LEGAL HARMONIZATION FOR LAND USE CONVERSION IN THE DEVELOPMENT OF NATURE BASED TOURISM

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Abstract

Land use conversion in the context of tourism development particularly nature-based tourism constitutes a strategic issue encompassing legal, environmental, and socio-economic dimensions. This study aims to analyze the extent to which Indonesia's legal and regulatory frameworks have accommodated the governance of land-use conversion within the framework of sustainable tourism development. The research employs a normative juridical approach by examining statutory regulations relating to spatial planning and land-use conversion. This study is particularly relevant given the increasing strategic importance of environmental policies, including those in Kuningan Regency. One such regulation is Law Number 26 of 2007 concerning Spatial Planning. The findings indicate that, normatively, there is a degree of legal synchronization across various regulations that ensures conformity in spatial utilization with the Regional Spatial Plan (RTRW) and the Detailed Spatial Plan (RDTR), while also incorporating sustainability and environmental protection considerations. Nonetheless, practical challenges persist, including overlapping authorities, weak enforcement mechanisms, and limited public participation. Therefore, there is a pressing need to strengthen both legal structures and the legal culture of society to realize legal certainty and effective protection in land-use conversion for equitable and sustainable tourism development.

1. Introduction

Natural and Artificial Tourism are divided into two main categories. Indonesia, as an agrarian country with abundant and diverse natural resources, holds significant potential for tourism development. If managed properly, the beauty of nature, rural life, and agricultural opportunities can enhance the attractiveness of a destination.[1]

Indonesia's rich natural resources offer great potential for the development of tourism, particularly nature-based and agrotourism. Many rural areas have been utilized as tourism destinations due to their natural agrarian atmosphere. However, land-use conversion and development pressures have led to a reduction in spaces that can be used for such purposes. This calls for more prudent and sustainable policies in the management of natural resources.[2]

While development provides opportunities for improved living standards, it also poses risks of environmental degradation and pollution. To mitigate these potential harms, development efforts must be balanced with environmental sustainability.[3]

Land constitutes a fundamental element in sustaining human life and development. All development activities whether in agriculture, forestry, housing, industry, mining, or tourism are dependent on the availability of finite physical space. Excessive development without regard for spatial limitations may result in ecological damage.[4] One of the indicators is the declining area of rice fields, from 8.1 million hectares in 2015 to 7.5 million in 2019, and further down to 7.4 million hectares in 2023, due to land conversion for industrial purposes.[5]

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[1] Elisabeth Ante, Noortje M. Benu, and Vicky R.B Moniaga, "Dampak Ekonomi Dan Sosial Alih Fungsi Lahan Pertanian Hortikultura Menjadi Kawasan Wisata Bukti Rurukan Di Kecamatan Tomohon Timur, Kota Tomohon", Jurnal Agri-Sosio Ekonomi Unsrat, Vol. 12 No. 3, September 2016, p. 114

[2] Endang Sutrisno, Taty Sugiarti and Iis Isnaeni Nurwanty, "The River Conversation for Environmental Preservation in Juristical Perspective", International Journal of Psychosocial Rehabilitation, Vol. 24 No. 02, April 2020, p. 1917

[3] Anggie Aqila Ariadica, Endang Sutrisno, and Agus Dimyati, "Reposisi Kebijakan Pemulihan Lingkungan Hidup Terhadap Penambangan Ilegal Galian C", Hukum Responsif, Vol. 11 No. 2, Agustus 2020, p. 74

[4] River Pieter Tandaju, Elsje P. Manginsela, and Nordy F. L. Waney, "Dampak Alih Fungsi Lahan Pertanian Cengkeh Terhadap Kondisi Sosial Ekonomi Petani (Studi Kasus Petani Pemilik Lahan di Kelurahan Kumelembuai Kecamatan Tomohon Timur", Jurnal Agri-Sosio Ekonomi Unsrat, Vol. 13 No. 3a, November 2017, p. 64

[5] Agustina Purwanti dan Budiawan Sidik A., "Alih Fungsi Lahan Mengancam Produksi Padi Nasional," Kompas News, 12 Oktober 2023, https://www.kompas.id/baca/riset/2023/10/12/alih-fungsi-lahan-mengancam-produksi-padi-nasional?utm_source=chatgpt.com.

