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Spatial Planning Policy for Sustainable Tourism Development: A Contemporary Islamic Law Perspective on Environmental Justice and Public Welfare

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Abstract: Sustainable tourism development requires spatial planning policies that balance economic, social, cultural, and environmental interests. However, implementing spatial planning policies in Indonesia still faces challenges, including regulatory disharmony between central and local governments, overlapping institutional authority, weak land-use oversight, and low public participation in the spatial planning and control process. This study analyses the implementation and strategies for spatial planning policies that support sustainable tourism development through a multidisciplinary approach integrating Lawrence Friedman's Legal Systems Theory with the principles of *Maqāṣid al-Sharī'ah*. This study employs a socio-legal approach with a qualitative design and was conducted in Kuningan Regency, West Java Province, and Buleleng Regency, Bali Province. Data were collected through in-depth interviews, field observations, focus group discussions (FGDs), document reviews, and an analysis of various regulations and development planning documents. Data analysis used the Miles, Huberman, and Saldaña interactive model and thematic analysis. The results indicate that the interrelationship among legal substance, legal structure, and legal culture significantly influences the effectiveness of spatial planning policies. Inconsistent regulations, weak institutional coordination, and largely formalistic community participation are the primary factors hindering policy implementation. Studies in Kuningan and Buleleng Regencies show that integrating spatial planning, environmental protection, community empowerment, and institutional strengthening supports more sustainable tourism development. This research offers a novel Sustainable Spatial Governance Model that integrates legal system dimensions with the principles of *Maqāṣid al-Sharī'ah* to achieve public welfare, social justice, environmental protection, and intergenerational sustainability in tourism development.

Keywords: *Maqāṣid al-Sharī'ah;* Spatial Planning Policy; Sustainable Tourism.

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INTRODUCTION

Today, in nearly every country, tourism development has become a key sector supporting economic growth; however, it often lacks balance with environmental conservation and social sustainability.[1] Inadequate land-use regulations can lead to environmental degradation, cultural damage, and social conflict.[2] Therefore, a multidisciplinary approach that integrates perspectives from various fields of study is necessary. A holistic analysis of spatial planning policies can help identify weaknesses in existing policies and develop more effective solutions for sustainable tourism development.[3] Regulatory analysis in spatial planning for sustainable tourism development matters not only to countries that rely on tourism as an income source, but also to global environmental sustainability and well-being.[4] By understanding the complex relationship between land-use regulations and tourism development, communities can work together to create sustainable, equitable solutions.[5] Several studies on spatial planning policies for tourism development have examined various aspects, including their impact on tourism development, the effectiveness of existing policies, and the factors that influence policy implementation.[6] Several studies have highlighted the importance of balancing tourism growth with environmental and cultural preservation.[7] Other studies have examined how

[1] Hidayat Darussalam et al., "Integrating Sharia Economic Law and the Green Economy in Nature-Based Ecotourism for Local Community Development," *Nusantara: Journal of Law Studies* 5, no. 1 (May 2026): 509–526, https://doi.org/10.66325/nusantaralaw.v5i1.195.

[2] Guy A. Lavender Forsyth and Quentin D. Atkinson, "A Brief History of Political Instability in Vanuatu," *Anthropological Forum* 34, no. 3 (2024): 253–278, https://doi.org/10.1080/00664677.2024.2346190.

[3] Hari Priyadi et al., "Design and Development of ASAP4: A Spatial-Based Decision Support System for Sustainable Tourism," *2022 1st International Conference on Technology Innovation and Its Applications (ICTIIA)*, 2022, 1–6, https://doi.org/10.1109/ICTIIA54654.2022.9935974.

[4] Rebecca M. Colvin et al., "Learning from the Climate Change Debate to Avoid Polarisation on Negative Emissions," *Environmental Communication* 14, no. 1 (2020): 23–35, https://doi.org/10.1080/17524032.2019.1630463.

[5] Raymond Rastegar and Lisa Ruhanen, "A Safe Space for Local Knowledge Sharing in Sustainable Tourism: An Organisational Justice Perspective," *Journal of Sustainable Tourism* 31, no. 4 (2023): 997–1013, https://doi.org/10.1080/09669582.2021.1929261.

[6] Maciej J. Nowak et al., "Spatial Planning Response to the Challenges of Climate Change Adaptation: An Analysis of Selected Instruments and Good Practices in Europe," *Sustainability* 15, no. 13 (2023): 10431, https://doi.org/10.3390/su151310431.

[7] B. Lu, "Sustainable Tourism Management: Balancing Economic Growth and Environmental Preservation," *Journal of Lifestyle and SDGs Review* 5, no. 5 (2025): e06587, https://doi.org/10.47172/2965-730X.SDGsReview.v5.n05.pe06587.

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land-use policies can resolve conflicts of interest between the tourism industry and local communities.[8] In addition, several studies have proposed frameworks for enhancing sustainability in tourism development through targeted land-use regulations.[9] However, knowledge gaps remain, including research on integrating multidisciplinary approaches with regulatory analysis.[10]

Although various studies have examined the relationship between spatial planning policies and sustainable tourism development, most still focus on positive law, governance, the tourism economy, and environmental protection. Previous research generally positions spatial planning policies as administrative instruments to control land use, reduce land-use conflicts, and promote regional economic growth through tourism. However, these studies still leave a significant conceptual gap because they have not adequately integrated Contemporary Islamic Law into analyses of sustainable tourism spatial planning policies. This gap is particularly relevant in Indonesia, home to the world's largest Muslim population. From a Contemporary Islamic Law perspective, development is not only an instrument of economic growth but also a means of realising the public interest (*maslahah*), social justice (*al-'adl*), environmental protection (*hifẓ al-bi'ah*), and resource sustainability for future generations. Various studies indicate that *Maqāṣid al-Sharī'ah* has evolved into a normative framework that protects not only religion, life, reason, lineage, and property, but also environmental protection, ecological justice, and sustainable resource management. Therefore, the success of spatial planning policies cannot be measured solely by administrative effectiveness and regulatory compliance; it must also be assessed by their ability to promote public welfare, ensure the equitable distribution of development

[8] Gubaye Assaye Alamineh et al., "The Negative Cultural Impact of Tourism and Its Implication on Sustainable Development in Amhara Regional State," *Cogent Arts & Humanities* 10, no. 1 (2023): 2224597, https://doi.org/10.1080/23311983.2023.2224597.

[9] Maciej J. Nowak, Artur Hołuj, and Małgorzata Blaszke, "Law as a Factor Generating Weakness in the Spatial Planning System: The Case of Poland," *disP-The Planning Review* 59, no. 2 (2023): 76–87, https://doi.org/10.1080/02513625.2023.2257489.

[10] Soumya Ranjan Mishra and Kamran Behdinan, "Multidisciplinary Design Analysis and Optimization Framework for Regulatory Driven Medical Device Development," *Proceedings of the Design Society* 3 (2023): 2735–2744, https://doi.org/10.1017/pds.2023.274.

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benefits, and support environmental sustainability.[11] In contemporary Islamic legal thought, the concept of *Maqāṣid al-Sharī'ah* has evolved from protecting five basic human needs to a broader approach that encompasses environmental protection, ecological justice, and sustainable development. This approach positions humans as *khalifah fi al-ardh*—stewards of the earth—with a moral responsibility to maintain nature's balance and prevent environmental damage from development activities. The principles of *amanah*, *al-'adl*, and *shura* provide a normative foundation for participatory, just, and sustainability-oriented spatial governance. Thus, spatial planning policies are understood not only as administrative legal instruments but also as ethical instruments aimed at realising ecological justice and social welfare. Based on this discussion, this study assumes that a positive-law or public-administration approach alone cannot adequately explain the effectiveness of spatial planning policies for sustainable tourism development. A multidisciplinary approach is needed that integrates Lawrence Friedman's Theory of Legal Systems with the principles of *Maqāṣid al-Sharī'ah* as an evaluative normative framework. Integrating these two perspectives enables a more comprehensive analysis of the relationship between legal substance, legal structure, legal culture, the public interest, environmental justice, community participation, and the sustainability of natural resources.

Although Lawrence Friedman's Legal Systems Theory has been widely used to explain the effectiveness of policy implementation through the dimensions of legal substance, legal structure, and legal culture, the theory is fundamentally more oriented toward the institutional and sociological aspects of law. In the context of sustainable tourism development, this approach has not fully explained the normative dimensions of ecological justice, the public good, and intergenerational responsibility, which are crucial components of spatial governance. Therefore, an analytical framework is needed that not only evaluates the effectiveness of legal implementation but also assesses the extent to which implemented policies can realise the substantive goals of development that are just, sustainable, and oriented toward the public good. In this context, the principles of *Maqāṣid*

[11] Nurul Wulandari and Abdul Aziz, "Integrating Maqaṣid Al-Shariah into the Sustainable Development Goals: A Comparative Analysis from an Islamic Economic Perspective," *Jeksyah: Islamic Economics Journal* 5, no. 02 (2025): 116–128, https://doi.org/10.54045/jeksyah.v5i02.2837.

