

Research Article

Rethinking Forest Tourism Governance in Indonesia: Ecological Justice, Legal Reform, and the Sustainable Development Goals

Elizabeth Ayu Puspita Adi^{1*}, Bayu Ardhiansyah²

¹Faculty of Law, Universitas Sebelas Maret, Indonesia

²School of Business and Government, Victoria University of Wellington, New Zealand

*ayupuspitaadi@staff.uns.ac.id

ABSTRACT

Indonesia's forest tourism governance is still plagued by overlapping regulations, fragmented institutional coordination and poor community participation. These issues compromise both ecological sustainability and social justice. This research aims to analyse the weaknesses of the current legal and institutional framework governing forest tourism, and to propose a governance model based on ecological justice that is aligned with the Sustainable Development Goals (SDGs). This study employs a normative legal approach, complemented by socio-legal and historical-legal analyses. Statutory regulations and legal doctrines are examined alongside the historical evolution of forestry law, and governance practices and policy implementation are critically assessed. Three main findings emerged from the results: first, a lack of regulatory coherence across sectoral laws governing forest tourism; second, the marginalisation of ecological justice and participatory governance principles; and third, the predominance of technocratic and market-oriented regulatory instruments that undermine conservation objectives. Although recent legal reforms provide partial reinforcement, they fail to address fundamental governance gaps. It can therefore be concluded that forest tourism governance requires an integrative legal reform model combining ecosystem-based conservation, community-based resource management, and polycentric institutional arrangements, in order to strengthen ecological integrity, institutional accountability, and community inclusion, and to advance SDGs 13, 15, and 16.

Keywords: Forest Tourism Governance; Ecological Justice; Legal Reform.

A. INTRODUCTION

Forest tourism, as a component of natural conservation areas, plays a strategic role in supporting ecological balance, conserving biodiversity, fostering environmental education, and advancing sustainable economic development through ecotourism (Turisno et al., 2021). Forest tourism is becoming more and more known as an important part of fighting climate change and keeping the functions of forest ecosystems alive for a long time (Kaharuddin et al., 2020). In the broader global context, forest

tourism directly contributes to the realization of the Sustainable Development Goals (SDGs), particularly SDG 13 (Climate Action), SDG 15 (Life on Land), and SDG 16 (Peace, Justice, and Strong Institutions). All of these goals require immediate and comprehensive action to achieve environmental sustainability, responsible ecosystem governance, and participatory management. Conversely, Indonesia's forest tourism industry faces mounting ecological and socio-economic challenges (Sgroi, 2020). Despite the rapid expansion of tourism, environmental

protections often fall short. This, in turn, leads to changes in land use, illegal logging, and habitat destruction, which intensifies the susceptibility of protected areas. The challenges are exacerbated by inadequate law enforcement and the presence of overlapping institutional mandates. Unregulated mass tourism in certain forest parks has, in some instances, precipitated soil erosion, the decline of indigenous plant species, and the destabilization of local animal populations. The observed environmental degradation underscores the more fundamental deficiencies inherent in the existing framework for forest protection and management (Reinsberg & Westerwinter, 2023).

The Ministry of Environment and Forestry (KLHK) in Indonesia unveiled fresh data in 2024, further fueling concerns about governance in the realm of Forest Tourism Governance. Indonesia boasts 95.5 million hectares of forest, roughly 51.1% of the nation's total land. The gross deforestation rate clocked in at 216,200 hectares, but reforestation initiatives managed to cover only 40,800 hectares, resulting in a net loss of 175,400 hectares. A significant point: approximately 92.8% of this deforestation took place within secondary forests. Many of these areas are legally classified as protected or conservation forest zones (Ardiyanto, Saraswati, & Soponyono, 2022), encompassing regions designated for nature-based and forest tourism activities. This scenario underscores that deforestation transcends mere environmental concerns; it simultaneously highlights the inadequacies in the legal

safeguards and enforcement mechanisms governing forest tourism regulations. At the sub-national tier, the ineffective governance of forest tourism areas has been intensified by lax local policies, inadequate spatial planning oversight, and limited enforcement resources, particularly when local development objectives conflict with national conservation aims (Kementerian Kehutanan Republik Indonesia, 2025). Of particular concern is the fact that approximately 69.3% of this deforestation occurred within legally protected forest zones, many of which possess significant potential for ecotourism development. This evidences a fundamental paradox between the formal legal framework and its practical implementation, raising critical questions regarding the effectiveness of existing regulatory and enforcement mechanisms (Mutawalli et al., 2023). Although formally recognized under conservation law, forest tourism areas frequently suffer from weak legal status and ambiguous zoning designations. In practice, areas with high ecotourism value often face illegal or unofficial land conversion. This is driven by the expansion of plantations, mining, and infrastructure projects. The situation is made worse by poor coordination and the weaknesses in spatial planning, along with the lack of legal protections for forest tourism zones (Nugroho, 2020). As a result, the focus on short-term economic goals significantly hinders the achievement of environmental and conservation goals, which in turn supports unsustainable management and governance.

