

The Development of Regulation Systems for the Management of Coastal Areas in Indonesia's Tourism

BOYKE HADI MUHARRAM SYAMSUDIN, HUALA ADOLF,
AMIRUDDIN A DAJAAN IMAMI & DADANG EPI SUKARSA

Abstract This research investigates the impact of coastal management regulations on Indonesia's tourism. Through literature review, it examines the effectiveness of statutory regulations. In order to manage coastal resources sustainably, comprehensive legislation and stakeholder involvement are needed. The importance of laws such as the PWP3K, Spatial Planning, and Job Creation for regulating coastal areas is underscored. These laws and regulations have a crucial role in achieving integrated and sustainable coastal area management, which must be implemented through spatial planning policies. Sustainable development requires a legal basis for coastal spatial planning regulations based on the 1945 Constitution and Pancasila philosophy.

Keywords: • regulatory system • coastal zone management • tourism development

CORRESPONDENCE ADDRESS: Boyke Hadi Muharram Syamsudin, Ph.D. student, Universitas Padjadjaran, Faculty of Law, Bandung, Indonesia, e-mail: boyke.hadimuharram@gmail.com. Huala Adolf, Ph.D., Professor, Universitas Padjadjaran, Faculty of Law, Bandung, Indonesia, e-mail: huala.adolf@unpad.ac.id. Amiruddin A Dajaan Imami, Ph.D., Associate Professor, Universitas Padjadjaran, Faculty of Law, Bandung, Indonesia, e-mail: amiruddin_dajaan@yahoo.com. Dadang Epi Sukarsa, Ph.D., Associate Professor, Universitas Padjadjaran, Faculty of Law, Bandung, Indonesia, e-mail: dadang@unpad.ac.id.

[https://doi.org/10.4335/21.4.903-922\(2023\)](https://doi.org/10.4335/21.4.903-922(2023))
ISSN 1581-5374 Print/1855-363X Online © 2023 Lex localis
Available online at <http://journal.lex-localis.press>.

1 Introduction

Indonesia, an archipelago nation located between the Indian and Pacific Oceans, lies between the continents of Australia and Asia. The country consists of 17,508 islands, both large and small, covering an area of 81,000 km of straight baselines (Kusuma-Atmadja & Purwaka, 1996: 63). Located between Asia and Australia, this country offers a rich human and cultural resource base that can facilitate the growth of the tourism industry (Fafurida et al., 2020: 6476).

In addition to enhancing the welfare and prosperity of the population, appropriate planning and management of these resources can contribute significantly towards national objectives. In particular, these include leveraging tourism attractions to promote regional growth, fostering equitable commercial opportunities, and strengthening international relations. For example, in the Nusa Tenggara Timur province of Indonesia, the local government has implemented a coastal tourism program that provides economic benefits to local communities while preserving the region's cultural and natural heritage (Pambudi & Hariandi, 2021: 3).

Furthermore, the growth of the sharing economy in combination with the increase in tourism intensity can have both positive and negative impacts on local communities (Plzáková & Studnička, 2021: 69). As a potent socio-economic force, tourism can also be a significant influence on cultural dynamics and environmental health (del Río-Vázquez et al., 2019: 4-5). Accordingly, a comprehensive approach to tourism, which considers stakeholder roles, environmental impacts, and principles of equality, is increasingly important (Arida, 2016; Birendra et al., 2021: 2).

In spite of this, there is often a contentious relationship between tourism and the environment. However, tourism can also negatively affect the environment, including pollution, ecosystem disruption, and an escalation of human-wildlife conflict (Mckercher & Du Cros, 2012: 11-12). Therefore, to ensure long-term sustainability, tourism development must be balanced with environmental conservation.

It is particularly important to recognize that coastal areas present a dynamic interaction between land, sea, and air, which is continually reshaped by processes such as coastal advancement and retreat, changes in land use, and exploitation of resources. Through these processes, a complex environment develops characterized by diverse physical and ecological features that support a wide range of human activities, such as tourism, fisheries, and transportation (Crossland et al., 2005; Imami, 2014). However, the tourism industry's demand for pristine and attractive natural resources poses additional environmental challenges (Supardi, 2003). In order to address these challenges, conservation measures have included the implementation of regulations, the development of sustainable practices, and the promotion of education and public

involvement. To preserve the unique allure of these environments, it is vital to achieve ecological sustainability while encouraging tourism growth.

Based on the above context, the primary objective of this study is to investigate the development of regulatory systems that will effectively govern coastal management, thereby ensuring that a harmonious balance is maintained between environmental conservation and tourism growth. As a result, the study will focus on the following research questions:

1. What is the impact of statutory regulations on coastal area management on Indonesian tourism development?
2. Why is it important to develop a coastal area management regulatory system for tourism development?

2 Literature overviews

2.1 Coastal Tourism and Sustainability

Coastal tourism, a crucial driver of economic growth, frequently confronts sustainability issues due to the intricate balance needed between environmental preservation and tourism expansion. Tourism growth, though economically advantageous, can pose significant threats to the environment if not managed appropriately, subsequently affecting the very attractions that appeal to tourists (Arida, 2016; del Río-Vázquez et al., 2019: 4-5). In addition, coastal areas, with their natural beauty, biodiversity, and cultural attractions, draw many domestic and international tourists each year.

However, despite its economic benefits, coastal tourism often grapples with sustainability issues. The principal challenge lies in maintaining an intricate balance between environmental preservation and tourism expansion. Unchecked tourism growth, while economically advantageous, can pose significant threats to the environment. For example, the overuse of natural resources, improper waste management, and tourism infrastructure construction can lead to habitat degradation, pollution, and loss of biodiversity (del Río-Vázquez et al., 2019: 4-5).

