Environmental Conservation Based Ecotourism Concept Policy

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Abstract

Ecotourism is a form of tourism that is closely related to conservation principles. The concept of Ecotourism can be studied fundamentally as stated in Law Number 32 of 2009 concerning Environmental Protection and Management CHAPTER X Article 65 Paragraph (1) "Everyone has the right to a good and healthy environment as part of human rights" and Paragraph (2) "Everyone has the right to environmental education, access to information, access to participation, and access to justice in fulfilling the right to a good and healthy environment". So that this concept can have economic value for the community as well as conservation value. Through this ecotourism, the community and the government together create a system where the education, culture, economy and environmental protection sectors can go hand in hand. The concept of ecotourism which has rapid opportunities is also considered to have many shortcomings from a juridical point of view and in the implementation of its policies, among others, the regulation of laws that mandate the
existence of ecotourism has not been harmonized and knowledge and community participation are considered lacking.

Introduction

Indonesia is known as an archipelagic country that is thick with its culture. Each region in Indonesia always has a different culture and potential. One of these potentials is the development and preservation of natural resources through ecotourism, which is a form of tourism that is closely related to conservation principles, using conservation strategies to maintain the integrity and authenticity of ecosystems in unspoiled areas, while improving the economic welfare of the people in the area.

Since the 1970s, conservation organizations have started to see ecotourism as a conservation-based economic alternative because it does not destroy nature nor is it “extractive” with negative impacts on the environment such as logging and mining. Ecotourism is also considered a type of business that is economically and environmentally sustainable for the people living in and around conservation areas. However, in order for ecotourism to remain sustainable, it is necessary to create enabling conditions in which the community is given the authority to make decisions in managing ecotourism businesses, regulating the flow and number of tourists, and developing ecotourism according to the vision and expectations of the community for the future. Ecotourism is appreciated and developed as one of the business programs that can also be a conservation strategy and can open up economic alternatives for the community1. With an ecotourism pattern, people can take advantage of the intact natural beauty, culture, and local history without destroying or selling its contents. Ecotourism is defined as the implementation of responsible tourism activities in natural places and/or areas that are managed based on natural principles, with the aim of not only enjoying the beauty, but also involving elements of education, understanding, and support for nature conservation efforts and improvement of the environment. welfare of the local community2.

Ecotourism is a form of tourism that is closely related to the principle of conservation. Even in the strategy of developing ecotourism, it also uses a conservation strategy. Thus, ecotourism is very appropriate and efficient in maintaining the integrity and authenticity of ecosystems in unspoiled areas3. Even with ecotourism, nature conservation can be improved because of the pressure and demands of eco travelers. The definition of ecotourism was first introduced by the

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organization The Ecotourism Society (1990) as follows: ecotourism is a form of tourism to natural areas carried out with the aim of conserving the environment and preserving the life and welfare of local residents. Initially, ecotourism was carried out by nature-loving tourists who wanted the tourist destination to remain intact and sustainable, in addition to maintaining the culture and welfare of the community.

But in its development, it turns out that this form of ecotourism is developing because it is much favored by tourists. Tourists want to visit natural areas, which can create business activities. Ecotourism is then defined as follows: ecotourism is a new form of responsible travel to natural and adventurous areas that can create a tourism industry (Eplerwood, 1999). From these two definitions it can be understood that the world’s ecotourism has developed very rapidly. It turns out that several destinations from the national park have succeeded in developing this ecotourism.

Ecotourism is a tourism product that focuses more on aspects of education and information, socio-cultural aspects, environmental aspects, aesthetic aspects, ethical aspects and reputation. Therefore, ecotourism planning must be directed at the concepts, principles, and market analysis. According to From (2004) there are three ecotourism concepts, namely: outdoor; accommodation created and managed by local communities; and have attention to the natural environment and local culture⁴. Therefore, ecotourism activities have the following principles, reduce the negative impact, build awareness and appreciation, offer positive experiences, provide financial benefits, increase sensitivity to social & environmental situations, respect human rights.

Based on its principles, ecotourism activities are tourism activities that pay great attention to the sustainability of tourism resources. Therefore, ecotourism activities are very different from other tourism activities that are more mass in nature. The following are the characteristics of ecotourism activities tourism activities related to environmental conservation, service providers prepare attractions and offer tourists to appreciate the environment, nature-based tourism activities, tour operator demonstrates financial responsibility in environmental preservation, raise funds for environmental conservation activities, the use of local transportation and accommodation, is simple, energy efficient, and involves community participation, small scale⁵. In addition to the characteristics of its activities, ecotourism also has a market with tourist characteristics, as follows 15-54 years old, 50% are girls, 85% highly educated, small group or individual, have a long journey duration (8-14 days), spend more money, wilderness area, enjoy the scenery and seek new experiences (EKO 2).

