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## **Constitutional Conflict between Tourism Development and Karst Area Protection in Gunung Kidul: Analysis of Article 33 of the 1945 Constitution of the Republic of Indonesia and the Principles of Sustainable Development**

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**Abstract:** Over the past decade, the tourism sector in the karst region of Gunung Kidul has experienced substantial growth, contributing significantly to local revenue generation and expanding employment opportunities for surrounding communities. Nevertheless, the rapid development of tourism infrastructure, land-use conversion, and intensive exploitation of karst landscapes have generated constitutional concerns related to the State's obligation to safeguard environmental sustainability. Karst ecosystems perform essential ecological functions, including groundwater storage, hydrological regulation, and providing habitats for diverse biological species. Consequently, environmental degradation in these areas may result in long-term ecological consequences. This study aims to examine the tension between tourism-driven economic development and the protection of karst environments from the perspective of Article 33 of the 1945 Constitution of the Republic of Indonesia, as well as the principles of sustainable development. The research employs a socio-legal approach, combining normative analysis of statutory regulations with conceptual examination of the green constitution doctrine and sustainable development framework. The findings indicate that Article 33 of the 1945 Constitution not only emphasizes state control over natural resources for the prosperity of the people but also implicitly incorporates principles of environmental sustainability and ecological responsibility. Accordingly, tourism policies that disregard environmental carrying capacity and ecological limits within karst regions risk contradicting constitutional mandates. The integration of sustainable development principles into spatial planning policies and licensing mechanisms is therefore essential to ensure a balanced relationship between economic advancement and environmental preservation.

**Keyword:** Constitutional Conflict, Sustainable Tourism, Karst Region, Article 33 Of The 1945 Constitution, Gunung Kidul

### **INTRODUCTION**

The Gunung Sewu karst landscape, stretching across Gunung Kidul Regency, represents one of Indonesia's most significant karst formations. Geologically, this region was shaped by the dissolution of limestone over millions of years, producing distinctive

geomorphological features such as conical hills, underground caves, and subterranean river systems. These characteristics confer not only ecological value but also scientific, educational, and tourism importance. International acknowledgment of its outstanding value is reflected in its designation as part of the UNESCO Global Geopark Gunung Sewu, which underscores the obligation to manage the area sustainably by balancing conservation, education, and economic development (Pratiwi, 2025).

From an ecological standpoint, karst regions play a crucial role as natural groundwater reservoirs and regulators. The porous nature of limestone enables rainwater infiltration and storage within underground aquifer systems that serve as vital water sources for surrounding communities. In Gunung Kidul widely recognized for its dryland characteristics the karst hydrological system constitutes a fundamental pillar of local livelihoods (Bayu et al., 2013). Moreover, karst ecosystems provide habitats for diverse and specialized flora and fauna, including cave-dwelling organisms that are highly sensitive to environmental changes. Consequently, disturbances to karst structures may lead not only to landscape alteration but also to broader ecological imbalances.

At the same time, the tourism sector in Gunung Kidul has experienced rapid growth over the past decade. Southern beaches, cave attractions, and geopark sites have increasingly attracted both domestic and international visitors. Local authorities regard tourism as a strategic driver of regional economic development, contributing to local revenue generation, employment opportunities, and the expansion of micro, small, and medium enterprises (Sunawan, 2019). From a regional development perspective, optimizing tourism potential is viewed as a rational approach to reducing economic disparities and enhancing community welfare.

However, the acceleration of tourism-related infrastructure such as road construction, accommodations, restaurants, and artificial attractions has often overlooked the environmental carrying capacity of karst landscapes. Several studies indicate that construction activities and spatial exploitation in karst areas pose risks to subterranean hydrological systems and geomorphological stability (Nuraini & Pramono, 2013). Land conversion in protected zones or disaster-prone areas further intensifies the potential for long-term environmental degradation. These developments have prompted criticism from academics and environmental advocates, who argue that tourism expansion in karst regions must adhere to the precautionary principle.

