

Whose Culture Counts? Cultural Heritage, Tourism Development, and the Rights of Indigenous Communities in Indonesia

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DOI: <https://doi.org/10.65815/hanhgm05>

Submitted: 21-09-2025

Revised: 27-12-2025, 27-02-2026

Accepted: 28-03-2026

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Abstract

The commercialization of cultural heritage through tourism creates opportunities for economic development while simultaneously generating risks of cultural appropriation, dispossession, and exclusion for indigenous communities. This article examines the tension between tourism development and indigenous rights in Indonesia's cultural heritage governance. The study asks whether existing legal frameworks adequately protect indigenous communities whose cultural practices, knowledge, territories, and symbols become incorporated into tourism industries. Employing a normative and socio-legal methodology, the research examines legislation concerning cultural heritage, tourism, indigenous rights, intellectual property, and local governance, supplemented by selected cases of tourism-related cultural disputes. The analysis demonstrates that legal protection often focuses on preserving cultural objects and promoting economic value while insufficiently recognizing indigenous communities as rights-holders with authority over the use and representation of their cultural heritage. Such an approach risks converting living cultures into commercial assets while weakening community control over cultural meaning and benefits. The article argues for a rights-based model of cultural tourism that recognizes prior participation, community consent, equitable benefit-sharing, and collective cultural rights. It concludes that cultural heritage governance should move beyond preservation and commercialization toward a framework that protects indigenous agency and prevents tourism development from reproducing historical patterns of marginalization. The article contributes to minority justice scholarship by connecting cultural rights, economic development, and indigenous self-determination.

[Komersialisasi warisan budaya melalui pariwisata menciptakan peluang pembangunan ekonomi sekaligus menimbulkan risiko peng appropriation budaya, perampasan, dan pengucilan bagi masyarakat adat. Artikel ini mengkaji ketegangan antara pembangunan pariwisata dan hak-hak masyarakat adat dalam tata kelola warisan budaya di Indonesia. Studi ini mempertanyakan apakah kerangka hukum yang ada cukup melindungi

masyarakat adat yang praktik budaya, pengetahuan, wilayah, dan simbolnya diintegrasikan ke dalam industri pariwisata. Dengan menggunakan metodologi normatif dan sosio-legal, penelitian ini mengkaji legislasi yang berkaitan dengan warisan budaya, pariwisata, hak-hak masyarakat adat, kekayaan intelektual, dan tata kelola lokal, ditambah dengan beberapa kasus sengketa budaya terkait pariwisata. Analisis menunjukkan bahwa perlindungan hukum seringkali berfokus pada pelestarian objek budaya dan peningkatan nilai ekonomi, sementara kurang mengakui masyarakat adat sebagai pemegang hak dengan wewenang atas penggunaan dan representasi warisan budaya mereka. Pendekatan seperti itu berisiko mengubah budaya hidup menjadi aset komersial sekaligus melemahkan kendali masyarakat atas makna dan manfaat budaya. Artikel ini mengusulkan model pariwisata budaya berbasis hak yang mengakui partisipasi sebelumnya, persetujuan masyarakat, pembagian manfaat yang adil, dan hak-hak budaya kolektif. Kesimpulannya, tata kelola warisan budaya harus bergerak melampaui pelestarian dan komersialisasi menuju kerangka kerja yang melindungi peran aktif masyarakat adat dan mencegah pengembangan pariwisata mereproduksi pola marginalisasi historis. Artikel ini berkontribusi pada kajian keadilan minoritas dengan menghubungkan hak-hak budaya, pembangunan ekonomi, dan penentuan nasib sendiri masyarakat adat.]