With good management and design, the benefits of ecotourism can include

aspects of conservation, empowerment and environmental education. These benefits in full are as follows conservation, the link between ecotourism and endangered animals is very close, even if it is positive, as a study conducted by Griffith University researchers. Tourism is positively correlated with conservation means providing effective economic incentives to preserve, increase cultural biodiversity, protect natural and cultural heritage on planet earth. Economic empowerment, ecotourism involving local communities means increasing the capacity, employment opportunities of local communities. The concept of ecotourism is an effective method to empower local communities around the world to fight poverty, achieve sustainable development. Environmental education, involving environmental education means that the tourism activities carried out must enrich the experience, as well as environmental awareness through interpretation. Activities should promote understanding, full respect for nature, people, local culture.

Furthermore, ecotourism developed in conservation areas is ecotourism that is "GREEN and FAIR" (Green & Fair) for the benefit of sustainable development and conservation, which is a business activity that aims to provide sustainable economic alternatives for communities in protected areas, sharing the benefits of efforts proper conservation (especially for communities whose land and natural resources are in protected areas), and contribute to conservation by increasing awareness and support for the protection of landscapes that have high biological, ecological and historical value.

The principle of environmental carrying capacity is considered where the level of tourist visits and activities in an ecotourism destination is managed according to acceptable limits both in terms of nature and socio-culture. Wherever possible use environmentally friendly technologies (solar electricity, micro hydro, biogas, etc.) Encourage the formation of "ecotourism conservancies" or ecotourism areas as areas with special designations whose management is given to competent community organizations. So with that background, the author wants to explore how the concept of ecotourism is based on environmental conservation at the level of legislation and the obstacles and challenges in implementing ecotourism policies in Indonesia.

**Research Method**

Research that is prescriptive. This research approach is carried out with a statute approach. The legal materials used are primary legal materials and secondary legal materials. Primary legal materials consist of statutory regulations.

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and secondary legal materials consist of literature study materials. The data analysis technique uses deductive logic.

Results and Discussion

How is the concept of ecotourism based on environmental conservation at the level of legislation?

The concept of Ecotourism can be studied fundamentally as stated in Law Number 32 of 2009 concerning Environmental Protection and Management CHAPTER X Article 65 Paragraph (1) "Everyone has the right to a good and healthy environment as part of human rights" and Paragraph (2) "Everyone has the right to environmental education, access to information, access to participation, and access to justice in fulfilling the right to a good and healthy environment". The right to environmental information is a logical consequence of the right to play a role in environmental management based on the principle of openness. The right to environmental information will increase the value and effectiveness of participation in environmental management, in addition to opening up opportunities for the community to actualize their right to a good and healthy environment. The environmental information as referred to in this paragraph can be in the form of data, information, or other information relating to environmental protection and management which according to their nature and purpose are indeed open to the public, such as analysis documents on environmental impacts, reports, and evaluation of monitoring results. environment, both monitoring of compliance and monitoring of changes in the quality of the environment and spatial planning.

Besides that, there are also obligations as stipulated in Article 67 which states that "everyone is obliged to maintain the preservation of environmental functions and control pollution and/or environmental damage". In the context of environmental protection and management, the community has the same and widest possible rights and opportunities to participate actively by conducting social supervision, providing suggestions, opinions, proposals, objections, complaints, and/or submitting information and/or reports.

In the development of ecotourism, there are four agencies that have the authority to manage and make policies and legislation on ecotourism. These ministries include: the Ministry of Environment and Forestry, the Ministry of Tourism, the Ministry of Home Affairs and the Ministry of Marine Affairs and Fisheries.

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1) Law Number 10 of 2009 concerning Tourism In Law Number 9 of 2010, there is a mandate of statutory provisions that must be made by the Government in its types and hierarchy, namely two Government Regulations, four Presidential Regulations, a Ministerial Decree, and three Ministerial Regulations.

Based on the search for existing regulatory documents, the Government has determined the mandate of Law Number 10 of 2009 which consists of Government Regulations, Presidential Regulations, Ministerial Decrees and Ministerial Regulations\(^\text{11}\). From the mandate of the regulation, there are still three laws and regulations that have not yet been enacted, namely: two Presidential Regulations and one Ministerial Regulation. The Presidential Regulation referred to is a mandate from Article 31 and Article 60, while the Ministerial Regulation is a mandate from Article 14 paragraph (2) of the Tourism Law.