The tension between economic objectives and environmental protection in Gunung Kidul reflects a broader structural dilemma in Indonesia's development policies namely, the persistent conflict between natural resource exploitation and the constitutional mandate to safeguard them. Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) stipulates that land, water, and natural resources are controlled by the state and must be utilized for the greatest benefit of the people. The Constitutional Court has interpreted this provision as imposing upon the state the responsibility to regulate, manage, and supervise natural resources in order to ensure social justice and sustainability (Novianti, 2024). Thus, state control cannot be reduced to a mere justification for short-term economic exploitation.

Furthermore, Article 33 paragraph (4) introduces the principle of environmentally sustainable development as a foundational element of the national economy. This provision is frequently associated with the concept of a green constitution, which posits that environmental protection is embedded within Indonesia's constitutional framework as a fundamental right of its citizens (Arrsa et al., 2024). Within this constitutional paradigm, all development policies including tourism initiatives must integrate ecological considerations and safeguard the rights of future generations to a healthy environment.

Conceptually, sustainable development emphasizes a balance among three interconnected pillars: economic growth, social equity, and environmental preservation. It

requires that natural resource utilization be conducted prudently, ensuring that present needs are met without compromising the ability of future generations to fulfill their own (Khair & Sartika, 2024). Applied to karst areas, this principle necessitates that tourism development be aligned with conservation measures and environmental impact mitigation strategies.

Challenges arise when practical implementation reveals inconsistencies between spatial planning frameworks, tourism business licensing, and karst protection policies. Research has identified regulatory disharmony and weak supervision as factors that create opportunities for the exploitation of protected areas in the name of investment (Novikasari & Murti, 2021). The lack of synchronization between national regulations and regional policies further contributes to legal uncertainty, potentially exacerbating social conflicts among communities, government authorities, and private actors.

These conflicts extend beyond legal dimensions to encompass social and ecological concerns. Local residents who depend on tourism income often support the development of new destinations due to the economic benefits involved. Conversely, communities reliant on water resources and agriculture express apprehension regarding the long-term consequences of karst degradation. This divergence of interests highlights the issue of equitable distribution of environmental risks and economic gains within tourism-driven development.

From the standpoint of environmental law, Law Number 32 of 2009 on Environmental Protection and Management mandates that activities with potentially significant environmental impacts must undergo an Environmental Impact Assessment (AMDAL). This mechanism is intended to ensure that ecological considerations are evaluated prior to project implementation. Nevertheless, the effectiveness of AMDAL depends heavily on procedural integrity and consistent monitoring. If treated merely as an administrative formality, the risk of environmental harm to karst ecosystems remains substantial.

Accordingly, tourism development in the Gunung Kidul karst region should not be perceived solely as a sectoral matter, but rather as a constitutional issue implicating the state's obligation to manage natural resources equitably and sustainably. An examination of Article 33 of the 1945 Constitution is essential to assess whether regional policies align with constitutional principles. Integrating sustainable development norms into spatial planning, licensing, and regulatory oversight is therefore indispensable to preventing broader conflicts in the future.

In light of these considerations, this study seeks to analyze the constitutional tensions between tourism development and karst protection in Gunung Kidul through a normative assessment of Article 33 of the 1945 Constitution and the principle of sustainable development. The research aims to contribute theoretically to the advancement of the green constitution discourse in Indonesia while offering policy recommendations for local governments in balancing economic interests with environmental protection in a just and sustainable manner.

## **METHOD**

This study employs a legal research methodology using a socio-legal approach, which integrates normative legal analysis with an examination of social realities. This approach is selected because the tension between tourism development and karst protection in Gunung Kidul involves not only written legal norms but also policy implementation, licensing practices, and the competing interests of various stakeholders (Rifa'i, 2023). By combining doctrinal and contextual perspectives, the research seeks to understand both the regulatory framework and its practical implications.

From a normative perspective, the research applies both a statutory approach and a conceptual approach. The statutory approach entails a detailed review of relevant legal instruments, including Article 33 of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), Law Number 32 of 2009 on Environmental Protection and Management, Law Number 10 of 2009 on Tourism (as amended), as well as regulations governing spatial planning

and karst area protection. This examination aims to identify the legal norms regulating state control over natural resources and the constitutional embedding of sustainable development principles.

The conceptual approach is utilized to analyze theoretical frameworks such as the green constitution doctrine, the principle of sustainable development, and the concept of state control over natural resources as developed in constitutional and environmental law scholarship. Through this lens, the study situates statutory interpretation within broader legal doctrines and normative debates.

