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Rethinking Spatial Planning in Tourism: Governance Failures and Human Rights Impacts in Indonesia

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Abstract

The rapid growth of tourism in Indonesia has driven extensive development projects aimed at utilizing the country's natural and cultural resources. However, these developments are often associated with weak compliance and enforcement of spatial planning regulations, raising concerns about their broader social impacts. This paper examines how state actions or omissions in spatial planning governance may lead to adverse human rights impacts. Focusing on local communities and indigenous peoples as rights holders, this study analyzes the effects of tourism development on the right to adequate housing, livelihood, a healthy environment, and indigenous rights to land and culture. Using selected case studies from Indonesia, the paper demonstrates that governance failures in spatial planning can contribute to displacement, environmental degradation, and disruption of traditional livelihoods. It argues for a rights-based approach to spatial planning that strengthens accountability, participation, and protection of affected communities in tourism development.

Keywords: *Spatial Planning Governance, Tourism Development, Human Rights Impacts, Indigenous Peoples, Indonesia*

I. INTRODUCTION

Planning is frequently connected with the specific action[1] performed by professionals, experts, and government bodies to create places[2] that avoid and mitigate the negative effects of political and economic forces.[3] Land usage and preservation management at many sizes, [4] including within cities, provinces, and entire nations, may improve people's well-being, secure livelihoods, promote long-term economic growth, and protect the environment. Spatial planning requires a diverse team of specialists, including attorneys, architects, planners, and public politicians, to ensure its implementation.[5] Even within a single discipline, such as law, spatial planning covers a wide range of topics, including tourist, administrative, civil, and criminal law.

Many developing nations have shifted from relying on the export of basic products since the late 1960s to using international tourism as a method of promoting economic growth.[6] Because it increases the incomes and wages of those who work in the tourist industry, it is thought to be a useful tool for reducing poverty.[7] Compared to other non-agricultural sectors, it requires more labor, and as a result, it often draws individuals[8] who would otherwise be unemployed, including younger, female, and low-skilled workers.[9] Tourism is also an excellent source of revenue for governments. For example, the introduction of hotel room taxes, exit taxes, customs fees, and income tax has greatly increased Indonesia's tax collections.[10] Furthermore, the United Nations Conference on Trade and Development ('UNCTAD') illustrates how cash created by tourism is important in

1 Quintin Van Heerden et al., "Accessibility, Affordability, and Equity in Long-Term Spatial Planning: Perspectives from a Developing Country" (2022) 120:104 Transport Policy 119.

2 Jean-David Gerber & Gabriela Debrunner, "Planning with Power. Implementing Urban Densification Policies in Zurich, Switzerland," (2022) 123 Land Use Policy 106400.

3 Meng Meng et al., "Spatial Planning in the Face of Flood Risk: Between Inertia and Transition," (2022) 126 Cities 103702.

4 Inbar Schwartz-Belkin & Michelle E Portman, "A Review of Geospatial Technologies for Improving Marine Spatial Planning: Challenges and Opportunities," (2023) 231 Ocean Coastal Management 106280.

5 Mihály Dombi, "Types of Planning Systems and Effects on Construction Material Volumes: An Explanatory Analysis in Europe," (2021) 109 Land Use Policy 105682.

6 Mark P Hampton and Julia Jeyacheya, "Power, Ownership and Tourism in Small Islands: Evidence from Indonesia" (2015) 70 World Development 481.

7 Riyanto et al., "The Impact of Tourism on Poverty Alleviation and Income Distribution: Evidence from Indonesia," (LPEM-FEB UI Working Paper 047, April 2020), online <https://www.lpem.org/wp-content/uploads/2020/04/WP-LPEM-047-The-Impact-of-Tourism-on-Poverty-Alleviation.pdf>.

8 *Ibid.*

9 Haroon Rasool, Shafat Maqbool & Md. Tarique, "The relationship between tourism and economic growth among BRICS countries: a panel cointegration analysis," (2021) 7:1 Future Business Journal 9.

10 Christine Lewis, "Raising more public revenue in Indonesia in a growth- and equity-friendly way," (Economics Department Working Papers No. 1534, OECD, 2019), online <https://one.oecd.org/document/ECO/WKP(2019)3/En/pdf>.

financing infrastructure development and supporting small and medium companies.[11]

Spatial planning is critical to establishing sustainable tourism development that balances economic growth, environmental protection, cultural preservation, and social well-being. It establishes a framework for coordinated action among many stakeholders to maximize the advantages of tourism while reducing its negative effects on locations. The growth of the tourist industry worldwide[12] highlights the significance of effective spatial planning regulations as well as the potential repercussions if they fall short of their goals. These include the destruction of religious places and cultural assets, the loss of livelihood and community, the pollution of maritime environments, inadequate disaster management, and the extinction of biodiversity.[13] This kind of damage will endure if spatial planning laws continue to fail communities as tourism develops.

Although Indonesia has had rules pertaining to spatial planning since colonial times, the 2007 Spatial Planning Law, often known as the SPL 2007, is notable for being the most comprehensive piece of legislation on the subject to date. This legislation gives national, regional, and municipal governments the power to create and carry out general and detailed comprehensive spatial plans.[14] In 2023, the Government of Indonesia issued Law No. 6 of 2023 on the Determination of Government Regulations *in lieu* of Law No. 2 of 2022 on Job Creation become Law (referred to as the JCL 2023). This law modified a few SPL 2007 provisions to include spatial planning as a means of promoting economic growth.[15]

Despite the establishment of the SPL 2007 and the JCL 2023, there are still rampant violations of spatial planning legislation. One example is in Bali, where the proliferation of tourism accommodations violates current spatial planning legislation at both the province and county level.[16] For example, 353 guesthouses in Klungkung District, the most of which are on the Nusa Penida islands, have been operating

11 United Nations Conference on Trade and Development, "Sustainable tourism: Contribution to Economic Growth and Sustainable Development" (Trade and Development Board, 28 January 2013), online <http://unctad.org/meetings/en/SessionalDocuments/ciem5d2_en.pdf>.

12 According to Property research institute, Colliers International Indonesia, it predicts from 2019 to 2020, 919 new hotel rooms in six hotel projects will be built in Bali. Luxury class hotels will dominate the supply of hotels, consisting of 387 five-star hotels rooms opened at the end of 2018, 342 rooms at the end of 2019, and 170 rooms at the end of 2020. Four-star hotels will have a new supply of 684 rooms by the end of 2018 and 269 rooms in 2019. See at "Tingkat Okupansi Hotel di Bali Masih Positif," *Real Estate Indonesia* (18 February 2019), online <http://www.rei.or.id/newrei/berita-tingkat-okupansi-hotel-di-bali-masih-positif.html>.

13 Marilena Papageorgiou, "Coastal and Marine Tourism: A Challenging Factor in Marine Spatial Planning," (2016) 129 *Ocean & Coastal Management* 44, 47.

14 I Gusti Ngurah Parikesit Widiatedja & I Nyoman Suyatna, "Job Creation Law and Foreign Direct Investment in Tourism in Indonesia: Is It Better than Before," (2022) 6 Udayana Journal of Law and Culture 62.

