

# Legal Challenges in the Development of Ecotourism as Part of the Tourism Business

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**Abstract.** Ecotourism is a crucial segment in the rapidly growing tourism industry. Despite being considered a sustainable solution, uncontrolled development can have negative impacts on the environment. This research aims to analyze the legal challenges in the development of ecotourism as part of the tourism business. The study employed a comprehensive literature review utilizing qualitative analysis to gain a thorough understanding of the topic spanning from 1972 to 2023. The findings indicate that the development of ecotourism as part of the tourism business faces several legal challenges. The Tourism Law Number 10 of 2009 serves as the primary foundation, but its implementation in ecotourism raises issues such as the misalignment of business interests and environmental preservation, insufficient participation of local communities, and suboptimal natural resource management. The sustainability of ecotourism requires synergy between the development of tourism business and environmental preservation. There is a need for enhanced regulatory implementation by strengthening community participation in decision-making and increasing their understanding of the economic and environmental benefits of ecotourism.

**Keywords:** Law, Ecotourism, Tourism Business

## 1. Introduction

Ecotourism, as a growing segment of the tourism industry, occupies a central position in supporting sustainability [1]. Through this approach, ecotourism is not only a source of economic income, but also upholds the principle of environmental conservation. By promoting environmentally friendly practices, ecotourism can create continuity between tourism activities and the preservation of nature [2]. More than just a holiday destination, ecotourism is also a medium to empower local communities, providing them with opportunities to be involved in the development and management of natural resources in a sustainable manner. Thus, the overall tourism ecosystem formed through the ecotourism approach not only stimulates economic growth but also contributes to social welfare and sustainable nature conservation.

While ecotourism is considered a sustainable solution, it is important to remember that uncontrolled development in this sector can have significant negative impacts on the environment. The growth of ecotourism is often accompanied by the development of large tourism infrastructure, increased numbers of tourists, and intensive human activities in ecotourism areas, all of which have the potential to damage the natural ecosystems that are the main attraction [3]. Therefore, the need for a balance between tourism development and environmental conservation is crucial. Collaborative efforts are needed to design sustainable ecotourism development policies, prioritise nature conservation and manage negative impacts, to ensure that ecotourism continues to provide long-term positive benefits to the environment and local communities.

Law No. 10/2009 on Tourism is the legal foundation underlying the development of the tourism sector in Indonesia. Nonetheless, it needs to be emphasised that aspects of environmental protection and sustainability are often not fully integrated well in the provisions of the law. Therefore, a more in-depth and detailed understanding of how this law can optimally provide protection to natural resources and environmental sustainability is required. Any gaps or potential conflicts between tourism objectives and environmental sustainability should be identified and addressed through regulatory improvements or refinements. A holistic approach involving stakeholders from various sectors, including the government, communities, and the tourism industry, is important to ensure that tourism laws not only facilitate the growth of the sector, but also uphold the principles of environmental sustainability.



Ecotourism development faces distinctive legal challenges, particularly in relation to resolving conflicts between tourism business interests and environmental conservation imperatives [4]. This challenge is the main subject of the research, which will detail the concrete legal constraints faced by ecotourism developers. In this context, the research will detail how the misalignment between the commercial objectives of tourism and the urgent need for environmental conservation can give rise to complex legal conflicts. Involving an in-depth analysis of applicable regulations and laws, the research aims to identify a workable legal framework to address these challenges. By outlining concrete aspects of the legal framework, this research will provide a more detailed view of how laws can be formulated or updated to support the sustainable development of ecotourism without compromising essential environmental conservation principles.

The importance of involving local communities and ensuring public participation in ecotourism development is a critical element to achieving long-term sustainability [5]. In addition, the principles of public participation have been recognised and integrated in Law No. 10/2009 that regulates the tourism sector. However, the essence of how this law is implemented and interacts concretely with the interests of local communities in the context of ecotourism development needs to gain a deeper understanding. Therefore, this study aims to detail the implementation mechanism of the law, highlighting the extent to which the principles of community participation are applied in practice. This analysis can provide a keener insight into whether the law creates sufficient space for the active participation of local communities in ecotourism-related decision-making processes, as well as the extent to which its implementation positively impacts sustainable ecotourism development and empowers local communities.

Despite the well-established legal framework, the implementation of Law No. 10/2009 in practice may face some gaps that need to be addressed. Challenges may arise in various aspects of the implementation of the law, including but not limited to the lack of effective law enforcement, limited resources available, or even the lack of a thorough understanding of the impacts of ecotourism at the field implementation level. Creating a deeper understanding of these aspects is important to improve and enhance the implementation of the law, so as to overcome potential obstacles and optimise the law's role as an instrument that supports sustainable ecotourism development. Therefore, continuous research and evaluation are needed to ensure that existing legal policies can actually achieve the goals of environmental conservation and sustainable ecotourism development in accordance with the spirit of the law. This research is expected to provide deeper insights into how the law can support the development of ecotourism as an integral part of the tourism business, while maintaining environmental sustainability and the interests of local communities.

