



Worker, Consignee, Manager: How Indonesian Tourism Policy Orders the Host Community, 2009–2025

Solahuddin Nasution*

¹ Universitas Sumatera Utara, Indonesia
email: solahuddin.nst@usu.ac.id¹

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Abstract

Indonesian tourism legislation has repeatedly recognized host communities as workers, consignees, and managers, yet the legal significance of this ordering remains insufficiently examined. This article analyzes how national tourism policy constructed community entitlements between 2009 and 2025. A qualitative critical socio-legal documentary approach combined problem-representation analysis with the social construction of target populations. Five national instruments comprising 37,514 words, including official statutory elucidations, were examined through entitlement coding, lexical analysis, and diachronic comparison. Law Number 10 of 2009 established priority rights to employment, consignment, and management, whereas Law Number 18 of 2025 retained the sequence but substituted priority opportunities. The amendment added access to information and cultural protection while deleting specified governmental duties and sanction provisions within the tourism statute. Its official elucidation defined eligible communities at regency or municipal scale and interpreted management as using existing resources to support tourism enterprises, exemplified by transportation services. Across the corpus, terminology identifying customary law communities, customary tenure, and land as property was absent. These findings indicate that statutory recognition primarily organizes access to tourism-related economic activities without establishing a clearly defined pathway to destination governance authority. Legal reform requires clearer duties, enforceable procedures, and effective recognition of affected communities' substantive interests.

Keywords: Critical Policy Analysis, Entitlement Sequencing, Host Communities, Indonesian Tourism Law, Tourism Governance.



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INTRODUCTION

Indonesian tourism policy between 2009 and 2025 presents a persistent tension between the formal recognition of host communities and their substantive authority over tourism development. Article 19(2) of Law Number 10 of 2009 on Tourism established a priority right for individuals and communities within and around tourism destinations to become workers or labourers, obtain consignment opportunities, and participate in management. Sixteen years later, Article 11G of Law Number 18 of 2025 retained these three categories in the same sequence while introducing access to development information and protection of religious and cultural norms, replacing the earlier formulation of a priority right with a priority opportunity. This modification raises questions about whether the legal framework recognizes local residents as decision-making actors or primarily positions them as participants in economic activities organized through existing destination governance arrangements. Legal scholarship on sustainable tourism development in Indonesia has emphasized the relevance of community-based approaches to the formulation of tourism policy and the protection of local interests (Nurjaya, 2022). Critical examination of Indonesian tourism law also identifies political and legal transformations associated with the pursuit of sustainability, indicating that regulatory reform requires assessment beyond the formal expansion of policy objectives (Sujana et al., 2025). The subsequent introduction of the tourism ecosystem paradigm under the 2025 amendment further illustrates the institutional significance of regulatory restructuring, while raising unresolved questions concerning the distribution of governance responsibilities and opportunities among tourism stakeholders (Putri et al., 2026).

Contemporary scholarship on Indonesian tourism governance has increasingly examined how institutional arrangements, political authority, and community participation interact in the production and management of tourism destinations. Research on Indonesian geoparks identifies patrimonial governance as a mechanism through which tourism development projects become embedded in unequal relationships between political authority, development interests, and local communities (Ristiawan et al., 2023). A governmentality-based investigation of mangrove ecotourism in the Batam Islands similarly demonstrates how sovereign, disciplinary, neoliberal, and knowledge-based governing practices shape local participation while maintaining tensions between economic development and community agency (Aji et al., 2026). Ethnographic research in Ciletuh Geopark extends this critical orientation by examining how unequal decision-making arrangements and benefit distribution are reproduced and contested through institutional relations and everyday community practices (Adrian & Adrian, 2025). Research on community-based governance following the revitalization of Huta Siallagan provides a complementary perspective by evaluating the institutional conditions under which local participation is organized within destination management arrangements (Santoso et al., 2024). These studies collectively establish that community participation cannot be assessed adequately through its formal recognition or numerical presence alone, because the distribution of authority, access to resources, and institutional control determines the substantive position occupied by local residents.

Despite these developments, a distinct analytical limitation remains in explaining how national tourism legislation constructs the host community as a particular category of economic and political subject. Existing research on tourism-related land ownership demonstrates that destination development can produce marginalization through changes in land control and the redistribution of resources associated with tourism investment (Sumarja et al., 2023). Legal analysis of land acquisition for community-based tourism villages further identifies contradictions between development-oriented legal instruments and the protection of community participation and land-related interests (Wardana et al., 2025). Research concerning structural power in local tourism governance likewise examines the relationship between development priorities, cultural interests, and unequal institutional influence, emphasizing that participation operates within established distributions of authority (Yamin et al., 2026). Although recent analysis of Law Number 18 of 2025 evaluates changes in the broader tourism regulatory architecture, its principal concern is the governance implications of the tourism ecosystem paradigm rather than the historical construction of specific community entitlements (Putri et al., 2026). These approaches illuminate important dimensions of community marginalization, regulatory contradictions, and institutional power, but the selected literature does not systematically compare the legal ordering of employment, consignment, and management across the 2009–2025 policy period. The resulting research gap is primarily conceptual and socio-legal, concerning how the wording, sequence, and official interpretation of community-related provisions define the forms of participation available to residents and differentiate economic involvement from authority over destination governance.

The distinction between economic participation and governing authority carries significant implications for evaluating the substantive meaning of community empowerment in Indonesian tourism policy. Legal recognition of community-based tourism may establish a normative commitment to local involvement without independently specifying the institutional authority necessary for residents to influence destination planning, resource allocation, or development priorities (Nurjaya, 2022). Evaluations of community-based destination governance indicate that formal participation arrangements require examination of their operational characteristics and the actual positions occupied by community actors within institutional decision-making processes (Santoso et al., 2024). Evidence concerning unequal ecotourism governance demonstrates that local communities may negotiate economic opportunities and develop collective responses while remaining disadvantaged in formal structures of planning and benefit distribution (Adrian & Adrian, 2025). Legal contradictions surrounding tourism-related land acquisition further illustrate how procedural participation and recognition of local interests may coexist with institutional mechanisms that constrain effective community control (Wardana et al., 2025). These concerns become particularly consequential when statutory references to management are interpreted as opportunities to provide supporting services rather than as authority to determine the organization, ownership, or direction of tourism development. Without distinguishing these forms of participation, policy evaluation risks treating access to employment, commercial transactions, and ancillary tourism activities as sufficient evidence of community empowerment while leaving the allocation of governing authority unexamined.

