

Tourism Licensing and Community Participation in Indonesia's Priority Tourism Destinations: A Justice-Based Analysis of Local Decision-Making

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Abstract

Tourism licensing decisions can significantly affect land use, environmental quality, cultural resources, and community livelihoods. Despite the importance of local participation, affected communities may have limited opportunities to influence tourism licensing decisions before projects are approved. This article examines the relationship between tourism licensing and community participation in Indonesia's priority tourism destinations. Using normative juridical research and policy analysis, the study evaluates administrative procedures, environmental assessment requirements, public participation mechanisms, and tourism licensing frameworks. The article argues that formal consultation alone does not necessarily constitute meaningful participation. Justice requires that communities receive timely information, possess genuine opportunities to influence decisions, and have access to remedies when their interests are disregarded. The study proposes a participatory tourism licensing framework based on transparency, early-stage consultation, accessibility of information, reasoned administrative decisions, and effective review mechanisms. The framework also emphasizes the need to recognize different community interests rather than treating local residents as a homogeneous group. Strengthening procedural justice in tourism licensing would improve the legitimacy of destination development decisions and reduce conflicts between investors, governments, and communities. The article concludes that community participation should be treated as a substantive governance requirement rather than an administrative formality within Indonesia's tourism development framework.

[Keputusan perizinan pariwisata dapat secara signifikan memengaruhi penggunaan lahan, kualitas lingkungan, sumber daya budaya, dan mata pencaharian masyarakat. Terlepas dari pentingnya partisipasi lokal, masyarakat yang terdampak mungkin memiliki kesempatan terbatas untuk memengaruhi keputusan perizinan pariwisata sebelum proyek disetujui. Artikel ini mengkaji hubungan antara perizinan pariwisata dan partisipasi masyarakat di destinasi wisata prioritas Indonesia. Dengan menggunakan riset

yuridis normatif dan analisis kebijakan, studi ini mengevaluasi prosedur administratif, persyaratan penilaian lingkungan, mekanisme partisipasi publik, dan kerangka kerja perizinan pariwisata. Artikel ini berpendapat bahwa konsultasi formal saja tidak selalu merupakan partisipasi yang bermakna. Keadilan mensyaratkan bahwa masyarakat menerima informasi tepat waktu, memiliki kesempatan nyata untuk memengaruhi keputusan, dan memiliki akses ke upaya hukum ketika kepentingan mereka diabaikan. Studi ini mengusulkan kerangka kerja perizinan pariwisata partisipatif berdasarkan transparansi, konsultasi tahap awal, aksesibilitas informasi, keputusan administratif yang beralasan, dan mekanisme peninjauan yang efektif. Kerangka kerja ini juga menekankan perlunya mengakui berbagai kepentingan masyarakat daripada memperlakukan penduduk lokal sebagai kelompok yang homogen. Penguatan keadilan prosedural dalam perizinan pariwisata akan meningkatkan legitimasi keputusan pengembangan destinasi dan mengurangi konflik antara investor, pemerintah, dan masyarakat. Artikel ini menyimpulkan bahwa partisipasi masyarakat harus diperlakukan sebagai persyaratan tata kelola yang substantif, bukan sekadar formalitas administratif dalam kerangka pengembangan pariwisata Indonesia.]

Keywords: Tourism licensing, community participation, procedural justice, destination governance, tourism law

Introduction

Tourism has become an important component of Indonesia's regional development strategy, particularly through the designation of priority and super-priority tourism destinations. Government intervention has increasingly emphasized infrastructure development, investment facilitation, destination branding, and institutional coordination as instruments for accelerating tourism growth. Yet tourism development is not simply an economic activity because licensing decisions determine how land, natural resources, cultural assets, public infrastructure, and community spaces may be used. The legal authorization of a hotel, resort, tourism facility, marina, or supporting infrastructure can therefore redistribute opportunities and risks among investors, governments, residents, workers, and other local actors. Studies of Indonesian destinations demonstrate that tourism governance is frequently characterized by institutional complexity and uneven coordination, while community participation remains unevenly embedded in decision-making processes (Abdurahman 2017; Putro and Briliayanti 2019; Hidayat et al. 2022). This makes licensing a particularly important site for examining whether tourism governance operates according to principles of procedural justice.