Environmental degradation affects attractions that appeal to tourists. The degradation of coral reefs, the pollution of beaches, and the destruction of coastal vegetation can all deter tourists, leading to a decline in tourism and thereby negatively impacting the local economy (Zhang et al., 2019: 162). Moreover, these environmental changes can also harm local communities who depend on these resources for their livelihoods, including fishing and small-scale tourism operations (Macusi et al., 2020: 4).

Consequently, it is imperative that the growth of tourism does not jeopardize ecological balance. This involves promoting sustainable practices such as responsible tourism, minimizing waste, and conserving water. Regulatory systems, as a result, play an instrumental role in maintaining this delicate equilibrium. They establish guidelines for sustainable practices and help ensure that tourism expansion does not compromise the ecological balance of coastal areas (Birendra et al., 2021: 2; Sudaryanto, 2018).

Therefore, coastal tourism sustainability depends on the careful management of its growth, as well as on the protection and preservation of the natural environment. Coastal tourism must maintain the natural and cultural integrity of its destinations in order to continue to benefit local economies. This requires a concerted effort from all stakeholders, including governments, tourism operators, tourists, and local communities. As a result, tourism development should be aligned with principles of sustainability.

2.2 Regulatory Systems in Coastal Management

Regulatory systems form the backbone of any environmental management strategy, including coastal tourism. These systems, comprising laws, regulations, and guidelines, set the boundaries within which tourism activities can take place. Regulations aim to balance the economic benefits of tourism with the need to conserve and protect the coastal environment, thus promoting sustainable practices (Birendra et al., 2021: 2; Sudaryanto, 2018).

In Indonesia, for instance, Law Number 27 of 2007 and its amendment, Law Number 1 of 2014, provide a regulatory framework for coastal areas and small islands management. These laws delineate responsibilities, establish conservation areas, and set guidelines for coastal resource exploitation. It is indispensable that these laws are enacted in order to direct the development of the tourism industry in a sustainable manner and avoid the degradation of the environment in the process (Atsmara & Kusuma, 2014: 35; Huda et al., 2018: 5).

Nevertheless, the effectiveness of these regulations may differ depending on the local government and regulations in place. Due to the unique environmental, cultural, and socioeconomic characteristics of each coastal area, the application of these laws requires a certain degree of flexibility. The implementation of these regulations must be tailored to the specific needs and conditions of each location (Pomeroy, 1995: 147). Adapting guidelines to local ecosystems or taking into account the socioeconomic impact on local communities may be necessary in this process.

Law Number 32 of 2014 concerning Maritime Affairs represents another significant piece of legislation. This law offers comprehensive regulations on sea management, including maritime spatial planning, resource conservation, and pollution control. It's a key tool for ensuring the sustainability of both the tourism industry and the marine environment (Ardyantara, 2019: 210-212; Maccarrone et al., 2014: 324).

As a result, effective regulatory systems are essential part of coastal management. They provide the framework within which sustainable tourism development can occur, balancing economic growth with environmental conservation. However, the successful application of these regulations requires a nuanced understanding of the local context and the flexibility to adapt to changing conditions. Therefore, ongoing efforts should focus on enhancing these regulatory systems and ensuring their effective implementation in different local contexts.

2.3 Socio-economics of coastal tourism

In coastal communities, tourism has significant socioeconomic implications, particularly for communities that rely heavily on fishing and other marine resources. Certainly, tourism expansion can bring significant economic benefits to these communities, providing job opportunities and income sources beyond traditional fishing activities (Talib et al., 2022: 3). However, uncontrolled or poorly managed tourism development can strain local resources and disrupt traditional livelihoods, leading to socio-economic issues.

A key challenge lies in managing resource competition between the tourism industry and local communities. Local communities rely on the same resources - such as fish, coral reefs, and beaches - that attract tourists for their livelihoods and cultural practices. Unfortunately, overuse or misuse of these resources by the tourism industry can lead to their degradation and depletion, which can have serious adverse effects on local communities (Crona et al., 2010: 764).

Additionally, tourism benefits are often unequally distributed, favoring businesses and individuals directly involved in the industry. This disparity can lead to social tensions and inequities within coastal communities (Bennett et al., 2018: 188). Accordingly, fair and inclusive tourism policies are necessary to ensure that all members of the community benefit from the growth of tourism.

The integration of terrestrial and marine spatial planning, as proposed in the Job Creation Law in Indonesia, is a step towards addressing these challenges. This approach seeks to balance the needs of different sectors and stakeholders, providing a more coordinated management of land and marine resources (Laturette et al., 2021: 1315; Sunyowati, 2020: 83). The initiative represents a move toward a more

comprehensive approach to coastal management that takes into account tourism's socio-economic impact.

It is important to note that while coastal tourism can bring substantial economic benefits, it also presents socio-economic challenges that should be carefully managed. Coastal management regulations should take into account the socio-economic implications of coastal tourism. In order to promote tourism growth while protecting the interests of local communities, a balance must be struck. This can be achieved by ensuring that coastal resources are accessible to all, their benefits are distributed fairly, and their use is sustainable.

2.4 Integrated Spatial Planning and Coastal Management

In coastal management, integrated spatial planning is an approach that aims to provide a comprehensive, coordinated management of both land and marine resources. As well as the interconnectedness of terrestrial and marine ecosystems, this approach acknowledges the multitude of uses and stakeholders involved in coastal areas (Laturette et al., 2021: 1315). An important advancement in coastal management in Indonesia has been the adoption of integrated spatial planning.

The Job Creation Law in Indonesia proposes the integration of terrestrial and marine spatial planning. This proposal represents a departure from traditional sectoral or jurisdictional approaches to coastal management, which often result in fragmented and ineffective management. Instead, integrated spatial planning seeks to harmonize different uses and interests, aligning them with sustainable development and ecological balance (Sunyowati, 2020: 83).