15 Sudharto P Hadi, Rizkiana S Hamdani & Ali Roziqin, "A Sustainability Review on the Indonesian Job Creation Law," (2023) 9 Heliyon 13431.

16 Tjokorda Istri Praganingrum, "Kajian Terhadap Mekanisme Perizinan Pemanfaatan Lahan Tebing Tukad Ayung Kedewatan, Ubud, Gianyar," (2013) 2 Kurva Teknik 50.

with at least 70% of the needed permissions absent.[17] Some have been constructed along the cliffs and on the beach. Similarly, the river boundary building of the Impiana Kedewatan Hotel is in violation of the Gianyar District Spatial Plan.[18] Spatial Planning Laws have also been inconsistently applied, notably along Bali's cliff and ravine borders. The building of hotels on the cliffs and rivers, which is ostensibly forbidden thus proceeds, and the hotels that are in violation eventually start to run.[19]

It is important to emphasize that non-compliance with spatial planning regulations does not automatically constitute a human rights violation. Within the human rights framework, individuals and groups are the rights holders, while the state acts as the duty bearer responsible for respecting, protecting, and fulfilling those rights.[20] Therefore, the central issue is whether and how state actions or omissions in regulating and enforcing spatial planning contribute to conditions that adversely affect protected human rights.

Tourism-related spatial planning practices may affect different categories of rights holders. On the one hand, local communities as individuals may experience impacts such as displacement, reduced access to resources, and environmental decline. On the other hand, indigenous peoples hold collective rights, including rights to land, culture, and self-determination, as recognized under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). These two categories require distinct analytical approaches, as individual rights and collective rights operate within different legal frameworks.[21]

In this study, the analysis focuses on specific human rights that are most directly affected by tourism-related spatial planning governance. These include the right to adequate housing, particularly in cases of eviction or land conversion; the right to livelihood and work, especially where tourism displaces traditional economic activities; and the right to a healthy environment, considering environmental degradation caused by tourism projects. In addition, for indigenous peoples, the analysis includes rights to land, culture, and self-determination as articulated in UNDRIP. Limiting the discussion to these rights allows for a more precise and coherent analysis, given the broad scope of human rights.

Previous studies have examined human rights issues in development contexts, including forced evictions, environmental harm, and land conflicts. According to Wahyuni (2022), human right impacts in Indonesia have occurred as a result of evictions, including the loss of citizens' rights to sufficient housing for the

17 Ari Artaya, "Kewenangan Pemerintah Kabupaten Badung Dalam Pengendalian Perizinan Pembangunan Sarana Akomodasi Pariwisata," (2016) 5 Jurnal Magister Hukum Udayana 543.

18 "Investor Impiana Hotel Melanggar, Langkahi BWS Bali Penida," *Delik News* (21 Agustus 2019), online <https://www.deliknews.com/2019/08/21/investor-impiana-hotel-melanggar-langkahi-bws-bali-penida/>.

19 *Ibid.*

20 Office of the United Nations High Commissioner for Human Rights (OHCHR), *Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation* (United Nations 2006) 104.

21 Alexandra Xanthaki, *Indigenous Rights and United Nations Standards: Self-Determination, Culture and Land* (2nd edn, Cambridge University Press 2022) 76.

sustainability of their life and the right to feel safe when they are evicted.[22] Following Khan et al. (2024), Indonesia's tuna fisheries industry has substantial development problems, principally as a result of illicit, unreported, and unregulated fishing activities that have contributed to tuna resource reduction. Illegal fishing techniques in Indonesia have been linked to human rights violations, such as forced labor and human trafficking.[23] Finally, Meckelburg and Wardana (2024) stated that social unrest and disputes over land rights have intensified as a result of the Indonesian government's reinterpretation of the definition and boundaries of "public interest" in the context of land governance during the Jokowi administration. Certain development initiatives are more likely to serve the interests of the political and commercial elites than to improve the local populations.[24] Although these studies delve into governance failures that may constitute human rights infringements, they do not address the spatial planning sector in the tourism industry, which is the primary focus of this paper.

This paper, therefore, seeks to analyze how tourism development, in the context of spatial planning governance, affects the human rights of local communities and indigenous peoples in Indonesia. Specifically, it examines how state actions or omissions in spatial planning regulation and enforcement may contribute to adverse impacts on the right to housing, livelihood, environment, and indigenous rights. By doing so, this study aims to fill the existing gap in the literature and provide a more structured understanding of the relationship between spatial planning and human rights. This study is significant as it contributes to the development of a rights-based approach to tourism governance. By linking spatial planning practices with specific human rights obligations, it provides insights for policymakers and government institutions to strengthen regulatory frameworks and enforcement mechanisms. Furthermore, it supports advocacy efforts by highlighting the need for accountability and the protection of affected communities, while offering recommendations to better align tourism development with human rights standards.

22 Ridha Wahyuni, "Perlindungan hak atas tempat tinggal warga terdampak penggusuran di kawasan perkotaan berdasarkan perspektif HAM," (2022) 9:1 Jurnal Yuridis 37.

23 Alexander M.A. Khan, et al, "Illegal fishing threatens the sustainability of future tuna commodities in Indonesia," (2024) 159 Marine Policy 105936.

24 Rebecca Meckelburg & Agung Wardana, "The political economy of land acquisition for development in the public interest: The case of Indonesia," (2024) 137 Land Use Policy 107017.

II. THE DYNAMIC LINK BETWEEN HUMAN RIGHTS, SPATIAL PLANNING AND TOURISM DEVELOPMENT

1. The International Framework of Human Rights and its Intersection with Tourism Development

Several international treaties underscore the human rights that should be respected, protected, and fulfilled by nations worldwide, particularly in the face of unsustainable development trends. Concerning right to adequate housing, Article 25 of the UDHR states that "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care as well as necessary social services."[25] Furthermore, Article 11 of the ICESCR explicitly emphasizes the right to appropriate housing as a fundamental human right. It requires state parties to take efforts to guarantee that everyone has access to sufficient housing, including as preventing homelessness, improving living conditions, and promoting affordable housing choices.[26] The Committee on the Economic, Social, and Cultural Rights (CESCR) has further identified seven aspects of the right to adequate housing *i.e.* legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy.[27] A United Nations Special Rapporteur investigated the rights of indigenous peoples to adequate housing, emphasizing that this right forms the foundation for the development of both communities and individuals. The Rapporteur further identified that the distressed and inadequate living and housing conditions experienced by many indigenous communities constitute a primary source of the challenges they face.[28]

Regarding the right to maintain traditional livelihood, The UN General Assembly recognized indigenous peoples' rights to preserve and advance their traditional ways of life in 2007 when it adopted the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).[29] It upholds their rights to self-determination, sovereignty over their lands, territories, and resources, and the ability to maintain and develop their cultural practices, particularly those related to

25 "Universal Declaration of Human Rights," (The United Nations), online <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

26 The United Nations, "Economic and Social Council," online <https://documents.un.org/doc/undoc/gen/g01/105/87/pdf/g0110587.pdf?token=AR8YV2obqhZHxrVljK&fe=true>.