The present research positions the statutory construction of the host community as its primary analytical object, extending tourism governance scholarship from the evaluation of participatory outcomes toward the interpretation of the legal mechanisms through which participation is defined. Unlike broader assessments of the regulatory transformation introduced by Law Number 18 of 2025, the analysis concentrates on the historical relationship between Article 19(2) of the 2009 statute and Article 11G of the 2025 amendment, including their terminology, ordering of entitlements, and accompanying official elucidations (Putri et al., 2026). Particular attention is directed toward the 2025 elucidation, which defines communities around a destination by reference to the regency or municipality concerned and explains management as the utilization of resources already possessed by individuals or communities to support tourism businesses, illustrated through the provision of transportation services. This formulation creates an interpretive question concerning whether management constitutes an independent form of authority over tourism destinations or an additional category of economic participation alongside employment and consignment. Research on patrimonial governance in Indonesian geoparks provides a relevant foundation for examining how the organization of tourism development may preserve unequal relationships between institutional authority and community participation (Ristiawan et al., 2023). Governmentality-based research on the Batam Islands offers a complementary analytical perspective by demonstrating how governing arrangements shape the roles, conduct, and recognized capacities of local populations within tourism development (Aji et al., 2026). The proposed novelty lies in examining the sequence of statutory entitlements as a policy mechanism for constructing community roles across successive regulatory instruments, thereby connecting the legal grammar of participation with wider questions of structural power and local governance (Yamin et al., 2026).

This study aims to examine how Indonesian tourism policy between 2009 and 2025 constructs and orders the position of host communities through the legal categories of worker, consignee, and manager. The analysis traces the formulation and development of community-related provisions across the tourism legislation and relevant policy instruments, with particular attention to changes in legal terminology, the sequencing of entitlements, and the official interpretation of community participation. It investigates how these provisions represent the relationship between tourism development and local residents, identify the economic and institutional functions assigned to communities, and distinguish access to tourism-related opportunities from authority over destination management. The examination also considers whether the persistence of the statutory sequence reflects a substantive distribution of community entitlements or an institutional arrangement that privileges participation in tourism-related economic activities without expressly establishing corresponding decision-making powers. The theoretical contribution is directed toward developing a socio-legal understanding of entitlement sequencing as a mechanism through which tourism policy constructs governable community subjects and organizes their relationships with state institutions and tourism development interests. Its methodological contribution lies in integrating longitudinal statutory comparison, interpretation of official legal explanations, and critical examination of policy representations, while its practical contribution concerns the identification of regulatory ambiguities relevant to the protection of substantive community participation in Indonesian tourism governance.

RESEARCH METHODS

This research employed a qualitative, critical socio-legal documentary approach to examine how Indonesian tourism policy constructed the position of host communities through legal entitlements and governance arrangements between 2009 and 2025. The primary corpus comprised five national policy instruments: Law Number 10 of 2009 on Tourism, Government Regulation Number 50 of 2011, Ministerial Regulation Number 10 of 2016, Presidential Regulation Number 139 of 2024, and Law Number 18 of 2025, representing the establishment, implementation, administrative organization, and amendment of the national tourism policy framework. These instruments were examined through their official promulgated texts, comprising 37,514 words, including the statutory elucidations (Penjelasan) accompanying both laws, with particular attention to the distinction between formally recognized community entitlements and the institutional arrangements governing their exercise (Nurjaya, 2022). Supplementary documentary materials consisted of parliamentary explanations concerning the 2025 amendment, dated 11 September and 2 October 2025, together with independently documented accounts of land-related disputes and resettlement concerns associated with tourism development in

Mandalika, Central Lombok. The longitudinal documentary design enabled comparison of successive regulatory instruments and their treatment of local participation, sustainability, and institutional authority, reflecting the relevance of examining political and legal transformations within Indonesian tourism governance (Sujana et al., 2025). Particular attention was given to the relationship between Article 19(2) of the 2009 statute and Article 11G of the 2025 amendment, including changes in operative terminology, the sequencing of community entitlements, and their official interpretations, without treating legislative reform as evidence of achieved policy outcomes (Putri et al., 2026).

Table 1. Corpus of Indonesian National Tourism Policy Instruments, 2009–2025

No	Instrument	Type and year	Function in the architecture	Words
1	Law 10/2009 on Tourism	Statute, 2009	Establishes the entitlement, the principles and the objectives	7,576
2	Government Regulation 50/2011	National master plan, 2011	Converts the statute into a 2010–2025 development programme	7,193
3	Ministerial Regulation 10/2016	Planning guideline, 2016	Determines how provinces and districts draft their master plans	9,068
4	Presidential Regulation 139/2024	Machinery of government, 2024	Reassigns the ministerial functions administering the architecture	4,180
5	Law 18/2025	Third amendment, 2025	Amends the founding statute, including the entitlement clause	9,497
Total				37,514

Document analysis proceeded through six stages: conversion and verification of official texts, extraction of entitlement provisions, examination of statutory elucidations, lexical analysis, diachronic comparison of community-related provisions, and identification of amendment operations affecting the statutory framework. Each extracted provision was coded according to the population addressed, the form of entitlement or obligation, and its claimability, assessed through the identification of a rights holder, a corresponding duty-bearer, and a stated consequence of non-performance, while the elucidations were examined for interpretations that narrowed, expanded, or preserved the apparent scope of statutory provisions. The analytical framework combined problem-representation analysis with the social construction of target populations to examine how legal instruments differentiated community roles and governing authority, an orientation relevant to research on the coexistence of multiple governmentalities in Indonesian ecotourism governance (Aji et al., 2026). Lexical analysis examined nineteen predetermined terms in normalized Indonesian texts using affix-sensitive searches and contextual verification, including corrections for misleading occurrences of *insentif*, *pekerja*, and *tanah*, while claims concerning statutory omissions required the absence of a term, evidence of its availability in Indonesian law, and the presence of related terminology within the corpus. Interpretive comparison distinguished statutory provisions from assumptions concerning their implementation and assessed the implications of legal arrangements for community participation and institutional authority, without attributing undocumented intentions to policymakers or inferring causal relationships from textual patterns (Ristiawan et al., 2023). Analytical transparency was maintained through article-level references, verification against promulgated page images, preservation of significant Indonesian legal terminology, and explicit recognition that the national documentary corpus and secondary Mandalika materials could establish textual arrangements but could not independently determine residents' experiences or the causal effects of tourism policies, a distinction relevant to the study of structural power in local tourism governance (Yamin et al., 2026).

