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Harmonization of Sustainable Tourism Development Policy in the Regional Autonomy Era

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Abstract: Tourism development policies in the current era of decentralization have begun to be regulated in various legal instruments of regional autonomy. However, there is still substantial disharmony between the tourism development policies of the central government and regional governments. Consequently, there is an overlapping of policies and the emergence of sectoral egos that cause the development of the tourism sector to become unsustainable. This study aims to analyze the dynamics of the legal politics of tourism development in the regional autonomy regime, as well as to find a model of harmonization of the legal politics of sustainable tourism development in the regional autonomy regime. This study uses a doctrinal legal research method by examining the doctrine, legal principles, theories, and legal rules of tourism development and regional autonomy in Indonesia. Data processing is done through examination, classification, and systematization of legal materials.

Furthermore, the data is analyzed descriptively-analytically. The results of the study indicate that the legal politics of tourism development in the regional autonomy regime have not fully reflected the legal politics of tourism development based on sustainability. Regions are given the authority to organize affairs in the tourism sector.

Keyword: Legal Harmonization, Regional Autonomy, Sustainable Tourism.

INTRODUCTION

The tourism sector has a strategic role in supporting national and regional development (Andi Setyo Pambudi & Desak Made Annisa Cahya Putri, 2022). The legal policy of tourism development is constitutionally regulated in Article 33 paragraph (3) and paragraph (4) of the 1945 Constitution, which requires the management of natural resources for the greatest prosperity of the people based on the principle of sustainability. Based on Article 2 letter h of Law No. 10 of 2009 concerning Tourism (hereinafter referred to as the Tourism Law), it is determined that tourism is organized based on the principle of sustainability (Mashuril Anwar, 2020b). This spirit should be the “guiding star” in every legal policy for tourism development, especially in the regional autonomy regime (Mahardhika Berliandaldo dkk., 2021).

Referring to Law No. 23 of 2014 concerning Regional Government as last amended by Law No. 9 of 2015, tourism development in the era of regional autonomy requires collaboration between the central government and regional governments (Adrians Pratama, 2017). In reality, regional autonomy poses challenges in developing sustainable tourism. On the one hand, regional autonomy gives authority to autonomous regions to develop tourism potential in the region. However, on the other hand, the legal products of regional autonomy in the field of tourism development do not yet fully have the spirit of sustainability. In other words, the legal policy of tourism development in the current era of regional autonomy is not yet in harmony (disharmonio) with the principle of sustainability. Legally, the Tourism Law does not provide legal certainty in developing sustainable tourism, both at the regional and national levels.

Regional autonomy that should be projected to have a positive impact on tourism development, in reality, has a negative impact. Various cases that threaten the sustainability of tourism have occurred in the era of regional autonomy such as overtourism in Bali and Yogyakarta which causes environmental pollution (Viv Djanat Prasita dkk., 2023), as well as a decline in the quality of coastal ecosystems that threaten the sustainability of tourism (Humas BPHN, 2020). The emergence of these various cases is rooted in disharmony (overlapping) in tourism development regulations at the central and regional levels (Mashuril Anwar, 2020a).

Based on the review above, it is hypothesized that there is still disharmony between the policies for sustainable tourism development between the central government and local governments. The legal policy of tourism development in the era of regional autonomy is still oriented towards strengthening the economy but is not yet in line with the principle of sustainability which requires a balance of economic, social, and environmental interests. Therefore, the legal policy of tourism development in the regional autonomy regime needs to be aligned (harmonized) to move towards sustainable tourism. This study aims to analyze the dynamics of the legal politics of tourism development in the regional autonomy regime, as well as to find a model for harmonizing the legal politics of sustainable tourism development in the regional autonomy regime.