This research is descriptive-analytical in nature. It is descriptive insofar as it systematically outlines the regulatory environment and the practical realities of tourism development in the Gunung Kidul karst region. At the same time, it is analytical because it critically evaluates whether tourism policies and practices are aligned with constitutional mandates and sustainable development principles. The analysis is conducted qualitatively, employing systematic and teleological methods of legal interpretation. The systematic interpretation examines legal provisions in relation to the broader legal system, while the teleological interpretation considers the underlying objectives and purposes of the legislation.

The data sources consist of both primary and secondary legal materials. Primary data include binding legal sources such as the 1945 Constitution (UUD NRI 1945), statutory regulations on environmental protection, tourism, spatial planning, and relevant regional regulations concerning the management of the Gunung Kidul karst area. Secondary data comprise scholarly literature, accredited national journal articles, previous research findings, and Constitutional Court decisions related to the interpretation of Article 33 of the 1945 Constitution. In addition, tertiary legal materials such as legal dictionaries and encyclopedias are consulted to clarify key legal concepts.

Data collection is conducted through library research. This process involves identifying, reviewing, and analyzing literature relevant to the research topic, including statutory inventories, academic publications, and public policy documents related to tourism development and karst conservation. The collected materials are then categorized thematically, for example into constitutional aspects, environmental law dimensions, and tourism policy considerations.

Data analysis is carried out qualitatively in three stages: data reduction, data presentation, and conclusion drawing. During the data reduction stage, information relevant to the research focus is selected and organized. In the data presentation stage, the findings of normative and conceptual analyses are systematically arranged to demonstrate potential conflicts between tourism development and karst protection. The final stage involves deductive reasoning, whereby conclusions are derived from constitutional norms and sustainable development principles to assess policy practices at the regional level.

Through this methodological framework, the study aims to provide a comprehensive examination of the constitutional tensions at issue and to propose a normative foundation for tourism development policies that are consistent with environmental protection and the mandate of Article 33 of the 1945 Constitution.

## **RESULTS AND DISCUSSION**

### **Article 33 of the 1945 Constitution as the Constitutional Foundation for Natural Resource Governance**

Article 33 of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) constitutes the principal constitutional basis of the national economic system, positioning the state as the central authority in controlling and managing natural resources. Paragraph (3) stipulates that land, water, and the natural resources contained therein are under state control and must be utilized for the greatest prosperity of the people. Paragraph (4) further enriches

this framework by introducing the principles of sustainability and environmental insight into the administration of the national economy. These provisions demonstrate that Indonesia's constitutional design does not focus solely on economic growth but also embeds environmental protection as an integral component of national development objectives.

From a constitutional law perspective, the phrase "controlled by the state" has been interpreted by the Constitutional Court as encompassing the authority to regulate (*regelendaad*), administer (*bestuursdaad*), manage (*beheersdaad*), and supervise (*toezichthoudensdaad*) natural resources (Wibowo, 2018). This interpretation clarifies that the state's role extends beyond that of a mere regulator; it must also ensure that the utilization of natural resources is equitable, proportional, and aligned with the public interest. Consequently, any development policy including tourism expansion in the Gunung Kidul karst region must adhere to the broader notion of public welfare, rather than being limited to increasing regional revenue or maximizing private investment returns.

Moreover, the evolution of the green constitution discourse in Indonesia reinforces the ecological orientation of Article 33. This concept emphasizes that environmental protection has been incorporated into the constitutional framework as a fundamental right of citizens (Elvis, 2023). Accordingly, the use of karst areas for tourism purposes cannot be detached from the constitutional obligation to preserve ecological integrity. The state bears responsibility for ensuring that economic policies do not result in environmental degradation detrimental to present and future generations.

The relevance of Article 33 becomes particularly pronounced in the context of karst landscapes, given their ecological fragility. Karst systems are highly sensitive geological formations in which disturbances in one area may disrupt the entire subterranean hydrological network. Tourism development undertaken without careful consideration of environmental carrying capacity and absorptive capacity may cause irreversible damage. Therefore, the sustainability principle embodied in Article 33 paragraph (4) should be understood as imposing a constitutional duty to apply the precautionary principle in development policymaking (Setiawan et al., 2025).

