



The Impact Of Tourism Development On The Ecosystem In Residential Areas According To Law 32 Of 2009

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Abstract

Background. The development of illegal tourism infrastructure in residential areas has triggered ecosystem degradation, with a direct impact on the quality of the environment and the welfare of local communities, thereby contravening the principles of environmental protection stipulated in Law Number 32 of 2009 concerning Environmental Protection and Management. Weak supervision and implementation of environmental permits exacerbate the risk of ecological damage in residential areas.

Aims. This research aims to analyze the compensation mechanism for residents affected by ecosystem damage and examine the effectiveness of environmental mitigation efforts within the applicable legal framework.

Method. This research employs a normative juridical method, with a legislative approach, through an analysis of legal norms, environmental law principles, and relevant legal documents.

Results. The results of the study show that the affected community has the right to file a civil lawsuit or class action based on the principle of strict liability to obtain material, immaterial, and environmental restoration damages. Mitigation efforts are carried out through the stages of prevention (EIA), pollution control, and restoration of ecosystem function.

Conclusion. This study concludes that although the legal framework has comprehensively regulated protection and mitigation mechanisms, its effectiveness is still hampered by weak field supervision, so it is necessary to strengthen the licensing and environmental supervision system to realize sustainable and equitable tourism development.

Keywords: EIA, Class Action, Ecosystem, Tourism, Law No. 32 of 2009



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INTRODUCTION

The development of tourism infrastructure in residential areas often results in the conversion of agricultural, forestry, and traditional residential land into commercial zones such as hotels, resorts, villas, and supporting facilities such as restaurants and shopping malls. This process disrupts traditional irrigation systems, reduces productive land area, and destroys the natural habitats of wildlife and endemic plants that are an integral part of

local (Tri Wahyuni, 2025) ¹ecosystems. In addition, increased development volumes trigger soil erosion, river sedimentation, and loss of vegetation cover, which ultimately accelerates soil quality degradation and increases the risk of natural disasters such as floods or landslides (Maevawati et al., 2023)².

Tourism activities also generate large amounts of liquid and solid waste from hotel sanitation, swimming pools, as well as tourist activities, which pollute groundwater sources and surfaces. Deterioration in air quality occurs due to emissions from tourist vehicles, electricity generators, and waste incineration, while noise pollution from traffic and nighttime entertainment disrupts bird migration patterns and nocturnal animal behavior. These cumulative impacts not only damage the ecosystem structure but also threaten the food security of local communities that depend on these natural resources.

According to environmental law experts "Tourism development has become a double-edged sword: while economically beneficial, it often leads to environmental degradation due to inadequate monitoring of environmental impacts." Squirrel, (2023) ³ which emphasizes the weaknesses of AMDAL supervision in the tourism sector. Meanwhile, it stated that tourism development must integrate economic development, environmental conservation, and improvement of social welfare, as accommodated in the principle of ecotourism in Law No. 10 of 2009 which is in line with Law No. 32 of 2009 Amalina, (2022) ⁴. The impact of tourism can be addressed through the PPLH Law (Law No. 32/2009), which guarantees every citizen the right to live in a healthy and decent environment under Article 2. In addition, Article 22 of the law instructs the preparation of an Environmental Impact Analysis (EIA) for businesses or activities that have the potential to cause pollution or damage.

This regulation also regulates pollution control through emission standards, wastewater quality standards, and environmental restoration obligations by business actors

¹ Tri Wahyuni, "Hundreds of Villas Project on Padar Island: Residents Hurt by Marginalization", *BBC News Indonesia*, August 6, 2025, accessed December 10, 2025.

² A. Maevawati and E. Edison, "The Impact of Tourism Village Development on Economic, Socio-Cultural, and Environmental Aspects in Alamendah, Bandung Regency", *Journal of Tourism and Development*, Vol. 2, No. 2, 2023.

³ H. R. Simanungkalit, "The Threat of Tourism Environmental Damage Due to Weak Supervision", *Journal of Social Education and Studies*, 2023, accessed from the Undiksha e-Journal page.

⁴ N. N. Amalina, "The Existence of Law in the Application of the Principles of Community-Based Ecotourism as an Effort to Preserve Biodiversity in Indonesia", *Lex Generalis Law Journal*, Vol. 3, No. 11, 2022.

(Articles 34-87) (Law No. 32 of 2009, 2025)⁵. Nonetheless, implementation is often weak due to a lack of oversight, limited capacity of local government institutions, and conflicts of interest between tourism economic growth targets and environmental conservation (vanya Karunia Mulia Putri, 2021)⁶.