METHOD

This study uses a doctrinal legal research method, by examining doctrines, legal principles, theories, and legal rules related to tourism development and regional autonomy in Indonesia. The data in this study consists of primary and secondary legal materials obtained through literature studies and regulatory reviews. The data is then processed through examination, classification, and systematization of legal materials. Furthermore, the data is analyzed descriptively-analytically, namely by describing the research results based on the data obtained. Problem-solving in this study uses a legislative approach and a conceptual approach. The legislative approach is carried out through a review of regulations related to tourism development in the era of regional autonomy, both vertically (regulation hierarchy) and horizontally (equivalent regulations). Then the conceptual approach is carried out through an analysis of doctrines and theories that develop in the legal politics of tourism development. Through this approach, an ideal model of harmonization of the legal politics of tourism development will be obtained which guarantees integration between sectors within the framework of regional autonomy.

RESULTS AND DISCUSSION

Dynamics of Legal Politics of Tourism Development in the Regional Autonomy Regime

Legal politics is one of the legal science studies consisting of political science and legal science disciplines. According to Mahfud MD, legal politics is a legal policy that will or has been implemented by the government. Legal politics includes the creation of laws that are based on the renewal of legal materials to suit the needs and implementation of existing legal provisions

(Mahfud MD, 1998). In simple terms, legal policy is defined as the direction of legal policy made officially by the State regarding laws that will or will not be enforced to achieve the State's goals (Muhammad Akib, 2009). Referring to this understanding, the legal policy of tourism development is the direction of legal policy made by the State to achieve certain goals in tourism development.

Constitutionally, the objective of the legal policy for tourism development is implicitly contained in the provisions of Article 33 paragraph (3) and paragraph (4) of the 1945 Constitution. Paragraph (3) emphasizes that the state controls the soil and water, as well as the natural resources contained within, and that they are used to the best benefit of the people. Furthermore, paragraph (4) emphasizes that the national economy is organized on economic democracy principles such as togetherness, efficiency with justice, sustainability, environmental awareness, independence, and maintaining the national economy's balance of progress and unity.

Such legal political construction does not clearly and firmly regulate the duties and responsibilities of the State and the rights and obligations of citizens in the development of sustainable tourism. However, in the phrase "to the greatest prosperity of the people" in Article 33 paragraph (3) and the principle of "sustainable" in Article 33 paragraph (4) of the 1945 Constitution, it has implicitly provided direction that tourism development must be carried out sustainably to achieve economic growth and social welfare without damaging or sacrificing the local natural and cultural environment. This confirms that if tourism is not managed wisely, it can have negative impacts such as environmental damage, loss of biodiversity, and cultural change. In this context, the concept emphasizes good integration between tourism development and the surrounding environment, minimizing negative impacts, and maximizing economic and social benefits for local communities (Ida Ayu Putu Widiati & Indah Permatasari, 2022).

Tourism development in Indonesia is an integral part of national development, which in essence is economic, social, cultural and environmental development carried out in an integrated and comprehensive manner (Vincent Sylveste Leewellyn & Fitri Abdillah, 2020). The legal policy of tourism development in Indonesia was first found in Law Number 9 of 1990 concerning Tourism which was enacted on October 18, 1990. The enactment of Law Number 9 of 1990 was the initial milestone in implementing national tourism because through this law the foundations of the legal policy of national tourism implementation were first laid. The direction of such legal policy is further emphasized by strengthening the principles and objectives of tourism implementation. Tourism implementation is carried out based on the principles of benefit, joint and family efforts, fairness and equity, life in balance, and self-confidence. The law consisting of 40 articles also explains the objectives of tourism implementation, namely:

- a) Introducing, utilizing, preserving, and improving the quality of tourist objects and attractions;
- b) Fostering a sense of love for the homeland and increasing friendship between nations;
- c) Expanding and equalizing business and employment opportunities;
- d) Increasing national income to improve the welfare and prosperity of the people; and
- e) Encouraging the utilization of national production.

When viewed from Law Number 9 of 1990, the direction of legal policy for the development of Indonesian tourism still has a centralized nuance and is economically oriented. The regulation of government affairs in the tourism sector in Law Number 9 of 1990 is still dominated by the central government. As stipulated in Article 34, states that the government can delegate some affairs in the field of tourism management to regional governments which are regulated by government regulations. The phrase "can" in the provisions of Article 34 implies that the central government is "not required" to delegate some affairs in the field of

tourism management to regional governments. The phrase "can" also creates uncertainty and injustice for regions in tourism development.