In addition, the justice principle embedded in Article 33 contains an intergenerational dimension. The concept of "the greatest prosperity of the people" is not confined to current populations but extends to future generations. This interpretation is consistent with sustainable development doctrine, which calls for a balanced integration of economic growth, social justice, and environmental protection. In the Gunung Kidul context, tourism initiatives that prioritize visitor numbers and short-term economic gains while neglecting the long-term sustainability of water resources and karst ecosystem stability may conflict with constitutional mandates.

Furthermore, the notion of "efficiency with justice" articulated in Article 33 paragraph (4) requires the state to prevent excessive exploitation that disproportionately benefits a limited group of actors. In practice, disputes frequently arise when tourism business permits are issued without comprehensive environmental assessments or adequate oversight mechanisms. Such conditions risk generating unequal distributions of economic benefits and environmental burdens between private enterprises and local communities. Hence, the effective implementation of Article 33 necessitates coherent spatial planning policies, transparent licensing procedures, and meaningful public participation in decision-making processes.

### **Challenges of Tourism Development in the Gunung Kidul Karst Region**

In recent years, the Gunung Sewu karst landscape in Gunung Kidul Regency has emerged as one of the leading tourist destinations in the Special Region of Yogyakarta. Its distinctive karst topography, underground caves, subterranean rivers, and the chain of southern beaches create a unique attraction that differentiates it from other destinations. The tourism

sector has contributed substantially to increasing local own-source revenue (PAD), expanding employment opportunities, and stimulating the growth of micro-enterprises and community-based creative industries (Priatmoko et al., 2023). From a regional development standpoint, maximizing tourism potential is frequently regarded as an effective strategy to alleviate the structural poverty historically associated with Gunung Kidul's dryland characteristics.

At the conceptual level, numerous studies advocate for a sustainable tourism model that integrates economic, social, and environmental dimensions. Sustainable tourism requires that tourism activities preserve ecological integrity, respect local cultural values, and ensure equitable economic benefits for surrounding communities (Hamida et al., 2024). In the context of karst areas, this approach should be translated into policies grounded in environmental carrying capacity and absorptive capacity assessments, visitor management systems, and strict zoning regulations for protected areas.

Nevertheless, significant challenges arise at the policy implementation stage at the regional level. Research indicates that tourism business licensing practices in karst areas are not always fully aligned with regional spatial planning frameworks (RTRW) and geological protection regulations (Hermawan & Hashilah, 2025). The issuance of permits for accommodations, restaurants, and tourism facilities within vulnerable or protected zones risks environmental degradation, including alterations to karst hill morphology, disruption of underground hydrological systems, and deterioration of water quality. Such inconsistencies between licensing decisions and zoning provisions reflect weak inter-agency coordination and insufficient administrative oversight.

Beyond spatial planning concerns, tourism expansion in karst regions faces inherent ecological challenges. The porous and fragile geological structure of karst formations makes them highly susceptible to intensive construction activities. Excavation, drilling, and landfilling can damage cave networks and subterranean rivers that serve as primary water sources for local communities. Damage to karst systems tends to be long-term and, in many instances, irreversible. Consequently, development approaches that are not grounded in rigorous scientific assessment may lead to permanent ecological losses.

In addition to environmental considerations, social and distributive issues also present critical challenges. Although tourism generates business opportunities for local residents, the benefits are not always distributed proportionally. In certain cases, external investors dominate the management of tourist destinations, resulting in unequal access to economic resources and spatial control. Such disparities may trigger horizontal conflicts between communities, business actors, and local authorities. Therefore, inclusive and participatory tourism governance becomes an essential prerequisite for preventing social tensions.

Legal uncertainty further complicates the situation. Regulatory disharmony among environmental laws, tourism policies, and regional spatial planning regulations may give rise to multiple interpretations during implementation. When supervision of Environmental Impact Assessments (AMDAL) and environmental permits is inconsistent, the protective mechanisms intended to safeguard karst areas risk being reduced to mere administrative formalities (Sutrisno, 2019). This weakens the preventive function of environmental law and creates opportunities for uncontrolled development practices.

