development, the government prioritizes one of the new economic sectors to be developed, namely the creative economy.

The creative economy is an economic sector that puts forward the ideas and creativity of human resources based on culture along with the development of science and technology. Therefore, the development

of the creative economy, which is based on the development of human resources, must be carried out in a planned, directed, and coordinated manner. Kristianto stated that Indonesia's creative industry raises great hopes for the growth of a new economy based on creativity and ideas. Through creative industries, the Indonesian economy does not depend on conventional production factors, such as natural resources, capital resources, and technology. Creativity which is the capital in the creative industry is expected to create job opportunities as a result of this intellectual property and content [13].

Normatively, the definition of Creative Economy according to Law Number 24 of 2019, is the embodiment of added value from intellectual property that comes from human creativity based on cultural heritage, science, and/or technology. The term creative economy developed from the concept of creativity-based capital which has great potential in increasing economic growth [14]. The creative economy is an economic concept in the new economic era that intensifies information and creativity by relying on ideas and stock of knowledge from human resources as the main production factor in economic activities [15].

The term creative economy first appeared in John Howkins' book entitled *The Creative Economy: How People Make Money From Ideas* in 2001. The definition of the creative economy according to John Howkins is "the transactions of creative products that have an economic good or service that results from creativity and has economic value" [16]. Based on this definition, it can be said that the creative economy is a process of producing products and services through the creation of human resources that have a selling value. The creative economy is an economic activity where the input and output are creativity whose essence is "ideas". Based on having an idea, someone who is creative can earn a relatively high income [14].

To increase the development of the creative economy nationally, efforts to develop the creative economy must also be initiated in the regions. The development of the creative economy in the regions has an important meaning and role in realizing general welfare. This can be achieved by developing a creative economy that will have an impact on providing employment, improving the community's economy, and promoting regional development in various sectors. The definition of Creative Economy Development is the efforts made by the Regional Government, the business world, and the community, in the form of creating a business climate, fostering and developing the Creative Industry so that it can grow and develop into a strong and independent business.

Creative economy development is one of the efforts in economic development. This is because national economic growth is supported by the development of small and creative industries in society which has entered the fourth industrial era. The wave of the

industrial revolution 4.0 has brought fundamental changes to the Indonesian economic order, marked by the growing development of creativity and innovation in small and medium industries. As a manifestation of the reaction to the phenomena that occur in the economic order, the "creative economy" appears as an alternative development to improve people's welfare [17].

Creative Economy actors consist of creative actors and intellectual property managers [18]. A creative act is a person or group of people who work to show their creativity or carry out a creative process or produce a work of copyright, design, or invention. Whereas what is meant by intellectual property managers are parties who commercialize intellectual property that is owned by themselves or owned by other parties based on certain agreements. Intellectual property managers include music/film/game publishers, music/film/game distributors, cinemas, video streaming services (video streaming), restaurants/restaurants/cafes, advertising companies, theater organizers, online portal managers, and online program managers.

By definition, Creative Economy Actors are individuals or groups of Indonesian citizens or business entities that are legal entities or not legal entities established under Indonesian law that carry out Creative Economy activities. Thus, creative economy actors are not limited to individuals, but can also take the form of business entities or groups. This definition of understanding is needed to see the number and conditions of the development of the creative economy of a region.

In empowering or developing the creative economy, three things must be agreed upon concerning each other, namely: first, having an agreement with the mindset (brain) and spiritual needs (inner life); second, agreement with the community's ideas; third, economic deal [19]. The meaning of these three things is that creative economic actors must have freedom based on their thoughts and desires in realizing the wishes or needs of the community and pay attention to the economic values of the creative economic products they produce.