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al-Sharī'ah serve as a normative instrument that complements Lawrence Friedman's Theory of Legal Systems, yielding a more comprehensive evaluative perspective on spatial planning policies and sustainable tourism development.

Balancing land use for spatial planning and tourism has become a significant issue over the past two decades. Since 2003, John McCarthy[12] has pointed out that spatial planning related to tourism has the potential to create sustainable cities. However, Steven Boyne emphasised that same year that tourism—if not properly regulated—can lead to problems such as traffic congestion, pollution, and overtourism, which remain major concerns.[13] An in-depth analysis of the sources of conflict among spatial planning, tourism development, and natural resource management is gaining attention; as Joana Almeida noted in 2017, developing appropriate strategies to manage these conflicts is essential.[14] Emerging research emphasises the importance of policy and planning in tourism because of its multisectoral nature and the complexity of interorganizational relationships and collaboration, as Konstantinos Andriotis (2019) highlights.[15] Zhang Mengjie (2022) notes that a review of conceptual models and methodological frameworks for evaluating spatial planning implementation is still needed.[16] Several studies have revealed a mismatch between urban development and tourism management; Josev Ivars (2023) highlights the importance of redefining their relationship to achieve greater synergy in tourism policy.[17]

These studies indicate that research on spatial planning and sustainable tourism development has advanced significantly, yet most studies still focus on regulatory

[12] John McCarthy, "Spatial Planning, Tourism and Regeneration in Historic Port Cities," *disP-The Planning Review* 39, no. 154 (2003): 19–25, https://doi.org/10.1080/02513625.2003.10556852.

[13] Steven Boyne, Derek Hall, and Fiona Williams, "Policy, Support and Promotion for Food-Related Tourism Initiatives: A Marketing Approach to Regional Development," *Journal of Travel & Tourism Marketing* 14, nos. 3–4 (2003): 131–154, https://doi.org/10.1300/J073v14n03_08.

[14] Fernando Nunes da Silva Joana Almeida, Carlos Costa, *A Tourism Management Perspectives*, 24 (2017): 94–106.

[15] David L. Edgell Sr et al., *Tourism Policy and Planning: Yesterday, Today, and Tomorrow* (Routledge, 2008), https://doi.org/10.4324/9781351033541.

[16] Mengjie Zhang et al., "Territorial Resilience of Metropolitan Regions: A Conceptual Framework, Recognition Methodologies and Planning Response—A Case Study of Wuhan Metropolitan Region," *International Journal of Environmental Research and Public Health* 19, no. 4 (2022): 1914, https://doi.org/10.3390/ijerph19041914.

[17] Josep Ivars-Baidal et al., "Smart Tourism City Governance: Exploring the Impact on Stakeholder Networks," *International Journal of Contemporary Hospitality Management* 36, no. 2 (2024): 582–601, https://doi.org/10.1108/IJCHM-03-2022-0322.

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effectiveness, institutional governance, and environmental sustainability. Research that specifically integrates Contemporary Islamic Law, particularly *Maqāṣid al-Sharīah*, as an evaluative framework for tourism spatial planning policies remains very limited. This approach could provide a stronger normative basis for assessing whether a policy has realized public interest, social justice, environmental protection, and intergenerational sustainability. This gap is the study's primary focus.

The study selected Kuningan and Buleleng Regencies because they share rapidly growing tourism potential but face distinct spatial planning challenges. Kuningan Regency is a tourism area focused on environmental conservation and ecotourism in a mountainous region, while Buleleng Regency is a coastal tourism area with more intensive tourism investment. Comparing these two regions helps identify patterns in how contextual spatial planning policies are implemented and generate policy lessons that other regions facing similar challenges in sustainable tourism development can replicate.

This study analyses spatial planning policies for sustainable tourism development through a multidisciplinary approach that integrates Lawrence Friedman's Legal Systems Theory with the principles of *Maqāṣid al-Sharī'ah*. The novelty of this study lies in the development of the Sustainable Spatial Governance Model framework, which evaluates spatial planning policies not only through the dimensions of legal substance, legal structure, and legal culture, but also through indicators of public interest (*maslahah*), social justice (*al-'adl*), trust (*amanah*), consultation (*shura*), and ecological responsibility (*khalifah fi al-ardh*). Unlike previous studies that tend to focus on the effectiveness of regulations and institutional governance, this study offers an integrative perspective that connects spatial planning law, sustainable tourism development, and Contemporary Islamic Law within a comprehensive analytical framework. With this approach, the study is expected not only to produce more effective and sustainable policy recommendations but also to contribute theoretically to research on spatial law, tourism governance, and the implementation of *Maqāṣid al-Sharī'ah* principles in modern public policy.

Based on the background, research gaps, and conceptual framework outlined above, this study aims to answer three main questions. First, how can integrating a

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multidisciplinary approach with the principles of *Maqāṣid al-Sharī'ah* strengthen the analysis of spatial planning policies in sustainable tourism development? Second, what factors influence the effectiveness of spatial planning policy implementation from the perspective of Lawrence Friedman's Legal System Theory and Contemporary Islamic Law? Third, how can spatial planning policy strategies achieve the public interest, environmental justice, and sustainable tourism development?

METHOD

This study uses a socio-legal approach and a qualitative research design to analyse the effectiveness of spatial planning policies in sustainable tourism development by integrating perspectives from law, governance, environmental sustainability, and contemporary Islamic law.[18] The socio-legal approach was chosen because it allows the study of law not only as norms enshrined in legislation, but also as a social practice shaped by institutional dynamics, legal culture, and stakeholder behaviour.[19] The research was conducted in Kuningan Regency, West Java Province, and Buleleng Regency, Bali Province, which were purposively selected because they differ in tourism development and spatial planning but both face challenges related to environmental sustainability and land use. The research uses primary and secondary data. Primary data were obtained through field observations, in-depth interviews, Focus Group Discussions (FGDs), and surveys of stakeholders involved in planning and implementing spatial planning policies. Secondary data were obtained by reviewing various regulations, development planning documents, RTRWs, RDTRs, government reports, and relevant scientific publications.[20] Researchers selected informants using purposive sampling based on their involvement, experience, and expertise in spatial planning, tourism development, the environment, and Islamic law.

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[18] Fuad Fuad, "Socio Legal Research Dalam Ilmu Hukum," *Widya Pranata Hukum: Jurnal Kajian Dan Penelitian Hukum* 2, no. 2 (2020): 32–47, https://doi.org/10.37631/widyapranata.v2i2.261.

[19] Afif Noor, "Socio-Legal Research: Integration of Normative and Empirical Juridical Research in Legal Research," *Jurnal Ilmiah Dunia Hukum* 7, no. 2 (April 2023): 94, https://doi.org/10.56444/jidh.v7i2.3154.

[20] John W. Creswell and J. David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (Sage publications, 2017).

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Data analysis used the interactive analysis model developed by Miles, Huberman, and Saldaña, which involves data condensation, data presentation, and the continuous drawing and verification of conclusions.[21] To deepen interpretation, this study also used thematic analysis to identify key themes related to the effectiveness of spatial planning policies, tourism governance, community participation, environmental protection, and sustainable development. The study ensured data validity through source, methodological, and theoretical triangulation by comparing information sources, data collection techniques, and conceptual perspectives.[22] Within its analytical framework, this study integrates Lawrence Friedman's Legal System Theory with the principles of *Maqāṣid al-Sharī'ah—specifically maslahah, al-'adl, amanah, shura, and khalifah fi al-ardh*, as evaluative instruments to assess the extent to which spatial planning and sustainable tourism development policies are capable of realising the public interest, social justice, environmental protection, and intergenerational sustainability.

RESULTS AND DISCUSSION

The Impact of Spatial Planning Policies on Tourism

Implementing spatial planning policies for sustainable tourism development relates not only to enforcing normative provisions in various spatial planning and tourism regulations, but also reflects the effectiveness of the relationship among legal substance, legal structure, and legal culture, as articulated by Lawrence Friedman.[23] In Kuningan and Buleleng Regencies, the effectiveness of spatial planning policy implementation reflects a complex interaction among regulations, government institutional capacity, community participation, investment interests, and environmental protection. Therefore, the analysis of policy implementation in this study is not only conducted from a positive law perspective but is also evaluated through the principles of *Maqāṣid al-Sharī'ah*, particularly *maslahah*, *al-*

[21] Mutia Sari et al., "Explanatory Survey Dalam Metode Penelitian Deskriptif Kuantitatif," *Jurnal Pendidikan Sains Dan Komputer* 3, no. 01 (December 2022): 10–16, https://doi.org/10.47709/jpsk.v3i01.1953.

