

Legal Review of the Policy on Restrictions on Tourist Accommodation Buildings in Supporting Sustainable Tourism

Ni Putu Alya Regina Putri

Faculty of Law, Warmadewa University

ABSTRACT: This study examines the legal framework for restricting the development of tourist accommodations as an instrument for supporting sustainable tourism, particularly in tourism destinations such as Bali. The policy of restricting the development of new hotels, villas, and restaurants aims to maintain environmental balance, protect agricultural land, and control the negative impacts of mass tourism. The legal basis analyzed includes Law Number 10 of 2009 concerning Tourism as amended by Law Number 11 of 2020 concerning Job Creation, Law Number 26 of 2007 concerning Spatial Planning, and Bali Provincial Regulations concerning Regional Spatial Planning (RTRW) and sustainable development policies. The results of the study indicate that normatively, the restriction on the development of tourist accommodations has a strong legal basis within the regulatory framework, as it aligns with the principles of sustainable development, environmental conservation, and protecting the interests of local communities. However, policy implementation still faces challenges in the form of potential conflicts of interest between tourism businesses and local governments, as well as limited oversight and law enforcement mechanisms. Therefore, the effectiveness of the policy of restricting tourist accommodations in supporting sustainable tourism requires strengthening derivative regulations, consistent law enforcement, and increased community participation.

KEYWORDS: sustainable tourism, tourist accommodation, restriction policies, spatial planning, sustainable development

I. INTRODUCTION

The development of the tourism sector in Indonesia over the past few decades has shown a significant growth trend, particularly in prime destinations such as Bali, Lombok, Yogyakarta, and several other priority tourism areas. This growth is not only marked by an increase in the number of domestic and international tourist visits but also drives the expansion of supporting tourism facilities, particularly the development of tourist accommodations. Various types of accommodations, ranging from star-rated hotels and resorts to villas and small-scale inns or homestays, have emerged to meet the needs of tourists. Economically, this phenomenon has made a significant contribution to regional income, job creation, and improving the standard of living of local communities. However, uncontrolled expansion and a lack of sustainable planning have the potential to have various negative impacts, not only on the physical environment but also on the social and cultural well-being of local communities.

According to Rangkuti (2021), the development of tourist accommodations that is not strictly regulated can lead to environmental degradation in the form of ecosystem damage, water and air pollution, and pressure on land and limited natural resources. Furthermore, unbalanced accommodation growth can also trigger traffic congestion, disruption to local communities, and even social conflict, especially when the economic interests of tourism businesses conflict with the rights and needs of local communities. This phenomenon emphasizes the importance of the government's role in formulating and enforcing policies restricting the development of tourist accommodations. These policies serve not only as regulatory instruments but also as a means of maintaining a balance between tourism sector development and the principles of environmental sustainability and the well-being of local communities, so that tourism can develop inclusively and responsibly.

Legally, the policy of restricting the development of tourist accommodations is firmly grounded in various laws and regulations in force in Indonesia. Law Number 32 of 2009 concerning Environmental Protection and Management stipulates that all development activities must consider the principles of environmental sustainability, thereby minimizing negative impacts on ecosystems. This law empowers the government and relevant institutions to monitor, evaluate, and sanction developments that have the potential to damage the environment. Furthermore, this policy emphasizes the importance of community participation in the planning and oversight process, ensuring that tourist accommodation development not only benefits businesses but also considers the welfare

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and rights of local communities. This legal basis serves as an important normative instrument in creating a balance between economic growth through tourism and environmental protection. Furthermore, Law Number 11 of 2020 concerning Job Creation provides local governments with greater flexibility in regulating permits and restrictions on the development of tourist accommodations. Through an integrated licensing mechanism, local governments can establish criteria, zoning, and development restrictions according to regional characteristics and the needs of local communities. According to Choirisma et al. (2024), this regulation is not only normative but also strategic in integrating economic, social, and environmental aspects into sustainable tourism development. Thus, the combination of the Environmental Law and the Job Creation Law provides a solid legal basis for policies restricting the development of tourist accommodations, while creating a legal framework that allows for synergy between tourism development and sustainability principles.