The legal framework for Forest Tourism has been strengthened by several national laws. For instance, Law No.32 of 2024 expands the responsibilities of Nature Parks, encompassing tourism, educational initiatives, and cultural programs, while simultaneously affirming state authority over these regions and restricting certain areas to ecosystem services. Conversely, the Job Creation Law (Law No. 6 of 2023) mandates environmental risk assessments for activities within conservation areas, yet it does not explicitly recognize Forest Tourism Governance as a distinct legal framework. Despite these changes, the regulations still don't fully promote ecological justice.

A significant difference persists between the legal frameworks governing forest tourism and their actual effects on conservation goals and community rights. Previous research has investigated important social and ecological aspects of conservation and tourism management, although the focus of these analyses has varied. Initially, Helen Kopnina (2017) offers a critical assessment of the prevalence of anthropocentric viewpoints within conservation policy, advocating for a more robust acknowledgment of ecocentric ethics in environmental governance (Kopnina, 2017). This study highlights ethical tensions between economic development and biodiversity preservation. Nevertheless, its primary emphasis remains on environmental ethics, and it does not address the practical application of these moral

principles within the legal frameworks and regulations that govern conservation-based tourism.

Second, the investigation undertaken by Jamin and colleagues (2022) explores the importance of indigenous knowledge and community involvement in environmental governance within protected areas (Jamin et al., 2022). The research findings indicate that traditional ecological knowledge can enhance conservation practices. However, the study's emphasis is primarily on community engagement and cultural values, and it does not provide a comprehensive examination of the institutional and legal legitimacy of governance frameworks within the context of conservation tourism management. Third, Aprilia et al. (2025) investigate institutional fragmentation and regulatory challenges in managing conservation-based tourism at the local level (Aprilia et al., 2025). The study reveals overlapping authority between government institutions and weak coordination mechanisms. While this research provides important insights into regulatory problems, it focuses primarily on institutional governance and does not integrate ecological justice considerations or broader socio-legal analysis. Fourth, Bill Bramwell (2011) investigates governance complexity and stakeholder coordination in the development of sustainable tourism (Bramwell, 2011). The research underscores the significance of collaborative governance among governmental entities, private

stakeholders, and communities. However, its emphasis lies mainly on governance processes and stakeholder interaction, with limited discussion of legal legitimacy and environmental justice principles within conservation tourism regulation. Fifth, Ísis Amorim de Oliveira (2021) proposes a justice-oriented framework that connects environmental governance with participation, recognition, and distributive justice (de Oliveira, 2021). This research contributes significantly to normative discussions of environmental justice, yet it does not specifically analyze how legal regulatory frameworks shape conservation tourism governance in practice.

Compared with these five studies, the present research offers a distinctive contribution by integrating legal legitimacy, regulatory design, and ecological justice within a single analytical framework for conservation-based tourism governance. Previous studies have typically focused on ethics, participation, institutional coordination, or governance theory in isolation. In contrast, this study systematically analyzes the role of legal frameworks as a structural mechanism that concurrently facilitates ecological protection, community engagement, and tourism development. This integrated socio-legal approach seeks to bridge the divide among environmental justice theory, governance practice, and legal regulatory design in the management of conservation tourism. Accordingly, the objective of this study is to examine the limitations of existing legal and

institutional frameworks governing forest tourism in Indonesia and to formulate a multi-level Forest Tourism Governance model grounded in ecological justice, legal coherence, and substantive community participation, while aligning such governance reform with the Sustainable Development Goals. This article distinguishes itself by offering an integrative normative framework that bridges legal theory, governance design, and sustainability objectives.

B. RESEARCH METHODS

This study uses a normative legal-doctrinal approach, which is based on conceptual and theoretical analysis (Benuf & Azhar, 2020). This research primarily focuses on the regulations, legal doctrines, and institutional structures that govern Forest Tourism. The objective is to assess their legal compliance, normative coherence, and alignment with the principles of ecological justice. To provide context for the regulatory design and evolution of forest governance, the normative analysis is supplemented by socio-legal and historical-legal perspectives, which serve solely as analytical frameworks rather than empirical instruments. Accordingly, references to governance arrangements and policy dynamics are treated as objects of normative legal critique, not as evaluations of implementation or effectiveness. The central research question guiding this study is: What legal and institutional reforms are required to establish a model of Forest Tourism Governance that embodies

ecological justice and advances the Sustainable Development Goals in Indonesia?.

C. RESULTS AND DISCUSSION

1. Regulatory Design of Institutional Frameworks for Forest Tourism Governance

In legal theory, law is understood as more than just a set of social rules. It's seen as a system of norms organized in a hierarchy, where each legal rule's validity comes from a higher rule. Hans Kelsen's *Stufenbau* theory suggests that a legal system is only valid if it is based on a fundamental norm (*Grundnorm*) that ensures the legal system's internal consistency (Kelsen, 1992). In Indonesia, the principles of Pancasila serve as the *staatsfundamentaln*orm, constituting the normative foundation of the legal system, succeeded by the 1945 Constitution, statutory legislation, and subordinate regulations. This hierarchical framework is especially useful for looking at how Forest Tourism Governance is set up, since it has rules for many different areas that work at the same time. When applied to forestry and conservation law, Kelsen's framework raises a central normative question: whether the existing hierarchy of legal norms governing forest tourism has produced a coherent regulatory design, or instead reflects structural inconsistencies arising from fragmented legal and policy objectives.