[22] Michael Quinn Patton, *Qualitative Research & Evaluation Methods: Integrating Theory and Practice* (Sage publications, 2014).

[23] Vincentius Simon Suyanto et al., "Ensuring Legal Certainty of Land Through Effective Registration Processes," *International Journal of Religion* 5, no. 11 (August 2024): 5572–5578, https://doi.org/10.61707/m1t07447.

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'adl, *amanah*, *shura*, and *khalifah fi al-ardh*, to assess the extent to which spatial planning policies can realise the public interest, social justice, and environmental sustainability in a balanced manner.[24]

Spatial planning plays a strategic role in balancing tourism development and environmental conservation.[25] In practice, spatial planning policies not only organise development layouts but also create investment opportunities, improve access, and empower local communities. Consequently, implementing these policies often faces legal, administrative, and social challenges. One implication of spatial planning policies is that environmental protection serves as a key indicator of successful spatial planning integrated with sustainable tourism. By designating conservation zones, protected areas, and buffer zones, tourist destinations such as nature-based ecotourism sites can sustainably maintain ecosystem functions. For example, delineating mangrove forests, water catchment areas, and wildlife corridors within natural tourism sites prevents destructive land-use changes. This planning also ensures proper waste management, sanitation, and environmentally friendly practices[26]—such as prohibiting illegal logging, controlling visitor numbers, and implementing building and architectural design regulations that align with local character.[27]

In addition to various spatial planning regulations issued by the central government, such as the National Spatial Plan (RTRWN), local governments have developed Regional Spatial Plans (RTRW) and Detailed Spatial Plans (RDTR), with local regulations serving as a clear legal basis for land-use zones, development intensity, and permitting mechanisms. This legal certainty is crucial for attracting capital, as investors seek

[24] Houria Ben Gharbi and Ismail Abushaala, "Ethics of Sustainability: Using Maqashid Al-Sharia to Guide Natural Resource Management in Algeria," *I-Economics: A Research Journal on Islamic Economics* 11, no. 2 (2025): 1–19, https://doi.org/10.19109/ieconomics.v11i2.31424.

[25] Haris Budiman, Suwari Akhmaddhian, and Erga Yuhandra, "Conservation-Based Spatial Planning Policy Formulation To Strengthen Tourism Districts," *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 23, no. 1 (June 2024): 1513–1324, https://doi.org/10.31941/pj.v23i1.4122.

[26] Rofii Rofii and Andri Winjaya Laksana, "Effectiveness of Waste Management in Cirebon City Based on Positive Law," *Ratio Legis Journal* 4, no. 3 (2025): 2808–19, https://doi.org/10.30659/rlj.4.3.2808-2819.

[27] Marjorie Holland, Melvin L. Warren, and John Stanturf, *Proceedings of a Conference on Sustainability of Wetlands and Water Resources: How Well Can Riverine Wetlands Continue to Support Society Into the 21st Century?*, vol. 50 (USDA Forest Service, Southern Research Station, 2025).

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it and want minimal administrative risk. Spatial planning instruments help accelerate investment in the tourism sector, including hotels, recreational facilities, and supporting infrastructure. Clear spatial planning guidelines prevent officials from misinterpreting regulations, reduce litigation risk, and foster a stable investment climate.[28] Infrastructure and accessibility improvements are equally important. Through careful planning, spatial planning policies integrate transportation routes (main roads, tourist access roads, public transportation) with supporting facilities such as bridges, rest areas, tourist information centres, and sanitation facilities. Area-based planning allows for the proportional distribution of infrastructure burdens across different land-use functions.

Good accessibility encourages increased tourism visits from various segments, including domestic and international tourists. Ultimately, increased visitor traffic also boosts the local economy.[29] From a legal perspective, the National Spatial Plan (RTRWN), Regional Spatial Plan (RTRW), Detailed Spatial Plan (RDTR), and various sectoral regulations indicate that Indonesia already has relatively adequate legal instruments to regulate the relationship between land use and tourism development.[30] However, research findings indicate that the effectiveness of legal provisions depends not only on the comprehensiveness of regulations, but also on their harmonisation and consistent implementation at the local level. When regulatory overlaps or differing interpretations exist between central and local policies, achieving legal certainty—the primary objective of spatial planning—becomes difficult.

Participatory and inclusive spatial planning policies create opportunities for community involvement in destination planning and management. Communities can participate formally through public consultation mechanisms, development planning deliberations (musrenbang), or cross-sectoral forums. The result is not only improved

[28] Mahmoud A. Alabdali and Abdulrahman S. Basahal, "Strategies for Mitigating Labor Disputes in the Private Sector: Insights from Saudi HR and Legal Experts," *Employee Responsibilities and Rights Journal*, June 11, 2024, 1–20, https://doi.org/10.1007/s10672-024-09506-4.

[29] Arun Madanaguli et al., "Environmental Sustainability Practices and Strategies in the Rural Tourism and Hospitality Sector: A Systematic Literature Review and Suggestions for Future Research," *Scandinavian Journal of Hospitality and Tourism* 23, no. 1 (January 2023): 1–28, https://doi.org/10.1080/15022250.2023.2174179.

[30] Suyanto et al., "Ensuring Legal Certainty of Land Through Effective Registration Processes."

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tourism management skills—enabling the community to become local guides, homestay operators, local culinary providers, or souvenir artisans—but also a more equitable integration of the local economy.[31] Tourism rooted in local wisdom can also thrive because spatial planning values cultural heritage, customs, and local ways of life in every spatial design.[32]

Although it holds great potential, implementing spatial planning policies faces several obstacles. These include overlapping jurisdictions and regulations. The government has already established a comprehensive legal framework, including the Spatial Planning Law, the Job Creation Law, the Regional Government Law, the Forestry Law, the Maritime Affairs Law, the Tourism Law, and their implementing regulations. However, these laws and their implementing regulations often conflict, particularly at the local level. For example, conservation areas designated by the central government may overlap with local spatial planning regulations (RTRW). As a result, investors and local communities are confused about which regulations apply. Local governments and central ministries also face functional dualism, especially when technical agencies such as the Ministry of Spatial Planning/National Land Agency (ATR/BPN), the Ministry of Environment, and the Ministry of Tourism apply different regulations to the same area. Not to mention the lack of law enforcement. Spatial regulations without post-enactment oversight are merely paper documents. In reality, much tourism development occurs in protected zones or outside the RTRW, yet escapes strict sanctions. Regional spatial planning coordination bodies often lack the human resources or funding to enforce regulations. Natural disasters eventually strike coastal or mountainous areas—such as erosion and tourist litter—even though these areas should be protected. This lack of regulation is not only an ecological problem but also

[31] Oleh Prostybozhenko et al., "The Legal Regime of Joint Ownership in Management as a Tool for Enhancing State Investment Attractiveness," *Nusantara: Journal of Law Studies* 5, no. 1 (April 2026): 378–396, https://doi.org/10.66325/nusantaralaw.v5i1.267.

[32] Lutfan Ridharyanto and Septi Dwi Cahyani, "The Toyomarto Cultural Tourism Park Cultural Tourism Park Design Based on Heritage & Healing Retreat with Contextual Architecture Approach," *Architectural Design Journal: Architensa* 1, no. 1 (2025): 37–49, https://doi.org/https://doi.org/10.26905/adj.v1i1.15430.

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discourages investors who operate within the law, as they are at a disadvantage compared to lawbreakers who go unpunished.[33]

This issue shows that implementation challenges lie not only in the law's substantive aspects but also in its legal structure. From Lawrence Friedman's perspective, policy effectiveness depends heavily on the capacity of the institutions responsible for implementing, monitoring, and enforcing the law. Research findings indicate that inter-agency coordination, limited human resources, limited technical capacity within institutions, and weak oversight of spatial planning violations remain the primary obstacles to effective and sustainable spatial governance.

From a social perspective, social inequality and land conflicts often arise, particularly in the modernisation of tourist areas. In many cases, local communities are displaced or have their rights to village and customary lands undermined because exclusive tourism zones are designated. This usually occurs without proper compensation procedures, sparking protests and leading to agrarian lawsuits. The disparity between residents who benefit and those who are marginalised becomes increasingly evident, even though sustainable tourism should ensure that economic well-being is rooted in local communities.[34] The mismatch between land-use planning and the needs of ecotourism or sustainable tourism poses a unique challenge. Zoning plans are often top-down, driven by a pro-large-scale-investment mindset. Natural ecotourism destinations—which require a small scale, a low ecological footprint, and strong local character—often end up in commercial zones. As a result, the Spatial Master Plan does not factor in sustainability concepts such as waste management, renewable energy, and habitat conservation. Tourism becomes commercialised, and a rapid-development mindset takes precedence over conservation needs, which should guide planning.