After the fourth amendment to the 1945 Constitution, the direction of the legal policy of tourism development has shown a shift from being sectoral (centralized) and economic in nature, slowly shifting towards regulations with an orientation of protection, sustainability, and integration between the central and regional governments. As emphasized in the provisions of Article 33 paragraph (3) of the 1945 Constitution, "the legal policy of state control over the earth, water, and natural resources contained therein (including the tourism sector) is controlled by the state and used for the greatest prosperity of the people. Furthermore, the provisions of Article 33 paragraph (4) of the 1945 Constitution also mandate that the national economy be organized based on economic democracy with the principles of togetherness, efficiency with justice, sustainability, environmental insight, independence, and maintaining a balance of progress and national economic unity. The provisions of the 1945 Constitution resulting from the fourth amendment also reflect the spirit of regional autonomy, so that in Chapter VI it has been regulated regarding regional government."

Based on Hans Kelsen's *stufenbautheorie* and the arrangement of state legal norms from Hans Nawiasky, then as the basic rule of the state (*staatsgrundgesetz*), the direction of the 1945 Constitution must be a "guiding star" for all state legal policies, including in the implementation of regional autonomy. Thus, the legal policy of regional autonomy, in addition to containing the principles of democratization and independence, must also reflect the legal politics of sustainable tourism development (Hans Kelsen, 1945).

Along with the development of the era both globally and nationally, Law Number 9 of 1990 concerning Tourism is no longer by the demands and developments of tourism so it needs to be replaced. Therefore, as one of the requirements to create a conducive climate in the development of tourism that is comprehensive to answer the demands of the era due to changes in the strategic environment, both external and internal, on January 16, 2009, Law Number 10 of 2009 concerning Tourism was enacted (Atang Abd. Hakim dkk., 2019).

Law Number 10 of 2009 regulates the rights and obligations of the community, tourists, business actors, the Government and Regional Government, comprehensive and sustainable tourism development, cross-sector coordination, strategic area arrangements, empowerment of micro, small, and medium enterprises in and around tourism destinations, tourism promotion bodies, tourism associations, business standardization, and tourism worker competencies, as we. Since the fourth amendment to the 1945 Constitution and the enactment of Law Number 10 of 2009, there have been fundamental changes to the legal policy of tourism development both at the constitutional level and in the laws and regulations in the tourism sector. At the constitutional level, the changes are in the form of recognition of the principle of protecting human rights for a good and healthy environment (Article 28H paragraph (1)); and affirmation of the principle of sustainability and environmental awareness in the implementation of the National economy (Article 33 paragraph (4)). These two basic principles are the highest legal policy for tourism development, which provide legal guarantees as well as coercive efforts so that all parties respect and protect the constitutional rights of citizens to a good and healthy environment and the state's obligation to prevent negative impacts in the form of pollution and/or environmental damage due to National tourism development activities. These two basic principles are emphasized and re-explained in Law Number 10 of 2009. Law Number 10 of 2009 has also been adjusted to the spirit of regional autonomy so that in Articles 28 to 32 the division of authority for tourism development between the central government, provincial regional governments, and district/city regional governments has been regulated.

Through Law Number 10 of 2009, the legal policy of tourism development adheres to the principle of sustainable development. Such a legal policy, if accompanied by good governance, then decentralization, and regional autonomy the spearheads for realizing people's welfare will

be achieved and at the same time maintaining the sustainability of the ecosystem (Bagir Manan, 1994). Welfare and sustainability are two things that cannot be separated because welfare can only be achieved sustainably if tourism development is managed sustainably. Philosophically, these two goals are the basis for the birth of the concept of decentralization and regional autonomy, including in the field of tourism (Zulkarnaen dkk., 2022).