The massive growth of the creative economy sector today is due to the diversity of potentials that exist in Indonesia. Indonesia not only has a diversity of natural resources (SDA), but also a diversity of potential human resources (HR) that can continue to grow. Like a building, the creative economy needs pillars to stand upright. Rochmat Aldy Purnomo said that the creative economy has five (5) pillars that need to be strengthened so that the creative economy can grow and develop. The five pillars are as follows [14]:

- Resources (resources), are inputs needed in the process of creating added value, in addition to ideas or ideas owned by HR, the availability of

natural resources is input that has a supporting role;

- The industry is part of community activities related to the production, distribution, exchange, and consumption of products and services resulting from the existence of a creative economy;
- Technology (technology), is an entity both material and non-material. Technology is not just a machine or a tangible tool, but a mental process that produces and achieves certain values, such as a collection of techniques or methods;
- Institutions, defined as a social order which includes customs, norms, customs, rules, and applicable laws that provide certainty and protection for creative economy actors who create useful, valuable, and novel products; and
- Financial institutions (financial institutions) are institutions that have the role of channeling funding to creative economic actors in need, either in the form of capital, loans, or credit. Financial institutions are pillars that have an endorsement role in bridging the financial needs of creative economy actors.

The enforcement of the five pillars above aims to strengthen the creative economy so that it can grow and develop. The creative economy is one sector that is expected to be able to become a new sustainable national economic force and emphasizes adding value to goods through human thought and creativity.

The creative economy is not only a new force in the national economy but also a potential for improving the regional economy. The existence of regional autonomy which provides flexibility for regional governments to administer and manage their regions becomes a challenge and opportunity for regions to optimize regional potential based on the authority granted by law.

Before elaborating further on the authority of local governments in the development of the creative economy. The author describes what authority is. According to Herbert G. Hick, authority or authority is the right to do something, and it is legitimate power. According to Prayudi, there is a difference between the notion of authority (authority, *gezag*) and authority (competence, *bevoegdheid*). Authority is power over a certain group of people or power over a certain area of government. Meanwhile, what is meant by authority is the power to carry out a public legal act [20].

As for Indroharto, he did not clearly distinguish between authority and authority, he only said that authority could be described as an ability given by applicable laws and regulations to cause legal consequences [21]. According to Bagir Manan,

authority in the language of the law is not the same as power (*Macht*). Power only describes the right to do or not to do. In law, authority simultaneously means rights and obligations (*Rechten en plichten*) [22].

Authority is obtained through 3 (three) ways, namely attribution, delegation, and mandate. In this case, Philipus M. Hadjon also stated that authority is obtained through three sources, namely: attribution, delegation, and mandate. Attribution authority is usually outlined through the division of state power by the Constitution, delegation and mandate authority are powers derived from delegation [23]. Meanwhile, according to Rosjii Ranggawidjaja, the notion of attribution is the granting of authority to certain state bodies/institutions/officials given by the makers of the Constitution and the legislators. In this case, it is in the form of the creation of new authority for and on behalf of the given authority [20].

Definition of delegation according to Hadjon, delegation is defined as the transfer of authority (to make a "*besluit*") by a government official to another party and that authority is the responsibility of the other party [24]. Meanwhile, the definition of mandate according to Hadjon is a delegation of authority to subordinates. The delegation intends to authorize subordinates to make decisions on behalf of the state administrative official who gives the mandate. The decision is the decision of the state administrative official who gave the mandate. Thus, responsibility and accountability remain with the mandate giver [24].

The local government in developing the creative economy is an authority given by attribution, meaning that the local government in implementing the development of the creative economy refers to what has been outlined in the law. The authority of local governments in the development of the creative economy comes from the local government legal regime, namely Law Number 23 of 2014 concerning Regional Government, as last amended by Law Number 9 of 2015, and the sectoral legal regime, namely Law Number 24 of 2019 about the Creative Economy. The following are the arrangements contained in Law Number 23 of 2014 concerning the authority of local governments, both provincial and district/city governments in terms of creative economy development.”

