



Legal Optic on Digitalization of Cultural Heritage Through E-Tourism And E-Government to Back Up Ecotourism in Greater Malang Indonesia

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Article	Abstract
<p>Keywords: legal optic; cultural heritage; digitalization; e-tourism; e-government.</p> <p>Article History Received: Jun 13, 2022; Reviewed: Jun 13, 2022; Accepted: Sep 09, 2022; Published: Sep 11, 2022;</p>	<p>This research aims to gain a vivid and comprehensive portrait of legal aspects in the digitalization of cultural heritage in Greater Malang in Indonesia from the perspective of ecotourism and the state's role in terms of policies and involvement of the members of the public in cultural conservation. The involvement of e-tourism and e-government in managing and developing the tourism potential in developed areas is inevitable. Cultural heritage-based tourism promoting the utilization of advanced information and communication technology has attracted the attention of tourists. Empirically, the digitalization of cultural heritage does not stand on its own but is more integrated with other aspects and sectors. The proposed concept in this study reminds us of the urgency in the development and utilization of integrated cultural heritage digitalization from the perspectives of eco-tourism, e-tourism, as well as other sectors such as e-government and spiritual aspect. The process of the development and utilization of digitalization of cultural heritage tourism is intended to ward off any disputes over <i>ulayat</i> rights happening these days. The role of the government and the participation of tribal people are deemed vital in reconstructing the system of social and spiritual values in developing the eco-tourism based on the application of an integrated digital information system disseminating local wisdom through the threshold of global civilization.</p>



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INTRODUCTION

Indonesia is blessed with abundant natural resources, diverse tribes, arts, religion, customs, and cultures that others do not have, extending further to Greater Malang. These diverse natural resources have triggered other parties to directly enjoy the resources (Yulius & Arifin, 2014) or to get involved in sustainable management in compliance with current regulations that require the management without overlooking the maintenance of the natural resources and conservation (Ekayani et al, 2014),

This rich potential emerging from the diverse cultural arts and customs shapes the characteristics of the state that upholds super noble cultural values that have drawn the attention of the people worldwide (Al-Fatih et al, 2021). The recognition of other countries is the pride for the state and serves as the identity that deserves sustainable development that gives spiritual and inner spirits in line with what the founders of the nation have expected (Cotterrell, 2017). Cultural diversity across the archipelago of Indonesia has served as a foundation for tribal communities for centuries to date. Even before the existence of this nation, culture was the identity and the fundamental of life for all individuals or the community members in Indonesia, and both tangible and intangible cultural instruments of Indonesia are recognized by UNESCO

Cultural heritage is an asset of the state that is highly valuable (Aditya & Al-Fatih, 2017). Its development that takes digitalization along with the developing civilization is inevitable. The digitalization of the cultural heritage has its capacity to serve as an object of eco-tourism that makes a history laden with the struggles, acts as learning media to help build the characteristics of the state, and the exotism of highly valued art that is inspiring with its economic values for the prosperity for all people.

Cultural development is a vital aspect in developing civilization (Pranoto, 2005). Once wrote that culture experienced a biological process involving its birth, development, falls, and even complete disappearance. Amidst the industrial era 4.0 making its way to 5.0, attempts for the development of cultural heritage have become the topic of discussion, especially regarding concerns about emerging facts that current development has brought in social and spiritual aspects and human values (Lutfi, 2020)

The emergence of a nation as a part of the protection of cultural heritage development within the context of global geopolitics has been taken as a strategic policy. Within the juridical purview, the constitution of the Republic of Indonesia encourages the development of Indonesian culture as enacted in Article 32 Paragraph (1) of the 1945 Constitution of the Republic of Indonesia mentioning 'the development of Indonesian culture amidst global civilization'. Departing from this

mandate, other related regulations concerning cultures were made in the form of laws and delegated regulations ranging from central to regional levels.

The regulations and protection attempted in the conservation and development of the culture at national and local levels are aimed to let all the components of the state and the people perceive the benefits on their own. However, the development process seems to have been partial and unsustainable, increasing the likelihood of globalization and modernization eroding the cultures in the entire archipelago of Indonesia. On the other hand, both globalization and modernization also give an opportunity to the nation to manage and utilize information and communication technology-based cultural (digital) resources. This benefit allows for efficiency in the management, storage, and dissemination of information on the cultures as natural resources. Awareness of cultural conservation across Indonesia is not obvious compared to what takes place in other countries. Europe, for example, has started to digitalize cultural elements since 1990. Since then, E-culture has become popular. The term e-culture involves the management, documentation, and dissemination of information and knowledge on electronic and internet-based cultural elements (Hu et al., 2021).