Hence, any process of land-use conversion must be carried out with careful consideration of all relevant factors, ensuring that the negative or unintended consequences are minimized particularly those affecting sustainable development, community welfare, and environmental preservation.

Land-use change is, in essence, a logical consequence of the dynamic and evolving needs of society, while the availability of land remains constant. Within the context of a socio-political system characterized by competing interests economic, social, and political there is an inherent rivalry in land utilization driven by demand. Juridically and sociologically, this shift is driven by two primary factors: first, the necessity of meeting the basic needs of a growing population, and second, the increasing demands for a higher quality of life and greater prosperity. Therefore, the State, as the constitutional mandate holder, must play an active role in regulating land-use transformations not merely to accommodate market forces, but to ensure adherence to the principles of social justice and environmental sustainability.[6]

The Regional Spatial Plan (Rencana Tata Ruang Wilayah – RTRW) and the Detailed Spatial Plan (Rencana Detail Tata Ruang – RDTR) play an essential role in spatial governance in Indonesia. The RTRW serves as a reference for the use and development of regional space to maintain balanced development and to support both medium- and long-term planning.[7] Meanwhile, the RDTR acts as a more detailed guide for spatial development in specific areas.

The authority over the regulation and supervision of RTRW and RDTR lies with the local government, specifically through the Office of Spatial Planning and the National Land Agency. The Environmental Agency is responsible for managing environmental data and land rights. These institutions collaborate to ensure that spatial use complies not only with planning guidelines but also with legal requirements, environmental sustainability, and long-term development objectives.

The development of nature-based tourism involving land-use conversion is a complex issue, encompassing legal, economic, social, and environmental dimensions. Changes in land designation are often viewed as strategic efforts to boost regional tourism and economic growth. However, unregulated land conversion can result in environmental degradation and

[6] Mohammad Sigit Gunawan and Siska Karina, "Pandangan Yuridis Terkait Sistem Pengolahan Tanah Kas Desa", Unes Law Review, Vol. 6 No. 2, Desember 2023, p. 613

[7] Layla Mardiyani Fauziah, Nia Kurniati and Imamulhadi, "Alih Fungsi Lahan Pertanian Menjadi Kawasan Wisata Dalam Perspektif Penerapan Asas Tata Guna Tanah," Acta Diurnal Jurnal Hukum Kenotariatan, Vol. 2 No. 1, Desember 2018, p. 103

conflict among stakeholders.

If land conversion in Kuningan Regency does not align with the existing RTRW and RDTR, there is a heightened risk of environmental disasters such as landslides and erosion. Without strict supervision and active community involvement in the planning process, converting land into tourism zones may pose significant environmental risks and contribute to social injustice. Therefore, it is crucial to ensure that tourism development in Kuningan is carried out with due regard to sustainability and compliance with spatial planning regulations to prevent larger negative impacts.[8]

Moreover, studies conducted in various regions show that land conversion for tourism purposes often neglects social aspects. Indigenous peoples or local communities that depend on natural resources frequently suffer from reduced access to land and resources they traditionally used.

For this reason, this study is of particular importance as it analyzes the implementation of regulations concerning land-use conversion for nature-based tourism development in Kuningan Regency. The study is expected to provide policy recommendations that consider economic growth, the rights of local communities, and environmental considerations.

2. Research Method

This study employs a normative juridical approach, which is written descriptively to provide a comprehensive understanding of the methodology applied. Normative legal research seeks to examine the law as a system of living and binding norms within the societal order.9 As a review-based legal study, this method focuses on the analysis of the conformity between the Regional Spatial Plan (Rencana Tata Ruang Wilayah – RTRW) and the Detailed Spatial Plan (Rencana Detail Tata Ruang – RDTR) in the context of land-use conversion for nature-based tourism development. The legal materials analyzed include statutory regulations, scholarly opinions, and official policy documents. The theoretical framework incorporates the theory of legal systems by Lawrence M. Friedman and the legal norm hierarchy theory by Hans Nawiasky. The study is limited to regulatory instruments and policy implementation at both the national and regional levels, with a particular emphasis on the case of Kuningan Regency.