The government's authority in the tourism sector is constitutionally based on the provisions of Article 33 paragraph (3) of the 1945 Constitution. Through this state control right, the government is given the authority to regulate the use and management of the earth, water, and natural resources so that they are beneficial for the greatest prosperity of the people. This basic concept is reaffirmed in Article 5 letter c of Law Number 10 of 2009, that tourism is organized with the principle of providing benefits for the welfare of the people, justice, equality, and proportionality which were not previously emphasized in Law Number 9 of 1990. Law Number 10 of 2009 has regulated explicitly the division of authority for tourism development between the government, provincial regional governments, and district/city governments. This is different from Law Number 9 of 1990 which has not regulated what authority will be transferred to the regions. Even the word "can" in Article 34 paragraph (1) of Law Number 9 of 1990 shows that the transfer of this authority is very dependent on the wishes of the central government. The ambiguity of regional authority in Law Number 9 of 1990 cannot be separated from the influence of the centralistic era when this law was drafted and ratified.

After the regional autonomy policy was implemented, the centralized government system changed to decentralized. The decentralization policy is an effort to improve the progress and welfare of people in the regions (Mohamad Guntoro, 2021). The formation of the Regional Government began with Law Number 1 of 1945 concerning the Formation of Regional Leadership. Furthermore, in the New Order era, Law Number 5 of 1974 was issued and changed the government to be centralized for 25 years. Regional autonomy has a legal umbrella with Law Number 22 of 1999 which emphasizes that Regional Government is the implementation of Autonomous Regional Government by the Regional Government and DPRD according to the principle of Decentralization. In its development, regulations related to regional autonomy have undergone several changes, including “Law Number 32 of 2004 concerning Regional Government, Law Number 23 of 2014 concerning Regional Government, Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government, and the last time it was amended by Law No. 6 of 2023 concerning the Stipulation of Government Regulation instead of Law Number 2 of 2022 concerning Job Creation into Law.”

Through proper regional autonomy, tourism development can be managed better, because it can increase efficiency and fairness in management, bring closer policy and decision making that is by regional tourism potential, there is direct control from the community, the interests of local communities related to tourism are given more attention and accommodated, and regions will be more serious in managing tourism in their respective regions (Otto Soemarwoto, 2004).

Based on Law Number 23 of 2014 concerning Regional Government which was last amended by Law Number 6 of 2023 (hereinafter referred to as the Regional Government Law), tourism is an optional government affair. The division of government affairs in the tourism sector according to the Regional Government Law is explained in the table below.

Table 1. Division of Government Affairs in the Tourism Sector in the Regional Government Law

No	Sub Affairs	Central government	Province	Regency/City
1.	Tourist Destinations	a) Determination of tourist attractions, strategic tourism areas, and tourism destinations.	a) Management of provincial tourist attractions.	a) Management of district/city tourism attractions.

		b) Management of national tourist attractions. c) National strategic management. d) National tourism management. e) Determination of cross-provincial tourism business registration marks.	b) Strategic management of the province. c) Provincial tourism management. d) Determination of cross-district/city tourism business registration marks within 1 (one) provincial area.	b) Management of district/city strategic tourism areas. c) Management of district/city tourism destinations. d) Determination of district/city tourism business registration marks.
2.	Tourism Marketing	Domestic and foreign tourism marketing, attractions, destinations, and strategic national tourism areas.	Domestic and foreign tourism marketing, attractions, destinations, and strategic areas of provincial tourism.	Domestic and foreign tourism marketing, attractions, destinations, and strategic tourism areas of districts/cities.
3.	Creative Economy Development through Utilization and Protection of Intellectual Property Rights	The development of the national creative economy is determined by criteria.	Provision of creative city facilities and infrastructure.	Provision of infrastructure (creative zones/creative spaces/creative cities) as a space for expression, promotion, and interaction for creative people in district/city areas.
4.	Development of Tourism Resources and Creative Economy	Development, implementation, and improvement of human resources capacity in tourism and creative economy at expert level.	Implementation of increasing the capacity of human resources in tourism and the creative economy at an advanced level.	Implementation of increasing the capacity of human resources in tourism and the creative economy at the basic level.

Source: Attachment letter z of Law Number 23 of 2014

Observing the division of government affairs in the tourism sector according to the Regional Government Law in the table above, the legal products of regional autonomy do not fully reflect the legal policy of tourism development based on sustainability. Law Number 23 of 2014 has given broad authority to regions to organize government affairs, including in the field of tourism management. However, the legal policy is still dominated by the authority of the central government and tends to be administrative/territorial in nature and the division of government affairs is more focused on aspects of increasing tourism attractiveness, providing infrastructure, and improving human resources. Likewise, with regional legal products, many are still oriented toward the economy and regional interests but ignore ecological sustainability and good governance (Frans Teguh, 2024).