### **1.1 Law**

Law is a system of norms and rules established by the government or authorized authorities to regulate the behavior of society and maintain order within a country [6]. Essentially, law creates a framework that binds individuals and groups in society, establishing rights and obligations, and providing sanctions for violations. Through existing regulations, the law establishes the foundation for maintaining justice, security, and the well-being of the community. As a regulatory instrument, the law also reflects the moral values and ethics recognized by a community, creating the basis for the enforcement of social norms and the protection of individual rights [7]. Thus, law is not merely a set of rules but also a means to achieve collective goals in communal living.

### **1.2 Ecotourism**

Ecotourism is a form of tourism aimed at providing sustainable experiences environmentally, socially, and economically [8]. In ecotourism, the primary focus is on the conservation of nature and culture, as well as the empowerment of local communities. Ecotourism strives to integrate tourism activities with the preservation of the natural environment, minimizing negative impacts on ecosystems and promoting understanding and appreciation of biodiversity and culture [9]. This includes the active participation of local communities in the management and benefits of ecotourism, contributing positively to local well-being and environmental conservation. Thus, ecotourism becomes a holistic approach that not only offers captivating travel experiences but also consistently supports nature conservation and the economic development of local communities.

### **1.3 Tourism Business**

Tourism business refers to economic activities related to services and facilities provided to meet the needs of tourists. Essentially, tourism business encompasses various aspects such as transportation, accommodation, restaurants, tourist attractions, and other services aimed at facilitating and enhancing the tourist experience [10]. In this context, companies and enterprises involved in tourism business strive to offer services that are attractive, comfortable, and meet the expectations of tourists, while also gaining economic benefits. Tourism businesses can also play a role in the local and global economic development, creating job opportunities and supporting the

overall growth of the tourism industry [10]. Therefore, tourism business is not only a significant economic factor but also plays a crucial role in the development of tourist destinations and positive interactions between local communities and tourists.

## **2. Method**

In this study, we utilize a qualitative literature review approach to thoroughly investigate the legal obstacles associated with the integration of ecotourism into the tourism industry, spanning the crucial period from 1972 to 2023. This methodology is selected to delve into existing scholarly works sourced from diverse academic journals, conference papers, and reputable outlets available via Google Scholar, with the aim of offering a nuanced comprehension of the subject. To direct our exploration, explicit search criteria were formulated, covering keywords related to legal aspects, ecotourism, and the tourism business. The inclusion of sources in the review is determined by their relevance to the research objectives and alignment with the specified criteria. Any limitations, such as language constraints or publication biases, are openly communicated.

The research unfolds through distinct stages, beginning with the researcher defining a specific and pertinent research topic, establishing a thorough understanding of the background and research objectives. Following this, explicit and precise search criteria are formulated to guide the literature exploration using Google Scholar, covering the timeframe from 1972 to 2023. Once search results are obtained, the researcher engages in a literature selection process, scrutinizing the abstracts and summaries of each identified article or source. Literature lacking relevance or failing to meet the research criteria is excluded from the analysis. The chosen literature undergoes a meticulous examination, concentrating on identifying significant discoveries, concepts, theories, and trends inherent in the literature.

A qualitative approach is employed to attain a comprehensive understanding of the research subject. The findings from the literature review are then synthesized and elaborated upon by the researcher to construct a thorough understanding of the research topic. Furthermore, these findings are organized into a detailed research report with a structured and cohesive format, encompassing key discoveries, analyses, and profound interpretations. This methodology enables researchers to gain an extensive and profound understanding of the research topic without the need for primary data collection. Leveraging existing literature, this research holds the potential to contribute significantly to advancing theories, problem-solving, or decision-making across various scientific domains, particularly in the context of legal challenges in the development of ecotourism as part of the tourism business. The methodology section is structured to provide a clear and coherent explanation of each stage of the research process, with subsections enhancing readability and ensuring a transparent and robust approach to the study.

## **3. Result and Discussion**

The development of ecotourism as an integral component of the tourism business encounters a number of legal challenges that require in-depth understanding and careful solutions to ensure economic, social and environmental sustainability. In the Indonesian legal realm, Law No. 10/2009 on Tourism emerges as the central framework governing all aspects of the tourism industry. While this law provides an important foundation for sustainable tourism development, its implementation in the context of ecotourism involves a number of issues that need serious attention. Investigating the implementation of this law in the ecotourism sector revealed a number of complexities involving the misalignment between tourism business interests and the principles of environmental conservation. Therefore, a deeper understanding of how the law is implemented in practice is crucial to identify effective solutions to address these issues and ensure that ecotourism can develop in a balanced way, providing social and economic benefits, while protecting nature.