The governments and the members of the public are synergized to develop, utilize, promote, and conserve the culture of Indonesia. Indonesian cultures are backed up by varied ethnicities, and these cultures are an integral part of the culture of Indonesia. (Esten, 1999) once wrote that the process of the formation of the culture of Indonesia was not through a centralistic process. Several centers and melting pots scattered over regions should be more encouraged and developed to grow the national creativity and cultural security of the nation that is laden with pluralities. This is also expected to stimulate economic growth in the sector of tourism. The development of tourism plays a role in economic, social, and environmental aspects (Buckley, 2010). Tourism is an ever-increasing industry and has contributed to global phenomena in the 21st century (Nugroho, 2015), and the utilization of digital technology as promoting media is one of the indicators of the tourism industry (Phaosathianphan & Leelasantitham, 2021).

The existence of digital media plays an essential role in the culture and local wisdom of the local community (Al-Fatih et al., 2021), and this trend is also apparent in Greater Malang as an area serving as a barometer that marks the city as a home to education and cultures in East Java with its distinguishing characteristics. With its identity as the city of scholars, Malang is laden with tourism potential and cultural heritage such as *topeng malangan*, nature tourism, and several temples of Singhasari kingdom. The cool climate of the city has attracted the attention of both domestic and foreign tourists. Flocks of visitors including overseas students studying in universities in the city and people in general have visited the city to enjoy what it can offer. Some

visitors even come from outside the area with great enthusiasm to spend their holiday in Malang.

The existing resources need to be further utilized to improve the prosperity of the people through digitalization and sustainable conservation of biodiversity and ecosystems (Lindsay, Craig, & Low, 2008). This approach indicates that the necessity of the digitalization of cultural heritage to help stimulate eco-tourism in Greater Malang is inevitable. Thus, it is essential that the cultural heritage of Greater Malang and Indonesia be maintained by managing, documenting, and disseminating information. The knowledge of utilizing the advancement of information and communication technology that embraces the noble values of the local and national culture is vital in the digital era. With this, the cultures representing all tribes within the nation could be passed on to every generation to ensure that these cultures and their identity are safeguarded and to bring the existence of the local wisdom of Greater Malang in Indonesia to the eyes of the world.

METHOD

The method used in this study was the empirical legal research method (Hidayah & Wicaksono, 2020). The location of the study was Malang City. The method of approach used was a socio-legal approach (Irwansyah, 2020). These methods and approaches are used to answer problems in terms of getting a clear and comprehensive picture of the legal aspects in the digitization of cultural heritage in Malang Raya in Indonesia from the perspective of ecotourism and the role of the state in terms of policies for the involvement and involvement of community members in cultural preservation. The data obtained are presented qualitatively.

RESULTS AND DISCUSSION

Urgency in Digitalization of Cultural Heritage as Inevitability Amidst Civilization Development

The civilization of a nation is traceable from the cultural heritage left. Increasingly remarkable and varied cultures indicate that the cultures are developed. Cultures express the values of the growth of the society represented in cultural values. Cultural expression is the most abstract layer and has the most extensive scope. Cultural values are deemed highly influential to which the members of the community adhere, and this adherence determines how humane people can be. The values that are deemed righteous are referred to as the fundamental guidelines based on which the citizens and the nation, from which cultures were born, behave. Cultural values usually serve as the highest guidelines for humans' attitudes. Culture or 'budaya' in Bahasa is derived from the Sanskrit 'buddhayah', the plural form of buddhi meaning 'budi' or 'akal' (sense). (Koentjaraningrat, 2012). The definition of 'culture as 'daya budi' manifested in

creation, intention, and sense, while cultures emerge from the creation, intention, and sense.