This phenomenon of ecosystem destruction is increasingly complex in residential areas due to direct interactions between tourists and local residents, which trigger socio-economic conflicts such as rising land prices, indirect evictions, and the loss of traditional livelihoods. In general, without sustainable management, tourism development risks turning residential areas into permanent environmental degradation zones, which is contrary to the principles of sustainable national development as mandated in the Act (Province et al., 2025)⁷. Therefore, an in-depth study is needed to identify common patterns of harm and effective legal remedies.

PROBLEM FORMULATION

Based on the background that has been described, the formulation of the problem in this study is:

1. What is the compensation mechanism for residents affected by ecosystem damage from illegal or unsustainable tourism projects
2. What are the mitigation efforts that can be made to prevent damage to the ecosystem based on Law no. 32 of 2009?

METHODS

The research uses a normative juridical approach with the analysis of legal documents and scientific journals that are openly accessible. Focus on analyzing the norms of the PPLH Law related to ecosystem damage from tourism development in residential areas that are prone to deforestation, pollution, and biological disturbances.

Data collection techniques in the form of literature studies include inventory and identification of regulations, classification of legal materials, and document analysis. The

⁵ Law Number 32 of 2009 concerning Environmental Protection and Management, accessed on December 21, 2025 through the Legal Documentation and Information Network page.

⁶ Vanya Karunia Mulia Putri, "The Content of Regulations on the Environment in Law Number 32 of 2009", *Kompas.com*, March 17, 2021, accessed December 21, 2025.

⁷ A. Mukti, "The Dynamics of Tourism Village Development in Indonesia: A Systematic Analysis of Drivers, Challenges, and Impacts", *Nagari Development Journal*, Vol. 10, No. 1, 2025, pp. 20–37.

data will be analyzed by qualitative-normative analysis techniques. The analysis steps consist of a description of the legal framework, the interpretation of criminal law norms, and the evaluation of the conformity of norms with practice. This analysis aims to provide a comprehensive answer to the formulation of the problem and achieve the research objectives.

RESULTS AND DISCUSSION

Compensation Mechanism for Residents Affected by Ecosystem Damage from Illegal or Unsustainable Tourism Development

The compensation mechanism for residents affected by ecosystem damage due to illegal or unsustainable tourism projects is regulated in detail in Article 87 paragraph (1) of the PPLH Law, which requires every person in charge of a business or activity that commits an unlawful act in the form of pollution or environmental destruction to pay compensation and/or take certain actions. Abubakar, (2019)) states that the provisions of strict *liability* apply without the need to prove elements of fault, as stipulated in Article 88 of Law Number 32 of 2009⁸. This provision emphasizes that victims do not need to prove the fault or negligence of business actors, but rather simply show a direct causal relationship between tourism project activities such as resort construction without an EIA or illegal waste disposal with the losses experienced, including the loss of productive agricultural land, groundwater source pollution, and habitat degradation that has an impact on the decline of local fishermen's fish catches.

The process of applying for compensation begins with the affected residents or community groups filing a civil lawsuit (*class action*) to the local District Court, with evidence in the form of pollution laboratory test results, reports of economic losses (such as loss of income from agriculture or fisheries), and medical documents in the event of health impacts. Compensation includes three main components: (1) material losses such as land restoration costs and replacement of damaged natural resources; (2) immaterial losses such as psychological trauma or loss of environmental cultural value; and (3) environmental restoration through ecosystem restoration, such as reforestation or water bioremediation Rhiti, (2015) ⁹. If the business actor is late in fulfilling the decision, he will be subject to a daily forced money sanction as per Article 87 paragraph (3), which is

⁸ M. Abubakar, "The Right to File a Lawsuit in Environmental Disputes", *Canon: Journal of Legal Sciences*, Vol. 21, No. 1, 2019.

⁹ Rhiti, H. (2015). Absolute responsibility in the settlement of environmental disputes.

calculated based on the proven daily loss rate. This sanction is applied when the person in charge of the business does not immediately pay compensation or carry out environmental restoration. The amount is determined by the judge based on the daily level of losses proven through the MoEF's formula, usually Rp.1-3 million per day, calculated cumulatively until the perpetrator fulfills obligations such as restoration of polluted land or compensation for loss of income (Environmental Regulation (1), 2016)¹⁰. The process is from a civil decision (article 89): after the final verdict, the perpetrator is given execution time (e.g. 14-30 days) if it is late, the court issues a decree of forced money that is executed like a state debt, with the threat of confiscation of assets if it reaches billions of rupiah

In the context of illegal tourism projects, such as the construction of villas without environmental permits in residential areas, this mechanism is strengthened by Article 89 which allows for class *actions* by affected communities collectively, thereby increasing legal accessibility for residents with limited resources. However, implementation challenges include slow judicial processes and difficulties in proving technical causality, which often require the help of independent experts from agencies such as the Ministry of Environment and Forestry (MoEF).