Moreover, the designation of Gunung Sewu as part of the UNESCO Global Geopark entails international responsibilities to preserve its geological heritage. Continued ecological degradation resulting from poorly regulated development could jeopardize the area's reputation and geopark status. The consequences would extend beyond environmental damage, potentially affecting Indonesia's tourism image and undermining public trust in the government's commitment to safeguarding geological heritage.

## **Conflict of Interests between Economic Development and Environmental Protection**

The tensions emerging in the Gunung Kidul karst region essentially reflect a clash between two competing development paradigms: a growth-oriented economic model and a sustainability-based environmental protection model. This conflict does not arise solely from discrepancies in legal norms or regulatory inconsistencies, but also from divergent interests and priorities among the actors involved, both at the local and national levels.

From the perspective of local governments and tourism entrepreneurs, the expansion of tourism destinations is regarded as a strategic instrument for increasing local revenue, broadening employment opportunities, and stimulating regional economic activity. The steady rise in tourist arrivals is often presented as evidence of successful tourism policies. For a region historically categorized as underdeveloped and characterized by dryland conditions such as Gunung Kidul, tourism is perceived as a catalyst for accelerating socio-economic transformation (Fahrizi et al., 2023). This argument is reinforced by the assumption that tourism infrastructure development generates multiplier effects across trade, services, and creative economy sectors.

Conversely, environmental advocates, scholars, and segments of the local community emphasize the ecological risks associated with rapid development. Karst landscapes perform essential functions as underground water storage systems that sustain community life, particularly during dry seasons. Structural damage to karst formations caused by construction, mining, or land-use conversion can disrupt complex hydrological networks and potentially diminish long-term access to clean water (Yudha, 2025). In this context, the conflict transcends a simple economic-versus-environment dichotomy; it also implicates fundamental rights to water access and a healthy environment, as guaranteed under Article 28H of the 1945 Constitution.

The contestation becomes more intricate when external investors with substantial capital and access to licensing mechanisms are involved. In certain instances, planning processes and the issuance of tourism permits have been criticized for lacking meaningful public participation, thereby eroding trust in local authorities. When communities perceive that they are excluded from decision-making processes that directly affect their living spaces, the likelihood of social conflict increases (Melo et al., 2024). Such disputes may manifest in public protests, resistance to development projects, or land-related conflicts.

Agrarian tensions also frequently arise from the conversion of land for tourism purposes. Areas previously used for agriculture or traditional livelihoods may be transformed into commercial zones, altering local patterns of subsistence. Unequal access to tourism-generated economic benefits further exacerbates these tensions. While some community members gain advantages through homestay businesses, restaurants, or tourism services, others bear environmental burdens without receiving proportional benefits. This inequitable distribution of gains and risks constitutes a latent source of social conflict.

Additionally, the conflict highlights weak policy integration between central and regional authorities. Although national regulations emphasize sustainable development and environmental protection, implementation at the local level often involves political and economic compromises that undermine precautionary standards. This situation reveals a gap between constitutional norms and administrative practice. From an environmental law standpoint, such conditions risk neglecting the precautionary principle and the principle of intergenerational equity, which require safeguarding natural resources for future generations.

Ultimately, the conflict between economic development and environmental protection in Gunung Kidul raises a fundamental question regarding the development model being pursued. Is tourism development conceived as spatial exploitation for short-term economic growth, or as a form of regional advancement harmonized with ecological carrying capacity? If policy priorities focus predominantly on increasing tourist numbers and investment inflows,

the likelihood of environmental degradation intensifies and may contradict the constitutional mandate enshrined in Article 33 of the 1945 Constitution.

### **Integrating Sustainable Development Principles into Karst Area Governance**

The incorporation of sustainable development principles into the management of the Gunung Kidul karst region constitutes both a normative obligation and a practical necessity to reduce tensions between economic interests and environmental protection. At its core, sustainable development requires a balanced integration of three fundamental pillars: economic growth, social equity, and environmental preservation. Within the context of karst landscapes, this balance must be translated into concrete policies that account for the unique ecological characteristics and vulnerability of karst systems (Berliandaldo, 2022).