However, implementing integrated spatial planning is not without challenges. It requires robust institutional capacities and cross-sectoral coordination mechanisms. It also requires comprehensive and up-to-date data on coastal resources, as well as social, economic, and ecological dynamics at play in coastal areas (Laturette et al., 2021: 1315; Ramadhani, 2021: 90). These requirements underscore the need for strong regulatory systems and supportive policy environments.

In spite of these challenges, integrated spatial planning offers significant potential for improving the sustainability of coastal tourism and management. It can help manage competing interests and uses, prevent resource depletion and degradation, and ensure that benefits are distributed equally (Laturette et al., 2021: 1315; Ramadhani, 2021: 90). It can also facilitate the incorporation of climate change considerations and adaptation strategies into coastal management, making coastal areas more resilient to future changes (Fernandino et al., 2018: 34).

Therefore, integrated spatial planning is a promising approach to coastal management in the context of tourism growth and sustainability. It is essential that robust regulatory systems, strong institutional capacities, and a comprehensive understanding of coastal dynamics are in place to ensure the success of this approach. As such, it should be a key consideration in the development and revision of coastal management regulations. This will help to ensure that coastal areas are managed in a sustainable way that balances the needs of the local community with the interests of the tourism industry (Djunarsjah et al., 2022: 4; Gallagher, 2007: 118). It will also help to protect the delicate balance of coastal ecosystems and their associated biodiversity.

3 Research Methods

This study applies a theoretical analysis approach, principally due to the nature of the research questions which seek to explore the underlying principles, regulations, and implications of existing laws related to coastal management and tourism development (Piga, 2003: 888). The analysis is conducted using a statutory approach, which involves in-depth library research, to comprehend the concepts and theories related to coastal management laws and tourism development regulations. The methodology is designed to directly correspond to the study's objectives and is implemented as follows:

- 1) Theoretical Examination of Legal Principles: The first stage of this theoretical analysis is dedicated to identifying and understanding the legal principles embedded within coastal management and tourism development regulations. This involves an in-depth exploration of the philosophical underpinnings of these principles, their implications, and their role in shaping behaviors within the tourism industry and coastal management. This analysis corresponds to the first objective of understanding the impact of statutory regulations on coastal area management in Indonesian tourism development.
- 2) Theoretical Study of Legal Systems: The second stage involves the theoretical exploration of the characteristics of legal events and statutory regulations related to coastal management and tourism development. This investigation will illuminate the nature of existing legal systems, their effectiveness, and their impact on coastal management and tourism development. This stage addresses the second objective of investigating the importance of developing a coastal area management regulatory system for tourism development.
- 3) Theoretical Assessment of Regulatory Synchronization: The final stage of the theoretical analysis involves a detailed examination of related laws and regulations to determine their compatibility and synchronization. This includes both vertical (across different levels of government) and horizontal (across different sectors or departments) synchronization. This assessment aims to understand the coherence within the regulatory framework and its

implications for effective coastal management and sustainable tourism development.

4 Discussion

4.1 Understanding the Impact of Statutory Regulations on Tourism Development

This study examines the intersection of statutory regulations and tourism development, specifically within the context of coastal area management. These regulations play a critical role in defining the rights and obligations pertaining to the use and conservation of coastal resources. Providing such services directly impacts tourism development and success, and therefore has a significant impact on the national economy.

This delicate balance between economic growth and environmental preservation is of particular importance in the Indonesian context. It is important to note that the country's regulatory framework acknowledges as well as emphasizes the importance of the tourism industry for the economy. In spite of that, Palumbi et al. (2009) maintain that environmental conservation is of paramount importance.

The implications of this regulatory approach extend beyond economic considerations. The goals of sustainable development align economic growth with environmental stewardship, a concept that aims to harmonize economic growth and environmental stewardship. Furthermore, it should be noted that environmental conservation does not compromise economic growth. In fact, it is regarded as an indispensable component of sustainable development (Puluhulawa & Harun, 2017: 33).

This study examines this balance in more detail, examining the complexity of aligning short-term economic gains with long-term environmental goals. The article examines the effectiveness of current legislation in achieving this balance and highlights areas that may require further attention and regulation. Consequently, it contributes to the ongoing discourse on sustainable development, providing valuable insight into the delicate interplay between economic development, tourism, and environmental preservation.

On the other hand, the existence of laws such as the PWP3K (Laws concerning management coastal areas and small island, commonly referred to as PWP3K Law) and the Job Creation Law, previous studies have indicated that these regulations might not be sufficient for the comprehensive and effective management of coastal areas (Dharsana et al., 2021: 49). The existing legislation provides a starting point, but it may lack the level of detail and enforcement necessary to fully address the

complexities of coastal area management. This leads to our second research question: How can we implement more comprehensive coastal management regulations that ensure the sustainability of natural resources?

The answer to this question is crucial as it directly influences the longevity and preservation of Indonesia's tourist destinations. Tourism represents a significant portion of Indonesia's economy, and the allure of its coastal areas plays a significant role in attracting both domestic and international visitors (Yurista, 2016:206). Therefore, it is imperative to implement measures that will sustain the natural beauty and biodiversity of these coastal regions, maintaining their economic value without compromising their ecological integrity.

Such measures include more stringent zoning regulations to protect sensitive areas, stricter enforcement of environmental regulations, and the promotion of sustainable tourism practices that minimize harm to the environment. Moreover, there should be a focus on improving the implementation of existing regulations, including clearer guidelines for businesses and better training for enforcement officers.

