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Creative Industry Development Policy in the Special Region of Yogyakarta Province, Indonesia

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Abstract: The purpose of this study is to describe the creative industry development policies in Yogyakarta Province. The method used is empirical legal research, using primary and secondary data. Data analysis was performed using qualitative methods. The study results show that the rapid growth of the creative industry in Yogyakarta has made Yogyakarta a priority program undertaken by the ministry of industry and trade. The data shows that 40 (forty) percent of the creative industries in Yogyakarta are in the food and beverage sector, followed by crafts at 19 percent, and other creative industry sectors. This shows that the development of the creative industry in the Special Region of Yogyakarta is motivated by local cultural wisdom originating from indigenous peoples, which is a finding that can strengthen the role of creative economic policies.

Keywords: legal policy, creative industry, Yogyakarta Special Region.

印度尼西亚日惹特区的创意产业发展政策

摘要：这项研究的目的是描述日惹省的创意产业发展政策。使用的方法是经验法学研究，使用的是主要数据和辅助数据。使用定性方法进行数据分析。研究结果表明，日惹创意产业的快速增长使日惹成为工贸部的一项优先计划。数据显示，日惹40%（百分之四十）的创意产业属于食品和饮料行业，其次是手工工艺品的百分之十九，以及其他创意产业。这表明日惹特区的创意产业发展受到土著人民的当地文化智慧的推动，这一发现可以加强创意经济政策的作用。

关键词：日惹特区创意产业法律政策。

1. Introduction

A nation aims to carry out an important task, namely protecting the entire nation and all the blood of Indonesia, advancing public welfare, educating the nation's life, and participating in implementing world order in the context of the obligations and mandates of the 1945 Constitution (The purpose of the state is contained in the fourth paragraph of the Preamble to the 1945 Constitution). Therefore, the state's role, which a government carries out, is born with the main

task of bringing together and regulating the various interests of citizens, both for individuals and groups, in a fair and non-discriminatory manner [1].

In order to achieve these national goals, according to Rochmat Soemitro [2], economic development is needed to achieve a just and prosperous society, as well as material and spiritual equality to achieve a society that is free from oppression, poverty, exploitation, and colonialism, because the main objective of the struggle for Indonesian independence was to free the Indonesian

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nation from economic exploitation carried out by the colonial side [3].

The role of law in development as one of its forms is in the field of Industry. It is organized to realize the national industry as a pillar and driving force of the national economy in line with the 2015-2019 National Medium Term Development Plan [4]. Chapter 5.2 mentions the following national development strategy dimensions of leading sector development with priority:

1) *Food sovereignty*: Indonesia has sufficient capital to fulfill food sovereignty for all people. Thus it cannot be overly dependent on other countries.

2) *Energy and electricity sovereignty*: This is done by making maximum use of domestic energy resources (gas, coal, and hydropower).

3) *Maritime and marine*: Indonesia's marine and maritime wealth must be optimally utilized for the national interest and the people's welfare.

Tourism and industry: The potential for natural beauty and unique cultural diversity is the capital for the development of national tourism. The industry is prioritized to create an economy based on the creation of added value with superior science and technology content, skills, expertise, and human resources.

As a priority sector, the industry has the objective of improving the community's economy following the mandate of the 1945 Constitution, Article 33:

(1) The economy is structured as a joint effort based on the principle of kinship;

(2) Production branches that are important to the state and affect the livelihood of the public shall be controlled by the state;

(3) The land and water and natural resources contained therein shall be controlled by the state and intended for the greatest prosperity of the people;

(4) The national economy shall be carried out based on economic democracy with togetherness, efficiency, justice, sustainability, environmental awareness, independence, and maintaining a balance between progress and national economic unity.

(5) Further provisions regarding the implementation of this Article are regulated in law.

In essence, industry means transforming civilization and feudalism into industrial and modern civilizations [5]. Therefore, the industry is not only about technology and capital issues, but attitudes and mentality, way of life, and values that affect all social, political, legal, and cultural fields.

