


Legal Construction and Obligations of Tourism Business Operators Towards the Principles of Sustainable Tourism in the Perspective of Tourism Law

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ABSTRAK	ABSTRACT
<p>Penelitian ini mengkaji konstruksi hukum dan kewajiban pelaku usaha pariwisata dalam penerapan prinsip pariwisata berkelanjutan di Indonesia. Fokus penelitian diarahkan pada analisis implementasi prinsip keberlanjutan dalam Undang-Undang Nomor 10 Tahun 2009 tentang Kepariwisata serta keterkaitannya dengan standar internasional, seperti ISO 21401 dan Kode Etika Pariwisata Internasional. Penelitian ini menggunakan metode normatif dengan pendekatan perundang-undangan dan konseptual untuk mengidentifikasi kekaburan norma yang berpotensi merugikan aspek sosial dan lingkungan. Hasil penelitian menunjukkan adanya ketidakjelasan pengaturan terkait kewajiban keberlanjutan pelaku usaha pariwisata. Oleh karena itu, diperlukan perbaikan regulasi melalui penegasan kewajiban evaluasi dampak sosial dan lingkungan serta penguatan integrasi antara hukum nasional dan standar internasional guna mewujudkan pariwisata yang berkelanjutan, adil, dan ramah lingkungan.</p> <p>Kata kunci: kewajiban pelaku usaha pariwisata, pariwisata berkelanjutan, hukum pariwisata.</p>	<p><i>This study examines the legal framework and obligations of tourism business actors in implementing the principles of sustainable tourism in Indonesia. The research focuses on analyzing the implementation of sustainability principles under Law Number 10 of 2009 on Tourism and their alignment with international standards, such as ISO 21401 and the Global Code of Ethics for Tourism. Using a normative research method with statutory and conceptual approaches, this study identifies regulatory ambiguities that may adversely affect social and environmental interests. The findings reveal a lack of clarity in provisions governing sustainability obligations for tourism business actors. Therefore, regulatory improvements are necessary to explicitly mandate environmental and social impact assessments and to strengthen the integration between national regulations and international standards. Such integration is essential to achieve sustainable, equitable, and environmentally friendly tourism development.</i></p> <p>Keywords: obligations of tourism business, sustainable tourism, tourism law.</p>
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1. Introduction

Sustainable tourism is a development approach that seeks to balance the three main dimensions of economic growth, environmental preservation, and social justice. According to Saputra, sustainable tourism emphasizes development that demands harmony between economic goals, environmental preservation, and the welfare of local communities

(Saputra, 2024). This principle requires that tourism activities not only be financially oriented, but also consider environmental carrying capacity and the social and cultural rights of local communities. Furthermore, the principle of sustainable tourism is one of the efforts to realize several elements of the Sustainable Development Goals (hereinafter referred to as SDGs). In an effort to realize the objectives of the SDGs, the approach provided by the principle of sustainable tourism offers a good path in the effort to realize the SDGs, particularly Goals 8 and 12, which are closely related to the tourism sector (Rasoolimanesh et al., 2023).

The challenges of implementing sustainable tourism in Indonesia are becoming increasingly complex because most of the leading tourist destinations are located in areas with high ecological value, such as Boti Tourism Village in East Nusa Tenggara Province, which offers natural and cultural attractions but lacks knowledge about sustainable tourism. and weak coordination between the government and local communities can have adverse effects on local communities and the tourism sector, contradicting the principles of sustainable tourism (Babu et al., 2024). According to Dhanar and colleagues, an increase in the number of tourists can cause ecological pressure on the environment in tourist locations. (Akhmad et al., 2018). Areas with potential to become natural tourist destinations tend to be vulnerable to ecological pressures arising from tourism infrastructure development, increased numbers of tourists, and exploitative business practices. As a result, environmental degradation occurs, such as pollution, ecosystem damage, and conflicts between tourism businesses or tourists and local communities. Without strict regulations, there is a potential for damage to the environment, which is the foundation of tourist destinations.