Despite existing regulations, such as the PWP3K Law and the Job Creation Law, our findings suggest a need for more robust legislation to effectively manage coastal areas (Dharsana et al., 2021: 49). This observation addresses our second research question and highlights the importance of implementing comprehensive coastal management regulations to ensure the sustainability of natural resources. These measures are necessary to preserve the allure of Indonesian tourist destinations and maintain their economic value (Yurista, 2016:206).

Integral to coastal area management is the principle of environmental protection. This principle is embodied in the PPLH Law (Laws concerning environmental protection and management, commonly referred to as PPLH Laws) and the Implementation of Environmental Protection and Management policy (Paul & Fakrulloh, 2021: 93). Together, they offer a comprehensive strategy to safeguard natural processes and mitigate environmental pollution. The PWP3K Law, further reinforced by amendments introduced in the Job Creation Law, provides a comprehensive framework for the coordinated management of coastal areas. Its aim is to minimize potential conflicts, thus embodying the Integrated Coastal Zone Management (ICZM) concept (Dharsana et al., 2021: 49).

Strategic zoning and permit issuance form the backbone of coastal area management. The Job Creation Law defines a zone as a legally recognized space agreed upon by various stakeholders, with its status determined in accordance with spatial plans (Praise et al., 2022: 214). This zoning process is paramount to ensuring the appropriate use of coastal spaces, taking into account their potential resources and ecological capacities. In alignment with the PWP3K Law, any permanent use

of coastal spaces requires a location permit, which subsequently leads to a management permit (Raharja & Karim, 2022: 6). The issuance of these permits is guided by spatial planning and the broader zoning plan.

Coastal area management ultimately strives for sustainable development while preserving the environment and ensuring resilience. In this context, sustainability – derived from the Latin "sustinere," signifying a long-term relationship – becomes a key measure of human activities related to nature (Kealiikanakaolehailani & Giardina, 2016: 60). Therefore, an effective coastal area management system requires an integrated approach, a clear understanding of responsibilities, and the application of ICZM principles.

Despite existing laws mandating environmental protection in coastal areas, misuse and mismanagement have led to negative impacts such as pollution, abrasion, and erosion. Addressing these issues necessitates an integrated management approach that supports sustainable development and ecological justice. A policy analysis is needed to understand the existing arrangements and natural resources, guiding the development of legislation rooted in sustainable development. This underscores the importance of striking a balance between human activities and nature in the management of coastal areas for tourism development in Indonesia.

4.2 Effectiveness of Existing Legislation in Coastal Area Management

According to existing regulations, such as the PWP3K Law, regional governments are responsible for implementing policies and activities that manage coastal areas within their jurisdiction (Raharja & Karim, 2022: 6). In order to enhance the welfare of citizens, the Law provides that the government and the regional governments should coordinate various aspects such as planning, control, supervision, and exploitation of coastal potential. As a result of this approach, it is aligned with the concept of Integrated Coastal Zone Management (ICZM), an integrated system that ties together local, regional, national, and international goals.

ICZM involves four continuous activities, as described by Imami (2014) that communicating policies from each sector, integrating plans from each sector, synchronizing programs, and simplifying the process. Nevertheless, the effectiveness of this coordination depends on both the national and provincial levels of government, with the President overseeing at the national level and the Regional Heads managing at the provincial, district, and city levels.

As a result of the PWP3K Law, a broad range of natural resources are available that can be used to support the development of cultural, socio-economic, and natural resources, as well as national sovereignty. To achieve sustainable development and ecological justice, coastal area management must adapt to the structure and nature

of the landscape so that people can take advantage of coastal resources. It is essential that managers in coastal areas comprehend the integration of their efforts, goals and objectives, values and ethics of development, and efforts to resolve disputes and work together between communities, governments, and stakeholders in order to achieve this (Raharja & Karim, 2022: 6).

In order to be effective and efficient, coastal area management regulations must possess both normative-juridical and sociological-juridical characteristics. The implementation of these regulations in all segments of state administration is intended to establish order, certainty, and justice. This is in accordance with ICZM's objective of managing coastal areas according to sustainable development goals for ecological justice.

As Sunyowati (2010) points out, it is crucial that national and international law be integrated and harmonized within the legal framework for drafting coastal area management regulations. There are a variety of coastal area management regulations, ranging from general principles contained in the state constitution, state policy instruments, and development plans (first level), to regulations relating to coastal governance (second level), implementation laws (third level), and local laws relating to coastal management (fourth level). These regulations are designed to protect the environment, resources, and people living in coastal areas. They are also designed to ensure sustainable development, while minimizing the potential impacts of climate change.

Due to the complexity and openness of coastal areas, integrated and sustainable planning and management are needed to ensure optimal and continuous use of coastal resources. An important part of the national constitution and the PPLH Law is the concept of ecological justice, a philosophy that ensures the sustainability of the environment. It underlines the importance of access to resources for all citizens, emphasizing justice and diversity, and extending concern for the environment to future generations.

In spite of the comprehensive nature of existing legislation, such as the PWP3K Law, its effectiveness in managing coastal areas extends beyond the mere existence of these laws. Implementation and execution of these policies are equally important. There is a challenge in coordinating and harmonizing efforts among a variety of sectors, disciplines, and stakeholders, each with a range of interests and impacts on coastal areas.

Moreover, the openness of coastal areas to influence from various activities further complicates the management of these regions. In this regard, the true effectiveness of existing legislation depends on its ability to ensure proportionality in managing

all interests. This includes ecological, social, intersectoral, scientific disciplines, and stakeholders involved in coastal area management.

Furthermore, the legislation should promote ecological justice, providing fair access to resources for all citizens, accommodating diversity, and extending concern for the environment to future generations. It should also consider the varying characteristics of different coastal areas and implement customized and sustainable planning and management strategies.