From an institutional perspective, government bodies—from the central to the local level—shape implementation quality. This needs strengthening through cross-sectoral

[33] Joe Zammit-Lucia, *The New Political Capitalism: How Businesses and Societies Can Thrive in a Deeply Politicized World* (Bloomsbury Publishing, 2022).

[34] Valsaraj Payini et al., "Sense of Community and Community Development: An Integrative Review," *Community Psychology in Global Perspective* 10, no. 1/1 (2024): 177–203.

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forums at the central level, integrated down to provincial and district governments. Local policies must align with national policies. The RTRW-RDTR verification mechanism must be supported by data transparency and an open online platform so the public can participate in monitoring. This means public participation is not merely requested; it must be realised through social audits and the publication of zoning portfolios. The community's role, particularly for those living near tourist destinations, is also crucial. Traditional communities, indigenous groups, and civil society organisations such as tourism awareness groups (Pokdarwis) can oversee spatial planning. For village policies and empowerment, key policy instruments include regulations on tourism villages, geotourism packages, and local conservation protocols. These findings highlight the importance of the legal culture dimension in implementing spatial planning policies. Public legal awareness, public participation, and social acceptance of policies determine on-the-ground implementation success.[35] From the perspective of Contemporary Islamic Law, public participation through the principle of consultation (*shura*) is an essential component of just governance oriented toward the common good.[36] Therefore, public involvement serves not only as an instrument for policy legitimacy but also as a mechanism to ensure that tourism development truly provides equitable benefits to local communities and safeguards environmental sustainability.

From the perspective of *Maqāṣid al-Sharī'ah*, the challenges in implementing these spatial planning policies indicate that the public interest has not yet been fully achieved.[37] Regulatory overlap can undermine legal certainty; weak oversight can threaten environmental sustainability; and land-use conflicts risk causing social injustice. Therefore, local governments' policy strategies must aim not only to enhance regulatory effectiveness

[35] Izzy Al Kautsar and Danang Wahyu Muhammad, "Sistem Hukum Modern Lawrance M. Friedman: Budaya Hukum Dan Perubahan Sosial Masyarakat Dari Industrial Ke Digital," *Sapientia Et Virtus* 7, no. 2 SE-Articles (October 2022): 84-99, https://doi.org/10.37477/sev.v7i2.358.

[36] Arzam Arzam and Kusnadi Kusnadi, "Maqasid Al-Shari 'ah and Ecotheology: A Philosophical Analysis of the Normative Foundations of Islamic Law in Ecological Issues," *Jurnal Mediasas: Media Ilmu Syari'ah Dan Ahwal Al-Syakhsiyyah* 8, no. 4 (2025): 902–916, https://doi.org/https://doi.org/10.58824/mediasas.v8i4.473.

[37] Gharbi and Abushaala, "Ethics of Sustainability: Using Maqashid Al-Sharia to Guide Natural Resource Management in Algeria."

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but also to ensure the realisation of environmental protection (*hifẓ al-bi'ah*), social justice (*al-'adl*), and the common good (*maslahah*) as the primary objectives of sustainable tourism development.[38]

Presidential Instruction No. 9 of 2023 on the Control of Forest Area Conversion also provides complementary protection for tourism schemes in areas prone to deforestation. To address these various challenges, local governments have implemented various efforts and strategies, namely: [39]

1. Harmonise central and regional policies by expediting the revision of the Spatial Planning Law and its relationship with the Job Creation Law to prevent overlapping authority among ministers, governors, and regents.[40] For example, every zoning change must undergo a cross-sectoral correlation test, and the RTRW document must be reviewed every 5 years.
2. Enhancing oversight and law enforcement on spatial-planning violations by using technologies such as satellite imagery, monitoring drones, and GIS-based spatial mapping enables early detection of illegal developments.[41]
3. Encouraging active community participation in every stage of destination spatial planning and implementation. Joint learning about the benefits of environmental sustainability, as well as systems and education regarding the sharing economy for local businesses (homestays, guides, culinary services), can be enhanced. Local governments have also strengthened regulations by requiring partnerships between investors and local communities as a condition for tourism business permits.

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[38] Wulandari and Aziz, "Integrating Maqaṣid Al-Shariah into the Sustainable Development Goals: A Comparative Analysis from an Islamic Economic Perspective."

[39] Iwan Mulyawan, *Integrasi Rencana Tata Ruang Dan Rencana Pembangunan Daerah Dalam Mewujudkan Pariwisata Yang Berkelanjutan* (Kuningan: Badan Perencanaan Pembangunan Penelitian dan Pengembangan Daerah Kabupaten Kuningan, 2025).

[40] Andri Winjaya Laksana, "Manifestation of Pancasila Values in the Omnibus Law for Justice," *The 1st Proceeding International Conference and Call Paper* 1, no. 1 (2020), https://jurnal.unissula.ac.id/index.php/oloc/article/view/13457.

[41] Bayu Andrianto Wirawan et al., "Legal and Spatial Perspectives on Sustainable Built-Up Land Conversion Control in Pekanbaru," *Jurnal Hukum* 41, no. 4 (2025): 925–959, https://doi.org/10.26532/jh.v41i4.45024.

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Through the three initiatives outlined above, spatial planning policies can minimise environmental impacts and promote tourism development based on each region's unique potential.

Factors Influencing the Implementation of Spatial Planning Policies

To understand how spatial planning policy strategies operate and tangibly affect daily life, a purely normative legal approach is often insufficient. In his Legal System Theory, Lawrence Friedman states that law functions as a cohesive system encompassing three major dimensions: legal substance, legal structure, and legal culture.[42] When these three elements work in harmony, the law can function optimally as an instrument of social change—or, as Roscoe Pound put it, "law as a tool of social engineering".[43] These three dimensions can be described as follows:

1. **Legal Substance**

   Legal substance refers to the content of applicable norms and policies. In this context, it pertains to laws and regulations governing spatial planning and their relationship to the tourism sector. Spatial planning strategies must be based on clear, structured, and non-contradictory regulations. In Indonesia, the legal basis for spatial planning rests on Law No. 26 of 2007 on Spatial Planning, Law No. 11 of 2020 on Job Creation, and various implementing regulations, including Government Regulations, Presidential Regulations, and Regional Regulations. However, in reality, these regulations present numerous challenges and obstacles, including overlapping policies between the central and local governments, disharmony between the Regional Spatial Plan (RTRW) and sectoral policies (such as forestry, marine affairs, or tourism), and weak mechanisms for reviewing and revising spatial planning—all of which indicate that the legal framework has not yet fully adapted to the complexities of regional development. Moreover, spatial planning regulations often prioritise economic and

[42] Mustafa 'Afifi Ab. Halim and Shabrina Zata Amni, "Legal System in the Perspectives of H.L.A Hart and Lawrence M. Friedman," *Peradaban Journal of Law and Society* 2, no. 1 (June 2023): 51–61, https://doi.org/10.59001/pjls.v2i1.83.

[43] Nata Sundari, Fasya Zahra Luthfiyah, and Windi Rahmawati, "Peran Hukum Sebagai Alat Rekayasa Masyarakat Menurut Roscoe Pound," *Das Sollen: Jurnal Kajian Kontemporer Hukum Dan Masyarakat* 2, no. 01 (2024).

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investment logic while failing to adequately account for environmental carrying capacity, sustainability principles, or ecotourism principles.[44]

This misalignment also reflects limited integration of spatial data, environmental data, and tourism-sector planning. When an area is designated as a tourism development zone but is ecologically disaster-prone or a wildlife habitat, contradictions in legal provisions create gaps that lead to difficult-to-repair environmental damage. Research findings indicate that regulatory harmonisation is a dominant factor affecting the effectiveness of spatial planning policy implementation in the study area. The lack of alignment between the Regional Spatial Plan (RTRW), sectoral policies, and tourism development needs creates legal uncertainty about land use. From Lawrence Friedman's perspective, this situation indicates that the legal substance has not yet fully provided the certainty, consistency, and direction required for sustainable development. From the perspective of *Maqāṣid al-Sharī'ah*, this regulatory disharmony has the potential to hinder the realisation of the public interest (*maslahah*) and environmental protection (*hifẓ al-bi'ah*) because the resulting policies do not fully consider the balance between economic, social, and ecological interests.[45]

2. Legal Structure

The legal structure is an organisational element within the legal system that includes government institutions, technical agencies, policy enforcement bodies, and all parties responsible for implementing and overseeing the law. In spatial planning, the legal structure includes ministries, agencies, institutions, or commissions established by the central government, as well as departments or agencies at the provincial and district/municipal levels. Ideally, this structure operates synergistically within a single, integrated command-and-planning framework.

