

Collaborative Governance in Efforts to Protect Indonesian Migrant Workers



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ABSTRACT: The issue of protecting Indonesian migrant workers is currently still completely dominated by the government's role in handling it. There is no involvement of non-governmental elements to synergize with each other. Apart from that, the protection of Indonesian Migrant Workers only focuses on Indonesian Migrant Workers who experience problems and has not yet touched on the realm of prevention or preventative action. This research will analyze and identify obstacles and supporting factors in collaborative governance in the context of protecting Indonesian Migrant Workers. Apart from that, it is also reviewing and constructing a collaborative governance model in order to handle the protection of Indonesian Migrant Workers more appropriately. The method used in this research uses ethnographic qualitative methods. Collaborative governance in the protection of Indonesian Migrant Workers can be studied comprehensively in terms of initial conditions, institutional design, leadership and collaboration processes. So it is important to carry out more in-depth research into existing phenomena from a collaborative governance perspective. The research method used by the researcher is a qualitative approach by conducting interviews with all informants related to Indonesian Migrant Worker affairs. The results of this research found that collaborative governance in protecting Indonesian Migrant Workers has not gone well, because of the presence of actors who have economic and political interests. Apart from that, cooperation that is not yet optimal and not in harmony is characterized by a lack of involvement of non-government stakeholders in the collaboration process.

KEYWORDS: Collaborative Governance; Migrant Workers; Indonesia

I. INTRODUCTION

The Convention on Labor Migration Number 97 of 1949 mandates that every member country of an international labor organization that is bound by the convention is obliged to regulate national policies relating to emigration and immigration as well as special provisions relating to migrant workers, as well as establishing general and relevant policies. specifically on such issues as determined by the Member State concerned. The International Convention on the Protection of the Rights of All Migrant Workers and Their Family Members which was ratified through UN General Assembly Resolution 45/158 on 18 December 1990 states that the right to life of migrant workers and their family members must be protected by law.

Republic of Indonesia Government Regulation Number 59 of 2021 concerning Implementation of the Protection of Indonesian Migrant Workers is also the legal basis for protecting Indonesian Migrant Workers (PERKERJA MIGRAN INDONESIA) from arbitrariness by employers. Based on these regulations, the government that carries out the protection of migrant workers is the Central Government, Representatives of the Republic of Indonesia, BP2MI, Regional Government and Village Government in a coordinated and integrated manner.

All efforts made by the Indonesian Government have the main objective, namely that the process of placing Indonesian migrant workers abroad can be simple, fast, cheap and safe. However, the irony is that the services of Indonesian Migrant Workers as foreign exchange heroes experience vulnerability in their work. The risks borne by Indonesian Migrant Workers include the burden of working too long hours, violence in the work environment, sexual harassment experienced by migrant workers, which can lead them to the world of prostitution and narcotics. The title of national foreign exchange hero is not commensurate with the job risks they bear when fighting in their own country. The services of migrant workers should be given appropriate recognition as national foreign exchange heroes.

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Statistical data from the Indonesian Migrant Worker Protection Agency (BP2MI) shows that the total number of Indonesian Migrant Workers from 2016-2019 reached 1,057,543 people. Based on BP2MI statistical data, Central Java Province is ranked 2nd in terms of the highest placement of Indonesian Migrant Workers. This number is very large and continues to increase every year.

Supervision and protection of Indonesian Migrant Workers is a challenge that cannot be resolved with one action. The government as a policy maker for the public needs to take concrete steps to overcome the problem at its root. So that the seeds of problems like this will not occur in the future. The government has devoted various work programs and budgets to dealing with the problem of protecting Indonesian Migrant Workers, but this problem has never been resolved completely. This is because the government tends to act only to respond to cases that surface. So once the case had subsided, the government did not follow up on alleviating the problem to its roots so that similar cases would not happen again.

The problematic situation surrounding the implementation of collaborative governance in the protection of Indonesian Migrant Workers should be studied in depth. The Government's role in protecting Indonesian Migrant Workers is still high. The role of the Indonesian Ministry of Manpower and BP2MI is still dominant. So further investigation is needed to see the extent of the role of actors, both from the private sector, academics, members of the press and community involvement. Therefore, researchers are interested in conducting in-depth research and analysis in terms of public administration to explore the governance of collaborative processes carried out jointly between stakeholders in the protection of Indonesian Migrant Workers.

II. LITERATURE REVIEW

Collaborative Governance

According to Emerson et al. (2012) defines collaborative governance as a decision-making and public policy management structure that involves people constructively across the boundaries of public institutions, levels of government, and/or public, private, and civil spheres to implement public goals that otherwise cannot be achieved. This definition includes partnerships between the state, the private sector, civil society and communities.