RESULTS AND DISCUSSION

The Construction of Community Entitlements in Indonesian Tourism Policy, 2009–2024

Law Number 10 of 2009 on Tourism established a normative framework that associated tourism development with distributive justice, public participation, and national welfare. Article 2 enumerated

eleven principles, including fairness and evenness, participation, democracy, and equality, while Article 4 placed economic growth, public welfare, poverty reduction, and lower unemployment among the law's objectives. The coexistence of participatory principles and economic objectives provided two normative registers through which the state's responsibilities toward host communities could be understood. Ministerial Regulation Number 10 of 2016 subsequently interpreted fairness and evenness as requiring nondiscriminatory opportunities in tourism enterprise development and stated that community interests should not be subordinated to those of tourists or particular business groups. Socio-legal analysis of Indonesian tourism policy identifies the relationship between statutory commitments and community-based development as a continuing question of legal design rather than a matter settled by the existence of welfare-oriented language (Nurjaya, 2022). The analytical issue concerns whether the operative provisions supplied residents with authority corresponding to those commitments, particularly when opportunities for participating in tourism were distributed through different legal categories (Sujana et al., 2025).

Article 19(1) of Law Number 10 of 2009 granted every person rights associated with meeting tourism needs, operating tourism businesses, working in tourism, and participating in tourism development. Its addressees were individuals generally, and the provision did not condition the listed rights on residence near a destination. Article 19(2), in contrast, addressed every person and community within and around a destination through a priority right to become a worker or labourer, obtain consignment, and manage. The progression from employment to consignment and then management constituted an order in the legislative text, although the statute did not expressly prescribe a mandatory sequence of advancement. That distinction matters because placing management last can suggest an ascending hierarchy of access without establishing a legal pathway through which residents obtain control over destination decisions. Research into patrimonial governance in Indonesian geoparks demonstrates the relevance of institutional authority to the political organization of tourism development, making the formal designation of community roles analytically consequential (Ristiawan et al., 2023). Studies of structural power in local tourism governance likewise caution against treating the formal recognition of participation as evidence of equivalent authority among the actors involved (Yamin et al., 2026).

Neither Article 19(2) nor its associated provisions identified a qualifying threshold, a transfer procedure, or a timetable requiring destination operators to move residents from employment into management. Article 26(g) instead required entrepreneurs to prioritize local community and domestic products and provide employment opportunities to local workers, while Article 26(i) prescribed participation in community empowerment programmes. The statute imposed business obligations related to community access without specifying in those provisions a resident-initiated enforcement procedure for obtaining management authority. Article 24 placed a different obligation on individuals by requiring them to preserve attractions and support a safe, orderly, clean, courteous, and environmentally responsible tourism setting. Such differences between enterprise obligations and resident conduct are relevant to studies showing that the distribution of land, resources, and institutional capacity can shape whether local communities exercise substantive influence over tourism development (Sumarja et al., 2023). Evidence from community-based governance assessments further indicates that the presence of participatory arrangements requires separate examination of their decision-making content rather than treating prescribed duties as equivalent to community control (Santoso et al., 2024).

Government Regulation Number 50 of 2011 translated these statutory commitments into the National Tourism Development Master Plan for 2010–2025. Article 1(13) defined community empowerment through increased awareness, capacity, access, and roles, thereby representing community limitations primarily in terms of capabilities to be developed. Article 28 directed programmes toward community potential and participation, while the investment provisions in Articles 30 and 31 emphasized incentives, licensing convenience, promotion, fiscal relief, debureaucratization, and deregulation. This distinction placed knowledge and capability development on the community side of the policy architecture while describing regulatory and financial constraints as obstacles to investment. Research on sustainable rural tourism management in Central Java provides a basis for treating the transformation of community participation as a governance process rather than a result that follows automatically from promotional programmes (Ariyani & Fauzi, 2023). Political-economic scholarship similarly identifies the importance of examining how tourism policy allocates opportunities and institutional advantages among differently positioned economic actors (Fletcher, 2023). The lexical

distribution presented in Table 4 records the contrasting emphasis of the five instruments, including twenty-seven instances of *daya saing* and nineteen instances of *investasi* or *penanaman modal* in the 2011 regulation, compared with two occurrences of *partisipasi* and its cognates.

Table 2. Lexical Distribution Across the Corpus, Raw Counts and Rate Per 10,000 Words

Term	UU 10/2009 (7,576 w)	PP 50/2011 (7,193 w)	Permenpar 10/2016 (9,068 w)	Perpres 139/2024 (4,180 w)	UU 18/2025 (9,497 w)
masyarakat (community, all forms)	34 (44.9)	48 (66.7)	35 (38.6)	13 (31.1)	62 (65.3)
masyarakat adat (customary community)	0	0	0	0	0
masyarakat hukum adat (customary law community)	0	0	0	0	0
hak ulayat (customary tenure)	0	0	0	0	0
hak masyarakat (community rights)	0	0	0	0	0
tanah in a property sense	0	0	0	0	0
adat istiadat (custom and tradition)	2 (2.6)	0	0	0	7 (7.4)
kearifan lokal (local wisdom)	1 (1.3)	1 (1.4)	1 (1.1)	0	7 (7.4)
pemberdayaan (empowerment)	7 (9.2)	9 (12.5)	8 (8.8)	7 (16.7)	6 (6.3)
partisipasi and cognates	3 (4.0)	2 (2.8)	2 (2.2)	0	8 (8.4)
demokratis (democratic)	1 (1.3)	0	1 (1.1)	0	0
kesetaraan (equality)	2 (2.6)	1 (1.4)	2 (2.2)	0	1 (1.1)
kekeluargaan (kinship, solidarity)	1 (1.3)	0	1 (1.1)	0	0
berkelanjutan (sustainable)	3 (4.0)	7 (9.7)	3 (3.3)	0	18 (19.0)
investasi/penanaman modal	8 (10.6)	19 (26.4)	5 (5.5)	10 (23.9)	0
daya saing (competitiveness)	2 (2.6)	27 (37.5)	8 (8.8)	0	5 (5.3)
deregulasi/ debirokratisasi	0	2 (2.8)	0	0	0
pengusaha/pelaku usaha (entrepreneur)	18 (23.8)	4 (5.6)	6 (6.6)	0	10 (10.5)
sanksi/pidana/denda (sanction, criminal, fine)	13 (17.2)	0	0	0	0

