

COMMUNITY PARTNERSHIPS BASED ON RESPONSIVE LAW AS PRESERVATION STRATEGIES IN THE DIENG TEMPLE COMPLEX

Muhammad Aziz Zaelani ^{1*}, Nourma Dewi²

^{1,2}Islam Batik University of Surakarta, Indonesia

Correspondent Email: zael.aziz@gmail.com

Abstract

This study addresses the challenges of community partnerships in the conservation of zoning and cultural heritage in the Dieng Temple complex. Using a sociological legal research method, it aims to formulate a partnership model to optimize conservation strategies. The preservation of cultural heritage objects has been marginalized due to factors such as the lack of community involvement, which has not been accommodated by the Cultural Preservation Center of Region X. Synergy with the Banjarnegara Regency Government and the Dieng community is essential. The results show that uncontrolled mass tourism, regulatory issues, and environmental degradation hinder preservation efforts. The proposed partnership model involves community participation, the establishment of a Dieng Temple Area Conservation Information Center, and optimizing the role of the Banjarnegara Tourism Office.

Keywords: Cultural heritage; Community partnership; Dieng Temple.

Abstrak

Penelitian ini mengkaji kendala kemitraan masyarakat dalam pelestarian zonasi dan cagar budaya di kawasan percdanian Dieng serta merumuskan model kemitraan untuk mengoptimalkan strategi pelestarian. Menggunakan metode penelitian hukum sosiologis, penelitian ini menemukan bahwa pelestarian cagar budaya termarginalkan karena kurangnya keterlibatan masyarakat yang belum diakomodir oleh Balai Pelestarian Kebudayaan Wilayah X. Sinergi dengan Pemerintah Daerah Banjarnegara dan masyarakat Dieng sangat diperlukan. Hasil penelitian menunjukkan bahwa pariwisata masal yang tidak terkendali, permasalahan regulasi, dan degradasi lingkungan menjadi hambatan utama. Model kemitraan yang diusulkan melibatkan partisipasi masyarakat, pembentukan Pusat Informasi Pelestarian, serta optimalisasi peran Dinas Pariwisata Banjarnegara.

Kata Kunci: Warisan budaya; Kemitraan masyarakat; Candi Dieng.

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INTRODUCTION

Efforts to preserve cultural heritage areas are faced with conflicting interests of policy makers and local communities. The Dieng temple area as a cultural heritage was concreted in the form of a si-zone. In practice, there are deviations in function and development progress in these areas. It is necessary to evaluate related regulations and policies so that the function of cultural heritage zoning meets its objectives. Legal means can be used to optimize partnerships with the community of the Dieng temple area as a realization of efforts to preserve cultural heritage areas. Relevant to the principle of participation in Article 2 letter h of Law Number 11 of 2010 concerning Cultural Heritage, every member of society is encouraged to play an active role in preserving cultural heritage. Efforts to preserve cultural heritage are starting to be developed in spatial planning, development and preservation of historical sites or heritage.¹ The Dieng temple area includes volcanoes, natural, cultural and artificial tourist attractions as stipulated in the National Tourism Development Master Plan (RIPPARNAS). Banjarnegara Regency Regional Spatial Plan for 2011-2031, defines cultural heritage zoning such as temple areas, traditional sites and ceremonies. Cultural heritage is the thoughts and behavior of human life which are important for the development of history, science, culture in social, national and state life so that it needs to be preserved and managed through efforts to protect, develop and utilize it in advancing national culture for the prosperity of the people. In practice, the Dieng temple area has actually been transformed into a potato and vegetable farming area which has the potential to threaten the existence of cultural heritage. Relatively well-preserved sites are limited to the Pandawa Temple area, such as Arjuna Temple and Puntadewa Temple with a remaining area of several hundred square meters, the rest of which has been transformed into agricultural land. It is necessary to evaluate the government's policy of reviewing the Dieng temple area in the Regional Regulations on Banjarnegara Regency Spatial Planning, including the idea of injecting a partnership pattern with the community around the temple.