However, the implementation of policies restricting the development of tourist accommodations in the field faces various complex and multidimensional challenges. One key issue is the potential for conflicts of interest between tourism businesses and local governments. On the one hand, businesses aim to maximize economic profits through the expansion of tourist accommodation development, while on the other, local governments have a responsibility to uphold environmental sustainability and the well-being of local communities. This conflict of interest often arises when short-term economic pressures from the tourism sector conflict with the long-term need to maintain environmental quality, prevent ecosystem damage, and preserve local cultural values. This situation demands a more integrated, transparent policy that balances economic development with the protection of natural resources and community social interests. Furthermore, limited oversight and law enforcement mechanisms pose a significant challenge to ensuring compliance with development restriction policies. Although regulations such as Law Number 32 of 2009 concerning Environmental Protection and Management and Law Number 11 of 2020 concerning Job Creation provide a clear legal basis, violations continue to occur due to the limited capacity of supervisory officials, suboptimal procedures, and inadequate coordination between institutions. This is reinforced by Suryana's (2022) findings, which state that the effectiveness of sustainable tourism policies depends heavily on consistent law enforcement and active community involvement in monitoring and reporting potential violations. Therefore, the implementation of tourism accommodation restriction policies requires strengthening of derivative regulations, more effective oversight procedures, and participatory mechanisms involving various stakeholders, including local communities, the private sector, and local governments.

A legal study of policies restricting the development of tourist accommodations is crucial, as it not only assesses the suitability of existing regulations with development practices on the ground, but also examines the extent to which environmental, social, and economic sustainability principles can be integrated into the development of the tourism sector. This study is expected to provide concrete recommendations regarding the strengthening of derivative regulations that are more specific and adaptive to local conditions, as well as the development of more effective and participatory oversight mechanisms, including the involvement of local communities, regional governments, and the private sector. Furthermore, this study also aims to formulate a balanced law enforcement strategy so that tourist accommodation development can encourage economic growth without sacrificing environmental sustainability, culture, and the interests of local communities. From an academic perspective, this study has significant relevance because it examines the relationship between law, public policy, and sustainable development, while also providing practical input for policymakers at the national and regional levels to design regulations that are comprehensive, responsive, and oriented towards a balance between economic development and sustainability (Kusumaningtuti, 2019).

II. RESEARCH METHODOLOGY

This research employs a normative legal research method, focusing on literature review and analysis of laws and regulations related to policies restricting the development of tourist accommodations in order to support sustainable tourism. The normative approach is carried out by examining positive legal provisions, starting from Law Number 32 of 2009 concerning Environmental Protection and Management, Law Number 11 of 2020 concerning Job Creation, and regional regulations related to tourism management and accommodation development. The analysis is conducted qualitatively to assess the alignment of tourist accommodation restrictions with the principles of sustainable development, environmental preservation, and protection of local community interests. This approach also refers to relevant legal theory and general principles of governance, thus providing an in-depth understanding of the legitimacy, effectiveness, and legal constraints of the implemented policies (Soekanto, 2014; Marzuki, 2020).

III. RESULT AND DISCUSSION

A. Legal Regulations on Restrictions on The Development Of Tourist Accommodation

The basic regulations regarding tourism development in Indonesia are based on Law Number 10 of 2009 concerning Tourism, which emphasizes that tourism management must be based on the principles of togetherness, integration, and sustainability. This

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law provides a general framework for the direction of tourism destination development, the determination of service standards, and the regulation of the roles of stakeholders, including government, the private sector, and the community. However, the norms in this law cannot stand alone but must be operationalized through various implementing regulations, both at the central level, such as Government Regulations and Ministerial Regulations, and at the regional level through Regional Regulations and other derivative policies. The integration of these regulations also needs to be consistently linked to Regional Spatial Plans and regional development planning documents to avoid overlapping authority or conflicts of interest between the use of space for tourist accommodation development and the need for environmental protection and the public interest, for example in maintaining the ecological function of the area, the sustainability of agricultural land, and the sanctity of sacred customary areas. Thus, the formulation and implementation of policies restricting the development of tourist accommodations require cross-sectoral regulatory synergy so that the principle of sustainable tourism is not merely rhetoric, but is also realized in development practices that support the community and the environment (Manuhutu et al., 2024).

The legal instruments most frequently used to restrict the development of tourist accommodations in Indonesia are regional regulations (Perda), regent/mayor regulations (Perbup/Perwali), zoning policies, and licensing provisions, which are always substantially linked to regional spatial planning documents (RTRW) and environmental assessment instruments such as AMDAL or UKL-UPL. The presence of these legal instruments serves to regulate development so that it is not sporadic, but rather directed according to the environmental carrying capacity and the social needs of the local community. Empirical examples can be found in the Province of Bali, where Regional Regulation No. 2 of 2012 concerning the Bali Provincial Spatial Plan, Regional Regulation No. 26 of 2013 concerning the Badung Regency Spatial Plan, and Badung Regent Regulation No. 36 of 2014 explicitly restrict the development of tourist accommodations, particularly in areas already under pressure from the massive growth of hotels and villas. The implementation of these policies has proven effective in slowing the rate of development of new accommodation buildings, especially when these regulations are implemented consistently with local zoning policies that determine which areas are and are not permitted for development. This shows that regional legal instruments have an important role as a fortress for controlling development as well as an instrument for protecting the environment and local culture from the threat of tourism overdevelopment, thereby preventing ecosystem damage, conflicts over the use of space, and socio-economic imbalances in society (Atarya, 2016).

