



Dispersion of Authority in Management of Cultural Tourism: A Siyasa Dusturiyah of Gowa Regency Regulation Number 3 of 2022

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ABSTRACT

Regional autonomy in Indonesia places tourism management under the authority of local governments. However, in practice, cultural tourism management often experiences overlapping authority between provincial and district governments. This study aims to analyze the dispersion of cultural tourism management authority based on Gowa District Regulation Number 3 of 2022 from the perspective of Siyasa Dusturiyah. The research uses a qualitative approach with a case study design. Data were collected through interviews, observations, and document studies involving the Gowa District Tourism and Culture Office, the Regional Secretariat, the Regional People's Representative Council (DPRD), the South Sulawesi Provincial Cultural Park UPT Benteng Somba Opu. The results of the study show that although the regional regulation has become a guideline for tourism development planning, its implementation is hampered by dualism in administrative authority, weak coordination between governments, and institutional sectoralism. From the perspective of Siyasa Dusturiyah, this condition reflects the lack of *tawazun al-sulthah* (balance of authority) and weak *masalah* orientation in governance. As a result, tourism development has become ineffective and community participation limited. This study concludes that there is a need for regulatory synchronization and clarity of authority to ensure justice, accountability, and community welfare in tourism governance.

Keywords: dispersion of authority, cultural tourism, constitutional politics, local regulations, governance.

ABSTRAK

Otonomi daerah di Indonesia menempatkan pengelolaan pariwisata sebagai kewenangan pemerintah daerah. Namun dalam praktiknya, pengelolaan pariwisata budaya sering mengalami tumpang tindih kewenangan antara pemerintah provinsi dan kabupaten. Penelitian ini bertujuan menganalisis dispersi kewenangan pengelolaan pariwisata budaya berdasarkan Peraturan Daerah Kabupaten Gowa Nomor 3 Tahun 2022 dalam perspektif Siyasa Dusturiyah. Penelitian menggunakan pendekatan kualitatif dengan desain studi kasus. Data dikumpulkan melalui wawancara, observasi, dan studi dokumen dengan melibatkan Dinas Pariwisata dan Kebudayaan Kabupaten Gowa, Sekretariat Daerah, DPRD, serta UPT Taman Budaya Benteng Somba Opu Provinsi Sulawesi Selatan. Hasil penelitian menunjukkan bahwa meskipun perda telah menjadi pedoman perencanaan pembangunan pariwisata, implementasinya terhambat oleh dualisme kewenangan administratif, lemahnya koordinasi antar pemerintah, dan sektoralitas kelembagaan. Dalam perspektif Siyasa Dusturiyah, kondisi ini mencerminkan belum terwujudnya *tawazun al-*

sulthah (keseimbangan kewenangan) serta lemahnya orientasi masalah dalam tata kelola. Akibatnya, pembangunan pariwisata menjadi tidak efektif dan partisipasi masyarakat terbatas. Penelitian ini menyimpulkan perlunya sinkronisasi regulasi dan kejelasan kewenangan guna menjamin keadilan, akuntabilitas, dan kesejahteraan masyarakat dalam tata kelola pariwisata.

Kata Kunci: *Dispersi Kewenangan, Pariwisata Budaya, Siyasah Dusturiyah, Peraturan Daerah, Tata Kelola.*

INTRODUCTION

The tourism sector has experienced significant growth in various countries, including Indonesia. The government is striving to improve tourism performance by encouraging each destination to optimize its potential. Natural, cultural, and man-made tourist attractions have the potential to provide economic and social benefits to local communities (Laoh et al., 2021). Based on data from the Central Statistics Agency (BPS, 2024), the number of foreign tourist visits showed a consistent upward trend during the 2016–2019 period, with the highest number reaching 16.1 million visits (Ramadhoni, 2025).

The development of the tourism sector plays a strategic role in driving regional economic growth and increasing Regional Original Income (PAD). In addition, effective and responsible tourism management also supports cultural preservation and environmental sustainability. Therefore, regulations are needed that are capable of regulating regional tourism growth holistically, covering environmental, socio-cultural, and economic aspects (Picauly, 2022).