Previous studies have established that community participation can improve the legitimacy and sustainability of tourism development, but they also demonstrate that participation is neither automatic nor inherently empowering. Reindrawati's

systematic review of tourism planning in developing countries identifies institutional, informational, socioeconomic, and political barriers that can prevent communities from exercising meaningful influence (Reindrawati 2023). Indonesian research similarly shows considerable variation in participation. Research on tourism villages and destinations in Bali has identified forms of community involvement in planning and management, but participation may remain constrained by institutional capacity, socioeconomic inequality, or the dominance of local elites (Bambar and Anom 2016; Karnayanti and Mahagangga 2019; Marbun, Adikampana, and Narottama 2023). International scholarship reinforces this concern by demonstrating that destination governance frequently privileges governmental and business actors while treating residents as secondary stakeholders (Volgger and Pechlaner 2014; Nunkoo 2017). Consequently, the question is not whether participation exists in formal terms but whether communities possess sufficient information, institutional access, and decision-making leverage to influence outcomes.

The legal architecture of Indonesian tourism licensing has also changed significantly following the transition toward risk-based business licensing. Law No. 10 of 2009 on Tourism establishes tourism governance within a broader framework of sustainable development, community empowerment, and responsible tourism management, while Law No. 26 of 2007 on Spatial Planning connects development activities with spatial allocation and public interests. Environmental decision-making is governed principally by Law No. 32 of 2009 on Environmental Protection and Management, as amended through subsequent legislation, while Law No. 6 of 2023 confirms the Job Creation regulatory framework. Government Regulation No. 5 of 2021 introduced risk-based business licensing, shifting the regulatory model from a general licensing approach toward differentiated requirements according to business risk. Scholarly analysis of this transition identifies potential gains in administrative efficiency but also concerns about legal certainty, regulatory fragmentation, and the capacity of affected communities to monitor decisions (Hariyanto 2022; Praise, Rompis, and Nurzaman 2022). Tourism licensing therefore needs to be evaluated not only through administrative efficiency but also through its consequences for democratic accountability.

This article addresses a gap between the legal recognition of participation and its practical position within tourism licensing. Existing research tends to examine community participation as a component of sustainable tourism or destination management, while legal scholarship frequently concentrates on licensing competence, regulatory certainty, or administrative efficiency. Less attention has been directed toward the relationship between licensing architecture and the distribution of participatory power in tourism destinations. The article therefore asks how Indonesian tourism licensing can be structured so that affected communities participate before critical decisions become legally and economically difficult to reverse. The central argument is that procedural justice requires more than consultation: communities must have timely information, meaningful opportunities

to influence administrative reasoning, recognition of differentiated interests, and accessible mechanisms for reviewing decisions. This approach shifts the analysis from participation as a social-development instrument toward participation as a condition of legitimate administrative decision-making.

Literature Review and Theoretical Frameworks

The theoretical foundation of this study combines procedural justice, participatory governance, and destination governance. Procedural justice concerns the fairness of processes through which decisions affecting individuals and communities are made. In the context of tourism licensing, procedural fairness is not exhausted by formal compliance with administrative procedures. It encompasses the accessibility of information, impartiality of decision-makers, opportunity to be heard, consideration of relevant interests, explanation of decisions, and availability of remedies. Arnstein's classic participation framework distinguishes between symbolic participation and forms of participation capable of transferring meaningful influence to citizens (Arnstein 1969). Although developed outside tourism law, this distinction remains useful because a public meeting can satisfy a formal requirement while leaving the underlying allocation of authority unchanged. Similarly, Pretty's participation framework emphasizes that participation ranges from passive information provision to self-mobilization, indicating that the existence of a participatory mechanism does not establish its quality (Pretty 1995). These perspectives support an assessment of licensing processes based on actual influence rather than procedural appearance.

Tourism governance literature further demonstrates that destinations are multi-actor systems in which government, investors, residents, tourism organizations, civil society, and cultural institutions possess different forms of authority and resources. Destination governance therefore requires coordination across institutional boundaries rather than unilateral administrative control (Bramwell and Lane 2011; Ruhanen et al. 2010). Volgger and Pechlaner (2014) emphasize that effective destination governance depends on leadership, coordination, and stakeholder integration, while Nunkoo (2017) demonstrates the importance of trust and institutional relationships in tourism governance. Research on residents likewise shows that local communities should not merely be treated as recipients of tourism impacts but as actors whose knowledge and interests can contribute to destination design (Gascy-Hernández et al. 2021). Participation becomes particularly significant when tourism projects generate externalities that are spatially concentrated among residents but economically distributed through broader investment networks. The licensing process is consequently an institutional gateway through which these competing interests can either be balanced or structurally marginalized.