The community partnership pattern is implemented based on the character of the residents of the Dieng temple area. Participation takes the form of a functioning community partnership: (i) creating synergy, stability and relations between the community of the Dieng temple area with the Banjarnegara Regency Regional Government and the Region X Cultural Preservation Center. Through participation, partnerships with the community are expected to optimize the zoning and cultural heritage preservation strategies of the Dieng temple area; (ii) In relation to Law Number 11 of 2010 concerning Cultural Heritage, there is a principle of community participation in managing cultural heritage, a managerial system of planning, implementation and evaluation is needed relating to the protection, development and utilization of cultural heritage as a cultural resource for the wider benefit.

Efforts include conservation as a continuous process, involving determination of cultural heritage objects, methods of protection, methods of utilization and authorized subjects.² Cultural heritage zoning includes the spatial boundaries of cultural heritage sites and areas according to the need to control future

¹ R. Pothof, *Urban Heritage Tourism A Case Study of Dubrovnik* (UK, Bournemouth: Bournemouth University, European Tourism Management, 2006).

² B. A. Richmond, *Conservation: Principles, Dilemmas and Uncomfortable Truths* (London: Victoria and Albert Museum London, 2000).

land use.³ Cultural heritage zoning according to Gunn's classification, includes:⁴ (i) *Nucleus*, main elements of cultural heritage; (ii) *Inviolate Belt*; and (iii) *Zone of Closure*, surrounding areas that provide services and transportation networks.

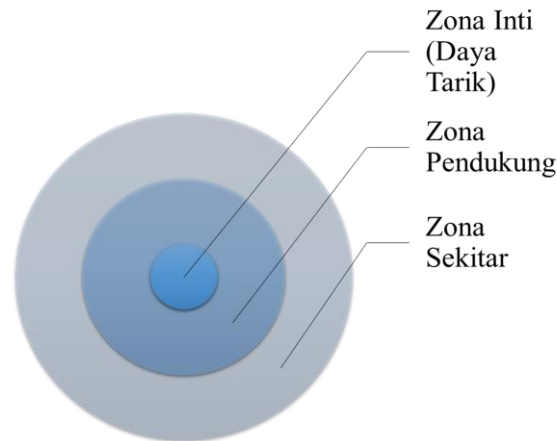


Figure 1. Cultural Heritage Zoning

Community partnerships as an implementation of the principle of participation must be responsive to meet conservation goals without sacrificing the needs of communities around zoning and cultural heritage areas. Existing conditions actually show that the role of marginalized communities is passive and not supported by conservation policies. A participation mechanism through community partnerships is needed as a means of optimizing zoning and cultural heritage preservation strategies in the Dieng temple area.⁵ The problem formulation includes: (i) obstacles to the form of community partnerships in efforts to preserve zoning and cultural heritage in the Dieng temple area; and (ii) formulate a form of community partnership as a means of optimizing the zoning and cultural heritage preservation strategy in the Dieng temple area.

METHOD

This research is classified as sociological legal research which obtains empirical data and information regarding symptoms and facts that emerge at the study location using data collection techniques aimed at discovering the process of how law works in society.⁶ Primary data was obtained from the results of interviews, observations and documentation with stock-holders of zoning and cultural heritage area preservation policies and then analyzed qualitatively.⁷ The case approach is used to inventory empirical problems to provide evaluative projections of related regulations and policies. Data collection aims to determine and analyze obstacles to the form of community partnerships in efforts to preserve zoning and cultural heritage in the Dieng temple area. The results of the answers will be used to formulate a community partnership pattern as a means of optimizing zoning and cultural heritage preservation strategies in the Dieng temple area. Researchers collected data at the Dieng temple

³ S. L. Calcott, *Public and Private Planning Techniques for Rural Conservation*, 2nd Editio (US: Cornell University, 2020).

⁴ C. A. Gunn, *Vacationscape: Developing Tourist Areas* (Washington: Taylor & Francis Pr, 1997).