Law No. 41 of 1999, the cornerstone of Indonesia's forestry regulations, serves as the primary legal foundation for the nation's forests.

Article 6 of this law defines the functions of forests, categorizing them into three main types: conservation forests, protection forests, and production forests. Article 7 also says that conservation forests include nature reserves, wildlife sanctuaries, and game parks (Turisno, Suharto, & Priyono, 2018). Only game parks have a clear tourism aspect, and even then, it is limited to controlled hunting activities. Article 8 broadens the scope of forest use by allowing designations for specific purposes, including education, culture, and religion. However, the law doesn't specifically define "ecotourism" or "nature-based tourism" as separate legal goals.

The lack of regulatory oversight compromises the principle of legal certainty, or *rechtszekerheid*, which is a cornerstone of the rule of law. This principle necessitates that laws be transparent, predictable, and capable of guiding both governmental actions and individual behaviors. Consequently, without a clearly defined legal structure, the governance of forest tourism functions within a framework of normative uncertainty. In this context, rights, responsibilities, and institutional roles are not supported by a strong legal basis (Salgado, 2024).

This kind of confusion has important philosophical and legal consequences. Legal certainty is not just a technical requirement; it is also a moral requirement for justice, accountability, and the protection of legitimate expectations. This is especially true in areas where there are competing public interests, like

conservation, economic development, and community rights. When forest-based tourism is not clearly defined in the law, the way it is regulated depends on how administrators choose to do things, not on stable legal principles (Shcherbanyuk, Gordieiev, & Bzova, 2023). This condition weakens the protection of ecological interests, obscures the legal position of indigenous and local communities, and increases the risk of arbitrary or inconsistent decision-making within spatial planning and licensing regimes. From a global governance perspective, this condition is inconsistent with the objectives of Sustainable Development Goal 16, which emphasizes legal certainty, accountable institutions, and inclusive decision-making as core elements of sustainable development.

This uncertainty about what is right and wrong stems from a core conflict in Indonesia's forestry laws, specifically the tension between conservation efforts and the goals of sustainable development. The absence of a clearly defined legal structure for Forest Tourism Governance means the law lacks a cohesive framework. This framework is essential for harmonizing ecological preservation with socio-economic activities, thus diminishing both legal certainty and the legal system's credibility as a tool for sustainable governance. Given that tourism is increasingly viewed not just as an economic endeavor but also as a strategic instrument for conservation and sustainable use, the need for explicit, coherent, and certainty-focused legal regulation is both

practical and philosophically essential in a state governed by law (Masnun & Pratama, 2020). This unresolved conflict, in turn, jeopardizes the normative principles embodied in Sustainable Development Goal 15 (Life on Land). The objective necessitates that legal structures prioritize ecosystem integrity and biodiversity preservation as core components of sustainable development, rather than subordinating conservation to economic interests (Effendi, Salsabila, & Malik, 2018). The complexity of this issue is increased by the legal framework for protecting biological natural resources, as outlined in Law No.5 of 1990, subsequently amended by Law No. 32 of 2024. The most recent legislation formally recognizes the category of Nature Tourism Parks (Taman Wisata Alam) as part of the conservation area scheme. Article 1 of the earlier Conservation Law defined a Nature Tourism Park as an area designated for tourism and recreational activities grounded in conservation principles. Yet, crucially, the designation was not established as an autonomous category outside the conservation framework. Article 1(22) provision offers a more comprehensive definition, characterizing a Nature Tourism Park as a nature conservation zone employed for research, scientific inquiry, educational purposes, cultivation assistance, and environmental services, with a specific emphasis on nature-based tourism. Although this more detailed formulation expands the range of acceptable activities, it does not fully

acknowledge tourism as a distinct legal function within forested areas. Consequently, the Nature Tourism Park concept continues to be situated within the conservation framework, rather than being formally recognized as an independent classification within the legal structure governing forests.

The persistent legal ambiguity highlights the state's inadequate political will to prioritize ecological preservation in its forestry and tourism strategies. Furthermore, it reveals a more fundamental failure to uphold the principle of legality, as articulated by Fuller. In accordance with Fuller's notion of the inner morality of law, a legal system must fulfill essential criteria, including clarity, consistency, non-contradiction, and the alignment of stated rules with their practical application, to be considered law (Covell, 1992); (Fuller, 1977). The absence of a well-defined legal framework governing Forest Tourism engenders a scenario that contravenes these fundamental tenets. This lack, in turn, fosters the emergence of norms that are unclear, inconsistent, and unable to offer reliable direction to those under legal supervision. According to Fuller, this lack of clarity weakens the law's ability to function as a governing structure, effectively turning it into a tool for arbitrary administrative actions. When legal principles fail to provide explicit directives and hierarchical structures, especially in the context of reconciling environmental conservation with economic progress, legal certainty is

compromised, compliance with the law is undermined, and the law's ethical standing is diminished. Consequently, the marginalization of ecological preservation within forestry and tourism regulations transcends mere policy preference; it constitutes a fundamental deficiency in legality that undermines the law's claim to normative legitimacy within a constitutional framework (Stubenrauch & Garske, 2023).