A further theoretical dimension is distributive and recognition-based justice. Procedural fairness cannot be separated completely from substantive consequences because the ability to participate is often shaped by unequal access to land, capital,

education, information, political networks, and institutional representation. Tourism participation research has repeatedly demonstrated that communities may be formally invited to participate while lacking the resources required to influence decisions (Tosun 2000; Okazaki 2008; Reindrawati 2023). Recognition is also important because communities are internally differentiated. Women, Indigenous groups, farmers, informal workers, small business owners, and residents living closest to development sites may experience tourism projects differently. Treating “the community” as a single homogeneous actor can therefore reproduce inequality. A justice-based licensing framework should identify affected interests at an early stage and ensure that participation reflects the diversity of those potentially affected. This theoretical position provides the analytical basis for evaluating Indonesian tourism licensing beyond the narrow question of whether administrative requirements have been formally completed.

Methods

This research employs normative juridical research supported by policy analysis and interdisciplinary literature review. The normative approach is used to examine the legal structure governing tourism licensing, spatial planning, environmental protection, public participation, administrative decision-making, and risk-based business licensing. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law No. 10 of 2009 on Tourism, Law No. 25 of 2009 on Public Services, Law No. 26 of 2007 on Spatial Planning, Law No. 32 of 2009 on Environmental Protection and Management, Law No. 6 of 2023 concerning the enactment of the Job Creation framework, Government Regulation No. 5 of 2021 on Risk-Based Business Licensing, and Government Regulation No. 22 of 2021 on Environmental Protection and Management. These instruments are examined not independently but as an interconnected regulatory architecture. The analysis focuses on whether participation is available at sufficiently early stages, whether information is accessible, whether administrative authorities are required to consider community objections, and whether affected communities possess effective mechanisms to challenge decisions.

Secondary materials consist of peer-reviewed journal articles published no later than 2025. The literature was selected according to substantive relevance to tourism governance, community participation, destination planning, licensing, environmental decision-making, spatial planning, and procedural justice. The analysis proceeds through doctrinal interpretation and thematic comparison. Rather than treating every tourism destination as legally identical, the study uses priority tourism destinations as an analytical context in which national regulatory standards interact with local institutions and destination-specific development pressures. This approach makes it possible to identify structural weaknesses in participation without making unsupported empirical claims about every licensing decision in Indonesia. The study is therefore primarily analytical and normative: it evaluates whether the existing institutional design is capable of producing legitimate and

accountable decisions when tourism investment creates significant consequences for local communities.

Results and Discussion

1. From Formal Consultation to Substantive Influence

The first finding is that Indonesian tourism licensing contains multiple opportunities for public involvement, but these opportunities are dispersed across different regulatory systems. Spatial planning, environmental assessment, tourism planning, and business licensing may each provide distinct forms of public engagement. The fragmentation creates a significant problem: participation can occur at one stage while the most consequential decision is made at another. A community may participate in spatial planning but have limited influence when a specific investment proposal is processed; alternatively, residents may become aware of a tourism project only after critical administrative decisions have already been made. Research on Indonesian spatial planning demonstrates that community involvement is legally recognized but requires institutional mechanisms capable of translating participation into planning influence (Niravita et al. 2021). Similarly, research on tourism licensing in regional spatial planning indicates that regulatory enforcement and coordination remain important challenges (Budiman et al. 2023). The resulting problem is temporal as much as procedural: participation that occurs after a project has acquired strong political and economic momentum is less capable of altering its fundamental design.

A justice-based interpretation therefore requires participation to occur before administrative choices become effectively irreversible. Early participation should begin when governments determine destination plans, zoning arrangements, carrying-capacity parameters, and strategic development priorities rather than only when individual projects seek authorization. This distinction is critical because project-level consultation can be too narrow to capture cumulative impacts. A resort may appear manageable when considered independently, yet several resorts, roads, commercial facilities, and tourism attractions can collectively transform water demand, traffic, housing markets, public space, and ecological conditions. International research similarly suggests that participation works most effectively when residents are incorporated into destination strategy formation, knowledge sharing, and joint decision-making rather than simply consulted after plans have been formulated (Bramwell and Sharman 1999; Timur and Getz 2008). Indonesian evidence from tourism villages reinforces the point: participation is stronger when communities have actual roles in planning and management rather than being limited to implementation activities (Karnayanti and Mahagangga 2019; Marbun, Adikampana, and Narottama 2023).