Although the existing legislation provides a robust framework for managing coastal areas, continuous evaluation and adaptation are essential in order to meet the evolving challenges and complexities of coastal management. To achieve this goal, a comprehensive approach is required that harmonizes national and international laws, complies with the principles of sustainable development and ecological justice, and encourages cooperation among communities, governments, and stakeholders.

4.3 Necessity and Implementation of Comprehensive Coastal Management Regulations

Given the unique and delicate nature of coastal ecosystems, comprehensive coastal management regulations are imperative. In addition, they have socio-economic significance, and the myriad of competing interests they attract. This study has highlighted the need for further refinement of Indonesia's current legislative framework in order to effectively manage coastal areas.

There has been a significant impact and a multifaceted impact of coastal management laws and regulations. In terms of economics, these regulations have contributed to the development of industries such as tourism, fishing, and aquaculture through the harnessing of coastal resources (Dharsana et al., 2021: 49; Kusuma-Atmadja & Purwaka, 1996: 63). The marine and coastal tourism sector in Indonesia contributes approximately 12% to the national GDP (World Bank, 2020). However, if not effectively managed, economic growth could result in overexploitation and subsequent resource depletion, emphasizing the need for comprehensive regulation.

According to a social perspective, these laws and regulations have had a significant impact on the livelihoods of coastal communities. Coastal resources, such as fisheries, play an important role in providing employment and sustaining communities. Nevertheless, overexploitation and environmental degradation pose threats to these livelihoods, further emphasizing the need for sustainable management practices (Crona et al., 2010: 764).

In terms of the environment, regulations that protect coastal ecosystems have been important for preserving biodiversity and mitigating the effects of climate change (Laturette et al., 2021: 1315; Wever et al., 2012: 66-67). In spite of these benefits, improved regulations are urgently needed in order to prevent activities such as the destruction of mangrove forests. As well as sequestering carbon, these forests also protect coastal areas. These forests are also important to local economies, providing tourism and fishing opportunities. Consequently, it is important to develop better regulations to protect mangrove forests and other coastal ecosystems (Wever et al., 2012:66-67).

First and foremost, this comprehensive legislation should clearly define the responsibilities of various levels of government. According to the PWP3K Law, regional governments are responsible for managing coastal areas (Raharja & Karim, 2022: 6). However, decentralization must be accompanied by a strong coordination mechanism, especially in light of the interconnected nature of coastal ecosystems. A blueprint for this coordination can be found in the ICZM concept approach, which integrates the objectives of local, regional, national, and international levels (Laturette et al., 2021: 1315; Patlis, 2005: 460).

Secondly, the comprehensive coastal management regulations should incorporate the principles of sustainable development and ecological justice. By adhering to these principles, coastal resources can be effectively utilized without compromising their sustainability for future generations. In order to achieve this goal, it is necessary to promote equitable access to resources, ensure the diversity of coastal areas, and minimize the adverse effects of resource extraction.

In order to effectively implement these principles, it is vital to acknowledge and incorporate the nature and structure of the coastal landscape into management strategies. Regulations should be drafted to harness the inherent potential of these resources while protecting their cultural, socioeconomic, and natural values. This will ensure the sustainable utilization of these resources while minimizing conflicts between their traditional users and the commercial interests. It will also help to preserve the local ecosystem and its biodiversity.

Furthermore, the regulations should establish normative-juridical as well as sociological-juridical characteristics for coastal areas (Huda et al., 2018: 5; Syahuri & Sitompul, 2020:16). As a result of the establishment of these legal principles, a sense of order, certainty, and justice can be achieved. Furthermore, it contributes to the prevention of conflicts between societies in coastal areas.

Accordingly, the legislation should take into account the principles of environmental justice outlined in the 1945 Constitution and the PPLH Law. Legislation should ensure that the environment is protected and managed in a

proportionately just manner for all citizens, both across regions and across generations (Subagiyo et al., 2017).

Finally, all stakeholders should be involved in the implementation of comprehensive coastal management regulations, including residents, government officials, and industry representatives. One of the main strengths of the existing legislative and organizational measures is the decentralization of coastal management responsibilities to regional governments under the PWP3K Law. The lack of coordination between different levels of government and sectors, however, can lead to overlapping jurisdictions and conflicts of interest (Laturette et al., 2021: 1315; Patlis, 2005: 460).

As a result, it is essential that these regulations are integrated and harmonized across all levels of government. The management of coastal areas will be based on national and international laws, local customs, and sustainable development goals, thus providing a holistic approach to coastal management.

In order for these regulations to be effective, they must address the complex realities of coastal areas, which are influenced by a number of natural and human-induced factors. This complexity necessitates a multidimensional approach, involving the integration of scientific knowledge with traditional and local understanding. It also involves the balance between conservation and development, and the involvement of all relevant stakeholders in decision-making processes.

Furthermore, these regulations should be flexible and adaptable to the dynamic nature of coastal areas. In this regard, it is necessary to establish mechanisms for monitoring and evaluation to assess the effectiveness of management strategies and to make necessary adjustments in the light of changing circumstances and new knowledge. As an example, regulations should take into account the impacts of climate change, which is expected to exacerbate issues in coastal areas such as sea-level rise and a greater intensity of storms.

5 Conclusions

This study set out to examine the impact of statutory regulations on coastal area management and their significance for Indonesian tourism development. In response to the first question, we found that the future of coastal area management in Indonesia is highly dependent on a robust regulatory system. This system, which comprises substantive regulation and supervision, serves a dual purpose. It not only preserves the functionality of coastal areas but also ensures their optimal utilization for societal welfare and development, thereby benefiting both the present and future generations. Regrettably, the escalation of national development activities in these coastal areas has led to an increasing trend of environmental degradation and

pollution. This not only damages the vital coastal resources that sustain life but also translates into a significant societal burden. It is in this context that the role of statutory regulations becomes paramount, as they are designed to mitigate the ecological risks associated with coastal development.