With regional autonomy, the authority to develop tourism owned by the regional government must be regulated, so that there is no overlapping (disharmony) of authority and becomes an arena for fighting for authority if it brings economic benefits, but throwing responsibility if a problem occurs. Unclear authority also makes it difficult to regulate, also makes it difficult to implement, supervise, and enforce the law. Therefore, Law Number 10 of 2009 has strictly regulated the division of authority between the government and regional governments. This authority includes aspects of planning, utilization, control, maintenance, supervision, and law enforcement. Through Law Number 10 of 2009, the authority of regional governments in tourism development is expanded, as in the following table.

Table 2. Authority of the Government and Regional Government in Law Number 10 of 2009

No	Central government	Province	Regency/City
1.	a) Prepare and determine the national tourism development master plan;	a) Prepare and determine the provincial	a) Prepare and determine the master plan for

<ul style="list-style-type: none"> b) Coordinate cross-sector and cross-provincial tourism development; c) Organize international cooperation in the tourism sector by the provisions of laws and regulations; d) Determine national tourist attractions; e) Determine national tourism destinations; f) Determine norms, standards, guidelines, procedures, criteria, and monitoring systems in the implementation of tourism; g) Develop policies for developing human resources in the tourism sector; h) Maintain, develop, and preserve national assets that are tourist attractions and untapped potential assets; i) Conduct and facilitate national tourism promotion; j) Provide facilities that support tourist visits; k) Provide information and/or early warnings related to tourist safety and security; l) Increase community empowerment and tourism potential owned by the community; m) Supervise, monitor, and evaluate the implementation of tourism; and n) Allocating tourism budget. 	<ul style="list-style-type: none"> tourism development master plan; b) Coordinate the implementation of tourism in its region; c) Carry out registration, recording, and data collection of tourism business registration; d) Determine provincial tourism destinations; e) Determine provincial tourism attractions; f) Facilitate the promotion of tourism destinations and tourism products in its region; g) Maintain provincial assets that are provincial tourism attractions; and h) Allocate the tourism budget. 	<ul style="list-style-type: none"> tourism development in the district/city; b) Determine tourism destinations in the district/city; c) Determine tourism attractions in the district/city; d) Carry out registration, recording, and data collection of tourism business registration; e) Regulate the implementation and management of tourism in its area; f) Facilitate and promote tourism destinations and tourism products in its area; g) Facilitate the development of new tourist attractions; h) Organize tourism training and research within the district/city; i) Maintain and preserve tourism attractions in its area; j) Organize community guidance for tourism awareness; and k) Allocate the tourism budget.
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Source: Law Number 10 of 2009

Furthermore, in carrying out government affairs that are the authority of the regional government, it is stipulated in the Regional Regulation (Perda). Through this mechanism, there is a clear division of tasks and functions of the regional apparatus organization by the authority they have and the extent and complexity of the affairs to be implemented (Muhammad Akib, 2009). To organize government affairs in the tourism sector, various legal products have been formed by various regions in Indonesia. At the time this research was conducted, there were 186 Regional Regulations on tourism. Various Regional Regulations on tourism have undergone various adjustments along with the dynamics of the legal politics of tourism development in the regional autonomy regime. In the Province of Bali, the Regional Regulation on Tourism has undergone 5 (five) changes from 2007 to 2020. Finally, the Bali Provincial Government stipulated Bali Provincial Regulation Number 5 of 2020 concerning the Standards for Organizing Balinese Cultural Tourism. The regulation was stipulated to improve the quality, sustainability, and competitiveness of Balinese Cultural tourism based on Tri Hita Karana which is sourced from the cultural values and local wisdom of Sad Kerthi (Made Hendra Wijaya & Putu Lantika Oka Permadi, 2021).