Keywords: cultural heritage, indigenous communities, tourism, cultural rights, benefit-sharing

Introduction

Cultural heritage has become an increasingly important component of Indonesia's tourism economy, linking local identity, historical landscapes, traditional knowledge, ritual practices, artistic expressions, and destination development. Tourism policies frequently present cultural heritage as an economic resource capable of generating employment, attracting investment, and strengthening regional development. Yet the transformation of living culture into tourism products creates a fundamental legal and ethical question: who possesses authority to determine what cultural heritage means, how it may be represented, and who should benefit from its commercialization? International scholarship has long warned that heritage is not simply an inherited collection of objects but a socially constructed process through which particular interpretations of the past are selected and legitimized (Smith 2006; Harrison 2013). In indigenous contexts, this question becomes especially important because cultural practices are frequently inseparable from community identity, spirituality, territory, and collective memory. Tourism development can therefore generate economic value while simultaneously redistributing cultural authority away from the communities that sustain it.

The Indonesian constitutional framework contains several principles capable of supporting indigenous cultural rights. Article 18B(2) of the 1945 Constitution

recognizes and respects traditional communities and their traditional rights as long as they remain alive and consistent with societal development and the principles of the Unitary State of the Republic of Indonesia. Article 28I(3) further recognizes cultural identity and the rights of traditional communities, while Article 32 establishes the state's responsibility toward national culture and guarantees freedom for communities to maintain and develop their cultural values. These provisions are supplemented by Law No. 5 of 2017 on Cultural Advancement, Law No. 10 of 2009 on Tourism, Law No. 28 of 2014 on Copyright, and Law No. 6 of 2014 on Villages. The legal architecture therefore appears extensive. The difficulty lies not primarily in the absence of norms but in the fragmented distribution of authority among cultural, tourism, intellectual-property, land, and local-government institutions.

The problem becomes clearer when cultural heritage is treated simultaneously as a human-rights interest and an economic asset. The tourism industry tends to evaluate culture according to its attractiveness to visitors, marketability, authenticity, and capacity to generate revenue. Heritage scholarship, however, demonstrates that communities may attach meanings to cultural practices that cannot be reduced to economic value (Smith and Akagawa 2009). A ritual, dance, sacred landscape, architectural form, textile, or traditional narrative may contain spiritual or communal significance that is not transferable through an ordinary commercial transaction. When tourism authorities or businesses select particular cultural elements for promotion, they may therefore create a hierarchy between commercially attractive culture and culturally sensitive practices. The central issue is not whether culture should be economically utilized, but whether commercialization occurs under conditions in which the communities concerned retain meaningful control over the process.

Previous studies have addressed several dimensions of this problem. Tourism scholarship emphasizes community participation as a prerequisite for sustainable tourism, although the meaning of participation remains contested (Tosun 2000; Scheyvens 1999). Heritage scholarship similarly stresses that indigenous tourism requires attention to cultural continuity and community self-management rather than simply the production of attractive cultural experiences (Whitford and Ruhanen 2016). Indonesian studies demonstrate that local institutions can contribute significantly to tourism governance. Research concerning Toraja, for example, identifies the need to conserve local values while balancing heritage preservation with tourism development (Kausar and Gunawan 2018). Research on the Sanur Indigenous Community further demonstrates how customary institutions, social capital, and local enterprises can integrate cultural, ecological, and economic dimensions of tourism development (Suhartana et al. 2025). Nevertheless, previous research has not sufficiently connected these governance questions to the legal status of indigenous communities as collective rights-holders.

The legal literature reveals a related gap. Indonesian copyright law recognizes traditional cultural expressions through Article 38 of Law No. 28 of 2014, under

which copyright in traditional cultural expressions is held by the state. Scholars have questioned whether this formulation adequately recognizes the communities that actually create, maintain, transmit, and interpret those expressions (Dharmawan 2017; Darma Putra and Wiryawan 2021). Empirical studies have also identified weaknesses in the inventory and documentation of traditional cultural expressions, including traditional dance and regional cultural practices (Sukihana and Kurniawan 2018; Niswah 2024). These findings suggest that formal legal recognition does not automatically produce effective community control. When tourism subsequently commercializes cultural expressions, the absence of clearly defined community authority may allow the state, tourism industry, or private actors to become the principal decision-makers.

