

Political Transformation of Indonesian Tourism Law: A Critical Study of Sustainable Tourism Policy

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Abstract—Legal political transformation is a key element in creating sustainable tourism in Indonesia. Based on Law No. 10/2009 on Tourism and Bali Province Regional Regulation No. 5/2020, this study analyzes the implementation of sustainability principles in legal policies, which include environmental preservation, social justice, and economic welfare. Although sustainability principles have been implemented, challenges such as lack of policy harmonization, weak supervision, and low involvement of local communities remain. A comparative approach with other countries, such as Bhutan and New Zealand, shows the importance of collaboration between central and local governments. This research recommends updating the legal framework, using technology for monitoring, and strengthening the participation of indigenous communities, in order to realize economically, ecologically, and socio-culturally sustainable tourism, with a local wisdom-based approach.

Keywords: Sustainable tourism; legal political transformation; local wisdom

Introduction

Political and legal transformation has a significant role in creating sustainable tourism in Indonesia. Legal politics, as a policy framework that determines the direction of legal development, must reflect the principles of sustainability, such as environmental preservation, social justice and economic prosperity. In the context of tourism, this transformation aims to ensure that the development of the sector not only provides economic benefits, but also maintains the sustainability of local natural and cultural resources.

Law Number 10 of 2009 concerning Tourism emphasizes the importance of tourism based on culture, the environment and community empowerment. Article 5 of this law includes the principles of benefit, sustainability and local wisdom as the main basis for tourism management. However, implementation of these principles is often hampered by a lack of integration between national and regional policies and challenges in supervision. As noted by (Marwati, 2017) the principle of sustainability must be realized in every aspect of tourism policy to ensure that there is no over-exploitation of resources.

At the regional level, Bali Provincial Regulation Number 5 of 2020 concerning Standards for the Implementation of Balinese Cultural Tourism is a concrete example of how the principles of sustainable

tourism are implemented. This regional regulation emphasizes the importance of environmental management, cultural preservation and empowerment of local communities. One of the important points is the obligation for tourism businesses to adopt environmentally friendly practices, such as good waste management and the use of renewable energy. As stated by Sudarsana, this regional regulation is a strategic instrument to maintain harmony between humans, the environment and culture in the context of tourism.

However, these two regulations still face challenges in implementation. Studies show that a lack of supervision of tourism business actors is often a major obstacle. For example, the case in Bali shows that several business actors do not comply with the sustainability standards regulated in the Regional Regulation. This is in line with Siregar's findings, that the gap between regulations and implementation in the field is the biggest challenge in realizing sustainable tourism.

Content analysis of the two regulations shows that the principles of sustainability have been sufficiently accommodated in the normative framework. However, a comparative approach to similar regulations in other countries, such as Thailand and New Zealand, reveals that Indonesia still needs further steps. In New Zealand, for example, indigenous community-based tourism management has been deeply integrated into national policy, creating a synergy between cultural preservation and economic development. This can be an inspiration for Indonesia to strengthen integration between the central and regional governments in tourism management.

In the implementation context, it is important to integrate technology in sustainable tourism monitoring. For example, the use of satellite-based monitoring technology to monitor environmental damage due to tourism activities can be an effective solution. As Hall points out, Technology can be a powerful tool for ensuring compliance with sustainability regulations.

In addition, the role of local communities in supporting sustainability must be strengthened through education and training. Programs that involve the community in tourism management not only increase awareness of the importance of environmental conservation, but also create sustainable economic opportunities. As stated by (Sukmawati, 2019) Empowering local communities is the key to realizing sustainable tourism.

Political and legal transformation through Law Number 10 of 2009 and Bali Province Regional Regulation Number 5 of 2020 has reflected the principles of sustainable tourism, although there are still challenges in implementation. By strengthening supervision, adopting technology, and empowering local communities, Indonesia can create tourism that is not only economically profitable but also ecologically and socially sustainable. Therefore, synergy between government, society and tourism business actors must continue to be improved to achieve this goal.

Departing from this background, this research focuses on the transformation of legal politics in creating sustainable tourism in Indonesia, by emphasizing the importance of integration between the principles of sustainability, environmental preservation, social justice and economic prosperity in legal policy. This research aims to examine how regulations such as Law Number 10 of 2009 concerning Tourism and Bali Province Regional Regulation Number 5 of 2020 have adopted sustainable tourism principles, as well as analyzing the implementation challenges faced, such as lack of supervision and synergy between stakeholders.