27 "UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), E/1992/23, 13 December 1991, para.8. <https://www.refworld.org/legal/general/cescr/1991/53157>

28 Mr Miloon Kothari, UN Human Rights Council: Addendum to the Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, Mission to Australia (31 July to 15 August 2006), A/HRC/4/18/Add.2, UN Human Rights Council, 11 May 2007, <https://www.refworld.org/reference/mission/unhrc/2007/43093>

29 "the United Nations Declaration on the Rights of Indigenous Peoples," online, <https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf>

hunting, fishing, farming, and gathering as well as their right to practice and revive their traditional livelihoods.

The Report of the Special Rapporteur on the human right to a clean, healthy, and sustainable environment concludes that States' obligations to respect, protect, and fulfill such rights require preventing significant environmental harm caused by both public and private actors.[30] In relation to the right to healthy environment, The United Nations Framework Convention on Climate Change (UNFCCC) seeks to stabilize greenhouse gas concentrations in the atmosphere in order to prevent hazardous anthropocentric interference with the climate system. While its primary focus is on climate change, it indirectly supports the right to a healthy environment by reducing environmental degradation and supporting sustainable development.[31] The Aarhus Convention also emphasizes the importance of transparency, accountability, and public involvement in environmental decision-making processes to ensure the protection of the right to a healthy environment.[32]

The United Nations Conference on Environment and Development (UNCED) in 1992 outlines principles for sustainable development, including the principle that "human beings are entitled to a healthy and productive life in harmony with nature." It emphasizes the importance of protecting the environment for present and future generations.[33]With the respect to the existence of proper public spaces, goal 11 of the Sustainable Development Goals (SDGs) aims to "make cities and human settlements inclusive, safe, resilient, and sustainable." Target 11.7 specifically addresses the importance of providing universal access to safe, inclusive, and accessible green and public spaces, particularly for women and children, older persons, and persons with disabilities.[34]

International framework of human rights intersects with tourism development. Article 7 (2) of the Global Code of Ethics for Tourism (GCET)[35] and Article 10 (2) of the Framework Convention on Tourism Ethics (FCTE)[36] introduced the universal right to tourism which must be regarded as the corollary of the right to rest

30 The Office of the High Commissioner for Human Rights, A/80/187: Report of the Special Rapporteur on the human right to a clean, healthy and sustainable environment, Astrid Puentes Riaño - Framework for environmental, social and human rights impact assessments and the right to a clean, healthy and sustainable environment, para 27. <https://www.ohchr.org/en/documents/thematic-reports/a80187-report-special-rapporteur-human-right-clean-healthy-and>

31 "The United Nations Framework Convention on Climate Change," online <https://unfccc.int/process-and-meetings/what-is-the-united-nations-framework-convention-on-climate-change>.

32 "Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters," online, <https://unece.org/fileadmin/DAM/env/pp/implementation%20guide/english/part2.pdf>

33 The United Nations, "United Nations Conference on Environment and Development," <https://www.un.org/en/conferences/environment/rio1992>

34 The United Nations, "Make cities and human settlements inclusive, safe, resilient and sustainable," online, <https://sdgs.un.org/goals/goal11>

35 UNTourism, Global Code of Ethics for Tourism, https://www.untourism.int/global-code-of-ethics-for-tourism,

36 UNTourism, Framework Convention on Tourism Ethics, https://www.untourism.int/ethics-convention

and leisure in accordance with Article 24 UDHR Article 7 (d) ICESCR. Both GCET and FCTE admitted that tourism is a factor of sustainable development.

2. Exploring the Conceptual Framework of Spatial Planning

Different nations use different terminologies to describe spatial planning governance, which is impacted by cultural traditions, local politics, and legal system choices. It is known in Israel as the "Planning and Building Law,"[37] and in Russia as the "Urban Planning Law."[38] Several African nations have a "Town and Country Planning Law,"[39] while China adopts the "City Master Plan" approach.[40] "Spatial Planning Laws" is a word extensively used throughout Europe, especially in the Netherlands, Slovenia, Poland, Italy,[41] and Finland.[42] Indonesia,[43] like the current literature, adheres to the European tradition in using the phrase "Spatial Planning Laws."[44]

Spatial planning is a regulatory process that involves deliberate government acts at several levels[45] to allot, shape, and coordinate space for diverse purposes.[46] Key legal concerns addressed in spatial planning include area borders and jurisdiction, disagreements between authorities over duties and responsibilities, property ownership and development distribution, planning procedures, and housing condition enforcement. McAuslan (1981) offers insights into these important legal difficulties in the field of spatial planning.[47] Scott (2013) and Daunt (2021) claim that traditional ideas of planning, which placed a higher priority on restriction and control as well as the distribution and design of land use, have been

37 Phil Allmendinger & Graham Haughton, "Spatial Planning, Devolution, and New Planning Spaces," (2010) 28 Environmental Planning & Government Policy 803.

38 Sofia Borushkina and Anton Gorodnichev. "From Genplan to Master Plan: The Changing Urban Planning Paradigm in Russia." (2023) Territory, Politics, Governance 20.

39 Cheng He Guan et al., "Does Local Planning of Fast-Growing Medium-Sized Towns Lead to Higher Urban Intensity or to Sprawl? Cases from Zhejiang Province," (2022) 130 Cities 103869.

40 *Ibid.*

41 Valentina Cattivelli, "Planning Peri-Urban Areas at Regional Level: The Experience of Lombardy and Emilia-Romagna (Italy)," (2021) 103 Land Use Policy 105282.

42 Hanna Mattila & Aleksi Heinilä, "Soft Spaces, Soft Planning, Soft Law: Examining the Institutionalisation of City-Regional Planning in Finland," (2022) 119 Land Use Policy 106156 .

43 Maret Priyanta, "Pembaruan Dan Harmonisasi Peraturan Perundangundangan Bidang Lingkungan Dan Penataan Ruang Menuju Pembangunan Berkelanjutan," (2015) 1 Hasanuddin Law Review 337.

44 Fillipe Oliveira Feitosa, Paulo Batista & João Lourenço Marques, "How to Assess Spatial Injustice: Distinguishing Housing Spatial Inequalities through Housing Choice," (2023) 140 Cities 104422.

45 Peter Schmitt and Thorsten Wiechmann. "Unpacking Spatial Planning as the Governance of Place: Extracting Potentials for Future Advancements in Planning Research," (2018) 54:4 disP - The Planning Review 33.

46 Erika J E Techera, "The Intersection of Marine and Coastal Conservation and Nature-Based Solutions to Climate Change: Governance Insights from Indian Ocean Small Island States," (2023) 239 Ocean Coastal Management 106579.