The lack of formal acknowledgment of "forest tourism" as a distinct legal category reflects the sector's fragmented, reactive, and sector-specific regulatory environment. The Forestry Law prioritizes the administrative categorization of forest functions, whereas the Conservation Law confines nature tourism within a stringent conservation paradigm, thereby limiting the potential for participatory and sustainable tourism approaches (Riggs et al., 2016). The resulting regulatory asymmetry highlights a deeper structural weakness: the failure to establish a coherent legal framework that effectively integrates ecological preservation with socio-economic development objectives. In the absence of a clear legal foundation governing the rights, obligations, and management schemes of forest tourism, conservation objectives remain vulnerable to displacement by uncontrolled exploitation, overlapping jurisdictions, and weak institutional coordination.

Regulatory interventions through Law No. 23 of 2021 and 6 of 2023 demonstrate a fundamental shift in environmental law, moving

away from a protective stance and toward a market-driven utilitarian approach. This shift is evident because these regulations primarily position environmental regulation as a tool to facilitate economic activity, rather than as a means to safeguard ecological integrity (Maryudi et al., 2017). This change is reflected in the regulatory framework, which prioritizes streamlined licensing, investment promotion, and risk-based environmental assessments, even as it diminishes precautionary measures and essential conservation standards. By framing environmental protection as a form of administrative risk management, rather than an absolute legal obligation, these regulations effectively reclassify ecological values. They do this by weighing them against economic considerations, rather than treating them as principles that impose definitive legal constraints on resource use (Aminah, Adhim, & Dewi, 2021).

From a doctrinal standpoint, this regulatory approach signifies a shift away from an ecocentric-protective paradigm, moving towards a utilitarian framework wherein forests and conservation zones are progressively viewed as economic resources amenable to optimization and monetization. The prioritization of administrative efficiency and investment security redefines the function of environmental law, converting it from a protective system rooted in ecological preservation into a governance structure that validates regulated exploitation. Therefore, conservation norms are better

understood as procedural requirements, rather than strict rules. This weakens the normative influence of environmental protection, indicating a broader shift in environmental law that prioritizes market-based reasoning.

The licensing system based on the Online Single Submission (OSS) platform, promoted as a bureaucratic efficiency instrument, has accelerated the liberalization of conservation space utilization in practice, including forest areas and Nature Tourism Parks, through a licensing mechanism that is both lenient and highly centralized (Mahy, 2022). After the OSS system was implemented, data showed a significant increase in the number of permits given for using forests for purposes other than conservation, including tourism, energy production, and infrastructure projects. A study by Madani Berkelanjutan (2021) estimates that millions of hectares of natural forest are at risk of being lost due to the relaxation of protection standards for protection forests under the OSS framework (Madani Berkelanjutan, 2021). Furthermore, the Omnibus Law removes the requirement for a minimum of 30% forest cover in watershed and island areas. At the same time, it limits public participation in the creation of Environmental Impact Assessment (AMDAL) documents to only those communities directly affected (Anggriheny & Nababan, 2021). These changes weaken the precautionary principle and reduce ecological accountability. Such regulatory relaxation weakens the legal foundations necessary to

support Sustainable Development Goals 13 and 16, particularly in relation to climate resilience, precautionary governance, and meaningful public participation.

Theoretically, this occurrence resonates with the critique put forth by Critical Legal Studies, which views law as a tool of hegemony, primarily benefiting dominant groups, especially those engaged in market activities. From this standpoint, law functions to promote capital accumulation by formalizing access to natural resources. Informed by the political ecology of law perspective (Pawestri et al., 2024), these regulatory modifications signify a core transformation within environmental law, moving away from an ecocentric, intrinsic viewpoint towards an anthropocentric and economically driven approach (Kasdorp, 2016). Consequently, the environment is no longer viewed as a subject deserving of safeguarding due to its intrinsic worth; rather, it is redefined as a legal commodity, subject to administration, utilization, and monetization. Consequently, conservation zones, encompassing nature tourism parks, are progressively being transformed into commodities within the licensing market, rather than being preserved as ecosystems for the benefit of future generations. This trend highlights the urgent requirement for a forestry legal framework that is integrative, participatory, and ecologically just, one that can effectively balance economic considerations with the imperative of

intergenerational ecological responsibility (Maskun et al., 2025).

Ecocentric ethics, as articulated within environmental legal theory, does not exist independently of positive law; nor does it aim to supplant the established legal system with moral principles (Natalis, Purwanti, & Asmara, 2023). Instead, it serves as an axiological basis that redefines the focus, aims, and constraints of legal norms within positive law. Within the realm of forest tourism governance, ecocentric ethics offers a prescriptive basis for identifying essential legal protections. Consequently, positive law functions as the institutional framework that operationalizes these values through the establishment of binding regulations, guiding principles, and governance structures. Ecocentric values can be integrated into laws and administrative systems through regulatory design, the establishment of legal principles like ecological integrity and intergenerational responsibility, and the assignment of institutional duties. Consequently, ecological justice serves as a nexus between ethical considerations and legal frameworks, converting environmental moral imperatives into enforceable legal norms. This transformation allows forest tourism governance to shift from a policy preference to a legally mandated requirement.