Maximum industrial profit can be made by empowering the industry, which is the main requirement. Industrial empowerment is carried out as a strengthening of the national industry, being competitive, producing competitive goods and services, and increasing business capital towards a large-scale industry in accordance with the vision of national industrial development.

One form of industrial empowerment is creativity. One of its manifestations is the development of the creative industry. The creative industry is an industry whose scope includes the cultural industry and all the results or creation of the inner or intellectual human being of an artistic nature, either in the form of living activities or in the form of production in the form of special units, both products and services contain artistic elements or are creative endeavors based on cultural heritage, art, media, and functional creations [6].

The reality of the creative industry in Yogyakarta is that there are still many industries that have not been protected. For getting legal protection and facilities from the government, the latter must have capital. If we look at the protection of design and creativity as the main capital of the creative industry, everything requires a fee. The application of the above policies has resulted in the creative industry in social reality. Many creative industries lack funding, and not many have permits, either legal entities or protection of works. The implementation of creative industry organizing is still an obstacle, making creative industry players run independently with unclear interpretations, especially describing the creative industry. Based on the descriptions presented in the background, the following problems can be taken: How is the implementation of creative industry development policies in the Province of Yogyakarta Special Region?

2. Research Method

The type of research used in this dissertation is empirical legal research. Empirical legal research is also known as non-doctrinal research, namely research that places observations on social realities not to be considered general propositions [7]. Primary and secondary data are used in this study. Primary data is data obtained directly from the field (community) [8]. Meanwhile, secondary data, obtained through literature study, consists of primary legal materials that are authoritative, meaning that they have authority. They consist of statutory regulations, official records, or minutes to make legislation and judges' decisions [9]. Secondary legal materials include all legal publications that are not official documents. Publications on law include textbooks, legal dictionaries, legal journals, and commentaries on court decisions. Techniques used in data analysis use qualitative methods, namely research strategies developed as a consequence of conceptualizing social reality as a result of an intersubjective process between social actors.

3. Discussion

The development of the creative industry begins with the rapid growth of the creative economy, which is mobilized by the capitalization of creativity and product innovation for both goods and services. This activity is carried out in order to provide consumer and market satisfaction. There is a fundamental difference

between the creative economy and the creative industry, where the creative economy is centered on demand and supply activities. In contrast, the creative industry is centered on creative and innovative activities related to work's intellectual property. The concept of the creative industry is very much determined by the characteristics and concepts of the economy, in this case, in Indonesia. The creative industry as the implementer of the people's economy must receive full support from the government, as Mark Schultz & Alec van Gelder [10] have argued about the creative industry in Africa, namely:

"Despite the many other problems of low-income countries, the struggles of creators and creative businesses are worthy of attention. This paper makes the case that creative industries are a significant, but thus far largely unfulfilled, an opportunity for less-developed countries. Where abundant creative talent exists, but local circumstances are otherwise trying, creative industries may be one of the best bets for economic development. Creative sectors, particularly music, tend to rely less on sophisticated infrastructure or capital-intensive investment. Potential is particularly abundant in Africa, where musical creativity is rich, diverse, well-loved, and constantly evolving while drawing on strong traditions. The development of a popular music industry thus represents low-hanging fruit for most African economies. For creative industries to prosper, the legal and business environment must be supportive—but in this context, a supportive environment does not require massive, decades-long investment. We offer no grand, one-size-fits-all solutions. Such solutions not only have proven largely ineffectual, but they are also unnecessary. It would be more effective to concentrate on making the legal system, particularly copyright law, function more effectively and on removing obstacles from the paths of creators and entrepreneurs. Success will come from unleashing the genius and initiative of individuals".

Apart from many other problems in low-income countries, the struggles of creators and creative businesses deserve attention. The paper explains that the creative industry is a significant, but so far largely unfulfilled, an opportunity for less developed countries. Where creative talent is abundant, but local circumstances are at hand, the creative industry may be one of the best bets for economic development.