47 Patrick McAuslan, "The Legal Environment of Planned Urban Growth," (1981) 1 Public Administration Development 307.

replaced by more positive and holistic challenges that call for multi-sectoral and multi-perspectives in modern spatial planning.[48]

For several reasons, the laws governing spatial planning are essential to the development of the country. The United Nations Economic Commission for Europe (UNECE) explains that regulations pertaining to spatial planning strike a balance between conflicting policy goals or settle the many pertinent socio-economic demands. Promoting the efficient use of land and natural resources for development is crucial, as is establishing a steady and predictable climate that encourages investment and expansion.[49] The United Nations Conference on Trade and Development (UNCTAD) claims that it enhances the ability to withstand the demands placed on infrastructure by rising commercial demand and encourages appropriate development.[50]

Spatial planning in Indonesia is governed by a set of laws and regulations that are layered from the national to the provincial and municipal levels of government. However, Indonesia does not belong to a federation. Spatial planning is a state or municipal matter rather than a federal one in many countries with federal constitutions; however, in Indonesia, a unitary republic, this is not the case. In Indonesia, subnational institutions have been given legislative authority by the central government, and they are also in charge of carrying out central policy choices locally.

In Indonesia, Article 1(5) of the SPL 2007 defines spatial planning as a comprehensive system that includes the planning, use, and regulation of space. The legislation grants the national, provincial, and district governments the authority to develop and implement comprehensive spatial plans. At the macro level, "general plans" are used to direct overall geographical development. On the other hand, "detailed plans" are used at the smaller scale to offer explicit justifications and specifications that are predicated on the larger plans.[51] Article 1(2) of the SPL 2007 regulates the utilization of space and makes a distinction between "spatial design," or *pola ruang*, and "spatial structure," or *struktur ruang*. The arrangement of residential areas and infrastructure network systems that sustains the social and economic activities of the community is referred to as its "spatial structure." The spatial configuration that divides a territory into sections for use and protection is referred to as "spatial designs." According to SPL 2007's Article 1(21), protection zones are

48 Alister J Scott et al., "Disintegrated Development at the Rural–Urban Fringe: Re-Connecting Spatial Planning Theory and Practice," (2013) 83 Program Planning 1; Ana Beatriz Pierri Daunt, Luis Inostroza & Anna M Hersperger, "The Role of Spatial Planning in Land Change: An Assessment of Urban Planning and Nature Conservation Efficiency at the Southeastern Coast of Brazil," (2021) 111 Land Use Policy 105771.

49 Dominic Stead & Vincent Nadin, *Spatial Planning. Key Instrument for Development and Effective Governance with Special Reference to Countries in Transition* (2008); Ingemar Elander, Mikael Granberg & Stig Montin, "Governance and Planning in a 'Perfect Storm': Securitising Climate Change, Migration and Covid-19 in Sweden," (2022) 164 Program Planning 100634.

50 The United Nations Conference on Trade and Development, *Investment Policy Framework for Sustainable Development* (2015), p.35.

51 I Gusti Ngurah Parikesit Widiatedja, "Fragmented Approach to Spatial Management in Indonesia: When It Will Be Ended?" (2021) 43 Kertha Patrika 145.

places whose primary goal is to guarantee the environmental sustainability of both natural and man-made resources (such a residential neighbourhood). The definition of "utilization regions" is "a place whose principal function is exploited owing to the existence of human resources, natural resource potential, and human-made resources."

While this legal framework appears comprehensive, its implementation has important implications for human rights, particularly in the context of tourism development. Spatial planning decisions determine how land is allocated and used, thereby directly affecting individuals' and communities' access to housing, livelihoods, and environmental resources. In practice, weaknesses in enforcement, overlapping institutional authority, and regulatory inconsistencies may allow tourism projects to proceed despite non-compliance with spatial plans. In 2022, the CESCR issued General Comment No. 26 on land and economic, social, and cultural rights, which highlighted that in rural areas, large-scale development projects and tourism have significantly affected the livelihoods and rights of rural populations. It further emphasized that access to land is essential for housing, as the enjoyment of the right to adequate housing largely depends on secure land tenure.[52] In such situations, the concern extends beyond regulatory failure to whether state actions or omissions in spatial planning governance contribute to adverse impacts on protected rights, including the right to adequate housing, the right to livelihood, and the right to a healthy environment.

These implications are especially significant for indigenous peoples, whose relationship with land encompasses cultural, spiritual, and economic dimensions. Spatial planning decisions that reclassify land or permit tourism development in customary areas may undermine indigenous peoples' rights to land, culture, and self-determination, as recognized under UNDRIP. Accordingly, examining spatial planning in Indonesia requires not only a legal-institutional perspective, but also an assessment of how its implementation affects specific rights holders. This paper therefore focuses on how spatial planning governance in tourism development contexts shapes human rights outcomes for local communities and indigenous peoples, as outlined in the introduction.

3. From Destinations to Dollars: How Tourism Fuels Economic Progress

Around the world, tourism has played a significant part in economic growth, employment possibilities, export revenue, and domestic value added. According to the United Nations World Tourism Organization (UNWTO), tourism has accounted for 21.3 percent of service exports to OECD countries, 5.9 percent of employment, and 4.1 percent of GDP.[53] Equally, tourism has had two implications

52 UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 26 (2022) on Land and Economic, Social and Cultural Rights, E/C.12/GC/26, 22 December 2022, para 2(c) and para 7, <https://www.refworld.org/legal/general/cescr/2022/149235>

53 The Organization for Economic Cooperation and Development, "OECD Tourism Trends and Policies 2016" (OECD, 2016), online <http://dx.doi.org/10.1787/tour-2016-en> .

on poverty reduction. First, the direct impact covers the earnings and wages of individuals who directly work in tourist businesses.[54] International data indicates that FDI in the tourist industry creates more jobs than in other non-agricultural sectors. It has also been a major source of employment, particularly for those with low and intermediate levels of expertise.[55]

Danish and Wang (2018) demonstrate how a one percent increase in tourism receipts leads to a 0.1594 percent rise in economic growth.[56] In accordance with Ricardo's comparative advantage, a nation that specializes in the tourist industry can see higher economic growth as a result of increased tourism growth and positive net tourism returns.[57] For instance, hotel developments in *Ilha de Cajaíba*, Bahia State, Brazil, are thought to have boosted the local economy by $1.6 billion USD and produced 10,710 employments.[58] It has been demonstrated that a one percent increase in tourism investment in the "BRICS" countries of Brazil, Russia, India, China, and South Africa has resulted in a 0.41 percent boost in economic growth.[59] It appears that a one percent increase in tourist investment also results in a 0.5771 percent decrease in CO2 emissions,[60] suggesting that tourism might have a favorable environmental impact. This pattern is also evident in China, where investments in tourism greatly increase traveler income.[61]

Analogous data suggests that Indonesia is witnessing similar developments. Bali is a great illustration of this. Bali, the most visited tourist destination in Indonesia, depends heavily on tourism to drive its economy.[62] 31 percent of Bali's enterprises were in the travel and tourism sector in 2015. With tourism accounting for 68.17 percent of Bali's Gross Regional Domestic Product (GRDP) in 2015 compared to 66.43 percent in 2011,[63] the island's economic development outpaced that of the country during that time.[64] According to a research by Prastyadewi, GDP development had a favorable influence on employment in Bali's trade, hotel, and restaurant sectors from 2006 to 2012, with a 95% confidence level. This suggests

54 Konstantinos Lagos & Wang, Yuan, "International Tourism and Poverty Alleviation: Cross-Country Evidence Using Panel Quantile Fixed Effects Approach" (2023) 62:6 Journal of Travel Research 1347.