The Job Creation Law, also known as the Omnibus Law, and its subsequent regulations, represent a significant change in Indonesian environmental law. This change moves away from

a protective approach and instead adopts a utilitarian, human-centered perspective. Within this regulatory structure, the environment, including conservation areas like nature tourism parks, is increasingly viewed not for its inherent ecological worth, but as a legal commodity subject to use, licensing, and financial gain. This change, when analyzed through the lens of the political ecology of law, demonstrates the increasing influence of economic considerations over legal principles, with conservation values being secondary to market-driven goals and investment incentives. Consequently, this shift creates a normative conflict within Indonesia's constitutional framework: despite the state's constitutional duty to uphold the right to a healthy environment, as stipulated in Article 28H paragraph (1) of the 1945 Constitution, it simultaneously establishes legal processes that authorize the exploitation of conservation areas under the guise of economic efficiency and development stability (Mitchell, 2017). To comprehend this apparent contradiction, it is essential to contextualize the Omnibus Law within the wider historical development of forestry legislation in Indonesia. This encompasses the period of colonial resource management, the centralized and exploitative governance of the New Order, and the post-reform liberalization of environmental regulations (Mahardika & Bayu, 2022). This historical progression demonstrates how evolving legal frameworks have consistently influenced policy directions and institutional

structures (Redi & Mizuno, 2025), particularly concerning forested regions that are becoming more accessible for tourism-related activities.

The governance of forested regions, as previously noted, is inextricably linked to Indonesia's historical background and the wider political and legal frameworks governing forestry. The progression of forestry law, spanning from the colonial period to the post-reform era, demonstrates the state's evolving approach to forest management, transitioning from a model focused on resource extraction to one that increasingly integrates economic and conservation objectives. This transformation in legal principles has substantially impacted policy directions and institutional structures, encompassing the regulation of conservation areas that now integrate tourism activities (Kurniawan, Muslim, & Sakapurnama, 2018). Therefore, a chronological examination of how forestry law has developed is essential for understanding the complex rules related to forest tourism. In this context, Table 1 provides a historical overview of how forest areas are regulated in Indonesia. It highlights important laws and policy changes that have defined the legal status and protection of forests, including the establishment of Nature Tourism Parks.

Table 1 presents an overview of the historical development of forest area regulations in Indonesia. It highlights key policy and legislative milestones that have shaped the legal

protection of forest areas, including the forest tourism areas.

Table 1. Historical Trajectories of Forest Regulation in Indonesia

Period	Regulation	Legal Paradigm	Implications for Forest Tourism Governance
The Dutch Colonial Era	<i>Staatsblad</i> 1874 No. 94, <i>Staatsblad</i> 1911 No. 110	State control & extractive colonialism	Forests were viewed solely as state-controlled resources; forest tourism was legally inconceivable and entirely subordinated to extractive and administrative objectives.
The Early Independence (1945 - 1966)	- Forestry Service Work Guidelines (1946) - Government Regulation No. 26 of 1952 - Government Regulation No. 8 of 1953	State sovereignty & nationalization	Forest governance prioritized state consolidation; tourism-related functions remained legally marginal and undefined within forestry regulation.
The New Order (1967 - 1998)	Law No. 5 of 1967 on Basic Provisions of Forestry. Massive issuance of Forest Concession	Developmentalism & resource commodification	Forest tourism, if any, was incidental and subordinated to concession-based exploitation; conservation and tourism governance were largely absent.

Period	Regulation	Legal Paradigm	Implications for Forest Tourism Governance
The Reform Era (1998 - 2004)	<p>Rights (<i>Hak Pengusahaan Hutan/HPH</i>)</p> <p>Law No. 41 of 1999 on Forestry</p>	<p>Conservation-oriented legal reform</p>	<p>Opened limited legal space for nature-based tourism, but without explicit recognition of Forest Tourism Governance as a distinct legal regime.</p>
Decentralization and Regional Autonomy	<p>- Law No. 32 of 2004 on Regional Governance</p> <p>- Law No. 23 of 2014 on Regional Governance</p>	<p>Decentralized governance & regulatory fragmentation</p>	<p>Forest tourism governance became fragmented, dependent on local policies with varying standards, increasing legal uncertainty and institutional overlap.</p>
The Omnibus Law Era (2020– Present)	<p>- Law No. 11 of 2020 on Job Creation (Omnibus Law)</p> <p>- Government Regulation in Lieu of Law No. 2 of 2022</p>	<p>Market-oriented utilitarianism</p>	<p>Forest tourism governance increasingly framed as an economic activity subject to licensing and monetization, weakening conservation safeguards and ecological justice principles.</p>