Collaborative governance is a general term for various structures and processes that form collective action among organizations or independent actors to handle public problems (Scott & Thomas, 2017). Collaborative governance is about sharing information, capacity, resources and decision making between two or more stakeholders, to achieve a set of results that would not be achieved separately, therefore, it is also referred to as cross-sector collaboration (Bryson et al., 2015), or collaborative public management (McGuire, 2006). While some scholars characterize collaborative governance as a process for delivering results that cannot be achieved by other means (Emerson et al., 2012), others consider it a strategic intervention, or strategic choice by a decision maker, to achieve a desired outcome (Newig et al. al., 2018)

This study refers to the Ansell & Gash (2007) model which includes four main conditions of collaborative governance: (1) initial conditions, (2) institutional design, (3) leadership, and (4) collaborative process. Each condition includes key variables that can positively or negatively influence sustainable natural resource governance (figure 3)

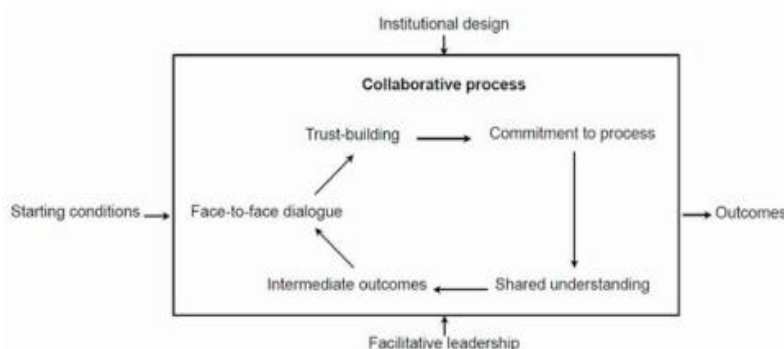


Figure 3. Ansell and Gash's collaborative governance model

Source: Ansell and Gash, 2007

First, initial conditions refer to the basic level of trust, conflict and social capital that can facilitate or hinder cooperation between stakeholders or between government agencies and stakeholders. A history of conflict creates distrust, suspicion, and stereotypes. Meanwhile, a history of successful collaboration can create social capital and a high level of trust to advance the collaborative process (Ansell & Gash, 2007). Thus, conflicts over natural resources can be reduced with collaborative and community-based management approaches (Pomeroy et al., 2007)

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Second, institutional design refers to the basic ground rules for the procedural legitimacy of collaborative processes (Ansell & Gash, 2007). These include rules about who should be included in these collaborative processes, organizing transparency, formalizing governance structures, setting realistic deadlines, and consensus-oriented process. Ansell and Gash (Ansell & Gash, 2007) argue that the premise of meetings in deliberative, multilateral and formal forums is to seek consensus or find areas of agreement, even though consensus is not always achieved. Differences in perspective and knowledge are input to the deliberative process which is important when dealing with problems of multiple and competing goals (Berkes, 2007). Cultural context and perceived conservation desirability have a considerable influence on conservation outcomes (Mendez-Lopez et al., 2014; Waylen et al., 2010). Therefore, the focus of the analysis is on the formal and informal rules that shape behavior (Waylen et al., 2010).

Third, leadership is the process of bringing stakeholders together and getting them involved with each other in collective decision-making processes, establishing and maintaining clear ground rules, and providing important mediation and facilitation for collaborative processes (Ansell & Gash, 2007). Leadership was cited as an important driver by Emerson et al. (2012) to initiate a collaborative governance process. While leadership is not usually well defined, in this article it is explicitly linked to the capacity to mobilize collaborative action and manage resources.

Fourth, the collaborative process is the basis of a cyclical process of social interaction that can express positive or negative dynamics (Kossmann and Behagel, 2016). Collaborative processes include common communication, building trust, commitment, and shared understanding. This social process needs to be positively strengthened through temporary results or what Termeer (2018) calls 'small wins'. Ansell & Gash (2007) found that virtuous cycles of collaboration tend to develop when collaborative forums focus on small wins that deepen mutual trust, commitment, and understanding. When levels of conflict are high, the need for a combination of small wins and face-to-face dialogue is critical (Emerson et al., 2012).