2. Information Asymmetry and the Quality of Administrative Decisions

The second finding concerns information. Participation cannot be meaningful when communities do not possess sufficient information to understand what is

being proposed, what alternatives exist, and what consequences may follow from approval. Tourism licensing frequently involves technical information concerning land use, environmental impacts, traffic, water consumption, waste management, investment structures, and projected economic benefits. Such information is usually held by government agencies, consultants, or investors. This creates an institutional asymmetry between professional decision-makers and affected residents. The problem is not merely that information may be unavailable; it may also be technically inaccessible. A document formally made public does not necessarily constitute meaningful disclosure if affected residents cannot understand its implications or cannot access it sufficiently early to prepare objections. Governance scholarship emphasizes openness, responsibility, and coherence as core dimensions of effective destination governance (Bramwell and Lane 2011; Dredge and Jenkins 2007). Without these elements, participation risks becoming performative rather than deliberative.

The Indonesian risk-based licensing model intensifies the importance of information because regulatory requirements increasingly depend on classifications of business risk. Risk-based licensing can simplify administration by distinguishing activities according to potential impacts, but the classification itself may have consequences for the intensity of oversight and public scrutiny. Legal scholarship has identified concerns relating to legal certainty and implementation after the shift toward risk-based licensing (Hariyanto 2022; Praise, Rompis, and Nurzaman 2022). In tourism, this means that communities should be able to understand not only whether a project has received authorization but also the basis on which its risk was classified and which safeguards consequently apply. Public access should therefore include licensing status, relevant spatial information, environmental documents, conditions attached to approvals, monitoring obligations, and information concerning compliance. The objective is not to allow communities to exercise unlimited veto power but to enable informed scrutiny of decisions that affect shared resources and local living conditions.

3. Differentiated Community Interests and the Problem of Representation

A third finding is that the concept of “community participation” can itself conceal unequal representation. Tourism destinations rarely contain a single community with identical interests. Landowners may support development because of potential property gains, while tenants may fear rent increases. Tourism entrepreneurs may welcome investment, whereas traditional producers may be concerned about land conversion. Residents located near a proposed project may experience noise and traffic differently from residents in other parts of the destination. Indigenous or customary communities may also understand land as a cultural and collective resource rather than simply an economic asset. A licensing process that invites only village officials, tourism associations, or selected community representatives may therefore satisfy a formal participation requirement without adequately representing those most affected. Scholarship on tourism

governance emphasizes that stakeholder structures must account for power differences and institutional representation rather than assuming that all actors possess equal capacity to participate (Jamal and Getz 1995; Tosun 2000; Nunkoo 2017).

Indonesian tourism studies provide concrete indications of this representational problem. Research in Melasti, Bali, found that local participation existed but was increasingly influenced by local elites and uneven access to investment opportunities (Marbun, Adikampana, and Narottama 2023). Earlier research in Bongkasa Pertiwi similarly identified weaknesses in community participation related to institutional capacity, human resources, and cooperation (Karnayanti and Mahagangga 2019). These findings suggest that licensing authorities should not equate attendance at a consultation meeting with representative participation. A more defensible approach would require stakeholder mapping before major tourism decisions, identifying groups according to exposure to potential impacts rather than political visibility. Participation should also accommodate different forms of engagement, including accessible public meetings, written submissions, community-level deliberation, technical assistance, and digital disclosure. Such mechanisms would make participation more substantively representative without transforming every licensing decision into an unmanageable referendum.

4. Administrative Accountability, Reasoned Decisions, and Remedies

The fourth finding concerns what happens after consultation. Participation has limited value if administrative authorities are not required to explain how public input affected the final decision. A community may submit objections concerning traffic, water availability, land access, cultural heritage, or environmental risks, but if the final licensing decision merely states that procedural requirements have been fulfilled, the relationship between participation and administrative reasoning remains unclear. Procedural justice therefore requires reason-giving. Authorities should identify significant objections, explain whether they are accepted or rejected, and provide reasons grounded in applicable law and evidence. This principle is consistent with broader administrative-law commitments to transparency, accountability, and reviewability. It also strengthens judicial review because courts and administrative review bodies can assess whether the authority actually considered relevant factors rather than merely completing formal steps.