Although tourism contributes significantly to the region's economy, its management still faces issues of authority distribution. The lack of synchronization between provincial and district governments often results in overlapping policies, weak coordination, and obstacles to cultural preservation and development. As a result, the potential of tourism has not been optimally utilized and governance has become less effective. In Gowa District, this issue is evident in the management of the Benteng Somba Opu Cultural Park, which is located in the district but managed by the South Sulawesi Provincial Government. This situation demonstrates a dispersion of authority that has led to administrative dualism and weak coordination between local governments.

Tourism in Indonesia, as formulated in Government Regulation No. 50 of 2011 concerning the National Tourism Development Master Plan, reflects multidimensional and multidisciplinary activities that reflect the needs of individuals, communities, and the state, and involve interactions between tourists, local communities, the government, and business actors. Furthermore, Law No. 10 of 2009 concerning Tourism emphasizes that all stakeholders have a responsibility to develop tourism by prioritizing service, equal opportunities for business, and providing economic benefits to the community (Kusuma, 2023).

However, the implementation of these responsibilities within the framework of regional autonomy often faces issues of regulatory synchronization and clarity of authority boundaries. The Gowa Regency Government has established Regional Regulation No. 3 of 2022 as a guideline for regional tourism development and

management. However, the existence of this regulation has not been fully able to overcome the issue of overlapping authority between the provincial and regency governments in the management of cultural tourism.

From a constitutional perspective (*siyāṣah dusturiyyāh*), the government is considered incapable of formulating firm and comprehensive policies to achieve the common good without causing harm to any party, as emphasized in the rules of fiqh that every matter relating to the interests of Muslims must always lead to the achievement of goodness (Hutasuhut & Triono, 2022).

This study is based on the *Siyāṣah Dusturiyyāh* framework as a normative perspective in assessing governance. The principles of *tawāzun al-sulṭah*, justice, and *maṣlahah* form the basis for public policy formulation at the regional level. Ideal policies must guarantee the public interest without harming certain parties while maintaining legal certainty and accountability. This approach assesses regulations not only from a legal-formal perspective but also from an ethical-constitutional sharia dimension. Through this analysis, this study evaluates the distribution of authority in cultural tourism management in Gowa Regency based on Local Regulation No. 3 of 2022.

Based on this background, this study aims to analyze the dispersion of cultural tourism management authority based on Gowa Regency Regulation Number 3 of 2022 from the perspective of *Siyāṣah Dusturiyyāh*. Specifically, this study seeks to answer the following questions: (1) what provisions are regulated in the Regional Regulation regarding tourism governance; (2) what obstacles and impacts arise in its implementation, particularly in supporting the development of the Somba Opu Fortress area; and (3) how *Siyāṣah Dusturiyyāh* assesses tourism regulations and governance practices.

An important contribution of this research is the application of the normative perspective of Islam (*Siyāṣah Dusturiyyāh*) to analyze local policies related to the informal sector, a topic that is still rarely explored in academic studies in Indonesia. As a branch of fiqh, *fiqh siyāṣah dusturiyyāh* has various sources that can be used as references and guidelines. Broadly speaking, these sources are divided into two main types, namely primary sources and secondary sources (Hakim & Havez, 2020). This new research is expected to contribute to academic studies on sector governance and serve as a reference for regional policy-making based on the three main principles of *Siyāṣah Dusturiyyāh*, namely *tawāzun al-sulṭah* (balance of authority), justice (*‘adl*), and public interest (*maṣlahah*).