Table 4 shows that references to *masyarakat* recur across the corpus, ranging from thirteen occurrences in the 2024 presidential regulation to sixty-two in the 2025 statute. Frequency alone, however, does not indicate whether a population is assigned enforceable claims, behavioral duties, or merely a place in the development vocabulary. In the 2011 plan, *daya saing* occurs twenty-seven times and *pemberdayaan* nine times, whereas *partisipasi* and its cognates appear twice, a distribution consistent with the document's stronger elaboration of competitiveness and capacity building than participatory authority. The table also records no occurrences of *masyarakat hukum adat*, *hak ulayat*, or *hak masyarakat* in any of the five instruments, a finding whose legal significance requires interpretation against the available terminology and the role of customary groups in tourism governance. Reviews of sustainable tourism participation in Indonesia emphasize the need to distinguish institutional models and their social consequences rather than assuming that repeated policy references to participation demonstrate its substantive realization (Muda, 2025). Comparative work on tourism sustainability and regional development similarly supports caution in deriving distributive outcomes from policy language alone, particularly where the underlying mechanisms are not directly evaluated (Tyagi, 2024).

Ministerial Regulation Number 10 of 2016 extended the national architecture into procedures for provincial and district tourism master plans. Its annex specified five stages: forming a working group, collecting data, preparing a draft, conducting public testing, and adopting the plan through

regional regulation. The working group was chaired by the head of the regional development planning agency, supported by the tourism office, and structured around government representatives and other stakeholders selected according to drafting needs. The procedure specified nine expert positions and a minimum of 150 working days for plan preparation, followed by sixty working days for the academic paper and draft regional regulation, but did not reserve a named seat for host-community representatives. Public testing entered at the fourth stage, when a draft already existed and stakeholders were invited to submit responses, inputs, and suggestions. Research on participation-based governance at Borobudur highlights the distinction between involvement in conservation-oriented tourism activities and arrangements capable of influencing policy or destination governance (Wardana et al., 2023). Local participation research in Ambon also illustrates the relevance of assessing how participation is structured and practiced rather than identifying consultation as a sufficient proxy for decision-making authority (Wawo et al., 2025).

Presidential Regulation Number 139 of 2024 modified the administrative organization responsible for implementing national tourism policy during the final year of the 2010–2025 master-plan period. Article 1 listed the Ministry of Culture separately from the Ministry of Tourism and the Ministry of Creative Economy, while Articles 22 and 23 differentiated the associated ministerial functions. The regulation reorganized administrative responsibility without repeating the welfare, sustainability, or participation principles articulated in the substantive tourism instruments. According to the lexical inventory, its 4,180 words contained no occurrences of *berkelanjutan*, *daya saing*, or *partisipasi* and its cognates, despite seven occurrences of *pemberdayaan*. Research on regulatory fragmentation in Indonesian destination management shows why institutional distribution across levels and offices can materially affect the implementation of tourism responsibilities (Rudiyansah & Sucipto, 2025). The coexistence of different governing rationalities in destination management further suggests that administrative assignments should be examined alongside the legal instruments defining what local communities may demand from governing institutions (Aji et al., 2026).



Figure 1. Genealogy of the community entitlement in Indonesian tourism policy, 2009–2025

The instruments enacted between 2009 and 2024 developed a policy structure in which host communities were acknowledged as beneficiaries and participants but were not expressly given a transition mechanism from supporting economic roles to destination control. The founding statute combined a welfare-oriented statement of principles with priority categories oriented toward labour, consignment, and management, while the national master plan differentiated capacity-building measures from incentives directed at investors. The planning guideline located public consultation after the preparation of a technically organized draft, and the 2024 administrative regulation redistributed institutional functions without modifying the original entitlement clause. These observations support an interpretation of community participation as legally recognized but differently operationalized across

statutes, development plans, procedural rules, and ministerial assignments. Comparative socio-legal analysis of the 2025 tourism reform identifies the institutional significance of the later tourism ecosystem paradigm, providing a basis for testing whether the new law changed this underlying allocation of roles (Putri et al., 2026). Critical scholarship on tourism justice reinforces the need to assess how formal participation connects with authority, recognition, and the distribution of benefits rather than evaluating procedural inclusion in isolation (Jamal & Camargo, 2018). Figure 1 situates the founding entitlement and intervening policy instruments within the 2009–2025 genealogy, with the amended statutory wording and its official interpretation examined in the subsequent analysis.

The 2025 Tourism Law Amendment: Entitlement Sequencing and the Redistribution of Legal Authority

The enactment of Law Number 18 of 2025 represented a substantial revision of Indonesia's tourism regulatory framework, accompanied by legislative commitments to strengthen human rights considerations and reorganize tourism development through an ecosystem-oriented approach. The parliamentary working committee reported agreement on the proposed amendments on 11 September 2025, followed by parliamentary approval on 2 October 2025 and promulgation on 29 October 2025. The legislative changes extended beyond terminological adjustments, involving the amendment or deletion of more than thirty articles and the insertion of six new chapters covering additional aspects of tourism governance. Articles 17M–17S introduced provisions concerning community-based tourism and tourism villages, while Article 17A authorized fiscal and nonfiscal incentives for tourism business actors. These additions established different forms of state intervention because the recognition of community-based activities created a legal framework for participation, whereas investment incentives authorized the allocation of economic advantages to eligible enterprises. Recent analysis of the tourism ecosystem paradigm identifies the 2025 amendment as a significant restructuring of Indonesian tourism governance, requiring examination of how its institutional arrangements distribute responsibilities and opportunities among stakeholders (Putri et al., 2026). The relevant analytical question is whether the expanded regulatory architecture altered the legal position of host communities or reproduced the earlier distinction between participation in tourism-related economic activities and authority over destination management.

Changes to Article 2 provide an initial indication of how the amendment reorganized the normative foundations of Indonesian tourism policy. The amended provision increased the number of foundational principles from eleven to fourteen while retaining fairness and evenness, participation, sustainability, preservation, independence, and unity. However, *kekeluargaan* and *demokratis* no longer appeared in the amended statute, while *kesetaraan* was removed from Article 2 but retained in Article 5(c) within a composite formulation concerning welfare, justice, equality, and proportionality. This redistribution matters because a foundational principle operates as a general interpretive reference for statutory provisions, whereas the appearance of the same concept within a specific operational clause gives it a more limited textual position. Critical scholarship on the political transformation of Indonesian tourism law provides a relevant basis for evaluating whether changes in statutory principles are consistent with the stated objectives of sustainable and participatory governance (Sujana et al., 2025). Table 3 presents the comparison between the founding and amended principles, distinguishing provisions that were retained, removed, repositioned, or introduced without assuming that changes in terminology necessarily produced corresponding changes in administrative practice.