Conserving cultures is intended to safeguard traditional cultural values to grow the cultures in a more dynamic and malleable way, adjusted to current development. Cultural heritage is an asset of the nation with its meaningful values. Historically, the cultural heritage tells countless historical events, including the struggles. These portraits exist to serve as the learning sources that are useful to build the character of the nation and have the significant and inspiring values of art and economic values for the welfare of the people.

Cultural heritage utilization for the people's welfare should not spoil the sustainability of revitalization by utilizing digital media. This aims to revive and extensively spread the essential values of cultural heritage living and developing in society for all people. Such an extension should also adjust to the functions of new spaces that do not contravene the principles of cultural values and conservation of the society. Adaptation to digital media is taken as an effort to develop a cultural heritage that fits the current needs.

Digitalization is inextricable from the growing human civilization which, along with its cultures, is at the stage of the digital era. Digitalization through the utilization of information technology results from the management, hard work, thoughts, and experiments that lead further to the era of the development of human civilization. Digitalization is increasingly necessary, recalling that humans' inventions affect the changes taking place in social relations. These changes are triggered by the trend of delving into the era of digitalization development. The relations that required a direct contract are now no longer the same. Time-consuming work can now be performed in almost no time.

Most people nowadays use technology in their day-to-day routines with games, computers, cell phones, and television. Contact with digital technology is predicted not to change much immediately (Rodil & Winschiers-Theophilus, 2018). The digitalization of cultural heritage is a concept of the utilization of information and communication technology to increase usability in cultures, especially in dealing with management, documentation, information, and knowledge dissemination on cultural elements. (Sitokdana, 2015).

Digitalized cultural elements refer to the view of (Kroeber & Kluckhohn, 1952) dividing the elements into several aspects: 1) the religious system, 2) the system of society or social organization, 3) the system of science, language, and art, 4) the system of livelihood or economy, and 5) the system of life instruments or technology, while (Sukmana, 2005) argued that the digitalization concept comprises the process of media conversion from its printed, audio, or video forms to digitalized ones. Digitalization is conducted to put archives in digitalized forms, to meet the copying function, or to create a system. This process certainly requires computers, scanners, and operators of the sources of media and software. Printed documents can be converted to digitalized forms with the help of document scanning.

This digitalization concept is developed and implemented to improve and conserve cultural heritage to show the existence of local wisdom-based cultural values of Indonesia, especially in Greater Malang. However, the development and the utilization of information and communication technology regarding cultures have not received any attention from some parties concerned, and, thus, this condition requires studies that should be further developed since cultures are deemed to be the national identity.

Prior to the existence of information technology and digital media, the records of past events were traced from handwriting on rocks, palm leaves, or animal skins. These objects serve as evidence of historical records back in the time. Information in prehistoric times was applied on different surfaces of rocks, palm leaves, or animal skins. However, along with the development of technology, information has been processed by utilizing existing technology. In the modern era, information is received in a conventional way or even in digital forms.

The utilization of digital technology to support the conservation of cultural heritage involves replication, visualization, and simulation, all are integrated into the digitalization of cultural heritage (Kalay, 2008). Defining the concept of conservation in the practice of cultural heritage digitalization also requires ones to secure data for the next generation. UNESCO issued a regulation concerning the conservation of cultural heritage in digital forms and ensures that public has the access and it does not disappear so that the next generations could enjoy it, and this is to ensure that the digital sustainability could retain in a long term (UNESCO, 2003).

In Indonesia, digitalization is important to perform to document the richness of the national culture, recalling that the documentation process has not been well accommodated and structured (Tanaamah & Wenas, 2014). Academicians and practitioners of cultural heritage in Indonesia could take the initial step to use digital media to help conserve, communicate, and research cultural heritage. The digitalization of cultural heritage is also useful for the management of knowledge, tourism and businesses, government regulations, and education. Digital technology is also useful for the conservation of cultural heritage when it manages to get more people involved in the conservation. However, some matters need to be studied regarding the content that consists of values and information on cultural heritage in digital media to raise people's awareness of conserving cultural heritage (Sitokdana, 2015); (Rodil & Rehm, 2015).

Thus, the participation of archaeologists and academicians of varied disciplines especially in the legal aspect is one of the measures taken to conserve and safeguard the asset of cultural heritage from extinction and the likelihood of being washed away by other internal or external influences. Moreover, the participation of the archaeologists, academicians, the members of the public, and governments is to ensure that information that is academically accountable is delivered to the public.