2) Law Number 5 of 1990 concerning Conservation of Biodiversity and Its Ecosystems

The results of the identification related to the completeness of the policy and regulatory posture in Law Number 5 of 1990 concerning Conservation of Biological Natural Resources and Their Ecosystems, there are seven Government Regulations that have been stipulated. Meanwhile, from the mandate of the law, there are four Government Regulations that have not been stipulated. Government regulations that have not been stipulated, namely related to the protection of life support systems; biosphere reserves; the participation of the people and the submission of some of the affairs and tasks of assistance in the implementation of the conservation of living natural resources and their ecosystems\(^\text{12}\).

3) Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands

Based on the results of research on Law No. 27 of 2007, there are mandates to form four Government Regulations, six Presidential Regulations, ten Ministerial Regulations, and one Regional Regulation. The government has stipulated two Government Regulations as mandated by Law Number 27 of 2007. Meanwhile, there are still five mandated Government Regulations that have not been stipulated by the Government. Of the four Government Regulations, there is one Government Regulation, the Article mandated in Law No. 27 of 2007 in conjunction with Law No. 1 of 2014 has been declared invalid by the Constitutional Court. The decision of the Constitutional Court stated that the provisions in Article 16 and Article 50 which regulate the Government to stipulate a Government Regulation concerning the Concession Rights of Coastal Waters are declared to violate the 1945 Constitution and are therefore declared null and void.

4) Law Number 23 of 2014 concerning Regional Government Law Number 23


of 2014 concerning Regional Government is a statutory regulation that replaces the old Regional Government Law no. 32 of 2004. In Law Number 23 of 2014 regulations related to tourism are government affairs of choice. In Article 1 number 15, Law No. 23 of 2014 states that elective government affairs are government affairs that must be carried out by the Region in accordance with the potential of the region. For tourism affairs, Law No. 23 of 2014 makes government affairs the choice. The selected government affairs are divided into two, namely: a) mandatory; and b) choice. This choice of government affairs is the authority of the regional government. The division of concurrent affairs includes sub affairs: tourist destinations, tourism marketing, creative economic development through the use and protection of Intellectual Property Rights and development of tourism human resources and the creative economy. In matters of government choice mandated in Law No. 23 of 2014, it is not explicitly mandated in the form of Government Regulations or other implementing regulations. Law No. 23 of 2014 does not explicitly revoke the implementers who carry out the implementation of tourism, so that the basis for implementing the Regional Government in implementing ecotourism development is still using the Minister of Home Affairs Regulation No. 33 of 2009 concerning Guidelines for Regional Ecotourism Development.

**What are the Barriers and Challenges in Implementing Ecotourism Policies in Indonesia?**

The development of ecotourism areas based on environmental conservation has raised the awareness of policy makers and critical elements in society about the importance of developing tourism development that is oriented towards environmental sustainability (*ecologist*) and based on the capabilities of local communities. This orientation shift is motivated by the awareness that tourism development needs to be adapted to the current development context, which must be linked to environmental issues, local community empowerment and long-term and sustainable oriented development to become the main issues that must underlie the direction of development in various sectors, including the tourism sector. This tendency is marked by the development of a new lifestyle and awareness of a deeper appreciation of the values of relationships between humans and their natural environment. These new developments are specifically shown through the forms of tourist involvement in outdoor activities, concern for

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ecological and sustainability issues, advances in science and education, as well as emphasis and appreciation of aesthetic values. Awareness of the phenomena mentioned above encourages the government to look for new forms for the development of tourism products that are able to answer the existing challenges, namely that the development of tourism products for the future must be oriented to the values of preserving the environment and community culture, developing local communities (community-based tourism), including providing great value for the community and long-term benefits/orientation.

At the juridical level, Avenzora (2008) explains that the obstacles in implementing regulations to create effective ecotourism are because: 1) the necessary preconditions have not been created for the policy to run effectively; 2) decision-making is generally not comprehensively formulated, for example, lack of attention to economic concepts and institutions as the basis for policy formulation as well as carrying out a dichotomy between facts and values in decision-making; 3) still weak law enforcement efforts; 4) formulation of policy substance that is not in accordance with the problems faced by conservation areas; and 5) the substance of the policy still tends to be in the form of regulation, command and control or merely technical instructions.