Period	Regulation	Legal Paradigm	Implications for Forest Tourism Governance
Recent Technical Regulations	- Revision of Law No. 41 of 1999 on Forestry	Technocratic conservation governance	Provides operational guidance for forest tourism but remains procedurally focused, lacking a coherent justice-based and certainty-oriented governance framework.
	- Regulation of the Minister of Environment and Forestry No. P.13/MENLH/K/SETJEN/K/UM.1/5/2020 on the Management of Nature Tourism Parks and Grand Forest Parks		
	- Government Regulation No. 28 of 2011 on the Management of Nature Reserves and Conservation		

Period	Regulation	Legal Paradigm	Implications for Forest Tourism Governance
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Areas

Source : (Djafar et al., 2023); (Erbaugh & Nurrochmat, 2019); (Fisher, Dhiaulhaq, & Sahide, 2019); (Indrajaya et al., 2022); (Nugroho et al., 2023); (Sopaheluwakan et al., 2023)

The evolution of forest protection legislation in Indonesia is closely tied to changes in political leadership and the country's economic priorities. Under colonial rule, legal structures were primarily established to strengthen governmental control over forest assets, thereby facilitating extractive economic activities. Subsequent to independence, nationalization efforts solidified the state's position as the exclusive administrator of forested lands. The New Order period represented a significant era characterized by forest management practices that emphasized exploitation, with a focus on accelerated economic expansion through extensive concessions and resource extraction. A pivotal shift occurred with the 1998 reforms, which brought about Law No. Law 41 of 1999, concerning Forestry, emphasized conservation and public involvement, and concurrent decentralization initiatives opened avenues for local governance. Nevertheless, decentralization posed difficulties, especially in fostering effective regional coordination. The Omnibus Law, in more recent times, has faced criticism for expediting the liberalization of forested areas, potentially jeopardizing ecological safeguards. Conversely,

the most recent technical regulations have prioritized conservation zoning and the engagement of local communities, indicating a progressive shift toward more equitable and sustainable forest governance practices.

Given the increasing demand for enhanced management strategies within conservation and tourism areas, many local governments have enacted targeted regulations. While these measures reflect progress in promoting local participation, both on-the-ground evaluations and academic studies indicate that these regulations have not fully succeeded in harmonizing conservation objectives with the principles of sustainable tourism.

Several local rules that demonstrate these patterns are listed below:

- 1) Central Java Provincial Regulation No. 5 of 2015 on the Management of Nature Parks;
- 2) West Sumatra Provincial Regulation No. 2 of 2017 on the Development of Ecotourism; and
- 3) East Kalimantan Provincial Regulation No. 6 of 2020 on the Protection of Customary Forests.

These combined regulations aim to balance conservation efforts with the growth of

regional tourism. However, their implementation has often faced persistent challenges. These include unclear rules, insufficient enforcement by institutions, and a failure to effectively combine local cultural perspectives with conservation science. Moreover, numerous regulations exhibit a reactive stance, developed in response to conflicts or investor pressures rather than through participatory and proactive planning strategies (Wibawa, Samekto, & Gelgel, 2019). Assessments reveal that, notwithstanding their strategic aspirations, local regulations designed for the management of conservation areas and nature tourism have not demonstrated a high degree of efficacy. Three principal issues are particularly noteworthy: initially, the lack of national standards has led to policy fragmentation across different regions; subsequently, local institutions continue to be structurally and financially deficient, with limited engagement from indigenous communities; and finally, fundamental principles of environmental governance, including participation, transparency, and accountability, have not been uniformly applied.

The Ministry of Environment and Forestry (2022) has highlighted the absence of thorough master management plans in numerous Grand Forest Parks (Tahura), which has resulted in inconsistent development and increased susceptibility to conflict (Pustarhut, 2024). Furthermore, local regulations often fail to acknowledge the rights of indigenous populations within conservation zones, thus exacerbating both

ecological and social disparities (Kurnia & Yuan, 2026). The current legal system, by its nature, is fragmented across different areas. The prevailing framework fails to prioritize ecological justice and community engagement as core tenets. Currently, technical regulations emphasize administrative processes, which can hinder real conservation efforts. This shift could transform forest tourism, potentially changing it from a tool for environmental protection and community development into a profit-driven business. Consequently, this scenario suggests that without regulatory reforms grounded in ecological justice and authentic community participation, the attainment of Sustainable Development Goal (SDG) 16, which seeks to establish equitable, inclusive, and accountable institutions, will remain unattainable (United Nations, 2025).

2. Formulating Forest Tourism Governance Based on Ecological Justice

The existing imbalance in forest tourism governance highlights the necessity of a paradigm shift, moving away from a sector-specific, technocratic model and towards a governance structure predicated on ecological justice and multilevel governance principles. Presently, governance strategies, marked by regulatory fragmentation, the predominance of commercial interests, and a lack of ecological justice considerations, have demonstrated their inadequacy in managing the ecological and social intricacies of forest tourism. Consequently, a revised approach must incorporate ecocentric

ethics, polycentric governance structures, and systemic legal reasoning to develop mechanisms that are ecologically just, institutionally flexible, and attuned to local values (Djenontin & Zulu, 2021). Within this framework, forest tourism areas should be understood as ecosystems with intrinsic value rather than as mere tourism commodities, and should be managed within an inclusive, value-based governance architecture (Pratama, Handayani, & Karjoko, 2025). The central theoretical foundation of this reformulation is ecological justice, which rejects anthropocentric perspectives and instead positions forests as ecological entities with inherent rights and as integral components of broader socio-ecological systems.