The cultural heritage exists not only in features but also in artifacts such as Singhasari and Badut temples that certainly require special attention. Digitalization is vital these days, especially during the 4.0 industrial revolution that is commonly linked

to the digital economy, artificial intelligence, big data, and many more; this is also commonly dubbed the phenomenon of disruptive innovation. The 4.0 industrial revolution has also added to the layers of the social life of the people, especially in education that is related to cultural heritage. Digitalization of cultural heritage during the 4.0 industrial revolution is within the purview of big data that disseminate information to the mass anytime anywhere, and, inevitably, this will also extend further to artificial intelligence. This digitalization should involve at least information technology (IT), operational technology (OT), internet of things (IoT), and big data analytics in order to integrate physical objects, humans, and the digital world (Imaduddin, 2018). This is intended to transform the static cultural heritage of classical antiquity into a more informative and educative form through websites to raise the people's awareness of the cultural heritage.

The qualified cultural heritage that embraces ethnic cultures, is noble, sacred, creative, and valuable, needs to be preserved and protected by all parties and the nation to safeguard it from extinction that may result from current development and growing civilization. Thus, the necessity of the digitalization of the cultural heritage is an inevitability in the development of civilization, requiring measures to maintain and preserve values and the potential of local wisdom designed in a digital form to be later disseminated on a global scope. With this, the cultural heritage may be more sustainable and long-lasting, while it needs the legal protection as in copyright in intellectual property rights emerging from the diverse creativities created by humans in art, including the creation of high values in art as in the cultural heritage.

Legal Optic of The Digitalization in Cultural Heritage With E-Tourism and E-Government to Back Up Eco-Tourism in Greater Malang Indonesia

The community has its culture manifested in the creation and sense of the humans that function as an instrument to survive and grow in the society people live in. Creation, science, and technology are some of the elements in a culture, and they represent the capability of an individual to utilize natural resources to improve welfare.

The utilization of information and communication technology (ICT) is vital in the era of globalization nowadays since technology transcends boundaries. The role of digital media in disseminating the culture of Greater Malang in Indonesia is now essential. Rapid information circulation has put information dissemination as a spearhead amidst the massive media utilization. Digital media such as the internet, blogs, social network, YouTube, and many more are growing massively and at an unbelievable rate, giving full access to all people worldwide.

This vast development of technology has grabbed the attention of most stakeholders in tourism, encouraging them to adopt information technology for businesses in the tourism industry. This is obvious in the use of the Internet on which promotions and transactions in tourism take place. The utilization can be seen further in the emergence of applications such as E-Tourism, E-Government, and Eco-Tourism. This development has also triggered the change in almost all sectors of life such as in public service given by utilizing e-government. The government public

service model via the utilization of e-Government is more flexible and more customer satisfaction-oriented. The collaboration involving the governments, academicians, archaeologists, and the members of the public in the conservation of cultural heritage through the optimization of media has set a new paradigm in the mechanism of the management of cultural heritage comprehensively.

The expression of the traditional cultural heritage representing the manifestation of a traditional intellectual property right is economically promising, especially in tourism and creative economic industries in Indonesia. The cultural protection that adheres to the digitalization of the cultural heritage in Greater Malang requires attention from the governments and the people. Malang, known as “the city of education” and a place of tourist destination in Indonesia, needs to be backed up by a creative economy or cultural economy that refers to the culture, especially in traditional art performances such as tribal ceremonies or traditional festivities.

The essence of cultural protection through the digitalization of cultural heritage is obvious in several policies concerning culture in Greater Malang regarding the measures taken for integrated protection that involves inventory and documentation of the culture. The involvement of the expression of traditional cultures that represent the identity of particular societies at an international level serves as the background that describes the essence of the legal system that can protect the rights and the interests of tribal people regarding misappropriate use of all forms of cultures (Permata, 2016)

The legal concepts regarding the protection of the scope of the expression of traditional culture are closely related to particular areas serving as the ‘caretaker’ of traditional cultures. As a result, the local governments in provinces and regencies or municipalities bear important tasks and functions in the protection and utilization. The state holding the highest authority and the local governments as the representatives of the state in the measures for protection and regulation of the expression of traditional cultures could ward off the monopolistic practices or commercialization and other damaging actions or commercialization by foreign parties without any permission of the state as a copyright holder. However, the implementation of the above provisions will face some problems when it comes to the expression of traditional culture because it does not have any information on appointed agencies, functions, and responsibilities.