[8] Haris Budiman, "Kebijakan Tata Ruang Dalam Penerapan Pusat Kegiatan Lokal Di Kabupaten Kuningan Untuk Peningkatan Pendapatan Asli Daerah", Jurnal Unifikasi, Vol. 2 No. 2, Juli 2015, p. 17

[9] Ishaq, 2020. *Metode Penelitian Hukum dan Penelitian Skripsi, Tesis, serta Disertasi.* Bandung: Alfabeta, p. 66.

3. Results and Discussion

Land conversion has emerged as an increasingly prevalent phenomenon, driven by the growing demands of development. Within the context of natural tourism development, land use conversion is often carried out to boost the tourism sector as a means to support regional economic growth. While such conversion may bring economic benefits, it simultaneously poses serious risks, including environmental degradation and potential social conflict. Law Number 26 of 2007 concerning Spatial Planning mandates that land use must be in alignment with the Regional Spatial Plan (RTRW) and the Detailed Spatial Plan (RDTR), with the aim of minimizing adverse impacts on the environment and society.[10]

At the national level, the issue has attracted considerable public attention. As reported by the online media outlet Sindo News, many instances of land conversion are conducted outside the scope of the applicable legal framework.[11] This has led to the frequent imposition of sanctions ranging from site closures to permit revocations by the executive authorities during unannounced inspections.

Moreover, the lack of environmental consideration in land conversion practices has led to a range of ecological consequences. These include water shortages and the mismanagement of waste disposal systems, which have contributed to environmental pollution.[12]

From a regulatory standpoint, the issuance of permits for tourism development projects involving the use of natural resources requires a recommendation letter from the Youth, Sports, and Tourism Office (DISPORAPAR) of Kuningan Regency. According to an interview with the Head of the Division at DISPORAPAR, this recommendation serves a verification function to ensure that the applicant has complied with other legal requirements, particularly those concerning environmental sustainability.

In addition, the scope of public complaints and enforcement mechanisms against the misuse of land conversion also falls within the authority of

[10] Lisa Novita Akadir, Ilyas Ismail, and Sulaiman, "Tanggung Jawab Pemerintah Daerah dalam Perlindungan Alih Fungsi Lahan Pertanian Pangan Berkelanjutan", Jurnal IUS Kajian Hukum dan Keadilan, Vol. 7 No. 1, November 2018, p. 103

[11] P. R. Astyawan, "Momen Gubernur Jabar Dedi Mulyadi Menangis Lihat Alih Fungsi Lahan di Puncak Bogor," Sindo News, 5 Mei 2025, https://daerah.sindonews.com/read/1538971/6/momen-gubernur-jabar-dedi-mulyadi-menangis-lihat-alih-fungsi-lahan-di-puncak-bogor-1741251785

[12] Eki Nurhuda Almutaqin, "Banyak Alih Fungsi Lahan, Sampah dan Krisis Air, Calon Bupati Mana Paling Peduli Konservasi," Kuningan Mass, Oktober 2024, https://kuninganmass.com/banyak-alih-fungsi-lahan-sampah-dan-krisis-air-calon-bupati-mana-paling-peduli-konservasi/.

DISPORAPAR. Upon receiving such reports, the agency may impose administrative, civil, or even criminal sanctions. The ultimate aim of these enforcement actions is to restore the ecological conditions affected by unlawful land conversion.