Within this paradigm shift, ecological justice functions as the core normative foundation for reformulating Forest Tourism Governance. Ecological justice may be understood as a legal and ethical framework that extends the concept of justice beyond human-centered interests by recognizing the intrinsic value of ecosystems, non-human species, and future generations within governance and legal systems. In contrast to sectoral or technocratic perspectives that primarily view forests as resources for management or economic gain, ecological justice challenges anthropocentric thought. It instead conceptualizes forests as ecological entities possessing intrinsic normative value within wider socio-ecological systems (Kline, Hoarau-Heemstra, & Cavaliere, 2023).

Baxter theory of ecological justice provides a critical conceptual basis for this perspective by emphasizing that modern legal systems must reorient their normative structure to respond to ecological limits and intergenerational responsibility (Baxter, 2004). According to Bauliard, ecological justice requires law to move beyond instrumental regulation toward a framework in which ecological integrity becomes a condition of legal legitimacy itself. In this context, the fairness of legal rules and governance structures is determined by their ability to protect ecosystem functions, respect ecological limits, and prevent the unfair distribution of environmental harm to vulnerable groups and future generations.

Applied to Forest Tourism Governance, ecological justice functions not only as an ethical goal but also as a criterion for assessing regulatory design and institutional structures. Governance models informed by ecological justice must prioritize the safeguarding of ecological integrity, acknowledge the interests of non-human entities, and incorporate local and indigenous communities as recognized governance participants. This perspective is consistent with polycentric and multilevel governance principles, which distribute authority among diverse actors while integrating ecocentric values as obligatory normative limitations. Therefore, Forest Tourism Governance predicated on ecological justice signifies a transition from treating forests as tourism

commodities to governing them as shared ecological systems, the protection of which is fundamental to justice, sustainability, and the rule of law.

Kopnina posits that environmental policy should be ethically grounded in an ecocentric perspective. She provides a critical assessment of the Environmental, Social, and Governance (ESG) framework, contending that it is unduly focused on human and financial concerns, neglecting the ecological detriment inflicted upon non-human entities (Kopnina, 2017). Kopnina's perspective, framed by extinction accounting, emphasizes the need for a precise, numerical assessment of ecological impacts, particularly the detriments suffered by other organisms as a result of developmental projects. This perspective is especially relevant to the management of forest tourism, where the alteration of ecosystems to accommodate recreational activities often jeopardizes the survival of native species and the ecological balance they uphold.

Kopnina's recent work expands stakeholder theory by including legal and ethical aspects, particularly focusing on non-human stakeholders such as plants, animals, micro-ecosystems, and ecological landscapes (Kopnina, 2017). This viewpoint provides a crucial ethical framework for reevaluating Forest Tourism Governance, which has traditionally emphasized human economic interests, frequently to the detriment of environmental health. A comparable legal evolution is evident in Christine Iorns's work,

which examines river conservation in New Zealand via the concept of legal personhood, thus acknowledging rivers as entities possessing inherent rights (O'Donnell & Talbot-Jones, 2018). This methodology demonstrates the practical application of ecocentric ethics through positive law. It achieves this by transforming the management of ecological concerns, transitioning them from mere regulatory oversight to formal legal recognition. Consequently, incorporating these viewpoints into forest tourism governance facilitates a shift toward governance frameworks that view forests as active agents within legal and ecological contexts. This approach, in turn, emphasizes ecological resilience and biodiversity conservation within the decision-making process, rather than relegating these concerns to a secondary status in favor of tourism profits or administrative ease (Kurniasari, Hardjanto, & Diamantina, 2017).

Sakina and her team (2025) expand the ecocentric viewpoint through the Quintuple Helix model, which frames the environment as an active agent within the knowledge and innovation ecosystem, rather than a passive subject of conservation. In the context of forest-based tourism, this perspective suggests that forest ecosystems fulfill roles beyond mere recreational spaces; they are, fundamentally, essential elements of social interactions that promote ecological education, adaptive governance, and the generation of novel values that exceed

traditional economic evaluations (Sakina et al., 2025).

Moreover, this paradigm promotes community engagement through the collaborative production of knowledge, incorporating policymakers, scientists, civil society, and the natural environment in a process characterized by equitable and cooperative dialogue. The proposed model suggests moving away from governance structures that are technocratic and hierarchical, and instead adopting a more conversational and participatory approach. Within this framework, innovation goes beyond just technological progress or market demands; it is seen as a process that is closely connected to, and shaped by, ecological systems and indigenous knowledge.