55 United Nations Conference on Trade and Development, "The Contribution of Tourism to Trade and Development" (Trade and Development Board, 2010), online <http://unctad.org/en/Docs/cid8_en.pdf> .

56 Danish & Zhaohua Wang, "Dynamic Relationship between Tourism, Economic Growth, and Environmental Quality" (2018) 26:11 Journal of Sustainable Tourism 1928, 1936.

57 *Ibid.*

58 Fernanda de Vasconcellos Pegas, David Weaver & Guy Castley, "Domestic Tourism and Sustainability in an Emerging Economy: Brazil's Littoral Pleasure Periphery" (2015) 23:5 Journal of Sustainable Tourism 748, 758.

59 *Ibid.*

60 *Ibid.*

61 Min Zhou et al, "Effect of Tourism Building Investments on Tourist Revenues in China: A Spatial Panel Econometric Analysis" (2017) 53:9 Emerging Markets Finance and Trade 1973, 1981.

62 Biro Pusat Statistik, *Provinsi Bali dalam Angka 2017* (BPS, 2017), p.347.

63 Biro Pusat Statistik, *Produk Domestik Regional Bruto Provinsi Bali Menurut Lapangan Usaha 2011-2015* (BPS, 2016), p.14.

64 Biro Pusat Statistik, *Provinsi Bali dalam Angka 2017* (BPS, 2017), p.116.

that increasing the GRDP value of the hotel and restaurant industry will result in a considerable rise in employment in Bali.[65]

From a human rights perspective, however, the contribution of tourism to employment and income generation must be assessed in relation to the right to livelihood and the right to an adequate standard of living. While tourism expands job opportunities, these jobs are often characterized by low wages, seasonal employment, and limited job security.[66] Tourism-driven growth may also generate pressures on land use and natural resources, which are closely linked to the right to adequate housing and the right to a healthy environment. Increased demand for tourism infrastructure, such as hotels and resorts, often leads to land conversion and rising land values, which may reduce access to housing for local populations. At the same time, intensive tourism activities can strain water resources, increase waste production, and contribute to environmental degradation, thereby affecting the quality of life of surrounding communities.

In addition, in contexts involving indigenous peoples, the expansion of tourism may also affect collective rights, particularly rights to land, culture, and traditional livelihoods.[67] Economic growth driven by tourism may occur alongside the reallocation of land for commercial purposes, which can disrupt customary land use systems and cultural practices. Therefore, tourism development must be assessed not only in terms of aggregate economic performance, but also in terms of how its benefits and burdens are distributed among different rights holders.

4. Tourism Development, Spatial Planning Challenges, and Their Socio-Environmental Impacts

Despite the enticing economic benefits, tourism also brings about significant negative impacts on a particular region and its local community. In terms of environmental effect, a research conducted by the United Nations Environment Programme (UNEP) and the United Nations World Tourism Organization (UNWTO) examines how hotel industries are among the most energy and water-intensive in the tourist industry.[68] The more opulent the hotel, the more water and

65 Made Ika Prastyadewi, "Penyerapan Tenaga Kerja Sektor Perdagangan Hotel dan Restoran di Provinsi Bali" (2014) 4:2 *Juima* 114.

66 See for example Abdelmalik Muhummed (2025) Beyond tourism: A policy framework for economic diversification and job creation in the Caribbean, ILO,,https://www.ilo.org/resource/article/beyond-tourism-policy-framework-economic-diversification-and-job-creation and Wolfgang Georg Arlt, "The Meaningful Tourism Paradigm – A Tool for Sustainable Tourism Development in Times of Crises and Challenges" (2025) 2:2 Bali Journal of Hospitality, Tourism and Culture Research, p,3, 8.

67 A/78/162(2023): Tourism and the rights of Indigenous Peoples, Report of the Special Rapporteur on the rights of, Indigenous Peoples, José Francisco Calí Tzay, para 22, para 33 https://www.ohchr.org/en/documents/thematic-reports/a78162-tourism-and-rights-indigenous-peoples-report-special-rapporteur

68 Stefan Gössling and Dagmar Lund-Durlacher, "Tourist accommodation, climate change and mitigation: An assessment for Austria," (2021) 34 Journal of Outdoor Recreation and Tourism 100367.

electricity will be consumed.[69] Hotels need energy for lighting, cooking, heating and cooling, cleaning, pools, and saltwater cleansing.[70] The tourism sector, particularly hotels, consumes an estimated 60% of Bali's water, leading to a water crisis in less than four years.[71]

The following studies demonstrate how the growth of tourism has harmed the environment and society because of issues with spatial planning in specific areas. Yepes and Medina, for instance, contend that while current planning in Valencia, Spain, is not directly to blame for beach erosion, it is indirectly accountable for erosion-related harm. The demand for residential properties and tourism is given precedence by the government above short-term economic gains. Approved urban plans for coastal regions in this region may support three times as many people as the four million people living there now, without considering the environmental and social implications of this development.[72]

Churugsa, McIntosh, and Simmons discovered that in Thailand, prominent tourist destinations around the nation were losing their socio-cultural and natural resources because of a lack of tourism planning. Most tourist attractions are found in nearby towns, although others are situated in isolated locations with little access to public amenities. As a result, they had negatively affected the environment, local populations, and their culture.[73] Wan and Pinheiro note that there are no explicit development plans outlining the future growth goals for Macau. This region is among the most densely inhabited in the world, having seen a dramatic rise in population density from 16,436/km2 to 18,636/km2 between 2002 and 2009. Due to the little amount of land (29.2 km2) that is accessible, the construction of casinos and other recreational amenities has taken up a large amount of space and public utilities. There is no denying Macau's loss of green spaces and recreational sites.[74]

These studies collectively illustrate that the adverse impacts of tourism are often closely linked to shortcomings in spatial planning governance, including weak regulatory frameworks, lack of long-term planning, and inadequate enforcement. From a human rights perspective, such shortcomings are significant because they may contribute to conditions that affect the enjoyment of specific rights, particularly the right to a healthy environment, the right to livelihood, and, to some extent, the right to adequate housing. Moreover, in areas inhabited by indigenous peoples, poorly regulated tourism development may also interfere with collective rights to

69 *Ibid.*

70 *Ibid.*

71 "Beneath the Surface of Tourism in Bali, A Water Crisis Looms," *The Sydney Morning Herald* (9 September 2016), online <https://www.smh.com.au/world/beneath-the-surface-of-tourism-in-bali-a-water-crisis-looms-20160908-grc1or.html>.

72 Victor Yepes & Joseph R Medina, "Land Use Tourism Models in Spanish Coastal Areas: A Case Study of the Valencia Region" (2005) SI 49 Journal of Coastal Research (Proceedings of the 2nd Meeting in Marine Sciences) 83, 87.

73 Watcharee Churugsa, Alison J McIntosh & David Simmons, "Sustainable Tourism Planning and Development: Understanding the Capacity of Local Government" (2007) 31:2 Leisure/Loisir 453, 454.