⁵ M. Riyanto and Vitalina Kovalenko, "Partisipasi Masyarakat Menuju Negara Kesejahteraan: Memahami Pentingnya Peran Aktif Masyarakat Dalam Mewujudkan Kesejahteraan Bersama," *Jurnal Pembangunan Hukum Indonesia* 5, no. 2 (2023): 374–88.

⁶ L. J. Moleong, *Metode Penelitian Kualitatif* (Bandung: Remaja Rosdikarya, 2000).

⁷ Endang Sutrisno, *Penelitian Hukum Interdisipliner Sebuah Pengantar Menuju Sosio Legal* (Thafa Media, 2016).

area which is located in Banjarnegara Regency. The research is descriptive in nature in providing an assessment of the obstacles to the form of community partnerships in efforts to preserve zoning and cultural heritage in the Dieng temple area. Some of the elements described are the overall implementation of zoning and cultural heritage preservation policy instruments for the community in the Dieng temple area. research also has an analytical nature which lies in the form of answers using descriptions of primary data facts at the location for further analysis based on theory and framework of thinking.⁸

A micro interactional approach was used to obtain primary data at the study location through interviews, observations and questionnaires using included respondents: (1) Banjarnegara Regency Tourism Office; (2) Region X Cultural Preservation Center; and (3) representation of the people of the Dieng temple area. The data was analyzed after combining it with secondary data, namely: (1) Legislation relating to zoning and preservation of cultural heritage; (2) literature and doctrine regarding community participation and responsive law.⁹ Next, this combination is analyzed qualitatively which acts as a research procedure to produce descriptive data in the form of written or spoken words from people and observed behavior. Qualitative analysis builds the views of those studied in a detailed, editorially formed and detailed picture.¹⁰ Researchers use field data parameters as the main source for formulating community partnership patterns as a means of optimizing zoning and cultural heritage preservation strategies in the Dieng temple area, with the target of producing output in the form of regulatory instruments in the form of procedural and responsive technical instructions for community partnership patterns as a means of optimizing zoning and conservation strategies. cultural heritage in the Dieng temple area.

RESULT AND DISCUSSION

1. *Obstacles in Forming Community Partnerships in Efforts to Preserve Zoning and Cultural Heritage in the Dieng Temple Area*

a. *Mass Tourism Still Uncontrolled Has an Impact on Decreasing Environmental Quality*

The Dieng Temple Area, a significant cultural heritage site in Central Java, Indonesia, has faced severe environmental degradation, raising concerns over the effectiveness of monitoring and protection mechanisms. The deterioration of this heritage environment underscores the inadequacy of existing protective measures, which are essential to maintaining both the physical and cultural integrity of the site. Moreover, community participation, which plays a crucial role in heritage conservation, has yet to be successfully implemented due to diminishing engagement from local communities. This situation is particularly alarming, as the marginalization of local communities could lead to a scenario similar to that observed in the Borobudur and Prambanan Temple Areas, where the interests of foreign tourists often outweigh the needs and contributions of the local population.¹¹

⁸ M. H. Hakim, R., & Mezak, "Jenis, Metode, Dan Pendekatan Dalam Penelitian Hukum," *Ltiw Review. Fakultas Hukum Universitas Pelita Harapan* V, no. 3 (2013), https://www.mendeley.com/catalogue/7aeb293a-e012-31ea-ae62-1bb987cb5a3b/?utm_source=desktop&utm_medium=1.19.8&utm_campaign=open_catalog&userDocumentId=%7Bd2760f77-3803-41d5-a816-592bac22cfab%7D.

⁹ Anik Iftitah, ed., *Metode Penelitian Hukum*, Mei 2023 (Sada Kurnia Pustaka, 2023), <https://repository.sadapenerbit.com/index.php/books/catalog/book/54>.

¹⁰ Moleong, *Metode Penelitian Kualitatif*.

¹¹ John. Smith, *Cultural Heritage Management and Community Participation* (New York: Routledge, 2020).