The policies regarding the implementation of the authority in culture-related matters are intended to protect, develop, and utilize what creation, intention, and sense have given in the form of values, science, norms, customs and cultures, objects, art, and noble traditions fossilized in the society of Greater Malang. The protection, development, and utilization mentioned require inventory, documentation, saving, discovery, research and development, enrichment, education, training, presentation, dissemination, revitalization, deconstruction and reconstruction, filtering, and technological engineering.

Cultural digitalization is a concept of using information and communication technology to increase usability in cultures, especially regarding management, documentation, and science and information dissemination emerging from cultural

elements. Article 32 Paragraph (1) of the 1945 Constitution of the Republic of Indonesia of the Fourth Amendment implies that the state promotes the national culture amidst global civilization by guaranteeing the freedom of the citizens to maintain and develop cultural values. This is highlighted in Law Number 11 of 2010 concerning Cultural Heritage in Article 30, implying that governments facilitate system and network development of the registration of cultural heritage digitally and/or non-digitally.

From some perspectives, some benefits can be gained by implementing the digitalization of the cultural heritage, especially amidst global pandemics such as the Covid-19 currently. With digitalization, solutions can be given in terms of cultural heritage management. The use of cultural heritage digitalization offers some benefits; first, this digitalization gives alternatives to conserve archaeological heritage since digitalization can save more data in a digital format and cut the cost and storage space. Preserving cultural heritage involves the digitalization process that is not only focused on short-term conservation but also takes into account the collective memory of the locals that represent an identity and meaning (Revianur, 2020).

The connection between people and archaeological heritage shapes and maintains the cultural heritage that fits the local wisdom, as in the case of the digitalization of cultural heritage in Greater Malang. Digitalization can refresh the memory of the locals, academicians, and the community members of cultural heritage about the cultures that can be saved in a digital format whose involvement will inevitably allow for recording and updating information from time to time according to integrated data and for minimizing inconsistent cultural heritage data. A Digital database facilitates data collection, rendering it more time-efficient and sustainable in information storage.

The digitalization of cultural heritage requires public participation. Cultural Heritage Convention of UNESCO and Law Number 11 of 2010 concerning Cultural Heritage imply that every individual has the right to participate in conserving cultural heritage, but public participation in cultural heritage conservation in Indonesia still faces ample challenges; the conservation and the spread of scientific knowledge about cultural heritage and decision-making regarding this case tend to be delegated to governments and academicians.

The majority of people only receive information on decision results and they are not required to be actively involved in the measures of conservation. Information technology gives access to involving more people and their experience in gaining information and education regarding cultural heritage. The digitalization of cultural heritage facilitates cultural learning. Cultural heritage in a digital format spares spaces, time, and new perspectives regarding cultural heritage. This understanding is addressed to tackling issues related to cultural heritage that has similar characteristics in the form of the archaeological heritage back in classical antiquity.

The digitalization of cultural heritage takes the synergy of governments, the members of the public, archaeologists, and campus scholars. What is vital in the digitalization of archaeological heritage is the participation of community members in conserving and giving attention to cultural heritage. People participate in cultural

heritage conservation because most cultural heritage is within the residential areas of the people. The digitalization of cultural heritage can also work as its conservation. Digital archives serve as the sources useful for reconstructing cultural heritage in case cultural heritage disappears or is damaged. Digitalization can take the participation of the cultural heritage conservation community and other related parties. They can be trained in terms of the steps required to conserve cultural heritage through digitalization. The cultural heritage digitalization in Greater Malang can lead to the measures of the conservation because most cultural heritage is sited in the open air prone to theft and damage.

Therefore, the aim of digitalization is to educate people in a wider scope about the importance of values attached to cultural heritage in Greater Malang. The digitalization bearing the information on cultural heritage sites on a webpage accessible to the public is expected to develop educative and informative archaeological tourism. Moreover, the optimization of digital technology as one of the pillars to promote tourism can help attract tourists even to unpopular spots. The utilization of IoT could also significantly contribute to transforming tourist destinations into objects of global markets, or it could also create new markets in other domains.