TABLE I. THE AUTHORITY OF PROVINCIAL AND REGENCY/CITY GOVERNMENTS IN GOVERNMENT AFFAIRS IN THE TOURISM SECTOR RELATED TO THE CREATIVE ECONOMY ACCORDING TO LAW NUMBER 23 OF 2014

Sub Affairs	Provincial Government Affairs	District/City Government Affairs
Creative Economy Development through Utilization and Protection of Intellectual Property Rights	Provision of creative city facilities and infrastructure.	Provision of infrastructure (creative zone/creative space/creative city) as a space for expression, promotion, and interaction for creative people in the district/city.
Development of Tourism Resources and Creative Economy	Implementation of increasing the capacity of human resources for tourism and the creative economy at an advanced level.	Implementation of capacity building for tourism human resources and the creative economy at the basic level.

^a Source: Law no. 23 the Year 2014.

Furthermore, the authority of local governments based on Law Number 24 of 2019, the regions at the provincial and district/city levels have the authority, namely:

First, developing the capacity of creative economy actors. Article 7 of Law Number 24 of 2019 confirms that the Government and/or Regional Governments carry out capacity building for Creative Economy Actors through:

- training, technical guidance, and assistance to improve the technical and managerial capabilities of Creative Economy Actors;
- facilitation support to deal with technological developments in the business world; and
- business standardization and professional certification in the field of Creative Economy.

Second, developing a creative economy ecosystem. Based on Article 5 of Law Number 24 of 2019, every Creative Economy Actor has the right to obtain support from the Government and/or Regional Government through the development of the Creative Economy Ecosystem. The Creative Economy Ecosystem is a connected system that supports the Creative Economy value chain, namely creation, production, distribution, consumption, and conservation, which is carried out by Creative Economy Actors to provide added value to their products so that they are highly competitive, easily accessible, and legally protected.

The creative economy ecosystem is an important thing, which needs to be immediately built by local

governments, in addition to increasing the capacity of creative economy actors. This is also reaffirmed by the provisions of Article 9 which states that the Government and/or Regional Governments are responsible for developing the Creative Economy Ecosystem. The Creative Economy Ecosystem Development is carried out through:

- research development;
- educational development;
- funding and financing facilitation;
- provision of infrastructure;
- marketing system development;
- Incentives Giving;
- intellectual-property facilitation; and
- protection of creativity.

If you look at the provisions, then these efforts must be carried out by each region without exception. This is due to the use of the word "and" which means that its nature is cumulative, not facultative. The development of the creative economy ecosystem is an obligation of the local government to be implemented immediately because it is a law mandate, and is the right of creative economy actors.

Local governments in implementing the creative economy must be based on the Creative Economy Master Plan prepared by the central government. This Creative Economy Master Plan is regulated in Presidential Regulation Number 142 of 2018 concerning the 2018-2025 National Creative Economy Development Master Plan. The regulation in this Presidential Regulation is a strategic framework for the development of a national Creative Economy in the long term which becomes a guideline for the Central Government and Regional Governments in an integrated and collaborative manner. Thus, local governments in carrying out creative economic development must integrate them into regional development planning documents.

Based on the aforementioned authorities that have been described, it is hoped that local governments can accommodate local policies and local needs in developing the creative economy so that a creative economic system is built in the areas under their authority. It is hoped that the mainstreaming of the Creative Economy in regional development plans through the development of the Creative Economy Ecosystem can provide added value to Creative Economy products that are highly competitive, easily accessible, and legally protected. The following is a map of the authority of local governments in the development of the creative economy.