One of the primary issues in the Dieng Temple Area is the zoning system, which is vital for regulating development and preserving the site's heritage. The Dieng Temple Area is divided into three key zones: the nucleus zone, the inviolable belt, and the zone of closure. The nucleus zone includes land certified by the Archaeological Center and is intended to be strictly protected. However, empirical evidence shows that this core zone has been compromised, as conflicts between governmental interests and community needs have led to violations of the zone's regulations. For instance, the government authorized the construction of a ticket counter west of Setiaki Temple, despite the core zone's designation as a protected area.¹²

The second zone, known as the inviolable belt, surrounds the nucleus zone and is meant to act as a buffer that shields the core area from external pressures. In the Dieng Temple Area, however, numerous violations have been identified in this zone as well. Many homestay establishments, which should not be permitted in this zone due to its proximity to the heritage site, have nonetheless been granted permission by the Banjarnegara Regency Regional Government. This indicates a lack of strict enforcement of zoning regulations, with economic interests, such as catering to tourists, taking precedence over heritage preservation.

The third and final zone is the zone of closure, which is intended to provide additional protection to the core and buffer zones. This zone also requires stricter enforcement to prevent further encroachment and degradation. Without adequate protection, the heritage environment of the Dieng Temple Area could continue to deteriorate, further compromising the site's cultural and historical significance.

The degradation of the Dieng Temple Area, combined with insufficient community participation, highlights the need for an improved heritage management strategy. Strengthening zoning regulations and enforcement is critical to preventing further violations, particularly in the nucleus and inviolable belt zones. Additionally, enhancing community involvement in heritage conservation efforts is essential. Local communities, especially those that are marginalized, must be empowered to play a more active role in protecting the site, ensuring that their cultural and economic interests are not overshadowed by the demands of foreign tourists.

In conclusion, the Dieng Temple Area requires a comprehensive approach to its preservation. This includes stricter enforcement of zoning laws, greater community involvement, and a balanced approach to tourism that does not come at the expense of cultural heritage. If these issues are not addressed, the Dieng Temple Area risks following the same path as Borobudur and Prambanan, where the cultural integrity of the site has been compromised due to external pressures. Sustainable heritage management, built on effective zoning and active community engagement, will be key to preserving the Dieng Temple Area for future generations.

b. Regulatory Problems That Cause Environmental Degradation in the Dieng Temple Area

So far there have been no regulations regarding homestay guidelines. The implication is that community prosperity in the Dieng Temple Area is still relatively low because it has not been facilitated either through regulation or a responsive law-based partnership model. (with the main objective being the welfare of the people of the Dieng Temple Area and the needs of the Banjarnegara Regency Regional Government).¹³ In fact, the feeling of ownership and

¹² Sarah. Anderson, "Zoning and Heritage Protection in Indonesia," *International Journal of Cultural Heritage Studies* 27, no. 3 (2021).

¹³ Philip Selznick Philippe Nonet, *Law and Society in Transition* (London: Routledge, 2017).

participation in preserving the environment in the Dieng Temple Area by the local community is still high. This factor is caused by cultural causality in the form of mystical beliefs that are still high, the belief that places are sacred, and guarding these sites. The government, through the Region X Cultural Preservation Center, has carried out several programs to find solutions to the problem of preserving zoning and cultural heritage in the Dieng Temple Area, including efforts: (1) Delineation and zoning of the Dieng area; (2) Temple restoration; (3) Improvement of infrastructure and environmental facilities; (4) Communication with traditional elders; (5) Carrying out FGDs; (6) Dieng cultural heritage teaching activities; (7) Providing compensation to people who discover cultural heritage; and (8) Space is provided for the use of Dieng for cultural activities. Utilization of the Dieng Temple Area is currently dominated by agricultural activities at 34%. Meanwhile, another percentage is used for tourism and trade activities. The majority of regulations used are still limited in nature and are at the lowest level, namely Village Regulations. The Dieng Kulon and Dieng Wetan Village Regulations, for example, are an example of a regulation that does not allow the construction of hotels. Tourist needs are allocated through partnerships through homestays managed by the community and the Banjarnegara Regency Government. However, it is necessary to emphasize this use by the community in the Dieng Temple Area.