Shaping the digital atmosphere such as websites as the media to support informal education intended for historical and cultural awareness among clients or users requires four factors: related contents, management of the environment, user interface, and user experience (Tanaamah & Wenas, 2014). With the involvement of these four elements, the presentation of the information on cultural heritage can be given on a website to raise users' awareness of cultural heritage conservation. Optimizing the use of digital technology in cultural heritage conservation could also facilitate learning about cultural heritage, and this affects the awareness and appreciation of the values attached to cultural heritage.

The commitment to the values of cultural heritage serves as the triggering factor for law enforcement. The socio-cultural values that live in society reflect a law-abiding attitude. The commitment to the values represents the entire socio-cultural values related to law enforcement. Thus, this shows the connectedness between cultural values and law enforcement. In other words, reinforcement of law in terms of legality scope in ownership could allow for the commitment to cultural values. This reinforcement of commitment to cultural values leads to the birth of modern law in the national life and the interaction among nations simply because the development of modern law is laden with social and cultural values.

The expression of traditional culture has drawn people's attention due to the cultural and utilitarian values, especially for the people from which the cultural product has emerged. This utilitarian value often serves as access for other parties, especially when it comes to economic interest.

The role of the nation in governing and controlling in the context of the protection of cultural copyright can probably be linked to the tendency of another party or nation to claim the copyright of a state or region, and this situation can be seen as the act of snatching in an economic factor. The role of a state as a regulator

can come along with another role of entrepreneurship so that with inventory and registration, assets will have the legality that contributes to the effect of the regulation and entrepreneurship. When this is achieved, the state as an organization housing people's authority can play its role in maintaining human values.

The above details indicate that legal protection for the rights given by the law can be maintained. Moreover, cultural tourism is inextricable from science-based cultural values. That is, cultural digitalization is not independent but it rather adheres to the other sectors such as eco-tourism and e-tourism. The management of the potential of tourism in more developed regions often involves the utilization of information technology (E-tourism) for the promotion and transaction of tourism products, and the contents of E-tourism represent the digitalization of cultural aspects. The attraction of cultural heritage-based tourism to both national and international visitors is triggered by the promotion that utilizes advanced information and communication technology. The transaction performed on e-tourism is always linked to e-business.

E-Tourism, e-government, and eco-tourism could help increase the revenue in tourism in Indonesia, especially in Greater Malang, and it could stimulate the promotion and comprehensive information availability for tourists. E-tourism also reduces the involvement of foreign agents, meaning that profits could be fully diverted to tourism in Indonesia. The availability of accommodation, tourist objects, facilities to support tourism activities, and comprehensive information on distances to tourist destinations with reasonable price and time help tourists with their decision-making prior to their journey to Indonesia.

Thus, the legal optic of digitalization of cultural heritage by adopting and compiling the utilization of e-tourism and e-government to support eco-tourism of Greater Malang is intended to open wider access for the management and the use of tourism potential and bring about the enforcement of the legal protection. On the other hand, the participation of the members of the public in the cultural heritage can be boosted to promote tourism, and it can stimulate governments to be more responsible by setting transparent management and can narrow the chance for corruption. When the digital-based systems run optimally, job opportunities especially for the people of rural areas are given.

CONCLUSION

Only when it is optimally grown does tourism significantly contribute to the state's revenue. Thus, varied aspects in the tourism business have been developed by the governments and stakeholders to boost revenue in this sector. However, the utilization of the Internet in the tourism application has not been performed optimally, while the utilization of digital-based e-tourism, e-government, and eco-tourism as the fundamental for tourism development is absolute and inevitable, and it deserves attention. Eco-tourism is focused on integrated principles, and the digitalization of culture does not stand on its own but is rather connected to other electronic domains. Four dominant domains include knowledge management conservation but is also

expected to raise the people's awareness and appreciation of archaeological remnants in their areas.

The awareness and appreciation of cultural heritage should stimulate the people to protect and conserve archaeological data. This phenomenon should also create new opportunities to extend the potential of digital media for the conservation of cultural heritage and the participation of the people. The development and utilization of technology-based cultures are revived in order to conserve, maintain, and develop the noble values of cultural heritage under the legal protection of the identity and the resources of Indonesia.

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