In implementing the principles of sustainable tourism, the role of tourism businesses is both strategic and problematic. On the one hand, tourism companies are drivers of investment and sources of employment. However, on the other hand, they are also legal entities that must comply with environmental laws (Yulistio et al., 2024). According to Julianti and Subekti, tourism businesses are regulated by government regulations and must conduct studies on the impact of planned development on the environment. Tourism businesses must also provide full transparency about their long-term business plans and other matters that are expected to have an impact on the local community (Julianti & Subekti, 2018).

From an international law perspective, the implementation of sustainable tourism principles is explained through instruments that guide various countries to integrate sustainability into their tourism policies. The Sustainable Development Goals (hereinafter referred to as SDGs), particularly Goal 8 on Decent Work and Economic Growth, Goal 12 on Responsible Consumption and Production, and Goal 13 on Climate Action, provide important guidance for countries in designing tourism policies that not only focus on economic growth but also take into account social and environmental impacts (*The 17 Goals*, n.d.). The existence of SDGs encourages countries to develop tourism sectors that support sustainable development by balancing economic, social, and environmental needs,

and ensuring that tourism activities provide equitable benefits without damaging ecosystems or harming local communities (Rasoolimanesh et al., 2023).

The principle of sustainable tourism is promoted by the International Organization for Standardization, one of which is ISO 21401, which regulates Sustainability Management Systems for Accommodation Establishments. ISO 21401 sets international standards for tourism businesses, particularly in the accommodation sector, to manage the environmental, social, and economic impacts of their operations (ISO 21401, 2018). In this context, the ISO 21401 standard seeks to ensure that tourism businesses meet internationally accepted sustainability criteria. The UNWTO Global Code of Ethics for Tourism (hereinafter referred to as the International Code of Ethics for Tourism) also emphasizes that all tourism stakeholders must be responsible for the preservation of the local environment and culture, and maintain harmonious relations with the surrounding community (Global Code of Ethics for Tourism, 1999a). According to Tanja, tourism businesses that are solely motivated by profit without awareness of their social and environmental impacts will ultimately face social and environmental challenges (Mihalic, 2016). In this context, tourism businesses must take responsibility for the environment and society, especially local communities, in order to implement sustainable principles. With the successful implementation of sustainable principles, the economic aspects of tourism businesses can be fulfilled. Without a balance between environmental, social, and economic factors, sustainable development cannot be achieved (Depari, 2024). Thus, these instruments provide a legal and operational framework that guides tourism businesses to ensure that they operate in a manner that supports long-term sustainability.

The article 6 of Law Number 10 of 2009 concerning Tourism state that Tourism development is carried out based on the principles outlined in Article 2, which is realized through the implementation of the tourism development plan by considering the diversity, uniqueness, and distinctiveness of culture and nature, as well as the human need for tourism, wick became the legal issue in this study regarding tourism development. There is ambiguity in the norms related to the application of sustainable tourism principles. Although it is stated that development must pay attention to the principles of sustainability and balance, this article does not regulate in detail how tourism development practices must pay attention to environmental and social impacts as a whole (Undang-Undang (UU) Nomor 10 Tahun 2009 Tentang Kepariwisata, 2009). This ambiguity opens up opportunities for diverse interpretations, which could lead to the development of tourism destinations without considering environmental carrying capacity or the welfare of local communities. Therefore, improvements are needed in this article to integrate clearer obligations regarding environmental impact assessments and active community participation in every stage of development, to ensure that the tourism sector develops with a focus on long-term sustainability.

The purpose of this study is to analyze the dynamics of the implementation of sustainable tourism principles in Law No. 10 of 2009 concerning Tourism, as well as related international regulations, such as the International Code of Ethics for Tourism and

the International Organization for Standardization regulations. Additionally, this study aims to explore how these national and international regulations can influence the tourism sector in reducing the impacts of climate change, particularly greenhouse gas emissions, as well as in protecting biodiversity and ecosystems that underpin tourist attractions. By analyzing existing legal provisions, this study is expected to provide deeper insights into the challenges and opportunities in integrating sustainability into the tourism sector, enabling it to contribute to sustainable development while enhancing the well-being of local communities without damaging the environment.