c. *The Problem of Implementing the Authority to Preserve Zoning and Cultural Heritage Objects in the Dieng Temple Area*

Implementation problems relate to conditions such as the construction of glamping at a location near Gatotkaca Temple. This has not been implemented on a community partnership basis so that the surrounding community has not felt the benefits of development and utilization. The need for economic development must also be harmonized with environmental conservation. Communities tend to feel ownership, because they participate in restoration and trade activities. Means to bridge these problems have also not been followed up, for example through a community association formed by the Region X Cultural Preservation Center. The conclusion is that there is no association related to the Region X Cultural Preservation Center. The majority of association formation was facilitated by the community and not by the Region X Cultural Preservation Center. The formation of the Dewa Shiva community allows patrols and supervision from the community to protect the Dieng Temple Area. Furthermore, the implementation of compensation for land that has been used in zoning also faces compensation challenges that occur almost every year. There is concretization through a study team to assess and determine eligibility for compensation.

2. *Forming Community Partnerships as a Means of Optimizing Zoning and Cultural Heritage Preservation Strategies in the Dieng Temple Area*

a. *Community Participation Through Partnership Patterns between the Regional Government of Banjarnegara Regency and the Community of the Dieng Temple Area*

Ideally, the pattern of participation will also be facilitated by the Region X Cultural Preservation Center which is expected to be able to position the community as partners. The partnership pattern is a breakthrough in adapting the development of relations between the government and its people. This leads to the creation of policies that provide space for the

community to participate and participate.¹⁴ These various policies basically aim to provide greater space for the community to be involved in development activities and public services.¹⁵ Privatization and partnerships between government and society are becoming increasingly easy to find in various development activities and public services.¹⁶ This kind of phenomenon is becoming more and more common and is also being experienced in the field of governance related to tourism, for example Village-Owned Enterprises in the Dieng Temple Area which operate in the tourism services sector. The consequence is the melting of interaction boundaries which has been able to involve the role and function of the community in policies in the Dieng Temple Area. This bridges the interests of the government and the people of the Dieng Temple Area through a partnership pattern which is expected to produce participatory products through this pattern. This must be followed up with a response from the Banjarnegara Regency Regional Government which adjusts its role in meeting community needs through a partnership pattern facilitated by the Banjarnegara Regency Tourism Office and the Region X Cultural Preservation Center to adjust the space for the needs of the Dieng Temple Area community.

b. Establishment of an Information Center for the Preservation of the Dieng Temple Area

This needs to be done to facilitate the process of monitoring the community in the Dieng Temple Area which is facilitated by the Banjarnegara Regency Tourism Office. So, the formation of the Information Center for the Preservation of the Dieng Temple Area is a form of responsiveness based on community participation. Steps to realize the optimization of community participation are of course pursued through integrated and information and technology-based facilities. This is an embodiment of the application of information technology that can be optimized to support community participation. Another thing is done by reformulating the substance of regulations that are able to accommodate system integration through optimizing information technology, especially through the Dieng Temple Area Preservation Information Center. However, it is important to note that the steps to realizing the Dieng Temple Area Preservation Information Center in an integrated manner are still hampered by infrastructure factors. This can be proven if we remember that resources in building information technology facilities are very limited, especially at the Regional Government level. The implication is that the middle way can be done through a mechanism of collaborating with service providers and experts who have competence in the fields of information and technology. In fact, the breakthrough Information Center for the Preservation of the Dieng Temple Area, which is integrated and accessible or can be accessed by the community, is able to become part of the supervisory function as well as make it easier to fulfill the community's needs as an information medium, related to all stages of partnership in the context of preserving zoning and cultural heritage objects in the Ka- Dieng Temple area.

c. Optimizing the role and function of the Banjarnegara Regency Tourism Office

Optimizing the role and function of the Banjarnegara Regency Tourism Office can be synergized with the Region X Cultural Preservation Center through the form of outreach, seminars and training as well as improving the minimum qualifications required as a condition

¹⁴ S. R. Arnstein, "A Ladder of Citizen Participation," *AIP Journal* 1, no. 1 (1969).