This research focuses on the transformation of legal politics in realizing sustainable tourism in Indonesia by integrating the principles of sustainability, environmental preservation, social justice, and economic prosperity into legal policy. It analyzes Law Number 10 of 2009 concerning Tourism and Bali Province Regional Regulation Number 5 of 2020 to explore how political and legal changes contribute to sustainable tourism development. Specifically, the study addresses two key questions: how political and legal transformation fosters sustainable tourism in Indonesia, and to what extent legal instruments like the mentioned laws reflect the core principles of sustainable tourism.

Method

This research uses normative legal research methods with a statutory regulation approach and critical analysis, which aims to examine the implementation of legal policies related to sustainable tourism in Bali. The data sources used consist of primary data, namely the text of Law Number 10 of 2009 and Bali Province Regional Regulation Number 5 of 2020, as well as secondary data, such as academic literature, legal journals, and reports related to sustainable tourism. The data analysis techniques used include content analysis of the substance of the law and its implementation, as well as a comparative approach to evaluate the suitability of policies with the principles of sustainable tourism.

A comparative approach is also used to assess the suitability of policies with the principles of sustainable tourism, as explained by (Adisusilo, 2021) in his book *Law and Sustainable Tourism*, as well as by Timothy and Boyd in *Heritage and Tourism*. Which emphasizes the importance of integration between legal, environmental and economic aspects in sustainable tourism management. Through this approach, it is hoped that this research can provide a clear picture of the extent to which existing legal policies support the achievement of sustainable tourism in Bali.

Discussion

Legal Political Transformation Creating Sustainable Tourism In Indonesia

The transformation of legal politics in the tourism sector in Indonesia reflects efforts to respond to global challenges related to environmental sustainability and local needs. In this case, Law Number 10 of 2009 concerning Tourism is the main legal basis governing tourism development in Indonesia. However, in practice, this policy requires a paradigm update to create sustainable tourism. This study found that the political transformation of tourism law in Indonesia is not yet fully in line with the principle of sustainability which emphasizes balance between economic, social and environmental aspects.

Tourism policy in Indonesia focuses more on economic exploitation through increasing tourist visits and massive infrastructure development. However, this paradigm has begun to shift with the emergence of the concept of sustainable tourism which is regulated in Bali Provincial Regulation Number 5 of 2020. This policy emphasizes the need for an approach based on environmental sustainability and respect for local culture. In line with this view, Holden emphasized that sustainable tourism must involve the involvement of local communities in managing natural resources to prevent environmental degradation.

Policy Transformation and Legal Implementation Analysis of Law Number 10 of 2009 shows the need to strengthen the legal framework that supports the principle of sustainability. This paradigm shift includes environmental protection, social justice, and empowerment of indigenous communities. For example, Bali Provincial Regulation Number 5 of 2020 underlines the importance of protecting sacred areas and local resources. According to Butler, strong legal implementation is essential to ensure that sustainability principles can be applied consistently.

Global factors such as climate change and international awareness of sustainability are pushing the Indonesian government to adopt more environmentally friendly tourism policies. On the other hand, local needs, such as cultural preservation and improving the welfare of indigenous communities, also influence policy direction. A study by Goodwin states that the success of sustainable tourism is highly dependent on the involvement of local communities in decision making.

Indigenous communities have an important role in the political transformation of tourism law, especially in maintaining cultural and environmental sustainability. Bali Provincial Regulation Number 5 of 2020 provides space for indigenous communities to participate in managing culture-based tourism. In this context, Taman noted that recognition of the rights of indigenous peoples is an important step in creating an inclusive and sustainable tourism model.

Even though the legal framework already exists, the implementation of sustainable tourism policies still faces various challenges. One of the main criticisms is the lack of monitoring and evaluation of the environmental impacts of large tourism projects. For example, research by Cole revealed that many tourist destinations in Indonesia experienced environmental damage due to uncontrolled development.

Comparative analysis shows that Indonesia can learn from countries like Bhutan, which apply the principles *Gross National Happiness* (GNH) in tourism policy. Bhutan integrates social, economic and environmental sustainability in tourism planning. This policy can be an inspiration for Indonesia to strengthen the integration of sustainability principles in the national legal framework.

The main opportunity in the political transformation of tourism law is increasing public awareness of the importance of sustainability. However, obstacles such as budget constraints, lack of coordination between agencies, and short-term economic pressures often hinder policy implementation. Apart from that, the role of the private sector in supporting sustainability initiatives also needs to be increased.