Addressing the second research question, our study has underscored the importance of developing a coastal area management regulatory system for tourism development. The implementation of such a system is critical in achieving ecological justice, which forms the bedrock of sustainable development.

Specifically, the coastal area management regulatory system in Indonesia, as reflected in Article 2 letter G of the PPLH Law, embodies the principle of ecological justice. It stipulates environmental protection and management to be executed in a manner that is fair and equitable for all citizens, both within and across generations. This regulatory framework emphasizes distributive justice, stressing the criticality of community access to resources (Subagiyo et al., 2017). In addition, through the PWP3K Law, Spatial Planning Law, and Job Creation Law, Indonesia has instituted a system of laws and regulations for managing coastal areas. The success of this integrated and sustainable coastal area management system is contingent upon the establishment and adherence to spatial planning policies.

However, while regulatory laws are essential, they may not suffice in achieving the delicate balance between environmental conservation and societal welfare. Additional strategies, such as community-tourism-based product development, serve as integral components of a robust and holistic management system. By embedding the principles of ecological justice into tourism activities, community-tourism-based development fosters a sense of responsibility and ownership among local communities, leading to more sustainable practices.

The assertion that restriction is the sole pathway to environmental conservation and management is a narrow perspective. While legal restrictions are undeniably important, they should coexist with initiatives designed to promote sustainability, local participation, and equitable resource distribution. A truly effective management system should be comprehensive, incorporating both regulatory measures and community-based strategies.

It's important to acknowledge that the lessons gleaned from this analysis are specific to the unique characteristics and legislative environment of Indonesia, a maritime country. However, the key principles and strategies of this approach—sustainable development, ecological justice, and community involvement—could inspire other countries, regardless of their legislative environments or geographical contexts. The specifics of the approach might need to be customized to fit the unique challenges and needs of each location, be it coastal, inland, or mountainous.

In terms of applicability, it's pertinent to note that each type of tourist destination may require distinct regulatory frameworks based on its unique ecosystem and conservation requirements. For instance, laws such as the Conservation of Biological Natural Resources and Their Ecosystems Law (No. 5 of 1990) and the Forestry Law (No. 14 of 1999) are tailored to address the needs of national parks and forest areas (Reindrawati et al., 2022: 919-937). While the overarching objective of these laws aligns with that of coastal area management—promoting sustainability and ecological justice—their specifics are tailored to the unique needs of the respective ecosystems.

To achieve sustainable development, the natural ecosystems must be utilized in a way that does not undermine their ability to benefit human life. The concept of sustainable development, which extends to ecological, socio-economic-cultural, socio-political, as well as legal and institutional dimensions, necessitates laws and regulations that encourage citizens to exercise self-control to prevent environmental harm.

In this light, an ethic of sustainable development is necessary to guide society in a positive direction and establish a sense of order. Such ethical guidelines can also serve as a means of community renewal, given that they resonate with the community's needs. The creation of norms for coastal area management necessitates basing them on legal norms that are more specific than previous general arrangements or address gaps in the existing legislative and regulatory frameworks. Herein, the government, the public, and the private sector have roles to play as stakeholders in promoting an integrated and sustainable coastal area management regulatory system, thereby achieving ecological justice.

As a result, the development of a coastal area management regulatory system is crucial for tourism development in Indonesia. This study underscores the necessity of an integrated approach to environmental management that leverages both regulatory standards and community-based strategies. Although the specifics of this approach are tailored to Indonesia's coastal areas, the key principles can inspire and guide the development of environmental management strategies in diverse contexts worldwide. In addition, to ensure the sustainability of development with an environmental perspective, it is necessary to establish a legal basis for coastal spatial planning regulations based on Pancasila and the 1945 Constitution. This will ensure that coastal spatial planning policies provide certainty, benefit, and justice in society and the state, thereby upholding the principles of ecological justice and sustainable development.

6 Limitations and further study

Despite the thorough investigation conducted in this study, there are a few limitations to be noted. First, the evaluation of the effectiveness of current legislation relies heavily on the available literature and might be influenced by the limited number of research studies on the topic. Second, the analysis does not include a comprehensive field study or the perspectives of all stakeholders involved in coastal management, which could potentially provide more nuanced insights.

Given these limitations, future research should aim to address these gaps. Field studies and surveys could be conducted to gather first-hand data on the implementation and effectiveness of the existing laws and regulations. Additionally, interviews with various stakeholders, such as government officials, environmental organizations, and local communities, could provide a more comprehensive understanding of the issues and potential solutions. Comparative studies could also be valuable, looking at the coastal management strategies of other countries and determining whether their approaches could be adapted to Indonesia's unique coastal ecosystems.

Acknowledgment:

This research has no funding.

References:

- Arida, I. N. S. (2016) *Buku Ajar Pariwisata Berkelanjutan* (Denpasar: Sustain-press), available at: https://simdos.unud.ac.id/uploads/file_pendidikan_1_dir/27853e1951c3f72a0e6e8a0be2a9ed30.pdf (February, 2023).
- Atsmara, A. N. & Kusuma, B. M. A. (2014) Relevancy of Law No. 10 Year 2009 about Tourism Towards Creative Economy as a New Platform Of Tourism Development in Indonesia, *Journal of Indonesian Tourism and Development Studies*, 2(1), pp. 33–39, <https://doi.org/10.21776/ub.jitode.2014.002.01.05>.
- Bennett, N. J., Kaplan-Hallam, M., Augustine, G., Ban, N., Belhabib, D., Brueckner-Irwin, I., Charles, A., Couture, J., Eger, S., Fanning, L. & Foley, P. (2018) Coastal and Indigenous community access to marine resources and the ocean: A policy imperative for Canada, *Marine Policy*, 87, pp. 186–193, <https://doi.org/10.1016/j.marpol.2017.10.023>.
- Birendra, K., Dhungana, A. & Dangi, T. B. (2021) Tourism and the sustainable development goals: Stakeholders' perspectives from Nepal, *Tourism Management Perspectives*, 38, <https://doi.org/10.1016/j.tmp.2021.100822>.
- Crona, B., Nyström, M., Folke, C. & Jiddawi, N. (2010) Middlemen, a critical social-ecological link in coastal communities of Kenya and Zanzibar, *Marine Policy*, 34(4), pp. 761–771.