The government policy system that has not comprehensively understood ecotourism and the government's participation has not been optimal. In terms of policy instruments, the government has tried to accommodate the interests of the environment by enacting laws and regulations concerning conservation as well as tourism and ecotourism. The set of regulations is also not fully understood and well socialized to all stakeholders, especially the ministries that are closely related to ecotourism development and human resources under it, so it is not only in the executive and legislative spheres. The same socialization and understanding of the set of rules is also needed at the judicial level so that they can play a role in continuing to assist in terms of law enforcement.

The low contribution of ecotourism activities in Indonesia is felt by the community and local government. In the development of ecotourism, local communities should benefit economically. Generally, in the development of ecotourism, people are still marginalized. If the community gets financial benefits/benefits and is involved in ecotourism activities, the community will care and feel they have and protect the sustainability of ecotourism resources.

Knowledge of biodiversity that is not yet comprehensive in the development of ecotourism. Biodiversity includes diversity at the level of ecosystems, species and genetics. Ecotourism activities require understanding and knowledge of biodiversity itself. This knowledge is the basis for wise use. Currently what is

happening is the problem of population growth which continues to increase and is not accompanied by the growth of human environmental ethics, in addition to the occurrence of economic growth and tourism development that is not pro-environmental and the occurrence of climate change. These things have an impact on the destruction and shrinkage of biodiversity and the global environment which will directly affect the ecotourism resources that will be developed and the demand for ecotourism in the future.

Human resource capacity and management capacity that do not meet the standards in ecotourism development. Human resources that need to be formed in relation to ecotourism activities are to shape the ethics and morals of human resources that are pro-environmental and environmental conservation. This is closely related to the value of SD Kehati and its environment, including the value of socio-cultural aspects and economic conditions. Efforts to increase the capacity of human resources can be done through the role of environmental and environmental conservation education so that it can change moral human decisions and conservation & environmental ethics. Ecotourism management requires competent human resources to "produce" and understand the behavior of its products that are subject to environmental laws (theories), namely growth, systems and behavior (Mihali and product development theory). As an industrial product that can experience saturation, ecotourism development also requires human resources with marketing competencies for visitors. The capacity of human resources and management that meets the standards will have an impact on the ability to provide interpretations of natural and cultural resources that end in tourist demand and satisfaction. The ability to interpret is important because it relates to the ability to explore and interpret the values contained in natural and cultural resources, the ability to interpret also develop destinations that have unique natural and cultural resources, provide learning about the natural environment and local culture. Another thing is the capacity of good human resources in an effort to develop and introduce aspects of interpretation in ecotourism product design, provide understanding and continue to increase the appreciation of tourists and the community towards the natural environment and local culture and utilize the environment to obtain optimization effects for economic interests and environmental preservation.

Its contribution to the interests of conservation and sustainable development is still low. Ecotourism activities need to increase financial contributions to conservation activities (provides direct financial benefits for conservation). Ecotourism can improve environmental protection, education, research that can be done through the mechanism of collecting entrance fees. This can be supported through regulations regarding user fees in conservation areas or local governments making technical regulations to regulate the

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collection of entry fees that enhance conservation activities¹⁹.

Synergy from research institutions and universities, private support, and
government support both national-provincial and district/city local governments
has not yet occurred and has not been fully supported by the community. There
are still many ecotourism developments that have not been integrated with regional
development²⁰. Talking about ecotourism in achieving sustainable development
goals, then talking about the system. This requires synergy from various
stakeholders and supported by policy products that can be stated in regional
regulations in the form of Regional Spatial Plans (RTRW) that are able to
accommodate sustainable development. In this case, regional regulations in the
form of technical guidelines for ecotourism in the Master Plan for Natural Tourism
Development (RIIPPA) are also expected to be able to accommodate all
stakeholders.

Ecotourism entrepreneurship has not properly integrated intellectual,
spiritual, and emotional control interests. In this case, the efforts needed to deal
with increasingly crisis conditions require a new pattern called ecosophy. The
development of ecotourism entrepreneurship which includes three dimensions for
human ethics, namely spiritual, intellectual and emotional, is expected to be able
to build a life order that is in accordance with the heart, senses and brain.

Conclusion

Ecotourism is a tourism concept that prioritizes education, culture and
conservation values. In practice, ecotourism requires a planning process as well as
harmonization and community participation so that local local values are not lost
and there is also legal certainty regarding the implementation of ecotourism.
Harmonization of legislation as well as the participation of policy makers and the
community is very much needed in the development of sustainable ecotourism
based on environmental conservation.

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