Furthermore, in Lampung Province, tourism is regulated in Lampung Province Regional Regulation Number 6 of 2011 concerning Tourism. The regulation emphasizes that tourism business development is an integral part of Lampung regional development which is carried out through comprehensive planning and a systematic, planned, integrated, sustainable, and responsible framework to provide benefits to the community, both in terms of economy, social, and culture.

Based on the discussion above, the legal policy of tourism development in the era of Law Number 9 of 1990 concerning Tourism still has a centralized nuance and is economically oriented. After the enactment of Law Number 10 of 2009 concerning Tourism, the legal policy of tourism development adheres to the principle of sustainable development. Law Number 10 of 2009 also regulates the division of authority for tourism development between the government, provincial governments, and district/city governments.

Based on the results of the research and discussion above, the government's authority in the tourism sector is constitutionally based on the provisions of Article 33 paragraph (3) of the 1945 Constitution. The legal policy of tourism development in Indonesia was first found in Law Number 9 of 1990 concerning Tourism which laid the foundations for the legal policy of organizing national tourism. Reviewed from Law Number 9 of 1990, the direction of the legal policy of developing Indonesian tourism still has a centralized nuance and is economically oriented. The regulation of government affairs in the tourism sector in Law Number 9 of 1990 is still dominated by the central government. After the fourth amendment to the 1945 Constitution, the direction of the legal policy of tourism development has shown a shift from being sectoral (centralized) and economically oriented, slowly shifting towards regulations with an orientation of protection, sustainability, and integration between the central and regional governments.

Along with the development of the era, both globally and nationally, Law Number 9 of 1990 concerning Tourism is no longer by the demands and developments of tourism, so it was replaced by Law Number 10 of 2009 concerning Tourism. After the enactment of Law Number 10 of 2009, the legal policy of tourism development adheres to the principle of sustainable development. Law Number 10 of 2009 also regulates the division of authority for tourism development between the government, provincial governments, and district/city governments. After the regional autonomy policy was implemented, the division of government affairs in the tourism sector has not fully reflected the legal policy of tourism development based on sustainability. Regions are given the authority to organize government affairs, including in the field of tourism management. However, this legal policy is still dominated by the authority of the central government and tends to be administrative/territorial in nature and the division of government affairs is more focused on aspects of increasing tourism appeal, providing infrastructure, and improving human resources. Likewise, with regional legal products, many are still oriented toward the economy and regional interests but ignore ecological sustainability and good governance.

Harmonization of Legal Politics for Sustainable Tourism Development in the Regional Autonomy Regime

Legal harmonization is an effort to create harmony between legal norms in legislation into a unified national legal framework (Yeni Nel Ikhwan, & K. Khairani, 2024). The legal harmonization studied in this study consists of vertical harmonization and horizontal harmonization within the framework of regional autonomy. Vertical harmonization is an effort to harmonize tourism laws and regulations in different hierarchies. Vertical harmonization is based on the principle of *lex superior derogat legi inferiori*, which means that higher laws and regulations override lower laws and regulations (Mashuril Anwar & Maya Shafira, 2020). Vertical harmonization is carried out by examining higher regulatory norms so that the material regulated in the preparation of legislation does not conflict with higher legislation (Nyoman Nidia Sari Hayati & Sri Warjiyati, 2021). Vertical harmonization of laws and regulations plays an important role in forming interrelated laws and regulations and preventing judicial review which requires costs, time, thought, and energy (Delfina Gusman dkk., 2021).

Horizontal harmonization is an effort to harmonize equivalent laws and regulations (Moh. Taufik & Ina Heliany, 2024). Horizontal harmonization is carried out by ensuring that the

norms regulated in law are in harmony or do not overlap between equivalent laws and regulations. So that each law and regulation becomes an integral part of the entire legislative system. Horizontal harmonization is based on the principle of *lex posterior derogat legi priori*, which means that new laws and regulations override old laws and regulations. In addition, horizontal harmonization is also based on the principle of *lex specialis derogat legi generalis*, which means that special laws and regulations override general laws and regulations.