- Crossland, C. J., Kremer, H. H., Lindeboom, H., Crossland, J. I. M. & Le Tissier, M. D. (2005) *Coastal fluxes in the Anthropocene: the land-ocean interactions in the coastal zone project of the International Geosphere-Biosphere Programme* (Heidelberg: Springer Science & Business Media).
- del Río-Vázquez, M. E. S., Rodríguez-Rad, C. J. & Revilla-Camacho, M. Á. (2019) Relevance of social, economic, and environmental impacts on residents' satisfaction with the public administration of tourism, *Sustainability (Switzerland)*, 11(22), <https://doi.org/10.3390/su11226380>.
- Dharsana, I. M. P., Kresnadjadja, I. & Pramanditya, I. G. A. J. (2021) Land Tenure of Small Islands and Coastal Areas in Economic and Defense Aspects, *Prizren Social Science Journal*, 5(2), pp. 46–55, <https://doi.org/10.32936/pssj.v5i2.220>.
- Djunarsjah, E., Putra, A. P., Kusumadewi, D., Yudistira, K. & Julian, M. M. (2022) The Concept of Integration between State and Provincial Sea Boundaries in Indonesia, *Sustainability (Switzerland)*, 14(3), <https://doi.org/10.3390/su14031659>.
- Fafurida, F., Oktavilia, S., Prajanti, S. D. W. & Maretta, Y. A. (2020) Tourism And Economic Development In Indonesia, *International Journal of Scientific and Technology Research*, 9(3), pp. 6476–6479.
- Fernandino, G., Elliff, C. I. & Silva, I. R. (2018) Ecosystem-based management of coastal zones in face of climate change impacts: Challenges and inequalities, *Journal of Environmental Management*, 215, pp. 32–39, <https://doi.org/10.1016/j.jenvman.2018.03.034>.
- Gallagher, A. W. (2007) Sustainability systems appraisal for integrated coastal zone management, *8th International Conference on the Mediterranean Coastal Environment, MEDCOAST 2007*, 1(November), pp. 117–128, available at: <https://pure.solent.ac.uk/files/31186543/Gallagher.pdf> (February, 2023).
- Huda, N., Asy'ari T., A. H., Saefudin, Y. & Bahrus Syakirin, M. (2018) Strengthening Indigenous Law to Make a Sustainable Development of the Coastal Area and Small Islands in Indonesia, *SHS Web of Conferences*, 54(27), <https://doi.org/10.1051/shsconf/20185404003>.
- Imami, A. A. D. (2014) *Hukum Penataan Ruang Kawasan Pesisir: Harmonisasi dalam Pembangunan Berkelanjutan* (Aceh: Logoz Publishing).
- Kealiikanakaoleohaililani, K. & Giardina, C. P. (2016) Embracing the sacred: an indigenous framework for tomorrow's sustainability science, *Sustainability Science*, 11(1), pp. 57–67, <https://doi.org/10.1007/s11625-015-0343-3>.
- Kusuma-Atmadja, M. & Purwaka, T. H. (1996) Legal and institutional aspects of coastal zone management in Indonesia, *Marine Policy*, 20(1), pp. 63–86, [https://doi.org/10.1016/0308-597X\(95\)00034-4](https://doi.org/10.1016/0308-597X(95)00034-4).
- Laturette, A. I., Akyuwen, R. J., Latupono, B., Anwar, A., Angga, L. O. & Labetubun, M. A. H. (2021) Natural Resources Management Rights in Land Conservation Areas in Coastal Areas and Small Islands Based on Environmental Sustainability, *International Journal of Sustainable Development and Planning*, 16(7), pp. 1309–1316, <https://doi.org/10.18280/ijstdp.160711>.
- Macusi, E. D., Macusi, E. S., Jimenez, L. A. & Catam-isan, J. P. (2020) Climate change vulnerability and perceived impacts on small-scale fisheries in eastern Mindanao, *Ocean & Coastal Management*, 189, <https://doi.org/10.1016/j.ocecoaman.2020.105143>.
- Mckercher, B. & Du Cros, H. (2012) *Cultural Tourism: The Partnership Between Tourism and Cultural Heritage Management* (New York: Routledge), pp. 11–12, <https://doi.org/10.4324/9780203479537>.