METHODS

This research is qualitative research with a case study design that aims to obtain a comprehensive picture of social phenomena (Fadli, 2021). Regarding the dispersion of authority in cultural tourism management in Gowa Regency, South Sulawesi. Qualitative research was chosen because this approach is capable of exploring social dynamics, interactions between the government, community, and business actors in a real context, as well as enabling in-depth analysis of the historical background, regulations, and conditions surrounding the implementation of Gowa Regency Regulation Number 3 of 2022. The location of this research is focused on the

Somba Opu Fort area, located in Barombong District, Gowa Regency, South Sulawesi Province, which is the center for the development of historical and cultural tourist destinations, including the Somba Opu Fort Cultural Park (Akhmad Saifi, Heri Susanto, 2024). The presence of res archers in the field enables direct observation of regulatory implementation activities, interactions between stakeholders, and community participation. The research approach was conducted in two ways, namely the Sharia legal approach and the empirical legal approach. The Sharia legal approach was used to assess the alignment of Gowa Regency Regulation No. 3 of 2022 with the principles of *Siyasah Dusturiyah*, which emphasizes justice (*adl*), balance of authority (*tawazun al-sulthah*), and public interest (*maṣlahah*). The empirical legal approach, on the other hand, emphasizes the analysis of the implementation of regulations in the field, including obstacles, challenges, and impacts on the development of the tourism sector, community involvement, and inter-agency coordination (Kornelius Benuf, 2020). The research data sources consist of primary and secondary data. Primary data was obtained directly through in-depth interviews, participatory observation, and field surveys, which focused on the interactions between local government, community, and tourism business actors. Meanwhile, secondary data was obtained from official documents such as a copy of Gowa Regency Regulation Number 3 of 2022, tourism program implementation reports, academic publications, and relevant legal references (Indrasari, 2020). Combining these two types of data allows for a more comprehensive analysis, where primary data provides specific and up-to-date information, while secondary data serves as a frame of reference and allows for comparison of field findings with regulatory provisions. Research informants were determined using purposive sampling to ensure representation of relevant stakeholders. Research participants included officials from the Gowa Regency Tourism and Culture Office, the Gowa Regency Regional Representative Council, the Gowa Regency Office, and the manager of the Benteng Somba Opu Cultural Park Technical Implementation Unit of South Sulawesi Province. The total number of informants involved was four. Data collection techniques included observation to record activities and interactions in the field, in-depth interviews to obtain the informants' perspectives and experiences, and documentation to verify regulations, reports, and other supporting data. Research instruments included observation sheets, structured interview guidelines, and audio recording devices to ensure data accuracy. The collected data was processed through stages of qualitative data management and analysis, namely: data classification to group information from various sources; identification of primary and secondary data; data editing to correct, verify, and compile data according to the research framework; data reduction to select and simplify important information; and verification and conclusion drawing to produce valid findings (Mekarisce, 2020).

RESULTS AND DISCUSSION

The results of this study are based on the collection and analysis of field data involving four groups of informants: the Gowa Regency Tourism and Culture Office, the Gowa Regency Regional Representative Council (DPRD), the Regional Secretariat, and the Technical Implementation Unit (UPT) of the Benteng Somba Opu

Cultural Park in South Sulawesi Province. Thematic analysis was conducted through coding of interview transcripts, observations, and documentation, resulting in three main themes: (1) the substance of regional regulations on tourism, (2) obstacles and impacts of their implementation, and (3) *Siyasah Dusturiyah's* review of tourism regulations and governance.

Substance of regional regulations on tourism

The results of the study show that the substance of Gowa Regency Regulation Number 03 of 2022 concerning the Master Plan for Tourism Development (RIPPARKAB) has established development priorities, planning directions, and policy orientations, thereby becoming the legal basis for tourism governance. Based on interviews with the Regional Secretariat, the Gowa Regency Tourism Office, and the Gowa Regency DPRD, the informants explained that each regional regulation is drafted based on an academic paper containing theoretical, philosophical, and academic studies as a substantial basis. This is in line with previous research (Fitri Wahyuni, Wandu, Muhsin, 2024) which states that the drafting of regional regulations must begin with an academic study covering philosophical, sociological, and juridical aspects.

Meanwhile, the Gowa Regency Tourism Office plays a central role in formulating the substance of RIPPARKAB, which is compiled as a reference for regional tourism development based on laws and government regulations. The RIPPARKAB was developed with academic support from the UNHAS team, covering destination planning, institutional development, and the tourism industry, ensuring that the resulting policies are data-driven, based on in-depth analysis, and relevant to local conditions. Meanwhile, the Regional People's Representative Council (DPRD) is only involved in the discussion and approval stages of the Tourism Development Master Plan.