Table 3. Statutory Principles (ASAS) of Indonesian Tourism, Article 2 Compared

Law 10/2009, Article 2 (11 principles)	Law 18/2025, Article 2 (14 principles)	Status
manfaat (benefit)	manfaat	Retained
kekeluargaan (kinship, solidarity)	not present	Removed from the statute entirely
adil dan merata (fair and even)	adil dan merata	Retained
keseimbangan (balance)	keseimbangan	Retained
kemandirian (independence)	kemandirian	Retained
kelestarian (preservation)	kelestarian	Retained

partisipatif (participatory)	partisipatif	Retained
berkelanjutan (sustainable)	berkelanjutan	Retained
demokratis (democratic)	not present	Removed from the statute entirely
kesetaraan (equality)	not present in Article 2	Demoted; survives only at Art. 5(c)
kesatuan (unity)	kesatuan	Retained
not present	kelokalan (locality)	Added
not present	kebinekaan (diversity)	Added
not present	keterbaruan (renewal)	Added
not present	keterpaduan (integration)	Added
not present	keamanan dan keselamatan (security and safety)	Added
not present	keandalan (reliability)	Added

The normative changes were accompanied by the removal of several provisions governing public responsibilities, prohibitions, and enforcement mechanisms, introducing a separate dimension of institutional transformation. Article 3, which previously connected the function of tourism with meeting travellers' needs and increasing state revenue to realize public welfare, was deleted from the statutory framework. Article 23 was also removed, including its provisions concerning the responsibilities of central and regional governments to supervise tourism activities and prevent or address adverse consequences affecting the wider community. The amendment further deleted the prohibition formerly contained in Article 27 and removed Chapters XIV and XV, which had regulated administrative sanctions and criminal provisions within the tourism statute. Consistent with these changes, the lexical inventory recorded thirteen occurrences of *sanksi*, *pidana*, and *denda* in the 2009 text but none in the amended 2025 statute, although the absence of these terms does not establish that remedies under other Indonesian legislation ceased to exist. Research on legal contradictions in land acquisition for community-based tourism villages demonstrates the relevance of examining how regulatory structures reconcile development objectives with the protection of local community interests (Wardana et al., 2025). The documented deletions indicate a reduction in protective and enforcement provisions contained within this particular statute, without independently establishing how regulatory authorities or affected communities subsequently exercised alternative legal mechanisms.

Other amendment operations expanded the legal positions of citizens and tourism enterprises while retaining provisions through which businesses were expected to provide opportunities for local communities. Article 24 increased citizens' obligations from two to five, including an additional obligation to support tourism development, whereas Article 22 expanded the rights of tourism business actors from four to six. Article 17A introduced fiscal and nonfiscal incentives for tourism businesses, while Articles 17M–17S established a regulatory framework for community-based tourism and tourism villages without specifying an equivalent financing entitlement for those community institutions. Article 26 remained unchanged, preserving the obligations of tourism entrepreneurs to prioritize local products, provide opportunities for local labour, and participate in community empowerment programmes. Research evaluating community-based governance in Indonesian destinations indicates that the recognition of participatory arrangements must be distinguished from the allocation of institutional authority and operational resources (Santoso et al., 2024). Table 6 records the relevant amendment operations and their implications for community positioning, distinguishing the expansion of formal participation from changes affecting regulatory obligations, incentives, and enforcement.

Table 4. What Law 18/2025 Withdrew, Added and Left Untouched in the Entitlement Architecture

Operation	Provision	Content	Effect on the Community's Position
Deleted	Art. 3	Function of tourism, including increasing state revenue to realise popular welfare	Removes the statute's distributive statement of purpose

Deleted	Art. 23	Obligations of central and regional government, including the duty to supervise and control tourism activity to prevent and address negative impacts on the wider community	Removes the only provision obliging the state to protect the community from tourism
Deleted	Ch. VII, Part Three (Art. 27)	Prohibition on damaging tourist attractions	Removes the corpus's only prohibition
Deleted	Ch. XIV	Administrative sanctions	Removes administrative enforcement
Deleted	Ch. XV	Criminal provisions	Removes criminal enforcement; no sanction of any kind remains
Deleted	Art. 2	Demokratis and kekeluargaan as founding principles	Removes the principles capable of grounding a claim to decisional participation
Demoted	Art. 2	Kesetaraan moved out of the founding principles; survives at Art. 5(c)	Weakens the register in which equality may be asserted
Expanded	Art. 24	Citizen obligations from 2 to 5, adding a duty to support the implementation of tourism development	Adds an obligation toward development the community holds no claim in
Expanded	Art. 22	Tourism business actor rights from 4 to 6, adding digital business development and facilities and conveniences in doing business	Widens the counterpart population's entitlements
Added	Art. 17A	Fiscal and non-fiscal incentives for tourism business actors	Attaches resources to the enterprise and not to the community
Added	Arts. 17M–17S	Tourism villages, with criteria, purposes and a four-stage classification	First structural recognition of collective community activity; no financing attached
Added	Art. 11G(d)–(e)	Entitlement to information and to protection of religious and cultural norms	Lengthens the list with receptive items
Untouched	Art. 26	Entrepreneur obligations, including preference for local products and opportunity for local labour	Routing of community access through corporate duty survives, now without any enforcement mechanism

The most direct modification of host-community entitlements appeared in the replacement of Article 19(2) of Law Number 10 of 2009 by Article 11G of Law Number 18 of 2025. The founding provision employed the expression *hak prioritas*, or priority right, whereas the amended provision used *kesempatan prioritas*, or priority opportunity, to describe the position of communities around tourism destinations. Despite this terminological change, the first three categories remained identically ordered as employment, consignment, and management, with no express statutory mechanism requiring progression between them. Article 11G added opportunities to obtain information about tourism development activities in the surrounding area and to receive protection concerning religious and cultural norms. These additions broadened the recognized interests of host communities but did not expressly provide them with authority to approve destination plans, allocate development resources, or determine the governance arrangements under which tourism enterprises operate. Governmentality-oriented research on ecotourism governance demonstrates how the expansion of formally recognized roles can coexist with governing mechanisms that continue to structure the conduct and institutional

position of local populations (Aji et al., 2026). The replacement of a priority right with a priority opportunity therefore warrants scrutiny as a change in the form of legal recognition, particularly because neither version establishes a specific duty-bearer, transition threshold, or remedy capable of converting participation in tourism activities into a claim to destination management.