However, in practice, the legal structure for spatial planning still faces coordination issues among agencies. These institutions often operate based on their

[44] Aliya Aktymbayeva et al., "Balancing Nature and Visitors for Sustainable Development: Assessing the Tourism Carrying Capacities of Katon-Karagay National Park, Kazakhstan," *Sustainability* 15, no. 22 (November 2023): 15989, https://doi.org/10.3390/su152215989.

[45] Arzam and Kusnadi, "Maqasid Al-Shari 'ah and Ecotheology: A Philosophical Analysis of the Normative Foundations of Islamic Law in Ecological Issues."

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own sectoral data and interests. For example, the Ministry of Tourism might view a particular area as highly promising for development into an ecotourism destination. At the same time, the Ministry of the Environment may designate it as a strictly protected conservation area, while the local government wants to convert it into a residential zone to drive local economic growth. Such imbalances in roles and sectoral interests lead to spatial planning policies biased toward specific interests and difficult to implement comprehensively.[46] Another, even more crucial factor is that the quality and integrity of implementing officials within the legal framework are critical to policy success. In many regions, limited technical capacity among spatial planners and low bureaucratic integrity have led to practices such as manipulating zoning maps, buying and selling permits, and tolerating spatial planning violations. Officials who should lead often become part of the problem. If the legal structure is not empowered and reformed, even sound legal provisions will be difficult to implement effectively on the ground.

Research findings indicate that inter-agency coordination issues, limited technical capacity among officials, and weak oversight of spatial planning violations are the primary factors hindering policy implementation. Although a regulatory framework exists, its effectiveness depends heavily on the quality of the legal institutions responsible for enforcing the policy. This finding reinforces Friedman's view that the success of a legal system is determined not only by the quality of the norms established but also by the capacity of the institutions implementing them. From the perspective of contemporary Islamic law, this situation closely relates to the principle of amanah, the obligation of government officials to manage public resources professionally, transparently, and accountably for the public good.

3. Legal Culture

Legal culture is subtle yet highly influential. Legal culture is reflected in the values, attitudes, perceptions, and behaviours of the public, officials, and all parties toward the law. In spatial planning, legal culture shows up in how the public responds

[46] Karlheinz Knickel et al., "Towards More Balanced Territorial Relations—The Role (and Limitations) of Spatial Planning as a Governance Approach," *Sustainability* 13, no. 9 (May 2021): 5308, https://doi.org/10.3390/su13095308.

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to spatial planning policies implemented in their areas. Public participation in the spatial planning process indicates a healthy legal culture. Under Indonesia's rule of law, Law No. 12 of 2011 clearly regulates public participation in legislation, expecting citizens to be active participants at every stage—from planning to evaluation —not merely objects. However, this participation is often merely procedural and lacks meaningful engagement.[47] Many citizens lack an equal voice and adequate access to information. As a result, spatial planning policies do not reflect local wisdom or the community's real needs.

The legal culture also shows up in conflicts of interest among the government, investors, and the public. When investment becomes the top priority, and local governments compete to attract capital without regard for environmental or social considerations, spatial planning laws tend to lose their authority. This is exacerbated by a local political culture that often exploits spatial planning policies as a tool for political bargaining. Zoning changes or revisions to the Regional Spatial Plan (RTRW) sometimes occur not because of ecological or technical considerations, but because political pressure—particularly from the legislative branch—demands they fulfill campaign promises. On the other hand, the public's level of awareness of the importance of sustainable spatial planning also shapes legal culture. Many people still do not understand that tourism development without proper spatial planning can have devastating consequences for the environment and long-term well-being. Therefore, changing the legal culture requires ongoing education, spatial literacy, and trust in transparent, fair legal processes.

Research findings indicate that public participation in the spatial planning process remains largely a formality and does not yet fully reflect substantive involvement in decision-making. As a result, various spatial planning policies fail to fully accommodate local community needs or the region's developed environmental wisdom. From Lawrence Friedman's perspective, this lack of participation indicates

[47] Erna Erna, Teddy Hikmat Fauzi, and Nor Balkish Zakaria, "Regulatory Governance and Citizen Participation in the Implementation of Risk-Based Business Licensing Services," *Jurnal Hukum* 42, no. 4 (2026): 890–914, https://doi.org/10.26532/jh.v42i4.53665.

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that legal culture has not yet developed optimally as the foundation for successful policy implementation. Meanwhile, from the perspective of *Maqāṣid al-Sharī'ah*, public participation through the principle of *shura* (consultation) is a crucial instrument for realising social justice (*al-'adl*), the public interest (*maslahah*), and sustainable spatial governance.[48]

The three components of the legal system—substance, structure, and culture—indicate that the effectiveness of spatial planning policy implementation in sustainable tourism development largely depends on the government's ability to integrate legal substance, structure, and culture simultaneously. Regulatory inconsistencies, weak institutional coordination, and low public participation are interrelated factors that influence policy implementation success. Therefore, policy improvements cannot be made in isolation; they must strengthen all components of the legal system in an integrated way. From the perspective of *Maqāṣid al-Sharī'ah*, integrating these three components aims to realise the public interest (*maslahah*), social justice (*al-'adl*), ecological stewardship (*khalifah fi al-ardh*), and environmental protection (*hifẓ al-bi'ah*). Thus, the success of spatial planning policies is measured not only by increased investment and regional economic growth but also by their ability to balance development interests, community welfare, and environmental sustainability for future generations.

Spatial Planning Policy Strategies for Sustainable Tourism Development

According to Law No. 26 of 2007 on Spatial Planning, spatial planning is a system comprising spatial planning, land use, and land use control processes. Spatial planning plays a vital role in determining location suitability and environmental carrying capacity for various development activities, including tourism. To support sustainable tourism development, spatial planning must integrate sectors and regions, consider environmental capacity and resource sustainability, ensure equitable distribution of development benefits

[48] Farid Wajdi et al., "Halal Tourism Policy in the Contemporary Era: A Maqāṣid al-Sharīʿah Perspective on Regulatory Gaps," *MILRev: Metro Islamic Law Review* 5, no. 1 (March 2026): 247–270, https://doi.org/10.32332/milrev.v5i1.12529.

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across society, and involve the community and local stakeholders in the planning process.[49] Under Article 14 of the Spatial Planning Law, spatial planning is carried out through two activities: general planning and specific planning. General planning takes the form of a Regional Spatial Plan, and specific planning takes In this regard, the government issued Government Regulation No. 21 of 2021 on the Implementation of Spatial Planning to provide more technical regulations regarding the Regional Spatial Plan, Detailed Spatial Plans, and the zoning of strategic areas that can be utilized for tourism development. However, local governments have not easily implemented this policy because of competing interests; to date, some local governments have not planned in accordance with the regulations, resulting in development programs—including tourism development—that are not based on local potential and are not sustainable.[50] Field data indicates that there are still regions—including provinces, regencies, and municipalities—that have not yet established or revised local regulations in the field of spatial planning, as shown in the data below:

Table 1: Progress in Drafting the Local Regulation on the Spatial Plan

Total Provinsi/Kab/ Kota	Progres RTRW	Jumlah
38 Provinces	Local Regulation Not Yet Revised	0
	Local Regulation Revision Process	16
	Local Regulation Already Revised	22
415 Regencies	Local Regulation Not Yet Revised	16
	Local Regulation Revision Process	220
	Local Regulation Already Revised	179

[49] Rahmat Salam et al., "Future Policy Implementation to Balance Growth and Sustainability: Managing the Impact of Mass Tourism in Bali," *Journal of Infrastructure Policy and Development* 8, no. 9 (September 2024): 7927, https://doi.org/10.24294/jipd.v8i9.7927.

[50] Victor Mayboroda and Pavel Spirin, "Legal Regulation in the Field of Territorial Planning and Urban Zoning: Main Problems and Ways to Solve Them," *Journal of Law and Sustainable Development* 11, no. 1 (2023): e0254–e0254, https://doi.org/https://orcid.org/0000-0002-3439-1244.