This article contributes to the literature by developing a rights-based framework that connects four dimensions that are frequently treated separately: cultural heritage protection, tourism development, indigenous participation, and benefit-sharing. Its central argument is that cultural tourism should not be evaluated only according to preservation outcomes or economic performance. It should also be assessed according to whether indigenous communities possess meaningful authority over the identification, interpretation, representation, access, and commercial use of their cultural heritage. This approach draws upon cultural-rights theory, participatory governance, and indigenous self-determination. The article therefore conceptualizes community participation not as consultation after tourism decisions have already been made, but as an element of legitimate decision-making authority. Such a framework moves beyond the conventional distinction between preservation and development by asking whether development itself is legally and ethically legitimate when communities have limited power over their own cultural resources.

The research employs a normative and socio-legal methodology. The normative analysis examines the Indonesian Constitution, Law No. 5 of 2017 on Cultural Advancement, Law No. 10 of 2009 on Tourism, Law No. 28 of 2014 on Copyright, Law No. 6 of 2014 on Villages, relevant regulations on intellectual property and tourism governance, and international instruments concerning indigenous and cultural rights. The socio-legal analysis engages with Indonesian and international scholarship on heritage tourism, indigenous participation, cultural commodification, traditional knowledge, and benefit-sharing. The study uses four analytical criteria: community authority, meaningful participation and consent, cultural integrity, and equitable distribution of benefits. These criteria are used to assess whether the existing legal framework can prevent tourism development from transforming indigenous culture from a living system of collective identity into an externally controlled commercial resource.

Results and Discussion

1. Cultural Heritage as a Living Community Right

The first finding is that cultural heritage should be understood as a living social practice rather than merely as an object of preservation. Smith (2006) argues that heritage is fundamentally a cultural process through which societies construct relationships with the past. This perspective is particularly relevant to indigenous communities because cultural identity may be expressed through language, ritual, customary law, ecological knowledge, craftsmanship, sacred places, and collective practices. UNESCO's framework on intangible cultural heritage similarly recognizes the dynamic character of cultural practices and emphasizes the role of communities, groups, and individuals in maintaining and transmitting them (UNESCO 2003). The implication is significant for tourism law: a government cannot fully protect cultural heritage merely by listing monuments, documenting dances, or registering traditional expressions. Legal protection must also preserve the capacity of communities to determine how cultural practices evolve and how outsiders may access or represent them.

This community-centered understanding challenges an object-oriented model of cultural heritage governance. Under an object-oriented model, the state identifies cultural assets, places them within inventories, protects them against physical destruction, and subsequently makes them available for public appreciation or tourism. Such measures are important but insufficient. Cultural heritage can survive materially while losing the social institutions and meanings that make it culturally significant. A traditional ceremony performed exclusively for tourists may remain visually recognizable while becoming detached from its original social and spiritual functions. This is why heritage tourism scholars emphasize the need to understand cultural heritage and indigenous tourism as interconnected systems rather than separate sectors (Carr, Ruhanen, and Whitford 2016). The legal question should therefore concern not only whether cultural objects survive but whether the community retains the ability to determine their meaning, use, and transmission.

Indigenous cultural rights also have a collective dimension that conventional intellectual-property law does not easily accommodate. Copyright generally assumes identifiable authorship, temporal protection, and individual or corporate ownership. Traditional cultural expressions, by contrast, may have been developed collectively over generations, transmitted orally, modified through customary practice, and regarded as belonging to a community rather than an individual creator. Indonesia's Law No. 28 of 2014 attempts to accommodate this difference through Article 38, but its formulation that the state holds copyright over traditional cultural expressions raises questions concerning community agency (Darma Putra and Wiryawan 2021). If the state becomes the formal rights-holder while the community remains merely a cultural custodian, legal protection can paradoxically centralize authority away from the community that the law intends to protect.

The same problem appears in the implementation of cultural inventories. Inventory and documentation can strengthen legal protection by establishing

evidence of the existence and characteristics of traditional cultural expressions. However, documentation can also create risks when information concerning sacred or restricted cultural knowledge becomes publicly accessible. Sukihana and Kurniawan (2018) found that the implementation of Article 38 protection for traditional Balinese dance remained incomplete partly because communities lacked sufficient understanding of inventory and documentation. Niswah (2024) similarly demonstrates that only a limited proportion of traditional cultural expressions in Banyumas had been systematically recorded. The policy challenge is therefore not simply to document more culture but to establish community-controlled documentation systems that distinguish between cultural material suitable for public promotion and knowledge subject to customary restrictions.