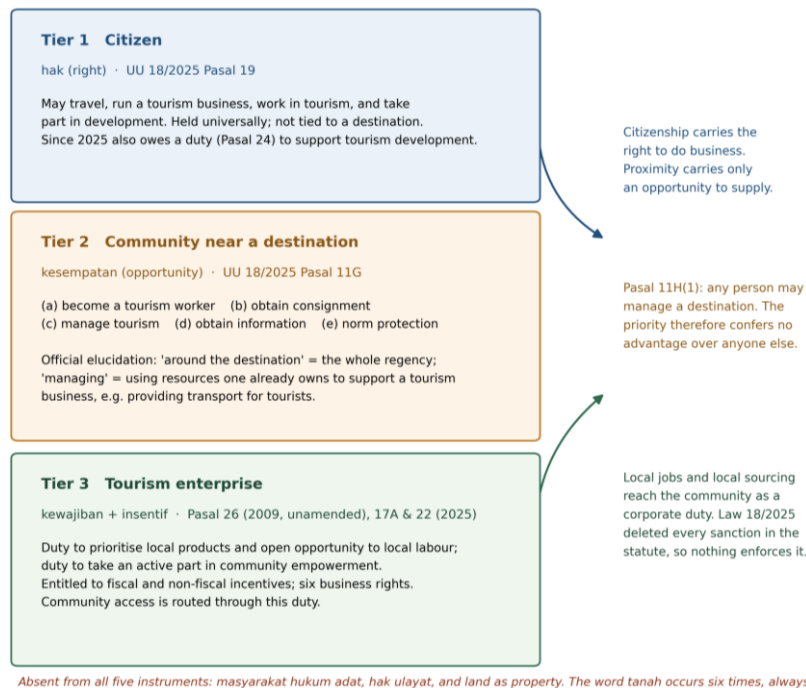
The official *Penjelasan* accompanying Law Number 18 of 2025 provides further clarification concerning the beneficiaries and substantive meaning of the opportunities enumerated in Article 11G. It defines communities around a tourism destination as the population within the regency or municipality where the destination is located, establishing an administrative rather than strictly geographical interpretation of proximity. The elucidation also describes consignment as an arrangement under which individuals or communities place commodities for sale through a tourism enterprise and receive payment subsequently. More significantly, it defines management as the use of resources already owned by individuals or communities to support tourism business activities, illustrating the concept through transportation services facilitating tourist movement around a destination. Research on inequality in ecotourism governance identifies the distinction between community participation in tourism-related economic activities and influence over institutional decision-making as a relevant dimension of local power relations (Adrian & Adrian, 2025). Table 2 compares the successive statutory formulations and the accompanying official interpretations, allowing the legal implications of terminology, eligibility, and the meaning of management to be evaluated without equating a broad textual opportunity with an enforceable allocation of destination authority.

Table 5. The Community Entitlement Clause Compared, 2009 and 2025, with the Official Elucidation

Dimension	Law 10/2009, Article 19(2)	Law 18/2025, Article 11G	Change
Operative noun	hak prioritas (priority right)	kesempatan prioritas (priority opportunity)	Right reclassified as opportunity
Population addressed	Every person and community in and around a tourism destination	Communities around a tourism destination	Individual holder removed
Scope of “around”, per elucidation	Not glossed	The community in the regency or city area where the destination is located	Affected population defined at regency scale
Item (a)	To become a worker or labourer (pekerja/buruh)	To become a tourism worker (pekerja Pariwisata)	Position unchanged; buruh removed
Item (b)	Consignment (konsinyasi)	To obtain consignment	Position unchanged
Item (b), per elucidation	Not glossed	The right of any person or community to place commodities for sale through a tourism business, paid later	Supply relationship confirmed
Item (c)	Management (pengelolaan)	To manage tourism (mengelola Pariwisata)	Position unchanged
Item (c), per elucidation	Not glossed	The right of any person or community to make use of resources they own in support of tourism business activity, for example providing transport around a destination	Managing defined as ancillary supply conditional on prior ownership

Item (d)	Not present	To obtain information on development activity in the area	Added; receptive
Item (e)	Not present	To obtain protection for religious and cultural norms	Added; receptive
Transition mechanism to item (c)	None	None	Unchanged
Duty-bearer named	None	None	Unchanged
Claimability	Non-claimable	Non-claimable	Unchanged
Related provision	None	Art. 11H(1): any person may manage a destination, subject to other laws	Priority confers no advantage over the general permission

The comparison in Table 2 indicates that the statutory ordering does not establish management as a legally guaranteed stage following employment and consignment. Under the official elucidation, *mengelola* refers to deploying resources already possessed by individuals or communities in support of tourism enterprises, rather than expressly transferring authority over the destination itself. Article 11H(1) separately permits any person to manage a tourism destination in accordance with applicable legislation, making the community-specific priority distinguishable from the general legal permission concerning destination management. Article 11I(2) further requires destination management to involve surrounding communities, but this obligation does not independently specify the transfer of managerial control or the allocation of decision-making authority to particular residents. Research on patrimonial governance in Indonesian geoparks demonstrates the importance of distinguishing formal inclusion from institutional control where political relationships influence the organization of tourism development (Ristiawan et al., 2023). Findings concerning structural power in local tourism governance similarly indicate that participation may occur within arrangements where authority and influence remain unequally distributed among governing institutions and community actors (Yamin et al., 2026). Figure 2 presents the relationship between the three statutory categories and their official interpretations, emphasizing the difference between economic participation in tourism activities and legally established authority over tourism destinations.



Absent from all five instruments: masyarakat hukum adat, hak ulayat, and land as property. The word tanah occurs six times, always as tanah air (homeland).

Figure 2. The Three-Tier Architecture of Entitlement in Indonesian Tourism Law, with the Official Elucidation

Law Number 18 of 2025 introduced substantial changes to Indonesian tourism governance through the recognition of community-based tourism, the formalization of tourism villages, and the expansion of informational and cultural protections. These provisions provide grounds for recognizing the reform as a substantive institutional development rather than dismissing every amendment as an exclusively symbolic adjustment. Nevertheless, the continued ordering of employment, consignment, and management, combined with the replacement of *hak prioritas* by *kesempatan prioritas*, preserved an unresolved distinction between the recognition of community participation and the allocation of destination-management authority. Socio-legal scholarship on community-based tourism emphasizes the importance of assessing whether policy commitments establish substantive legal arrangements capable of protecting community interests rather than relying exclusively on participatory terminology (Nurjaya, 2022). Recent analysis of the tourism ecosystem paradigm likewise provides a basis for examining how expanded regulatory objectives coexist with differentiated institutional responsibilities and forms of stakeholder involvement (Putri et al., 2026). The resulting legal architecture establishes a framework for investigating whether communities are positioned primarily as providers of labour, commodities, and supporting services, or whether the statutory provisions create meaningful opportunities to determine the development and governance of destinations.