2. Method

This study uses normative research, which is an approach that examines law from an internal perspective with a focus on applicable regulations or norms. Normative legal research aims to criticize, analyze, and provide solutions to gaps, ambiguities, and conflicts that occur in legal norms, as well as explore positive legal rules (Diantha, 2016). This study will analyze positive law, particularly Law No. 10 of 2009 on Tourism and international regulations such as the Code of Ethics for Tourism and standards from the International Organization for Standardization (ISO), which underpin the development of sustainable tourism. The approach used is a legal approach to understand regulations related to sustainable tourism, as well as a conceptual approach to analyze and resolve issues arising in sustainable tourism. This research utilizes primary and secondary legal materials, such as regulations, books, and scientific articles, to provide a deeper understanding of how law can support the principles of sustainable tourism, as well as address challenges in integrating economic, social, and environmental aspects.

3. Result & Discussion

Law Number 10 of 2009 concerning Tourism (hereinafter referred to as the Tourism Law) regulates various aspects related to the management of the tourism sector in Indonesia. As stated in Article 4 of the Tourism Law, the primary objective of regulating tourism under this law is to promote tourism as a sector that can enhance the national economy, create employment opportunities, improve the welfare of the community, and preserve the natural environment and cultural heritage (Kurnia, 2019). One of the elements covered in the objectives of tourism in the Tourism Law is to advance the economy, which implicitly states that through the tourism sector, it is hoped that the country's economic growth will increase. One way tourism contributes to the economy is by creating job opportunities in tourist destinations. This not only provides employment for local residents but also increases local income through sectors supporting tourism, such as hospitality, restaurants, transportation, and other services. Additionally, tourism acts as a catalyst for developing other sectors, such as trade, agriculture, and local industries, which are directly linked to the needs of tourists (Wibowo et al., 2017). With the development of supporting infrastructure, the tourism sector can attract more investment, expand business opportunities, and improve the standard of living of people in tourist areas. Through

increased foreign exchange earnings, the government can use this income for further development and improve social welfare.

Economic growth through the tourism sector will certainly support the growth of the tourism sector due to increased state revenue. This will trigger the development of the tourism sector, such as the creation of tourism facilities that can accommodate tourists while traveling in Indonesia. Referring back to the objectives of tourism in the Tourism Law, development is good for the tourism sector if it complies with the principles of sustainable tourism (Saputra, 2024). According to Regina, tourism geographers with a strong interest in the natural environment, particularly coastal areas where tourism is concentrated, may be interested in exploring the relevance of SDG 14, which is to conserve and sustainably use the oceans, seas, and marine resources for sustainable development (Scheyvens, 2018). The principle of sustainable tourism, which emphasizes balance between economic growth, environmental preservation, and socio-cultural welfare, directs tourism stakeholders to protect the ecosystem and environment of tourism destinations in carrying out development. This is based on the potential of nature as one of the attractions that can become a pillar in the tourism sector (Gryshchenko et al., 2022). According to Firawan and Suryawan, various elements offered by nature, such as beautiful scenery and clean air, can add value to tourist destinations. These two elements are found in one of the natural tourist destinations, Nungnung Waterfall, located in Pelaga Village, Badung Regency, Bali Province (Firawan & Suryawan, 2016).

One of the three elements that must be fulfilled in realizing the principle of sustainable tourism is welfare in the socio-cultural aspect. Tourism objectives that focus on socio-cultural aspects play an important role in supporting the implementation of sustainable tourism principles, because tourism not only serves as a means to improve the economy, but also as a tool to preserve local cultural values and support harmonious social relations between tourists and the local community (Waani, 2016). In this context, local culture can be a tourist attraction, and preserving culture from generation to generation is an effort to maintain and develop the tourism sector, which will play a role in improving the country's economy. According to Puspa and Saitya, tourist attractions can be generated through local traditions because of their unique elements, such as the Ngaben ceremony in Bali, particularly at Puri Ubud, which attracts both domestic and international tourists. The Ngaben ceremony offers tourists the opportunity to witness firsthand the meaningful funeral procession with its distinctive Balinese customs, enriching their experience during their stay in Bali (Puspa & Saitya, 2019). Tourism development based on the principles of sustainable tourism should take into account socio-cultural aspects, namely by striving for tourism development that can improve the welfare of local communities through the creation of decent and non-discriminatory jobs, does not cause discomfort to local communities due to tourism development, and preserves local culture that can become a tourist attraction.