To create sustainable tourism, the government needs to strengthen regulations, increase public education, and encourage collaboration between the public and private sectors. The development of sustainability indicators is also important to evaluate the success of policy implementation. The study by Weaver suggests the use of a data-driven framework to measure the impact of tourism on the environment and Society.

The political transformation of tourism law in Indonesia requires synergy between a strong legal framework, consistent implementation, and active involvement of local communities. The sustainability paradigm must be at the core of every tourism policy, both at the national and regional levels. With an integrated approach, Indonesia can create a tourism model that not only supports economic growth but also preserves the environment and local culture.

Analysis Of Legal Substance

Sustainable tourism has become the main focus in destination management in Indonesia, considering its significant impact on the environment, socio-culture and economy. Law Number 10 of 2009 concerning Tourism is the legal basis that regulates this sector, while regional regulations, such as Bali Provincial Regulation Number 5 of 2020, demonstrate local efforts to support the principle of sustainability. However, the political transformation of Indonesian tourism law faces major challenges, especially in harmonizing national and regional regulations to achieve sustainable tourism goals.

This analysis of the advantages of Law Number 10 of 2009 provides a comprehensive legal basis regarding tourism management in Indonesia. One of the advantages is regulating the role of tourism industry players in supporting economic development through investment and job creation. This shows attention to economic aspects in developing the tourism sector.

Even though it has advantages, this Law does not fully integrate the principles of sustainability, especially in socio-cultural and environmental aspects. For example, existing regulations do not regulate in detail the mechanisms for preserving local culture and monitoring environmental impacts. As a result, the implementation of sustainability principles is often just a discourse without concrete realization.

The advantages of Bali Provincial Regulation Number 5 of 2020 show a strong commitment to cultural preservation and local community participation. Recognition of Balinese customs as an important element of tourism reflects a holistic approach and based on local wisdom. Thus, this regulation supports the principle of sustainability through strengthening local values.

The weakness of Bali Provincial Regulation Number 5 of 2020 is that the scope of this regulation is limited to the Bali area and does not have a clear monitoring mechanism. This lack of clarity makes effective implementation difficult, especially in managing destinations that face high pressure due to high tourist visits.

One of the main criticisms of the substance of the National Law is the incompatibility between the substance of the law and the principles of sustainable tourism. Existing regulations tend to be economically oriented, with little attention to social and environmental impacts. This shows the need to reform the legal substance to cover the dimensions of sustainability more thoroughly.

Harmonization between national and regional regulations is a big challenge. Differences in approaches and priorities often result in synchronization in tourism management. For example, general national regulations often do not suit specific regional needs. This mismatch has an impact on the management of tourist destinations, especially in terms of environmental carrying capacity and cultural preservation. Popular destinations, such as Bali, are facing huge pressure in terms of carrying capacity due to the lack of strict regulations.

Aspects of cultural preservation and the welfare of local communities are often ignored in national policies. This is contrary to the principles of sustainable tourism which should prioritize balance between economic, social and environmental issues. More inclusive regulations are needed to ensure the benefits of tourism are felt by local communities.

The political transformation of tourism law in Indonesia requires a more integrated and sustainability-oriented approach. Harmonization between national and regional regulations, as well as strengthening legal substance, are important steps to achieve this goal. Legal reform that takes into account socio-cultural principles and environmental preservation must be a top priority in supporting the sustainability of the tourism sector in Indonesia.

Conclusion

The political transformation of tourism law in Indonesia requires updates that place sustainability at the core of policy, by balancing economic, social and environmental aspects. Even though Law Number 10 of 2009 is the basis, its implementation is not yet optimal, so steps such as strengthening regulations, public-private collaboration and the use of data-based indicators are needed. Positive examples, such as Bali Provincial Regulation Number 5 of 2020, show the importance of preserving the environment and local culture as well as the involvement of indigenous communities. With a holistic approach, Indonesia has the potential to create tourism that supports economic growth while maintaining environmental and cultural sustainability.

The political transformation of tourism law in Indonesia requires substantive legal reform that integrates the principles of sustainability as a whole, including economic, socio-cultural and environmental aspects. Harmonization between national regulations which tend to be general and regional regulations which are more specific is very necessary to overcome the in synchronization that often occurs. Strengthening policies based on local wisdom and clear monitoring mechanisms are important steps to support sustainable tourism and ensure its benefits are optimally felt by the community and the environment.

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