At the national and regional policy levels, in recent years, stricter measures have emerged to control the development of tourist accommodations, one of which is through a moratorium policy, or a temporary halt to the issuance of new permits in certain areas deemed to be experiencing development saturation. This moratorium policy is a response to the phenomenon of overdevelopment that has given rise to various problems, ranging from overtourism and massive conversion of agricultural land to pressure on basic infrastructure such as water, energy, and transportation systems. The most recent example is the initiative to moratorium on hotel and villa development in Bali, which has received international media attention as a strategic step by the regional government and the central government to control uncontrolled accommodation growth. This policy is not only oriented towards economic aspects, but also takes into account the social, cultural, and ecological dimensions that are vulnerable to degradation due to excessive tourism growth. With the moratorium, the government seeks to emphasize that tourism development should not be solely determined by market mechanisms or investor interests, but must be regulated proportionally to maintain the sustainability of tourist destinations and the balance of local ecosystems. This step also marks the active role of local and national governments in regulating the quantity of tourist accommodation, while demonstrating that legally-based restriction policy instruments are a legitimate and important effort to ensure that tourism develops sustainably and does not damage the environmental base and local wisdom that are the main attractions of destinations.

Although a regulatory framework regarding restrictions on tourist accommodation development is formally established in the form of laws, government regulations, and regional regulations, the challenges of implementation in the field remain significant and complex. One major issue is the overlapping authority between agencies, for example, between institutions authorized to issue investment permits and local governments responsible for spatial planning control. Furthermore, there are frequent clashes between local economic interests, which encourage the development of new accommodations to absorb labor and increase regional income, and environmental conservation interests, which demand strict restrictions to prevent exceeding the ecosystem's carrying capacity. Weak enforcement of administrative sanctions for permit violations and gaps in land use oversight also add to the complexity of the problem. Field studies reveal that the effectiveness of restrictions on tourist accommodation development is largely determined by the bureaucratic capacity to enforce regulations, the quality of licensing data integration to prevent abuse of authority, and the extent to which local communities are actively involved in decisionmaking and oversight. Without a clear, consistent, and transparent implementation mechanism, existing regulations tend to remain mere formal norms on paper without any real impact in controlling excessive development (Sujana, 2021).

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The legal rationale for imposing restrictions on tourist accommodation development is not merely administrative but also rooted in environmental, cultural, and socio-economic aspects that serve as the normative basis for public policy formulation. From an environmental perspective, restrictions are necessary to maintain ecosystem balance, prevent land degradation, and avoid overexploitation of natural resources due to tourism expansion. From a cultural perspective, this policy aims to protect sacred spaces and customary values inherent in traditional spatial planning, such as the concept of *palemahan* in the Tri Hita Karana philosophy, which emphasizes the importance of maintaining harmony between humans and nature. Meanwhile, the socio-economic aspect emphasizes the active involvement of local communities (*pawongan*) in determining the direction of development, so that tourism benefits are not only enjoyed by large investors but also improve the welfare of local communities. A sustainable tourism approach demands that accommodation development not only be oriented towards short-term profits, but also consider environmental carrying capacity, social balance, and cultural preservation. Therefore, development restriction policies aligned with sustainable tourism management strategies can be an effective instrument for mitigating negative impacts on natural and cultural resources, as widely recommended in contemporary literature on sustainable tourism management strategies, which emphasize the integration of ecological, economic, and social sustainability as the primary foundation of destination development.

A proven policy framework for controlling tourism accommodation development essentially requires the application of a combination of complementary legal and governance instruments, rather than relying solely on a single one. First, quantitative regulations such as moratoriums, permit restrictions, or room quotas per zone have proven effective in curbing accommodation expansion in already saturated areas. Second, qualitative regulations governing building design standards and the application of local wisdom principles are crucial to ensure that each development aligns with local cultural identity and does not damage traditional landscapes. Third, environmental requirements through AMDAL (Environmental Impact Assessment) or UKL-UPL (Environmental Management and Development Plan), followed by ongoing monitoring, serve as a mechanism for controlling ecological impacts. Fourth, the use of fiscal instruments such as environmental taxes or incentives for investors implementing environmentally friendly practices encourages behavioral changes among business actors toward greater sustainability. Fifth, participatory mechanisms that provide space for indigenous peoples and local communities in the planning and oversight of development ensure social legitimacy and reduce the potential for conflict. Experience in various tourism destinations, including Bali, demonstrates that the combination of formal legal instruments with community-based governance practices produces a more effective development control system, integrating legal, ecological, cultural, and social aspects within a comprehensive policy framework.