Article 6 of the Tourism Law states that tourism development shall be carried out based on the principles as referred to in Article 2 of the Tourism Law. The principles

contained in Article 2 of the Tourism Law are the principle of benefit, the principle of kinship, the principle of fairness and equality, the principle of balance, the principle of independence, the principle of sustainability, the principle of participation, the principle of continuity, the principle of democracy, the principle of equality, and the principle of unity. Some phrases in Article 2 of the Tourism Law have meanings that are still open to interpretation by the public, which may lead to the implementation of norms that deviate from the objectives of tourism by tourism business operators. Unsustainable tourism often benefits only a few parties, particularly tourism business operators, while local communities do not benefit from the presence of the tourism sector. This can exacerbate social and economic disparities in tourist destinations (Widianto & Keban, 2020). An example of this is the phenomenon of gentrification occurring in Yogyakarta, Indonesia. According to Widianto and Keban, gentrification is a phenomenon whereby growth in the tourism sector in an area leads to an increase in the cost of living for the local community (Widianto & Keban, 2020). Areas such as Prawirotaman and Malioboro, which were once residential areas for local communities, have now been transformed into hotels, restaurants, and shops aimed at serving tourists (Tetelepta, 2024). These changes will lead to an increase in property and land rental prices, which could cause a massive exodus of residents from tourist areas. Gentrification is one of the signs that the principle of sustainable tourism has not been realized because the welfare of local communities in tourist areas has not been achieved.

In addition, the International Organization for Standardization provides guidelines for the tourism sector regarding sustainable tourism management systems. These standards outline how tourism accommodations can manage the environmental, social, and economic impacts of their activities in a sustainable manner. ISO 21401 requires businesses to minimize waste, improve energy efficiency, manage water use responsibly, and protect the natural and cultural environment. This includes reducing energy consumption, managing natural resources wisely, and safeguarding local communities from the negative impacts of tourism development (Harsono et al., 2025). In this context, it is important for tourism businesses to ensure that their practices support long-term sustainability, both economically, socially, and environmentally. This obligation requires them to not only focus on financial gain, but also consider the social and environmental impact of every activity they undertake. Hotels in the Romanian Mountains have adopted a number of international tourism standards to support sustainable tourism. 94.8% have implemented ISO 9001 (quality management standard), and 89.6% have implemented ISO 14001 (environmental management standard) (Firoiu et al., 2019).

The implementation of ISO 9001 in the tourism sector, particularly in the hospitality industry, has proven to have a significant positive impact on service quality and operational management. ISO 9001 is an international standard that establishes a quality management system aimed at ensuring that organizations can consistently and effectively meet the needs of tourists. Additionally, the implementation of ISO 9001 encourages hotels to focus on continuous improvement, such as identifying and addressing guest needs

through feedback received. This standard helps build stronger relationships with travelers, which has the potential to enhance guest loyalty and the hotel's reputation. From a financial perspective, implementing these standards also helps hotels reduce operational costs, as more efficient processes minimize waste and errors, thereby increasing profitability without compromising quality (Drosos et al., 2017). Tourist services are closely related to sustainable tourism, especially in the context of providing accommodation that complies with the principles of sustainable tourism. However, in the implementation of sustainable tourism, accommodation is not only intended to provide adequate facilities for tourists, but also to improve the socio-economic welfare of the local community (Sugiarto & Nuruddin, 2024). Through various services provided to tourists, job opportunities can be created for the local community, potentially boosting the regional economy and improving the welfare of the local community.

The International Code of Ethics for Tourism adopted by the World Tourism Organization in 1999 provides important guidelines for developing responsible and sustainable tourism. Article 4 of this code emphasizes the importance of respect for cultural diversity, environmental protection, and social well-being for local communities. Tourism activities, as outlined in the International Code of Ethics for Tourism, should be conducted with respect for local social and cultural traditions, while preserving the natural environment and biodiversity of tourist destinations. Additionally, the code emphasizes the importance of fair distribution of economic benefits among stakeholders, ensuring that local communities can benefit from tourism without compromising their cultural values and environmental integrity (Global Code of Ethics for Tourism, 1999). In the context of sustainable tourism, the principles contained in the International Code of Ethics for Tourism are in line with efforts to integrate economic, social, and environmental aspects into the management of the tourism sector. Tourism businesses, both at the national and international levels, are expected to not only focus on financial gains but also consider the social and ecological impacts of their activities. The implementation of this code of ethics requires awareness and commitment from all parties, including governments, businesses, and communities, to work together in creating tourism that is not only economically beneficial but also contributes to the preservation of nature and local culture. Therefore, it is important for all parties to uphold the principles of sustainability outlined in this code of ethics to ensure that tourism can continue to grow without damaging the environment or neglecting the well-being of local communities.