The creative industry requires expertise and innovation. The existence of the creative industry has an important role in the economic development of local governments. Local wisdom in each region becomes the basic idea for developing the creative industry, as in the Special Region of Yogyakarta, considering that Indonesia is a pluralistic country rich in local wisdom. According to the Indonesian Ministry of Trade, as quoted by Amir [11], the Creative Industry is an industry that comes from the use of individual

creativity, skills, and talents to create prosperity and employment by generating and empowering the creative power and creativity of the individual.

The main elements of the creative industry are creativity, expertise, and talents that have the potential to increase welfare through the offering of intellectual creations. Meanwhile, there seems to be no fundamental difference in understanding between the creative economy and the creative industry among experts in the field. In terms of practical needs, it is not a serious problem. In general, it can be said that both contain the meaning of creativity-based activities that affect the economy or the welfare of society. This opinion is based on the connectivity between the creative economy and the creative industry.

The creative industry is given a major role as part of development in order to alleviate poverty. This role makes the burden on the Indonesian creative industry much heavier because the Indonesian creative industry has a welfare mission, not just a form of a mere business entity. The creative industry has a role; thus, its spirit can also develop in private and state companies. Based on the above understanding, the characteristics of the creative industry are as follows:

Table 1 Characteristics of the creative industry

No	Aspect	Characteristics of the Creative Industry
1	Formalities/activities	1. Business activities in the informal sector and some in the formal sector. 2. Partially registered business activities, partially not.
2	Product	Prefer something new/derivative
3	Innovation	The wide scope of innovation is not only the result of production but also includes the use of new machines, IT-based packaging, and marketing
4	Market Orientation	Local, national, and export scale.
5	Raw materials sources	Local, import, and product development creativity
6	Marketing management	Run alone, in collaboration with the government and online
7	Workforce profile	Some of it is done with the family, some uses outside the family
8	Capital	Using own money, synergy with the government

The creative economy can be said as an economic concept in the new economic era that intensifies information and creativity by relying on ideas and stock of knowledge from Human Resources (HR) as the main production factor in economic activities. With its 16 sector derivatives, including fashion, art, culinary, product design, online games, film, animation, and others, the creative economy deserves to be a strategic choice to continue to develop [12].

City as an object of the creative industry is required to make the most of its potential, and in this case, intervention from both central and local governments is

also needed. An area achieves competitive advantage through innovative actions that can be done by creating a new product design and striving to improve existing human resources. Therefore, careful planning is needed so that the creative industry can survive and an appreciation for creative industry players so that unfair exploitation does not occur.

The development of creative industries in various parts of Indonesia has the same opportunities because each region in Indonesia has a diversity of cultural arts and cultural heritage. The problem is that not all regions can exploit the region's potential into an industry that can benefit the surrounding community.

In 2012, the beginning of the development of the creative industry in Indonesia. Lately, the growth of the creative industry has become more active. Therefore, the absorption of labor and creative capacity has begun to creep up, which has positively impacted economic development in Indonesia. The regions use this to increase income through the industrial and tourism sectors. One example is the Yogyakarta Province which is currently getting more famous apart from its great potential in the agricultural sector, especially vegetables and fruits, which is also increasingly advanced in the potential industrial sector through the tourism and home industries. Yogyakarta increases its tourism potential by arranging a tourism image more professionally by taking advantage of its geographical conditions.

Creative industries that prioritize innovation and creativity need to be supported by the clarity of legal rules related to Intellectual Property Rights (HKI). In the creative industry, HKI is the life because it is the main commodity. For example, in music and films, the unclear IPR regulations are an opening for rampant piracy. In the music and film industry, piracy is a problem that is still a challenge to this day. It is necessary to continue to develop an ecosystem that supports the nursery of superior seeds for millennials in producing creative work, intensifying the spread of entrepreneurial spirit and creations among the younger generation through various discussion forums and sharing sessions down to the grassroots in order to grow international talents in the field of the creative industry.