Harmonization of laws related to sustainable tourism development in the regional autonomy regime has an important role in avoiding conflict and overlap or disharmony of regulations. If there is disharmony between legal norms, then a solution is sought through legal principles, because the principle has a higher position than legal norms (Sitti Mawar, 2020). Based on the identification results, currently, there are 16 (sixteen) central government legal products related to tourism development that are still valid.

Furthermore, currently, there are 28 (twenty-eight) legal products of local governments related to tourism that are still in effect. These legal products consist of 15 (fifteen) Provincial Regulations, 7 (seven) Regency Regulations, and 6 (six) City Regulations. The success of tourism implementation needs to be carried out in a synergistic and integrated manner, on the one hand, tourism must focus on utilizing and maintaining the sustainability of all existing potentials, both cultural potential and natural beauty. On the other hand, tourism must be able to play a role in improving the welfare of the community and increasing state revenues. The sustainability values of these two sides are the measuring point in building the civilization of the Indonesian tourism sector in the future.

The results of the study on the legal policy of sustainable tourism development found that there is overlapping (disharmony) of regulations in the tourism sector. As in Law Number 25 of 2007 concerning Investment related to the authority to grant permits for investment companies that can be obtained from the Integrated One-Stop Service while Government Regulation Number 24 of 2018 concerning Electronically Integrated Business Licensing Services, the implementation of the authority to issue Business Licensing must be carried out through the OSS institution. Regarding the limits of authority between the central, provincial, and district/city governments in Law Number 25 of 2007, where the division of authority in the policy only focuses on the division of areas for implementing investment, it does not explain the authority of aspects of sustainability-based investment.

Then the policy imbalance related to Building Use Rights in Law Number 25 of 2007 concerning Investment and Law Number 5 of 1960 concerning Basic Agrarian Principles in Law Number 5 of 1960 Article 35 states that "Building Use Rights have a maximum term of 30 years and can be extended for a maximum period of 20 years." In Law Number 25 of 2007 Article 22 states that "Building Use Rights can be granted for a period of 80 years (50 years are granted and extended directly and can be renewed for 30 years)."

Furthermore, there are still overlapping regulations both at the central and regional levels. For example, what happened in Bandung Regency, where almost 90 percent of tourism land belongs to Perhutani and PT. Perkebunan Nusantara (PTPN). This causes the Regional Government to have no authority so the Regional Original Income (PAD) received is very small and insignificant.

Regulation of the Minister of Tourism and Creative Economy/Head of the Tourism and Creative Economy Agency Number 9 of 2021 concerning Guidelines for Sustainable Tourism Destinations also states that "sustainable tourism is tourism that takes into account current and future economic, social and environmental impacts, meets the needs of visitors, industry, the environment, and local communities and can be applied to all forms of tourism activities in all types of tourist destinations, including mass tourism and various other types of tourism activities." Sustainable tourism development is achieved by balancing the four main elements of sustainable tourism development, namely economy, social and culture, environment, and

local government. Sustainable tourism is not only directed at achieving economic growth but also at environmental sustainability and the welfare of local communities (I. Putu David Adi Saputra, 2024).

The results of the study on regional autonomy legal policies found that regional autonomy legal products have not fully reflected the legal politics of tourism development based on sustainability. Furthermore, there are still few regional legal products in the form of Regional Regulations that are oriented towards sustainable tourism development. On the contrary, many regional legal products "tend to be economically oriented", namely in the form of regional taxes and regional levies (PDRD). There are at least several dominant aspects that cause the legal politics of tourism development in the regional autonomy era do not yet reflect the principles of sustainable development.

First, the incomplete regulatory framework and implementing regulations of the Tourism Law have resulted in tourism implementation efforts not running effectively at both the central and regional levels. Although the Tourism Law has generally accommodated and become a tourism implementation system in Indonesia, there are still various urgent needs to conduct studies and analyses regarding the law. During the validity of the Tourism Law, there has never been a material review by the Constitutional Court of the Republic of Indonesia. In a period of approximately 15 years in force, the Tourism Law is still considered not to have optimally achieved its objectives, as well as its implementation which has not been effective.