Based on the perspective of public administration literature, Robertson (2011) introduced a collaborative governance perspective to the tourism context. The conclusion emphasizes cooperation, coordination, and collaboration as critical success factors for collaborative governance and highlights the role of public managers for success. Previous studies have reported that tourism governance needs to adopt a holistic understanding of social factors such as citizen participation and collaboration among stakeholders (Bichler, 2019; Nelson et al., 1998). At the organizational level, it is shown that networks contribute significantly to tourism governance (Beaumont & Dredge, 2010; van der Zee et al., 2017; Baggio, 2010) and collaboration or cooperation is an important aspect of tourism destinations (Keyim, 2017). In particular, there has recently been increasing interest in collaborative, community-oriented tourism governance models (Keyim, 2017; Jamal & Watt, 2011; Bets et al., 2017). Nevertheless, most of the governance literature has concentrated on economic indicators highlighting the need for further research on the social factors that shape tourism governance.

III. METHODOLOGY

This research is descriptive research with a qualitative approach. Qualitative research is generally characterized by an inductive approach to building knowledge that aims to generate meaning (Leavy, 2017). Up-close information gathered by actually talking directly with people and seeing them behave and act in their context is a key characteristic of qualitative research (Creswell, 2018). The stages of data analysis and interpretation include (1) data preparation and organization: preparing all research data, (2) initial immersion: understanding the data as a whole before the researcher begins the systematic analysis process (3) coding: assigning words or phrases to data segments by summarizing or capturing the essence of that data segment, coding this research using Atlas.ti software (4) categorization and themes: looking for relationships between codes, and (5) interpretation: developing meaning from what is coded (Trent & Cho, 2014).

IV. RESULTS AND DISCUSSION

Collaborative governance conditions are characterized by a history of cooperation or conflict within the stakeholder environment. Collaboration based on trust between stakeholders is an encouragement for stakeholders to participate in collaboration using their capacities. On the other hand, if the stakeholder environment has a past history filled with conflict based on distrust, it will not continue to the cooperation stage.

Researchers found that there was collaboration in handling Indonesian Migrant Workers, several informants stated that there was a history of collaboration carried out by stakeholders in handling Indonesian Migrant Workers, although the history of collaboration had not gone completely well, such as collaboration with 15 districts/cities and 9 universities, the integration of LTSA with MRC, cooperation has not been officially stated in the MoU, there is cooperation between BP2MI and the Ministry of Manpower, as well as involvement of the private sector and local government.

On the other hand, the research results show that there is a history of conflict found in the collaborative process of handling Indonesian Migrant Workers in the early stages. The existence of this conflict is indicated by not all stakeholders understanding

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the problems of Indonesian Migrant Workers, the absence of involvement from universities and the mass media, the existence of sectoral ego conflicts from the government, the existence of obstacles in preparing role competencies, the existence of training budget constraints, non-government stakeholders not being fully involved. .

With a history of cooperation or conflict within the stakeholder environment and cooperation based on trust between stakeholders, the problem of handling Indonesian Migrant Workers requires a comprehensive collaborative effort involving all stakeholders, both government and non-government. Several other findings are related to contributions made by regional heads such as budget allocation, ensuring that there is correct information regarding the placement of Indonesian Migrant Workers, providing protection for Indonesian Migrant Workers, providing advice, being involved directly in handling problems of INDONESIAN MIGRANT WORKERS, coordinating stakeholders and ensuring worker competency.

Apart from that, the leadership efforts carried out by stakeholders include being a leading sector in collaboration, having goodwill in preparing competencies for Indonesian Migrant Workers, arranging the division of tasks, collaborating with LPK and carrying out training for Indonesian Migrant Workers.

At the Institutional Design stage, the research results show that collaboration forums carried out by stakeholders include the role of IOJI (Indonesian Ocean Justice Initiative), collaboration forums which are still partial, collaboration forums through stakeholder meetings, collaboration forums through NGOs and the involvement of IOM (International Organization for Migration). Meanwhile, other results explain that the transparency process in Institutional Design includes that not all stakeholders have the courage to be open, not all stakeholders are transparent, openness is very good through social media and FGDs, openness is needed especially by the public and the media, openness has been conveyed even though not all stakeholders, and sharing information was carried out by the government in the Indonesian Migrant Worker Task Force.

Stakeholders who carry out face-to-face dialogue include the government, NGOs, academics, media. The form of face-to-face dialogue carried out by stakeholders is carried out through FGDs and other coordination meeting activities. Forms of face-to-face dialogue carried out by stakeholders apart from FGDs and seminars are also carried out through formal and non-formal coordination meetings. This is done when there is a problem in protecting Indonesian Migrant Workers

Every time there is a problem in the protection of Indonesian Migrant Workers, all stakeholders involved will be involved in dialogue activities, both direct dialogue and indirect dialogue. The collaboration process through direct face-to-face dialogue has been carried out by most stakeholders, but in practice there are several things that need to be improved so that stakeholder participation in each dialogue can run optimally.