The direction of policy needs to be continuously strived to maintain a balance between the growth of foreign and local players by adjusting the rules to deal with technological innovations and the rapidly changing character of the market. Valuable lessons can be learned from the concept of "Sharing Economy". Uber, as a company with no vehicle assets, is capable of becoming a transportation company. With technology and the internet, this model allows the sharing of assets to reduce costs. With the concept of "Marketplace", Amazon can connect buyers and sellers faster and easier without having the means of production. Likewise, with the O2O concept "Online to

Offline," where food companies, and other products, provide online services for ordering even though the provision of products/services is made offline. These new models have been made possible due to developments in technology, devices, and the internet.

The Industrial Revolution 4.0 will cause the relocation of production closer to the target market, thus requiring agility and flexibility, not only the scale of information technology, which is the biggest enabler of digital transformation. The great potential for the development of the creative economy that Indonesia has, with God's gift of richness and cultural diversity, the geographical beauty of the region, and the human resources of young people who are identical to the creative world, need to be transformed into a new engine of economic power. Therefore, it is necessary to have synergy from all stakeholders in overcoming various challenges that can become a bottleneck in developing the creative economy. Reflecting on the several bottlenecks identified above, the central and regional Ministries/Institutions as creative economy policymakers are expected to facilitate, motivate and inspire the development of the creative economy in action plans that promote priority scale, focus, and measurable concrete.

The central and regional governments must align the shared vision so that the strategic management formulation of creative economy development in various regions can be implemented massively. Spirit makes the creative economy a promising future business, facilitates the promotion, and intensifies venture capital assistance. It is expected that business people will be able to optimize self-development. Efforts to develop business capacity through the locomotive-carriage system and no less important is the support of scholars through the development of market penetration through the use of online marketing, in addition to various other breakthroughs, thinking out of the box, creating linkage or creative economy connectivity with tourism, as a venue for the production process, distribution as well as marketing.

The global competition that we face today, with unlimited penetration of creative economy products, also makes us aware of the importance of applying marketing principles. Products are not merely inanimate objects traded, but rather our product packaging, product differentiation, targeting, and product marketing strategies. We need the application of intelligent marketing. We think we know the strengths of our competitors and market tastes. In this era of globalization, war is a war in the economic field, and the creative economy becomes a weapon [12].

Examples of widespread market domination through franchising from medium scale to large scale franchising, the establishment of malls that began to degrade traditional markets, and still strong alignments with large investors (look at the Century Bank case), namely the provision of government assistance/bailouts

for Century Bank, which cost Rp. 6.7 trillion, the problem of whether or not the aid is provided is related to the multiple effects of the systemic impact of the fall of a financial institution and other cumulative effects that can drag down the bankruptcy of various economic actors, which of course will endanger the economy and national stability. This is precisely the concept characterized by popular democracy being biased against the capitalist-liberal system when implemented at the real level.

According to Syaekani et al., implementation is the execution of a series of activities to provide public policies to bring results, as expected. A series of activities, the preparation includes:

a. Establishing rules which are the interpretation of the policy.

b. Preparing resources to encourage the implementation of activities, including infrastructure, financial resources, and of course, determining who is responsible for implementing this policy.

c. Delivering concrete policies to the public. Based on this view, it is known that the actual process of implementing policy concerns is the behavior of the administrative body responsible not only for implementing the program and generating adherence to the target group but also regarding the political, economic, social power network, and direct or indirect influencing the behavior of all parties engaged in setting the direction in which public policy objectives can materialize as a result of government activities [13].

In line with the development of the world economy, it requires people to be more creative. In this case, the community is the driving force for a country's economy. One of the greatest industrial potentials in Indonesia lies in the jurisdiction of local governments. According to Siti Nur Azizah's opinion, that the role of the creative economy in the national economy and the characteristics of Indonesia, which is known for its socio-cultural diversity, spread throughout the nation, can certainly be a source of inspiration in developing the creative industry [14]. Indonesia's cultural diversity indicates the high creativity that has been embedded in Indonesian society. Not to mention the support for ethnic diversity in Indonesian society. This shows that Indonesia has a strong supporting factor in developing a creative economy. Fostering and developing a creative economy is inseparable from the local culture. Culture must be the basis for its development. In local culture, local wisdom becomes meaningful values, turned into local creative products.