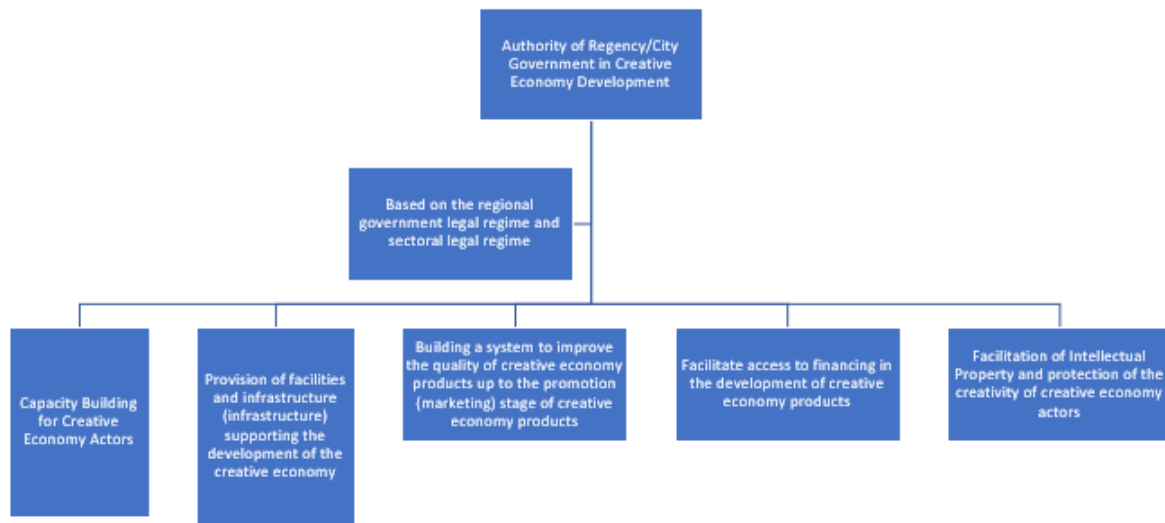


Fig. 1. Map of Local Government Authorities in Creative Economy Development

Local governments are responsible for creating and developing the creative economy in the region in a planned, directed, and coordinated manner to achieve maximum results to be able to contribute to the regional economy and increase global competitiveness to achieve sustainable development goals, including the development of the tourism industry.

The application of regional autonomy, along with the granting of authority in the development of the creative economy, has become legal legitimacy for local governments to establish policies to enhance the development of the tourism industry through the development of the creative economy. The existence of authority owned by the Region is an opportunity, opportunity and at the same time a challenge to be able to manage the potential that exists in the region.

IV. CONCLUSIONS

Based on the description described above, it can be concluded that local governments are based on the authority given by attribution based on Law Number 23 of 2014 concerning Regional Government and Law Number 24 of 2019 in the development of the creative economy, including integrating creative economy development in development planning documents. regions, increasing the capacity of creative economy actors, as well as developing creative economy ecosystems through research development, education development, funding, and financing facilitation, infrastructure provision, marketing system development, incentives provision, intellectual property facilitation, and protection of creativity results. The development of the creative economy carried out by the regions is one of the efforts to encourage the development of the tourism industry, so that it is hoped that it can increase economic growth in a tourist destination.

ACKNOWLEDGMENT

This research can be done well thanks to the funds provided by the government of the Republic of Indonesia through a base research grant scheme at the University of Lampung. We would like to thank you for the financial support of this research.