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93 Municipalities	Local Regulation Not Yet Revised	2
	Local Regulation Revision Process	35
	Local Regulation Already Revised	56

Source: Author's Interpretation

The data above show that 16 of Indonesia's 38 provinces have not yet finalised their regional regulations on provincial spatial planning; 236 of 415 regencies lack regional regulations on regency spatial planning; and 37 of 93 cities lack regional regulations on city spatial planning. This situation creates legal uncertainty that could lead to land-use conversion and zoning inconsistencies, which in turn can drive unsustainable tourism development. These findings indicate that challenges in implementing spatial planning policies stem not only from a lack of legal instruments but also from local governments' capacity to formulate, enact, and implement spatial planning documents. From Lawrence Friedman's perspective, this situation reflects an imbalance between legal substance and legal structure, where the legal substance is already available through various national regulations. However, local governments are not fully institutionally ready to implement these regulations.[51] As a result, legal certainty regarding land use is weak and may lead to land-use conflicts, environmental degradation, and unregulated tourism development. From the perspective of *Maqāṣid al-Sharī'ah*, this situation indicates that the protection of the public interest (*maslahah*) and environmental sustainability (*hifẓ al-bi'ah*) is not yet optimal, as inadequately organized spatial planning will hinder the realization of fair and sustainable development.

To address this issue, the government, through the Ministry of Spatial Planning, introduced a policy to accelerate the enactment of the Regional Spatial Plan (RTRW). Under this policy, if a regional government fails to establish its RTRW within three months, the Minister may issue a ministerial regulation, which the regional government

[51] Noor, "Socio-Legal Research: Integration of Normative and Empirical Juridical Research in Legal Research."

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must then adopt by enacting a Regional Regulation (Perda) on the RTRW.[52] In response to these challenges, the government has introduced several policy innovations to ensure development activities, including tourism development, can proceed effectively. One key measure is accelerating the establishment of Provincial, Regency, and Municipal Spatial Plans (RTRW). The policy gives provincial, regency, and municipal governments three months to finalise and enact their RTRW. If the RTRW is not enacted by the end of this period, the Minister may issue a Ministerial Regulation, which the Governor, Regent, or Mayor must then follow up by enacting a Regional Regulation on the RTRW at their respective administrative levels. This policy is expected to facilitate and promote sustainable tourism development across regions.

The policy to accelerate the preparation and enactment of RTRW reflects the government's effort to strengthen the legal system's effectiveness by better aligning national policies with their regional implementation. However, this policy's effectiveness depends not only on the speed of preparing spatial planning documents, but also on the quality of the RTRW produced, local governments' compliance with applicable regulations, and institutions' capacity to monitor and enforce implementation. Therefore, the success of the RTRW acceleration strategy should be assessed not only by the number of spatial planning documents successfully enacted, but also by its contribution to reducing spatial-use conflicts and enhancing the quality of sustainable tourism development.

Sustainable tourism development emphasises balancing economic, socio-cultural, and environmental objectives. From an economic perspective, it seeks to maximise economic benefits for local communities while strengthening the tourism industry as a leading sector. From a socio-cultural perspective, it promotes respect for local communities' values, culture, and identity and ensures their active participation in tourism-related activities.[53] From an environmental perspective, it aims to maintain ecosystem integrity, conserve biodiversity, and prevent tourism-related activities from degrading natural

[52] Suyus Windayana, *Sinkronisasi Rencana Tata Ruang (RTR) Di Provinsi Jawa Barat*, in *Direktur Jenderal Tata Ruang Kementerian Agraria Dan Tata Ruang/Badan Pertanahan Nasional* (2025).

[53] Muslimin et al., "Contemporary Approaches to Halal and Sustainable Eco-Tourism: A Study of Community-Based Tourism in Ganoang and Puncak Mas," *MILRev: Metro Islamic Law Review* 4, no. 2 (July 2025): 761–796, https://doi.org/10.32332/milrev.v4i2.10120.

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resources. Without an effective spatial planning framework, achieving these three pillars is difficult, as development inconsistent with designated zoning regulations can lead to land-use conflicts, environmental pollution, and ecosystem degradation.[54]

A study in Kuningan Regency indicates that the region enacted Regent Regulation No. 90 of 2020 on the Tourism Development Master Plan (RIPPARKAB) 2020–2028. This regulation envisions the regency as a competitive and sustainable nature- and culture-based tourism destination. The emphasis on sustainability reflects the regency's commitment to optimising tourism potential while balancing economic, social, and environmental considerations, and ensuring integration, orderly development, and long-term planning. The regulation aims to ensure that tourism development in Kuningan Regency generates economic benefits for local communities without compromising environmental conservation or preserving local cultural heritage for future generations. Kuningan Regency has pursued the integration of sustainable tourism principles through the following measures:[55]

1. Integrated Development Planning. The regional development plan sets a long-term strategic direction that recognizes tourism as an integral part of sustainable regional development. The Regional Spatial Plan (RTRW) determines where tourism development may take place, while the Tourism Development Master Plan (RIPPARKAB) outlines the mechanisms and strategies for sustainable tourism development.
2. Environmentally Oriented Development. The regional development plan emphasises environmentally sustainable development, while the regional tourism development plan incorporates sustainability principles. Zoning regulations in the Regional Spatial Plan support these objectives, ensuring that tourism development activities do not cause environmental degradation.

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[54] David N. Bengston, Jennifer O. Fletcher, and Kristen C. Nelson, "Public Policies for Managing Urban Growth and Protecting Open Space: Policy Instruments and Lessons Learned in the United States," *Landscape and Urban Planning* 69, nos. 2–3 (August 2004): 271–286, https://doi.org/10.1016/j.landurbplan.2003.08.007.

[55] Iwan Mulyawan, (2025), Integrasi Rencana tata Ruang dan Rencana Pembangunan Daerah Dalam Mewujudkan Pariwisata yang Berkelanjutan, Badan Perencanaan Pembangunan Penelitian dan Pengembangan Daerah Kabupaten Kuningan

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3. Risk Management. Integrating risk management into tourism development planning enables local governments to anticipate, mitigate, and manage potential challenges and risks that may arise during the implementation of tourism development programs.
4. Multisectoral Collaboration. Effective implementation of sustainable tourism development requires collaboration among various government agencies, stakeholders, and sectors to ensure the successful realisation of sustainable tourism plans and policies.
5. Utilization of Regional Potential. Identifying strategic tourism areas within the Regional Spatial Plan provides the foundation for the Tourism Development Master Plan (RIPPARKAB) to develop targeted, location-specific tourism programs that capitalize on regional tourism potential.

The findings indicate that Kuningan Regency's approach represents a tourism development model relatively consistent with sustainability principles. Integrating the Regional Spatial Plan (RTRW), the Tourism Development Master Plan (RIPPARKAB), and regional development policies shows an effort to harmonise economic, social, and environmental objectives within a comprehensive policy framework. From Lawrence Friedman's perspective, this condition reflects a relatively strong relationship between legal substance and institutional structure. Meanwhile, from the perspective of *Maqāṣid al-Sharī'ah*, the strategy reflects an orientation toward public welfare (*maslahah*) and environmental protection (*hifẓ al-bi'ah*), as tourism development aims not only to increase regional revenue but also to preserve natural resources for future generations.

In contrast, in Buleleng Regency, Bali, tourism development has been implemented through four major tourism policy strategies, namely:[56]

1. Strengthening tourism management institutions through the development of certified and standardised human resources and institutional capacities.

[56] Putu Gede Parma, "Penguatan Pembinaan Implementasi Asean Tourism Strategic Plan (Atsp) Dalam Pengembangan Pariwisata Berkelanjutan Di Kabupaten Buleleng," *Proceeding Senadimas Undiksha* 8 (2023): 773.

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2. Developing tourism-related business facilities, supporting small and medium-sized enterprises (SMEs), increasing tourism investment, and enhancing the standardisation of tourism services to improve competitiveness.
3. Strengthening and expanding tourism marketing efforts by enhancing domestic and international tourism promotion through market information development, increased tourism publicity, and the promotion of meetings, incentive travel, conferences, and exhibitions (MICE).
4. Developing tourism attractions through the empowerment of local communities in tourism destinations, supported by effective management and other technical assistance to promote community-based and sustainable tourism destination development.

Unlike Kuningan Regency, which emphasises integrating environmental conservation and nature-based tourism development, Buleleng Regency places greater emphasis on strengthening destination competitiveness through institutional development, investment, and tourism marketing. Nevertheless, both regions demonstrate a commitment to integrating sustainability principles into their tourism development policies. This comparison shows that spatial planning policy strategies are strongly influenced by regional characteristics, resource potential, and each locality's development priorities. From a socio-legal perspective, these implementation variations suggest that the effectiveness of spatial planning policies depends not only on the applicable regulatory framework but also on the social, economic, cultural, and institutional contexts that evolve within each region.