The creative economy cannot be seen in an economic context only but also in a cultural dimension. The creative ideas that emerge are cultural products. Therefore, cultural strategy greatly determines the direction of the development of the creative economy. Developing a creative economy based on culture and local wisdom is an alternative solution to stimulate the

development of the creative economy to be independent and develop businesses, especially in the regions. In general, each region has product potential that can be raised and developed. The uniqueness or peculiarity of local products must be the point and then add an element of creativity with a touch of technology.

The Special Region of Yogyakarta is rich in local wisdom, namely socio-culture, thick with regional characteristics. In the dictionary sense, local wisdom consists of 2 (two) words: wisdom and local [15]. In the English-Indonesian Dictionary by John M. Echols and Hassan Shadily [19], local means *setempat*, while wisdom is the same as *kebijaksanaan*. In general, local wisdom can be understood as local ideas that are wise, full of wisdom, of good value, which are embedded and followed by members of the community.

From a legal perspective, Article 18 B paragraph (2) of the 1945 Constitution reads: "The state recognizes and respects indigenous peoples and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which regulated in law." The existence of society in the constitution is also regulated in Article 18B paragraph (3), Article 28I paragraph (3), and Article 32 paragraph (1) and (92) of the 1945 Constitution.

At the time of the formation of post-reform regional autonomy, the role of the central government was represented by the regional government, especially regional potential and local wisdom, which became one of the studies and supervision for local governments because it was related to Regional Original Income (PAD).

Regional Original Income (PAD) is revenue that is sourced and collected by local governments themselves. Sources of PAD consist of local taxes, regional levies, profits from Regional Owned Enterprises (BUMD), and original income. Some of the definitions put forward by experts, among others: "Local governments will not be able to carry out their functions effectively and efficiently without being cost-effective and efficient without sufficient costs to provide services and development and financial factors are one of the basic criteria for realizing a region's ability to manage its household."

The magnitude of the potential for regional tax and retribution revenues must be explored by the Regional Government, especially if the Regional Original Revenue (PAD) is mostly sourced from regional taxes and retribution. It is necessary to optimize PAD because it has an important role in increasing regional independence in the Special Region of Yogyakarta (DIY). This was disclosed by the Governor of Yogyakarta, Sri Sultan Hamengku Buwono X, at the signing of the MoU on PAD Optimization between the DIY Regional Government and the Regency / City Government of DIY and the DIY BPD Bank, Tuesday,

July 16, 2019. Located at Gedhong Pracimasana, Kepatihan Complex, Yogyakarta. "In this framework, regional taxes and levies should be the main source of revenue for the regions. Therefore regional dependence on the Central Government through the Balancing Fund will decrease. In the end, the regions are expected to have high accountability to local communities. Sri Sultan added that government policies in the taxation sector must be increasingly innovative, not only accentuating the side of punishment. With several innovative steps, it is expected that the regional and central taxation systems will be more efficient and competitive [16].

In line with the opinion of Muhamad Ismail [17], that the general understanding of "people's economy" is a locally based economy, local actors have medium, small, to micro-scale businesses and have formal and informal business forms. One type of business referred to in this understanding is a cooperative or something similar. The type of community economic business is usually related to local conditions, such as agricultural, plantation, livestock, fishery, marine, small industry or the handicraft and food industry, and medium to micro-scale trade [17].

Historically, the creative industry may have just emerged or was introduced to the term around 2015.

While the facts exist, since ancient times, people have lived from creative activities. For example batik, batik has been developing in Yogyakarta since ancient times. Batik has been around since the Mataram era. In other handicraft fields, it has also developed since ancient times. Silver handicrafts developed in Kota Gede, Mataram Kingdom in the past, even divided residential areas based on the basic work of its inhabitants. The example is Kampung inside the Beteng Keraton or Jero Beteng [18].