In building trust, stakeholders make various efforts, including sharing information and strengthening the integrity of each stakeholder. Sharing information is important because through this the process of stakeholder transparency and openness becomes even better, so the impact will build trust in the collaboration process. The temporary results shown from the collaboration process produced several legal products, including regulations from the government regulation level to village regulations. So that the regulations regarding handling the problem of Indonesian Migrant Workers in Indonesia are inline from central government regulations to village regulations.

Discussion

Efforts to legally protect Indonesian Migrant Workers are not only carried out by one stakeholder. Efforts to protect Indonesian Migrant Workers require a concept of cooperation and collaboration between stakeholders. The concept of Collaborative Governance is a condition when the government and other stakeholders have a common goal. The desire to carry out Collaborative Governance in an effort to Protect INDONESIAN MIGRANT WORKERS emerged because stakeholders realized the limitations they had. Collaborative Governance is an effort and response carried out by the government in resolving public problems that occur, where in resolving these public problems the government must collaborate with other stakeholders such as the private sector, academics, society, communities and others (Sudarmo & Mutirawati, 2017) .

In relation to efforts to protect Indonesian Migrant Workers, government actors are considered to still dominate collaborative efforts in protecting Indonesian Migrant Workers. This is proven in the formation of Task Forces for the protection of Indonesian Migrant Workers in the regions which involve most elements of the government. In the Decree of the Minister of Manpower Number 37 of 2022, it is explained that the Task Force for the Protection of INDONESIAN MIGRANT WORKERS at the regional level comes from:

1. Regional agencies that carry out government affairs in the fields of employment, population and civil registration, transportation, health, social, empowerment and child protection
2. Immigration Regional Office
3. Regional Police, Resort Police or Sector Police
4. Technical Implementation Unit of the Indonesian Migrant Worker Protection Agency

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Based on the membership of the task force above, it is known that all of its members consist of government elements, and it is not explained in detail about the non-government involved in the task force for the protection of Indonesian Migrant Workers in the regions. Based on the perspective of public administration literature, Robertson (2011) introduced the Collaborative Governance perspective (Ansell & Gash, 2007) which focuses on emphasizing cooperation, coordination, and collaboration as critical success factors for collaborative governance.

Initial conditions in efforts to protect Indonesian Migrant Workers found that stakeholders had made various collaborative efforts. The collaboration involved all stakeholders even though in practice it was not optimal. Each stakeholder who collaborates is in accordance with their respective functions. The initial collaboration carried out by stakeholders was based on the limited capabilities of each stakeholder.

Stakeholder elements carrying out collaboration include the government, both at the central and regional levels, mass organizations, the press and academics. The research results show that non-government stakeholders have been involved in efforts to protect Indonesian Migrant Workers, but in practice this has not been optimal. For example, many informants said that academics were involved in the collaboration process, but in practice academics within the university environment have not been optimal in providing their contribution to the protection of Indonesian Migrant Workers. The campus has a research institute that is capable of identifying the problems of Indonesian Migrant Workers. So the involvement of universities is considered quite important. The university should be involved in discussing the role and contribution of the University community to be able to provide solutions to all the problems faced, through community service programs.

The history of collaboration between stakeholders has the potential to cause conflict because cooperation has not been coordinated in a good collaborative system. Apart from that, the imbalance of roles and power, resources and knowledge between stakeholders is a problem that occurs in efforts to protect Indonesian Migrant Workers. The problem that was the basis of the conflict in the initial conditions was the lack of knowledge of stakeholders regarding the problem of Indonesian Migrant Workers, especially on how prevention, action and protection efforts should be carried out by all stakeholders. Weak supervision and enforcement makes people prefer to become Indonesian Migrant Workers illegally, and this is supported by the presence of brokers roaming the villages. This was then exploited by a group of individuals to seek profits from citizens who became Indonesian Migrant Workers illegally.