The International Code of Ethics for Tourism emphasizes principles that are consistent with the objectives contained in the Tourism Law. The International Code of Ethics for Tourism underscores the importance of respecting cultural diversity, protecting the environment, and ensuring social well-being for local communities, which are key aspects of sustainable tourism development as mandated by the Tourism Law. Article 2 of the Tourism Law emphasizes that tourism activities must be carried out in accordance with principles that include fairness, balance, sustainability, and respect for local culture (Undang-Undang (UU) Nomor 10 Tahun 2009 Tentang Kepariwisata, 2009). This is in line with the values contained in the International Code of Ethics for Tourism, which

emphasizes the importance of preserving local culture and the environment, as well as ensuring that tourism provides equitable benefits to local communities. In this context, the International Code of Ethics for Tourism serves as a highly relevant guide in supporting Indonesia to achieve these goals. This code of ethics proposes the importance of sustainable tourism practices, which not only consider economic aspects but also maintain social welfare and environmental sustainability. This is reflected in the Tourism Law, which regulates that tourism development in Indonesia should have a positive impact, not only on the economic sector but also on the preservation of culture and the environment. The synthesis of these two frameworks shows a shared vision in creating a tourism industry that is equitable, environmentally friendly, and socially beneficial. Therefore, the implementation of the principles of the International Code of Ethics for Tourism is crucial in ensuring that the tourism sector in Indonesia can continue to grow without sacrificing cultural diversity and environmental sustainability, while providing fair benefits for all communities.

Tourism development in line with sustainable tourism principles is emphasized through several approaches that balance economic benefits, environmental protection, and social welfare. Responsible business approaches are one of the practices that are in line with sustainable tourism principles, as they include the adoption of environmentally friendly practices and employee training on sustainable tourism principles (Budeanu et al., 2016). Environmentally friendly practices include responsible use of resources, which involves reducing water and energy consumption and reducing waste production in the operation of the tourism sector. Water is the most widely used resource, especially in the tourism sector. Measures such as installing low-flow taps and showers and water recycling systems for irrigation, cleaning, and decoration are concrete steps in reducing water consumption. In the context of reducing energy consumption, energy-efficient technologies are one of the efforts that can enhance energy savings in tourist destinations, such as the use of energy-efficient LED lights, solar water heaters, and optimizing energy use in transportation through the operation of environmentally friendly transportation systems (Herny Susanti et al., 2023).

Energy conservation is one of the efforts to reduce pressure on limited natural resources and prevent environmental damage. In addition to preventing environmental damage by limiting the use of natural resources, measures are also needed to address waste from the tourism sector that has the potential to damage the environment. A general measure in line with this objective is to reduce the use of single-use plastics by encouraging tourists to bring their own water bottles and providing water refill facilities in public areas, as well as replacing single-use plastics with biodegradable materials. This step includes reducing excessive packaging in tourism services. In addition to plastic waste, attention must also be paid to hazardous chemical waste. In operating the tourism sector, the use of cleaning chemicals can be harmful to the environment. An alternative step that can be taken is to use biodegradable cleaning materials (Herny Susanti et al., 2023). This also includes practices in training employees to apply sustainable tourism

principles in running tourism businesses, especially in terms of environmental conservation.