¹⁵ D. Winardi Sjaruddin, Sukriono, *Hukum Pelayanan Publik Berbasis Partisipasi Dan Keterbukaan Informasi* (Malang: Setara Press, 2012).

¹⁶ Agus Dwiyanto, ed., *Mewujudkan Good Governance Melalui Pelayanan Publik* (Yogyakarta: Gadjah Mada University Press, 2021).

for resolving the problems of preserving zoning and cultural heritage objects in the Dieng Temple Area. Optimization is in line with a merit system that prioritizes competence, not bureaucratic seniority.¹⁷ Socialization is one of the preventive efforts, especially to change the mindset of the ranks of the Banjarnegara Regency Tourism Office by strengthening its function as an institution that carries out control over the Dieng Temple Area. It is hoped that the outreach activities can create a change in views or strengthen the functions of the stakeholders of the Banjarnegara Regency Tourism Office. One of the declines in the level of stakeholder awareness of the Banjarnegara Regency Tourism Office has been sociological obstacles which have resulted in a lack of supervision of conservation. The human resource factor, especially the community in the Dieng Temple Area, has a causality in the absence of organizational or other partnership patterns that are able to make efforts to optimize the conservation strategy as intended. The main result of the research is a standardized, measurable and comprehensive responsive law-based partnership instrument aimed at the community of the Dieng Temple Area so as to create sustainability in conservation efforts as intended. The model for channeling the aspirations of the people of the Dieng Temple area through the Banjarnegara Regency Tourism Office in tourism policy must be implemented through a partnership scheme between the local community and the Banjarnegara Regency Regional Government which positions the Banjarnegara Regency Tourism Office as a facilitator as well as the Region X Cultural Preservation Center as the main coordinator. When viewed from the theory of community participation which is the parameter, then you will find several important aspects.¹⁸ The aim is that this partnership is able to position the community of the Dieng Temple area as a partner of the Banjarnegara Regency Regional Government which functions as the main priority in the tourism policy scheme which is thus able to prioritize the needs of the community of the Dieng Temple area. The partnership pattern is supported by instruments in the form of questionnaires, questionnaires and expanding policy coverage towards the community as the target. Obstacles in the partnership through the Banjarnegara Regency Tourism Office are the low level of public awareness and the over-dominance of the Banjarnegara Regency Regional Government in formulating tourism policies. This also includes a structural pattern in the form of corrections to the draft tourism policy by the Regional Government of Banjarnegara Regency which marginalizes the role and function of the Region.

CONCLUSION

Obstacles to the form of community partnerships in efforts to preserve zoning and cultural heritage in the Dieng Temple Area include mass tourism which is still uncontrolled so that it has implications for decreasing environmental quality, regulatory problems that cause environmental degradation in the Dieng Temple Area and problems implementing the authority to preserve zoning and cultural heritage objects on the Dieng Temple Area. The form of community partnership as a means of optimizing zoning and cultural heritage preservation strategies in the Dieng Temple Area is implemented through community participation through a partnership pattern between the Regional Government of Banjarnegara Regency and the community of the Dieng Temple Area, the establishment

¹⁷ L. M. Jannah Dian M. Ali, E. Prasojo, "The Transformation of Merit System in Indonesian Civil Servant Promotion System," *International Journal of Management and Administrative Sciences (IJMAS)* 5, no. 4 (2019).

¹⁸ D. Deviyanti, "Studi Tentang Partisipasi Masyarakat Dalam Pembangunan Di Kelurahan Karang Jati Kecamatan Balik Papan Tengah," *Jurnal Administrasi Negara* 1, no. 2 (2013).

of an Information Center for the Preservation of the Dieng Temple Area and optimizing the role and function of the Regency Tourism Office Banjarnegara.

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