The history of collaboration and conflict in efforts to protect Indonesian Migrant Workers is what makes Collaborative Governance efforts important. In an accelerating world, government legitimacy depends on co-design, collaboration, and creating meaningful relationships with citizens (Osborne et al., 2021). According to a survey conducted by Lorincz et al. (2011), collaborative policy making still seems to receive little attention. Therefore, analyzing good practices and challenges in implementing collaborative and participatory governance can enrich the current body of knowledge. It can be concluded that collaboration in protecting Indonesian Migrant Workers has indeed been carried out but in practice not all stakeholders understand the problems of Indonesian Migrant Workers. For this reason, there is a need for a forum to equalize understanding between stakeholders, initiated by the central and regional governments

Facilitative leadership is an important element that brings stakeholders together to negotiate and engage with each other in a spirit of collaboration. Third party intervention in mediation is necessary to the extent that stakeholders cannot immediately reach a consensus to collaborate. Leadership is critical to establishing clear ground rules, building trust, facilitating dialogue, and exploring mutual benefits. Leadership is important to embrace, empower, involve and mobilize stakeholders to move forward with collaboration. Collaborative leaders must have the ability to:

- a. increasing broad and active participation
- b. ensuring broad influence and control
- c. Facilitate productive group dynamics
- d. extend the scope of the process

Based on the research results, it is known that regional leaders have made maximum efforts to protect **INDONESIAN MIGRANT WORKERS** through budget allocations, providing information regarding placement and coordinating all stakeholders to prioritize the issues of **INDONESIAN MIGRANT WORKERS**. However, after the researcher's analysis, this leadership effort only emerged when the problem of Indonesian Migrant Workers arose. Regional leaders should make preventive efforts to minimize the problem of Indonesian Migrant Workers.

Based on this, it is necessary for leaders to pay more optimal attention to the problems of Indonesian Migrant Workers. In an organizational context, leadership is the successful championing of ideas laterally to peers or to superiors, and occurs through a combination of examples, logical arguments, factual presentations, or inspiring emotional appeals". This often occurs externally and as a complementary to formal decision-making roles." (McCrimmon, 2005).

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Institutional design (Institutional Design) in an effort to protect Indonesian Migrant Workers is characterized by openness to participation (inclusive) from stakeholders carried out by the government, mass organizations, academics, and Indonesian Migrant Workers. Institutional design in an effort to protect Indonesian Migrant Workers found that the collaboration forum carried out was still partial. The role of IOJI (Indonesian Ocean Justice Initiative) in the context of prevention should be optimized, so that the problems of Indonesian Migrant Workers can be addressed early.

Another thing that is a problem in institutional design is the lack of transparency by all stakeholders, so that problems related to Indonesian Migrant Workers always recur. The use of social media in efforts to disseminate information and strengthen cooperation is considered quite effective even though there are several stakeholders who are still unable to utilize information technology, especially social media.

Then existing NGOs should be able to carry out their functions well. NGOs that focus on Indonesian Migrant Workers only operate when there are donors. This makes our NGOs not perform their functions well. For this reason, it is necessary to strengthen the function of NGOs as balancing institutions for the government that focus on the problems of Indonesian Migrant Workers not only in the regions but also NGOs in the countries where Indonesian Migrant Workers work. So that when this happens, the government has other powers in overcoming the problem of Indonesian Migrant Workers.

The role of NGOs in supporting government programs is very important. Other literature states that NGOs encourage transparency and democracy in the decision-making process (Petersson, 2022). Increasing pressure from the public, activists, and experts for NGO involvement in these areas arises from the fundamental belief that these groups effectively complement governance mechanisms, increase community agency, and produce better policy outcomes (Wright and Andersson, 2013 ; Calo` et al., 2023).

The collaborative process is carried out to become the basis of a cyclical process of social interaction that can express positive or negative dynamics (Kossmann & Behagel, 2016). The collaborative process includes face-to-face dialogue, building trust, commitment, and mutual understanding. This social process needs to be strengthened positively through interim results or Intermediate Outcomes (Termeer, 2018). Ansell & Gash (2007) found that virtuous cycles of collaboration tend to develop when collaborative forums focus on interim outcomes that deepen mutual trust, commitment, and understanding. When levels of conflict are high, the need for a combination of interim outcomes and face-to-face dialogue is critical (Emerson et al., 2012)

V. CONCLUSIONS

Collaborative Governance in efforts to protect Indonesian Migrant Workers results in cooperation that is not yet optimal and not in harmony. This is characterized by a lack of involvement of non-government stakeholders in the collaboration process. Apart from that, the integrity of law enforcement and government officials in handling cases of Indonesian Migrant Workers is also not optimal, because many are still controlled by oligarchs. For this reason, it is necessary to formulate regulations at the regional level so that Indonesian Migrant Workers are sent to the destination country according to their abilities. Collaborative Governance in efforts to protect Indonesian Migrant Workers can run optimally when applying additional concepts as reinforcement of the weaknesses of the collaboration concept.

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