2. Tourism Development and the Commodification of Culture

Tourism transforms cultural practices into experiences that can be consumed by visitors. This transformation is not necessarily harmful. Communities can strategically use tourism to revitalize traditions, generate income, finance cultural institutions, and strengthen local pride. Scheyvens (1999) emphasizes that tourism can empower local communities when they obtain economic, psychological, social, and political benefits. Similarly, Higgins-Desbiolles (2008) argues that tourism can serve broader social and community purposes rather than being understood exclusively as an industry. The problem therefore lies not in commercialization itself but in unequal commercialization. When outsiders determine what culture is marketable, control the channels of distribution, and capture most of the revenue, tourism can reproduce historical patterns of marginalization under the language of development.

The concept of commodification helps explain this tension. Cole (2007) observes that tourism can transform culture into a commodity while simultaneously changing the relationships through which cultural practices are produced and experienced. In indigenous contexts, commodification can generate selective representations of identity, encouraging tourism businesses to privilege spectacular, exotic, or easily consumable cultural elements. Practices that do not conform to tourist expectations may receive less institutional support. This creates an incentive structure in which communities are encouraged to perform an externally recognizable version of their identity. Salazar (2012) describes this process through the construction of tourism imaginaries, in which destinations and communities are represented according to narratives that make them attractive to visitors. Legal governance should therefore address not only commercial transactions but also who controls cultural representation.

Indonesian experience illustrates both the opportunities and tensions of cultural tourism. In Toraja, heritage tourism has generated opportunities for development, but local stakeholders have emphasized the importance of conserving heritage and strengthening local values while balancing tourism and cultural continuity (Kausar and Gunawan 2018). In Sanur, the indigenous

community has used customary institutions, social capital, and community-based enterprises to integrate cultural and economic interests into tourism development (Suhartana et al. 2025). These examples suggest that tourism becomes more sustainable when indigenous institutions are not treated as obstacles to development but as governance resources. The relevant legal question is therefore whether national and local tourism policies create institutional space for customary authorities and community organizations to exercise meaningful influence.

Community-based tourism literature further demonstrates that participation cannot be reduced to the presence of local people in tourism activities. Tosun (2000) identifies structural, cultural, and operational limitations that frequently constrain community participation. Arnstein's (1969) classic participation model similarly distinguishes between token participation and genuine redistribution of decision-making power. Applied to indigenous tourism, this distinction is critical. A community may participate as dancers, guides, artisans, performers, or hospitality workers while having no meaningful role in deciding the location of tourism facilities, pricing, marketing narratives, access to sacred spaces, or distribution of revenue. Such participation creates the appearance of inclusion without transferring authority. A rights-based framework must therefore evaluate participation according to decision-making power rather than attendance or employment alone.

3. Indigenous Participation, Consent, and Cultural Self-Determination

The third finding concerns the legal significance of consent. Indigenous participation should be distinguished from consultation. Consultation permits communities to express views, whereas consent recognizes that certain decisions cannot legitimately proceed without meaningful agreement from affected communities. The United Nations Declaration on the Rights of Indigenous Peoples recognizes indigenous peoples' rights to maintain, control, protect, and develop cultural heritage, traditional knowledge, and cultural expressions (United Nations 2007). It also establishes the principle of free, prior, and informed consent in contexts involving decisions that may significantly affect indigenous peoples. Although the legal status of UNDRIP differs from binding treaties, its principles provide an important normative framework for interpreting indigenous participation and cultural rights.