In the perspective of legal policy, in this case, the policies and regulations for the development of creative industries in the Province of Yogyakarta can be seen from the following data:

Table 2 Number of legal policies related to creative industries in Yogyakarta Province 2010-2020

No	Type	Total	Total of Policies related to Creative Industries
1	Local regulation	153	2
2	Governor Regulation	675	3
3	Governor's decree	643	-

The five types of creative industry policies can be described in the table below:

Table 3 Mapping of legal policies related to creative industries in Yogyakarta

No	Type	Focus	Objective	Significance
1	Regional Regulation No. 9 of 2017	Empowerment and Protection of Creative Industries, Cooperatives, and Small Enterprises	Make maximum use of the potential of the creative industry, cooperatives, and small businesses to increase income	
2	Regional Regulation No. 7 of 2019	Yogyakarta Special Region Industrial Development Plan 2019-2039	a. Determine targets, strategies, and action plans for Regional Industrial Development; b. Realizing an independent, competitive, sustainable, and environmentally friendly Regional Industry; c. Realizing equitable DIY Industrial Development in order to strengthen the regional economy; and d. Increase the prosperity and welfare of local communities in an equitable and just manner.	Guidelines in the preparation of leading industrial development plans in cities and districts
3	Governor Regulation No. 98 of 2018	Establishment of Organizational Structures, Duties, Functions and Work Procedures of Technical Implementing Units at the Industry and Trade Service	a. The establishment of an appropriate UPT b. UPT Organizational Structure is appropriate c. Establishment of an Intellectual Property Management Center Organization	a. Preparation of an appropriate plan b. An increasing number of intellectual property rights
4	Governor Regulation No. 82 of 2019	Guidelines for data management of micro, small and medium enterprises	a. MSME Data Synchronization throughout DIY b. IT-based integrated MSME Database	a. Efficiency and data objectivity to create healthy, independent, and competitive MSMEs b. Support planning, implementation, and evaluation of the development and empowerment of MSMEs
5	Governor Regulation No. 85 of 2018	DIY industrial building plans	Coaching and Supervision in the preparation of RPI DIY	The preparation of RPP is systematically

4. Conclusion

In legal policy, the development of creative industries in Yogyakarta Province is regulated in the Yogyakarta Special Region Regulation Number 9 of 2017 concerning Empowerment and Protection of Creative Industries, Cooperatives, and Small Businesses (Yogyakarta Regional Regulation No.9/2017). Consideration of the issuance of the Yogyakarta Regional Regulation No. 9/2017, among others:

a. The creative industry can play a role in realizing the people of the Special Region of Yogyakarta who are independent, advanced, prosperous, just, and prosperous;

b. The creative industry as a business actor has an important role as a vehicle for job creation in the Special Region of Yogyakarta and a strategic position in supporting the economic resilience of the community

c. In the fierce and competitive business competition in the Special Region of Yogyakarta, the creative industry needs to be protected and empowered by the Regional Government.

The spirit of the Yogyakarta Special Region Regulation Number 9 of 2017 concerning Empowerment and Protection of Creative Industries, Cooperatives, and Small Businesses is contained in the Explanation Chapter, namely: Creative economy in general and Creative Industry, in particular, are believed to be the prima donna of driving Indonesia's national economy in the future. Energy saving is more based on creativity, uses less natural resources, and promises higher returns. The availability of abundant human resources also supports the three factors above. Currently, Indonesia's population of around 250 million is a very potential market for Creative Industry products.

The development of the creative industry in the Special Region of Yogyakarta is motivated by local cultural wisdom originating from the customary law community. Not only talking about local culture but information technology is also a form of the creative industry. The development of creative industry business activities or small and medium industries (IKM) in the Yogyakarta region experienced significant production growth, sources from the ministry of industry (kemenperin) in the 2017 quarter. There was a growth of up to 17.28 percent compared to the same period in 2016 (y-on-y). This growth exceeds the industrial growth at the national level. The rapid growth of the creative industry in Yogyakarta has made Yogyakarta a priority program undertaken by the ministry of industry and trade. Based on data submitted by the Yogyakarta City Industry and Trade Office, it shows that 40 (forty) percent of the creative industry in

Yogyakarta is located in the food and beverage sector, followed by crafts at 19 percent, and other creative industry sectors such as product design, film and animation, crafts, fashion, games and applications involving around 90 thousand IKM units in Yogyakarta.

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