Remedies are equally important. A participatory system without accessible review mechanisms risks making participation politically expressive but legally weak. Communities affected by tourism licensing should have realistic opportunities to challenge procedural defects, inadequate environmental assessment, failure to consider relevant objections, or decisions inconsistent with spatial and tourism plans. This does not mean that every disagreement should automatically suspend development. Instead, review mechanisms should distinguish between legitimate policy disagreement and legally significant

procedural or substantive defects. Comparative tourism governance literature shows that institutional credibility and trust influence the willingness of communities to participate constructively (Dragouni, Fouseki, and Georgantzis 2018). Indonesian studies also indicate that effective destination governance depends on coordination and trust between government, private actors, and communities (Putro and Briliayanti 2019). A credible review mechanism can therefore reduce conflict by providing an institutional alternative to protest, informal pressure, or litigation as the first response.

5. Toward a Justice-Based Tourism Licensing Model

The analysis ultimately suggests that Indonesia does not necessarily require an entirely separate licensing regime for tourism to improve community participation. A more practical reform is to redesign the existing system so that participation becomes integrated across the licensing cycle. At the planning stage, governments should identify affected groups and disclose destination-level development assumptions. At the project stage, proponents should disclose relevant environmental, spatial, and socioeconomic information in accessible formats. During administrative assessment, authorities should document community concerns and require applicants to respond to material objections. Following approval, licensing conditions should include measurable commitments concerning environmental protection, local employment, infrastructure pressure, cultural resources, and community engagement where appropriate. Monitoring should then provide continuing opportunities for residents to report non-compliance. This approach transforms participation from a single event into a continuing governance relationship. Research on destination governance supports such integration because effective governance depends on coordination, coherence, stakeholder engagement, and institutional capacity rather than isolated consultation mechanisms (Ruhanen et al. 2010; Bono i Gispert, Anton Clavij, and Casadesъs Fa 2023).

The proposed framework can be understood through four mutually reinforcing principles: early participation, informational equality, reasoned administration, and effective review. Early participation prevents consultation from becoming an after-the-fact exercise. Informational equality reduces the structural advantage held by investors and technical agencies. Reasoned administration ensures that participation has an identifiable relationship with the final decision. Effective review provides a corrective mechanism when participation or legal requirements have been disregarded. Importantly, the framework does not treat community participation as an absolute veto over tourism development. Its purpose is to improve the quality and legitimacy of administrative choices by requiring authorities to confront competing interests transparently. This is particularly important for priority tourism destinations, where national investment priorities can create strong incentives to accelerate development. Recent Indonesian scholarship on priority destinations similarly emphasizes that tourism governance requires

greater integration of participation, accountability, and coordination rather than relying exclusively on physical and economic development indicators (Adamy and Wiradharma 2024; Zakaria 2024).

Conclusion

Tourism licensing in Indonesia should be understood as a mechanism for allocating not only development opportunities but also environmental, spatial, social, and economic risks. The analysis demonstrates that the principal weakness of existing participation arrangements is not necessarily the absence of legal mechanisms but their fragmentation, timing, and limited connection to final administrative decisions. Consultation may occur without sufficient information, representative diversity, or institutional capacity to influence outcomes. Risk-based licensing can improve administrative efficiency, but it also makes transparency concerning risk classification and regulatory safeguards increasingly important. In priority tourism destinations, where investment pressures are particularly strong, procedural safeguards are essential to prevent administrative efficiency from becoming a justification for reducing public scrutiny.

A justice-based tourism licensing model should therefore integrate participation throughout the decision-making cycle. Communities should receive information early enough to influence planning, possess meaningful opportunities to articulate differentiated interests, and receive reasoned explanations concerning how material concerns were treated. Licensing decisions should remain reviewable through accessible administrative and judicial mechanisms, while post-approval monitoring should provide continuing opportunities for community oversight. Such reforms would not place tourism development and community participation in opposition. Rather, they would strengthen the legitimacy and resilience of destination governance by ensuring that tourism decisions are informed by those who experience their consequences most directly.

The broader implication is that sustainable tourism requires a conception of participation that goes beyond consultation. Participation becomes legally meaningful when it affects the quality of administrative reasoning, the design of development conditions, and the accountability of decision-makers. For Indonesia's priority tourism destinations, strengthening procedural justice can reduce conflict, improve regulatory legitimacy, and create a more balanced relationship among government, investors, and local communities. The future of tourism licensing should therefore be measured not merely by how quickly projects receive authorization, but by whether the resulting decisions are transparent, reasoned, inclusive, and capable of reconciling investment objectives with the rights and interests of destination communities.

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