From an ecological perspective, karst management must be grounded in assessments of environmental carrying capacity and absorptive capacity. Karst systems are characterized by intricate subterranean hydrological networks that are highly sensitive to physical disturbances. Accordingly, any tourism development initiative should be preceded by comprehensive scientific studies, including independent and transparent Environmental Impact Assessments (AMDAL). The precautionary principle becomes particularly significant in this regard, ensuring that scientific uncertainty is not used to justify the neglect of potential ecological risks. An ecosystem-based management approach may serve as a strategic framework for safeguarding the structural integrity of karst formations as a whole, rather than focusing solely on specific tourist sites (Maesaroh, 2025).

From an economic standpoint, tourism development in karst areas should be oriented toward a sustainable tourism model. Such a model prioritizes not merely the increase of visitor numbers but emphasizes the quality of tourist experiences, resource conservation, and the economic empowerment of local communities. Diversifying tourism products such as geology-based educational tourism, special-interest tourism, and ecotourism offers more environmentally responsible alternatives compared to large-scale mass infrastructure projects. Furthermore, implementing visitor capacity limits (carrying capacity control) is essential to prevent over-tourism, which may accelerate environmental degradation.

Socially, the integration of sustainable development principles necessitates meaningful community participation in planning and decision-making processes. Local communities should not be treated merely as passive beneficiaries of development but as rights-bearing stakeholders with legitimate claims over their living environment. Participatory approaches can mitigate social tensions while enhancing the legitimacy of regional government policies. Distributive justice is equally important, ensuring that tourism-generated economic benefits are equitably shared rather than concentrated among specific groups. In this regard, strengthening local tourism institutions and village cooperatives may enhance community bargaining power and promote inclusive development.

Effective integration also requires regulatory harmonization between spatial planning policies, business licensing frameworks, and environmental protection mechanisms. Regional Spatial Plans (RTRW) must clearly designate protected karst zones that are not subject to commercial conversion. Oversight of environmental permits should be reinforced through periodic evaluations and firm administrative sanctions for non-compliance. Without consistent law enforcement, the principle of sustainability risks being reduced to normative rhetoric.

Moreover, the integration of sustainable development principles is intrinsically linked to the constitutional mandate articulated in Article 33 paragraph (4) of the 1945 Constitution (UUD NRI 1945), which affirms sustainability and environmental orientation as guiding principles of the national economy. Within the framework of the green constitution, the protection of karst areas is not merely a policy option but a constitutional obligation of the state to guarantee citizens' rights to a healthy and balanced environment (Yusa & Hermanto, 2018).

Consequently, tourism development policies must be evaluated against sustainability standards as foundational constitutional norms.

Ultimately, comprehensive karst ecosystem management can function as a mitigating instrument against the pressures of aggressive tourism expansion. By prioritizing scientific rigor, participatory governance, and adherence to legal principles, the Gunung Kidul karst region can continue to develop as a premier tourist destination without sacrificing its ecological functions. The integration of sustainable development principles should not be perceived as an impediment to economic progress, but rather as a long-term strategy to ensure that the benefits of development are equitably enjoyed by both present and future generations.

## CONCLUSION

The tension between tourism expansion and the protection of karst areas in Gunung Kidul illustrates the broader dilemma between economic growth objectives and the state's constitutional duty to ensure environmental sustainability. As an ecosystem with essential ecological functions particularly in regulating hydrological systems and securing water resources karst landscapes cannot be reduced to mere economic assets. Tourism initiatives that disregard environmental carrying and absorptive capacities risk causing irreversible damage, thereby contravening environmental protection principles and undermining the public's right to a healthy and sustainable environment.

Article 33 of the 1945 Constitution provides a clear constitutional foundation that state control over natural resources must be exercised for the greatest benefit of the people, while upholding sustainability and environmental stewardship. This provision affirms that economic development must remain inseparable from ecological responsibility. Consequently, tourism policies in karst regions should be framed within the perspective of the green constitution, which recognizes environmental protection as an integral component of Indonesia's constitutional order.

The conflicts emerging in Gunung Kidul highlight the necessity of transparent, participatory, and science-based governance in development planning. The effective integration of sustainable development principles through strengthened spatial planning regulations, rigorous environmental law enforcement, and the empowerment of local communities constitutes a crucial strategy for reconciling economic interests with conservation imperatives. Ultimately, resolving this constitutional tension requires not only administrative policy adjustments but also a firm and consistent commitment to implementing the mandate of Article 33 of the 1945 Constitution in a manner that ensures justice across generations.

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