Mitigation efforts that can be carried out to prevent damage to ecosystems based on Law No. 32 of 2009

Law No. 32 of 2009 on Environmental Protection and Management (PPLH) provides a comprehensive legal framework for efforts to mitigate ecosystem damage through three main pillars: Prevention (*preventive* to avoid impacts), Countermeasures (*repressive* when impacts arise), and Restoration (restorative to restore function). This approach aims to maintain the preservation of environmental functions, ecosystem sustainability, and the safety of humans and other living things, as stipulated in Article 3. This law emphasizes the control of pollution and/or environmental damage in stages, involving the central government, regions, business actors, and the community, on the basis of carrying capacity and environmental capacity (Fandi Nur Wakhid & Ika Ariani Kartini, 2023)¹¹.

¹⁰ Regional Regulation of West Java Province Number 1 of 2016 concerning the Environment.

¹¹ Fandi Nur Wakhid and Ika Ariani Kartini, "Implementation of Law Number 32 of 2009 concerning Environmental Protection and Management against Environmental Pollution from Plywood Factory Waste in Cilongok District", 2023.

Prevention of Ecosystem Damage Prevention is the first and most crucial effort, regulated in Article 19 paragraph (2) which includes the issuance of environmental permits, Environmental Impact Analysis (EIA), and Strategic Environmental Assessment (KLHS). This instrument ensures that business activities and/or activities do not exceed the threshold of environmental capacity, such as the standard criteria for soil degradation for biomass or coral reef production. According to the Journal "Implementation of Environmental Impact Analysis" Ricki Rahmad Aulia Nasution & Irwan Triadi, (2025)¹² highlights EIA as the primary preventive tool for identifying, predicting, and controlling negative impacts before damage occurs, with major challenges to enforcement at the regional level. In addition, the Environmental Protection and Management Plan (RPPLH) must contain climate change adaptation and mitigation, including continuous monitoring by the government and business (Aulia Rahmadani et al., 2025)¹³actors.

Countermeasures When Damage Occurs is focused on a quick response to pollution or damage that has already occurred, as Article 54 requires perpetrators to take actions such as providing warnings, isolating pollutant sources, and temporarily stopping activities. This effort must be in accordance with the latest science and technology, with coordination between the government, regions, and the community. in the Journal "Environmental Law Enforcement according to Law No. 32/2009" Solikin et al., (2009)¹⁴ discusses administrative legal instruments as a form of repression, such as supervision and administrative sanctions, which are preventive as well as corrective to stabilize the surrounding ecosystem. For example, in the case of damage to coastal or forest ecosystems, countermeasures involve gradually restoring water and soil quality, with a shared responsibility to avoid the escalation of damage (Taufiq Ramadhan et al., 2024)¹⁵.

¹² Ricki Rahmad Aulia Nasution and Irwan Triadi, "Implementation of Environmental Impact Analysis (EIA) in Preventing Environmental Damage Based on Law Number 32 of 2009 concerning Environmental Protection and Management", *Scholars: Journal of Law, Social and Humanities*, Vol. 3, No. 2, 2025, pp. 1119–1126. <https://doi.org/10.70193/Cendekia.V3i2.86>

¹³ Aulia Rahmadani, Aliudin, A. A. Nafsiyati, Aleeka Qonita N. M., and Afina Muthmainah, "Strategies for Mitigating Environmental Damage through Agroforestry Development Systems", *Journal of Business Economics and Agribusiness*, Vol. 2, No. 3, 2025. <https://doi.org/10.47134/Jbea.V2i3.715>

¹⁴ Solikin, P., *Environmental Law, & Conform*, U. U. (2009). *Environmental Law Enforcement According to Law No. 32/2009* (Vol. 32, Issue 32).

¹⁵ Taufiq Ramadhan, Johan Pardamean Simanjuntak, Linton Naibaho, Kania Nova Ramadhani, Agung Torang Sitohang, Desy Yolanda Br Bangun, Johana Andriani Nainggolan, Nazlah Aulia, Nelly Moria Hutapea, & Roselli Anjelina Lumbansiantar. (2024). *Environmental Damage to Ecosystems Reviewed Based on Law*. *Aladalah: Journal of Politics, Social, Law and Humanities*, 2(3), 01–10. <https://doi.org/10.59246/Aladalah.V2i3.842>

