

# Legal Policy of Sustainable Tourism Development: Towards Community-Based Tourism of Indonesia

I Nyoman Nurjaya

*University of Brawijaya*

*Corresponding author. Email: nurjayai@yahoo.com*

## ABSTRACT

Indonesia is the rich country in the terms of natural environment and resources worldwide. The region of Indonesia stretches from Sabang to Merauke that spill as the emeralds string in the equator span. Besides, Indonesia has been well-known as the multicultural country with various cultural resources, more than hundred ethnics and several religions, languages, and also races. Hence, Indonesia's official, namely "Unity in Diversity," reflects the plurality within the unitary State of Indonesia. The State should protect the entire people and control the territory and natural resources contained therein to increase the prosperity, educate and produce intelligent people, and to participate in the establishment of the world order based on the freedom, peace, and also social justice. The said Preamble shows the main objective of the development of the State of Indonesia and the sort of ideology that should be employed as the State's foundation to unify the nation and the establishment of the character-building.

**Keywords:** *Legal Policy, Sustainable Tourism Development, Community Based.*

## 1. INTRODUCTION

In the article 33 paragraph (3) of the constitution that stipulated "the land and water also natural resources should be controlled by the state and used for the prosperity of the greatest people." That is why Indonesian wealth in the terms of strategic geographical position and natural environment and also the resources, including historical heritage, has been cultural identity, cultural capital, and also cultural power that was driving the active life of nation, and the main resources.

To ensure that tourism development is incorporated with the economic, natural environment, and also socio-cultural sustainability, and the laws and regulations have to support the tourism development as the basis of legal instruments, and also the ethical tourism component to strengthen the respective country in establishing the sustainable tourism.

Sustainability has appeared as the paradigm in the tourism planning, and also the development since the growth of global tourism in 1960s and 1970s, with significant effects on the tourism system on the global and local scales throughout the world, and also the negative effects perceived outcomes of tourism growth in the destination regions. The societal context encouraged the focus on the environmental concern and global inequalities, the environmental movement had strong influence on the significant attention on the nature of the tourism development. [2]

The tourism has not been attracted attention in the academic field. There is a little attention and regulation that establish like legal issue in Indonesia. This may be since the tourism right is not a fundamental right as the other human beings and ecological rights. This kind of right has the core meaning in developing sustainable tourism in the country. The paper attempts to discuss the conceptual dimension of the sustainable tourism development and give the overview on international policy framework, as well as the national legal instruments to develop the state's income for the most significant welfare of the people.

## 2. RESULT AND DISCUSSION

The key element of sustainable tourism is in the tourism industry. The tourism entrepreneurs and local communities in the tourism destination have to perform relative competition in the tourism business, access, and also sustainable use of the natural environment and resources, also respect to the culture and wisdom of the local community. The tourism businesses and companies should be strengthened to conserve the natural environment and resources and preserve culture and protect local wisdom of the communities as to defined within the 1999 Global Codes of Ethics for Tourism.

The core of Balinese tourism development has been cultural tourism to generate dynamic of national cultural tourism, like conserving cultural values, custom, and tradition as the essential part of the local wisdom and

genius. [13] Regional Regulation Bali Province Number 2 in 2012 concerning on Cultural Tourism, Balinese culture and tradition inspired by Hindu religion tenets namely *Tri Hita Karana* [14] that is the Hindu's philosophy for the life of human being that encouraging the dynamic practices of the tourism in term of relationship between human being and the almighty God (parhyangan), interrelation between human itself (pawongan), and relationship of human and natural environment (palemahan) in daily life. [15]

The existence of traditional Balinese villages that the so-called Desa Adat (Adat Village) have been significant role in the cultural tourism development and in preserving local genius also wisdom of the host community, conserving the natural environment, keeping the holy spirit such as tourism destination. To protect the future life of Desa Adat, the Government of Bali enacted Regional Regulation Number 4 in 2019 on Adat Village of Bali. Regional regulation has been recognized Desa Adat as the legal entity of the Balinese community system that has its traditional region (Wewidangan Desa), autonomous adat village governance (Prejuru Desa), also material and immaterial village properties (Padruwen Desa), written customary law (Awig-awig and Perarem), that incorporated with the actual existence of the three Hindu temples (Kahyangan Tiga/Kahyangan Desa) include Pura Desa Bale Agung, Pura Puseh, and Pura Dalem.

Concerning the dynamics of ecological and cultural tourism practices, the Government of Bali gives legal policy to create informed consent and the public participation principles, the involvement of the host community in the tourism governance through developing collaborative management in proportional sharing of the tourism revenue that can be used for maintaining the tourism infrastructure [16] Moreover, tourism destinations like Monkey Forest of Ubud, Monkey Forest of Sangeh, Monkey Forest of Alas Kedaton, and the Pendawa Beach of West Kuta have been organized by the respective community of the host adat village in the region under the supervision of the regional government. [17]

### 3. CONCLUSION

Tourism in sustainable development requires the informed consent and participation of the host community and legal policy instrument and strong political leadership to make sure the genuine commitment of stakeholders. Tourism sustainability principles refer to the integrated balance of economic, environmental, and socio-cultural interests within the national development strategy for the only purpose of enhancing people's welfare and prosperity as mandated by the 1945 Constitution. Therefore, a suitable balance between the said three significant interests should be taken into account for guaranteeing and strengthening the long-term legal policy of sustainability and the legal culture of the host community in tourism development.

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