The findings from the two studies above show that, in tourism development, spatial planning plays a crucial role because the tourism sector depends heavily on environmental carrying capacity, cultural uniqueness, and the authenticity and sustainability of natural resources. Therefore, spatial plans must account for a region's potential and limitations in supporting tourism activities. Spatial planning serves as a policy instrument that directs and guides land and space utilisation for various purposes, including tourism development. In practice, spatial planning aims to prevent land-use conflicts, mitigate environmental

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degradation, and support cross-sectoral integration.[57] As a regulatory and control instrument, spatial planning serves several key functions in tourism development:

1. Preventing uncontrolled land-use conversion. Through the Regional Spatial Plan (RTRW), local governments can designate land for specific purposes, such as tourism, agriculture, residential areas, or industrial activities. This helps prevent inappropriate land-use conversion that may undermine tourism attractiveness, such as building hotels in conservation areas or in coastal zones vulnerable to erosion.
2. Integrating supporting infrastructure. Tourism destination development requires supporting infrastructure, including road access, clean water supply systems, sanitation facilities, and other public services. Spatial planning directs infrastructure development toward designated tourism areas, promoting efficiency and long-term sustainability.
3. Ensuring environmental sustainability. Tourism activities often generate environmental impacts if not properly managed. Spatial planning instruments can exclude areas with high ecological value, such as protected forests, coastal buffer zones, and disaster-prone areas, from mass tourism development.
4. Promoting balanced regional development. Spatial planning helps distribute tourism development more evenly across regions rather than concentrating it in specific locations. This helps reduce regional disparities and create economic opportunities in remote areas with tourism potential.

In tourism development, zoning regulations also play an important role in determining which areas can be developed for tourism and what types of tourism activities can be conducted within each zone. Zoning provisions are generally incorporated into Detailed Spatial Plans (RDTR), which serve as the legal basis for land-use permits and development activities. Several zoning categories relevant to tourism development include:[58]

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[57] Ralf Nordbeck et al., "Conflicting and Complementary Policy Goals as Sectoral Integration Challenge: An Analysis of Sectoral Interplay in Flood Risk Management," *Policy Sciences* 56, no. 3 (2023): 595–612, https://doi.org/10.1007/s11077-023-09503-8.

[58] Asmirawaty Asmirawaty, Zulkifli Makkawaru, and Kamsilaniah Kamsilaniah, "Analisis Hukum Alih Fungsi Tanah Pertanian Di Kabupaten Pangkajene Dan Kepulauan : Studi Kasus Kecamatan Pangkajene," *Indonesian Journal of Legality of Law* 4, no. 2 SE-Articles (n.d.): 236–244, https://doi.org/10.35965/ijlf.v4i2.1476.

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1. Tourism Zone. This zone is specifically designated for tourism activities, including developing hotels, resorts, theme parks, restaurants, shopping areas, and recreational facilities. Designating tourism zones provides legal certainty for investors and tourism business operators.
2. Conservation Zone. Although not primarily intended for tourism activities, this zone may be utilised on a limited basis for nature-based tourism (ecotourism), such as trekking, wildlife observation, and educational tourism. This zoning category ensures that tourism activities do not compromise environmental conservation values.
3. Cultural and Historical Zone. This zone encompasses cultural heritage sites, historical landmarks, and traditional settlements. Cultural tourism development in these areas must preserve local values and actively involve local communities.
4. Buffer Zone. This zone serves as a transition between tourism zones and other land-use zones, such as residential or agricultural areas. Buffer zones play an important role in mitigating the negative impacts of tourism activities on surrounding areas.

From a normative perspective, spatial plans possess binding legal, technical, and administrative authority. Consequently, all development activities, including tourism development, must comply with the applicable Regional Spatial Plan (RTRW) and Detailed Spatial Plan (RDTR). However, the findings indicate that the effectiveness of spatial planning as an instrument of sustainable development depends not only on the normative strength of regulations but also on the quality of implementation, monitoring, and compliance among all stakeholders. Therefore, spatial planning policy strategies should focus on regulatory harmonization, strengthening institutional capacity, enhancing public participation, and integrating sustainability principles into all stages of spatial planning and land-use management. Through this approach, spatial planning can serve not only as an instrument for regulating land use but also as a mechanism for promoting equitable, sustainable, and public welfare-oriented tourism development consistent with the principles of *Maqāṣid al-Sharī'ah*.

Based on the research findings, an effective spatial planning policy strategy should integrate regulatory, institutional, and community participation dimensions within a sustainable governance framework. From Lawrence Friedman's perspective, successful

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policy implementation depends on harmonising legal substance, legal structure, and legal culture. When any of these components fails to function effectively, achieving policy objectives becomes difficult. From the perspective of *Maqāṣid al-Sharī'ah*, spatial planning strategies should aim to realise public welfare (*maslahah*), social justice (*al-'adl*), ecological responsibility (*khalifah fi al-ardh*), and environmental protection (*hifẓ al-bi'ah*) as the foundation of sustainable tourism development. Accordingly, tourism development should be measured not only by increases in investment and tourist arrivals but also by its ability to balance economic growth, community well-being, and environmental sustainability.

A Multidisciplinary Approach to Spatial Planning Policies for Sustainable Tourism Development

In an increasingly dynamic and interconnected world, tourism development can no longer be viewed from a single perspective. Tourism is not merely a matter of spatial planning, infrastructure development, or promoting natural and cultural attractions to visitors. Rather, it encompasses a wide range of issues that intersect with legal, environmental, economic, socio-cultural, and even religious dimensions. Consequently, a comprehensive, holistic approach is required, making a multidisciplinary perspective necessary rather than optional.

Sustainable tourism development lies at the intersection of multiple interests and competing priorities. On the one hand, governments seek to stimulate local economic growth and attract investment. On the other hand, they must maintain environmental balance and respect local communities' rights and interests. Additional challenges include spatial limitations, land-use conflicts, and governance issues characterised by overlapping authorities and responsibilities. No single disciplinary approach can adequately address these complex issues. Therefore, spatial planning policies for sustainable tourism development require integrating knowledge from various disciplines, with law serving as the primary framework for coordinating and harmonizing these diverse interests.[59] The contributions of various academic disciplines are shown in the table below:

[59] Frans Teguh, *Tata Kelola Destinasi: Membangun Ekosistem Pariwisata* (UGM PRESS, 2024).

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Table 2: The Contribution of Academic Disciplines to Spatial Planning

Field of Study	Contributions to Spatial Planning
Urban Planning	Determining the ideal location for development, taking into account disaster risks and inter-regional connectivity.
Tourism	Understanding tourist trends and behaviour and developing authentic, memorable destinations.
Environmental Science	Assessing ecological carrying capacity, preventing environmental degradation, and designing environmental risk mitigation measures.
Economics	Measuring the impact of investments, local economic potential, and the equitable distribution of tourism development benefits.
Social and Cultural Studies	Integrating local wisdom, avoiding land conflicts, and preserving community cultural values.
Law	Bringing all stakeholders together within a regulatory framework that ensures certainty, order, and fairness.

Source: author's interpretation

The research findings presented in the table demonstrate that a multidisciplinary approach is essential, as sectoral and bureaucratic policies often fail to address the complexity of issues encountered in practice. For example, tourism development in disaster-prone or conservation areas without adequate ecological considerations may exacerbate environmental degradation and social conflicts. Similarly, regulatory uncertainty arising from inconsistencies between central and local governments or among related institutions often results in overlapping and ineffective policies.

Conversely, studies conducted in several regions indicate more positive outcomes when spatial planning is developed through cross-sectoral collaboration. Spatial planning serves as the technical foundation for determining where development activities should take place. It not only regulates territorial boundaries but also considers environmental carrying capacity, disaster risks, and regional connectivity. Through a carefully designed spatial approach, spatial planning policies can prevent inappropriate tourism development, such as building hotels in landslide-prone areas or opening tourism access within conservation zones without adequately assessing ecological impacts.[60]

[60] Hubert Job, Susanne Becken, and Bernard Lane, "Protected Areas in a Neoliberal World and the Role of Tourism in Supporting Conservation and Sustainable Development: An Assessment of Strategic Planning, Zoning, Impact Monitoring, and Tourism Management at Natural World Heritage Sites," *Journal*

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The research findings indicate that isolated sectoral approaches can no longer adequately explain the complexity of spatial planning and tourism development issues. The relationship between land-use management, investment interests, environmental protection, and local communities' needs demonstrates the close interconnection among legal, economic, social, cultural, and ecological dimensions. Therefore, a multidisciplinary approach has become essential to integrate these diverse perspectives into policy formulation and implementation. From a socio-legal perspective, law is understood not merely as a body of norms but as an instrument that interacts with society's social, economic, and environmental realities. These findings reinforce the view that the effectiveness of spatial planning policies depends largely on the ability to integrate multiple disciplines within a coherent framework of sustainable governance.