- Palumbi, S. R., Sandifer, P. A., Allan, J. D., Beck, M. W., Fautin, D. G., Fogarty, M. J., Halpera, B. S., Incze, L. S., Leong, J. A., Norse, E., Stachowicz, J. J. & Wall, D. H. (2009) Managing for ocean biodiversity to sustain marine ecosystem services, *Frontiers in Ecology and the Environment*, 7(4), pp. 204–211, <https://doi.org/10.1890/070135>.
- Pambudi, P. S. & Hariandi, M. S. I. (2021) International Tour de Banyuwangi Ijen impacts to local community development in Ijen Crater–Banyuwangi, *Journal of Convention and Event Tourism*, 22(3), pp. 187–196, <https://doi.org/10.1080/15470148.2020.1856264>.
- Patlis, J. M. (2005) The role of law and legal institutions in determining the sustainability of integrated coastal management projects in Indonesia, *Ocean and Coastal Management*, 48(3-6 spec. iss.), pp. 450–467, <https://doi.org/10.1016/j.ocecoaman.2005.04.005>.
- Paul, E. P. & Fakrulloh, Z. A. (2021) Environmental Law in the Tourism Development of Investment in Indonesia, *2nd International Conference on Business Law and Local Wisdom in Tourism (ICBLT 2021)*, 605, pp. 91–97, available at: <https://www.atlantispress.com/article/125965379.pdf> (March, 2023).
- Piga, C. A. (2003) Territorial planning and tourism development tax, *Annals of Tourism Research*, 30(4), pp. 886–905, [https://doi.org/10.1016/S0160-7383\(03\)00061-6](https://doi.org/10.1016/S0160-7383(03)00061-6).
- Plzáková, L. & Studnička, P. (2021) Local taxation of tourism in the context of the collaborative economy – case study from the Czech Republic, *Lex Localis - Journal of Local Self-Government*, 19(1), pp. 65–89, [https://doi.org/10.4335/19.1.65-89\(2021\)](https://doi.org/10.4335/19.1.65-89(2021)).
- Pomeroy, R. S. (1995) Community-based and co-management institutions for sustainable coastal fisheries management in Southeast Asia, *Ocean & Coastal Management*, 27(3), pp. 143–162.
- Praise, H. A., Rompis, A. E. & Nurzaman, R. A. (2022) Risk-Based Licensing As Licensing Reform in Indonesia Based on Government Regulation Number 5 the Year 2021, *Jurnal Poros Hukum Padjadjaran*, 3(2), pp. 209–227, <https://doi.org/10.23920/jphp.v3i2.807>.
- Puluhulawa, F. & Harun, A. A. (2017) Implementation Article 33 Paragraph (3) of UUD NRI 1945 in Law of Coastal Areas and Small Islands Management, *Journal of Law, Policy and Globalization*, 62(3), pp. 33–38.
- Raharja, D. P. & Karim, M. F. (2022) Re-territorialization and the governance of ocean frontiers in Indonesia, *Territory, Politics, Governance*, pp. 1–19, <https://doi.org/10.1080/21622671.2022.2118824>.
- Ramadhani, R. (2021) Legal Protection for Land Rights Holders Who Are Victims of the Land Mafia, *International Journal Reglement & Society*, 5, pp. 87–95, <https://doi.org/10.55357/ijrs.v2i2.114>.
- Reindrawati, D. Y., Rhama, B. & Hisan, U. F. C. (2022) Threats to Sustainable Tourism in National Parks: Case Studies from Indonesia and South Africa, *African Journal of Hospitality, Tourism and Leisure*, 11(3), pp. 919–937, <https://doi.org/10.46222/ajhtl.19770720.266>.
- Subagiyo, A., Wijayanti, W. P. & Zakiyah, D. M. (2017) *Pengelolaan wilayah pesisir dan pulau-pulau kecil* (Malang: Universitas Brawijaya Press).
- Sudaryanto, A. (2018) Nilai-Nilai Kearifan Lokal Yang Diterapkan Dalam Pengelolaan Tanah Pariwisata Sri Gethuk Di Bleberan, Playen, Gunung Kidul, *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada*, 30(1), p. 78, <https://doi.org/10.22146/jmh.29153>.
- Sunyawati, D. (2010) Tata Kelola Kelautan Berdasarkan Integrated Coastal and Ocean Management Untukpembangunan Kelautan Berkelanjutan, *Perspektif*, 15(1), p. 76, <https://doi.org/10.30742/perspektif.v15i1.41>.

- Sunyowati, D. (2020) *Integrated Coastal Management: Kajian Hukum untuk Pengelolaan Wilayah Pesisir Berkelanjutan di Indonesia* (Surabaya: Airlangga University Press).
- Supardi, I. (2003) *Lingkungan hidup dan kelestariannya* (Bandung: PT. Alumni), pp. 11-20.
- Syahuri, T. & Sitompul, E. O. (2020) Analisis Yuridis Pengelolaan Batas Wilayah Laut Dan Pesisir Berdasarkan Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah, *Esensi Hukum*, 2(2), pp. 13–22, <https://doi.org/10.35586/esensihukum.v2i2.25>.
- Talib, N. L., Utomo, A., Barnett, J. & Adhuri, D. S. (2022) Three centuries of marine governance in Indonesia: Path dependence impedes sustainability, *Marine Policy*, 143.
- Wever, L., Glaser, M., Gorris, P. & Ferrol-Schulte, D. (2012) Decentralization and participation in integrated coastal management: Policy lessons from Brazil and Indonesia, *Ocean and Coastal Management*, 66, pp. 63–72, <https://doi.org/10.1016/j.ocecoaman.2012.05.001>.
- World Bank (2020) *DataBank*, available at: <https://databank.worldbank.org/home.aspx> (March, 2023).
- Yurista, A. P. (2016) Pengejawantahan Hak Tradisional Masyarakat Hukum Adat Dalam Pengaturan Pengelolaan Wilayah Pesisir Dan Pulau-Pulau Kecil [Embodiment of Indigenous Peoples' Traditional Rights in Regulation of Coastal Areas and.], *Jurnal Legislasi Indonesia*, 13(3), pp. 203–212, available at: <https://ejurnal.peraturan.go.id/index.php/jli/article/view/152> (March, 2023).
- Zhang, Y., Khan, S. A. R., Kumar, A., Golpîra, H. & Sharif, A. (2019) Is tourism really affected by logistical operations and environmental degradation? An empirical study from the perspective of Thailand, *Journal of Cleaner Production*, 227, pp. 158–166.