74 Penny Yim King Wan & Francisco Vizeu Pinheiro, "Macau's Tourism Planning Approach and Its Shortcomings: A Case Study" (2014) 15:1 International Journal of Hospitality & Tourism Administration 78, 84.

land and culture. Therefore, the issue is not merely the presence of tourism-related development, but how spatial planning systems are implemented and enforced in ways that shape the distribution of both benefits and burdens among different rights holders.

III. HUMAN RIGHTS IMPACTS OF SPATIAL PLANNING GOVERNANCE IN INDONESIA'S TOURISM SECTOR

1. Tourism Development and Spatial Planning Governance: Evidence from Indonesia

In this section, the paper provides empirical examples of tourism development in Indonesia, particularly in Bali, that illustrate how weaknesses in spatial planning governance may lead to adverse human rights impacts. Rather than treating spatial planning violations as human rights violations, this section examines how state actions or omissions, such as weak enforcement, inconsistent permitting, and regulatory adjustments contribute to conditions that affect specific rights holders. The analysis focuses on local communities and indigenous peoples, whose rights may be impacted differently. This section highlights implications for the right to a healthy environment, the right to livelihood, the right to adequate housing, and, in the case of indigenous peoples, rights to land, culture, and self-determination. The following cases, spanning more than two decades, demonstrate recurring patterns of governance failures in the intersection between tourism development and spatial planning.

Due to a lack of planning, according to Pratiwi (2004), the fast development of tourism amenities such as restaurants and hotels in Kuta, Badung, Bali were not accompanied by the creation of public and private waste and sewerage disposal systems, as well as water and electricity sources.[75] In a similar vein, Tang (2004) found that certain hotels in Bali lacked effective solid waste management (SWM), resulting in environmental devastation. [76] Parker (2011) backed up this study by claiming that the growth of tourism amenities in Ubud, Gianyar has harmed the ecosystem since the water table has been strained and diverse wildlife have been forced to relocate.[77] The failure of groundwater levels, salinity intrusion, and soil subsidence, according to Cole (2012), are all clear consequences of the construction

75 Wiwik Dwi Pratiwi, "Tourism and Built Environment Changes in Traditional Communities Kuta and Nusa Dua, Bali, Indonesia as the Case Studies" (PhD Thesis, The University of Sheffield, 2004), p. 187.

76 Janeen Tang, "A Case Study of a Hotel Solid Waste Management Program in Bali" (Master Thesis, University of Waterloo, 2004), p. 90.

77 Gregory Stuart Parker, "Living in Two Worlds: How Tourism Has Influenced the Balinese World View of Tri Hita Karana" (Master Thesis, Massey University, 2011), p. 72.

of enormous tourism facilities in Bali.[78] A study conducted by the Ministry of Tourism and the International Labour Organization (2012) found that the existence of deluxe hotels in some tourist spots in Indonesia, including Bali, resulted in a significant increase in water and energy consumption.[79]

In 2012, deforestation by tourism projects occurred, where the economy heavily relies on tourism.[80] A prime example is the Tahura Mangrove Forest Project, the largest mangrove forest in Bali, which was exploited for tourism despite regulations prohibiting commercial activities in such conservation areas.[81] The Bali Provincial government disregarded existing laws, granting permits that violated conservation and forestry regulations. These actions led to a reduction in forest area, contrary to mandated percentages. Particularly contentious was the modification of zoning maps by the Forestry Agency in 2012, altering the project's designation from a protected block to a utilization block, without clear justification. Moreover, court decisions seemingly endorsed deforestation by overlooking environmental concerns until infrastructure development was complete. This case underscores how deforestation is not solely linked to agriculture or palm oil plantations but also occurs within the tourism sector, highlighting the urgent need for stricter enforcement of environmental regulations and greater accountability in development projects.[82]

In 2015, a study by the Ministry of the Environment and Forestry stated that 44 per cent (181,3 km) of the total length of beach in Bali (430 km) experienced erosion, with almost 20 percent (87 km) being severely damaged because of tourism activities.[83] This study explains that high rating hotels contributed almost 61 percent to this erosion, which mostly occurs in the two most popular tourist areas in Bali: Kuta and Nusa Dua.[84] Similarly, rice fields have been converted into sites for hotels and other tourism facilities, leading to a decrease in food availability and the greater potential for flooding.[85]

In 2016, The Benoa Bay reclamation project in Bali sparked intense controversy, aiming to reclaim 700 hectares for commercial and tourism ventures

78 Stroma Cole, "A political ecology of water equity and tourism: A case study from Bali." (2012) 39:2 Annals of tourism Research 1221.

79 Ministry of Tourism and Creative Economy of the Republic of Indonesia in cooperation with the International Labour Organization, *Strategic Plan Sustainable Tourism and Green Jobs for Indonesia* (ILO, 2012), p. 23.

80 Luh Ayu Nadira Saraswati and Anak Agung Gede Duwira Hadi Santosa, "Establishing a Regional-Owned Limited Liability Company: Would it Support an Integrated Tourism Management in Bali ?" (2021) 5 Udayana Journal of Law and Culture 59.

81 Ministry of Environment and Forestry, Information of Tahura Ngurah Rai, (2011), online <http://bpkh8.menlhk.go.id/pdf/karya_tulis_mandiri/buklet_tahura.pdf>.

82 The Appellate Administrative Court, The Decision of Appellate Administrative Court No: 183/B/2013/PT.TUN.SBY, 2013 and The Supreme Court, The Supreme Court Decision No. 151 K/TUN/2014, 2014.

83 Kementerian Lingkungan Hidup dan Kehutanan, "Inventarisasi Sumber Pencemar Lingkungan Pesisir dan Laut Yang Berasal Dari Non Point Sources di Tanjung Benoa" (2015) 11.

84 *Ibid.*

85 *supra note 77.*

like luxury resorts and entertainment facilities.[86] While proponents tout economic benefits through increased tourism and job creation, opposition from environmentalists, local communities, and NGOs highlights grave concerns. Critics fear irreversible harm to Benoa Bay's marine ecosystem, including coral reefs and mangroves, threatening biodiversity and local livelihoods. Moreover, worries extend to water quality, coastal erosion, and heightened vulnerability to natural disasters like floods and tsunamis, exacerbating challenges in surrounding areas. Transparency and public consultation issues deepen the rift, with many feeling marginalized in decision-making processes. Despite protests and legal battles, the project advances, prompting reflection on the intricate balance between economic growth, environmental conservation, and community welfare.[87]

In 2018, the resort development plans from the joint venture of Hary Tanoesoedibjo and his business partner, Donald Trump, was rejected by local residents because it annexed customary land owned by local communities in Cemagi Village, Tabanan District.[88] In 2019, hotels have been built in Bali in what are supposedly conservation or protection areas, such as on the edges of cliffs, coastal areas, rivers and sacred sites. For example, at least 70 percent of 353 guesthouses in Klungkung District, mostly in the Nusa Penida islands, have operated without completing the required permits.[89] Some have been built too close to the beach and cliffs.[90] Similarly, the river border construction of the Impiana Kedewatan Hotel in Ubud, Gianyar District violates the existing Gianyar District Spatial Plan.[91] Likewise, in August 2019, Conservation Indonesia, a national environmental NGO, revealed that Bali's coasts are becoming increasingly eroded, and its mainland is now reduced by almost 4,500 hectares, due to abrasion of various coastal areas.[92] This is the result of many violations of the spatial management of coastal areas.[93]

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86 Lembaga Penelitian dan Pengabdian Kepada Masyarakat Universitas Udayana, *Studi Kelayakan Revitalisasi Teluk Benoa* (Universitas Udayana, 2013) II-4

87 Mega Rasnawati & Putu Gede Arya Sumerta Yasa. "Determination of the Benoa Bay Maritime Conservation Area in the Effectiveness of Environmental Maintenance." (2021) 10:1 Jurnal Magister Hukum Udayana 37.