The principle of free, prior, and informed consent is especially relevant when tourism involves sacred landscapes, traditional ceremonies, cultural performances, or commercially valuable traditional knowledge. "Free" requires the absence of coercion; "prior" requires engagement before decisions are finalized; "informed" requires sufficient information concerning risks, alternatives, and benefits; and "consent" requires a meaningful possibility of refusal rather than symbolic approval. In the Indonesian context, these principles can complement constitutional recognition of traditional communities and the participatory orientation of cultural and tourism legislation. The objective is not to give every individual an unlimited

veto over tourism development but to ensure that communities possess meaningful collective authority over cultural practices that constitute their identity.

UNESCO's ethical principles concerning intangible cultural heritage reinforce this approach by recognizing that communities should be able to determine the value of their own heritage and should benefit from the protection of moral and material interests resulting from its use, research, documentation, promotion, or adaptation (UNESCO 2015). This principle directly challenges a tourism model in which external actors define cultural value according to market demand. A dance may be commercially valuable to tourists but sacred to its community. A traditional design may be attractive to fashion companies but carry genealogical or spiritual meaning. A ritual landscape may be visually appealing but subject to customary restrictions. Legal institutions should therefore recognize that cultural value cannot be determined exclusively through market valuation.

Indonesian legal scholarship has identified a related problem in the protection of traditional knowledge. Jababeka, Masyithoh, and Maksun (2021) argue that Indonesian law requires stronger mechanisms based on prior informed consent and access-and-benefit-sharing principles. The issue becomes particularly important where traditional knowledge is incorporated into tourism products, culinary experiences, crafts, wellness tourism, or cultural branding. Without clear authorization mechanisms, businesses may obtain commercial advantages from community knowledge without establishing reciprocal obligations. A benefit-sharing framework should therefore distinguish between ordinary tourism employment and rights arising from the use of collectively maintained cultural resources. The latter should involve transparent agreements, recognition of community authority, and mechanisms ensuring that benefits support both individual livelihoods and collective cultural continuity.

4. Benefit-Sharing and the Political Economy of Cultural Tourism

Economic benefit-sharing is a central component of cultural justice because tourism may generate substantial value from resources that communities have maintained for generations. Yet revenue generation does not automatically indicate equitable development. A destination may experience increasing tourist arrivals while indigenous households receive only low-paid employment and bear the social and environmental costs of tourism. This problem reflects what Scheyvens (1999) describes as the difference between empowerment and disempowerment in tourism development. Economic empowerment requires not merely jobs but opportunities for communities to own tourism enterprises, influence investment decisions, retain revenue, and strengthen collective institutions. Benefit-sharing should consequently be treated as a governance principle rather than as an optional corporate-social-responsibility activity.

A culturally just benefit-sharing model should recognize multiple forms of value. Financial benefits may include entrance fees, licensing payments, royalties, community tourism enterprises, or revenue-sharing arrangements. Non-financial

benefits may include cultural infrastructure, education, documentation controlled by communities, language revitalization, support for customary institutions, and protection of sacred spaces. Such a multidimensional approach is consistent with cultural-rights theory because culture has material and non-material dimensions. UNESCO's ethical framework emphasizes that communities should benefit from both the moral and material interests resulting from the use of intangible cultural heritage (UNESCO 2015). Tourism policy should therefore avoid reducing benefit-sharing to employment statistics.

The Indonesian regulatory framework remains fragmented in this respect. The Tourism Law promotes community participation and tourism development, while the Cultural Advancement Law establishes broader principles concerning the protection and advancement of cultural objects and practices. Copyright law provides a specific mechanism for traditional cultural expressions, yet its state-centered formulation creates uncertainty concerning direct community entitlement. Indigenous land and customary rights may be regulated through separate legal frameworks. The result is institutional fragmentation: one institution may approve a tourism project, another may administer cultural heritage, another may address intellectual property, and another may govern land. Indigenous communities must then navigate multiple systems to protect interests that are experienced locally as one integrated cultural right.

This fragmentation creates what may be described as a jurisdictional gap in cultural tourism governance. The legal system recognizes cultural heritage, tourism development, and indigenous rights, but it does not consistently provide a single procedural mechanism through which these interests must be reconciled before commercialization occurs. A tourism license may therefore be legally valid while still producing culturally unjust outcomes. The solution should not necessarily be to create another bureaucratic institution. Instead, existing tourism and cultural-planning procedures should incorporate mandatory cultural-impact assessment, community participation, consent standards for sensitive cultural resources, and transparent benefit-sharing requirements. This would transform indigenous participation from a discretionary policy objective into a legally relevant condition of legitimate tourism development.