Community Marginalization, Policy Contestation, and the Durability of Entitlement Sequencing

The lexical examination of the five national tourism policy instruments identified a persistent absence of legal terminology associated with customary communities and collective territorial rights. Across the 37,514-word corpus, *masyarakat adat*, *masyarakat hukum adat*, *hak ulayat*, and *hak masyarakat* recorded no occurrences, despite the repeated use of broader references to communities and their participation in tourism development. These absences are analytically significant because the instruments otherwise address cultural preservation, local traditions, community empowerment, and the incorporation of local wisdom into tourism activities. The distinction between acknowledging cultural practices and recognizing communities as collective rights holders is relevant to research on indigenous participation in tourism governance, particularly where official sustainability objectives do not fully incorporate indigenous institutional values (Myran et al., 2025). Studies of Indonesian ecotourism similarly demonstrate that community involvement is shaped by institutional arrangements and relationships between residents and the authorities responsible for destination development (Kia, 2021). The findings indicate that the national policy corpus recognizes community-related cultural attributes

without expressly incorporating the corresponding legal categories of customary communities and collective tenure into its tourism entitlement provisions.

The treatment of land in the analysed instruments reveals a related distinction between the spatial organization of tourism development and the legal recognition of territorial interests held by affected residents. The word *tanah* appeared six times across the corpus, but each occurrence formed part of the expression *tanah air*, referring to the homeland rather than land as property. Other terminology directly identifying landholding arrangements, including *lahan*, *pertanahan*, and *hak atas tanah*, was absent in a property-related sense from the documented provisions. This omission does not eliminate property rights established under other Indonesian laws, but it indicates that the tourism instruments themselves do not expressly connect priority participation with residents' pre-existing landholding interests. Research on tourism-related transfers of land ownership demonstrates how changes in property control can accompany the marginalization of communities affected by tourism development (Sumarja et al., 2023). Legal analysis of land acquisition for community-based tourism villages also identifies contradictions between development-oriented arrangements and the protection of local interests in land and participation (Wardana et al., 2025). The combined evidence supports a narrower finding concerning statutory representation: the national tourism framework addresses communities primarily through their relationship to tourism activities and administrative locations rather than through an explicitly defined collective claim to the land occupied by destinations.

The documented experience of Mandalika in Central Lombok provides a supplementary case through which the practical implications of this legal arrangement can be examined without attributing observed outcomes directly to the statutory provisions. On 31 March 2021, five United Nations special procedure mandate holders expressed concerns regarding reported displacement, destruction of property, intimidation, and inadequate protection of residents affected by tourism development in the Mandalika area (Office of the United Nations High Commissioner for Human Rights, 2021). The statement addressed allegations involving farmers and fishing communities whose access to housing, agricultural land, water sources, and culturally significant locations had been affected by the project. Subsequent investigative documentation included in the supplementary case materials identified approximately 188 affected households, of which fifteen reportedly obtained employment within the tourism development area as hotel employees, security personnel, or gardeners. The same documentation described disputed consultation arrangements and compensation outcomes, including reported payments of ten million rupiah per household and lower amounts received by some households following deductions. Research on the involvement of local communities in Mandalika's tourism development provides additional evidence of limitations in participation in strategic decision-making, although the documentary record does not establish that the statutory ordering independently caused displacement, employment patterns, or compensation outcomes (Rizki et al., 2025).

The relationship between statutory recognition and substantive authority becomes clearer when the policy instruments are compared according to the populations they address and the legal mechanisms assigned to each. Ordinary citizens receive generally formulated rights, while communities located around destinations are addressed through ordered priority provisions that do not identify an independent mechanism for obtaining destination-management authority. The same framework places behavioral obligations on residents, establishes reporting and supervisory arrangements for tourism villages, and permits destination management by individuals subject to applicable legislation. Tourism enterprises occupy a different regulatory position because their recognized rights and business activities are associated with investment incentives, regulatory facilitation, and obligations concerning local products and employment. Critical political-economic scholarship provides a basis for examining these differentiated arrangements as part of the institutional distribution of advantages and constraints within tourism development (Bianchi, 2018). Research on structural power in Indonesian tourism governance similarly indicates that formal participation may coexist with unequal control over administrative decisions and development priorities (Yamin et al., 2026). Table 6 summarizes the forms of legal recognition, resource allocation, and constructed obstacles associated with the six population categories identified in the national policy corpus.

Table 6. Instrument Form by Constructed Population Across the Corpus

Population	Instrument Form	Locators	Claimable	Resource Attached	Constructed Obstacle
Citizen	Right (hak), unordered	UU 10/2009 Art. 19(1); UU 18/2025 Art. 19	No duty-bearer named	None	None stated
Community near a destination	Priority right, ordered (2009); priority opportunity, ordered (2025)	UU 10/2009 Art. 19(2); UU 18/2025 Art. 11G	No	None	Internal: awareness and capacity (PP 50/2011 Art. 1(13))
Community, behavioural	Obligation, expanded in 2025	UU 10/2009 Art. 24 (2 duties); UU 18/2025 Art. 24 (5 duties, including a duty to support tourism development)	Enforced against the community	None	Disorder, discourtesy
Tourism village	Permission, plus reporting and supervision	UU 18/2025 Arts. 17M–17S	Not applicable	None specified; no financing provision	Developmental stage
Any person, as destination manager	General permission	UU 18/2025 Art. 11H(1)	Subject to other laws	Capital and licensing	None stated
Tourism enterprise	Right, plus obligation, plus incentive	UU 10/2009 Arts. 22, 26; PP 50/2011 Arts. 30–31; UU 18/2025 Arts. 17A, 22	Business rights protected	Fiscal and non-fiscal incentives; deregulation; debureaucratisation	External: regulation and licensing

Table 6 indicates that the legal architecture differentiates populations not only through the activities they may undertake but also through the resources, obligations, and institutional conditions associated with their participation. The Mandalika documentation illustrates the relevance of this distinction because affected residents reported contested development decisions while the recorded employment opportunities remained limited relative to the number of households identified in the supplementary materials (Office of the United Nations High Commissioner for Human Rights, 2021). Community responses also included objections to consultation procedures and demands concerning compensation, demonstrating that residents were not merely passive recipients of development decisions. Research on tourism's spatial politics provides a framework for understanding how conflicts over territorial transformation can generate organized resistance rather than automatic acceptance of development-oriented interventions (Devine, 2017). In Ciletuh Geopark, community initiatives involving cooperative homestay arrangements, shared boat services, and cultural activities illustrate alternative forms of collective organization developed within unequal tourism governance arrangements (Adrian & Adrian, 2025). These examples caution against interpreting limited formal management

authority exclusively as evidence of inadequate local capacity, since community organization and resistance may develop beyond the mechanisms formally recognized by national tourism legislation.