To broaden understanding of the application of sustainable tourism principles, it is important to look at concrete implementations that have been carried out in the tourism sector in Indonesia. Real-life examples of tourism destinations committed to reducing negative impacts on the environment, culture, and local communities, while promoting sustainable economic benefits, are applied in these destinations, illustrating how the concept of sustainable tourism can be translated into concrete policies and actions, as well as their impact on long-term sustainability: The first tourist destination is Komodo National Park, Nusa Tenggara, known for its ecosystem and endangered species conservation. Sustainable practices at this tourist destination include limiting visitors to preserve the natural environment while still providing income for local communities. Bunaken Conservation, Sulawesi, is also a tourist destination that prioritizes environmental conservation. Environmental conservation practices in this tourist destination include coral reef protection, responsible snorkeling education, and restrictions on activities that could have negative impacts, such as damage to marine ecosystems (Herny Susanti et al., 2023). The two examples of tourist destinations in the previous paragraph emphasize the same aspect, namely nature and ecosystems as tourist attractions. With nature playing a role as a tourist destination, efforts will be made to preserve the environment, because through the existence of nature as a tourist attraction, income from tourism will be generated. Both tourist destinations have implemented the concept of “green tourism” as an effort to apply sustainable tourism, which focuses on nature-based tourism (Gryshchenko et al., 2022).

To regulate tourism development in accordance with the principles of sustainable tourism in Indonesia, the Tourism Law should provide clearer guidelines on the responsibilities of tourism businesses in maintaining a balance between economic, social, and environmental aspects. Based on the principles outlined in the International Code of Ethics for Tourism, every step of tourism development and operations must be based on sustainability. This includes environmental protection, respect for local culture, and fair distribution of benefits to local communities. In this context, Article 6 of the Tourism Law can be clarified by requiring tourism businesses to conduct transparent environmental and social impact assessments, both before and after development is carried out. This is in line with the guidelines set out in the International Code of Ethics for Tourism, which emphasizes the importance of active community participation in decision-making related to tourism. Stronger implementation of sustainability management systems, such as those set out in international standards such as ISO 21401, can be used to ensure that tourism businesses manage their environmental, social, and economic impacts responsibly. Furthermore, more detailed regulations related to reducing negative impacts on the environment, such as waste management, use of renewable energy, and more efficient management of natural resources, must be applied at every stage of tourism development. This leads to the development of policies that support environmentally friendly tourism development, including policies to reduce the use of single-use plastics and replace them with biodegradable materials, as well as efficient water and energy management at tourist

sites. Clarity in these regulations, in addition to supporting economic and social objectives, also contributes to environmental conservation, which is a key attraction for Indonesia's tourism sector. It is also important to ensure that these regulations can accommodate various local needs, which in this case require the participation of local communities and training for tourism sector employees to apply sustainability principles in their operations.

Overall, revisions to the Tourism Law must integrate sustainable development policies more comprehensively, taking into account social and environmental responsibilities that directly impact the well-being of local communities and the preservation of nature.

4. Conclusion

The implementation of sustainable tourism principles that balance economic, social, and environmental aspects is crucial to ensuring that the tourism sector provides long-term benefits without damaging cultural diversity and environmental sustainability. The International Code of Ethics for Tourism and Indonesia's Tourism Law provide clear guidelines to encourage tourism businesses to not only focus on financial gains but also take responsibility for the social and ecological impacts of their operations. The implementation of international standards such as ISO 21401, which regulates sustainability management in the accommodation sector, as well as more comprehensive regulations in the Tourism Law, is essential to avoid potential negative impacts such as gentrification and ecosystem damage. By prioritizing principles of social justice, environmental conservation, and economic sustainability, the tourism sector can contribute to inclusive development, strengthen local culture, and support the achievement of the Sustainable Development Goals (SDGs).

This study makes an important contribution to the development of sustainable tourism regulations and policies in Indonesia by analyzing the application of sustainability principles in the Tourism Law. By identifying ambiguities in Article 6 of Law Number 10 of 2009 on Tourism, which could potentially hinder the implementation of sustainability principles, this study offers solutions to clarify and strengthen existing legal provisions. This study also emphasizes that integrating international standards such as ISO 21401 and the Global Code of Ethics for Tourism into national regulations is crucial to ensure that tourism businesses not only focus on the economic sector but also consider the social and environmental impacts of a tourist destination. Therefore, it is recommended that regulations governing the tourism sector include effective enforcement mechanisms to ensure compliance. Success indicators for tourist destinations can be realized through the assessment of social and environmental impacts in the surrounding area. With this comprehensive approach, it is hoped that the tourism sector can develop sustainably.

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