Obstacles and impacts of their implementation

Interviews with the head of the Technical Implementation Unit (UPT) of Benteng Somba Opu Cultural Park revealed that the traditional houses located in the Benteng Somba Opu area are assets of each regency, but the land on which the traditional houses stand belongs to the provincial government. When damage occurs to a traditional house, the UPT writes to the relevant district government to carry out repairs, because these traditional houses represent the identity and culture of their respective regions, making it important to preserve them as miniatures of their districts of origin. This is also reinforced by observations from previous research (Sri Pare Eni, 2019) that the historic area of Fort Somba Opu requires consistent preservation and revitalization by responsible stakeholders.

Meanwhile, an interview with the Secretary of the Gowa Regency Tourism Office revealed uncertainty in the regulations governing the management of these traditional houses. According to the source, the management of traditional houses is practically left entirely to each regent, including responsibility for financing and maintenance. This creates obstacles to implementation because there are no

provisions requiring the allocation of specific budgets; if the regent does not allocate funds, the relevant parties have no legal basis to enforce repairs.

The source emphasized the need for coordination between local and provincial governments to agree on support mechanisms so that traditional houses can be optimally maintained. Previous studies (Luthfy & Imam, 2024) show that dualism of authority in regional administration often leads to regulatory disharmony and policy overlap. However, harmonization requires the establishment of a harmonious, consistent, and integrated system of laws and regulations so that legal protection and certainty can be effectively realized.

These findings indicate that the dualism of authority between provincial and district governments is a form of dispersion of authority that is not accompanied by clear norms for the distribution of responsibilities. This condition has implications for weak governance effectiveness and suboptimal preservation of cultural assets.

Siyasah Dusturiyah's review of tourism regulations and governance.

Based on an interview with the Head of the Governance Division, the formulation of local regulations is principally aimed at realizing the welfare of the community. Every regulation drafted by the local government is considered to be oriented towards greater public benefit than harm. This view is in line with (Rinda Anissa Qoiriya, 2025) the concept of *maṣlaḥah* in the perspective of *Siyāsah Dusturiyyāh*, which places public benefit as the main objective of policy.

However, interviews with the Head of the Legislation and Human Rights Division of the Regional Representative Council revealed a dilemma regarding authority over the management of Somba Opu Fort. Although administratively located in Gowa Regency, its management falls under the jurisdiction of the South Sulawesi Provincial Government. The unclear division of responsibilities, particularly in the maintenance of traditional houses, indicates that the principle of *tawāzun al-sulṭah* (balance of authority) has not yet been realized. This condition has resulted in suboptimal management and preservation of cultural assets.

Furthermore, the Secretary of the Gowa Regency Tourism and Culture Office emphasized the importance of the involvement of all local governments in South Sulawesi in supporting and preserving Somba Opu Fort as a historical and cultural heritage site. This statement reflects the dimensions of *maṣlaḥah 'āmmah* and the value of justice ('*adl*), whereby cultural preservation is a collective responsibility for the benefit of current and future generations. This approach is important to implement because it is not solely oriented towards technical efficiency in government administration, but also emphasizes ethical dimensions that uphold the principles of justice ('*adl*) and public interest (*maṣlaḥah 'āmmah*) as the basis for public policy (Komaria et al., 2025).

From a constitutional perspective, conceptually, *tawāzun al sulṭah* requires a proportional and clear distribution of authority among government institutions, so that no institution dominates or experiences a vacuum of function. This balance is not only a matter of the quantitative distribution of authority, but also ensures mechanisms for coordination, accountability, and responsibility among institutions. When the limits of authority are not clearly defined normatively or administratively,

this can lead to ta'āruḍ al ṣalāhiyyāt (overlapping authorities), which is contrary to the principle of justice in governance (Abdillah, 2025). Thus, harmonization and clarity in the distribution of authority are prerequisites for public policy to be effective and in accordance with the principles of Siyāsah Dustūriyah.

The measure of justice ('adl) in government according to the perspective of fiqh siyasah includes the balanced distribution of authority among institutions, the implementation of duties in accordance with legal mandates without discrimination, and the application of policies that prioritize the public interest. This justice is substantive in nature, aiming to protect citizens' rights and prevent conflicts of interest between institutions (Ulul et al., 2025).