An alternative interpretation of the statutory ordering considers employment, consignment, and management as a sequence reflecting the technical and economic requirements of destination development. Tourism investment ordinarily requires coordination between infrastructure, accessibility, accommodation, marketing, and other complementary activities whose provision may exceed the immediate resources available to individual community enterprises. Fiscal incentives and administrative simplification may consequently be understood as instruments intended to address investment uncertainty and coordination problems rather than as inherently discriminatory preferences. Community participation may also require access to capital, organizational skills, professional knowledge, and market networks before residents can assume extensive management responsibilities. Research on sustainable rural tourism management identifies institutional transformation and local capacity development as relevant considerations in establishing more durable community participation arrangements (Ariyani & Fauzi, 2023). A review of tourism sustainability and regional development likewise supports examining how economic coordination, institutional conditions, and destination development are connected rather than assuming that additional participation necessarily resolves operational constraints (Tyagi, 2024). Under this interpretation, the statutory sequence could represent a developmental progression in which employment supplies initial income and experience, consignment enables commercial participation, and management becomes available as community capabilities and resources expand.

The developmental interpretation remains insufficient to explain several features of the documented legal framework, particularly the absence of a prescribed mechanism connecting the three categories of participation. Neither the 2009 provision nor its 2025 replacement established capacity thresholds, transition periods, identifiable duty-bearers, or procedures requiring the allocation of destination-management responsibilities to residents who had acquired relevant competencies. The 2025 elucidation further limited the apparent progression by defining management through the utilization of resources already owned to support tourism enterprises, with local transportation serving as its practical illustration. Research on governmentality in tourism workplaces demonstrates how institutional practices can construct workers' positions through expectations of adaptation, consent, and resistance without necessarily transferring governing authority to them (Yildirim, 2021). Critical analysis of tourism and neoliberalism also provides a theoretical basis for questioning policy arrangements that prioritize market participation while leaving the institutional distribution of economic control insufficiently examined (Fletcher, 2023). The persistence of the ordering, combined with the removal of statutory enforcement provisions and the absence of an express transition mechanism, supports interpreting *entitlement sequencing* as a means of organizing community access rather than as a legally established pathway toward destination authority.

The durability of the employment–consignment–management sequence across the 2009–2025 period constitutes the principal analytical finding because successive policy instruments expanded participatory terminology and reorganized administrative responsibilities without establishing a corresponding progression toward community control. Article 11G retained the original three categories while adding access to information and protection of religious and cultural norms, and its official elucidation interpreted management as the provision of resources and supporting services rather than expressly allocating authority over destinations. The recognition of tourism villages under Articles 17M–17S nevertheless represents a meaningful institutional development, although the provisions do not themselves establish an equivalent entitlement to financial resources or independent destination governance. Critical scholarship on rethinking tourism development emphasizes the relevance of examining whether apparently progressive policy commitments alter the distribution of benefits and decision-making power or retain the underlying organization of tourism growth (Higgins-Desbiolles et al., 2019). The findings extend that concern by identifying *entitlement sequencing* and interpretive narrowing through statutory elucidation as mechanisms through which policy can formally recognize community participation while leaving the scope of governing authority unresolved. These conclusions concern the textual construction of legal positions rather than proven legislative intentions or causal effects, since the research relied on national policy documents and supplementary Mandalika records without collecting primary evidence from affected communities. Further research involving regional regulations, legislative drafting records, and community-level experiences would be necessary to

determine whether the national legal sequence is reproduced in local governance practices and how residents negotiate the distinction between participation in tourism enterprises and authority over destination development.

CONCLUSION

Across five national policy instruments issued between 2009 and 2025, Indonesian tourism policy consistently recognized host communities through employment, consignment, and management without establishing an enforceable pathway toward destination authority. Article 19(2) of Law Number 10 of 2009 initially designated these roles as priority rights, while the 2011 national master plan approached community participation through capacity development and addressed investment constraints through regulatory facilitation. The 2016 planning guideline positioned public consultation after preparation of the draft plan, whereas the 2024 ministerial reorganization redistributed administrative responsibilities without redefining substantive community entitlements. Law Number 18 of 2025 preserved the original sequence but replaced priority rights with priority opportunities and introduced additional provisions concerning access to information and protection of religious and cultural norms. The amendment also removed democracy and solidarity from the foundational principles, repositioned equality outside Article 2, deleted specified governmental obligations and statutory sanction provisions, and expanded citizens' responsibilities to support tourism development. Its official elucidation defined surrounding communities at the regency or municipal level and interpreted management as the utilization of resources already owned to support tourism enterprises, rather than expressly conferring authority over destination governance.

The findings identify entitlement sequencing, reinforced by restrictive statutory interpretation, as a legal mechanism through which formal recognition of host communities may coexist with limited access to decision-making authority. The absence of explicit references to customary law communities, customary tenure, collective community rights, and land as property further demonstrates that the national tourism framework does not directly recognize residents' territorial interests within its entitlement provisions. Documentary evidence concerning Mandalika illustrates the relevance of these institutional distinctions, although the available secondary materials cannot establish a causal relationship between statutory arrangements and particular displacement, employment, or compensation outcomes. Regulatory reform should clarify the legal status of community entitlements by identifying responsible duty-bearers, establishing procedures for asserting claims, and specifying remedies when legally recognized obligations remain unfulfilled. A more substantive framework would distinguish authority over destination management from ancillary service provision, establish transparent mechanisms for accessing managerial responsibilities, and recognize the legal interests of communities directly affected by tourism development. As the analysis was confined to national policy instruments and supplementary documentary evidence, further research incorporating regional regulations, legislative deliberations, and community experiences is required to assess how entitlement sequencing operates within actual destination governance arrangements.

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