The implementation of spatial planning regulations remains fraught with challenges. Among the most significant are the overlapping of authority and regulatory frameworks between central and regional governments, weak institutional supervision, and economic and political pressures.[13] A fundamental issue contributing to these challenges is the limited involvement of the public in spatial planning processes. As a result, numerous cases of land conversion occur without adequate consideration of broader environmental impacts.[14]

Empirical findings from the Cibeber District in Cianjur Regency reveal that unregulated land conversion can lead to ecological disasters such as landslides and erosion, triggered by violations of spatial planning regulations.[15] In Garut Regency, despite the enactment of Regent Regulation Number 52 of 2017 concerning the Management of the Darajbumiat Tourism Area, many business actors continue to violate land conversion provisions. Such violations persist due to a lack of robust supervision and the weak enforcement of legal norms.

In analyzing the legal problems arising from land conversion for tourism development, Lawrence M. Friedman's theory of the legal system offers a comprehensive analytical framework. This theory postulates that a functioning legal system comprises three interrelated components: the legal structure, legal substance, and legal culture.[16] In this context, the legal substance consists of normative instruments, including Law Number 26 of 2007, the RTRW, and the RDTR, which together form the legal basis for regulating land use.

However, the effectiveness of these regulations is undermined by institutional weaknesses, particularly in the legal structure. Poor coordination between agencies such as DISPORAPAR, the Environmental Agency (DLH), and local governments has hampered enforcement efforts. From a legal culture standpoint, low public legal awareness and a

[13] Mira Novana Ardani, "Alih Fungsi Lahan Pertanian Ditinjau Dari Penyelenggaran Pangan (Undang-Undang Nomor 18 Tahun 2012 tentang Pangan)", Law Development and Justice Review, Vol. 3, No. 2, November 2020, p. 4
[14] Zidan Febriansyah, Muhammad Giosefi, Jany Timothy Ronald Saputro, Addison Ghazia Aristito and Mahipal, "Analisis Kebijakan Hukum Tata Ruang Dalam Mencegah Alih Fungsi Lahan di Indonesia", Yustisi, Vol. 12 No. 1, Februari 2025, p. 48
[15] Layla Mardiyani Fauziah et al., Op. cit, p. 108
[16] Farida Sekti Pahlevi, "Pemberantasan Korupsi di Indonesia Perspektif Sistem Hukum Lawrence M. Friedman", El-Dusturie Vol. 1 No. 1, Juni 2022, p. 30

permissive societal attitude toward spatial planning violations hinder the realization of sustainable land governance. Thus, imbalances among the three pillars of the legal system impede the optimal implementation of spatial planning law. Efforts to address these shortcomings must therefore include not only legal reform, but also institutional strengthening and civic legal education.

Complementing Friedman's theory, Hans Nawiasky's Stufenbau theory or hierarchical norm theory provides insight into the importance of legal synchronization. According to this theory, legal norms are arranged in a hierarchical structure, from the Grundnorm (basic norm) to operational norms.[17] Applying this model to land use governance in Kuningan Regency, the following table presents an inventory of relevant laws and regulations:

(Table 1: Inventory of Regulations on Land Conversion)

No	Regulation	Provisions (Articles)	Sector	Regulatory Scope
1	Law No. 41 of 2009 on the Protection of Sustainable Food Agricultural Land	Articles 44–50: Prohibits the conversion of Sustainable Food Agricultural Land without authorization; provides for administrative and criminal sanctions	Agriculture, Spatial Planning	Designation of sustainable agricultural land, conversion procedures, administrative /criminal sanctions
2	Law No. 26 of 2007 on Spatial Planning	Article 19(2), Article 34: Land-use conversion must comply with the Regional Spatial Plan; violations are subject to sanctions	Spatial Planning	Conversion must go through a revision of the Regional Spatial Plan and approval from the Regional House of Representatives/local government

[17] Jazim Hamidi, Ria Casmi Arssa, Nurul Laili Fadhilah, Yasmin Mauntie, Bahrul Ulum Annafi, Danu Budi Iswara, and Arming. 2012. *Teori dan Perancangan Perda*. Malang: Universitas Brawijaya Press, p. 18