Restoration of Ecosystem Function is regulated in detail in Article 54 paragraph (1), where the perpetrator is obliged to stop the source of pollutants, clean up polluting elements, and restore the environmental function as before. The government is obliged to allocate a budget for damage recovery before this law takes effect, while business actors are responsible for compensation and ecosystem restoration (Marbun, 2021)¹⁶. The journal "The Concept of Recovery in Environmental Pollution" emphasizes restoration as an absolute obligation, with civil and criminal legal mechanisms as reinforcers, such as claims for compensation for irreversible damage to ecosystems. Furthermore, the journal "Environmental Damage to Ecosystems Reviewed from Law No. 32/2009" analyzes cases such as mines that damage ecosystems, recommending joint commitments by governments and companies for long-term restoration

The role of the community and Law Enforcement in which the community has active rights and obligations, including reporting violations and participating in supervision, as per Articles 65-67. Law enforcement includes administrative, civil (punitive), and criminal sanctions (imprisonment to billions in fines), to ensure compliance. The journal "Strategies for Mitigating Environmental Damage Through the Licensing System" (2025) adds that the integration of a digital-based licensing system can strengthen mitigation, with the RPPLH as the main guide. This holistic approach ensures a sustainable ecosystem, although implementation challenges such as coordination between levels of government still need to be addressed.

In the current legal system, mitigation efforts to prevent environmental damage have been transformed through the implementation of *the Online Single Submission Risk-Based Approach* (OSS-RBA). Through this system, business licensing in the tourism sector is classified based on the level of environmental risk. However, problems arise when this digital system prioritizes the aspect of administrative formalities rather than substantial supervision in the field. As a result, high-risk tourism projects often pass without an in-depth EIA evaluation. Therefore, the principle of prevention in the PPLH Law must remain the main filter, where the OSS system not only functions as a tool to accelerate investment, but also as a control instrument that is able to detect potential threats to the ecosystem early.

¹⁶ Marbun, B. (2021). The Concept of Recovery in Environmental Pollution (Study on the North Jakarta District Court Decision Number 735/Pdt.Glh/2018/Pn.Jkt.Utr). *Litra: Journal of Environmental, Spatial Planning, and Agrarian Law*, 1(1), 91–100. <https://doi.org/10.23920/Litra.V1i1.545>

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CONCLUSION

Based on the normative juridical analysis of ecosystem damage due to tourism development in residential areas based on Law No. 32 of 2009 concerning Environmental Protection and Management, it provides a comprehensive and strong legal basis for affected residents to file a civil lawsuit or class action (article 89) for ecosystem damage from illegal tourism projects, including material damages (land restoration), immaterial (psychological trauma), and restoration (reforestation). The development of tourism infrastructure leads to land conversion, waste pollution, erosion, and socio-economic conflicts, which weaken local ecosystems and citizens' food security. Solutions include material/immaterial compensation through civil lawsuits or class actions, as well as prevention efforts (environmental permits, RPPLH), countermeasures (pollution isolation), and recovery by business actors, supported by community participation (Articles 65-67).

Gradual mitigation efforts are prevention with AMDAL and environmental permits (article 19), countermeasures and recovery (article 54), and supported by community participation (articles 65-67). However, its effectiveness is hampered by weak supervision. The main weaknesses include EIA oversight, limited regional capacity, and economic priority over the environment, as seen in the case of the conversion of agricultural land into hotels/villas that interfere with traditional irrigation and animal habitat. It is necessary to amend the PPLH Law for residential protected zones, risk-based digital licensing, environmentally friendly tax incentives, and annual community evaluations, in order to realize sustainable tourism that is in line with the right to a healthy environment (Article 2). Therefore, it can be explained that the legal protection mechanism for residents affected by illegal tourism has been accommodated by Law No. 32 of 2009 through civil lawsuits and strict liability. However, the effectiveness of mitigation is currently functionally reduced by a shift in the licensing system that has not been accompanied by qualified regional supervision. Digitalization through OSS-RBA still leaves a gap for tourism development that damages the residential ecosystem.

IMPLICATIONS

Local governments are required to implement very strict administrative and criminal sanctions even though environmental impact analysis (EIA) still faces slow obstacles and limited capacity. This requires an amendment to the law to introduce risk-based digital licensing and tax incentives for environmentally friendly business actors. Local communities are empowered through active participation as per articles 65-67 including reporting violations, participating in supervision, and filing collective civil lawsuits to fight for compensation. Tourism business actors are also obliged to carry out early prevention through environmental impact analysis (EIA) and environmental management plans (RPPLH) as well as quick responses such as isolation of pollution sources, temporary suspension of activities and ecosystem restoration if damage has occurred, in order to avoid class action lawsuits and daily forced money sanctions. As well as coordination between the central and regional governments needs to be improved through integrated digital platforms, tax incentives for environmentally friendly businesses, and annual community evaluations so that tourism not only supports economic growth, but also ensures environmental sustainability in residential areas and the right to a good and healthy environment for future generations.

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