REFERENCES

- [1] Salah Wahab, Manajemen Kepariwisata Terjemahan Frans Gromang (Jakarta: PT Pradnya Paramita, 1976)
- [2] James J. Spillane, Ekonomi Pariwisata: Sejarah dan Prospeknya (Yogyakarta: Kanisius, 1993)
- [3] Oka A. Yoeti, Pengantar Ilmu Pariwisata, (Bandung: Angkasa, 1996).
- [4] Section Considering Law Number 24 Year 2019
- [5] Oka A. Yoeti, Pengantar Ilmu Kepariwisata, (Yogyakarta: Erlangga, 1995).
- [6] Peter Mahmud Marzuki, Penelitian Hukum. (Jakarta: Prenada Media, 2005).
- [7] The general part of the explanation of Law Number 10 of 2009
- [8] Part considering Law Number 10 the Year 2009
- [9] Selo Soemardjan, Pariwisata dan Kebudayaan, in Prisma No. 1 Tahun III Feb 1974, p.
- [10] Oka A. Yoeti, Pengantar Ilmu Pariwisata, (Bandung: Penerbit Angkasa, 1985)
- [11] Harry Waluyo (et al), Dukungan Budaya Terhadap Perkembangan Ekonomi (Jakarta: Departemen Pendidikan dan Kebudayaan, 1993), p. 30.
- [12] Article 1 point 9 of Law no. 10 the Year 2009
- [13] Wheny Khristanto, 2012, Peluang dan Tantangan Industri Kreatif di Indonesia.
- [14] Rochmat Aldy Purnomo, Ekonomi Kreatif: Pilar Pembangunan Indonesia, (Surakarta: Ziyad Visi Media, 2016), p. 6. In Pusat Analisis dan Evaluasi Hukum Nasional Badan Pembinaan Hukum Nasional Kementerian Hukum dan HAM RI, Laporan Akhir Kelompok Kerja Analisis dan Evaluasi Hukum Terkait Peran Lembaga Keuangan Non Bank dalam Rangka Meningkatkan Ekonomi Kreatif, (Jakarta: 2019)
- [15] Eddy Cahyono Sugiarto, Ekonomi Kreatif Masa Depan Indonesia, www.setneg.go.id, Diakses Pada 22 November

2019. In Pusat Analisis dan Evaluasi Hukum Nasional Badan Pembinaan Hukum Nasional Kementerian Hukum dan HAM RI, Laporan Akhir Kelompok Kerja Analisis dan Evaluasi Hukum Terkait Peran Lembaga Keuangan Non Bank dalam Rangka Meningkatkan Ekonomi Kreatif, (Jakarta: 2019)
- [16] Policy Research Group. *The Creative Economy: Key Concepts and Literature Review Highlights*, (Government of Canada-Canadian Heritage, 2013), p. 3. In Pusat Analisis dan Evaluasi Hukum Nasional Badan Pembinaan Hukum Nasional Kementerian Hukum dan HAM RI, Laporan Akhir Kelompok Kerja Analisis dan Evaluasi Hukum Terkait Peran Lembaga Keuangan Non Bank dalam Rangka Meningkatkan Ekonomi Kreatif, (Jakarta: 2019)
- [17] Muhammad Baqir Ash Shadr, *Buku Induk Ekonomi Islam Iqtishaduna*, (Jakarta: Zahra, 2008), p. 56.
- [18] Pasal 6 UU Nomor 24 Tahun 2019
- [19] John Howkins, *The Creative Economy – Second Edition*, Penguin Books, 2013, hlm.6 dalam Tim Ahli Ekonomi Kreatif Komite III DPD RI, *Naskah Akademik RUU Tentang Ekonomi Kreatif*, Jakarta: 2015
- [20] Jum Anggriani, *Hukum Administrasi Negara*, (Yogyakarta: Graha Ilmu, 2012), p. 88.
- [21] Indroharto, *Peradilan Tata Usaha Negara*, (Jakarta: Pustaka Sinar Harapan, 1999), p. 95.
- [22] Bagir Manan, *Wewenang Provinsi, Kabupaten dan Kota Dalam Rangka Otonomi Daerah*, Makalah pada Seminar Nasional FH UNPAD, 13 mei 2000, pp. 1-2. In Ridwan HR, *Hukum Administrasi Negara*, (Jakarta: PT Raja Grafindo, 2006), p. 102.
- [23] Philipus M. Hadjon, *Fungsi Normatif Hukum Administrasi Dalam Mewujudkan Pemerintahan Yang Bersih*, disampaikan pada Pidato pengukuhan Guru besar di FH Universitas Airlangga, 10 Oktober 1994, p. 4.
- [24] Philipus M. Hadjon, *Tentang Wewenang*, “Yuridika” FH Universitas Airlangga, No. 5 dan 6 Tahun XII, September 1997, p. 1. In Titik Triwulan Tutik, *Konstruksi Hukum Tata Negara Indonesia Pasca Amandemen UUD 1945*, (Jakarta: Kencana, 2010), p. 247.