Spatial planning shows that not all spaces can or should be exploited and that effective planning concerns not only aesthetics but also long-term sustainability. Tourism studies, meanwhile, play a crucial role in understanding tourist behavior, preferences, and travel patterns. From this perspective, spatial planning can focus not only on attracting visitors but also on creating authentic, sustainable, and locally distinctive tourism experiences. Tourism studies bridge market-oriented considerations with spatial planning objectives, ensuring that tourism destinations are developed with due regard for visitor comfort, accessibility, and the diversity of attractions. Tourism is not solely about physical locations; it is also about how people experience and perceive those places. Consequently, this disciplinary approach helps transform space into meaningful experiences rather than merely physical destinations.[61]

All development activities inevitably generate environmental impacts. Therefore, environmental science is essential for assessing how much tourism activity local ecosystems can accommodate and for identifying strategies to manage its impacts. Through this approach, spatial planning policies can be preventive rather than reactive, for example, by

of Sustainable Tourism 25, no. 12 (December 2017): 1697–1718, https://doi.org/10.1080/09669582.2017.1377432.

[61] Michael Risteskia, Jordan Kocevskia, and Kliment Arnaudov, "Spatial Planning and Sustainable Tourism as Basis for Developing Competitive Tourist Destinations," *Procedia - Social and Behavioral Sciences* 44 (2012): 375–386, https://doi.org/10.1016/j.sbspro.2012.05.042.

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establishing buffer zones, developing disaster mitigation plans, and promoting renewable energy use in tourism areas. In this context, the principle of sustainability is tested: can tourism development be sustained for future generations, or will it leave behind environmental degradation and social conflict? In the policy arena, a fundamental question often arises: to what extent does development generate economic benefits? Economics offers valuable analytical tools to address this question by evaluating investment returns, job creation, and development's impacts on local incomes and livelihoods. Beyond these considerations, economic approaches also promote efficient land use and the equitable distribution of benefits. From this perspective, spatial planning policies aim not only for economic growth but also for balanced, inclusive development.[62] This means local communities should share in the benefits of tourism development rather than be marginalised by capital accumulation. Development is ultimately about people. Social and cultural studies offer valuable insights into how local communities perceive and value their spaces, how they form and preserve cultural identities, and how conflicts may emerge or be mitigated. Tourism development that imposes change without meaningful dialogue often generates resistance.

In contrast, socio-cultural approaches emphasize that space is not merely a physical asset but also a place of living, a sacred site, and part of collective history. From this perspective, spatial planning policies can better respond to local wisdom and cultural traditions. Rather than imposing spatial arrangements from the top down, these policies encourage communities to shape space collaboratively. Within a multidisciplinary framework, law, through policies enacted by both central and local governments, plays a crucial role in coordinating and regulating diverse interests. It ensures spatial planning follows established procedures and legal norms, guarantees public participation, protects the environment, and provides legal certainty for investors and local communities. In this regard, law functions not as an obstacle to development but as a mechanism to ensure development is equitable, accountable, and sustainable. However, law must also remain

[62] Sri Kusriyah and Ariyani Witasari, "Sosialisasi Kebijakan Penataan Ruang Melalui Pemanfaatan Ruang Untuk Pembangunan Yang Berkelanjutan," *Jurnal Penelitian Dan Pengabdian Kepada Masyarakat UNSIQ* 11, no. 01 (January 2024): 16–24, https://doi.org/10.32699/ppkm.v11i01.5680.

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adaptive, meaning that spatial planning regulations should be open to insights from various disciplines. When legal frameworks operate in isolation and rely solely on bureaucratic logic or sectoral approaches, they risk becoming disconnected from on-the-ground realities. A multidisciplinary approach therefore encourages law to function not independently, but as a bridge between different fields of knowledge and competing interests.[63] Sustainable tourism development requires spatial planning policies that are intelligent, equitable, and inclusive. To achieve this, a multidisciplinary approach is not merely desirable but essential. Spatial planning helps determine appropriate land use; environmental science assesses impacts; economics evaluates benefits; socio-cultural studies understand local communities; and law integrates these dimensions within an orderly and just framework. Through such an integrative approach, spatial planning policies become more responsive to the complexities of tourism development. They function not only as technocratic instruments but also as collaborative mechanisms that bring together diverse fields of knowledge and values toward the common goal of creating sustainable, people-centred, and meaningful spaces. In sustainable tourism development, law serves as an integrative instrument that connects sectoral interests within a coherent policy framework. The findings indicate that the success of spatial planning policies depends largely on legal frameworks' ability to accommodate spatial planning assessments, environmental considerations, economic analyses, and local communities' aspirations simultaneously. Accordingly, law cannot operate exclusively through a normative approach; it must incorporate empirical findings from multiple disciplines to ensure the resulting policies have social legitimacy and are implemented effectively.

CONCLUSION

This study shows that implementing spatial planning policies plays a strategic role in achieving sustainable tourism development, as it serves as an instrument for controlling land use, protecting the environment, strengthening investment, and empowering local communities. However, implementation effectiveness still faces structural and systemic

[63] Bokolo Anthony, "The Role of Community Engagement in Urban Innovation Towards the Co-Creation of Smart Sustainable Cities," *Journal of the Knowledge Economy* 15, no. 1 (March 2024): 1592–1624, https://doi.org/10.1007/s13132-023-01176-1.

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obstacles, particularly regulatory disharmony between central and local governments, weak inter-agency coordination, limited oversight capacity, and low-quality public participation in the spatial planning and control process. Research findings indicate that the success of sustainable tourism development depends not only on adequate regulations but also on all stakeholders' ability to implement policies consistently, in a coordinated manner, and with a focus on environmental sustainability.

The effectiveness of spatial planning policies depends heavily on the interrelationship among legal substance, legal structure, and legal culture. Legal substance remains insufficiently harmonized, the institutional structure still grapples with sectoral interests, and the legal culture does not yet support substantive public participation; these factors primarily affect policy implementation. These findings confirm that spatial planning policies cannot succeed through regulatory reform alone; they require institutional strengthening and the development of a participatory legal culture. In this context, the socio-legal approach shows that the law's effectiveness is significantly shaped by the social, political, economic, and institutional dynamics unfolding within society.

This study also shows that the spatial planning policy strategies implemented in Kuningan Regency and Buleleng Regency differ in character, yet both aim to integrate economic development, environmental conservation, and local communities' interests. Kuningan Regency tends to emphasize conservation-based tourism development and environmental protection, while Buleleng Regency places greater emphasis on strengthening the competitiveness of tourist destinations through institutional development and tourism investment. These differences show that the success of spatial planning policy implementation depends significantly on regional characteristics, institutional capacity, and each area's evolving social context. Nevertheless, both regions show that integrating the Regional Spatial Plan (RTRW), the Detailed Spatial Plan (RDTR), regional development policies, and community participation is a critical prerequisite for sustainable tourism development.

This study's main contribution is developing a multidisciplinary perspective that integrates Lawrence Friedman's Theory of Legal Systems with the principles of *Maqāṣid al-Sharī'ah* as an evaluative framework for spatial planning policies. The research findings

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indicate that the effectiveness of spatial planning policies cannot be adequately measured solely based on compliance with regulations and the achievement of economic targets, but must also be evaluated based on their ability to realise the public interest (*maslahah*), social justice (*al-'adl*), ecological responsibility (*khalifah fi al-ardh*), environmental protection (*hifẓ al-bi'ah*), and intergenerational sustainability. Thus, this research's novelty lies in formulating a conceptual model of Sustainable Spatial Governance that links the dimensions of legal substance, legal structure, and legal culture to the values of *Maqāṣid al-Sharī'ah* within the framework of sustainable tourism development. This model offers a more comprehensive approach to evaluating and formulating spatial planning policies that are not only administratively effective but also socially just, ecologically sustainable, and oriented toward society's long-term well-being.

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AUTHOR CONTRIBUTIONS STATEMENT

As the lead author and initiator of the research idea, HB designed the research framework and prepared the manuscript. EY processed and analysed the data and developed it into a research paper. IJ contributed to analyzing and interpreting the research findings from an Islamic legal perspective. RW collected the data, analysed the findings,

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and drafted the manuscript. MN assisted in data collection and analysis and contributed to drafting the article.

CONFLICT OF INTEREST

The authors declare that there is no conflict of interest related to this publication. The authors have no financial, professional, or personal interests that could be perceived as influencing the research presented in this article.

AI USAGE STATEMENT

The authors used artificial intelligence (AI) tools in a limited capacity solely to assist with language editing of the manuscript. All ideas, concepts, analyses, interpretations, and conclusions presented in this article are entirely the result of the authors' own work and remain their sole responsibility. The research data used in this article were obtained directly through field research activities and relevant data sources, without any fabrication, modification, or generation of data by AI tools.

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