A crucial challenge faced in the development of ecotourism is the misalignment that arises between tourism business interests and the preservation of the natural environment. While Law No. 10 includes principles of sustainability, its implementation on the ground often reveals a significant imbalance between efforts to develop tourism infrastructure and protect the natural environment. The development of tourism facilities, roads, and supporting infrastructure tends to pose a serious threat to the preservation of natural ecosystems, causing habitat loss and damaging ecosystems that play a critical role in maintaining ecological balance [11]. This reality marks the need to optimise the implementation of existing laws and regulations, as well as the need for innovation in tourism development approaches that can accommodate the growth of the tourism sector without compromising essential environmental sustainability. In addition, close collaboration between the government, tourism

businesses, and local communities is also key to achieving a better balance between economic growth and environmental preservation in the context of ecotourism [12].

In addition, it is important to note that the role of local communities and public participation in ecotourism-related decision-making is often not yet fully and effectively integrated into business practices. Although Law No. 10 emphasises the importance of community participation in tourism development, their involvement is still often limited and has not reached its full potential. Local communities tend to be less holistically involved in various stages, from planning to implementation of ecotourism projects, as well as in reaping the economic benefits generated by tourism activities [13]. This limited participation can create disagreement, conflict and social instability at the local level, which can hamper the potential success of ecotourism. Therefore, there is a need to transform tourism business practices to encourage the active and sustainable involvement of local communities, ensure that decisions reflect their needs and aspirations, and make a positive contribution to sustainable and inclusive ecotourism development.

Another significant legal challenge associated with ecotourism development relates to the sustainable management of natural resources. The use of natural resources, such as water, energy and land, to support tourism infrastructure requires a clear and effective regulatory framework to prevent potential over-exploitation and potential environmental damage [14]. While Law No. 10 covers the principles of natural resource management, its implementation often requires improvement, particularly in terms of law enforcement and supervision. Stricter concrete measures are needed to ensure that natural resource utilisation is in line with the principles of sustainability, avoiding environmental degradation that may occur due to uncontrolled exploitation [15]. Therefore, improvements to the law enforcement system and increased supervisory capacity are important to ensure that natural resource management practices in the context of ecotourism can continue to take place responsibly and in line with environmental conservation goals.

Addressing these complex challenges requires close collaboration between the government, the tourism industry and local communities. The strengthening of more specific regulations, as well as stricter law enforcement against practices that can harm the environment, needs to be strengthened more intensively [16]. In addition, education and involvement of local communities are important elements in shaping awareness of sustainability values and the benefits of sustainable ecotourism. Involving local communities in the decision-making process and exploring their understanding of the positive impacts that ecotourism can have not only strengthens their active involvement, but also creates an emotional connection and shared responsibility for the environment [17]. These collaborative measures not only provide a more solid foundation for the sustainable growth of ecotourism, but also create a climate where stakeholders can work together to address challenges and ensure that the positive impacts of ecotourism are widely felt, both locally and globally.

Overall, understanding and addressing the legal challenges in the development of ecotourism as an integral element in the tourism business is not only crucial to ensure the sustainability of natural ecosystems, but also to shape positive tourism experiences and positively impact local communities. Effective handling of these legal aspects involves the implementation of more detailed and stringent regulations, with a focus on the protection of natural resources and environmental sustainability. In addition, involving local communities in the decision-making process and strengthening their involvement in the implementation of ecotourism projects are key steps to creating sustainable positive impacts. Awareness of the impact of ecotourism on the sustainability of ecosystems and the lives of local communities should be at the core of tourism development strategies. By doing so, these measures not only preserve nature, but also create an environment where sustainability and social justice become the main pillars of tourism development that not only provides economic benefits but also improves the welfare of local communities.

#### **4. Conclusion**

The development of ecotourism as an integral part of the tourism business faces a number of legal challenges that require serious attention. Law Number 10 of 2009 concerning Tourism serves as the main foundation in regulating the tourism industry in Indonesia, but its implementation in the context of ecotourism raises several issues. The main challenges involve the mismatch between the interests of the tourism business and environmental conservation, insufficient participation of local communities, and suboptimal management of natural resources. It is crucial to recognize that the sustainability of ecotourism requires synergy between the development of the tourism business and environmental preservation. Although efforts have been made in Law Number 10 to accommodate sustainability principles, improvements in regulation implementation and enforcement are needed. Additionally, there is a need to strengthen the participation of local communities in decision-making related to ecotourism projects and enhance their understanding of the economic and environmental benefits that can be generated.

To enhance the sustainability of ecotourism as an integral part of the tourism business in Indonesia, key steps need to be taken. First, regulatory strengthening is necessary, considering increased environmental standards, limitations on infrastructure development, and stricter law enforcement. This aims to protect biodiversity and maintain the balance of the natural environment. Second, active participation of local communities needs to be enhanced, including involving them in the planning, implementation, and economic benefits generated by ecotourism projects. Third, educational efforts and awareness-raising need to be intensified, not only among local communities but also among tourists, to foster a culture of responsibility towards the environment. Finally, close cooperation between the government, the tourism industry, and environmental NGOs is required to create synergy in addressing the complex challenges associated with ecotourism. Through these steps, it is hoped that ecotourism can grow sustainably, provide fair economic benefits, and preserve the beauty of Indonesia's natural and cultural heritage while maintaining environmental integrity for future generations.

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