5. Intellectual Property, Traditional Cultural Expressions, and Community Control

Intellectual-property law presents a particularly difficult challenge because traditional cultural expressions do not fit neatly within individual-centered copyright categories. Indonesian Law No. 28 of 2014 provides protection for traditional cultural expressions through Article 38 and places their copyright under state control. This formulation provides an important legal basis against unauthorized exploitation, but scholars have questioned whether state ownership sufficiently recognizes the position of indigenous communities (Darma Putra and Wiryawan 2021). The problem is conceptual as much as institutional. If a

community has collectively maintained a cultural expression for generations, the legal system should not treat that community simply as a beneficiary of state protection. It should recognize the community as a subject with interests in determining how the expression is used.

The difficulty becomes apparent in the context of commercial licensing. Traditional Balinese weaving, dance, motifs, and other cultural expressions may be incorporated into fashion, hospitality, advertising, performances, and tourism branding. Dharmawan (2017) demonstrates the limitations of conventional copyright protection for traditional Balinese weaving and points toward the need for *sui generis* approaches. The problem is that commercial exploitation may occur without any obvious copying of a fixed work. A business may reproduce a cultural motif, adapt a traditional performance, or use a community symbol in branding while claiming that the new product is sufficiently transformed to constitute an independent creation. Conventional copyright analysis may therefore fail to capture the collective cultural harm.

Documentation also presents a double-edged problem. Inventory systems can provide evidence against external claims and help establish cultural provenance. Yet if documentation is publicly accessible without restrictions, it can also facilitate appropriation by making culturally significant knowledge easier to reproduce. Sukihana and Kurniawan's (2018) research on Balinese traditional dance demonstrates the importance of inventory and community-government cooperation, while Niswah (2024) identifies the limited documentation of traditional expressions in Banyumas. The appropriate response is not to abandon documentation but to develop differentiated access categories. Public cultural material may be freely promoted, while sacred, secret, or community-restricted knowledge should remain subject to customary rules and controlled access.

Recent Indonesian scholarship on Acehese traditional cultural expressions similarly identifies inconsistencies between national intellectual-property rules and the cultural realities of community-based heritage (Nasrianti et al. 2025). These findings strengthen the case for a more community-centered legal model. Such a model should combine state protection with community governance rather than treating them as alternatives. The state can provide enforcement against unauthorized commercialization, maintain national databases, facilitate registration, and support legal remedies. Communities, however, should retain meaningful authority over access, representation, licensing preferences, and culturally sensitive uses. This division would preserve the state's protective role while preventing state ownership from becoming a substitute for indigenous agency.

6. Toward a Rights-Based Model of Cultural Tourism Governance

The preceding analysis supports a shift from a preservation-and-commercialization model toward a rights-based cultural tourism model. The former treats cultural heritage primarily as something to preserve and subsequently utilize

for tourism. The latter begins with the rights and interests of communities and asks whether tourism development can occur consistently with those rights. This approach does not reject tourism commercialization. Instead, it establishes conditions under which commercialization becomes legitimate: meaningful participation, culturally appropriate consent, protection of sacred or restricted knowledge, transparent benefit-sharing, and community involvement in representation. Such a framework aligns with the broader development literature emphasizing that sustainable tourism requires social and political empowerment rather than merely environmental management (Higgins-Desbiolles 2008; Scheyvens 1999).

The first institutional reform should be the incorporation of Cultural Impact Assessment into tourism planning where projects substantially rely upon indigenous cultural heritage. Environmental impact assessment is already an established regulatory mechanism for identifying potential environmental harm. A cultural equivalent would examine effects on customary institutions, cultural practices, sacred spaces, traditional knowledge, language, cultural representation, and community livelihoods. Such assessment should occur before tourism projects receive final approval. Its methodology should be participatory and culturally appropriate, with communities determining which cultural dimensions are sensitive. This would operationalize the UNESCO principle that tourism activities should respect the rights, aspirations, and wishes of communities connected with intangible cultural heritage (UNESCO 2015).