Muthmainnah et al. (2020) offer a critique of the anthropocentric paradigm, positing that environmental degradation in Indonesia stems from exploitative power dynamics among humans (Muthmainnah, Mustansyir, & Tjahyadi, 2020). Consequently, ecological justice is inextricably linked to social justice. Ecological decline frequently correlates with marginalization, the loss of rights, and unequal distribution of environmental advantages and disadvantages. Policy reform, therefore, necessitates an intergenerational approach, acknowledging the rights of future generations and integrating long-term ecological sustainability as a fundamental tenet of justice. Within this context, the governance of forest tourism demands

transformation, not only in terms of technical policy instruments but also through a more profound ethical perspective that recognizes the interconnectedness of ecological integrity, social equity, and democratic participation in fostering a just and resilient forest future.

Applied to forest-based tourism, the ecological justice approach becomes particularly crucial because forest areas designated as tourist destinations frequently face intense pressures from commercialization, land conversion, and conflicts of interest involving businesses, government, and local communities (Rohmy, Hartiwingsih, & Handayani, 2024). These pressures often result in ecological degradation, the marginalization of traditional rights holders, and the reduction of forests to mere economic indicators. From an ecocentric standpoint, forest tourism policy must not be driven solely by market appeal or economic potential. Instead, it must be grounded in moral and ecological ethics that recognize forests as living ecosystems with intrinsic value, entities that possess ecological rights (Hanum, Ha, & Firmandayu, 2024) and deserve protection, regardless of their utility to human interests.

Institutional structures that currently regulate forest tourism require a restructuring to promote inclusive decision-making. This necessitates the active involvement of local communities, indigenous groups, and non-market stakeholders, rather than their simple consultation. Drawing on Ronald Dworkin's theory

of law as integrity, such participation constitutes a normative obligation grounded in equal concern and respect, thus providing a basis for legal legitimacy (Reeves, 2017). Consequently, governance frameworks that exclude affected communities compromise both justice and legal certainty, while also violating SDG 16, which emphasizes the significance of inclusive institutions and participatory decision-making. Moreover, this participatory methodology must prioritize long-term ecological sustainability over immediate economic gains, thereby aligning governance objectives with SDG 15 (Life on Land).

This imperative is further supported by Sherry Arnstein's framework of citizen participation, which differentiates between symbolic engagement and genuine involvement achieved through collaborative partnerships and shared decision-making authority (Arnstein, 2007). Within the context of forest tourism governance, participation that is confined to lower levels of engagement fosters technocratic and anthropocentric decision-making processes; conversely, ecological justice necessitates the establishment of mechanisms that empower communities to shape regulatory frameworks, management priorities, and conservation strategies. A multilevel and polycentric governance approach constitutes a second crucial element. Ostrom's theory of common pool resources is especially pertinent, given that forest tourism areas possess attributes of shared

ecological resources that are susceptible to overexploitation under centralized or market-driven systems (Ostrom, 2010). Polycentric governance, which distributes authority across various actors and levels, incorporates local knowledge, and strengthens institutional resilience, thus fosters ecologically just governance. This approach simultaneously promotes Sustainable Development Goals 13, 15, and 16 through the implementation of sustainable resource management practices, climate responsiveness, and the establishment of accountable institutions (Pinem, Widayanto, & Rahmanda, 2022).

Indonesian regulations governing forest tourism require refinement to ensure both environmental equity and legal robustness. Presently, the prevailing regulations are predominantly centralized, with a primary emphasis on resource extraction. Consequently, a governance framework is essential, one that conceptualizes forest tourism zones as integrated social and ecological systems. Through this model, zoning will be aligned with functions, management institutions will operate under clear legal frameworks, and community involvement will be inclusive. The state plays a role in defining ecological boundaries and regulations. However, this doesn't exclude the involvement of local and indigenous communities, who are included as participants in the management process. The private sector is expected to follow strict social and environmental rules. This framework aims to

ensure that forest tourism is not merely a tool for short-term exploitation; beyond that, its primary objectives are to preserve sustainability, support community livelihoods, and ensure intergenerational justice, supported by legal certainty, accountability mechanisms, and inter-institutional coordination at various levels. Ultimately, legal reforms that foster ecological justice, driven by the renewal of forest tourism governance, can serve as a concrete step forward.

D. CONCLUSION

This paper uses ecological justice, polycentricity, and systemic legal reasoning as the foundation for regulating forest-based tourism governance, proposing a legally integrative framework. It does not merely view forests as the primary source of economic production. This framework positions forests as ecological instruments possessing intrinsic rights that inherently require a multidimensional governance model incorporating environmental, social, economic, and cultural values. The integration of axiological pluralism and ecological rationality has been demonstrated both normatively and methodologically to redefine legal efforts that should be responsive to the complexity of forest ecosystems and the socio-cultural systems within them. By emphasizing substantive community participation, it is hoped that regulations will also be sensitive to ecosystem-based conservation strategies. This paper has reimagined forest

tourism governance in Indonesia. At this culmination, this paper has transcended the limitations of legal paradigms that tend to be technocratic and formalistic, thereby focusing on a transformative legal paradigm that fosters strong inclusivity, legitimacy, and sustainability.

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