In conclusion, restricting tourism accommodation development within the Indonesian legal framework requires integration between tourism law, spatial planning regulations, regional regulations, environmental assessments, and operational policies (e.g., moratoriums). Policy recommendations include strengthening inter-agency coordination, improving technical licensing regulations, increasing transparency of licensing data, and strengthening enforcement capacity and community participation to ensure restrictions are not only normative but also effective on the ground. For further research and policymaking, it is important to reference field studies and evaluations of recent regional regulations to ensure that restriction policies are adaptive and evidence-based.

B. The Urgency of Tourism Accommodation Restriction Policy

Tourism is one of the world's largest industries with a strategic role in global development, as it has proven capable of absorbing a large workforce, increasing community income, and contributing significantly to the country's foreign exchange. Tourism not only serves as a major driver of economic growth but also serves as a crucial instrument in creating equitable development, particularly in regions with natural and cultural potential for development as destinations. This has encouraged more and more developing countries, including Indonesia, to prioritize the tourism sector, given its broad impact on improving community welfare, creating business opportunities, and strengthening national identity through the promotion of local culture. According to Pitana (2016), tourism not only serves as a significant source of foreign exchange but also serves as a driving force for economic growth and community welfare. Therefore, this sector is seen as an important pillar of sustainable development, providing both direct and indirect benefits to the wider community.

The development of the tourism sector essentially requires the support of various adequate supporting facilities, ranging from accommodation facilities such as hotels, villas, and other types of tourist accommodations, to restaurants, travel agencies, money changers, transportation infrastructure, and tourism destinations that can provide quality experiences for tourists, as stipulated in Article 14 of the Tourism Law. The existence of these facilities not only functions to support tourist comfort but also plays an integral part in forming a competitive tourism ecosystem. In the context of Bali, the development of accommodation facilities and other supporting tourism facilities must be designed wisely to continue to highlight the Balinese cultural aspects as the main

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identity of the destination, so that the direction of development does not deviate from established policies. Bali Provincial Regulation Number 5 of 2020 emphasizes that tourism as an industry cannot be viewed solely from an economic perspective, but must be considered holistically, taking into account its relationship with the social and cultural aspects of the community. Therefore, the development of supporting tourism facilities in Bali must be implemented in a balanced, sustainable manner, and based on the preservation of local cultural values so that the resulting benefits can be felt fairly by the community while maintaining Bali's uniqueness as a world tourism destination.

The development of tourism support facilities must be designed with clear planning and orientation so that its benefits can truly be felt by the local community, especially in improving their welfare and quality of life. Manuaba (1998) emphasized that the development of tourism with a people-centered dimension requires several important prerequisites, including: first, strategic planning that begins with an agreement on perceptions through a vision, mission, goals, objectives, and a focused work plan; second, a shared view that tourism is only a tool to improve welfare so that its use must be effective and efficient in order to minimize negative impacts; third, the need for holistic, integrated planning accompanied by consistent enforcement of regulations; fourth, tourist visits must have real implications for improving the quality of life of the community in the destination area; fifth, active participation of local residents in the decision-making process, including in determining the type of development that suits the needs and character of the community; and sixth, the concept of sustainable development that emphasizes the preservation of the environment, culture, and local values. Thus, the development of tourism support facilities must not only be oriented towards economic growth, but must be managed in an inclusive, sustainable manner, and place local communities as the main actors so that tourism truly becomes an instrument for achieving shared prosperity.

The policy of restricting tourism accommodation is highly urgent as a strategic effort to maintain a balance between economic growth and environmental sustainability, considering that tourism, as a mainstay sector, often faces a dilemma between the need for increased investment and the risk of environmental degradation. According to Sujana (2021), the absence of a restrictive mechanism for the development of accommodations such as hotels, villas, and other forms of tourist accommodation can trigger serious impacts such as ecosystem damage, decreased spatial planning quality, narrowing of public spaces, and reduced access for local communities to land and resources that should be shared. This aligns with the principles of sustainable tourism, which emphasize the importance of considering environmental carrying capacity as a primary parameter in any development. Therefore, tourism growth should not be measured solely by the number of tourist visits and increased foreign exchange earnings, but also by the destination's ability to maintain ecological, social, and cultural sustainability. Therefore, accommodation restrictions should not be viewed as an obstacle to investment, but rather as a legal instrument and public policy that serves to direct tourism to develop proportionally, in a controlled manner, and oriented towards long-term sustainability, so that destinations can continue to provide economic benefits without sacrificing environmental quality and the well-being of local communities.