3	Government Regulation No. 1 of 2011 on the Designation and Conversion of Sustainable Food Agricultural Land	Articles 11–18: Procedures for application, feasibility assessment, and land replacement	Agriculture	Conversion permits, technical considerations, land compensation
4	Law No. 5 of 1960 on Basic Agrarian Principles (UUPA)	Articles 6 and 15: Land rights have a social function; changes in designation must consider public interest	Agrarian	Principles of agrarian justice, land use for the greatest welfare of the people
5	Presidential Regulation No. 59 of 2019 on the Control of Rice Field Land Conversion	Articles 2–6: Regulates conversion control based on rice field mapping; prohibits conversion without authorization	Agriculture, Environment	Spatial data, regional reporting, cross-ministerial roles
6	Law No. 32 of 2009 on Environmental Protection and Management	Articles 22–24: Land-use conversion with environmental impact must be accompanied by an Environmental Impact Assessment (AMDAL); Article 69: Sanctions for environmental destruction	Environment	AMDAL requirements, monitoring, supervision, and administrative /criminal sanctions
7	Ministerial Regulation of ATR/BPN No. 13 of 2021 on the Designation and	Articles 6–12: Procedures for the designation and evaluation of Sustainable Food Agricultural Land	Spatial Planning, Agriculture	Periodic assessments, national database of sustainable agricultural land,

	Evaluation of Sustainable Food Agricultural Land	by local governments		revocation mechanism
8	Law No. 10 of 2009 on Tourism	Article 26: Tourism destination development must align with the Regional Spatial Plan and environmental carrying capacity; Article 5 letter (e): Principle of sustainability	Tourism, Environment , Spatial Planning	Compliance with Regional Spatial Plan, National Tourism Strategic Areas, environmental and socio-cultural sustainability

Source: Researcher's Analysis, 2025

Based on the inventory above, it is evident that no specific regulation governs land conversion for tourism development. However, there exists a degree of normative synchronization between general land use regulations and sectoral regulations at the local level. Law Number 10 of 2009 concerning Tourism, particularly Article 26 letter (n), stipulates that tourism businesses must adhere not only to tourism-related regulations but also to relevant legal provisions across other sectors, as illustrated in the table.

To mitigate the negative impacts of land conversion, several policy recommendations are proposed. First, regulatory harmonization between central and regional governments must be strengthened to ensure legal certainty and coherence. Second, enforcement mechanisms must be enhanced through both traditional oversight and the application of land-use monitoring technologies. Third, incentives should be provided to landowners who maintain land use in accordance with RTRW and RDTR designations. Lastly, greater public participation in spatial planning processes is essential to promote inclusive and environmentally conscious policymaking.

In conclusion, land conversion must be addressed through a balanced legal approach that integrates economic interests, environmental sustainability, and the protection of community rights. While a comprehensive regulatory framework already exists, its consistent implementation supported by institutional capacity and public legal awareness is key to ensuring that tourism development does not come at the expense of natural resource sustainability and social well-being.

4. Conclusion

The alignment between statutory regulations governing land-use conversion and tourism development demonstrates that Indonesia has established a relatively synchronized legal framework. Law Number 26 of 2007 concerning Spatial Planning, Law Number 10 of 2009 concerning Tourism, along with other sectoral regulations such as Government Regulations and Ministerial Regulations concerning environmental conservation and land use, collectively provide a complementary legal foundation. This synchronization is reflected in the division of authority between central and regional governments, the emphasis on environmental sustainability, and the recognized importance of public participation in the planning and oversight of land-use conversion for tourism purposes.

Furthermore, this harmonization is evident in cross-sectoral policies that integrate licensing procedures, Environmental Impact Assessments (AMDAL), and spatial utilization control mechanisms to ensure that tourism development does not lead to land degradation or spatial-use conflicts. Such harmonization facilitates the realization of tourism development that is responsive to spatial planning dynamics while maintaining ecological, social, and economic balance. Accordingly, although practical implementation still requires strengthened supervision and inter-agency coordination, a normatively integrated legal apparatus is already in place to govern the management of land-use conversion in the tourism sectorCoffee by registering Geographical Indications with the Directorate General of Intellectual Property Rights.

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