Second, the institutions that regulate tourism have not been able to be implemented in their entirety, for example, there are problems faced by regional governments regarding the determination of an area as a National Tourism Area (DPN) or National Tourism Strategic Area (KSPN) because the National Tourism Development Master Plan (RIPPARNAS) does not explain in detail the criteria or limitations in the determination process (Tim Pemantauan Puspanlak UU Kepariwisata, t.t.).

Third, the determination of tourism funding so far has been considered relatively unfair, tends to be Java-centric, and is less biased towards other regions. In addition, the Tourism Office in the region is still experiencing problems with minimal budget, although this can be overcome by cooperation with other parties, such as academics/universities.

Based on the three aspects above, the legal policy of tourism development in the regional autonomy regime has not fully accommodated environmental sustainability, thus requiring vertical and horizontal harmonization efforts. The ideal legal policy harmonization concept of sustainable tourism development in the regional autonomy regime considers 3Ps, namely planet (environmental aspect), people (social aspect), and profit (economic aspect) where the three aspects must overlap and complement each other so that the concept of sustainable tourism can be achieved.

Vertical harmonization is carried out by paying attention to laws and regulations that are higher in the hierarchy. This is important so that the legal policy of sustainable tourism development in the regional autonomy regime does not overlap and provides an opportunity for judicial review. Moreover, in this era of regional autonomy, in determining regulations, regional governments tend to be based on their interests to increase Regional Original Income (PAD). This condition is feared to cause legal uncertainty in tourism development which can disrupt the sustainability of resources and environmental ecosystems (Mashuril Anwar & Maya Shafira, 2020).

Furthermore, horizontal harmonization of the legal policy of sustainable tourism development is carried out through alignment with policies that intersect with the tourism sector, such as spatial planning, supervision of spatial utilization, and tourism activities in the region. Horizontal harmonization of the legal policy of sustainable tourism development must pay attention to regional legal products. This is important so that sustainable tourism development does not overlap or is in line with the legal policy of sustainable tourism development in the

region. If this horizontal harmonization fails, there will be overlapping regulations between sectors which will cause inconsistencies in interpretation and implementation (Ida Bagus Rahmadi Supanca, 2019).

This condition causes legal uncertainty and ambiguity in its application. Horizontal harmonization of the legal politics of sustainable tourism development with regional legal products serves to avoid the dualism of regulations that can thwart the state's goal of creating social welfare for all Indonesian people.

CONCLUSION

The legal policy of tourism development has experienced significant dynamics. The government's authority in the tourism sector is constitutionally based on the provisions of Article 33 paragraph (3) of the 1945 Constitution. The legal policy of tourism development in Indonesia was first found in Law Number 9 of 1990 concerning Tourism which laid the foundations for the legal policy of organizing national tourism. Referring to Law Number 9 of 1990, the direction of the legal policy of Indonesian tourism development still has a centralized nuance and is economically oriented. After the fourth amendment to the 1945 Constitution, the direction of the legal policy of tourism development has shifted towards regulations with an orientation of protection, sustainability, and integration between the central and regional governments. Along with the development of the era, both globally and nationally, Law Number 9 of 1990 concerning Tourism is no longer by the demands and developments of tourism so it is replaced by Law Number 10 of 2009 concerning Tourism. After the enactment of Law Number 10 of 2009, the legal policy of tourism development adheres to the principle of sustainable development. However, regional legal products are still oriented towards the economy and regional interests but ignore ecological sustainability.

The legal policy of sustainable tourism development found that there is overlapping (disharmony) of regulations in the tourism sector both at the central and regional levels. The legal policy of tourism development in the regional autonomy regime has not fully accommodated environmental sustainability so it requires vertical and horizontal harmonization efforts. Vertical harmonization is carried out by paying attention to laws and regulations that are higher in the hierarchy. Therefore, it is necessary to regulate the basic principles in the constitution, which are then regulated in detail in the law. Horizontal harmonization of the legal policy of sustainable tourism development is carried out through alignment with policies that intersect with the tourism sector in the region. The pattern of division of authority through separate laws, while still being based on a sustainability approach and opening up opportunities for regional initiative rights to regulate and manage their regions according to tourism characteristics and regional capabilities..

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