88 "Tak Banyak Pihak Sadar, Bali Terancam Kehabisan Air Tanah Akibat Industri Pariwisata," VICE, 26 Februari 2018, online, <https://www.vice.com/id/article/3k7j73/tak-banyak-pihak-sadar-bali-terancam-kehabisan-air-tanah-akibat-industri-pariwisata>.

89 "SatPol PP Belum Bergerak, 70 Persen Penginapan di Nusa Penida Tak Berizin," *Bali Berkarya* (Online, 18 March 2019) <https://baliberkarya.com/index.php/read/2019/03/18/201903180007/SatPol-PP-Belum-Bergerak-70-Persen-Penginapan-di-Nusa-Penida-Tak-Berizin.html>.

90 *Ibid.*

91 "Investor Impiana Hotel Melanggar, Langkahi BWS Bali Penida," *Delik News* (21 August 2019), online <https://www.deliknews.com/2019/08/21/investor-impiana-hotel-melanggar-langkahi-bws-bali-penida/>.

92 "Pelanggaran Tata Kelola Wilayah Pesisir Sebabkan Luas Daratan Bali Berkurang Hingga 4.500 Hektar" *Bali Tribun* (20 August 2019), online <https://bali.tribunnews.com/2019/08/20/pelanggaran-tata-kelola-wilayah-pesisir-sebabkan-luas-daratan-bali-berkurang-hingga-4500-hektar>.

93 *Ibid.*

In 2021, a hotel construction project in Gianyar violated the Gianyar District Spatial Plan regarding sacred areas. Particularly, its construction was only 2.5 meters from the Subak Maluang Temple. [94] In 2023, the resort and villa development project in Bugbug Village, Karangasem, Bali, has sparked controversy. Thousands of residents from local villages rejected the construction of this luxury resort because they were seen as exploiting the sacred area of Gumang Temple, Bugbug Village.[95] In the same year, the existence of accommodation near Goa Lawah Temple, Pesinggahan Village, Klungkung District has been rejected by residents. This is because the accommodation stands in the sacred area of Goa Lawah Temple.[96] In 2024, the Indonesian Forum for the Environment (WALHI) Bali stated that the hotel project in Ubud, Gianyar has violated the Gianyar District Spatial Plan because it is located in the agricultural and plantation zone that is prohibited for commercial activities.[97]

2. Human Rights Impacts of Tourism Development: A Spatial Planning Governance Analysis

This section analyzes how tourism development, in the context of spatial planning governance, may lead to adverse human rights impacts. Rather than if violations of spatial planning regulations automatically constitute human rights violations, this section adopts a rights-based analytical framework that identifies (i) the relevant rights holders, (ii) the specific rights affected, and (iii) the role of the state as duty bearer. In this study, the primary rights holders are local communities and indigenous peoples, whose rights may be affected differently depending on the nature of tourism development and spatial planning decisions. The analysis focuses on specific rights, namely the right to adequate housing, the right to livelihood and work, the right to a healthy environment, and, in the case of indigenous peoples, rights to land, culture, and self-determination.

In this context, spatial planning governance is understood not only as a legal framework but also as a set of state actions and omissions, including licensing decisions, zoning changes, enforcement practices, and the level of public participation in decision-making processes. Failures in these areas may create conditions that negatively affect the enjoyment of human rights. Therefore, the following analysis does not equate regulatory non-compliance with human rights violations *per se but* instead examines how such governance failures contribute to

94 "Diduga Langgar Perda RTRW: Pembangunan Hotel Disoroti Dewan," *Suara Dewata* (7 December 2021), online <https://www.suaradewata.com/read/202112070009/diduga-langgar-perda-rtrw-pembangunan-hotel-disoroti-dewan.html>.

95 "Janji Kesejahtaraan Di Tengah Penolakan Proyek Resort Mewah Di Karangasem," *Detik* (29 Juni 2023), online <https://www.detik.com/bali/berita/d-6797975/janji-kesejahteraan-di-tengah-penolakan-proyek-resort-mewah-di-karangasem>.

96 "Warga Tolak Pembangunan Penginapan Di Kawasan Suci Pura Goa Lawah," *Radar Bali* (1 Oktober 2023), online, <https://radarbali.jawapos.com/klungkung/703034493/warga-tolak-pembangunan-penginapan-di-kawasan-suci-pura-goa-lawah-begini-alasannya>.

97 "*WALHI Bali Desak Hentikan Pembangunan Hotel Vasa Ubud*," *Jawa Pos* (30 December 2023), online <https://jembranaexpress.jawapos.com/news/2233670974/walhi-bali-desak-hentikan-pembangunan-hotel-vasa-ubud-berikut-ini-poin-poin-pelanggarannya>.

outcomes that may infringe upon protected rights under international human rights instruments such as the UDHR, ICESCR, and UNDRIP.

As mentioned earlier, the fast development of tourism amenities such as restaurants and hotels in Kuta, Bali was not accompanied by the creation of public and private waste and sewerage disposal systems, as well as water and electricity sources. This situation has led to adverse human rights impacts, as poor sewage and waste disposal practices have contaminated the environment and water supplies. Both visitors and local communities may face increased risks of disease due to pollution, while inadequate waste management contributes to unhealthy living conditions. These conditions are closely linked to the right to a healthy environment and the right to an adequate standard of living, including access to clean water and sanitation.

The growth of the tourism industry also places significant pressure on regional ecosystems when appropriate infrastructure is not in place. Improper waste disposal can pollute air, land, and water, thereby threatening biodiversity and the natural resources on which local communities depend. This environmental degradation may undermine the right to livelihood, particularly for communities reliant on agriculture, fisheries, or other natural resource-based activities. In addition, unequal access to basic utilities such as water and electricity may disproportionately affect marginalized groups, raising concerns regarding equitable access to essential services.

In reference to erosion caused by high-rated hotel projects, tourism development has in some cases contributed to the displacement of nearby communities, whether through formal land acquisition, rising land prices, or indirect forms of exclusion. Such processes may interfere with the right to adequate housing, particularly where displacement occurs without sufficient safeguards. At the same time, intensive resource use and environmental degradation associated with large-scale tourism facilities may affect the right to a healthy environment. In certain cases, the commercialization of local culture for tourism purposes may also raise concerns regarding the protection of cultural rights, particularly for indigenous peoples.