Second, tourism governance should recognize community consent as differentiated according to the nature of the cultural resource. Not every cultural activity requires a veto mechanism. Public festivals, ordinary handicrafts, or voluntarily offered cultural performances may be governed through participation and negotiated agreements. Sacred ceremonies, restricted knowledge, customary symbols, or culturally sensitive landscapes may require stronger consent procedures. This differentiated approach avoids the unrealistic assumption that indigenous communities must approve every tourism activity while still protecting areas where cultural harm may be irreversible. It also reflects the principle that indigenous peoples should have the ability to maintain and control their cultural heritage (United Nations 2007).

Third, benefit-sharing should become contractual and transparent rather than discretionary. Tourism operators using indigenous cultural resources should identify the community beneficiaries, the nature of the cultural resource, the duration of commercial use, revenue mechanisms, and procedures for review. Community benefits should be directed not only to individual performers or entrepreneurs but also to collective cultural institutions where appropriate. This is important because cultural heritage is often maintained through collective institutions whose costs cannot be captured through individual employment statistics. A portion of tourism revenue could therefore support language preservation, customary education, cultural documentation, conservation of sacred

places, and community-controlled tourism enterprises. Such mechanisms would transform tourism revenue into an instrument of cultural sustainability rather than merely private income.

Finally, legal reform should recognize indigenous agency as an indicator of tourism sustainability. Existing tourism evaluation often emphasizes visitor numbers, investment, employment, infrastructure, and revenue. These indicators are important but incomplete. A genuinely sustainable cultural tourism project should also measure community decision-making power, cultural integrity, distribution of economic benefits, protection of customary practices, and the capacity of communities to refuse inappropriate forms of commercialization. The Sanur experience demonstrates that indigenous institutions and social capital can contribute positively to tourism governance when they are integrated into development rather than marginalized (Suhartana et al. 2025). The objective should therefore be to make indigenous communities co-governors of cultural tourism rather than merely performers within it.

Conclusion

This article has demonstrated that the central problem in Indonesian cultural tourism governance is not the absence of cultural-protection norms but the fragmentation of legal authority and the persistence of an object-oriented understanding of heritage. Indonesian law recognizes cultural heritage, traditional communities, tourism development, and traditional cultural expressions through multiple constitutional and statutory instruments. Yet these frameworks do not consistently establish indigenous communities as decision-makers over the cultural resources from which tourism derives value. As a result, cultural preservation can coexist with commercial appropriation, formal participation with limited decision-making power, and tourism growth with unequal distribution of benefits. The central normative conclusion is therefore that indigenous communities should be recognized not merely as cultural beneficiaries but as collective rights-holders with legitimate authority over cultural representation, access, commercialization, and benefit-sharing.

The article proposes a rights-based cultural tourism framework based on four principles: community authority, meaningful participation and consent, cultural integrity, and equitable benefit-sharing. These principles require cultural-impact assessment, differentiated consent mechanisms, community-controlled documentation, transparent commercial agreements, and stronger institutional coordination among tourism, cultural, intellectual-property, land, and local-government authorities. Future research should move beyond predominantly normative analysis by conducting comparative empirical studies of tourism destinations in Bali, Papua, Nusa Tenggara, Sumatra, Sulawesi, and Maluku. Such research should examine who actually controls tourism decisions, how revenue is distributed, how communities define cultural harm, and whether existing participatory mechanisms produce genuine authority or merely symbolic inclusion.

Ultimately, the legitimacy of cultural tourism should be measured not by how successfully culture is sold to visitors, but by whether the communities who sustain that culture remain capable of deciding what may be shared, how it may be represented, and who should benefit from its economic use.

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Acknowledgment

None

Funding Information

None

Conflicting Interest Statement

The authors state that there is no conflict of interest in the publication of this article.

Publishing Ethical and Originality Statement

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.

Generative AI Statement

N/A