The urgency of restricting tourism accommodations is not only related to economic and environmental aspects, but also closely related to the socio-cultural dimensions that are the main foundation of tourism appeal in Bali. The phenomenon of massive conversion of agricultural land, pressure on sacred areas with high religious value, and cultural homogenization arising from the proliferation of uncontrolled hotel and villa construction have posed a serious threat to the sustainability of local cultural identity. This condition has the potential to reduce the philosophical meaning of Tri Hita Karana, which has long been the foundation of harmony in Balinese society, while eroding local wisdom, which is the main reason for tourists to visit. Research by Atarya (2016) provides concrete evidence that regulations in the form of regional regulations regarding zoning for accommodation development in Badung Regency have successfully controlled accommodation development that is not in harmony with cultural values, thereby preserving the living space of indigenous communities and preventing Bali from losing its unique character. Therefore, the policy of restricting accommodations is a strategic step that urgently needs to be implemented consistently, because in addition to being able to balance the needs of economic growth in tourism with cultural preservation, it is also a crucial instrument in ensuring the sustainability of tourism based on local wisdom that is oriented towards quality, not quantity.

Furthermore, at the national level, the urgency of restricting tourism accommodation development is clearly reflected in the moratorium on hotel development in Bali, which has received full support from the central government as a strategic measure to maintain a balance between economic growth and environmental and socio-cultural sustainability. According to Manuhutu et al. (2024), this moratorium policy demonstrates the state's commitment to controlling the pace of tourism development, which, if left unregulated, can lead to various serious problems, such as overtourism, spatial planning conflicts, and unequal distribution of economic benefits at the local level. Without clear and measurable restrictions, accommodation growth has the potential to create socio-economic disparities, with the majority of profits being absorbed by large capital owners or investors, while local communities must bear the burden of increasingly limited access to land, rising land prices disproportionate to purchasing power, and declining environmental quality that directly impacts the sustainability of their cultural and social activities. Thus, the restriction policy is not merely an instrument for physical control of development, but also a concrete manifestation of the state's

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commitment to social justice, environmental preservation, and the protection of local community interests so that Balinese tourism remains sustainable and inclusive.

The urgency of restricting accommodation development is further strengthened from the perspective of sustainable tourism, which demands a balance between environmental, economic, and social interests in destination management. Lingga Sana (2025) emphasizes that without an integrated strategy that integrates these three aspects, a destination is highly vulnerable to development saturation, ultimately reducing its attractiveness to tourists. In this context, restricting accommodation development is not an attempt to hinder growth, but rather a crucial instrument to ensure that growth is controlled, inclusive, and aligned with the region's carrying capacity. Combined with the active participation of local communities, who act not only as objects but also as subjects in tourism development, along with transparent and accountable governance, a more equitable tourism system oriented toward long-term sustainability will be created. Therefore, the policy of restricting tourism accommodation is not only relevant but also urgently needs to be implemented as part of responsible modern tourism governance, so that tourism can become a driving force for development that maintains cultural preservation, environmental quality, and the well-being of local communities.

IV. CONCLUSIONS

The research results indicate that the policy restricting the development of tourist accommodations has a strong legal basis and is consistent with the principles of sustainable development. This regulation aligns with the provisions of laws and regulations concerning environmental conservation and the protection of local community interests. These restrictions are expected to maintain a balance between tourism sector development and environmental sustainability, thereby supporting responsible tourism growth. However, this research identifies challenges in policy implementation, such as potential conflicts of interest between tourism businesses and local governments and limited oversight and law enforcement mechanisms, which could reduce the policy's effectiveness.

Based on research findings, the effectiveness of restrictions on tourist accommodation development in supporting sustainable tourism requires several strategic steps. First, strengthening derivative regulations and technical guidelines is necessary for clearer and more consistent policy implementation. Second, law enforcement must be carried out firmly and transparently to prevent violations and conflicts of interest between the private sector and local governments. Third, active public participation in overseeing tourist accommodation development needs to be increased through public consultation mechanisms and participatory forums. Thus, policies on tourist accommodation restrictions can be effective and support the achievement of sustainable and environmentally friendly tourism.

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