With respect to deforestation in the Tahura case, tourism-related land use changes have contributed to environmental degradation and biodiversity loss. These impacts may affect human well-being by disrupting ecosystems and increasing vulnerability to environmental risks. For local communities and indigenous peoples who depend on forest resources, deforestation may undermine the right to livelihood and, in some cases, the right to adequate housing, particularly where communities are displaced or lose access to essential resources. Moreover, for indigenous peoples, forests often hold cultural and spiritual significance, meaning that such developments may also affect rights to culture and self-determination.

In relation to the Benoa Bay reclamation project, potential human rights impacts arise from both environmental and socio-economic dimensions. Reclamation activities may alter coastal ecosystems, affecting fisheries and marine biodiversity, which are essential for the livelihoods of local communities. Reports

indicating displacement of fishing communities highlight concerns related to the right to livelihood and the right to adequate housing, particularly where relocation occurs without adequate safeguards. Additionally, environmental degradation linked to reclamation may affect the right to a healthy environment, which is closely connected to other rights such as health and well-being.

Furthermore, tourism development in coastal and sensitive areas, including cliffs and riverbanks, may expose communities, workers, and visitors to increased risks of natural hazards such as erosion, landslides, and flooding. Such conditions raise concerns related to the right to life and security, particularly where spatial planning regulations intended to mitigate these risks are not effectively enforced. At the same time, the privatization of coastal areas for tourism purposes may limit public access to natural resources, affecting both livelihoods and social well-being.

Finally, tourism development in proximity to sacred sites, such as Hindu temples in Bali, raises important concerns regarding cultural and religious rights. These sites are integral to the identity and spiritual life of local communities. Development that disrupts their sanctity, restricts access, or alters their environment may interfere with the right to freedom of religion and the right to participate in cultural life. In addition, environmental impacts such as pollution and overcrowding may further affect the ability of communities to maintain cultural and religious practices.

3. A Rights-Based Approach to Spatial Planning Governance in Tourism Development

This section proposes a set of legal and policy principles aimed at addressing the human rights impacts arising from tourism development within the framework of spatial planning governance. Building on the previous sections, which demonstrate how weaknesses in spatial planning implementation may adversely affect local communities and indigenous peoples, this section shifts the focus toward normative responses. This paper then introduces the T.R.U.E. framework that includes transparency, respect for indigenous rights, upholding labor rights, and environmental protection as a structured approach to align spatial planning governance with human rights obligations.

The T.R.U.E. framework should not be understood merely as a set of policy recommendations, but as a normative extension of the rights-based approach to development. Within this framework, spatial planning is conceptualized as a mechanism through which the state implements its obligations to respect, protect, and fulfill human rights. Each component of the framework corresponds to specific dimensions of these obligations, linking governance processes with substantive rights outcomes. In this regard, the framework contributes to existing literature by translating abstract human rights principles into concrete governance standards applicable to spatial planning. It provides an analytical tool for assessing whether tourism development aligns with human rights obligations, moving beyond compliance-based approaches toward a more substantive evaluation of development outcomes.

Transparency is critical in mitigating human rights impacts associated with tourism projects in Indonesia because it promotes accountability and empowers affected communities. Firstly, it strengthens accountability by making it easier to identify and address potential human rights concerns in tourism projects. When government agencies, developers, and other stakeholders are required to disclose information about planned projects, including their environmental and social implications, it becomes more difficult for them to engage in unlawful or harmful practices without scrutiny. Transparent processes enable civil society organizations, local communities, and independent actors to monitor developments, raise concerns, and hold decision-makers accountable.

Furthermore, transparency empowers local populations by providing them with access to information and opportunities to participate in decision-making processes that affect their lives and livelihoods. Communities affected by tourism projects are often marginalized and lack the capacity to effectively voice their concerns. By ensuring inclusive and transparent planning processes, governments can enable communities to articulate their interests, negotiate fair outcomes, and exercise their rights more effectively.

Respect for Indigenous Rights is the second principle. In the context of tourism development, protecting indigenous land rights is essential to prevent displacement, marginalization, and dispossession. Tourism projects often involve the conversion of land for commercial purposes, sometimes without obtaining free, prior, and informed consent (FPIC) from indigenous communities. Recognizing these rights ensures that indigenous peoples maintain control over their ancestral lands and participate meaningfully in decisions regarding land use. In addition, safeguarding indigenous cultural rights is crucial to preserving cultural heritage and identity. Tourism development may commodify or disrupt cultural practices, leading to cultural erosion or exploitation. Respecting indigenous rights therefore includes protecting sacred sites, maintaining cultural integrity, and ensuring that tourism activities do not undermine traditional ways of life.

Upholding labor rights is also essential in the tourism sector. Tourism-related employment is often characterized by precarious working conditions, including low wages, long working hours, and limited job security. Ensuring compliance with labor standards is critical to prevent exploitation, particularly for vulnerable groups such as migrant workers. Strengthening labor inspection mechanisms, improving access to legal remedies, and promoting awareness of workers' rights are key measures in this regard. By ensuring fair wages, safe working conditions, and protection against exploitation, tourism development can contribute more effectively to the realization of the right to work and the right to an adequate standard of living, rather than exacerbating existing inequalities.

The final principle is environmental protection. Prioritizing environmental sustainability is essential to prevent adverse impacts on ecosystems and the communities that depend on them. Tourism development often involves large-scale infrastructure projects that may lead to pollution, deforestation, and biodiversity loss. Integrating environmental impact assessments, sustainability standards, and carrying capacity considerations into spatial planning processes can help mitigate

these risks. Environmental protection also plays a critical role in supporting climate resilience and disaster risk reduction. Given Indonesia's vulnerability to natural hazards, integrating environmental and climate considerations into tourism planning is necessary to protect lives, livelihoods, and long-term development.

Finally, environmental protection supports social justice by ensuring that the benefits and burdens of tourism development are distributed fairly. Local communities, particularly those in environmentally sensitive areas, should not disproportionately bear the negative impacts of development while receiving limited economic benefits. By incorporating principles of environmental justice and participatory governance, spatial planning can better align tourism development with human rights protection.

IV. CONCLUSION

This paper has examined the relationship between tourism development, spatial planning governance, and human rights impacts in Indonesia by moving beyond the assumption that spatial planning violations automatically constitute human rights violations. Instead, it demonstrates that weaknesses in spatial planning governance—such as inconsistent enforcement, regulatory adjustments, and limited public participation—may create conditions that adversely affect specific rights, including the right to adequate housing, livelihood, and a healthy environment, as well as the rights of indigenous peoples to land and culture. Drawing on case studies such as the Tahura Mangrove Project and the Benoa Bay Reclamation, the analysis shows that while tourism generates economic benefits, these are often unevenly distributed, with local communities and indigenous peoples disproportionately bearing social and environmental costs. Accordingly, this paper advances a rights-based approach to spatial planning governance, as reflected in the T.R.U.E. framework, and argues that integrating human rights considerations into tourism development is not only a normative obligation but a necessary condition for achieving sustainable, equitable, and accountable development.

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