Meanwhile, maṣlaḥah in public policy is tested through several key indicators: (1) its conformity with the objectives of Islamic law (maqāṣid al syarī'ah), especially the protection of religion, life, reason, lineage, and property; (2) its general benefit (maṣlaḥah 'āmmah) rather than partial interests; and (3) it does not cause conflict or harm that is greater than the benefits it produces. This understanding is consistent with studies (Irsyad Al Fikri Ys, 2025) Regarding the role of maṣlaḥah mursalah in the process of contemporary law formation, which confirms that maṣlaḥah is confirmed through its relevance to social conditions and the tangible benefits it brings to society at large.

Thus, although Gowa Regency Regulation No. 3 of 2022 is normatively oriented towards public interest, its implementation in practice still faces the problem of dispersion of authority, which hinders the realization of a balance of authority and justice in cultural tourism governance. Harmonization and clarity in the distribution of authority are prerequisites for ensuring that public interest can be realized optimally.

However, this study has several limitations that need to be acknowledged. First, the limited number of informants, who were selected purposively, has the potential to limit the breadth of perspectives and the generalizability of the findings. Second, the focus of the study on the management of the Somba Opu Fortress area within a specific time period does not fully capture the dynamics of policy and intergovernmental coordination in the long term. Third, the use of a qualitative approach does not allow for quantitative measurement of policy impacts, such as budget effectiveness, community participation levels, or the economic contribution of the tourism sector, thus opening up opportunities for further research using mixed methods or comparative quantitative analysis across regions.

Comparisons with previous studies show that studies on regional tourism development and management generally focus on destination development strategies and the role of government, such as the study by (Muhamad et al., 2021), which emphasizes the 4A approach in Gowa Regency, and (Atrianingsi et al., 2019) which examines the role of government in branding "Beautiful Malino". Meanwhile, (Nur, 2023) highlights the implementation of Community-Based Tourism in Pandeglang Regency, and (Lindianti, 2023) analyzes tourism regulations through the perspective of fiqh siyasah tanfidziyah. Meanwhile, (Faizal, 2023) focuses more on bureaucratic factors and policy effectiveness without using an Islamic principles approach. Unlike these studies, this study specifically analyzes the

dispersion of authority in the implementation of Gowa Regency Regulation Number 3 of 2022 through the perspective of *siyasaḥ dusturiyah*, with an emphasis on the principles of *tawāzun al-sulṭah*, *'adl*, and *maṣlaḥah* in the context of harmonizing authority between levels of government.

The implications of these findings provide several important recommendations. For policymakers, it is necessary to synchronize regulations and clarify the division of authority between district and provincial governments in the management of Somba Opu Fort so that there is no overlap of responsibilities. For government practitioners, clear coordination and budgeting mechanisms need to be established to ensure the sustainable maintenance of cultural assets. In addition, for researchers, these findings open up opportunities for further study on the harmonization of regional authority from the perspective of *Siyāsaḥ Dustūriyyah* and collaborative governance across levels of government.

CONCLUSION

This study shows that although Gowa Regency Regulation No. 3 of 2022 has become the legal basis and guideline for cultural tourism development planning, its implementation still faces significant obstacles. The dispersion of authority between the provincial and regency governments, administrative dualism, and weak inter-agency coordination hamper the effectiveness of governance and preservation of cultural assets, especially in the Somba Opu Fortress area. From a *Siyasaḥ Dusturiyah* perspective, this condition reflects the unfulfilled principles of *tawāzun al-sulṭah* (balance of authority) and *maṣlaḥah* (public interest orientation), resulting in suboptimal justice (*'adl*) in the distribution of responsibilities. The implications of this study support the need for regulatory harmonization and clarity in the division of authority between local governments to ensure cultural preservation, community participation, and public benefit. This emphasizes the importance of coordinative mechanisms, clear budget allocation, and active involvement of local communities so that the principles of justice, balance of authority, and public benefit can be implemented consistently.

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